

ORDINANCE NO. 393

AN ORDINANCE TO ESTABLISH A HISTORIC LANDMARK COMMISSION AND A PROGRAM FOR IDENTIFYING, EVALUATING, AND DESIGNATING HISTORIC LANDMARKS.

WHEREAS, The City of Cascade Locks, Hood River County recognizes that certain significant historic resources located within its boundaries contribute to the unique character of the community and are irreplaceable, and as such, merit preservation. This ordinance establishes a Historic Landmark Commission; a program for the identification, evaluation, and designation of historic resources as landmarks; public incentives for the preservation of Designated Landmarks; and land use regulations regarding the alteration, moving or demolition of Designated Landmarks and Historic Resources of Statewide Significance.

SECTION 1. DEFINITIONS. The following definitions apply to terms used in this ordinance. Terms not defined have their commonly construed meaning.

Alteration - An addition, removal, or reconfiguration which significantly changes the character of a historic resource, including new construction in historic districts.

Demolition - The razing, destruction, or dismantling of a resource to the degree that its historic character is substantially obliterated.

Designated Landmark - A property officially recognized by the City of Cascade Locks, Hood River County as important in its history.

Designated Landmarks Register - The list of, and record of information about, properties officially recognized by the City of Cascade Locks, Hood River County as important in its history.

Extraordinary Historic Importance - The quality of historic significance achieved outside the usual norms of age, association, or rarity.

Historic Integrity - The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.

Historic Resource - A building, structure, object, site, or district which meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:

Building - A construction made for purposes of shelter or habitation, e. g. house, barn, store, theater, train station, garage, school, etc.

Structure - A construction made for functions other than shelter or habitation, e. g. bridge, windmill, dam, highway, boat, kiln, etc.

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

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, natural feature, garden, food-gathering area, etc.

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.

Historic Resources of Statewide Significance - Buildings, structures, objects, sites, and districts which are listed on the National Register of Historic Places.

Inventory of Historic Resources - The record of information about resources potentially significant in the history of the City of Cascade Locks, Hood River County.

Relocation - The removal of a resource from its historic context.

SECTION 2. THE CITY OF CASCADE LOCKS, HOOD RIVER COUNTY HISTORIC LANDMARK COMMISSION.

1. The Mayor and City Council shall appoint a Historic Landmark Commission, hereinafter the Commission, of five members with a demonstrated positive interest, knowledge, or competence in historic preservation to carry out the provisions of this ordinance. A majority of the members shall reside within the corporate boundaries of the City of Cascade Locks, Hood River County. Members shall serve without compensation, but are eligible for reimbursement of expenses related to their service.
2. A simple majority of the seated members shall constitute a quorum to conduct official business.
3. A Chair and Vice-Chair shall be elected annually by and from the seated membership. Officers are eligible for reelection.
4. The Commission shall meet at least twice a year, and as required to conduct business in a timely fashion. Notice of the meetings shall be in accordance with applicable state law. Minutes, applications, staff reports, findings, and decisions of the Commission shall be maintained as public records in accordance with applicable state law.

SECTION 3. POWERS AND DUTIES OF THE CITY OF CASCADE LOCKS, HOOD RIVER COUNTY HISTORIC LANDMARK COMMISSION.

1. The Commission may adopt and amend by-laws, subject to approval by the City Council, to regulate its internal operations.
2. For purposes consistent with this ordinance and subject to the approval of the City Council, the Commission may seek, accept, and expend public appropriations; seek, accept, and expend grant and gift funds; cooperate with public and private entities; and employ clerical and expert assistance.
3. The Commission may undertake to inform the citizens of, and visitors to the City of Cascade Locks, Hood River County, regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of historic resources; provide information on state and federal preservation

programs; document historic resources prior to their alteration, demolition, or relocation and archive that documentation; assist the owners of historic resources in securing funding for the preservation of their properties; and recommend public incentives and code amendments to the City Council.

4. The Commission may develop and publish, or adopt, written and graphic guideline and example materials to clarify the criteria in this ordinance and to assist applicants in developing complete and viable applications.
5. Employing the procedures and criteria in Section IV of this ordinance, the Commission shall periodically identify and evaluate the historic resources of the City of Cascade Locks, Hood River County and maintain an Inventory of Historic Resources. At such time as surveys are being conducted, owners of the subject properties shall be notified and invited to provide comment and input.
6. Employing the procedures and criteria in Section V of this ordinance, the Commission shall periodically revise the Designated Landmarks Register of the City of Cascade Locks, Hood River County, by adding or deleting properties.
7. Employing the procedures and criteria in Section VI of this ordinance, the Commission shall review and act upon applications for the alteration, relocation, or demolition of Designated Landmarks, or the major exterior alteration, relocation, or demolition of Historic Resources of Statewide Significance.
8. The Commission shall advise and make policy recommendations to the City Council and the Planning Commission on matters relating to historic preservation; and shall make an annual report, in writing, to the City Council on its activities and expenditures during the preceding twelve months, and its projected activities and expenditures for the following twelve months.

SECTION 4. THE INVENTORY OF HISTORIC RESOURCES.

1. The Commission shall determine and periodically revise priorities for the identification and evaluation of historic resources.
2. Unless the Commission finds extraordinary historic importance, only properties over fifty years of age shall be considered for inclusion in the Inventory of Historic Resources.
3. The Commission shall develop or adopt a system, based on historic integrity and significance, for evaluating historic resources. The system shall rank surveyed historic resources as eligible, potentially eligible, or ineligible for listing on the Designated Landmarks Register. Owners of surveyed properties shall be notified of these findings.
4. Documentation of properties in the Inventory of Historic Resources shall be on forms compatible with the Statewide Inventory of Historic Properties, and upon completion, copies of the forms shall be supplied to the State Historic Preservation Office.
5. Records concerning archaeological sites shall not be made available to the public.

SECTION 5. THE DESIGNATED LANDMARKS REGISTER.

1. Properties listed on the National Register of Historic Places, including all properties within National Register Historic District boundaries, are eligible for automatic listing on the Designated Landmarks Register. As Historic Resources of Statewide Significance, all

such properties are subject to the regulations in Section VI of this ordinance regardless of their listing on the Designated Landmarks Register, pursuant to Oregon Administrative Rule 660-023-200. However, only properties listed on the Designated Landmarks Register shall be eligible for public incentives and code considerations pursuant to this ordinance.

2. Any individual or group, including the Commission acting on its own initiative, may nominate a historic resource for inclusion on or removal from the Designated Landmarks Register by submitting a complete application to the Planning Commission). The burden of proof lies with the applicant. No property shall be so designated without the written consent of the owner or, in the case of multiple ownership, a majority of the owners.
3. The Planning Commission shall establish standards for a complete application. Upon acceptance of a complete application the Planning Commission shall schedule a public hearing pursuant to applicable state laws.
4. In order to be included or maintained on the Designated Landmarks Register the Commission must find that the historic resource is over fifty years of age or of extraordinary historic importance, and possesses sufficient historic integrity, and:
 - a. is associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or
 - b. is associated with the lives of persons, or groups of people, significant in local, state, or national history; or
 - c. embodies the distinctive characteristics of an architectural type, 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. has yielded or is likely to yield information which is important in local, state, or national history.
5. The Commission shall develop findings to support its decisions. These findings shall indicate those elements of a property, including interior, landscape, and archaeological features, that are included in the designation and subject to regulation under the provisions of this ordinance.

SECTION 6. ALTERATIONS, RELOCATIONS, AND DEMOLITIONS.

1. No exterior, interior, landscape, or archaeological element of a Designated Landmark which is specified as significant in its designation shall be altered, removed, or demolished without a permit issued pursuant to this ordinance.
2. No major exterior alteration, relocation, or demolition of a Historic Resource of Statewide Significance shall be allowed without a permit issued pursuant to this ordinance.
3. Prior to submitting an application for a permit pursuant to this section, proponents are encouraged to request a pre-application conference to review concepts and proposals. The Planning Commission) may form ad-hoc committees for this purpose. Commission members participating in pre-application conferences shall disclose their ex-parte contact at the time of a public hearing on the proposal.

4. The Planning Commission shall establish standards for a complete application. Upon acceptance of a complete application the Planning Commission shall schedule a public hearing pursuant to applicable state laws.
5. In cases requiring a public hearing, the Commission shall review and act upon applications for the alteration, relocation, or demolition of a Designated Landmark, or the major exterior alteration, relocation, or demolition of a Historic Resource of Statewide Significance. The burden of proof lies with the applicant. Applications may be approved, approved with conditions, or denied. The City of Cascade Locks, Hood River County shall include any conditions imposed by the Commission in permits issued pursuant to this section.
6. In order to approve an application for the alteration of a Designated Landmark or the major alteration of a Historic Resource of Statewide Significance, the Commission must find that the proposal meets the following standards:
 - a. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - b. 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.
 - c. 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.
 - 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, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
 - g. Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials 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. 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.

- j. 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.
7. In order to approve an application for the relocation or demolition of a Designated Landmark or Historic Resource of Statewide Significance, the Commission must find that:
 - a. No prudent and feasible alternative exists, or
 - b. The designated property is deteriorated beyond repair, or
 - c. The value to the community of the proposed use of the property outweighs the value of retaining the Designated Landmark or Historic Resource of Statewide Significance.
 8. At the hearing of an application to relocate or demolish a Designated Landmark or Historic Resource of Statewide Significance the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing. If, ten days prior to the expiration of the delay period the Commission finds that there are still reasonable alternatives to explore, it may apply to the City Council for permission to continue the delay for an additional period of up to 120 days.
 9. In approving an application for the demolition of a Designated Landmark or Historic Resource of Statewide Significance, the Commission may impose the following conditions:
 - a. Photographic, video, or drawn recordation of the property to be demolished, and/or
 - b. Salvage and curation of significant elements, and/or
 - c. Other reasonable mitigation measures.
 10. No provision of this ordinance shall be construed to prevent the ordinary repair or maintenance of a Designated Landmark or Historic Resource of Statewide Significance, when such action does not involve a change in design, materials, or appearance.
 11. No provision in this ordinance shall be construed to prevent the alteration, demolition, or relocation of a Designated Landmark or Historic Resource of Statewide Significance, when the Building Official certifies that such action is required for the public safety.

SECTION 8. PUBLIC INCENTIVES FOR HISTORIC PRESERVATION

1. To obtain grant funding for the preservation of the historic landmark.

SECTION 9. APPEALS

1. Decisions of the Commission are appeal able to the City Council. Decisions of the City Council are appeal able to the Land Use Board of Appeals.
2. Procedures for appeals to the City Council shall be the same as those for appeals of Planning Commission decisions.

SECTION 10. OTHER PROVISIONS.

1. There is no fee for designation of a historic resource as a Designated Landmark. Fees for other applications shall be determined by the City Council based on the cost of processing the application.
2. The provisions of this ordinance shall not effect any citation, complaint, prosecution, or other proceeding pending at the time this ordinance is passed.
3. Should any section, paragraph, sentence, or word of this ordinance be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this ordinance independent of the elimination of any portion as may be declared invalid.

SECTION 11. Separability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause, or phrase; and if this ordinance, or any portion thereof, should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance, or such portion thereof, was enacted.

SECTION 12. Effective Date. This ordinance shall become effective thirty days after adoption by the City Council and approval by the Mayor.

ADOPTED by the City Council this 14th day of January, 2008.

APPROVED by the Mayor this 14th day of January, 2008.

Mayor

ATTEST:

City Recorder

First Reading Approved: 12/10/07; Ayes 6 ; Nays 0

Second Reading Approved: 01/14/08; Ayes 7; Nays 0