24.55.200 Demolition Delay - Housing Preservation.

Title 24 Building Regulations - Chapter 24.55 Building Demolition

(Amended by Ordinance Nos. 171455 and 176955, effective October 9, 2002.)

A. Purpose. The demolition delay provisions are intended to allow an adequate amount of time to help save viable housing in the City while recognizing a property owner's right to develop or redevelop property. The regulations provide an opportunity for public notice of impending demolitions and coordination of the efforts of various City bureaus. The regulations also encourage moving as an alternative to demolition. The provisions accomplished this through a two part process:

1. a 35 day notice period during which demolition is delayed, and
2. a possible 120 day extension of the demolition delay period.

B. Where the delay applies. The demolition delay regulations of this Section (24.55.200) apply to sites with residential structures in areas with a residential Comprehensive Plan Map designation. The regulations only apply to applications for demolition of residential structures. They do not apply to demolitions of accessory structures such as garages or other outbuildings.

C. Application for building permit for demolition.

1. Signed statement. The application for a building permit for demolition must include a statement signed by the owner(s) of the property. The statement must acknowledge that the owner(s) are aware of the primary uses permitted under the current zoning on the site without a conditional use, zone change, Comprehensive Plan Map amendment, or other land use approval and that such an approval will be required before other uses will be permitted on the site. The statement may be on forms that the Director may make available.

2. Delay in issuing. The building permit for demolition will not be issued except as provided for in this Section (24.55.200).

D. Notice of application.

1. Posted notice. Within five days of receipt of the application for demolition, the Director will post a notice of the requested demolition at the site. The notice must be posted at the site for no less than 30 day. The notice must be at least 1-1/2 by 2 feet in size and must be visible to passers-by. The notice must contain at least the following information.

   a. Notice that the site has been proposed for demolition,
   b. The date the application for demolition was received,
   c. Notice that there is a demolition delay period of 35 days which may be extended upon request from the Recognized Organization(s) whose boundaries include the site,
   d. The last day that requests for extended delay may be submitted, and
   e. The location where more information is available.

2. Notice to the recognized organization(s). Within 7 days of the receipt of the application for demolition, the Director will send a written notice of the demolition request to the recognized organization(s), recognized by the Office of Neighborhood Associations, whose boundaries include the site.

3. Notice to Portland Development Commission. Within 7 days of the receipt of the application for demolition, the Director will send a written notice of the demolition request to the Portland Development Commission. Within 14 days of the receipt of the application for demolition, the Portland Development Commission will forward to the owner of the property such materials explaining City housing programs that the Commission deems appropriate.

E. 35-day notice period. The building permit for demolition will not be issued during the 35-day notice period. The notice period begins on the day the application is received. If no written request to extend the demolition delay is received during the 35-day notice period as provided in subsection 24.55.200.C. below, then the Director shall
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I. Requests for extension of demolition delay period. Requests to extend the demolition delay period may be made as follows:

1. Who may request. Requests to extend the demolition delay period an additional 120 days may be made by a recognized organization whose boundaries include the site.

2. How to request. The request to extend the demolition delay period must be made in writing, on forms provided by the Director. They must be submitted to the Bureau of Development Services by 4:30 PM on the last day of the 35-day notice period.

G. 120-day extension of demolition delay period. If a request for extension of the demolition delay is received, the building permit for demolition will not be issued during the 120-day extension period except as provided in Subsection 24.55.200 H. below. During the 120-day extension period, private citizens or the City may pursue alternatives to demolition such as rehabilitating the structure or moving the structure in accordance with agreements reached with the applicant. These efforts may use private resources or public programs that may be available. Mitigation efforts such as a salvage agreement may also be pursued during this period.

H. Appeal of the 120 day extension. The applicant for demolition may appeal the 120-day extension to the Code Enforcement Hearings Officer as provided in Chapter 22.10, Appeals to the Code Hearings Officer. The appeal may be filed anytime within the 120-day extension period. The approval criteria for termination of the extension period are as follows: The demolition delay extension will be terminated if the Hearings Officer finds that the recognized organization that requested the extension has not made a good faith effort to work with the applicant for demolition to do any of the following:

1. Move the structure;

2. Find a purchaser for the site; or

3. Agree on an alternative proposal that would not involve the demolition of the structure.

I. Moving as an alternative. If the applicant decides to move the structure instead of demolishing it, then the demolition notice period and/or extended delay period becomes moot. The demolition delay period is automatically terminated when a building permit to move the structure from the site and a building permit to relocate the structure to another site are issued.

J. End of the extension period. If the 120 day extension has not been terminated as provided in Subsection 24.55.200 H above, the building permit for demolition may be issued any time after 120 days have elapsed since the end of the 35 day notice period.

K. Exceptions to demolition delay.

1. The provisions of this Section (24.55.200) do not apply to applications for demolition of single family residences if the application is accompanied by an application for a building permit for a replacement single family residence.

2. The provisions of this Section (24.55.200) do not apply to applications for building permits for demolition that are required by the City to remove structures because of a public hazard, nuisance, or liability. The structure must be subject to a demolition order from the City, or be the subject of enforcement proceedings for demolition and be stipulated by the owner as a dangerous building, in order to be exempt from the demolition delay provisions.

3. The provisions of this Section (24.55.200) do not apply to applications for building permits for demolition, for structures that are designated historical landmarks, on the Portland Historic Resources Inventory, or in historic districts. In these situations, the provisions of Chapter 33.222 in Title 33, Planning and Zoning apply.