

ORDINANCE BILL NO. 8 FOR 1990

ORDINANCE NO. 1016

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE IDENTIFICATION AND PRESERVATION OF SIGNIFICANT HISTORIC RESOURCES WITHIN THE CITY OF SWEET HOME; AND DECLARING AN EMERGENCY.

The City of Sweet Home does ordain as follows:

Section 1 Purpose

The purpose of the Historic Resources Ordinance is to provide procedures for the identification and preservation of significant historic resources located in the City of Sweet Home. In addition, procedures are established for the review of permits to alter or demolish these resources.

Section 2 Sweet Home Inventory of Historic Resources

The Sweet Home Inventory of Historic Resources is hereby incorporated by reference. The Inventory is the official city list of significant historic resources which warrant protection and is part of the Sweet Home Goal 5 Inventory.

(1) Designation Procedure:

- (a) A request for inclusion of an historic resource on the register may be made by the owner of an historic resource or his or her authorized representative, by the Sweet Home Planning Commission, the Sweet Home City Council, or by the State Historic Preservation Office;
- (b) The Sweet Home Planning Commission shall hold a public hearing to review the request for inclusion of an historic resource on the register;
- (c) Notice of public hearing shall be given not less than 10 days nor more than 28 prior to the date of the public hearing by one publication in a newspaper of general circulation in the City of Sweet Home; and
- (d) Written notice of the public hearing shall be mailed to the applicant, the owners of the affected property, and the State Historic Preservation Office. Such notice shall be mailed not less than 10 days nor more than 28 days before the scheduled public hearings. Failure of any party to receive mailed notice shall not invalidate any scheduled proceeding.

(2) Designation Criteria: After public hearing, the planning commission shall include an historic resource on the inventory 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 exemplified or reflects special elements of the cultural, social, economic, political, aesthetic, engineering, or architectural history of Sweet Home, 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; or
 - (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.
- (3) Planning Commission Decision: Within 35 days of the conclusion of the hearing, the planning commission shall either:
- (a) Approve the request as submitted;
 - (b) Approve the request with modifications; or
 - (c) Deny the request.
- (4) Removal of an Historic Resource From the Register:
- (a) If an historic resource has been demolished or destroyed, the planning commission may remove the resource from the register without first holding a hearing;
 - (b) Requests for removal of an historic resource from the register for any other reason other than demolition or destruction shall be reviewed according to the procedures of Section 2 for inclusion of an historic resource register. To remove a historic resource from the register, the planning commission must determine that the finding(s) made for inclusion on the register, as per Section 2(2) no longer apply.
 - (c) If the Planning Commission decides to remove a historic resource from the register, notice of the decision shall be provided to DLCD within one week of the decision.
 - (d) A decision to delete a resource from the inventory is a land use decision subject to review under the statewide planning goals.
- (5) Appeals: Any decision made by the planning commission to approve or deny a request for inclusion of an historic resource on the register, or to remove an historic resource from the register, can be appealed to the Sweet Home City Council.
- (a) An appeal may be initiated by the owner of an historic resource or his or her authorized representative, or the city council may review the decision at its own request;

- (b) A notice of appeal of a city council decision to review a request must be filed with the city recorder within 21 days after the planning commission decision;
- (c) In the case of appeal, the notice filed by the appellant shall clearly state the grounds upon which the appeal is filed; and
- (d) The city council shall hold a hearing within 42 days of the planning commission decision;
- (e) Notice of the public hearing or meeting shall be published not less than 10 days nor more than 28 days prior to the date of the public hearing by one publication in a newspaper of general circulation in Sweet Home. Written notice shall be mailed to the applicants, the owners of the proposed designated historic resource, the State Historic Preservation Office, and other persons who have requested such notice not less than 10 days nor more than 28 days before the scheduled hearing. Failure of any party to receive mailed notice shall not invalidate any scheduled proceeding.
- (f) The designation criteria contained in Section 2(2) 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; and
- (g) A copy of the city council's decision shall be mailed within seven (7) days of the decision to the appellant, the owner of the property involved, and other persons who have requested such notification.

Section 3 Functions, Duties, and Powers of the Sweet Home Planning Commission with Respect to the Sweet Home Inventory of Historic Resources

The planning commission shall have the following functions, powers, and duties:

- (1) Receive and take action on requests to include an historic resource on, or remove a listed resource from, the Sweet Home Inventory of Historic Resources.
- (2) Review and act on permit applications for proposed alterations or demolitions of historic resources listed on the Sweet Home Inventory of Historic Resources as provided by Section 4 of this Ordinance.
- (3) Review and act on historic resource district applications.
- (4) Review and comment on proposed land actions and programs that may impact resources on the Sweet Home Inventory of Historic Resources.
- (5) Perform any other duties relating to historic resources upon the request of the city council.

Section 4 Historic Resource Alteration and Demolition Review

- (1) Purpose. The purpose of this section is to encourage the preservation of Sweet Home'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 resources listed on the Sweet Home Register of Historic Resources.
- (3) Alteration and Demolition Permits Required. A permit is required for alteration or demolition of any resource listed on the Sweet Home Register of Historic Resources
 - (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 an historic resource when the review of the proposed alteration is required by an agency of the state or federal government.
- (4) Review Procedures. The planning commission shall review all applications to alter or demolish any historic resource listed on the Sweet Home Inventory of Historic Resources.
 - (a) Application. A property owner or his authorized agent may initiate a request for alteration or demolition of an historic resource by filing an application with the City Recorder. A filing fee in accordance with the provisions of Section 10.060 shall accompany an application for alteration or demolition of an historic resource.
 - (b) Before the commission may act on an application for alteration or demolition of an historic resource, it shall hold a public hearing thereon in accordance with the notice provisions of Section 10.070. 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 an historic resource. The hearing shall be held no later than 35 days after the application for the alteration or demolition is filed.
 - (c) The 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 who 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.

- (d) Within five working days after a decision has been rendered with reference to an alteration or demolition, the city shall provide the applicant and all other parties having participated in the public hearing with written notice of the decision.
- (e) The decision of the planning commission shall be based on the criteria established in subsection 6 and 7 of this section.

(5) Decision Alternatives.

(a) Decision alternatives for alteration review. In the case of application for a permit to alter an historic resource, the planning commission will take one of the following actions:

1. Approve the request as submitted; or
2. Approve the request with modifications, conditions, or recommendations; or
3. Deny the request.

(b) Decision alternatives for demolition review. In the case of an application for demolition of an historic resource, the planning commission shall take one of the following actions:

1. Allow immediate issuance of the demolition permit.
2. 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.
3. In the case of approval of the permit, recommend to the property owner that the city be allowed to take several black and white photographs of the resource prior to 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, recommendations shall be based on applicable state and local codes and ordinances related to building, fire, life, and safety, and 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 of 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 should be treated carefully and retained whenever possible.
- (e) Deteriorated architectural features shall be repaired, rather than replaced, whenever possible.
 1. If it is necessary to replace deteriorated architectural features, new materials should match in terms of composition, design, color, and texture.
 2. 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 the availability of architectural elements from other buildings or structures.
 3. The design is compatible with the size, scale, and material of the historic building or structure and is compatible with the character of the neighborhood.


(7) Criteria for Demolition Review. In any decision concerning the demolition of an historic resource, the following shall be considered:

- (a) The state of repair of the building and the economic feasibility of rehabilitation.
- (b) Hardship of the applicant.
- (c) The quantity and quality of other historic resources in the city comparable in terms of type and style.
- (d) The existence of a program or project which may result in preservation of the structure.
- (e) The character of the neighborhood in which the resource is located.

Section 5 Emergency Clause

It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health, and safety. Therefore, an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its approval by the mayor.

Passed by the Council and approved by the Mayor this 13th day of March, 1990.



 Mayor



 City Manager, Ex-Officio City Recorder