

ORDINANCE NO. 707

REVISIONS TO ORDINANCE NO. 696

(In response to DLCD letters dated 1 June 1992 and 10 June 1992)

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 17.12.480, "HISTORIC PRESERVATION PROCEDURE," AND DECLARING AN EMERGENCY.

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

SECTION 1: STAYTON MUNICIPAL CODE SECTION 17.12.480, "Historic Preservation Procedure," is hereby amended to read:

17.12.480 HISTORIC PRESERVATION PROCEDURE

1. **PURPOSE:** This procedure shall apply to historic resources listed in the City of Stayton Historic Structures Inventory of sites designated within the Stayton Comprehensive Plan. The intent of this procedure is to provide a means of designating and protecting historic resources in a manner complying with state land use planning requirements.
2. **INCLUSION OF HISTORIC SITES OR STRUCTURES:** Addition of sites or structures to those currently designated in the comprehensive plan shall be by plan amendment and shall follow the procedures specified in Section 17.12.420 of this code.

Proceedings for the inclusion of a property within the Historic Structures Inventory may be initiated by motion of the Planning Commission, resolution of the City Council, or a property owner, including contract purchaser, of a site or structure as follows:

- a. The applicant or City may initiate proceedings for designation or withdrawal by submitting an application to the city administrator.
- b. The application shall contain the following minimum information:
 - 1) The owner's name and address.
 - 2) The address and/or the assessor map number and tax lot number of property proposed for designation.
 - 3) A statement explaining the following:
 - a) Reasons why the proposed landmark should be designated, based on the criteria set forth under Section 17.12.480 (2d).

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- b) The potential positive and negative effects and financial impacts, if any, which designation of the proposed landmark would have on the property owner, residents or other land owners in the neighborhood.
- c. The decision authority shall hold a public hearing on any proposed inclusion in the comprehensive plan's designation of historic inventory sites pursuant to the procedures and notification requirements of this title.

The city shall take into account the desires of the owners of property with respect to its designation as an historic landmark. However, it is not the intent, under this provision, to require owner consent in the designation of properties as historic landmarks.

- d. The decision authority may designate a building, structure, or site as an historic landmark upon findings that the proposed historic landmark meets one of the following criteria:
 - 1) It is included in the National Register of Historic Places; or
 - 2) It retains physical integrity in original design, condition, setting, and is characterized by any one of the following:
 - a) It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, or architectural history; or
 - b) It is identified with persons or events significant in local, state, or national history; or
 - c) It embodies distinctive characteristics of a style, type, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
 - d) It is representative of the notable work of a builder, designer, or architect; or
 - e) It is an open waterway of historical interest and significance to the community.
- e. The age of the proposed landmark alone shall not be sufficient grounds for designation.

- 3. **REMOVAL OF HISTORIC SITES OR STRUCTURES FROM INVENTORY:** Removal of sites or structures to or from those currently designated in the comprehensive plan shall be by plan amendment and shall follow the procedures specified in Section 17.12.420 of this code.

Proceedings for the removal of a property from the Historic Structures Inventory may be initiated by motion of the planning commission, resolution of the city council, or property owner, including a contract purchaser, of the site or structure as follows:

- a. The applicant or city may initiate proceedings for removal of a site from the inventory by submitting an application to the city administrator.
- b. The application shall contain the following minimum information:
 - 1) The owner's name and address.
 - 2) The address and/or the assessor map number and tax lot number of property proposed for designation.
 - 3) A statement explaining the following:
 - a) Reasons why the proposed landmark should not remain on the Inventory of Historic Places, based on the criteria set forth under Section 17.12.480 (3d).
 - b) The potential positive and negative effects and financial impacts, if any, which removal of the resource from the inventory would have on the property owner, residents or other land owners in the neighborhood.
- c. The decision authority shall hold a public hearing on any proposed removal of a resource from the inventory sites pursuant to the procedures and notification requirements of this title.

The city shall take into account the desires of the owners of property with respect to its designation as an historic landmark. However, it is not the intent, under this provision, to require owner consent in the designation of properties as historic landmarks.
- d. The decision authority may remove a building, structure, or site from the historic landmarks inventory upon findings that the building, structure, or site meets any one of the following criteria:
 - 1) The building or portion thereof is in such condition that it is unfeasible to preserve or restore it, taking into consideration building code requirements and the economic feasibility of preserving the structure; or
 - 2) The structure has been damaged in excess of 70 percent of its assessed value due to fire, flood, wind, or other natural or man-caused disaster; or

- 3) The resource no longer meets any of the criteria for designation as an historic landmark set forth in Section 17.12.420(2)(d).
 - e. The age of the proposed landmark alone shall not be sufficient grounds for not removing it from the inventory.
4. **ORDINARY MAINTENANCE AND REPAIR:** Nothing in this article shall be construed to prevent the ordinary maintenance and 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. Nor does this article prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the building official determines that such emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, notification shall be provided to the commission.
5. **DUTY TO KEEP IN GOOD REPAIR:** The owner of a designated historic resource shall keep such resource in good repair.
6. **PERMITS:** An historic modification permit is required for alteration, demolition, or relocation of a structure or site which is a designated historic resource. Actual physical modification of the structure or site may not take place without the issuance of a construction or demolition permit subsequent to approval of the historic modification permit.
 - a. **Definition:** Alteration as governed by this section means any addition to, removal from, or change in the appearance of any part or portion of a designated historic resource.
7. **REVIEW PROCEDURE:** The decision authority shall hold a public hearing to review any application for the alteration, demolition, or relocation of a designated historic resource. Said public hearing is to be held pursuant to the procedures of this chapter.
8. **DECISION**
 - a. Within forty-five (45) days following the original public hearing, the decision authority shall either:
 - 1) Approve the application; or
 - 2) Approve the application with modifications or conditions; or
 - 3) Deny the application.
 - b. Any person who either testified or signed in at the public hearing shall be mailed a copy of the preliminary approval and may have standing to appeal such preliminary approval pursuant to the procedures and fees of chapters 17.04 and 17.12 of this title.

9. **DECISION CRITERIA:** Decisions on applications for modification of an historic site or structure shall be based on applicable state and local codes and ordinances related to building, fire, and life and safety and the following standards:

a. **Alteration:**

- 1) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- 2) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- 3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- 4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- 5) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- 6) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
- 7) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- 8) Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be repaired.

- 9) If an historical ditch, alterations shall not be permitted which would significantly impact the historical character of the site, including waterway and shorelands.
 - b. Demolition: Decisions on applications for permits to demolish a designated historic structure shall be based on the following criteria:
 - 1) The state of repair of the building and reasonableness of the cost of repair.
 - 2) Whether a program or project may exist that could result in preservation of the structure.
 - 3) Unnecessary and substantial hardship to the applicant that may result from denial or conditions of approval.
 - 4) Effects on the public welfare if the structure were demolished considering the significance of the structure and the economic, cultural, and energy consequences of demolition.
 - 5) Whether any other reasonable alternative exists.
 - c. Relocation: Decisions on applications for permits to relocate a designated historic resource shall be based on the following:
 - 1) Effects of the relocation on the historic and architectural integrity of the structure.
 - 2) Compatibility with the designated historic resource of the surrounding of the proposed location.
 - 3) Other factors considered appropriate by the commission.
10. LAND USE ACTION IMPACTS ON HISTORIC RESOURCES: Potential impacts to historic resources resulting from proposed land use actions shall be considered as part of the review on conditional uses, variances, and zone changes. Review and decision on such applications shall be based on:
- a. The state of repair of the building.
 - b. The reasonableness of the cost of restoration and repair.
 - c. The purpose of preserving such designated historical buildings or sites.
 - d. The character of the neighborhood.
 - e. Other factors considered appropriate by the decision authority .

11. EXEMPTION TO DEMOLITION PERMIT REQUIREMENTS: If the structure for which the demolition permit request has been filed has been damaged in excess of 70 percent of its assessed value due to fire, flood, wind, or other natural or man-caused disaster, a demolition permit may be approved by the building official without processing the request as set forth in this chapter.

SECTION 2: It is hereby adjudged and declared that existing conditions are such that this ordinance amending the Stayton Municipal Code sections relating to historic preservation is necessary to serve the public health, safety, welfare, convenience, and environmental amenities of the City of Stayton and the inhabitants thereof, and this ordinance shall be in full force and effect when executed by the mayor.

PASSED BY THE STAYTON CITY COUNCIL this 20th day of July 1992.

Dated: 7-22-92 By: Willmer Van Vleet
WILLMER VAN VLEET, Mayor

ATTEST

Dated: 7-22-92 By: David W. Kinney
DAVID W. KINNEY, City Administrator

APPROVED AS TO FORM

Dated: JUL 02 1992 By: David A. Rhoten
DAVID A. RHOTEN, City Attorney

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