



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Office of the Director**

FROM CONCEPT TO CONSTRUCTION

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**MEMO**

**Date:** May 4, 2015  
**To:** Toni Anderson, Deputy Auditor  
**From:** Leanne Torgerson, Director's Executive Assistant *LT*  
**Re:** Chapter 24.55 Code Change Correction (Ordinance 187017)

A scrivener's error was found in the strike-through/underline in the code language adopted by Ordinance No. 187017, which became effective April 19, 2015. There is no change to the resulting code language adopted by the ordinance.

The code language prior to April 19<sup>th</sup> read:

24.55.200.J. End of the extension period. If the 120 day extension has not been terminated as provided in Subsection 24.55.200 H above, the building permit for demolition may be issued any time after 120 days have elapsed since the end of the 35 day notice period.

On April 19<sup>th</sup>, the code language changed to read:

24.55.200.K. End of the extension period. If the Code Hearings Officer has not rendered a decision within the 60-day extension period as provided in Subsections 24.55.200. H. and J. above, the building permit for demolition may be issued any time after 60 days have elapsed since the expiration of the initial 35-day notice period. In no event will the permit issuance be delayed more than 95 days from the date the Bureau received the complete demolition permit application if all other requirements for issuing the demolition permit have been satisfied.

The correct strike-through/underline language of the changes is as follows:

24.55.200.JK. End of the extension period. If the Code Hearings Officer has not rendered a decision within the 42060-day extension period~~has not been terminated~~ as provided in Subsections 24.55.200 H. and J. above, the building permit for demolition may be issued any time after 42060 days have elapsed since the ~~end~~expiration of the initial 35-day notice period. In no event will the permit issuance be delayed more than 95 days from the date the Bureau received the complete demolition permit application if all other requirements for issuing the demolition permit have been satisfied.

Portland, Oregon  
**FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT**  
**For Council Action Items**

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Deborah Sievert-Morris		2. Telephone No. 3-7338	3. Bureau/Office/Dept. BDS – 299/5000
4a. To be filed (date):  2/12/15, 2:00 TC	4b. Calendar (Check One)  Regular    Consent    4/5ths <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst:  2/10/15
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

**1) Legislation Title:**

Amend Building Demolition Code to require notice and delay for all single family residential demolitions in areas with a residential Comprehensive Map Designation and make other changes (Ordinance; amend Code Chapter 24.55)

**2) Purpose of the Proposed Legislation:**

Amends Section 24.55.200 (Demolition Delay – Housing Preservation) to delete the exception to residential demolition delay and notice for demolitions of single family residences when the demolished structure is replaced by another single family residence; makes demolitions of all single family residences with a residential Comprehensive Plan Map designation subject to delay and notice; requires mailed notice to properties within 150 feet of structures to be demolished; replaces the posted notice on the demolition site with door hangers on surrounding properties; replaces the current option for a 120-day extension of the demolition delay period with a 60-day extension if the requesting party files an appeal to the Code Hearings Officer and demonstrates that it is actively pursuing an alternative to demolition; adds a new building permit category for major alterations and additions to single family residences that will require a 35-day notice and delay period.

**3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?**

- |  |                                    |                                    |                                |
|--|------------------------------------|------------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> City-wide/Regional     | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast                 | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East  |
| <input type="checkbox"/> Central City                      |                                    |                                    |                                |
| <input type="checkbox"/> Internal City Government Services |                                    |                                    |                                |

**FINANCIAL IMPACT**

**4) Revenue:** Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

This legislation will not generate any additional revenues for the City. However, the City may consider instituting a fee to cover the costs associated with this legislation in the future.

In addition, the Code Hearings Officer appeal fee waivers will reduce revenues by approximately \$97,000 per year.

**5) Expense:** What are the costs to the City related to this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the **level of confidence**.)

The Bureau estimates that the additional costs to the City related to this legislation as follows:

- approximately \$40,800 per year for material and services related to the notice
- \$80,000 approximately for 1.0 FTE to administer the program
- The costs will be covered by existing permit fee revenues. However, the City may consider instituting a fee to cover the costs associated with this legislation in the future.

**6) Staffing Requirements:**

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** (If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)

Yes.

- **Will positions be created or eliminated in future years as a result of this legislation?**

No.

*(Complete the following section only if an amendment to the budget is proposed.)*

**7) Change in Appropriations** (If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate “new” in Fund Center column if new center needs to be created. Use additional space if needed.)

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

**PUBLIC INVOLVEMENT**

**8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:**

**YES:** Please proceed to Question #9.

**NO:** Please, explain why below; and proceed to Question #10.

**9) If “YES,” please answer the following questions:**

**a) What impacts are anticipated in the community from this proposed Council item?**

The proposed ordinance will increase the number of residential demolitions that are subject to notice and delay. This will make it easier for neighborhoods and recognized neighborhood organizations to seek alternatives to demolition with the property owner. The proposed ordinance also adds a permit category for “major alterations and additions” to residential structures, which will require notice to the neighbors and a 35 day delay. This notice and delay will allow neighbors to anticipate the work and make any arrangements to protect their property during construction.

**b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?**

BDS staff worked with the Development Review Advisory Committee, the Historic Landmarks Commission, the Design Review Commission and members of the public to draft the proposed ordinance. BDS staff conducted outreach to several neighborhood organizations and invited their participation in meetings to discuss the proposed amendments. BDS also worked closely with the Bureau of Planning and Sustainability and Code Hearings Office throughout the process.

**c) How did public involvement shape the outcome of this Council item?**

BDS staff incorporated recommendations from the public participants into the proposed ordinance to the greatest extent possible.

**d) Who designed and implemented the public involvement related to this Council item?**

Nancy Thorington, Code and Policy Analyst with BDS.

**e) Primary contact for more information on this public involvement process (name, title, phone, email):**

Nancy Thorington, Code and Policy Analyst  
(503) 823-7023  
Nancy.thorington@portlandoregon.gov

**10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.**

Yes. There will be outreach to the development community and recognized neighborhood

organizations regarding the changes and any other follow up directed by Council. BDS also intends to work with stakeholders and the community to address deconstruction.



Paul L. Scarlett, Director, Bureau of Development Services

BUREAU DIRECTOR (Typed name and signature)

**Bureau of Development Services**



**Proposed Changes to Chapter 24.55  
Code and Commentary Document  
February 12, 2015**

## Summary

### December 17, 2014 Proposed Code Changes

The Bureau of Development Services (BDS) proposed revisions to Chapter 24.55 regulating residential demolitions at the hearing before the City Council on December 17, 2014. The hearing was continued to February 12, 2015, in order to allow for full public comment.

### Meetings with Stakeholders since December 17<sup>th</sup>

During the interim between the December and February hearings, BDS met with various stakeholders from the development community and neighborhoods to address some concerns raised at the December 17<sup>th</sup> hearing. The stakeholders reached consensus on ordinance revisions. This document contains only the provisions that differ from the ordinance presented to the Council on December 17<sup>th</sup>. The amendments proposed at the December 17<sup>th</sup> hearing included a voluntary extension of demolition delay of 30 days with the mutual consent of the requesting party and the property owner. Concern was expressed by Council members and members of the public that there was no motivation for the property owner to grant an extension in a purely voluntary process. The new proposed amendments address these concerns by balancing property owners' rights to develop their property with the ability for neighbors to seek an alternative to demolition of houses with some quantifiable significance to the neighborhood.

### Proposed Amendments to Ordinance as Introduced on December 17<sup>th</sup>

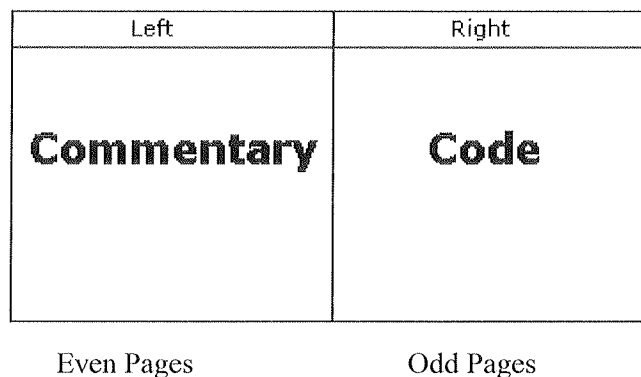
The proposed changes in essence fall into three categories:

1. Minor amendments to existing language;
2. Changes to the demolition delay extension provisions that allow a party seeking an alternative to demolition to get an extension of up to 60 additional days, for a total demolition delay not to exceed 95 days. The proposed new provisions require the party seeking an extension to appeal to the Code Hearings Officer and present a plan outlining the proposed alternative to demolition and evidence that the requesting party has the potential to consummate the plan; and
3. Appeal criteria.

### **Understanding this Document.**

This document provides the reviewer with both the proposed code changes and explanatory language supporting the change. The explanatory language, or commentary, faces the corresponding code language revisions on the opposite page.

All commentary language is located on the even pages, and the corresponding code language is located on the odd pages. (See Diagram below)



This format allows the reviewer to see both code change and rationale in the same location thereby facilitating quick review.

**Commentary**  
**Proposed Changes Chapter 24.55**  
**Building Demolition**

**Amend section 24.55.200 Demolition Delay - Housing Preservation title**

To clarify that the demolition delay provisions apply only to residential demolitions. We felt this would assist anyone reading the code to distinguish between Section 24.55.100 Demolition - Debris - Barricades - Nuisances, which apply to all demolitions, including commercial structures, throughout the City and the residential demolition delay provisions in Section 24.55.200.

**Amend Section 24.55.200 Demolition Delay, Subsection A. Purpose**

Adds the term "residential" to make it clear these provisions only apply to residential demolitions. Also changes the time for possible demolition delay extension beyond the initial 35-day delay period from 120 days to 60 days. The December 17, 2014, version contained a 30-day extension period. The new provisions give a party seeking an alternative to demolition more time to prepare a plan because the issuance of the demolition permit is automatically placed on hold ("stayed") for up to an additional 60 days if the party seeks an appeal of permit issuance.

**Amend Section 24.55.200 Demolition Delay, Subsection B. Where the Delay Applies**

Adds the term "residential" to make it clear these provisions only apply to residential demolitions.

**Amend Section 24.55.200 Demolition Delay, Subsection D. Notification**

Adds the term "residential" for clarification. Adds the Architectural Heritage Center and Restore Oregon to the list of those who will receive notice that BDS has accepted a residential demolition permit application.



**Code Language  
Proposed Changes Chapter 24.55  
Building Demolition**

**Amend 24.55.200 – Demolition Delay – Housing Preservation, title as follows:**

**24.55.200 Residential Demolition Delay – Housing Preservation.**

**Amend 24.55.200 subdivisions A. Purpose, B. Where the Delay Applies, D. Notice, as follows:**

- A.** Purpose. The residential demolition delay provisions are intended to allow an adequate amount of time to help save viable housing in the City while recognizing a property owner's right to develop or redevelop property. The regulations provide an opportunity for public notice of impending residential demolitions and coordination of the efforts of various City bureaus. The regulations also encourage ~~moving as an~~seeking alternatives to demolition. The provisions accomplished this through a two part process:
1. a 35-day notice period during which demolition is delayed, and
  2. a possible ~~120~~60-day extension of the demolition delay period.
- B.** Where the delay applies. The residential demolition delay regulations of this Section (24.55.200) apply to sites with residential structures in areas with a residential Comprehensive Plan Map designation. The regulations only apply to applications for demolition of residential structures. They do not apply to demolitions of accessory structures such as garages or other outbuildings.
- D.** Notification~~Notice of application.~~
1. ~~Posted notice. Within five days of receipt of the application for demolition, the Director will post a notice of the requested demolition at the site. The notice must be posted at the site for no less than 30 day. The notice must be at least 1-1/2 by 2 feet in size and must be visible to passers-by. The notice must contain at least the following information.~~Mailed notice. Within 5 days of receipt of a complete application for a residential demolition permit, the Bureau of Development Services will mail written notice of the demolition request to all properties within 150 feet of the site to be demolished, to the recognized organization(s) whose boundaries include the site, to the Architectural Heritage Center/Bosco-Milligan Foundation, Inc., and to the Historic Preservation League of Oregon, dba Restore Oregon. Submittal of a complete application means occurs when the Bureau of Development Services has received a complete permit application, project plans and the intake, review and notice fees have been paid. The notification letter will contain at least the following information.

**Commentary**  
**Proposed Changes Chapter 24.55**  
**Building Demolition**

*(Section 24.55.200 Continued)*

**Amend Subsection 24.55.200 D.1.c.**

The language in this subsection submitted on December 17, 2014, required mutual agreement between the property owner and the party requesting the extension. The version presented here eliminates the mutual agreement language.

**Amend 24.55.200 Subsection E. 35-day Notice Period**

Adds the term "residential" for clarification.

**Amend 24.55.200 Subsection F. Request for Extension of the Demolition Delay Period**

**Subsection 1. Who May Request**

Revises demolition delay period from 120 days to 60 days.

**Subsection 2. How to Request**

Requires that a request for an extension of the initial 35-day demolition delay period be accompanied by an appeal of the demolition permit application and the appeal fee or a fee waiver, plus the supporting documentation for the appeal. Fee waivers will only be granted to recognized organizations whose boundaries include the site.

**Code Language  
Proposed Changes Chapter 24.55  
Building Demolition**

*(Section 24.55.200 continued)*

**Subsection 24.55.200 D.1.c. is amended to read as follows:**

- c. Notice that there is a demolition delay period of 35 days which may be extended upon request from the ~~R~~recognized ~~O~~rganization(s) whose boundaries include the site or an interested party.

*(The remainder of Subsection D. unchanged)*

**Subsections E through H are amended to read as follows:**

- E. 35-day notice period. The building permit for residential demolition will not be issued during the 35-day notice period. The notice period begins on the day the complete permit application is received and all intake fees have been paid. If no written request to extend the demolition delay is received during the 35 day notice period as provided in subsection 24.55.200 F. below, then the Bureau of Development Services will issue the building permit for demolition.
- F. Requests for extension of demolition delay period. Requests to extend the demolition delay period may be made as follows:
  1. Who may request. Requests to extend the demolition delay period an additional ~~42060~~ days may be made by a recognized organization whose boundaries include the site or any other interested party.
  2. How to request. The request to extend the demolition delay period must be made in writing, on forms provided by the ~~Direetor~~Bureau of Development Services. ~~They~~The request must be submitted to the Bureau of Development Services by 4:30 ~~p.m.~~PM on the last day of the initial 35-day notice period. The request must be accompanied by an appeal of the demolition permit application submitted to the Bureau for a hearing before the Code Hearings Officer, as provided in Subsection 24.55.200 H. below, along with the appeal fee or a waiver of the fee and all documents the appealing party wants in the record to support the appeal. A fee waiver will only be granted to recognized organizations whose boundaries include the site.

**Commentary**  
**Proposed Changes Chapter 24.55**  
**Building Demolition**

**Amend Section 24.55.200 Subsection G. 120 Day Extension of Demolition Delay Period**

This section is being revised to amend the extension period from 120 days to 60 days, add the term "residential" for clarification, and provide that the issuance of the demolition permit will be stayed until the Code Hearings Officer renders a decision, if an appeal has been filed.

**Amend 24.55.200 Subsection H. Appeal of the 120-Day Extension.**

This subsection is being deleted in its entirety and replaced with the proposed language. In the original language, the burden of appealing the 120-day extension was on the permit applicant to show that the recognized organization requesting the 120-day delay was not making a good faith effort to work with the applicant to find an alternative to demolition. The proposed new language shifts the burden of proof to the requesting party to demonstrate that it is actively pursuing an alternative to demolition. The criteria for making this showing include: (1) that the requesting party has contacted the property owner via certified letter; (2) that the property in question has some quantifiable significance to the neighborhood; (3) that the requesting party has a plan to save the structure; and (4) that the requesting party has the means to consummate the plan within 95 days as shown by a budget and evidence of funds on hand.

These criteria were developed by various stakeholders in response to questions raised by the City Council members and the public at the December 17, 2014, hearing. The stakeholders included Development Review Advisory Committee Demolition Subcommittee and Task Force members, members of the United Neighbors for Reform, Restore Oregon, and BDS staff.

This subsection also specifies the provisions of Title 22, which govern the procedural aspects of appeals before the Code Hearings Officer, apply to appeals of demolition permits. BDS staff worked with the Code Hearings Officer to determine how best to codify the procedures for appeal, and he recommended clarifying which provisions of the Title 22 versus Section 24.55.200 applied, and to note that, where a conflict existed between the two, Section 24.55.200 applied. This subsection specifies that only certain provisions of Title 22, Section 22.03 apply to these appeals because the demolition permit appeals differ significantly from most appeal types that the Code Hearings Officer hears. For example, we have eliminated provisions for introducing evidence formally, such as subpoenas, depositions, etc.

**A NOTE ON DECONSTRUCTION:**

The stakeholders and Bureau of Planning and Sustainability and BDS staff discussed deconstruction and all agreed that this issue should be addressed separately from this ordinance. Deconstruction still results in the end result of the residence being removed. Also, this Demolition Delay Ordinance is regulatory in that it requires or prohibits specified conduct and procedures. Deconstruction, in contrast, is an incentive-based program. Finally, the stakeholders discussing this ordinance are not the same stakeholders necessary for an adequate consideration of deconstruction. We recommend having another task force spearheaded by BPS in partnership with DRAC to work on deconstruction.

**Code Language  
Proposed Changes Chapter 24.55  
Building Demolition**

*(Section 24.55.200, Subsections E - H Continued)*

- G. ~~12060-day extension of residential demolition delay period. If a signed request for extension of the demolition delay is received as provided in Subsection 24.55.200 F. above, issuance of the building permit for demolition will ~~not~~ be issued stayed until the Code Hearings Officer has rendered a decision of the appeal filed as provided in Subsection 24.55.200 H. below ~~during the 120-day extension period except as provided in Subsection 24.55.200 H. below~~. During the 120-day extension period, private citizens or the City may pursue alternatives to demolition such as rehabilitating the structure or moving the structure in accordance with agreements reached with the applicant. These efforts may use private resources or public programs that may be available. Mitigation efforts such as a salvage agreement may also be pursued during this period.~~

**Delete Subsection H. in its entirety and replace it with the following:**

- H. Appeal of the residential demolition permit application. An interested party may appeal issuance of the demolition permit by completing an appeal application on forms provided by the Bureau. The appeal application must be accompanied by the appeal fee or a fee waiver, along with all documents the appealing party wants in the record to support the appeal. Appeals will be forwarded to the Code Hearings Officer and will be governed by the provisions in Chapter 22.10, unless there is a conflict between Chapter 22.10 and this Section, in which case this Section shall apply. The provisions of Chapter 22.03 shall not apply to appeals under this Section, except for Sections 22.03.050 (Hearing Procedure), 22.03.080 (Evidence), and 22.03.110 (Orders). The appeal may be filed any time within the initial 35-day delay period. The demolition permit may not be issued from the time the Bureau receives an appeal application and the fee or fee waiver, until the Code Hearings Officer has rendered a decision or the 60-day extension period has expired. If the fee waiver is denied, the appealing party must submit the appeal fee to the Bureau within three business days of the denial or the appeal will be rejected. The appealing party has the burden of proving that it is actively pursuing an alternative to demolition and must demonstrate all of the following:
1. The requesting party has contacted the property owner or property owner's representative to request a meeting to discuss alternatives to demolition by sending a letter to the property owner by registered or certified mail, return receipt requested;
  2. The particular property subject to the demolition permit application has significance to the neighborhood. Evidence of the significance may include, but is not limited to, architectural significance, the age and condition of the structure or other factors;
  3. The requesting party has a plan to save the structure; and

**Commentary**  
**Proposed Changes Chapter 24.55**  
**Building Demolition**

**Add a new Subsection J. Findings of the Code Hearings Officer**

This section is being added because the burden of proof for an appeal are completed changed as noted in the previous section. It requires that the appealing party has demonstrated all of the criteria. It allows the Code Hearings Officer to grant an extension of the demolition day for up to, but no more than, 60 days from the date the initial 35-day demolition delay period has expired. If the Code Hearings Officer denies the appeal, this section allows BDS to issue the demolition permit immediately upon receiving notice of the denial.

**Renumber previous Subsection J. End of Extension Period to K and amend**

This section caps the total time for the demolition delay period at 95 days from the date that BDS received the complete residential demolition permit application. The purpose of this section is to ensure that the permit applicant has certainty in obtaining the permit when all other requirements for issuing the permit have been satisfied. This section reflects the compromise by the development community, which agreed to give up the previous provision in the Demolition Delay Ordinance that allowed them to avoid notice and delay if the demolition permit was accompanied by an application for a replacement single family residence. In lieu of the exception, the property owner gains certainty.

Because a new Subsection J was added, the previous Subsection J becomes K.

**Renumber previous Subsection K. Exception to Demolition Delay to L.**

Because a new Subsection J was added, the previous Subsection J becomes K, and previous Subsection K becomes L.

**Code Language  
Proposed Changes Chapter 24.55  
Building Demolition**

*(Section 24.55.200, Subsections E - H continued)*

*(Subsection H continued)*

4. The requesting party has a reasonable potential to consummate the plan within 95 days of the date the Bureau accepted the complete demolition permit application by providing a pro-forma budget and either evidence of funds on hand or a fund raising plan sufficient to meet the financial requirements of that budget.

**Add a new Subsection J. Findings of the Code Hearings Officer as follows:**

- J. Findings of the Code Hearings Officer. If the Code Hearings Officer finds that the requesting party has demonstrated that it is actively pursuing an alternative to demolition and has met all of the criteria in Subsection 24.55.200 H (1 – 4) above, the Code Hearings Officer may grant an extension of the demolition delay for up to 60 additional days from the date the initial 35 day delay period has expired. If the Code Hearings Officer finds that the requesting party has not met its burden, then the Bureau may issue the demolition permit immediately upon receipt of the decision, provided that all other requirements for issuing the demolition permit have been satisfied.

**Renumber previous Subsection J. End of Extension Period to K. and amend as follows:**

- JK.** End of the extension period. If the Code Hearings Officer has not rendered a decision within the 12060-day extension period has not been terminated as provided in Subsections 24.55.200 H. and J. above, the building permit for demolition may be issued any time after 12060 days have elapsed since the end expiration of the initial 35-day notice period. In no event will the permit issuance be delayed more than 95 days from the date the Bureau received the complete demolition permit application if all other requirements for issuing the demolition permit have been satisfied.

**Renumber previous Subsection K. Exceptions to Demolition Delay to L.**

*(Remainder of section unchanged from December 17, 2014, version)*

**Commentary  
Proposed Changes Chapter 24.55  
Building Demolition**

**Amend Section 24.55.210 Major Alterations and Additions**

**Amend title, Major Alterations and Additions**

Adds the term "Residential" to the title for clarification that this section only applies to residential alterations and additions.

**Amend Section 24.55.210, Subsections A - E**

Adds the term "residential" for clarification throughout. In Subsection D.2., corrects a typographical error by exchanging the word "demolition" with "project" because these permits do not relate to demolitions.



**Code Language  
Proposed Changes Chapter 24.55  
Building Demolition**

**Amend Section 24.55.210 Major Alterations and Additions, from the new language proposed on December 17, 2014, as follows:**

**Amend title, Major Alterations and Additions to read as follows:**

**24.55.210 Major Residential Alterations and Additions.**

**Amend Section 24.55.210, Subsections A – E to read as follows:**

- A. Purpose. The delay provisions are intended to provide notice of a major residential alteration or addition to recognized organizations and to surrounding neighbors.
- B. Where the delay applies. The major residential alteration and addition delay applies to sites with residential structures in areas with a residential Comprehensive Plan Map designation. The regulations only apply to applications for major alteration and additions of residential structures. They 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. Emailed notice. At least 35 days before a building permit is issued for a major residential alteration or addition, the applicant for the permit must email a letter to the recognized organization(s) whose boundaries include the site that contains at least the following information.

*(Remainder of Subsection D.1 unchanged)*

- 2. Posted notice. At least 35 days before the building permit is issued for the major residential alteration or addition, the applicant must post door hangers provided by the Bureau of Development Services on the properties abutting or across the street from the site of the project~~demolition~~. See Figure 200-1 in section 24.55.200. The notice must contain all of the following information.

*(Remainder of Subsection D.2 unchanged)*

**Commentary**  
**Proposed Changes Chapter 24.55**  
**Building Demolition**

**Add a new Subsection G. Expiration of Permit Application**

Adds language that requires new permit application notification and delay period if the permit expires before for the project begins. This provision ensures that the neighbors have meaningful notification if the property owner does not commence the project as originally proposed.

**Code Language  
Proposed Changes Chapter 24.55  
Building Demolition**

*(Section 24.55.210 continued)*

- E. Required information prior to permit issuance. Prior to issuing a major residential alteration or addition permit, the delay period must ~~pass~~expire and the applicant must submit to the Bureau of Development Services:

*(Remainder of Subsection E. unchanged)*

**Add a new subsection G. Expiration of Permit Application to read as follows:**

- G. Expiration of permit application. If for any reason, the permit application for a major residential alteration or addition expires prior to issuance of the permit or if an issued permit expires prior to the project being commenced, a new permit application, notification and delay period will be required.

**DEMOLITION DELAY ORDINANCE - SUMMARY OF CURRENT CODE PROVISIONS AND PROPOSED AMENDMENTS**

<u>Current Code</u>	<u>12/17/14 Proposed Amendments</u>	<u>Proposed Revisions to 12/17/14</u>
<b>Notice of Demolition</b>	<b>Notice of Demolition</b>	<b>Notice of Demolition</b>
1. Posted on property for 30 days	1. Not posted	[same as 12/17/14 proposal]
2. Sent to recognized organizations	2. Mailed to all properties within 150 feet of the site to be demolished	[same as 12/17/14 proposal]
3. Sent to Portland Development Commission	3. Mailed to recognized organizations	3. Mailed to recognized organizations, the Architectural Heritage Center and Restore Oregon
<b>Demolition Delay</b>	<b>Demolition Delay</b>	<b>Demolition Delay</b>
1. Initial 35 day delay	1. Initial 35 day delay	[same as 12/17/14 proposal]
<b>Extension of demolition delay period</b>	<b>Extension of demolition delay period</b>	<b>Extension of delay period</b>
1. By: recognized organization	1. By: recognized organization or any interested party	1. By recognized organization or any interested party
2. Time of extension: 120 days	2. Time of extension: 30 days	2. Time of extension: 60 days, for a total maximum delay of 95 days
3. Criteria for seeking extension:	3. Criteria for seeking extension:	3. Criteria for seeking extension:
- in writing	- in writing	- in writing
- on forms provided by BDS	- on forms provided by BDS	- on forms provided by BDS
- submitted by last day of 35 day delay	- submitted by last day of 35 day delay	- submitted by last day of 35 day delay
	- signed by both property owner/agent and authorized recognized association representative or any interested party	

Appeal of extension	Appeal of extension	Appeal of extension
- applicant for demolition may submit appeal	- none	- request must be accompanied by request for an appeal with an appeal fee or fee waiver
- appeal to Code Hearings Officer		- recognized organization or any interested party may appeal
- applicant's burden to show that recognized		- appeal to Code Hearings Officer through BDS
organization has not made good faith effort		- appellant has burden to show it is actively pursuing an alternative to demolition by demonstrating:
to work with applicant to move the structure;		a. the requesting party has contacted the property owner/representative to request a meeting via certified mail
find a purchaser for the site; or agree on an		b. the property has significance to the neighborhood, as demonstrated by architectural significance, the age and condition of the structure or other factors
alternative proposal		c. the requesting party has a plan to save the structure
		d. the requesting party has reasonable potential to consummate the plan by providing pro-forma budget and evidence of funds on hand or fund raising plan sufficient to meet the financial requirements of the budget
		- if Code Hearings Officer finds all of the criteria have been met, the HO may grant an extension of up to 60 additional days from the date the initial 35 day delay expired

			- if Code Hearings Officer finds the criteria have not been met, BDS may issue the permit immediately upon receipt of the decision, provided all other requirements for issuing the permit have been met
			- if Code Hearings Officer has not rendered a decision within the 60 day extension period, the permit may be issued any time after the 60 days have elapsed since the end of the 35-day notice period
			- the delay period cannot exceed 95 days if all other requirements have been satisfied for permit issuance
<b>Exception to Notice and Delay</b>	<b>Exception to Notice and Delay</b>		<b>Extension to Notice and Delay</b>
1. If application for demolition of single family residential structure is accompanied by an application for a building permit for a replacement single family residence	1. None		1. None

## DEMOLITION DELAY ORDINANCE PROJECTED IMPLEMENTATION COSTS

### A. Demolition Delay Appeal Fee Waiver

1. Number of Demolition permits – past / projected
  - 2014 had 335 residential demolition permits
  - 2015 projected 370 to 400
2. Appeal Fee Waiver Cost Estimates
  - 20% of 370 permits = 74 permits x \$1,318 CHO<sup>1</sup> cost = **\$97,000**
3. Distribution of Funds
  - We will monitor the fee waiver requests and request additional funds from a bump if more funds are necessary to pay for additional appeal waivers
4. Proposed Criteria for Obtaining Waiver
  - Must be representative of a Neighborhood Association listed with ONI, AND property with demolition permit is within the boundaries of that Neighborhood Assoc.; or
  - Must be a representative of a Neighborhood Coalition listed with ONI, AND property with demolition permit is within the boundaries of that Coalition
5. Source of Funds
  - General Fund budget request

### B. Staff Resources Necessary to Implement the Ordinance

Included in original Financial Statement with the ordinance introduced in December, BDS projected that staff necessary to process notification of demolition permits would require additional staff of 1 FTE because 75% of the residential demolition permits BDS currently processes are subject to the exception that does not require notice or delay. For BDS staff to also process appeal and fee waivers, we estimate an additional .5 FTE would be required. Please note: the 1.5 FTE additional projected staff is not included in the current BDS budget or the 2015/16 FY budget.

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<sup>1</sup> CHO means Code Hearings Officer

**Moore-Love, Karla**

**From:** Moore-Love, Karla  
**Sent:** Friday, December 19, 2014 4:32 PM  
**To:** Moore-Love, Karla  
**Subject:** New Date for Demolition Code Change

Dear Testifier,

You were going to be allowed to testify to the Portland City Council agenda item listed below.

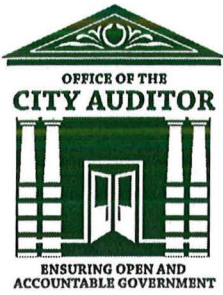
**NOTE:** The continued hearing for this item has been changed from 9:30 a.m., Tuesday, January 20, 2015, that was announced at the December 17<sup>th</sup> Council meeting, to **2:00 PM TIME CERTAN, FEBRUARY 12, 2015.**

<p>1331      <b>TIME CERTAIN: 3:30 PM</b> – Amend Building Demolition Code to require notice and delay for all single family residential demolitions in areas with a residential Comprehensive Map Designation and make other changes (Ordinance introduced by Commissioner Fritz; amend Code Chapter 24.55) 1.5 hours requested</p> <p><b>Motion to add finding #12 to direct Bureau of Development Services to continue working with Development Review Advisory Committee on this issue, and report to Council by June 30, 2016 with an assessment on the outcomes of these code changes:</b> Moved by Fritz and seconded by Saltzman. (Y-5)</p>	<p><b>CONTINUED TO  FEBRUARY 12,  2015  AT 2:00 PM  TIME CERTAIN  AS AMENDED</b></p>
---	--

Apologies for any inconvenience this may cause.

Regards,  
Karla  
Karla Moore-Love | Council Clerk  
City of Portland | Office of the City Auditor  
1221 SW 4th Ave Rm 130  
Portland OR 97204-1900  
email: [Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov)  
phone:503.823.4086  
Clerk's Webpage: [www.portlandoregon.gov/auditor/councilclerk](http://www.portlandoregon.gov/auditor/councilclerk)





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Email: [Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov)



Dear Shane Endicott,

You were going to be allowed to testify to the Portland City Council agenda item listed below.

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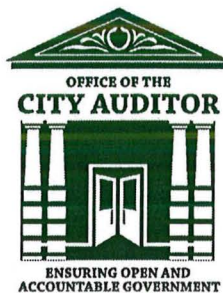
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Regards,

Karla

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Email: [Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov)



Dear Teresa Raiford,

You were going to be allowed to testify to the Portland City Council agenda item listed below.

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Regards,

Karla

Karla Moore-Love | Council Clerk

City of Portland | Office of the City Auditor

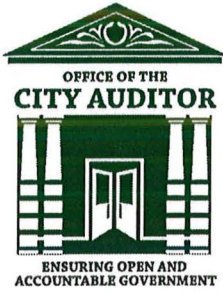
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Dear Jon Wood,

You were going to be allowed to testify to the Portland City Council agenda item listed below.

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**CONTINUED TO  
FEBRUARY 12,  
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AS AMENDED**

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Regards,

Karla

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