



City of

PORTLAND, OREGON

Development Review Advisory Committee

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DRAC DEMOLITION SUBCOMMITTEE – POST ORDINANCE IMPLEMENTATION

MEETING NOTES

December 4, 2015

1:30 – 3:00 p.m., Room 4A

1900 SW Fourth Ave.

Portland, OR 97201

Time	Topic	Action
1. 1:30 – 1:35	Introductions	Informational
2. 1:35 – 1:40	Review and Approve October 26, 2015 Meeting Minutes	Input & Recommendations
3. 1:40 – 1:50	Discuss ONI Demolition Contact Database	Input & Recommendations
4. 1:50 – 2:00	Update on Major Alterations/Additions Implementation	Input & Recommendations
5. 2:00 – 2:30	Issues from Community	Input & Recommendations
6. 2:30 – 2:40	Demolition Permit Appeal Issues	Input & Recommendations
7. 2:40 – 2:45	Update on Demolition Tax	Informational
8. 2:45 – 2:55	Hazardous Materials Update – SB 705 Implementation	Information/Input/ Recom.
9. 2:55 – 3:00	Next Steps	Input & Recommendations

I. **INTRODUCTIONS** [Informational]

In attendance: Nancy Thorington BDS, Maryhelen Kincaid DRAC, Fred Deis BDS, John Hasenberg ORA, Claire Carder DRAC, Jeff Fish past DRAC Chair, Kareen Perkins BDS, David Kuhnhausen BDS, Crystle Cowen BDS, Al Ellis UNR, Tim Morris BDS, Jill Grenda BDS, Robert McCullough SE Uplift, Jeff Hilber UNR, Janet Baker UNR, Barbara Strunk UNR, Michael Molinaro Sunnyside NA/SEUL, Brandon Spencer-Hartle Restore Oregon, Emily Sandy BDS, Paul Leistner ONI, Terry Whitehill BDS, Andy Peterson BDS, Mitch Nickolds BDS, Mike Liefeld BDS

II. **REVIEW AND APPROVE OCTOBER 26, 2015, MEETING MINUTES** [Input and Recommendations]

Claire Carder stated she attended last meeting, and asked to be added to the attendance of October 26, 2015 meeting. Also Al Ellis stated the acronym UNR had letters transposed in a few references.

III. **DISCUSS ONI DEMOLITION CONTACT DATABASE** [Input and Recommendations]

The group received an update from Paul Leistner with the Office of Neighborhood Involvement (ONI) on updating the ONI webpage for Neighborhood Association and Coalition contact information to include a “Demolition Contact.”

Paul distributed handouts to the group and provided overview of ONI’s role in maintaining contact information for Neighborhood Associations (NAs) and issues that have been identified. The handouts outline a proposal to change the established system to address issues expressed concerning demolition notification sent by BDS, specifically who notice goes to within the NAs. Instead of focusing on who within the NAs to send notice to, ONI intends to create a new “Demolition Notices Contact” category and proposes every NA tell ONI the mailing and email address. Kareen noted current code requires BDS only mail notice, not email it. Paul asked

the NAs help in the outreach for this proposal. This would allow all NAs to identify who in their organization is best to receive this information, and the NAs can check this online at any time and let ONI know if it needs to be changed.

Paul noted a generic email can be set up by NA that can be forwarded – example DemoNoticesMtTabor@gmail.com. Paul clarified the NAs must provide mailing and email contact information for these Demolition Notices or the “Demolition Notices Contact” will not be set up, and BDS will continue to send notices to the mailing address noted under “Send Notices to” on the ONI webpage NA listing.

Maryhelen asked who will be authorized to change these “Demolition Notices” contact information – Paul clarified the NA Chair or formal action by NA would have authority to change it. Paul clarified NA’s can’t change the ONI directory. Paul or the Coalitions should be contacted if information needs to be changed. Maryhelen also stated Paul’s proposal was discussed at the Coalition Chairs and Directors meeting and attendees thought it was a good approach.

David K and Kareen thought this would work for BDS, and wanted to know when it would “go live.” Paul said there needs to be outreach to the NA members and neighborhoods to work out implementation. He thinks it should go “very fast” after this. Kareen explained BDS would need clear communication on when these contacts will start being available.

The question was asked if Land Use Services can also have this type of contact from NAs. Paul said the Demolition Contact is the “test run” and can be expanded in the future if it works.

David K asked if MRAA can be considered for future expansion of this type of contact list. David noted for MRAA the applicants send notification, and are often confused over who to contact. A listing such as this would be very helpful for them.

Paul also stated that ONI is currently looking at all (City wide) notifications that go to NAs and “mapping that out” to try and improve those systems of delivery.

IV. **UPDATE ON MAJOR ALTERATIONS/ADDITIONS IMPLEMENTATION** [Input and Recommendations]

a. Receive update from John Hasenberg regarding proposed language amending ordinance to address dormer additions

John reviewed issue, and told the group it was discussed at the Oregon Remodelers Association (ORA) committee meeting and at the BDS Field Issuance Remodeling (FIR) advisory committee. He stated both of these bodies will work on a proposed revision to code. John also identified confusion over notification for MRAA projects. He said neighbors think they get a chance to review the plans and provide input on the project, which is not the case. The ORA agrees with the concept and intent of the current MRAA notification requirements - to let neighbors know about project and possible impacts (dust, noise, etc). John wanted to talk about the current 35 day advance notification requirement. Nancy asked if this issue can be

addressed at a future meeting, so the group could stay focused on the dormer issue. John would like to review the entire notification process. Nancy asked the groups he is involved in write a proposal and it can be reviewed at future meeting.

b. Review and discuss proposed language

John did not have a proposal for revising the dormer addition to review at this meeting but would for next.

V. ISSUES FROM COMMUNITY

[Nancy said these issues were provided by Maryhelen]

a. Documentation regarding permit issuance

It's not clear when a building permit application was received and would be eligible to issue for residential demolition. Online permit information is available at www.portlandmaps.com, and the BDS permit search links to this webpage. It was suggested that the field "description of work" would be a good place to put this it for public online viewing.

Kareen noted that the online information is not "real time." There is a 24-hour delay for updates from the BDS permit software to portlandmaps.com. She identified there are internal BDS processes and procedures for entry of this information elsewhere in the BDS permit software, and the best way to get accurate timely information is to call her staff in Permitting Services. Also appeal information would not be added there; that field is used specifically within BDS to capture information about the work being done under permit, and is reserved to capture additional information about revisions.

There were comments by attendees that information on permits online at portlandmaps.com isn't clear. Maryhelen let the group know BTS will be performing an information session about portlandmaps.com. Crystle let the group know BTS is asking for feedback on portlandmaps Beta (new version) and encouraged everyone to utilize this opportunity.

There was some discussion about complaints that are under DEQ's purview. Maryhelen is getting data from DEQ on complaints received, so this topic can be discussed with some accurate data. Mitch Nickolds talked about receiving complaints and documenting it with photographs. Additional discussion about Title 18 noise code came up. It was clarified that construction noise is included in Title 18, and this code is enforced within ONI.

Robert McCullough brought up issue with a job site at 39th and Woodstock, stating a billboard has been erected at that location and is most likely in violation of City code. Mike Liefeld let Robert know how to file a complaint about this issue (BDS complaints can be made to BDS Code Enforcement through the BDS website and/or via phone).

b. Owner contact information, rather than applicant/permit runner

Andy Peterson announced as of today owner contact information will be included on the residential demolition letter sent by BDS staff. The owner information will be listed as BDS receives it from Multnomah County. Robert M. stated this information can be outdated, as Multnomah County sometimes has a long delay in updating its database when information changes. Andy P explained Multnomah County records are the best information that BDS has for ownership.

c. Documenting complaints and outcomes

Concern was expressed that BDS inspectors are not catching if a job site exceeds a MRAA and should be changed to a residential demolition. Tim Morris explained that if a job exceeds the scope of the issued permit, it would be caught once an inspection is called in, but BDS doesn't have resources to patrol streets checking construction sites. John H. said enactment of a demolition tax "is going to cause more gaming of this type."

d. Claims that houses demolished without permit or notice

Maryhelen said this is based upon unclear information on portlandmaps.com, i.e., difficulty finding permits/addresses. Kareen invited interested parties to call Permitting Services to get information. Kareen also announced an additional staff person will be added to Permitting Services as a single point of contact for demolitions. Maryhelen announced in Central NE the NA is developing an information packet for neighbors (through a grant) to be distributed in that area. Maryhelen will be asking Kareen and Nancy for the most common questions/complaints they receive about demolitions, so that information can be added to these packets.

Al Ellis wondered if there is some way to educate neighbors on what to look for (if a property exceeds the scope of permitted work). Maryhelen said she is working with Ross Caron on future Lunch and Learn topics, and that the public don't need to know whether a violation exists, they just need to call it in and an inspector will come out and verify.

e. Self-certification of door hangers

There are complaints that neighbors are not receiving a door hanger. Maryhelen's research indicates that sometimes these properties are outside of the area where notification is required. Kareen also has received complaints, and she has established with the caller whether or not they should have received notice, and contacted the contractor if they should have. Kareen recommends to the contractors that they contact the person who didn't get notice directly. She also pointed out BDS sends mailed notices to the properties within 150 feet when the permit comes in. For an MRAA, the contractor notifies with door hangers. The demo door hangers are placed by contractor on adjacent properties 5 days before work begins.

Mike L asked for clarification if the entire group of adjacent properties didn't get notification or just one person in an area. Maryhelen reported out of four legitimate complaints, one was a group that said they checked with neighbors and none reported getting it.

There was a question, can we require a photo be taken to establish a door hanger was placed on a property? Kareen said this would require additional staff time and resources to gather this information and attach it to the BDS permitting software. Also current code does not require this for demolition door hangers, but the MRAA process has a self certification form as part of its notification requirements.

One attendee stated at 3416 NE Alameda a house was torn down, the lot split into 2 parcels, and now vacant lots are back on the market. At this location a hole/ditch was left where the foundation was without fencing – this is a safety issue. Nancy pointed out this is against code to not be fenced, and encouraged a complaint be made to BDS Code Enforcement.

VI. **DEMOLITION PERMIT APPEALS** [Input and Recommendations]

a. **How to tell when 35 days starts and ends**

A&B came from Maryhelen. A. was discussed previously at this meeting, specifically issues with finding the information online at www.portlandmaps.com.

b. **How to obtain appeal results**

Kareen said her group maintains an email distribution list of interested parties, and when a hearing decision/order comes from the Code Hearings Office on a residential demolition appeal, she emails it out. Contact her with your email address if you want to be added. Kareen pointed out there have not been any appeals lately.

c. **Other recommendations for process, ordinance language or other aspects of demolition permit appeals**

Brandon (Restore Oregon) said they are publishing successful appeals on their website. Nancy invited attendees to let her know of other issues for the next agenda.

VII. **UPDATE ON DEMOLITION TAX** [Informational]

Council hearing to vote on the Demolition Tax was "set over" to allow more time for public process. Maryhelen provided a handout of the letter that DRAC had sent to Council. She provided an overview of last council hearing on the topic and DRAC's concerns. Maryhelen asked attendees if they would be interested in participating in a DRAC subcommittee on the Demolition Tax. She hopes the Demo Tax subcommittee could review information and come to a consensus on this subject, and send a report back to Council. She asked who would be interested, then asked of all in attendance who would NOT be interested. Jeff Fish said he would attend but not serve on a committee. The Demo Tax subcommittee would meet the next two Fridays: December 11, 2015 and December 18, 2015 at 1:30pm in the BDS offices. The first meeting would review information/data she is gathering and create questions for the DRAC.

The second Demo Tax subcommittee would meet again after the DRAC meeting and discuss the DRACs responses to their question. Staff from the all the Commissioners' offices and the Mayor's Office are invited to participate. Nancy T and other BDS staff would participate and coordinate getting a BDS conference room. Attendees can invite others to attend. John H. will send someone to represent ORA.

VIII. **HAZARDOUS MATERIALS UPDATE** [Informational/Input and Recommendations]

a. **SB 705 Implementing Regulations update**

Brief overview by Nancy – DEQ is keeping the owner occupied exemption. Also 1/1/2004 and prior exempt, and section E was called out for review. Copy of the report will not be sent to BDS; a copy is supposed to be kept on site.

Question about the City making more stringent regulations – Nancy said she wants to see how their regulations change, as the State starts regulating more it limits the City's ability to regulate.

IX. **NEXT STEPS**