

ORDINANCE NO. 810

AN ORDINANCE AMENDING THE TROUTDALE DEVELOPMENT CODE, REPEALING CHAPTER 4.200 COMMUNITY RESOURCE PROTECTION AND REPLACING IT WITH A NEW CHAPTER 4.200 HISTORIC LANDMARK PROTECTION, AND AMENDING SECTION 7.180(L) DESIGN REQUIREMENTS FOR LAND DIVISIONS, RELATING TO TASK 5 OF THE CITY'S PERIODIC REVIEW WORK PROGRAM.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City has been in periodic review since the initial notification from the Oregon Department of Land Conservation and Development (DLCD) on May 20, 2008. The City submitted its proposed periodic review work program to DLCD on November 14, 2008. DLCD approved the work program with modification on April 15, 2010. The approved work program includes Task 5 pertaining to historic preservation.
2. The City hired the consultant team of Connell PC Associates to assist staff in the preparation of these amendments. These amendments, along with amendments to the Troutdale Comprehensive Land Use Plan Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Areas and Troutdale Municipal Code Chapter 2.20 Committees and Commissions are products required under the City's Periodic Review Task 5.
3. The public need is best satisfied by these amendments:
 - a. The amendments include definitions specific to historic preservation.
 - b. The amendments include the list of existing designated Community Resources in Table A of TDC 4.200, and these Community Resources are the City's locally designated historic landmarks at the time of adoption of these amendments.
 - c. The inventory of historic resources done for compliance with Periodic Review will be kept in a separate database compatible with the State Historic Preservation Office system. Additions to the historic resource inventory may be made by city staff in consultation with the Historic Landmarks Commission at any time.

- d. The amendments refine the standards for designation of historic resources as historic landmarks and require the informed written consent of the owners for designation of a resource as a historic landmark.
 - e. The amendments refine procedures to alter, demolish or relocate or remove the historic landmark designation.
 - f. The amendments are consistent with state and federal regulations pertaining to historic resource protection, including protection of historic resources listed on the National Register of Historic Places.
4. The amendments will not adversely affect the health, safety, and welfare of the community.
5. The amendments do not conflict with applicable Comprehensive Land Use Plan goals or policies. The applicable Troutdale Comprehensive Land Use Plan Goals and policies that apply are: Goal 1 Public Involvement and Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Areas.
- a. Goal 1 Public Involvement is satisfied because the public has been afforded the opportunity to attend a variety of meetings relating to these amendments:
 - 1) October 1, 2008 a public hearing on the Periodic Review Work Program.
 - 2) July 22, 2010 a public informational meeting on Periodic Review Task 5.
 - 3) October 6, 2010 Citizens Advisory Committee meeting.
 - 4) October 27, 2010 Planning Commission meeting.
 - 5) December 14, 2010 City Council meeting.
 - 6) February 2, 2011 Citizens Advisory Committee meeting on proposed text amendments to the Comprehensive Land Use Plan Goal 5 and Troutdale Municipal Code Chapter 2.20 Committees and Commissions.
 - 7) March 2, 2011 Citizens Advisory Committee meeting. Notice of the meeting was published in the Gresham Outlook and the Oregonian. The agenda was mailed to interested parties.

- 8) April 27, 2011 a public hearing before the Planning Commission at which the Planning Commission afforded interested persons the opportunity to comment in advance of the hearing, in writing, and at the hearing.
 - 9) May 24, 2011 the first reading and public hearing before the City Council was postponed to June 14, 2011.
 - 10) June 14, 2011 the first reading and public hearing before the City council.
 - 11) June 28, 2011 the second reading and public hearing before the City Council for adoption of these amendments.
- b. The amendments implement the historic preservation policies of the Comprehensive Land Use Plan Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Areas and are consistent with amendments to the policies of Goal 5 proposed as part of Periodic Review Task 5 (File No. 11-013).
 - c. The amendments are consistent with the duties and responsibilities of the proposed Historic Landmarks Commission to be established under Troutdale Municipal Code Chapter 2.20 Committees and Commissions as part of Periodic Review Task 5 (File No. 11-014).
6. The Planning Commission unanimously recommended these amendments to the City Council on April 27, 2011.
 7. The amendments proposed by staff to the amendments recommended by the Planning Commission are in response to additional comments from the SHPO received after April 27, 2011. These amendments are consistent with Oregon Revised Statute 660-023-0200 that requires local governments to protect all historic resources of statewide significance through local historic protection regulations, regardless of whether these resources are "designated" in the local plan. Historic resources of statewide significance are listed on the National Register of Historic Places.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. Troutdale Development Code Chapter 4.200 Community Resource protection is repealed and replaced with 4.200 Historic Landmark Protection as shown in Attachment A.

Section 2. The City's historic resources currently identified as Community Resources are hereby designated historic landmarks.

Section 3. Troutdale Development Code Chapter 7.000 Land Division, section 7.180L. Design Requirements /Streets is hereby amended as shown in Attachment A to include a standard for naming newly created public streets with historically significant names.

YEAS: 6

NAYS: 0

ABSTAINED: 1 (Councilor Ripma)

Mayor Jim Kight

Mayor Jim Kight

July 1, 2011

Date

Sarah Skroch

Sarah Skroch, Deputy City Recorder
Adopted: June 28, 2011

CHAPTER 4 – ZONING DISTRICT OVERLAYS**4.200 HISTORIC LANDMARK PROTECTION****HL**

- 4.210 Purpose. The purpose of this section is to provide procedures to identify, designate, and preserve historic resources including buildings, structures, sites, objects, or districts, which are of historical, architectural, or cultural significance to the community, and to provide appropriate means for their protection and preservation consistent with state preservation laws. The City and the Historic Landmarks Commission shall support the enforcement of all state laws relating to historic preservation.
- 4.220 Applicability. The historic landmark protection standards of this chapter apply to designated historic landmarks listed in Table A of section 4.290 of this chapter and to historic resources listed on the National Register of Historic Places whether or not that resource is designated a historic landmark by the City. No provision of this Chapter shall be construed to prevent the ordinary repair or maintenance of a historic landmark or historic resource on the National Register of Historic Places when such action does not involve a change in design, materials, or appearance. No provision in this chapter shall be construed to prevent the alteration, demolition, or relocation of a historic landmark or historic resource listed on the National Register of Historic Places when the Building Official certifies that such action is required for the public safety. At his or her discretion, the Building Official may find that that a historic landmark or historic resource on the National Register of Historic Places does not meet current building code but is not dangerous as defined by that code.
- 4.230 Definitions. As used in this chapter, the following words and phrases shall have the following meaning.
- A. Alteration. To remove or add architectural features or otherwise change the physical appearance of any part or portion of the exterior of a historic landmark. A major alteration affects the visual qualities that convey the historical or architectural significance of a historic landmark. A minor alteration does not affect the visual qualities that convey the historical or architectural significance.
 - B. Architectural Integrity. The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.
 - C. Certified Local Government. The Certified Local Government program is designed to promote historic preservation at the local level. The federal program (National Park Service) is administered by the Oregon State Historic Preservation Office (SHPO). Communities are certified after the local government has established its own

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historic preservation commission and program meeting federal and state standards. The Certified Local Government program offers communities financial and technical assistance in preserving historic resources.

- D. Demolish. To raze, destroy, dismantle, deface or, in any manner, cause partial or total ruin of a designated historic landmark, individually or within a historic district.
- E. Exterior. All outside features of a historic landmark, individually or within a historic district.
- F. Historic Landmark. A historic resource officially designated in accordance with the procedures of this chapter. Historic landmarks are identified in the Troutdale Historic Resources Inventory Table A of section 4.290 of this chapter.
- G. Historic Landmarks Commission. The City of Troutdale Historic Landmarks Commission also referred to as the Landmarks Commission.
- H. Historic Resource. Buildings, structures, sites, objects, or districts, which are of historical, architectural, or cultural significance to the community or are of statewide significance.
 - 1. Building - A construction made for purposes of shelter or habitation, e.g. house, barn, store, theater, train station, garage, school, etc.
 - 2. Structure - A construction made for functions other than shelter or habitation, e. g. a bridge, windmill, dam, highway, boat, kiln, etc.
 - 3. Object - A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e. g. statue, fountain, milepost, monument, sign, etc.
 - 4. Site - The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features, e.g. battlefield, shipwreck, campsite, cemetery, landscape, natural feature, garden, food-gathering area, etc.
 - 5. District - A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites which are unified historically by plan or physical development, e.g. downtown, residential neighborhood, military reservation, ranch complex, etc.
 - 6. Historic Resources of Statewide Significance - Buildings, structures, sites, objects, and districts which are listed in the National Register of Historic Places.

- I. Historic Resource Inventory. The City of Troutdale historic resource inventory is a list of historic resources that have historic, architectural or cultural significance, locally, regionally, or nationally. The historic resource inventory includes designated historic landmarks in Table A of section 4.290 of this chapter. The list of historic resources identified during Periodic Review in compliance with Comprehensive Land Use Plan Goal 5 policies for planning and archival purposes is kept in a city database compatible with the State Historic Preservation Office system and is available from the Planning Division.
- J. In-Kind Replacement. A process of rehabilitation utilized only where materials are extensively deteriorated or damaged, and cannot be repaired. Deteriorated materials or features are repaired with the same materials, style, and design. This process is based on physical evidence of essential form and detailing of historic materials or features.
- K. National Register of Historic Places. An official list of the Nation's historic places worthy of preservation. The National Park Service's National Register of Historic Places (NRHP) is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources. All historic resources within Oregon on the National Register of Historic Places are, by definition, Historic Resources of Statewide Significance. The program is administered through the State Historic Preservation Office (SHPO).
- L. New Construction. Any type of development or addition on a tax lot that has a designated historic landmark within the lot (e.g. garages, outbuilding, etc.).
- M. Preservation. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features, rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.
- N. Rehabilitation. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

- O. Restoration. The process of accurately recovering the form and details of a property and its setting as they appeared at a particular historic period by means of the removal of later work or the replacement of missing earlier work.
 - P. Secretary of the Interior's Standards. The Secretary of the Interior's Standards for the Treatment of Historic Properties, developed by the National Park Service are intended to promote responsible preservation practices that help protect historic resources. The four treatments are: Preservation, Rehabilitation, Restoration and Reconstruction. For the purpose of this chapter, the treatment of Rehabilitation is used as the guidelines for the alterations to historic landmarks section of this chapter.
 - Q. State Historic Preservation Office (SHPO). The Oregon State Historic Preservation Office is within the Oregon Parks & Recreation Department: Heritage Programs. Under federal and state mandates, the SHPO manages programs that create opportunities for individuals, organizations, and local governments to become directly involved in the protection of significant historic and cultural resources.
 - R. State Historic Preservation Office Statewide Inventory. A statewide inventory of Oregon's historic and archaeological properties maintained by the Oregon SHPO as mandated by the National Historic Preservation Act of 1966 and Amendments. The historic resource surveys that contribute to this inventory provide technical support to citizens, local governments, and federal and state agencies for identifying and protecting Oregon's cultural heritage resources.
- 4.240 Historic Landmark Designation. Historic landmark designation may be applied to any historic resource whether or not it is listed in the City's current inventory of historic resources. An application for the historic landmark designation shall be considered by the Historic Landmarks Commission as a Type III quasi judicial procedure as described in section 2.110 of this code except that any reference to the Planning Commission shall also apply to the Historic Landmarks Commission.
- A. Any person may request designation of a historic resource as a historic landmark. An application for historic landmark designation shall not be accepted without the informed written consent of the owners.
 - B. No building, alteration, demolition, relocation, or removal permits for any historic resource shall be issued while a historic landmark designation application or any appeal is pending.
 - C. The Historic Landmarks Commission shall use the following National Register of Historic Places criteria to evaluate whether the historic resource merits a historic landmark designation.

1. The historic resource must be over fifty years of age (or of extraordinary historic importance if under 50 years).
 2. The historic resource must also meet at least one of the following.
 - a. Be associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or
 - b. Be associated with the lives of persons, organizations, or groups of people, significant in local, state, or national history; or
 - c. Embody distinctive characteristics of an architectural style, period or method of construction or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - d. Be listed on the National Register of Historic Places.
- D. Identification. A sign, in a form approved by the Director, may be placed by the property owner, or with the property owner's permission, to identify the site or structure as a historic landmark. The sign shall state the name of the historic landmark and briefly describe its significance. The sign shall be subject to requirements of Chapter 10 Signs, of this code.
- E. Permitted Uses. A historic landmark may be used for any use permitted in the underlying zoning district. In addition, upon the recommendation of the Historic Landmarks Commission, the Planning Commission may authorize any use as a conditional use which can be shown to contribute to the preservation or reuse of the historic landmark, subject to the criteria of chapter 6.300 Conditional Use, of this code.
- 4.250 Removal of a Historic Landmark Designation. Properties designated historic landmarks in Table A of section 4.290 of this chapter are subject to these standards. If a historic landmark is also on the National Register of Historic Places, the City will notify the SHPO of the removal of the historic landmark designation.
- A. Any person may request removal of the historic landmark designation with the property owners informed written consent. Applications shall be reviewed by the Historic Landmarks Commission as a Type III quasi-judicial procedure as described in section 2.110 of this code except that any reference to the Planning

Commission shall also apply to the Historic Landmarks Commission. Upon approval, the effective date of removal shall be 120 days from the date of the application to remove the historic landmark designation.

- B. **Review Criteria.** The Historic Landmarks Commission shall evaluate the request for removal of the historic landmark designation based upon the following criterion: the significance or integrity of the historic landmark according to the review criteria in section 4.240C of this chapter has been substantially reduced or diminished since designation and the historic landmark is not being used as a conditional use not otherwise permitted in the underlying zoning district.
- C. **Exception:** The Director shall delete from the Troutdale historic resource inventory any historic resource or historic landmark that has been destroyed or is damaged in excess of seventy percent (70%) of its previous value due to vandalism, fire, flood, wind, earthquake, or any natural disaster. The Director shall send written notice to the property owners and SHPO.

4.260 Alterations to a Historic Landmark. Properties designated historic landmarks in Table A of section 4.290 of this chapter and any historic resource listed in the National Register of Historic Places that is not designated a local historic landmark, are subject to these standards. Except for in-kind replacement of roofing, siding, gutters and windows; normal maintenance including but not limited to painting and related preparation, storm windows, and landscaping; and interior remodeling, an application to alter a historic landmark is required.

A. Procedure.

1. The Director may approve any application for a building permit without land use review for minor alterations to a historic landmark that do not involve a change in design, material, or appearance.
2. The Historic Landmarks Commission shall review proposed work that involves major alterations to the exterior of a historic landmark in accordance with the Type III quasi-judicial procedure as described in section 2.110 of this code except that any reference to the Planning Commission shall also apply to the Historic Landmarks Commission.

- B. Criteria: The Historic Landmarks Commission may approve, approve with modifications, or deny an application to alter a historic landmark based upon the following criteria:

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1. The historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
2. A property 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 not be undertaken.
3. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
4. Distinctive materials, features, finish, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
5. 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, like materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
6. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale, proportion, and massing to protect the integrity of the property and its environment.
7. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed, in the future, the essential form and integrity of the historic property and its environment would be unimpaired. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken; and/or new additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work 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; and/or
8. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken;

and/or new additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work 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.

9. If the historic landmark is under state or federal tax incentives or if it is a project that includes federal funds under Section 106, the alteration must be reviewed by the SHPO.

4.270 Demolition or Relocation of a Historic Landmark. Historic landmarks in Table A of section 4.290 of this chapter and any historic resource listed in the National Register of Historic Places, whether it is designated a local historic landmark or not, are subject to these standards.

- A. Procedure. The Historic Landmarks Commission shall review all requests to demolish or relocate a historic landmark under a Type III quasi judicial procedure as described in section 2.110 of this code except that any reference to the Planning Commission shall also apply to the Historic Landmarks Commission. The effective date of an approval to demolish or relocate a historic landmark shall be 120 days from the date of the application to demolish or relocate the historic landmark. Demolition or relocation permits shall not be issued for at least 120 days from the date of the land use application to demolish or relocate the historic landmark.
- B. Criteria. The Historic Landmarks Commission shall evaluate an application to demolish or relocate a historic landmark based upon the following criteria:
 1. No prudent and feasible alternative exists, or
 2. Is deteriorated beyond repair, or
 3. The value to the community of the proposed use in place of the historic landmark outweighs the value of retaining the historic landmark.
 4. If under state or federal tax incentives or if it is a project that includes federal funds under Section 106, the demolition or relocation must be reviewed by the SHPO. Comments from the SHPO will be a factor in the decision.

- C. Designation Status. When a request for relocation is approved, the Historic Landmarks Commission may retain the historic landmark designation with the informed written request of the owners, upon adoption of findings that the criteria of section 4.240C of this chapter are met.
- D. Conditions of Approval. In approving a demolition or relocation of a designated historic landmark, the Historic Landmarks Commission shall:
1. Order the preparation of a record of the historic landmark, to include as appropriate, maps, narrative and any other pertinent documentation including, but not limited to photographs and/or a video of the property, and/or salvaging and curating significant elements prior to demolition or relocation.
 2. Order reasonable mitigation measures after demolition or relocation such as, but not limited to, including the original site in a walking tour brochure or placement of a plaque or sign on the new building at the original site.
 3. A conditional use approval for a relocated historic landmark ceases with the relocation of that historic landmark. A new conditional use may be requested.
- 4.280 Time Limits. Historic Landmarks Commission approvals for exterior alterations, demolitions or relocations shall be void after two years, or such lesser time as the Landmarks Commission may specify, unless substantial construction has taken place. However, the Director may grant a one-time, one-year extension if the applicant requests such an extension before the expiration of the initial time limit. Extensions beyond one-year may be granted by the Landmarks Commission if the applicant requests such an extension before the expiration of the initial time limit or the expiration of the Director's one-year extension, where one has been granted.
- 4.285 Appeals. A decision of the Historic Landmarks Commission may be appealed to the City Council in the same manner as an appeal of a decision of the Planning Commission as described in section 16.280 of this code.
- 4.290 Troutdale Historic Resource Inventory. The Troutdale historic resource inventory is kept in a City database compatible with the State Historic Preservation Office system. Additions to the historic resource inventory may be made by City staff and the Historic Landmarks Commission at any time. The historic resources listed in the following table are designated historic landmarks:

TABLE A: Designated Historic Landmarks				
	Historic Resource	Street Address	Date Built	Notes
1.	Harlow House	726 E. Historic CRH	1900	On the NRHP
2.	Troutdale Methodist Episcopal Church	302 SE Harlow St.	1895	On the NRHP
3.	Alfred Baker Copper Beech Tree	Stark & Troutdale Rd.	c. 1883	
4.	Althaus House (2 nd) & Black Walnut Trees	4220 S. Troutdale Rd.	1929	
5.	Douglass Pioneer Cemetery	Hensley & Troutdale Rd.	c. 1880	
6.	Mountain View Pioneer Cemetery	N of SE Stark, E. of 257 th Ave & west of Beaver Creek	c. 1863	
7.	Oregon White Oak Tree	3645 SE Harlow Court	n.d.	
8.	Troutdale Railroad Depot	473 E. Historic CRH	1907	

CRH = Columbia River Highway

NRHP – National Register of Historic Places

CHAPTER 7.000 LAND DIVISION

There are no changes in Chapter 7 Land Division until Section 7.180L Design Requirements/ Street. A new subsection (15) Street names is added:

Section 7.180 Design Requirements

L. **Streets.** No subdivision or partition shall be approved unless the development has frontage or approved access to an existing or proposed public street. In addition, all proposed public streets shall be designed, improved, and in conformance with the City of Troutdale Construction Standards for Public Works Facilities. The Director of Public Works must approve the construction drawings.

15. **Street Names.** Naming of newly created public streets that are not of an already existing north/south alignment, or that do not align with an existing street, shall be given a historically significant street name whenever possible. Findings for the local historical significance shall be made and adopted by the Planning Commission in the Final Order. Names for private streets or shared private driveways shall be unique from all existing street names within the City of Troutdale, but the use of historically significant names is encouraged.

There are no further changes following section 7.180L(15).