



City of  
**PORTLAND, OREGON**

Development Review Advisory Committee

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**Development Review Advisory Committee**  
**MINUTES**  
**Thursday, November 20, 2014**

**DRAC Members Present:**

Claire Carder  
Jeff Fish  
Rob Humphrey

Hermann Colas  
Maxine Fitzpatrick  
Maryhelen Kincaid

Phil Damiano  
Steve Heiteen  
Kristin Wells

**City Staff Present:**

Fred Deis, BDS  
Mark Fetters, BDS  
Kareen Perkins, BDS  
Paul Scarlett, BDS  
Riley Whitcomb, Parks  
Sandra Wood, BPS

Cindy Dietz, Water  
Kurt Krueger, PBOT  
Dora Perry, Comm. Fritz's Office  
Deborah Sievert Morris, BDS  
Sue Williams, BES  
Shawn Wood, BPS

Rebecca Esau, BDS  
Mitch Nickolds, BDS  
Andy Peterson, BDS  
Nancy Thorington, BDS  
Lauren Wirtis, BDS

**DRAC Members Absent:**

Dave Humber  
Dana Krawczuk  
Joe Schneider

Keith Jones  
Kirk Olsen

Chris Kopca  
Michelle Rudd

**Guests Present:**

Ben Gates, Redside  
John Hasenberg, Oregon Remodelers Association  
Rick Michaelson, Inner City Properties  
Linda Nettekoven, Hosford-Abernethy Neighborhood Development Association  
Elliot Njus, The Oregonian  
Judy Parsons, Beaumont-Wilshire Neighborhood Association  
Brian Schmidt, Home Builders Association  
Barbara Strunk, Beaumont-Wilshire Neighborhood Association

## Handouts

- DRAC Meeting Minutes 10/16/14
- Inter-Bureau Code Change List
- BDS Major Workload Parameters
- Non-Cumulative Cost Recovery Report
- BDS Budget Goals Memo
- BDS Budget Preparation Process
- Tree Code FAQs
- RICAP 7 Item Summary 11/13/14
- Title 24.85 Proposed Revisions Summary
- Title 24.85 Proposed Revisions
- Demolition Delay 120-Day Extensions 5/1/13 – 11/17/14
- Demolition / Major Alteration / Minor Alteration Chart 11/18/14
- Notification Cost Matrix
- Deconstruction Program Proposal (Draft)
- Demolition Delay – Deconstruction and Relocation Alternative Proposal (Draft)

## Convene Meeting

DRAC Chair Jeff Fish convened the meeting and welcomed DRAC members and guests. Mr. Fish introduced and welcomed new DRAC member Kristin Wells, from Portland Public Schools. Ms. Wells is filling the Major Facilities Landowners position on the DRAC.

DRAC members reviewed and approved the October 2014 DRAC meeting minutes.

## Director's Report

BDS Director Paul Scarlett reviewed the handouts *Non-Cumulative Cost Recovery Report* and *BDS Major Workload Parameters* and provided an update on the bureau. BDS cost recovery continues to be well over 100% (it was 160% in October) and workload measures remain high. The bureau is working on filling the additional staff positions that were approved in the Fall 2014 Budget Monitoring Process (BuMP), including:

- 22 new permanent fee-supported positions;
- The conversion of 7 fee-supported Limited Term positions to permanent;
- 1 Limited Term Senior Housing Inspector for the EDPEP program funded through the City's General Fund;
- 1 Limited Term Structural Engineer to support the URM database update funded through an interagency with the Portland Bureau of Emergency Management; and
- \$100,000 in abatement funding to improve and/or restore the EDPEP and the Nuisance and Abatement Programs.

BDS recently completed customer and community surveys. Preliminary survey results indicate generally good customer satisfaction levels, though there are areas of concern the bureau will be following up on. More details about the surveys will be available at December or January DRAC meeting.

DRAC Member Steve Heiteen requested an update on ITAP (Information Technology Advancement Project) costs, and whether they were near projections. BDS Administrative Services Manager Deborah Sievert Morris said the project remains on budget and on time. Mr. Scarlett said more details on the project schedule and spending will be provided at the December DRAC meeting.

Mr. Fish said that BDS appears to be 10% or more over its reserve goals once ITAP is factored out. He asked if/when the bureau would look at reducing fees if high cost recovery continues. Mr. Scarlett replied that BDS revisits its fees every year; for FY 2013-14, virtually all fees were kept constant.

BDS's FY 2015-16 budget request is mostly fine-tuning, since staff positions were added through the 2014 Fall BuMP.

Mr. Scarlett introduced Kari Herinckx, BDS's new Equity & Inclusion Manager.

### **DRAC Member Announcements / Check-In**

DRAC Member Phil Damiano said he attended the recent economic forecast and was encouraged that economic growth and low interest rates are projected to continue over next few years.

DRAC Member Maxine Fitzpatrick said she will have something to share at the December DRAC meeting.

DRAC Member Hermann Colas suggested that rather than just not increasing fees, BDS should have a goal of not creating or changing regulations that would result in additional fees.

DRAC Member Maryhelen Kincaid asked when additional information would be available on RICAP 7 (Regulatory Improvement Code Amendment Package). Sandra Wood (BPS) said that more information will be available for the December DRAC meeting. Morgan Tracy at BPS ([morgan.tracy@portlandoregon.gov](mailto:morgan.tracy@portlandoregon.gov)) is the best contact for questions on specific items on the RICAP list. The goal is to publish the draft list in January 2015, then have a 7-week public review period before presenting to the Planning & Sustainability Commission.

### **Demolition Subcommittee Update**

Nancy Thorington (BDS) gave an update on the DRAC Demolition Subcommittee and reviewed the handouts *Demolition Delay 120-Day Extensions 5/1/13 – 11/17/14*, *Demolition/Major Alteration/Minor Alteration Chart 11/18/14*, and *Notification Cost Matrix*.

The subcommittee's proposal adds a definition of "demolition", which is not currently in the code, and it adds a new category of Major Alterations/Additions. This new category will not be applied to projects in the FIR (Field Issuance Remodel) program. The 800 sf trigger for Major Alteration matches the trigger for accessory dwelling units (ADUs).

The requirement for posting demolition notices is being replaced with a requirement to mail notice and leave door hangers at surrounding properties. Posted notices can create problems with vandalism. The purpose of the 30-day extension is to encourage the parties to negotiate, but it is not mandatory.

John Hasenberg (ORA) asked whether a homeowner could get the door-hangers from BDS if they knew they were going to apply for permit in a month. Ms. Thorington said that they can come to the Development Services Center and get door-hangers and the certification form.

Ms. Thorington clarified that the proposed rules would not apply to accessory structures.

Rick Michaelson said that the 30-day extension as proposed is not needed, and that a developer would not be motivated to sign it. Mr. Fish said that it had been removed earlier, but was subsequently put back in. DRAC Member Maryhelen Kincaid said the 30 days isn't set in stone; the parties can arrange for as long a period as they want. The purpose is to provide a mechanism to make negotiations possible. Ms. Thorington said the extension doesn't have teeth, but that's not the point; it's rather to codify the spirit of promoting collaboration.

Ms. Kincaid asked whether the door hangers could be changed to read "no less than 5 days" in order to potentially give neighbors more notice. Ms. Thorington suggested it read "5 full days", to make sure everyone has a full 5 days notice, and Ms. Kincaid agreed. Mr. Fish said to keep in mind that scheduling and being precise can be challenging for developers.

A question was raised regarding monitoring or verification of the certification lists developers will submit indicating that they posted door-hangers. Ms. Thorington said it will be similar to the process for short-term rentals. Developers will have to provide the certification form and a sample door hanger in order to get permit, and the Neighborhood Association will know whether they received notice from the applicant or not. Mr. Scarlett said that if BDS receives a complaint, mechanisms are in place to deal with situations where requirements not being met, including rescinding the permit. Mr. Fish said that there are 4 or 5 self-certification processes that builders already have to go through, so the process will not be new to them.

Attendees discussed the changes to the current 120 day delay; some expressed disappointment that it's being reduced, since it gives neighbors time to gather money to buy properties before structures are demolished. Ms. Thorington said that if agreed upon, negotiations can continue for as long as the parties want. The proposed change helps the parties enter into the negotiation process, not to finish it. Mr. Fish said that 120 days doesn't necessarily convince a builder to negotiate any more than 30 days.

Mr. Michaelson said that the City doesn't need to codify the extra 30 days. In some situations, the 120 days gives time for the parties to come to the table and negotiate substantively. Mr. Scarlett said the City Council asked the Demolition Subcommittee to provide some optional delay timeline to replace the 120 days.

Mr. Heiteen said that developers are already giving a lot by allowing a 35-day delay for all demolitions. Ms. Kincaid said that she knows that a lot of people aren't happy with loss of 120-day delay, but that is tempered by the creation of the Major Alterations category (an estimated 3,000 permits annually) that will become subject to the 35-day delay.

### Deconstruction

Mr. Fish mentioned that there is interest in including deconstruction in this process, and he invited Ben Gates (Redside) and Shawn Wood (BPS) to address the subject.

Mr. Gates distributed and reviewed the handout *Deconstruction Program Proposal*. He said that a committee of developers and deconstruction supporters has been working on a proposal to add a simple, voluntary deconstruction process to the demolition regulations. Their committee will be taking this proposal to City Council, and he asked DRAC members to consider adding it to their demolition proposal.

Mr. Wood said that their proposal gives an alternative for builders to get a head start on the demolition process, creates jobs, saves material from landfills, and provides raw material to builders and others. Deconstruction does take longer than typical mechanized demolition.

After a brief discussion, DRAC members agreed to not include the deconstruction proposal in the demolition proposal at this time. Members felt that more time was needed to examine and discuss the deconstruction proposal before they felt comfortable moving forward with it.

Mr. Gates said his committee will still take their proposal to City Council, but they are very open to working with the DRAC on developing the proposal further.

Mr. Humphrey moved to accept the Demolition Subcommittee recommendation, with minor changes that had been discussed. The motion was seconded and passed with one nay and one abstention.

The Subcommittee recommendation will go to City Council on Wednesday, December 17<sup>th</sup>.

### **Citywide Tree Code Update & Discussion**

Due to lack of time, this item was postponed until the December DRAC meeting.

**Next DRAC Meeting: Thursday, December 18, 2014, 8:00 a.m. - 9:30 a.m.**

Minutes prepared by Mark Feters, BDS