

FILED WASCO CTY  
THE DALLES OR.

IN THE COUNTY COURT OF THE STATE OF OREGON

DEC 9 1 50 PM '94

IN AND FOR THE COUNTY OF WASCO

KAREN R. LEBRETON  
COUNTY CLERK

IN THE MATTER OF A LAND USE AND )  
DEVELOPMENT ORDINANCE FOR HISTORIC )  
LANDMARKS PROTECTION PROVISIONS FOR )  
WASCO COUNTY , OREGON. )  
)  
)  
)  
)

ORDINANCE

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Court being present; and

IT APPEARING TO THE COURT: That on February 3, 1982, this Court unanimously passed and adopted a Comprehensive Plan Ordinance and implementing ordinances for Wasco County; and

IT FURTHER APPEARING TO THE COURT: That on August 25, 1983, the Land Conservation and Development Commission (LCDC) reviewed the Wasco County Comprehensive Plan and found Wasco County to be in compliance with the Statewide Land Use Planning Goals; and

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IT FURTHER APPEARING TO THE COURT: That on August 9, 1994, the State of Oregon Land Conservation and Development Commission approved the Wasco County Work Program to conduct the required Periodic Review of its Comprehensive Plan and Land Use and Development Ordinance, and make amendments to them to bring them into compliance with current standards and laws.

IT FURTHER APPEARING TO THE COURT: That on Monday, October 17, 1994, the Wasco County Planning Commission and Wasco County Citizens Advisory Group, in a legislative hearing, and voted 7-1 to recommend that the Wasco County Court adopt amendments to the Wasco County Land Use and Development Ordinance, Chapter 3, Section 3.770 *Environmental Protection District, Division 4 - Cultural, Historic and Archaeological Overlay* (Exhibit A).

IT FURTHER APPEARING TO THE COURT: That at the hour of 10:30 a.m. on November 9, 1994, in the Wasco County Courtroom, Room 202, of the Wasco County Courthouse, in The Dalles, Oregon, this Court met to conduct a legislative public hearing on the above matter as the members of the Court were determined to be qualified to hear the matter;

IT FURTHER APPEARING TO THE COURT: That the Court took notice of the record of the Planning Commission, heard the Staff comments, and then closed the hearing for further comment. The Court then announced it would deliberate, and based upon the

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Planning and Citizens Advisory recommendation, the Court, being fully apprised in the premised;

NOW, THEREFORE, THE WASCO COUNTY COURT ORDAINS AS FOLLOWS THAT ; Chapter, 3, Section 3.770 Environmental Protection District Division 4, - Cultural, Historic and Archaeological Overlay be approved.

Regularly passed and adopted by a unanimous vote of the County Court of the County of Wasco, State of Oregon.

DATED this 7th day of December, 1994.

WASCO COUNTY COURT

John Mabrey  
John Mabrey, Judge

Scott McKay  
Scott McKay, Commissioner

C.E. Filbin  
C.E. Filbin, Commissioner

Approved as to Form:

Bernard L. Smith  
Bernard L. Smith  
Wasco County District Attorney

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## Historic Preservation Overlay

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

The following list is a summary of the major headings in this article:

- Purpose
- Definitions
- Historic Landmarks Commission
- Designation of Historic Landmarks and Districts
- Removal of Historic Landmark Designation
- Historic Review of Exterior Alterations
- Historic Review of New Construction
- Historic Review of Demolitions/Moving
- Appeals
- Penalties

A. Applicability. This ordinance is applied:

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

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

- (1) Provide for the identification, protection, enhancement, and use of historic landmarks within the County that reflect special elements of the County's architectural, archaeological, artistic, cultural, engineering, aesthetic, historical, political, social, and economic heritage.
- (2) Strengthen the economy of the County through the protection and enhancement of the County's historic landmarks.
- (3) Encourage public education, understanding, and appreciation of the County's history and culture.
- (4) Foster community and neighborhood pride and sense of identity based on recognition and use of historic landmarks.

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- (5) Protect and enhance the County's historic landmarks for enjoyment and use by both residents and visitors.
- (6) Promote the continued use of historic landmarks without detrimentally affecting their significance.
- (7) To comply with The Wasco County Comprehensive Plan regarding historic landmarks and resources under Statewide Planning Goal 5.

C. 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, individually or within a historic district.
- (2) Architectural Significance: The term shall mean 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 County or region; 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 all 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 Commission and County Court under Section 3.772 of this ordinance.
- (8) Historic Resources: Include, but are not limited to, districts, corridors, ensembles, buildings, portions of buildings, sites, landscape features, cemeteries, bridges, signs, plaques, archaeological sites or artifacts, or other objects of historical and/or architectural significance, locally, regionally, or nationally.

- (9) 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 county, 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 an influence on society; or (4) exemplifies the cultural, political, economic, social, or historic heritage of the community.
- (10) Landmarks Commission: "Landmarks Commission" shall mean the Wasco County Historic Landmarks Commission.
- (11) LUDO: Wasco County's Land Use and Development Ordinance.
- (12) Matching or Like Materials: Materials that duplicate the original material in size, shape, composition, and texture as closely as possible.
- (13) 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.
- (14) 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.

## HISTORIC LANDMARKS COMMISSION

3.771 Historic Landmarks Commission. The Wasco County Historic Landmarks Commission, hereinafter known as the Landmarks Commission, is hereby created to advise the Planning Commission and County Court about the County's historic landmarks and resources.

A. Composition: The Landmarks Commission shall be composed of seven members who shall be appointed by the County Court. Members shall live within Wasco County. When making appointments to the Landmarks Commission, the County Court shall consider individuals who have demonstrated an interest in historic preservation and have experience or special expertise or knowledge in the field of history, archeology, 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 non-voting ex-officio of the Landmarks Commission. Four members constitute a quorum and shall be entitled to conduct official business and act for the entire Landmarks Commission. Each member is entitled to one vote. Members of the Landmarks Commission shall serve without compensation.

B. Terms. The term of each member of the Landmarks Commission shall be three years, with the exception of the initial appointment of the full Landmarks Commission which shall be as follows: three initial members shall be appointed to three year terms, two initial members shall be

appointed to two year terms and two members appointed to a one year term. Members may be reappointed or removed at the discretion of the County Court. A vacancy on the Landmarks Commission shall be filled for the unexpired term. The Landmarks Commission (by majority vote), at its first meeting shall elect a chairperson and a vice-chairperson. The officers shall serve for terms of one year.

C. Powers and Duties of Landmarks Commission. The powers and duties of the Landmarks Commission include:

- (1) Maintain and update the Wasco County Cultural Resource Inventory, hereinafter referred to as the Inventory.
- (2) Recommend to the County Court the designation of historic landmarks or districts that meet the criteria for designation as contained in Section 3.772.
- (3) Protect historic landmarks or districts through the review, and approval or disapproval of alterations in accordance with the review criteria established for alterations pursuant to Section 3.774.
- (4) Review and render decisions on all proposed new construction within a designated historic district or on parcels on which a historic landmark is located.
- (5) Review and render decisions on all proposed demolitions within a designated historic district or on properties on 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 County or other agencies, businesses, or developers that may detrimentally affect historic landmarks and advise the Planning and Economic Development Staff, Planning Commission, and County Court 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 Wasco County;
  - (b) Provide advice to the County Court, other County Boards, and County 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 County Court for historic resource preservation programs and incentives, to help preserve designated landmarks.

- (9) Establish and adopt rules for procedure conducting the business of the Landmarks Commission.

## DESIGNATION OF HISTORIC LANDMARKS OR DISTRICTS

3.772 Purpose. The designation of historic landmarks or districts allows the County to formally recognize and protect its historic resources. 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 or district.

A. Initiation. The process for designating historic landmarks or districts may be initiated by the Landmarks Commission, Planning Commission, the County Court, recognized neighborhood groups, interested persons, or property owners, or their authorized agents, who submit a complete application for designation.

B. Procedure. Requests for designation of historic landmarks and districts are reviewed initially by the Landmarks Commission. The Landmarks Commission makes recommendations for designations to the County Court. The County Court shall conduct a de-novo hearing in accordance with the requirements of Chapter 2 of the Wasco LUDO taking into consideration the recommendations of the Landmarks Commission, and the public testimony.

C. Application. An application for designation shall be prepared and filed with the Planning and Economic Development Department, using forms prescribed by the Planning Director. The Planning and Economic Development Department shall fix a date and time for a public hearing before the County Court.

D. Review Criteria. The Landmarks Commission 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 the city, county, state, region, or nation;
  - (b) Associated with the life 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 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 crafting.
  
- (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;

E. Recommendation by the Landmarks Commission. After the historic resource has been evaluated according to the review criteria set forth in Section 3.772 D., the Landmarks Commission shall then consider the probable economic, social, environmental, and energy (ESEE) consequences that designation of the resource would have on all the identifiable conflicting uses permitted under the Zoning Ordinance. The identification of conflicting uses and consideration of ESEE consequences shall be carried out in conformance with provisions of Statewide Land Use Planning Goal 5 (as described in OAR 660-16 et. seq.).

If the Landmarks Commission 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 Commission 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 County Court. If the Landmarks Commission acts to reject a proposed designation, no further action shall be taken unless an appeal of the Landmarks Commission's action is filed with the County Court by the applicant, pursuant to Section 3.781.

F. County Court Decision. The County Court shall take into account the desires of the owners of the property with respect to its designation as a historic landmark. The County Court shall conduct a public hearing to consider the proposed designation and recommendations of the Landmarks Commission. Following the public hearing, the County Court shall approve, or approve with conditions, or to deny the proposed designation based on the Landmarks Commission's recommendation, and the public comment. Written notice of the action taken by the County Court shall be sent to the applicant by the Planning Director within 30 days of such action.

## REMOVAL OF HISTORIC LANDMARK DESIGNATION

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

A. Initiation. The process of removing a historic landmark from the inventory may be initiated by the Planning Commission, County Court, the Landmarks Commission, the property owner, or by any other interested person.

B. Procedure. Review of a request for removal of designation is heard by the Landmarks Commission who is the final review body unless an appeal is filed. The Landmarks Commission shall conduct a quasi-judicial hearing in accordance with the requirements of Chapter 2 of the Wasco County LUDO taking into consideration the review criteria, and the public testimony.

C. Application. An application for removal for a historic landmark designation shall be prepared and filed with the Planning and Economic Development Department, using forms prescribed by the Planning Director. The Planning and Economic Development Department shall fix a date and time for a public hearing before the Landmarks Commission.

D. Review Criteria. The Landmarks Commission shall evaluate the request for removal of the landmark designation based upon findings that removal of the historic designation shall 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 landmark or historic district has been substantially reduced or diminished according to the review criteria established in Section 3.772 D.
- (2) Integrity of the landmark or historic district has been substantially reduced or diminished according the review criteria established in Section 3.772 D.

E. 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, a fire, flood, wind, earthquake, or other natural

disasters.

## REVIEW OF EXTERIOR ALTERATIONS

3.774 Purpose. The purpose of reviewing alterations to historic landmarks, individually or within a historic district, is to encourage the preservation of characteristics which led to its designation as a historic landmark.

A. Initiation. The process for applying for altering a historic landmark or landmarks within a historic district may be initiated by the property owner, or their authorized agent, who submits a completed application.

B. 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 Commission, shall approve minor alterations through administrative review. The following are considered "minor alterations":

- (1) Replacement of gutters and downspout, or the addition of gutters and downspout, 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 provided that skirting is installed 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) 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.
- (5) 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.
- (6) Other alterations specified by the Commission.

C. 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 Commission. 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.

D. Procedure. Review of a request for an exterior alteration is heard by the Landmarks Commission which is the final review body unless an appeal is filed. The Landmarks Commission shall conduct a quasi-judicial hearing in accordance with the requirements of Chapter 2 of the Wasco County LUDO taking into consideration the review criteria, and the public testimony.

E. 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 and Economic Development Department for review. The completed application and attachments are forwarded to the Landmarks Commission for review.

F. Review Criteria. The Landmarks Commission 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 shall cause the landmark to more closely approximate the historical character, appearance, or material composition of the original structure than the existing structure. The Landmarks Commission shall use as guidelines 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" .
- (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 Commission shall use as guidelines 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" .
- (3) In conjunction with criteria number one (1) or number two (2) above, the Landmarks Commission shall also consider:
  - (a) The value and significance of the landmark within a historic district or of the landmark;
  - (b) 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.

G. Conditions of Approval. The Landmarks Commission 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 historic district or landmark.

H. Decision. A decision by the Landmarks Commission under this section shall be supported by written findings in accordance with the review criteria.

## REVIEW OF NEW CONSTRUCTION

3.775 Purpose. The purpose of reviewing the EXTERIOR design of new construction is to ensure that new structures are compatible with the character of the historic district or designated landmark located on the same parcel.

A. Initiation. The process for applying for new construction may be initiated by the property owner, or their authorized agent, who submit a complete application.

B. New Construction: Review is required for any new construction which occurs on the parcel of a designated historic landmark or within a historic district.

C. Procedure. A request to construct a new structure shall be referred to the Landmarks Commission which is the final review body unless an appeal is filed. The Landmarks Commission shall conduct a quasi-judicial hearing in accordance with the requirements of Chapter 2 of the Wasco County LUDO taking into consideration the review criteria, and the public testimony.

D. Application. An application for new construction shall be prepared and filed with the Planning and Economic Development Department, using forms prescribed by the Planning Director. The Planning and Economic Development Department shall fix a date and time for a public hearing before the County Court.

E. 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.

F. Review Criteria. In reviewing the request, the Landmarks Commission shall consider the following criteria:

- (1) The design of the proposed structure is compatible with the design of the designated landmark on the site or within a historic district, considering scale, style,

height, materials, and architectural details. The Landmarks Commission shall use as guidelines 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";

(2) The location and orientation of the new structure on the site is consistent with the typical location and orientation of similar structures on the site or within the historic district considering setbacks, distances between structures, location of entrances and similar siting considerations. The Landmarks Commission shall use as guidelines 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".

G. Conditions of Approval. In approving applications for new construction, the Landmarks Commission may attach conditions which are appropriate for the preservation of the historic or architectural integrity of the historic district or landmark.

H. Decision. All decision by the Landmarks Commission under this section to approve, approve with conditions, or deny construction shall be supported by written findings. The Planning Director shall mail the applicant a written notice of the action.

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

3.780 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 are extreme and final measures.

A. Initiation. Demolition or moving designated historic landmarks, individually or within a historic district, may be initiated by affected property owners or their authorized agents who submit a complete application for designation.

B. 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.

C. Procedure. All requests for demolition or moving a historic landmark shall be reviewed by the Landmarks Commission. The Landmarks Commission shall conduct a quasi-judicial hearing in accordance with Chapter 2 of the requirements of the Wasco County LUDO taking into consideration the review criteria, and the public testimony.

D. Application. An application shall be made to the Planning and Economic Development Department using forms prescribed by the Planning Director. The Planning and Economic Development Department shall fix a date for a public meeting.

E. Review Criteria. In considering a proposal for demolition or relocation of a landmark, the Landmarks Commission 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 Commission's initial public hearing. If the Commission 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-one (21) days after the Commission's approval to allow for the filing of appeals, as provided in Section 3.782. In determining whether a demolition or moving permit shall be issued, the Landmarks Commission shall consider the following:

- (1) The completed application form;
- (2) Information presented at the public hearing held concerning the proposed development;
- (3) The Wasco County Comprehensive Plan;
- (4) The purpose of this ordinance as set forth in Section 3.770 A.
- (5) The review criteria used in the original designation of the landmark or historic district in which the property under consideration is situated;
- (6) The historical significance and architectural style, the general design, arrangement, materials of the structure in question or its appurtenant fixture; the relationship of such features to similar features of the other buildings within the historic district and the position of the buildings or structure 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 historic district which cause it to possess a special character or special historical or aesthetic interest or value;
- (8) Whether denial of the permit shall involve substantial hardship to the applicant, 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 Ordinance.

F. Decisions. The Landmarks Commission shall make decision following the completion of the public hearing. For applications for demolition, the Landmarks Commission may approve, approve with conditions, or invoke a stay of 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 Commission 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 site or structure.

- (1) Further postponements may be made for a period not to exceed one-hundred and

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twenty days (120) days from the date of the hearing, if the commission 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 Commission 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 county ordinances and state law.
- (3) During the stay of demolition, the Landmarks Commission may require the property owner to:
- (a) List the Landmark with a real estate agent for a period of not less than 60 days stating that the property shall be given away to parties interested in moving the Landmark. The real estate agent shall advertise the Landmark in local and state newspapers of general circulation.
  - (b) Give public notice by posting a hearing notice on site in addition to a sign which shall read: "Historic Building to be Moved or Demolished-Call the County Planning and Economic Development Department for Information". The sign shall be provided by the County and be posted in a prominent and conspicuous place within ten feet of a public right-of-way abutting the premises on which the structure is located. The applicant 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 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 Commission 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 County or other party determined appropriate by the commission.
  - (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

G. Exemptions. The Planning and Economic Development Department shall issue a permit for moving or demolition if any of the following conditions exist:

- (1) The building is not designated compatible within historic district.
- (2) The structure had been damaged in excess of 70 percent of its previous value due to vandalism or in a fire, flood, wind, or other natural disaster.
- (3) The Fire Districts, or Buildings Official 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 chair of the Landmarks Commission shall be notified of such action.

#### INTERIM PROTECTION

3.781 Interim Protection. This provision is intended to provide interim demolition protection measures for historic resources listed in the "Wasco County 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 3.780 E. of this ordinance entitled "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

3.782 Appeals. A final written decision of the Landmarks Commission may be appealed to the County Court if such appeal is submitted in writing to the Planning and Economic Development Department within twenty-one (21) days after the date of the Landmarks Commission's written decision. The filing of the written appeal with the County Court shall stay any action relating to the subject property until a decision is made by the County Court. Any such appeal shall state specifically the grounds on which the appeal is based, indicating how the Landmarks Commission erred in applying the provisions of Sections 3.772 to 3.780 of this ordinance. The County Court shall conduct a public hearing to consider the appeal according to Section 2.180 "Review by the County Court" of the Wasco County LUDO. The decision of the County Court shall be considered a land use decision.

#### PENALTIES

3.783 Failure to comply with this ordinance shall constitute a violation of this regulation and be subject to the penalty and abatement proceedings prescribed under Chapter 15 of the Wasco County LUDO.