



Community Development Department
 51 Winburn Way, Ashland OR 97520
 541-488-5305 Fax 541-488-6006

DEMOLITION/RELOCATION APPLICATION

Date Received _____

Demo Permit # _____

DESCRIPTION OF PROPERTY

Street Address _____

Assessor's Map #39 1E _____ Tax Lot(s) _____

Details of each structure to be Demolished / Relocated:

Commercial Building: Age _____ Sq. Footage _____ Fixture Count _____

House: Age _____ Sq. Footage _____ (Contact Plumbing Inspector for assistance)

Carport/Garage: Age _____ Sq. Footage _____

Other (Describe) _____: Age _____ Sq. Footage _____

Square footage of impervious surface to be removed (including building footprints): _____

APPLICANT

E-Mail _____

Name _____ Phone _____

Address _____ City _____ Zip _____

PROPERTY OWNER

Name _____ Phone _____

Address _____ City _____ Zip _____

IS THE STRUCTURE EXEMPT FROM AMC 15.04.214 AND 15.04.216?

No Yes (Applicant must submit written justification to support exempt status)

If Yes, select one:

- Structure is less than 500 sq.ft.
- Structure will be relocated on the same lot.
- Structure is declared dangerous under the International Existing Building Code (IEBC) pursuant to AMC 15.04.010.B.

IEBC DEFINITIONS:

Dangerous. Any building, structure or portion thereof that meets any of the conditions described below shall be deemed dangerous.

1. The building or structure has collapsed, partial collapsed, moved off its foundation or lacks the support of ground necessary to support it.
2. There exists a significant risk of collapse, detachment or dislodgment of any portion, member, appurtenance or ornamentation of the building or stature under service loads.

Unsafe. Buildings, structures or equipment that are unsanitary, or that are deficient due to inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or in which the structure or individual structural members meet the definition of "Dangerous", or that are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance shall be deemed unsafe. A vacant structure that is not secured against entry shall be deemed unsafe.

I hereby certify that the statements and information contained in this application, including the enclosed drawings and the required findings of fact, are in all respects, true and correct. I understand that all property pins must be shown on the drawings and visible upon the site inspection. In the event the pins are not shown or their location found to be incorrect, the owner assumes full responsibility. I further understand that if this request is subsequently contested, the burden will be on me to establish: that I produced sufficient factual evidence at the hearing to support this request; that the findings of fact furnished justifies the granting of the request; that the findings of fact furnished by me are adequate; and further, that all structures or improvements are properly located on the ground. Failure in this regard will result most likely in not only the request being set aside, but also possibly in my structures being built in reliance thereon being required to be removed at my expense. If I have any doubts, I am advised to seek competent professional advice and assistance.

Date

Applicant

Owner

Submittal Requirements for Non-Exempt Structures:

If the structure is non-exempt, the following submittal requirements apply [15.04.214/15.04.216]:

If structure is more than 45 years old and

- A. Structure cannot be rehabilitated or reused on site:
 - Furnish Economic Feasibility report (see details in Section 15.04.216.1.a.i) OR
 - Submit a Marketing Plan approved by the Demolition Review Committee (15.04.216.1.a.ii) OR
 - Submit evidence that the property was advertised in the local newspaper at least eight times and at regular intervals for at least 90 days with appropriate “For Sale” sign for the same 90 day period.
- B. Structure is structurally unsound:
 - Demonstrate how it is unsound

Also submit:

- Redevelopment plan for the site that details the nature, appearance and location of the replacement or rebuilt structure(s).
- Demonstrate, if the application is for a demolition, that the structure cannot be relocated to another site.
- If the application is for a demolition, provide a demolition debris diversion plan outlining how construction and demolition debris will be salvaged or recycled.

If structure is less than 45 years old:

- Provide proof the structure was erected less than 45 years from the date of the application.
- Redevelopment plan for the site that details the nature, appearance and location of the replacement or rebuilt structure(s).

NOTE:

- A. If a Demolition or Relocation permit is issued and the redevelopment plan:
 - a. Requires a site review permit, no demolition or relocation may occur until the site review permit has been issued, unless the site is restricted to open space uses as provided in Section 15.04.216.B.
 - b. Does not require a site review permit, no demolition or relocation may occur until a building permit has been issued for the structure(s) to be replaced or rebuilt unless the site is restricted to open space uses as provided in Section 15.04.216.B.
- B. For any demolition approved, the applicant is required to salvage or recycle construction and demolition debris per approved demolition debris diversion plan.
- C. For any relocation approved, the applicant must also comply with the provision of Chapter 15.08.

FINDINGS OF FACT

Type your response to the appropriate zoning requirements (15.04.216 Demolition and Relocation Standards) on another sheet(s) of paper and enclose it with this form. Keep in mind your responses must be in the form of factual statements or findings of fact and supported by evidence.

City of Ashland Municipal Code - Chapter 15.04.210 Demolition or Relocation of Structures

- A. For purposes of sections 15.04.210 through 15.04.218, the following terms, phrases, words and their derivations mean:
1. Demolition: To raze, destroy, dismantle, or any act or process that may cause partial or total destruction of a structure where less than 60% of the structure's external walls will be retained in place; or where less than a majority of the facade will remain.
 2. Facade: The front or principal face(s) of a building, excluding an attached garage of a residential structure, sometimes distinguished from the other faces by elaboration of architectural or ornamental details and often serving as the primary entrance.
- B. Except as provided in section 15.04.210.D, a permit is required before any structure, or part of a structure as defined in subsection A.1 above, can be demolished or relocated. The permit fees for demolition or relocation of a structure will be set by resolution of the council.
- C. No demolition or relocation permit is required:
1. For structures of less than 500 square feet in size.
 2. For relocation of a structure upon the same lot.
 3. To demolish a building declared to be dangerous under the Uniform Code for the Abatement of Dangerous Buildings pursuant to section 15.04.010.B.
- D. In addition to the enforcement provisions of this Title, the City Attorney may, or upon order of the City Council shall, immediately commence action or proceedings for the prevention of the demolition or relocation of a structure in the manner provided by law, and may take such other steps and apply to such courts as may have jurisdiction to grant such relief as will prevent the demolition, moving, removal, or damage to a building or structure, or using property contrary to the provisions of this Title. The remedies provided for in this section shall be cumulative and not exclusive.
1. For any demolition or relocation in violation of sections 15.04.210 to 15.04.218, the court shall also have the authority to order the person convicted of the violation to rebuild or restore the structure to its appearance prior to the demolition or to move and restore the building to its original site.
 2. For any flagrant violation, the court may impose a fine up to and including the assessed market value of the structure demolished or relocated. A flagrant violation is an act by a person who, after being notified of a violation, intentionally continues it.

City of Ashland Municipal Code - 15.04.214 Approval Process

Applications for demolition or relocation permits will be processed as follows:

- A. A complete application must be submitted to the building official and must include all of the required information for the specific action requested. The application must be signed by one or more property owners of the property where the structure is located. The application must be accompanied by the appropriate application fee.
- B. Within 14 days after receipt of a complete application, the building official will approve, approve with conditions, or deny the application unless such time limitation is extended with the consent of the applicant. Notice of the decision of the building official will be mailed to the applicant within seven days of the decision.
- C. If the application is approved, or if the application is denied and the applicant desires a hearing before the Demolition Review Committee, the applicant must post and publish a notice of the decision. The notice must be posted on the property in such a manner as to be clearly visible from a public right-of-way and be posted within 5 business days of the date the applicant received the decision. In addition, the notice must be published in a newspaper of general circulation within the city at least 7 days prior to the date requests for hearing must be filed.
- D. The applicant or any person may request a hearing before the Demolition Review Committee by filing a request for a hearing with the building official. The request for a hearing must:
1. Be in writing and be filed within ten days of the date of the decision, if the request is by the applicant. Otherwise the request must be filed within ten days of the date the notice is posted or 7 days after the notice is published, whichever date is later.

2. Contain the specific grounds for which the decision should be reversed or modified, based on the applicable demolition or relocation standards.

E. The following information is required to be contained in the notices required by this section.

1. Notice of the decision by the building official described in subsection B above is to contain the following information:

- a. The decision of the building official and the date of the decision.
- b. The requirements of the applicant for posting and publishing notice of the decision.
- c. A statement that no hearing will be held before the Demolition Review Committee unless specifically requested.
- d. A statement that a request for a hearing by the applicant must be made within 10 days of the date the applicant received the decision and that a request for a hearing must include:
 - i. The name and address of the applicant,
 - ii. the file number of the demolition or relocation application, and
 - iii. the specific grounds for which the decision should be reversed or modified, based on the applicable demolition or relocation standards.

2. The posted and published notices described in subsection C above must contain:

- a. A brief description of the approval and the application file number,
- b. The phone number and address of the building official,
- c. The date the notice was posted, and
- d. A statement that anyone who objects to the approval must file a request for a hearing on a form furnished by the building official, by a date not more than 10 days from the date the notice was posted or seven days from the date the notice was published in the newspaper, whichever date is later.

F. If a request for a hearing is timely received, the Demolition Review Committee will conduct a hearing at least 15 days, but not more than 30 days, from the date of the request.

G. Notice for hearings before the Demolition Review Committee will be published in a daily newspaper of general circulation within the city at least 10 days prior to the hearing and mailed to the applicant or authorized agent at least 10 days prior to the hearing. In addition a notice must be posted on the property by the applicant in such a manner as to be clearly visible from a public right-of-way at least 10 days prior to the date of the hearing. The applicant must certify, for the record of the hearing, that the posting was accomplished. The posted notice must contain a brief description of the proposal, the time, date and place of the hearing, and the phone number and address for contact with the building official.

H. Within 15 days of the hearing, or within 15 days of the receipt of the report described in section 15.04.216.A.1 is received, whichever date is later, the Demolition Review Committee shall issue its decision in writing and mail it to the applicant and all persons who appeared and spoke at the hearing.

I. The decision of the Demolition Review Committee may be appealed to the council by the applicant or someone who spoke at the hearing. In addition, the council may review the decision on its own motion. The decision is appealed by filing a notice of appeal with the city manager. The appeal fee, as set by resolution of the council, must accompany the notice of appeal. The appeal must be filed within 15 days of the date the decision of the committee is mailed. The appeal notice must contain:

1. The appellant's name and address,
2. A reference to the decision sought to be reviewed,
3. A statement that the appellant is the applicant or someone who appeared and testified at the hearing,
4. The date of the decision being appealed, and
5. The specific grounds for which the decision should be reversed or modified, based on the applicable standards.

J. The notice of appeal, together with notice of the date, time and place of the hearing on the appeal by the Council will be mailed to those who appeared at the hearing before the Demolition Review Committee at least 20 days prior to the hearing. The appeal before the council shall be a de novo hearing based solely on the evidence in the record made before the Demolition Review Board. The applicant shall have the burden to prove the standards have been met. The council may affirm, reverse or modify the decision and may approve or deny the request, or grant approval with conditions. The Council shall make findings and conclusions, and make a decision based on the record before it as justification for its action. The Council shall cause copies of a final order to be sent to all persons participating in the appeal.

City of Ashland Municipal Code - 15.04.216 Demolition and Relocation Standards

- A. For demolition or relocation of structures erected more than 45 years prior to the date of the application:
1. The applicant must demonstrate that either subparagraphs a or b apply:
 - a. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property. In determining whether an economically beneficial use can be made of the property, the Demolition Review committee may require the applicant to:
 - (i) Furnish an economic feasibility report prepared by an architect, developer, or appraiser, or other person who is experienced in rehabilitation of buildings that addresses the estimated market value of the property on which the building lies, both before and after demolition or removal, or
 - (ii) Market the property utilizing a marketing plan approved by the Demolition Review Committee or by advertising the property in the Ashland Daily Tidings and Medford Mail Tribune at least eight times and at regular intervals for at least 90 days and by posting a for sale sign on the property, four to six square feet in size and clearly visible from the street, for the same 90 day period.
 - b. The structure proposed for demolition is structurally unsound despite efforts by the owner to properly maintain the structure.
 2. In addition to subparagraphs a or b above, the applicant must also:
 - a. Submit a redevelopment plan for the site that provides for replacement or rebuilt structure for the structure being demolished or relocated. The replacement or rebuilt structure must be a minimum of 1,000 square feet, unless the structure being demolished or relocated is less than 1,000 square feet. If the structure is less than 1,000 square feet, the replacement structure must be a minimum of 500 square feet. The redevelopment plan must indicate in sufficient detail the nature, appearance and location of all replacement or rebuilt structures. No replacement structure is required, however, if:
 - (i) the applicant agrees to restrict the property to open space uses and a finding is made that such restriction constitutes a greater benefit to the neighborhood than redevelopment would, or
 - (ii) the structure being demolished or relocated is a nonhabitable accessory structure.
 - b. Demonstrate, if the application is for a demolition, the structure cannot be practicably relocated to another site.
 3. If a permit is issued and the redevelopment plan:
 - a. Requires a site review permit, no demolition or relocation may occur until the site review permit has been issued, unless the site is restricted to open space uses as provided in section [15.04.216.A.2](#).
 - b. Does not require a site review permit, no demolition or relocation may occur until the building permit has been issued for the replacement or rebuilt structure, unless the site is restricted to open spaces uses as provided in section [15.04.216.A.2](#).
 4. The Demolition Review Committee may require the applicant to post with the City a bond, or other suitable collateral as determined by the city manager, ensuring the safe demolition of the structure and the completed performance of the redevelopment plan.
- B. For demolition or relocation of structures erected less than 45 years from the date of the application:
1. The applicant:
 - a. Has the burden of proving the structure was erected less than 45 years from the date of the application. Any structure erected less than 45 years from the date of the application, which replaced a structure demolished or relocated under section [15.04.216](#), shall be considered a structure subject to the standards in subsections [15.04.216](#).
 - b. Must submit a redevelopment plan for the site that provides for a replacement or rebuilt structure being demolished or relocated. The replacement or rebuilt structure must be a minimum of 1,000 square feet, unless the structure being demolished ore relocated is less than 1,000 square feet. If the structure is less than 1,000 square feet, the replacement structure must be a minimum of 500 square feet. The redevelopment plan must indicate in sufficient detail the nature, appearance and location of all replacement or rebuilt structures. No replacement structure is required, however, if:
 - (i) the applicant agrees to restrict the property to open space uses and a finding is made that such restriction constitutes a greater benefit to the neighborhood than redevelopment would, or
 - (ii) the structure being demolished or relocated is a nonhabitably accessory structure.
 2. If a permit is issued and the redevelopment plan:
 - a. Requires a site review permit, no demolition or relocation may occur until the site review permit has been issued, unless the site is restricted to open space uses as provided in section [15.04.216.B](#).

b. Does not require a site review permit, no demolition or relocation may occur until a building permit has been issued for the structure or structures to be replaced or rebuilt, unless the site is restricted to open space uses as provided in section [15.04.216.B](#).

C. For any demolition approved under this section, the applicant is required to salvage or recycle construction and demolition debris, in accordance with a demolition debris diversion plan that complies with the requirements adopted the Demolition Review Committee. The applicant shall submit such a plan with the application for demolition. For any relocation approved under this section, the applicant must also comply with the provisions of Chapter [15.08](#).

Building Demolition Debris Diversion

If the amount of waste generated in demolition for any item exceeds the threshold noted below, then you must divert it from the waste stream headed for the landfill. Consult the resources noted for specific charges and conditions of acceptance.

ITEM	THRESHOLD	RESOURCES
Asphalt	1 cubic yard	Quality Rock (541)482-8000
Brush	1 cubic yard	Ashland Recology (541) 482-1471
Corrugated Cardboard	Any	Ashland Sanitary & Recycling (541) 482-1471
Concrete & Brick containing no metal or rebar	1 cubic yard	Quality Rock (541) 482-8000
Concrete & Brick w/metal or rebar	1 cubic yard	Quality Rock (541) 482-8000
Ferrous Metal Scrap	10 cubic yards	Ashland Sanitary & Recycling (541) 482-1471 Schnitzer Steel (541) 826-5758
Lumber, untreated unless 2/creosote, may have small ferrous metals such as nails, thin truss connector plates, etc.	1 cubic yard	Ashland Recology (541) 482-1471
Yard Debris	1 cubic yard	Ashland Sanitary & Recycling (541) 482-1471