



Oregon

Tina Kotek, Governor

HPAC Work Group Recommendation Template

Last Update: June 21, 2023

Work Group

- Availability of land
- Land development permit applications
- Codes and design
- Workforce shortages
- Financing

Recommendation

Plan review for site civil and building permits for residential construction (including higher density development) should be done in a way to promote the clear and objective criteria which are required under the Needed Housing statutes. In addition, responsibility for design of site civil work and building design should fall upon the stamping design professional (i.e. the civil engineer or architect of record).

In order to comply with these standards:

- The first review is a thorough review, stating all the issues with all plans/reports submitted. All issues should clearly reference the standards applicable.
- After the first round of comments are returned to the applicant, the jurisdiction and design team should meet to discuss all issues. This meeting is to be scheduled within 5 business days of returning the comments.
- All subsequent reviews can only address comments related to fire, life, safety. No new comments can be added unless they are directly related to substantial changes made after the previous revisions.
- Small changes that don't result in a substantial change in design should be allowed to be address after construction permits are issued.
- Reviewing jurisdictions are to develop clear and objective standards for plan review submittals.
- Cities can only have plans for 120 days before permit issuance. The 120 day total only applies for the time the city is reviewing the plans (i.e. four 30-day reviews). All agencies under state jurisdictions should also be held to the 120 day standard. When multiple agencies are involved in the approval of a project, jurisdictions should have 120 days to approve the portions of the project under their control. Building permits and public works permits would have their own timelines.
- Jurisdictions are to develop checklists which contain all the necessary paperwork, applications, signatures, documents, and submittals required in order to get through land use, construction permits, and building permits. Items can only be added to the list in order to address fire, life, safety requirements.
 - o Checklists for land use can be given to the applicant with pre-app notes. If the application is within substantial conformance with the plan submitted at the pre-app, the pre-app checklist is binding. If the submittal is not within substantial conformance, a revised checklist can be given with completeness review.
 - o Checklists for items required for construction permits/building permits are to be given after the first review, as previously outlined above.

Related Work Plan Topics

2(a) Require local jurisdictions to issue permits by 120-day statutory window and integrate permitting to include land use (site development), public works, and building.

5(a) Mandate that public works permitting **MUST** be integrated into the overall permitting process and cannot be segregated out and take longer than 120 days.

5(b) Require first round review to be a comprehensive review. After the initial review, only issue which arise from revisions that have fire/life/safety implications can be added to the review list.

5(c) Plan review comments should listed the design section/standard that is deficient. Vague review comments and/or questions should not be on plan review. Any questions or needs for clarifications should be handled through meetings to discuss issues.

5(d) After the second round of plan review, a meeting should take place in order to discuss remaining issues.

7(a) Require integrated/comprehensive permitting w. in 120 days - require that local jurisdictions not "departmentalize" permitting.

7(c) Implement time limits on all portions of the review process, including prior to a land use application being deemed complete. If issues still remain but can be conditioned, that should happen rather than be threatened with denial or another review.

Adoption of Recommendation

Consensus

Co-chairs Guidance: Standards for Analysis

1. Clearly describe the housing production issue that the recommended action(s) will address.

While land use has a statutory timeline of 120 days, there is no guideline for how long it takes construction plans (both for civil work and building plans) to be issued. Projects can face years in the plan review process, with new comments emerging after several rounds of review.

Speeding up this process will help increase the production of housing. This is true for both the public and private side. Limiting the number of reviews will help projects get approved quicker, which frees up time for design professionals as well as city reviewers.

2. Provide an overview of the housing production issue, including quantitative/qualitative context if available.

Projects can take multiple years to get through the construction permit approval process, with new comments being added after multiple rounds of review. By providing limits to the review process and putting more emphasis on early thorough review comments, plans should get approved more quickly.

By requiring meetings between plan review, it allows for the design professional and reviewer to discuss issues and for all parties to develop clearer expectations for the next submittal.

More often than not, late review comments don't result in a substantive change in the overall design and construction of the project. Examples of this would be included additional areas on basin maps included in stormwater reports or differences in pipe inverts which aren't constructible.

In order for jurisdictions to be able to do a thorough review, certain materials should be submitted with the first review. Jurisdictions should develop a checklist of materials and formatting required in order to provide the more meaningful review. While some things like street design and conveyance calculations might be necessary in the first submittal, things such as curb returns and landscaping plans might be able to be wait until the second submittal, when things like street grade and stormwater facility sizing have been reviewed.

The overall purpose of the recommendation is to increase cooperation between reviewing bodies and the design team, with a clear target of the end goal. Referencing standards which apply to comments helps eliminate reduce comments that are really written as questions, which can lead to multiple reviews were the design team believes they have addressed the comment, but the reviewer disagrees.

3. To assess the issue and potential action(s), include subject matter experts representing all sides of the issue in work group meetings, including major government, industry, and stakeholder associations.

Kevin Young, Senior Planner, DLCD
Madeline Phillips, Public Facilities Planner, DLCD
Ryan Marquardt, Transportation and Land Use Planner, DLCD
Johnathan Balkema, Building Official Manager, City of Albany
Amy Pepper, Development Engineering Manager, City of Wilsonville
Michael Liebler, Transportation Planning Engineer, City of Springfield

SME testimony centered around pushing quality control and responsibility back onto jurisdictions and that in the past, additional mandates do not help with streamlining. There was a mention that required that comments reference the section of the code will add to the time needed for review, but comments were also given that applicants aren't experts in the code.

Concerns were raised about the checklist requirement, that it be clear that public works and building permits were on separate timelines, as well as the concern that pre-app checklists would be dependent on the level of detail submitted at the pre-app. Also mentioned that cities can't compel other entities to submit checklists.

Request was made to allow for more time for larger projects.

Testimony has been received in the past that the problem with long plan review is a lack of quality submittals.

4. Provide an overview of the expected outcome of the recommended action(s), including quantitative/qualitative context if available.

The overall purpose of the recommendation is to increase cooperation between reviewing bodies and the design team, with a clear target of the end goal. Referencing standards which apply to comments helps eliminate reduce comments that are really written as questions, which can lead to multiple reviews were the design team believes they have addressed the comment, but the reviewer disagrees.

The expected outcome is plan review that is focused on providing a clear and straightforward plan review. Understanding that the responsibility to provide clear construction documents that can satisfy code falls to the design professional and that the reviewing body is responsible for ensuring the plans meet the standards. If a little more upfront effort can help pinpoint exact issues within the construction documents and outline clear concerns, projects can move through the review process more efficiently. This will help produce housing faster and will lower staff time overall.

5. Estimate of the time frame (*immediate, short, medium, long-term*), feasibility (*low, medium, high*), and cost (*low, medium, high*) for implementation of the recommended action(s).

Time Frame	Feasibility	Cost
<input type="checkbox"/> Long-term	<input type="checkbox"/> High	<input type="checkbox"/> High
<input checked="" type="checkbox"/> Medium-term	<input checked="" type="checkbox"/> Medium	<input type="checkbox"/> Medium
<input type="checkbox"/> Short-term	<input type="checkbox"/> Low	<input checked="" type="checkbox"/> Low
<input type="checkbox"/> Immediate		

It has taken several years for plan review to get as arduous as it currently is. It is going to take time to undo the behavior. This will affect both the time frame and the feasibility.

While this might cost more staff time upfront, it should reduce staff time spent reviewing plans, as the scope for each subsequent review would be limited. It could be a cost savings for cities that have outside sources for their plan review.

6. Provide a general overview of implementation, the who and how for the recommended action(s).

This could be done through legislation or an executive order.

This guidance could also be used as a goal for jurisdictions. Like maybe places that can meet these plan review criteria would qualify for grants/funding for special projects.

7. Outline the data and information needed for reporting to track the impact and implementation of the recommended action(s).

Cities should be able to report the time that it takes for projects to make it through the land use, public works, and building permit processes.

A good goal would be for public works permits to take less than 6 months for construction permits.

8. Identify any major externalities, unknowns, tradeoffs, or potential unintended consequences.

City feedback has been concerned that this will result in more staff time needed and that they will need more resources. While this might be true initially, it wouldn't likely result in less staff time if it only takes 6 months to approve a project versus two years.

Please include any relevant reports, data analyses, presentations, or other documents that would be informative and useful for the full HPAC as the recommendation is discussed and considered.