



City of
PORTLAND, OREGON

Development Review Advisory Committee

Development Review Advisory Committee
MINUTES
Tuesday, October 18, 2011

DRAC Members Present:

George Bruender	Jeffrey Cole	Jeff Fish
Don Geddes	Dana Krawczuk	Renee Loveland
Ed McNamara	Michelle Rudd	Keith Skille
Carrie Strickland	Simon Tomkinson	

City Staff Present:

Ross Caron, BDS	Lana Danaher, BES	Cindy Dietz, Water
Rebecca Esau, BDS	Mark Fetters, BDS	Denise Kleim, BDS
Kurt Krueger, PBOT	Christine Leon, PBOT	Hank McDonald, BDS
Andy Peterson, BDS	Paul Scarlett, BDS	Christopher Wier, PBOT
Sandra Wood, BPS		

Guests Present:

DRAC Members Absent:

Hermann Colas	Steve Heiteen	David Humber
Bonny McKnight	Rick Michaelson	Greg Theisen

Handouts

- DRAC Meeting Minutes 8/16/11 & 9/20/11
- Inter-Bureau Code Change Project List
- BDS Major Workload Parameters (Monthly / Cumulative)
- Non-Cumulative Cost Recovery Report
- DRAC 2011-12 Work Plan (Draft)
- FOG Program Summary
- Public Works Permitting Summary Report

Welcome New DRAC Member

DRAC Chair Carrie Strickland welcomed new DRAC member George Bruender, who is filling the *Neighborhood Coalition Land Use Committees* position on the DRAC. Mr. Bruender has served for several years as Co-Chair of the Land Use and Transportation Committee of the NE Coalition of Neighborhoods, as well as Land Use Co-Chair for the Concordia Neighborhood Association.

Convene Meeting

DRAC Chair Carrie Strickland convened the meeting and welcomed DRAC members and attendees. The August and September 2011 DRAC meeting minutes were approved.

Director's Report

BDS Financial Update / Staffing & Service Levels

BDS Director Paul Scarlett provided an update on the bureau's financial status and reviewed the handouts *BDS Major Workload Parameters (Monthly/Cumulative)* and *Non-Cumulative Cost Recovery Report*. Work remains steady, and the bureau is doing better in keeping up with the workload. Three additional staff began work last week. Several projects in the \$7 - \$10 million range have recently come in. Project valuations are improving, and that has helped the bureau's cost recovery considerably. Customers are still being turned away from the DSC at times, though the numbers are decreasing. The bureau does not plan to add further staff for now, while the long-term economic picture remains unclear.

Director Scarlett noted that BDS is involved with the City's response to the Occupy Portland protests, due to complaints received regarding code violations.

FY 2012-13 Budget

BDS will have a Budget Advisory Committee (BAC) again this year, with the first meeting occurring next week. Two DRAC members will be participating on the BAC: Hermann Colas and Keith Skille.

The Mayor has told bureaus to prepare cut packages showing 4%, 6%, and 8% reductions; for BDS, this impacts only General Fund monies (about \$2.7 million in FY 2011-12). The Mayor has also asked that no new requests be submitted, but bureaus can request the continuation of one-time funding. The City has a rainy-day fund that will provide some cushion. Bureau budgets are due at the end of January.

DRAC Member Simon Tomkinson asked if projections for next year would allow for additional staffing. Director Scarlett said that projections for next year are down from previous estimates, and BDS may need to adjust its 5-year staffing plan accordingly. Lana Danaher (BES) observed that much of the work coming in is public-funded, rather than private. Mr. Tomkinson said that he is seeing signs of increased activity on the private side as well. Director Scarlett noted that since BDS is funded primarily by permit and land use fees and charges, it can make adjustments to staffing and spending as those revenues change.

DRAC Work Plan

Ms. Strickland led a review and discussion of the handout *DRAC Work Plan*. Ms. Strickland observed that the DRAC is less actively involved in projects than it has been previously, and expressed a desire to see the DRAC become more engaged.

Ms. Strickland and Mr. Tomkinson expressed strong support for the Self-Certification item in the Work Plan. Mr. Tomkinson expressed dismay that some of his projects have been unnecessarily "re-designed" by City staff. The Self-Certification subcommittee has met once. Mr. Skille felt that a starting point would be identifying frequent, experienced customers for self-certification of

types of projects that they do frequently. BDS Plan Review/Permitting Services Manager Andy Peterson said that the City cannot legally completely forego structural reviews, but it may be possible to do a more limited review. He noted that Seattle's self-certification program puts strict limits on the work that can be done. He also said that inspectors will still have the final authority to approve work or require it to be re-done. Self-certification won't work for everything, but it presents another option for customers with appropriate projects.

DRAC Member Don Geddes said that some other jurisdictions require less review than what the City of Portland requires. He cited another jurisdiction that did not check the structural calculations on a \$20 million project; they instead relied on the professional who stamped the plans. He questioned why Portland does reviews that other jurisdictions don't require. Mr. Tomkinson noted that he has lost money through being required to re-design projects by City engineers. He said that this kind of dynamic does not exist in other jurisdictions. Mr. Geddes said the legal liability rests with the engineer who stamps the plans, and the City should let that person be responsible. Mr. Skille said that the level of review and scrutiny is excessive and suggested that it be added as a topic on the Work Plan (separate from Self-Certification). Director Scarlett expressed willingness to meet and discuss how things can be improved. DRAC Member Ed McNamara said that he's not convinced that self-certification is the best answer; it doesn't always work. He said the DRAC should focus on streamlining reviews and removing the arbitrariness of the process, rather than making self-certification the goal. Mr. Peterson suggested that engineers working locally should be involved in the discussion as well, since self-certification would place more responsibility on them. Mr. McNamara suggested that if the problems are occasional in nature, rather than systemic, a simpler solution may be available.

Director Scarlett suggested that the Self-Certification subcommittee be tasked with the larger umbrella topic of streamlining the review process and making it more consistent (less arbitrary). DRAC Member Jeff Fish volunteered to join the subcommittee, and said that his issue is submitting the same plan multiple times, and having 1 or 2 rejected but the rest accepted. At Director Scarlett's suggestion, Mr. Geddes volunteered to serve on the subcommittee. Director Scarlett said the bureau will contact subcommittee members to set up its next meeting.

Director Scarlett noted that several years ago, BDS Manager Bonnie Morris facilitated a discussion with several customers regarding the need to have City engineers review engineer-stamped plans. The general consensus was that City review was advisable.

Director Scarlett said that the Work Plan needs more start and end dates, so that it is clear that work is progressing.

Mr. Skille said that the DRAC needs to take up SDCs (Systems Development Charges) again. Mr. Skille, Ms. Loveland, and Ms. Krawczuk volunteered to serve on that subcommittee. Ms. Rudd asked the SDC subcommittee to consider other ways of paying for development impacts other than through SDCs.

BDS Land Use Services Manager Rebecca Esau noted that implementation of the Tree Project will be a challenge given the budget reductions mandated by the Mayor's office. Fees will eventually pay for more of the project, but an initial infusion of General Fund monies will be needed to get the program up and running. Mr. Tomkinson agreed, observing that the neighborhoods support the project, but the City needs to commit funding for it to succeed. Ms. Esau said that partial implementation is being considered as an option. Staff is working on documenting the start-up costs, and should have an estimate in a month. Mr. Tomkinson suggested that the DRAC support BDS in requesting the funding needed for implementation.

Sandra Wood (BPS) noted that a fiscal impact statement was prepared when the Tree ordinance was taken to City Council, so the Council was aware of what the project would cost. The question now is how to implement the project if funds are not available to pay for those costs. Mr. Tomkinson asked that DRAC members revisit this issue at the next DRAC meeting and consider taking a position to City Council. Mr. Fish noted that in 2008, there were only 10-12 tree violations reported; if money isn't available for full implementation of the Tree Project, perhaps it can be better used elsewhere.

Information Technology Advancement Project (ITAP) Update

ITAP Manager Hank McDonald provided an update on the ITAP project. City Council recently gave authorization to issue an RFP, which is currently being drafted. The RFP should be ready to issue by late November, which will put vendor selection in January. Process mapping work continues.

Public Works Permitting Update

Kurt Krueger (PBOT) provided an update on the design exception process. A first-level appeal committee composed of managers from the development review bureaus is being instituted. There will be a \$250 fee to appeal to the committee, and the appellant can either accept the committee's decision or appeal further to the Public Works Appeal Panel.

Mr. Tomkinson expressed appreciation for the work staff has done on the appeals process.

Christopher Weir (PBOT) reviewed the handout *Public Works Permitting Summary Report*.

Pulse of the Industry

Mr. Skille said that a large multi-family housing project in the Pearl District has been initiated. He heard that the project was financed conventionally. Mr. Tomkinson noted that concrete, framing, and plumbing contractors he interacts with are very busy, and that his own work has picked up. Mr. Fish said that many of his subcontractors are also busy. He has more projects in the pipeline than he's had for a while, based on hope that the market will improve in the spring. He noted that there will be an open house at 3:00 p.m. today on a sustainable home project he's been working on at 8533 N Curtis.

Mr. Fish said that he took a code change class last week, and was concerned about a requirement that exhaust fans may not exhaust over a "walkway". He said that "walkway" is not well-defined, but seems to include private walkways in addition to public. Mr. Tomkinson noted that there is a code change regarding fireplace flues that has contractors concerned.

Mr. Tomkinson said that he's seeing an increase in the number of checksheets, and that details that they've used for years are now being brought up in checksheets. He asked that the bureau monitor what's being done with checksheets.

Ms. Esau said that there is a lot of land use review work taking place.

Next DRAC Meeting: Tuesday, November 15, 2011, 10:00 a.m. -11:30 a.m.

Minutes prepared by Mark Feters, BDS