

# City of Portland *Permit Streamlining Process Assessment*

Center for Public Service, Hatfield School of Government,  
Portland State University

Eric T. (Rick) Mogren Phd., Adjunct Associate Professor of Public Administration

Ben Fitch, Graduate Assistant

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**US Army Corps  
of Engineers** ®  
Portland District



Oregon  
Department  
of State Lands



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## Background

On February 14, 2003 the City of Portland and three Federal agencies signed a Streamlining Agreement establishing a cooperative process for streamlining federal Endangered Species Act (ESA) consultations required of proposed city projects. The Agreement encouraged looking for better coordination strategies with other regulatory programs. An invitation was extended to the City's Bureau of Development Services and three state agencies to join the federal agencies soon after the Streamlining Team was formed in 2003. A formal invitation was later extended in 2006 to solidify the partnership with BDS and state agencies in the Streamlining Agreement. The member agencies of the Streamlining Team include the National Marine Fisheries Service, Army Corps of Engineers, U.S. Fish and Wildlife Service, Oregon Department of State Lands, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife and Bureau of Development Services.

The Agreement allows for a unified review of City projects by seven agencies representing City, state and federal levels of regulation. The goal is to create timely, responsive and non-conflicting decisions among the participating multiple agencies.

The Streamlining Team Chair, Mike Reed, is preparing a ten-year progress report that will be presented to the Portland City Council in the fall of 2014. To assist with this assessment, the Center for Public Service (CPS) with the Hatfield School of Government<sup>1</sup> at Portland State University was asked to conduct a third-party review of the City's Streamlining Team process.

### **CPS' Summary Conclusions:**

The permit streamlining process adds value to Portland City governance by:

- Ensuring compliance with city, state, and federal environmental regulations
- Reducing permit processing time
- Building trust through collaborative relationships between city project managers and regulators

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<sup>1</sup> The Center for Public Service provides individuals and public sector and non-profit organizations access to the intellectual resources and practical experience of the Hatfield School of Government in order to improve governance, civic capacity and public management locally, regionally and nationally and around the globe. The Center strives to enhance the legitimacy and effectiveness of public service institutions and democratic governance through the integration of theory, scholarly research and practice.

***Based on this review, the Center for Public Service endorses the City's streamlining process.***

***CPS Scope and Approach:***

The methods and approach used by the Center for Public Service to assess the streamlining process included:

- Presentation by the Streamlining Team Chair, Mike Reed, covering the history, process and progress of the City's Streamlining Team
- Review of streamlining program-related reports and documents
- Conducted interviews with Streamlining Team members, City Project managers, consultants and City leadership

**Findings: The Center's findings are summarized under the following categories:**

- 1. Purpose, goals, and functions of the streamlining process**
- 2. Metrics (Quantitative and Qualitative measurements of the process)**
- 3. Streamlining Process strengths**
- 4. Process improvements**
- 5. Conclusions**
- 6. Recommendations**
- 7. Parking Lot Issues**

## Purpose, Goals and Functions of Streamlining Process

### 1. Purpose, Goals, and Functions

Four primary themes come out of CPS assessment of the Streamlining Team's purpose, goals and functions including:

- a. Fosters communication and coordination
- b. Improved project quality
- c. Improved consistency in messaging and decision-making
- d. Fosters constructive relationships (considered to be the most important function performed)

#### **Discussion points for Purpose, Goals, and Functions:**

##### **Fosters Communication**

- City Project Managers (PMs) obtain early agency comments in unified setting
- Consistent city values communicated to regulatory agencies
- **"Normative"** (See definition below) effects of cross-agency and PM-regulator discussions
- Opportunities for PMs to communicate to regulators on project "realities" (challenges and constraints)

##### **Improved Project Quality**

- Perceived reduction in environmental impacts and increased environmental benefits
- Perceived reductions in time to obtain permits by PMs and regulators
- Improved project quality by vetting and discussing project alternatives

##### **Improved Consistency in Messaging and Decision-making**

- Long tenure of team members leads to consistent project advice (Note was made of challenges that can occur with team member turnovers)
- Consistent regulatory advice translates consistent compliance
- Relationships and regulatory expectations affect other projects
- Process leads to final project designs that meet the agencies concerns and expectations that are easily permitted

##### **Fosters Relationships**

- *Considered by some as the most important function performed*

- Relationships maintained by agency members translates to projects outside this process

\* "**Normative**" refers to the process' ability to influence the behavior of team members and those who routinely bring projects to the team. It sets up a new "normal" for expectations and ways of doing things. For example, Project Managers who have experience participating with the Streamlining Team over time learn to design their projects that anticipate the questions they know the team will ask. Streamlining Team members are also inclined to shape their perspectives not just from the policies of their parent agencies, but on what they know of the requirements and expectations of fellow team members in a given circumstance (the annual permits workshops are also helpful in this regard). Their behavior is being "normed" by the streamlining permit team culture and experience.

## **Metrics (Quantitative and Qualitative Measurements)**

### **2. Metrics**

Ways to measure the success of the Streamlining Team were explored under the topic of metrics:

- a. Quantitative measurements (Discussion topics include time and money saved and number of projects permitted)
- b. Qualitative measurements (Discussion topics include relationships, project quality, knowledge gained, transparency and accountability, recognition)

#### **Discussion points for Quantitative Metrics:**

##### **Processing time**

- Facilitates efficient permit application follow-up negotiations with each agency
- Requires more time upfront, but increases the pay-off at back end
- Promotes faster regulatory decisions and minimizes surprises
- Makes more efficient use of regulatory agency time

##### **Projects Implemented**

- Details covering the number of city projects implemented and permit related information are covered in the 10 year Status report prepared by Mike Reed

##### **Money**

- Saves money by reducing redesign costs and time taken to receive approvals and begin construction

#### **Discussion points for Qualitative Metrics:**

##### **Relationships**

- Creates a forum for ongoing relationships between reviewers and applicants
- Expands trust
- Relationships carry forward to other permit application review situations
- Team creates close network between its members with the opportunity to learn from each other

##### **a. Project quality**

- Improves project design and construction
- Coordination of different laws gives opportunities for project designs that benefit a broader array of fish and wildlife species
- Obtains environmental compliance with reduced processing time

#### **Knowledge gained**

- Caliber of people on the team; expert knowledge of their domains
- Annual PM training by the Streamlining Team is **very** useful:
  - Forum to educate Project Managers on regulatory expectations
  - Forum to educate regulators of each other's regulatory requirements
- PMs opportunity to explain project "realities" (challenges and constraints)

#### **Transparency and accountability**

- Openness of the process between team members and PMs
- Applicants and agencies hear the same message

#### **Recognition**

- **Recognition and support from city leadership and bureaus**
  - Message from the BES Director, BES Newsletter - Clarifier (Dean Marriot, April 2013)
  - Water Bureau Streamlining Assessment – Issue Paper (March 12, 2009)
- **Awards**
  - Awarded the State Land Board's\* "Partnership Award" for 2012 (\*State Land Board consists of the Governor, Secretary of State and the State Treasurer)

## Streamlining Process Strengths

### 3. Process Strengths

Five themes emerged from the topic of Process Strengths:

- a. Training and education
- b. Consistency and efficiency
- c. Relationships and normative impacts
- d. Role of the team chair
- e. Collaborative and voluntary nature of process

#### **Discussion points for Process Strengths:**

##### **Training and education**

- Provides highly regarded training for PMs *and* regulators
- Informs PMs of city, state, and federal regulatory expectations
- Informs regulators of fellow agency expectations

##### **Consistency and efficiency**

- Provides unified voice from regulatory agencies
- Provides common regulatory basis for follow-on negotiations with individual agencies
- Reduces permit processing time for PMs and regulators
- Expedites permit processing in emergencies

##### **Relationships and normative impacts**

- Minimizes conflicting guidance; builds confidence in advice given
- Fosters legitimacy through competence and consistency
- Allows team members opportunity to learn about fellow agencies
- Inadvertently creates a forum for relationships and expanded trust between all parties
- Relationships extend to projects outside of this process

##### **Role of the team chair**

- Ability to adapt
- Well prepared and efficient with everyone's time

- Provides excellent facilitative leadership and continuity

**Collaborative and voluntary nature of process**

- Voluntary participation by PMs is considered a major strength
  - Value may be lost if participation mandated\* (*\*Merits further study*)
- Collaborative manner in which agencies provide coordinated advice
- Honest, candid, and open discussions

## Process Improvements

### 4. Process Improvements

- Originally intended to look for weaknesses in the process or with leadership, but told there were none. (e.g., **“I can’t see the City without it”**).

Five suggested areas for improvements were identified (e.g., **“If you could recommend on improvement for the Team, what would that be?”**):

- a. Streamlining process management
- b. Outreach
- c. Participant motivations
- d. Site visits
- e. Miscellaneous suggestions

### Discussion points for Process Improvements

#### **Streamlining Process management**

- Distribution of project materials before meetings\* (\*Challenge of reading material before meetings)
- Not all bureaus recognize team chair as process point-of-contact
- PMs from all bureaus should engage in this process
- Dissemination of meeting notes
- Provide for upload and electronic retrieval of information

#### **Outreach**

- “Agency leadership does not have a clue as to importance of the streamlining process to the agency’s mission”
- Educate city politicians and bureau chiefs on process value
- Educate senior leaders on impact of budget cuts to team

#### **Motivations**

- Sometimes city code is being interpreted too literally by BDS applicants – looking for minimal letter of code

- Team members sometimes operate from personal preference, not requirements (example: maintenance projects)

#### **Site visits**

- Need for better monitoring and enforcement of permit conditions (Team Chair's annual tracking of permit monitoring and reporting is helpful)
- Site visits with team members helpful to PMs in design decisions
- Site visits teach team members "realities" of construction
- Visits very time consuming
- Incorporate site visits into annual training

#### **Misc. Suggestions ("one offs")**

- Obtain feedback from project clients: what improvements could applicants offer to the team?
- Develop case study library of project types, noting what worked and what didn't
- Expand process to include private applicants (Note: Can same process be used for private applicants? Needs to be explored further)
- Clarify as to when team participation is recommended (BES and BDS websites?)
- Improve timeliness of agency responses to PM questions
- Provide one-on-one time for PM-team member discussion after meetings
- Develop expedited process for emergency work

## Conclusions

### 5. Conclusions – Three Themes Emerge as the most important

#### a. Normative and instrumental\* value added to:

- City governance
- Regulatory decisions
- Project management

#### b. Value of annual streamlining process workshops

#### c. Information management

### Discussion points for Conclusion themes:

#### Normative and Instrumental Value

- For city, process provides:
  - Unified, consistent statement of city values to regulators
  - Savings through process efficiency
  - Transparency and accountability
- For regulatory agencies, process provides:
  - Cross-training of other agency expectations
  - Collaborative vs. competitive regulatory regime
  - Relationships that extend beyond city projects
- For project managers, process provides:
  - Time (and cost?) savings
  - Consistent regulatory decisions
  - Opportunity for constructive relationships with regulators
  - Opportunity to educate regulators on constraints and challenges

#### Value of Annual Training (Permits Workshops)

- Opportunity for PM training in regulatory requirements
  - Annual training serves as important introduction to process, as well as refresher for all parties
- Opportunity for regulator training:
  - In fellow agencies' expectations

- In challenges and realities of project management
- Opportunity for team building between PMs and regulators
  - Challenge of collaboration vs. arms-length regulator review
- Opportunity for senior leader training in process value

### **Information management**

- *Openness of process minimizes surprises, process delays, and potential project overruns*
- Process value could be enhanced by:
  - Timely dissemination of meeting notes
  - Development of electronic method for information retrieval
  - Development of “case study” library

\* "Instrumental" is the objective purpose for which the team was formed. In this case, it is the ability to reduce permitting time. In other words, it is serving as an "instrument" (think tool) to meet a policy end.

## **Recommendations and Parking Lot Issues for further study**

### **6. Recommendations**

- Continue process as essentially designed
- Explore potential improvements:
  - Obtain additional input from additional PMs and consultants
  - Review procedures for information dissemination
  - Review opportunity for electronic information retrieval
  - Develop case study library
  - Develop outreach to inform senior leaders on process value
  - Incorporate site visits and PM input into annual training
- Follow-up on “parking lot” issues (See next section)

### **7. Parking Lot Issues for further study and follow-up:**

- Normative effects of process participation
- Better definition of qualitative metrics:
  - Relationships and trust
  - Project quality
  - Knowledge
  - Transparency and accountability
- Pros and cons of mandatory participation by other city project managers
- Exportability to other jurisdictions