



City of
PORTLAND, OREGON

Development Review Advisory Committee

Development Review Advisory Committee
Meeting Minutes
Thursday, November 17, 2016

DRAC Members Present:

Jeff Bachrach
Maxine Fitzpatrick
Rob Humphrey
Mitch Powell

Claire Carder
Michael Harrison
Maryhelen Kincaid
Joe Schneider

Hermann Colas
David Humber
Jennifer Marsicek
Justin Wood

City Staff Present:

Fred Deis, BDS
Mark Fetters, BDS
Sarah Huggins, Parks
Tim Morris, BDS
Dora Perry, BDS
Elisabeth Reese-Cadigan, BES
Deborah Sievert Morris, BDS

Cindy Dietz, Water
Matt Grumm, Comm. Saltzman's Office
Mieke Keenan, BDS
Phil Nameny, BPS
Andy Peterson, BDS
Emily Sandy, BDS
Nancy Thorington, BDS

Rebecca Esau, BDS
Kurt Krueger, PBOT
Mitch Nickolds, BDS
Christy Pierce, BDS
Paul Scarlett, BDS
Jody Yates, PBOT

Guests Present:

Daniel Forbes, *Portland Mercury*
Nick Daniken, Builder

DRAC Members Absent:

Christopher Kopca

Dana Krawczuk

Kirk Olsen

Handouts

- Draft DRAC Meeting Minutes 10/20/16
- Inter-Bureau Code Change List
- Non-Cumulative Cost Recovery Report
- BDS Major Workload Parameters
- Draft Demolition Ordinance Implementation Report to City Council
- Draft Letter to City Council re: Residential Infill Project
- Cannabis Facilities Code Guide Overview
- Cannabis Facilities Code Guide Text
- Expiring Inactive Trade Permits Overview
- Expiration & Voiding of Inactive Trade Permits
- BDS Director's Budget Goal Memo
- BDS Budget Advisory Committee Roster
- FY 2017-18 Budget Preparation Process

Convene Meeting

DRAC Chair Maryhelen Kincaid convened the meeting and welcomed DRAC members, City staff, and guests. DRAC members reviewed and approved minutes from the October 20, 2016 DRAC meeting.

Director's Report

BDS Director Paul Scarlett reviewed the handouts ***Non-Cumulative Cost Recovery Report*** and ***BDS Major Workload Parameters*** and discussed the ongoing growth in the bureau's workload and revenues. A number of BDS managers recently attended various economic and housing forecasts and heard projections that development activity and economic growth will continue in the near-term. Mr. Scarlett expressed BDS's commitment to providing excellent, timely services to customers and the community. He noted several very large development projects that are in the queue, and said that BDS may have to look at setting up a special program to assist those projects through the development review process.

Mr. Scarlett also discussed BDS's upcoming budget development process for fiscal year (FY) 2017-18. Staffing-wise, BDS has grown beyond its pre-recession numbers and currently has 372 staff positions. He anticipates slight growth in staffing in the FY 2017-18 budget. BDS will submit its budget request on January 30, 2017. The bureau wants to restore some services – Permit Night, Small Business Liaison, Get Legal Program, etc. – to assist specific types of customers and projects.

Mr. Scarlett reviewed the handouts ***BDS Director's Budget Goals Memo***, ***Budget Preparation Process***, and ***BDS Budget Advisory Committee Roster***. He stressed the importance of stakeholder participation in the budget development process, and noted that DRAC members Claire Carder and Joe Schneider will be participating on the BDS Budget Advisory Committee (BAC).

The Veterans' Day holiday (November 11) led to an exceedingly large number of rollover inspections this year. BDS Inspections Manager Mitch Nickolds said BDS inspection requests were about double the daily average, totalling around 700-800, leading to hundreds of rolled over inspections. They are slowly getting caught up, but there will be more rollovers next week with the City being closed on the day after Thanksgiving.

Mr. Nickolds further noted that the increasing number of issued permits is impacting inspections. He will look at adding temporary positions for now, since they can be filled in less than 30 days. He intends to add permanent positions through the 2017 Spring Budget Monitoring Process.

Mr. Scarlett gave an update on the Information Technology Advancement Project (ITAP). They are going through assessments on where the project is at and how best to move it forward. Effective today (November 17) there is a new ITAP manager, moving over from the Bureau of Technology Services (BTS). Assessments of the project should be completed in 6 months. Matt Grumm (Commissioner Saltzman's Office) said that this is a full stop for the project; it's a discovery phase, an opportunity to work with BTS to evaluate how to move forward.

Presentation of the Demolition Ordinance Implementation Report

Nancy Thorington (BDS) reviewed the handout ***Demolition Ordinance Implementation Report to City Council*** and summarized the report. The purpose of the report is to update the City Council on how the demolition ordinance is working. She stressed that the report is in draft form, and she asked for feedback/comments from DRAC members.

Guest Daniel Forbes, a reporter from the *Portland Mercury*, said that he will be publishing a story about lead exposure from demolitions and the health impact on neighborhoods. The State legislature is looking to pass legislation in July 2017, but he wants the City Council to address the issue now, rather than waiting for State action.

DRAC Member Maxine Fitzpatrick asked whether one group or area is impacted more than others by lead exposure from demolitions. Mr. Forbes said that it is focused in inner NE and SE Portland.

DRAC Member Justin Wood asked whether Mr. Forbes' reporting will address private homeowners, who are not required to mediate lead. Mr. Forbes replied that the level of lead released from homeowner remodels will be much less than that from full demolitions.

Mr. Grumm said asked for the DRAC's input on whether to formally present the report to City Council now, or just send the report to Council but not make a formal presentation until the new Council is in place in 2017. Mr. Grumm said that if they elected to wait on the formal presentation, he could meet individually with City Commissioners if they are interested. DRAC members agreed with the plan of sending the report to Council members but not making a formal presentation until 2017.

Marijuana Code Guide

Mieke Keenan (BDS) reviewed the handouts ***Cannabis Facilities Code Guide Overview*** and ***Cannabis Facilities Code Guide Text*** and gave an overview of the proposed code guide. The purpose of the code guide is to assist applicants and staff in navigating the building permitting process for cannabis facilities.

The draft code guide is about 80% complete; she is waiting for comments from City staff and other groups. The draft will be sent later to industry professionals for review. She is hoping to get the code guide published by the end of December 2016. She will be creating an information page on BDS's website.

Ms. Kincaid asked whom neighborhoods should contact if they don't want cannabis facilities in their area. Ms. Keenan said they should contact the Office of Neighborhood Involvement (ONI). BDS cannot prevent the siting of cannabis facilities if the Zoning Code allows it.

DRAC Member Claire Carder asked about numbers of permits and tracking. Ms. Keenan said that there have been only a handful of permits so far for grow and extraction facilities, with more permits for retail facilities. Ms. Kincaid suggested that coordination with the Police Bureau might be helpful in identifying cannabis facilities that need building permits. BDS Plan Review/Permitting Services Manager Andy Peterson said that people can always call BDS to submit a complaint of work without permit.

Phil Nameny said that ONI has a website regarding marijuana licensing (<https://www.portlandoregon.gov/Oni/67575>), and people can call ONI for more information.

Trade Permit Expiration Project

Mr. Nickolds reviewed the handouts *Expiring Inactive Trade Permits Overview* and *Expiration & Voiding of Inactive Trade Permits* and described the program. The purpose of the program is to close out a significant backlog of inactive trade permits. They are tentatively looking at expiring all permits issued prior to 1/1/14. More recent permits will have the opportunity to get inspections and approvals. Going forward, there will be a process in place to expire trade permits after a period of inactivity.

DRAC Vice Chair Rob Humphrey asked how many old trade permits pass inspection. Mr. Nickolds replied that for many of the permits, the work was done under older codes and is now covered by walls. Staff tries to verify that the work was done correctly without having to open the walls. He said they find work done improperly less than 10% of the time. Mr. Humphrey added that in many cases, the contractors who did the work aren't around anymore, and it can be hard to get a new contractor to sign off on work that was done by someone else. Mr. Nickolds said that this hasn't been an issue so far.

Mr. Scarlett noted that BDS issues 30,000+ trade permits annually, and the majority of these are inspected and finalized. BDS will provide a broadcast notification before any pre-2014 permits are expired. He mentioned that the expiration of older permits isn't a new policy; the building code includes it, but BDS hasn't had the staffing to support it before now.

Mr. Humphrey asked whether there will be opportunity for homeowners to reinstate pre-2014 permits, rather than getting new permits. Mr. Nickolds said they will need to get new permits.

Residential Infill Letter to City Council

Ms. Kincaid reviewed the handout *Draft Letter to City Council re: Residential Infill Project*. The purpose of the letter is to state that DRAC fundamentally agrees with the intent of the proposals, but urges further study of the impacts prior to implementation.

Ms. Kincaid said that the Portland Business Alliance also submitted a letter to City Council regarding the project, and another group led by a Portland State (PSU) professor submitted a report arguing that the project proposals would not support affordable housing. Ms. Kincaid suggested that the DRAC letter recommend that the City Council consider the PSU professor's analysis when deciding whether to move forward.

DRAC Member Mitch Powell suggested adding a reference to the impact of the proposals on the development environment. Ms. Carder asked that the letter advocate more strongly for a soft rollout of the proposal, to give more time to see the impacts and allow for a more flexible response. DRAC Member Joe Schneider was uncertain that a soft rollout would get at the DRAC's desire for a more thorough examination of impacts. He said the letter needs to be clear about what the DRAC is asking for.

DRAC Member Jeff Bachrach there were similar concerns expressed at the Planning & Sustainability Commission. He said the DRAC should request better communication from BPS and other bureaus. The letter could suggest that the DRAC work closely on the code impacts as the policy moves forward. Ms. Kincaid said that the DRAC will make an official request to have BPS make regular updates to the DRAC once they begin writing the code.

DRAC Member Hermann Colas said an example of unexamined impacts is the proposal to remove garages from skinny houses. The proposal is related to the City policy to reduce car ownership, but no one is looking at the transportation impacts, and not all areas of the city have good public transportation options or support.

Ms. Kincaid said that she would make the suggested edits, then distribute a final draft to DRAC members for review and vote via email.

Mr. Grumm said that the City Council will vote on December 7, 2016 whether to authorize BPS to start work on writing the code.

Pulse of the Industry

After self-introductions, the floor was opened for DRAC members or City staff to give updates or discuss areas of concern.

Mr. Humphrey expressed concern that development-related policies, interpretations, etc. are being rolled out by City bureaus without prior notice to customers and the community. He cited recent examples, such as regulations regarding alley access and hydroseeding on demolition permits. He wants to ensure that stakeholders and affected parties are made aware of changes and bought into the process sooner.

Ms. Kincaid said there needs to be a process for communicating back with City staff in these kinds of situations. Ms. Carder said that she would like to have an update from the BDS Communications manager at every DRAC meeting regarding policy/procedure changes and communication plans.

The next DRAC meeting is scheduled for Thursday, December 15, 2016.
Minutes prepared by Mark Feters (BDS)