



City of  
**PORTLAND, OREGON**

Development Review Advisory Committee

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**Development Review Advisory Committee**

**Meeting Notes**

**Thursday, September 17, 2020**

**DRAC Members Present:**

Jeff Bachrach  
Paul Delsman  
Holloway Huntley  
Martha Williamson

Alexander Boetzel  
Sean Green  
Lauren Golden Jones

Claire Carder  
Michael Harrison  
Jennifer Marsicek

**City Staff Present:**

Beth Benton, BDS  
Rebecca Esau, BDS  
Darryl Godsby, BDS  
Casey Jogerst, Forestry  
Doug Morgan, BDS  
Kyle O'Brien, BDS  
Elisabeth Reese-Cadigan, BES  
Kim Tallant, BDS  
Terry Whitehill, BDS

Al Burns, BPS  
Brenda Fahey, BDS  
Elshad Hajiyev, BDS  
Kurt Krueger, PBOT  
Phil Nameny, BPS  
Kareen Perkins, BDS  
Jessica Ruch, BDS  
Dave Tebeau, BDS  
Duane Whitehurst, BDS

Eric Engstrom, BPS  
Mark Fetters, BDS  
Sarah Huggins, Parks  
Erin Mick, Water  
Tracy Nistler, BDS  
Ken Ray, BDS  
Brandon Spencer-Hartle, BPS  
Nancy Thorington, BDS

**Guests Present:**

Krista Bailey, Urban Renaissance Group

**DRAC Members Absent:**

Shea Flaherty Betin                      Justin Wood

**Handouts (all handouts are available at <https://www.portlandoregon.gov/bds/81178>)**

- Draft DRAC Meeting Notes 8/20/2020
- Inter-Bureau Code Change List
- Non-Cumulative Cost Recovery Report
- BDS Major Workload Parameters
- BDS Business Continuity Plan Summary
- Draft DRAC Annual Report
- Historic Resources Code Project Proposed Draft Briefing
- Shelter to Housing Continuum Project
- Upcoming City Council Agenda Items

## **Convene Meeting**

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

## DRAC Meeting Notes

DRAC members reviewed and approved notes from the August 20, 2020 DRAC meeting.

## **BDS Services Update**

### Phone Call & Email Backlogs

Rochelle Hunter-James (BDS) noted that BDS front desk staff has caught up on the backlog of voicemails and is now answering bureau phones live. The email backlog has been caught up as well. As of today, all permit intake appointments are booked up to November 13, 2020. Tracy Nistler (BDS) noted that pre-COVID-19, BDS didn't accept electronic submissions; all customers had to come in to the permit center, and were seen the same day in most cases. Having face-to-face communication with customers allowed staff to quickly resolve issues with customers, but now they don't have that opportunity, and it's more important for customers to closely follow submission instructions.

Delsman (DRAC) noted that a couple months have been added to the permitting process with the switch to intake appointments and the move from paper to electronic submission. Hunter-James (BDS) agreed, but noted that the appointment itself now goes more smoothly. Nistler (BDS) said the appointment backlog should be reduced as users get more experienced and the system improves.

### Interim & New Permit Intake Processes

Nistler (BDS) said the BDS Technology Team has been developing a new intake folder in AMANDA that allows for online permit submission through DevHub, rather than the current appointment system. This new process will relieve front desk staff from scheduling intake appointments. BDS intends to make this a long-term, rather than interim solution, and they are making sure it works for customers as well as staff. Designated staff has been assigned to work on revisions, deferred submittals, and solar permits, to avoid delays in those processes. BDS Director Rebecca Esau said the bureau hopes to implement the system by the end of October 2020.

Delsman (DRAC) asked if the new system will allow for more information on project status to be made available on the BDS website. Nistler (BDS) said the new system should have that capability.

### Time Certain Appointments

Kim Tallant (BDS) described a new option for customers to meet virtually with staff via Microsoft Teams to discuss questions on their projects. Information about the new service will be posted online next week with instructions. Customers will be able to meet with BDS Land Use, Life Safety, Perm Services, Structural Engineering, and Site Development staff. A \$77.50 hourly rate will apply. The City will not provide notes from the meetings, so customers will need to take their own. Appointments should become available the week of September 28, 2020.

### BDS Commissioner Re-Assignment

Director Esau noted that on September 10, 2020 the Mayor reassigned bureaus to allow him to focus on police and homeless issues, and BDS was reassigned to new City Commissioner Dan Ryan. BPS was assigned to Commissioner Hardesty. Director Esau met with Commissioner Ryan earlier this week and said the Commissioner is very interested in continuous improvement in organizations. Director Esau will invite Commissioner Ryan to attend the October 2020 DRAC meeting.

### Commercial Demolition Stakeholder Group

Beth Benton (BDS) announced the launching of a stakeholder group to look at commercial demolition regulations related to dust and hazardous materials, and invited DRAC members to be involved. Green (DRAC) volunteered to join. The first step of the group will be to determine if commercial demolitions should be regulated. A report from the group will be brought to the DRAC.

### **BDS Financial Update**

BDS Deputy Director Elshad Hajiyev said that BDS has \$72 million in financial reserves, but is operating at only 56% cost recovery and is drawing approximately \$2.5 million out of reserves each month. BDS has curbed expenditures, maintained a hiring freeze, is restructuring its vehicle fleet, and reducing rent costs, but this has not produced enough savings. The fee increases that were presented previously to the DRAC will go to City Council for approval on October 28, 2020, and if approved will go into effect December 1, 2020. BDS fees would increase 5% on average, though some individual fees would increase more or less than that.

### Safety Net Ordinance

Hajiyev (BDS) summarized the Safety Net Ordinance, which is scheduled to go to City Council September 30, 2020. BDS worked closely with BHR to develop the ordinance, which provides five options for City employees to take actions to reduce personnel costs, such as moving to part-time schedules or taking extended leaves. All the options are voluntary and would require Bureau Director approval.

Delsman (DRAC) asked if there is still a significant backlog of non-privately-funded development. Hajiyev (BDS) said the airport project is still moving forward, but BDS is seeing slowdowns in other projects. Kyle O'Brien (BDS) looked specifically at large projects when re-working the BDS Financial Plan, and said that many are being delayed. Harrison (DRAC) noted that OHSU has delayed a large hospital expansion that would have entailed significant permitting work for BDS and other bureaus. OHSU anticipates that the project will be restarted to the point of requiring significant permit work by October 2021.

### **Draft Letter re: Furloughs**

Green (DRAC) reviewed the handout **Draft Letter re: Furloughs**. DRAC members and City staff discussed a few edits to the letter, including removing the last part of the last sentence and expanding the scope to include review staff from the other development review bureaus (PBOT, BES, Water, Parks, Fire). Tallant (BDS) noted that some City staff support mandatory furloughs because they can reduce potential layoffs, should the bureau get to that point. Layoffs have more impact for customers as well as staff.

After discussion, Green moved to authorize the DRAC Chair to finalize the letter (with the changes discussed). Martha Williamson (DRAC) seconded the motion, and it was approved.

### **DRAC Annual Report**

Claire Carder (DRAC) referenced the handout ***Draft DRAC Annual Report***. Carder said an annual report provides a way to evaluate and document the DRAC's work. Carder asked DRAC members for feedback on creating a report and what to do with it.

Harrison (DRAC) suggesting prioritizing current efforts to affect policy, rather than documenting past efforts. Delsman (DRAC) said the report could increase the visibility of the DRAC with the City Council and could be used in recruiting new DRAC members. Delsman questioned whether a report would have meaning to the City Council, or just become part of the background noise.

Director Esau (BDS) said a report would help raise the DRAC's profile and introduce the DRAC to BDS's new Commissioner. Director Esau suggested the report include a desire for closer coordination with the Planning & Sustainability Commission.

Green (DRAC) expressed support for a report and suggested it be set up as a collaborative online document that could be edited by DRAC members throughout the year. Green suggested that the DRAC consider presenting the report to City Council directly. DRAC Vice Chair Martha Williamson said the report should include DRAC and DRAC subcommittee letters.

After discussion, consensus among DRAC members was to move forward with developing an annual report. Delsman (DRAC) will coordinate with administrative support from BDS.

### **BPS Updates**

#### Historic Resources Code Amendment Project

Brandon Spencer-Hartle (BPS) reviewed the handout ***Historic Resources Code Project Proposed Draft Briefing*** and discussed the project. The proposed draft was released on September 15, 2020 (see <https://www.portland.gov/bps/hrcp/historic-resources-code-project-proposed-draft>). A Planning & Sustainability Commission (PSC) work session is scheduled for October 13, 2020, with a PSC hearing on October 27, 2020. BPS intends to take the project to City Council in Spring 2021.

Jeff Bachrach (DRAC) asked if BDS is comfortable with the code pieces, or if more work needs to be done. Tallant (BDS) isn't sure; the version just distributed is different from the last, and BDS hasn't had a chance to review it. Spencer-Hartle (BPS) said they have been working closely with BDS Land Use staff and anticipate receiving feedback on code language that needs tightening.

#### Shelter to Housing Continuum

Al Burns (BPS) shared the presentation ***Shelter to Housing Continuum Project*** and gave an overview of the project. The project adds a new use category of Outdoor Shelters and liberalizes existing code allowances for group living. The project doesn't introduce any new restrictions.

BPS has been working on this project for the past year and hope to have a discussion draft out by the end of September 2020; it would then go to the Planning & Sustainability Commission (PSC) the week of December 8 2020 and to City Council over the winter, with implementation in Spring 2021.

Delsman (DRAC) asked if there has there been any conversation about using “sacrificial mock-ups” – small test samples of larger structures. Delsman’s company builds test mock-ups of larger affordable structures that are generally thrown away; instead, they could be used to create housing units. Burns (BPS) said that hasn’t been discussed, but it could work in the Outdoor Shelter category. Eric Engstrom (BPS) said the joint County-City Office on Homelessness is a partner in the project, and this would be a good conversation to have with them. Terry Whitehill (BDS) said there isn’t anything in the building code that would prevent it.

Sarah Huggins (Parks) asked to be to be kept in the loop on the project, as there are a couple places in Parks SDC code that reference mass shelter/short-term housing. Director Esau (BDS) asked Engstrom to put together a meeting with all the SDC bureaus to discuss the project.

### **Industry Updates**

Delsman (DRAC) invited DRAC members to give updates. Delsman said the raw lumber market hasn’t changed, except for upcoming supply impacts from the wildfires. Some lumber mill employees have lost their homes, and their communities are greatly affected. In addition, federal restrictions on lumber from Canada continue to be an issue.

Holloway Huntley (DRAC) is trying to manage schedules with delays in permits and raw materials, and price increases.

Lauren Golden Jones (DRAC) said a lot of colleagues are getting calls from institutional investors asking what’s happening in Portland regarding the violence and damage to buildings downtown. With the exception of industrial development, investors are taking a step back from Portland. It’s difficult these days to project how long the development review process will take. The office market is non-existent, and there are no multifamily starts.

Jennifer Marsicek (DRAC) said they are still very busy and looking to hire, with a good work stream through mid-to-late 2021. Marsicek is concerned about the impacts of permitting delays and supply chain issues on getting projects off the ground.

Williamson (DRAC) is also very busy, along with other public works engineers. A challenge is the difficulty in predicting how long the public works permitting process will take.

Alexander Boetzel (DRAC) is hearing that single-family residential development is booming, but there are issues with finding trade partners, labor, and materials. Everyone seems to be busy.

Delsman (DRAC) said they have run into issues with OSHA guidelines regarding wildfire smoke – it’s challenging to find enough respirators, and they have had to send workers home.

Green (DRAC) is running into the same challenges with air quality. Residential development is very busy, though there are some challenges with suppliers and some cost increases. They are the busiest they've ever been.

Carder (DRAC) noted ongoing neighborhood concerns about houselessness and public safety.

Bachrach (DRAC) noted that Tallant (BDS) and Director Esau (BDS) visited the Planning & Sustainability Commission (PSC) last week regarding BDS concerns with coordination with BPS and the PSC on code changes and making sure that code and policies align. There was a lack of clarity about what needs to happen. Bachrach mentioned the loading dock issue and RICAP (discussed at the August 2020 DRAC meeting) as examples of code problems without clear resolution. Bachrach said the PSC response was minimal, and that PSC Commissioners weren't sure what to do with it because it's not on their priority radar. The PSC threw it back to Bachrach for ideas. The two fundamental issues are budget and priority; the code is important for BDS and the DRAC, but it's secondary on the planning side.

Director Esau (BDS) said better code change coordination comes down to funding to pay for projects like RICAP, and BDS is currently not in a good place financially; General Fund support is needed. Director Esau also encouraged the PSC to not reference specific technological improvements in the code, but to funnel those to the DRAC Process Improvement & Technology Subcommittee.

Tallant (BDS) said they made the specific suggestion to the PSC to provide time for testimony after major amendments are made so that BDS can hear public comment and be able to provide feedback before amendments go to City Council. They also suggested that it would be helpful for the DRAC to hear more about PSC interests in the implementation process and technology improvements.

## **Other**

### DRAC Member Vacancies

Harrison (DRAC) asked if construction trade unions have ever been represented on the DRAC; Harrison said they have a huge stake in projects moving forward and their participation could elevate the DRAC's voice with the City Council.

Director Esau (BDS) will be making recommendations to Commissioner Ryan on candidates for the Land Use Planning Professionals and Low-Income Housing Developers positions on the DRAC. BDS is still looking for candidates for four positions:

- Minority Construction Contractors & Development Professionals
- Home Remodelers
- Small Businesses
- Historic Preservation

### City Code Title 21 Updates

Green (DRAC) asked about the Water Bureau's proposal to require individual water meters to each unit for sites with less than 8 units (see <https://www.portlandoregon.gov/water/article/763829>). Green highlighted 21.12.070 Separate Service on page 20. This proposal was brought up at a Portland Neighbors Welcome meeting last night, and many attendees were concerned about the cost impacts without much benefits. Green suggested a sub-metering approach could achieve the desired benefits.

Director Esau (BDS) said this should be added to the agenda for the October 15, 2020 DRAC meeting. Green (DRAC) concurred and noted there will be a City Council work session on the proposal on October 27, 2020. Erin Mick (Water) offered to provide a brief update about the work session at the October DRAC meeting, but noted that they are working through different approaches to bigger picture implementation.

**The next DRAC meeting is scheduled for Thursday, October 15, 2020.**  
Meeting notes prepared by Mark Feters (BDS).