

MAYOR'S BUSINESS READY TASK FORCE
August 14, 2012
2:00 – 5:00 PM, Municipal Court Room
Albany City Hall, 333 Broadalbin St. SW, Albany

Members: Sharon Konopa, Jeff Christman, Oscar Hult, Arthur Meeker, Jessica Pankratz, Dave Reece, Ron Reimers, Rob Richards, John Pascone, Dala Rouse, Mark Spence, Janet Steele

Staff: Wes Hare, Heather Hansen, Tari Hayes, Anne Catlin

Additional Staff (Tentative):

- Jeff Blaine, Asst. PW Director/City Engineer ● Craig Carnagey, City Forester
 - Ron Irish, PW Transportation System Analyst ● Kristin Johns, Community Dev. Administration
 - David Martineau, Lead Current Planner ● Gary Stutzman, Building Official
 - Mark Shepard, PW Director ● Mike Trabue, Fire Marshal
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Agenda

- Business from the Public
- Development Review Process
- Next meeting:
 - Date & Topic – T/B/D
- Adjourn

THE DEVELOPMENT REVIEW PROCESS

The City's development review process involves multiple departments and outside agencies, and has multiple stages from initial discussions about the concept through construction and occupancy.

Step 1: Initial Contact and Consultation

PLANNING staff is usually the first to talk with a potential applicant, either at the counter or on the phone. Often these informal conversations occur without the benefit of any drawings or specific details. The planner asks questions to get a good understanding of the concept, the use and potential zoning and development standards. They explain the land use process and what is needed in order to schedule a pre-application meeting. The potential applicant is often encouraged to contact PUBLIC WORKS regarding any potential sewer, water or transportation issues that may affect the project, and BUILDING if modifications to existing buildings or uses are proposed.

Step 2: Pre-Application Meeting

This meeting is a forum to discuss the proposal and give the potential applicant more information about the process, requirements, and information that will be needed for an application to be considered complete. In order for the various staff and agency groups to prepare for the meeting, the applicant submits a description and/or plans of the proposal two weeks prior. During this time, the materials are routed to other departments and outside agencies so they can research the site, review the proposal, and prepare relevant comments. It is common at this early stage for the submittal to be conceptual and contain minimal details. However, applicants are informed that the more specific the submittal, the earlier staff can be more specific about likely conditions of approval, issues that may add cost or add time, and to research potential solutions/ suggestions on how to achieve the applicant's goals. The pre-application information is confidential between internal staff and agency groups.

At the meeting, the potential applicant describes the proposal. City and agency staff explain applicable standards, anticipated required improvements (infrastructure, parking, landscaping, pretreatment, etc.), potential issues (wetlands, access constraints, etc), and costs related to the proposal. A written summary of the standards and issues discussed is given to the potential applicant after the meeting. These notes are not intended to be the "final word," since the proposal often changes by the time an application is submitted. Staff may recommend an additional pre-application meeting if projects change or more detailed information is submitted.

INFORMATION COLLECTED FOR PRE-APPLICATION MEETINGS & STAFF REPORT

PLANNING coordinates the land use process and reviews submittals to provide the following:

- Determinations of the use category, land use process (applications and permits that may be needed, neighborhood meeting, etc.), applicable zoning standards, parking and landscaping requirements, design standards, etc.
- Location of any natural resources (floodplains, wetlands, etc.) and all overlay districts and standards.
- Approvals or consultations that may be required from other agencies such as ODOT, the counties, Department of State Lands (DSL), Army Corps of Engineers (Corps), etc. *The applicant is encouraged to contact these agencies early in the process. The City has no control over outside agencies or the timing and conditions that may be imposed by them.*
- Previous land use cases, history of the property, and any other potential issues.

PUBLIC WORKS is involved from concept to completion. They review the following:

- Water, sewer, storm and street infrastructure capacity needs and provide direction on construction, extension or expansion of needed utilities, pre-treatment requirements, right-of-way dedication and easements.
- Applicable costs (SDC fees or credits, connection charges, financing options, city participation).
- Additional studies or specific information that may be needed (such as traffic or stormwater studies) in order to evaluate the proposed development.
- Unique challenges, if any, that they see related to the specific project.
- PUBLIC WORKS permitting processes, as applicable, such as Site Improvement (SI), Fill, Erosion Prevention & Sediment Control (EPSC), Encroachment, etc.

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...continued INFORMATION COLLECTED FOR PRE-APPLICATION MEETINGS & STAFF REPORT

BUILDING is also involved at the beginning, although their main role is at the building permit stage. For the land use review, they provide information on:

- Building occupancy, type of construction, allowable areas, fire separations, egress, accessibility, fire sprinklers and alarms, storage arrangements, and hazardous materials use and storage.
- All applicable building, electrical, mechanical, fire, energy and accessibility code standards as well as identifying site drainage, loading and access issues.

FIRE is primarily involved with existing development. During the pre-application phase they provide information on:

- Fire apparatus access/road needs (width, construction, turn-around, gates, etc.).
- Fire water flow demand, and fire hydrant needs, and any other applicable standards in the Oregon Fire Code.

Step 3: Land Use Application Process & Decision

If the developer or property owner decides to move forward from the Pre-Application stage, they submit the application(s) and plans. The project is often somewhat different (sometimes significantly) from the preliminary proposal discussed at the pre-application meeting.

Completeness Check: Once PLANNING has received the application materials, the first step is to determine if all of the necessary information has been provided in order to process the application. State law allows up to 30 days for the City to decide if the application is complete. The application materials are routed to applicable departments, outside agencies and utility companies, and they are given 14 days to determine whether there is enough information to evaluate the proposal against applicable code standards and laws. The information is made public at this time. The PLANNER compiles all of the comments and sends either a complete letter, or an incomplete letter that outlines information needed to process the application. When the applicant submits the required information, another completeness check is done. This is repeated until the applicant has submitted all the necessary information to review the application. **Incomplete applications often delay the process.** The City provides a checklist of required information to help avoid incomplete applications.

Once the application is deemed complete, state statutes require that a land use decision be rendered within 120 days (legislative decisions are not subject to this time period). Most applications take the City of Albany staff far less time to process than is allowed by state law.

Public Notice: Four of the five levels of review require 10 to 14 days for public input on the proposal. Once the application is deemed complete, PLANNING staff mails a Notice of Filing or a Notice of Public Hearing to property owners within a specified radius of the proposed development.

- Type Is are staff decisions, which do not require public input. No notice is sent to surrounding property owners.
- Type I-Ls and Type IIs – Notice of Filing is mailed for input that is taken into consideration in staff's evaluation of the proposal. Staff is the decision maker unless a public hearing is requested in a Type II.
- Type IIIs and Type IVs require public hearings. A Notice of Public Hearing is mailed and the site is usually posted. The decision maker is the Planning Commission, Hearings Board, Landmarks Advisory Commission or City Council. **Note:** zoning, development code and comprehensive plan amendments involving a statewide planning goal require notice to the DLCDC 35 days in advance of the first hearing.

Staff Report and Notice of Decision: The Staff Report is a legal document that outlines the basis for the City's decision. It is a crucial document if there is an appeal. The PLANNER collects all comments, findings and conditions of approval from other departments and outside agencies, and combines them into the Staff Report. The written findings outline the basis for approval, approval with conditions (in order to meet the standards), or denial. If the Planning Commission, Landmarks Advisory Commission, Hearings Board or City Council is the decision maker, staff presents the review criteria, findings, and any conditions of approval for discussion at the public hearing. The decision and any applicable conditions of approval are included in the Notice of Decision.

The Notice of Decision is mailed to the applicants and anyone who provided written comments or testified at a public hearing; these are the only parties eligible to appeal. The appeal period ranges from 10 to 21 days depending on the level of review. Most appeals are at the local level first, rather than to the Land Use Board of Appeals.

Step 4: Satisfying Conditions of Approval

In most cases, all conditions of approval must be completed or financially assured **before building permits are either issued or finalized, or subdivision or partition final plats are signed**. Some conditions of approval are not required until the occupancy permit is requested, such as parking and landscaping. Outstanding fees are also paid (such as connection fees). The developer can enter into SDC Credit Agreements or Capital Recovery Agreements, if applicable. These provide for reimbursement on some of their investment in public infrastructure.

When public infrastructure is required, it is typically **constructed privately** by obtaining a Permit for Private Construction of Public Improvements or Site Improvement (SI) Permit through PUBLIC WORKS. For small projects, there may be opportunities to utilize less formal processes. For example, a minor sewer or storm drain connection might be constructed under an encroachment permit. Occasionally a developer will enter into Mutual Improvement Agreements (MIAs) in order to obtain building permits in advance of, or simultaneously with, construction of public improvements. Another option is to ask the City Council to form a Local Improvement District (LID) to construct the improvements through a **public contract**. This method shares the costs of the public utilities with those benefiting from them. There are many steps, including a public hearing, before the Council makes a decision to form an LID and to decide on the assessment methodology.

The **SI PERMIT PROCESS** has two primary phases:

1. Engineering Plan Review. The initial engineering plan review takes about two weeks. Large projects, complex engineering, or poorly-prepared plans will take longer. Smaller projects could take much less time, sometimes only a day or two. Most projects require multiple reviews. Once the plans are approved and other required documentation is in hand, such as right-of-way and easement dedications and outside agency permissions, the construction permit can be issued.
2. Construction. It is the private engineer's responsibility to ensure that construction of public improvements is performed in conformance with the approved plans and Albany's Standard Construction Specifications. Public Works staff visits the project site to verify that work is being done properly, but detailed construction inspection is the responsibility of the private engineer.

The SI is complete when public improvements, final paperwork and "as-built" documents are accepted by the City. After a one-year warranty period, the City assumes responsibility for maintenance.

Land Divisions/Signing the Final Plat: Once all conditions of approval have been satisfied, including construction of all public improvements, the City will sign a Final Plat. The developer must then take it to the County to be signed and recorded.

Step 5: Building Permit & Construction Phase (excluding Land Divisions)

Building plans are submitted at the Community Development counter and are circulated to departmental staff for review (Building, Public Works, Planning, Fire, etc.). Building permits trigger other permits and fees associated with typical developments (SDCs, water meter installation permits, encroachment permits, etc.).

BUILDING PERMIT PLANS REVIEW

Once applicable permits are applied for, BUILDING staff:

- Review the plans for compliance with applicable state building codes (structural, mechanical, electrical, plumbing, accessibility and parking standards) along with the fire prevention standards and provisions. The review time depends on the number of permits, complexity of the project, and the accuracy of the plans. **Corrections to plans add time to the review process.** The City allows developers to submit for building permit review during the land use process in order to shorten the timeline; however, they are cautioned that, should building plans change due to issues that relate to the land use decision, the plans may require revisions.
- Perform inspections on all phases of the on-site improvements.

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.....continued BUILDING PERMIT PLANS REVIEW

PUBLIC WORKS staff review the building plans for the following:

- Any pretreatment requirements (Environmental Services) or utility conflicts.
- SI permit completeness or compliance with other conditions of approval related to infrastructure, and any required right-of-way or easement dedications, if applicable.
- Any outstanding required public improvements and how to address them. For example, constructing a sidewalk under an encroachment permit.

The PLANNER reviews the plans to ensure they are consistent with the land use submittal and address conditions of approval. Landscape Plans are often submitted with the building permit and the PLANNER reviews them for compliance with the standards and conditions. Landscaping must be installed or completeness guarantees given, prior to building occupancy.

Certificate of Occupancy: After all buildings and improvements are inspected and determined to be complete, and any other conditions of approval are met (e.g., landscaping, parking lot construction, buffering/fencing, etc.), a Certificate of Occupancy can be issued.

KNOWN CONCERNS AND SUGGESTED ACTIONS

1. **Fees** – It is no surprise that applicants don't like to pay fees. The most common concern regarding fees is about System Development Charges (SDCs). SDCs are required in order to pay for each development's fair share of improvements necessary to serve growth. They are not fees that can be waived and, without them, an alternate funding source for the required improvements would need to be identified.
2. **Identification of Requirements and Potential Problems** – We have received concerns about the timing of identification of different issues. These can be legitimate concerns but they can also result from incomplete information being provided early in the process. For the legitimate concerns, staff routinely evaluates them and determines if there are process changes that can be made to keep them from happening again. An example of a current work effort is identifying Fire Department requirements earlier in the land use process. Coordination between the departments has improved dramatically over the last few years. We are working with the City Attorney to develop methods of incorporating fire and life safety requirements into the land use decision so they would become 'Conditions of Approval' rather than just being listed in the 'Information for the Applicant' section of the Notice of Decision, which has been a common source of confusion.
3. **Timeliness of Response to Questions** – These concerns are more common for tree permits and Fire Department questions. Tree regulations are complicated by the fact that they are found in separate sections of the Albany Municipal Code and the Albany Development Code, and are regulated by two different departments. Staff realizes that efforts to combine tree regulations and provide a single point of contact for the applicant would be beneficial. However, it has not yet been evaluated for feasibility. Timeliness of response to questions handled by the Fire Department is primarily a staffing issue. Additional resources are needed, whether through additional staff or reassignment of existing staff, in order to improve response times.
4. **Reasonableness of Applying American With Disabilities Act (ADA) Standards** – Concerns have been expressed over the reasonableness of applying the ADA standards. It is true that the ADA standards can complicate a project but they are not standards from which the City can opt out. The City's ADA staff continues to go through ADA-specific trainings and work with Public Works staff to understand the various construction challenges. These challenges, such as infill or redevelopment tie-ins, can often justify flexibilities.
5. **Delivery of Information** – When dealing with regulations every day it can be easy to lose sight of the fact that not every applicant is familiar with the development process or the typical standards and codes that are applied in the process. As such, there are times when staff may list requirements or potential obstacles in a matter-of-fact manner, to the surprise of the customer. How the information is delivered to the applicant can be just as important as the information itself, and staff will continue to keep this in mind.