

ORDINANCE No. 189012

*Amend the Building Demolition Code to simplify definitions, revise dust/site control and demolition delay provisions, and make technical amendments (Ordinance; amend Code Chapter 24.55)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Development Services (BDS) promotes safety, livability, and economic vitality through efficient and collaborative application of building and development codes.
2. BDS administers Portland City Code (PCC) Title 24, Building Regulations. PCC Chapter 24.55, Building Demolition, regulates building demolitions within the City.
3. On January 18, 2017, the City Council heard and accepted an Implementation Report from BDS and the Development Review Advisory Committee (“DRAC”) regarding amendments to PCC Chapter 24.55 addressing residential demolition delay. The report included recommendations to add a definition of “residential structure” that narrows the scope of the demolition delay provisions to 1-2 family houses and modify definitions and demolition delay appeal language for clarity.
4. On February 1, 2018, the City Council adopted Ordinance No. 188802 that created dust and site control measures for demolitions involving structures with 1- 4 dwelling units, to be implemented no later than July 1, 2018.
5. Since the Council adopted Ordinance No. 188802, BDS staff have been working with stakeholders from the Oregon Health Authority, DEQ, the Oregon Construction Contractor’s Board, Multnomah County Lead Program Coordinator, and the DRAC Demolition Subcommittee to develop administrative rules and implementation practices for Ordinance No.188802 (PCC 24.55.205). During these discussions, it became clear that a few parts of the Ordinance should be amended.
6. PCC 24.55.205 requires BDS to perform three demolition-related inspections – one inspection prior to demolition activities, one during demolition, and one after the demolition is complete. When Ordinance No. 188802 was adopted, BDS inspections staff believed there would be instances when the during-demolition inspection would be impractical, particularly when the before-demolition inspection and during-demolition inspection would occur on the same day and the structure to be demolished was an accessory structure. But as BDS staff worked on protocols for the demolition inspections, it became clear that BDS could accommodate all three inspections, regardless of timing. Therefore, PCC 24.55.205 is amended to make the during-demolition inspection mandatory in all cases.
7. The dust and site control measures adopted in Ordinance No. 188802 also include a requirement that an accredited asbestos inspector be on-site during mechanical demolition activities to ensure that any suspect asbestos-containing material that may be discovered will be properly tested and abated. However, subject-matter experts in the

asbestos field indicated that there are not many accredited asbestos inspectors, but there are currently certified asbestos supervisors and workers who could perform the same function. In addition, the option for conducting more comprehensive destructive asbestos inspections and testing prior to demolition was discussed as a viable alternative to having an accredited or certified person on-site.

8. Based on these recommendations from the subject-matter experts, PCC 24.55 is hereby amended to allow certified asbestos supervisors and workers to satisfy the requirement for an on-site asbestos expert and to create an alternative to having an accredited or certified person on-site if comprehensive asbestos inspection and testing is conducted, including the use of destructive inspection techniques designed to find asbestos-containing materials that might be buried in walls, under flooring, and in other hidden spaces within the structure.
9. PCC 24.55.150 (Definitions) is also amended to revise the definitions of "Demolition," "Major Residential Addition," and "Major Residential Alteration" to simplify them and make them easier for staff and permit applicants to apply.
10. This ordinance adds a requirement to apply dust suppression techniques for major alterations projects if heavy machinery is used to demolish any part of the structure.
11. In response to issues raised regarding the demolition delay appeal process, this ordinance makes it clear that any party can introduce evidence at the appeal hearing, rather than requiring the appellant to provide all evidence at the time the appeal is filed. It also removes the term "pro-forma budget" and replaces it with the term "project budget" for clarity. The ordinance further clarifies that the requirement to consummate a plan to save a structure does not mean the transaction itself has to be completed within the 95-day delay period; rather, the plan merely needs to be agreed upon between the parties within the 95-day appeal period.
12. To coincide with the implementation date of Ordinance No. 188802, this ordinance will take effect immediately and be implemented on later than July 1, 2018.

NOW, THEREFORE, the Council directs:

- a. Portland City Code Chapter 24.55 is amended as set forth in Exhibit A.

Section 2. The Council declares that an emergency exists because it is in the public interest for these safety precautions to be enacted as soon as possible. Therefore, this ordinance shall be effective immediately upon its passage by Council, and this ordinance shall be implemented no later than July 1, 2018.

Passed by the Council: JUN 13 2018

Mayor Ted Wheeler
Prepared by: Nancy Thorington, BDS
Date Prepared: June 13, 2018

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy

Agenda No.
ORDINANCE NO. 189012
 Title

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<p>INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler and Commissioner Eudaly COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p> <p>BUREAU APPROVAL Bureau of Development Services Bureau Head: <i>Rebecca Esau</i> Rebecca Esau, Director</p> <p>Prepared by: Leanne Torgerson Date Prepared: May 30, 2018</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/> City Auditor Office Approval: required for Code Ordinances</p> <p><input checked="" type="checkbox"/> City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date June 13, 2018</p>	<p>CLERK USE: DATE FILED <u>JUN 06 2018</u></p> <p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: <u>20 minutes</u> (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Eudaly	✓	
Wheeler	✓	