



City of  
**PORTLAND, OREGON**

Development Review Advisory Committee

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**Development Review Advisory Committee**

**Meeting Minutes**

**Thursday, September 19, 2019**

**DRAC Members Present:**

Jeff Bachrach  
Paul Delsman  
Sean Green  
Justin Wood

Alexander Boetzel  
Shea Flaherty Betin  
Michael Harrison

Claire Carder  
Lauren Golden Jones  
Martha Williamson

**City Staff Present:**

Adrienne Aiona, BES  
Alex Cousins, BDS  
Mark Fetters, BDS  
Colleen Harold, BES  
Kurt Krueger, PBOT  
Andy Peterson, BDS  
Sandy, BDS  
Terry Whitehill, BDS

Beth Benton, BDS  
Rebecca Esau, BDS  
Darryl Godsby, BDS  
Sarah Huggins, Parks  
David Kuhnhausen, BDS  
Elisabeth Reese-Cadigan, BES  
Kim Tallant, BDS  
Sandra Wood, BPS

Rani Boyle, PBOT  
Rick Faber, Forestry  
Elshad Hajiyev, BDS  
Casey Jogerst, Forestry  
Yung Ouyang, Budget Office  
Jeremy Russell, BDS Emily  
Nancy Thorington, BDS

**Guests Present:**

Daniel Forbes, Willamette Week  
Ezra Hammer, Home Builders Association  
Sam Noble

**DRAC Members Absent:**

Holloway Huntley  
Sarah Radelet

Jennifer Marsicek

Mitch Powell

**Handouts**

- Draft DRAC Meeting Minutes 7/18/19
- Inter-Bureau Code Change List
- Non-Cumulative Cost Recovery Report
- BDS Major Workload Parameters
- Sewer & Drainage Facilities Design Manual Update
- Stormwater Management Manual Update
- Title 11 Proposal
- Erosion Control Manual Outline
- BMP Applicability Guidelines
- Upcoming City Council Agenda Items

## **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 July 18, 2019 DRAC meeting.

J. Wood will miss the October 17 and November 21, 2019 DRAC meetings due to schedule conflicts, J. Wood asked members to begin thinking about running for the DRAC Chair position for 2020.

## **Announcements / Updates**

### Statewide Building Code Changes

Nancy Thorington (BDS) said that the State Building Codes Division (BCD) will not publish the Oregon building codes until October 1, 2019, and has not released information on what changes will be coming. BDS will take an ordinance to City Council later in October to adopt the new codes. *Update: the new codes are available online at <https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx>.*

### Unreinforced Masonry (URM) Update

Thorington said that the City remains in a lawsuit over the placarding and tenant notification regulations in the URM code. On October 23, 2019, BDS will take an ordinance to City Council to repeal the URM regulations. Later in the fall, BDS will bring a second ordinance to restore all the URM regulations except for those related to placarding. Thorington noted that anyone who filed with the County Recorder's office to comply with the placarding requirements can be reimbursed for that cost.

## **DRAC Subcommittee Updates**

### Policy

Mark Fetters (BDS) said that the subcommittee has met once and discussed need to find out about City policy initiatives related to development review earlier, so the DRAC can review and provide input before policy decisions are made. The subcommittee should send a request to development bureau directors to provide information on upcoming policy development projects.

### Process Improvement & Technology

DRAC Member Sean Green said the subcommittee met in August, and included representatives from NAIOP (National Association of Industrial & Office Properties) and BOMA (Building Owners & Managers Association) who have been meeting separately with City staff. The subcommittee will remain separate from the NAIOP/BOMA group for the time being, though members of the two groups will attend each other's meetings. A decision about integrating the two groups will be made at a later time. The subcommittee will be meeting on the third Thursday of each month immediately after the full DRAC meeting, from 10:10 – 11:45. Matt Wickstrom (BDS) is providing staff support. The subcommittee has focused on the scope of their work and how they relate to other committees and bureau projects. Green asked DRAC members to share ideas on what the subcommittee should focus on and prioritize.

## **NAIOP/BOMA Update**

DRAC Member Lauren Golden Jones gave a brief overview of NAIOP (National Association of Industrial & Office Properties) and BOMA (Building Owners & Managers Association). NAIOP and BOMA members are commercial real estate and development professionals focused on large-scale commercial projects. Golden Jones and DRAC Member Paul Delsman serve on the NAIOP board.

NAIOP/BOMA met yesterday with City staff from several development bureaus. They discussed a variety of topics, including:

- URM regulations;
- The upcoming state building codes, and how to be vested in the old code before January 1, 2020;
- Occupancy regulations (City Title 24.85) and their relationship to seismic upgrade requirements;
- Design Overlay Zone Amendments (DOZA) changes reflected in the latest draft, which was released September 16, 2019;
- The Bureau of Transportation's (PBOT's) Streets 2035 project;
- The relationship of NAIOP/BOMA to the DRAC Process Improvement & Technology Subcommittee.

## **BES Manual Updates**

### Sewer & Drainage Facilities Design Manual

Elisabeth Reese-Cadigan (BES) reviewed the handout ***Sewer & Drainage Facilities Design Manual Update***. The public comment period for the project just closed; 26 comments were received. The proposed changes are primarily technical, with little in the way of policy changes. Colleen Harold (BES) said the manual was last re-written 10 years ago.

### Stormwater Management Manual

Adrienne Aiona (BES), manager for the Stormwater Management Team, gave an overview of the manual update. They are going through comments received from an internal staff review and getting ready for an external stakeholder review, which will include the DRAC. Aiona reviewed the handout ***Stormwater Management Manual Update***. Aiona said the update will include small changes and refining to most areas of the manual. They are planning for adoption in early 2020. There will be a 3-month transition period during which the old manual may still be used, depending on the project.

J. Wood asked whether adding sidewalks to an infill lot will trigger stormwater improvements. Aiona replied that stormwater improvements will be more triggered by the addition of sidewalks where none existed before; minor sidewalk improvements will generally not trigger stormwater improvements. The 500 square foot threshold is still there.

Jones asked for explanation regarding the lined facilities requirement. Aiona said they would prefer not to have lined facilities, but in some situations infiltration isn't feasible. Jones said that in the past they've had the option of lining facilities or doing environmental testing; Aiona said they will still have the option to do environmental testing.

DRAC Member Martha Williamson asked if there will be more early opportunities to identify issues. Aiona said they're working on it.

DRAC Member Claire Carder asked what outreach is being done. Aiona replied that the public draft isn't ready yet. They've invited the design community to early forums to identify issues with the current manual, and will hold informational sessions and public hearings once the public draft is ready.

Aiona said the impacts of the changes for development should be relatively minor. Jones agreed that the changes so far seemed reasonable and appropriate.

Aiona noted that updating the manual will not require formal adoption by the City Council, but they will need Council approval for code changes associated with the changes to the manual.

J. Wood asked why the tree credit was being removed. Aiona said the credit was brought back to the manual in 2016 after being absent for several years, but it hasn't been used very often. The tracking required (ongoing maintenance inspections) is challenging. J. Wood cited an experience where they were required to remove a tree in order to install a stormwater facility, and then had to pay a fine for removing the tree. Aiona said they are aware of that problem.

### **Title 11 (Trees) Amendments**

Emily Sandy (BDS) reviewed the handout *Title 11 Proposal*. Sandy said that public hearings will be held at the Planning & Sustainability Commission (PSC) Tuesday, September 24, 2019 at 5:00 p.m., and at the Urban Forestry Commission on Thursday, October 17, 2019 at 9:30 a.m.

DRAC Member Michael Harrison asked if someone pays the same fee for a large, dying tree in the planting strip, as on private property. Sandy said the rules for private property are different from those for the right-of-way (ROW). Rick Faber (Urban Forestry) said the fee is not the same, and this change applies only to trees on private property, not the ROW. In development situations, the planting standard still has to be met. Sandy said there is a planting standard on private property as well, but existing trees can be used to meet the standard.

Jones asked whether this applies everywhere. Sandy said some zones are exempt, such as downtown, town centers, and high-intensity industrial. Jones asked if there is flexibility with the regulations on large sites, particularly when there is shortage of available land. Sandy replied that on private property, a fee in lieu can always be paid if a tree isn't preserved. Sandy said this question could be considered later when a larger review of Title 11 takes place.

DRAC Member Jeff Bachrach asked what types of development projects Title 11 affects the most. Sandy replied that they want to look at this question more closely, and don't know for sure at this point. Bachrach said Title 11 regulations are expensive on smaller residential sites, and was curious if the city is losing housing units because of the costs of preserving trees. Bachrach noted that affordable housing was exempted from the regulations, ostensibly to avoid the costs, but wondered whether the costs would impact all small development projects.

J. Wood said that at the 36-inch level, it's more about preventing the removal of trees and less about replacing the canopy. J. Wood cited an example of a lot with two 36-inch trees that would have to be removed in order to build anything; the costs (under Title 11) to remove the trees are preventing the lot from being developed.

DRAC Member Alexander Boetzel recognized that there is a conflict between the goals of increasing the tree canopy and increasing affordable housing. There is a need for more transparency about how the fees are being used and where trees are being planted, as well as deeper analysis and a holistic approach.

Sandy said that an average of 15 trees with a diameter of 36 inches or greater are removed per year.

Bachrach said that at the Planning & Sustainability Commission (PSC), people frequently advocate preserving trees above all else, including affordable housing. This makes it even more important to do deeper analysis, in order to provide real data for decision makers to use. There is a need to quantify the impact of current tree preservation regulations on housing.

Delsman said trees are important, but tree preservation impacts residential development differently from commercial or industrial. A large entity like OHSU can afford to remove trees for \$50 million project, but small housing projects can be held up by the costs of tree preservation. Delsman expressed support for extending the policy for now, but said there needs to be larger conversation about the impacts.

Green said it would be good to hear from policy makers about their priorities between trees and housing. Green wondered what the PSC would think about regulations making a lot unbuildable. Bachrach replied that there is pressure at the PSC to not exempt smaller lots from tree preservation regulations.

J. Wood proposed a letter from the DRAC to the PSC, supporting the extension of the Title 11 amendments for another two years, but including an exemption or reduced standard when the regulations would make lots unbuildable. Carder supported the proposal. Bachrach said that it would be helpful to have a letter from the DRAC at the PSC.

Green made the following motion: Authorize the chair to write a letter in support of extending the Title 11 Tree Code 2016 Amendments to Tree Preservation on Private Property in Development Situations, including asking for further analysis and consideration for situations where the regulations may limit development. Specifically addressing circumstances where there is a site where the location of trees and the fees to remove them makes a lot unbuildable reducing additional housing units. The chair shall circulate the draft letter to DRAC members one day before submitting it. The motion was seconded and unanimously approved.

Sandy noted that individuals can also testify at the PSC meeting and at the Urban Forestry Commission as well.

### **Erosion Control Manual Update – Discussion**

Sandy came to the DRAC a few months ago to announce the update of the Erosion Control Manual, and DRAC members asked for further updates during the development of the initial draft. Sandy reviewed the handouts ***Erosion Control Manual Outline*** and ***BMP Applicability Guidelines***.

Sandy noted that they had received over 70 responses to an online survey about the manual. One recurring theme in the responses is that the manual covers a wide variety of possible projects, when most projects are quite simple.

J. Wood said it would be nice to have a simple site section in the manual, rather than just a simple site form. Sandy said it needs to be clear that simple sites are subject to all the regulations in the manual; J. Wood replied that some sections of the manual are overkill for simple sites.

Green asked when applicants would need to fill out the form. Sandy said it could be done before permit intake, or at intake with City Site Development staff. As it is now, it's a problem at the inspection phase.

### **Other**

DRAC Member Shea Flaherty Betin expressed appreciation for the work that BDS Equity & Policy Manager Dora Perry and her staff is doing. They are hosting listening sessions with minority small businesses regarding their engagement with BDS. Flaherty Betin was happy to see that work beginning.

BDS Public Information Manager Alex Cousins reminded DRAC members about the Lunch & Learn ("Public Works 101") scheduled for Wednesday, October 2, 2019, from 12:00 – 1:00 in the Jacobs Center, 2020 SW 4<sup>th</sup> Ave., in the Lincoln Room on the first floor.

BDS Director Rebecca Esau referenced the handout ***BDS Major Workload Parameters*** and said the bureau is seeing a decline in work. With work slowing, staff is catching up and getting closer to meeting deadline targets. BDS is using some reserves, and there is concern about how long the economic decline will last.

Harrison observed that there are 35 fewer employees at BDS than a year ago, and asked if the DRAC could advocate with the City to expedite the hiring process? Esau replied that BDS is currently under a hiring moratorium, but making exceptions based on workload needs.

J. Wood asked whether the Residential Infill Project (RIP) will be going to City Council later this year. Sandra Wood (BPS) said they expect to take it to the City Council in December.

Green asked for information at the next DRAC meeting on a few topics:

- An update on review windows, and whether they're meeting timelines;
- Summary information and insights gleaned from the BDS customer survey;
- An update on Accessory Short-Term Rental (ASTR) enforcement.

Elshad Hajiyev (BDS) asked for DRAC members interested in joining BDS's Budget Advisory Committee (BAC) and Financial Advisory Committee (FAC) for the upcoming budget preparation cycle. Delsman volunteered for the FAC; Green volunteered to serve on either (or both) as needed.

**The next DRAC meeting is scheduled for Thursday, October 17, 2019.**  
Minutes prepared by Mark Fetters (BDS).