



City of  
**PORTLAND, OREGON**

Development Review Advisory Committee

**Development Review Advisory Committee**  
**Meeting Minutes**  
**Thursday, May 17, 2018**

**DRAC Members Present:**

Jeff Bachrach	Alexander Boetzel	Claire Carder
Paul Delsman	Maxine Fitzpatrick	Michael Harrison
Holly Huntley	Lauren Jones	Christopher Kopca
Mitch Powell	Sarah Radelet	Martha Williamson

**City Staff Present:**

Rick Faber, Forestry	Mark Feters, BDS	Maria Henkle, BDS
Sarah Huggins, Parks	Kurt Krueger, PBOT	David Kuhnhausen, BDS
Erin Mick, Water	Staci Monroe, BDS	Yung Ouyang, Budget Office
Andy Peterson, BDS	Marshall Runkel, Comm. Eudaly's Office	
Kim Tallant, BDS	David Tebeau, BDS	Nancy Thorington, BDS
Christopher Wier, PBOT	Sandra Wood, BPS	

**Guests Present:**

Dan Forbes, Cascadia Times	Sean Green, NECN
Sam Noble	Allison Reynolds, Perkins Coie

**DRAC Members Absent:**

Jennifer Marsicek	Justin Wood
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**Handouts**

- Draft DRAC Meeting Minutes 4/17/18
- Inter-Bureau Code Change List
- Non-Cumulative Cost Recovery Report
- BDS Major Workload Parameters
- Permit Cancellation & Plan Disposal
- Draft Letter re: Residential Infill Project May 2018
- Summary of Title 24 Amendments
- SB 871 Ordinance Admin Rules
- Chapter 24.55 Proposed Amendments
- Comprehensive Asbestos Inspection & Testing
- DOZA May 2018
- Upcoming City Council Agenda Items

## **Convene Meeting**

DRAC Vice Chair Claire Carder convened the meeting and welcomed DRAC members, City staff, and guests.

## New DRAC Members

Carder introduced three new DRAC members who were appointed by City Council on May 16, 2018:

- Paul Delsman (Bremik Construction) was appointed to the position representing Large Construction Contractors.
- Holly Huntley (Environs LLC) was appointed to the position representing Frequent Development Review Customers.
- Lauren Jones (Capstone Partners) was appointed to the position representing Large Developers.

A fourth new member, Shea Flaherty Betin (Portland Mercado) was appointed to the position representing Small Businesses, but was not in attendance. Flaherty Betin will be introduced at the June 2018 DRAC meeting.

## 4/19/18 Meeting Minutes

DRAC members reviewed and approved minutes from the April 19, 2018 DRAC meeting.

## **Announcements**

### Permit Cancellation & Plan Disposal

David Kuhnhausen (BDS) reviewed the handout **Permit Cancellation & Plan Disposal** and described the proposal. The intent is to create better consistency around permit cancellation processes and the disposal of plans. Kuhnhausen noted that the handout is a working draft and is still undergoing changes.

DRAC Member Mitch Powell asked what would happen in a situation where an applicant doesn't move forward with a project. Kuhnhausen replied that the permit would go into expired status and would eventually be canceled.

Carder asked what prompted the proposal. Kuhnhausen said that there were inconsistencies in the cancellation process, based on who paid for the permit. Sometimes multiple parties paid at different times, making it unclear who "owned" the permit and thereby had the authority to make decisions about the project.

Kuhnhausen will bring updated information on the proposal to the June 21, 2018 DRAC meeting.

## **DRAC Letter re: Fees**

Carder said that the City is in the final steps of preparing its fiscal year (FY) 2018-19 budget. Carder initiated a discussion about writing a letter to the City Council regarding fees and their impact on development.

DRAC Member Christopher Kopca said that the issue isn't with permit fees, which are mostly tied to cost recovery; rather, Systems Development Charges (SDCs) are increasing faster than the cost of living and aren't sustainable. Marshall Runkel (Comm. Eudaly's Office) said that permit fees make up a very small percentage of overall development costs.

Kopca suggested the letter be framed as the beginning of a conversation regarding the FY 2019-20 budget and fee increase processes. DRAC Member Jeff Bachrach said a letter should focus on the main concern, which is impacts to the cost of development, rather than on the Citywide budget.

After further discussion, Kopca volunteered to contact DRAC Chair Justin Wood to get his perspective on sending a letter to Council.

#### **DRAC Residential Infill Subcommittee Update**

DRAC members reviewed the handout *Draft Letter re: Residential Infill Project May 2018*, which was prepared by members of the Residential Infill Subcommittee.

DRAC Member Alex Boetzel recommended that the letter address equity and the A Overlay, along with energy efficiency as a long-term affordability mechanism.

DRAC Member Sarah Radelet asked for more information regarding BDS's concerns with applying FAR (Floor Area Ratio) requirements to residential projects. Kimberly Tallant (BDS) said that even most commercial applicants have questions about what part of buildings count under FARs, and this would be a new regulation for residential customers. Homeowners may not have same resources as commercial property owners, and the FAR requirements would present an extra burden. Tallant said that review staff would have challenging conversations with residential customers, adding time and cost to development review. BDS therefore recommends taking a closer look at the current tools for addressing concerns with how new development fits in existing neighborhoods.

Boetzel asked why FAR was proposed. Sandra Wood (BPS) said that FAR provides more flexibility, and BPS heard a lot of feedback that people want options. FAR is more flexible for alternative development options, and presents a tool to use to help with affordability.

Tallant said that BDS would hope for a larger discussion on building height, coverage, etc. – tools that would be more transparent and straightforward for customers. S. Wood replied that BPS is not opposed to a larger conversation.

Bachrach noted that the Planning & Sustainability Commission is accepting testimony on the proposal until 5:00 p.m. tomorrow (Friday May 18), and encouraged DRAC members to submit testimony.

Kopca moved to adopt the draft letter, and Powell seconded. After discussion, Kopca moved to remove the paragraph on FAR language. With this change, the majority voted to submit the letter.

### **SB 871 Administrative Rules (Dust & Site Control for Residential Demolitions)**

Nancy Thorington (BDS) reviewed several handouts:

- **Summary of Title 24 Amendments**
- **SB 871 Ordinance Admin Rules**
- **Chapter 24.55 Proposed Amendments**
- **Comprehensive Asbestos Inspection & Testing**

Thorington summarized the proposed code and administrative rule changes. BDS will be taking the code changes to City Council as an emergency ordinance in June 2018, with an effective date July 1, 2018. The administrative rule changes do not need City Council approval, but there will be a hearing in June.

Thorington encouraged DRAC members to contact her with questions. Carder expressed appreciation for Thorington's work over the last couple years on demolitions.

### **Design Overlay Zone Amendments (DOZA)**

S. Wood (BPS) and Staci Monroe (BDS) reviewed the handout **DOZA May 2018** and gave background and an update on the two DOZA projects (DOZA Process and DOZA Tools). The deadline for public comments on DOZA Process is June 1, 2018; comments for DOZA Tools are desired by June 1, 2018, but it is not a hard deadline.

Kopca suggested adding building height to DOZA Process. Kopca said that height is an entitlement, like FAR, and should be recognized like FAR in a statement of entitlement. Height should be subject to just code review, not design review. Monroe said that staff agrees that height and FAR are entitlements, but design review is meant to address the context of specific projects, which the code can't address. Kopca replied that design review doesn't get into questions of the marketability of a project.

DRAC Member Michael Harrison felt it would be healthy to help the Design Commission know what is in its purview, and suggested looking at all the potential sources of guidance for the Design Commission, to make sure there aren't conflicts. Harrison advocated a conversation about elements beyond FAR that would be good to take off the table.

Kopca expressed agreement with the strong street presence in DOZA Tools item #4, but said that the window standards seem to address upper floors rather than street level. S. Wood replied that street level window standards are addressed in the base zones.

After further discussion, Carder asked if DRAC members wanted to establish a DOZA subcommittee to work on the issue further. Members expressing interest included:

- Lauren Jones
- Christopher Kopca
- Michael Harrison

These members will work on a draft letter for the full DRAC to review.

S. Wood said that BPS will send a draft proposal on DOZA Process to the Planning & Sustainability Commission in August 2018, and will come back to the DRAC regarding DOZA Tools over the winter.

**The next DRAC meeting is scheduled for Thursday, June 21, 2018.**  
Minutes prepared by Mark Feters (BDS).