

CHAPTER 2.5
Historic Preservation Ordinances

I. TITLE: THE CITY OF WESTON, UMATILLA COUNTY
HISTORIC PRESERVATION ORDINANCE

II. PURPOSE

The City of Weston, Umatilla 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.

III. 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, which includes 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 Weston, Umatilla County, as important in its history.

DESIGNATED LANDMARKS REGISTER – The list of and record of information about properties officially recognized by The City of Weston, Umatilla 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 PLACES – The record of information about resources potentially significant in the history of The City of Weston, Umatilla County.

RELOCATION – The removal of a resource from its historic context.

IV. THE CITY OF WESTON, UMATILLA COUNTY HISTORIC LANDMARK COMMISSION

1. The Mayor and Council shall appoint a Historic Landmark Commission, hereinafter the Commission, of seven, with two alternate members, with a demonstrated interest, knowledge or competence in historic preservation to carry out the provision of this ordinance. A majority of the members shall reside within the corporate boundaries of The City of Weston, Umatilla County. Members shall serve without compensation, but are eligible for reimbursement of expenses related to their service.
2. Initial appointments to the Commission shall be for terms of one, two and three years. Subsequent terms of appointment shall be for three years, or in the case of a replacement, for the remainder of the unexpired term. Members shall be eligible for reappointment.
3. A simple majority of the seated members shall constitute a quorum to conduct official business.
4. A chair and vice-chair shall be elected annually by and from the seated membership. Officers are eligible for re-election.
5. 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.

V. POWERS AND DUTIES OF THE 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 and visitors to the City of Weston, Umatilla 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 VI of this ordinance, the Commission shall periodically identify and evaluate the historic resources of the City of Weston, Umatilla 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 VII of this ordinance, the Commission shall periodically revise the Designated Landmarks Register of the City of Weston, Umatilla County by adding or deleting properties.
7. Employing the procedures and criteria in Section VIII 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.
9. The Commission shall support the enforcement of all state laws relating to historic preservation. These include, but are not limited to: ORS 197.722 (Consent for designation for historic Property), ORS 358.653 (Conservation Programs, Leases), and ORS 358.475 through 358.541 (Special Assessment).

VI. THE INVENTORY OF HISTORIC RESOURCES

1. The Commission shall determine and periodically revise priorities for the identification and evaluation of potential Historic Resources.
2. Documentation and evaluation of properties in the Historic Resource Survey shall be in a format compatible with the Oregon Historic Sites Database. Survey results shall be supplied to the SHPO as described in the most recent addition of the document "Guidelines for Conducting Historic Resource Surveys in Oregon," or most recent guidance for such efforts published by the SHPO.

3. The Historic Resources Survey shall be maintained as a public record. Records concerning archaeological records shall not be made available to the public in accordance with State law.
4. A process shall be put in place to allow citizens to review and correct information and add additional buildings, structures, sites or objects to the inventory. Any member of the public may place a property in the Historic Resource Survey; however the Commission reserves the right to determine the property's eligibility for inclusion in the Designated Landmarks Register.
5. The Commission may collect further information, including current photographs, architectural descriptions based on on-site observations, or archival documentation for properties already recognized in the Historic Sites List, Landmarks Register, or National Register for the purposes of administering this ordinance pursuant to the provisions of Section VII and VIII.

VII. 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 VIII 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 Director. 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 as provided for under ORS 197.772.
3. The Historic Landmark Commission shall establish standards for a complete application. Upon acceptance of a complete application, the Planning Director or 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 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 finding 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.

VIII. 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 Director or 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 Commission shall establish standards for a complete application. Upon acceptance of a complete application, the Planning Director or 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 Weston, Umatilla 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 as applicable:
 - 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; and/or
 - 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; and/or
 - 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; and/or

- d. changes to a property that have acquired historic significance in their own right shall be retained and preserved; and/or
 - e. distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved; and/or
 - f. deteriorated historic features shall be repaired rather than replaced. When 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; and /or
 - 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; and/or
 - h. archaeological 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; and/or
 - 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 as applicable that:
- a. no prudent and feasible alternative exists; and/or
 - b. the designated property is deteriorated beyond repair; and/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.

IX. SEVERABILITY

- 1. The provisions of this ordinance are severable.

X. ENFORCEMENT AND PENALTIES

- 1. Violations of Section VII of this ordinance shall be subject to the same procedures and penalties that apply to violations of the planning code.

XI. APPEALS

- 1. Decisions of the Commission are appealable to the City Council. Procedures for appeals to Historic Landmarks Commission decisions shall be the same as those for appeals of Planning Commission decisions. Decisions of the City Council are appealable to the Oregon State Land Use Board of Appeals.