



City of Portland, Oregon
Bureau of Development Services
Office of the Director
FROM CONCEPT TO CONSTRUCTION

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To: Mayor Wheeler
Commissioner Hardesty
Commissioner Mapps
Commissioner Rubio
Commissioner Ryan

From: Rebecca Esau, Director *Rebecca Esau*
Bureau of Development Services

Regarding: Proposed Ordinance

I. RECOMMENDATION

Amend Building Demolition Code to require major residential alteration projects to comply with the same site control regulations as residential demolitions, consistent with related administrative rule (Ordinance; amend Code Chapter 24.55)

II. BACKGROUND

The Bureau of Development Services (BDS) requires anyone demolishing a residential structure to implement site control measures to keep asbestos and lead-based paint containing materials from leaving the demolition site. Some, but not all, of these site control measures also apply to major residential alterations, which include removing 50% or more of the exterior walls down to the foundation. The City Council adopted an ordinance amending the site control requirements for residential demolitions, effective October 16, 2020, that strengthened the regulations and accompanying enforcement and fines. BDS amended its administrative rule that implements the residential demolition and site control program to incorporate the new provisions in the ordinance, effective December 1, 2020. The administrative rule amendments also expanded the scope of the site control measures to require major residential alteration projects to comply with all of the same site control measures as residential demolitions because those projects can generate similar amounts of dust and debris as demolitions.

III. SUMMARY OF ORDINANCE

The proposed ordinance expands the scope of the site control measure provisions in the Demolition Code to include major residential alterations, consistent with the administrative rule and makes other language changes necessary for consistency.

CHAPTER 24.55 - BUILDING DEMOLITION

- a. Section 24.55.205, Site Control Measures in Residential Demolitions, is amended as follows:

24.55.205 Site Control Measures in Residential Demolitions.

- A.** Scope. The provisions of this Section 24.55.205 apply to ~~demolitions involving~~ the following, regardless of zoning or Comprehensive Plan Map designation:
- 1.** Demolition of sStructures used for residential purposes with four or fewer dwelling units, including mixed use structures. "Mixed use" for purposes of this Section 24.55.205 means the combination on a site of residential uses with commercial or industrial uses.
 - 2.** Any detached accessory structures with a floor area over 200 square feet on a site with a structure covered by Subsection 1. above.
 - 3.** Major residential alterations, as that term is defined in Section 24.55.150. Except for this Subsection A., whenever the term "demolition" is used in this Section 24.55.205, it includes major residential alterations.

B. – F. [No changes.]

- b. Section 24.55.210, Major Residential Alterations and Additions, is amended as follows:

24.55.210 Major Residential Alterations and Additions.

- A.** Purpose. The delay provisions are intended to provide notice of a major residential alteration or addition to recognized organizations and to surrounding neighbors. ~~The dust suppression measures are intended to minimize exposure to neighboring properties from dust that may be generated from mechanical demolition activities during major alteration work.~~
- B.** Where the provisions apply. The major residential alteration and addition delay applies to sites with residential structures that are regulated under the Oregon Residential Specialty Code and that are located in areas with a residential Comprehensive Plan Map designation. ~~If heavy machinery is used in a major alteration project, then the dust suppression measures described in Subsection 24.55.205 C.3. must be implemented during the mechanical demolition activities, as that term is defined in Subsection 24.55.150 H.~~ The delay and dust suppression provisions do not apply to accessory structures such as garages or other outbuildings.
- C.** Delay in issuing. The building permit for a major residential alteration or addition will not be issued except as provided for in this Section (24.55.210).
- D.** Notification.

1. [No changes.]
 2. Posted notice. At least 35 days before the building permit is issued for ~~the~~ a major residential ~~alteration or~~ addition, the applicant must post door hangers provided by the Bureau of Development Services on the 10 surrounding properties from the site of the project. See Figure 210-1 below for a typical configuration. The notice must contain all of the following information.
 - a. Notice that an application for a major ~~alteration or~~ addition has been or will be submitted to the Bureau of Development Services,
 - b. – e. [No changes.]
- E. Required information prior to permit issuance. Prior to issuing a major alteration or addition permit, the delay period must expire and the applicant must submit to the Bureau of Development Services:
1. [No changes.]
 2. For major residential additions, A copy of the door hanger and a list of addresses of all properties that received the notification and the date the notifications were posted, certified by the applicant or the owner or owner's agent.
- F. – G. [No changes.]