

A BILL FOR AN ORDINANCE TO)	ORDINANCE BILL NO. <u>4</u>
ESTABLISH THE LEBANON HISTORIC)	for 1990
RESOURCES COMMISSION, LEBANON)	ORDINANCE NO. <u>2069</u>
HISTORIC REGISTER, AND A HISTORIC)	
RESOURCE ALTERATION AND DEMOLI-)	
TION REVIEW PROCESS; AND)	
DECLARING AN EMERGENCY)	

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

SECTION 1 PURPOSE

The purpose of the Lebanon Historic Resources Ordinance is to provide procedures for identification and preservation of significant historic resources located in the City of Lebanon and within the Lebanon Urban Growth Boundary. This ordinance also contains the provisions for the alteration and demolition of historic resources listed on the Lebanon Historic Register.

SECTION 2 HISTORIC RESOURCES COMMISSION

The Lebanon Historic Resources Commission is hereby created.

(1) Composition, Appointment and Terms

(a) Membership. The Historic Resources Commission shall consist of nine voting members as follows:

Position 1: A member of the Planning Commission.

Positions 2 and 3: Two members representing at least two of the following trades: building, finance, insurance, or real estate trades.

Positions 4 through 9: Members from the general public who are interested in the preservation of historic resources in Lebanon.

(b) Terms of Office. Members shall be appointed by the Mayor for three-year terms, except the initial appointment shall be for terms as follows: Positions 1, 4 and 7 for three years; Positions 2, 5 and 8 for two years; and Positions 3, 6 and 9 for one year. Appointments to fill vacancies shall be for the unexpired portion of the term.

(c) Removal. A member of the Historic Resources Commission shall serve at the pleasure of the Mayor.

(d) Compensation. Voting members of the Historic Resources Commission shall receive no compensation, but shall be reimbursed for duly authorized expenses.

- (e) Presiding Officers. At the beginning of each calendar year, the Historic Resources Commission shall select a chairperson, a vice-chairperson and a secretary from among the voting members to serve a one-year term with eligibility for re-election.
- (f) Residency. At least seven members of the Historic Resources Commission shall be residents of the City of Lebanon.
- (g) Standing Committees. The Historic Resources Commission has authority to appoint, as necessary, various committees to serve at the pleasure and direction of the Commission.
- (h) Staff. City staff shall provide staff support services as required by the Historic Resources Commission and shall keep a permanent record of Commission proceedings.

(2) Meetings

- (a) Quorum. Five voting members of the Historic Resources Commission shall constitute a quorum which is necessary to conduct official business.
- (b) Bylaws. The Historic Resources Commission may recommend rules and regulations to be approved by the Lebanon City Council for its government and procedure which are consistent with this ordinance, other ordinances of the City of Lebanon, Linn County, and the laws of the State of Oregon.
- (c) Meetings. The Historic Resources Commission shall meet at a regularly scheduled time, once a month, unless the chairperson determines that there is no business to come before the Commission. Meetings shall be called by notice served upon each member at least five days in advance of the time specified for the proposed meeting. All meetings shall be open to the public and public notice shall be given.

(3) Functions, Powers and Duties. The Historic Resources Commission shall have the following functions, powers and duties:

- (a) Maintain the Lebanon Inventory of Historic Resources as a depository of information about historic resources in the Lebanon area and as a source of historic resources for inclusion on the Lebanon Historic Register;
- (b) Make recommendations to the City Council on requests to include a potential historic resource on, or remove a listed resource from the Lebanon Historic Register;
- (c) Review and act, where appropriate, on permit applications for proposed alterations or demolitions of historic resources listed on the Lebanon Historic Register and so specified in Section 4;

- (d) Review and act on historic resource district applications;
- (e) Review and comment on proposed land use actions and programs that may impact historic resources listed on the Lebanon Historic Register;
- (f) Obtain and maintain up-to-date information on private, federal and state historic preservation organization and agency activities and seek to maintain city programs that are consistent with these activities;
- (g) Recommend historic resources for nomination to the National Register of Historic Places to the State Historic Preservation Office;
- (h) Seek state, federal and other outside funding for historic resource survey, planning, repair, maintenance, rehabilitation or restoration; and
- (i) Perform other duties relating to historic resources upon request of the Lebanon City Council.

SECTION 3 LEBANON HISTORIC REGISTER

The Lebanon Historic Register, hereinafter referred to as the Register, is hereby created as the official city list of significant historic resources which warrant protection.

(1) Designation Procedure

- (a) A request for inclusion of a historic resource on the Register may be made by the owner of the historic resource or his authorized representative, the Lebanon City Council, the Lebanon Historic Resources Commission, the Linn County Board of Commissioners, the Linn County Historic Resource Commission, or the State Historic Preservation Office.
- (b) The Historic Resources Commission shall hold a public hearing to review the request for inclusion of a historic resource on the Register and make a recommendation to the Lebanon City Council.
- (c) Notice
 - (i) Written notice of public hearing shall be given not less than 21 days prior to the date of the public hearing and will be published in a newspaper of general circulation in Lebanon at least 5 days prior to the public hearing.

- (ii) Written notice of the public hearing shall be mailed to the applicant, the owners of the affected property, the State Historic Preservation Office and, if the structure is in the Lebanon Urban Growth Boundary, to the county. Such notice shall be mailed not less than 21 days prior to the public hearing.
- (iii) Failure of any party to receive mailed notice shall not invalidate any scheduled proceeding.
- (d) Within 60 days of the conclusion of the Historic Resources Commission public hearing, and considering the Historic Resources Commission recommendation, the Lebanon City Council shall conduct a public hearing on the proposed request, following the notice procedure above, and shall either:
 - (i) Approve the request as submitted;
 - (ii) Approve the request with modifications; or
 - (iii) Deny the request.
- (e) A copy of the Lebanon City Council decision shall be mailed within seven days of the decisions to the applicant, the owner of the subject property, and other persons who have requested such notification in writing.
- (2) Designation Criteria. In evaluating a request for inclusion in the Lebanon Historic Register, the city may include a historic resource on the Register if it finds that the resource possesses integrity of the original or historically evolved design and/or materials, and/or workmanship, and if one or more of the following criteria apply:
 - (a) It exemplifies or reflects special elements of the cultural, social, economic, political, aesthetic, engineering or architectural history of Lebanon, Linn County, the state or the nation;
 - (b) It is identified with persons or events significant in local, state or national history;
 - (c) It embodies distinctive characteristics of a style, type, period or method of construction.
 - (d) It is representative of the notable work of a builder, designer, engineer or architect;
 - (e) It is representative of a type or style of construction that was once common and now is among the last examples surviving in the county or state; or
 - (f) It is listed on the National Register of Historic Places.

(3) Removal of a Historic Resource from the Register

- (a) Requests for removal of a historic resource from the Register for any other reason other than demolition or destruction shall be reviewed according to the procedures of Section 3(1) of this ordinance. To remove a historic structure from the Register, the Historic Resources Commission must determine that the finding(s) made for inclusion on the Register, as per Section 3(2) of this ordinance, no longer apply.
- (b) Notice shall be given to the Oregon Department of Land Conservation and Development in order to remove a resource from the city's Register. Removal from the Register is a land use decision subject to review under statewide planning goals and requires a 45-day advanced notice before the city takes official action.
- (c) It is prohibited to demolish any historic resource included in the Register without official approval. In the circumstance that an unforeseen event (natural disaster) results in the demolition or destruction of a historic resource the city may remove the resource from the Register after holding a hearing and subject to the concurrence of the Oregon Department of Land Conservation and Development.

SECTION 4 HISTORIC RESOURCE ALTERATION AND DEMOLITION REVIEW

- (1) Purpose. The purpose of this section is to encourage the preservation of Lebanon's historic resources through the establishment of procedures to review and act upon applications for permits to alter or demolish those resources.
- (2) Applications. The provisions of this article apply to all historic resources listed in the Lebanon Historic Register.
- (3) Alteration and Demolition Permits Required. A permit is required for alteration or demolition of any resource listed on the Lebanon Historic Register. Such permit shall be obtained using the application procedures of subsection 4(a) of this section.
 - (a) Alteration, as governed by this section, means any addition to, removal of, or change in the exterior part of a historic resource but shall not include paint color.
 - (b) Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature that does not involve a change in design, material or external appearance thereof. Nor does this section prevent the construction, reconstruction, alteration, rehabilitation, restoration, demolition or removal of any such feature when the Building Official determines that public safety due to an unsafe or dangerous condition.

- (c) Exception. A permit is not required under this article for the alteration of a historic resource when the review of the proposed alteration is required by an agency of the state or federal government.
 - (d) Demolition. In evaluating a request for demolition of a Historic Register structure, the Historic Resources Commission must determine that the finding(s) made for inclusion in the Register, as per Section 3(2) of this ordinance, no longer apply. Additionally, notice must be given to the Oregon Department of Land Conservation and Development as per Section 3(3)(c) of this ordinance.
 - (e) Relocation. Whereas, it is the intent and purpose of this ordinance to preserve historic resources, all demolition requests shall consider the feasibility of relocation the resource to a suitable alternate site.
- (4) Review Procedures. The Planning Official and/or Historic Resources Commission shall review all applications to alter or demolish any historic resource listed on the Lebanon Historic Register.
- (a) Application. A property owner or his authorized agent may initiate a request for alteration or demolition of a historic resource by filing an application with the Planning Official.

Every application shall include the following information:

- (i) A description of the property by address, tax lot, assessor's map number, and any additional information that will help identify and locate the proposed work.
 - (ii) A description of the previous and existing use of the structure and the intended future use.
 - (iii) Information which clearly shows the intended alteration and resulting appearance change of the structure.
 - (iv) Other information as may be required by the Planning Official and/or the Historic Resources Commission to determine the extent and design of the proposed alteration.
- (b) Application Review
- (i) Planning Official Review. The Planning Official shall evaluate and approve residential alteration requests if: (a) there is no change in historic character, appearance or material composition from the existing structure; or (b) if the proposed alteration materially duplicates the affected exterior building features as determined from a historic photograph, original building plans, or other

evidence of original building features. In addition, the Planning Official shall approve alterations to all compatible structures (including compatible commercial structures) when the proposed alteration causes the structure to more closely resemble its original appearance.

- (ii) Historic Resources Commission Review. All other alteration or demolition requests not within the scope of Section 4(4)(b)(i) above and all demolition requests shall be reviewed by the Historic Resources Commission according to the procedures of this section and Section 3 above.
- (c) Before the Historic Resources Commission may act on an application for alteration or demolition of a Historic Register resource, it shall hold a public hearing thereon in accordance with the notice provisions of Sections 3(1)(c) and 3(3) where applicable. Notice shall also be mailed to the owner(s) of the affected property, the State Historic Preservation Office, and any person requesting notice of demolition or alteration of a historic resource. The hearing shall be held no later than 60 days after the application for the alteration or demolition is filed.
- (d) The Historic Resources Commission may recess a hearing on a request for an alteration or demolition permit in order to obtain additional information or to serve notice on other property owners or persons whom it decides may be interested in the request. Upon recessing for this purpose, the commission shall announce a time, date and place for resumption of the hearing.
- (e) Upon conclusion of the Historic Resources Commission public hearing for the demolition of a Historic Register site, the Historic Resources Commission shall make a recommendation to the Lebanon City Council in accordance with Section 4(5)(b). The City Council shall then conduct a public hearing within 60 days using the notice provisions of Sections 3(1)(c) and 3(3) where applicable, considering the Historic Resources Commission recommendation, and using the criteria in Section 4(7) and Section 3(2) of this ordinance.
- (f) Within seven days after a decision has been rendered with reference to an alteration or demolition, the city shall provide the applicant and other affected parties with written notice of the decision.
- (g) The decision of the Historic Resources Commission and the Lebanon City Council shall be based on the criteria established in subsection 6 and 7 of this section and Section 3(3) where applicable.

(5) Decision Alternatives

(a) Decision Alternatives for Alteration Review. In the case of application for a permit to alter a historic resource, the Historic Resources Commission will take one of the following actions:

- (i) Approve the request as submitted; or
- (ii) Approve the request with modifications, conditions or recommendation; or
- (iii) Deny the request.

(b) Decision Alternatives for Demolition Review. In the case of an application for demolition of a historic resource, the Historic Resources Commission shall recommend to the Lebanon City Council one or more of the following actions (based upon the criteria listed in Section 4(7) below):

- (i) Issuance of the demolition permit pending Oregon Department of Land Conservation and Development notice and review.
- (ii) Require a delay in the issuance of the permit for up to 120 days. During this period, the city shall attempt to determine if public or private acquisition and preservation are feasible or if other alternatives exist which could prevent the demolition of the resource including relocation.
- (iii) In the case of approval of the permit, recommend to the property owner that the city be allowed to take several photographs of the resource prior to the demolition. Any photographs shall be kept on file at the Linn County Historical Museum or other suitable location as permanent historic record.

(6) Criteria for Alteration Review. To preserve the historical and architectural integrity of historic resources and to provide for public safety, alteration recommendations shall be based on applicable state and local codes and ordinances (related to building, fire, life and safety) and shall include evaluation of the following criteria:

- (a) The removal or alteration of any historical marker or distinctive architectural features shall be avoided when possible.
- (b) Alterations which include materials or a design not in keeping with the historic appearance of the building or structure shall be discouraged.
- (c) Alterations which have taken place over the course of time are part of the history and development of the building or structure. These alterations may be significant in their own right and should also be taken into consideration.

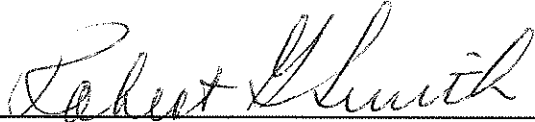
- (d) Distinctive stylistic features or examples of skilled craftsmanship shall be treated carefully and retained whenever possible.
 - (e) Deteriorated architectural features shall be repaired, rather than replaced, whenever possible as follows:
 - (i) If it is necessary to replace deteriorated architectural features, new materials shall match in terms of composition, design, color and texture as close as practical.
 - (ii) Repair or replacement of missing architectural features shall be based on accurate duplications of features substantiated by historic, physical or pictorial evidence rather than on the availability of architectural elements from other buildings or structures.
- (7) Criteria for Demolition Review. In any decision concerning the demolition of a Historic Register structure, the following shall be considered:
- (a) The condition of the resource and the feasibility of rehabilitation.
 - (b) The quantity and quality of other comparable historic resources in the city in terms of type and style.
 - (c) The existence of a program or project which may result in preservation of the structure.
 - (d) The character of the neighborhood in which the resource is located.
 - (e) Whether the historic resource has exceptional significance regarding any of the criteria listed in Section 3(2) of this ordinance.
 - (f) A determination that the finding(s) made for inclusion on the Register, as per Section 3(2) of this ordinance, no longer apply.
- (8) Appeals and City Council Review of Alteration Decision.
- (a) A decision made by the Planning Official or Historic Resources Commission regarding an Alteration request may be appealed to the Lebanon City Council.
 - (b) A notice of appeal or of a City Council decision to review a decision must be filed by the Planning Department within 15 days after the Historic Resources Commission or Planning Official decision using the designated appeal form.
 - (c) In the case of an appeal, the notice filed by the appellant shall clearly state the grounds upon which the appeal is filed.

- (d) The City Council shall hold a hearing within 60 days of the Historic Resources Commission decision in order to obtain testimony on the appeal or the review.
- (e) Notice of the public hearing or meeting shall be published not less than 5 days prior to the date of the public hearing in a newspaper of general circulation in Lebanon. Written notice shall be mailed to the appellant, the owners of the historic resource, and other persons who have requested such notice not less than 21 days before the scheduled hearing. Failure of any party to receive mailed notice shall not invalidate any scheduled proceeding.
- (f) The alteration review criteria contained in Section 4(4), 4(5) and 4(6) shall be used by the City Council in making a decision on an appeal. The City Council shall render a final determination in the matter within 35 days of concluding the public hearing or meeting.
- (g) A copy of the City Council decision shall be mailed within seven days of the decision to the appellant, the owner of the property involved, and other persons who have requested such notification in writing.

SECTION 5

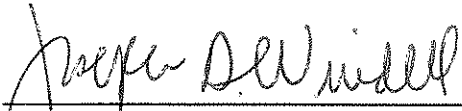
Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the City Council on the 24th day of January, 1990 by a vote of 6 for and 0 against.



Mayor, City of Lebanon

ATTEST:



City Recorder