



City of
PORTLAND, OREGON

Development Review Advisory Committee

Development Review Advisory Committee

Meeting Minutes

Thursday, December 12, 2019

DRAC Members Present:

Jeff Bachrach
Paul Delsman
Jennifer Marsicek

Alexander Boetzel
Sean Green
Martha Williamson

Claire Carder
Holloway Huntley
Justin Wood

City Staff Present:

Beth Benton, BDS
David Kuhnhausen, BDS
Kyle O'Brien, BDS
Nate Takara, Fire Bureau

Mark Feters, BDS
Erin Mick, Water
Dora Perry, BDS
Kim Tallant, BDS

Kurt Krueger, PBOT
Doug Morgan, BDS
Andy Peterson, BDS

Guests Present:

Ashley Fleschner, National Association of the Remodeling Industry PNW
Daniel Forbes, Reporter
Ezra Hammer, Home Builders Association
Maryhelen Kincaid
Tom Sjostrom, BOMA

DRAC Members Absent:

Shea Flaherty Betin
Mitch Powell

Lauren Golden Jones

Michael Harrison

Handouts

- Draft DRAC Meeting Minutes 10/17/19
- Draft DRAC Meeting Minutes 11/21/19
- Inter-Bureau Code Change List
- Non-Cumulative Cost Recovery Report
- 11-19-19 Draft BDS Financial Advisory Committee Meeting Notes
- Sean Green 2020 DRAC Chair Candidate
- Upcoming City Council Agenda Items

Executive Session / DRAC Member Training (8:00 – 8:30 a.m.)

DRAC members viewed a training video from the City Attorney for members of City boards and commissions.

Convene Meeting

DRAC Chair Justin Wood convened the meeting and welcomed DRAC members, City staff, and guests. DRAC members reviewed and approved minutes from the October 17, 2019 and November 21, 2019 DRAC meetings with minor corrections.

Demolition Subcommittee

Maryhelen Kincaid (Guest) gave a brief history of the work of the Demolition Subcommittee. Kincaid was formerly a DRAC member and DRAC Chair, and serves on the Demolition Subcommittee. Kincaid described the collaborative work of the subcommittee, which included DRAC members and a wide range of community members and officials from various local and state agencies. The subcommittee heard concerns from the neighborhoods about hazardous materials in demolitions and public health. A lot of bridge-building work took place, leading to the development of the City's demolition regulations. The DRAC should be proud of its work on this. Kincaid noted that Portland is the only city in Oregon that regulates demolitions.

Kincaid said the Demolition Subcommittee has met twice recently to review implementation and make changes and improvements. The demolition rules have worked for the most part, but are not perfect. BDS is listening to the subcommittee's input. At the last meeting the subcommittee gave recommendations to BDS staff, who will come back to the subcommittee with a proposal. City staff is researching the possibility of doing reinspections by video, and were already looking at other housekeeping changes to the code and streamlining of administrative rules. All these will be reviewed by the subcommittee.

Kincaid said there were concerns about the costs the equity of those costs. Cost information needs to be available for the DRAC to evaluate, particularly in the context of affordable housing. Kincaid said the subcommittee needs to look at what is possible now, and then look at longer-term changes.

DRAC Member Alexander Boetzel said that changes should be made quickly, and asked what timeframe the subcommittee is looking at. Nancy Thorington (BDS) replied that BDS first needs to test video reinspection, as that would be the easiest to implement quickly. BDS would also need to do some outreach so contractors are aware of the change. BDS Director Rebecca Esau added that recommendations that would necessitate code changes will take longer. Some changes could potentially happen as soon as January 2020. Kincaid said that there was clear intent and understanding on the subcommittee that making changes sooner is better.

J. Wood asked whether a customer who purchases a demolition permit shortly before rule changes become effective would be able to follow the old rules. Thorington said that generally speaking, they would be able to follow the old rules.

DRAC Member Sean Green asked what will go forward to City Council, and whether the full DRAC will have an opportunity to comment on it. Thorington said it's not certain when this will go back to City Council, or what form the report will take, but the DRAC will be informed.

DRAC Member Jeff Bachrach said there have been many resolutions where City Council has asked for a report back by a certain date, but it's not viewed as a hard deadline. Bachrach didn't think this was a high priority for the Council, since they aren't pressing staff for the report by the date in the resolution.

Green expressed appreciation for the context, but didn't want City Council to be upset with BDS for not fulfilling its obligations in the original resolution. J. Wood reported never seeing the Council require hard observance to the dates.

Kincaid said BDS shouldn't report by January 1, 2020, because more work needs to be done, and added that ultimately, the Council member-in-charge is responsible for requiring the report.

City Announcements / Updates

Tree Code Update

Kim Tallant (BDS) said that the Tree Code extension is going back to City Council today at 5:00 p.m., with a proposal to extend for 5 years.

There is a draft resolution out for review with additional changes to the Tree Code (<https://www.portlandoregon.gov/bds/article/751194>); it will go to City Council on January 8, 2020 at 10:15 a.m.

POPS (Portland Online Permitting System) Update

Duane Whitehurst (BDS) gave an update on the Portland Online Permitting System (POPS) Project. The new, web-based version of TRACS (AMANDA) will go live in February 2020. Whitehurst reviewed the components of POPS (see <https://www.portlandoregon.gov/bds/72523>).

J. Wood expressed surprise that DRAC members weren't informed beforehand about the decision to close the Development Services Center (DSC) on Thursdays until the AMANDA go-live date. Director Esau said the decision was made shortly before it was announced, and apologized for surprising DRAC members. Kurt Krueger (PBOT) said they put pressure on BDS to make the change, in order to give staff more time to prepare for AMANDA.

Whitehurst noted that BDS and POPS leadership made the decision to remove the Contractor App from POPS. The Contractor App would have allowed contractors to track permit inspections through an app on their phone or mobile device. However, it became clear over time that the Contractor App would be more complicated and costly than first expected. In addition, much of the functionality intended for the Contractor App can be provided through DevHub PDX. These functions will be added to Dev Hub after the deployment and stabilization of AMANDA in early 2020.

Green said that it would have been good to discuss this change at the DRAC Process Improvement & Technology Subcommittee. Customers were excited about the prospect of a contractor app. It would be good to use the available resources to discuss and review these types of changes. Whitehurst agreed that it would have been good to involve the subcommittee, and noted again that DevHub will be providing the same functionality as the Contractor App.

DRAC Member Holloway Huntley asked if there is a timeline for implementation of the other POPS components. Whitehurst said there is not. Their aspiration is to provide full IVR functionality via DevHub, but they don't have dates yet as to when they'll all be available.

DRAC Bylaws

Mark Fetters (BDS) said that the City's Office of Community & Civic Life has asked all City boards and commissions to establish bylaws, and has provided a template. Fetters is currently drafting bylaws for the DRAC. The template requires approval by either a Bureau Director or the Commissioner-in-Charge.

Bachrach suggested that the DRAC Policy Subcommittee discuss the bylaws, and asked Fetters to schedule a meeting.

BDS Budget Discussion

BDS Finance Manager Kyle O'Brien gave a brief update on BDS's budget development process. Staff has been developing financial projections and meeting with the BDS Budget and Financial Advisory Committees. BDS does not anticipate significant changes for its FY 2020-21 budget.

Green expressed a desire for greater engagement from the Mayor's Office with BDS's budget process and advisory committees. J. Wood said that historically there hasn't been good engagement from Commissioners' offices. J. Wood asked Director Esau to convey the message to the Mayor's office that the DRAC would like to see more engagement from them with the DRAC and the BDS Budget Advisory Committee (BAC). O'Brien noted that BDS does get other input from the Mayor's office on the budget outside of the BAC meetings. Green replied that someone from the Mayor's office should be at BAC meetings, for the benefit of BAC members.

BDS Budget & Financial Advisory Committees

O'Brien said the BAC meets monthly from November – January, and has been discussing equity and inclusion along with Director Esau's budget priorities. The BAC will probably make a couple of recommendations regarding creating a City Manager, and adding a data analyst position to the BDS Equity Program. The BAC next meets on Tuesday, January 14, 2020.

The Financial Advisory Committee (FAC) meets twice during the budget development process and gives input on BDS's financial projections and revenue streams, informing the development of BDS's economic models.

O'Brien noted that BDS is 98% funded from permit revenues, with 2% coming from the City's General Fund (for the Neighborhood Inspections Program). BDS does occasionally receive one-time General Fund monies for specific programs. Huntley asked whether, if City Council views demolition issues as an emergency, it would be appropriate to ask for one-time General Fund dollars for staff to do time-certain inspections and make other changes that BDS has said it doesn't have the resources for. O'Brien replied that it's tricky getting General Fund dollars because BDS can charge fees for its services and the Council has to weigh BDS's requests against those from bureaus that can't charge fees.

Green expressed frustration that the budget concern was used to prevent the consideration of certain proposals. BDS Property Compliance Inspections Manager Beth Benton replied that staff told the Demolition Subcommittee that they wanted to hear all proposals, and would then work with BDS Finance to figure out how to make it work budget-wise.

2020 DRAC Chair / Vice Chair Elections

Fetters distributed ballots for DRAC members to elect a Chair and Vice Chair for 2020. Fetters noted that Paul Delsman had volunteered to run for the Chair position, and Martha Williamson had volunteered to run for Vice Chair.

DRAC members and staff briefly discussed postponing the elections until vacant positions on the DRAC are filled. It was determined that the elections are required in Title 3 and need to take place.

Sean Green volunteered to run for the Chair position and distributed the handout ***Sean Green 2020 DRAC Chair Candidate***. Green said the Chair is an important position, and spoke about his vision for the DRAC. Green expressed care about the work of the DRAC; Green attended DRAC meetings prior to becoming a member and is serving on the Process Improvement & Technology Subcommittee, BAC, and FAC. Green spends a lot of time advocating with stakeholders, City staff, and others and wants to see process improvement take place, along with the development of a culture for learning and continual improvement. Green cited the integrative design construction process currently used in the 4th & Montgomery building as an example of this kind of "lean" thinking; doing things easier, better, cheaper, and faster. Green said the DRAC's work is important, but not always treated with the respect it deserves. If elected Chair, Green will put same energy and effort into that role.

Delsman said it is important for the DRAC to have conversations with the bureaus before changes become entrenched, so the DRAC can influence policy decisions. Open conversations with City staff are productive in providing information and engagement on the issues.

As outgoing Vice Chair, DRAC Member Claire Carder expressed appreciation to DRAC members and said that the DRAC is making good progress.

The next DRAC meeting is scheduled for Thursday, January 16, 2020.

Minutes prepared by Mark Fetters (BDS).