

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: February 12, 2013 **Approx Start Time:** 2:30 p.m. **Approx Length:** 30 min.

Presentation Title: Development Liaison Committee (DLC) Expansion

Department: Department of Transportation and Development (DTD)

Presenter: Dan Johnson, Engineering Development Review Manager

Other Invitees: Justin Wood, Associate Director of Government & Builder Relations, Home Builders Association (HBA) of Metro Portland; Deana Mulder, Development Review Coordinator

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Does the Board wish to provide direction or recommendations to staff before efforts advance to repurpose and expand the Development Liaison Committee?

EXECUTIVE SUMMARY:

The DLC was originally recognized and established by the Board of Clackamas County in 1992 with Order No. 92-895. See Attachment A. As noted in the order, the purpose of the DLC was to "... maintain regular dialogue between the development community in the County and make recommendations to streamline applications, procedures and review systems related to development." Historically the Board has looked to the DLC to evaluate code revisions, fee adjustments, and process enhancements related to development. The DLC is currently comprised of a member from the HBA, one member of the Association of General Contractors, one Citizen, and one representative from Clackamas County Fire District #1. Though small in numbers, the DLC has and will remain one of a number of vital links DTD relies upon to converse with our development community.

In the continuing effort to improve the County's permitting process, DTD representatives took the opportunity over the last year to work closely with the Economic Development Commission (EDC) to assess our current processes. On November 6, 2012, the EDC Executive Committee presented the Board a final report outlining a number of targeted improvements. A complete list of the EDC recommendations can be found on Attachment B.

One of the EDC's primary recommendations focused on the current composition of the DLC and a desire to broaden the representation of the current membership. See Recommendations section on Attachment B.

After careful consideration of the current make up of the DLC, touch points within the development review process and recommendation from the EDC, staff has prepared for the Board's consideration a list of representatives to expand the DLC. See Attachment C.

Roles of the DLC will remain consistent with the intent of the original Board Order or can be expanded, depending on the desires of the Board.

FINANCIAL IMPLICATIONS (current year and ongoing):

N/A: As the DLC is currently a volunteer advisory committee facilitated by DTD Development Review, there is no additional fiscal impact to this recommendation.

LEGAL/POLICY REQUIREMENTS:

N/A

PUBLIC/GOVERNMENTAL PARTICIPATION:

The primary purpose of the DLC is to improve public and governmental participation. We anticipate the DLC would meet on a quarterly basis. Meetings have historically been held in the mornings for an hour to 1 ½ hours (7:30 to 9:00 a.m.). The best time and dates for the meetings will be discussed at the first meeting with the new members. Historically DLC appointments have been for one year; however, staff is considering extending the appointments to a 2-3 year term for consistency purposes.

OPTIONS:

- 1) Direct staff to continue to work towards repurposing and expanding the DLC as proposed.
- 2) Direct staff to continue to work towards repurposing and expanding the DLC considering suggestions and recommendations from the Board.
- 3) Direct staff to provide additional information requested by the Board.
- 4) Direct staff to take no action to repurpose the current DLC at this time.


RECOMMENDATION:

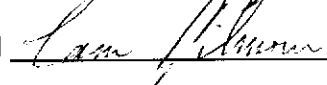
Direct staff to continue to work towards repurposing and expanding the DLC as proposed, including suggestions and recommendations from the Board.

ATTACHMENTS:

- Attachment A: Board Order No. 92-895
- Attachment B: EDC Final Committee Reports dated 2012
- Attachment C: Recommended DLC Membership

SUBMITTED BY:

Division Director/Head Approval 

Department Director/Head Approval 

County Administrator Approval _____

For information on this issue or copies of attachments,
Please contact Deana Mulder Email: deanam@co.clackamas.or.us or phone: 503-742-4710.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

CLACKAMAS COUNTY

FILED

Creation of a Development
Liaison Committee

ORDER NO. 92-895

SEP 9 - 1992

JOHN F. KAUFMAN, County Clerk

By: *JFK* Deputy

This matter coming on regularly before the Board of County Commissioners and it appearing to be in the best interest of the people of Clackamas County that a development liaison committee should be appointed with its purpose to be to maintain regular dialogue between the development community in the County, make recommendations to streamline application, procedures and review systems related to development.

NOW, THEREFORE, IT IS HEREBY ORDERED that an official Clackamas County Development Liaison Committee be appointed with the composition to be two members of the Clackamas County Homebuilders Association, one member from the Association of General Contractors, one citizen member, one member from a fire district, one Clackamas County Building Services staff member and one planning staff member.

IT IS FURTHER ORDERED that said committee shall organize themselves and consider items to be determined by the group, with reports to be made to the Board of County Commissioners as determined by the development liaison committee.

IT IS FURTHER ORDERED that a development liaison committee be formed with the above composition, such members to serve for one-year terms. Said appointments shall be submitted by the Clackamas County Homebuilders Association for its two members, by the Association of General Contractors for its one member, Clackamas County Committee for Citizen Involvement for the one citizen member, and Fire District #1 for the one fire district member.

DATED this 27th day of AUGUST, 1992.

BOARD OF COUNTY COMMISSIONERS

Judie Hammerstad
JUDIE HAMMERSTAD, CHAIR

Darlene Hooley
DARLENE HOOLEY, COMMISSIONER

Ed Lindquist
ED LINDQUIST, COMMISSIONER

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Attachment A

Committee: Permitting Process Assessment

Executive Committee Liaison: Ray Phelps
EDC Committee Members: Ross Conner, Danny Crossman, James Crowell, Joe Dills, Kenneth Everett, Wilda Parks, Troy Soenen
Guests: Commissioner Jim Bernard
County Staff: Cindy Hagen, Mike McCallister, Kevin Noreen, Deana Mulder, Teresa Sears
Guest Participants: Justin Wood, Home Builders Association and Bruce Goldson, Theta Engineering from the Clackamas County Development Liaison Committee (DLC)

Executive Summary: Permitting Process Assessment Committee

The goal of the Permitting Process Assessment Committee was to review and gain a better understanding of Clackamas County's development review process. The scope of work was focused on commercial and industrial development, the entire development review process, timelines, agency coordination and regulatory standards. The following two action items were identified:

- Evaluate current permitting practices and timelines and make recommendations on the development review process.
- Look at other regional tools i.e. form-based code, flexible design standards, etc. (note: work of the Committee was focused primarily on the development review process.)

During this process, EDC committee members attended pre-application and design review meetings to observe the overall process. The committee also hosted a Development Roundtable to gather feedback from external businesses on their experience working with the County on new development projects. Feedback received was that the overall interaction with staff is positive and that a good partnership between the County and the developer improves the timeliness of the review process and final product. However, the complexity of "The System" results in a prolonged and protracted development review process with no certainty. We would like to be known as the County that helps you obtain your building permit easily and quickly, your building ready for occupancy quickly; and your business profitable quickly.

The Committee also engaged Clackamas County Development Services staff to discuss their experience in the permitting process. These conversations resulted in a better understanding by the EDC Committee of the current process, along with a suggested list of program and policy recommendations which are listed below.

Recommendations

Programs:

- Establish on-going regular feedback mechanism for customers who have participated in the development review process. Consider changes to the makeup of the Development Liaison Committee (DLC) to include members from the DLC, EDC, Design Review Committee, Planning Commission and Service Districts to perform this function.
- Where feasible, establish clear and objective standards for the alteration and expansion of nonconforming developments to minimize land use review and / or a two tiered program to provide more flexibility through the Design Review process. The Planning and Zoning Division is in the first year of a 5 year audit of the Zoning and Development Ordinance, this project will include review and improvement of the regulations for nonconforming developments.

- Conduct outreach to service districts, agencies and others who attend and participate in pre-application conferences to clearly identify expectations of the pre-application conference.
- Support any efforts to consolidate service districts and for service districts to standardize application forms similar to the Metro Building Code program.
- Establish protocols for planning documents and other relevant information to be easily available for applicants to prepare for pre-application conferences (on-line due diligence).
- Notify and provide an opportunity for the EDC to suggest projects and to participate in the adoption of the Planning and Zoning Divisions annual work program.
- Notify and provide the EDC an opportunity to comment on Comprehensive Plan and ZDO amendments that affect commercial, industrial and multifamily zoning districts. Coordinate with the EDC in the evaluation of land uses allowed within the Industrial Zoning Districts.
- Provide on-line services for tracking the status of permits (Accela program).
- Revisit and consider changes to a one-stop plan review submittal program.
- Consider ways to encourage or require all new projects or other significant projects to be managed by a qualified professional or multi-disciplinary team of professionals.
- Consider program changes in the Building Division to have small tenant improvement projects approved over the counter.
- Consider establishing a "Fee Specialist" to respond to requests for information about fees and costs of development proposals. Review opportunities for on-line fee calculations.
- Continue to improve the pre-application process with an emphasis on the following:
 - Provide additional training for staff and other participants in the pre-application process to maintain a positive interaction and problem solving attitude with the applicant.
 - Place a strong emphasis on explaining the review process and timelines particularly to those who are not familiar with the process.
 - Perform early evaluation of pre-apps as much as possible so that problem identification and problem solving can occur at the pre-application conference.
 - Establish protocols and encourage fact finding / preliminary due-diligence pre-application conferences to begin a dialogue as early in the process as possible.
 - Continue to promote engagement of the applicants with local Community Planning Organizations.

Policies:

There are no policy recommendations.

Committee Process

What has been learned?

A. The Development Review Process

The process is a complex system due to a combination of the following factors:

- Statewide Land Use Goals
- The Clackamas County Comprehensive Plan
- The Clackamas County Zoning and Development Ordinance
- Regional land use regulations (Metro Functional Plan)
- Measure 49 land use approvals
- Multiple local service districts (fire, water, storm water, sewer) with different regulations and standards
- Overlapping jurisdiction and often conflicting environmental regulations between the County, service districts, State and Federal agencies
- Community expectations to participate and affect the outcome of the development
- Judicial nature of the system (rights to appeal land use decision, etc.)
- Regular and dynamic regulatory changes (rule making, decisions from the courts, etc.)
- Staffing and budgetary restraints

B. Development Roundtable Feedback

- The Development Review process is generally efficient and effective.
- Overall, the permitting process and interaction with staff is a positive experience. A good partnership between the County and developer improves the timeliness of the review process and final product.
- Clackamas County's timelines for processing land use applications are consistently good. Land use decisions for Design Review applications (commercial, industrial and multi-family projects) are issued within 45-60 days.
- There is a wide variety of customers doing business with the County, ranging from individual property owners with no expertise in the process, to individual professionals (engineers, architects, consultants), to professional multi-disciplinary project teams.
- Individual property owners and developers with no experience in the development review process do not know that the process is complex and require more assistance in the process from the County staff than professionals or teams of professionals who do have experience in the process.
- Projects managed by a multi-disciplinary team of professionals results in a quicker and more efficient process and require less staff resources.
- Quality and timely submittals by a developer results in a more efficient and timely process.
- The development review process includes a number of tools and programs to assist the developer from start to finish, including pre-application conferences, post-transition meetings and project management assistance.
- Having calls / emails returned quickly in regards to project updates and permit status is important to developers.
- The standards of the Zoning Development Ordinance (ZDO) that apply to "redeveloping" a site or nonconforming site are not clear. The ZDO could be improved with a two-tiered system to provide alternatives for the developer. The first tier would include clear and objective standards that do not require land use review. The second tier would include more flexible (discretionary) standards reviewed through a Design Review application.
- The adoption of the Uniform Building Code is a positive in the development review process because it provides one set of regulations that apply throughout the County, Region and State (Scott Caufield).

C. The organizational structure of the Development & Transportation Department (DTD)

- Development Services Division is well suited to focus on and provide a coordinated, efficient review process.
- The Development Services Division is comprised of the Planning and Zoning, Engineering, Building Codes and Surveyor Division under the supervision of the Deputy Director of DTD.
- The Planning and Zoning Division issues land use decisions which incorporate conditions of approval required under the ZDO, other divisions within DTD, service districts and state and federal agencies. This provides the customer with a comprehensive review of the proposal and coordinated conditions of approval that apply to the development proposal.
- The Engineering Division reviews site development, driveway, road frontage and other site associated development.
- The Building Codes Division is responsible for the review and issuance of building permits for new buildings, remodels and tenant improvements as well as plumbing, electrical, mechanical and grading permits.
- The Survey Division is responsible for the review of boundary surveys, survey monuments and the review and recording of partition and subdivision plats.

D. The "coordination" of the development review process

- The County plays an integral role in the overall coordination of the process.
- The Planning and Zoning Division facilitates agency coordination in the development review process. This is not required by law, rather a conscience policy choice to ensure a coordinated efficient process for the County, agencies and the applicant. The Planning and Zoning Division should continue in that role.
- The Planning and Zoning Division and other County divisions are in the best position to help all developers "connect the dots" and coordinate the development review process.
- Land use decisions issued by the Planning and Zoning Division include conditions of approval from other divisions, agencies and service districts.
- The County coordinates with 14 cities, 13 fire districts, 5 sewer districts, 22 water districts, 1 street lighting district, 2 park districts and other regional, state and federal agencies.
- Coordinating activities include those of public facilities, street improvements and construction, overall site design and resolving regulatory conflicts. Limitations do exist in solving regulatory or design conflicts because the County does not have the authority to interpret or administer service district regulations or standards.
- Coordinating activities with outside agencies requires significant staff time and resources.

E. Pre-Application Conference Feedback

- The pre-app is a very important component of the development review process.
- The focus of the pre-application process is to provide feedback on the proposal, identify significant issues, assist in identifying design alternatives, problem solving, explaining submittal requirements, permitting processes and timelines, other agency requirements, costs and fees and to introduce staff and project managers.
- Pre-application conferences are required for all commercial, industrial and multi-family projects.
- The variety of pre-application conferences ranges from developers who are doing initial due diligence for a potential project to developers who are committed to begin a project.
- Overall, developers like the opportunity to have a pre-application conference because it begins to allow a dialogue and conversation about the project. It is the biggest opportunity in the development review process to affect change.

- Pre-application conferences are most successful when there are no “surprises.” It is important to get as much information as possible to the applicant as early as possible in the process.
- There should be a strong emphasis on explaining the “process” particularly for those who are not familiar with the County process.
- The Planning and Zoning Division schedules and coordinates all pre-application conferences including providing notices and request for comments for other divisions, service districts and agencies.
- The EDC members observed two pre-application conferences. The staff interaction and problem solving in one was excellent and less effective in the other. The staff interaction with the applicant must be positive.
- The attitude of the staff and other agency and service district personnel to problem solve is critical for a pre-application conference to be successful.
- Attendance and preparation by outside agencies and service districts is important for a timely coordinated pre-application conference.

F. Fees and costs

- Fees and costs are important to identify early in the development review process.
- Fees are required from a wide variety of County departments, service districts, school districts, park districts and other agencies.
- There are two main categories of fees – “development review fees” and “special service district fees and assessments.” Special service district fees and assessments are used to fund necessary infrastructure (sewer, water, surface water and transportation facilities) to support development.
- Fees from sewer districts and County Transportation System Development Charges (TSDC’s) represent the largest percentage of the total fees for most projects.
- Based on a case study of an industrial warehouse facility in Clackamas County, “development review fees” from the County Planning, Building and Engineering Division represent less than 1.5% of the total cost of the project. “Special service district fees and assessments” represent 5.58% of the total cost of the project. All fees represent 7% of the total cost of the project.
- Based on a fee study provided to the EDC by Group Mackenzie, Clackamas County fees are very competitive compared to fees in similar jurisdictions.
- There is interest from the development community to determine fees and the costs of projects early in the process and from on-line sources if possible.
- The County Engineering Division facilitates and coordinates the collection of TSDC fees for the City of Happy Valley and the North Clackamas Parks District.
- The County Building Division facilitates and coordinates the collection of School District Construction Excise Tax for 16 school districts in the County.

G. Zoning and Development Ordinance

- There are two main categories of regulatory standards, “discretionary standards” and “clear and objective” standards.
- Clear and objective standards reduce land use and permitting timelines and provide less flexibility.
- Discretionary standards require longer permitting timelines, including the potential for an appeal and provide more flexibility.
- Clackamas County has 6 different environmental overlay districts mandated by the Statewide Planning Goals, Metro and the Federal Emergency Management Area (FEMA).
- Other environmental regulations that apply in Clackamas County include those adopted by three different sanitary / surface water districts, State (DSL) and Federal (Corp of Engineers) agencies.

- Environmental regulations and the associated development review and permitting process is particularly burdensome due to conflicting regulations, overlapping jurisdictions and different goals of the regulatory agencies (water quality, stream buffers, protection of habitat for fish and wildlife, scenic qualities, flooding, etc.)
- The Planning and Zoning Division contracts with the Water Environment Services (WES) Division to administer Clackamas County Service District #1 and Surface Water Management Agency of Clackamas County (SWMACC) stream buffer regulations. This provides a single point of contact and staffing expertise to resolve regulatory conflicts between the ZDO and district regulations for developers in these two districts.

What is working well?

- The re-organization of the Department of Transportation and Development (DTD) created a “Development Services Division” under one management authority. The Development Services Division focuses primarily on the development review process. The Development Services Division continues to be actively engaged and committed to streamlining and improving the development review process.
- The Development Services Division has a number of tools and programs to assist citizens and developers in all aspects of the development review process including:
 - Pre-application conferences
 - Land use decisions which provide a comprehensive review and list of conditions for each development
 - Post transition meetings
 - Project management assistance
 - One-stop partition and subdivision plat review process
- The “coordinating role” of the County in the development review process is an effective tool for customers, developers, service districts and agencies from the beginning to the end of a project.
- The development review process is most efficient and timely when a project is managed by a qualified multi-disciplinary team of professionals.
- The recent amendments to the Zoning and Development Ordinance require pre-application conferences for all significant development projects. The result is positive because it establishes an early dialogue between the County and the customer about each project.
- The Planning and Zoning Division administers stream buffer regulations on behalf of two service districts administered by the Water Environment Services (WES) Division. This simplifies the review and coordination of the County and WES environmental regulations for customers within a large geographic area of the unincorporated urban area of the County.
- The Engineering Division has worksheets and other handouts for developers to determine the cost of development review and service district fees and assessments. This enables customers to obtain fees and costs of projects early in the process.
- The County has streamlined the payment of fees for customers by collecting school district construction excise taxes for school districts and SDC’s for the North Clackamas Parks District and the City of Happy Valley.

What are the challenges?

- Educating and keeping customers informed about the development review process and timelines so that a development can meet project timelines (Strained processing timelines from developers / i.e. not hearing from them early enough).
- The dynamic nature of land use laws, service district regulations and agency requirements makes it difficult for County staff and customers to stay abreast of current regulations and requirements.
- The fragmentation of development regulations due to the different roles and jurisdiction of governing bodies, service districts and other regulatory agencies.
- Maintaining an on-going feedback mechanism for the development review process from the development community.
- The number of different services districts, cities and agencies involved in the development review process and a corresponding lack of consistent standards, application requirements and fees between service districts.
- Maintaining consistent and timely outside agency participation and coordination during the pre-application conference and throughout the development review process.
- Local, State and Federal environmental regulations which have overlapping jurisdictions and at times conflicting regulations that are designed to accomplish different objectives.
- Receiving quality and timely submittals from customers throughout the development review process.
- Staff time and resources necessary to manage projects for customers who do not have the expertise or the assistance of a qualified professional to navigate the development review process.
- Emphasizing team and positive leadership, rather than negative attitude to staff.

Committee Interactive or Extra Meetings:

1. Pre-Application Conference – EDC members had two opportunities to observe pre-application conferences. Overall there was positive feedback from the conferences with a better understanding of the goals/objectives.
2. Developer Roundtable – Bryan Dickerson, PacLand- Work primarily with retail development and Jennifer Kimura, VLMK Consulting Engineers came in to share their specific project experience with development projects in Clackamas County. EDC members gathered information on what is working well and what could be improved. Other items discussed included development fees, building codes, and timing of land use applications.

Details of Guest Speakers: Justin Wood, Home Builders Association and Bruce Goldson, Theta Engineering from the Development Liaison Committee (DLC) – Introduction between existing members of the DLC and the EDC to share overall mission and purpose.

Recommended Development Liaison Committee (DLC) Membership:

<u>Appointee(s)</u>	<u>Organization</u> – Organizations in bold are current members of DLC.
1	Clackamas County Home Builders Association (HBA) – Self Appointed
1	Association of General Contractors (AGC) – Self Appointed
1	Citizen Planning Organization (CPO) Leaders – Self Appointed
1	Clackamas County Fire District #1 (CCFD#1) – Self Appointed
1	Design Review Board Member – Self Appointed
1	Planning Commission Member – Self Appointed
1	Engineering Firm Representative - Solicited
1	Land Use Consultant Representative - Solicited
1	Economic Development Commissioner Representative – Self Appointed
1	Clackamas County Business Alliance Representative – Self Appointed
2	Sanitary/Storm Water District Representative(s) – Solicited Water Environment Services Oak Lodge Sanitary District

Total Membership: 12

Appointment Term

Current term is limited to one year pursuant to Board Order 92-895. It is recommended the term be extended to a minimum of two years.