



City of

PORTLAND, OREGON

Development Review Advisory Committee

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DRAC DEMOLITION SUBCOMMITTEE – POST ORDINANCE IMPLEMENTATION

AGENDA

June 16, 2017

2:30 – 4:00 p.m., Room 4A

Time	Topic	Action
1. 2:30 – 2:35	Introductions	Informational
2. 2:35 – 2:40	Review of Last Meeting (2/8/17)	Informational
3. 2:40 – 2:55	Discuss Expired Residential Demolition Permits on PortlandMaps & Major Alterations/Additions Reports	Discussion
4. 2:55 – 3:00	Update on SB 871 – Asbestos & Lead-Based Paint Bill	Informational
5. 3:00 – 3:55	Discuss Code Changes for Demolition Ordinance	Input and Recommendations
6. 3:55 – 4:00	Next Follow-Up Meeting	Informational

- I. **INTRODUCTIONS** [Informational]
- II. **REVIEW DISCUSSION AT LAST MEETING (2/8/17)** [Informational]
 - Summarize topics discussed and decisions made
- III. **DISCUSS EXPIRED RESIDENTIAL DEMOLITION PERMITS ON PORTLANDMAPS AND MAJOR ALTERATIONS/ADDITIONS REPORTS** [Discussion]
- IV. **UPDATE ON SB 871 – ASBESTOS AND LEAD-BASED PAINT BILL** [Informational]
- V. **DISCUSS CODE CHANGES FOR DEMOLITION ORDINANCE** [Input and Recommendations]
 - Consider a requirement that the property owner meet with the appellant
 - Clarify language regarding when a plan to save the structure needs to be consummated and what needs to occur within 95-day delay period
 - Should door hangers be posted on more properties and during narrower time for demolitions (to make it easier for neighbors to know within 1-2 days when the demolition will occur)?
 - What to do when neighbors claim they didn't receive notice via door hangers (proof via photos?)
 - Discuss drafting administrative rules that incorporate information in guides for demolitions and MRAA's and that clarify the budget and plan requirements, what constitutes "significance to the neighborhood," and how to document funds on hand and other issues
 - Certification Regarding Asbestos and Lead-Based Paint
- VI. **NEXT FOLLOW-UP MEETING** [Informational]
 - Any items not completed from 6/16/17 meeting
 - Review draft clarifying language for "significance to the neighborhood" requirement for appeals
 - Should property owners be required to attend appeal?
 - MRAA trigger "if 50% or more of an exterior wall is increased or replaced"; recommendation to remove this trigger and replace with 500 square-foot addition



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I. **INTRODUCTIONS** [Informational]

In Attendance:

Robert McCullough, Southeast Uplift
Maryhelen Kincaid, DRAC
John Hasenberg, Oregon Remodelers Association (ORA)
Claire Carder, DRAC
Kareen Perkins, BDS
Emily Sandy, BDS
Mitch Nickolds, BDS
Catherine Heeb, BDS
Lydia Ness, Restore Oregon
Jeff Fish, Fish Construction
Al Ellis, UNR
Constance Beaumont, Laurelhurst Neighborhood Association
Rod Merrick
Nancy Thorington, BDS
Margaret Davis
Roy Kenneth Perieberg
Marshall Runkel, Commissioner Eudaly's office (Chief of Staff)

Nancy welcomed the group; she explained that it hasn't met for a while, for several reasons, including the fact that Nancy is the BDS liaison to the legislature, and it's been a really busy session. That session included the asbestos and lead-based paint bill. Nancy explained that there have been a few changes since the group met last: Rebecca Esau is now the Interim Director at BDS and Commissioner Eudaly has been reappointed as our Commissioner. Dan Cote is now head of the FIR program (he took over after Fred Deis retired).

II. REVIEW DISCUSSION AT LAST MEETING (2/8/17) [Informational]

- Summarize topics discussed and decisions made

Nancy briefly reviewed the discussions from the last meeting. Here are some of the highlights of that discussion. These items dealt with proposed changes to the current ordinance:

- There were no objections to replacing a “pro forma budget” with “project budget” for clarity.
- It was agreed that the current language “significance to the neighborhood” can be retained.
- Regarding the “plan to save structure,” the group agreed that a broad framework language (based on who, what when, where, how and why) should be drafted and brought back to the committee.
- The group agreed that it is okay to allow additional evidence to be submitted at the hearing.
- The definition of residential structures should be limited to 1 and 2 family dwellings.

III. DISCUSS EXPIRED RESIDENTIAL DEMOLITION PERMITS ON PORTLANDMAPS AND MAJOR ALTERATIONS/ADDITIONS REPORTS [Discussion]

a. Expired Permit Information on Portland Maps

Discussion: Nancy introduced the topic by stating that last week it came to BDS’ attention that expired permits were not showing up on the residential demolition map on BDS’ website. She explained that, with many expired permits for demolitions, typically someone comes in for a demo permit and shortly thereafter applies for a permit for a replacement home. Then inspectors are looking at the replacement home, so they don’t always realize that the demo permit has not been finalized and closed out. The Code says permits expire after 180 days. The search parameters on PortlandMaps don’t include expired permits. Based on BDS’ research, in most cases, if a permit is expired, the house was actually demolished.

Decision: Mitch and Nancy both stated that the glitch has been fixed and the expired demo permits have been added back into the records.

b. Major alterations/additions reports

Discussion: Nancy talked to the City IT people—there is no way to cull out anything helpful from TRACS regarding major alterations and additions. Kareen explained that any information is based on what the customer enters into the system. Mitch said it’s important to get the whole picture, and he suggested using Metro reports as a method to get good, accurate data. Robert said that PortlandMaps contains a lot of information; it’s just a matter of using the right query.

Decision: The group agreed that there are methods to get fairly accurate data; it’s just a matter of knowing what searches to do using which tools.

Discussion: It was suggested that City staff could run reports to get accurate information regarding demolitions and major alterations/additions.

Rod said that he thought it would be helpful to have a complete history over the past 5 or 10 years, before demo permits were being issued. Kareen added that the City has always issued demo permits for complete demolitions. Jeff said that he thought historical data didn’t have an impact on today, and that he didn’t want to see City staff using their time and energy to run reports. He said that right now the emphasis should be on the inspection process – the less staff time used, the better. Maryhelen said that her concern is that this would add to BDS’ workload. She would rather see someone from outside the City do the research. Rod said that he thought 4 hours of staff time might be realistic to do the research, and he felt that wouldn’t have a big impact on BDS’ service. Brandon added that BPS runs reports for customers, but charges a fee. Robert said that he would be willing to volunteer a graduate student to do the research. Nancy said that a lot of the information is available online to the customer.

Decision: Brandon and Kareen agreed to meet with committee members after the meeting to discuss options.

IV. UPDATE ON SB 871 – ASBESTOS AND LEAD-BASED PAINT BILL [Informational]

Nancy has been working closely with Senator Dembro and members of the legislature. Currently, SB 871 has several amendments. We think the final version will:

- Allow the City to establish a demolition program (Portland already has one)
- Require jurisdictions to have demo permits
- Require contractors who demolish buildings built before 1978 to have certification re: lead paint
- Require contractors to have minimum education on how to handle lead paint
- For demolitions of pre-1978 houses, require Oregon Health Authority to develop best practices with input from the Homebuilders Association, DEQ, BDS and other stakeholders. The best practices will be a “laundry list” of possible best practices, from which each jurisdiction can choose the ones that are best suited to their needs
- Allow jurisdictions to require copy of asbestos survey for residential demolitions
- Allow jurisdictions to develop frequently asked questions
- Exempt pre-1978 homes from best practices if no lead paint present
- Allow jurisdictions to develop their own best practices for lead-based paint containment while OHA is developing its list

The bill in the Joint Ways and Means Committee. They should have a draft available for review next week.

Discussion: Al asked whether this means that until the State come up with the details, each City will develop their own practices? Nancy replied that yes, and in fact the list of best practices will not be State-wide, and each individual jurisdiction will enforce their own rules. Jeff said he would like the regulations to be uniform across the State. Nancy agreed, with the caveat that there is a big difference between Portland and say, Pendleton. Karen and Mitch both suggested that it would be good to get Tri-County involved, to make the regulations uniform in the Portland Metro area. Al brought up the enforcement issue—again, that seems to be left up to each individual jurisdiction. Nancy confirmed this. Karen pointed out that BDS doesn’t currently have the technical expertise for detailed inspections of demolitions. Mitch said that the City is hiring a special inspector for demos. He reminded the group that BDS is complaint-driven, and that the end result should be a safe demolition site.

V. **DISCUSS CODE CHANGES FOR DEMOLITION ORDINANCE** [Input and Recommendations]

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Discussion: The discussion started by Nancy stating that the list of issues has been brought up by this group, but also by the code hearings officer before he retired. There are some challenges when it’s not clear who the owner is, and it’s also frustrating when parties haven’t talked before the appeal meeting. Al said he agreed that the hearing should not take place until the property owner and appellant have talked. Jeff said that it might not always be possible to access the landowner in person; they could have a corporate owner or legal representative. Nancy said that even having a legal representative would be an improvement. She also said the hearings officer had talked about requiring a mediation-style meeting before the actual hearing, and that if the meeting doesn’t happen, the hearing should be postponed by the hearings officer. Maryhelen agreed that the meeting should occur, and hopefully something constructive would come out of it. Rod thought it was important to prevent the owner from simply ignoring the request to engage in dialogue. Margaret thought that the meetings should be in person, not over the phone, and the agenda should be published, so the public can attend.

Decision: The group agreed that a meeting between the property owner and the appellant should occur before the hearing, whether it's the owner or a representative.

VI. **NEXT FOLLOW-UP MEETING** [Informational]

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