



City of
PORTLAND, OREGON

Development Review Advisory Committee

Development Review Advisory Committee
Meeting Minutes
Thursday, December 21, 2017

DRAC Members Present:

Jeff Bachrach	Alexander Boetzel	Claire Carder
Rob Humphrey	Christopher Kopca	Jennifer Marsicek
Sarah Radelet	Martha Williamson	Justin Wood

City Staff Present:

Mindy Brooks, BPS	Ross Caron, BDS	Mary Ellen Collentine, Water
Dan Cote, BDS	Rebecca Esau, BDS	Mark Feters, BDS
Mark Filsinger, Water	Matt Grumm, Comm. Saltzman's Office	
Rachael Hoy, BPS	Sarah Huggins, Parks	Kurt Krueger, PBOT
Mitch Nickolds, BDS	Dora Perry, BDS	Andy Peterson, BDS
Elisabeth Reese-Cadigan, BES	Marshall Runkel, Comm. Eudaly's Office	
Kim Tallant, BDS	Terry Whitehill, BDS	Sandra Wood, BPS

Guests Present:

Perry Cabot, Mult. Co. Health
Daniel Forbes, Journalist
Sean Green, NE Coalition of Neighborhoods

DRAC Members Absent:

Hermann Colas	Maxine Fitzpatrick	Michael Harrison
Maryhelen Kincaid	Kirk Olsen	Mitch Powell
Joe Schneider		

Handouts

- Draft DRAC Meeting Minutes 11/16/17
- Inter-Bureau Code Change List
- Non-Cumulative Cost Recovery Report
- BDS Major Workload Parameters
- Asbestos & Lead-Based Paint & Site Control Requirements for Residential Demolitions
- Senate Bill 871 Ordinance Implementation
- DEQ Asbestos Regulation Changes 2018
- Fast Track Permitting Pilot Update
- Central City 2035 Recommended Draft
- BDS Budget Advisory Committee Draft Notes 12/12/17
- Upcoming City Council Agenda Items

Convene Meeting

DRAC Vice-Chair Rob Humphrey convened the meeting and welcomed DRAC members, City staff, and guests. DRAC members reviewed and approved minutes from the November 16, 2017 DRAC meeting.

2018 Chair / Vice Chair Elections

Humphrey announced that DRAC Chair and Vice Chair elections for 2018 will be held during the DRAC meeting on January 18, 2018. DRAC Members Justin Wood and Claire Carder indicated they were interested in the Chair and Vice Chair positions, respectively.

Oregon Senate Bill (SB) 871 / Lead & Asbestos Update

Nancy Thorington (BDS) gave a status update on Oregon Senate Bill (SB) 871 and the related proposed City ordinance. Thorington reviewed the handout ***Senate Bill 871 Ordinance Implementation*** and referenced the handouts ***Asbestos & Lead-Based Paint & Site Control Requirements for Residential Demolitions*** and ***DEQ Asbestos Regulation Changes 2018***.

Thorington said that if the DRAC approves the draft ordinance, it will go to the City Council in January 2018. It will take a few months after City Council approval to prepare for implementation.

In response to questions, Thorington clarified that only friable asbestos needs to be remediated. Asbestos present in siding is probably encapsulated, and not friable. If a contractor encounters friable asbestos, they should contact BDS.

DRAC Member Christopher Kopca asked what feedback the proposed ordinance has received from homebuilders and remodelers. Older housing stock will dwindle over time. J. Wood concluded that the proposal strikes a middle ground/balance. The initial proposals considered by the DRAC Demolition Subcommittee were much more extreme. J. Wood thinks that the ordinance will result in an increase in manual deconstruction and a reduction in mechanical deconstruction.

Thorington noted that the lead-based paint regulations will apply to only to homes built before 1978, while the asbestos requirements will apply to homes built before 2005.

Thorington said that the proposed ordinance's restriction on getting replacement permits is meant to address contractors who try to go around the regulations; the City wants to make sure demolition sites have been properly treated before new construction begins.

J. Wood replied that current policy allows for the issuance of a new building permit prior to the final of a demolition permit. If that changes, a contractor will need to level and finish a site to get the demolition permit finalized, only to tear the site up again for the new building permit. Dan Cote (BDS) said BDS is aware of this issue and wants to make this work for contractors and the City. J. Wood suggested allowing for temporary (rather than permanent) erosion control measures.

Thorington said that City inspectors will have discretion in determining who the responsible party is when they find violations. Contractors can be cited if appropriate.

DRAC Member Alex Boetzel asked whether the proposed ordinance covers partial deconstruction, or only full demolition. Thorington replied that the ordinance covers full demolition only. If the work doesn't meet the accepted definition of a demolition, it will not be covered by the ordinance.

DRAC Member Jeff Bachrach asked about related certification programs. Thorington said that certification programs already exist. Kopca said that the City should make sure that contractors have enough time to get the required certifications before the ordinance is implemented. Humphrey said the City should require applicants to be certified by the time of demolition permit issuance, rather than at permit application. This would allow applicants to get the certification during the required demolition delay period.

Kopca asked whether item #6 (Demolition Debris) on page 6 of the proposed ordinance applies to all demolition debris, including debris that isn't contaminated by asbestos or lead. Thorington said it applied to all demolition debris; dust from any demolition debris is an issue, even if asbestos and lead aren't present. Kopca replied that this requires a lot of plastic coverage for something that might not be an issue.

Bachrach said the materials don't have information about what the requirements will add to construction costs, and asked whether the City is confident that the added costs will truly create a benefit. Thorington said that costs are important, but the State requires jurisdictions that have demolition programs to have best practices in place. The City doesn't know what the added costs will be, but one benefit is more certainty for neighbors that hazardous materials are being properly addressed.

After discussion, DRAC members unanimously approved a motion to support the proposed ordinance.

Thorington noted that the draft Department of Environmental Quality (DEQ) regulations (***DEQ Asbestos Regulation Changes 2018***) will be released for public comment in January 2018.

Local Transportation Infrastructure Charge (LTIC) Update / Public Works Appeals Panel

LTIC Update

Kurt Krueger (PBOT) said that the Local Transportation Infrastructure Charge (LTIC) was heard before City Council hearing in early December 2017, and a second Council hearing will take place on February 2, 2018 at 2:00 p.m. Krueger will provide a draft letter of support for DRAC members to consider at their meeting in January 2018.

Public Works Appeal Panel

Krueger said that PBOT needs to replace two external members of the Public Works Appeals Panel. One of the positions is to be nominated by the DRAC, and the other is nominated by the Citywide Land Use Group. The person nominated by the DRAC wouldn't have to be a DRAC member. The panel meets once per month.

Mayor's Pilot Project

BDS Director Rebecca Esau reviewed the handout ***Fast Track Permitting Pilot Update*** and gave an overview of the Mayor's proposal. Esau said that BDS has been looking at what is needed to make self-certification work; it could include such things as mandatory early assistance, assigned city project managers, and/or bi-weekly pre-app meetings. The proposal is still in the early stages, and much remains to discuss. Esau will bring the proposal back to the DRAC in January.

DRAC Member Sarah Radelet suggested providing a checklist for applicants (like the one that City planners use), so they know what they need to do.

Humphrey questioned whether anyone would actually use self-certification for the large projects that will be fast-tracked, due to the high level of risk for applicants. J. Wood said that Washington County puts that responsibility on applicants, but the City of Portland takes that responsibility on itself.

Attendees discussed the potential for the pilot project to result in other building permits being slowed down. Esau discussed this with the Mayor, and told the Mayor that staff vacancies remain in BDS and the other development bureaus. The Mayor sees hiring as a mid-to-long term solution, and wants to do something that will have an impact now. Humphrey made the point that fairness would imply that permits should be reviewed in the order they are taken in.

Kopca said the project's impact on the rest of the community should be part of the conversation. Humphrey said that if the City was meeting its review timeline goals, this conversation wouldn't be taking place, and this could present an opportunity to talk about ways for the City to meet its goals.

DRAC Member Jennifer Marsicek said the project creates two standards for development review and makes arbitrary decisions about who gets to go first. Marsicek asked who will decide which permits are fast-tracked, and how they will make those decisions. Esau added that some of the projects that have been earmarked for the pilot project are already partway through the review process. The City is still trying to figure out what the impacts of the pilot project will be for staff; the BDS Process Management Team is small and already spread thin.

Boetzel said the qualifications /criteria for projects to be fast-tracked should be transparent and an option for any project, so applicants can decide whether to pursue fast-track or not. Esau agreed that there should be a defined set of criteria.

Marshall Runkel (Comm. Eudaly's Office) said the City doesn't want to lose sight of the mid-to-long term goals of having enough staff and better hiring processes, so work-arounds like this aren't needed. The Mayor is looking for short-term results, but also wants the bureaus to learn how to do things better to help with the overall process in the long run.

J. Wood applauded the Mayor's efforts to improve the development review process, and suggested that the City put one person in charge of the entire process, rather than different leaders for the different development bureaus. Esau replied that while this isn't currently being considered, the development bureau Directors and division managers are now meeting regularly to identify and resolve issues.

Kopca suggested that if the DRAC supports the pilot project, it should ask that no additional permits be fast-tracked until the project is reviewed and a decision is made to either continue or stop.

Radelet said that with development review, an issue for developers may be that they don't know how to get things resolved when the development bureaus don't agree. Radelet suggested establishing and communicating a clear path. Esau replied that applicants can always ask for assistance at the manager level, and the bureaus need to make sure staff know to make that option available.

Carder suggested the City consider using value engineering – bringing in outside experts to analyze the entire permitting process.

Mitch Nickolds (BDS) said that well-prepared projects get through development review and inspections more quickly, and said that helping applicants be better prepared will streamline the process. In response to a question, Nickolds expressed concern about self-certification. If the City is more disengaged from the process, it needs to be confident that things will be done right.

Marsicek asked if there will be a different fee structure for fast-tracked projects; Esau said that has not yet been proposed.

Esau said the development bureau division managers will be meeting again in January 2018, and work on the pilot project will take place in January and February; there will be further opportunities for the DRAC to be involved.

Marsicek suggested the DRAC Service Levels Subcommittee take up the project.

Central City Update

Rachael Hoy and Mindy Brooks (BPS) distributed and reviewed the handout **Central City 2035 Recommended Draft** and gave a presentation on the information. DRAC members discussed protections of views and impacts on building height limitations.

There will be a public hearing on the amendments at City Council on January 18, 2018 at 2:00 p.m. The Council will vote on the amendments in March 2018, with a final vote in May 2018 (after the Comprehensive Plan vote). The amendments will be effective in June 2018.

Sandra Wood (BPS) said a recommendation from the DRAC isn't needed at this point. The City Council is working on amendments, which will go out for public comment.

BDS Director's Report

BDS Budget Update

Elshad Hajiyev (BDS) said that BDS will bring its FY 2018-19 budget proposals to the DRAC in January 2018.

Other

Humphrey recognized Nickolds, who is leaving BDS in late December to become the Assistant Building Official in Clark County, Washington.

Carder distributed a draft opinion document regarding workforce development. The document will be distributed electronically to DRAC members for review and comment.

The next DRAC meeting is scheduled for Thursday, January 18, 2018.

Minutes prepared by Mark Feters (BDS).