

707 HISTORIC LANDMARK (HL), HISTORIC DISTRICT (HD), AND HISTORIC CORRIDOR (HC) (6/6/02)

707.01 PURPOSE

The intent and purpose of this overlay district is to implement the goals and policies of the Comprehensive Plan for Historic Landmarks, Districts, and Corridors and promote the public health, safety, and general welfare by safeguarding the County's heritage as embodied and reflected in its historic resources. The provisions of this section are intended to:

- A. Provide for the identification, protection, enhancement, and use of sites, structures, corridors, objects, and buildings within the County that reflect special elements of the County's architectural, archeological, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage;
- B. Facilitate restoration and upkeep of historic buildings, structures or other physical objects or geographical areas;
- C. Encourage public knowledge, understanding and appreciation of the County's history and culture;
- D. Foster community and neighborhood pride and sense of identity based on recognition and use of cultural resources;
- E. Promote the enjoyment and use of historic and cultural resources appropriate for the education and recreation of the people of the County;
- F. Preserve diverse architectural styles reflecting phases of the County's history; and encourage complimentary design and construction impacting cultural resources;
- G. Enhance property values and increase economic and financial benefits to the County and its inhabitants;
- H. Identify and resolve conflicts between the preservation of cultural resources and alternative land uses; and
- I. Integrate the management of cultural resources and relevant data into public and private land management and development processes.

707.02 AREA OF APPLICATION

- A. The provisions of Section 707 shall apply to all designated Historic Landmarks, Historic Districts, and Historic Corridors within the County.

- B. Historic Landmark: A site, structure, or object may be zoned Historic Landmark if it is listed on the National Register of Historic Places, or if it is rated as "significant" under the County's procedure for evaluating historic resources under the specific architectural, environmental, and historic association criteria. A site or structure must receive a total of 40 or more points under the following criteria to be considered for Historic Landmark status:

#### ARCHITECTURAL SIGNIFICANCE

1. It is an early (50 years or older), or exceptional, example of a particular architectural style, building type, or convention. (up to 10 points)
2. It possesses a high quality of composition, detailing, and craftsmanship. (up to 4 points)
3. It is a good, or early, example of a particular material or method of construction. (up to 4 points)
4. It retains, with little or no change, its original design features, materials, and character. (up to 7 points)
5. It is the only remaining, or one of the few remaining, properties of a particular style, building type, design, material, or method of construction. (up to 10 points)

#### ENVIRONMENTAL SIGNIFICANCE

6. It is a conspicuous visual landmark in the neighborhood or community. (up to 10 points)
7. It is well-located considering the current land use surrounding the property, which contributes to the integrity of the pertinent historic period. (up to 4 points)
8. It consists of a grouping of interrelated elements including historic structures, plant materials and landscapes, viewsheds and natural features. (up to 10 points)
9. It is an important or critical element in establishing or contributing to the continuity or character of the street, neighborhood, or community. (up to 7 points)

## HISTORICAL SIGNIFICANCE

10. It is associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the community, state, or nation. (up to 10 points)
  11. It is associated with an event that has made a significant contribution to the community, state, or nation. (up to 10 points)
  12. It is associated with, and illustrative of, broad patterns of cultural, social, political, economic, or industrial history in the community, state, or nation. (up to 10 points)
  13. It possesses the potential for providing information of a prehistoric or historic nature. (up to 10 points)
- C. Historic District: Designation of a Historic District on the County zoning and Comprehensive Plan maps may be initiated by the Historic Review Board, the Board of County Commissioners, or by petition of at least sixty (60%) percent of the property owners within the geographically defined area. Criteria for designation are as follows:
1. The area is listed as a National Register Historic District, or
  2. The area includes a significant concentration or linkage of sites, buildings, structures, objects or landscapes which are unified visually by style, plan, or physical development and distinguished by association with historic periods, events, people, or cultural trends, and
  3. The area is of sufficient size and scope, and the component parts are cohesive enough to adequately represent, demonstrate, or commemorate the significant historic period, event, people, or trend, and
  4. A substantial number of the component parts within the area are exceptionally well preserved.
- D. Historic Corridor: Designation of a Historic Corridor on the County zoning and Comprehensive Plan maps may be initiated by the Historic Review Board, the Board of County Commissioners, or by petition of at least sixty (60%) percent of the owners of property within a historic trail, roadway, or rail corridor. Property designated shall satisfy one or both of the following criteria:

1. The property, site, trail, roadway, or rail corridor is associated with events that have made a significant contribution to the broad patterns of our history or are likely to yield additional information in the future, categorized under one or more of the following theme areas:
    - a. archeology and prehistory;
    - b. exploration;
    - c. western migration;
    - d. settlement;
    - e. agriculture;
    - f. commerce and industry;
    - g. transportation technology;
    - h. government, politics, and military activities;
    - i. culture.
  2. The property or site is necessary to provide for the continuity of, or future use of, the historic trail, roadway, or rail corridor.
- E. Contributing Resource:
1. In order to designate a site, object, structure or landscape features as a contributing resource, the Board shall find that:
    - a. The resource is or, at the time the designation becomes effective, will be within a Historic District or Historic Corridor; and
    - b. The resource is 50 years old or older, may have received alterations, but retains its overall physical integrity, or is of special architectural or environmental or cultural significance; and
    - c. The resource contributes to the integrity of the Historic District or Historic Corridor; and
    - d. The resource does not merit landmark designation; and
    - e. The resource is compatible with landmarks in the district or corridor considering overall proportions, scale, architectural detail and materials.
  2. Contributing resources shall be identified upon the creation of a Historic District or Historic Corridor and a list shall be created containing the same information for each resource as is required for landmarks.

707.03 BARLOW ROAD HISTORIC CORRIDOR (10/26/93)

- A. Intent: This Ordinance provision is intended to provide for the preservation and protection of the Barlow Road Historic Corridor. The intent of this Ordinance is to preserve the privacy of private property owners along the Barlow Road Historic Corridor. There is no intent by Clackamas County to condemn private property now or in the future.
- B. Barlow Road Historic Corridor is defined by the Barlow Road Background Report and Management Plan maps and shown in Chapter 3 of the Comprehensive Plan, Map III-2. Within the corridor, the following provisions shall apply: (5/3/01)
  - 1. The Barlow Road Historic Corridor is defined as a 40 foot wide historic corridor as shown on the Clackamas County assessor maps, identified through the Barlow Road Survey Project 1991-1992, and adopted through the historic corridor designation process within the provisions of this Ordinance. In the Government Camp area, north of Highway 26, the historic corridor width is 20 foot wide.
  - 2. Third priority property segments shall be allowed to develop for primary uses allowed in the underlying zone. Significant development shall be reviewed as described in (3). Where physical evidence of the Barlow Road exists, property owners are encouraged to preserve the evidence.
  - 3. The Historic Review Board shall review and make recommendations pertaining to proposed "significant development," within the historic corridor. "Significant development" shall include: zone change, conditional use, and subdivision application; commercial, industrial, and multifamily development application; and mining and gravel extraction. A site analysis shall be submitted for any "significant development" by the applicant indicating potential impacts to the historic corridor. To the maximum practicable extent, the historic corridor shall be protected as open space. Where physical evidence of the Barlow Road exists, such as wagon ruts, such evidence shall not be disturbed by development unless it is shown that the property can not be developed if the historic corridor is preserved.
  - 4. Where road segments include portions of a County road, the Historic Review Board shall review and make recommendations to the County about any proposed right of way expansion or realignment to insure that original features of the Barlow Road are retained where possible.

5. Where State Highways are aligned with the Barlow Road Historic Corridor, proposed right of way expansion or realignment will be reviewed as outlined under 707.07, when historic resource sites identified in the Clackamas County Cultural Resources Inventory, Barlow Road Survey Project or other identified potential sites may be impacted.
6. Within the Highest and Secondary Priority Barlow Road Historic Corridor as defined on the Clackamas County assessor maps, the following activities are prohibited: structural development, mining, highway or road building, cultivation, utility line/pipeline development, vehicular use and other uses which would cause major surface disturbance to the road remains. Limited disturbance to the corridor shall be allowed when necessary to service the underlying use, such as sewer and utility lines.

Where the corridor has been used by vehicles, continued use is allowed. Maintaining driveways by repairing the driving surface is allowed. All attempts to preserve the historic road contour should be made when undergoing maintenance activities.

Where Highest and Secondary priority road segments include portions of a County or State road, the Historic Review Board shall review any proposed right of way expansion or realignment. To the maximum practicable extent, the Barlow Road alignment and historic landscape should be retained.

A variance application can be made to allow development in rare cases under the provision of 1205.02.

Normal maintenance activities are allowed such as clearing brush and fallen trees from the Historic Corridor and removing other objects foreign to the route. (10/26/93)

707.04 INTERIM PROTECTION MEASURES FOR STRUCTURES LISTED ON THE CLACKAMAS COUNTY CULTURAL RESOURCES INVENTORY

- A. Intent: This Ordinance provision is intended to provide interim protective measures for structures listed on the Clackamas County Cultural Resources Inventory. After a complete survey and evaluation of significance and upon designation of significant properties as Historic Landmarks within each study area or Inventoried Book, the Interim Protection Measures will cease to apply.

- B. Cultural Resource Inventory properties: Review of "significant development," as defined below, shall occur for any property listed on the Clackamas County Cultural Resources Inventory as per provisions set forth in this Ordinance. "Significant development" shall include: zone change, conditional use, and subdivision applications; commercial, industrial, and multifamily development applications and demolition permit applications.

707.05 USES PERMITTED

- A. Primary Uses: A Historic Landmark or properties within a Historic District or Historic Corridor may be used for any use which is allowed in the underlying district, including home occupations, provided such use is not detrimental to the preservation of the historic resource, subject to the specific requirements for the use, and all other requirements of this Section.
- B. Conditional Use Findings: In urban and rural districts, uses listed below under 707.05C, which are not otherwise allowed in the underlying district, may be allowed, subject to the specified review procedure. Approval shall not be granted unless the proposal satisfies the criteria under Section 1203 and the applicable provisions under Section 800, and the applicant demonstrates that the use, if allowed:
1. Will preserve or improve a resource which would probably not be preserved or improved otherwise;
  2. Will not require the extension or development of urban services in rural areas;
  3. Will not adversely affect surrounding natural resource uses; and
  4. Will utilize existing structures rather than new structures, except where new structures are determined by the Historic Review Board to be in the best interest of preserving the historic resource. (12/4/97)
  5. All structures of any form or size, including new structures, shall satisfy the provisions of 707.07. (12/4/97)
- C. Public Hearing Review: The following uses may be permitted by the Hearings Officer after a public hearing conducted pursuant to Section 1300 when the proposal satisfies the requirements under Subsection 707.05B, above:
1. Art and music studios
  2. Galleries
  3. Offices

4. Craft shops
5. Bed and Breakfast establishments
6. Gift shops
7. Museums
8. Catering Services
9. Book stores
10. Boutiques
11. Restaurants
12. Antique shops
13. Community Center for civic or cultural events
14. Replacement of a historic landmark dwelling with an additional residence on the same site and continued use of the existing dwelling for Rural Residential purposes, provided: 1) the existing dwelling is listed individually on the National Register of Historic Places or on state and local registers as a Historic Landmark; 2) the existing dwelling is maintained under an approved plan for rehabilitation (e.g. Secretary of Interior guidelines); and 3) there is a recorded deed recognition statement with the County that the additional dwelling is authorized only for the duration of the historic resource and to inform subsequent purchasers. A lot with an additional dwelling approved subject to this provision may not be divided pursuant to Subsection 902.01A3. (11/24/99)
15. Any use that the Hearings Officer finds to be similar to one or more of those specified in Subsections 707.05(C)(1) through (14). (6/6/02).

#### 707.06 HISTORIC REVIEW BOARD

- A. Appointment and Composition: The Board of County Commissioners shall appoint a minimum of five (5) individuals who have demonstrated an interest in historic preservation and have experience and/or special expertise or knowledge in the field of historic preservation.

Three (3) positions shall be filled under the following designations: (1) Architect, with knowledge in historic restoration, (2) Contractor, with expertise in construction techniques applied to historic structures, (3) Representative from a historic group in the County.

Individuals from a city within the County may be appointed by the city to join the Historic Review Board to review permit applications within the city.

- B. Terms of Service: Except for initial appointment periods specified herein, all members of the Historic Review Board shall be appointed for three (3) years, and may be reappointed or removed at the discretion of the Board of County Commissioners.



- C. Duties and Responsibilities: It is the responsibility of the Historic Review Board to insure that the purposes of this Section are implemented and to perform the following duties:
1. Adopt rules to govern its deliberations and decisions, including a method of recording its proceedings.
  2. Carry out the duties described for it in this Ordinance and otherwise assist the Board of County Commissioners on historic preservation matters.
  3. Review and render decisions on proposals to alter the exterior of a Historic Landmark or primary, secondary, or contributing structure within a Historic District or Historic Corridor, subject to the procedures and criteria set forth in 707.07.
  4. Review and render decisions on all proposed new construction within a Historic District or Corridor, or on property on which a Historic Landmark is located, subject to the procedures and criteria set forth in 707.07.
  5. Review and make recommendations on all applications referred by the Board of County Commissioners, Hearings Officer, Planning Commission or Design Review Committee.
  6. Review and make recommendations on all applications for zoning of a Historic Landmark, a Historic District, or a Historic Corridor, as provided under 707.06.
  7. Review all requests for demolition or removal of a Historic Landmark, as provided under 707.09.
  8. Review and make recommendations to the Hearings Officer on all Conditional Use applications under 707.05B.
  9. Review and make recommendations on all partitions and subdivisions of designated properties.
  10. Disseminate information to educate the public as to State and Federal laws protecting antiquities and historic places.
  11. Act as a coordinator for local preservation groups, educational workshops, signing and monumentation projects, and other similar programs.
  12. Advise interest groups, agencies, boards, commissions, and citizens on matters relating to historic preservation within the County.

13. Insure that information on inventoried historic properties is updated and maintained.
14. Continue to add to the Clackamas County Cultural Resources Inventory when appropriate.

#### 707.07 THE REVIEW PROCESS

This section shall apply to all Historic Landmarks, properties within Historic Districts and Historic Corridors and contributing resources therein.

##### A. Designation of a Historic Landmark, Historic District or Historic Corridor:

1. County Initiated Action: The Historic Review Board or Board of County Commissioners may initiate the process for designation of a Historic Landmark or Historic District or Historic Corridor. If the Historic Review Board or Board of County Commissioners initiates the process, notice shall be provided pursuant to Section 1302. (6/6/02)
2. Quasi-Judicial Application: The owner(s) of property, or properties, may request the zoning of their property, or properties, as a Historic Landmark(s), Historic District, or Historic Corridor by making application at the Planning Division. Notice shall be provided pursuant to Section 1302. (6/6/02)
3. Historic Review Board Evaluation: The Historic Review Board shall evaluate the proposed zoning action and shall enter findings and make a written recommendation to the Board of County Commissioners.
4. Board of County Commissioners Public Hearing: The Board of County Commissioners shall conduct a public hearing to consider the proposed zoning action and shall either approve or deny the request. The Board shall enter written findings supporting its decision.
5. Pending Permits: No building permit for altering or moving any proposed Historic Landmark or any building within an area proposed for designation as a Historic Landmark, Historic District or Historic Corridor, shall be issued while any advertised public hearing or any appeal affecting the proposed designation of the area or building is pending. In addition, demolition of a building affected by a pending public hearing or appeal under this Section shall be a violation of this Ordinance.

B. Application Requirements:

1. Prior to formal application submission, a preapplication conference between the applicant and Planning Director or Historic Review Board shall occur.
2. Standard Requirements: All applications for alteration and development made pursuant to this Section shall include:
  - a. The applicant's name and address.
  - b. The owner's name(s) and address(s);
  - c. An explanation of what review process the applicant wishes to initiate and why.
  - d. A written description of the boundaries of the proposed Historic District, if applicable, or the location of the site;
  - e. A map illustrating the boundaries of the proposed district, if applicable, or the location of the site;
  - f. A list of exterior materials pertinent to the application request.
  - g. Drawings:
    1. Side elevation for each side of any affected structure.
    2. Drawings shall indicate dimensions and be to scale.
    3. Photographs may be used in lieu of drawings for small projects.
  - h. Floor plans of affected structure(s).
  - i. Site plan showing relationship of structure(s) to roadways, parking areas, access drives, landscape features, plant materials, fences and other pertinent elements drawn to scale.

C. Alteration and Development:

1. Purpose: It is the intent of this subsection to provide for the appropriate level of review for proposed alterations and development affecting properties within Historic Districts or Historic Corridors, or those affecting Historic Landmarks, and to provide criteria for review.

2. Maintenance: The normal responsibilities of the property owner to care, repair and replace with like materials can be done without formal review. Normal maintenance may include but not be limited to:
  - a. Painting and related preparation of the structure. Original paint colors or colors appropriate to the historic period should be used on Historic Landmark buildings.
  - b. Repair and/or replacement of roofing materials with the same kind of roof materials existing.
  - c. Grounds care and maintenance required or the permitted use on the property.
  - d. Replacement of fences, shrubs, or other yard fixtures or landscaping with like type and/or style.
  - e. Existing materials may be replaced in kind for a small portion of either building or grounds because of damage or decay of materials.
  - f. Installation and maintenance of irrigation systems.
3. Minor Alterations: The Planning Director shall determine the status of a proposed alteration. Minor alterations shall be reviewed and approved by the Planning Director, who may consult with the Historic Review Board, or any member thereof, in applying the provisions of this Section. An alteration shall be considered "minor" when the result of the proposed action is to restore portions of the exterior to the original historic appearance while performing repairs, such as:
  - a. Addition of gutters and downspouts.
  - b. Repairing or providing a compatible new foundation that does not result in raising or lowering the building elevation.
  - c. Change in material to match original type of material on the structure or grounds.
  - d. Change in type of roof material in character with the original roofing material.
  - e. Replacement of storm windows or doors.

4. Alterations Criteria: The Historic Review Board shall review all proposed alterations which exceed a "minor" status under 707.07BC, above. A request for an alteration permit under this provision shall be made on the appropriate application form provided by the Planning Division. Review and approval of an application shall be based on findings of adherence to the following standards for rehabilitation:
  - a. 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.
  - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  - c. 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.
  - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
  - e. Distinctive features, finished, and construction techniques or examples of craftsmanship that characterize a historic 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 other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the least damaging or gentlest means possible.
  - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

- i. New additions, exterior alterations, or related new construction shall not destroy historic materials 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.
  - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property, including historic plant materials, and its environment would be unimpaired.
5. New Construction: The Historic Review Board shall review all building permits for proposed structures on a landmark site or within a Historic District or Historic Corridor. Review and approval of an application shall be based on the following criteria:
- a. The design of the proposed structure is compatible with the design of the landmark building(s) on the site or in the district or corridor considering scale, style, height, and architectural detail, materials, and colors.
  - b. 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 district or corridor, considering setbacks, distances between structures, location of entrances, and similar siting considerations.
  - c. Changes to yard areas including planters, fences ponds, walkways and landscape materials should be compatible with the overall historic setting.
  - d. Scale of commercial use: Individual permitted uses shall be of a scale appropriate to serve properties surrounding the historic overlay.  
(12/20/01)
6. Scale of commercial uses within rural and natural resource lands: Those uses located within rural designated lands and within an unincorporated community shall not exceed a total of 4,000 square feet of floor space per use within a building(s). Outside an unincorporated community, the use shall not exceed a total of 3,000 square feet of floor area per use within a building(s). (12/20/01)

- a. Preexisting Commercial Uses: Lawfully established commercial uses located within rural designated lands existing on or before the date of this ordinance Subsection (12/20/01), not otherwise listed in the zone, are allowed outright and shall not be classified as nonconforming uses. (12/20/01)
  - b. Within an unincorporated community a lawfully established use that existed prior to the date of this Subsection (12/20/01) may expand to occupy a space of 4,000 square feet of floor area per use within a building(s). If the use within the unincorporated community is determined to serve the community or the travel needs of people passing through the area, the floor area may be expanded to occupy a maximum of 4,000 square feet, or an additional 50% of the floor area currently occupied, whichever is greater. (12/20/01)
  - c. Outside an unincorporated community a lawfully established use that existed prior to the adoption of this Subsection (12/20/01) may be expanded to occupy a maximum of 3,000 square feet of floor area, or an additional 25% of the floor area currently occupied, whichever is greater. (12/20/01)
7. Partitions and Subdivisions: The Historic Review Board shall review and make recommendations on all proposed partitions or subdivisions of sites designated as a Landmark site or located within a Historic District or Historic Corridor. Review of proposed subdivisions or partitions shall be based on the following criteria:
- a. The partition or subdivision does not allow a significant feature of the original site, as identified in the designation action and Inventory, to be located on a separate site from the landmark.
  - b. The partition or subdivision allows adequate setbacks from landmark improvements to provide for buffering and mitigation of impacts associated with development of the new parcels.
  - c. Yard and landscaped areas including large trees and shrubs associated with the Historic Landmark structure shall be retained with the structure whenever possible.
8. Appeals:
- a. Any person may appeal a decision of the Planning Director to the Historic Review Board. The appeal must be filed within 12 days of the date of mailing of the written decision of the Planning Director. (6/6/02)

- b. Any person may appeal a decision of the Historic Review Board within 12 days of the date of mailing of the written decision of the Historic Review Board. The appeal will be heard by the Hearings Officer pursuant to Section 1300. (6/6/02)

9. Building Code Requirements:

- a. Permits Required: Any alteration or relocation of a Historic Landmark shall be subject to the applicable regulations under the Uniform Building Code.
- b. Waivers: As provided in Section 104(f) of the Uniform Building Code, repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a Historic Landmark, or building within a Historic District or Historic Corridor, may be made without conformance to all the requirements of the Uniform Building Code when authorized by the building official, provided:
  - 1. Any unsafe conditions as described in the Uniform Building Code are corrected;
  - 2. The restored building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and
  - 3. The building official seeks the advice of the Oregon State Historic Preservation Officer, or designee.
- c. Modifications to certain regulations: The Historic Review Board may modify regulations pertaining to signs, fence and wall provisions, general provisions regarding height, yards, area, lot width, frontage, depth, coverage, number of offstreet parking spaces required, and regulations prescribing setbacks, if the modifications:
  - 1. Are necessary to preserve the historic character, appearance or integrity of the proposed Historic Landmark, Historic District or Historic Corridor and (10/26/93)
  - 2. Are in accordance with the purposes of the zoning and sign regulations.



- d. Appeals: In the case of appeals related to the application of the Uniform Building Code to a Historic Landmark, or building within a Historic District or Historic Corridor, the County appeals board or the appropriate State appeals board shall seek the advice of the State historic preservation officer.

D. Moving or Demolition of a Historic Landmark or Contributing Resource:

1. Purpose: The intent of this Subsection is to protect Historic Landmarks and Historic Districts and Corridors from destructive acts and to provide the citizens of the County time to review the significance of a Historic Landmark or building within a Historic District or Corridor, and to pursue options to preserve such building(s) if historic preservation is deemed in the best interest of the community.

2. Preapplication Preservation Plan Required:

- a. Preapplication preservation plan to be submitted: If an applicant requests to move or to demolish a Historic Landmark, the applicant shall prepare and submit a plan for preservation of the Historic Landmark prior to said application.

A preapplication conference shall be scheduled to allow the applicant and staff to discuss the proposal, the preservation plan requirements and the applicable criteria.

The preservation plan may be submitted to the County after the preapplication conference and shall be reviewed and approved by staff or the Historic Review Board.

- b. The preservation plan shall include a narrative describing how the applicant will accomplish all of the following:
  1. The applicant or applicant's agent shall advertise the resource in local, regional and historic preservation newspapers of general circulation in the area once per week during the preapplication period and shall provide evidence of such advertising.
  2. Give public notice by placing a sign on the property informing the public of intended action which will remove or demolish the structure. The sign shall remain on the property until a permit is issued. It should also state the County department and telephone number to call for further information.

3. Prepare and make available information related to the history and sale of the property to all who inquire.
  4. Provide information regarding the proposed use for the Historic Landmark site.
  5. Keep a record of the parties who have expressed an interest in purchasing and/or relocating the structure. To ensure that an adequate effort has been made to secure a relocation site, the applicant shall provide a list of property locations and owners who were contacted regarding purchase of a relocation site.
- c. Following receipt of the preservation plan, the Planning Director shall issue a media release to local and state newspapers of general circulation in the County.

The media release shall include, but not be limited to, a description of the significance of the Historic Landmark, the reasons for the proposed demolition or removal, and the possible options for preserving the Historic Landmark.

3. Review Required: No building identified as a primary, secondary, or contributing structure within a Historic District or Corridor, or building designated as a Historic Landmark, shall be intentionally moved, or demolished unless such action is approved by the Historic Review Board. Application for permit to move or demolish such building shall be made to the Planning Division, and to the Building Services Division when applicable.
4. Public Hearing Review: The Historic Review Board shall hold a public hearing, under the provisions and procedures in Subsection 1302.01A and B and Section 1303, to review the request to move, demolish or destroy a Historic Landmark, or building within a Historic District or Corridor, and shall make written findings supporting its decision to approve or suspend the request.
5. Moving a Historic Landmark or Contributing Resource:
  - a. In order to allow the moving of a Historic Landmark or contributing resource, the Historic Review Board shall consider the following:
    1. Relocation is the only alternative for preservation of the Historic Landmark or contributing resource; and,

2. The proposed relocation site will not greatly reduce the historical and/or architectural significance of the Historic Landmark or contributing resource; the site is a contextually appropriate setting; it is within the County and preferably within the neighborhood within which it is currently located; and
  3. The designated resource cannot reasonably be used in conjunction with the proposed use; and,
  4. The continued location of the landmark or contributing resource on the proposed development site precludes development on the site which would provide a greater community benefit; and,
  5. The designated landmark or contributing resource is structurally capable of relocation; and
  6. If the landmark or contributing resource is relocated within the County, the owner of the relocation site agrees, as a condition of the purchase agreement, to apply within 90 days of relocation to the County for designation as a Historic Landmark, to be protected under the provisions of this Ordinance.
  7. The loss of the landmark or contributing resource will not affect the integrity of the Historic District or Historic Corridor; and adequate effort has been made to seek a relocation site within the Historic District or Corridor.
6. Demolition of a Historic Landmark or Contributing Resource: In order to allow the demolition of a landmark or contributing resource within a Historic District or Corridor, the Historic Review Board shall consider the following:
- a. All plans, drawings, and photographs submitted by the applicant; and,
  - b. Information presented at the public hearing concerning the proposed work; proposal; and,
  - c. The Clackamas County Comprehensive Plan; and,
  - d. The purposes of this Ordinance as set forth in Section 707.01; and,
  - e. The criteria used in the original designation of the Historic Landmark or Historic District or Corridor in which the property under consideration is situated; and,

- f. The historical and architectural style, the general design, arrangement, materials of the structure in question, or its appurtenant fixtures; the relationship of such features to the other buildings within the district or corridor; and the position of the building in relation to public rights-of-way and to other buildings and structures in the area; and,
  - g. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the district or corridor which cause it to possess a special character or special historical or aesthetic interest or value; and,
  - h. Whether suspension of the permit will involve substantial hardship to the applicant, and whether approval of the request would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this Ordinance; and,
  - i. When applicable, the findings of the building official in determining the status of the subject building as a "dangerous building" under the most recent Uniform Code for the Abatement of Dangerous Buildings, and the feasibility of correcting the deficiencies to meet the requirements of the building official rather than demolishing the building.
7. Approval of Moving or Demolition Request/Appeals: The Historic Review Board may approve the moving or demolition request in consideration of the provisions under 707.06, 6 and 7, above. The action of the Historic Review Board shall be transmitted to the applicant in writing within ten (10) days of the decision on the request, and shall be final after a period of 10 days from the date of the letter and findings approving the request, unless a notice of appeal is filed by any aggrieved party, pursuant to Section 1304.
8. Suspension of Moving or Demolition Permit Request: The Historic Review Board may suspend the request for moving or demolition of an Historic Landmark or contributing resource building within a Historic District or Historic Corridor if it determines that in the interest of preserving historic values for public benefit, the building should not be moved or demolished. Written findings supporting the suspension of the request shall be transmitted to the applicant within seven (7) days of the final public hearing on the request.

9. Stay of Moving or Demolition: If the moving or demolition request is suspended by the Historic Review Board, the written finding supporting the action to suspend the request shall be transmitted to the building official along with a request that the enforcement of any applicable Notice and Order of the building official be stayed during the pendency of an appeal, or for a period of not more than sixty (60) days from the date of the letter and findings supporting the suspension. During this stay of demolition period, the following actions may be taken:
  - a. The building official may require the owner or other party responsible for the subject building to take appropriate actions, other than demolition, to protect the public from hazardous conditions associated with the building.
  - b. The applicant may be required to continue to carry out the preapplication plan activities through the entire stay of moving or demolition.
  - c. The Historic Review Board may research programs or projects underway which could result in public or private acquisition of the subject building and site, and assess the potential for the success of these programs or projects.
    1. If the Board determines that there is reasonable grounds to believe that such program or project may be successful, it may extend the suspension period up to thirty (30) additional days per extension, not to exceed more than a total of 120 days from the date of the letter and finding suspending the request.
    2. If the Board determines that all such programs or projects are unlikely to be successful, and the applicant has not withdrawn his application for a demolition permit or taken appropriate alternative action to correct the hazards associated with the subject building as provided in a Notice and Order of the building official, then, at the end of the stay of demolition period, the Planning Director and building official may issue such permit, subject to all other applicable codes and ordinances.
10. Appeal of Stay of Demolition: Action of the Historic Review Board in suspending issuance of the permit for demolition may be appealed by the applicant to the Board of County Commissioners, within 15 days of the date of the written findings suspending the demolition permit, by filing a notice of appeal as provided in Section 1304.

11. Documentation Required: When moving or demolition is eminent, whether by direct approval or if efforts during the preapplication preservation plan and Stay of Demolition are unsuccessful, the following complete documentation of the structure(s) is required to be submitted to the County by the applicant:
  - a. Floor plans to scale of the structure(s) and related structures.
  - b. Site plan to scale showing surrounding roadways, landscaping, natural features, structure(s), and related structures.
  - c. Drawings to scale or photographs of all exterior elevations.
  - d. Photographs of architectural detail not shown in elevation photographs.
  - e. The Historic Preservation League of Oregon or local preservation group to be given opportunity to salvage and record the resource.
12. Moving or Demolition Permit Issuance: A moving or demolition permit for a landmark found to comply with all provisions set forth in 707.09 of this Ordinance shall not be issued until all development permit applications for the new use or development have been approved by the County.