

Bureau of Development Services

Residential Demolitions and Major Residential Alterations/Additions



General Overview of Ordinance

(Effective 4/20/15)

What changed for Residential Demolition Permits?

- No exemptions to the delay period
- No 120 day Demo Delay Extension
- Required Certification Regarding Asbestos and Lead Based Paint
- Required door hangers
- Definition of demolition added to code
- **Residential Demolition Delay & Notification Requirements**
 - Notification – mailed notice to properties within 150 feet within 5 business days of application; mailed notice to recognized organizations whose boundaries include the site, Architectural Heritage Center and Restore Oregon; and door hangers 5 days before demolition required
 - Extension for demolition delay period: 60-day extension possible with successful appeal of demolition permit issuance



DEMOLITION DEFINITION

(Effective 4/20/15)

DEMOLITION

Demolition means removal of the entire superstructure down to the subflooring, such that none of the existing superstructure is maintained. Demolition includes removal of all exterior walls. It also includes alteration, abandonment or removal of all of the existing perimeter foundation.

SUBFLOORING


Subflooring means the bottom-most structural floor laid as a base for a finished floor.

SUPERSTRUCTURE

Superstructure means the part of the building or construction entirely above its foundation or basement.

Residential Demolition Regulations

All Permits subject to Demolition Delay of 35 calendar days if:

- The project proposes removal of the superstructure – as described previously 
- It is a single family dwelling
 - Not ADUs or garages or sheds or apartments – just houses!
- Located in areas with residential Comprehensive Plan Map designations:
 - Single Family Zones or Multi Dwelling Zones – zones that start with an “R”
 - You can check your zoning at www.portlandoregon.gov/bds at the Zoning/Land Use Tab at the top of the page:

Zoning/Land Use

Residential Demolition Notification Process

Once it has been determined the project is subject to the 35 day demolition delay...

BDS will:

- send a note card to residences within 150 feet of the house to be demolished with contact information for the applicant
- send a letter to the Neighborhood Association, the Neighborhood Coalition Office, Restore Oregon and the Architectural Heritage Center within five days of the permit filing explaining the 35 day demolition delay period; the applicant contact information and the “Residential Demolition Appeal Application” are included

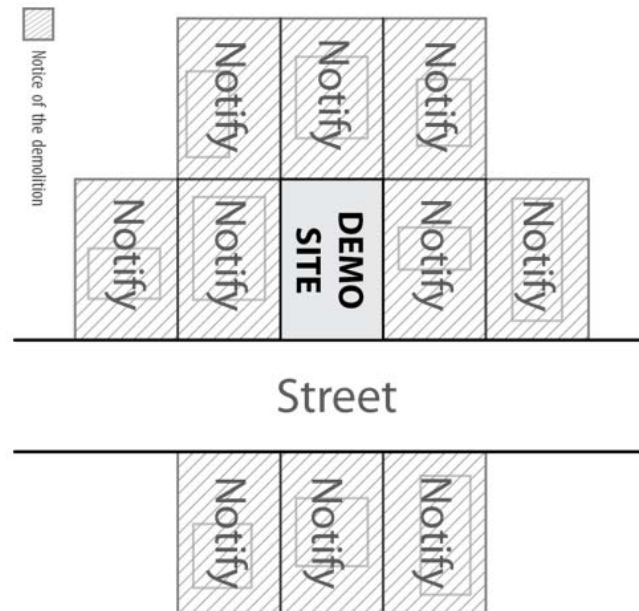
The Permit Applicant is required to:

- Post door hangers 5 days before demolition is scheduled to begin



Demolition Door Hanger

Door hangers for demolition permits will be distributed to the applicant at the time of application. The applicant will post door hangers on the ten properties surrounding the home to be demolished at least 5 days PRIOR to starting the demolition (although preliminary work, such as removing non-structural elements from the interior can be done at any time because they don't require a permit):



Residential Demolition Appeal to Extend Demolition Delay

In order to find an alternative to demolition anyone can request an addition 60 calendar days to be added to the demolition delay period

Alternatives to Demolition Include:

- Move the structure – issuance of a move permit will terminate the demolition delay period
- Purchase the site and structure



Residential Demolition Permit Appeal Application Process

- The appeal is heard by the City of Portland Code Hearings Officer
- The Residential Demolition Permit Appeal Application must be reviewed for completeness and accepted by a BDS technician by 4:30 p.m. on the 35th day on the Second Floor – Permitting Services
NOTE: Postmarks do not count! The entire verification process can take 15-30 minutes – so please plan accordingly.
- There is a \$1,368 Appeal Fee that must be paid at the time the appeal is filed OR the Recognized Neighborhood Organization can request a waiver of that fee if they are the appellant
- The information about the Recognized Organization that is listed on the Appeal Application **MUST** match that provided on the Office of Neighborhood Involvement website



Demolition Delay Appeal Process

All appeals must include:

- Copy of the letter sent to the property owner requesting a meeting to discuss alternatives to demolition. Include the Appeal Fee and a copy of the certified or registered mail receipt(s).
- Evidence of the property's significance to the neighborhood
- Narrative describing the plan to save the structure
- Pro-forma budget and evidence of funds on hand or a fund raising plan sufficient to meet the financial requirements of that budget
- If the "Representative Name" listed with the Office of Neighborhood Involvement does not match the "Representative Name" listed on this document, you must submit additional documentation indicating signing authority for the Recognized Organization(s)



Demolition Delay Appeal Process

Appeal for Extension – Result, Fee Waivers and Costs

Results of Appeal

- If burden met, an extension of up to 60 additional days from the date the initial 35 day delay expired
- If burden not met, BDS may issue permit any time after receiving written notice of decision
- If no decision rendered within 60 day extension period, BDS may issue demolition permit any time after 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

Fee Waivers and Costs of Appeal

- Only recognized organizations whose boundaries include the site may apply for an appeal fee waiver
- The appeal fee to the Code Hearings Office is \$1,368 as of 4/20/15
- Person signing on behalf of a recognized organization must either be listed on ONI website as the Chair, President, or Land Use Chair or the person signing must have documentation indicating that they have authority to sign (e.g., they are the current Chair/President or they have been delegated that authority by the organization via resolution or some other official act of the organization)

Certification Regarding Asbestos and Lead-Based Paint

Although BDS does not regulate the abatement, handling or disposal of asbestos or lead-based paint, BDS requires a Certification Regarding Asbestos and Lead-Based Paint for all residential demolitions and major residential alterations and additions. Permit applicants must certify all of the following that apply:

The area that will be disturbed has been tested by a certified contractor and the area:

1. Does not contain asbestos;
2. Does not contain lead-based paint;
3. Does contain asbestos and will be remediated prior to demolition or work commencing on the project by a certified contractor;
4. Does contain lead-based paint and will be remediated prior to demolition or work commencing on the project by a certified contractor; or
5. The regulations regarding asbestos or lead-based paint do not apply, along with an explanation of why the regulations are inapplicable.

Completed Certification Regarding Asbestos and Lead-Based Paint forms must be submitted prior to issuance of any Demolition Permit(s).



Questions Regarding Asbestos and Lead-Based Paint?

- If you have questions regarding asbestos requirements for surveying, removal or disposal, please contact the Oregon Department of Environmental Quality (DEQ) at: (503) 229-5982 or email at: deqnwrasbestos@deq.state.or.us.
- If you have questions regarding lead-based paint requirements for renovation, repair or painting projects done by a contractor, please contact the Oregon Construction Contractors Board (CCB) at: (503) 934-2229 or visit their website at: www.oregon.gov/ccb.
- If you have questions regarding lead-based paint requirements for renovation, repair or painting projects not done by a contractor (e.g., a homeowner, property owner doing your own work, rental agency, etc.), please contact the Oregon Health Authority (OHA) at: (971) 673-0440 or visit their website at: <http://public.health.oregon.gov>.
- For worker safety issues regarding either asbestos or lead-based paint, please contact OSHA at: (503) 229-5910 or visit their website at: www.orosha.org.



General Overview of Major Alterations Code Changes

(Effective 4/20/15)

Major Residential Alterations and Additions

- New category for “Major Alterations and Additions” with definitions added to City Code
- Includes requirement to post notice on abutting properties 35 days prior to permit issuance and emailed notice to recognized organizations whose boundaries include the site
- Self Certification Regarding Asbestos and Lead-Based Paint (same as demolitions)
- If the project is an MRAA, an email must be sent to the Recognized Organizations where the property is located and post door hangers

MAJOR RESIDENTIAL ALTERATION OR ADDITION DEFINITION

(Effective 4/20/15)

MAJOR RESIDENTIAL ALTERATION OR ADDITION CRITERIA

Major alteration or addition means doing any of the following:

1. Adding any new story, including a basement or other below-grade structure. Raising a structure to meet the required headroom in a basement is considered the same as creating a basement;
2. Increasing or replacing 50% or more of the exterior wall area on any floor. If the subflooring under an exterior wall is removed, it will be treated as if the wall was removed;
3. Adding total new floor area to the existing structure that exceeds 800 square feet; or
4. Adding an area exceeding 100% of the existing foundation footprint area of the structure.

Major Residential Addition/Alteration Notification Process

Once it has been determined the project is a Major Alteration or Addition ...
35 days PRIOR to the permit ISSUANCE the Applicant is required to:

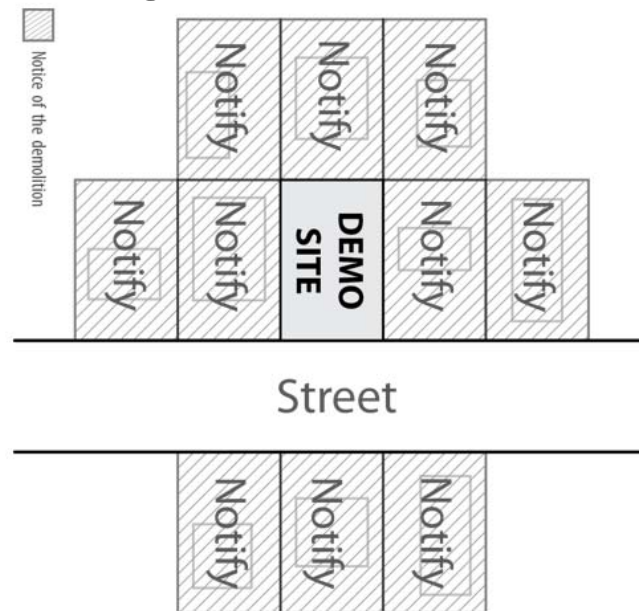
- Send an email to the Neighborhood Association and Coalitions whose boundaries include the site. Find the correct organization by contacting the Office of Neighborhood Involvement (ONI) at 503-823-4519 or <http://www.portlandoregon.gov/oni/28386>
- The email letter must include the following information:
 - Notice that an application for a major alteration or addition has been or will be submitted to the Bureau of Development Services;
 - The date the application was filed, if applicable;
 - A general description of the proposed alteration or addition;
 - Notice that there is a delay period of 35 days from the date the notice is sent; and
 - The contact information of the applicant.



Major Alteration and Addition Door Hanger

Door Hangers for MRAA projects are available in the Development Services Center or at <http://www.portlandoregon.gov/bds/article/522383>

The applicant must post the bright **YELLOW** door hangers 35 days PRIOR to issuance of the permit at the surrounding properties as shown here:



Major Alteration and Addition Neighborhood Notice Certification Form

The following completed form must be submitted 35 days prior to issuance of a MRAA permit:

<https://www.portlandoregon.gov/bds/article/522384>

We strongly recommend that property owners, developers and contractors get in the habit of providing this advanced notification to neighbors at the beginning of each project!

Permits normally issued “over the counter” in the Development Services Center can continue to be issued IF the 35 days have elapsed since notification of the neighborhood association and the door hangers have been posted.



Certification Regarding Asbestos and Lead-Based Paint

Although BDS does not regulate the abatement, handling or disposal of asbestos or lead-based paint, BDS requires a Certification Regarding Asbestos and Lead-Based Paint for all residential demolitions and major residential alterations and additions. Permit applicants will be required to certify all of the following that apply:

The area that will be disturbed has been tested by a certified contractor and the area:

1. Does not contain asbestos;
2. Does not contain lead-based paint;
3. Does contain asbestos and will be remediated prior to work commencing on the major alteration/addition by a certified contractor;
4. Does contain lead-based paint and will be remediated prior to work commencing on the major alteration/addition by a certified contractor; or
5. The regulations regarding asbestos or lead-based paint do not apply, along with an explanation of why the regulations are inapplicable.

*Completed Certification Regarding Asbestos and Lead-Based Paint Forms
must be submitted prior to issuance of any MRAA Permit(s).*



Questions Regarding Asbestos and Lead-Based Paint?

- If you have questions regarding asbestos requirements for surveying, removal or disposal, please contact the Oregon Department of Environmental Quality (DEQ) at: (503) 229-5982 or email at: deqnwrasbestos@deq.state.or.us.
- If you have questions regarding lead-based paint requirements for renovation, repair or painting projects done by a contractor, please contact the Oregon Construction Contractors Board (CCB) at: (503) 934-2229 or visit their website at: www.oregon.gov/ccb.
- If you have questions regarding lead-based paint requirements for renovation, repair or painting projects not done by a contractor (e.g., a homeowner, property owner doing your own work, rental agency, etc.), please contact the Oregon Health Authority (OHA) at: (971) 673-0440 or visit their website at: <http://public.health.oregon.gov>.
- For worker safety issues regarding either asbestos or lead-based paint, please contact OSHA at: (503) 229-5910 or visit their website at: www.orosha.org.



Focused Comparison of Major Alteration and Demolition

Demolition

Notice

- Mailed: Notice mailed to addresses within 150 feet of property, recognized organizations, Architectural Heritage Ctr. and Restore Oregon
- Posted Notice: None.
- Door Hangers: Posted by owner on surrounding properties at least 5 days before demo activity commences

Certification Regarding Asbestos and Lead-Based Paint

- Must be completed by the owner or owner's representative and provided to BDS prior to permit issuance

Delay Period

- 35 days from date BDS accepts permit application

Extension of Delay

- Possible 60 day extension of the delay period, if an appeal filed and demonstrate reasonable ability to consummate the alternative to demolition

Definition of Demolition

- Removal of the entire superstructure down to the subflooring, such that none of the existing superstructure is maintained
- All of the exterior walls are removed
- All of the existing perimeter foundation will be altered, abandoned, or removed

Major Alterations

Notice

- Emailed: Notice emailed to recognized organizations by the property owner (self-certified)
- Posted Notice: None.
- Door Hangers: Posted by property owner on surrounding properties at least 35 days before building permit is issued (self-certified)

Certification Regarding Asbestos and Lead-Based Paint

- Must be completed by the owner or owner's representative and provided to BDS prior to permit issuance

Delay Period

- 35 days from the time door hangers are posted and emailed notices are sent until the permit is issued

Extension of Delay

- No possibility for extension of delay beyond 35 notice period.

Criteria:

- Any new story is added, including a basement or other below-grade structure. Raising a structure is considered the same as creating a basement
- Increasing or replacing 50% or more of the exterior wall area on any floor
- Total new floor area exceeding 800 sq. ft.
- Add area exceeding 100% of the existing foundation footprint

Questions?



**Bureau of
Development
Services** FROM CONCEPT
TO CONSTRUCTION

