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AGENDA
HISTORIC TECHNICAL ADVISORY COMMITTEE MEETING
128 S. MAIN STREET, CONDON, OREGON 97823-0445
WEDNESDAY, AUGUST 9, 2023, 5:30 PM

<https://us02web.zoom.us/j/82425016578?pwd=ZlczSmIrbVRzK0dVMGJLclZzTlFFUT09>

1. CALL THE MEETING TO ORDER

1.1. Members - Mayor Jim Hassing; Councilors Dustan Hall & Jeremy Kirby; Residents - Stephen Allen & K'Lynn Lane

2. DISCUSS MURALS IN HISTORIC DISTRICT

2.1. City of Condon Ordinance - Historic District Murals & Sample Ordinance

3. OTHER

4. ADJOURN

If necessary, Executive Session may be held in accordance with ORS 192.660(2)(i). As this is a regular meeting of the Condon City Council, other matters may be addressed as deemed appropriate by the Council. Assisted listening device is available for persons with impaired hearing and should be scheduled for council meetings three working days prior to the Council meeting. The City of Condon is an Equal Opportunity Provider and Employer. Complaints of discrimination should be sent to City of Condon Administrator, PO Box 445, Condon, OR 97823.

Work Session agenda distributed August 5, 2023

Art Murals

Purpose

The purpose of this title, and policy of the City of Condon, is to permit and encourage art murals under certain terms and conditions. Art murals comprise a unique medium of expression that serves the public interest. Art murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include: improve aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of, and identification with original works of art; and a reduction in the incidence of graffiti and other crime. Art murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians and are retained for periods of 5 years or more.

Definitions

Words used in this title have their normal dictionary meaning unless they are listed in this chapter or unless this title specifically refers to another title. Words listed in this chapter have the specific meaning stated or referenced unless the context clearly indicates another meaning.

Applicant means the part that is primarily responsible for the design and installation of an art mural.

Original art mural means a hand-painted, hand tiled, *metal*, or digital image on the exterior wall of a building where the wall or surface is either on City-owned property or has a public art easement and is viewable from another property right-of-way

Mural easement means an easement granted to the City of Condon by a property owner for purpose of installing and maintaining a public art mural on the surface of a structure or building.

Compensation means the exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debts. "Compensation" does not include goodwill, or an exchange of value, that a building owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist, or other entity, where the compensation is only for the creation and/or maintenance of the mural on behalf of the building owner or leaseholder, and where the building owner or leaseholder fully controls the content of the art mural.

Owner means the entity(ies) that own(s) the real property that contains the building or structure upon which a public art mural is installed. In the case where a public art mural is installed in the right-of-way, the owner means the entity(ies) with jurisdiction over that right-of-way.

Right-of-way means an area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. Right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned.

Ad Hoc Mural Committee means the committee assembled on an ad hoc basis to review and make a recommendation to Condon City Council.

Prohibition of Compensation

No compensation will be given or received for the display of art murals or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.

Violations and Enforcement

It is unlawful to violate any provision of this title; any administrative rules adopted by the City of Condon pursuant to this title; or any representations made, or conditions or criteria agreed to, in an art mural permit application. This applies to any applicant for an art mural permit, the proprietor or a use or development on which a permitted art mural is located, or the owner of the land on which the permitted art mural is located.

- A. Notice of Violations – The City Administrator, or designee, must give notice of any violation to the property owner. Failure of the property owner to receive the notice of the violation does not invalidate any enforcement actions taken by the city.
- B. Responsibility for Enforcement – The regulations of this title, and the conditions of art mural permit approvals, shall be enforced by the City Administrator, or designee.

I. Public Art Murals

A. Standards for Public Art Murals

1. Allowed Locations – Public Art murals are only allowed on buildings or structures as described below;
 - a) *Historic District*
 - b) *Commercial Zones – only operating as a business not residential in Commercial Zone or Home Office/Business*
 - c) *Public – Open Spaces*
2. Specifically Prohibited Locations – Public art murals are specifically prohibited on buildings or structures that are designated as a Contributing or Significant Historic Resource under Chapter 152. ??? Historic District

B. Public Ownership, Duration and Alteration

1. Public Ownership – The mural must be on the surface of a building or structure that is either on property owned by the City of Condon or for which a mural easement to the City of Condon has been granted.
2. Duration & Alteration – The public art mural shall remain in place, without alternation for a minimum period of 5 years. “Alterations” includes any change to a permitted mural, including, but not limited to, any change to the image(s), materials, colors, or size of the permitted mural. “Alteration” does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time. Minor changes to the permitted mural that result from the maintenance or repair of the mural shall not constitute “alteration.” Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism. Public Art murals may be removed within the first 5 years of the date of registration, per the terms of the public art easement and under any of the following circumstances:
 - a) *The property on which the mural is located is sold*
 - b) *The structure or property is substantially remodeled or altered in a way that precludes continuance of the mural*
 - c) *The property undergoes a change of use authorized by the Planning Department..*

C. Physical Standards

1. Dimensions – A public art mural may wrap around a wall edge or corner and/or may extend above the wall

2. Materials – Public art mural materials may include the following: paint, painted wood or plastic surfaces affixed to a building or structure, mosaics of ceramic tile and/or glass, vinyl or pellaon, metal, or similar materials. The Ad Hoc Mural Committee may consider other materials in their review of a proposed public art mural.

3. Placement – No new public art mural shall obstruct the functioning of any building opening, including, but not limited to, windows, doors and vents.

D. Structural Permit

Public art mural that are affixed to a building, or contain elements that extend above or around a wall, shall require a structural permit approval as deemed necessary by City Building Official.

E. Lighting

No new or existing public art mural may consist of or contain electrical or mechanical components or changing images: i.e., moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance or movement, or change of mural image or message. Static illumination, which is turned off and back on not more than once every 24 hours, is permitted. Lighting may be required for safety or crime deterrent purposes with consideration to impacts to surrounding on properties, as determined by the City Building Official.

F. Application

An applicant shall initiate a proposal to place a public art mural by filling out an application with the City. The application shall be made on forms provided by the City, include the application fee for review of a public art mural, and include any accompanying materials deemed necessary by the City for review of the public art mural proposal (such as proposed designs, site photos, and building or structure elevation drawings). Any fees shall be in accordance with the City's fee schedule.

G. Administrative Review

1. Upon submission of a completed application for a public art mural, the City Administrator, or designee, shall review the proposal for conformance with the standards in section A

2. Upon find that the proposed public art mural conforms with the standards in Section A of this ordinance, the City Administrator, or designee shall inform the applicant in writing that the proposed public art mural meets the standards. The City Administrator, or designee, shall then provide the applicant with the materials to complete the public notice requirements.

3. Prior to the Ad Hoc Mural Committee review, the applicant shall provide documentation to the City Administrator, or designee, that they complied with the public notice requirements

H. Public Notice

1. Mailed Notice – Mailed notice is intended as a courtesy to provide the public a chance to review and discuss the proposal.
 - a) *The City Administrator, or designee, shall mail a notice to landowners within 250 feet of the site of the proposed mural.*
 - b) *The notice shall be mailed at least 14 days prior to the Ad Hoc Mural Committee's review of the proposed mural.*
 - c) *The notice shall include instructions for submitting comments; the name and contact information for the applicant and owner; contact information for the City Administrator, or designee; and a legibly-sized color representation of the proposed public art mural.*
2. Posted Notice – A notice shall be posted at the site of the proposed public art mural and shall conform to the following standards.
 - a) *The notice shall be posted at least 14 days prior to the Ad Hoc Mural Committee's meeting to review the proposed mural. The City Administrator, or designee, shall provide the applicant with materials to be posted. If the notice is damaged or removed, the applicant shall replace the notice as soon as practicable.*
 - b) *The notice shall be durable and waterproof*
 - c) *The notice shall be clearly visible from the public right-of-way and be at least 11 x 17 inches. The City Administrator, or designee, may require more than one sign to be posted, depending on the specific site characteristics.*
 - d) *The notice shall include the name and contact information for the applicant and owners; contact information for the City Administrator, or designee; and a legibly-sized color representation of the proposed public art mural.*

I. Ad Hoc Mural Committee Review

The Ad Hoc Mural Committee shall review the proposed public art mural. The intent of this review is to explore the feasibility of the mural, evaluate the community support for the proposed mural, assess the mural given its context and its placement on either a City building or building with a public art easement, and to make a recommendation to the City Council for approval, approval with conditions, or denial of the public art mural application.

1. Committee Composition – The Ad Hoc Mural Committee shall be selected by the Condon Administrator, or designee, and will be comprised of a minimum of 3 members and a maximum of 5 members. Members will be selected from Condon Arts Council or similar organization, Gilliam County Historical Society, Chamber of Commerce and interested community members.
2. Review Process – The Ad Hoc Mural Committee shall be convened by the City Administrator, or designee, and shall meet within 30 days of the submitted mural application being deemed complete.
3. Review Criteria
 - a) *Scale – Appropriateness of scale to the wall upon which the mural will be painted/attached and to the surrounding physical features.*
 - b) *Context – Architectural, geographical, sociocultural, and/or historical relevance to the site.*
 - c) *Community Support – General support/advocacy from the building owner/user, surrounding neighborhood, adjacent businesses, and/or arts community.*
 - d) *Feasibility – Demonstrated ability to complete the proposed mural on time and within budget.*
 - e) *Media – Appropriate proposed to ensure the mural's longevity and durability.*
 - f) *Structural and Surface Stability – Commitment to repair the mural surface as necessary before painting and plan for mitigating graffiti through design and/or graffiti coating.*
 - g) *Signed Easement Form from Building Owner – Commitment to keep the mural in place as approved for a minimum of 5 years and to maintain the mural during that time.*
 - h) *Public Accessibility, Safety and Lighting – Compliance with City codes for safety, accessibility and lighting.*

J. Notice of Decision

1. Authority – The Condon City Council (Planning Commission?) will have the authority to determine if an application for a public art mural substantially meets all the applicable requirements and to issue a final approval, approval with conditions or denial of the public art mural application.

2. Notice of Decision – the City Administrator, or designee, shall issue the notice of decision in writing. The decision shall include the following information:

- a) *A brief summary of the proposal.*
- b) *A description of the subject property reasonably sufficient to inform the reader of its location, including street address, if available, map and tax lot number and zoning designation.*
- c) *A statement of the facts that the review authority relied upon to determine whether the application satisfied, or failed to satisfy, each applicable approval criterion.*
- d) *The decision to approve or deny the application and, if approved, any conditions of approval necessary to ensure compliance with the applicable criteria.*
- e) *The date upon which the decision rendered shall become final, unless appealed. The decision shall state the date and time by which an appeal must be filed. The statement shall reference the requirements for filing an appeal for the decision.*
- f) *A statement that the complete public art mural application file is available for review, including findings, conclusions and any conditions of approval. The decision shall list when and where the case file is available and the name and telephone number of the City representative to contact about reviewing the case file.*

K. Appeals

A decision on the approval, approval with conditions, or denial of the public art mural application may be appealed by filing a written request to the City Administrator within 15 days of the date on the notice of decision. If the 15th date falls upon a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

L. Mural Maintenance

Public art murals shall be maintained by the property owner for 5 years and per the terms outlined in the public art easement.

II. Original Art Murals

A. Standards for Original Art Murals

1. Original art murals

- a) *Properties in where the sign code applies – Chapter 152.410*
- b) *Community service use properties - ??*
- c) *Properties designated as significant or contributing historic resources under Chapter 152.??? Are ot eligible for original art murals as allowed in this subsection. This does not probhit any signate otherwise allowed by the sign ordinance in which the historic resource is located.*

- 2. An original art mural may comprise up to ??% of the surface area of a building wall. The area allowed for an original art mural is considered in conjunction with the size regulations for other wall ordinance

(B) Mini-storage facilities including onsite caretaker quarters.

(2) *CONDITIONAL USES.*

(A) Heavy industrial uses, as defined, which take place outside an enclosed building.

(B) Agricultural support services including produce storage facilities, including those in excess of 35 feet in height, subject to Fire Department approval.

(3) *PROHIBITED USES.* Aggregate resource extraction and processing sites.

(4) *HEIGHT.* Buildings, structures, or portions thereto shall not be erected to exceed a height of three stories or 35 feet, whichever is less.

(5) *SETBACK REQUIREMENTS.* In the Industrial zone, building setbacks are not required, providing fire codes are met.

(6) *PARKING REGULATIONS.*

(A) Off-street Parking. See Supplemental Provisions ' 152.411.
(Ord. 01-05, passed 6-6-01; Am. Ord. 2012-01, passed 12-7-11)

' 152.305 HISTORIC RESOURCE COMBINING ZONE - HR.

(1) *SCOPE.* The Historic Resource Combining Zone - HR provides a means to recognize and protect properties listed as historic landmarks or districts. Properties listed in the National Register of Historic Places are subject to the review process in all sections of this subchapter even if not listed as a designated historic landmark or district pursuant to Oregon Administrative Rule 600-023-200.

(2) *APPLICABILITY.* The Historic Resource Combining Zone - HR shall be applied to those resources designated as historic landmarks or districts according to the provisions found at ' 152.305(6) and/or listed in the National Register of Historic Places.

(3) *PURPOSE.* The city recognizes that certain significant historic resources located within its boundaries contribute to the unique character of the community. This section establishes a process for designating significant resources as historic landmarks or districts, reviewing major alteration including additions and new construction to historic landmarks or districts, removal of historic designation, and relocation or demolition of designated historic landmarks or districts.

(4) *POWERS AND DUTIES OF THE PLANNING COMMISSION.* The Planning Commission shall be the final review body under the provisions of this section with the ability to approve, approve

with conditions, or deny an application reviewed under this section unless an appeal is filed with the City Council. The Planning Commission may:

(A) Employ the procedures and review criteria in ' ' 152.305(6) through 152.305(9), the Commission shall review and act upon applications for designation of historic landmarks or districts, major alterations including additions and new construction, removal of a landmark designation, and relocation or demolition of historic landmarks or districts.

(B) Develop and publish, and/or adopt, written and graphic design guidelines and example materials to clarify the review criteria in this section and to assist applicants in developing complete and viable applications.

(C) Adopt rules and procedures for the internal functioning of the Commission in matters pertaining to this section.

(D) Advise and make policy recommendations to the City Council in matters relating to historic preservation.

(E) Organize a Historic Technical Advisory Committee (HTAC) that may advise the Planning Commission on matters concerning historic landmarks or districts. The HTAC may:

1. Inform the citizens of, and visitors to the city, regarding the community's history, architecture, and prehistory;
2. Promote research into the local and regional history and prehistory;
3. Collect and make available materials on the preservation of historic resources and historic landmarks and districts;
4. Document historic resources and historic landmarks or districts prior to major alterations, additions, new construction, and/or demolition or relocation;
5. Advise the Planning Commission about public incentives and code amendments concerning historic resources;
6. Make recommendation to the Planning Commission on deleting or adding to the list of designated historic landmarks and districts;
7. Advise and make recommendations to the Planning Commission on applications for landmark designation, and alterations, new construction, additions, and demolition or relocation of a historic landmark or district.

(5) *REVIEW PROCEDURE.*

(A) Application. The Planning Commission, the City Council, recognized neighborhood groups, interested persons, property owners, or their authorized agents may initiate a request for historic landmark or district designation, and a property owner or their authorized agent may initiate a request for a permit for alteration, including additions or new construction, or relocation/demolition of a historic landmark by filing an application with the City Zoning Officer using forms prescribed for the purpose by the city.

(B) Public Review Procedure. The City Zoning Officer shall refer applications for designation, alterations including additions and new construction, relocation/demolition or removal of a landmark designation of a historic landmark or district to the Planning Commission for a public hearing with the exception of alterations classified as minor alterations under ' 152.305(7)(A)(1).

1. The City Zoning Officer shall initiate a public hearing within 21 days of receipt of the application.
2. A public notice of the hearing, authorized or required by this section, shall be published in a newspaper of general circulation in the city at least ten days prior to the date of the hearing.
3. A notice of hearing on such applications shall be mailed to the owners of properties within 250 feet of the property lines of subject property and other identifiable potentially affected persons or parties. The notice shall be mailed at least ten days prior to the date of hearing.
4. In addition to other notice requirements, the Zoning Officer shall send notice to the Gilliam County Historical Society, the State Historic Preservation Office, and other interested parties.
5. The notice provisions of this section shall not restrict the giving of notice by other means, including mail, posting of property, or use of radio and television.
6. The Planning Commission shall hold a public hearing and render a decision on the application based on the review criteria established in this section.
7. Within five days after the Planning Commission's decision with reference to the application, the city shall provide the applicant with written notice of the decision.

(6) *HISTORIC LANDMARK DESIGNATION.* The Planning Commission shall review all applications for historic landmark or district designations and hold a public hearing for a final determination. No property shall be designated as a historic landmark without the consent of the owner, or in the case of multiple ownership, a majority of the owners.

(A) Review Criteria. The historic landmark shall be at least 50 years old (unless of exemplary architectural or historical significance), contribute to the continuity or historic character of the community, possess sufficient historic integrity, and meet at least one of the following criteria:

1. 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, region, state, or nation; or
2. Associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, region, state, or nation; or
3. Embodies distinguishing architectural characteristics of a period, style, method of construction, craftsmanship, or in use of materials; or is the only remaining, or one of few remaining, resources of a particular style, building type, design, material, or method of construction, or is a prominent visual landmark with strong associations to the community; or
4. Is representative of the work of a designer, architect, or master builder who influenced the development and appearance of the city, county, region, state, or nation; or
5. Contains archaeological artifacts that have yielded or are likely to yield information related to prehistory or to the early history of the local, county, state, or nation; or
6. Currently listed on the National Register of Historic Places.

(B) If the Commission acts to approve the proposed landmark or district designation, or to approve with conditions, the subject property(s) shall be subject to the provisions of ' 152.132(7) - (9).

(7) *EXTERIOR ALTERATIONS, ADDITIONS, AND NEW CONSTRUCTION.*

(A) Review Criteria. Review by the Planning Commission is required for all major exterior alterations or additions to designated historic landmarks or districts, and new construction within a historic district or on the same parcel as a designated historic landmark with the exception of alterations classified as minor alterations.

1. Review Criteria for Minor Alterations. Minor alterations may be approved by the Zoning Officer at his or her discretion without public notice, or may be elevated to the Planning Commission. The Zoning Officer may consult with the Planning Commission and the State Historic Preservation Office. Any administrative decision shall be made in writing and the decision shall be copied to the Planning Commission. In granting an administrative approval, the director may attach such conditions as he/she deems necessary to protect the resource. The following are considered minor alterations:

- (a) Replacement of gutters and down-spouts, or the addition of gutters and down-spouts, using like materials or materials that match those that were typically used on similar style buildings; and
- (b) Repairing or providing a new foundation that does not result in raising or lowering the building elevation. The repair or new foundation shall not affect the appearance of the building; and
- (c) Replacement of wood siding, when required due to deterioration of like material, with wood material that matches the original siding in materials, dimensions, and textural qualities; and
- (d) Replacement of existing window sashes with new sashes, when using material which matches the original historic material and appearance. Severe deterioration of the original window sashes has to be evident; and
- (e) 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; and
- (f) Other minor alterations specified by the Planning Commission, such as awnings and sign installation, established as written policies or outlined in design guidelines.

2. Review Criteria for Major Alterations. The Planning Commission shall approve an application for major alterations if the proposed alteration is determined to be harmonious and compatible with the appearance and character of the historic landmark or district and shall disapprove any application if found detrimental or unsightly, grotesque, or adversely affecting the architectural significance, the integrity or historical appearance, or the educational or historical value of the resource. The following guidelines are based on the Secretary of Interior Standards for Rehabilitation and apply to exterior alterations to historic landmarks or districts:

- (a) Every reasonable effort shall be made in the proposal to provide a compatible use for the property which requires a minimal alteration of the resource, or to use the property for its original intended purpose.
- (b) Retention of original construction features shall be preserved, so far as practicable. The removal of distinctive materials, features, finishes, and construction techniques, or alterations of features, spaces, and spatial relationships that characterize the historic landmark or district shall be avoided.
- (c) Each historic landmark or district 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 be avoided.

(d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

(e) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(f) Deteriorated historic 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 where possible, material. Replacement of missing features shall be substantiated by documentary and physical evidence.

(g) Chemical and physical treatment, if appropriate, shall be undertaken using the most gentle means possible. Treatment such as sandblasting or harsh chemical cleaning that cause damage to the historic material shall not be used.

(h) Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

(i) Whenever possible, new additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the historic landmark and district. The new addition 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.

(j) New additions and adjacent or related new construction, within a district or on the same parcel as a designated historic landmark shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic landmark or district and its environment would be unimpaired.

(k) New construction. The design of new construction shall be compatible with the design of the historic landmark or district considering scale, style, height, setbacks, architectural detail, and materials. The location and orientation of the new construction shall be consistent with the typical location and orientation of similar building in the area considering setbacks, distances between building, location of entrances, and similar citing considerations.

(l) Murals. Murals shall be subject to the review criteria set forth division (A)(2) of this section and subject to the size requirements established in ' 152.410.

(B) Exemptions from Review. Nothing in this section shall be construed to prevent the normal maintenance or repair of any exterior architectural feature on any property covered by this section that does not involve a change in design, material, or external appearance thereof. Normal maintenance may

include, but not be limited to, painting and related preparation, ground care and maintenance required for the permitted use of the property, and existing materials replaced in-kind because of damage or decay of materials. Nor does this section prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such features when the Building Official or city determines that such emergency action is required for the public safety due to an unsafe or dangerous condition.

(8) *RELOCATION OR DEMOLITION OF AN HISTORIC LANDMARK.*

(A) Review Criteria. In order to approve an application for the relocation or demolition of an historic landmark or district, the Commission must find all of the following:

1. The historic landmark or district cannot be economically rehabilitated; and
2. A program or project does not exist which may reasonably result in preservation of the historic landmark or district; and
3. Delay of the permit would result in unnecessary and substantial hardship to the applicant; and
4. Issuance of the permit will not act to the substantial detriment of the public welfare considering the significance of the historic landmark or district.

(B) Action of Planning Commission. At the hearing of an application to relocate or demolish a historic landmark or district, the Planning Commission may delay issuance of a permit for up to 120 days from the date of the hearing. During this period, the city shall attempt to determine if public or private acquisition and preservation is feasible or if other alternatives are possible which could be carried out to prevent relocation or demolition of the historic landmark or district. The city may request advice from the County Historical Society and the State Historical Preservation Office.

(C) Conditions. In approving an application for removal or demolition of an historic landmark or district, the Planning Commission may impose the following conditions:

1. Photograph, video, or drawn recordation of the property; and/or
2. Salvage and curation of significant elements; and/or
3. Other reasonable mitigation measures.

(9) *REMOVAL OF HISTORIC LANDMARK DESIGNATION.*

(A) The Planning Commission shall review all applications for removal of an historic landmark or district 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 or of another historic landmark on the same parcel.

(B) **Review Criteria.** In order to approve an application for removal of an historic landmark or district designation, it must be found that at least one of the following has occurred since the property was listed as an historic landmark or district:

1. The significance of the historic landmark or district has been substantially reduced or diminished according to the review criteria established in ' 152.305(6); or

2. The integrity of the historic landmark or district has been substantially reduced or diminished by inappropriate alterations, additions, or new construction according to the review criteria established in ' 152.305(7)(A); or

3. In case of a state or nationally designated resource, concurrence from the State Historic Preservation Office has been sought and the comments considered in the decision to remove the historic designation.

(C) Once a National Register boundary has been set, it can only be changed by action by the keeper of the National Register, on the recommendation of the Oregon State Advisory Committee on Historic Preservation. Such recommendation would come after a public hearing process at state level which formal justification for such a boundary change would have been presented.

(10) **APPEALS.** A person may appeal to the City Council from a decision or requirement made by the Planning Commission or for a decision or requirement made pursuant to this section if the person proceeds under the procedure established under ' 152.807.

(Ord. 01-05, passed 6-6-01; Am. Ord. 02-01, passed 1-2-02; Am. Ord. 2012-01, passed 12-7-11)

' 152.306 FLOOD PLAIN OVERLAY ZONE - FP.

(1) **PURPOSE.** It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

(A) To protect human life and health;

(B) To minimize expenditure of public money and costly flood control projects;

(C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;