



City of
PORTLAND, OREGON

Development Review Advisory Committee

Development Review Advisory Committee

Meeting Notes

Thursday, March 17, 2022

DRAC Members Present:

Jeff Bachrach
Steffeni Gray
Lauren Golden Jones
Maurice Rahming

Bobby Daniels
Sean Green
Sam Miller

Paul Delsman
Holloway Huntley
Eric Paine

City Staff Present:

Beth Benton, BDS
Jeff Caudill, BPS
Mark Fetters, BDS
Casey Jogerst, Forestry
Kurt Krueger, PBOT
Erin Mick, Water
Tim Novak, BDS
Andy Peterson, BDS
Ken Ray, BDS
Kim Tallant, BDS
Terri Theisen, Comm. Ryan's Office

Tyler Berry, PBOT
Nik Desai, Forestry
Elshad Hajiyev, BDS
Terry Kimmons, Fire
David Kuhnhausen, BDS
Doug Morgan, BDS
Kyle O'Brien, BDS
Colleen Poole, BDS
Chris Riley, PBOT
Dave Tebeau, BDS
Nancy Thorington, BDS

Gabby Bruya, BDS
Brenda Fahey, BDS
Douglas Imaralu, Budget Office
Ryan Kinsella, PBOT
Brian Landoe, Forestry
Phil Nameny, BPS
David O'Longaigh, Water
Daniel Ramirez-Cornejo, Parks
Michael Silva, Fire
Bret Winkler, BES

Guests Present:

Krista Bailey, Urban Renaissance Group
Jill Cropp, Studio Cropp Architecture
Joyce del Rosario
Ashley Fleschner, NARI
Ryan Makinster, Home Builders Assoc.
Peggy Moretti
Suzannah Stanley, Mackenzie

DRAC Members Absent:

Libby Deal

Steve Lee

Martha Williamson

Handouts (all handouts are available at [Development Review Advisory Committee \(DRAC\) | Portland.gov](https://www.portland.gov/development-review-advisory-committee))

- Draft DRAC Meeting Notes 02/17/2022
- Inter-Bureau Code Change List
- Non-Cumulative Cost Recovery Report
- BDS Major Workload Parameters
- BDS Business Continuity Report Summary
- Reviewer Markup Update
- Floodplain Resilience Plan Project Summary
- Title 11 Proposed Amendments List

DRAC Business

02/17/2022 DRAC Meeting Notes

DRAC Members reviewed and approved notes from the February 17, 2022 DRAC meeting.

DRAC Membership Update

Mark Feters (BDS) noted that a recruitment has opened for the **Home Remodeler** and **Major Facilities Landowner** positions on the DRAC. The recruitment will be open through April 3, 2022. More information is available at <https://bit.ly/DRACSpring22>.

Feters (BDS) said that the nominations for Peggy Moretti (Historic Preservation) and Jill Cropp (Home Builders) will go to City Council on April 6, 2022.

Ken Ray (BDS) noted that there is also an opening on the Historic Landmarks Commission, closing on March 21, 2022. More information is available at <https://bit.ly/HLCSpring22>.

City / Bureau Updates

Budget Process Update

BDS Budget & Finance Manager Kyle O'Brien gave an update on City budget process. BDS's budget requests were shared with the DRAC in [January](#), but after consultation with Commission Ryan narrowed it to the four highest priority requests (see [798528 \(portlandoregon.gov\)](https://www.portlandoregon.gov/798528)). The City Budget Office has recommended that City Council approve only one of BDS's requests – to fund 3.0 FTE and a consultant to improve the Citywide permitting process (one position is in the BDS Director's office; the other two are with BDS's technology groups. BDS also submitted a request to use City cannabis funds, and will find out the status of that request in April.

Last year, the City indicated that \$8.3 million in American Rescue Plan Act (ARPA) funds would be allocated to BDS if needed, but since the bureau is doing better financially, that funding will not be allocated. However, BDS was permitted to submit a separate request for ARPA funds to replenish 12 staff positions that were cut during the pandemic.

DRAC Member Jeff Bachrach asked about the City Council's timeline for decisions on ARPA funding, and whether a letter of support from the DRAC would be of help. O'Brien (BDS) said the Mayor's Proposed Budget is due April 28, so BDS should find out about the ARPA request then. O'Brien said that a letter of support would help, and there will also be an opportunity for DRAC members to testify in support of BDS's budget during a public meeting on May 5, 2022 from 6:00 – 8:00 p.m.

DRAC Member Sean Green asked about the status of a community listening session on houselessness scheduled for March 28. One of BDS's requests had been permitting support for shelters. O'Brien will check on the status.

O'Brien (BDS) said that BDS will present at three separate Council budget work sessions, focused on climate, connected communities and livable neighborhoods, and economic stabilization and recovery.

DRAC Chair Paul Delsman asked what is behind the monthly variability in BDS's cost recovery rates as shown in the handout **Non-Cumulative Cost Recovery Report**. O'Brien (BDS) said it's mostly related to large development projects; a single large project can have a significant impact on any month's revenues.

Employee Return to City Offices

BDS Deputy Director Elshad Hajiyev said that City employees will begin a phased return to City offices on April 4, and will be required to work one day per week in the office from April 18 through Aug. 31. The details for Phase 2, which will begin in September, are still being worked out. BDS began work several months ago to prepare to restore services in the permit center. A start date for those services hasn't been set, but it will likely be mid-summer 2022. Hajiyev also noted that BDS just provided its 10,000th 15-minute appointment.

Public Works Permitting Update

Kurt Krueger (PBOT) said that the work of the Permit Improvement Task Force has led PBOT to look for ways to improve Public Works Permitting processes. Krueger shared an example of a small business that was upgrading a building. Staff issued a checksheet last October but had no contact from the applicant since then and the public works review was required. Krueger has now initiated a process to identify projects where public works are required and call applicants a couple days after a checksheet, to make sure they know that delaying in starting the public works process will lead to delays in the building permit process.

Delsman (DRAC) asked if the City has any idea of the magnitude of "tardy" responses from applicants. Krueger (PBOT) said they looked at this a couple months ago and found that 2/3 of projects where public works was identified in the early assistance phase didn't start the public works process until *after* the building permit was submitted.

DRAC Member Maurice Rahming suggested the City also track how long projects sit with applicants, waiting for information from them.

Krueger (PBOT) said they also realized that City staff doesn't interact much with real estate brokers, and it would be helpful to do education work with them so they can give better information to their clients.

Reviewer Mark-ups

Doug Morgan (BDS) said staff has been working on reviewer markups since last year, and noted that they first showed this to the DRAC in November 2021. Morgan shared the presentation **Reviewer Markup Update**.

Delsman (DRAC) asked how comfortable staff is in using the process. Morgan said it varies; some reviewers are comfortable with it, but there is some discomfort related to the scope.

Guest Jill Cropp asked if reviewers will be able to add stamps themselves. Morgan (BDS) said that is the intent. Cropp (Guest) asked what the methodology is for the reviewer to decide whether to write a note or not, and if there is concern about liability in changing drawings. Morgan (BDS) said there is concern about changing drawings that have been stamped by an architect or engineer. The opportunities for reviewer markups are pretty extensive.

Cropp (Guest) asked if applicants can request markups on projects. Morgan said applicants can reach out directly to their reviewers to request markups.

Floodplain Resilience Plan

Jeff Caudill (BPS) shared the presentation *Floodplain Resilience Plan Project Summary* and gave an overview of the project.

Delsman (DRAC) asked who would administer the fee in lieu. Caudill (BPS) said they're working on that question. FEMA may have a role, but the City would be managing it. They can defer to the State and Federal process for habitat, but this is a new process for flooding. They're still working through it and talking to FEMA and flood mitigation banks.

Guest Suzannah Stanley asked if the details will be nailed down for the mitigation banks and fee in lieu option soon; when the NAIOP/BOMA group heard this presentation in late January 2022 those were still questions. Caudill (BPS) said it should be soon.

Delsman (DRAC) asked how many properties/owners will be affected. Caudill (BPS) said it will eventually affect everyone in the floodplain, but for this phase they notified around 900 properties.

Bachrach (DRAC) said it sounds like there are a lot of missing pieces to this plan, and it's not clear why it's moving forward so quickly. On the westside, a lot of the Central Reach has seawall, and a main focus of the project is habitat. There's still a lot of developable land in the Central Reach. Bachrach asked what the impact will be on developable property. Caudill (BPS) said that for the Central Reach they're only addressing the floodplain, which doesn't include the seawall. There will be more impact in the North Pearl, where most areas have a 100-year floodplain or were inundated in the 1996 flood. It may not be feasible to provide compensatory excavation onsite. Mitigation banks provide a third option for applicants to mitigate impacts without limiting development of their properties. In BPS's opinion, development won't be significantly hindered. There is no setback limitation in the Central Reach. Caudill confirmed that there will be restrictions in the North Pearl portion of the Central Reach, but there will be options to offset them.

Caudill (BPS) said that for the Willamette River, they're updating the 1996 floodplain maps to be more accurate. The North Pearl area will be most impacted because of the 1996 flooding.

Stanley (Guest) said that making the floodplain also environmental zone is a big change. Stanley asked what the approval criteria related to floodplain would be and what kind of alternatives analysis would be successful in an Environmental Review application.

Stanley (Guest) said the [Biological Opinion on the National Flood Insurance Program in Oregon](#) requires the City to update flood regulations for the 100-year floodplain, but then asked why this project is adding in the 1996 flood inundation area. Stanley hasn't seen regulation on the 1996 areas in any other jurisdictions. Stanley didn't think that most of the approval criteria would apply to floodplain.

Title 11 Amendments

Nik Desai (Urban Forestry) shared the presentation *Title 11 Amendment Project* and referenced the handout *Title 11 Proposed Amendments List*. This will go to the Urban Forestry Commission and Planning & Sustainability Commission (PSC) in May 2022 and to City Council in July 2022. They are asking for public feedback until April 15.

Delsman (DRAC) asked how this project will complement or relate to PBOT's [Streets 2035](#) project. Desai (Forestry) said these aren't substantive amendments to Title 11, so they shouldn't create any complications with Streets 2035. The focus of the amendments is clarifying the code to match other existing processes.

DRAC Member Lauren Jones asked if any applicants have been involved on the project advisory committee. Desai (Forestry) said they have worked closely with partner bureaus in developing the amendments and have received feedback from those bureaus.

Bachrach (DRAC) asked if there has been any review by homebuilders or similar groups, and if the Urban Forestry Commission (UFC) has had any work sessions on it. Desai (Forestry) said they will have a work session with the UFC in June 2022. This is all that's required for technical code amendment. They're also reaching out to the PSC. Bachrach said some amendments don't appear to be merely technical. Desai (Forestry) said the feedback is appreciated, and they want to know if some amendments are more substantial and should be moved to later phases of the project.

Desai (Forestry) said more information is available at www.Portland.gov/trees/title-11. Feedback on the Title 11 updates should be sent to treecodeamendments@portlandoregon.gov.

Permit Improvement Task Force Update

Terri Theisen (Comm. Ryan's Office) shared the presentation *Permit Improvement Task Force Update*.

Delsman (DRAC) has been in most of the task force meetings, and noted that City staff has been receiving feedback well and has been engaged in good conversations.

Jones (DRAC) noted that last month Theisen discussed four system design options, and asked where that process is at. Theisen (Comm. Ryan's Office) said they are still in information gathering and listening/learning phase.

Tim Novak (BDS) asked how the Task Force is surveying underrepresented groups. Theisen (Comm. Ryan's Office) just met yesterday with equity managers from the permitting bureaus to discuss that issue. Until now they have been focused on providing equal access to programs and services; they are also asking other jurisdictions how they engage with customers. They want to avoid treating all customers the same. They continue to welcome advice and input.

Delsman (DRAC) asked if staff and programs can be organized to respond to diverse customers' needs. Theisen (Comm. Ryan's Office) said they are talking about ideas and looking at how other jurisdictions are doing things.

DRAC Meeting Planning

Delsman (DRAC) expressed a desire to engage DRAC members more in steering future agendas and getting topics that are relevant and valuable.

Jones (DRAC) suggested two items: the electric vehicle charger/code readiness program, and an update on the [Economic Opportunity Analysis](#) (EOA). Phil Nameny (BPS) noted that BPS is in charge of EOA. Nameny will talk with staff connected with the program about coming to DRAC. Bachrach (DRAC) said that an update on the EOA was presented to the PSC last month, and there is a lot to unpack, including the difficult core policy question on preserving land along rivers vs. industrial development. Nameny (BPS) said that for the electric vehicle charging program, there are lot of moving parts with charging infrastructure – local zoning, State building code changes (effective in July 2022), and other regulations. An internal draft has been produced, and they anticipate a discussion draft being released in early April 2022. The project will probably go to the PSC in August 2022.

Nameny (BPS) said that DRAC members may also be interested in the [State Department of Land Conservation & Development Climate Friendly Communities rulemaking process](#), which addresses electric vehicle and parking mandates. A hearing is scheduled for March 31st.

Cropp (Guest) suggested urban forestry reviews and when they get triggered as a DRAC topic; often clients are charged three times to review the same trees on one lot. Casey Jogerst (Forestry) encouraged Cropp (Guest) to send an inquiry to Urban Forestry.

Open Discussion

Fetters (BDS) noted that the DRAC Policy Subcommittee will be meeting on April 14, 2022 to discuss a proposal regarding the SDC waiver for Accessory Dwelling Units (ADUs).

The next DRAC meeting is scheduled for Thursday, April 21, 2022.

Meeting notes prepared by Mark Fetters (BDS).