



City of
PORTLAND, OREGON

Development Review Advisory Committee

Development Review Advisory Committee
Meeting Minutes
Thursday, January 16, 2020

DRAC Members Present:

Paul Delsman
Michael Harrison

Claire Carder
Holloway Huntley

Sean Green
Martha Williamson

City Staff Present:

Beth Benton, BDS
Mark Fetters, BDS
Sarah Huggins, Parks
David Kuhnhausen, BDS
Kyle O'Brien, BDS
Elisabeth Reese Cadigan, BES

Matt Criblez, BES
Darryl Godsby, BDS
Laura Johnson, BES
Erin Mick, Water
Andy Peterson, BDS
Kim Tallant, BDS

Rebecca Esau, BDS
Elshad Hajiyev, BDS
Kurt Krueger, PBOT
Phil Nameny, BPS
Ken Ray, BDS
Dave Tebeau, BDS

Guests Present:

John Castle
Ashley Fleschner, National Association of the Remodeling Industry PNW
Dan Forbes, Reporter
Ezra Hammer, Home Builders Association
Susan Steward, BOMA

DRAC Members Absent:

Shea Flaherty Betin
Mitch Powell

Lauren Golden Jones

Jennifer Marsicek

Handouts

- Draft DRAC Meeting Minutes 12/12/19
- Inter-Bureau Code Change List
- Non-Cumulative Cost Recovery Report
- BDS Major Workload Parameters
- BDS Business Continuity Plan Summary
- Tree Code (Title 11) Resolution
- Draft DRAC Bylaws
- Demolition Subcommittee Report 01-14-2020
- Program Growth Rates 2020 Financial Plan
- Source Control Manual Summary of Changes
- Draft DRAC Work Plan
- Upcoming City Council Agenda Items

Convene Meeting

DRAC Chair Paul Delsman convened the meeting and welcomed DRAC members, City staff, and guests.

Minutes

A quorum was not present, so members could not vote to approve the December 12, 2019 DRAC meeting minutes.

City Announcements/Updates

Tree Code Resolution

BDS Land Use Services Manager Kim Tallant reviewed the handout **Tree Code (Title 11) Resolution**, which was adopted by the City Council on January 8, 2020. The resolution directs BDS, Parks, and Planning & Sustainability (BPS) to implement three projects to amend the Tree Code (see pages 2-3 of the handout). Tallant said that Emily Sandy (BDS) is working on mapping out the first two projects (which have tight timelines) and figuring out an engagement strategy. The bureaus will be forming a stakeholder committee.

Portland Online Permitting System (POPS) Update

BDS Deputy Director Elshad Hajiyev said that BDS's new permit database (AMANDA) is on schedule to go live on February 10, 2020. To facilitate the move from the current database (TRACS) to AMANDA, all permitting services (including DevHub, TRACS, and IVR) will be taken down sometime between 4:00 p.m. and 6:00 p.m. on Wednesday, February 5 and will remain unavailable through Sunday, February 9. The Development Services Center and Permitting Services will also be closed during this time. BDS Residential Inspections Manager Dave Tebeau said inspectors will be able to schedule a limited number of critical inspections when they're at jobsites.

Hajiyev advised checking the BDS website frequently for updates on service availability. Outreach to customers began this past Monday. DRAC Member Sean Green asked that the status updates be more highlighted on the BDS website.

DRAC Bylaws

Mark Fetters (BDS) reviewed the handout **Draft DRAC Bylaws**. Fetters said that the City is requiring all City boards and commissions to publish bylaws. Fetters noted areas where the bylaw template provided by the Office of Community & Civic Life (Civic Life) exceeds and/or contradicts provisions in City Code Title 3, and said that the template can be amended as needed. The bylaws need approval from either the BDS Director or Commissioner-in-Charge, but BDS wanted DRAC members to have the opportunity to review the draft and suggest changes.

Fetters noted that Civic Life no longer allows boards and commissions to recruit members or accept applications without established bylaws. Green advocated establishing the DRAC's bylaws as soon as possible to enable the DRAC to fill remaining vacancies. Since a quorum was not present, the members did not vote on whether to endorse the draft bylaws. The draft may be reviewed by the DRAC Policy Subcommittee at its next meeting (to take place within the next 1-2 weeks).

DRAC Work Plan

Delsman summarized a recent discussion regarding the DRAC Work Plan and involving Delsman, Vice Chair Martha Williamson, BDS Director Rebecca Esau, and Fetters. Delsman said the current DRAC subcommittees (Policy, Process Improvement & Technology, and Public Works) match well with the areas where DRAC members want to focus their attention.

Fetters distributed the handout ***Draft DRAC Work Plan***. DRAC Member Claire Carder advocated for adding goal tracking an annual report to the Work Plan, to gauge performance and highlight examples of the DRAC's activities and accomplishments. Carder proposed that the annual report be submitted or presented to City Council.

Director Esau supported the idea of tracking projects and accomplishments, and suggested it would be a good tool for recruiting new members.

DRAC members discussed the topics listed in the handout for each subcommittee. Members agreed that each subcommittee should decide whether to keep those topics and how to prioritize them.

DRAC Member Holloway Huntley asked whether the items on the Work Plan fit within the DRAC's scope as defined in Title 3, and was concerned that some areas could be overreaching. Huntley suggested evaluating the Work Plan items against Title 3. Delsman said that the subcommittees should evaluate their focus areas in that way. DRAC Member Michael Harrison noted that the Policy Subcommittee would probably address SDCs (Systems Development Charges, Topic B on the handout) only when there are SDC policy changes.

DRAC Subcommittee Updates

Policy

Harrison described the subcommittee's letter to bureaus regarding upcoming policy initiatives and projects. The subcommittee had a conversation with PBOT regarding a bicycle lane proposal and will be discussing Title 3.

Process Improvement & Technology

Green said that the subcommittee didn't meet in December 2019, but will meet today after the DRAC meeting.

Public Works

Williamson said that this subcommittee hasn't yet been formed. Williamson asked members to contact Fetters or Williamson if interested in joining the subcommittee.

Residential Demolition

Delsman referenced the handout ***Demolition Subcommittee Report 01-14-2020***, submitted by Demolition Subcommittee Chair Maryhelen Kincaid. The handout summarizes recent subcommittee activities.

Nancy Thorington (BDS) said that previously the subcommittee had been divided on the question of whether video inspections could be effective for demolitions. At the last subcommittee meeting,

after Mike Liefeld (BDS Property Compliance) presented multiple examples of video inspections, the subcommittee unanimously approved the use of video. The subcommittee wanted to get this and other interim changes (as described in the handout) in place as soon as possible. The next steps are to finalize and implement the interim rules; work on code changes (cleanup); clean up the administrative rules and make sure they conform to the code changes; and report to City Council.

Huntley thanked City staff for prioritizing this work, and said the subcommittee meetings were productive. Huntley asked whether the full DRAC was going to vote on the subcommittee recommendations. Thorington said the full recommendations were not included in the handout, and a quorum was not present to vote. Director Esau voiced intention to move forward with the recommendations, given the number of DRAC members who are participating on the subcommittee. Green asked for the recommendations to be distributed to the full DRAC.

Green expressed interest in seeing the subcommittee continue to meet, and said that DRAC Member Alex Boetzel had also expressed support for continued subcommittee meetings. Director Esau asked subcommittee members who were present to send topics of interest to Thorington.

Green asked that the subcommittee consider recommending an expansion of the scope of the demolition regulations to cover other structures, such as multi-family dwellings and commercial buildings. Green said some community members and trade partners have expressed support for this in conversations. BDS Property Compliance Inspections Manager Beth Benton said that conversation may need to be held at the State level, since the State legislation specifies residential demolitions. Director Esau suggested the question be taken up by the Policy Subcommittee, since it is a larger policy issue. Thorington agreed and added that the members of the Demolition Subcommittee are from the residential realm and don't have knowledge of commercial and other structure types.

BDS Requested Budget & Financial Plan (Fiscal Year 2020-21)

BDS Finance Manager Kyle O'Brien thanked DRAC members who served on BDS's Budget Advisory Committee (BAC). The final BAC meeting was on January 14, and the committee held a robust discussion on their budget recommendations. The BAC will produce a report to accompany BDS's budget request; the report will advocate for three items: a data analyst position for the BDS Equity Program; additional financial resources for the Specialized Permitting Services Program (part of BDS's Equity Program); and transition to a City Manager system of government.

Green expressed appreciation to BDS staff for their support of the BAC process and their work on the BAC report. Green said the equity piece is important and shows BDS's commitment, and the City Manager recommendation is exciting.

O'Brien reviewed the handout ***Program Growth Rates 2020 Financial Plan***, which summarizes projected revenue growth rates over the 5 years of the BDS Financial Plan. BDS is forecasting moderate growth in the first year followed by 2 years of moderate declines, and then 1-2 years of positive growth.

Delsman asked why the projections show negative numbers in year two. O'Brien said that the number doesn't reflect anticipated large development projects. BDS will be making significant adjustments based on a few very large projects that will be coming in.

Harrison asked about workload projections for the next 1-3 years. O'Brien said it should stay about the same, excluding the large projects. Hajiyev noted that BDS has experienced negative revenue growth over the last couple of years. While there will be some growth in workload, it will not reach the peak levels seen in 2017.

Huntley asked if projections can be separated into residential and commercial categories. O'Brien replied that BDS doesn't forecast them separately.

O'Brien said that BDS's goal is to maintain healthy reserves and support existing services. BDS expenditures will be significantly impacted by substantial increases in rent as a result of the City's rent standardization effort, along with cost of living allowance (COLA) adjustments and any personnel growth.

O'Brien noted the projected fee changes for FY 2020-21 at the bottom of the handout; these are primarily to offset the rental increase. BDS's fee change process will start in February 2020, and the bureau anticipates bringing information to the DRAC in April 2020 and going to City Council in May 2020. As in recent years, the presentation to the DRAC will include the overall impact on development costs from fee changes from BDS and other development bureaus.

Residential Infill Project Update

Delsman heard that the Residential Infill Project (RIP) had gone back to City Council, and asked for an update on the status. Green was encouraged by the discussion at City Council yesterday. Huntley testified in support of the legislation and said a lot of work has gone into RIP. Amendments have recently been proposed that Huntley would like to see discussed in a second phase.

Phil Nameny (BPS) said that City Council will continue the hearing at 5:00 p.m. today.

BES Source Control Manual Revision

BES Environmental Compliance Division Manager Matthew Criblez said that BES is responsible for everything that goes into and out of storm and sanitary sewer systems, and the BES Source Control Manual is a tool to help with that.

Laura Johnson (BES) referenced the handout **Source Control Manual Summary of Changes**. Johnson said the Source Control Manual is the "sister" to the BES Stormwater Management Manual, and that both provide guidance for reviewing projects. The Source Control Manual focuses on big sources of pollutants, along with site controls – loading docks, exterior storage, tank farms, fueling islands, car crushing and dismantling, waste storage areas, and food cart pods.

Delsman asked whether FOG (Fats, Oils, Grease) standards are part of the Source Control Manual; Johnson said that they are found in the Sanitary Sewer section of City Code (17.74).

Johnson said the goal of the Source Control Manual is to protect the environment, ground and surface water, and City assets. The manual specifies what goes into storm and sanitary systems. The manual has existed as a standalone document since 1999. In 2016 content related to stormwater was extracted into a separate Stormwater Management Manual.

The current updates are intended to make the Source Control Manual usable and clearer, as described in the handout.

Delsman asked how BES enforces waste handling in food cart pods. Johnson replied that even transient food cart pods are required to meet the standards. Guest Susan Steward (BOMA) asked whether individual food cart owners or property owners are held responsible. Criblez replied that after violations, BES would issue a compliance order requiring the pod to hook up to the sanitary sewer system. The requirements are for the pod, not the individual carts. City Code gives a 3-year period to comply (just like with residential properties). The Multnomah County Health Department is developing a food cart pod permit, and when pod owners get that permit, they will be informed of the BES requirements.

Green asked if there has been outreach to food cart vendors. Criblez said BES has been working on this for a number of years, issuing actions against cart pods when there are violations. Some pods were very receptive and complied. Most newer pods have dump stations and grease interceptors installed. The older food cart pods are more reluctant to make changes and have more issues.

Green said connecting to sewer could pose a significant expense for the pods, and could force some smaller pods to close. Green said that a clean environment is important, but procedures should be in place to protect businesses as well as the environment, particularly diverse businesses. Criblez said that's why they've focused on pod owners, not individual food cart owners. There are some pods in locations without accessible sanitary sewer lines, and they aren't required to connect. A lot of pods have access to sanitary sewer in the street, but they aren't connecting.

Johnson said there has to be a dump station within 30 feet of each cart in a pod, and then they connect to a single lateral that connects to the sanitary sewer line in the street.

Delsman said the requirements are a cost that presents a barrier to entry, especially for small pods. Criblez said that most of those have a connection or the ability to connect, and they would also need to install dump stations and grease interceptor. Delsman replied it still will be an encumbrance to some carts. Criblez said they did outreach to carts and most of them wanted a way to dispose of waste, in order to avoid having to carry it offsite. Criblez acknowledged that the pod owners will pass the costs on to the individual cart owners.

Johnson said the Source Control Manual is finishing internal review this week, and they hope to send it out for public comment by the end of March 2020. The Stormwater Management Manual is also being revised, and they hope to do the two manuals on the same timeline. There will be a grace period after adoption to allow for adjustment to the new regulations.

Upcoming Policy / Project Discussion

Martha Williamson said there will be a placeholder in future DRAC agendas to provide an opportunity to talk about upcoming policy initiatives and projects impacting development and development review.

The next DRAC meeting is scheduled for Thursday, February 20, 2020.

Minutes prepared by Mark Feters (BDS).