

# DEMOLITION DELAY: A TOOL, NOT A SOLUTION

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Oregon has a statute that requires that historic properties significant to the state must be protected. Every local jurisdiction does this a little differently. The most common protection we see is demolition delay. In most cases the protection stops there. For some communities, including our Certified Local Governments (CLGs), delay is only one part of a broader local preservation effort.

A brief, non-scientific survey of CLGs in Oregon revealed a bit about the effectiveness of demolition delay in saving historic properties in those CLG communities:

- ▶ Nearly all have demolition review.
- ▶ The majority have demolition delay.
- ▶ The delay ranges from 60-210 days. The typical delay is 90 days. In some cases a delay can be extended if action is happening to save the property.
- ▶ Most require time for documentation of the property, some require salvage and/or preservation of building elements, but even this is often not effectively gathered.
- ▶ A few require evidence that the owner attempted to sell or remove the building.
- ▶ Numbers indicate that demolition delay doesn't save buildings. In reporting CLGs, only one of 19 buildings submitted for demolition was saved in the last four years.
- ▶ Opinions are mixed about the effectiveness of demolition delay. This may be partly because many demolition requests are ultimately not submitted once the proponent learns about the review and delay processes and about the opportunities for preservation.

Even when demolition delay is enacted, the results vary. In some cases, the documentation and salvage occur; in very rare cases, the building is moved.



Credit: City of Portland, OR.

*This house in Portland was saved through demolition delay. A massive and expensive effort in moving it to another location.*

Most codes do not specify who completes the documentation, to what standards the documentation will comply, or where the information will go. A few communities are prepared, with a historic preservation commission or local preservation nonprofit that completes the work and collects the information. They have the systems in place and are ready to act when needed. In most cases, it seems the documentation doesn't happen. The same is true for salvage. In most cases there is no way to ensure the salvage actually occurs. Moving the building is also not ideal, as the original setting is often part of its significance. In addition, moving the building can be expensive and challenging. Where does the building go? Who is in charge? Who notifies the public about the building's availability?

A few communities in Oregon that have recently suffered losses of significant historic properties have moved beyond demolition delay and added demolition denial as an action. In all cases, since the demolition denial has been in effect, the properties denied demolition are still standing - some in improved condition. Also, the denial tends to limit the number of applications requesting demolition.

Code that addresses demolition by neglect is another tool that has helped save local resources. The code



Credit: Historic Preservation League of Oregon

*This barn, on the Historic Preservation League of Oregon's Most Endangered Places list, was demolished after a long demolition delay. The action motivated the community of Cottage Grove to change the code to include demolition denial.*

allows for citations for actions that affect the structural integrity of the building (leaky roofs, broken windows, sagging porches, etc.) and fees if the conditions are not addressed. Arresting demolition by neglect and instituting demolition denial have proved to be a combined force for preservation.

The jury is still out on the effectiveness of demolition delay in saving historic properties, especially if documentation and salvage are not completed. It can be a great tool to support a broader preservation program. Here are four ways communities can deal with demolition and get the most out of demolition delay.

1. Think big picture: It always comes down public education. Even if the community has had districts in place since the 1970s, this part of the work can never stop. Don't let the community accept demolition as a first option. Also, public education about the process of demolition applications may stop folks going down that road before they reach the planning desk. Make sure that tools, resources, and options are made available.
2. Be proactive: This is a great way for commissioners to do something other than design review. Drive around and check out the condition of the designated historic properties. If they are looking the worse for wear, then send a packet to the property owner that includes historic information about the property, explains how important it is to the community, and describes resources to take care of the property.
3. Be prepared: Is your commission or community prepared for a demolition and the work that should take place during a delay?

**a. Have a plan for documentation.**

- i. Who will do it? Commissioners, city staff, local museum, preservation organization, property owner?
- ii. How will it be completed? Are there standards in place? Interior photos, exterior photos, floor plan, structural information, history?

- iii. Where will it go? Is there a place to store the information so it is preserved and accessible? City hall, museum, preservation organization?

**b. Have a plan for salvage.**

- i. Who will do it?
- ii. For what purpose will it be saved? Reuse, documentation, preservation, education?
- iii. What will be saved? Everything that is reusable, character-defining details, unique building techniques?
- iv. Where will it go? Is there a place to store the information so it is preserved and accessible? City hall, museum, preservation organization?

**c. Have a plan for moving.**

- i. Develop a network for notification of available buildings and decide who completes the notification.
- ii. Work with organizations that need buildings (low income housing organizations, schools, etc.) to have people waiting for building donations.
- iii. Work with the city to make moving of historic properties as easy and low-cost as possible (permitting, etc.)
- iv. Create lists of contractors that move and set buildings.
- v. Grow a fund to help pay the costs of the move.

**d. Have all of these tools at hand to give the property owner.**

4. Get tougher on neglect: Documentation, salvage, and moving the building are good options. Preserving the building in place is a better one. Once you have some public education and support, consider adding some teeth to the code to prevent demolition by neglect. This is often the real cause of, or at least excuse for, demolition. Some developers even purchase property with the intent of demolition. Demolition by neglect even outsmarts demolition denial when the structure becomes so dilapidated that it is dangerous and devalues the entire property.

Imagine a screwdriver, a pretty cool invention. Alone it does nothing. Demolition delay is very much like the screwdriver. It is handy, but only if someone uses it the right way.■