

**DRAFT PROPOSED AMENDMENT – REVISED AUGUST 13, 2019**

**17.40.060 - Exterior alteration and new construction.**

- A. Except as provided pursuant to subsection I of this section, no person shall alter any historic site in such a manner as to affect its exterior appearance, nor shall there be any new construction in an historic district, conservation district, historic corridor, or on a landmark site, unless a certificate of appropriateness has previously been issued by the historic review board. Any building addition that is thirty percent or more in area of the historic building (be it individual or cumulative) shall be considered new construction in a district. Further, no major public improvements shall be made in the district unless approved by the board and given a certificate of appropriateness.
- B. Application for such a certificate shall be made to the planning staff and shall be referred to the historic review board. The application shall be in such form and detail as the board prescribes.
- C. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,
  - 1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
  - 2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

- D. ~~[1.]~~—The historic review board, after notice and public hearing held pursuant to Chapter 17.50, shall approve the issuance, approve the issuance with conditions or disapprove issuance of the certificate of appropriateness.

~~2.~~

E. The following exterior alterations to historic sites ~~may shall~~ be subject to administrative approval:

- a. Work that conforms to the adopted Historic Review Board Policies. The Historic Review Board Policies may be adopted or amended through adoption of a resolution by the City Commission, following a public hearing and recommendation by the Historic Review Board. Such policies shall be clear and objective and shall carry out the City's Comprehensive Plan, especially those elements relating to historic preservation.

~~E.F.~~ For exterior alterations of historic sites in an historic district or conservation district or individual landmark, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall be:

- 1. The purpose of the historic overlay district as set forth in Section 17.40.010;
- 2. The provisions of the city comprehensive plan;

3. The economic use of the historic site and the reasonableness of the proposed alteration and their relationship to the public interest in the structure's or landmark's preservation or renovation;
4. The value and significance of the historic site;
5. The physical condition of the historic site;
6. The general compatibility of exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used with the historic site;
7. Pertinent aesthetic factors as designated by the board;
8. Economic, social, environmental and energy consequences; and
9. Design guidelines adopted by the historic review board.

**FG.** For construction of new structures in an historic or conservation district, or on an historic site, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall include the following:

1. The purpose of the historic conservation district as set forth in Section 17.40.010;
2. The provisions of the city comprehensive plan;
3. The economic effect of the new proposed structure on the historic value of the district or historic site;
4. The effect of the proposed new structure on the historic value of the district or historic site;
5. The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure;
6. Economic, social, environmental and energy consequences;
7. Design guidelines adopted by the historic review board.

**GH.** For construction of new structures in an historic corridor, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall include the following:

1. The purpose of the historic overlay district as set forth in Section 17.40.010;
2. The policies of the city comprehensive plan;
3. The impact on visible evidence of the trail;
4. The impact on archaeological evidence when there exists documented knowledge of archeological resources on the property;
5. The visual impact of new construction within the historic corridor; and
6. The general compatibility of the site design and location of the new construction with the historic corridor considering the standards of subsection G of this section.

**HI.** The following standards apply to development within historic corridors:

1. Within the Oregon Trail-Barlow Road historic corridor, a minimum of a thirty-foot wide-open visual corridor shall be maintained and shall follow the actual route of the Oregon Trail, if known. If the actual route is unknown, the open visual corridor shall connect within the open visual corridor on adjacent property.
2. No new building or sign construction shall be permitted within required open visual corridors. Landscaping, parking, streets, driveways are permitted within required open visual corridors.

**IJ.** In rendering its decision, the board's decision shall be in writing and shall specify in detail the basis therefore.

~~JK.~~ Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which does not involve a change in design, material or the outward appearance of such feature which the building official shall certify is required for the public safety because of its unsafe or dangerous condition.

~~K.~~ The following exterior alterations may be made subject to the administrative procedures as outlined below:

~~Construction of fences on historic sites.~~

~~Exterior alterations, excluding additions, to incompatible structures in the Canemah Historic District.~~

- ~~1. A notice of the proposed certificate of appropriateness shall be mailed to the following persons:
  - ~~a. The applicant;~~
  - ~~b. All owners of property within three hundred feet of the property which is the subject of application;~~
  - ~~c. A recognized neighborhood association and a citizen involvement committee representative of the neighborhood involved, if the property which is the subject of the application lies wholly or partially within the boundaries of such organization.~~~~
- ~~2. The failure of the property owner to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons entitled to personal notice.~~
- ~~3. Notice shall also be given by publication in a newspaper of general circulation in the area affected.~~
- ~~4. Within ten days of the issuance of notice of the proposed certificate of appropriateness, any person who has received personal notice pursuant to subdivision 1 of this subsection or who demonstrates sufficient interest in the outcome to participate in such proceedings, as determined by the historic review board, may request a public hearing before the historic review board.~~
- ~~5. Within forty-five days after a request for public hearing is made, a public hearing shall be held before the historic review board following procedures as established in Chapter 17.50.~~
- ~~6. The historic review board shall then deny or approve the application, either with or without conditions, following procedures as established in Chapter 17.50.~~
- ~~7. In the event no request for hearing is filed, the historic review board, through its chairperson and planning staff, shall issue a certificate of appropriateness in accordance with the notice given without further hearing.~~
- ~~8. The board may adopt policies for review of applications of certificates of appropriateness in the historic overlay district. Such policies shall be adopted only after notice and an opportunity to be heard is provided and shall include specific opportunity for comment by the planning staff, the planning commission, and the city commission. Such policies shall carry out the city's comprehensive plan, especially those elements relating to historic preservation. In the absence of such policies, the board shall apply such elements directly.~~

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.04.815 - New construction.

"New construction" means structure for which the "start of construction" commenced on or after the effective date of the ordinance codified in this title.

For the purposes of Chapter 17.40, "new construction" means ~~an additional~~a new building or structure separate from ~~the an~~ existing building ~~mass~~ that is larger than two hundred square feet on ~~all~~ any properties-property located within a Historic Overlay District. Any building addition that is thirty percent or more in area (be it individual or cumulative) of the original structure shall also be considered "new construction."