



City of  
**PORTLAND, OREGON**

Development Review Advisory Committee

**Development Review Advisory Committee**  
**MINUTES**  
**Tuesday, December 20, 2011**

**DRAC Members Present:**

George Bruender	Jeff Fish	Don Geddes
Steve Heiteen	David Humber	Dana Krawczuk
Ed McNamara	Rick Michaelson	Greg Theisen
Simon Tomkinson		

**City Staff Present:**

Ross Caron, BDS	Mark Feters, BDS	
Matt Grumm, Comm. Saltzman's Office		Kurt Krueger, PBOT
Christine Leon, PBOT	Doug Morgan, BDS	Jim Nicks, BDS
Andy Peterson, BDS	Paul Scarlett, BDS	Christopher Wier, PBOT
Riley Whitcomb, Parks		

**Guests Present:**

Linda Bauer, Pleasant Valley Neigh. Assoc.		Lew Bowers, PDC
John Hasenberg, ORA	Susan Steward, BOMA	

**DRAC Members Absent:**

Hermann Colas	Jeffrey Cole	Renee Loveland
Bonny McKnight	Michelle Rudd	Keith Skille
Carrie Strickland		

**Handouts**

- DRAC Meeting Minutes 11/15/11
- Inter-Bureau Code Change Project List
- BDS Major Workload Parameters (Monthly / Cumulative)
- Non-Cumulative Cost Recovery Report
- BDS Employee Budget Ideas
- Preliminary Summary of Priority Service Improvement Areas, Goals, and Resources
- Preliminary Financial Plan – Breakdown
- Draft DRAC Letter re: Tree Code
- Bureau of Transportation Fee & Budget Information

## **Convene Meeting**

BDS Director Paul Scarlett convened the meeting and welcomed DRAC members and attendees. The November 15, 2011 DRAC meeting minutes were approved.

DRAC Member Dana Krawczuk announced that she will be moving her practice from Ball Janik LLP to Perkins Coie LLP effective January 3, 2012.

## **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*. The bureau continues to do well. Project valuations are increasing, and larger projects are coming in. BDS has been able to bring back and retain staff, which is improving service levels. The bureau has not been seeing the typical winter slowdown.

### Engineering Plan Review

Since the DRAC Plan Review Subcommittee met in late November, BDS has met with a group of structural engineers who do work in Portland. BDS Plan Review/Permitting Services Manager Andy Peterson provided a summary of the meeting, which included a discussion on the definition of engineering review. 12-13 engineers attended, and written responses were received from four additional engineers. Highlights of the discussion included:

- The importance of early meetings with engineers
- Resolving items via discussion, rather than via checksheet
- The need to clearly define a path to resolution when there is discord between a design engineer and a BDS engineer

The engineers said that they prefer to work in Portland as opposed to surrounding jurisdictions, and that there is internal consistency in BDS's engineering review process. DRAC Member Dave Humber (who attended the meeting) added that the engineers are appreciative of having a PE do the engineering review; the question is the appropriate depth of the review. BDS Engineering Plan Review Section Manager Doug Morgan said that the overall tone of the meeting was positive, and that attendees expressed appreciation for Portland's staff and its professionalism. Mr. Peterson said that BDS will work on documenting its procedures, communicating that with engineers, and clearly defining the appropriate level of review.

DRAC Member Simon Tomkinson said that the key question is whether the development community should continue to subsidize a peer review that slows down the review process. The City and design engineers support engineering review, but is it in the best interest of the development community? Director Scarlett said that BDS can do better at identifying elements that can be reviewed by Plans Examiners and those that require engineering plan review. He reiterated that BDS will continue to do engineering plan review and will work on improving the consistency. Mr. Tomkinson said that he wants it to be made clear that this is a choice that provides a failsafe for the engineering community and allows for sloppy engineering work. He said the City should call it a peer review, since that's what it is, and should charge significantly more for the review.

DRAC Member Rick Michaelson said that as ITAP (Information Technology Advancement Project) comes online, BDS needs to make sure that it doesn't hinder the personal contact that the engineering community desires. John Hasenberg (ORA) recommended that BDS hold a meeting with engineers annually, and that the goal be to improve the efficiency and speed of

the review process, particularly regarding checksheets. Mr. Peterson said that the bureau intends to hold regular meetings with engineers.

### Application Extensions

Director Scarlett then referenced BDS's decision to allow development projects that were put on hold over the last few years to remain in limbo until they could be restarted (without having to resubmit plans). The bureau is considering bringing this policy to an end for land use applications that have been on hold. Multiple code cycles have passed and it is not workable to continue to allow extensions. Ms. Krawczuk said that the change will result in projects having to start over, instead of being ready to go, and that since building permits can be extended indefinitely with little effort, similar conditions should apply to land use applications. Riley Whitcomb (Parks Bureau) asked why there is a 3-year limit on land use applications. Director Scarlett said that the Zoning Code frequently changes and the limit encourages applicants to proceed with development.

Mr. Michaelson said that perhaps the bureau could allow applicants to make changes to their proposals without having to go back through the whole process. DRAC Member Ed McNamara said that this change will increase uncertainty for applicants while economic conditions are still tenuous.

Mr. Peterson said that for building permit applications that have been inactive for 180 days, a letter is sent to the applicant informing them that they need to move the project forward or it will be canceled. Generally a 180-day extension is granted upon request, which gives applicants up to a year. Mr. Michaelson said that even with code changes, buildings are safe and have basically the same life expectancy, so the fact that code changes take place is not sufficient reason to expire applications. Mr. Peterson said that the bureau wants to avoid warehousing a large number of projects that have little potential to move forward.

Director Scarlett suggested that the bureau produce a report showing permit and land use applications that may potentially be expired, for DRAC members to review.

DRAC Member Jeff Fish said that he is in favor of extending projects, but he also recognizes that because of code changes he may have to pay more for a new permit application than someone who is paying for a permit applied for under a prior code iteration.

Ms. Krawczuk suggested that a blanket extension be granted, rather than requiring applicants to come in and request extensions.

### **Budget Ideas from the BDS Budget Advisory Committee & BDS Employees**

Director Scarlett reviewed the handout *BDS Employee Budget Ideas – Summary*. He then reviewed the handout *Preliminary Summary of Priority Service Improvements*, focusing on the last page (p.8), which gives an overview of proposed additional staff positions.

BDS Finance Manager Elshad Hajiyev reviewed the handout *FY 2012-13 Preliminary Financial Plan – Breakdown*.

### **Tree Project Implementation & Funding**

DRAC members reviewed and discussed the handout *Draft DRAC Letter re: Tree Code*. DRAC Member George Bruender suggested that the letter be tabled until January so the DRAC could speak directly with BDS Land Use Services Manger Rebecca Esau, who wrote the letter. DRAC members discussed whether to move forward or wait. Mr. Tomkinson said that the letter is

intended to inform bureau Budget Advisory Committees of the DRAC's position as they plan for the next fiscal year. Because of the need to get this to the BACs in a timely manner, the DRAC decided to proceed.

Mr. Whitcomb (Parks) suggested that the letter be addressed to Bureau Directors, with a copy to Council. Matt Grumm (Commissioner Saltzman's Office) echoed this approach as a way of ensuring that bureaus and BACs are aware of the DRAC's concerns.

Mark Feters (BDS) said that he would forward the draft letter to DRAC members and ask them to indicate their approval or edits electronically. DRAC members voted to review and respond to the letter within 2 weeks.

### **Information Technology Advancement Project (ITAP) Update**

ITAP Manager Hank McDonald provided an update on the project. The RFP (Request for Proposal) was sent to the Quality Assurance/Quality Control vendor last Friday. The RFP will likely be issued in mid- to late January. The bureau hopes to recommend a vendor to the City's Procurement Officer by next May or June. Implementation will likely start in September or October 2012, with project completion projected by the end of 2014.

### **PBOT Budget Update**

Christine Leon (PBOT) provided an update on PBOT's FY 2012-13 budget. The PBOT budget is \$258 million, with less than 10% from General Fund. About \$60 million of the total budget is more flexible discretionary funds. Because of decreased revenues, PBOT will need to reduce its budget by \$16.9 million. This is on top of reductions PBOT has been making in the last few years. They have looked at a 30% across-the-board cut, but they will probably take a program-by-program approach. Ms. Leon's division is looking at a 24% GTR cut (which will be balanced at the Capital-Development group level with a 25% GTR target cut), which will lead to position reductions, fee increases, and service reductions.

Ms. Leon distributed and reviewed the handout *Bureau of Transportation Fee & Budget Information*, which included a fee schedule, permit data, and proposed budget cuts. PBOT is currently estimating a 1% increase in SDC fees.

DRAC Member Greg Theisen asked for the number of PBOT employees over the last few years and currently. Ms. Leon said that her division has decreased from approximately 50 in 2007 to about 43 currently. She was uncertain of the total number of current PBOT employees or the number affected by the cuts.

### **Membership Update**

Director Scarlett discussed upcoming vacancies on the DRAC and asked for recommendations from outgoing members. The DRAC also will need to elect a new Chair and Vice Chair, as those terms are expiring. This will be revisited in January since the current Chair & Vice Chair were not present at the meeting.

**Next DRAC Meeting: Tuesday, January 17, 2012, 10:00 a.m. - 11:30 a.m.**

Minutes prepared by Mark Feters, BDS