



City of  
**PORTLAND, OREGON**

Development Review Advisory Committee

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**MINUTES**  
**Thursday, June 12, 2008**

**Attendees:**

**DRAC Members Present:**

Simon Tomkinson	Greg Theisen	Alan Beard
Tom Skaar	Steve Heiteen	Rick Michaelson
Goudarz Eghtedari	Kathi Futornik	Bonny McKnight
Don Geddes		

**Guests**

Michael Sestric, Institutions Coalition  
Jim McCauley, HBA  
Susan Steward, BOMA  
Jeff Fish, Fish Construction  
Lyn Bonyhadi, Metro  
John Rakowitz, AGC

**City Staff Present:**

Paul Scarlett, BDS	Anne Hill, BDS	Andy Peterson, BDS
Rebecca Esau, BDS	Ross Caron, BDS	Kurt Krueger, PDOT
Debbie Cleek, BDS	Cindy Dietz, Water	Alisa Cour, BDS
Eric Engstrom, Planning	Michael Armstrong, OSD	Ross Turkus, BDS
Jim Nicks, BDS	Hank McDonald, BDS	Denise Kleim, BDS

**DRAC Members Absent:**

Michele Rudd	Don Geddes	Dennis Wilde
Jeff Perala	Charlie Grist	

**Handouts**

512/08 DRAC Minutes  
Inter Bureau Code Change Project List  
BDS DRAFT Proposal for Communication Plans Subcommittee  
Portland City Code Title 29 New Subsection DRAFT  
Summary of DRAC Green Report Recommendations—UPDATE  
Regulatory Improvement Work Plan Memo—Bureau of Planning

## **Convene Meeting**

Chair Simon Tomkinson convened the meeting and asked if anyone had any changes to the May meeting minutes. The DRAC members approved the minutes. Simon Tomkinson invited DRAC members to review the: Inter Bureau Code Change Project list and follow up with the contacts listed on the documents.

## **Director's Report**

BDS Director Paul Scarlett noted that the City of Portland's 2008-09 budget was passed by City Council on June 4<sup>th</sup>. The newest City Commissioner Nick Fish was sworn in this week and has been assigned by the Mayor BHCD (Housing and Community Development) and the Fire Bureau.

## Outreach

BDS staff continue to schedule outreach meetings with stakeholders. Most recently BDS staff met with Building Code Division Administrator Mark Long who was supportive of BDS' local code amendment process to develop a green building code chapter. Paul Scarlett acknowledged the strong participation in the process.

## BDS Communication Plan

BDS Public Information Manager Alisa Cour distributed and reviewed the *BDS DRAFT Proposal for Communication Plan* handout. She will convene the subcommittee to review recommendations and develop and implementation plan.

## Title 29

Site Services Manager Ross Caron distributed and reviewed *the Portland City Code Title 29 New Subsection DRAFT*. The new subsection will extend the property maintenance code to cover non residential properties. The code would be administered the same way it is for residential properties meaning that it is a complaint driven program. Ross Caron explained that he is seeking feedback and input from interested parties and organizations. DRAC Chair Simon Tomkinson asked that Ross review the Seattle non residential property maintenance code to see how they have approached the issue. He thought Seattle would be a closer match to the issues and size of Portland vs. only looking at Gresham's policy. Simon Tomkinson encouraged BDS staff to ask BOMA (Building Owners and Managers Association) and neighborhood business associations to review the proposed language.

John Rakowitz, AGC asked if the new language covered commercial or everything that was not residential. BDS staff Ross Caron clarified that it covered all properties that were not residential. But that the purpose of the code was not to address "ugly" which is confusing to the public.

DRAC member Goudarz Eghtedari asked what process is used to develop or amend sections of the City Code? DRAC Chair Simon Tomkinson noted this was a good question and explained that if the group thinks it is significant enough then maybe there should be a stakeholder group convened to review the policy change. Susan Steward, BOMA agreed to send Ross a list of contacts and suggested that he attend a number of industry related meetings in the next few months. Simon Tomkinson reiterated that DRAC's interest in this issue did not mean that the committee was supporting the changes.

### Green Building Update

BDS staff Anne Hill distributed and reviewed the *Summary of DRAC Green Report Recommendations* updating the DRAC on the status of the 22 recommendations. DRAC member Steve Heiteen asked if the recommendations will be taken 1 by 1, focusing on the easy wins that can be taken care of easily, since there is not agreement on all of them. DRAC member Bonny McKnight suggested that the City Council members should be visited with the Report since there are new Council members. HBA staff Jim McCauley noted that there individual recommendations have more details that should be addressed specifically the recommendations relating to performance certification and to the building code. OSD's High Performance Building Policy meetings and the Local Code Amendment process should be captured in more detail.

BDS staff Anne Hill noted that the update by OSD would hopefully provide the DRAC with more information on the performance certification and other key recommendations. She introduced OSD staff Michael Armstrong who updated the DRAC on the High Performance Green Building Policy meeting process with a power point presentation. A staff proposal would be out at the end of August for review and the current proposal would have a fee similar to an SDC charge. DRAC member Simon Tomkinson suggested that commercial buildings should have alternatives to LEED since it is a private company with a specific process and the policy should support specific benchmarks or pathways.

Regarding the performance of existing residential buildings; DRAC member Bonny McKnight asked if this was a penalty or a disclosure. Michael Armstrong explained that at this point it would be disclosure and paid for by the buyer since they would be living in the home. DRAC member Rick Mickelson asked why the seller would not be required to do the audit at the beginning of the selling process vs. at the end of the process. Michael Armstrong explained that the idea had gone back and forth and that these considerations would be included in the comments. Metro staff Lyn Bonyhadi suggested that home inspectors could fold this service into their inspections that was already being paid for by the buyer. Regarding the feebate; DRAC member Tom Skaar said he thought the feebate was off the table since there was not agreement on the policy. He thought the local building code amendment (TAG) process was in place of the feebate. HBA member Jeff Fish agreed that this is what he thought too. BDS staff Anne Hill noted that the two separate processes for the High Performance Green Building Policy staffed by OSD and the Local Building Code Amendment staffed by BDS were outlined at a large public meeting hosted by Commissioners Saltzman and Leonard in January. DRAC members and HBA members were participating in both processes. OSD staff Michael Armstrong agreed to stay after the meeting to discuss proposed components of the draft proposal.

### RICAP IV & V –Timeline Review

Planning staff Eric Engstrom and Phil Nameny distributed and reviewed a *Regulatory Improvement Work Plan Memo* outlining the general topic areas for the Title 33 Code package RICAP V. DRAC member Bonny McKnight wanted to make sure all of the school districts in Portland we included for consideration. BOMA Director Susan Steward asked where the list of recommendations proposed by BOMA members last spring was in the process. Planning staff Eric Engstrom explained that this was not the complete list of topics.

**DRAC Meeting, Thursday August 14, 2008 7:30-9:00 a.m.**  
Minutes prepared by Anne Hill—June 16th, 2008