

City of Portland
2002-2003 Initial Regulatory Improvement Workplan

This 2002-2003 Initial Regulatory Improvement Workplan enthusiastically embraces its charge to build an effective process of continuous improvement to the City of Portland's land use and building regulations, regulatory-related procedures, costs and customer services.

This report seeks to fulfill Resolution 36080, approved by the Portland City Council on June 26, 2002, to "update and improve City building and land use regulations that hinder desirable development" and to provide an initial scope, goals, priorities and process for regulatory reform by August 14, 2002.

This is an initial workplan that will continue to be refined into a final workplan for City Council consideration on November 13, 2002.

Resolution 36080 provides the context for regulatory improvement, noting Portland's "commitment to sound urban planning and development consistent with regional planning goals," the desire "to promote economic development that support a healthy business climate" and to "protect and improve the quality of life in the City, including neighborhood livability and improving the ecological health of the natural environment."

Unlike previous City regulatory reform efforts, this Workplan implements a citywide, ongoing and integrated approach to regulatory improvement.

From now on, for each fiscal year, the City will work on perfecting its regulations, regulatory procedures and related customer services through a City Council approved Regulatory Improvement Workplan (Exhibit A). The core of the Regulatory Improvement Workplan will include a detailed Regulatory Code Improvement List (ReCIL) and a Regulatory Process and Service Improvement Plan (RiPSIP).

This Initial Workplan approach looks holistically at the regulations themselves and at related processes, including mapping the existing "paper trails," the experience and quality of customer services, the level of knowledge required of applicants and staff, and fiscal issues.

Over the past five weeks, significant outreach with a diverse group of regulatory stakeholders was completed. Public input significantly informed the preparation of this Initial Workplan. Although stakeholder groups voiced different reasons for change, the call for regulatory or regulatory-process improvements was nearly universal (Exhibit B).

Representatives from all stakeholder groups expressed concerns about different aspects of the regulatory code. Those concerns have been compiled into a list of potential regulatory code improvements (Exhibit C). Regulations cited most often include regulations dealing with landscaping, commercial awnings, required non-conforming use upgrades and stormwater management.

In terms of concerns expressed about process issues, neighborhood advocates and individuals directly impacted by development projects most often complained about lack of notification and access to early permit application information.

Developers most often expressed frustration with the length and unpredictability of the development permit process. Small business owners expressed concerns about SDC costs and having neither the resources to pay for professional permit process ‘wranglers,’ nor the time to shepherd their applications through the sometimes lengthy process themselves.

Environmental and land advocates most often expressed concerns about a lack of regulatory enforcement. City regulatory managers most often cited the need for additional resources to implement improvements. Management and staff expressed a strong commitment to being both good stewards of the public’s trust and providing good customer service. City staff frequently expressed concerns about lack of communication between regulatory writers and implementers before regulations are approved.

This Initial Workplan launches the City’s ongoing regulatory improvement process by noting the problems and solutions for each functional aspect of the issue, along with assigned leads and due dates.

This Initial Workplan recommends proceeding in three phases. Phase I fast tracks some regulatory improvements for well-documented problems that lend themselves to immediate solutions or pilot project testing. Phase II includes a three-month research phase to study and analyze issues. This will be followed by Phase III, six-months of regulatory improvement design and implementation.

Phase I: Immediate Improvements

This Initial Workplan proposes immediate improvements to well-documented problems based on the most urgent identified concerns and the feasibility of the solutions.

On regulatory code issues, as part of the annual Regulatory Code Improvement List (ReCIL) process, and after consultation with internal and external regulatory stakeholders, the staff will propose a consolidated list of “top ten” current regulations for improvement, as well as a list of new regulations, for City Council consideration within the next fiscal year. This process will be informed by draft Guiding Principles for Regulatory Decision-Making (Exhibit D)

For this first year only, completing the FY 2002-2003 annual Regulatory Code Improvement List (RECIL) will be done in two steps. First, in response to City Council’s request for staff evaluation of a potential, partial moratorium on new regulations, staff proposes for City Council consideration August 14, 2002, a plan to move a limited number of new regulations (Exhibit E). Second, staff will provide by October 2, 2002 for City Council consideration a list of “top ten” of current regulations for improvement (Exhibit C).

On regulatory process and customer service issues, immediate steps are being taken to revamp the City’s inter-bureau regulatory writing/approval protocols, permit routing and approval processes. Inter-bureau protocols for writing and vetting regulations are being clarified. Existing inter-agency agreements will be reviewed and changed to prevent bottlenecks in the permit review process.

To address specific building permit and land use cases, this Initial Workplan also immediately creates an inter-bureau regulatory problem-solving staff team, called the Strategic Development Opportunities Team (SDOT), to facilitate opportunities related to difficult and strategic development sites (Exhibit F).

Another immediate regulatory process reform that will also improve the quality of the underlying code, requires that regulatory bureaus complete an internal and external regulatory impact statement prior to City Council consideration, ideally even prior to Planning Commission consideration. The impact statement will help policy makers make decisions informed by an understanding of a proposed regulation's costs and benefits to both the community and to city government operations (Exhibit G).

To share the costs of delays, and to help address concerns about the length of time and predictability of the permitting process, this Initial Workplan includes a pilot project to test a money-back guarantee on published permit turnaround deadlines for selected remodeling permit applicants (Exhibit H).

Building on the success of the Office of Planning and Development Review's (OPDR) Facility Permit Program, this Initial Workplan also includes a pilot test of enhanced "concierge-type" permit services for small businesses (Exhibit I).

Many of the City's regulatory development monetary triggers impact small businesses disproportionately. This Initial Workplan requests the Planning Commission and directs other City bureaus to raise the threshold trigger amounts and consider those as indicated in the attachment, and institute automatic annual inflation adjustments (Exhibit J).

As the City Council has already discussed informally, this Initial Workplan also implements the Portland Economic Recovery Investment Program (PERIP) that reduces System Development Charges (SDCs) for \$100 million developments that generate 500 or more living-wage jobs (Exhibit K).

As requested by the City Council, this workplan directs that the name of the Office of Planning and Development Review (OPDR) be changed to Bureau of Development Services (BDS).

A widely accepted vision statement of Portland's hoped-for future would improve the City's current land use and building regulations to facilitate desirable development. Crafting a City vision statement requires public input and has not been done in over a decade.

The Comprehensive Plan includes "A Vision of Portland's Future" adopted by the City Council in October 1980, augmented since that time with Vision Statements developed and adopted through specific area plans. In August 1990, as part of the Portland Future Focus effort, a "Preferred Future" vision was published. This Initial Workplan includes these vision statements for public review and comment over the next six months (Exhibit L).

Phase II: Research and Analysis

The research and analysis phase of this Workplan will also focus on improving the cost, timeliness and predictability of the permit process for all stakeholders.

An upfront component of the research phase will be to debrief staff, applicants, neighborhood representatives and others on some actual cases that have recently completed the permit process. These debriefings will include an evaluation of how current regulations impact the responsiveness of the permit process for all stakeholders. The research component will also provide important new case study information about the costs to applicants as a result of the City's process requirements. This research is part of an outside assessment provided by Innovation Partnership, a local non-profit organization that has agreed to raise private contributions to pay for the bulk of the effort (Exhibit M).

Part of the work being undertaken by the Auditor will include a comparison of permit processing times in FY 00-01 and FY 01-02 to similar data gathered in 1997. This information will be helpful in providing a focus for additional process review. The Boeing Corporation has volunteered some professional consulting time for process review. While process mapping for building permits was part of our earlier efforts, no work has been done on the time, process and cost of current regulatory development activities or the land use review process

In addition to process re-engineering, research and analysis will be completed on providing web-based access and notification on development application status information, expanding professional training programs for development professionals and evaluating code enforcement tools.

The Phase II research and analysis will be supported by a national municipal scan of regulatory "best practices" (Exhibit N), an analysis of who pays/who does not pay System Development Charges (SDCs) and where resources are spent.

Phase III: Implementation

The early results of the research phase will be used to produce a final draft Workplan for City Council consideration on November 13, 2002. This final Workplan will map out a six-to-twelve month action plan for regulatory improvements that will then be updated each year.

Through all three phases this Workplan calls for a public-private-community approach to researching all dimensions of existing problems, with the goal of implementing speedy and effective changes. All phases of this project will include the input of regulatory staff, citizens, business owners, neighborhood and business association representatives and other key stakeholder groups.

Consisting of staff, technical experts, neighborhood and business advocates and others, regulatory improvement teams will be established to advise staff on various aspects of the reform effort. Expertise will also be tapped from existing City groups such as the neighborhood land use chairs, Planning and Design Commissions and the Development Review Advisory Committee.

Including the actions and plans already mentioned, the following section lays out Workplan tasks in seven main categories: Overall, Regulations, Systems/Procedures, Attitude, Knowledge, Fiscal, and Resources. Within each of these categories we describe identified problems, desired outcomes and potential solutions.

Taken together, these elements will launch a new process of continuous city government regulatory improvement

Overall Issues

Problems:

1. “Desirable development” is not defined and other City regulatory goals are not widely known or understood.
2. Criticism for lengthy, unpredictable, inflexible code-required procedures and unresponsive customer services.
3. Inflexible state and federal mandates.
4. Lack of knowledge about other cities’ best practices.

Desired Outcomes:

- A. Development within Portland is guided by a widely supported citywide strategic vision.
- B. City regulatory system meets or exceeds stated permit turnaround performance measures.
- C. High level of public trust and appropriate input into the City’s regulatory processes.
- D. State provides local government more flexibility for meeting state and local mandates.
- E. Learn from other cities’ regulatory reform experiences.

Potential Solutions	Lead	Implementation
1. Create provisional citywide strategic vision statement for public review and comment. (Exhibit L)	<i>Planning</i>	8/14/02 – Council considers provisional City vision statement for public comment. 7/1/03 – Council considers final draft vision statement.
2. Establish an integrated process to continuously improve the City’s building and land use regulations, regulatory-related procedures and customer services. (Exhibit A)	<i>Mayor</i>	8/14/02 – Council considers regulatory improvement workplan.
3. Help clarify goals and objectives and develop performance indicators to track bureau performance and to measure success.	<i>Auditor</i>	11/18/02 – Auditor recommends improvements in performance measurement practices. Phase I report.
4. Request state regulatory changes in City’s 2003 State Legislative Priorities package.	<i>IGR, OPDR, Planning</i>	11/8/02 – Council considers regulatory reform legislative priorities.
5. Review best practices of the municipalities to improve City regulatory procedures and services. (Exhibit N)	<i>Mayor</i>	8/14/02 – Mayor reports initial scan of best practices to Council.

Regulations

Problems:

1. Selected regulations conflict, are overly complex, unclear, costly, duplicative, not effective or disjointed.
2. Concerns that the City relies too much on regulation to achieve its goals.
3. New regulations are approved without adequate understanding of impacts.
4. Increasing regulatory workload exceeds staff resources.

Desired Outcomes:

- A. City goals are met with appropriate mix of regulations, policies, incentives and investments in public infrastructure.
- B. Regulations are up-to-date, clear, effective, consistent and written in plain English.
- C. Adequate understanding of potential internal and external regulatory impacts prior to Council adoption.
- D. Building code and land use regulatory goals retained, but reasonable flexibility is provided in meeting regulatory objectives.

Potential Solutions	Lead	Implementation
1. Develop guiding principles to assess existing and shape proposed new or revised regulations. (Exhibit D)	<i>Planning</i>	8/14/02 – Council considers provisional set of regulatory guiding principles.
2. Establish new city inter-bureau protocols for vetting drafts of proposed regulations. (Exhibit A)	<i>OPDR, City bureaus</i>	10/15/02 – Council considers proposed inter-bureau protocols for vetting new regulations.
3. Create a 2002-2003 Annual Regulatory Code Improvement List (ReCil). Priorities could be based on criteria, including: <ul style="list-style-type: none"> ➤ geographic non-conforming use clusters of disparity between code vs. current use reality ➤ low performing high-cost code provisions ➤ number of internal/external complaints ➤ negative impact to small businesses ➤ difficulty of rewriting discrete section of the code vs. more expansive rewrite. (Exhibit C)	<i>Mayor, OPDR, Planning</i>	8/14/02 – Mayor releases 2002-2003 Annual Regulatory Code Improvement List for public review and comment. 11/6/02 – Council considers 2002-2003 Annual Regulatory Code Improvement List
4. Require new regulations to be developed and adopted following Guiding Principles for Regulatory Decision-Making, prior to		8/14/02 – Council considers consolidated review, analysis and reporting procedures.

Council consideration of new or revised regulations, require public-private cost-benefit impact analysis. (Exhibits D and G) <i>OMF, Planning</i>	
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Systems/Process

Identified Problems:

1. Concerns that some development-related procedures are slow, costly, with inconsistent and unpredictable turnaround times.
2. Difficulty in producing automated management and performance reports.
3. Lack of process transactional unit cost information.
4. Applicants and constituents “don’t know what the process expects of them, and what they can ask for.”
5. Permits get stuck in intra-bureau process and disputes.
6. Applicants and constituents lack access to on-line permit information

Desired Outcomes:

- A. Mapped and improved regulatory systems can be relied upon for its fairness, consistency, speed, and predictability.
- B. Upgrade TRACS and automate management information and performance measurement.
- C. Process re-engineering based on clear understanding of process transactional unit costs.
- D. Clear understanding by applicants and constituents of their rights and responsibilities within the permitting process.
- E. City shares in the financial costs of City-caused permitting delays.
- F. Established procedures for quickly resolving inter-bureau disputes.
- G. Reduced number of permits delayed by routing outside Development Services Center.
- H. Applicants and constituents know “real time” status of each permit application.

Potential Solutions	Lead	Implementation
1. Map regulatory creation and selected permit systems, identify improvements and estimated costs of each step.	<i>All, Boeing, IP</i>	11/13/02 – Complete initial process map of existing conditions for selected functions.
2. Launch regular regulatory systems debriefing with stakeholders about successful/problematic projects. (Exhibit M)	<i>Innovation Partnership</i>	11/8/02 – IP completes 12 initial project debriefs. Phase I report.
3. Conduct survey of random sample of OPDR		11/18/02 – Auditor releases survey results.

customers to assess satisfaction with processes, service and performance. Assist OPDR to improve existing customer surveys. <i>Auditor</i>	
4. Provide “concierge-type” services to small businesses. (Exhibit I) <i>OPDR</i>	8/14/02 – OPDR proposes enhanced Small Business Services Plan
5. Improve operational procedures to ensure consistency, predictability, timeliness, and efficiency of building permit and land use applications approvals. <i>OPDR</i>	11/6/02 -- Council considers initial proposed process improvements. Additional improvements to follow IP report and Auditor Phase II report.
6. Assess TRACS system and recommend improvements to provide better management and performance information. Assess feasibility of linking TRACS and MAPWORKS GIS system. <i>Auditor</i>	11/18/02 – Auditor completes assessment of TRACS system. Phase I report.
7. Establish a charter of regulatory rights and responsibilities. <i>Mayor et al</i>	12/11/02 – Council considers charter of regulatory rights and responsibilities.
8. Create “guaranteed permit turnaround date or your money back” pilot program. (Exhibit H) <i>OPDR</i>	10/1/02 OPDR starts pilot test of “guaranteed turnaround” program for selected remodeling permits.

Attitude/Customer Service

Identified Problems:

1. Attitude of City staff is perceived by some as hostile to applicants and constituents.
2. Some City staff unsure how to fulfill dual role as development facilitator and regulator.

Desired Outcomes:

- A. City regulatory staff is perceived as knowledgeable, fair, helpful and courteous.
- B. Good City staff work is rewarded.

Potential Solutions	Lead	Implementation
1. Develop customer service training that recognizes the dual role as facilitator and regulator, based on periodic “secret shopper” reviews to assess interactions of the public with City regulatory staff. <i>IP, OPDR, Portland Community College</i>		12/15/02 – Finalize customer service training based on secret shopper and project debriefs.
2. Increase the number of customer groups surveyed to identify customer service satisfaction, track improvement and identify continuing concerns.	<i>OPDR</i>	11/18/02 and ongoing. – Add customer service surveys for building permit and trade permit customers, compile with existing surveys, and report results.

Knowledge

Identified Problems:

1. Some applicants, constituents and development professionals lack adequate knowledge about how to submit complete applications.
2. Lack of knowledge among some city staff of the needs of business and neighborhood associations.
3. Confusion of roles between what Office of Planning and Development Review and Bureau of Planning

Desired Outcomes:

- A. More applicants submit complete and accurate building code and land use applications
- B. One-time and do-it-yourself applicants receive adequate guidance to successfully navigate the process.
- C. Staff grounded/re-energized with “real-world” perspectives and experiences.
- D. Improve City staff knowledge of contextual neighborhood/business issues.

Potential Solutions	<i>Lead</i>	Implementation
1. Develop internal/external public information strategy for submitting complete applications.	<i>OPDR, Mayor</i>	8/14/02 – Complete public information plan.
2. Partner with professional associations to provide ongoing training for development professionals.	<i>OPDR, IP APNBA, AIA, AGC, BOMA et al</i>	9/20/02 – Sign partnership agreement with AIA, Homebuilders and others to provide private-sector training programs for development professionals.
3. Change the name of the Office of Planning and Development Review to clarify the roles of OPDR and the Bureau of Planning.	<i>Mayor</i>	8/14/02 – Council to consider resolution to change name of the Office of Planning and Development Review.

Fiscal:

Identified Problems:

1. Selected City development-related fees and fines are perceived as too high.
2. Lack of information about incremental regulatory transaction costs.
3. Unclear who has to pay System Development Costs (SDCs) and who gets to opt out.
4. Outstanding unpaid fines judged by some to be excessive and unfair.
5. Need to review efficacy of existing cost of service and fee setting methodology.
6. Inadequate funding for new code implementation costs, enforcement or monitoring.

Desired Outcomes:

- A. Portland’s regulatory fees are competitive with surrounding jurisdictions’.
- B. Regulatory thresholds and triggers updated for inflation.
- C. SDC policies that pass the “common sense test” and are used for intended purposes.
- D. Elimination of any inefficiencies in the regulatory process.
- E. Alternatives found to improve current fine collection methods.
- F. Regulatory mission supported by adequate operational resources.

Potential Solutions	Lead	Implementation
1. Compare Portland’s development fees with those in the suburbs and similar sized cities, including System Development Charges (SDCs).	<i>OMF, Auditor</i>	9/1/02 – SDC review completed.
2. Update regulatory thresholds and triggers and adjust with appropriate CPI inflators. (Exhibit J)	<i>OPDR, OMF, Planning</i>	8/14/02 – Council directs bureaus to develop updates to threshold and trigger levels.
3. Review processes for applying fees and fines related to the enforcement of existing building and land use regulations, to ensure compliance is achieved fairly and effectively.	<i>Auditor, Ombudsman</i>	10/15/02 – OPDR issues response to Ombudsman recommendations on compliance process.
4. Review existing full-cost recovery methodology.	<i>Auditor</i>	11/18/02 – Auditor releases report on cost of services and fee setting methodology.

Project Resources

Identified Problems:

- A. Insufficient public resources to launch regulatory-related reforms.
- B. Public request that an independent audit/assessment include outside experts.

Desired Outcomes:

- A. Private resources brought to the table.
- B. Effective public involvement in regulatory improvement processes.
- C. Those involved with regulatory reform have clearly defined roles and responsibilities, and are empowered to carry them out.

Potential Solutions	Lead	Implementation
1. Recommend initial workplan and assign roles and responsibilities. <i>Mayor, Auditor,, IP, City bureaus</i>		8/14/02 – Council considers draft Initial Regulatory Improvement Workplan.
2. Create regulatory improvement website to allow public to track progress and provide input. <i>OPDR</i>		9/16/02 -- Launch Regulatory Improvement website.
3. Identify and secure public and private sector resources. <i>Mayor, Innovation Partnership</i>		8/14/02 – Council considers partnership agreement with Innovation Partnership.
4. Review best practices of other municipalities to improve City regulatory procedures and services. (Exhibit N) <i>Mayor</i>		8/14/02 – Mayor reports initial scan of best practices to Council.

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EXHIBIT A
Annual Regulatory Improvement Workplan
Workplan Development Process Description

Concept

The Regulatory Improvement Workplan consists of two parts: regulatory code and process/service improvements. Workplan issues are coordinated through BOP related to policy issues and through OPDR for implementation and process/customer service issues.

- Step 1 a.** To prepare the Regulatory Code Improvement List (ReCIL) Bureaus submit requests for new regulations and proposed regulatory changes to Bureau of Planning (BOP) with copies to the Office of Planning and Development Review (OPDR) at the time their Bureau budget request are due.
- Step 1 b.** To prepare the Regulatory Process and Service Improvement Plan (RiPSIP), bureaus submit requests for regulatory process and customer service improvements to Office of Planning and Development Review with copies to Bureau of Planning at the time their Bureau budget request are due.
- Step 2:** BOP and OPDR compile the requests and distribute them to the City Council, all bureaus, neighborhood and business associations for comment.
- Step 2 a:** Optional City Council work session to discuss requests and public comment.
- Step 3:** BOP and OPDR compile comments and convene staff of sponsoring regulatory bureaus for the purpose of developing a annual Regulatory Improvement Workplan for Council consideration.
- Step 4:** To the extent possible the ReCIL list will group together regulatory code implementation dates to occur only three time a year.
- Step 5:** City Council will consider the annual Regulatory Improvement Workplan in conjunction with the City's Approved Budget.
- Step 6:** Sponsoring bureaus and OMF completes regulatory impact analysis prior to City Council or Planning Commission consideration of new or revised regulations.

EXHIBIT B

IDENTIFIED ISSUES SCAN

REGULATIONS

QUESTIONS

1. What is “desirable development”? What are our overall goals and do our regulations support those goals? What kind of place do we want Portland to be? How do we define desirable development versus allowable development and who, when, where, why do we use discretion? What are the City’s overall goals? Are regulations the right way to achieve our goals? Who do they affect? How much is the City/City Council willing to invest in supporting existing regulations? What kind of place would Portland be if we implemented all existing regulations? How do policy makers see the result of regulations when it might take years before a project is implemented? Desirable development for Portland? Attract corporate headquarters that contribute to the community and provide family-wage jobs.
2. What is the real intent of a particular regulation? To prevent undesirable actions? To encourage desirable actions? Does it achieve its stated goal? How do regulations come into being? What problems do regulations answer or solve? How do we know we’ve chosen the right type of regulation? Land use vs. other?
3. Is it possible to allow staff to provide the best advice despite Planning Commission recommendations?
4. What is the collective impact of our policies? What is the collective impact of infill? Of transportation plans?
5. Which regulations are the most difficult to implement?
6. What can be accomplished without regulation? What other tools can be used?
7. Should different degrees of regulation/enforcement apply to different types of development? I.e., residential remodel versus multiple family new construction.
8. Are City regulations competitive with the suburbs?
9. Are we rewarding projects that achieve our goals?
10. Are we meeting or exceeding State mandate? Are we currently meeting or exceeding mandates? Which regulations do we have discretion over? How aggressive do we need to be to influence State, federal, and Metro rule makers?
11. We need to look at the cost to the City of new regulations. What about asking if a new regulation meets our goals, and can we do this without another regulation?
12. How will we know when we are successful?
13. What is a regulation? It tells us NOT to do things. Vision is aspirational. There are lots of ways to get to that vision. Regulations are only one way.
14. How do we continuously update and monitor regulations? How to prioritize using impact analysis tools? Annual regulatory work plan: How to prioritize using impact analysis tools? How can we fast-track fixes for regulations that are obvious problems?
15. Why doesn’t the City institute a “season” of regulation making that makes it easier for business owners to participate at predictable times?
16. Should we “sunset” specific zoning regulations once a business/occupant has left the site? Should there be an optioned out process where the City can implement more design standards? Example: Discussion of the McDonalds on MLK. The Albina Plan has been in different phases of development for close to 10 years. The plan describes what the vision of the neighborhood will be. Those things include mixed use development and less parking lots facing street fronts. The proposed McDonalds will be built on property that is zoned EX and therefore has few design review standards, not requiring the above mentioned items. McDonalds is not interested in the City’s design process or recommendations.

PROBLEMS

1. The role of OPDR throughout the regulatory planning process; Regulatory development, regulatory planning and regulatory enforcement are not well-connected; Inflexible guidelines and City employees and attitude towards the business community. Overall, the process has gotten worse over time. Too many regulations, fewer staff, more fees. Described as an obstacle course or “a tango”.
2. If we do more than the Endangered Species Act requires and implement more of the Land Division Code, things will get more restrictive. We tend to add more protections and restrictions along the way, without taking anything out to achieve balance.
3. There is a growing number of complex regulations that are inconsistent and unenforceable. The Comprehensive Plan is nonfunctional at this point, because it has gotten so detailed in places.
4. Oregon State Land Use regulations require a literal interpretation.
5. The Environmental Plan is unreadable and “unimplementable.” The Central City Plan contains 50 pages on parking issues alone. Planned Districts are overly complex and restrictive. They are overlaid on Base Districts, so that it’s not clear which rules apply.
6. We’ve gotten far too detailed: we list which plans are and aren’t allowed on the Greenway.
7. Certificate of Occupancy does not mean “you’re done.”
8. There are too many very specific base zones versus fewer, broader base zones; East Side zoning code does not reflect the types of current use. Main streets are damaged by City’s 1980 effort to break up commercial strips where the City could not distinguish between Main streets and commercial strips.
9. Design Commission adopts details that, if later changed, require a revisitation through the process of the earlier decisions; this wastes time and money. Staff has too much authority over evaluation of compliance with design regulations. Too many design regulations seem aimed at freezing the status quo or a vision of a fictional past, which stifles innovation and creativity.
10. Too much code; need more regulations; Existing codes and regulations hinder job creation and retention; Too many regulations are micromanaging the process. Many regulations seem arbitrary and ridiculous, such as inspecting the scoring tool and dictating the size of scoring in the sidewalk; Portland is over-regulated and unfriendly to businesses; Mismatched zoning stifling new business growth. There is a push to use zoning code rather than other mechanisms, which limits future flexibility. State laws limit the City’s ability to apply prescriptive land-use regulations.
11. Difficult to quickly change bad regulations, especially to address current problems. Public frustration that many questions can only be answered with “it depends” because the code applies only to specific projects/applications.
12. Difficult to phase in building compliance; problems with thresholds, such as dollar value versus square footage.
13. Instituting an automatic review of regulations could raise unrealistic expectations that everything is subject to review, with all the lobbying and arguments not once but twice.
14. Code prohibits making a residential garage into an office, because that would consume a scarce on-street parking slot? This contradicts with encouraging employees to telecommute from home, in order to relieve traffic congestion.
15. Infrequent opportunities to review zoning codes for appropriateness.
16. New technologies, new industries and new uses not adequately addressed by existing code.
17. The pendulum has swung too far into neighborhood desires with no voice for business. Example: The Terwilliger neighborhood only allows one type of siding for homes.
18. Neighborhood associations are concerned that a regulatory “moratorium” would stop progress on their Neighborhood Plans and negatively impact the community’s ability to encourage desirable development.
19. Design review of signage is costly, time-consuming and too subjective. Terms like “harmonious” without any examples or further description are too vague and lead to personal interpretation on the part of reviewers.
20. Sometimes city code prohibits the kind of development that neighborhoods want. In Kenton, a desired antique dealer wants to display vintage cars in his shop, but the code doesn’t allow this. Or code allows development neighborhoods don’t want, such as 4 bedroom homes built on 6 lots measuring 25’ x 100’.

21. The Code should describe what the city wants to go in the future, what it aspires to.
22. Transit street designations are problematic because they limit allowable parking, but without the necessary infrastructure of shops and businesses, it's still all about cars.
23. The Healthy Streams project would affect 51% of the Columbia Corridor, which is designated an industrial sanctuary.
24. The Planned District maps are being changed by E-zones. There is no text to describe the new transitional areas that result. Maps keep changing, making it too unpredictable to make good decisions.
25. "Top Ten" problems. Problematic sections of Code, "the issue is often not that we're regulating, but how we are doing it."
 - a) Required residential and commercial codes
 - b) Non-conforming land use issues
 - c) Tree regulations unrealistic and disjointed code language
 - d) Erosion control requirements for signs and restrictions on non-building related activity
 - e) Historic building regulations
 - f) Storm water manual too complex, overly prescriptive for residential applications
 - g) A-Board signs
 - h) Noise control
 - i) Floating structures
 - j) Short-term bike parking and right of way issues.
 - k) Parking/traffic control/pedestrian access issues.
 - l) Inadequate coffee cart regulations.
 - m) Power lines in design districts.
 - n) 3" tree requirement
 - o) Regulations regarding connections to storm water system
 - p) Design review for signage

POTENTIAL SOLUTIONS

1. Allow staff to participate in regulation-writing process.
2. Use the Future Focus document to inform a new City vision.
3. We shouldn't expect to find "the whole world in a single drop of water." Every project should not be expected to meet 100% of our regulatory goals. Instead, we should look at whether the bulk of projects are achieving those goals.
4. We should study whether we're rewarding projects that achieve our goals. We say we want more row houses. Are we making it easier for people to build row houses? We should spend General Fund dollars to monitor results.
5. Provide guidelines for Main Street programs and façade changes.
6. Performance Planning approach; "Oregon Option."
7. Don't go page by page through the Code. Revisit the Comprehensive Plan (1980), not the zoning code. The Code is full of minute details. One of the reasons the zoning code is being interpreted literally is because its intent isn't clear. The lack of clear intent makes it difficult to exercise discretion.
8. Comprehensive Plan/Code audit for effectiveness in achieving objectives
9. Make the regulations "recognize reality." Revise code to be less prescriptive and more performance-based; Look at cost/benefit. Develop interim regulatory impact analysis approach. Require economic impact study for proposed ordinances.
10. Review the need for environmental reviews for trails.
11. Make historical records on non-conforming land use(s) available on-line.
12. Focus on high number of complaints among all stakeholders; Easiest to solve.
13. Establish broader-based zones that allow more on-site flexibility. Best buildings are produced by the most discretionary zoning code.
14. Review A-Board sign regulations.

15. Establish annual or semi-annual reviews of development activities, problems and complaints through an open, public process.
16. If the City spends \$200,000 on a Planning Study, why not set aside \$20,000 to fix unintended consequences that result?
17. Limited partial regulatory moratorium, “development regulatory pause”.
18. City regulations should not attempt to duplicate State or Federal regulations, unless they are shown to be clearly deficient in some way.
19. New regulations should utilize consensus building approach that would bring environmental business and neighborhood interests together in a small facilitated group setting to address what basic goals should be and determine how tradeoffs among competing values can be made; Communicate to the public the benefits of the regulations.
20. Some kind of automatic review of regulations would be helpful. It would allow more flexibility the first time around to test creative ideas in the field, knowing they would come for review in the future.
21. Regulatory reform should occur annually. It would be helpful for the Planning Commission and City Council to have fiscal impact information on proposed regulations. We also lack good data on the results of our decisions.
22. Speedy implementation of regulations that increase protection of the environment, especially water quality.
23. Independent audit/assessment of regulations and our process; Council needs to streamline, clarify and cross-reference existing codes if it is going to reverse this downward ratcheting process; Need guiding principles to facilitate regulatory reform; Need guiding principles to be clear about the kind of City we are seeking to achieve through regulations, incentives, policies, etc; Council needs to set in motion a rational, comprehensive look at what needs to be regulated and how much; Code maintenance efforts should be called regulatory reform.
24. Pass each new regulation with an automatic review date (5 years) for unintended consequences and effectiveness; Set sunset dates for regulations. Create a “fast track” process for fixing regulations that are obvious problems.

ATTITUDE

QUESTIONS

1. What does top management model?
2. Are City staff responsive and helpful to the applicant? Facilitative or regulatory?
3. Why can't we fire bad employees and hire good employees? What is the right attitude, exactly?

PROBLEMS

1. Certain DCS staff won't take or return calls.
2. The Bureau of Planning seem to see themselves as “the keepers of the City's design heritage.” They have no trust in developers to “do the right thing.” The result is overly prescriptive regulations.
3. Difficult to be both ambassadors and neutral enforcers of code and regulations.
4. An “Us versus Them” mentality prevents all from working together on a shared vision; Some staffers repeatedly throw up roadblocks for no apparent reason, other than to slow down projects they find personally objectionable; some City staff provide unnecessary barriers to development rather than looking for ways to constructively address code requirements. Staff just looks for problems and does not really want to be helpful in solving them.
5. City staff most creative in solving problems has been switched to positions that keep that out of the role of helping the public.

POTENTIAL SOLUTIONS

1. Assessment of customer service training; Implement a customer service program for OPDR staff DSC staff need to have a “We're here to help you find solutions” attitude, rather than “We're here to find the

problems” attitude; Project reviews should be conducted as a partnership, not an adversarial contest; Planners need to be even-handed and unbiased in the way they interpret and administer code.

2. Separate myth from reality.
3. The permit center in Hillsboro works well. The staff are cooperative and helpful, even though they don't meet the 120-day turnaround deadline. Hillsboro's code isn't better than Portland's. But they have the right “can-do” attitude.
4. Assessment of existing citizen committees, commissions and boards.
5. Focus on rights and responsibilities for all parties.
6. Provide regular private sector job-share or sabbaticals to bureau staff.
7. Empower management to be able to say “no” to decisions that don't make sense. For example, an optical cable project fell into the Greenway process even though the code said nothing about optic cables.
8. Set specific performance standards for all personnel who deal with the public, using a project performance survey to get at persistent problems that need to be addressed; Provide rewards for good staff service and sanctions for bad.

SYSTEMS/PROCEDURES

QUESTIONS

1. What other organizational changes should be considered? What is the right level of centralization? Organizational structure; centralization of regulatory enforcement/implementation and/or centralization of regulatory with planning? How are regulations coordinated among the different departments and at the state and regional level? Effectiveness of interagency agreements between OPDR and other review groups?
2. Why are non-bonded reviewers given so much sway over ME/EI and other engineers who all must bond their work?
3. Is there too much community involvement? What is the interplay between and among regulation, process, cost and turnaround time? Can turnaround time be made more predictable? How can we maintain quick turnaround times while also implementing new regulations? What is the balance between providing predictability versus discretion/flexibility? Is there a way to expand conditional use with more assurances within the design review process?
4. Why doesn't the development community police itself more?
5. What would be the effective incentive for desired “compliance” or actions? How can we achieve good design quickly and hinder or disallow bad design?
6. Do we have fair appeals that also accomplish our regulatory goals? When can discretion be applied to the review process? How do you eliminate some of the specific requirements and make broader ones that offer more discretion?
7. What have we already done to reform and improve the regulatory process?
8. Why isn't there discretion for good policy that the City actually wants but the Code will not allow?
9. Who is the customer? Common applicant perspective-what is the applicant's or neighbor's perspective?
10. What is the difference between internal and external process?
11. What unit costs are available? What trends are evident from current statistics?
12. Why is the project management approach currently limited to big projects, with special fees. Should teams be organized by geography? By type of project? How to keep small development from “falling through the cracks”?
13. What is the intent of policy? Is there a formal document which individuals can refer to? Plan review clerks are different every time you visit the Development Services Center.

PROBLEMS

1. TRACS' untapped potential; TRACS system too often has the wrong people assigned to a project; too many reviewers from other departments/same department assign themselves to the review list. System comments are incoherent.
2. BES and ESA seem to be defending separate turf, even though their work on watershed issues overlaps in significant ways. They should be working together, more like the regional model used by Washington County.
3. Homeowners and small businesses don't know (or care) how different parts of City government play a role in the review process. They expect the staff to know. But the staff doesn't often know much about the other bureaus' functions and how they interact. Our process is completely piecemeal.
4. The process has too many places where you get sidetracked into time-consuming and costly reviews, hearings, etc. There should be more situations where if you meet all the requirements, you're done.
5. Code compliance staff are not giving proper notification as required by code.
6. The retention policies for OPDR's records need to be reviewed.
7. The success of the Facility Permit Program depends on high-quality plans.
8. There doesn't seem to be a functioning feedback loop between the regulation writers and the regulation implementers and other bureaus.
9. Adjustments were supposed to be easy, cheap and fast and reward flexible, innovative ways to achieve land use goals. Do they?
10. Land use appeals are adversarial. People argue about the details without looking at goals. For example, they fixate on the height of a fence rather than looking at the intent of the regulation that set the fence height.
11. Are you looking at tools? Like making TRACS work better. Look at the flaws in TRACS. Don't just focus on some little details, look at larger, more systematic questions, too.
12. Planning staff is too "residentially" focused. Need to be reoriented and trained to focus on platting and subdividing, too.
13. What is the goal of enforcement? Is it to achieve compliance? Or is it to make people file more forms and applications? It's silly to require ex-post-facto paperwork after the problem has been solved. After the old refrigerators are already disposed of, being required to fill out an application to do just that is silly. Focus on outcomes, not the process.
14. What is the goal of enforcement? Is it to achieve compliance? Or is it to make people file more forms and applications? It's silly to require ex-post-facto paperwork after the problem has been solved. After the old refrigerators are already disposed of, being required to fill out an application to do just that is silly. Focus on outcomes, not the process.
15. Developers don't want to rush to complete development of large properties within the 10 year window of their Master Plan. But new environmental requirements like Healthy Streams may force them to develop before they're ready or in a bad economy, in order to get it done before it's "too late." The City won't answer questions about vesting or grandfathering.
16. It's so difficult to go through the adjustment process; even the easiest projects require a consultant. As a result, people do the next-lower level of quality, producing "cookie cutter" subdivisions, etc.
17. There is no consistent, codified process for reviewing and approving new development regulations; Single Rules Coordinator lacking.
18. OPDR lacks complete information on permit approval times and customer satisfaction;
19. Developers are not complying with the conditions of their development.
20. Public believes the regulatory process is neither flexible nor consistent; Lack of public trust in the application of code; Loss of public trust in regulatory process. OPDR staff interpretations are unpredictable and seem arbitrary, because explanations are not provided. The design review process is too subjective. There seem to be "unwritten rules" that "everyone knows." Example: mandatory awnings; Fear of retribution prevents people from complaining more, or disagreeing with DSC staff over interpretations.
21. The Planning Staff feels constrained to make discretionary decisions, for fear of "giving away the store." More discretion may trigger increased State reviews, making outcomes less predictable.

22. Lack of communication between field inspectors and office plan inspectors; Inspectors and plan review staff seem to interpret code and regulations differently. Plan review staff seem less reasonable and sometimes less knowledgeable than inspectors. Inspectors sometimes contradict or reject plans that DCS staff have approved, putting the citizen in the middle; Some builders complain about inconsistency among inspectors and a lack of coordination between inspectors and plan reviewers/other inspectors
23. Land use reviews and building permit approvals are not processed within established timelines; OPDR staff provides feedback in dribs and drabs, rather than all at once, causing delays, confusion and unnecessary financial costs; We don't have enough residential plans examiners; Unable to get answers when a staff person is out of the building (example: on vacation).
24. Site Development is severely understaffed.
25. Can't reach anyone at the City to respond to urgent environmental violations. Get stuck in voicemail and have to do "citizen enforcement" to stop violation. Enforcement is under-resourced.
26. Concern about developing neighborhood expertise in OPDR staff is vulnerability to bribery.
27. Process doesn't consistently reward desirable development.
28. Pre-submittal meetings do not occur consistently; EARLY START program does not seem to be implemented or utilized to the extent it should.
29. Process Managers do not have enough authority (only plan review, no "pull").
30. Lack of communication between Land Use Review and the Building Code departments; BES & PDOT continue to delay the process with reviews at the end; never "on the same page." Applicants and neighborhoods shouldn't get caught in the middle, forced to mediate between bureaus.

POTENTIAL SOLUTIONS

1. Get out of the inspection business; focus on complaint-driven inspections. "Stamped"* Get the Council out of the design review appeals business. Have a panel of subject matter experts (Planning Commission?) hear and decide appeals quickly.
2. ESA needs to weigh in more on the Portland Healthy Streams project.
3. Look at the overalls structure, and count the number of steps it takes to get to "yes."
4. Proposed developments/projects should take into account approved neighborhood plans.
5. Formally recognize the role of neighborhood associations in the land use review process.
6. Address the disconnect between the Bureau of Planning and OPDR by setting up a joint debriefing meeting each month to get an early warning system to identify places in the new code(s) that are causing the most implementation problems.
7. Let's regionalize our environmental enforcement response through some kind of 1-800-stoptrashingthestreams, so whatever jurisdiction is closer can respond.
8. Need to make operational improvements in land-use application and permit approval procedures; The process should be on-going, a continuous review process. Examine the experience (not simply the chart) of OPDR processes.
9. Make Portland a "wired" city.
10. Give Neighborhood Associations a formal role in the public review and comment process for evaluating the annual regulatory workplan.
11. Staff should focus more on desired outcomes and less on process.
12. OPDR needs to develop a complete set of efficiency and effectiveness indicators; Set clear performance measures; Give applicant a more specific timeline for approval; Money-back guarantee; Go back to a by-appointment system at DSC.
13. Require notification of adjacent property owners of new development or changes to existing facilities. Neighbors have to all sign off before a block party can take place, but property owners can make significant and disruptive changes in complete isolation from their neighbors.
14. Process managers should be involved from the very beginning of the process, so that time isn't wasted bringing them up to speed in the middle. Should have the same process in place for small development \$500,000-

- 1,500,000 projects; Assign a single process manager to each project; Hire a process manager; Establish a point person and process manager for smaller and medium-sized projects; Provide a team review for small and medium-sized projects; Have a relationship with one person or group when working on particular projects. Have a permit process manager who has more authority. Eliminate having to be referred back to the beginning of the process when design review impacts the building code requirement and vice versa.
15. Provide neighborhood land use chairs access to TRACS system with password protections.
 16. Develop small business “SWAT” team; review Ray Kerridge idea for a “E” level program. Review DSC brainstorming notes; Protocols for creation of significant development opportunity team (SDOT).
 17. Offer a pre-application design review consultation. Provide early feedback on the overall concept and general direction, using a minimum requirements checklist, so costly mistakes are avoided up front; Provide citizens with a global checklist to help coordinate ALL aspects of the process. Example: how to get an address assigned to a new building? Help people by answering the questions they don’t even know to ask. Provide pre-application meetings to discuss and coordinate development issues.
 18. Expand the facilities permit program; “process permits, do plan reviews, make inspections, and final projects all together be available all hours of the day or night.” Offer true one-stop permitting; Make Transportation, Forestry and other related bureaus part of the process and solution; Need to identify interoffice issues and solutions between OPDR and Auditor’s Office; Have the Land Use Review and the Building Code departments communicate better.
 19. Revise project performance survey questionnaire to ask the right questions about the applicant’s experience on a particular project.
 20. Identify non-regulatory approaches to City development objectives.
 21. Staff should suggest solutions to each problem identified; untie staff’s hands; DSC staff should be helpful, offering suggestions, solutions and guidance. Certain staff are helpful, quick and go above and beyond the call of duty.
 22. Develop preferred methods for doing common techniques, “one person told me I could not nail a ledger to my house for my deck; it had to be lag-bolted. Another told me it depended on my nailing pattern. Who is right?”
 23. Create a fast-track process for certain projects using set criteria; Certify building professionals and businesses; allow a fast-track process for those with certification. Develop an inter-bureau team to focus on large and small projects. Have a staff person take responsibility for coworkers cases when they are away.
 24. Create a single Point of Contact to handle customer service casework and complaints; There should be an OPDR Citizen Review Board to handle complaints about the Bureau. A single ambassador for OPDR.
 25. Create a Rule Coordinator to manage an on-going process for regulation of land development.
 26. Land Use Review system can work well with Hearings Officers. Have less land use review, have hearings.
 27. Follow the Building Code process closer, has more discretion.
 28. Custom design storm water disposal.
 29. The Planning Commission needs better tools for implementation of policy and response to actual impact to developers or citizens.
 30. Should zone everything EX and have higher design standards.
 31. Institute a “fast track” for surfacing and implementing inspired ideas from staff within the system. Set up an advisory group to process staff wisdom.

KNOWLEDGE

QUESTIONS

1. How can internal examination help to confirm or dispel perceptions in the media, and how can these new insights be communicated to the media? Where are the understanding/expectation gaps in the community? How can we educate the community?
2. What can we do to help applicants become more predictable?

3. Is there a community vision of “desirable development”? If yes, do constituents understand/share the community vision?
4. Who are the best private sectors Permit Coordinators in town? How do they think our system should be improved? (Group McKinsey has a permit coordinator)
5. How can we get all the information to decision-makers at the time when regulations are being adopted?

PROBLEMS

1. Customers lack knowledge of the process, timeframes, requirements; Citizens aren’t informed about regulatory requirements, processes or applications.
2. The media doesn’t provide enough information to the public about our process. The public doesn’t appreciate that our public hearing process is so far-reaching and multi-lateral.
3. Architects, designers and contractors don’t know “the rules.”
4. Staff does not understand the marketplace or market conditions.
5. Have not developed/retained institutional expertise in different neighborhoods.
6. Applicants, neighbors and the community have a sense of entitlement about the regulatory process.
7. Public only understands the broad vision of “livability,” but not the particular costs and benefits of regulation on an individual level; Community has difficulty understanding and accepting tradeoffs inherent in the regulatory process.

POTENTIAL SOLUTIONS

1. Have conversations with community about tradeoffs; Expectation management: “You can’t get everything you want” This applies to customers, stakeholders and OPDR staff; Co-sponsor community forums about regulations, process, etc;
2. With all the negative press on individual cases, the City really doesn’t tell its story. We don’t tell the good news stories. For example, the developer complaining about the ice rink process is the same developer that zoomed through the process for the Convention Center. Why don’t we get a dedicated PIO to tell our good news stories?
3. Small business regulatory brochure; Host small business night at DSC.
4. Potential name change: Office of Permit Services; Office of Development Review; Bureau of Buildings and Land Use (Quality); Office of Development, Environment and Review; New Office of Construction, Land Use and the Environment.
5. It’s important that applicants understand the whole process upfront, rather than being shuttled from one desk to another, each only revealing one piece of the process. Applicants don’t know what questions to ask. We need to publish hearing dates and flow-charts on the steps in the process.
6. Improve all experts’ (includes land-use chairs) level of knowledge and expertise; Give land use chairs immediate access to TRACS system.
7. Draft ordinance requiring annual regulatory work plan.
8. Develop and retain expertise in different neighborhoods; Allow/encourage staff to take private sector sabbaticals.
9. Create defined standards and methodology for analyzing and documenting zoning mismatches. Share procedures for requesting a zone change with neighborhood associations.
10. Create and communicate shared vision of desired development, in order to impact outcomes; Fuel knowledge with incentives/rebates to achieve action; Communicate what benefits are achieved through regulations; Communicate and celebrate successes and accomplishments; Create PIO or PEO position and public awareness campaign; Educate the public on regulatory Do’s & Don’ts; Develop common applicant checklist for a development project; Communicate that the City has heard and understood the public’s complaints.

FEES, FINES & FISCAL ISSUES

QUESTIONS

1. Can the City Council use general funds to improve the regulatory enforcement process? Should non-conforming uses be paid for out the General Fund?
2. How should we conduct cost-benefit analyses? Costs and benefits to the City? To the customer? Both? What is the cost-benefit for individuals versus cost-benefit for the general public? E.g., who should pay for required review of business awnings?
3. What should be the Council's policy for paying for Design Review services?
4. Should neighbors pay for part of the fees?
5. How do our fees compare with other jurisdictions?
6. Is the fee structure fair? Who is paying the System Development Charges (SDCs)? Who are SDCs impacting? Who are they rewarding? SDCs: Do they pass the common sense test? What are the criteria used? What is the scope of impact?
7. What level of cost recovery is appropriate? How is "cost" defined?
8. What is the cost of all steps involved in imposing and collecting fees?

PROBLEMS

1. Citizens have to pay for documenting non-conforming uses.
2. Cost-recovery mandates conflict with ability of staff to use discretion on fees and fines.
3. Zoning violations that incur a fee are viewed as a simple cost of doing business.
4. Enforcement efforts in the area of code compliance/violation have resulted in significant fines and penalties that some property owners believe are excessive and unfair.
1. System Development Costs (SDCs) have increased total permitting cost exponentially. The permit fees for a 50,000 sq. ft building cost \$24,000 in 1998. Today, an 80,000 sq ft building would cost \$240,000 in fees. These fees are not competitive and explain why there's not much speculative industrial development going on.
5. Review of regulatory thresholds by OPDR.
6. The cost of review services and fees are too high; "PSU has told us we pay \$35k in infrastructure for every new house."
7. Cost of Comprehensive Plan reviews are the same no matter how big or little the project; Not enough discretion on fines.
8. Limited resources demand tradeoffs between "big picture" planning and regulatory review and rewriting; Lack of resources to evaluate the regulatory system; No funding to evaluate new regulations for effectiveness.

POTENTIAL SOLUTIONS

1. Offer an amnesty program.
2. Look at the concept of calculating the value of eco-capital when you do cost-benefit analyses.
3. The system should encourage and reward projects that go above and beyond minimum requirements, such as voluntarily expanding the E-zone boundaries to protect trees.
4. Assess long term costs associated with development proposals and integrate funding into decision making.
5. Limit fees to a set percentage of the total project cost. When the fees for a \$400 project exceed \$500, that's not proportional.
6. Fines and enforcement programs should be geared to provide an incentive for compliance; Reward good behavior and outcomes (rebates, discounts, outs) and prevent/punish "bad" behavior and outcomes; Institute graduated compliance and commensurate fines and penalties for violations.

7. Review of SDCs by OMF; review SDCs by OMF. Expand transit discount for developments in town centers and main street areas. Expand transit discounts for transportation SDCs by allowing for discounts in town centers and Main Street areas; Adjustment to trip generation formula by Transportation. If the process were quicker, the fees (SDCs, etc) wouldn't seem quite so burdensome, because less money would be lost by a lengthy approval and permitting process.
8. Set service benchmarks for commercial and residential projects and offer a (money back) guarantee; Rebate for early submissions; Waive fees associated with land use review
9. Time sequence cost analysis; Provide funding for long-term planning.

Issue #	Code Section	Requestor's Comments
1	<i>Validation of Lots</i> 33.110.212.B	Development that meets the regulations of Title 33 is allowed on substandard lots of records and lots created prior to 1979. Clarify whether the maximum density requirement must also be met for these lots. If so, the Validation Review serves little purpose as development on lots smaller than those identified in Table 110-4 would always exceed the maximum density requirement, and adjustments to maximum density are prohibited.
2	<i>Side Setbacks</i> 33.110.220 33.120.220	Reduce minimum side building setbacks to 3 feet in the R7 through R2.5 zones for development that is retained on the site of a land division. Adjustments to side setbacks are often required and approved as part of land divisions in order to meet minimum density and minimum lot dimension requirements.
3	<i>Residential Main Entrance</i> 33.110.230.B 33.120.231.B 33.130.250.C 33.140.265.D	On corner lots, allow the applicant to choose on which street-facing wall the main entrance requirement will be met. For land divisions, a conforming situation often becomes nonconforming (and requires an Adjustment) when a new street is created and the longest-street facing wall becomes the one facing the new street, but the existing main entrance is located on the other street-facing wall.
4	<i>Institutional Development Standards: Landscaped setbacks for accessory structures</i> 33.110.245	In Single-Dwelling Zones, a 15 foot landscaped buffer is required between institutional uses and abutting R zones. However, accessory structures are required to be set back only 10 feet from lot lines. Does this mean that the landscaped buffer between accessory structures and abutting R zones needs to be only 10 feet, or that where accessory structures abut an R zone, a 15 foot setback is required?
5	<i>Institutional Development Standards: Buffering across the street from an R zone</i> 33.110.245.C 33.120.275.C	Institutions are required to provide a 25' maximum transit street setback, and a 10' deep landscaped buffer along street lot lines that are across from an R zone. In some situations, this creates a conflict as conformance with the maximum building setback will reduce the depth of the required landscaped buffer beneath the minimum standard. A footnote should be included that indicates along transit streets and in pedestrian districts, the landscaped buffer shall be provided at a depth of 10', or the depth of the maximum building setback, whichever is less.
6	<i>Electrical Substations: Required landscaping</i> 33.110.245.C.6 33.120.275.C.5	The perimeter of electrical substations must be landscaped to the L3 standard. Consider exempting electrical substations (such as those being proposed by Tri-Met along the I-MAX) from the landscape requirement if they are located within an entirely enclosed building.
7	<i>Accessory Structures</i> 33.110.250.B.2 33.120.280.B.2	Accessory structures cannot exist on a site prior to the construction of a primary structure. Consider, in the case of land divisions, allowing accessory structures to remain on newly platted lots for a limited time so that viable accessory structures do not need to be demolished. Adjustments to this standard are customarily reviewed and approved by staff.
8	<i>Multi-Dwelling Zones</i> Table 120-3	The reference in footnote 10 is inaccurate, and should be changed from 33.110.280.E to 33.120.280.E.

9	<p><i>Minimum Density: Conversion of existing residential structures</i> 33.120.205</p>	<p>Footnote 7 in Table 120-3 indicates the minimum density does not apply to conversions of existing structures. The intent of this footnote was to allow conversions of existing residential structures to come closer into conformance with the minimum residential density requirement. However, as written, the footnote exempts existing residential structures from the minimum density requirement, and conversions that reduce the residential density below the minimum are also allowed.</p>
10	<p><i>Minimum Landscaping</i> 33.120.235 33.130.225</p>	<p>To be consistent with the landscape standard that applies to development in Single-Dwelling zones, consider eliminating minimum landscape requirements for single-dwelling and duplex development in Multi-Dwelling and Commercial zones. The landscape standards in the Multi-Dwelling and Commercial zones were crafted for multi-dwelling and commercial development, and are impractical when applied to single-dwelling and duplex development.</p>
11	<p><i>Recycling Areas</i> 33.120.260</p>	<p>The Code requires a central recycling collection area for multi-dwelling developments having five or more units. For residential projects that provide individual garages, residents collect their recycling in the garage and there is not the need for a central recycling area. Consider exempting multi-dwelling developments from providing a central recycling area if each dwelling unit has its own garage.</p>
12	<p><i>Fences</i> 33.120.285 33.130.270 33.140.275</p>	<p>Clarify the allowed height of fences in side street setbacks. Recent changes to this standard were intended to continue allowing fences up to 8 feet in required side setbacks, even when abutting a street. Instead, the standard limits the height of fences in side street setbacks to 3.5 feet.</p>
13	<p><i>Commercial Parking in CS Zones</i> 33.130.100.B.11</p>	<p>Table 130-1 indicates Commercial Parking in the CS zone is limited, and refers to footnote 11. However, footnote 11 indicates Commercial Parking is an allowed use in this zone. The limitation ("L") in the table should be replaced with allowed ("Y").</p>
14	<p><i>Maximum Building Setback: Porches</i> 33.130.215.B</p>	<p>Open porches on residential development count toward the portion of the building wall meeting the maximum building setback along transit streets and in pedestrian districts. Consider allowing the same for maximum building setbacks required in the CS and CM zones.</p>
15	<p><i>Ground Floor Windows</i> 33.130.230.C 33.140.230.C</p>	<p>The Code needs to be clearer about the minimum standards for display windows when used to meet the ground floor window requirement.</p>
16	<p><i>Community Design Standards</i> 33.218</p>	<p>Eliminate Community Design Standards that are duplicative of newer base zone design standards.</p>
17	<p><i>Community Design Standards and Exterior Siding</i> 33.218.100.H 33.218.110.J</p>	<p>Reconsider the exterior siding requirements. In some cases, a type of siding that is consistent with the existing architectural style of the building is not allowed, and requires design review (e.g. shakes on an old English style). Consider applying instead the same siding requirements included in 33.218.130.B and C, et al., which specifically exclude some exterior materials, but otherwise allow exterior materials that visually match the appearance of existing exterior materials.</p>

18	<i>Convenience Store Review</i> 33.219	The amount of discretion in Convenience Store reviews is minimal, as the approval criteria are largely limited to requiring that all of the listed information be submitted, or verifying that particular development standards are met. Consider replacing the Convenience Store review with objective development standards.
19	<i>Elderly and Disabled High Density Housing: Parking</i> 33.229.040.C	Clarify the confusing language that allows a reduction in parking for units occupied by the elderly.
20	<i>Nonconforming Upgrades</i> 33.258.070.D.2.a	Nonconforming upgrades are required when alterations on the site exceed \$25,000, with mandatory fire and life safety improvements exempted from the project value. Clarify what the term "mandatory improvements" includes. For example, are required fire and life safety improvements considered mandatory even when they are triggered by a voluntary change of use on the part of the applicant?
21	<i>Nonconforming Residential Density</i> 33.258.060.B.2.b	Current regulations regarding damage to houses having a nonconforming residential density, and which are located on substandard lots, make reference to Chapter 33.291 (Substandard Residential Lots), which no longer exists. This reference should be replaced with current "Validation of Lots and Lot of Record" regulations in Section 33.110.212.
22	<i>Minimum/Maximum Parking Standards for Religious Institutions</i> 33.266.110 33.266.115	Given the wide array of activities and uses that occur at religious institutions, basing the minimum and maximum parking ratios on the floor area of the main assembly space is inadequate. As religious institutions are typically reviewed through a Conditional Use process, consider allowing the minimum and maximum parking ratio to be determined as part of the Conditional Use review, as is done with other conditional uses.
23	<i>Maximum Parking Standards</i> 33.266.115	Applying the maximum parking standards is problematic, particularly for multi-tenant buildings in EG and I zones, and especially given the wide range of parking maximums per use. As tenants change, or if no tenants are yet identified, it is difficult to track the maximum allowed spaces or to calculate the maximum allowed spaces.
24	<i>Parking Area Location</i> 33.266.120.C	It is difficult for duplexes on interior lots in Multi-Dwelling zones to meet the 20% maximum pavement limitation for vehicle areas. While the Code allows at least a nine foot wide driveway, a nine foot wide driveway is insufficient to access two, side-by-side parking spaces. Consider a paving standard for duplexes (and single-dwellings) that is comparable to the standard used for such development in Single-Dwelling zones.
25	<i>Parking Lot Interior Landscaping</i> 33.266.130.G.3	Clarify that driveway connections between parking areas are not included when determining the amount of required interior landscaping. Also, when calculating the number of trees and shrubs required, clarify what portion of the perimeter setback area is included.

- 26 *Vehicles in Residential Zones*
33.266.150 The parking of medium trucks is prohibited in all residential zones. Because the definition of medium trucks includes vehicles with a single, double-wheel rear axle, pick-up trucks owned for personal use, which have a double-wheel rear axle, are prohibited in residential zones. Consider changing the definition of medium trucks to allow such trucks to park in residential zones.
- 27 *Loading Standards: Number required for household living uses*
33.266.310.A.1 As the standard is written, a loading space is required for Household Living uses, regardless of the number of dwelling units, if the site is located on a non-local service street. Is this really what was intended? It seems the intent was as long as the development contains fewer than 50 dwelling units, no loading spaces were required, regardless of the adjacent street designation.
- 28 *Loading Standards* 33.266.310 Requiring vehicles to enter and exit loading spaces in a forward motion is impracticable in the Central City Plan district, and requests to modify the standard are approved 100 percent of the time through design review. Development in the Central City plan district should be exempt from this standard. Also, the size dimensions of loading spaces, particularly the 35 foot depth, is not always practicable in development downtown, and are frequently modified through design review.
- 29 *Aircraft Landing Zone*
33.400 Consider modifying this chapter to address the problem that the topography of some sites results in any development on the site exceeding the maximum allowed height identified on the Aircraft Landing Zone map.
- 30 *Design Review: Exemptions*
33.420.045 In nonresidential zones, consider exempting from design review alterations to existing structures that are the result of fire and life safety requirements, with potentially a limit on the maximum value of the alteration. In the RF through R1 zones, alterations of \$10,000 or less, of any kind, are already exempt from design review.
- 31 *Greenway Zones*
33.440 Consider implementing the landscape requirements in the Greenway overlay zone similarly to how we implement landscape requirements for nonconforming upgrades (i.e., limiting such upgrades to 10% of the project cost) so that there is proportionality between the cost of the required Greenway landscape requirements and the project cost.
- 32 *Central City Plan District*
33.510.263.G Consider removing the requirement for a Type III Central City Parking Review renewal every five years for surface parking lots. The approval criteria for such reviews are limited to ensuring conformance with zoning requirements and previously approved plans. This is more of an enforcement issue than a land use review, and if necessary, could better be handled through periodic reporting requirements.
- 33 *Columbia South Shore Plan District Environmental Review Exemptions* 33.515.274 Unlike 33.430.080, the Columbia South Shore plan district regulations do not exempt from environmental review trees that pose an immediate danger. Consider including this exemption in the Columbia South Shore plan district.
- 34 *Columbia South Shore Plan District Development Standards*
33.515.278.B Clarify whether the nonconforming upgrades required in the Plan District are in lieu of, or in addition to, the upgrade requirements of Chapter 33.258.

35	<i>Northwest Hills Plan District</i> 33.563.100.A	As the regulation that limits activities exposing soil to direct contact with stormwater is redundant of regulations included in Title 10 (10.30.020.B.4.e), it should be deleted from Title 33 and possibly replaced with a reference to Title 10.
36	<i>Lot Size</i> 33.667.300.A.1 33.610.020 33.611.020 33.612.020 33.614.020 33.615.020	Clarify what standards apply to Property Line Adjustments (PLAs). PLAs are not allowed to cause a property or site to move out of conformance, or further out of conformance, with the standards of Title 33. It is not clear what standards apply to PLAs, as the development standards for lots (e.g., lot dimensions, density, etc.) in the individual zones specifically apply only to land divisions, and a PLA is not considered a land division.
37	<i>Comment Period for Type I and Type II Reviews</i> 33.730.015.C 33.730.020.C	ORS 197.195(3)(c) requires a minimum 14-day comment period prior to the land use decision. The notice requirements for Type I and Type II reviews need to reflect this comment period.
38	<i>Preliminary Notice of Land Use Review</i> 33.730.020.C 33.730.025.C	Existing language states that upon receipt of a land use review application, the OPDR Director will mail a notice of the request to affected property owners and, recognized organizations. Notice of a land use review request is not mailed to the identified parties until receipt of a complete application.
39	<i>Type III Procedures: Notice of a Request</i> 33.730.030.D.1	For clarity and consistency with language found elsewhere in the Code, language in this section should state that Notice of Requests for Type III land use review proposals are mailed to "property owners."
40	<i>Conditional Use Review Procedures</i> 33.815.040	Currently, the expansion of exterior improvements of any size triggers a Conditional Use review. Consider exempting from Conditional Use review exterior improvements under a certain size, or even categories of exterior improvements that have no adverse impact (such as sidewalks).
41	<i>Amendments to Conditional Use Master Plans</i> 33.820.090	Any change to the boundary of a Conditional Use Master Plan is processed as a Type III amendment. Consider requiring a Type III amendment only if expanding the boundaries, and requiring a Type II amendment if decreasing the boundaries, as long as the area being removed from the boundary does not effect any previous conditions of approval or the ability of the campus to meet any required development standards.
42	<i>Excavation and Fill Review</i> 33.830	The approval criteria for this review are technical in nature and duplicative of existing requirements in other City Codes. This review could be implemented more effectively as standards by a service bureau experienced in such issues as grading, erosion control, etc., such as Site Development or BES.
43	<i>Hazardous Substances Review</i> 33.840	OPDR does not have the expertise to address the handling and storage hazardous substances, nor to address the approval criteria required for such reviews. Hazardous substances are already regulated by a myriad of other local, state and federal regulations. Consider removing this review from Title 33 and have the Fire Bureau's Office of Emergency Management regulate hazardous substances.

44	<i>Approval Criteria for Base Zone Changes</i> 33.855.050	Consider reducing the review procedure for Zoning Map amendments in compliance with the Comprehensive Plan Map from a Type III to a Type II.
45	<i>Definition of Site</i> 33.910	The revised definition of site, as it applies to land divisions, should be modified. For large landowners, such as the Port, a land division for one lot requires inclusion of all contiguous lots under their ownership. The definition needs further refinement to more directly address the initial concerns that resulted in changes to the definition through the Land Division Rewrite.
46	<i>Definition of Exterior Display</i> 33.910	This definition includes the phrase, "Exterior display does not include goods that are being stored or parked outside." The purpose of this phrase was to differentiate exterior storage from exterior display. However, as it uses the term "goods," which are materials for sale, it essentially states that exterior display does not include materials for sale that are placed outside a building. This is contrary to the entire definition of exterior display.
47	<i>Definition of Flag Lots</i> 33.910	The definition of flag lot does not address the situation of a flag lot is behind a flag lot, with the unintended result being that a flag lot behind a flag lot does not have to meet development standards specific to flag lots.
48	<i>Definition of Vehicle Types</i> 33.910	Medium trucks, which are defined as vehicles having a single rear axle with dual rear wheels, may not be parked in residential zones. When this definition was established, pick-up trucks with single rear axles and dual rear wheels did not exist. The definition needs to be updated to allow these types of medium trucks in residential zones.
49	<i>Detention Facilities</i> 33.920.520	One of the defining characteristics of a detention facility is the presence of a "sworn officer," however, this term is not defined in Title 33 or in ORS. Consider establishing a definition of sworn officer, or refer to PCC 14.04.020, which defines a "peace officer."
50	<i>Pre-Application Conference for Planned Development Final Development Plans</i>	Consider deleting the requirement for a pre-application conference prior to the submittal of a Planned Development Final Development Plan, as little if anything is gained from the requirement.
51	<i>Temporary Structures</i>	Clarify what development standards apply to espresso booths and other similar structures. When are such structures considered vehicles, and therefore not regulated as a building?

Issue #	Code Section	Requestor's Comments
1	<i>Housing Types Allowed</i> 33.110.200	Over time, the diversity of housing types allowed in Single-Dwelling zones has increased through numerous special exceptions and overlay zones. Simplify these regulations by allowing houses, attached houses, accessory dwelling units and duplexes to be allowed by right in all Single-Dwelling zones, subject to identified development standards. This wouldn't result in a change in allowed density in the zones, just in the housing type allowed.
2	<i>Maximum Building Coverage</i> 33.110.225	The recent Land Division Code Rewrite modified the way in which maximum building coverage is calculated for development in Single-Dwelling zones. The purpose for the modification was to regulate building coverage based on lot size and not by zone, with no change to the existing allowed maximum building coverage. However, on large lots, the code modification has resulted in a substantial reduction in allowed building coverage in comparison to the previous Code.
3	<i>Maximum Building Setbacks</i> 33.120.220.B.2 33.130.215.B.2 33.140.215.B.2	Consider exempting detached single-dwelling and duplex development from the maximum building setback requirement. Requiring such development to be located close to the public sidewalk and transit lines does little to promote the intent of the standard requirement, given the low scale and low density of these housing types.
4	<i>Detached Accessory Structures</i> 33.110.250 33.120.280 33.130.265 33.140.270	Currently, in the R7, R5, R2.5 and R3-RX, only detached garages are allowed in side and rear setbacks as long as the footprint of the structure does not exceed 24' x 24', and if the structure is placed at least 40 feet back from the front lot line, with walls no higher than 10 feet. Consider extending this allowance to all covered, detached accessory structures, not just garages.
5	<i>Commercial Zones</i> 33.130	Toward Code simplification, reevaluate the need for eight different commercial zones.
6	<i>Requirements for Accessory Dwelling Units</i> 33.205.030.C	Reevaluate the 33% floor area limitation and 18 foot height limit for accessory dwelling units (ADUs). It seems these limitations were put in place to ensure that the accessory dwelling unit appear accessory to the primary dwelling or primary structure on the site. If we don't regulate the appearance of other accessory structures in this manner, such as those that contain living area but are not considered dwelling units, why do so for ADUs. At minimum, we should be consistent with how we regulate accessory structures.
7	<i>Accessory Dwelling Units: Conversion of garages</i> 33.205.030.E.2	Consider exempting existing detached garages that are being converted to accessory dwelling units from the appearance requirements related to exterior finish materials, roof pitch, trim, window orientation and eave depth. These requirements are impractical when applied to an existing structure and substantially discourage use of the accessory dwelling unit provisions.

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| 8 | <i>Community Design Standards</i>
33.218 | Consider exempting development on flag lots from having to meet Community Design Standards due to their limited visibility from the street. (This would require changes in the Alternative Design Density ("a") overlay, where use of some of the bonus provisions on flag lots require design review or conformance with Community Design Standards.) |
| 9 | <i>Landscaping and Screening</i>
33.248 | Landscape standards are appearing in many of the new plan districts, the Parking and Loading chapter, and in the proposed environmental regulations. This is a sign that the landscape standards included in Chapter 33.248 are outdated and are no longer sufficient to address current conditions. Consider consolidating the various landscape regulations throughout the Code into a single chapter. Additionally, the landscape standards found in several City codes should be coordinated. |
| 10 | <i>Plant Materials</i>
33.248.030.C | Required trees in the Commercial, Employment and Industrial zones must have a minimum caliper of three inches. This is not a standard caliper found in nurseries, making conformance with the regulation impractical, particularly for sites requiring large numbers of trees. Reevaluate the need for a three inch caliper tree. |
| 11 | <i>Manufactured Homes on Individual Lots</i>
33.251.020 | Consider deleting prejudicial development standards that regulate the appearance of manufactured homes. |
| 12 | <i>Threshold for Required Nonconforming Upgrades</i>
33.258.070 | Consider increasing the threshold for when nonconforming upgrades are triggered from \$25,000 to \$50,000. The \$25,000 threshold has been in place for five years. |
| 13 | <i>Parking and Loading</i>
33.266 | The parking and loading regulations have become so complex. Consider streamlining and simplifying these regulations. |
| 14 | <i>Parking and Loading: Paving</i>
33.266.120.E | Existing regulations require all vehicle areas to be paved. Toward limiting the amount of impervious surface citywide, consider allowing the use of more pervious surfaces, such as grasscrete or other alternatives. |
| 15 | <i>Short-Term Bicycle Parking</i>
33.266.220.A | Consider allowing required short-term bicycle parking to be located in the adjacent public sidewalk when such sidewalks are of a minimum width. This provides greater flexibility in locating such spaces, particularly when trying to upgrade an existing building, and results in bicycle parking that is convenient and more easily accessed. |
| 16 | <i>Public Recreational Trails</i>
33.272
33.515.260 | The public recreational trail regulations provide vague, unclear requirements for trails. Implementation of the trail requirements need coordination with Parks and Transportation. Additionally, legal questions related to the Nolan/Dolan cases need to be addressed. |
| 17 | <i>Radio Frequency Transmission Facilities</i>
33.274 | Simplify regulations to encourage co-location |

- 18** *Radio Frequency Facilities Allowed Without Conditional Use Review*
33.274.035
- Radio frequency transmission facilities in the C, E, or I zones that are mounted on an existing building are allowed without a conditional use review, unless they are within 50 feet of an R zone. Consider eliminating the 50 foot restriction as it serves little purpose. This allowance would apply only to RF facilities operating at an effective radiated power (ERP) of 100 watts or less, the minimum distance between the antennae and habitable structures would still exist per the development standards, and RF facilities mounted on towers, of any ERP, would still require conditional use review.
- 19** *Alternative Design Density Zone Overlay*
33.405
- Consider deleting this overlay. Much of what is in the overlay either conflicts or duplicates what is elsewhere in the Code, and the regulations in this overlay are generally confusing and little used.
- 20** *Buffer Overlay Zone*
33.410
- Consider deleting this overlay. The screening requirements of this overlay are largely addressed by screening requirements of the base zones, and it is questionable, from an urban design and safety perspective, to require six foot high L3 or L4 screening standards along street lot lines, particularly along transit streets or within pedestrian districts. If necessary, the vehicular access limitations of this chapter could be included in the base zones. At a minimum, residential uses in Commercial and Employment zones should be exempt from the screening requirements.
- 21** *Environmental Zone Exemptions*
33.430.080
- Existing language identifying activities that are exempt from Environmental Review is not always clear and difficult to implement. OPDR expected that changes to this section would be completed as part of the Healthy Steam Project (HSP). However, as the complexity and controversy of the HSP has increased, efforts at general clarification and clean-up of existing Environmental Zone regulations is limited. Identify a limited number of such clean-up/clarifications changes to the "exemptions" language, and Chapter 33.430 regulations in general, that both HSP opponents and proponents could support.
- 22** *Resource Enhancement Projects*
33.430.170
33.430.250.B
- Instead of subjecting resource enhancement projects to an Environmental Review, consider allowing them through an environmental plan check. Requiring a land use review is a disincentive to do the enhancement project, and the goal of the review can equally or better be accomplished through a plan check. Including additional standards for resource enhancement projects in 33.430.170 may accomplish this.
- 23** *Subdivisions in Environmental Zones*
33.430.250.A.4
- Regulations in the recent Land Division Rewrite require a concurrent Planned Development Review in order to do alternative housing types. This reduces staff's ability to consider alternative housing types as it will trigger a Planned Development Review and additional review fees. Consider allowing as part of an Environmental Review different housing types without the need for a Planned Development Review, with the applicant required to address compatibility criteria.
- 24** *Greenway Overlay Zone*
33.440
- The regulations in this chapter are outdated, and confusing to both the public and staff. This chapter needs a comprehensive review and update.

- 25** *Central City Plan District*
33.510 The Central City Plan District regulations have become more and more complex to the point that neither staff nor the public can adequately understand how they are implemented. A comprehensive review of this chapter is needed that focuses on simplifying the regulations.
- 26** *Columbia South Shore Plan District: Revegetation of the transition area*
33.515.278 When a change to a site that contains an environmental overlay is proposed, the applicant is required to revegetate 100% of the vegetated transition area. There is no threshold related to this standard that would make the requirement proportional to the proposed change on the site. The value of the proposed change may be substantially less than the value of revegetating the transition area. Consider creating a threshold for when the revegetating standard is triggered, similar to what is used for nonconforming upgrades. Also, it is not clear when the requirement is triggered. Is it triggered by proposed development on the site? Does a land use review, such as a land divisions, trigger the requirement?
- 27** *Gateway Plan District*
33.526 Examine what regulations in the Gateway Plan district, such as maximum building setbacks, main entrance requirements, parking requirements, and internal circulation, are outdated and/or are now duplicative of regulations in other sections of the Code.
- 28** *Johnson Creek Basin Plan District: Flood Plain Subdistrict*
33.537.310
33.537.320 The Flood Plain Subdistrict map needs to be updated so that it corresponds with the actual flood plain. As it now exists, properties outside the flood plain are subject to the more restrictive Flood Plain Subdistrict regulations of the Johnson Creek Basin Plan District.
- 29** *Swan Island Plan District*
33.585 Regulations of the Swan Island Plan District were intended to foster the continuation and growth of the Portland Ship Repair Yard, which no longer exists on the island. Because the ship repair yard no longer exists, and because the standards of the plan district were specifically tailored to that use, consider deleting the Swan Island Plan District.
- 30** *Seeps and Springs*
33.640 The new Land Division Rewrite regulations regarding seeps and springs are more restrictive than current environmental zone regulations, and should be deleted. The environmental zones should continue to protect environmental resources the City deems significant. The new seeps and springs language will result in situations where protections are stricter outside environmental zones than within them.
- 31** *Use Categories: Wholesale Sales versus Retail Sales And Service*
33.920.250
33.920.350 Clarify the difference between Wholesale Sales and Retail Sales And Service uses. The distinction is currently gray and results in enforcement problems and a proliferation of retail establishments in industrial areas.
- 32** *Mapping of Storefront Commercial (CS Zone)* Reevaluate where the CS zone has been mapped throughout the City, particularly on large sites along Major City Traffic Streets. The CS zone was intended to be mapped in older, established urban areas exhibiting a smaller lot pattern, such as NW 23rd Street or SE Hawthorne. The intent of the CS zone, and the development standards of this zone (maximum building setbacks, minimum building coverage) are not conducive to large sites.

- 33** *Required Housing* A growing number of plan districts have regulations that require housing in Commercial and Employment zones. Consider the market/economic consequences of such regulations on the development/redevelopment of sites in these areas, and evaluate a carrot rather than a stick approach to encouraging housing.
- 34** *Prohibition on Adjustments* Increasingly, new regulations in the Zoning Code indicate adjustments to particular development standards are prohibited. This prevents applicants from proposing alternatives development options that still meet the intent of the standard. An overuse of this "prohibition" clause precludes the flexibility to address on a case by case basis unique conditions that may merit an adjustment. Evaluate where this clause is being used, and whether it is necessary.

EXHIBIT D

Draft Guiding Principles for Regulatory Decision-Making

Criteria:

The City of Portland passes regulations in support of numerous City goals and objectives, including:

- to protect the health safety and general welfare of the community and its residents;
- to preserve and enhance the natural environment, historic resources, and neighborhood character;
- to promote desirable development and good design;
- to prevent undesirable development;
- to manage the impacts of growth;
- to promote community livability and economic health;
- to ensure a range of housing and employment opportunities;
- to complement transportation and other infrastructure investments;
- to meet long range future needs;
- to comply with regional, state, and federal laws;
- to foster opportunities for infill development and redevelopment;
- to support a sustainable environment and economy;
- to allow for citizen participation; and
- to respond to community identified priorities and values.

Regulations passed by the City of Portland should:

- Implement and support the City of Portland Vision and the Comprehensive Plan.
- Be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city.
- Balance the benefits of regulations against the impacts of regulations and the costs of implementation and compliance.
- Assure that Portland remains competitive with other jurisdictions as a location in which to live, invest, and do business.
- Avoid overlapping, contradictory, or duplicative regulations and procedures, maintaining consistency and coordination.
- Err on the side of simplicity, flexibility, and ease of implementation.

Draft Guide for Impact Analysis Report:

Prior to consideration of any new regulations by the City Council, Planning Commission, or other decision making body, staff from the bureau proposing new regulations must prepare an Impact Analysis Report covering the following issue areas:

- Purpose/Intent
- Applicability
- Alternatives and Regulatory Coordination
- Cost/Benefit Analyses
- Stakeholder Involvement
- Implementation and Evaluation

The Impact Analysis Report needs to be developed with input from the implementing bureau on specific implementation aspects and assistance as appropriate from the Office of Management and Finance and outside experts. Prior to finalizing the Impact Analysis Report, the implementing bureau should provide comments to the proposing bureau for inclusion in the Analysis, and may provide additional information to the decision making body to supplement the Analysis. Staff from both the proposing and implementing bureaus should be available to present the Analysis to the decision making body and answer any questions at the time of consideration of new regulations.

Following each issue heading below are specific questions that should be considered. A question by question response in writing to each question is not necessary, however each of the subject areas and themes needs to be discussed and evaluated as part of the Impact Analysis Report prepared for the Planning Commission, City Council or any other decision-making body. Any changes proposed during the decision-making process should also be addressed as the process proceeds.

Following are the specific areas to be covered. The questions serve as a guide to the scope of the analysis and may not include all issues or questions that need to be considered for any one project or regulation.

Purpose/Intent:

- Why do we have/need the regulations?
- Are there mandates or requirements we are responding to?
- Are there trends or changes that require changes to our regulations? (technology changes, growth impacts, etc.)
- What problems, needs, or desires do the regulations address?
- What are they trying to accomplish?
- What elements of the City's vision, mission, goals, and objectives do the regulations support?
- How do the regulations support the City's Comprehensive Plan?

Applicability:

- Who or what do the regulations impact? Classes of businesses? Residential development? Specific areas of the City? Etc.
- Can the regulations be applied to a broad range of situations, or do they address only a specific situation?
- If the regulations only benefit a limited geographical area or limited situations, what are the reasons for having specialized regulations? What benefits are derived by the “greater” whole? What impacts will creating specialized regulations have on implementation?
- Do the regulations affect the physical environment such as rivers or streams?

Alternatives and regulatory coordination:

- Is there a simpler regulation, or a non-regulatory method, which would accomplish the same goals?
- What reviews will be required? Would a lesser level of review be appropriate?
- What exceptions and/or adjustments are allowed? Should these be allowed by right, or must they go through a process? How much would the exception/adjustment cost the applicant? Is this balanced out by the benefit to the City/others?
- What types of appeal are allowed to the applicant? To other interested parties? What impact might appeals have on the cost to the City/to the applicant/to other interested parties?
- How easy or difficult will the regulations be to implement?
- Have we erred on the side of flexibility, simplicity, and ease of administration, rather than inflexibility and complexity?
- What non-regulatory and non-land use methods have been considered? Why were they discarded?
- What other ways are the City/others already working to achieve the same goals?
- What other City and non-City regulations affect the same subject or geographic area? Do the proposed regulations support, duplicate, or contradict those regulations? How many different layers of regulation already apply to properties which will be effected by this regulation?
- Do the regulations incorporate language and actions that parallel State, County and Metro to ensure compatibility and consistency wherever possible?
- Have we created non-conforming situations? Do we understand all the implications and have we adequately informed property owners and tenants of these implications and received and considered their input?
- Can the regulation be combined with any similar regulations?

Stakeholder Involvement:

- What stakeholders and constituents have been involved in the process to develop the regulations? Were others invited to participate but declined?
- What input have we received from different stakeholder groups?
- Have they had the opportunity to articulate the costs, benefits, and impacts of the regulations? How have these been considered?
- Are we responding to the “extremes” or the 80% in the middle?

Implementation and Evaluation:

- What are the accompanying compliance, enforcement and inspection plans? Are fines and penalties commensurate with violations?
- Does this involve a new review procedure, approval criteria, or standards?
- Are there ongoing reporting or maintenance requirements that did not exist before?
- If the regulation is violated, how will the violation be discovered and enforced?
- What type of check-in/monitoring is there? How can the City, and specifically the Council, be involved in ensuring efficacy of the regulations and/or standards?

- How will we determine whether the regulation is effective?
- What changes in staffing or funding are required to implement the regulation?
- What new administrative rules, procedures, and training are required for implementation of the regulation?

Cost/Benefit Analyses:

- Do the benefits of the regulation outweigh the accumulated costs to developers, the public, and city government?
- Costs:
 - What are the permit and review costs of the regulation to developers and/or property owners?
 - Are there additional costs for preparing/providing additional information required?
 - What is the estimated percentage change in cost to complete a project subject to the regulation?
 - What is the cost per square foot of development? (or other common factor – average costs for a typical \$200,000 house)
 - What are the comparable fees in surrounding jurisdictions? What might account for differences?
 - What are the internal administration costs for the City? What is the increase in administration costs?
 - What are the “soft cost” impacts of the regulation on developers and property owners? (e.g. decreased competitive advantage, loss of development potential)
- Benefits:
 - What are the benefits of the regulation to the developers and/or the future users?
 - Will the regulation enhance the value of the property?
 - What benefits do the property owners derive from having the regulations apply to others?
 - Does the change create a conforming use or situation out of a non-conforming use or situation?
 - Do the regulations help the City achieve its Vision and high priority City goals?
 - Do the regulations help the City meet requirements that would otherwise need to be met through fees, rates, or other taxpayer supported measures? (e.g. if by forcing property owners to deal with pollution it prevents them from externalizing the costs to society)
 - Does the regulation prevent public harm?
 - What are the benefits for the general public, e.g. environmental, economic, neighborhood character, and health and safety benefits?

Following is the section of the Comprehensive Plan which staff must respond to in finding for amendments to zoning and subdivision regulations.

Comprehensive Plan

10.10 Amendments to the Zoning and Subdivision Regulations

Amendments to the zoning and subdivision regulations should be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city.

Objectives:

- A.** Promote good planning by:

- Effectively and efficiently implementing the Comprehensive Plan;
- Addressing present and future land use problems;
- Balancing the benefits of regulations against the costs of implementation and compliance; and
- Assuring that Portland remains competitive with other jurisdictions as a location in which to live, invest, and do business.

B. Assure good administration of land use regulations by:

- Keeping regulations simple;
- Using clear and objective standards where ever possible;
- Maintaining consistent procedures and limiting their number;
- Establishing specific approval criteria for all land use reviews;
- Emphasizing administrative procedures for land use reviews; and
- Avoiding overlapping reviews.

C. Strive to improve the code document by:

- Using clear language;
- Maintaining a clear, logical organization;
- Using a format and page layout that eases use of the document by lay-people as well as professionals; and
- Using tables and drawings to add clarity and to shorten the document.

Exhibit E

Regulatory Improvements List

As a part of the initial research of this Regulatory Improvement effort, a survey was conducted of all bureaus to identify what staff efforts were underway that were expected to result in proposed new or revised regulations for building or land development. That survey effort produced a listing of 50 projects that may result in new or revised regulations.

Staff in each of the bureaus [BES, Fire, Parks, Planning, PDC, PDOT, OPDR, and Water] were then asked to provide more specific information about each of these efforts in order to assess the following:

- ◆ Which projects were underway in response to a mandate [federal, state, regional or City Council];
- ◆ Which projects addressed City Council goals;
- ◆ Which projects might result in more streamlined or simpler regulations;
- ◆ Which projects had unavoidable deadlines;
- ◆ Which projects would result in land use regulations; and,
- ◆ Whether constituent groups are involved in the development of proposals.

It is becoming evident after working through these issues, that it is probably not advisable to pursue a blanket regulatory moratorium. Rather, providing regulatory restraint in FY 2002-2003 and implementing several other strategies should be effective in better managing the effects of new regulations. These include:

1. Adopting a rigorous impact analysis requirement for all new or revised regulations [Exhibit D];
2. Adopting an annual work plan of regulatory projects where Council affirmatively directs which projects city staff are working on and insures that adequate funding is allocated for project development, outreach, impact analysis, and implementation planning.
3. Planning for and funding the periodic evaluation of existing regulations to test their effectiveness.
4. Instituting a coordinated effort to re-examine existing regulations that have been identified as duplicative, unduly burdensome, and unnecessary and to change them.

Each of these suggestions are part of the FY 2002-2003 Regulatory Improvement Workplan.

The list of current regulatory efforts in the pipeline has been organized into three groups:

1. Regulations (29 projects) that are underway and recommended to go forward during FY 2002-03;

BES4	Total Maximum Daily Loads (TMDLs)
OPDR 3	Flood Plain Regulations Update (Title 24)
ESA	Framework for Integrated Management of Watershed and River Health
Parks 1	Parks Residential Systems Development Charge Update
Planning 3	Historic Resources Code
BES 1	Implement Storm Water Advisory Committee (SAC) Recommendations

BES 2	Riparian Tax Credit	
BES9	Require meters to be readable to City Meter Readers	
BES 12	Mandatory Sanitary Sewer Connection for All Developed Property	
BES 14	Require all commercial water meters to read in hundreds of cubic feet	OPDR 1 Revise Title
10, Erosion Sediment Control		
OPDR 2	Consolidation of Development Code Titles Administered by OPDR	
OPDR 6	Code Maintenance 2002	
OPDR 8	Update Special Inspections Administrative Rule	
OPDR 11	Amend 5 story Wood Frame Construction Standards	
OPDR (new)	Site Development Process Review	
Planning 10	North Macadam Plan	
Planning 15	Lents/Johnson Creek Floodplain Revisions	
PDOT	Adoption of the Transportation Systems Plan (TSP)	
OPDR 9	Implementation of State Codes	
BES 6	Stormwater Enforcement Rules	
BES 7	Stormwater Management Manual Revisions	
BES 3	Underground Injection Control (UIC) Well Requirements	
OPDR 4	Interim Environmental Violations Process	
PDOT(new)	Implementation of LID Code Changes	
Fire	Urban Wildlife Hazard Zones	
Planning 6	Memorandum of Understanding with OHSU	
Planning 8	Northwest Area Plan	
Planning 1	Gateway Planning Regulations Project	
Water	Columbia South Shore Well Field Groundwater Protection Program	

2. Regulations (18 projects) that are starting or planned, but will not be presented to Council until FY 2003-04 or later;

BES 8	NPDES Permit Renewal for Columbia Boulevard Wastewater Treatment Plan
Planning 11	Pleasant Valley
Planning 12	The River Plan: A River Renaissance Project
Planning 5	Land Division Code Monitoring
BES 5	NPDES Municipal Stormwater Permit Renewal
BES 10	Full Cost Recovery for Industrial Waste Discharge Permitting Program
OPDR 5	Tree and Landscaping Standards
OPDR 7	Changes to 24.85, Earthquake Regulations for the City of Portland
OPDR 10	Revision of Floating Structure Regulations
Parks 2	Proposed Commercial Systems Development Charge
Parks (UF) 1	Update of the Urban Forestry Management Plan
Parks (UF) 2	Update of the Nuisance Tree Abatement Procedures
Parks (UF) 3	Alternative Proposal for Street Tree Planting Requirements
Planning 13	St. Johns/Lombard Plan
Planning 4	Infill Design Project
BES 13	Codify Various Rules and Policies IAW City Code Chapter 1.07
BES 11	Expand Extra Strength Program
Planning 2	Healthy Portland Streams

3. Regulatory projects that are currently not funded [2 projects] for FY 2002-2003.

Planning 9 North of Lovejoy
Planning 17 Interstate MAX Station Area Zoning Changes

Bureau	Proposal	Existing Regulation		Mandate Citation	Proposal Simplifies or Clarifies Existing Code		Constituent Involvement Pending - P ²		Non-regulatory options ³	
		Y	N		Y	N	Y	N		
GROUP 1: PROPOSALS TO BE PRESENTED TO CITY COUNCIL DURING FY 2002-2003										
BES 4	Total Maximum Daily Loads (TMDLs) This proposal responds to new TMDLs for Fanno Creek, Willamette River, Johnson Creek, Tryon Creek and Columbia Slough.		X	Clean Water Act (40 CFR 122) OAR 340-41 and 340-40)	X			X		X
OPDR 3	Flood Plain Regulations Update (Title 24) Proposal rings current flood regulations to be consistent with the current FEMA regulations. Also revises adoption of Metro's mandated balanced cut and fill.		X	FEMA Flood Ins. Act Metro Title 3	X			X		X
ESA	Framework for Integrated Management of Watershed and River Health. This is not a regulation, but a tool for implementation and development of regulation. The Framework will articulate a clear description of, and blueprint for, the City's comprehensive, integrated, citywide approach to achieve watershed and river health. More specifically, the Framework will describe how the City is planning, analyzing, selecting, implementing and monitoring actions to protect and restore the health of its watersheds and waterways. The Framework will lay out the City's vision, goals, and objectives for watershed health, along with the scientific principles, analytical tools and decision-making processes for achieving them. By following the processes and the Framework, the City will be able to develop watershed plans, an ESA response document to NMFS, and other regulatory agencies, and possibly other detailed plans and programs to help achieve watershed health.		X	CC Res.#35715; ESA: CWA; Superfund	N/A	N/A	X		X	

Bureau	Proposal	Existing Regulation		Mandate Citation	Proposal Simplifies or Clarifies Existing Code		Constituent Involvement Pending - P ²		Non-regulatory options ³	
		Y	N		Y	N	Y	N	Y	N
Parks 1	<p>Parks Residential Systems Development Charge Update</p> <p>The SDC update is not a regulation. The state requires that the systems development plan be updated every two years as to the underlying assumptions of the SDC-CIP. The plan has not been updated for 4 years. Adjustments to the program targets and funding requirements are made if needed. This program will enact the City Code requirements found in Section 17.13.130, requiring that every two years a review is conducted to ensure that sufficient funds will be available to fund the parks program including the acquisition of new property. The SDCs are a major portion of the Parks budget.</p>	X		CC S		X	X			X
Planning 3	<p>Historic Resources Code</p> <p>It is intended that these modifications will provide greater protection of historic resources by expanding historic demolition review and creating incentives for historic protection.</p>	X		CC Res. #36076 (June, 2002)		X	X			X
BES 1	<p>Implement SAC Recommendations.</p> <p>Modifies existing stormwater code to allow for the provision of incentives for stormwater management. The proposal does not implement new requirements. The action will improve water quality in the City, provide additional stormwater flow mitigation, assist the City in complying with Federal Clean Water Act and NPDES requirements.</p>	X		Clean Water Act (40 CFR 122) CC Res. accepted Stormwater Advisory Committee Report, June,	X		X			X

Bureau	Proposal	Existing Regulation		Mandate Citation	Proposal Simplifies or Clarifies Existing Code		Constituent Involvement Pending - P ²		Non-regulatory options ³	
		Y	N		Y	N	Y	N	Y	N
BES 2	Riparian Tax Credit The riparian tax credit is a program established by the Oregon State legislature to create incentives to property owners to preserve riparian land. The City supported this concept at the legislature. The proposal creates environmental improvement through incentive rather than enforcement. The program will be implemented in conjunction with Multnomah County and ODFW.		X	Oregon State HB 3057 passed in 2001	N/A	N/A		X		X
BES 9	Require meters to be readable by City Meter Readers This proposal is intended to reduce Bureau operating costs. Non regulatory methods will require greater City staff time.		X	CC				X		X
BES 12	Mandatory Sanitary Sewer Connection for All Developed Property. This proposal extends existing mandatory sanitary sewer hookup requirements and would require that existing development hook up to sewers within 3 years of availability. Some monetary incentives are being offered, but program will be regulatory.	X		Safe Drinking Water Act			X			X
BES 14	Require all commercial water meters to read in hundreds of cubic feet (CCF). This proposal simplifies the Bureau's rate structure by requiring commercial/industrial water meters to measure flow volume in cubic feet. Less than 3 percent of com/ind customers have meters that measure in gallons or pounds.	X		CC		X		X		X

Bureau	Proposal	Existing Regulation		Mandate Citation	Proposal Simplifies or Clarifies Existing Code		Constituent Involvement Pending - P ²		Non-regulatory options ³	
		Y	N		Y	N	Y	N	Y	N
OPDR 1	Revise Title 10, erosion sediment control The proposed regulation modifies Title 10 to eliminate overly restrictive requirements and to simplify regulation to make it more enforceable. The original regulation was mandated, but the revisions are not.	X		Previous mandate, proposed revisions not mandated	X		X		X	
OPDR 2	Consolidation of Development Code Titles Administered by OPDR. This proposal sets out to consolidate the various codes for which OPDR has administrative authority. It is intended that the consolidation will clarify and streamline enforcement standards. This will provide a consistent base for OPDR enforcement as well as simplify future revisions and remove conflicts.	X		None	X			X		X
OPDR 6	Code Maintenance 2002 The intent of this proposal is to simplify portions of the zoning code to make the code more useable for both staff and constituents. The proposal revises code to eliminate duplicative and conflicting regulations. The revisions are limited to amendments that will streamline or clarify existing regulations.	X		None	X		P			X
OPDR 8	Update Special Inspections Administrative Rule Revises the current special inspection administrative rule to reflect recent administrative changes. Modification of these rules do not require changes to the City Code.	X		None	X		X			X
OPDR 11	Amend 5 Story wood Frame Construction Standards The proposed revisions modify the existing regulation to address concerns raised by the Fire Bureau and members of the community. This proposal is intending to improve the construction of 5 story apartment buildings, including improving Fire department access and other safety features. Since this regulation is in effect an amendment to the State Building Code, any revisions will need to go through a State process in addition to the City process.	X		None	X		X			X

Bureau	Proposal	Existing Regulation		Mandate Citation	Proposal Simplifies or Clarifies Existing Code		Constituent Involvement Pending - P ²		Non-regulatory options ³	
		Y	N		Y	N	Y	N	Y	N
OPDR (New)	<p>Site Development Process Review</p> <p>The site development review process is an umbrella for a variety of initiatives intended to improve administration and enforcement of regulations governing site development including erosion control, conditions of approval of land use reviews, environment zoning, stormwater management and landscaping.</p>	X		An outgrowth of Council direction on City's response to listings under the ESA	X		P		X	
Planning 10	<p>North Macadam Plan</p> <p>This plan is not mandated, but supports the ESA listings. It is intended that this proposal will increase housing as well as other desirable city development trends, as well as increase the number and area of City green spaces. It is intended that this plan will allow for a higher FAR.</p>	X		None	X	X	X			X
Planning 15	<p>Lents/Johnson Creek Floodplain Revisions</p> <p>This proposal alters floodplain maps in the Johnson Creek area to be consistent with FEMA regulations. Certain areas fall under our floodplain requirements even though they are exempted by the Federal requirements. Other areas may be brought into the City's floodplain areas. However, these areas are already regulated by FEMA.</p>	X		None	Possible		X			X

Bureau	Proposal	Existing Regulation		Mandate Citation	Proposal Simplifies or Clarifies Existing Code		Constituent Involvement Pending - P ²		Non-regulatory options ³	
		Y	N		Y	N	Y	N	Y	N
PDOT	<p>Adoption of the Transportation Systems Plan</p> <p>The Transportation System Plan (TSP) has been prepared in response to mandated state and regional requirements. Most of the TSP involves system-wide planning and policies not regulations affecting individual properties. Some of the elements are implemented through Title 33 and others are implemented through Title 16 and 17. There are three substantive changes to the City Code that are not mandated. They are:</p> <ul style="list-style-type: none"> • Prohibition of drive-throughs in CX and EX zones; • Reduction of parking minimums near high-quality transit routes; and • Updating approval criteria to provide consistency for certain land use reviews. 	X		R S CC	X	X	X			X
OPDR 9	<p>Implementation of State Codes</p> <p>New editions of the Dwelling Specialty Code, the Mechanical Code and the Electrical Code will be adopted by the State of Oregon effective October 1, 2002 and April 1, 2003. The City Council does not have discretion to modify these without State approval.</p>	X		ORS 455 – State Building Code Act	X	X	X			X
BES 6	<p>Stormwater Enforcement Rules</p> <p>This proposal clarifies existing rules for enforcement regulations in 17.34, 17.39 and Title 10. . Benefits for the City include more consistent enforcement. This proposal provides internal procedure, rules, and some code clarifications for authorities that are already in place. Enforcement capability for sewer and sanitary discharges is mandated by federal CWA requirements.</p>	X		Federal Clean Water Act (40 CFR 122)	X		X			X

Bureau	Proposal	Existing Regulation		Mandate Citation	Proposal Simplifies or Clarifies Existing Code		Constituent Involvement Pending - P ²		Non-regulatory options ³	
		Y	N		Y	N	Y	N	Y	N
BES 7	<p>Stormwater Management Manual Revisions</p> <p>This proposal makes revisions to the current 2000 Stormwater Management Manual. The manual is, in many cases overly complex and time consuming for both the user and the City reviewers. Many of the proposed changes were requested by constituency to simplify the regulations. The stormwater management standards implemented by the manual are a component of the City's NPDES Municipal stormwater Permit. The requirement to update the manual every two years is included in the NPDES Stormwater Permit Stormwater Management Plan.</p>	X		Federal Clean Water Act [40 CFR 122.26 (d)(2)(iv); 122.26(d)(2)(iv) (A)(2)] CC – Admin Rule Process	X		X			X
BES 3	<p>Underground Injection Control(UIC) Well Requirements</p> <p>This regulation sets out to ensure that stormwater infiltration from both public and private UICs (sumps, trench drains and drywells) do not negatively impact groundwater. The state mandates that some changes to our existing requirements be made. This proposal ultimately will assist in the protection of drinking water resources and provide stormwater management tools that facilitates development that will mimic natural hydraulic cycles and protect watershed and riparian health. This is in response to the Safe Drinking Water Act.</p>	X		Federal Safe Drinking Water Act 40 CFR Subpart G – Requirements for Owners and	X		X		X	
OPDR 4	<p>Interim Environmental Violations Process</p> <p>City Council directed OPDR to create the interim process. The process is intended to process relatively small environmental violations quickly, providing civil penalties to provide deterrence.</p>	X		City Council – as a result of e-zone violation LUR appeal	X		P			X
PDOT (New)	<p>Implementation of LID Code Changes</p> <p>This is a comprehensive rewrite of Title 17 of City Code to reform the LID process and transfer responsibility from the City Auditor to PDOT, as directed by City Council in November 2000. These changes address public infrastructure improvement financing processes and issues. These changes will make more efficient use of staff; minimize expense of LIDs which do not move forward; simplify the LID process and increase responsiveness to the public; and will also provide greater maintenance flexibility.</p>	X		CC	X		X			X

Bureau	Proposal	Existing Regulation		Mandate Citation	Proposal Simplifies or Clarifies Existing Code		Constituent Involvement Pending - P ²		Non-regulatory options ³	
		Y	N		Y	N	Y	N	Y	N
Fire	<p>Urban Wildfire Hazard Zones</p> <p>This proposal adopts maps that indicate where urban wildfire hazard zones will be. In addition, the proposal sets out to change some building elements and environmental zone elements.</p> <p>Question:</p> <p>Even though this proposal indicates that it is not a land use proposal, some of the proposed element appear to be. Will the zoning code need to be revised to accommodate the desired vegetative management pieces of the proposal?</p>		X	None		X				X
Planning 6	<p>Memorandum of Understanding with OHSU</p> <p>This proposal supports the Marquam Hill plan that went into affect on July 31st. It creates complimentary actions and commitments for the new plan.</p>									
Planning 8	<p>Northwest Area Plan</p> <p>This proposal is intended to further improve the northwest area by providing development opportunities in the transition subarea for more housing and jobs. While this proposal is not mandated it is designed to update an existing plan.</p>	X		None		X		X		X
Planning 1	<p>Gateway Planning Regulations Project</p> <p>This project supports development of the Gateway Regional Center. There are five goals represented in this project:</p> <ul style="list-style-type: none"> • Segregate regional center from other portions of the district. • Update standards in the plan district to eliminate problems and encourage 'desired development'. • Establishment of design review requirements. • Adoption of design guidelines for the regional center • Review existing plan district regulations along light rail alignment. <p>New regulations will be created and others will go away.</p>		X	None	X	X		X		X

Bureau	Proposal	Existing Regulation		Mandate Citation	Proposal Simplifies or Clarifies Existing Code		Constituent Involvement Pending - P ²		Non-regulatory options ³	
		Y	N		Y	N	Y	N		
Water	Columbia South Shore Well Field Groundwater Protection Program The purpose of this program is to ensure the protection of the regions summer augmentation and emergency back up supply from contamination by chemicals that may be used, stored, or transported through the groundwater protection area.	X		Federal Safe Drinking water Act DEQ	X	X	X		X	

GROUP 2: PROPOSALS TO BE PRESENTED TO CITY COUNCIL FY 2003 OR LATER

BES 8	NPDES Permit Renewal for Columbia Boulevard Wastewater Treatment Plant Permit expires every five years. Application has been made for the new permit. Extent of changes are unknown until DEQ reviews the permit and makes demands.	X		Federal Clean Water Act (40 CFR 122)						
Planning 11	Pleasant Valley This proposal creates a proposed plan district to implement the general policies of the Pleasant Valley Concept Plan. Portions of the Pleasant Valley area fall under three differing jurisdictions: Portland, Gresham and Pleasant Valley. There will need to be joint planning with all three jurisdictions working together to adequately regulate this area.		X	IGA with Gresham to jointly adopt a Master Plan for PV by 6/30/04 State Goal 14 and Metro Functional Plan (Title 11) govern		X	X		X	

Bureau	Proposal	Existing Regulation		Mandate Citation	Proposal Simplifies or Clarifies Existing Code		Constituent Involvement Pending - P ²		Non-regulatory options ³	
		Y	N		Y	N	Y	N	Y	N
Planning 12	<p>The River Plan: A River Renaissance Project</p> <p>This plan is intended to result in the City's plan for the land along the river. It is anticipated that the plan will replace the existing Willamette Greenway Plan, and:</p> <ul style="list-style-type: none"> Clarify and streamline the existing ambiguous regulations Serve as a portion of the city's compliance with various regulations related to the health of the river Provide future land use guidance to the Superfund program Address marine industrial issues such as efficient and economical freight movement Address areas in transition along the river Result in increased river access and better connections to the neighborhoods Provide more opportunities for river related recreation Address environmental conservation, protection, and restoration Provide guidance on trail design and location 	X		Expected Metro Title 3/Goal 5, Fish and Wildlife Habitat; ESA; Expected CWA TMDL reqs; CC Res #35715; will contribute to City's response to Superfund Cleanup reqs.	X	X	X		X	
Planning 5	<p>Land Division Code Monitoring</p> <p>This proposal is not a regulatory proposal. This proposal will monitor the implementation of the revised land division code, and is intended to address code glitches, confusing and conflicting provisions.</p>	X		CC			X			

Bureau	Proposal	Existing Regulation		Mandate Citation	Proposal Simplifies or Clarifies Existing Code		Constituent Involvement Pending - P ²		Non-regulatory options ³		
		Y	N		Y	N	Y	N	Y	N	
BES 5	NPDES Municipal Stormwater Permit Renewal This proposal would revise the City's NPDES Municipal Stormwater permit. The first permit cycle ended September 1, 2000. A permit renewal was submitted to DEQ in February 2000. DEQ is considering incorporating TMDL standards into this permit, which the City does not agree with. Renewal is pending resolution of this issue. Revised Stormwater BMPs are in the second year of implementation. Ties to Title 10, Title 24, Title 25, Title 33 and Title 17.	X		Clean Water Act (40 CFR 122)	X			X		X	
BES 10	Full Cost recovery for Industrial Waste Discharge Permitting Program This proposal is intended to comply with Council directed policy that programs be cost recovering. This proposal does not create regulation, but addresses the fees to pay for existing and proposed programs.		X	CC		X		X			X
OPDR 5	Tree and Landscaping standards Proposal separates the technical landscaping standards from the land use regulations into non-land use regulations. This will affect public participation for the technical portions of the landscape regulations.	X		None	X			P			X
OPDR 7	Changes to 24.85, Earthquake Regulations for the City of Portland Currently, the City requires that certain existing buildings are seismically upgraded to increase their safety and make them more earthquake resistant. This proposal clarifies the existing regulations to make them more useable and easier to understand and implement.	X		None	X			X		X	
OPDR 10	Revision of the Floating Structure Regulations Proposal intent is to improve fire and flood safety at floating structures such as houseboat and pleasure craft marinas.	X		None	X			X			X
Parks 2	Proposed Commercial Systems Development Charge This proposal comes from a Commissioner directive to develop a commercial systems development charge to assist in upgrading urban parks and plazas and the acquisition of additional urban parks and plazas. The City has the option to either participate or not in a commercial SDC. However, if the Council decides to apply a commercial SDC there are State requirements that must be fulfilled.		X	None		X		P			X

^a There are currently 156 businesses paying industrial waste discharge permit fees. The amount of the fee is determined by characteristics of their discharge. The following table shows current charges and an estimate of what they would pay if we went to 75% cost recovery.

Number of firms	current fee	estimated fee at 75% recovery
29	\$276	\$414
1	\$743	\$1114
29	\$1378	\$2067
53	\$2150	\$3225
33	\$3202	\$4803
11	\$5711	\$8566

Bureau	Proposal	Existing Regulation		Mandate Citation	Proposal Simplifies or Clarifies Existing Code		Constituent Involvement Pending - P ²		Non-regulatory options ³	
		Y	N		Y	N	Y	N		
Parks (Urban Forestry) 1	Update of the Urban Forestry Management Plan This proposal is non-regulatory. The proposal updates the existing management plan, identifies current roles for the interested parties, identify new mutual goals for the plan, resolve conflicts and develop performance measures for the Urban Landscape environments.	X		None		X		X		
Parks (Urban Forestry) 2	Update of the Nuisance Tree Abatement Procedure It is intended to update the current process for diseased tree removal and abatement procedures that will be more time effective for City staff, and therefore, be more cost effective for the City. It is further intended that the abatement process will follow those models that are established by PDOT and OPDR.	X		None		X		X		
Parks (Urban Forestry) 3	Alternative Proposal for Street Tree Planting Requirements. This proposal creates an alternative method for applicants to meet their street tree planting requirements. This proposal is intended to create a process by which a commercial applicant can choose to either plant the required street tree(s) him or herself, or pay a fee to have the tree(s) planted by the City Forester office.		X	None	X		P		N/A	N/A
Planning 13	St. Johns/Lombard Plan The St. Johns/Lombard plan is already in process. This plan will support and respond to State TPR, Region 2040, the Portland Comprehensive Plan and others. It is intended that the plan will support and address growth management and transportation goals and objectives.	X		None		X		X		

Bureau	Proposal	Existing Regulation		Mandate Citation	Proposal Simplifies or Clarifies Existing Code		Constituent Involvement Pending - P ²		Non-regulatory options ³	
		Y	N		Y	N	Y	N	Y	N
Planning 4	Infill Design Project This project is intending to improve the quality of infill development throughout the City and will help to meet the City's growth management goals.	X		None	X		P		X	
BES 13	Codify various rules and policies in accordance with City Code Chapter 1.07. This proposal does not eliminate or increase any regulation, it just changes form. The City Council mandates this action, but the action is not mandated by an external (Federal, State Regional) force.	X		CC		X		X		X
BES 11	Expand Extra Strength Program Program increases the number of commercial customers that are charged extra fees based on the strength of their discharge to the sewer system. This will even out fees overall.	X		CC		X		X		X

Bureau	Proposal	Existing Regulation		Mandate Citation	Proposal Simplifies or Clarifies Existing Code		Constituent Involvement Pending - P ²		Non-regulatory options ³	
		Y	N		Y	N	Y	N	Y	N
Planning 2	<p>Healthy Portland Streams</p> <p>This project is focused on the land along Portland's tributary streams. It is anticipated that the project will:</p> <ul style="list-style-type: none"> • Address several federal, state, and regional mandates. • Streamline existing environmental zoning codes and procedures • Make regulations more user friendly • Protect the best resources • Improve stream, waterway and fish protection • Reduce the cost and risk associated with landslides, flooding and erosion. • Improve already disturbed areas incrementally and therefore cost effectively. <p>The proposal will add some regulations and simplify others.</p>	X		Metro Title 3, Water Quality; Expected Metro Title 3, Fish and Wildlife Habitat; ESA.	X	X	X		X	
GROUP 3: PROPOSALS NOT RECOMMENDED OR NOT FUNDED AT THIS TIME										
Planning 14	<p>Title 3 Water Quality Compliance</p> <p>This project is focused on the land along Portland's tributary streams and directly responds to Metro Title 3 requirements. An alternative to doing this project independently is to continue to incorporate it into the Healthy Portland Streams project which is taking a more comprehensive approach to the same properties. The project has a limited scope, much of which would be revisited through Healthy Portland Streams. As currently scoped the project would not change the code but would add additional lands to the environmental zones to cover the additional Metro Title 3 mapped area.</p>	X		Metro Title 3 Water Quality Compliance	would not change code, would expand E-zones		X		X	

Exhibit F

Creation of the Strategic Development Opportunity Team

The mission of the Strategic Development Opportunity Team (SDOT) is to facilitate opportunities for significant, strategic development in the City of Portland, and to craft a consistent city response to each opportunity.

The SDOT will meet early once an opportunity is identified to work through issues associated with the development of sites critical to the City's economic development efforts and other major priority areas. Other major priority areas may include, but are not limited to, open space, neighborhood improvement, urban design, and overall livability of the City.

The primary goal of the SDOT is to identify and consider every possibility for each significant site development, and to elevate the alternative that best suits the City and the site's needs.

The Strategic Development Opportunity Team will identify and maintain a list of major policy issues which need further consideration as part of the Annual Regulatory Code Improvement List (ARCIL) process.

The structure of the SDOT will include the Bureau of Development Services (formerly the Office of Planning and Development Review), the Bureau of Planning, the Portland Department of Transportation, the Portland Development Commission, and the Mayor's office. Other City bureaus and agencies will participate when necessary.

Recommendations of the SDOT will be forwarded to City Council for consideration when necessary and to impacted neighborhood associations for comments and feedback.

EXHIBIT G

Draft Guide for Regulatory Impact Analysis

Prior to consideration of any new regulations by the City Council, Planning Commission, or other decision making body, staff from the bureau proposing new regulations must prepare an Impact Analysis Report covering the following issue areas:

- Purpose/Intent
- Applicability
- Alternatives and Regulatory Coordination
- Cost/Benefit Analyses
- Stakeholder Involvement
- Implementation and Evaluation

The Impact Analysis Report needs to be developed with input from the implementing bureau on specific implementation aspects and assistance as appropriate from the Office of Management and Finance and outside experts. Prior to finalizing the Impact Analysis Report, the implementing bureau should provide comments to the proposing bureau for inclusion in the Analysis, and may provide additional information to the decision making body to supplement the Analysis. Staff from both the proposing and implementing bureaus should be available to present the Analysis to the decision making body and answer any questions at the time of consideration of new regulations.

Following each issue heading below are specific questions that should be considered. A question by question response in writing to each question is not necessary, however each of the subject areas and themes needs to be discussed and evaluated as part of the Impact Analysis Report prepared for the Planning Commission, City Council or any other decision-making body. Any changes proposed during the decision-making process should also be addressed as the process proceeds.

Following are the specific areas to be covered. The questions serve as a guide to the scope of the analysis and may not include all issues or questions that need to be considered for any one project or regulation.

Purpose/Intent:

- Why do we have/need the regulations?
- Are there mandates or requirements we are responding to?
- Are there trends or changes that require changes to our regulations? (technology changes, growth impacts, etc.)
- What problems, needs, or desires do the regulations address?
- What are they trying to accomplish?
- What elements of the City's vision, mission, goals, and objectives do the regulations support?
- How do the regulations support the City's Comprehensive Plan?

Applicability:

- Who or what do the regulations impact? Classes of businesses? Residential development? Specific areas of the City? Etc.
- Can the regulations be applied to a broad range of situations, or do they address only a specific situation?
- If the regulations only benefit a limited geographical area or limited situations, what are the reasons for having specialized regulations? What benefits are derived by the “greater” whole? What impacts will creating specialized regulations have on implementation?
- Do the regulations affect the physical environment such as rivers or streams?

Alternatives and regulatory coordination:

- Is there a simpler regulation, or a non-regulatory method, which would accomplish the same goals?
- What reviews will be required? Would a lesser level of review be appropriate?
- What exceptions and/or adjustments are allowed? Should these be allowed by right, or must they go through a process? How much would the exception/adjustment cost the applicant? Is this balanced out by the benefit to the City/others?
- What types of appeal are allowed to the applicant? To other interested parties? What impact might appeals have on the cost to the City/to the applicant/to other interested parties?
- How easy or difficult will the regulations be to implement?
- Have we erred on the side of flexibility, simplicity, and ease of administration, rather than inflexibility and complexity?
- What non-regulatory and non-land use methods have been considered? Why were they discarded?
- What other ways are the City/others already working to achieve the same goals?
- What other City and non-City regulations affect the same subject or geographic area? Do the proposed regulations support, duplicate, or contradict those regulations? How many different layers of regulation already apply to properties which will be effected by this regulation?
- Do the regulations incorporate language and actions that parallel State, County and Metro to ensure compatibility and consistency wherever possible?
- Have we created non-conforming situations? Do we understand all the implications and have we adequately informed property owners and tenants of these implications and received and considered their input?
- Can the regulation be combined with any similar regulations?

Stakeholder Involvement:

- What stakeholders and constituents have been involved in the process to develop the regulations? Were others invited to participate but declined?
- What input have we received from different stakeholder groups?
- Have they had the opportunity to articulate the costs, benefits, and impacts of the regulations? How have these been considered?
- Are we responding to the “extremes” or the 80% in the middle?

Implementation and Evaluation:

- What are the accompanying compliance, enforcement and inspection plans? Are fines and penalties commensurate with violations?
- Does this involve a new review procedure, approval criteria, or standards?
- Are there ongoing reporting or maintenance requirements that did not exist before?
- If the regulation is violated, how will the violation be discovered and enforced?
- What type of check-in/monitoring is there? How can the City, and specifically the Council, be involved in ensuring efficacy of the regulations and/or standards?

- How will we determine whether the regulation is effective?
- What changes in staffing or funding are required to implement the regulation?
- What new administrative rules, procedures, and training are required for implementation of the regulation?

Cost/Benefit Analyses:

- Do the benefits of the regulation outweigh the accumulated costs to developers, the public, and city government?
- Costs:
 - What are the permit and review costs of the regulation to developers and/or property owners?
 - Are there additional costs for preparing/providing additional information required?
 - What is the estimated percentage change in cost to complete a project subject to the regulation?
 - What is the cost per square foot of development? (or other common factor – average costs for a typical \$200,000 house)
 - What are the comparable fees in surrounding jurisdictions? What might account for differences?
 - What are the internal administration costs for the City? What is the increase in administration costs?
 - What are the “soft cost” impacts of the regulation on developers and property owners? (e.g. decreased competitive advantage, loss of development potential)
- Benefits:
 - What are the benefits of the regulation to the developers and/or the future users?
 - Will the regulation enhance the value of the property?
 - What benefits do the property owners derive from having the regulations apply to others?
 - Does the change create a conforming use or situation out of a non-conforming use or situation?
 - Do the regulations help the City achieve its Vision and high priority City goals?
 - Do the regulations help the City meet requirements that would otherwise need to be met through fees, rates, or other taxpayer supported measures? (e.g. if by forcing property owners to deal with pollution it prevents them from externalizing the costs to society)
 - Does the regulation prevent public harm?
 - What are the benefits for the general public, e.g. environmental, economic, neighborhood character, and health and safety benefits?

Following is the section of the Comprehensive Plan which staff must respond to in finding for amendments to zoning and subdivision regulations.

Comprehensive Plan

10.10 Amendments to the Zoning and Subdivision Regulations

Amendments to the zoning and subdivision regulations should be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city.

Objectives:

- A.** Promote good planning by:

- Effectively and efficiently implementing the Comprehensive Plan;
- Addressing present and future land use problems;
- Balancing the benefits of regulations against the costs of implementation and compliance; and
- Assuring that Portland remains competitive with other jurisdictions as a location in which to live, invest, and do business.

B. Assure good administration of land use regulations by:

- Keeping regulations simple;
- Using clear and objective standards where ever possible;
- Maintaining consistent procedures and limiting their number;
- Establishing specific approval criteria for all land use reviews;
- Emphasizing administrative procedures for land use reviews; and
- Avoiding overlapping reviews.

C. Strive to improve the code document by:

- Using clear language;
- Maintaining a clear, logical organization;
- Using a format and page layout that eases use of the document by lay-people as well as professionals; and
- Using tables and drawings to add clarity and to shorten the document.



City of Portland Development Services Center

1900 SW 4th Avenue Suite 1500 Portland, OR 97201 (503) 823-7310

Bureau of Parks and Recreation
Office of Planning and Development Review

Portland Office of Transportation
Bureau of Fire, Rescue and Emergency Services

Bureau of Water Works
Bureau of Environmental Services

EXHIBIT H

PILOT TEST: GUARANTEED TURNAROUND FOR SPECIFIC REMODELING PERMITS

SUMMARY: The intent of this pilot project is to evaluate existing turnaround times for remodeling permits, both commercial and residential, and identify what group of permits could be

Design Period: August 12, 2002 to September 30, 2002

Announce Pilot Test Design: October 1, 2002

Test Period: October 1, 2002 to November 29, 2002

Evaluation Period: December 2, 2002 to January 17, 2003

Report and New Program Proposal: February 3, 2003

Background: The City of Portland issues over 45,000 permits relating to construction and development. Over 10,000 of these permits are “building permits”, the remaining permits are for sub trades such as electrical, plumbing and mechanical work or for special structures such as signs.

The time involved in reviewing and approving permits is related to the quality of submittals, the volume of code requirements that have to be checked, the process established to check them, and the resources dedicated to the actual permit review. Most trade permits are issued the same day as received.

Building permits are more complex than trade permits and involve the submittal and review of various types of plans [site, architectural, structural, civil, etc.] and related calculations. The City of Portland has always placed a high priority on issuing plans “over the counter” for remodeling work while the customers wait. The design and operation of the Development Services Center was conceived with this in mind.

As development regulations have increased and changed over time the number of staff involved in reviewing and the volume of information required for submittal have increased. In the 1970’s and 1980’s the City was able to issue about 60-65% of all building permits over the counter. This percentage has decreased to an average of 43.6% due to the increase in regulations.

Purpose of the Pilot Test: This pilot project has the purpose of trying to identify that group of permits that might previously have been issued over the counter, and to identify what consistent types of internal plan reviews prevent immediate issuance. If such reviews could be re-scheduled or assigned differently, the permits could be issued in a “guaranteed time period after plans have been assessed for completeness.” This scope of this pilot project will be for a defined group of remodeling permits.

Development of the Pilot Test: During the design phase, permits not currently issued over the counter will be reviewed to identify the “plan reviews” that are required, but prevent the permit from being issued immediately. The review will track:

- ◆ Reviews required
- ◆ Submittal completeness
- ◆ Staff and time needed to complete review
- ◆ Availability of staff for review or other methods for completing review

During the test period, the types of permits identified will be assessed upon intake and the customer will be given a completeness check. If the application is complete, the customer will be given a guaranteed time for the review completion. If there are additional materials needed for completeness, required items will be identified from the completeness checklist and the customer will be given a guaranteed time issuance once all materials are submitted in a complete form. During this testing period, permits will be tracked so that data will be available on:

- ◆ Number and type of applications included in test
- ◆ Number of applications deemed complete on Intake
- ◆ Number of applications deemed complete at second submittal
- ◆ Comparison of guarantees made and met

During the evaluation phase, the data from the test period will be evaluated and customer surveys will be sent to all participants of the pilot test. The purpose of the customer surveys will be to get direct feedback from customers on how the test worked, what improvements customer would suggest and ratings on the value of the program.

Evaluation of the Pilot Test and Consideration of an Established Program: A report of the Pilot Test evaluation will be published and made available for review. Based on the results of the pilot test evaluation, the interbureau staff of the Development Services Center and OPDR will develop a proposal for establishing an on-going program. The proposal will be reviewed with customer groups and modified by customer input. The pilot program report and the proposal for an on-going program will be presented to the City Council in February 2003. The budgetary implications of the program, if any, will be incorporated into budget proposals for FY 2003-04, which are completed in January 2003.

EXHIBIT I

Enhanced Small Business Service Plan

The City recognizes the important contribution small businesses make to Portland's economic growth, vitality, and the quality of life. As a part of the FY 2002-2003 Regulatory Improvement Program, the Office of Planning and Development Review [OPDR] is working to tailor information and assistance to diverse customer groups while improving direct customer service. The goal is to continue working on implementation of the Blueprint 2000 recommendations to provide a seamless delivery of service that is efficient and customer driven. The Development Services Center [DSC] Interbureau staff, lead by OPDR, developed the following outreach plan in an effort to provide services tailored for the small business customer.

➤ **Small Business Guide to Development Services**

DSC staff is in the final stages of developing an informational booklet based on a "critical issues" list of small business concerns generated by the Development Services Center Management Team (an interagency group). The new guide explores development issues through the progressive stages of small business operations including topics such as starting a home-based business, expanding or remodeling, and the purchase/lease and improvement of a new business site. The guide will use useful information about important development regulations impacting small business customers to help them make informed decisions and assist with their project planning. The document will include resource listings for each covered topic. The booklet, to be completed by September 9, 2002, will also be available online at OPDR's website, and in hard copy. We will also coordinate with Jennifer Johnson, the PDC small business advocate, to make Portland's small business community aware of this important resource and how to access it.

➤ **Small Business Customer Portal on the OPDR Website**

A new website portal is being developed specifically to assist our small business customers that will include: project and process information on a variety of topics, home occupation permits, tenant improvements, changes of occupancy, zoning restrictions, allowable uses, signage, appeals processes, etc.

➤ **'Meet and Learn Forum' on Small Business Issues**

OPDR will offer a Meet and Learn Forum for Small Business Issues on October 11, 2002. This forum will be patterned after the Lunch and Learn Program, a bimonthly series of educational brown bags for City of Portland development customers, interested community members, and City staff. The sessions are intended to promote dialogue and an interactive forum with a presentation followed by questions and answers. Recognizing that some small business owners will not be able to attend a mid day event, this program will be offered in the evening. The presentations are also posted on the OPDR website for our customers and staff who are not able to attend the sessions.

➤ **Development Services Center Participation in the Small Business Fairs**

DSC staff will participate with other City Bureaus and the PDC in the 2002 Annual Small Business Fair, sponsored by local government and business organizations. The event, which is free and open to the public, is scheduled for September 14, 2002, at the Portland Community College Southeast Center located at 2850 SE 82nd Avenue. . The Fair is an opportunity to reach out to the small business community. Last year's attendance included

over 500 small business representatives. This will be an opportunity to premier DSC's new Small Business Guide, promote the Meet and Learn Forum, and demonstrate the new Small Business web portal. OPDR will also announce the Small Business Evening event, similar to the Residential Customer Night in the DSC, to be held in September or early October.

➤ **Pilot Program to Develop Concierge-type Services for Small Businesses**

Small businesses in Portland include a wide range of customers that come into contact with the City. In order to develop services tailored to meet the needs of small business, the development review bureaus plan to pilot some programs during fall 2002 and winter 2003. These efforts will be based, in part, on the experience of the Facilities Permit Program in which both plan review and inspection services have been specifically tailored to meet the needs of commercial property owners who have frequent tenant improvement projects. The design of these service enhancements will also be informed directly by feedback by small business customers. The first element of the pilot program will offer evening hours for small businesses.

✓ **Small Business Night in the Development Services Center**

OPDR will launch a pilot to provide evening services at the DSC in the fall. A team of staff specialists assigned to small businesses will be available to meet with small business customers to discuss their development issues. This service will be offered after hours. An interagency team is currently working out the details on this program, identifying critical staff and targeting services most likely to benefit this customer group. The first evening will be held in September.

Customer surveys will be developed to assess the merits of this evening outreach program and direct further refinements. The focus of the pilot test will be to identify the primary needs of small business for tailored review services, the best hours of access, the efficacy of outreach efforts, and the most appropriate staffing levels.

Marketing will be a key component in determining the success of the Pilot Small Business Night. We will work with the City's Small Business Advocate, business and professional associations, industry and trade groups to make people aware of this opportunity.

✓ **Small Business Inspections**

OPDR's Inspection staff will participate in the DSC Small Business team, following a sample number of permits through inspections and final approval to identify how to best tailor permit evaluation and inspection services for small businesses. Inspection results will be tracked along with code issues. Inspection services will be modified by spring 2003 based on customer feedback.

The overall goal is to work with small businesses that interact with DSC staff to: to learn what their development issues are; how the review process can be better tailored to meet their needs; and how that can be accomplished with available resources. Tracking of attendance at outreach events, review of customer feedback, and pilot programs will help us to evaluate which efforts meet customer needs and what services should become a routine part of the Development Services Center offerings.

As we move forward with these and other ideas to help improve the business climate in Portland, we will work to include the business community, inviting their suggestions and input. In order to ensure success in the regulatory reform effort, we must involve our customers as partners.

EXHIBIT J
Land and Building Regulations - Triggers for Additional Requirements

Description	Code Section	Trigger	Date established or changed	Date last increased	Current Growth Factor if any	Trigger adjusted for Construction Cost Index	Constituent Suggested Changes
Title 33 Zoning Code							
Triggers for Nonconforming Upgrades							
Nonconforming Upgrades	33.258.070.D.2	alterations greater than \$25,000	established 1991; increased from \$10,000 in 1997	1997	none	\$28,300	Change to \$100,00 [cumulative construction value in two years or less] and add CPI growth factor PC to CC
Public Recreation Trail	33.272.030	35% or greater of the assessed value of existing improvement on the site	established 1991	1991	none	N/A	
Greenway Overlay Zone Landscape Standard	33.440.230.A	any development on the site	established 1991; amendment currently being considered as part of Code Maintenance to apply same trigger that applies to nonconforming upgrades (see 33.258.070.D.2)	1991	none	N/A	Eliminate layering of landscape requirements between the base zone and GW, allow multi year planting plans. Also consider putting landscaping in one consolidated code. not in T33. see above
Scenic Overlay Zone Landscape Standards	33.480.040 B.2.b	any development on the site	established 1991	1991	none	N/A	
Columbia South Shore Bank Revegetation	33.515.278A	any development on the site	established 1993;	1993	none	N/A	consider applying same trigger that applies to nonconforming upgrades see note above
Columbia South Shore Nonconforming Situation	33.515.278.B.17	alterations greater than \$25,000	established 1993; increased from \$10,000 in 2001	2001	none	\$25,985	See Note on Non conforming Upgrades
Triggers for Land Use Review Procedure Type							
Design Review Exemptions	33.420.045.E	alterations less than \$10,000 exempt from review	established 1997	1997	none	\$11,317	Consider design standards for plan check on projects under \$50,000
Design Review Procedure	33.825.025A	dollar amount over \$200,000 determines level of design review	established 1991	NA	none	\$ 272,000	Update CPI growth factor
Triggers for Required Housing							

EXHIBIT J
Land and Building Regulations - Triggers for Additional Requirements

Description	Code Section	Trigger	Date established or changed	Date last increased	Current Growth Factor if any	Trigger adjusted for Construction Cost Index	Constituent Suggested Changes
Central City Plan District Required Housing	33.510.230.C and D	lesser of 50% nonresidential floor expansion or 10,000 sq. feet in C and EX zones, on sites larger than 200,000 sq. ft. alterations that increase floor area 2,500 or more, or new development of 1,000 ft or more increase in existing floor area by more than 2,500 sq. ft..	established 1988	NA	NA	NA	Eliminate required housing req't
Gateway Plan District Required Housing	33.526.120		established 1996	NA	NA	NA	Eliminate required housing req't
Hollywood Plan District Required Housing	33.536.120		established 2000	NA	NA	NA	Eliminate required housing req't
<u>Title 20 Parks and Recreation</u>							
Plant Street Trees	PCC 20.40.070B	construction or improvements greater than \$25,000	1999	1999	none	\$27,000	Delete requirement for remodels - add small surcharge to permits and grant money to FOT to plant trees
<u>Title 24 Building Regulations</u>							
Flood Hazard requirements	PCC 24.50	value meets or exceeds 50% of market require FEMA	1/14/1988	1998	NA	NA	No Change
<u>PCC 24.85 Interim Seismic Design Requirements for Existing Buildings</u>							
Change of Occupancy	24.85.040	increase in no. of people in building or % of floor area renovated	3/22/1995	7/1/2002	not appropriate	1.2	No Change
Building Alterations: General	24.85.160	\$100,000 of renovation value	10/25/1995	7/1/2002	none	\$120,000	Add inflation factor, OPDR to CC
Building Alterations: Unreinforced masonry -	24.85.065B	alteration costing greater than \$15 per sq. foot in 2 year period	3/19/1997	7/1/2002	none	1.13	Add inflation factor, OPDR to CC
<u>Stormwater Manual</u>							
Determined by management level							

EXHIBIT K

PORTLAND ECONOMIC RECOVERY INVESTMENT POLICY

The Portland Economic Recovery Investment Policy (PERIP) is designed to help retain and attract businesses looking to make a major new economic investment in the City of Portland. If conditions exist that allow for the activation of the PERIP and a firm meets the eligibility requirements, the City Council will consider providing assistance in the form of System Development Charge (SDC) deferrals and offsets of up to 100 percent of OPDR and other City Bureau permit fees. The maximum amount of such fee offsets for a single development project that qualifies for relief under the PERIP will not exceed \$1 million. Fee offsets will be paid for City funds appropriate for this purpose.

The City will internally finance SDCs deferred pursuant to the PERIP. The term of the repayment period will not exceed 10 years, with interest accruing annually based on the average annual rate of interest earned on City invested funds as determined by the City Treasurer. Repayment of these obligations will be based on anticipated General Fund property tax revenues the City reasonably expects to receive from the new or expanded facilities, or from other funds the Council may appropriate for purposes of implementing the PERIP.

The PERIP has been used in recent negotiations with Vestas Wind Systems' proposal to build a manufacturing facility in Portland. City fee offsets and SDC deferrals for the Vestas project total \$1.7 million. Of this amount, \$800 thousand would be funded from the General Fund, with the remaining costs being paid to bureaus from General Fund revenues estimated to be received from the Vestas investment over the next ten years.

EXHIBIT L

City Strategic Vision Statements

A widely accepted vision statement of Portland's hoped-for future would improve the City's current land use and building regulations to facilitate desirable development. Crafting a City vision statement requires significant public input and has not been done in over a decade for the City as a whole. The Comprehensive Plan includes "A Vision of Portland's Future" adopted by the City Council in October 1980, augmented since that time with Vision Statements developed and adopted through specific area plans. In August 1990, as part of the Portland Future Focus effort, a "Preferred Future" vision was published. It is time for us to update these visions through a public involvement process, including public review and comment, in order to develop a vision shared by the community that can guide us towards a commonly desired future for the City of Portland.

EXHIBIT L

A VISION OF PORTLAND'S FUTURE

Comprehensive Plan, 1980

Portland is more than a geographic area—it is a way of life. Many characteristics combine to provide the unique livability of the city: the physical setting of hills, trees and rivers, accented by snowcapped peaks on the horizon; a dynamic urban setting, enhanced by the intense yet human character of the Downtown; an active seaport a hundred miles from the ocean; thriving businesses and industries providing diversified employment; and a variety of neighborhoods, each unique in character, allowing for a broad range of lifestyles.

The passage of time inevitably brings changes. Portland today differs from the city of twenty or a hundred years ago; it differs from the city of yesterday. The future seems to be arriving at an ever-increasing pace and in ways that could damage the character and livability of the urban area. Portland is an urban area — a fact that cannot change. The task facing us is to retain the most important characteristics of our city in the face of changes we cannot control and by managing, as well as possible, those forces we can control. We must accept some changes or we run the risk of losing all the things that make Portland "one of America's most livable cities".

The qualities that make Portland so livable continue to draw more households to the city. Energy resources, particularly petroleum products, are becoming both more expensive and more scarce. Land and housing costs continue to increase, as do the costs for providing needed public facilities and services. Planning for the future must respond to these factors while preserving the city's economic health and livability.

Portland has historically developed into a land use pattern that is, and can continue to be, basically sound. The early cities of East Portland, St. Johns, Albina, Sellwood and Linnton now form a series of commercial, industrial and residential centers within Portland. The trolley lines that joined these cities to downtown Portland and to such "suburban" communities as Multnomah, Lents, Woodlawn, Kenton and Sunnyside, became major transportation corridors still used today. Downtown Portland developed as the major activity center of the metropolitan region, providing a financial, retail, industrial, cultural and residential core that is still alive and energetic, and must remain so. Well established, close-in industrial and distribution areas provide diverse employment opportunities close to a broad range of housing options.

The Comprehensive Plan calls for maintaining this basic development pattern while providing direction for responding to the future's demands. The proposed land use pattern limits the more intense residential densities to areas, which reinforce the workability of public transit. The commercial centers along transit corridors are designed for new land uses which are not highly dependent on the automobile. A "new" type of single-family housing type allows some increase in density, reduces land and construction costs per unit and yet retains the qualities of the traditional single-family neighborhoods that now exist.

Provisions are included which allow more efficient use of larger homes and vacant land, encourage apartment developments to be more compatible with other residential uses, promote energy conservation, strengthen and protect industrial areas, preserve and enhance environmental quality in the city and stabilize existing neighborhoods from uncontrolled development speculation and deterioration. While to some people, any change appears to lessen

livability, the Plan is designed to keep this change reasonable. In these ways, more affordable housing opportunities and more employment opportunities can be made available to encourage and provide for the needs of a diverse population. More effective use of public facilities is possible, more people can be closer to existing employment and shopping services, costly urban sprawl can be reduced and public transit can be more accessible to more people.

In the year 2000 the Downtown skyline will be different, with new development reaching upward, as well as unique, older areas being preserved. Both of these characteristics must work together to keep the city center alive. Residential areas will retain their individual character but with some increase in density to reduce urban sprawl, increase energy efficiency and provide more affordable housing options. Neighborhoods will generally remain single-family oriented with owner-occupied houses, both detached and attached, strengthening neighborhood stability. Opportunities for rental units will cluster around corridors and centers which have good access for public transit to and from employment centers and shopping. Commercial and industrial activities will remain active and dynamic as existing firms continue to grow and new firms choose Portland as their home.

Portland's history and character have provided a sound foundation for the continued development of the city. The city must build on that foundation as we meet the challenges of the future and respond in a manner which retains that unique "Portland" character.

The Comprehensive Plan Vision Statement has been augmented by the Vision Statements adopted with other Plans developed and adopted following enactment of this Comprehensive Plan. Vision statements of these later plans add detail to the Comprehensive Plan Vision and provide more specific guidance for the sub-areas of Portland these subsequent plans have focused on. Other plans including vision statements which are added to this Comprehensive Plan Vision are:

- The Central City Plan, Adopted by Ordinance No. 160606 (March 1988).
- Albina Community Plan, Adopted by Ordinance No. 166786 (July 1993).
- Concordia Neighborhood Plan, Adopted by Ordinance No. 166786 (July 1993).
- Eliot Neighborhood Plan, Adopted by Ordinance No. 166786 (July 1993).
- Humboldt Neighborhood Plan, Adopted by Ordinance No. 166786 (July 1993).
- Irvington Neighborhood Plan, Adopted by Ordinance No. 166786 (July 1993).
- Kenton Neighborhood Plan, Adopted by Ordinance No. 166786 (July 1993).
- King Neighborhood Plan, Adopted by Ordinance No. 166786 (July 1993).
- Piedmont Neighborhood Plan, Adopted by Ordinance No. 166786 (July 1993).
- Sabin Neighborhood Plan, Adopted by Ordinance No. 166786 (July 1993).
- Woodlawn Neighborhood Plan, Adopted by Ordinance No. 166786 (July 1993).
- Richmond Neighborhood Plan, Adopted by Ordinance No. 168280 (November 1994).
- Woodstock Neighborhood Plan, Adopted by Ordinance No. 169488 (November 1995).

EXHIBIT L
“Preferred Future” Vision
Portland Future Focus
1990

In the year 2000, Portland has a rich urban environment that blends respect for the environment, our history, and cultural diversity and makes it one of the most attractive cities in the nation. Portland remains the core of the region’s economy, arts, recreational programs, and community events. The community’s innovative approaches to problem-solving and strong partnerships between government, schools, business, and community organizations have helped the community set priorities and effectively direct limited resources to solve the most pressing problems.

Portland considers education among its highest priorities. Portland leads the nation with the lowest dropout and highest literacy rates. The school system has developed curriculum appropriate to different cultures and needs, and each student receives a high-quality education. Portland attracts high-quality faculty at all levels. Access to post-secondary education has been improved. The Oregon Health Sciences University has gained national recognition as research and graduate training institution. Portland State University has become the flagship higher education institution in the region. The region’s network of higher education facilities provides expanded graduate programs and support research, technology transfer, and economic development. Business finds well-educated, talented workers among graduates of Portland’s institutions.

Portland has capitalized on the globalization of business and is a West Coast leader in Pacific Rim trade. Support for small business creation and development has strengthened Portland’s diverse economic base and provides family-wage jobs for Portlanders. Appreciating Portland’s high quality of life, business has in pollution prevention, waste reduction, and energy conservation. Businesses recognize the special quality of Portland’s environment and incorporate open space and natural areas into development projects. Business development efforts are stimulated by a clear, streamlined public policy and permit system.

Portland’s diverse populations have become economic, cultural, and social assets and are integrated into all areas of the city. The human service system, in cooperation with schools, government and business, is effectively providing services to support people with special needs. Cooperation among city government, neighborhoods, and the business community has resulted in increased rehabilitation of existing housing, construction of affordable housing, and development of vacant land. Neighborhoods are distinct and strong, and there is a wide range of housing options. Through regional cooperation, the suburbs are supporting a larger share of the region’s dependent populations. Crime has decreased, especially in the poorer areas of the city.

Regional growth has been effectively managed and has resulted in the efficient use of land. Regional planning and cooperation maintains the central city and other downtowns throughout the region, support efficient municipal infrastructure, and enhances open space, natural areas, and parks. A strong regional government, based on neighborhood and city governments, has emerged and provides appropriate services to the metropolitan area. The region has a coordinated transportation network that includes efficient mass transit and well-maintained streets and roads. Public and private initiatives have resulted in cleaner air and water.

Portland remains unique in the nation for its accessible urban environment including parks, open space, and natural areas. Portland is respected nationally as an incubator of high-quality arts. Diverse cultural and community events are accessible to all citizens. The community supports a wide range of recreational programs for all ages and has maintained and expanded its nationally famous system of parks. Open spaces and natural area systems provide close-to-home recreational activities for all people.

Innovation Partnership

A fresh approach to civic problem solving

EXHIBIT M

Memo of Agreement Between Innovation Partnership and the City of Portland

Independent Stakeholder Assessment of Development Review

General Overview

Business and residential customers, neighborhoods and City staff have expressed frustration with the development review experience, which has hurt the business climate and may not be achieving the development outcomes the community wants.

Innovation Partnership will bring together business, community and government to assess regulatory outcomes and the stakeholder experience in the development review process.

This assessment will involve a diverse steering committee and in-depth debriefings of stakeholder's experience through the process, and identifying the most strategic changes needed.

The independent stakeholder assessment will cover the broad range of issues involved in development review:

- 1. Regulations**
- 2. Process**
- 3. Customer service attitude**
- 4. Knowledge**
- 5. Costs**

Stakeholders will include:

- Customers (single family residential owners, small business owners, medium-sized development, frequent development customers, people who have chosen to develop only once in Portland)
- Constituents (neighborhoods and business associations that are actively involved but not applicants)
- City staff

The assessment will involve several phases leading to a set of strategic recommendations:

- A. Mobilize Assessment: Innovation Partnership will gather the needed existing research and reports to begin the assessment, as well as checking in with constituents to refine the work plan.
- B. Steering Committee: We will recruit and facilitate a Steering Committee for Strategic Improvement in Development Review. The committee will be made up of subcommittees in each of the five areas of the assessment: regulations, process, attitude, knowledge, and costs. Participants will include those whose experience touches on all aspects of the development review process and stakeholders. The committee will be informed by the assessment findings and develop a set of strategic recommendations for immediate action.
- C. In Depth Debriefings: In depth debriefings will be done with all relevant stakeholders in 15 past development review cases, three for each of the following customer types: single residential owner, small business, medium projects, frequent customers, and one-time large projects. These "case studies" will identify where the greatest frustration occurred in each of the five assessment areas and where improvements should be made.

A volunteer expert in the development review process will shadow selected applicants as they go through the development review process from start to finish. Applicants will include single residential owner, small business, medium projects, and frequent customers. Findings will be gathered on the stakeholders' experience in all the areas of the assessment: regulations, process, attitude, knowledge, and costs (public and private). This shadowing will identify current problems as they happen and ways to improve the development review process.

- D. Technical Advisory Committee: A Technical Advisory Committee made up of people with regulatory code and process experience will review the findings, as well as the preliminary recommendations of the Steering Committee to ensure the action items are achievable.
- E. Assessment Report: An assessment report will be written with recommendations on the most strategic improvements for development review. The report will also include chapters from experts at the state and national level that review the findings in the assessment and help shape the recommendations based on best practices from other jurisdictions.

It is the intent of this assessment to ensure the recommendations are both technically and practically capable of implementation. In partnering with the Office of the Mayor, Innovation Partnership is committed to an outcome that truly improves the development review process in the City of Portland.

Work Plan

A. Mobilize Assessment

1. Tasks

- Finalize work plan and budget
- Check in with constituents
- Secure funding to match City investment
- Gather relevant existing research

B. STEERING COMMITTEE FOR STRATEGIC IMPROVEMENT IN DEVELOPMENT REVIEW

1. Tasks

- Recruit steering committee
- Prep, conduct and follow up on five meetings of the full committee, as well as the work of each of the five subcommittees: regulations, process, attitude, knowledge, and costs
- Write draft findings of steering committee
- Review of drafts by committee members
- Revisions based on edits

C. IN DEPTH DEBRIEFINGS ON DEVELOPMENT REVIEW CASES

1. Tasks

- Select customers for debriefings covering single residential owner, small business, medium projects, frequent customers, and one-time large projects
- Prep, conduct and do analysis on customer interviews
- Prep, conduct and do analysis on constituent interviews (to include the six neighborhood coalitions, Associated General Contractors, Portland development Commission, local business associations, Associated Oregon Industries, Portland Business Alliance)
- Prep, conduct and do analysis on staff interviews (to include project managers, bureau director, and related bureau staff)

D. Project Shadowing

1. Tasks

- Recruit volunteer shadowers with expertise in development review to track the applicant throughout the process from all the areas of the assessment: regulations, process, attitude, knowledge, and costs
- Select applicants about to go through the process and pair with a shadower

- Set up system for getting consistent, quality feedback
- Track updates, manage process and analyze findings

E. Technical Advisory Committee

1. Tasks

- Recruit TAC (no more than 9 people, with regulatory and process experience)
- Two meetings of the TAC, one at the end of findings to assist in recommendation creation, and the other to review the draft report

F. Independent Assessment Report with Recommendations

1. Tasks

- Contract with a national expert, an Oregon land use specialist and a national academic planning expert to write chapters based on the findings
- Coordinate chapters on finding reviews written by experts
- Draft assessment
- Revisions based on feedback from participants in each aspect of the assessment
- Final report production

Total Budget

The total cost of the assessment is \$127,432, including coordination with the Mayor's Office and other City staff.

The maximum payment from the City of Portland under this Agreement, including expenses is \$15,000.

The City shall pay Innovation partnership \$15,000 immediately upon agreement execution. Innovation Partnership will submit evidence of 1:1 matching from private sources within 60 days of execution of the agreement or Innovation partnership will refund any portion not matched.

EXHIBIT N

Regulatory Improvement: Selected Best Practices

San Diego, California

Regulatory Relief Days. The San Diego City Council conducts periodic “Regulatory Relief Days.” The Day is devoted to reviewing existing and proposed regulations, with the goal of eliminating unnecessary regulation and red tape. (The 104th Congress adopted a similar program at the federal level).

One typical Regulatory Relief Day eliminated several types of permitting penalties, allowed certain types of low-grade construction without a permit, reduced the requirement for expensive geologic reports on several types of development projects, and eliminate the requirement for temporary signs.

Documented pre-application consultation. Provides applicants with a documented pre-application consultation, providing applicants with a road map to the review process..

Regulatory streamlining. Reduced the regulatory language of their Code by 35 %, reduced the number of decision processes from 23 to 5 and the number of permit types from over 20 to just 7. Their new and improved Code is organized into a matrix format and includes user-friendly graphics, making it more accessible to laypersons and experts alike.

Oakland, California

Non-conforming site features in industrial zones. Require existing buildings with non-conforming site features, particularly with inadequate buffering, to present a schedule for complying with development standards over a period of time (amortization), as a condition of approval for major alterations or additions. Trigger would be request for major alterations or additions over minimum thresholds, not minor improvements.

Non-conforming Uses and Structures. Non-conforming liquor stores have to obtain use permits to be “Deemed Approved.” The permit contains conditions of approval regulating performance. Violation of conditions can result in revocation of the permit. If the permit is lost, the continued operation of the activity constitutes a zoning code violations that can be abated through established civil and criminal procedures. The city can revoke land use permits for non-conforming uses or illegal uses.

Dispute Resolution. A voluntary process to refer matters for mediation by the Planning Commission prior to or as part of a hearing.

Documented Pre-application Meetings. Conduct pre-application meeting with decisions and commitments documented. Also done in San Diego.

Tacoma, Washington

Guaranteed commercial building permits. Promises to complete building permit reviews in 8 weeks, or your money back, guaranteed.

On-line one-stop shopping. Tacoma residents can apply for a permit, check the status of their permit, and set up an Electronic Funds Transfer account to pay their fees by credit card, all on-line, 24 hours a day.

Los Angeles, California

Multi-disciplinary team approach. Reorganized its planning review staff into multi-disciplinary teams, so that customers have access to one-stop permitting.

San Francisco, California

Volunteer Mediation. San Francisco AIA provides volunteer architects who help mediate neighborhood disputes over proposed alterations or additions to single family residences.

Phoenix, Arizona

Single Project Manager. Assigns a Project Manager to track a project from start to finish, serve as a single point of contact, and coordinate the work of all staff involved in the review process.

Seattle, WA

Technology. Invested in technology and customer service training to enable its planning review staff to provide more automated services, including on-line permitting, case tracking, Global Information System (GIS) mapping and imaging services.

Boise, Idaho

Pre-application consultations. Instituted a team approach to pre-application consultations. First with major projects, now expanding to include medium and small projects. The results of the consultations are recorded and deadlines are committed to.

Technology. In order to create mobile field offices, inspectors are equipped with laptop computers and cell phones. Inspectors communicate with applicants using email and cellular text messaging. Fees were raised to cover the cost of this new equipment.

Technology Security. In order to protect City data, applicant-tracking system was located on a separate, dedicated server.

Communication. If architects do not respond timely to requests for additional or corrected plan materials, staff notify the developer or owner.

Timeliness. Clock doesn't start until plans are complete. If plan review for a commercial shell building is not complete in 8 weeks, small tenant improvements receive authorization to begin framing without a permit. If a

single family residential plan review isn't complete in 7 days, homebuilders receive authorization to set a foundation without a permit.

Train Development Professionals. After making tracking system available on-line to the public, provide incentives to get not only contractors and architects but also their administrative staff to complete city-provided training.

Kansas City, Missouri

Timeliness. Commercial plan review is completed in 4 weeks. All bureaus receive the plans at the same time and must complete their review in 4 weeks.

Communication. Staff is required to respond to customer emails and phone calls within 24 hours. Their performance review is partially based on meeting this goal.

Technology. Over 200 official building and zoning code interpretations are posted on the city web site.

State of Minnesota

Regulatory Waivers for Innovation. The Minnesota Board of Government Innovation and Cooperation was created in 1993 to oversee local experiments in regulatory reform. Any local unit of government can apply to the board for a temporary waiver from a regulatory requirement. If their program accomplishes its goals, the Board can propose legislation to make the changes statewide. The virtue of the program is that experiments with reform are local, minimizing the consequences of mistakes.

State of Virginia

Automatic Regulatory Review. In 1994, the Governor required a review of all proposed regulations to see if they were necessary, and if they used the least burdensome method available. He required a review of each regulation for effectiveness within three years of its starting date. His intent was to prevent enactment of ill-conceived or heavy-handed regulations and to institutionalize the termination of ineffective regulations.

Economic Impact Statements. The chief instrument for evaluating proposed regulations is the Economic Impact Analysis (EIA), which incorporates criteria such as employment effects, number of individuals or businesses effected, and estimated compliance costs. Agencies are required review existing regulations as well. They solicit public comments and measure each regulation against the criteria of efficiency, flexibility and accountability.

REGULATORY REVIEW & REGULATORY PROCESS REFORM CONSULTANTS

Consultant	Client Cities	Expertise
<p>Dyett & Bhatia Urban & Regional Planners 755 Sansome St., Suite 400 San Francisco, CA 9411 415-956-4300 415-956-7315 FAX POC: Michael Dyett POC: Vivian Kahn www.dyettandbhatia.com</p>	<ul style="list-style-type: none"> ➤ St. Mary's County, MD ➤ City of Oakland, CA ➤ City of Gilbert, AZ ➤ Prince George's County, MD <p>County of Palm Beach, CA Cincinnati, OH Milwaukee, WI Chicago, IL (with Duncan Associates) Familiar with Portland: Authored award-winning downtown Portland regulations in 1970s Authored transit-oriented development regulations for Tri Met</p>	<p>Regulatory.</p> <p>Expertise in Audits of Planning, Zoning and Development ordinances</p>
<p>Duncan Associates 13276 Research Blvd, Ste. 208 Austin TX 78750 512-258-7347 512-258-9994 POC: Lee Einsweiler www.duncanassociates.com</p>	<ul style="list-style-type: none"> ➤ Chicago, IL (with Dyett & Bhatia) <p>Broad experience Majority of clients east of the Mississippi</p>	<p>Regulatory.</p> <p>Expertise in Land Development Regulations, Growth Management and Impact Fees</p>
<p>Zucker Associates 1545 Hotel Circle South, Ste 300 San Diego, CA 92108-3415 619-260-2683 619-260-1138 POC: Paul Zucker www.zuckersystems.com</p>	<ul style="list-style-type: none"> ➤ County of Sonoma, CA ➤ Clackamas County, OR ➤ Kent, WA <p>Palo Alto, CA Pasadena, CA Sunnyvale, CA Byron, TX Grand Prairie, TX Orlando, FL</p>	<p>Process.</p> <p>Expertise in Management and Planning Consulting</p>
<p>Strategica 24506 SE 37th St., Issaquah, WA 98029 425-427-5269 425-988-0240 POC: David Howe</p> <p>Dhowe@strategica-usa.com</p>	<ul style="list-style-type: none"> ➤ King County, WA ➤ Los Angeles County (confidential: study still in progress) 	<p>Process.</p> <p>Expertise in Business Process Improvement, Organizational Design, and Performance Measurement</p>
<p>McKinsey & Co. www.ci.minneapolis.mn.us</p>	<ul style="list-style-type: none"> ➤ <i>Strengthening Community and Economic Development in Minneapolis, pro bono study for Minneapolis, MN</i> <p>Clients in 44 countries worldwide</p>	<p>Process.</p> <p>Expertise in diverse management consulting on strategic, operational, organizational and technological issues.</p>
<p>Cogan Owens Cogan 813 SW Alder Street Portland OR 97205-3111 503-225-0192 503-225-0224FAX POC: Elaine Cogan</p>	<ul style="list-style-type: none"> ➤ "Permit Aerobics: Getting Your Process in Shape: A User's Guide to Streamlining." July 1987. Sponsored by the Oregon Department of Land Conservation and Development. <p>Familiar with Oregon.</p>	<p>Process.</p> <p>Expertise in Planning, Community & Government Relations</p>

elainec@coganowens.com		
Consultant	Client Cities	Expertise
<p>Otak 17355 SW Boones Ferry Road Lake Oswego, OR 97035-5217 POC: Scot Siegel 503-635-3618 503-635-5395 FAX www.otak.com</p>	<ul style="list-style-type: none"> ➤ <i>Commercial and Mixed Use Development Code Handbook</i> and ➤ <i>The Infill and Redevelopment Code Handbook</i> Prepared for Oregon Transportation and Growth Management Program ➤ <i>Regulatory Audit and Toolbox Report</i> Prepared for City of Tempe, AZ Familiar with Blueprint 2000 process. Majority of clients in Oregon and Washington 	<p>Regulatory.</p> <p>Expertise in Regulation and Code Audits and Code and Plan Writing for the Public Sector.</p>
<p>Robinson & Cole, LLP One Boston Place Boston, MA 02108-4404 617-557-5900 POC: Eric Daniels 860-275-8225 Dwight Merriam 860-275-8228 dmerriam@rc.com</p>	<p>Reviewed and evaluated proposed plans, policies, and regulations affecting real property development throughout the U.S., and advise client on their impact on association interests.</p> <p>Majority of clients in New England states</p>	<p>Regulatory.</p> <p>Expertise in legislative and regulatory analysis. Regulation and ordinance drafting. Development permitting</p>
<p>Clarion Associates Denver, CO 303-830-2890 POC: Matt Goebel www.clarionassociates.com</p>	<ul style="list-style-type: none"> ➤ Arapahoe County, CO ➤ Clayton, MO ➤ Colorado Springs, CO <p>Anchorage, AK Jackson County, OR</p>	<p>Regulatory.</p> <p>Expertise in regulatory reform for public sector clients</p>

The following is the text of a resolution submitted separately for the City Council's consideration on Wednesday, August 14, 2002. The text is set out for information purposes only.

RESOLUTION No.

Implement portions of the Initial Regulatory Improvement Workplan.

WHEREAS, on June 26, 2002, the City Council approved Resolution 36080, authorizing the Office of the Mayor to develop a process for streamlining and updating the City's regulations for building and land development, and improving the procedures and customer services for these regulations; and,

WHEREAS, the Office of the Mayor has conducted a series of meetings and workshops with city bureaus and stakeholders to receive comments and concerns on the City's regulatory process for buildings and land development; and,

WHEREAS, after considering the input from these meetings and workshops, the Office of the Mayor has prepared the FY 2002-2003 Initial Regulatory Improvement Workplan for the City Council's consideration, containing a number of recommendations; and,

WHEREAS, the Initial Workplan suggests approaching regulatory improvement on a citywide, ongoing and integrated basis;

WHEREAS, the City Council has accepted the Initial Workplan; and,

WHEREAS, certain provisions of the initial Workplan require City Council authorization to implement;

WHEREAS, a final Workplan will be submitted for the City Council's consideration by November 13, 2002;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Portland that the following actions occur:

A. The Office of the Mayor is authorized to review existing inter-agency agreements between City bureaus regarding procedures for permit routing and approval. City bureaus are directed to work with the Office of the Mayor in revising existing agreements to eliminate procedures that delay processing and review of applications for permits and development. City bureaus are also directed to work with the Office of the Mayor to review and revise the process of how regulations are developed and modified on an inter-agency basis, to achieve better coordination of the City's regulatory process;

B. City bureaus are directed to present for City Council consideration each fiscal year a Regulatory Improvement Workplan to improve City regulations, regulatory procedures and related customer services. Each annual Workplan shall include a detailed Regulatory Code Improvement List (ReCIL) for amending existing regulations and adopting new regulations. The annual workplan also shall include a Regulatory Process and Service Improvement Plan (RiPSIP) detailing how regulatory-related procedures and customer services will be improved. The Workplan shall be developed using a process for receiving and considering public input. The Workplan shall be submitted for City Council consideration, coinciding with the annual consideration of the City's budget;

C. The Office of the Mayor shall convene a Strategic Development Opportunity Team (SDOT). The Strategic Development Opportunity Team will consist of representatives from the Portland Development Commission and City bureaus involved in land use or building code regulations. The SDOT shall address specific building permit and land use opportunities related to difficult and strategic development sites. The SDOT also will identify major policy issues requiring either further consideration by the City Council or by the bureaus responsible for particular policy areas affecting such difficult development sites;

D. The Office of Management and Finance is directed to create a process for developing and considering regulatory impact statements to be used by the City when amending existing regulations or adopting new regulations. Such process shall include a cost/benefit analysis to evaluate the relative costs, benefits and impacts, both externally and internally, of regulatory decisions under the new or amended regulations;

E. The Planning Bureau, the Office of Planning and Development Review and other city agencies are directed to examine current regulations to identify threshold triggers that disproportionately affect small businesses.

City bureaus are directed to revise the threshold levels identified in the FY 2002-2003 Initial Regulatory Improvement Workplan, either by initiating administrative rulemaking or by submitting ordinances to the Council for code amendments. City bureaus are further directed to develop procedures for automatic inflationary adjustments to development thresholds for building and land development regulations, to be included in either administrative rules or city code;

F. The Office of the Mayor shall work with the Office of Management and Finance and affected bureaus to prepare ordinances amending the City Code for development projects of \$100 million or greater in value generating 500 or more living wage jobs to provide for deferred payment of System Development Charges to affected businesses, with the goal of effectively reducing System development Charges for such projects;

G. The Office of Planning and Development Review is directed to prepare and file an ordinance changing its name to the Bureau of Development Services, together with City Code amendments consistent with that change; and,

H. This resolution constitutes binding city policy and shall be filed as such in the Portland Policy Documents Repository.

Mayor Vera Katz

Sam Adams

August 2, 2002