

Regulatory Improvement Workplan:
Workplan Elements for FY 2003-2004



Recommended Draft
Including the
Planning Commission Recommendation to City Council

July 31, 2003

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I. The Recommended FY 2003-2004 Regulatory Improvement Workplan

This Report contains the Proposed FY 2003-2004 Regulatory Improvement Workplan, including the Planning Commission's recommendations on the regulatory elements of the Workplan. It is intended to provide a basis for testimony and discussion at the City Council's public hearing.

There are two main components of the Regulatory Improvement Workplan – Procedural (the Regulatory Process and Service Improvement Plan or RiPSIP, led by the Bureau of Development Services) and Regulatory (the Regulatory Code Improvement List or ReCIL, led by the Bureau of Planning). The Planning Commission held a public hearing and reviewed the on the regulatory component. The procedural portion was reviewed by the Bureau of Development Services in keeping with priorities set by the Development Review Advisory Committee.

A. The ReCIL: Regulatory Code Improvement List Top Ten Minor Policy Changes Recommended for FY 2003-2004

Items one through three in the FY 03-04 Top Ten are multi-year work plan items that were begun in FY 2002-2003 and will be completed or substantially completed in FY 03-04. The remaining items are new work. Item four, the Land Division Monitoring Package is the first comprehensive review of a major new code project. Item five, calls for full implementation of the Impact Assessment Recommendations accepted by the City Council in March 2003. Items six through ten are new items that were identified through community outreach or through public testimony. Item eleven was added by the Planning Commission at its work session.

1. Streamlining Environmental Zone Enforcement
2. Trees and Landscape Standards
3. Improved Compliance Tools
4. Land Division Monitoring Package
5. Impact Assessment Recommendations
6. Paving for Parking & Loading Areas
7. Nonconforming Upgrades: Well Field Improvement Exemption
8. Public Recreational Trails
9. Kenton Plan District: Vehicle Sales
10. Bed & Breakfasts: Reduce Restrictions on Gatherings
11. Minimum Lot Size in R5 and R2.5 Zones

Each of these items is explained further in the white papers found in the Appendix to this report.

B. The ReCIL: Regulatory and Procedural Items Referred to On-going Planning or Policy Development Projects

A number of issues which came to light during the public outreach and advisory team review were identified as being more appropriately addressed in on-going long range planning efforts in the Bureau of Planning or through existing code projects in the Bureau of Development Services. The Regulatory Improvement Advisory Team supported the referral of these items to the respective staff teams working on these existing projects. Listed below are the on-going projects to which items were referred. The specific code or procedural issues are listed in the white papers in the Appendix.

1. Healthy Portland Streams [BOP]
2. Riverside Plan [BOP]
3. Code Audit/Rethink [BOP]
4. Tress and Landscape Standards Project [BDS]
5. The Industrial Lands Study [BOP]
6. Various other Bureau of Development Services projects

C. The RiPSIP: The Regulatory Process and Service Improvements Plan for FY 2003-2004

The items proposed for the FY 2003-2004 Regulatory Process and Service Improvement Plan include the following:

1. Develop clear informational materials for new applicants. [Bureau of Development Services and the interbureau SWAT Team]
2. Continue to review of building regulations to identify and streamline existing regulations. [BDS and SWAT]
3. Utilize customer survey results to identify phases of the permit process that warrant more detailed process reviews. [BDS and SWAT]
4. Examine the feasibility of a process which allows neighborhood associations to prioritize violations under Title 29. [ONI]
5. Ensure that appeals processes are available and publicized for each development bureau. [BDS and SWAT]
6. Empower front line development review staff to make judgements that facilitate speed and project success. [BDS and SWAT]
7. Empower one entity to resolve policy disagreements.
8. Examine how the city can prepare background material for Non-conforming Situation reviews rather than requiring the owner to gather the information. [BDS]
9. Develop methods for ensuring early identification of problems with development projects. [BDS and SWAT]
10. Increase the number of project type teams, like the Facilities Permit Program. [BDS]
11. Develop a process for certifying development ready industrial and commercial sites. [PDC]
12. Continue to examine alternatives to monthly code enforcement fees. [ONI and BDS]

The preceding lists constitute the specific items recommended to be undertaken as the FY 2003-2004 Regulatory Improvement Workplan.

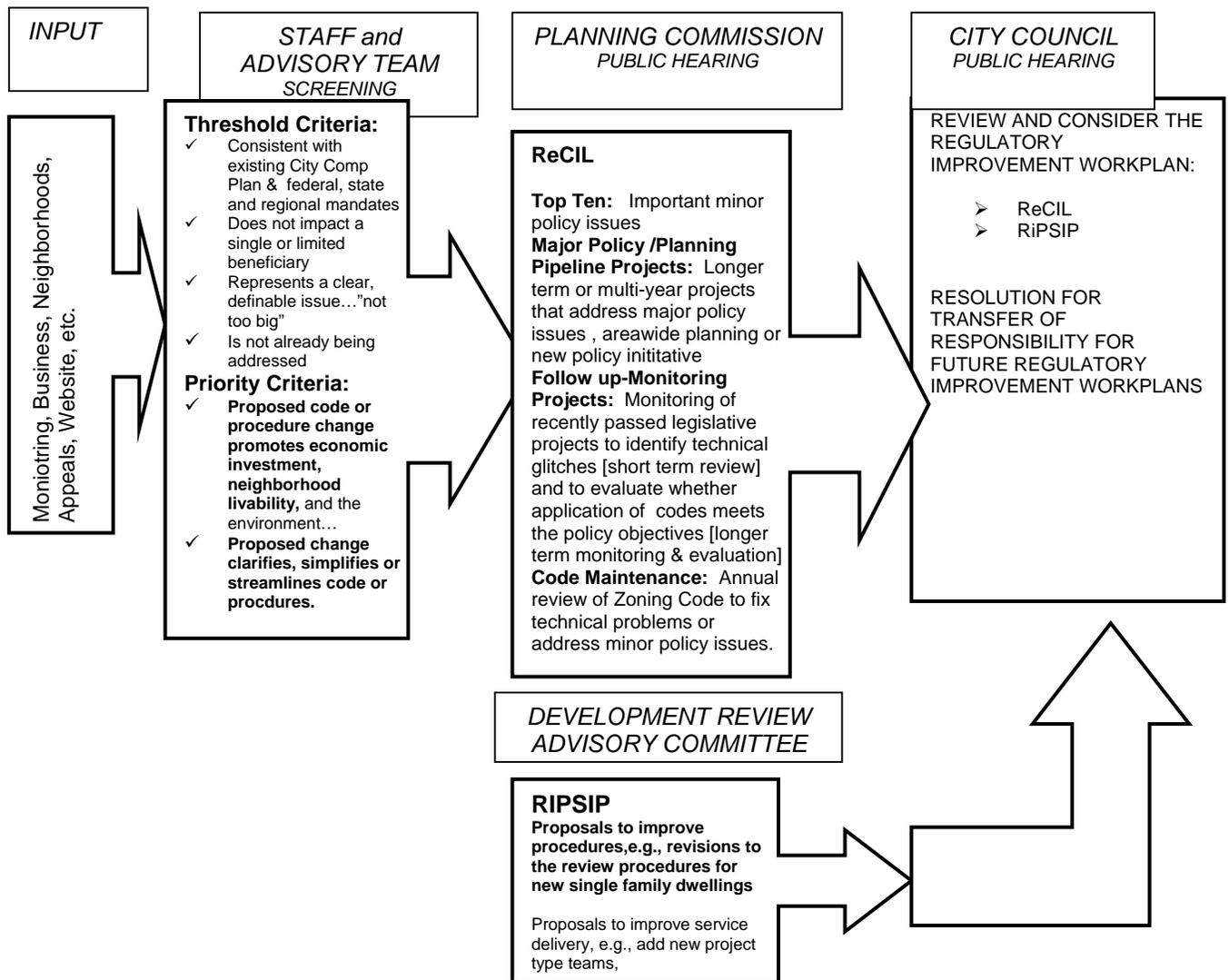
II. The FY 2003-2004 Regulatory Improvement Process

Following the model of the FY 2002-2003 Regulatory Improvement Workplan, outreach efforts by the Mayor's Office and Commissioner Leonard's Office were focused on the City's neighborhood association network, business associations, and other individuals and groups involved in or affected by the development review process. Suggestions received last year were reconsidered with new ideas that surfaced during the latest round of outreach efforts.

Changes in This Year's Process

Several changes in the review process were made based on last year's experience: 1) an Advisory Team of neighborhood representatives, business representatives, and city staff was convened to help review and sort the suggestions for the workplan; and 2) the overall review and approval process was modified to incorporate a joint work session of the City Council, Planning Commission, and Development Review Advisory Committee, followed by a public hearing of the Planning Commission prior to Council action on the workplan.

DIAGRAM A: DEVELOPMENT OF THE FY 03-04 REGULATORY IMPROVEMENT WORKPLAN [ReCIL AND RIPSIP]



These changes provide for better community input and review of the potential workplan items, as well as more opportunities for the public to review and comment on the entire proposed workplan. The membership list of the Advisory Team is provided as Attachment 2 to this report.

The Regulatory Improvement Workplan Advisory Team

The Advisory Team formulated a set of criteria for reviewing proposals. The criteria were applied in two steps. First, city staff applied a set of threshold criteria to each proposed improvement. These criteria included:

- Is it consistent with the Comprehensive Plan?
- Is it consistent with state, federal and regional mandates?
- Does the proposal represent a clearly definable issue?
- Does the proposal benefit more than a single or limited constituency?
- Is the proposal not already being addressed by an existing planning/policy project?

The second set of criteria was used to establish priorities. For FY 2002-2003 the qualifying theme for RIW proposals was support of small business. The Advisory Team adopted two themes for the FY 2003-2004 Workplan:

- The proposed code or procedure change promotes economic investment, neighborhood livability and the environment.
- The proposed change clarifies, simplifies or streamlines existing code or procedures.

The Advisory Team's recommendations include:

- 1) The City Council should ensure that projects adopted as part of the FY 2002-2003 Regulatory Improvement Workplan are completed.
- 2) While there should continue to be an annual focus on regulatory improvement, this activity should be integrated into each bureau's annual work program in a more cohesive way;
- 3) The Land Division Code Monitoring List and the Impact Assessment Recommendations are recommended unanimously as top priorities for FY 2003-2004.
- 4) The other code and procedural improvements that were reviewed by the Planning Commission.

Full implementation of the Impact Analysis Workgroup Report as accepted by the City Council in March 2003 was identified by the Advisory Team as a high priority. The Impact Analysis process calls for staff developing a new planning or policy project to address several questions in the first stage of that will result in new or modified regulations. This new requirement is an outcome from the first year of the Regulatory Improvement Workplan. The review criteria and the development of the "white papers" included in the appendix to this report respond to many of the impact assessment questions outlined in the Report's "Model Process for Consideration and Assessment of Land Use and Development Actions". (See Appendix C for a copy of the model process.). However, some of the problems to be addressed have not been fully fleshed out, nor have all possible solutions been identified. These impact assessment questions should be addressed in further detail as the issues outlined by the white papers are addressed.

The Advisory Team for the FY 2003-2004 workplan have agreed to meet again to evaluate the process and product of this year's effort. That gathering will take place following the council action in August. Participants have commented on three areas that need further study for future Regulatory Improvement Workplans:

- Improving communication and fostering more public involvement in the process;
- Continuing to provide for an annual focus on regulatory improvement; and,

- Integrating this regulatory improvement effort into the on-going functions of City government.

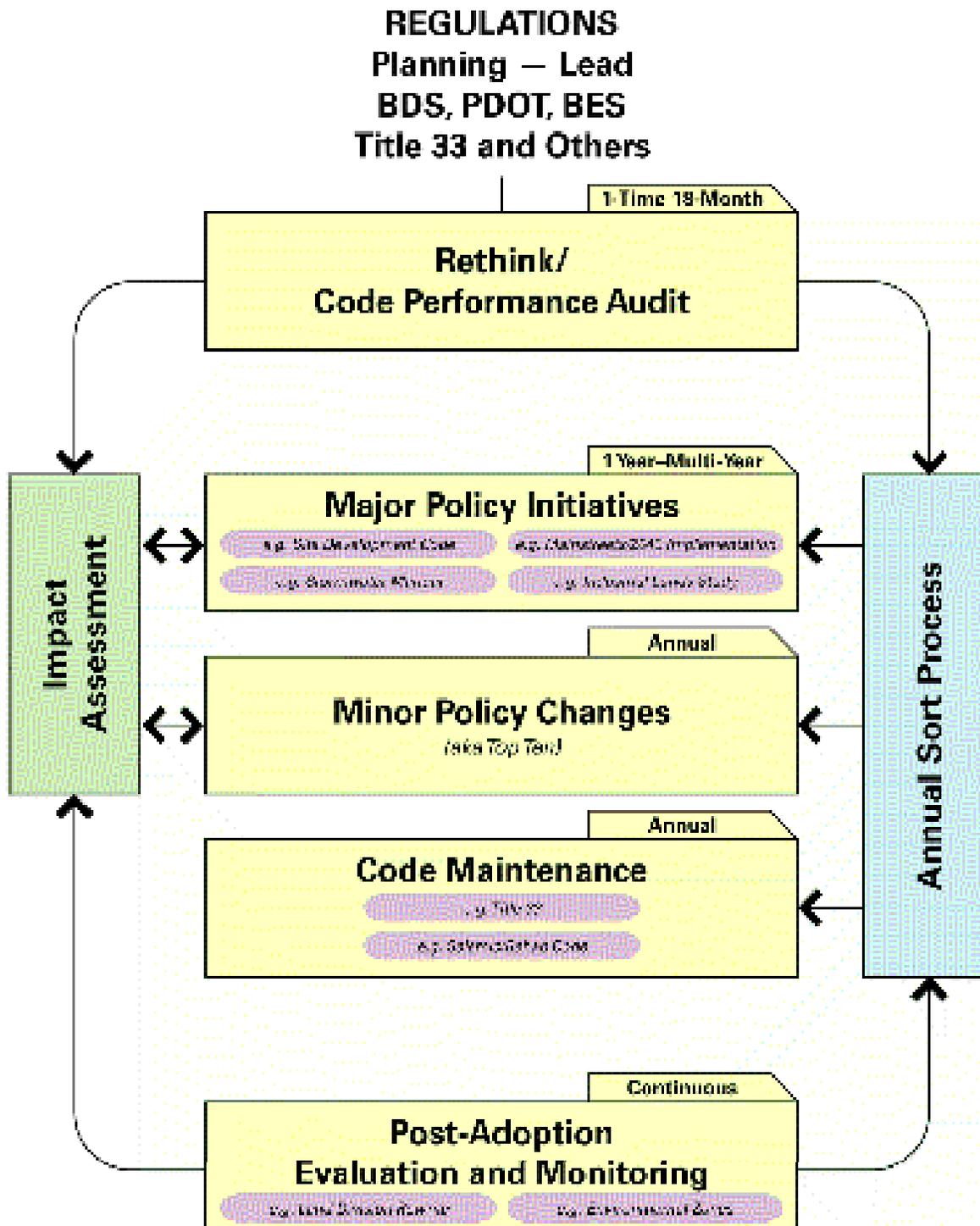


Diagram B – Concept Model for On-going Regulatory Improvement

The Joint Work Session

A Joint Work session of the City Council and Planning Commission with participation of the Chairperson of the Development Review Advisory Committee was held on June 3, 2003. The Advisory Team's general recommendations and their specific list of priorities were presented to the attendees.

The Planning Bureau also presented concepts for better integrating regulatory improvement into the on-going work program of the bureau. Diagram B (below) demonstrates the relationships that should exist among five primary elements: 1) the Rethink/Code Performance Audit; 2) Major Policy Initiatives [e.g., Healthy Portland Streams, River Renaissance, etc.]; 3) Minor Policy Changes [e.g., the Regulatory Improvement Top Ten], 4) Code Maintenance, and 5) Post-Adoption Evaluation and Monitoring. The Impact Assessment Process and the annual sorting process of code issues should be the connecting points where monitoring information and citizen input is fed back into major policy initiatives, minor changes and code maintenance.

C. The Planning Commission's Recommendation for the FY 2003-2004 Regulatory Improvement Workplan

The Planning Commission recommends that the City Council:

- Adopt Diagram B as the model for the regulatory aspects of the Regulatory Improvement Workplan;
- Provide adequate staffing to undertake all of the components in Diagram B;
- Direct the bureaus identified in this report to undertake the eleven elements listed in Section A as the work elements for the Minor Policy Changes component of this fiscal year's Regulatory Improvement Workplan ;
- Direct the bureaus undertaking Minor Policy Changes to follow a process consistent with the model for Impact Assessment Model attached to this report; and
- Further direct these bureaus to include documentation of their processes in their reports to any advisory commissions or decision-making bodies.

1. Recommendation for Minor Policy Changes (Top Ten)

In considering the potential list of projects for the Minor Policy Changes category, the Planning Commission agreed with the Advisory Team's unanimous recommendation on the top two priorities (Land Division Monitoring and Impact Assessment). The Commission believes that the ongoing projects from last fiscal year are a high priority and should be continued. Together these make up the first five items of the recommended "Top Ten" list. It should be noted that the Land Division Monitoring item consists of 53 issues that have arisen from one year's experience with implementation of the new land division code.

Because of the importance of the Land Division Monitoring element and because it demands a relatively large amount of staff resources [.9 FTE], the Commission recommends that the remaining elements of the "Top Ten" be items that accomplish the overall goals of the Regulatory Improvement Workplan with modest demands on FTE. The remaining recommended elements can be accomplished with existing resources if their scopes do not

expand over the course of consideration. This consideration, further study and development, coupled with the merits of the items themselves, was a key determinant of the Commission's recommendation. Of the remaining five items, three are supportive of small business (the Bed & Breakfast issue, the Kenton clarification, and the Columbia Corridor Well Field exemption) and they are all considered priorities by Commission members.

The other two items that the Commission recommends (Paving for Parking and Loading and Public Recreational Trails) are projects that received relatively high priority ratings from the Advisory Team (priority #4 and #7 respectively). In addition, Paving for Parking and Loading is supportive of both business and environmental concerns, and can provide relief to residents as well. The Public Recreational Trails item will streamline regulations for the Parks bureau, allowing more trails to be constructed at lower cost, while maintaining environmental protections.

2. Items Referred to On-going Planning and Policy Projects

A number of proposed code and process suggestions were received that both the Advisory Team and the Planning Commission found were best addressed through existing projects. The issues were identified by the existing project that it matched. Both groups concurred with referring these issues to the staff teams working on Healthy Portland Streams, the Riverside Plan, The Code Audit/Rethink, the Trees and Landscape Standards project, and the Industrial Lands Study.

It should be noted that a report on nonconforming commercial uses in residential zones is being prepared as part of Policy Package II. (The tentative date for a Planning Commission hearing on Policy Package II is October 28, 2003.) Although the report is not yet final, several follow-up efforts have been identified. These include the Main Streets Project, the "Division Vision" project and reconsideration of CG and CS zoning along 122nd Ave. These follow-up projects will be undertaken by the Area & Neighborhood Planning section of the Bureau of Planning.

The - Planning Commission's transmittal letter with further recommendations follows this summary.

D. Looking Back: What We Have Accomplished with Regulatory Improvement Since FY 2002-2003

1. Looking Back: Highlights of Regulatory Improvement In FY 02-03

The foundation of Portland's Regulatory Improvement Workplan is a strong commitment to the building of a process of continuous improvement to the City of Portland's land use and development regulations and the regulatory-related processes. The first Regulatory Improvement Workplan in FY 02-03 demonstrated this commitment through the exposure of the existing system to both internal and external assessments. From the assessments and the extensive public outreach an aggressive workplan of specific improvements was undertaken.

The FY 02-03 theme of improvements for small businesses is reflected in the selected accomplishments highlighted below.

Enhanced Services to Small Businesses

- ✓ The Bureau of Development Services published a "Small Business Guide to Development Services", which provides a quick reference to regulatory issues for small businesses in Portland. It explains what a business owner needs to know about getting licensed and having a business operation in Portland, whether home-based or office/store based.
- ✓ BDS also experimented with providing services to small businesses during the weekly evening hours formerly reserved for homeowners and residential contractors. While initial response was low, it has been growing since Fall of 2002 and the feedback from small business owners has been very positive.

Web-based Access to TRACS Permit System

- ✓ The BDS Web and TRACS Teams worked at a very fast pace with the Corporate GIS team to make permit and land use information available to the public through the city's website.
- ✓ The approach was developed in concert with volunteer customers and neighborhood representatives.
- ✓ Public use of the TRACS data through the web has been extensive and is growing.

Customer Service Training

- ✓ Over **400** employees in BDS, BES, Fire, Water, PDOT, and Forestry completed training.
- ✓ During FY 03-04 employees will receive an additional 4.5 hours of training.

Strategic Development Opportunities Team [SDOT]

- ✓ The SDOT was convened in the Fall of 2002. It has provided assistance to a dozen businesses.
- ✓ SDOT work has resulted in three businesses relocating to, expanding or remaining in Portland.

Money Back Guarantee

- ✓ Development bureaus offered a money back guarantee on the issuance of certain trade, addition and alteration permits was developed as a pilot project starting in November of 2002.
- ✓ Since November 2002, **18,776** trade and building permits have been issued over the counter or within the guaranteed turnaround time for permits taken in for review.

FY 03-04 HIGHLIGHTS

- ✓ **18,776 PERMITS ISSUED OVER THE COUNTER OR WITHIN GUARANTEED TIME**
- ✓ **400 EMPLOYEES EACH RECEIVED 20 HOURS OF CUSTOMER SERVICE TRAINING**
- ✓ **SPECIAL SERVICE FOCUS ON SMALL BUSINESS OWNERS**
- ✓ **SIX BUSINESSES RECEIVED DIRECT ASSISTANCE WITH LOCATION OR EXPANSION**
- ✓ **WEB USE OF TRACS PERMIT DATA IS GROWING DAILY**

New Single Family Dwelling Fast Track Review

- ✓ While not a specific project identified in the FY 02-03 Workplan, the Bureau of Development Services, under the direction of Commissioner Leonard, has developed a new pilot program to test a “Two Track Review System for Single Family New Construction Permits”.
- ✓ This is a fast track process geared to veteran applicants who are conversant with the code requirements and have demonstrated the ability to submit compliant plans.
- ✓ The goal from submittal to permit issuance is 10 working days.

A complete “Scorecard” of the accomplishments achieved in FY 2002-2003 is listed below.

Diagram C – The FY 02-03 Regulatory Improvement Scorecard

STATUS	IMPROVEMENT
✓ COMPLETED	Regulatory Code Improvement List (ReCIL) <ul style="list-style-type: none"> • List of Pipeline Projects • Top Ten plus Regulatory Code Improvement List • Code Maintenance List All approved by Council in October 2002
✓ COMPLETED	Policy Package 1 <ul style="list-style-type: none"> • City Council adopted in June 2003
✓ BEGUN	Policy Package 2 <ul style="list-style-type: none"> • Planning Commission hearing in October 28, 2003 • City Council action anticipated in Mid December 2003
✓ COMPLETED	2002-2003 Code Maintenance List <ul style="list-style-type: none"> • Heard by Planning Commission February 25 and March 11 • Adopted by City Council on April 23, 2003
✓ COMPLETED	Interagency Agreements between BDS and 5 regulatory bureaus on permit turnaround times and performance standards adopted by Council in December 2002
✓ UNDERWAY	Interagency Agreements between BDS and BOP to be presented to City Council on August 13, 2003

STATUS	IMPROVEMENT
✓ COMPLETED	Established the inter-agency Strategic Development Opportunities Team (SDOT) in August 2002---Meets weekly
✓ COMPLETED and ONGOING	Pilot-testing money-back guarantee for selected permit applications <ul style="list-style-type: none"> • Trade Permits started November 2002 • Residential Remodels started December 2002 • Commercial Remodels started early February 2003
✓ COMPLETED	Web-based Permit Status Information launched February 2003
✓ COMPLETED	Regional Assessment of System Development Charges (SDCs) released November 2002
✓ COMPLETED	Changes to the transportation SDCs adopted by Council in January 2003

✓ COMPLETED and ONGOING	Enhanced Services for Small Businesses rolled out between September and November 2002 <ul style="list-style-type: none"> • Small Business Guide to Development Services • Small Business Portal on BDS website • Extended evening hours to assist small businesses • Lunch & Learn information presentations
✓ COMPLETED	"Independent Stakeholder Assessment of the Development Review Process" report by Innovation Partnership accepted by City Council in March 2003
✓ COMPLETED	City Auditor's report on Development Services released January 2003
✓ COMPLETED	Established a Customer Assistance Team (CAT) <ul style="list-style-type: none"> • Services expanded to BES and PDOT • Handle 1-2 cases per week
✓ COMPLETED	New Policy on Lien Reductions, being used in conjunction with foreclosure program
✓ UNDERWAY	Publicizing Availability of Fee Waivers and Exceptions
✓ COMPLETED	Offering New Owner Grace Period for new property owners with old code violations
✓ COMPLETED and ONGOING	Boeing continuous improvement training and process re-engineering <ul style="list-style-type: none"> • Training sessions completed in December 2002 and March 2003 Process improvement workshops in October 2003
✓ COMPLETED	Drafted Charter of Regulatory Rights & Responsibilities, including right to appeal
✓ COMPLETED	Customer Service Training for development review staff and managers <ul style="list-style-type: none"> • Hired customer service training consultants • Developed new customer service goals • Completed customer focus group Training courses were conducted in April, May and June 2003 Vetting Draft Charter of Rights & Responsibilities scheduled for September 2003
✓ COMPLETED	Regulatory Impact Analysis Workgroup---Final report and recommendations completed March 2003
✓ UNDERWAY	Provisional citywide vision statement adopted by Council in August 2002. Public outreach is ongoing

E. Looking to the Future: Transferring Responsibility for Regulatory Improvement

The first two annual Regulatory Improvement Workplans have been developed under the guidance of Mayor Katz, and the second with the help of Commissioner Leonard. Building on this foundation, it is now time for city bureaus to take responsibility for developing future annual workplans. The Regulatory Improvement Workplan has been conceived with two components: the Regulatory Code Improvement List [ReCIL] and the Regulatory Process and Improvement Plan [RiPSIP]. These two components reflect the division of responsibility between the Bureau of Planning and the Bureau of Development Services.

The Bureau of Planning has responsibility for working with the community and the Planning Commission to develop and maintain the vision for Portland's development. This vision is codified in Title 33, the Planning and Zoning Regulations. The Bureau of Development Services is charged with the application of the Planning and Zoning Code, as well as the building regulations and other site development regulations. BDS is the implementing, or process agent.

The resolution accompanying this report charges these two bureaus with leadership for implementing the FY 03-04 Regulatory Improvement Workplan and assigns to these two bureaus responsibility for development of future annual workplans. This charge is consistent with each bureau's mission and ensures the continuation of an annual process of regulatory improvement.

VI. Appendices

A. White Papers

New ReCIL Items

1. Land Division Monitoring Package
2. Impact Assessment Recommendations
3. Paving for Parking & Loading Areas
4. Nonconforming Upgrades: Well Field Improvement Exemption
5. Public Recreational Trails
6. Kenton Plan District: Vehicle Sales
7. Bed & Breakfasts: Reduce Restrictions on Gatherings
8. Minimum Lot Size in R5 and R2.5 Zones

ReCIL Items Referred to Planning and Policy Projects

1. Healthy Portland Streams [BOP]
2. Riverside Plan [BOP]
3. Code Audit/Rethink [BOP]
4. Tress and Landscape Standards Project [BDS]
5. Industrial Lands Study [BOP]

RiPSIP Items

1. Development of clear informational materials for new applicants.
2. Continued review of building regulations to identify and streamline existing regulations. [BDS and SWAT]
3. Utilization of customer survey results to identify phases of the permit process that warrant more detailed process reviews. [BDS and SWAT]
4. Examine the feasibility of a process which allows neighborhood associations to prioritize violations under Title 29. [ONI]
5. Ensure that appeals processes are available and publicized for each development bureau. [BDS and SWAT]
6. Empower front line development review staff to make judgements that facilitate speed and project success. [BDS and SWAT]
7. Empower one entity to resolve policy disagreements.
8. Examine how the city can prepare background material for Non-conforming Situation reviews rather than requiring the owner to gather the information. [BDS]
9. Develop methods for ensuring early identification of problems with development projects. [BDS and SWAT]
10. Increase the number of project type teams, like the Facilities Permit Program. [BDS]
11. Develop a process for certifying development ready industrial and commercial sites. [PDC]
12. Continue to examine alternatives to monthly code enforcement fees. [ONI and BDS]

B. Model Process for Consideration and Assessment of Land Use And Development Actions [Impact Analysis Workgroup Report]

White Paper No. 1

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04 Proposal for Code Improvement

Bureaus: Planning and BDS	Code Item Title: Land Division Monitoring Code Improvement Items
Description of the Problem With the Code: When the Land Division Code was adopted by the City Council in 2002, staff was directed to monitor the application of the code for problems with implementation. While the City Council did not allocate funding for monitoring or evaluation, the Land Division Team in the Bureau of Development Services has tracked the problems encountered with applications for subdivision and partitions since the adoption of the code. BDS staff has developed this listing of 53 items.	
Possible Solution or Concept: The proposal is to review this package of changes that would provide for a second year technical update to the code and prevent further customer and staff problems. This would be the first monitoring effort undertaken on a recently adopted code package in which a comprehensive corrective action plan would be adopted within 12-24 months after code adoption. Only changes in keeping with the policies set by the new project should be considered at this stage of evaluation.	
Desired Outcome of Change: Improved processing of land division applications	
Process and Timeline for Changing the Code: This would require a revision of Title 33. A full legislative review process is required, including allowing public review of a draft proposal; hearing, review and recommendation by the Planning Commission, with final action by the City Council. Approximate timeline: 9-12 months. If the resources identified below are provided, the project could start as of mid-July.	
What resources are needed to process the code change and are they available? The Bureau of Planning estimates that the staff time necessary to undertake this project would be approximately 1.0 staff positions [1.0 full time equivalent – fte] for a year. The Bureau of Development Services estimates that this project will require BDS staff involvement up to .2 of a full time position.	
If this project is part of a phased program and there are other activities that would follow this FY 03-04 project that are needed to fully address the problem, please identify those future activities and the bureaus involved. Not applicable	
Who are the Stakeholders interested in this issue and how will they be involved in the code change process? Neighborhood residents Homebuilders Notices will be provided to interested parties, neighborhood associations, business associations and others encouraging participation in the project.	

White Paper No. 2

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04 Proposal for Code Improvement

Bureau: Mayor's Office lead - All regulatory bureaus	Code Item Title: Implement Regulatory Impact Assessment Workgroup recommendations
Description of the Problem With the Code: There is no consistent process or requirement for ensuring that the impacts of regulatory actions are analyzed and considered before actions are taken by various bureaus, the Planning Commission and the City Council.	
Possible Solution or Concept: Establish a citywide process for developing and assessing land use and development related policies, regulations, and administrative requirements. This process includes first stage identification and assessment of issues, goals and objectives, impacts and intended outcomes; and a second stage assessment to revisit and address policy alternatives, stakeholder input, objectives, costs, benefits and resources for implementation and monitoring for effectiveness. Require bureaus proposing regulation and administrative rulemaking to complete regulatory impact assessments that provide comprehensive information to decision-makers and community stakeholders regarding the potential impacts on land use and development within Portland. Within six to nine months after implementation, require an initial review of new regulations to identify if technical fixes are needed to address "glitches" identified through the practical application of the code. A more thorough assessment of the overall project's effectiveness should be completed within a two to three year time frame. Direct that a subgroup of the Impact Analysis Workgroup meet quarterly to monitor and assess the first year's implementation of the recommended impact analysis process and reporting guidelines and report to Council by July 2004 on: report quality; cost and value of report preparation; and recommendations on whether to continue or expand the requirement and how to improve it. If the Impact Assessment is judged worthwhile, direct that it be applied to all policies, regulations and administrative requirements impacting land use and development, since many non-regulatory actions have significant impacts or may serve as the basis for future regulatory actions.	
Desired Outcome of Change: Consistent information on impacts of intended actions; possible reduction in regulations; better preparation and budgeting of resources for new regulations when they are adopted.	
Process and Timeline for Implementing this Procedural Change: The recommendations of the Impact Assessment Workgroup were accepted by the City Council in March 2003. A subgroup of the Impact Assessment Workgroup has volunteered to reconvene to evaluate the initial experience with these new procedures.	
What resources are needed to process the code change and are they available?: No dedicated resources are needed, however the additional requirements may mean that some bureaus' projects may take longer and/or cost more.	

White paper No. 4

**Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04
Proposal for Code Improvement**

Bureau: BES lead, with PDOT and Planning	Code Item Title: Parking and Loading PCC 33.266.120E Title 24 , and the Stormwater Manual [original Item 28:]
Description of the Problem With the Code: Explore opportunities where reduced paving is appropriate: Existing regulations require all vehicle areas to be paved, which substantially increases the amount of impervious surface citywide. Consider situations where no paving, reduced paving, or pervious paving material may be appropriate. Changes to Title 24, which requires minimum paving standards for vehicle areas, and the Stormwater Manual, which addresses the quantity and quality of on-site stormwater, need to be considered. Subsequent changes to Title 33 may be needed.	
Possible Solution or Concept: The proposed concept is take a phased approach to addressing a number of code problems relating to paving in parking areas. The first phase, proposed for FY 03-04 is to develop a set of standards for alternatives to concrete or asphalt paving. These alternative standards could be based on use, location and maintenance requirements. This effort would be lead by the BES and would involve participation by other bureaus such as PDOT, BDS, and Planning [to differing degrees]. Future activities could include changes to Title 33 and to various zoning maps, as well as the potential of publishing a comprehensive Site Development Code (these would not be covered without additional funding). The work on the standards should be accompanied with recommendations on where the allowance of such alternatives to paving should be allowed and where concrete or asphalt paving should still be required.	
Desired Outcome of Change: Reduce the amount of impervious surface citywide, while recognizing the objectives and requirements of Title 24 and the Stormwater Manual. Design standards which would provide the basis for reducing impervious surface in parking areas. The reduction in impervious surface is a critical goal of the city's stormwater program and Endangered Species Act program.	
Process and Timeline for Developing the Standards: BES would lead this process.	
What resources are needed to develop the standards and are they available?: BES; Planning and/or BDS would need resources to bring any follow up amendments to the Zoning Code forward, possibly as minor policy changes and/or Code Maintenance changes depending on the scope of change needed.	
Who are the Stakeholders interested in this issue and how could they be involved in the standard development process? Some property owners will support this issue Some neighborhood land use activists will be concerned about this. It would lead to a reduction in impervious surface which is a priority to BES and water quality advocates (and would need to adequately address possible contamination issues). Transportation may have an interest in alternative paving on private property has/or does not have an impact on the adjacent right of way.	

White paper No. 5

**Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04
Proposal for Code Improvement**

Bureau: Planning	Code Item Title: New item: Non-conforming Upgrades: Wellfield Improvement Exemptions Exempt improvements made in compliance with the Columbia South Shore Wellhead Protection Program from thresholds triggering non-conforming upgrade requirements
Description of the Problem With the Code: The newly adopted Columbia South Shore Wellhead Protection Program will require significant expenditures by property owners in the area to upgrade their sites. These improvements will be required by the City whether or not there is any other development being proposed on the site. The City should not be requiring additional non-conforming upgrades as required by 33.258.070 for those who are not doing any development other than that mandated by the Wellhead Protection Program.	
Possible Solution or Concept: Exempt site improvements required pursuant to Chapter 21.35 and the Columbia South Shore Wellhead Program Reference Manual from those triggering non-conforming upgrades.	
Desired Outcome of Change: Not creating a further burden on those property owners required to do site upgrades for wellhead protection.	
Process and Timeline for Developing the Standards: Could be processed along with other Top Ten items as part of a package of code improvements. 6-9 months.	
What resources are needed to develop the standards and are they available?: Planning estimates .1-.2 FTE if packaged with other items.	
Who are the Stakeholders interested in this issue and how could they be involved in the standard development process? Water Bureau, Columbia South Shore property owners and businesses, Columbia Corridor Association	

White Paper No. 7

**Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04
Proposal for Code Improvement**

Bureau: Parks	Code Item Title: Item 30 Public Recreational Trails PCC 33.272
Code Problem: Review the public recreational trail requirements related to the following: <ol style="list-style-type: none">1. Trail standards2. Dedicating easements and rights-of-way – process and requirements are not clear; need more information3. City maintenance requirement – this requirement has financial impacts on PPR; need flexibility to refuse4. Standards for city acceptance of deeded land – requirement is unclear; clarify that City is not obliged to accept donations of tracts or lots containing the Greenway trail5. Certificate of occupancy and trail construction – nexus for requiring easements, trail construction, maintenance is in question. City policy needs to be reflected in requirements; PPR authority for review to be added6. Placement of recreation trail symbol on the Comp Plan – trail location is conceptual but interpreted literally, making it difficult to ensure that easements can be acquired when needed and that trail is constructed in the appropriate location	
Possible Solution or Concept: <p>The proposed concept is a phased approach to addressing the issues above. The first phase, proposed for FY 03-04, is to develop trail construction standards based on use, location and maintenance requirements. Parks and Recreation would lead the effort, which would include collaborating with other bureaus such as PDOT, BDS, Environmental Services and Planning [to differing degrees].</p> <p>Review requirements related to easements, conditions under which the City is required to accept maintenance responsibilities and/or to accept land donations and if possible make changes via Code Maintenance activities. These requirements may be more appropriate in the proposed Site Development Code.</p> <p>Review legislative history to determine whether changes in procedure or changes on the Comp Plan maps are needed to address item #6.</p> <p>Future activities after FY 03-04 could include changes to Title 33 and to various zoning maps, as well as creating a comprehensive Site Development Code.</p>	
Desired Outcome of Change: <p>Clear and easy to understand language in City Code related to recreational trails, including information about process and procedures for negotiating and dedicating easements and including reference to PPR sign-off authority.</p> <p>A set of standards for recreational trails that will include design, materials, construction, and maintenance based on use and location. A public information brochure (and digital form) or other tool similar to the <i>Columbia South Shore Slough Trail Permit & Construction Handbook</i></p> <p>Clear interpretation of the specificity of the recreational trail symbol.</p>	

Process and Timeline: 9 months minimum at .5 FTE

Trail Standards could be completed within 6 months, at .5 FTE. Actual time may need to be modified based on availability of other bureaus' staff to review and collaborate.

A minimum of three additional months (at .5 FTE) would be needed to complete Code language revisions and a public information tool about trails, easements etc..

A more complicated scenario involving Comp Plan Amendments and resolving issues of nexus for trail requirements would take at least a year and require BOP to take the lead. This is not suggested at this time.

What resources are needed to develop the standards and are they available?:

Staff time and review time are needed. Standards and code analysis could be accomplished with .5FTE, assuming time available for inter-bureau review

Projects are not in PPR Planning and Development work program for FY 03-04

Who are the Stakeholders interested in this issue and how will they be involved in the code change process?

Bureau of Parks and Recreation staff (Planning & Development; Operations; Recreation Divisions); 40-Mile Loop Land Trust; SW Trails group; Trail user groups [e.g., Willamette Pedestrian Coalition; Bicycle Transportation Alliance, Neighborhood Associations, Watershed groups]; Property owners required to provide trails

If this project is part of a phased program and there are other activities that would follow this FY 03-04 project that are needed to fully address the problem, please identify those future activities and the bureaus involved.

Changes to Title 33 and Comprehensive Plan would require legislative process, led by Bureau of Planning. Would require City Bureau participation and public outreach. These are not recommended at this time.

White Paper 19

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04 Proposal for Code Improvement

Bureau: Planning	Code Item Title: Kenton Plan District Prohibition on Vehicle Sales
Description of the Problem With the Code: Council offices have been working with a business and representatives from the Kenton neighborhood on finding a way to allow an antique auto/memorabilia shop to operate on N. Denver. This business put a lot of work into restoring a vacant building in the Kenton town center, only to find at the very end that the Kenton District Plan didn't allow the sales of automobiles. Subsequent to that, the Kenton neighborhood voiced that they would like to see this business be allowed in Kenton. This business would add to the character of the neighborhood, especially in light of the fact that many of the buildings in that part of Kenton are vacant, or of undesirable use. The intent of the code prohibition of this use was meant to eliminate big car dealerships and used car dealerships with extensive exterior display.	
Possible Solution or Concept: We could consider a minor change to the Plan District that would preserve the intent of the code and a small volume business with vehicle sales to operate with limitations by changing Vehicle Sales and Services from a Prohibited Use to a Limited Use with limitations, such as those in the Plan District for other uses. For example, individual Manufacturing and Production uses are limited to 3,000 square feet of floor area in the Kenton Plan District.	
Desired Outcome of Change: Allow some increased flexibility within the Kenton Plan District for Vehicle Sales and Service uses, without going against the intent of the Plan.	
Process and Timeline for Changing the Code: This change, if packaged with other Code Amendments could be done within 6 months.	
What resources are needed to process the code change and are they available?: .1-.2 FTE in Planning.	
Who are the Stakeholders interested in this issue and how will they be involved in the code change process? Kenton neighborhood association and residents, Denver Avenue Business Association, property and business owners.	

White Paper #

**Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04
Proposal for Code Improvement**

Bureau: Planning	Code Item Title: New item - Conditional Use of Bed & Breakfast facilities of historic significance to conduct social gatherings and commercial meetings.
Description of the Problem with the Code: Current state: Section 33.212.040(e) covering Bed and Breakfast Facilities <u>specifically prohibits</u> any bed & breakfast from conducting “commercial meetings” (including luncheons, banquets, parties, weddings, meetings, and charitable fund raising), and <u>prohibits</u> any social gatherings over 4 per year with not more than 4 non-resident visitors at each gathering. As written, this would prevent more than four family gathering for birthday dinners, holidays, etc. per year and also prevents use of the B&B for community meetings and charitable fundraising. Problem Statement: The B&B code as currently written is overly restrictive, limiting the property owner’s ability to respond to the expressed needs of their guests and their community – even though they may enjoy strong neighborhood support for seeking a conditional use to hold events. Unless amended, the current code jeopardizes the financial viability of the historic B&B as a small business and could lead to conversion of the property to condominium housing, a request for more intensive commercial use and/or demolition.	
Possible Solution or Concept: The city could consider easing the restriction to allow a limited number of additional meetings by right, be allowing for a conditional use permit for such gatherings provided that such use maintains the purpose of the existing Bed and Breakfast ordinance (Section 33.212.010) and includes as approval criteria a suitable plan to mitigate potential traffic, parking, or noise issues; or other options that might be developed by staff.	
Desired Outcome of Change: Some additional flexibility for Bed and Breakfast facilities to allow them to conduct social gatherings and commercial meetings at the bed and breakfast property, while maintaining and protecting the residential character of the surrounding neighborhood and ensuring appropriate community review.	
Process Timeline for Changing the Code: 6-9 months.	
What resources are needed to process the code change and are they available? Staff estimates this would take .1-.2 FTE if the scope remains narrowly focussed.	
Who are the stakeholders interested in this issue and how will they be involved in the code change process? Requestors: Steve Unger, Owner, Lion and the Rose Victorian Bed & Breakfast; Stephen Holden and Lanning Blanks Owner, Portland’s White House Bed & Breakfast Other potential stakeholders: B&B owners, neighborhood associations, business associations, POVA, Historic Preservation advocates, the Portland Metro Innkeepers Association (PMIA)	

**Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04
Proposal for Code Improvement**

White paper No. 5

<p>Bureau: Planning</p>	<p>Code Item Title: New item: Establish minimum lot sizes for existing lots in the R5 and R2.5 zones</p>
<p>Description of the Problem With the Code: During the development and consideration of Policy Package 1 of the 2002-2003 Regulatory Improvement Workplan, the community identified as problematic the lack of minimum dimensional standards for existing lots in the R5 and R2.5 zones (33.110.212). The Planning Commission believes allowing this to remain in the Code as written effectively allows double the density in the R5 zone in areas with historic underlying platting of 25' x 100' lots, contrary to the Comprehensive Plan Map designation and description for these areas.</p>	
<p>Possible Solution or Concept: Establish the same minimum lot size for existing lots in the R5 and R2.5 zones as for new lots created under the City's land division regulations.</p>	
<p>Desired Outcome of Change: Consistency between how the City treats existing and new lots in the R5 and R2.5 zones. Compliance with the Comprehensive Plan and Map. Restored community trust.</p>	
<p>Process and Timeline for Developing the Standards: The Planning Commission believes this change would take minimal time and staff resources since a proposal has already been developed that they support.</p>	
<p>What resources are needed to develop the standards and are they available?: The Planning Commission believes that no additional resources would be needed to process this change if packaged with other Code revisions.</p>	
<p>Who are the Stakeholders interested in this issue and how could they be involved in the standard development process? Homebuilders, neighborhood associations and residents.</p>	

ReCIL Items Referred to Existing Planning and Policy Project
 Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04
Proposal for Code Improvement
 Items Referred to Existing Planning and Policy Projects

Bureau: Planning	Code Item Title: Items 25, 42, 43, 45, 46, 47 and Mitigation Banking and Zone Map Errors
Existing Planning or Policy Project to Which Issues are Referred: Healthy Portland Streams	
Description of the Items Referred to the Planning or Policy Project:	
Mitigation and Restoration Plantings and Irrigation 33.248.090	Provide an allowance for irrigation watering for mitigation plants.
Environmental Zone Exemptions 33.430.080	Clarify activities that are exempt from Environmental Review. Existing language identifying activities that are exempt from Environmental Review is not always clear and difficult to implement. Identify a limited number of such clean-up/clarifications changes to the "exemptions" language, including how DEQ mandated clean-ups are reviewed. Potential Outcomes 1. Allows minor changes and activities that have no adverse impact on protected environmental resources.
Resource Enhancement Projects 33.430.170 33.430.250.B	Allow resource enhancement projects to be approved as part of the building permit process. Instead of subjecting resource enhancement projects to an Environmental Review, consider allowing them through an environmental plan check that is done at time of building permit application. 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 may accomplish this. Potential outcomes 1. Encourages applicants to initiate resource enhancement projects without the requirement of a land use review.
Environmental Zones 33.430	Current wording in Chapters 430 and 480 do not adequately address maintenance schedules to allow for the protection of views that is required for some properties. The Pittock Mansion is one such example.
Applicability of environmental review requirement 33.430.070	Create a streamline approach for repairing trails quickly to prevent stream damage. Current process requires full environmental review, which is costly and time consuming.
Development standards in environmental zones 33.430	Allow demolition of structures in E-zones to take place without review when the demolition is for the purpose of making the E-zone better through re-planting, etc.
Mitigation Banking in E Zones	Allow watershed wide environmental improvement plan to be used by individual property owners and support either on or off site mitigation.
Recreational Trails in E Zones	Review requirements for recreational trails in environmental overlay zone – modify language to allow approval of repairs and realignments more quickly.

Zone Map Errors 33.855.070	Provide a quick, sure process to allow corrections to mapping of environmental resources. There should be a quasi-judicial procedure to allow anyone to request addition or removal of an environmental zone on the zoning map, based on natural resources present or absent. The process should be available for when a resource is discovered that was not previously protected (e.g., a stream with no e-zone), and for when a property owner believes an overlay was applied in error or wishes to refine the line's placement. It should require an ESEE analysis, and reference to adopted legislative projects to ensure compliance with the bigger picture.														
Are the issues identified above being addressed in the Planning/Policy project? If not, how can they be incorporated? Yes, they will be considered as HPS moves forward.															
What is the schedule for developing and presenting solutions to these issues? Include dates for Planning Commission and City Council action. River Renaissance Regulatory Improvement Work Plan <table border="0" style="width: 100%;"> <tr> <td style="padding-left: 20px;">Conditions report outlining regulatory improvement issues*</td> <td style="text-align: right;">10/03</td> </tr> <tr> <td style="padding-left: 20px;">Public draft outlining regulatory improvement concepts*</td> <td style="text-align: right;">1/04</td> </tr> <tr> <td style="padding-left: 20px;">Concepts to Planning Commission</td> <td style="text-align: right;">3/04</td> </tr> <tr> <td style="padding-left: 20px;">Concepts to Council</td> <td style="text-align: right;">6/04</td> </tr> </table> Changes to the Environmental overlay zones and interim changes to the Greenway overlay zone <table border="0" style="width: 100%;"> <tr> <td style="padding-left: 20px;">Discussion of Concepts</td> <td style="text-align: right;">1/ 04 - 6/04 (some discussion will take place prior to 1/04)</td> </tr> <tr> <td style="padding-left: 20px;">Code to Planning Commission</td> <td style="text-align: right;">Summer 04</td> </tr> <tr> <td style="padding-left: 20px;">Code to Council</td> <td style="text-align: right;">Fall 04</td> </tr> </table> * The regulatory improvement issues and concepts are related to the environmental and greenway overlay zones, stormwater regulations, etc.		Conditions report outlining regulatory improvement issues*	10/03	Public draft outlining regulatory improvement concepts*	1/04	Concepts to Planning Commission	3/04	Concepts to Council	6/04	Discussion of Concepts	1/ 04 - 6/04 (some discussion will take place prior to 1/04)	Code to Planning Commission	Summer 04	Code to Council	Fall 04
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Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04
Proposal for Code Improvement
 Items Referred to Existing Planning and Policy Projects

Bureau: Planning	Code Item Title: 50, 51, 52, and 53
Existing Planning or Policy Project to Which Issues are Referred: Riverside Plan	
Description of the Items Referred to the Planning or Policy Project:	
Item title	Description
Greenway Overlay Zone 33.440	This chapter needs a comprehensive review and update. The regulations in this chapter are outdated, and confusing to both the public and staff. Potential Outcomes 1. Facilitates the understanding and implementation of the Greenway regulations.
Applicability of Greenway Overlay review 33.440.310.B	This section requires review for the use of herbicides in Greenway zones, even though another portion of the code allows for the removal of nuisance plants outright. This code section should allow treatment through an approved programs such as the Parks Bureau’s NOAA Fisheries-approved Integrated Pest Management Program (IPM)
Greenway Landscape Standards 33.440.230	Establish proportionality between the value of proposed development and the amount of required landscaping. Consider implementing the landscape requirements in the Greenway overlay zone similarly to how landscape requirements for nonconforming upgrades in Chapter 33.258 are implemented (i.e., limiting such upgrades to 10% of the project cost). This would establish proportionality between the cost of the required Greenway landscape requirements and the proposed development. <u>ci. Potential Outcomes</u> 1. Promotes consistency with other Code provisions that require landscape upgrades.
Greenway Trail and Public Viewpoints 33.440.240	An exemption to trail and public viewpoint requirements could be added for river-dependent and river-related industrial uses. The Greenway Design Guidelines on public access (Issue B) do not apply to river-dependent and river-related industrial use applications, but that exemption is not included in the Greenway development standards. Potential Outcomes 1. Facilitates the development of river-related and river-dependent industrial uses.
Are the issues identified above being addressed in the Planning/Policy project? How? If not, how can they be incorporated? Yes these issues will be considered.	

What is the schedule for developing and presenting solutions to these issues?

River Renaissance Regulatory Improvement Work Plan

Conditions report outlining regulatory improvement issues*	10/03
Public draft outlining regulatory improvement concepts*	1/04
Concepts to Planning Commission	3/04
Concepts to Council	6/04

Changes to the Environmental overlay zones and interim changes to the Greenway overlay zone

Discussion of Concepts	1/04 - 6/04 (some discussion will take place prior to 1/04)
Code to Planning Commission	Summer 04
Code to Council	Fall 04

* The regulatory improvement issues and concepts are related to the environmental and greenway overlay zones, stormwater regulations, etc.

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04
Proposal for Code Improvement
 Items Referred to Existing Planning and Policy Projects

Bureau: Planning	Code Item Title: 8, 59, 100, and 102
Existing Planning or Policy Project to Which Issues are Referred: Code Audit/Rethink Project	
Description of the Items Referred to the Planning or Policy Project:	
Item title	Description
Commercial Zones 33.130	Reevaluate the need for eight different commercial zones. Toward Code simplification, the need for eight different commercial zones should be reconsidered. Potential Outcomes 1. This simplification will facilitate the understanding and implementation of these Code provisions.
Plan Districts, Overlays, and Mixed-Use Zones	1. Eliminate all (or almost all) plan districts, overlays, and mixed use (EG through RX zones). Replace them with menu-matrix zoning. Menu-matrix zoning will use a limited list of options, but allow them to be combined in a variety of ways to produce a great variety of outcomes. It would also be much simpler to understand and administer – and to plan new districts. (Menu-matrix system described in Michaelson letter). 2. Revisit transit street designation of part or all of Sandy Boulevard considering its “Main Street” designation. Create incentives for property owners to “upzone” from General Commercial along Sandy.
Outcomes based zoning regulations	Modify prescriptive zoning regulations to be more outcomes based.
Allow 20% variance without Land Use Review	Change the development standards in Title 33 to allow for 20% variance without a Land Use Review
Are the issues identified above being addressed in the Planning/Policy project? If not, how can they be incorporated? This project has not yet been scoped but intends to look beyond our existing "tool box" for different ways we might be able to achieve our goals, and look at different possible approaches for the City to consider. The Regulatory Rethink will be a "white paper exercise" which will outline an improved overall approach to how the Zoning Code and other codes can better work to implement the Comprehensive Plan.	
What is the schedule for developing and presenting solutions to these issues? 12-18 months – these specific issues will be explored, but code will not be developed under this timeline. The project will also inform ongoing Major Policy Initiatives in the Bureau.	

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04
Proposal for Code Improvement
 Items Referred to Existing Planning and Policy Projects

Bureau: Development Services	Code Item Title: Items 26, 27, and 28
Existing Planning or Policy Project to Which Issues are Referred: TREES AND LANDSCAPING STANDARDS PROJECT	
Description of the Items Referred to the Planning or Policy Project:	
Item title	Description
Tree Preservation Plans 33.248.065 Title 20	Need to consolidate the tree preservation plan requirements.
Tree and Landscape Standards Title 33 Titles 10, 17, 20, 24	Coordinate and streamline technical tree and landscaping standards, e.g., planting methods, material specifications, irrigations, etc. 1. Consider reducing the required caliper of street trees from 3.5 inches to 2.5 inches.
Protection of existing foliage outside of Environmental Zones	Surprised there is not better protection of existing trees and other greenery in non-Environmental zones of the City.
Are the issues identified above being addressed in the Planning/Policy project? If not, how can they be incorporated? Yes.	
What is the schedule for developing and presenting solutions to these issues? Include dates for Planning Commission and City Council action. By end of fiscal year 2003-2004.	
What stakeholders are interested in these issues?	
How and when will the public be involved in this project?	

**Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04
Proposal for Code Improvement**

Items Referred to Existing Planning and Policy Projects

Bureau: Planning	Code Item Title: Possible new “industrial” zones
Existing Planning or Policy Project to Which Issues are Referred: Industrial Lands Study	
Description of the Items Referred to the Planning or Policy Project:	
Item title	Description
Create a Process for considering new zones as technology offers new types of industry	[Can a firm that creates and ships millions of CDs qualify for the industrial sanctuary?]
Are the issues identified above being addressed in the Planning/Policy project? If not, how can they be incorporated? How to address “industries of the future” is a key question in the work PDC and Planning are doing. In Phase One, being worked on at this time, Planning and PDC are conducting a comprehensive inventory of the city’s industrial land supply to determine the availability and demand for industrial lands, the needs of industrial users, and development constraints and barriers to redevelopment of significant properties. In Phase Two of the project, Planning and PDC intend to use the GIS-based inventory for updating Portland’s industrial sanctuary policy and zoning, for identifying and creating funding sources for redevelopment projects, and to assist businesses seeking to locate or develop property in the City of Portland. An intergovernmental agreement with PDC including an agreed upon scope of work for Phase Two has not been completed.	
What is the schedule for developing and presenting solutions to these issues? Include dates for Planning Commission and City Council action. The Industrial Lands Inventory will be completed this summer. Intergovernmental agreement with PDC will be completed this summer for Phase Two.	

RiPSIP – Regulatory Process and Service Improvement Plan

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04

Proposal for Code or Process Improvement
White Paper for RIPSIP 1

<p>Bureau: Development Services</p>	<p>Code Item Title: Develop clear materials/information for new applicants.</p>
<p>Description of the Problem With the Code: This issue was raised as a part of the Independent Stakeholders Assessment done by Innovation Partnership. There are many diverse customers for the city’s development review functions and first time customers are very confused by the complex system.</p>	
<p>Possible Solution or Concept: The Bureau of Development Services should continue to develop customized informational materials for new and infrequent customers. The Bureau should continue to use its website, as well as the network of neighborhood and business associations to get these informational materials out to interested parties. The survey done by the City Auditor may provide some indicators of the groups that need additional help.</p>	
<p>Desired Outcome of Change: New and infrequent customers will have easily understood materials to help clarify and simplify the development requirements and make their interactions with staff most successful.</p>	
<p>Process and Timeline for Changing the Code: This is an on-going function of the Bureau of Development Services and the Interagency partners [BES, Fire, PDOT, Forestry and Water] who participate in the SWAT Team in the Development Services Center. The SWAT team helps to identify and to prepare materials. Staff in BDS Administration and Development Services handle the publishing and placement on the website. .</p>	
<p>What resources are needed to process the code change and are they available?: There is time available from the SWAT team, the Administration Team and Development Services staff to address some new materials [4-7 publications] in FY 03-04.</p>	
<p>Who are the Stakeholders interested in this issue and how will they be involved in the code change process? The stakeholders will vary depending on what issues or customer groups are identified from surveys as needing the most help. The Bureau and the SWAT Team will reach out to all appropriate stakeholders and make use of the ONI network for participation and input. In addition the Development Review Advisory Committee may provide guidance on where the need is greatest.</p>	
<p>If this project is part of a phased program and there are other activities that would follow this FY 03-04 project that are needed to fully address the problem, please identify those future activities and the bureaus involved. This is part of an on-going function of BDS and the SWAT Team as noted above.</p>	

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04

Proposal for Code for Process Improvement
White Paper for RIPSIP 2

Bureau: Development Services & all other bureaus	Code Item Title: Auditor 5 & IP Report
Description of the Problem With the Code: The Innovation Partnership Report cited too much overly prescriptive regulation, too many layers of regulation, and the lack of an on going process to reduce regulations or remove regulations that are no longer effective, achievable, or reasonable as problems with the system. The 2002 Audit also cited the lack of a system for reviewing regulations. They had noted this in their 1997 audit as well.	
Possible Solution or Concept: Continue review of building regulations to identify and streamline existing regulations that unnecessarily contribute to complexity but fail to contribute to City livability and development goals. Modify thresholds [of building regulations] to increase over the counter permitting.	
Desired Outcome of Change: Overall reduction in regulations and elimination of redundant and conflicting regulations.	
Process and Timeline for Changing the Code:	
What resources are needed to process the code change and are they available?: In FY 2003-2004 1.5 FTE is dedicated to this effort; BDS is seeking ways to fund 1 FTE to develop a consolidated site development code. Some of this effort is assigned to the RECIL list if “increasing” over the counter permitting is the desired outcome.	
Who are the Stakeholders interested in this issue and how will they be involved in the code change process? Builders and contractors Property owners Architects and engineers Neighborhood associations	
If this project is part of a phased program and there are other activities that would follow this FY 03-04 project that are needed to fully address the problem, please identify those future activities and the bureaus involved.	

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04

Proposal for Code or Process Improvement
 RiPSIP White Paper 3

Bureau: Development Services & others	Code Item Title: Auditor 3: Use Customer Survey Results
Description of the Problem With the Code: There are many customers of the development review system: homeowners, homebuilders, commercial contractors, specialty contractors, institutional property owners, businesses, neighborhood associations, etc/ Each of them have particular needs and bring differing levels of understanding to the process. The Bureau of Development Services and the interagency partner bureaus have developed some specialized services for particular customers: e.g., evening hours, Small Business services, the Facility Permit Program. More customized services are needed.	
Possible Solution or Concept: Utilize the results of customer survey and other case studies to identify phases of the development process that warrant more detailed process review to improve timeliness, coordination and customer responsiveness.	
Desired Outcome of Change: Greater customer satisfaction.	
Process and Timeline for Changing the Code: . This is an ongoing effort of the Bureau of Development Services and the other bureaus involved in development review.	
What resources are needed to process the code change and are they available?: For FY 2003-2004 1.75 staff in BDS are dedicated to this effort. It takes place in the form of Code Maintenance, SWAT, and the CAT team.	
Who are the Stakeholders interested in this issue and how will they be involved in the code change process? All customers of development review functions: homeowners, home builders, commercial contactors, specialty subcontractors, business associations, neighborhood associations, business owners, property owners, etc.	
If this project is part of a phased program and there are other activities that would follow this FY 03-04 project that are needed to fully address the problem, please identify those future activities and the bureaus involved.	

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04

Proposal for Code or Process Improvement
White Paper for RiPSIP 4

Bureau: ONI	Code Item Title: Ombudsman: Title 29: Let Neighborhood Assns. Prioritize Violations
Description of the Problem With the Code: The Office of the Ombudsman has suggested that neighborhoods, through neighborhood associations, be given responsibility for prioritizing violations of Title 29 [Property Maintenance] within their boundaries. It is felt by members of the Ombudsman’s staff that this would be more reflective of community concerns than the current system of responding to individual complaints from neighbors.	
Possible Solution or Concept: Develop a process whereby neighborhood associations could set priorities for the types of violations they feel are important to enforce within their boundaries.	
Desired Outcome of Change: From what information was provided by the Ombudsman, it appears that the desired outcome is greater acceptance among violators of the need to comply.	
Process and Timeline for Changing the Code: . This may require changes to Title 29 and would need a public review process. Further public reivewT may reveal whether there is community support for this approach. he Office of Neighborhood Involvement would need to determine the timing. However, it should take no longer tha	
What resources are needed to process the code change and are they available?: Unknown	
Who are the Stakeholders interested in this issue and how will they be involved in the code change process? Property owners Neighborhood associations	
If this project is part of a phased program and there are other activities that would follow this FY 03-04 project that are needed to fully address the problem, please identify those future activities and the bureaus involved.	

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04

Proposal for Code or Process Improvement
White Paper for RipSIP 5

Bureau: Development Services & SWAT TEam	Code Item Title: IP 5: Appeal Processes
Description of the Problem With the Code: While the Bureau of Development Services and the Fire Bureau have long standing administrative appeal processes, it is unclear what can be appealed through other bureaus. Lack of information or misunderstandings about what is appealable lead to delays and unanticipated costs.	
Possible Solution or Concept: Bonnie Morris, Development Services Manager, is tracking the interagency agreements for BDS through the on-going meetings of the Interbureau SWAT team. All of those agreements require appeals processes to be set up. Each IA partner needs to take on this responsibility.	
Desired Outcome of Change: Consistent appeals processes across all development review bureaus and clear customer information about how to use the appeal process.	
Process and Timeline for Changing the Code: This will be a work item for the SWAT TEam during FY 2003-2004. It is estimated that it can be completed by December 31, 2003.	
What resources are needed to process the code change and are they available?: Time of the members of the SWAT Team will be made available to take on this work assignment. It is unclear at this time whether any code or procedural changes will be needed.	
Who are the Stakeholders interested in this issue and how will they be involved in the code change process? All development review customers.	
If this project is part of a phased program and there are other activities that would follow this FY 03-04 project that are needed to fully address the problem, please identify those future activities and the bureaus involved.	

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04

Proposal for Code or Process Improvement
White Paper for RiPSIP 6

Bureau: Development Services	Code Item Title: Commissioner Leonard 2: Decision Making
Description of the Problem With the Code: Delays occur when decisions cannot be made quickly.	
Possible Solution or Concept: Empower front-line development review staff to make judgments that facilitate speed and project success, without fear of disciplinary action when errors are made.	
Desired Outcome of Change: Quicker decisions.	
Process and Timeline for Changing the Code: . BDS staff and their inter agency partners have gone though customer service training and we are about to go through "problem-solving" training. This is an ongoing effort.	
What resources are needed to process the code change and are they available?: Resources for the customer service and problem solving training were in the FY 2002-2003 BDS budget.	
Who are the Stakeholders interested in this issue and how will they be involved in the code change process? All development review customers.	
If this project is part of a phased program and there are other activities that would follow this FY 03-04 project that are needed to fully address the problem, please identify those future activities and the bureaus involved.	

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04

Proposal for Code or Process Improvement
White Paper for RiPSIP 7

Bureau: Development Services & Other bureaus	Code Item Title: IP 1: Policy Disagreements
Description of the Problem With the Code: With seven bureaus involved in development review and each having overlapping and different responsibilities for code implementation, disagreements on development projects are inevitable. Unfortunately the current system does not include a way to resolve these disagreements without going to Council.	
Possible Solution or Concept: Empower one entity to resolve policy disagreements among bureaus with a role in development review.	
Desired Outcome of Change: One entity that can make these decisions without having to engage City Council in individual projects.	
Process and Timeline for Changing the Code: . An ordinance will be heard by City Council in mid-July which empowers the BDS director with this authority.	
What resources are needed to process the code change and are they available?: Existing staff	
Who are the Stakeholders interested in this issue and how will they be involved in the code change process? All Development review customers.	
If this project is part of a phased program and there are other activities that would follow this FY 03-04 project that are needed to fully address the problem, please identify those future activities and the bureaus involved. 	

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04

Proposal for Code or Process Improvement
White Paper for RiPSIP 8

Bureau: Development Services	Code Item Title: Ombudsman: Nonconforming Situation Reviews
Description of the Problem With the Code: The City should prepare Conforming situation Review rather than requiring owner to do it.	
Possible Solution or Concept: The Bureau has expressed concerns that it is inappropriate for bureau staff to do this research. The records are not in the City's hands and the City would be taking a legal responsibility in doing this research for the property owner.	
Desired Outcome of Change:	
Process and Timeline for Changing the Code: This would also require a change in T33 Code language which states that the burden is on the applicant to provide either standard, clear and objective evidence of nonconforming status or go through a discretionary nonconforming status review to look at nonstandard evidence (like an affidavit).	
What resources are needed to process the code change and are they available?: . This would take approximately .50 FTE if BDS took this on. Fees would have to be charged to cover this cost.	
Who are the Stakeholders interested in this issue and how will they be involved in the code change process? Property owners who need to confirm existing non conforming situations. There are _____ requests for Nonconforming situation Reviews each year.	
If this project is part of a phased program and there are other activities that would follow this FY 03-04 project that are needed to fully address the problem, please identify those future activities and the bureaus involved.	

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04

Proposal for Code or Process Improvement
White Paper for RiPSIP 9

Bureau: Development Services & other bureaus	Code Item Title: IP 3: Early Identification of Problems with Development Projects
Description of the Problem With the Code: Applicants are not aware of problems until too late in the review process.	
Possible Solution or Concept: Develop a mechanism for “red flagging” problems that might be unknown to applicant at the front of the process. This could be done at intake through use of a thorough checklist. It could also be done by having all reviewers do a quick scan for “red flag” issues at the beginning of their review. Commercial customers might be required to submit a building code summary sheet with their application and plans. This might reveal whether they understood the requirements.	
Desire Outcome of Change: Fewer delays and surprises.	
Process and Timeline for Changing the Code or Procedures: This is emphasized to all development review staff in the City and it is done as a matter of practice. Some of the suggestions from the IP report are already in place or are being changed to require more information at Intake.	
What resources are needed to process the code change and are they available?: None	
Who are the Stakeholders interested in this issue and how will they be involved in the code change process? All development review customers.	
If this project is part of a phased program and there are other activities that would follow this FY 03-04 project that are needed to fully address the problem, please identify those future activities and the bureaus involved.	

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04

Proposal for Code or Process Improvement
White Paper for RIPSIP 10

Bureau: Development Services	Code Item Title: IP 4: More Project Type Teams
Description of the Problem With the Code: There are so many different different customers of the development review system who have differing needs and come to the process with different levels of experience.	
Proposed Solution or Concept: Increase the number of project type permit teams to serve specific customer groups , with team leaders who are empowered to achieve internal consensus among bureaus.	
Desired Outcome of Change: Greater customer satisfaction, improved problem solving and decision-making during the permit process, and shorter approval time frames	
Process and Timeline for Changing the Code or Procedures: . BDS is promoting the Major Projects Group [MPG] process and is developing a new single family review procedure to expedite these reviews using the team approach.	
What resources are needed to process the code change and are they available?: Nine FTE in BDS are being hired to accommodate customer demands. In addition, several new positions in the 03-04 budget in BES and Transportation are dedicated for development review.	
Who are the Stakeholders interested in this issue and how will they be involved in the code change process? For the MPG process the stakeholders are developers of large, commercial projects. For the Single family review process, the stakeholders are homebuilders.	
If this project is part of a phased program and there are other activities that would follow this FY 03-04 project that are needed to fully address the problem, please identify those future activities and the bureaus involved. 	

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04

Proposal for Code or Process Improvement
White Paper for RiPSIP 11

Bureau: Development Services & other bureaus	Code Item Title: Certification Process for Development Ready Sites
Description of the Problem With the Code: Businesses wishing to locate in Portland or businesses wishing to expand on a new site in Portland, are unclear about which sites are ready for development and which sites requires additional land use or special approvals.	
Possible Solution or Concept: The City should develop a certification program for available commercial and industrial sites, which would identify that these sites are ready for development. Using the new state program as a guide, the certification should be based on an initial due diligence review addressing environmental concerns wetlands, floodplain, hazardous materials, cultural resources, brown fields, etc.], land use and zoning issues, soil and slope considerations, availability of infrastructure [roads, rail, air, sanitary and storm sewers, water, power, telecommunications, etc.] and availability of any incentive programs. This would greatly assist in recruitment of new business and expansion of existing businesses in Portland.	
Desired Outcome of Change: 	
Process and Timeline for Changing the Code or Procedure: The first step would be to develop an inventory profile. This could be developed from work done by the SDOT during FY 2002-2003. Following completion of the Industrial Lands Study by the Bureau of Planning and PDC, BDS staff could research the land use history of sites identified in the ILS and prepare an inventory profile for each site. Completion of the initial inventory would be dependent on the timing of the ILS and availability of funding for staff. . Would this be a “fee for service program” and the developer would pay BDS for research time?	
What resources are needed to process the code change and are they available?: None are currently available. It is estimated that approximately .5 fte would be needed to develop the initial inventory. Time from the BDS technical staff would be needed as well to make the inventory “web accessible”.	
Who are the Stakeholders interested in this issue and how will they be involved in the code change process? Portland Development Commission Economic Development Staff Businesses wishing to locate or expand in Portland	
If this project is part of a phased program and there are other activities that would follow this FY 03-04 project that are needed to fully address the problem, please identify those future activities and the bureaus involved. 	

Annual Regulatory Improvement Work Program– Proposed Top Ten FY 03-04

Proposal for Code or Process Improvement
White Paper for RiPSIP 12

Bureau: ONI	Code Item Title: Ombudsman: Code Enforcement Fees
Description of the Problem With the Code: The Ombudsman has raised concerns about the punitive nature of the fees, and has suggested that Code enforcement fees assessed against properties with violations for Title 29 Property Maintenance problems are out of proportion with the owners ability to pay. They also suggest that the fees should only cover city costs to enforce the code.	
Possible Solution or Concept: continue to examine alternatives to monthly code enforcement fees.	
Desired Outcome of Change: 	
Process and Timeline for Changing the Code: This is an ongoing effort that is approximately .10 FTE. It is City Council’s responsibility to determine whether code violations should be punitive or merely pay for the cost of enforcement. Currently, it is a punitive system. Since the Residential Inspections Program is being transferred to the Office of Neighborhood Involvement as of July 1, 2003, ONI may have additional ideas about how to address this issue.	
What resources are needed to process the code change and are they available?: 	
Who are the Stakeholders interested in this issue and how will they be involved in the code change process? 	
If this project is part of a phased program and there are other activities that would follow this FY 03-04 project that are needed to fully address the problem, please identify those future activities and the bureaus involved. 	

Appendix B

Model Process for Consideration and Assessment of Land Use and Development Actions

