

EXHIBIT A**CHAPTER 17.106 - DECONSTRUCTION OF BUILDINGS LAW**

(Chapter added by Ordinance No. 187876, effective
October 31, 2016.)

Sections:

- 17.106.005 Short Title.
- 17.106.010 Purpose.
- 17.106.020 Definitions.
- 17.106.030 Authority of Director to Adopt Rules.
- 17.106.040 Regulations.
- 17.106.050 Enforcement and Penalties.
- 17.106.060 Right of Appeal.

17.106.005 Short Title.

Chapter 17.106 of the Portland City Code shall be known as the Deconstruction of Buildings Law.

17.106.010 Purpose.

This Chapter provides deconstruction requirements for the removal of Portland's older and more historic primary dwelling structures. The Deconstruction of Buildings Law seeks to:

- A. Maximize the salvage of valuable building materials for reuse;
- B. Reduce carbon emissions associated with demolition;
- C. Reduce the amount of demolition waste disposed of in landfills; and
- D. Minimize the adverse impacts associated with building removal.

17.106.020 Definitions.

The terms used in Chapter 17.106 are defined as provided in this section:

- A. **"Certified Deconstruction Contractor"** means a contractor licensed with the Oregon Construction Contractors Board (CCB) that has successfully completed a deconstruction certification program recognized by the Bureau of Planning and Sustainability. A firm will be considered certified if at least one person currently employed by the firm is certified.
- B. **"Deconstruction"** means the systematic dismantling of a structure, typically in the opposite order it was constructed, in order to maximize the salvage of materials for reuse, in preference over salvaging materials for recycling, energy recovery, or sending the materials to the landfill.

- C. **“Director”** means, the Director of the Bureau of Planning and Sustainability or ~~his~~ or her their authorized designee.
- D. **“Primary Dwelling Structure”** means one and two-family structures (detached and attached) based on current permitted occupancy at the time of demolition permit application. Primary Dwelling Structures do not include accessory structures such as garages or accessory dwelling units.
- E. **“Recycling”** means the processing of waste materials into new products or material feed stock for products. Materials that can be recycled include but are not limited to concrete, metal piping, and asphalt roofing shingles.
- F. **“Responsible Party”** means any owner or person in control of a primary dwelling structure, or their authorized agent.
- G. **“Reuse”** means the utilization of a product or material that was previously installed for the same or similar function to extend its life cycle. Materials salvageable for reuse include but are not limited to cabinets, doors, hardware, fixtures, flooring, siding, and framing lumber.

17.106.030 Authority of Director.

- A. The Director is hereby authorized to administer and enforce the provisions of this Chapter.
- B. The Director is authorized to adopt rules, procedures, and forms to implement the provisions of this Chapter.
 - 1. Any rule adopted pursuant to this Section shall require a public review process. Not less than 10 nor more than 30 days before such public review process, notice shall be given by publication in a newspaper of general circulation. Such notice shall include the place, time and purpose of the public review process and the location at which copies of the full set of the proposed rules may be obtained.
 - 2. During the public review, the Director shall hear testimony or receive written comment concerning the proposed rules. The Director shall review the recommendations, taking into consideration the comments received during the public review process, and shall either adopt the proposed rules, modify or reject them. Unless otherwise stated, all rules shall be effective upon adoption by the Director and shall be filed in the Office of the Director and with the City Auditor’s Portland Policy Documents repository.
- C. The Director may temporarily suspend or modify the requirements of this Chapter based on a determination that such requirements are temporarily infeasible due to economic or technical circumstances. The Director’s determination to temporarily suspend or modify shall be filed as a report with the City Council. The Director’s determination shall be effective after the Council has accepted the report.

17.106.040 Regulations.

(Amended by Ordinance No. 188259, effective March 31, 2017.)

- A.** Scope. The deconstruction requirements of this Chapter apply to demolition permit applications under Chapter 24.55 of the City Code for:
 - 1. Primary dwelling structures that were built in ~~1916~~ 1940 or earlier according to building permit records on file with the Bureau of Development Services, or if no such permit records exist, then County tax assessor information; or
 - 2. Primary dwelling structures that have been designated as a historic resource subject to the demolition review or 120-day delay provisions of Title 33.
- B.** Requirements. Primary dwelling structures must be deconstructed in accordance with the provisions of this Chapter and associated administrative rules. Salvaged material may be sold, donated, or reused on site.
 - 1. Demolition Permit Application. An application for a demolition permit under Chapter 24.55 for any primary dwelling structure shall not be considered complete unless it is accompanied by a completed Pre-Deconstruction Form provided by the Director.
 - 2. Certified Deconstruction Contractor. Deconstruction work must be performed by a Certified Deconstruction Contractor. A Certified Deconstruction Contractor shall be assigned to the project throughout the course of deconstruction. Certified Deconstruction Contractors must comply with the requirements of this Chapter and the administrative rules. The Bureau of Planning and Sustainability will maintain on file and available to the public a list of current Certified Deconstruction Contractors.
 - 3. Site Posting. On the first day of active deconstruction a yard sign provided by the Director when the permit is issued must be posted at the site. The sign must indicate that the structure is being deconstructed and must provide City of Portland contact information for questions or concerns.
 - a. The sign must remain in place throughout the course of deconstruction.
 - b. The sign must be placed on each street frontage of the site.
 - c. Signs must be posted within 5 feet of a street lot line and must be visible to pedestrians and motorists. Signs may not be posted in a public right-of-way. Signs are not required along street frontages that are not improved and allow no motor vehicle access.
 - 4. Heavy Machinery. Heavy machinery may be used in deconstruction to assist in the salvage of materials for reuse or to remove material not required

to be salvaged for reuse. Heavy machinery may not be used in deconstruction to remove or dismantle components of buildings in ways that render building components unsuitable for salvage. For purposes of this Chapter 17.106, heavy machinery includes, but is not limited to, track hoes, excavators, skid steer loaders, or forklifts.

5. Documentation. Certified Deconstruction Contractors must maintain receipts for donation, sale, recycling, and disposal of all materials for any deconstruction project. Materials intended for reuse on site must be documented with photographs. The Director may ask that a Certified Deconstruction Contractor produce the receipts or photographs for inspection any time until the demolition permit is approved to be finalized.
 6. Demolition Permit Final. A completed Post-Deconstruction Form and all documentation required in Subsection 5. above must be submitted to the Bureau of Planning and Sustainability before the Bureau of Development Services may approve a demolition permit as finalized.
- C. Additional Regulations. Compliance with Chapter 17.106 does not exempt the demolition of buildings from any other requirements of the City Code, such as in Title 11 Trees, Title 24 Building Regulations, or Title 33 Planning and Zoning.
- D. Exemptions. The following are exempt from the requirements of Chapter 17.106:
1. A building permit to move a structure as provided under Chapter 24.25.
 2. Any primary dwelling structure that has been determined by the Bureau of Development Services to be dangerous and is required to be abated by demolition as provided in Section 29.40.030.
 3. Any primary dwelling structure that the Director has determined is unsuitable for deconstruction because:
 - a. The structure is structurally unsafe or is otherwise hazardous to human life; or
 - b. Most of the material in the structure is not suitable for reuse.
- E. Request for an Exemption. An applicant may request an exemption from the requirements of this Chapter under ~~Subsection 17.106.040-D.~~ Subsection 17.106.040.D.3. above by submitting a written request for exemption, together with supporting evidence, when submitting a demolition permit application.
- F. Determination of an Exemption. The Director will make the final determination of exemption based on evidence submitted by the applicant as well as an inspection to confirm conditions and unsuitability. The demolition permit will not be issued until the final determination is made on the exemption request. Should the applicant

disagree with the final determination the determination may be appealed by the applicant under Subsection 17.106.060 B.

17.106.050 Enforcement and Penalties.

A. The Director may impose penalties on any responsible party who fails to comply with the requirements of this Chapter or who has misrepresented any material fact in a document or evidence required to be prepared or submitted by this Chapter.

1. A first violation of this Chapter may be subject to a penalty of up to \$500.
2. A second violation of this Chapter by the same person may be subject to a penalty of up to \$1,000.
3. Third and subsequent violations of this Chapter by the same person may be subject to a penalty of up to \$1,500.
4. Penalties may be imposed on a per month, per day, per incident, or such other basis as the Director may determine as appropriate based upon criteria in Subsection E below.
5. Any person receiving a notice of violation shall, within 10 days of issuance of the notice, either pay to the City the stated amount of the penalty or request an appeal as provided in Section 17.106.060.

B. Heavy Machinery.

1. Improper use of heavy machinery in violation of this Chapter may be subject to a penalty of up to \$10,000.
2. Any person receiving a notice of violation shall, within 10 days of issuance of the notice, either pay to the City the stated amount of the penalty or request an appeal as provided in Section 17.106.060.

C. Additional Enforcement Actions for Certified Deconstruction Contractors. The Director may impose the following additional remedies for Certified Deconstruction Contractors.

1. A first violation of this Chapter may result in removal from the list of approved Certified Deconstruction Contractors for up to 6 months.
2. A second violation of this Chapter may result in removal from the list of approved Certified Deconstruction Contractors for up to 12 months.
3. Third and subsequent violations may result in revocation of certification whereby a contractor may not apply for recertification for a period of 18 months.

4. Temporary removal from the list of approved Certified Deconstruction Contractors will expire immediately following the term of removal and will not require further action from the Director.
- D.** Stop Work Orders. When necessary to obtain compliance with this Chapter, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, activity subject to the order may not be resumed until such time as the Director gives specific approval in writing. The stop work order will be in writing and posted at a conspicuous location at the site. When an emergency condition exists, a stop work order may be issued orally, followed by a written stop work order. It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order. Any person subject to a stop work order may seek administrative review of the order and may appeal the Director's administrative determination as provided in Subsection 17.106.060 B.
- E.** The Director will consider the following criteria in determining the amount of penalties or remedies to impose under this Section:
1. The nature and extent of the person's involvement in the violation;
 2. Whether the person was seeking any benefits, economic or otherwise, through the violation;
 4. Whether other similar prior violations have occurred with that person;
 5. Whether the violation was isolated and temporary, or repeated and continuous;
 6. The length of time from any prior violations;
 7. The magnitude and seriousness of the violation;
 8. The costs of investigation and remedying the violation;
 9. Other relevant, applicable evidence bearing on the nature and seriousness of the violation.
- F.** If the Director assesses an enforcement penalty as described in this Section against a property owner, the Director ~~will~~ may file a statement with the City Auditor that identifies the property, the amount of the penalty, and the date from which the charges are to begin. The Auditor will then:
1. Notify the property owner of the assessment of enforcement penalties;
 2. Record a property lien in the Docket of City Liens;

3. Bill the property owner monthly for the full amount of enforcement penalties owing, plus additional charges to cover administrative costs of the City Auditor; and
 4. Maintain lien records until the lien and all associated interest, penalties, and costs are paid in full; and the Director certifies that all violations listed in the original or any subsequent notice of violation have been corrected.
- G. Inspections. The Director may conduct inspections whenever necessary to enforce any provisions of this Chapter, to determine compliance with this Chapter or whenever the Director has reasonable cause to believe there exists any violation of this Chapter. If the responsible party is at the site when the inspection is occurring, the Director will first present proper credentials to the responsible party and request entry.

17.106.060 Right of Appeal.

- A. Whenever the responsible party has been given a written notice or order pursuant to this Chapter or has been directed to make any correction, pay a penalty or to perform any act and the responsible party believes the finding of the notice or order was in error, the responsible party may have the notice or order reviewed by the Director. If a review is sought, the responsible party will submit a written request to the Director within 10 days of the date of the notice or order. Such review will be conducted by the Director. The responsible party requesting such review will be given the opportunity to present evidence to the Director. Following a review, the Director will issue a written determination. Nothing in this Section shall limit the authority of the Director to initiate a code enforcement proceeding under Title 22.
- B. A responsible party may appeal the Director's written determination to the Code Hearings Officer in accordance with Portland City Code Chapter 22.10. The filing of an appeal request will remain the effective date of a penalty until the appeal is determined by the Code Hearings Officer. If, pursuant to said appeal hearing, payment of a penalty is ordered, such payment must be received by the Director or postmarked within 15 calendar days after the order becomes final.

EXHIBIT B

Public Comments Regarding Proposed Amendments to the Deconstruction Ordinance Received July 25, 2019 through August 18, 2019

Note: Comments appear in reverse chronological order with the most recent received at the top.

8/18/2019

Dear Mr/s. Wood:

In response to the article in the Portland Tribune about a city proposal to require deconstruction instead of demolition ([portlandoregon.gov/bps/article/738154](https://www.portlandoregon.gov/bps/article/738154)), my comment is as follows:

First and foremost, it is **always** better to keep habitable houses instead of removing them. This keeps housing costs down, and reduces waste of valuable materials, energy and history. Thus, your ordinance should prioritize renovation/repair.

If for some reason the City cannot require an owner to prevent removal, homeowners should always deconstruct, rather than demolish. I have seen too many perfectly good homes be demolished lately. It is not only wasteful, but I don't think owners realize the long gone high quality material (likely old growth lumber) used to build older homes, and the amount of synthetic materials that are necessary for home building these days. To create broader appeal for the 'last resort of deconstruction', the City should consider a tax credit incentive such as the State of California has for donation of deconstructed materials. For example, <https://www2.calrecycle.ca.gov/Publications/Details/911>.

Other questions one can contact the California Building Standards Commission, <https://www.dgs.ca.gov/BSC> or CalRecycle's Construction/Demo Team, condemo@calrecycle.ca.gov

Thank you,
Kerry Wicker

8/16/2019

Dear Shawn,

I heard yesterday that the deadline for commenting BPS's proposal to modify the Deconstruction Ordinance had been extended until today.

I hope that's the case, for I wanted to express my **strong support for the proposal to raise the "year-built threshold" from 1916 to 1940.**

The benefits of deconstruction (vs. demolition) are well-articulated in the BPS article (at <https://www.portlandoregon.gov/bps/article/738154>).

Thank you.

Constance Beaumont
4125 SE Pine Street
Portland, Oregon 97214
503.295.5827

8/15/2019

Dear Mr. Wood,

I am delighted to see the deconstruction cutoff date move to 1940.

As one of the primary goals of deconstruction is to protect residents from hazardous materials released during conventional demolition, I urge the city to move forward to cover all building demolitions as soon as possible.

Sincerely,
Jim Gorter
8041 SW 8th Avenue
Portland, Or 97219

8/14/2019

Expanding the required deconstruction mandate and putting a halt to the mechanical demolition of homes in residential neighborhoods utilizing diesel particulate belching excavators can not come soon enough. Moreover, the mechanical demolition of homes built prior to 1978 spreads contaminated lead paint dust directly into the air of residential neighborhoods where kids play, families barbecue and where people simply enjoy the outdoors in the green yards around their homes.

Deconstruction is about sustainability and preservation. The reuse of building materials lessens the need for new raw materials including new lumber from growing trees, and preserves historical artifacts such as period window frames, interior moldings and trim, and other materials of character that otherwise could not be replaced.

In the 1920s, Portland was in the midst of a new home building boom. These homes were of high quality construction using old growth lumber. There is a vibrant marketplace for both restoration and repurposing uses of these products. It is a crime to not to preserve the irreplaceable lumber and reusable materials from these homes.

As compared to mechanical demolition, deconstruction also creates significantly more jobs - including entry-level jobs that can lead to higher paying jobs.

For city that pride's itself by promoting reuse and recycling, it is only common sense to expand the deconstruction mandate to not only include homes built between 1916 and 1940, but all the way to 1978 and beyond.

Respectfully submitted,

Terry Parker
Northeast Portland

8/14/2019

Comments on BPS proposal to increase deconstruction requirements on residential structures built before 1940.

United Neighborhoods for Reform (UNR) has always supported the Oregon Health Authority's (OHA) stance that deconstruction is the best method to minimize potential harmful public health impacts when removing an urban structure. Therefore, UNR has constantly supported the expansion of structures required to use this best practice of deconstruction, for responsible demolition, since original guidelines were issued to include only pre 1916 built houses. In addition, the City's ordinance for guidelines for responsible demolition of any residential zoned structure (regardless on build date) include, at a minimum, partial deconstruction and adequate wetting to minimize health impacts.

Furthermore, the economic discussions concerning this expansion of structures requiring deconstruction, fail to place a value on the potential public health risks of not using best practices. Using the potential value, or lack thereof, of reusing material should not be the only determining factor when considering a possible Director's exemption under para D.3.b of the ordinance. UNR would suggest removing not enough reusable material as criteria or reason for possible exemption to the rule.

Regards,

John Sandie
member UNR steering committee

8/14/2019

Hello, Shawn -

I'm writing to express Restore Oregon's enthusiastic support for expanding the deconstruction program to include houses built before 1940. The pilot program has successfully worked out a process for handling the reclaimed materials and now its important to grow the program.

Mandating deconstruction is completely in keeping with Portland's goals and values:

- Sustainability - reduction of our carbon footprint and land fill
- Reuse of rare old growth lumber and other materials
- and it causes people to think twice before demolishing a historic structure

Please keep us informed as to when this comes before City Council. We will be there to testify in support.

Thank you for your leadership!

Yours,
Peggy Moretti
Executive Director



SAVING HISTORIC PLACES

1130 SW Morrison, Suite 318 | Portland, OR 97205
503 243-1923
503 946-6446 (direct)

8/13/2019

I am very much in favor of expanding the regulations requiring deconstruction rather than demolition to include all homes built before 1940.

The home next to mine was demolished before any ordinances took effect. Bulldozing included trees, and there was no regard for the asbestos shingles. The dust and noise were pretty awful. A backhoe was used to break up concrete in the partial basement, which caused severe vibration of my house, and a new crack in my foundation slab (my house was built in 1913). The whole process was very noisy, very dusty, very disruptive and very unhealthful, in addition to being wasteful of materials.

Walking through my Kenton neighborhood, I've observed a number of homes being deconstructed. The difference is striking: quiet, conserving of materials, and non-violent. In addition, deconstruction provides more hours of work for workers other than bulldozer operators, which is always a good thing.

Thank you for considering my opinion in this matter.

Aija Kanbergs
2811 N. Russet St.
Portland, OR 97217
503-777-1108

8/13/2019

Phone call with James Hurd (503-253-2411) and BPS staff Shawn Wood -

James is in support of the proposed ordinance to go to 1940 or even farther. It's the best thing he's seen the city do in a long time.

8/13/2019

Phone Call with Claire Coleman-Evans (Bridlemile Neighborhood Association) and BPS staff Shawn Wood

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Claire is the LU Chair of the neighborhood association and stated they have always been in support of the ordinance and are in support of expanding it. She was involved with United Neighborhoods for Reform (UNR).

August 13, 2019

Ted Wheeler, Mayor
1221 SW 4th Ave, Room 340
Portland, OR 97204

Re: Proposed Amendments to the Deconstruction Ordinance (City Code Chapter 17.106).

Dear Mayor Wheeler,

The Home Builders Association of Metropolitan Portland (HBA) represents over 1,400 organizations and tens of thousands of Oregonians who work in the residential building and remodeling industries throughout the greater Portland area. We are dedicated to maximizing housing choices for all who reside in the region while promoting housing access and availability at all levels of the economic ladder.

Our region is grappling with the twin crises of housing affordability and homelessness. In acknowledgement of these crises, the City of Portland (“the City”) declared a state of emergency and has acted with great vigor to increase access to all types of housing and shelter beds. Doing so properly acknowledges the interconnectedness of housing affordability, subsidized housing, and homelessness. To that end, we applaud efforts to increase housing choice through the Residential Infill Project, Better Housing by Design, and enhanced anti-displacement efforts. These projects are strong steps to ensuring that all Portlanders have a place to call home.

Unfortunately, the proposed amendments to the Deconstruction Ordinance (“Proposed Amendments”) will serve to counteract the City’s efforts to enhance housing affordability. Greater density naturally requires new infill construction, which in turn leads to the demolition of older dilapidated structures. While demolition certainly produces externalities – notably dust and noise, it is completed expeditiously in order to minimize negative impacts to neighbors. Indeed, it serves as a critical tool for ensuring that builders can construct new housing in a timely manner. Deconstruction however, dramatically increases the time it takes to remove old structures **tenfold from 2 to 21 days**.

While the City has acknowledged that deconstruction bids are more costly than demolition ones, it has merely examined contractor costs, while failing to consider the carrying costs associated with the lengthened construction timeline. Additionally, due to the nascent nature of the market, scheduling deconstruction can sometimes take months, leading to a further lengthening of the timeline. When considering all of these costs, it is clear that **the existing Deconstruction Ordinance adds \$5,000 - \$10,000 to the cost of producing a new home**. Importantly, approving the Proposed Amendments will add thousands more.

An expansion of the year-built threshold from 1916 to 1940 will significantly increase the number of projects subject to deconstruction regulations. This increase will lead to greater pressure on the deconstruction market leading to longer wait times for contractors and higher housing costs.

Additionally, many homes that are subject to demolition are derelict with little redemption value. Specifically, homes built between 1917 and 1940 produce less reusable building material than those built before 1917, leading to ever diminishing returns from deconstructed homes.

Given these costs and the City's unabating need for more housing, the HBA asks that you carefully consider the implications of the Proposed Amendments. If housing access and affordability are the penultimate issues of our time - and we believe that they are - Portland should decrease, rather than increase, the fees and roadblocks to new housing.

While the HBA recognizes the important goals that the Proposed Amendments seek to advance, adopting them requires tradeoffs that will only serve to aggravate housing costs. As such, we ask that you consider deconstruction in a holistic manner with new housing regulations and delay consideration of the Proposed Amendments until the Residential Infill Project and Better Housing by Design have been in place for at least one year. Doing so will allow the City to study the new housing created under the joint programs and better inform whether adding new costs to housing is appropriate. This holistic analysis will allow the City to better prioritize housing affordability and work to ensure that all Portlanders can afford a place to call home.

Sincerely,

Ezra Hammer
Director of Policy and Government Relations

Cc: Chloe Eudaly, Commissioner
Nick Fish, Commissioner
Amanda Fritz, Commissioner
Jo Ann Hardesty, Commissioner

8/13/2019

The deconstruction rule should be expanded to all properties, residential and commercial. Failing that, extending the ordinance to buildings built prior to 1940 would be much better than what we have now.

Of course, the very best solution to the environmental waste involved in removing and tossing out the energy and materials embodied in our existing historical building stock would be to preclude virtually all demolitions/deconstructions in favor of restoration and adaptive reuse. These properties are our most affordable and should be preserved.

Jacqueline Walton
5034 NE Rodney Avenue
Portland, Oregon 97211

Sent from my iPad

jacqueie@kingneighborhood.org

8/12/2019

"We strongly support the Bureau of Planning and Sustainability's proposed amendments to the existing deconstruction ordinance. Raising the threshold year for which deconstruction is required from 1916 to 1940 will result in fewer mechanical demolitions of homes with lead-based paint and greater public health protections for a larger and more diverse population."

--

Perry Cabot
Senior Program Specialist
Multnomah County Health Department
Environmental Health

847 NE 19th Ave. Suite 350
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8/12/2019

hi shawn,

the decon of houses is wasteful, as a demolition moratorium would work better for green portland...

affordable housing is keeping all homes and restoring them...

this is better, but still wrong to raze a house for unaffordable poorly made homes, duplexes, tri, etc

thx

teresa mcgrath and nat kim

3344 ne 15 97212/442 ne sumner 97211

8/12/2019

I applaud the proposed change to 1940 and urge you to ignore the HBA cries of wolf. Neighbors deserve clean air and recycling is far better environmentally than dumping..they don't like it..they can build elsewhere.

Robert Bernstein

Laura Webb

8/12/2019

Hello,

Yes, please. The deconstruction rule should be expanded to all properties, residential and commercial. Failing that, buildings built prior to 1940 would be much better than what we have now.

Of course, the very best solution to the environmental waste involved in removing and tossing out the energy and materials embodied in our existing historical building stock would be to preclude virtually all demolitions/deconstructions in favor of restoration and adaptive reuse. These properties are our most affordable and should be preserved....

Thanks,

Brad Larrabee

NE Portland, OR

8/4/2019

Dear Mr. Wood,

In 2014 United Neighborhoods for Reform (UNR) developed a formal resolution to address sustainability, livability and environmental and public safety issues associated with demolitions of Portland homes.

One request to the City in that resolution was the 'establishment of a rigorous definition of 'deconstruction' and recommendation of appropriate incentives, including an increased tip fee for construction debris."

Although we were disappointed the original ordinance only included houses built prior to 1917, we are pleased BPS is now proposing to raise the year-built threshold from 1916 to 1940.

We expect the local deconstruction business will continue to grow and the year-built threshold can be raised past 1940 in the near future.

Janet Baker of United Neighborhoods for Reform

8/1/2019

Hi Shawn,

I understand that the proposed effective date for the change to expand the deconstruction regulations to include houses built before 1940 is Dec. 31, 2019. Is there something significant about that date? I strongly request that the effective date for the change be moved to late January. We expect the change in the rules will set off a wave of demo permit applications prior to the effective date which would hit BDS right during the holidays. We've had a busy year, and I'd really like to be able to grant our staff well-deserved vacation time over the holidays, and not have to try to staff for this influx of work in late December.

Thank you for considering this request.

Rebecca

Sent from my iPhone

Rebecca Esau, Director
Bureau of Development Services

[\(503\) 823-7316](tel:5038237316) (desk phone)

[\(503\) 823-8474](tel:5038238474) (cell phone)

Rebecca.Esau@portlandoregon.gov

City of Portland – Bureau of Development Services
[1900 SW 4th Avenue, Suite 5000](#)
[Portland, OR 97201](#)

7/29/2019

Good afternoon Shawn,

I have a comment/question for the official record. The report states that *"the average deconstructed home in Portland yields approximately 10,000 pounds of salvageable material. That's over two million pounds of building material salvaged for reuse since the ordinance went into effect that would otherwise end up in the landfill or burned."* What are the figures for reuse of this material? How many thousands of pounds are sold each month for reuse? If the reclaimed material is unsold what becomes of it?

While I love the idea of recycling as much material as possible if the material is not actually being reused at the level it is produced I fear this requirement is mainly adding a financial burden to the development community that is being passed on to the home buyer, inflating costs and adding to the unresolved housing crises.

Before expanding the program I think it would be responsible to provide actual numbers for reclaimed material sales and clarity of the process followed by recyclers when there is a surplus of materials.

Best regards,

NATHAN ARNOLD | Senior Project Manager

=====

FASTER PERMITS

nathan@fasterpermits.com

503-447-3400 Office

503-438-8113 Mobile/Text

2000 SW 1st Ave Suite 420

Portland OR 97201

7/29/2019

Hi Shawn;

I don't have substantive comments on your ordinance changes, but I do have some suggestions for making the Deconstruction Requirements more clear to BDS customers since they will be expanded to 1 and 2 family dwellings 1940 or earlier.

There is a lot of information on the BDS website, but the deconstruction requirements are only in one place that I can find, and there's no simple way to figure out the actual step by step process (BDS website links to the BPS website, which doesn't have much more than the Code, the Admin Rules, and a list of contractors). There's a real need for a more user-friendly step by step, "FAQ," sheet that BDS staff can give to customers about how to figure out when Deconstruction applies (1-2 family structures, 1940 or earlier), how the Deconstruction process fits in with BDS Lead Paint and Asbestos abatement program (1-4 family structures, 1978 and earlier), and what a customer with a building that is old enough to trigger one or both requirements needs to do before they can get an issued demolition permit. I know that the latter program is not yours, so I'm cc'ing Mike Liefeld in this in hopes that the two of you could partner or some better, more clear public information.

At a minimum, it would at least be good to get the deconstruction requirements referenced in more places on the BDS website.

- It's here (with 1916 as the date): Residential Demolition--
<https://www.portlandoregon.gov/bds/38150>. If you make a new FAQ sheet, it could be included in the, "Handouts," part of that page, and the handout could have links to the Pre-Deconstruction Form. I can't find that form on anyone's website, so I'm assuming that you email it to customers.
- There's nothing about deconstruction requirements here: **Residential Demolitions- Overview and Criteria**--<https://www.portlandoregon.gov/bds/67326>. So it would be helpful to at least have a link back to your website here in case someone misses it in the previous location.

I know everyone is super busy, but thanks for anything you can do to help BDS clarify the program for customers as it expands.

Jill

Jill Grenda, Supervising Planner
Land Use Services Division, Planning and Zoning Team

City of Portland Bureau of Development Services
1900 SW 4th Avenue, Ste. 5000
Portland, OR 97201

p: 503-823-3580
mobile: 503-823-8491
e: jill.grenda@portlandoregon.gov

7/29/2019

Dear Shawn Wood,

I am writing to support the proposed amendment that would amend the requirement for deconstruction projects by increasing the required age of homes to newer than 1940, whereas the current requirement is newer than 1916.

My home was built in 1927 and would also fall into this requirement if it were ever to be deconstructed/demolished.

I support the benefit to the residents of Portland whose risk to air pollution and contaminants during demolition would be reduced. Although the overall impact may be estimated as 128 cars off the road in a large city, imagine if your neighbor was a parking garage with 128 cars. That is what it must feel like for residents that live next to a demolition site.

Thank you,
Sabolch Horvat
Portland, OR

7/25/2019

Dear Shawn Wood:

I am writing in strong support of the proposal to extend the date for required home deconstruction. Expanding the deconstruction mandate in this way will save a substantial amount of energy and raw materials, and also improve public health by reducing the lead- and asbestos-laden dust resulting from mechanical demolition.

However, I also believe that this ordinance does not go far enough--specifically, because lead paint was sold and heavily used in the U.S. through 1978. If the date is only extended to 1940, all mechanical demolitions of homes built between 1941 and 1978 will still generate toxic dust that will contaminate garden soil and harm Portland residents' (and especially childrens') health.

I urge you to extend the deconstruction mandate through homes built in 1978, and do this immediately, rather than waiting another several years. There is no compelling justification for delaying action. This would position Portland as a national leader in the deconstruction movement, and back up the city's "green building" reputation with concrete policy reforms.

Thank you very much for your attention.

Sincerely,

Dan Jaffee
4723 NE 14th Ave.
Portland, OR 97211

7/25/2019

Hello!

I would highly welcome changing the year-built threshold from 1916 to 1940 for deconstruction requirements. Especially considering the zoning changes arising from HB2001 (rezoning to allow more than single-family houses), I think one could reasonably expect tear-downs to increase - and the resources wasted by sending materials to a landfill are unconscionable, in my opinion.

Thank you!

Best Regards,
Soeren Johnson
704 SE 15th Ave.
PDX, OR 97214
