
§ 152.306 HISTORIC RESOURCE COMBINING ZONE - HR.

(1) *SCOPE.* The Historic Resource Combining Zone - HR provides a means to recognize and protect properties listed as historic landmarks or districts. Properties listed in the National Register of Historic Places are subject to the review process in all sections of this subchapter even if not listed as a designated historic landmark or district pursuant to Oregon Administrative Rule 600-023-200.

(2) *APPLICABILITY.* The Historic Resource Combining Zone - HR shall be applied to those resources designated as historic landmarks or districts according to the provisions found at § 152.306(6) and/or listed in the National Register of Historic Places.

(3) *PURPOSE.* The city recognizes that certain significant historic resources located within its boundaries contribute to the unique character of the community. This section establishes a process for designating significant resources as historic landmarks or districts, reviewing major alteration including additions and new construction to historic landmarks or districts, removal of historic designation, and relocation or demolition of designated historic landmarks or districts.

(4) *POWERS AND DUTIES OF THE PLANNING COMMISSION.* The Planning Commission shall be the final review body under the provisions of this section with the ability to approve, approve

with conditions, or deny an application reviewed under this section unless an appeal is filed with the City Council. The Planning Commission may:

(A) Employ the procedures and review criteria in §§ 152.306(6) through 152.306(9), the Commission shall review and act upon applications for designation of historic landmarks or districts, major alterations including additions and new construction, removal of a landmark designation, and relocation or demolition of historic landmarks or districts.

(B) Develop and publish, and/or adopt, written and graphic design guidelines and example materials to clarify the review criteria in this section and to assist applicants in developing complete and viable applications.

(C) Adopt rules and procedures for the internal functioning of the Commission in matters pertaining to this section.

(D) Advise and make policy recommendations to the City Council in matters relating to historic preservation.

(E) Organize a Historic Technical Advisory Committee (HTAC) that may advise the Planning Commission on matters concerning historic landmarks or districts. The HTAC may:

1. Inform the citizens of, and visitors to the city, regarding the community's history, architecture, and prehistory;
2. Promote research into the local and regional history and prehistory;
3. Collect and make available materials on the preservation of historic resources and historic landmarks and districts;
4. Document historic resources and historic landmarks or districts prior to major alterations, additions, new construction, and/or demolition or relocation;
5. Advise the Planning Commission about public incentives and code amendments concerning historic resources;
6. Make recommendation to the Planning Commission on deleting or adding to the list of designated historic landmarks and districts;
7. Advise and make recommendations to the Planning Commission on applications for landmark designation, and alterations, new construction, additions, and demolition or relocation of a historic landmark or district.

(5) *REVIEW PROCEDURE.*

(A) *Application.* The Planning Commission, the City Council, recognized neighborhood groups, interested persons, property owners, or their authorized agents may initiate a request for historic landmark or district designation, and a property owner or their authorized agent may initiate a request for a permit for alteration, including additions or new construction, or relocation/demolition of a historic landmark by filing an application with the City Zoning Officer using forms prescribed for the purpose by the city.

(B) *Public Review Procedure.* The City Zoning Officer shall refer applications for designation, alterations including additions and new construction, relocation/demolition or removal of a landmark designation of a historic landmark or district to the Planning Commission for a public hearing with the exception of alterations classified as minor alterations under § 152.306(7)(A)(1).

1. The City Zoning Officer shall initiate a public hearing within 21 days of receipt of the application.

2. A public notice of the hearing, authorized or required by this section, shall be published in a newspaper of general circulation in the city at least ten days prior to the date of the hearing.

3. A notice of hearing on such applications shall be mailed to the owners of properties within 250 feet of the property lines of subject property and other identifiable potentially affected persons or parties. The notice shall be mailed at least ten days prior to the date of hearing.

4. In addition to other notice requirements, the Zoning Officer shall send notice to the Gilliam County Historical Society, the State Historic Preservation Office, and other interested parties.

5. The notice provisions of this section shall not restrict the giving of notice by other means, including mail, posting of property, or use of radio and television.

6. The Planning Commission shall hold a public hearing and render a decision on the application based on the review criteria established in this section.

7. Within five days after the Planning Commission's decision with reference to the application, the city shall provide the applicant with written notice of the decision.

(6) *HISTORIC LANDMARK DESIGNATION.* The Planning Commission shall review all applications for historic landmark or district designations and hold a public hearing for a final determination. No property shall be designated as a historic landmark without the consent of the owner, or in the case of multiple ownership, a majority of the owners.

(A) Review Criteria. The historic landmark shall be at least 50 years old (unless of exemplary architectural or historical significance), contribute to the continuity or historic character of the community, possess sufficient historic integrity, and meet at least one of the following criteria:

1. Associated with past trends, events, or values that have made a significant contribution to the economic, cultural, social and/or political history of city, county, region, state, or nation; or
2. Associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, region, state, or nation; or
3. Embodies distinguishing architectural characteristics of a period, style, method of construction, craftsmanship, or in use of materials; or is the only remaining, or one of few remaining, resources of a particular style, building type, design, material, or method of construction, or is a prominent visual landmark with strong associations to the community; or
4. Is representative of the work of a designer, architect, or master builder who influenced the development and appearance of the city, county, region, state, or nation; or
5. Contains archaeological artifacts that have yielded or are likely to yield information related to prehistory or to the early history of the local, county, state, or nation; or
6. Currently listed on the National Register of Historic Places.

(B) If the Commission acts to approve the proposed landmark or district designation, or to approve with conditions, the subject property(s) shall be subject to the provisions of § 152.132(7) - (9).

(7) EXTERIOR ALTERATIONS, ADDITIONS, AND NEW CONSTRUCTION.

(A) Review Criteria. Review by the Planning Commission is required for all major exterior alterations or additions to designated historic landmarks or districts, and new construction within a historic district or on the same parcel as a designated historic landmark with the exception of alterations classified as minor alterations.

1. Review Criteria for Minor Alterations. Minor alterations may be approved by the Zoning Officer at his or her discretion without public notice, or may be elevated to the Planning Commission. The Zoning Officer may consult with the Planning Commission and the State Historic Preservation Office. Any administrative decision shall be made in writing and the decision shall be copied to the Planning Commission. In granting an administrative approval, the director may attach such conditions as he/she deems necessary to protect the resource. The following are considered minor alterations:

(a) Replacement of gutters and down-spouts, or the addition of gutters and down-spouts, using like materials or materials that match those that were typically used on similar style buildings; and

(b) Repairing or providing a new foundation that does not result in raising or lowering the building elevation. The repair or new foundation shall not affect the appearance of the building; and

(c) Replacement of wood siding, when required due to deterioration of like material, with wood material that matches the original siding in materials, dimensions, and textural qualities; and

(d) Replacement of existing window sashes with new sashes, when using material which matches the original historic material and appearance. Severe deterioration of the original window sashes has to be evident; and

(e) Repair and/or replacement of roof material with the same kind of roof material existing, or with materials which are in character with those of the original roof; and

(f) Other minor alterations specified by the Planning Commission, such as awnings and sign installation, established as written policies or outlined in design guidelines.

2. Review Criteria for Major Alterations. The Planning Commission shall approve an application for major alterations if the proposed alteration is determined to be harmonious and compatible with the appearance and character of the historic landmark or district and shall disapprove any application if found detrimental or unsightly, grotesque, or adversely affecting the architectural significance, the integrity or historical appearance, or the educational or historical value of the resource. The following guidelines are based on the Secretary of Interior Standards for Rehabilitation and apply to exterior alterations to historic landmarks or districts:

(a) Every reasonable effort shall be made in the proposal to provide a compatible use for the property which requires a minimal alteration of the resource, or to use the property for its original intended purpose.

(b) Retention of original construction features shall be preserved, so far as practicable. The removal of distinctive materials, features, finishes, and construction techniques, or alterations of features, spaces, and spatial relationships that characterize the historic landmark or district shall be avoided.

(c) Each historic landmark or district shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall be avoided.

(d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

(e) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, material. Replacement of missing features shall be substantiated by documentary and physical evidence.

(g) Chemical and physical treatment, if appropriate, shall be undertaken using the most gentle means possible. Treatment such as sandblasting or harsh chemical cleaning that cause damage to the historic material shall not be used.

(h) Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

(i) Whenever possible, new additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the historic landmark and district. The new addition shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.

(j) New additions and adjacent or related new construction, within a district or on the same parcel as a designated historic landmark shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic landmark or district and its environment would be unimpaired.

(k) New construction. The design of new construction shall be compatible with the design of the historic landmark or district considering scale, style, height, setbacks, architectural detail, and materials. The location and orientation of the new construction shall be consistent with the typical location and orientation of similar building in the area considering setbacks, distances between building, location of entrances, and similar siting considerations.

(l) Murals. Murals shall be subject to the review criteria set forth division (A)(2) of this section and subject to the size requirements established in § 152.410.

(B) Exemptions from Review. Nothing in this section shall be construed to prevent the normal maintenance or repair of any exterior architectural feature on any property covered by this section that does not involve a change in design, material, or external appearance thereof. Normal maintenance may

include, but not be limited to, painting and related preparation, ground care and maintenance required for the permitted use of the property, and existing materials replaced in-kind because of damage or decay of materials. Nor does this section prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such features when the Building Official or city determines that such emergency action is required for the public safety due to an unsafe or dangerous condition.

(8) RELOCATION OR DEMOLITION OF AN HISTORIC LANDMARK.

(A) Review Criteria. In order to approve an application for the relocation or demolition of an historic landmark or district, the Commission must find all of the following:

1. The historic landmark or district cannot be economically rehabilitated; and
2. A program or project does not exist which may reasonably result in preservation of the historic landmark or district; and
3. Delay of the permit would result in unnecessary and substantial hardship to the applicant; and
4. Issuance of the permit will not act to the substantial detriment of the public welfare considering the significance of the historic landmark or district.

(B) Action of Planning Commission. At the hearing of an application to relocate or demolish a historic landmark or district, the Planning Commission may delay issuance of a permit for up to 120 days from the date of the hearing. During this period, the city shall attempt to determine if public or private acquisition and preservation is feasible or if other alternatives are possible which could be carried out to prevent relocation or demolition of the historic landmark or district. The city may request advice from the County Historical Society and the State Historical Preservation Office.

(C) Conditions. In approving an application for removal or demolition of an historic landmark or district, the Planning Commission may impose the following conditions:

1. Photograph, video, or drawn recordation of the property; and/or
2. Salvage and curation of significant elements; and/or
3. Other reasonable mitigation measures.

(9) REMOVAL OF HISTORIC LANDMARK DESIGNATION.

(A) The Planning Commission shall review all applications for removal of an historic landmark or district designation based upon findings that removal of the historic designation will not adversely

impact properties in the surrounding area or integrity of the historic district or of another historic landmark on the same parcel.

(B) Review Criteria. In order to approve an application for removal of an historic landmark or district designation, it must be found that at least one of the following has occurred since the property was listed as an historic landmark or district:

1. The significance of the historic landmark or district has been substantially reduced or diminished according to the review criteria established in § 152.306(6); or
2. The integrity of the historic landmark or district has been substantially reduced or diminished by inappropriate alterations, additions, or new construction according to the review criteria established in § 152.306(7)(A); or
3. In case of a state or nationally designated resource, concurrence from the State Historic Preservation Office has been sought and the comments considered in the decision to remove the historic designation.

(C) Once a National Register boundary has been set, it can only be changed by action by the keeper of the National Register, on the recommendation of the Oregon State Advisory Committee on Historic Preservation. Such recommendation would come after a public hearing process at state level which formal justification for such a boundary change would have been presented.

(10) *APPEALS*. A person may appeal to the City Council from a decision or requirement made by the Planning Commission or for a decision or requirement made pursuant to this section if the person proceeds under the procedure established under § 152.807.
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