



# TOWN OF LA CONNER DEMOLITION PERMIT – TYPE I & II

Date of Application \_\_\_\_\_ File# \_\_\_\_\_  
Site Address: \_\_\_\_\_ Tax Parcel Number: \_\_\_\_\_

“Demolition” means the destruction, removal, or relocation of more than 50 percent of an existing structure whether removed at one time or through successive actions, except that the removal of past structural additions for the express purpose of restoring a structure to its historic appearance, form or function shall be considered restoration.

Type I Structure - A structure which is on the Historic Register, is a designated historic landmark, or which was completed for occupancy before January 1, 1940 and is located within the Historic Preservation District.

Type II Structure - A structure located within the Historic Preservation District which is not a Type I structure.

**PROPERTY OWNER:**

NAME \_\_\_\_\_  
MAILING ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_  
PHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

**CONTRACTOR:**

NAME \_\_\_\_\_  
MAILING ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_  
PHONE \_\_\_\_\_ CONTRACTOR’S REGISTRATION # \_\_\_\_\_

**ZONE:**

- Residential                       Commercial                       Industrial

Is the property located in the:

- Historic District                       Shoreline

Is the structure to be demolished a:

*Please check all applicable categories (required unless waived):*

<input type="checkbox"/> Site Plan	<input type="checkbox"/> Narrative <sup>*see attached</sup>	<input type="checkbox"/> Economic Analysis (Type I)
<input type="checkbox"/> Architectural & Historic Inventory	<input type="checkbox"/> Asbestos/Lead Testing	<input type="checkbox"/> Sewer/Water Capping
<input type="checkbox"/> Erosion/Sediment Control	<input type="checkbox"/> Dust Mitigation	<input type="checkbox"/> Right-of-Way Permit

APPLICANT SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**THIS PERMIT IS GRANTED WITH THE FOLLOWING CONDITIONS:**

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<b><u>OFFICE USE ONLY</u></b>	
Permit fee paid _____	Date _____

**Narrative requirements-** *Please include the following in your narrative along with a detailed description of what you are proposing.*

**LCMC 15.112.050**

- (1) A listing of materials expected to be removed from the site, including any hazardous materials;
- (2) The methods of demolition and removal from the site;
- (3) The location and method of disposal of the materials;
- (4) Dates and hours of operation;
- (5) A plan for limiting or eliminating noise, dust and dirt impacts to adjacent properties, public rights-of-way, and environmentally sensitive areas.

**15.112.090 Criteria for approval of demolition – Type II structures.**

A certificate of authorization to demolish a Type II structure shall not be granted unless all of the following criteria have been met:

- (1) The application meets the requirements for demolition of a Type III building; and
- (2) The applicant has received a certificate of authorization for the new replacement structure; and
- (3) The removal of the structure will not be detrimental to the historic and architectural character of the Historic Preservation District. The removal of a structure will be determined to be detrimental to the historic and architectural character of the Historic Preservation District if the structure meets three or more of the following criteria:
  - (a) It embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction.
  - (b) It is the only remaining, or one of the few remaining structures of a particular style, building type, design, material, or method of construction.
  - (c) It is a conspicuous visual landmark in the community or neighborhood.
  - (d) It is an important or critical element in establishing or contributing to the continuity or character of the street, neighborhood or area.
  - (e) It is associated with the lives of persons significant in national, state, or local history.

(4) If the proposal would be detrimental to the historic and architectural character of the Historic Preservation District, as described above, the applicant demonstrates that the proposal meets the criteria for demolition of Type I structure, in which case an economic analysis must be submitted. [Ord. 720 § 1, 1998.]

**15.112.100 Criteria for approval of demolition – Type I structures.**

A certificate of authorization to demolish a Type I structure shall not be granted unless the following criteria have been met:

- (1) The application meets the requirements for demolition of a Type III building; and
- (2) The applicant has received a certificate of authorization for the reconstruction of the structure if it meets the criteria found in LCMC 15.50.070(4); and
- (3) Denial or partial denial of the permit will deprive the owner of reasonable economic use of the property and there is no viable or reasonable alternative which would have less impact; or
- (4) The structure is so deteriorated, and there is so little historical information that it would be impossible to retain the historic, cultural and architectural significance of the structure through rehabilitation or renovation. [Ord. 720 § 1, 1998.]

**15.112.060 Economic analysis.**

- (1) At the public hearing on any application for a certificate of authorization to demolish a Type I structure, or a Type II structure if the removal will be detrimental to the historic or architectural character of the Historic Preservation District, the commission shall, when requested by the property owner, consider evidence of the economic impact on the owner of the denial or partial denial of a certificate. In no case may a certificate be denied, in whole or in part, when it is established that the denial or partial denial will, when available incentives are utilized, deprive the owner of any reasonable economic use of the structure and when there is no viable or reasonable alternative which would have less impact on the features of significance.
- (2) To prove the existence of a condition of unreasonable economic return, the applicant must establish and the commission must find, both of the following:
  - (a) The owner has the present intent and the secured financial ability, demonstrated by appropriate documentary evidence to complete the demolition, and, if applicable, reconstruction; and

(b) The historic property on which the structure is located is incapable of earning a reasonable economic return without completing the proposed demolition. This finding shall be made by considering, and the applicant shall submit to the commission, evidence establishing the following factors:

(i) The current level of economic return on the property considered in relation to the following:

(A) The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased;

(B) The annual gross and net income, if any, from the property for the previous five years; itemized operation and maintenance expenses for the previous five years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

(C) The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the prior five years;

(D) Real estate taxes for the previous four years and assessed value of the property according to the two most recent assessed valuations;

(E) All appraisals obtained within the previous three years by the owner in connection with the purchase, financing or ownership of the property;

(F) The fair market value of the property immediately prior to its designation and the fair market value of the property at the time the application is filed;

(G) Form of ownership or operation of the property, whether sole, proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or both;

(H) Any state or federal income tax returns on or relating to the property for the last two years.

(ii) The property is not marketable or able to be sold when listed for sale or lease. The sale price asked, and offers received, if any, within previous two years, including testimony and relevant documents shall be submitted by the property owner. The following shall also be considered:

(A) Any real estate broker or firm engaged to sell or lease the property;

(B) Reasonableness of the price or lease sought by the owner;

(C) Any advertisements placed for the sale or lease of the property.

(iii) The infeasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:

(A) A report from a licensed engineer or architect with experience in historic restoration or rehabilitation as to the structural soundness of the property and its suitability for restoration or rehabilitation.

(B) Estimates of the proposed cost of the proposed alteration and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of the proposed alteration;

(C) Estimated market value of the property in the current condition after completion of the proposed alteration; and, in the case of proposed demolition, after the renovation of the property for continued use;

(D) In the case of proposed demolition the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in historic restoration or rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing property;

(E) The infeasibility of new construction around, above, or below the historic resource.

(iv) Potential economic incentives and/or funding available to the owner through federal, state, county, city or private programs.

(3) Notwithstanding the foregoing enumerated factors, the property owner may demonstrate other appropriate factors applicable to economic return.

(4) Upon reasonable notice to the owner, the town may appoint an expert or experts to provide advice and/or testimony concerning the value of the property, the availability of incentives and

the economic impacts of approval, denial or partial denial of a certificate of authorization to demolish.

(5) Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a certificate of authorization. [Ord. 720 § 1, 1998.]

#### **15.112.070 Architectural and historic inventory.**

The architectural and historic inventory will provide a record of building size and scale, important site features, and the structure's historic relationship to surrounding properties, views and open spaces so that these features can be used in historic design review and incorporated into the design of new construction on the site. The inventory shall consist of the following:

(1) A site plan drawn to a standard engineering scale showing the location and size of existing structures, driveways, trees, sidewalks, open spaces, environmentally sensitive areas, and other site features.

(2) Diagrams, pictures, elevations or other descriptive illustrations which clearly show the current and past relationship of the structure to the site, to the street, to structures, open spaces, views and significant natural features within 300 feet. This may take the form of one or a combination of the following: Figure-ground drawings of the site and surrounding area, architectural sections or elevations of the site and surrounding area, and/or pictures of the site, streetscape and surrounding area.

(3) Architectural elevations of the structure proposed for demolition.

(4) A written summary of the historical significance of the structure, including the following: Date of construction, history of its use, significant historical events that occurred in the structure, dates of significant additions to or changes to the structure which affect its character, and other relevant information. [Ord. 720 § 1, 1998.]