

January 10, 1994

**Ordinance No. 1697  
Historic Preservation Ordinance**

The City of Hood River ordains as follows:

Chapter 17.14 is hereby added to the Hood River Municipal Code to provide as follows:

17.14.000	Scope
17.14.010	Applicability
17.14.020	Purpose
17.14.030	Definitions
17.14.040	Landmarks Review Board
17.14.050	Composition
17.14.060	Terms
17.14.070	Powers and Duties of Landmarks Board

**DESIGNATION OF HISTORIC LANDMARKS**

17.14.080	(1)	Purpose
17.14.080	(2)	Initiation
17.14.080	(3)	Procedure
17.14.080	(4)	Application
17.14.080	(5)	Review Criteria
17.14.080	(6)	Recommendation by the Landmarks Board
17.14.080	(7)	City Council Decision

**REMOVAL OF HISTORIC LANDMARK DESIGNATION**

17.14.090	(1)	Purpose
17.14.090	(2)	Initiation
17.14.090	(3)	Procedure
17.14.090	(4)	Application
17.14.090	(5)	Review Criteria
17.14.090	(6)	Exceptions

**REVIEW OF EXTERIOR ALTERATIONS**

17.14.100	(1)	Purpose
17.14.100	(2)	Initiation
17.14.100	(3)	Alterations
17.14.100	(4)	Exemptions from Review
17.14.100	(5)	Procedure
17.14.100	(6)	Application
17.14.100	(7)	Review Criteria
17.14.100	(8)	Conditions of Approval
17.14.100	(9)	Decision

## REVIEW OF NEW CONSTRUCTION

- 17.14.110 (1) Purpose
- 17.14.110 (2) Initiation
- 17.14.110 (3) New Construction
- 17.14.110 (4) Procedure
- 17.14.110 (5) Application
- 17.14.110 (6) Relationships to Other Planning Review
- 17.14.110 (7) Review Criteria
- 17.14.110 (8) Conditions of Approval
- 17.14.110 (9) Decision

## DEMOLITION OR MOVING A HISTORIC LANDMARK

- 17.14.120 (1) Purpose
- 17.14.120 (2) Initiation
- 17.14.120 (3) Demolition or Moving
- 17.14.120 (4) Procedure
- 17.14.120 (5) Application
- 17.14.120 (6) Review Criteria
- 17.14.120 (7) Decisions
- 17.14.120 (8) Exemptions
  
- 17.14.130 Interim Protection
- 17.14.140 Appeals
- 17.14.150 Penalties/Enforcement

17.14.000 Scope. The Historic Preservation Ordinance (HPO) provides a means to recognize and protect properties listed as Hood River Historic Landmarks and Districts and to formally recognize and protect historic landmarks under private and public ownership.

17.14.010 Applicability. This ordinance is applied:

- (1) To all historic resources that appear on the City's adopted Hood River Cultural Resource Inventory as designated Historic Landmarks;
- (2) To all properties in Historic Districts, designated either locally or nationally.

17.14.020 Purpose. The purpose of this ordinance is to promote the general welfare by safeguarding the City's heritage as embodied and reflected in its historic landmarks and to:

- (1) Provide for the identification, protection, enhancement, and use of historic landmarks within the City that reflect special elements of the City's architectural, archaeological, artistic, cultural, engineering, aesthetic, historical, political, social, and economic

heritage.

- (2) Strengthen the economy of the City through the protection and enhancement of the City's historic landmarks.
- (3) Encourage public education, understanding, and appreciation of the City's history and culture.
- (4) Foster community and neighborhood pride and sense of identity based on recognition and use of historic landmarks.
- (5) Protect and enhance the City's historic landmarks for enjoyment and use by both residents and visitors.
- (6) Promote the continual use of historic landmarks without detrimentally affecting their significance.
- (7) Carry out the provisions of the State's Land Use Planning Goal 5.

17.14.030 Definitions. As used in the article, unless context requires otherwise.

- (1) Alteration: To remove, add to, or otherwise change the physical appearance of any part or portion of the **EXTERIOR** of a historic landmark.
- (2) Architectural Significance: The term shall mean that the historic landmark (1) portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; (2) embodies those distinguishing characteristics of an architectural-type; (3) is the work of an architect or master builder whose individual work has influenced the development of the City; or (4) contains elements of architectural design, detail, materials, or craftsmanship which represent a significant innovation.
- (3) Demolish: To raze, destroy, dismantle, deface or, in any other manner, cause partial or total ruin of a designated historic landmark, individually or within a Historic District.
- (4) District: A geographic area possessing a significant concentration, linkage, continuity or design relationship of historically significant sites, structures, landscape features, or objects unified by past events or physical development.

- (5) ESEE Analysis: An analysis of the economic, social, environmental, and energy consequences that designation of the historic resource would have on identifiable conflicting uses permitted under the zoning ordinance.
- (6) Exterior: All outside features of a historic landmark, individually or within a historic district.
- (7) Historic Landmark: A district, corridor, ensemble, building, portions of building, site, landscape feature, cemetery, bridge, sign, plaque, archaeological site or artifact, or other objects of historical and/or architectural significance, locally, regionally, or nationally designated by the Landmarks Board and City Council under this ordinance.
- (8) Historic Significance: Those historic landmarks which have a relationship to events or conditions of the human past. The historic resource (1) has character, interest or value, as part of the development, heritage or cultural characteristics of the City, State, or Nation; (2) is the site of a historic event with an effect upon society; (3) is identified with a person or group of persons who had some influence on society; or (4) exemplifies the cultural, political, economic, social, or historic heritage of the community.
- (9) Landmarks Board: "Landmarks Board" shall mean the Hood River Landmarks Review Board.
- (10) Matching or Like Materials: Materials that duplicate the original material in size, shape, composition, and texture as closely as possible.
- (11) Rehabilitation: The return of property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use and preserves the property's historic value.
- (12) Restoration: The process of accurately recovering the form and details of a property and its setting as they appeared at a particular historic period by means of the removal of later work or the replacement of missing earlier work.

17.14.040 Landmarks Review Board. The City of Hood River Landmarks Review Board, hereinafter known as the Landmarks Board, is hereby created to advise the Planning Commission and City Council about the City's historic landmarks.

17.14.050 Composition: The Landmarks Board shall be composed of seven members who shall be appointed by the City Council. Four members shall live within the city of Hood River. All members shall reside within Hood River County. When making appointments to the Landmarks Board, the Council shall consider individuals who have demonstrated an interest in historic preservation and have experience or special expertise or knowledge in the field of history, archaeology, architecture, the arts, historic preservation, culture, planning, landscape architecture, business, real estate, law, government, engineering, construction or other related trades. A member of the Planning Commission may serve as an ex-officio member of the Landmarks Board. Four voting members constitute a quorum and shall be entitled to conduct official business and act for the entire Landmarks Board. Each member is entitled to one vote. Members of the Landmarks Board shall serve without compensation.

17.14.060 Terms. The term of each member of the Landmarks Board shall be three years, with the exception of the initial appointment of the full Landmarks Board which shall be as follows: three initial members shall be appointed to three year terms, three initial members shall be appointed to two year terms and one member appointed to a one year term. Members may be reappointed or removed at the discretion of the City Council. A vacancy on the Board shall be filled by the City Council for the unexpired term. The Landmarks Board (by majority vote), at its first meeting shall elect a chairperson and a vice-chairperson. The officers shall serve for terms of one year.

17.14.070 Powers and Duties of Landmarks Board. The powers and duties of the Landmarks Board include:

- (1) Maintain the Hood River Cultural Resource Inventory, hereinafter referred to as the Inventory.
- (2) Recommend to the City Council the designation of historic landmarks or districts that meet the criteria for designation as contained in Section 17.14.080.
- (3) Protect historic landmarks or districts through the review, and approval or disapproval of alterations in accordance with the review criteria established for alterations.
- (4) Review and render decisions on all proposed new construction within a designated historic district or on parcels which a historic landmark is located.

- (5) Review and render decisions on all proposed demolitions within a designated historic district or on properties which a historic landmark is located.
- (6) Provide a forum for public participation in matters and issues related to historic preservation in the community.
- (7) Review proposed activities by the City, the County, the Port of Hood River, or other agencies, businesses, or developers that may detrimentally affect historic landmarks and advise the planning staff, Planning Commission, and City Council regarding these matters.
- (8) Perform other activities relating to historic landmarks and resources including, but not limited to:
  - (a) Provide public education on the prehistoric, historic, and scenic resources of Hood River;
  - (b) Provide advice to the City Council, other City boards, and City staff on the preservation of historic landmarks and other historic resources;
  - (c) Providing technical and economic information on preservation of historic landmarks or resources;
  - (d) Make recommendations to the City Council for historic resource preservation programs and incentives, to help preserve designated landmarks.
  - (f) Periodically review and make recommendations for updating the inventory;
- (9) Establish and adopt rules and policies for conducting the business of the Landmarks Board.

#### **DESIGNATION OF HISTORIC LANDMARKS OR DISTRICTS**

17.14.080 (1) Purpose. The designation of historic landmarks allows the City to formally recognize and protect historic landmarks. Designated historic landmarks identify districts, corridors, ensembles, buildings, portions of buildings, sites, landscape features, cemeteries, bridges, signs, plaques, archaeological sites, or other objects of historical and/or architectural significance, locally, regionally, or nationally. The regulations that apply to designated landmarks provide a means to review proposed changes and encourage the preservation of the historic landmark.

17.14.080 (2) Initiation. The process for designating historic landmarks or districts may be initiated by the Landmarks Board, Planning Commission, the City Council, recognized neighborhood groups, interested persons, or property owners, or their authorized agents, who submit a complete application for designation.

17.14.080 (3) Procedure. Requests for designation of historic landmarks and districts are reviewed initially by the Landmarks Board. The Landmarks Board makes recommendations for designations to the City Council. The City Council shall conduct a quasi-judicial hearing in accordance with the requirements of Chapter 17.09 of the Hood River Municipal Code taking into consideration the recommendations of the Landmarks Board and public testimony.

17.14.080 (4) Application. An application for designation shall be prepared and filed with the Planning Department, using forms prescribed by the Planning Director. The Planning Director shall fix a date and time for a public hearing before the City Council.

17.14.080 (5) Review Criteria. The Landmarks Board shall review all applications for historic landmark or district designations and shall make its recommendation on the basis of the following criteria (at least one section or sub-section of the following criteria must apply to the proposed historic landmark or district).

- (1) The proposed landmark or district has historic significance or contributes to the historical resources of the community. The resource is:
  - (a) Associated with past trends, events, or values that have made a significant contribution to the economic, cultural, social and/or political history of city, county, state, region, or nation;
  - (b) Associated with the life of or activities of a person, group, or organization, or institution that has made a significant contribution to the city, county, region, state, or nation;
- (2) The proposed landmark or district has architectural significance because it:
  - (a) Embodies distinguishing architectural characteristics of a period, style, method of construction, craftsmanship, or materials;

- (b) Represents the work of a designer, architect, or master builder who influenced the development and appearance of history of the city, county, region, state, or the nation;
  - (c) It is the only remaining, or one of few remaining, resources of a particular style, building type, design, material, or method of construction;
  - (d) Is a prominent visual landmark with strong associations to the community;
  - (e) Has high quality of composition, detailing, and/or craftsmanship.
- (3) The site contains archaeological artifacts related to prehistory or to the early history of the community.
  - (4) The proposed landmark or district is listed on the National Register of Historic Places.
  - (5) In conjunction with other criteria listed above, the proposed landmark;
    - (a) Is fifty years old or older unless the resource is of exemplary architectural or historical significance;
    - (b) Contributes to the continuity or historic character of the street, neighborhood, and/or community;
    - (c) Has sufficient original workmanship and materials remaining to show the construction technique and stylistic character of a given period;

17.14.080 (6) Recommendation by the Landmarks Board. After the historic resource has been evaluated according to the review criteria set forth in Section 17.14.080 (5), the Landmarks Board shall then consider the probable economic, social, environmental, and energy (ESEE) consequences that designation of the resource would have on the identifiable conflicting uses permitted under the Zoning Ordinance. The identification of conflicting uses and consideration of ESEE consequences shall follow the provisions of Statewide Land Use Planning Goal 5 (as described in OAR 660-16 et. seq.).

If the Landmarks Board acts to recommend designation of a historic resource, or designation with conditions, or denial of designation, it shall make specific findings based on the review criteria, and the goals and policies of the Comprehensive Plan. The Landmarks Board shall submit its recommendation specifying the findings and



forward these to the applicant at least ten (10) days prior to the public hearing and review by the City Council. If the Landmarks Board acts to reject a proposed designation, no further action shall be taken unless an appeal of the Landmarks Boards' action is filed with the City Council.

17.14.080 (7) City Council Decision. The City Council shall conduct a public hearing to consider the proposed designation and recommendations of the Landmarks Board. Following the public hearing, the City Council shall approve, approve with conditions, or deny the proposed designation. Written notice of the decision of the City Council shall be sent to the applicant and property owner by the Planning Director within 30 days of the date of the decision.

#### REMOVAL OF HISTORIC LANDMARK DESIGNATION

17.14.090 (1) Purpose. Periodically, it may be necessary to remove the designation of an historic landmark. Removal is an effort to reflect changing conditions, community values or needs.

17.14.090 (2) Initiation. The process of removing a historic landmark from the inventory may be initiated by the Planning Commission, City Council, the Landmarks Board, the property owner, or by any other interested person.

17.14.090 (3) Procedure. Review of a request for removal of designation is heard by the Landmarks Board who is the final review body unless an appeal is filed. The Landmarks Board shall conduct a quasi-judicial hearing in accordance with the requirements of Chapter 17.09 of the Hood River Municipal Code taking into consideration the review criteria and public testimony.

17.14.090 (4) Application. An application for removal for a historic landmark designation shall be prepared and filed with the Planning Department, using forms prescribed by the Planning Director. The Planning Director shall fix a date and time for a public hearing before the Landmarks Board.

17.14.090 (5) Review Criteria. The Landmarks Board shall evaluate the request for removal of the landmark designation based upon findings that removal of the historic designation will not adversely impact properties in the surrounding area or integrity of the historic district. In order to approve an application it must be found that at least one of the following has occurred since the site was listed as a historic landmark:

- (1) Significance of the resource or district has been substantially reduced or diminished according to the review criteria established in Section 17.14.080 (5).
- (2) Integrity of the resource or district has been substantially reduced or diminished according to the review criteria established in Section 17.14.080 (5).

17.14.090 (6) Exceptions. The Planning Director shall delete any demolished or removed landmark from the official Inventory through an administrative review if the property is damaged in excess of 70 percent of its previous value due to vandalism, fire, flood, wind, earthquake or other natural disasters.

#### REVIEW OF EXTERIOR ALTERATIONS

17.14.100 (1) Purpose. The purpose of reviewing alterations to historic landmarks is to encourage the preservation of characteristics which led to designation as a historic landmark.

17.14.100 (2) Initiation. The process for applying for altering a historic landmark or landmark within a district may be initiated by the property owner or authorized agent upon submittal of a complete application.

17.14.100 (3) Alterations. Review is required for all EXTERIOR alterations or additions to designated landmarks, individually or within historic districts with the exception of alterations classified as "minor alterations". The Planning Director who may consult with the Landmarks Board, shall approve minor alterations through administrative review. The following are considered "minor" alterations:

- (1) Replacement of gutters and downspouts, or the addition of gutters and downspouts, using like materials or materials that match those that were typically used on similar style buildings;
- (2) Repairing or providing a new foundation that does not result in raising or lowering the building elevation providing that skirting is provided to match the existing skirting. The repair or new foundation shall not affect the appearance of the building.
- (3) Replacement of wood siding, when required due to deterioration of material, with wood material that matches the original siding in all materials, dimensions,

and textural qualities;

- (4) Application of storm windows made with wood, bronze or flat finished anodized aluminum, or baked enamel frames.
- (5) Replacement of existing sashes with new sashes, when using material which matches the original historic material and appearance. Severe deterioration of the original sashes has to be evident.
- (6) Repair and/or replacement of roof material with the same kind of roof material existing, or with materials which are in character with those of the original roof;
- (7) Replacement or construction of fencing according to the established fence design written guidelines. (Attachment "B").

17.14.100 (4) Exemptions from Review. The general and on-going responsibility of the property owner to care for, repair and replace with like materials may be done without formal review by the Landmarks Board. Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, or appearance of such feature of which the building official shall determine is required for public safety due to an unsafe or dangerous condition. Normal maintenance may include, but not be limited to:

- (1) Painting and related preparation.
- (2) Ground care and maintenance required for the permitted use of the property;
- (3) Existing materials replaced in-kind for historic landmark because of damage or decay of materials.

17.14.100 (5) Procedure. Review of a request for an **EXTERIOR** alteration is heard by the Landmarks Board who is the final review body unless an appeal is filed. The Landmarks Board shall conduct a quasi-judicial hearing in accordance with the requirements of Chapter 17.09 of the Hood River Municipal Code taking into consideration the review criteria and public testimony.

17.14.100 (6) Application. An application for alteration provided by the Planning Director shall be prepared by the property owner or authorized agent and submitted to the Planning Department

for review. If the application is incomplete, the Planning Director shall notify the applicant within seven (7) days and state what information is needed to make the application complete. The applicant shall have ten (10) days in which to submit additional material. The completed application and attachments are forwarded to the Landmarks Board for review.

17.14.100 (7) Review Criteria. The Landmarks Board must find that either criteria number one (1) or number two (2) below has been met in order to approve an alteration request:

- (1) The proposed alteration causes the landmark to more closely approximate the historical character, appearance or material composition of the original structure than the existing structure. The Landmarks Board shall use the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards", and the Secretary of the Interior's "Standards for Treatment of Historic Properties" (Attachment A).
- (2) The proposed alteration is compatible with the historic characteristics of the area and with the existing structure in massing, size, scale, materials, and architectural features. The Landmarks Board shall use the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards", and the Secretary of the Interior's "Standards for Treatment of Historic Properties" (Attachment A).
- (3) In conjunction with criteria number one (1) or number two (2) above, the Landmarks Board shall also consider:
  - (a) The value and significance of the structure in a Historic District or of the landmark;
  - (b) The Uniform Building Code, as adopted and amended by the State of Oregon, with particular reference to section 104(f)-Historic Buildings and Section 3110-relating to ADA and historic buildings, or related sections.
  - (c) Other applicable state and local codes and ordinances relating to the building, fire, health and safety.

17.14.100 (8) Conditions of Approval. The Landmarks Board shall either approve, conditionally approve, or deny the request. Conditions may be attached which are appropriate for the protection

and/or preservation of the historic or architectural integrity of the district or landmark. All conditions must relate to review criteria.

17.14.100 (9) Decision. A decision by the Landmarks Board under this section shall be supported by written findings and shall be forwarded within seven (7) days of the decision to the property owner.

#### REVIEW OF NEW CONSTRUCTION

17.14.110 (1) Purpose. The purpose of reviewing the **EXTERIOR** design of new construction is to ensure that new construction is compatible with the character of the district or designated landmark located on the same parcel.

17.14.110 (2) Initiation. The process for applying for new construction may be initiated by the property owner or authorized agent, upon submittal of a complete application.

17.14.110 (3) New Construction: Review is required for any new construction which occurs on the same parcel as a designated historic landmark.

17.14.110 (4) Procedure. A request to construct a new structure shall be referred to the Landmarks Board who is the final review body unless an appeal is filed. The Landmarks Board shall conduct a quasi-judicial hearing in accordance with the requirements of Chapter 17.09 of the Hood River Municipal Code taking into consideration the review criteria and public testimony.

17.14.110 (5) Application. An application for new construction shall be prepared and filed with the Planning Department, using forms prescribed by the Planning Director. The Planning Director shall fix a date and time for a public hearing before the Landmarks Board.

17.14.110 (6) Relationships to Other Planning Review. Projects which require a historic review may also require other land use reviews. If other reviews are required, the review procedure may be handled concurrently.

17.14.110 (7) Review Criteria. In reviewing the request, the Landmarks Board shall consider the following criteria:

- (1) The design of new construction is compatible with the design of the landmark(s) on the site or in the district, considering scale, style, height, and architectural detail and materials. The Landmarks Board shall use the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards", and the Secretary of the Interior's "Standards for Treatment of Historic Properties" (Attachment A);
- (2) The location and orientation of the new construction on the site is consistent with the typical location and orientation of similar structures on the site or within the district considering setbacks, distances between structures, location of entrances and similar siting considerations. The Landmarks Board shall use the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards", and the Secretary of the Interior's "Standards for Treatment of Historic Properties" (Attachment A).

17.14.110 (8) Conditions of Approval. In approving applications for new construction, the Landmarks Board may attach conditions which are appropriate for the preservation of the historic or architectural integrity of the district or landmark. All conditions must relate to review criteria.

17.14.110 (9) Decision. All decisions by the Landmarks Board under this section to approve, approve with conditions, or deny construction shall be supported by written findings and shall be forwarded to the property owner within seven (7) days of the decision.

#### **PROCEDURE FOR DEMOLITION OR MOVING A HISTORIC LANDMARK**

17.14.120 (1) Purpose. The purpose of reviewing requests for demolition or moving a historic landmark is to explore all possible alternatives for preservation. Demolition of historic landmarks is an extreme and final measure.

17.14.120 (2) Initiation. Demolition or moving designated historic landmarks or demolition within a historic district may be initiated by affected property owners or their authorized agent who submit a complete application.

17.14.120 (3) Demolition or Moving: A permit is required to move, demolish or cause to be demolished any structure listed as a historic landmark or in a historic district.

17.14.120 (4) Procedure. All requests for demolition or moving a historic landmark shall be reviewed by the Landmarks Board. The Landmarks Board shall conduct a quasi-judicial hearing in accordance with the requirements of Chapter 17.09 of the Hood River Municipal Code taking into consideration the review criteria and public testimony.

17.14.120 (5) Application. An application shall be made to the Planning Department using forms prescribed by the Planning Director. The Planning Director shall fix a date for a public hearing.

17.14.120 (6) Review Criteria. In considering a proposal for demolition or relocation of a landmark, the Landmarks Board shall have the authority to allow the demolition or relocation or allow partial demolition or relocation or delay approval for an initial period not to exceed ninety (90) days from the date of the Board's initial public hearing. If the Board acts to approve the request, in whole or in part, issuance of a permit and the commencement of the work shall be delayed for twenty (20) days after the Board's approval to allow for the filing of appeals. In determining whether a demolition or moving permit shall be issued, the Landmarks Board shall consider the following:

- (1) The completed application form;
- (2) Information presented at the public hearing held concerning the proposed development;
- (3) The Hood River Comprehensive Plan;
- (4) The purpose of this ordinance;
- (5) The review criteria used in the original designation of the landmark or district in which the property under consideration is situated;
- (6) The historical and architectural style, the general design, arrangement, materials of the landmark in question or its appurtenant fixture; the relationship of such features to similar features of the other landmarks or buildings within the district and its position in relation to public rights-of-way and to other buildings and structures in the area;

- (7) The effects of the proposed application upon the protection, enhancement, perpetuation and use of the landmark and/or district which cause it to possess a special character or special historical or aesthetic interest or value;
- (8) Whether denial of the permit will involve substantial hardship to the property owner, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purpose of this Chapter.

17.14.120 (7) Decisions. The Landmarks Board shall make decision within ten (10) days following the completion of the public hearing. For applications for demolition, the Landmarks Board may approve, approve with conditions, or invoke a stay of demolition. If the Landmark Board determines that a stay of demolition is appropriate, the City Council shall be promptly notified. If the City Council agrees that a stay of demolition is appropriate, the Hood River City Council shall apply to the Hood River County Circuit Court for a mandatory injunction prohibiting demolition. The length of stay shall be no more than ninety (90) days from the date of the public hearing. During the period, the Landmarks Board shall attempt to determine if public or private acquisition and preservation is feasible, or alternatives are possible which could be carried out to prevent demolition or removal of the landmark.

- (1) Further stays of demolition may be imposed for a period not to exceed one-hundred and twenty days (120) days from the date of the hearing, if the Landmarks Board finds:
  - (a) There is a program or project underway that could result in public or private acquisition of the landmark;
  - (b) There are reasonable grounds for believing the program or project may be successful.
- (2) After granting a further postponement, the Landmarks Board may order the Planning Director to issue the permit if it finds:
  - (a) All programs or projects to save the resource have been unsuccessful;
  - (b) The application for demolition or moving has not been withdrawn; and
  - (c) The application otherwise complies with city ordinances and state law.



- (3) During the stay of demolition, the Landmarks Board may require the property owner to:
  - (a) List the landmark in local and state newspapers of general circulation for a period of not less than 60 days stating that the property shall be given away to parties interested in moving the landmark.
  - (b) Give public notice by posting a hearing notice on site in addition to a sign which shall read: "Historic Landmark to be Moved or Demolished-Call City Hall for Information". The sign shall be provided by the City and be posted in a prominent and conspicuous place within ten feet of a public street abutting the premises on which the structure is located. The property owner is responsible for assuring that the sign is posted for a continuous 60-day period.
  - (c) Prepare and make available any information related to the history of the landmark.
  - (d) Assure that the property owner has not rejected a bona fide offer that would lead to the preservation of the landmark.
- (4) As a condition for approval of a demolition permit, the Landmarks Board may require one or more of the following:
  - (a) Require photographic documentation, architectural drawings, and other graphic data or history as it deems necessary to preserve an accurate record of the resource. The historical documentation materials shall be the property of the city or other party determined appropriate by the Landmarks Board.
  - (b) Require that the property owner document that the Historic Preservation League of Oregon or other local preservation group had been given the opportunity to salvage and record the landmark.

17.14.120 (8) Exemptions. The Planning Department shall issue a permit for moving or demolition if any of the following conditions exist:

- (1) The building is not designated compatible within an historic district.

- (2) The landmark has been damaged in excess of 70 percent of its previous value due to vandalism, fire, flood, wind or other natural disaster.
- (3) The Fire Marshall, Building Official or City Engineer determines that the demolition or moving is required for the public safety due to an unsafe or dangerous condition. Prior to the emergency action, the Landmarks Board shall be notified of such action.

#### INTERIM PROTECTION

17.14.130 Interim Protection. This provision is intended to provide interim demolition protection measures for historic resources listed in the "Hood River Cultural Resource Inventory" that have not been designated as Historic Landmarks. Resources in the Inventory that have not been designated are subject to provisions set forth in Section 17.14.120 of this chapter relating to the procedure for demolition/moving historic landmarks. After a complete survey and evaluation of significance and upon designation of significant properties as Historic Landmarks, the Interim Protection Measures shall cease.

#### APPEALS

17.14.140 Appeals. A final written decision of the Landmarks Board may be appealed by any person with standing as defined in 17.09.010 of the Hood River Municipal Code to the City Council. The appeal shall be in writing and shall be filed within twenty days of the date of the written decision of the Landmarks Board. The filing of a written appeal with the City Council shall stay any action relating to the subject property until a decision of the City Council. Any appeal of a decision of the Landmarks Board shall be in writing and shall specifically state the grounds for the appeal. The Hood River City Council shall conduct a quasi-judicial hearing to consider the appeal within ninety days of the date the appeal is filed. The decision of the council shall be considered a land use decision.

#### PENALTIES/ENFORCEMENT

17.14.150 Penalties/Enforcement. Failure to comply with any provision of this chapter shall be considered a Class A infraction and the violator shall be subject to a fine of not less than \$200 per violation. In addition, this chapter may be enforced by a suit in equity for a mandatory or prohibitory injunction. The prevailing party to any such civil enforcement action by the City of Hood River shall be entitled to recover reasonable attorney's fees from the non-prevailing party at trial or upon appeal.

ATTACHMENT A

The Secretary of the Interior's Standards for Rehabilitation. The following standards are to be applied to rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.
- (3) Each 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 architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- (6) Deteriorated 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 other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (7) Chemical or physical treatments, such as sand blasting that cause damage to historic material shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (8) Significant archaeological resources affected by a project or development shall be protected and preserved according to Oregon Revised Statute ORS 358.905. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that

characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

- (10) New additions and adjacent or related 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.

EXAMPLE



# CITY OF OREGON CITY

Incorporated 1844

## POLICY ON CONSTRUCTION OF FENCES AND WALLS OREGON CITY HISTORIC REVIEW BOARD ADOPTED SEPTEMBER 1988; REVISED JUNE 1991

DEVELOPMENTAL SERVICES

DEPARTMENT  
Planning, Building,  
Engineering  
320 Warner Mine Road  
Oregon City, OR 97045  
(503) 657-0895  
FAX (503) 657-3339

The following policy is hereby adopted by the Oregon City Historic Review Board regarding the construction or alteration of fences and walls within Historic Districts, Conservation Districts, or on individual sites designated as landmarks.

### 1. Fences in Front Yards and Corner Side Yards

#### ACCEPTABLE

Iron Picket (excluding modern wrought iron)  
Ornamental Cast Iron  
Brick  
Combinations of iron and masonry  
Wood picket - flat boards or square  
Solid wood - flat topped or capped

#### NOT ACCEPTABLE

Chain-link  
Post and rail/split rail  
Concrete block  
Stockade  
Plywood/hardboard or asbestos panel  
Hollow, twisted wrought iron  
Mixed materials (e.g. brick/wood)

### 2. Fences in Interior Side Yards, Alleyways and Rear Yards

#### ACCEPTABLE

All that are acceptable in #1 above  
Solid wood - clipped top  
Horizontal board  
Staggered vertical board (good-neighbor)  
Woven wire if installed according to  
height available from manufacturer and  
with wood posts and rails

#### NOT ACCEPTABLE

Chain-link  
Post and rail/split rail  
Concrete block  
Stockade  
Plywood/hardboard or asbestos panel  
Hollow, twisted wrought iron  
Mixed materials (e.g. brick/wood)

### 3. Walls in All Yards

#### ACCEPTABLE

Brick  
Stone (coursed or uncoursed)  
Poured concrete (for retaining walls only)

#### NOT ACCEPTABLE

Concrete block (all types)

**Fence/Wall Height:** Front yard fences/walls and corner side yard fences/walls shall be no more than three and one-half feet (3 1/2') in height and shall not create a traffic sight obstruction (as defined in Chapter 10-8 of the City Code). Along rear yards and interior side yards (beyond the front yard setback), fences/walls may be up to six feet (6') in height.

Fences/walls which are listed in the "Acceptable" category may be reviewed and a decision made by staff. The primary criterion to be used by staff shall be compatibility of the proposed fence/wall with the style and period of the designated structure. If not a designated structure, the primary criterion shall be compatibility with surrounding historic structures. Either staff or applicant shall have the option of referring the plans to the Historic Review Board for resolution of doubtful or contested application of standards. Fences/walls which are not listed, or which are specifically listed under "Not Acceptable" must be submitted for review and decision by the Historic Review Board.

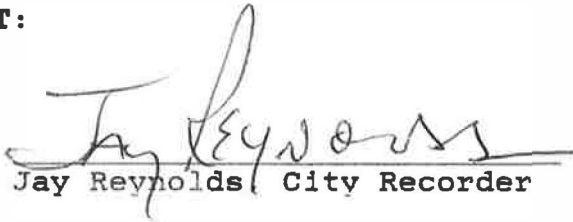
Attachment "B"

Read for the first time: January 18 . 1994.

Read for the second time and adopted by the City Council of Hood River on January 24 . 1994.

**ATTEST:**

  
Steve Gates, Mayor

  
Jay Reynolds, City Recorder