



City of  
**PORTLAND, OREGON**

Development Review Advisory Committee

**Development Review Advisory Committee**  
**Meeting Minutes**  
**Thursday, March 21, 2019**

**DRAC Members Present:**

Jeff Bachrach  
Paul Delsman  
Lauren Golden Jones  
Martha Williamson

Alex Boetzel  
Sean Green  
Jennifer Marsicek  
Justin Wood

Claire Carder  
Holly Huntley  
Sarah Radelet

**City Staff Present:**

Rebecca Esau, BDS  
Darrell Godsby, BDS  
Sarah Huggins, Parks  
Laura Lillard, BPS  
Phil Nameny, BPS  
Diane Parke, BDS  
Elisabeth Reese Cadigan, BES  
Terry Whitehill, BDS

Rick Faber, Urban Forestry  
Elshad Hajiyev, BDS  
Kurt Krueger, PBOT  
Erin Mick, Water  
Tracy Nistler, BDS  
Andy Peterson, BDS  
Amy Swanson, BDS  
Sandra Wood, BPS

Mark Feters, BDS  
Kathryn Hartinger, BPS  
Mieke Keenan, BDS  
Doug Morgan, BDS  
Yung Ouyang, Budget  
Christy Pierce, BDS  
Kim Tallant, BDS

**Guests Present:**

Ashley Fleschner, National Association of the Remodeling Industry Pacific NW  
Sam Noble

**DRAC Members Absent:**

Shea Flaherty Betin

Michael Harrison

Mitch Powell

**Handouts**

- Draft DRAC Meeting Minutes 01-17-19
- Draft DRAC Meeting Minutes 02-21-19
- Inter-Bureau Code Change List
- BDS Major Workload Parameters
- Non-Cumulative Cost Recovery Report
- BDS Business Continuity Plan Summary
- DRAC Role & Membership Discussion
- Title 3.30.030 Development Review Advisory Committee
- PCC 24.71 Other Structures
- DOZA Update March 2019
- Upcoming City Council Agenda Items

## **Convene Meeting**

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

## **Announcements / Updates**

### BDS Workload & Financial Update

BDS Sr. Business Operations Manager Elshad Hajiyev said the bureau is still seeing decline in construction activity, but the rate of the decline continues to decelerate. BDS Land Use Services cost recovery rate has increased from 57% to 69%, and overall bureau cost recovery has increased from 83% to 84%; Hajiyev noted that the increase was not reflected in the handout **Non-Cumulative Cost Recovery Report**.

Hajiyev reviewed the handout **BDS Business Continuity Plan Summary**. 4 out of 5 financial indicators in the handout remain red, but there are signs that the decline is not getting worse.

Hajiyev said that the City Council approved BDS's Land Use fee changes, effective April 1, 2019. BDS is working on changes to other fees, which will be presented at the April 2019 DRAC meeting. Similar to last year, BDS is working with the other City development bureaus to coordinate fee changes and show the cumulative impact of all changes on typical development projects. BDS's overall target is a 5% increase in revenues, but not all fees will increase by that amount; some will increase more, some less, and some not at all.

### Title 24 Amendment (24.71 Other Structures)

Terry Whitehill (BDS) described proposed amendments to Portland City Code Title 24.71 (Other Structures). The amendments are in response to a determination by the State Building Codes Division that structures (not buildings) aren't covered by the building code. BDS has been applying the building code to structures for the last 40 years. Technically, structures are already covered in Title 24 and the Oregon Structural Specialty Code, but the State is getting ready to adopt a new code, so the City is amending Title 24 to make sure structures are covered. The amendments will not change permitting or review processes.

### New DRAC Member Sean Green

Carder introduced new DRAC member Sean Green, who was appointed by City Council to the DRAC last week. Green serves the Northeast Coalition of Neighborhoods as an Executive Board Member (Vice Chair) and as Co-Chair of the Land Use and Transportation Committee. Green also chairs the Portland Online Permitting System (POPS) Customer Advisory Committee and is the owner of a design/build company specializing in home and accessory dwelling unit construction.

### Meeting Minutes

DRAC members reviewed and approved minutes from the January 17, 2019 and February 21, 2019 DRAC meetings.

### ADU Ordinance Update

Christy Pierce (BDS) reported that the ordinance to extend the existing waiver of Systems Development Charges (SDCs) for Accessory Dwelling Unit (ADU) permits passed City Council. An updated ADU Program Guide is at <https://www.portlandoregon.gov/bds/article/68689>.

DRAC member Jeff Bachrach asked if there is an internal effort to look at the results of short-term rental (STR) regulations. Sandra Wood (BPS) replied that the Revenue Bureau added a position to ensure compliance, but there is no plan to take a second look at STRs.

#### Review Windows Update

Tracy Nistler (BDS) reminded attendees that Review Windows were implemented for process-managed permits last fall, and for new single-family residence permits (NSFRs) on January 2, 2019. 120 NSFR permits have been taken in, and 80 of those have already gone through the review window timeline. Staff is still evaluating the implementation, and the bureau has therefore decided to delay the expansion of Review Windows to commercial permits, which had been scheduled for April 1, 2019.

DRAC Member Sarah Radelet asked if staff has identified anything specific that isn't working so far. Nistler said that the current permitting software isn't programmed to catch Review Window timelines, so staff has to track them separately and use workarounds.

Nistler said that implementing Review Windows has been very good for Permitting Services staff; staff spends far less time tracking down and re-routing plan sets. Review Windows also helps ensure that all reviewers see the same plans. Nistler noted that Review Window timelines are visible on Portland Maps.

#### **DRAC Membership / Role / Plan for 2019**

Mark Feters (BDS) introduced the three topic areas that members began discussing at the February 21, 2019 DRAC meeting:

- The DRAC's mission and role
- DRAC membership structure
- Relationship of the DRAC to the NAIOP/BOMA group that has been meeting with City development bureau staff

BDS Director Rebecca Esau then referenced the handout **DRAC Role & Membership Discussion**.

DRAC Member Holly Huntley asked what the problem is that needs to be solved. J. Wood replied that there is a need to be clear about what the DRAC is and should be doing. Huntley asked what is missing as far as the DRAC membership structure. J. Wood said that member positions are so tightly defined that it's hard at times to fill vacant positions.

Green said that the DRAC should be composed of people who are interested in the topics being discussed and can give relevant input. Green expressed support for expanding the membership categories to make it easier to add members.

Radelet said that the Planning & Sustainability Commission (PSC) has identified general characteristics it looks for in members, but it does not assign member positions to specific categories or stakeholder groups. Radelet would support using the current DRAC member categories as descriptive, but without the need to assign a person to each category. S. Wood said that State law prohibits more than 2 people from any single profession on the PSC.

Carder said that it's difficult to keep people engaged unless they feel like they're listened to and they have work to do. The DRAC needs to get back to fulfilling its advisory and communication roles. It's good to make sure that all relevant stakeholder groups are represented in the DRAC's membership, but it's also important to have motivated people who will help the DRAC be more engaged.

DRAC Member Lauren Golden Jones expressed agreement with Carder. Jones said that having someone from the local Land Use Council community on the DRAC would be helpful; more actual BDS customers – professionals who are going through development review processes on a daily basis; and representation from the NAIOP/BOMA group.

DRAC Member Paul Delsman asked if the DRAC has ever set 1-3 year goals? City Code Title 3 lays the groundwork, but there need to be more short-term goals. Delsman didn't view member vacancies as an issue, but suggested that more could be done as far as outreach and recruitment. Delsman would like to see representation from the public utilities and the Fire Bureau.

Director Esau said that BDS would appreciate help from all DRAC members to recruit interested, engaged people to join.

Regarding DRAC meetings, Delsman said that it feels like the DRAC is reactionary, responding to staff initiatives. It would be good to shift to a more proactive role. Director Esau expressed openness to more input in setting meeting agendas.

J. Wood said the DRAC charter (handout **Title 3.30.030 Development Review Advisory Committee**) seems to say that the DRAC should be looking at development review, but members want to work on broader development issues rather than just review processes. The word "review" seems to limit the DRAC's scope and work. DRAC Member Jennifer Marsicek and Carder said that policy is the PSC's purview. The DRAC should be focused on making the implementation of policy related to development review as efficient as possible.

Marsicek agreed with having an engaged DRAC membership, but stressed the need to keep diversity in the group (such as low-income housing developers) to make sure that all voices are heard.

J. Wood suggested looking at changing DRAC member term limits.

Green said that the work of the DRAC should be focused on its purpose as stated in Title 3; thus, the DRAC should be looking at ways to improve the development review process and create a positive organizational culture, which requires improved communication and getting customer feedback – perhaps through focus groups or customer surveys in the Development Services Center.

Green said that it's important for the DRAC to positions on policies that relate to development review processes, and to look at shaping how policy impacts development review. Design Overlay Zone Amendments (DOZA) and the Tree Code are great examples of the kinds of policy the DRAC should be looking at, to see how they impact development review processes. The DRAC isn't the place to debate how many units should be allowed, but on how that policy impacts development processes.

Green agreed that it's good to have diversity in DRAC membership, but said the DRAC doesn't necessarily need more or different people sitting around the table; they just need to make sure the concerns and interests of groups that aren't at the table are still represented.

Huntley said the DRAC's mission is about implementing the City's goals. It's not about policy so much as processes.

Carder said that having a workplan for the DRAC would be motivating and would keep people committed and engaged on relevant issues, and suggested establishing a subcommittee to draft a workplan.

Director Esau said that if the DRAC is seen as a vibrant, active group, it will attract more members. Director Esau suggested DRAC members identify the issues they want to work on, then come back to the membership question at a later time.

Radelet agreed with Green that making review processes work better for customers and staff should be on the DRAC's priority list.

Green suggested gathering feedback not only from DRAC members, but from customers and other stakeholders. Jones said that is the intent of NAIOP/BOMA group, at least for commercial real estate/development issues.

After further discussion, Director Esau asked members to send their individual lists of issues to Feters within the next two weeks (by April 4, 2019). Radelet said the lists should identify what the issue is, and Director Esau encouraged members to provide detailed lists.

DRAC Member Alex Boetzel suggested lowering any thresholds that are impeding engagement. Boetzel agreed with the idea of soliciting feedback more widely, but stressed the need to reach out to underrepresented communities.

### **Timing of Commercial Building & Mechanical Permits**

Doug Morgan (BDS) discussed the proposal introduced at the February 21, 2019 DRAC meeting to require commercial mechanical permit applications to be submitted concurrent with building permit applications. The intent of the change is to better coordinate reviews, reduce checksheets, and improve timelines. After the presentation last month, Morgan reached out to DRAC members, the NAIOP/BOMA group, other organizations for comment.

Delsman expressed concern that the proposed change is too rigid, with no exceptions. The change would work well for some projects, but not in cases where the building use isn't as clear. The policy needs to be flexible enough for different types of projects. Delsman agreed that sometimes the industry isn't organized enough, but there are times when developers need the ability to wait to define their projects until later in the process.

After discussion, Morgan proposed delaying implementation of the proposal in order to provide time to meet with interested parties and discuss it further. Morgan will work with Delsman to set up a process.

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

Laura Lillard, Kathryn Hartinger, and Phil Nameny (BPS) reviewed the handout **DOZA Update March 2019**. At the beginning of the project, BPS hired a consultant to help identify what wasn't working. The consultant produced an assessment which has led to the current proposals. S. Wood said that it is still early in the process and BPS is looking for the DRAC's input on the proposals.

J. Wood asked about the purpose of design review. Lillard said that design review provides an opportunity for the public to see a project and testify about it at a public hearing (if it's a Type II review, the public can testify in written form). Hartinger added that design review provides a path forward for cases where the project doesn't meet one or more of the design standards.

Nameny – assessment advised stepping back from projects with less impact.

Jones asked whether BPS has studied how many more projects will go to the Design Commission if DOZA is approved and what the workload impact will be. Hartinger replied that they are doing some analysis on thresholds. Nameny said that DOZA could reduce the number of design reviews required in the Central City, but could lead to more reviews outside of the Central City. BPS hasn't been able to analyze this closely, but will continue to research it moving forward.

Jones asked about retaining the right to building height. Nameny said BPS felt that in the Central City, height should still be considered under design review, and they don't think there will be much impact outside of the Central City. Hartinger said they expect this to be a conversation topic at design review.

Green said that if a project is being refined in the Design Advice Request (DAR) phase, it's not an official hearing and might limit opportunities to get public input in a timely fashion so as to not overburden the project. Hartinger replied that the public can participate and provide input at the DAR phase.

Hartinger encouraged attendees to call or email if they want to discuss DOZA further.

### **Residential Infill Project (RIP) Subcommittee**

J. Wood suggested waiting to discuss a RIP Subcommittee until DRAC members submit their lists of issues.

**The next DRAC meeting is scheduled for April 18, 2019.**

Minutes prepared by Mark Feters (BDS).