

CITY OF PORTLAND PUBLIC WORKS PERMITTING

1900 S.W. 4th Avenue, Suite 5000 ♦ Portland, Oregon 97201
503-823-1987 ♦ TTY 503-823-6868 ♦ publicworkspermitting@portlandoregon.gov



Public Comments Requested: Making Temporary Public Works Permitting Rules Permanent

Summary

This rulemaking proposes to make permanent certain elements of the City of Portland's Public Works Permitting Program that were piloted starting in July 2013. The implementation of these elements is the culmination of several years of collaborative work by the City's public works bureaus, representatives of the development community, and City Council. Public comments on the proposal will be accepted from 8:00 a.m. on September 26, 2016, to 5:00 p.m. on October 26, 2016. See below for more details.

What is a public works permit?

A public works permit is a permit issued by the City of Portland to a person to construct property or developer-initiated improvements in a public right-of-way located within the City. When properties develop, public services (e.g., sanitary sewer, street improvements, and stormwater management) are needed to serve these developments. Because these service improvements are intended for public use and will be maintained by the City, the City must review and approve plans prior to construction. The lead bureaus for public works permitting are the bureaus of Environmental Services, Transportation, and Water. More information about the public works permit and the Public Works Permitting Program generally may be accessed at <http://www.portlandoregon.gov/53147>.

Why are City bureaus doing this rulemaking?

TRN-9.07, TRN-10.43, and ENB-4.11 are existing City administrative rules relating to public works permitting. TRN-9.07, TRN-10.43, and revisions to ENB-4.11 were temporarily adopted by Council in December 2015, and at that time, Council directed Portland's public works bureaus to complete permanent rulemakings that solicited public comment. The outcome of the present rulemaking will be permanent versions of TRN-9.07, TRN-10.43, and ENB-4.11. The proposed rules would make only minor changes to what Council adopted, in order to improve clarity and consistency of format with other administrative rules.

What is the goal of this rulemaking?

Temporary rule changes adopted by Council in December 2015 had the goal and result of helping increase the predictability of public works permit fees and timelines associated with the design phase of public works projects. This rulemaking proposes to make those rule changes permanent. This rulemaking also proposes minor changes to TRN-9.07—which Council adopted as an entirely new, temporary rule in December 2015—in order to clarify intent.

As proposed, what will TRN-9.07 do?

TRN-9.07 will continue to provide a framework for the City's public works permitting review, fee setting, fee collection, and appeals processes. The rule will continue to set general criteria to be used to determine permit types and calculate fees. The rule will not set exact fees or fee component rates, which will instead be established on an annual basis through rate ordinances adopted by City Council. As with the temporary rule, the proposed permanent rule creates a fee framework under which many types of permits have flat (i.e. "set") fees that facilitate financial closeout of the design phase.

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To ensure equal access, the City of Portland will make accommodations in full compliance with Title VI of the Civil Rights Act of 1964, ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, comments and complaints, contact the ADA Title II & C.R VI coordinator - 1120 SW 5th Avenue, Rm 1204, 503-823-5185, TTY 503-823-6868, or Oregon Relay Service 711.



As proposed, what will TRN-10.43 do?

TRN-10.43 is a Portland Bureau of Transportation (PBOT) rule that addresses the bureau's recovery of costs associated with the *construction* phase of public works permitting. Previously, City Code included more detailed provisions regarding the recovery of PBOT costs associated with the *design* and *construction* phases of public works permitting. Revisions made by City Council in December 2015 removed those details from Title 17 of City Code and moved them into TRN-10.43 and TRN-9.07. This rulemaking proposes no changes to the temporary TRN-10.43 currently in effect and will simply make that rule permanent.

As proposed, what will ENB-4.11 do?

ENB-4.11 is a Bureau of Environmental Services (BES) rule that addresses the bureau's recovery of costs associated with the *construction* phase of public works permitting. Previously, ENB-4.11 also addressed the recovery of BES costs associated with the *design* phase of public works permitting. Revisions made by City Council in December 2015 deleted design-phase aspects of the rule (now addressed in TRN-9.07). This rulemaking proposes no changes to the temporary ENB-4.11 currently in effect and will simply make that rule permanent.

How can I view the proposed rules?

The proposed rules will be posted online on the City's Public Permitting Program website at <http://www.portlandoregon.gov/article/590457>.

How do I submit comments on this rulemaking?

Public comments on the proposal will be accepted from 8:00 a.m. on September 26, 2016, to 5:00 p.m. on October 26, 2016. Please submit comments in writing by emailing them to Public Works Permitting staff at PWP@portlandoregon.gov.

Will a public hearing on the rulemaking be held?

A hearing on this rulemaking will be held **by request only** on Thursday, October 13, 2016, from 6:00 p.m. to 8:00 p.m. in Room B of the Portland Building, at 1150 SW 5th Ave., Portland, OR 97204. The City will cancel the tentative hearing if it receives no hearing request by 5:00 p.m. on October 10, 2016, and will post a cancellation notice at <http://www.portlandoregon.gov/article/590457>. A person may request a hearing by sending an email to PWP@portlandoregon.gov or calling Public Works Permitting staff at 503-823-1987.

How do I get more information about this rulemaking?

The proposed rules, this fact sheet, and any updated information about the rulemaking for TRN-9.07, TRN-10.43, and ENB-4.11 will be posted online on the City's Public Permitting Program website <http://www.portlandoregon.gov/article/590457>. You may also email PWP@portlandoregon.gov or call Public Works Permitting staff at 503-823-1987 for more information.