

IMPACT STATEMENT

Legislation title: *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)

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Purpose of proposed legislation and background information:

The Bureau of Development Services (BDS) regulates and inspects residential demolitions. Over the past several years, BDS has been working with community stakeholders, including the BDS Development Review Advisory Committee (DRAC) and neighborhood residents, to address impacts of these demolitions on the neighbors.

On January 18, 2017, the City Council heard and accepted an Implementation Report from BDS and DRAC regarding amendments to the Building Demolition Code (PCC 24.55). The report included recommendations regarding definitions and other technical issues in the Demolition Code.

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. 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, 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.

First, the ordinance amends the definitions of "demolition," "major residential addition," and "major residential alteration" to make them simpler and easier to apply. The ordinance also corrects a few technical errors in PCC 24.55.

Second, 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 only structure to be demolished was a small 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. This ordinance amends PCC 24.55.205 to make the during-demolition inspection mandatory in all cases.

Third, 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.

Based on these recommendations from the subject-matter experts, this ordinance amends PCC 24.55 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.

Fourth, one of the major concerns raised by neighbors during demolition meetings was the dust and debris generated for projects that don't technically meet the definition of demolition, but involve using heavy machinery to demolish parts of the structure. To address this concern, the 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.

Fifth, 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.

Financial and budgetary impacts:

It is not anticipated that this legislation will have any fiscal impact because it involves technical amendments to existing language in PCC Chapter 24.55. It will not create new positions or require additional staff time to implement.

Community impacts and community involvement:

The proposed legislation impacts anyone who plans to demolish a structure with 1-4 dwelling units, as well as the neighbors surrounding such projects. For demolition permit applicants, the proposed legislation expands the types of certifications BDS will allow for on-site asbestos personnel, makes it easier to understand and apply the demolition delay appeal requirements, modifies definitions to make them easier to understand and apply, and makes other technical changes to PCC Chapter 24.55. It will also require anyone who

uses heavy machinery during a major alteration to implement dust control measures to reduce impacts on surrounding properties.

BDS staff conducted considerable outreach via meetings over the course of 18 months and met with the DRAC Demolition Subcommittee, along with subject-matter experts in asbestos and lead-based paint to develop the proposed ordinance. Stakeholders included residential developers, representatives from various neighborhood associations, United Neighbors for Reform, U.S. EPA, DEQ, Oregon Health Authority, Construction Contractors' Board, Multnomah County Health Department, OSHA, demolition and deconstruction contractors, Restore Oregon, Metro, and the Rebuilding Center, as well as City staff from BDS and the Bureau of Planning and Sustainability. BDS staff presented the proposed ordinance to the full DRAC in May and obtained DRAC's approval.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES:** Please complete the information below.
- NO:** Skip this section

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