



City of  
**PORTLAND, OREGON**

Development Review Advisory Committee

**Development Review Advisory Committee**  
**Meeting Minutes**  
**Thursday, March 15, 2018**

**DRAC Members Present:**

Jeff Bachrach	Alexander Boetzel	Claire Carder
Maxine Fitzpatrick	Michael Harrison	Rob Humphrey
Maryhelen Kincaid	Christopher Kopca	Jennifer Marsicek
Martha Williamson	Justin Wood	

**City Staff Present:**

Dan Cote, BDS	Rebecca Esau, BDS	Rick Faber, Urban Forestry
Mark Fetters, BDS	Elshad Hajiyev, BDS	Sarah Huggins, Parks
Valerie Joachim, PBOT	Kurt Krueger, PBOT	David Kuhnhausen, BDS
Erin Mick, Water	Thomas Ngo, BDS	Kyle O'Brien, BDS
Dora Perry, BDS	Elisabeth Reese Cadigan, BES	Emily Sandy, BDS
Kim Tallant, BDS	Nacy Thorington, BDS	Sandra Wood, BPS
Jody Yates, PBOT		

**Guests Present:**

Jeff Fish, Fish Construction Sam Noble

**DRAC Members Absent:**

Maxine Fitzpatrick	Christopher Kopca	Mitch Powell
Sarah Radelet	Joe Schneider	

**Handouts**

- Draft DRAC Meeting Minutes 2/15/18
- Inter-Bureau Code Change List
- Non-Cumulative Cost Recovery Report
- BDS Major Workload Parameters
- Permit Fee Examples
- Neighborhood Contact Code Update
- Permit Expiration
- Parks & PBOT Update on SDCs for Residential Additions
- POPS Update to DRAC
- Upcoming City Council Agenda Items

## **Convene Meeting**

DRAC Chair Justin Wood convened the meeting and welcomed DRAC members, City staff, and guests.

BDS Director Rebecca Esau recognized DRAC Members Maryhelen Kincaid and Rob Humphrey, who are leaving the DRAC after completing their second terms of service. Esau and DRAC members expressed appreciation for Kincaid and Humphrey's time and work as DRAC members, and particularly for serving as DRAC Chair and Vice Chair from 2015 – 2017.

Kincaid noted Jeff Fish's work in beginning conversations and breaking down barriers between the development community and neighborhoods. Kincaid commended BDS for its commitment to equity and expressed thanks to DRAC members.

DRAC members reviewed and approved minutes from the February 15, 2018 DRAC meeting.

## **Announcements**

### Government Accountability, Transparency, Results (GATR) Update

Esau said that staff is still pulling data together for an April 2, 2018 presentation to the Mayor; an update will be provided at the April 19, 2018 DRAC meeting.

### Appeals Online Payment Portal

Elshad Hajiyev (BDS) said that BDS has been working with the City Treasury to make online payments available for development customers. Customers can now pay for appeals online, and this capability will be expanded to other payment types.

### Fee Change Coordination Update

Hajiyev reported that BDS has been working with the other City development bureaus on coordinating their fee presentations to City Council. Hajiyev distributed and reviewed the handout **Permit Fee Examples**.

Staff has determined that a combined presentation involving all the bureaus is not possible, because some bureaus include other types of non-development related rates along with their fee proposals. While bureau fee presentations will remain separate, all presentations will include the **Permit Fee Examples** handout, so City Council has the big picture and can see how each fee proposal impacts overall costs. The handout will include SDCs (Systems Development Charges) and examples with random fees such as LTIC (Local Transportation Infrastructure Charge).

J. Wood asked whether anyone has chosen to pay the inclusionary housing "fee in lieu"; he said that using that number in the handout makes the SDCs look smaller by percentage. Hajiyev said they haven't seen any customers paying the fee in lieu, but included it as an example. J. Wood suggested providing it as a footnote.

Hajiyev encouraged DRAC members to send questions or comments on the handout or the fee presentations until mid-April. Fee proposals from the bureaus will be presented to DRAC members at the April DRAC meeting.

DRAC Member Christopher Kopca said it is common to hear about a small shop owner who's facing large SDCs, and it would be good to include that type of example in the handout. Hajiyev said they'll add that type of example.

#### Online Credit Card Payment for Minor Improvement Permits

Kurt Krueger (PBOT) reported that the online payment option for minor improvement permits that went live in October 2017 has had great success. As of April 1, 2018, PBOT will ask regular customers to pay online exclusively. An option to pay in person in the Development Services Center (DSC) will still be provided for other customers. See <https://www.portlandoregon.gov/transportation/64968> for more information.

#### Inspection Concern

Dan Cote (BDS) said that some BDS inspectors have reported being followed by individuals while in the field, likely because BDS posts inspectors' schedules/routes online. One inspector reported being followed and threatened this week. For inspectors' safety, BDS will be limiting access to inspectors' schedule and routing information online. Permit holders will be able to look up information related to their own scheduled inspections, but will not be able to see information regarding other inspections.

#### Residential Infill Project

Sandra Wood (BPS) reported that the project is on target to publish April 2, 2018, and will go to the Planning & Sustainability Commission on May 8, 2018. Notices will be sent out on April 4, 2018. More information is available at <https://www.portlandoregon.gov/bps/67728>. J. Wood asked for a status update at the April 19, 2018 DRAC meeting.

#### **Neighborhood Contact Code Update**

Sara Wright (BPS) reviewed the handout **Neighborhood Contact Code Update** and gave an overview of the project. The project discussion draft is out, with comments due by April 23, 2018. Wright displayed an example of the proposed sign design.

DRAC Member Michael Harrison asked whether it will be possible to hold the required meeting in conjunction with neighborhood association meetings. Wright said it will be possible, and that it would be good to coordinate with the neighborhood associations when possible, as they bring a lot of value to the meetings.

J. Wood said that Washington County has similar meeting requirements, and it can be difficult to find an appropriate meeting space within 2 miles of the project site.

More project information is available at <https://www.portlandoregon.gov/bps/74046>.

#### **Permit Extensions, Expiration, Reactivation, & Voiding Project**

Emily Sandy (BDS) reviewed the handout **Permit Expiration** and gave an overview of the project. The project is in response to an audit that showed that BDS could improve its consistency and transparency in decisions and process regarding permit extensions, expirations, and reactivations.

Kincaid discussed what would be considered sufficient activity to keep a permit alive. Kincaid suggested that for a permit under review, a checklist response should be required; for an issued permit, an approved inspection should be required. Sandy noted that applicants can also request multiple extensions.

Harrison asked if there is anything in the proposal that would increase the risk for applicants (e.g., project slowdowns). Sandy replied that the proposal should actually decrease risk by improving understanding and clarity and by providing mechanisms for extending and reactivating permits.

Kopca said the proposal should help the City in knowing when a project is active, but questioned how the proposal helps applicants. Sandy said that according to State law, permits should expire after 180 days of inactivity, but BDS doesn't have mechanisms in place to do that; as a result, BDS still has live permits in its systems going back to the 1990s. This creates confusion for both City staff and customers.

Humphrey said that the proposal didn't appear very different from current practice, and seems to be more about codifying current practice and standardizing across the system. Sandy concurred; the handling of voided permits is changing, but most other processes are staying the same. DRAC Vice Chair Claire Carder said that it's good that the proposal includes parameters to address situations where applicants experience life changes and can't move forward with projects.

BDS intends for the changes to go live on July 1, 2018. The changes will immediately affect permits applied for from July 1 forward; older permits will be addressed in phases. It will take about a year to address all permits in the system.

Humphrey asked about notice to applicants. Sandy said staff has discussed automating the notification process, and this may be incorporated in the Portland Online Permitting System (POPS). It is not yet certain who will be notified. Cote said that automated processes are nearing completion, and this issue should be able to be addressed.

Attendees discussed the costs of the proposed changes and the implementation process.

Carder asked if there is a way to appeal the fees related to permit reactivations or other actions. Sandy replied that they will put in place a policy and process regarding waivers. Esau added that applicants can currently request a waiver of BDS fees (not IA fees) from the BDS Director.

### **Public Works Appeals**

Kurt Krueger (PBOT) introduced Valerie Joachim (PBOT), who is taking over PBOT Public Works. Joachim gave a brief overview of the Public Works Appeals Panel and its work. The panel determines whether City Code/rules were consistently applied to specific projects. The current panel members have been serving for several years, including the DRAC representative and alternate.

J. Wood asked whether the panel could be given more leeway to look at design options, rather than just determining whether code was applied correctly. Kincaid has served on the panel for 8 years, and would also like to see the panel have the ability to address other issues.

Joachim said they are open to continued conversations with the DRAC about the role and scope of the panel. Krueger said they will discuss this with the current panel members and then come back to the DRAC. Krueger pointed out that the public works process doesn't have all the appeal and regulatory layers of the land use process, and PBOT doesn't have the staff resources to support adding those layers.

Joachim said the next appeal step beyond the panel is the Board of Appeals. Harrison asked how often the Board sides with applicants; Joachim said that of the two cases that were appealed to the Board in the last several months, the Board sided with the applicant in one case, and with the panel in the other. Krueger said they can return with more information about the panel's work. Krueger noted that appeals cost only \$150 and do not cover their cost. Any changes to the panel's work will cause impacts on PBOT staff that need to be considered.

The panel meets every other Tuesday at 3:00 p.m. Openings exist for a DRAC representative (plus an alternate) and an at-large representative (and alternate); the at-large position is usually connected with the neighborhoods. The panel typically hears 1-2 cases per meeting, and can skip meetings if there are no cases to be heard. Kincaid said the time commitment for panel members has lessened over time because more decisions are being made at the staff level. DRAC Member Martha Williamson expressed interest in serving as the DRAC representative.

Joachim asked DRAC members to nominate individuals for the DRAC primary and alternate positions by July 1, 2018.

#### **PBOT & Parks Residential Addition Exemptions (less than 800 sf)**

Sarah Huggins (Parks) and Jody Yates (PBOT) reviewed the handout *Parks & PBOT Update on SDCs for Residential Additions* and described the proposed changes. Huggins said this was a follow-up to the information they brought to the DRAC in July 2017.

Kopca asked about the status of the legal challenge on Parks SDCs. Huggins said there are two appeals, and the second appeal is awaiting the outcome of the first. Kopca noted the difference in the amounts of the Parks and PBOT SDCs in the handout. Yates replied that Parks SDCs are designed to capture 100% of costs from impacts, while PBOT SDCs are designed to capture only 50% of costs.

#### **Portland Online Permitting System (POPS) Update**

Cote distributed and reviewed the handout *POPS Update to DRAC*. Cote noted that BDS will be reconstituting the POPS customer advisory group.

J. Wood asked whether/when BDS inspectors will have mobile devices in the field. Cote replied that it won't be right away, but there will be a capability to access plans from mobile devices in the field in future phases of POPS implementation.

**Other**

Nancy Thorington (BDS) reminded attendees of the upcoming Lunch & Learn presentation on March 23, 2018 regarding the City ordinance implementing Oregon Senate Bill 871 (asbestos and lead-based paint in residential demolitions).

**The next DRAC meeting is scheduled for Thursday, April 19, 2018.**  
Minutes prepared by Mark Feters (BDS).