

ORDINANCE 2841

AN ORDINANCE OF THE CITY OF LAKE OSWEGO AMENDING LOC 12.51.035, HISTORIC RESOURCES ADVISORY BOARD; SECTIONS OF THE LAKE OSWEGO COMMUNITY DEVELOPMENT CODE RELATING TO HISTORIC RESOURCE DEVELOPMENT PERMIT PROCEDURES, CRITERIA AND RELATED PROVISIONS (LOC 50.01.001; LOC 50.01.003; LOC 50.06.009; LOC 50.07.001; LOC 50.07.002; LOC 50.07.003; 50.07.004; LOC 50.10.003); AND ADDING A NEW SECTION LOC 50.06.009.11 TO ADDRESS “DEMOLITION BY NEGLECT,” (LU 19-0008).

WHEREAS, the City is a “certified local government” under the state program to preserve and protect historic resources through the receipt of state grants; and,

WHEREAS, as a certified local government the City’s historic preservation codes are required to be updated to achieve consistency with the Oregon Model Historic Preservation Ordinance 2019 promulgated by the State Historic Preservation Office (SHPO) in October, 2019 and to comply with 2017 amendments to Statewide Planning Goal 5 (Historic Resources) rules (OAR 660.023.0200); and

WHEREAS, the United States Secretary of Interior Standards for Treatment of Historic Properties provide uniform criteria for reviewing alterations to historic landmarks; and

WHEREAS, it is in the public interest to encourage maintenance of historic landmarks so that historic buildings do not deteriorate to the point that demolition becomes necessary; and

WHEREAS, notice of the public hearings for consideration of this Ordinance was duly given in the manner required by law; and

WHEREAS, a public hearing before the Lake Oswego Planning Commission was held on February 24, 2020 at which the staff report, testimony and evidence were received and considered; and

WHEREAS, at their second hearing on March 9, 2020, the Planning Commission, after receiving additional information from staff, recommended that LU 19-0008 be adopted by the Lake Oswego City Council; and

WHEREAS, a public hearing on LU 19-0008 was held before the City Council of the City of Lake Oswego on July 7, 2020, at which time the staff report, testimony, and evidence were received and considered;

WHEREAS, the Council finds that the proposed amendments clarify and streamline the City’s historic preservation regulations (LOC 50.06.009) and achieve consistency with the Oregon Model Historic Preservation Code and applicable Oregon Administrative Rule (OAR 660.023.0200) adopted in January, 2017;

The City of Lake Oswego ordains as follows:

Section 1. The City Council adopts the Findings and Conclusions (LU 19-0008) attached as Attachment 1.

Section 2. LOC 12.51.035, Historic Resources Advisory Board; LOC 50.01.001, Title and Purpose; LOC 50.01.003, Authority; LOC 50.06.009, Historic Preservation; LOC 50.07.001, Summary and Procedures; LOC 50.07.002, List of Decision Makers; LOC 50.07.003, Review Procedures; 50.07.004, Additional Submission Requirements; LOC 50.10.003, Definition; are hereby amended, and a new section 11 in LOC 50.06.009.11 regarding property maintenance of historic landmarks is hereby added, as shown in Attachment 2 (new text shown in double-underlined type; deleted text shown in ~~strikethrough~~ type).

Section 3. Severability. The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. As provided by Section 35.C. of the Lake Oswego Charter, this ordinance shall take effect on the 30th day following enactment


Enacted at the regular meeting of the City Council of the City of Lake Oswego held on the 1st day of September, 2020.

AYES: Mayor Studebaker, Wendland, Manz, O'Neill, Nguyen, LaMotte

NOES: Kohlhoff


ABSTAIN: None

EXCUSED: None



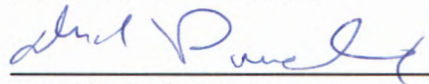
Jackie Manz, Council President
Dated: 9/14/2020

ATTEST:



Anne-Marie Simpson, City Recorder

APPROVED AS TO FORM:



David Powell, City Attorney

**BEFORE THE CITY COUNCIL
OF THE
CITY OF LAKE OSWEGO**

A REQUEST FOR CODE AMENDMENTS) LU 19-0008
RELATING TO HISTORIC PRESRVATION.) (CITY OF LAKE OSWEGO)
) FINDINGS AND CONCLUSIONS

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NATURE OF PROCEEDINGS

The City of Lake Oswego proposes to amend LOC 12.51.035, Historic Resources Advisory Board; LOC 50.01.001, Title and Purpose; LOC 50.01.003, Authority; LOC 50.06.009, Historic Preservation; LOC 50.07.001, Summary and Procedures; LOC 50.07.002, List of Decision Makers; LOC 50.07.003, Review Procedures; 50.07.004, Additional Submission Requirements; LOC 50.10.003, Definitions; and to add a new section; LOC 50.06.009.11 adding new language addressing property maintenance.

HEARINGS

The Planning Commission held two public hearings on February 24, 2020 and March 9, 2020. No testimony opposing this application was received. The Commission recommended approval of Ordinance 2841 as reflected in the Findings, Conclusion, and Order adopted by the Planning Commission on June 8, 2020 (Exhibits A-1.1 and B-1). The City Council held a public hearing and considered the Commission’s recommendation on July 7, 2020.

CRITERIA AND STANDARDS

- A. City of Lake Oswego Comprehensive Plan
 - Land Use Planning Section A – Community Development Code,
 - Policies A-1(g), Policy A-2(c)
 - Land Use Planning Section D – Land Use Administration
 - Policy D-1
 - Community Culture – Civic Engagement
 - Policies 1, 2, 3, 4 and 5
 - Community Culture – Historic Preservation
 - Policies 1, 3, 4 and 8
 - Inspiring Spaces and Places

1 Goal 1, Policy 2

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3 B. City of Lake Oswego Community Development Code

4 LOC 50.07.003.16.a Legislative Decisions Defined

5 LOC 50.07.003.16.c Required Notice to DLCD

6 LOC 50.07.003.16.d Planning Commission Recommendation Required

7 LOC 50.07.003.16.e City Council Review and Decision

8 LOC 50.07.004, Additional Submission Requirements;

9 LOC 50.10.003, Definitions;

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11 FINDINGS AND REASONS

12 Except as modified in these supplementary findings, the City Council incorporates the
13 Planning Commission staff report dated February 24, 2020 for LU 19-0008, with all exhibits,
14 and the Findings and Reasons in the Commission’s February 24, 2020 Findings, Conclusions and
15 Order, as support for the Council’s decision. In the event of any inconsistency between the
16 supplementary findings and the incorporated materials, the supplementary findings control.

17 Following are the supplementary findings of the City Council:

18 The City Council finds that the proposed amendment to LOC 50.06.009.6 requiring
19 deconstruction and salvage of significant architectural elements as a condition of demolition
20 permits should not be adopted as it could significantly add to the cost of replacing structures
21 that are appropriate for removal.

22 The City Council also finds that the proposed substitution of the Historic Resources
23 Advisory Board (HRAB) as the review authority for major alterations, in place of the
24 Development Review Commission (DRC), should not be adopted. The HRAB provides valuable
25 expertise and important advocacy relating to historic preservation. However, when it comes to
26 quasi-judicial permit proceedings, it is preferable to have dispassionate decision-makers who
27 are focused only on code criteria, rather than those who may also be advocates for a particular
28 outcome or who may be perceived as such. It will help preserve confidence in the impartiality
29 of quasi-judicial decision-making if the DRC retains its current role. For the same reasons, the
30 current provision in LOC 50.01.003.f.ii giving staff the option of referring certain major
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1 alterations to the HRAB in lieu of a staff-level decision should be changed to substitute the DRC
2 for the HRAB.

3 CONCLUSIONS

4 The City Council concludes that LU 19-0008, as modified to be consistent with these findings,
5 meets all applicable criteria. The Council further concludes that proposed Ordinance 2841,
6 which implements LU 19-0008, should be adopted as similarly modified.
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12.51.035 Historic Resources Advisory Board

1. Creation; Membership; Term. There is hereby created a Historic Resources Advisory Board of the City of Lake Oswego consisting of seven regular members appointed for three-year terms, plus one member less than 18 years old who shall be appointed for a one-year term, which may be renewed for one additional year.

2. Qualifications. No less than a majority of the members of the Historic Resources Advisory Board shall be residents of the City of Lake Oswego. Any members not residing ~~in~~ within the City boundary shall reside within the City's Urban Services Boundary. ~~Members need to~~ must have knowledge, competence or interest in historic preservation. In making appointments to the Board, the City Council may take into consideration professional expertise in related fields of preservation architecture, archaeology, community history, building trades, real estate or related specialties. At least one member shall be an architect, with knowledge of historic restoration.

3. Meeting Schedule and Notice. In establishing the regular and special meeting schedule pursuant to LOC 12.50.030(3), at least four regular meetings shall be held in a calendar year.

~~34.~~ Duties. The Historic Resources Advisory Board shall:

a. Carry out the Purpose Section in LOC 50.01.001.2.b and duties described in LOC 50.06.009 and 50.07.004.4 (Historic Preservation) and otherwise assist the City Council on historic preservation matters.

b. Support the enforcement of all state laws relating to historic preservation.

c. Adopt guidelines and materials to assist applicants in developing complete applications for development actions under LOC 50.07.004.4.

d. Inform citizens and visitors to Lake Oswego of the community's history and prehistory; promote research into the community's history and prehistory; collect and make available materials on the preservation of landmarks; provide information on state and federal preservation programs; and document landmarks prior to their alteration, demolition, or relocation, and archive that documentation.

e. For purposes consistent with this section, recommend to the City Council that the City seek, accept and expend grant and gift funds, and assist owners of landmarks in securing funding from public and private entities for the preservation of their properties.

f. Advise the City Council or other City boards and commissions on local, state or federal laws and regulations relating to historic preservation.

~~b. Disseminate information to educate the public as to state and federal laws protecting antiquities and historic places.~~

- g. ~~Act as a coordinator for~~ Support local preservation groups
- h. Promote educational workshops
- i. Provide guidance on City signage signing and monument monumentation projects, and other similar programs.
- d. ~~Advise interest groups, agencies, boards, and citizens on matters relating to historic preservation within the city.~~
- e. ~~Conduct historic inventories on a periodic basis and ensure that information on inventoried historic properties is updated and maintained.~~
- fj. Research and recommend property owner incentives to City Council to assist in continued preservation of historic resources.

50.01.001 TITLE AND PURPOSE

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2. PURPOSE

a. Generally Applicable Purposes

This Code has been drafted in accordance with the policies set forth in the Comprehensive Plan for the City of Lake Oswego. It is the general purpose of this Code, therefore, to provide the principal means for the implementation of the Comprehensive Plan. To fulfill this general purpose this Code is intended to:

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b. Historic Preservation Purposes

This Code incorporates the City’s historic preservation regulations that are intended to:

- i. Promote the historic, educational, architectural, cultural, economic, and general welfare of the public through the identification, preservation, restoration and protection of those structures, sites, objects, and districts of historic and cultural interest within the City;
- ii. Foster community and neighborhood pride and sense of identity based on recognition and use of historic and cultural resources;
- iii. Identify and designate as historic resources only those structures, sites and objects which possess historic features and characteristics viewed by this community as having true historical significance;

- iv. Strengthen the economy of the City by enhancing the historic and cultural resources for tourists, visitors and residents;
- v. Encourage public knowledge, understanding and appreciation of the City's history and culture;
- vi. Promote the enjoyment and use of historic and cultural resources appropriate for the education and recreation of the people of Lake Oswego;
- vii. Preserve diverse architectural styles reflecting periods of the City's historical and architectural development; and encourage complementary design and construction impacting historic resources;
- viii. Enhance property values and increase economic and financial benefits to the City and its inhabitants;
- ix. Identify and resolve conflicts between the preservation of historic or cultural resources and alternative conflicting uses;
- x. Integrate the management of historic and cultural resources into public and private land management and development processes;
- xi. Provide the ~~principle~~-principal means to implement and carry out the provisions of Statewide Planning Goal 5 and the Comprehensive Plan Policies relating to historic resources and support the enforcement of all federal and state laws relating to the protection of National Register resources, archaeological sites and archaeological objects;
- xii. Recognize the importance of Oswego Lake to this community and the attendant and long-standing use of the lake and appurtenant assets for recreational, water quality and electrical power generation purposes;
- xiii. Provide clear procedures and standards to ensure that the ongoing operation and maintenance of residential, commercial and industrial uses are not affected in a manner that jeopardizes the economic viability of such uses; and
- xiv. Protect private property owners against extraordinary cost occasioned by the application of this chapter.

50.01.003 AUTHORITY

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2. AUTHORITY OF CITY MANAGER

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e. Concurrent Hearings

When more than one approval is sought for a particular property the City Manager may allow the requests to be processed concurrently. The City Manager may refuse to allow concurrent consideration if it is determined that such a process would be impractical or cumbersome, tend to create confusion before the hearing body or require a potentially unnecessary use of City resources.

f. Historic Resources

i. The City Manager shall have the authority to make a decision to approve, approve with conditions, or deny applications for

(1). Minor alterations to a historic resources landmark,

(2). Major alterations to a landmark if the application includes other minor development,

(3). Alterations defined as a minor development, moving or demolition of a contributing resource; alterations of or additions of 30% or more floor area to noncontributing resources; and minor developments on or to a landmark or within a historic district.

ii. At the discretion of the City Manager, an application for major alteration of a duplex or single family home designated as a landmark under subsection i above may be referred to the ~~Historic Resources Advisory Board~~ the DRC for hearing and decision.

3. AUTHORITY OF HEARING BODY

The hearing body shall be the Planning Commission, the Development Review Commission (DRC) or the Historic Resources Advisory Board (HRAB).

a. Planning Commission

Except as provided by LOC [50.01.003.3.d](#), the Planning Commission shall hear:

i. Applications to develop pursuant to a mixed use Overall Development Plan and Schedule (ODPS); and

ii. Applications for a quasi-judicial zone change or quasi-judicial Comprehensive Plan or Code amendment.

b. Historic Resources Advisory Board

Except as provided by subsection 3.d of this section, ~~the HRAB shall hear applications as provided by LOC [50.07.004.4](#), Historic Preservation. The Historic Resources Advisory Board shall~~ and shall have the

authority to make a decision to approve, approve with conditions, or deny an application for the following:

- i. Designation or removal of a designation of a historic resource;
- ii. Establishment, modification or abolishment of a historic district;
- iii. Demolition or moving of a landmark; ~~and~~
- iv. Demolition (as defined in LOC 50.06.009.9.b) or relocation of a National Register property;
- ~~iv. Upon referral from the City Manager, major alteration of a duplex or single-family dwelling designated as a landmark.~~
- ~~v. The Board may also delay a decision on demolition pursuant to the provisions of LOC 50.07.004.4.b, Moving or Demolition of a Landmark.~~

c. Development Review Commission

- i. Except as provided by subsection 3.d of this section, the Development Review Commission shall hear all other applications for ~~a major~~ development, including:
 - (1) Conditional use;
 - (2) Single use ODPS;
 - (3) Appeals of decisions of the City Manager on minor development applications; and
 - (4) Any application ~~occurring on or to a historic resource or within a historic district.~~ referred by the City Manager pursuant to LOC 50.07.003.14.d.i.

d. Consolidated Review

If a person desires to apply for a development which requires hearings before the Planning Commission, DRC, and/or ~~the~~ HRAB, the City Manager may either consolidate the proceedings before one hearing body or schedule the hearings in such a manner that a decision on the development can be made within the time period for final action established by state law. The City Manager has the sole discretion to determine which hearing body shall hear the application. As a nonbinding guideline, the City Manager should refer the consolidated proceeding to the Planning Commission if the City Manager believes that the application raises significant policy issues. The City Manager should refer the consolidated proceeding to the DRC if the City Manager believes the primary issue involves siting or design. ~~The City Manager should refer the consolidated proceeding to the HRAB if the City Manager believes that the primary issue involves a change or alteration to a property that has been placed on the Landmark Designation List.~~

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50.06.009 HISTORIC PRESERVATION

1. SCOPE AND COMPLIANCE

a. No landmark or contributing resource or part thereof shall be demolished, moved, or altered, nor shall any major or minor development take place within a Historic District or involving a landmark nor shall a land division or lot line adjustment of any landmark take place, except in conformity with the requirements of this section. No alterations to noncontributing resources shall be made except in conformity with the requirements of this section.

b. In addition, per OAR 660-23-0200, no structure or site listed on the National Register of Historic Places shall be demolished, relocated, or altered except in compliance with this section.

c. Archeological resources shall be protected and preserved per subsection 10.

2. EXEMPTIONS

The following actions are exempt from the provisions of this section:

- a. The demolition, ~~or moving,~~ or alteration of noncontributing resources;
- b. Water quality protection actions;
- c. Maintenance or repair that does not involve a change in design, materials, or appearance;
- d. Alterations, demolitions, or relocations determined by the City Manager to be necessary to proceed without delay in order to preserve the public safety and convenience due to the presence of an unsafe, dangerous, or emergency condition; ~~and~~
- e. Interior alterations; and
- f. Development relating to a National Register property that is not on the Local Landmark List and that does not constitute demolition (as defined by LOC 50.06.009.9.b) or relocation.

3. CULTURAL RESOURCES INVENTORY

a. Purpose of Cultural Resource Inventory (CRI)

The CRI consists of surveys of examined structures and/or sites. It is used as a resource document in determining whether the structure or site meets the criteria for historic designation.

b. Content of CRI Survey of Property or Site.

The CRI survey shall describe the historic name, ownership, location and setting, age, use, architectural style, design elements, alterations/additions, significant landscape features, and statement of historic significance of the property or site. The survey shall comply with the State Historic Preservation Office "Guidelines for Historic Resource Surveys in Oregon." Current photographs or archival documentation for properties already listed in the Landmark Designation List or National Register may be included. The survey shall classify the property or site as Eligible/Significant (ES), Eligible/Contributing (EC), Non-Contributing (NC), or Not in Period (NP).

c. Effect of Inclusion in CRI

Inclusion of property or sites in the CRI does not mean that the property or site is automatically eligible for historic designation and placement on the Landmark Designation List, and property or sites not included in the CRI may also be considered for historic designation. The property or site included in the CRI must be later reviewed to determine if it qualifies as a landmark under the Criteria for Designation (50.06.009.4).

d. Acceptance of CRI Survey of Property or Site

When the City Manager surveys properties or sites for inclusion in the CRI, the owner shall be notified by mail not less than 10 days prior to conducting the survey. Within six months of the City Manager's completion of the draft survey, it shall be submitted to HRAB for review and acceptance. The review shall be held at a public meeting and interested persons may comment and supplement the survey. HRAB's review shall be for accuracy and acceptance of the survey with any appropriate corrections or additions.

34. HISTORIC DESIGNATION OR AND REMOVAL OF DESIGNATION

~~The procedures for historic designation or removal of a designation are located in LOC 50.07.004.4, Historic Preservation.~~

a. Criteria for Designation of a Landmark

i In order to designate a site, object or structure as a landmark, the Historic Resources Advisory Board (HRAB) shall find that the owner has, pursuant to ORS 197.772(1), consented to the proposed designation, and

(1) The resource is nominated to be placed on the National Register of Historic Places; or

(2) The resource is 50 years old or older and the resource has historical or architectural significance to Lake Oswego; or

(3) The resource is less than 50 years of age but of exceptional historic or architectural significance.

ii. HRAB shall consider the following factors in determining whether the criteria found in subsection 4.a.i(2) or (3) of this section are satisfied:

(1) Historical Significance

(a) Significant association with the lives, events or activities of a person(s), group, organization, or institution, which at the time, made a significant contribution to local (Lake Oswego), regional, state, or national history;

(b) A birthplace or grave site of a historical figure of outstanding importance if there is no building standing that is directly associated with the activities for which the figure is celebrated;

(c) A high likelihood that, if preserved, would yield important information on the local area's prehistory or history; or

(d) Significance because the resource contributes to the continuity or historic character of the local (Lake Oswego) area, region, state, or nation.

(2) Architectural Significance

(a) Distinctive characteristics of a type, period, or method of construction, or represents the work of a master (outstanding work of a designer, builder, or architect who has made a substantial contribution to the field), or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction;

(b) Significance because the resource retains its original design features, materials, and/or character;

(c) Significance as the only remaining, or one of the few remaining, resources of a particular style, building type, design, material, or method of construction;

(d) Is a historic resource removed from its original location but which is significant for its architectural value; or

(e) Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions and which does not fit into formal architectural or historical categories.

The considerations listed in this section are not standards for approval and are not intended to be an exclusive list of considerations. The considerations are to be used as a guide in the granting authority's deliberations.

b. Criteria for Designation of a Historic District

i. In order to designate a geographic area as a Historic District, HRAB shall find that:

(1) A majority of the parcels contain structures that are designated as landmarks or contributing resources; and

(2) A perceptible common theme, which is either of historic or architectural significance, unifies the area.

ii. HRAB shall consider the following factors in determining whether the criteria found in subsection 4.b.i of this section are satisfied:

(1) The district size is large enough to create a visual identity;

(2) A majority of parcels contain structures eligible for landmark or contributing resource designations;

(3) The prevalence of other historic or environmental features in the area such as mature landscaping, original street layout, stone fences, etc;

(4) Perceptible common theme;

(5) Sites, objects, structures and buildings contribute to the integrity of the district's theme;

(6) More than one theme may exist; however, a dominant theme or common element among themes establishes the district identity. An example of a common theme could be a period of time or development phase in the City's growth.

The factors listed in subsection 4.b.ii of this section are not standards and are not intended to be an exclusive list of considerations, but are intended to be used as a guide in the granting authority's deliberations.

iii. In order to approve expansion of the boundaries of a Historic District, HRAB shall consider the proposed expansion area with the existing district, and then determine whether the designation criteria found in subsection 4.b.i of this section are satisfied for the entire new district after the proposed expansion is added.

c. Criteria for Designation of a Contributing Resource

i. In order to designate a site, object, or structure as a contributing resource, HRAB shall find that:

(1) The resource is or, at the time the designation becomes effective, will be within a Historic District; and

(2) The resource is 50 years old or older, may have received alterations, but retains its overall physical integrity; and

(3) The resource contributes to the integrity of the Historic District; and

(4) The resource does not merit a landmark designation; and

(5) The resource is compatible with landmarks in the district considering overall proportions, scale, architectural detail and materials.

ii. Contributing resources shall be identified upon the creation of a Historic District and a list shall be created containing the same information for each resource as is required for landmarks in LOC

50.06.009.4 and shall be maintained in Table 50.06.009-1 under a separate heading for each Historic District.

d. Criteria to Remove a Designation

i. In order to remove a landmark designation HRAB shall find either:

(1) The landmark designation is no longer justified after consideration of the criteria found in subsection 4.a, Criteria for Designation of a Landmark; and through an ESEE analysis the benefits of removing the designation of the proposed landmark outweigh the benefits of continuing the designation; or

(2) The Building Official declares that the locally significant historic resource poses a clear and immediate hazard to public safety and must be demolished to abate the unsafe condition; or

(3) Per ORS 197.772(3), the designation was imposed on the property and the owner at the time of designation:

(a) _____ Has retained ownership since the time of designation; and,

(b) _____ Can demonstrate that the owner objected to the designation on the public record or was not provided an opportunity to object to the designation; and,

(c) _____ Requests that the HRAB remove the resource from the inventory.

ii. In order to approve reduction of a Historic District boundary or abolish a district HRAB shall find that the district or its configuration is no longer justified after consideration of the criteria found in subsection 4.b, above.

iii. In order to remove a contributing resource designation HRAB shall find that the contributing resource designation is no longer justified after consideration of the criteria found in subsection 4.c.

54. ADOPTION OF LANDMARK DESIGNATION LIST

a. Adoption of Landmark Designation List

~~i. _____~~The sites, structures and objects listed in "The Landmark Designation List," Table 50.06.009-1, are subject to the provisions of this section ~~on the effective date thereof.~~

~~ii. _____~~The Landmark Designation List shall include for each site, structure or object listed a field form, graphics page and statement of significance. The information contained in the field form and statement of significance shall be used by the City Manager, Historic Resources Advisory Board, Development Review Commission and City Council as the primary factual basis upon which decisions are based concerning the historical significance of any individual item on the list. **Landmark Designation List**

The buildings, sites, structures, and objects listed below are designated as a Historic Landmark unless removed by order of the Historic Resources Advisory Board pursuant to LOC ~~50.07.004.4~~ 50.07.002.5 and Table 50.07.001-1. (The City Recorder may revise the list upon final designation or removal decision by the Historic Resources Advisory Board.) The findings of fact regarding the historical and architectural significance of the historic resource for its designation or removal ~~field form, graphic page, and statement of significance~~ for each property on the Landmark Designation List is on file with the Planning Department.

TABLE 50.06.009-1: LANDMARK DESIGNATION LIST		
INDIVIDUAL BUILDINGS		
	Address	Historic Name
1	609 A Avenue	C. Didzun House
2	357 E Avenue	Conway House
3	490 G Avenue	Johnson Barn
4	737 Ash Street	Smith House
5	880 Bickner Road	Collard House
6	15100 Boones Ferry Road	Carl House
7	16400 Bryant Road	Lake Grove Fire Station
8	107 Burnham Road	Tug Masters House
9	3811 Carman Drive	Carman House
10	210 Chandler Place	Noel Dew House
11	1097 Chandler Road	Van Houten House
12	16906 Cherry Crest Drive	Laidlaw House
13	1515 Cherry Lane	Shepard House
14	432 Country Club Road	White House
15	295 Durham Street	Odd Fellows Hall
16	2535 Glenmorrie Drive	Erickson House
17	2212 Glenmorrie Lane	Twinings House
18	1805 Glenmorrie Terrace	Trueblood House
19	16847 Greenbrier Road	Clara Weinstein House
20	156 Greenwood Road	Methodist Episcopal Church
21	20 Iron Mountain Blvd.	Lake Oswego Country Club

TABLE 50.06.009-1: LANDMARK DESIGNATION LIST		
INDIVIDUAL BUILDINGS		
	Address	Historic Name
22	95 Iron Mountain Blvd.	McWaters House
23	257 Iron Mountain Blvd.	Davidson House
24	2725 Iron Mountain Blvd.	Lake Oswego Hunt Club
25	411 Kenwood Road	Klose House
26	68 Leonard Street	Headrick Carothers House
27	1125 Maple Street	Black House
28	885 McVey Avenue	Worthington House
29	316 North Point Road	Mulder House
29A	128 North Shore Circle	Osco C. Roehr House
30	768 North Shore Road	Parelius House
31	1850 North Shore Road	Jantzen Estate
32	904 Oak Street	Larson House
33	938 Oak Street	Waldorf House
34	1008 Oak Street	F. Davidson House
35	1228 Oak Street	Lueg House
36	1905 Palisades Terrace Drive	Eastman House
37	16715 Phantom Bluff Court	Sundeleaf House
38	4144 South Shore Blvd.	McCall House
39	4375 South Shore Blvd.	Angler's Club
40	17901 Stafford Road	Carter House
41	402 N. State Street	Rogers Building I
42	456 N. State Street	Rogers Building II
43	468 N. State Street	Bickner Building
44	368 S. State Street	Lakewood School
45	919 West Point Road	Hofer House
46	930 West Point Road	Harris House
47	1032 Westward Ho Road	Patton House

TABLE 50.06.009-1: LANDMARK DESIGNATION LIST		
INDIVIDUAL BUILDINGS		
	Address	Historic Name
48	1100 Westward Ho Road	Allen House I
49	1136 Westward Ho Road	Allen House II
50	1139 Westward Ho Road	Cleary House
51	40 Wilbur Street	Worker's Cottage
52	59 Wilbur Street	Rogers House
53	774 First Street	Sacred Heart School
54	606 Second Street	Warren House
55	791 Fourth Street	Brown-Vose House
56	841 Fifth Street	Vose House
57	469 Seventh Street	Rosentreter House
58	398 Tenth Street	Murphy Company Bldg.
59	Pacific Highway	Christie School
60	Pacific Highway	Marylhurst Adm. Bldg.
61	Pacific Highway	St. Catherine's Dormitory
62	Pacific Highway	Flavia Hall
63	Pacific Highway	Acquinas Hall
64	Pacific Highway	Education Hall
SITES, STRUCTURES AND OBJECTS		
	Address	Historic Name
65	George Rogers Park	Iron Furnace Chimney
66	16500 Old River Road	Log Hoist
67	141 Leonard Street	Peg Tree
68	Tualatin-Oswego Canal	Tualatin-Oswego Canal
69	Pacific Highway	Marylhurst Cemetery/Altar
70	4700 Jean Road	Bryant Home Marker
71	Prestwick and Fairway	Old Mine Trail
72	Stafford Road	Pioneer Cemetery

5. DESIGNATION AND REMOVAL OF DESIGNATION

a. ~~Criteria for Designation of a Landmark~~

i. ~~In order to designate a site, object or structure as a landmark, the Board shall find that:~~

~~(1) The resource is 50 years or older, or it is less than 50 years but of exceptional importance with regard to its historical or architectural significance; and~~

~~(2) There is historical, architectural or environmental significance; and~~

~~(3) Through an ESEE analysis, that the benefits of designating the proposed landmark outweigh the benefits of continuing the conflicting use or uses without the designation.~~

ii. ~~The Board shall consider the following factors in determining whether the criteria found in subsection 5.a.i of this section are satisfied:~~

~~(1) Historical Significance~~

~~(a) Association with the life or activities of a person, group, organization, or institution at the time a significant contribution to the City, county, state, or nation was made;~~

~~(b) A birthplace or grave site of a historical figure of outstanding importance if there is no building standing which is directly associated with the activities for which the figure is celebrated;~~

~~(c) Association with an event that has made a significant contribution to the City, county, state, or nation;~~

~~(d) Association with broad patterns of political, economic, or industrial history in the City, county, state, or nation;~~

~~(e) The resource is listed on the National Register of Historic Places.~~

~~(2) Architectural Significance~~

~~(a) Significance as an example of a particular architectural style, building type and/or convention;~~

~~(b) Significance due to quality of composition, detailing, and/or craftsmanship;~~

~~(c)~~—Significance as an example of a particular material and/or method of construction;

~~(d)~~—Significance because the resource retains its original design features, materials, and/or character;

~~(e)~~—Significance as the only remaining, or one of the few remaining, resources of a particular style, building type, design, material, or method of construction;

~~(f)~~—Significance as a work of a master architect.

~~(3)~~ **Environmental Significance**

~~(a)~~—Significance as a visual landmark;

~~(b)~~—Significance because existing land use surrounding the resource contributes to the integrity of the historic period represented;

~~(c)~~—Significance because the resource contributes to the continuity or historic character of the street, neighborhood, and/or community.

~~iii.~~—A determination of whether the criteria set forth in subsection 5.a.i of this section are satisfied necessarily involves the balancing of competing and conflicting interests. The considerations listed in subsection 5.a.ii of this section are not standards for approval and are not intended to be an exclusive list of considerations. The considerations are to be used as a guide in the granting authority's deliberations.

b. Criteria for Designation of a Historic District

~~i.~~—In order to designate a geographic area as a Historic District, the Board shall find that:

~~(1)~~—A majority of the parcels contain structures which meet either the landmark or contributing resource designation criteria found in LOC 50.06.009.5.a, Criteria for Designation of a Landmark, and LOC 50.06.009.5.c, Criteria for Designation of a Contributing Resource; and

~~(2)~~—A perceptible common theme which is either of historic or architectural significance unifies the area.

~~ii.~~—The Board shall consider the following factors in determining whether the criteria found in subsection 5.b.i of this section are satisfied:

~~(1)~~—The district size is large enough to create a visual identity;

~~(2) A majority of parcels contain structures eligible for landmark or contributing resource designations;~~

~~(3) The prevalence of other historic or environmental features in the area such as mature landscaping, original street layout, stone fences, etc.;~~

~~(4) Perceptible common theme;~~

~~(5) Sites, objects, structures and buildings contribute to the integrity of the district's theme;~~

~~(6) More than one theme may exist; however, a dominant theme or common element among themes establishes the district identity. An example of a common theme could be a period of time or development phase in the City's growth.~~

~~iii. A determination of whether the criteria set forth in subsection 5.b.i of this section are satisfied necessarily involves the balancing of competing considerations. The factors listed in subsection 5.b.ii of this section are not standards and are not intended to be an exclusive list of considerations, but are intended to be used as a guide in the granting authority's deliberations.~~

~~iv. In order to approve expansion of the boundaries of a Historic District, the Board shall consider the proposed expansion area with the existing district, and then determine whether the designation criteria found in subsection 5.b.i of this section are satisfied for the entire new district after the proposed expansion is added.~~

~~**c. Criteria for Designation of a Contributing Resource**~~

~~i. In order to designate a site, object, or structure as a contributing resource, the Board shall find that:~~

~~(1) The resource is or, at the time the designation becomes effective, will be within a Historic District; and~~

~~(2) The resource is 50 years old or older, may have received alterations, but retains its overall physical integrity; and~~

~~(3) The resource contributes to the integrity of the Historic District; and~~

~~(4) The resource does not merit a landmark designation; and~~

~~(5) The resource is compatible with landmarks in the district considering overall proportions, scale, architectural detail and materials.~~

~~ii. Contributing resources shall be identified upon the creation of a Historic District and a list shall be created containing the same information for each resource as is required for landmarks in LOC 50.06.009.4 and shall be maintained in Table 50.06.009-1 under a separate heading for each Historic District. The list may be amended by the Board to add contributing resources to the list or delete them from the list.~~

~~**d. Criteria to Remove a Designation**~~

~~i. In order to remove a landmark designation the Board shall find that the landmark designation is no longer justified after consideration of the criteria found in LOC 50.06.009.5.a, Criteria for Designation of a Landmark.~~

~~ii. In order to approve reduction of a Historic District boundary or abolish a district the Board shall find that the district or its configuration is no longer justified after consideration of the criteria found in LOC 50.06.009.5.b, Criteria for Designation of a Historic District.~~

~~iii. In order to remove a contributing resource designation the Board shall find that the contributing resource designation is no longer justified after consideration of the criteria found in LOC 50.06.009.5.c, Criteria for Designation as a Contributing Resource.~~

6. MOVING OR DEMOLITION OF A LANDMARK OR CONTRIBUTING RESOURCE

a. Criteria for Moving a Landmark

i. In order to allow the moving of a landmark ~~HRAB~~the Board shall find that:

- (1) The proposed relocation site will not greatly reduce the historical ~~and/or~~ architectural significance of the landmark; and
- (2) Relocation is the only alternative for preservation of the landmark; and
- (3) Through an ESEE analysis the proposed new development provides a greater community benefit than keeping the landmark on its present site; and
- (4) If the landmark is to be relocated within the City of Lake Oswego, the owner of the relocation site agrees, as a condition of the purchase agreement, to apply within 90 days of relocation to the City for protection of the landmark at its new location.

ii. ~~HRAB~~The Board shall consider the following factors in determining whether the criteria found in subsection 6.a.i of this section are satisfied:

- (1) The designated resource cannot reasonably be used in conjunction with the proposed use.
- (2) The continued location of the landmark on a proposed development site precludes development on the site which would provide a greater community benefit.
- (3) The designated landmark is structurally capable of relocation.

- (4) The proposed relocation site is a contextually appropriate setting for the designated landmark.
- (5) The proposed relocation site is within the City limits or preferably within the neighborhood where within which it is currently located.

b. Criteria for Demolition of a Landmark

- i. In order to allow the demolition of a landmark, HRAB~~the Board~~ shall find that:
 - (1) The landmark is a severe hazard to public health or safety; or
 - (2) Through an Economic Social Environmental and Energy (ESEE) analysis, that the benefits of demolishing the landmark and the construction of the conflicting use outweigh the benefits of preserving the landmark, and that there are no alternatives to demolishing the landmark; or
 - (3) A denial of the request will deny the property owner reasonable economic use of the property; and
 - (4) The applicant completed a viable site development plan for the site including plans approved, if applicable, by the Building Official.
- ii. HRAB~~The Board~~ shall consider the following factors in determining whether the criteria found in subsection 6.b.i of this section are satisfied:
 - (1) The significance of the landmark;
 - (2) If within a Historic District, the landmark’s contribution to the district and the effect on the integrity of the district if the landmark is demolished;
 - (3) Existing City plans, policies or City Council actions ~~which that~~ identify community benefit in either preserving or demolishing the landmark;
 - (4) The physical condition of the resource.

The findings of fact regarding the historical or architectural significance for the designation of the landmark shall be used as the primary factual basis upon which decisions are based concerning the historical or architectural significance of the landmark.

c. Balancing of Competing and Conflicting Interests

A determination of whether the criteria set forth in LOC [50.06.009.6.a.i](#) or [50.06.009.6.b.i](#) are satisfied necessarily involves the balancing of competing and conflicting interests.

The factors listed in LOC [50.06.009.6.a.ii](#) or [50.06.009.6.b.ii](#) are not standards for approval and are not intended to be an exclusive list. The factors are to be used as a guide in HRAB’s ~~the Board’s~~ consideration.

d. Conditions of Approval of Demolition Permit

As a condition of approval of a demolition permit, ~~the Board~~ HRAB shall:

- i. Require photographic documentation, preparation of architectural drawings, and other graphic data or history as it deems necessary to preserve an accurate record of the resource. The historical documentation materials shall be the property of the City or other party determined appropriate by ~~the Board~~ HRAB.
- ii. Require that the property owner document that a Historic Preservation League of Oregon Restore Oregon or other qualified local preservation group has been given the opportunity to salvage and /or record the resource.

e. Criteria of Approval of Moving or Demolition of a Contributing Resource

In order to allow the demolition or moving of a contributing resource, the City Manager shall find that:

- i. The contributing resource is a severe hazard to public health or safety; or
- ii. Loss of the contributing resource will not affect the integrity of the Historic District; and adequate effort has been made to seek a relocation site within the Historic District.

The findings of fact regarding the historical or architectural significance for the designation of the Historic District shall be used as the primary factual basis upon which decisions are based concerning the Historic District's significance.

7. ALTERATIONS OF A LANDMARK OR CONTRIBUTING RESOURCE

a. Maintenance and Repair of a Landmark or Contributing Resource

Nothing in this section shall be construed to prevent the maintenance or repair of a landmark, or of a contributing resource within a district. Maintenance and repair actions include, but are not limited to:

- i. Replacement of gutters and downspouts, or the addition of gutters and downspouts, using materials that match those that were typically used on similar style buildings;
- ii. Repairing or providing a new foundation that does not result in raising or lowering the building elevation more than one foot, unless the foundation materials and/or craftsmanship contribute to the historical and architectural significance of the landmark;
- ~~iii. Replacement of siding, when required due to deterioration of material, with material that matches or is in character with the original siding;~~
- ~~iiii.~~ Repair and/or replacement of roof materials with the same kind of roof materials existing, or with materials which are in character with those of the original roof;
- iv. Replacement of siding, trim, and window components when such material is beyond repair and where the new piece is of the same size, dimension, material, and finish as that of the original historic material.

- v. Application of storm windows made with wood, bronze or flat finished anodized aluminum, or baked enamel frames which complement or match the color detail and proportions of the building;
- vi. Replacement of existing sashes with new sashes, when using material which is consistent with the original historic material and appearance;
- vii. Painting and related preparation, unless paint color is specifically noted in the findings of architectural significance for the designation of the landmark and the paint is of a different color or colors as noted in the findings;
- viii. Water quality protection actions;
- ix. Alteration, addition, repair and replacement of equipment, piping and flumes functionally related to the generation of electric power with efficient, economical and technologically current materials and components;
- x. Site maintenance such as pruning, landscaping maintenance, brush clearing and removal of debris;
- xi. Temporary removals of roofs or other access obstructions for purposes of repair or maintenance of interior components of industrial or power generation facilities.
- xii. Maintenance of landscaping that is specifically identified in the findings of historical or architectural significance for the designation of the landmark as an integrated element of the historical or architectural significance.

b. Criteria of Approval for a Minor Alteration of a Landmark

In order to approve a request for a minor alteration, the ~~City Manager~~ reviewing authority shall find that:

- i. There is no substantial change in the appearance or material of the resource as it exists; or

Exception: Alterations to provide handicapped access shall be allowed; to the extent practicable the design of the handicapped access shall not diminish the landmark's historical or architectural significance.
- ii. The proposed alteration duplicates or restores the affected exterior features and materials as determined from historic photographs, original building plans, or other evidence of original features or materials; or
- iii. Through an ESEE analysis, it can be shown that the benefit to the community of allowing the alteration outweighs the benefit to the community of preserving the resource in its present condition; and
- iv. The additional considerations under subsection 7.e, below are considered and the additional criteria under subsection 7.f are met. The findings of fact regarding the historical or architectural significance for the designation of the landmark shall be used as the primary

factual basis upon which decisions are based concerning its historical or architectural significance.

c. Criteria of Approval for Major Alteration of a Landmark

In order to approve a major alteration of a landmark, ~~the Development Review Commission, for a major development, and the City Manager, for all other development, unless referred to the Historic Resources Advisory Board pursuant to LOC 50.01.003.2.f.ii., Authority of City Manager,~~ the reviewing authority shall find that:

- i. The proposed alteration will not diminish the historical or architectural significance of the landmark; or

Exception: Alterations to provide handicapped access shall be allowed; to the extent practicable the design of the handicapped access shall not diminish the landmark's historical or architectural significance.

- ii. For alterations ~~which that~~ diminish the historical or architectural significance, through an ESEE analysis, it can be shown that the benefit to the community of allowing the alteration outweighs the benefit to the community of preserving the resource in its present condition; and

- iii. The additional considerations under subsection 7.e, below are considered and the additional criteria under subsection 7.f are met. The findings of fact regarding the historical or architectural significance for the designation of the landmark shall be used as the primary factual basis upon which decisions are based concerning its historical or architectural significance.

d. Criteria of Approval for Alteration to a Contributing Resource

In order to approve an alteration to a contributing resource ~~the the City Manager, for a minor development, or the Development Review Commission, for a major development,~~ must find reviewing authority shall find that:

- i. There is no substantial change in the appearance or material of the resource as it exists;
or

Exception: Alterations to provide handicapped access shall be allowed; to the extent practicable the design of the handicapped access shall not diminish the landmark's historical or architectural significance.

- ii. The proposed alteration duplicates or restores the affected exterior features and materials as determined from historic photographs, original building plans, or other evidence of original features or materials; or

- iii. The ~~the~~ proposed alterations will not diminish the historical or architectural significance of the contributing resource; or

- iv. Through an ESEE analysis, it can be shown that the benefit to the community of allowing the alteration outweighs the benefit to the community of preserving the resource in its present condition; and

v. The additional considerations under subsection 7.e, below are considered and the additional criteria under subsection 7.f are met.

The findings of fact regarding the historical or architectural significance for the designation of the contributing resource shall be used as the primary factual basis upon which decisions are based concerning its historical or architectural significance.

e. Additional Considerations for Granting Authority's Deliberations

The following considerations are to be used as a guide in the granting authority's deliberations when approving applications under subsections 7.b – 7.d above:

~~i. The use of the resource, the reasonableness of the proposed alteration, and the relationship of these factors to the public interest in the preservation of the resource, or alterations which diminish the historical or architectural significance may be allowed if, through an ESEE analysis, it can be shown that the benefit to the community of allowing the alteration outweighs the benefit to the community of preserving the resource in its present condition. The alteration is consistent with the use of the resource.~~

~~ii. The significance of the resource and the community benefit to preserving it.~~

~~iii. The public interest in the preservation of the resource.~~

~~iiiv. The physical condition of the resource.~~

~~iv. The effect of requested changes related to the original exterior design, arrangement, proportion, detail, scale, texture, and/or materials, including the following:~~

~~(1) Retention of Original Construction: Distinguishing original qualities defining a structure's character shall not be destroyed. Removal or alteration of historic materials or distinctive architectural features should be avoided when possible.~~

~~(2) Time Period Consistency: Structures shall be recognized as products of their own time. Alterations that have no historical basis or which seek to create an earlier appearance shall be avoided.~~

~~(3) Visual Integrity/Style: Distinctive stylistic features, such as a line of columns, piers, spandrels, or other primary structural elements, or examples of skilled craftsmanship which characterize a structure, shall be maintained or restored as far as is practicable.~~

~~(4) Replacement or Addition Materials: Whenever possible, deteriorated architectural features shall be restored rather than replaced. In the event that replacement of an existing feature is necessary, or an addition is proposed, new materials should match those of the original structure, to the extent possible, in composition, design, color, texture, and other visual qualities.~~

f. Additional Criteria for Reviewing Authority's Deliberations

The following criteria shall be met when approving applications under subsections 7.b – 7.d above:

(5i) Building Height: Existing building height should be maintained. Raising or lowering a structure's permanent elevation when constructing a foundation ~~shall~~ should be avoided, except as required by Building Code or floodplain requirements.

(6ii) Horizontal Additions: The scale and proportion of building additions, including the relationship of windows to walls, shall be visually compatible with the traditional architectural character of the historic building. Contemporary construction is acceptable if the design respects the building's original architectural style and is compatible with the original scale, materials, window and door opening proportions of the structure.

(iii) Roof Form: Alteration of roof pitches, roof shapes, and materials should maintain the architectural style of the building.

(iv) Rehabilitation Work: Preserve existing historic building elements or replace with building elements and materials that replicate the historic elements, as documented through verifiable evidence, such as photographs.

~~(7) Windows: Window replacements shall match the original windows in materials and appearance. The original number of window panes shall be maintained or restored when replacements are required.~~

(v) Window Restoration: Windows (frames, sashes, muntins, glazing, sills, heads, hoodmolds, paneled or decorated jambs, moldings and exterior shutters) that define the historic character of the building should be retained and preserved. This is achieved by:

(1) Protecting and maintaining the wood and architectural metal that comprise the window frame, sash and muntins.

(2) Making windows weather tight by re-glazing re-caulking and replacing or installing weather-stripping.

(3) Repairing window frames and sashes by patching, splicing, consolidating or otherwise reinforcing, and replacing in kind parts that are extensively deteriorated or missing.

(4) Replacing a window in kind that is documented to be too deteriorated to repair.

(vi) Window Replacement: Window replacements shall match the original windows in materials and appearance. The original number of window panes (or lights) shall be maintained or restored when windows replacements are required. Double-pane windows may be installed if:

(1) No observable tinting of the glass panes is used.

(2) A spacer bar is present between the inner and outer mullion.

(3) The same trapezoidal profile of the outside putty seam is used.

(4) The same frame size as the original windows is used.

(5) The same inside profile is used.

~~(8) Restoration Possible: Except where Building Code precludes it, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure could be restored.~~

(9vii) Signs, Lighting, Landscaping, Fences: Signs, lighting, and other appurtenances, such as walls, fences, awnings, and landscaping, shall be visually compatible with the scale and traditional architectural character of the historic building.

(viii) Additional Standards (Secretary of Interior Standards)

(1) Retention of Original Construction: A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) Historic Integrity: The historic integrity of the property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Time Period Consistency: Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Historic Changes: Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive Architectural Features: Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(6) Preservation, Restoration and Rehabilitation: 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.

(7) Appropriate Treatments: 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 gentlest means possible.

(8) Archaeology: Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New Additions: New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and

architectural features to protect the historic integrity of the property and its environment.

(10) Reversibility: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

v. ~~Pertinent aesthetic factors as identified in LOC 50.06.009.4 or the Historic District List of Contributing Resources for the subject property.~~

vi. ~~Any design guidelines adopted by the Board.~~

8. LAND DIVISIONS AND LOT LINE ADJUSTMENTS OTHER DEVELOPMENT IN HISTORIC DISTRICTS

a. Applicability Criteria of Approval for Major or Minor Development, Other Than Alterations

~~The reviewing authority~~This subsection applies to, in its review of development applications pursuant to LOC 50.07.003, Review Procedures, involving new construction of structures or subdivisions, ~~partitions,~~land divisions or and lot line adjustments on sites containing landmarks or contributing resources, and affecting landmarks or property within a Historic District, ~~other than alterations,~~ shall conclude that criteria in this section are met before granting approval to the development.

Criteria for Approval for Land Division or Lot Line Adjustment

~~In order to approve a~~A proposed land division or lot line adjustment on a landmark site or within a Historic District, ~~the reviewing authority~~ must find that meet the following criteria:

i. The land division or lot line adjustment does not result in a landmark or contributing resource ~~to be being~~ split into separate lots.

ii. The land division or lot line adjustment plat or map requires adequate setbacks from landmark or contributing resource improvements to provide for buffering and mitigation of impacts associated with development on the resulting parcels.

iii. Yard and landscaped areas including large trees and shrubs that contributes to its historical or architectural significance ~~associated with the landmark~~ shall be retained ~~with the structure whenever possible,~~ unless landscaping conflicts with utilities or other requirements of LOC 50.06.009 or applicable city, state or federal regulations. (The reviewing authority may require replacement landscaping as mitigation under these circumstances.)

The findings of fact regarding the historical or architectural significance of the yard and landscaped area as stated in the landmark's designation shall be used as the primary factual basis upon which decisions are based concerning retention of yard and landscaped areas.

~~c. Criteria for New Construction, Other Than Alterations (Major or Minor Development)~~

~~New Construction of Structure. In order to approve an application for new construction which is a major or minor development the reviewing authority must find that:~~

~~i. The design of the proposed structure is compatible with the design of the landmark resource on the site; or the characteristics of the Historic District considering scale, style, height, architectural detail and materials.:~~

~~ii. 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.~~

dc. Considerations of HRAB Recommendation

Where HRAB is not the reviewing authority for development applications involving historic resources, The ~~the~~ reviewing authority shall consider ~~the~~ a recommendations ~~if one is made by the Historic Resources Advisory Board~~HRAB. and ~~if it disagrees with the Board's conclusions,~~ shall explain its reasons for disagreement.

e. Criteria of Approval for an Alteration to Noncontributing Resources within a Historic District Which is not a Major Development

For noncontributing resources within a Historic District, an alteration which adds 30% or more of the habitable square footage of the original structure shall be reviewed by the City Manager. In order to approve an application the City Manager must find that:

i. The general compatibility of the exterior design, arrangement proportion, detail, scale, texture and materials proposed to be used in the new addition with the design of the remaining portions of the structure; and

ii. The effect of the proposed addition or new construction on the character of the Historic District.**9.**

BUILDING CODE REQUIREMENTS, HANDICAPPED ACCESS DEMOLITION OR RELOCATION OF NATIONAL REGISTER RESOURCES

~~a. Any alteration or relocation of a landmark shall be subject to the applicable regulations under the Uniform Building Code. Variations to the Uniform Building Code requirements may be authorized by the Building Official as provided for in Section 104(f) of that Code.~~

~~b. Alterations of landmarks and contributing resources to provide handicapped access shall be allowed. To the extent practical the design of the alteration shall preserve the features identified in LOC 50.06.009.4 upon which the Historic Resource Designation is based.~~

a. Purpose

The purpose of this subsection is to comply with OAR 660-023-0200.

b. Definition

Notwithstanding other definitions applicable to LOC 50.06.009, for the purposes of this subsection 9:

(i). "Demolish" or "Demolition" means "any act that destroys, removes, or relocates, in whole or part, a significant historic resource such that its historical or architectural character and significance is lost." (OAR 660-023-0200(1))

c. Review of Demolition or Relocation of National Register Resources

An application to demolish or relocate a National Register Resource shall demonstrate, and the reviewing body shall find the following factors have been considered: condition, historic integrity, age, historic significance, value to the community, economic consequences, design or construction rarity, and consistency with and consideration of other policy objectives in the Comprehensive Plan have been considered (OAR 660-023-0200(8)(a)). The factors are not criteria to be applied by the reviewing authority.

10. Preservation of Archaeological Resources

Applicants shall preserve archaeological resources under Oregon State law by complying with the following:

a. Archeological resources must be protected and preserved in place subject to the requirements of federal, state and local regulations including the guidelines administered by the Oregon State Historic Preservation Office and ORS 358.905 - 358.962.

b. A person may not excavate, injure, or destroy or alter an archaeological site or object, or remove an archaeological object located on public or private lands, unless that activity is authorized by a permit issued under ORS 390.235. A violation of this subsection is a misdemeanor.

11. Property Maintenance of Historic Landmark Structures

a. Purpose

The purpose of this subsection 11 is to safeguard the city's historical, architectural, archeological, or cultural significance as embodied and reflected in its historic landmarks. It is declared as a matter of public policy that the retention of historic landmarks is a public necessity and promotes the public health, prosperity, safety and welfare.

b. Definitions

For the purpose of this subsection 11, the following definition shall apply:

(i). Neglect of Landmark means the gradual deterioration of a landmark building when routine or major maintenance is not performed that if left unrepaired could lead to:

(1). Structural deficiency or a deficiency in a building part, which left unrepaired could lead to deterioration of the building's structural frame.

(2). The building being open to entry by vandals or vagrants.

c. Applicability.

This Section 11 is applicable to all buildings that are designated as landmarks under LOC 50.06.009.4.

d. Criteria for Determining Neglect of Landmark

The criteria for Neglect of Landmark is met if one or more of the following are met:

- i. The deterioration of a building to the extent that it creates or permits a hazardous or unsafe condition as determined by the building official;
- ii. The deterioration of a building(s) characterized by one or more of the following:
 - (1). Those buildings, which have parts thereof which are so attached that they may fall and injure members of the public or property;
 - (2). Deteriorated or inadequate foundation;
 - (3). Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety;
 - (4). Members of walls, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration;
 - (5). Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;
 - (6). Members of ceiling, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration;
 - (7). Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety;
 - (8). Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration; or
 - (9). Any fault, defect, or condition in the building, which renders the same structurally unsafe or not properly watertight; or
- iii. Action by the City Fire Marshal or Building Official relative to the safety or physical condition of any building.

e. Inspection of Landmark; Notice to Correct

- i. When the City Manager has cause to believe that the condition of a landmark building exists that constitutes Neglect of Landmark, the City Manager shall notify the Owner and request inspection of the landmark building. If the Owner does not permit entry for inspection, the City Manager may obtain an administrative warrant for entry to the property, if necessary to determine the condition of the landmark.
- ii. If the City Manager determines that the condition of a landmark building exists that constitutes Neglect of Landmark, the City Manager shall issue a notice and order directed to the Owner of the landmark building. The notice and order shall contain:
 - (1). The street address and a legal description sufficient for identification of the premises upon which the building is located.

(2). A statement that the City Manager has found condition(s) existing that constitute Neglect of Landmark, with a brief and concise description of the conditions.

(3). A statement of the corrective action required to be taken as determined by the City Manager to eliminate the condition(s), and the dates as determined by the City Manager to be reasonable under all of the circumstances by which the corrective action is to be commenced and completed.

The notice shall be mailed to the Owner by first class mail, to the Owner’s mailing address as shown by the most recent property tax assessment roll.

50.07.001 SUMMARY PROCEDURES TABLE

TABLE 50.07.001-1: SUMMARY PROCEDURES TABLE										
Type of Decision	Code Section	Pre-Application Conference Required?	Neighborhood Meeting Required?	Notice Required?	Public Hearing Required?	Authority R = Recommendation; D = Decision; A = Appeal				
						City Manager	Planning Commission	DRC	HRAB	City Council
Ministerial Development	50.07.003.13	No	No	No	No	D				
Minor Development [2]	50.07.003.14									
<i>Subdivision or Planned Development</i>		Yes	Yes	Yes	Yes	R		D		A
<i>Development Review (Ed. Note)</i>		Yes	[1]	Yes	Yes [3]	R/D		D/A		A
<i>Development in the R-DD Zone</i>		Yes	[1]	Yes	Yes	R		D		A
Historic Reviews:										
<ul style="list-style-type: none"> • <u>Designation or removal of designation of a historic landmark or district;</u> • <u>Modification of a historic district;</u> • <u>Demolition or moving of a landmark</u> 		<u>No</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>R</u>			<u>D</u>	<u>A</u>

TABLE 50.07.001-1: SUMMARY PROCEDURES TABLE

Type of Decision	Code Section	Pre-Application Conference Required?	Neighborhood Meeting Required?	Notice Required?	Public Hearing Required?	Authority R = Recommendation; D = Decision; A = Appeal				
						City Manager	Planning Commission	DRC	HRAB	City Council
<u>Major Alterations of a landmark</u>		<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>D[4]</u>		<u>D[4]</u>	<u>R[4]</u>	<u>A</u>
<u>Demolition, relocation, or alteration of landmark on the National Register of Historic Places</u>		<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>				<u>D</u>	<u>A</u>
<ul style="list-style-type: none"> <u>Minor Alterations of a historic landmark</u> <u>Demolition or Moving of a contributing resource</u> 		<u>Yes</u>	<u>[1]</u>	<u>Yes</u>	<u>No</u>	<u>D</u>		<u>A</u>	<u>A</u>	<u>A</u>
Minor Variance	50.08.002	Yes	[1]	Yes	No [2]	R/D		D/A		A
Design Variance										
• R-DD Design	50.08.003.2.a	Yes	[1]	Yes	Yes	R		D		A
• Downtown Redevelopment Design District	50.08.003.2.b	Yes	[1]	Yes	Yes	R		D		A
• Foothills Mixed Use District	50.08.003.2.c	Yes	[1]	Yes	Yes	R		D		A
• Lake Grove Village Center Overlay District	50.08.003.2.d	Yes	[1]	Yes	Yes	R		D		A
• Residential Infill Design (RID) Review Process	50.08.003.2.e	Yes	[1]	Yes	No [2]	R/D		D/A		A
Major Variance	50.08.004	Yes	[1]	Yes	Yes	R		D		A

TABLE 50.07.001-1: SUMMARY PROCEDURES TABLE

Type of Decision	Code Section	Pre-Application Conference Required?	Neighborhood Meeting Required?	Notice Required?	Public Hearing Required?	Authority R = Recommendation; D = Decision; A = Appeal				
						City Manager	Planning Commission	DRC	HRAB	City Council
All Other Minor Development		Yes	[1]	Yes	No [2]	R/D		D/A		A
Major Development	50.07.003.15									
Mixed Use ODPS		Yes	Yes	Yes	Yes	R	D			A
Single Use ODPS		Yes	Yes	Yes	Yes	R		D		A
Major Development on or to a historic resource; and Major Development within a historic district		Yes	[1]	Yes	Yes	R		D	R	A
All Other Major Development		Yes	Yes	Yes	Yes	R		D		A
Legislative	50.07.003.16	No	No	Yes	Yes		R			R/D
Notes:	<p>[1] Neighborhood meeting required for a partition and subdivision. The City Manager may require a neighborhood meeting prior to the filing of an application for any other development permit if the City Manager deems neighborhood contact to be beneficial.</p> <p>[2] Per LOC 50.07.003.14.d.i, the City Manager may refer a minor development application directly to a hearing body.</p> <p>[3] Depending on the scope of the proposed development, a decision on an application for development review may be referred to the City Manager. Typically, applications referred to the City Manager involve minor alterations or other small-scale projects.</p> <p>[4] At the discretion of the City Manager, an application for a major alteration of a duplex or single family home designated as a landmark may be referred to HRAB for hearing and decision.</p> <p><u>[4] If a Major Alteration of a landmark or contributing resource is combined with a major or minor (non-historic) development application, the combined application shall be reviewed by City Manager or DRC as all other major or minor development applications. HRAB may recommend findings to the reviewing authority on criteria for the Major Alteration portion of application.</u></p>									

TABLE 50.07.001-1: SUMMARY PROCEDURES TABLE

Type of Decision	Code Section	Pre-Application Conference Required?	Neighborhood Meeting Required?	Notice Required?	Public Hearing Required?	Authority R = Recommendation; D = Decision; A = Appeal					
						City Manager	Planning Commission	DRC	HRAB	City Council	
											[Ed. Note: The italicized text in the Authority column at the end of the row is an editorial note, for the public convenience. They are not adopted code text at this time (4-29-15), but will be included in a future proposal for code amendment.]

50.07.002 LIST OF DECISION-MAKERS

1. CITY MANAGER

The City Manager shall be responsible for review and decision-making for the following types of applications:

- a. Minor development;
- b. The following minor developments regarding historic resources:
 - i. Minor or major alteration of a ~~historic duplex or single-family dwelling landmark (except major developments — referable to the Historic Resources Advisory Board),~~
 - ~~ii. Major alteration of all other historic resources,~~
 - iii. Moving or demolition of a contributing resource,
 - ~~iv. Alteration or addition of 30% or more of floor area to a noncontributing resource,~~
 - iv. Lot line adjustments and minor partitions that occur on a landmark or within a Historic District, and
 - vi. Minor development on or to a landmark within a Historic District;
- c. Ministerial development;
- d. Ministerial development for all other historic resources for which the City Manager has decision-making authority.

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4. DEVELOPMENT REVIEW COMMISSION

The Development Review Commission shall be responsible for review and decision-making for the following applications:

- a. Major development;
- b. The following development regarding historic resources:
 - i. Major development on or to a historic resource,
 - ii. Major development within a Historic District;
- c. Requests for design variances within the Downtown Redevelopment District, LGVC Overlay, and the FMU District;
- d. Minor development in the R-DD zone; and
- e. Major variances.

5. HISTORIC RESOURCES ADVISORY BOARD

The Historic Resources Advisory Board shall be responsible for review and decision-making for the following applications:

- a. ~~Designate~~ Designating or removing designation of a historic resource;
- ~~b. Remove a historic designation;~~
- ~~cb.~~ Establish, modify, or abolish a Historic District;
- ~~d. Delay a decision on demolition of a landmark;~~
- ~~ec.~~ Demolition or moving of a landmark; ~~and~~
- ~~f. Major alteration of a historic duplex or single-family dwelling (upon referral from the City Manager).~~
- d. Demolition (as defined in LOC 50.06.009.8.b) or Relocation of a National Register property.

50.07.003 REVIEW PROCEDURES

///

12. EXEMPT DEVELOPMENT

a. Classification

Exempt developments include:

- i. Landscaping or landscape alterations, unless:

(1) Such landscaping or alterations would modify or violate a condition of approval of a prior permit. In such instance, the permit shall be processed as a modification of the prior permit;

(2) Located within the Greenway Management Overlay District; or

(3) Located within an RP or RC overlay district, or an RC or HBA protection area, and not exempt from the requirements of the Sensitive Lands regulations pursuant to LOC [50.05.010.2.b](#).

(4) The site is listed on the Landmark Designation List and landscaping is identified in the findings of fact regarding the historical, architectural, archeological, or cultural significance of the landmark for its designation.

ii. Normal or emergency repair or maintenance of public or private buildings, structures, or utilities.

iii. Construction of a structure that does not require a building permit.

iv. Interior remodeling which does not change a structure's occupancy classification or change the structure to a use that does not qualify as a permitted use in the zone.

v. Exterior remodeling of a structure that does not require a building permit and the structure is not identified as a landmark on the City Landmark Designation List and is not a contributing resource in a Historic District.

vi. Exterior remodeling of a National Register property that (1) is not a "demolition" as defined in OAR 660-023-0200(1), and (2) does not require a building permit.

vii. Street vacations.

viii. Temporary structures and uses listed in LOC [50.03.005](#) or which are for relief of victims of disaster or in an emergency.

~~viii~~ix. Where an awning is the only change to the facade of an existing building, and the awning is funded or partially funded utilizing a financial incentive grant, provided by or obtained through the authority of the City of Lake Oswego or LORA. "Financial incentive" includes a grant, fee waiver, revolving loan, tax abatement, property exchange, or similar financial incentive provided by or secured through the City or LORA.

///

13. MINISTERIAL DEVELOPMENT DECISIONS

a. Ministerial Development Classification

ii. Ministerial Development Types

///

(2) Construction or exterior modification of a detached single-family dwelling, accessory dwelling unit, a single duplex on a lot, zero lot line dwelling or a structure accessory to such structures which:

///

(c) Does not impact a historic landmark designated pursuant to LOC [50.06.009](#);

(d) is not located within a Historic District;

(de) Does not change the nature of the use or occupancy classification to a use that does not qualify as a permitted use in the zone or as an approved conditional use;

(ef) Does not require special design review by the zone, design district, prior development approval or Overall Development Plan and Schedule (ODPS) for the development in which the subject property is located; or

(fg) Is not located in the Greenway Management Overlay District, as identified in LOC [50.05.009](#).

///

14. MINOR DEVELOPMENT DECISIONS

a. Minor Development Classification

i. A minor development is a development which requires a permit from the City that:

(1) Requires a more discretionary level of review than a ministerial decision. "Minor development" is intended to include decisions defined as "limited land use decisions" pursuant to ORS [197.015](#)(12); or

(2) Is reviewed based on Clear and Objective Housing Standards for Approval in LOC [50.06.001.7](#), Building Design; LOC [50.05.004.13](#), Downtown Redevelopment Design District; LOC [50.05.006.9](#), Old Town Neighborhood Design; or LOC [50.05.005.9](#), West Lake Grove Design District together with other applicable zoning and development standards.

ii. "Minor development" under subsection 14.a.i(1) of this section includes:

///

(2) Construction or exterior modification of a detached single-family structure, duplex, zero lot line dwelling or a structure accessory to such structures which:

(a) Does not qualify as a ministerial decision pursuant to LOC [50.07.003.13.a.ii\(1\)](#) or (2); or

(b) Requires one or more variances.

///

(5) Construction of a structure other than a detached single-family dwelling, duplex, zero lot line dwelling or accessory structure, or an exterior modification of such a structure which does not qualify as a ministerial development pursuant to LOC [50.07.003.13.a.ii\(3\)](#).

(6) Lot line adjustments that:

(a) Increase allowable density on the site; or

(b) Involve a historic landmark site or are located in an historic district.

(7) Partitions.

(8) Subdivisions (with or without a planned development overlay).

///

(24) Designation or removal of designation of a historic landmark, historic district or contributing resource [LOC 50.06.009.4].

(25) Moving, demolition, or minor or major alteration of a historic landmark or contributing resource [LOC 50.06.009.6]

(26) "Demolition" (as defined in OAR 660-023-0200(1)) or relocation of a National Register property [LOC 50.06.009.9].

(2427) Building paint color change on a historic landmark when the findings of fact regarding the historical, architectural, archeological, or cultural significance of the landmark include building paint color in the landmark's designation.

//

d. Review and Decision

i. ~~Reviewing by City Manager~~ Authority

Except for applications for a minor development in the R-DD zone, downtown redevelopment, LGVCO, and FMU district design variances (LOC [50.08.003.2.a](#) through [50.08.003.2.d](#)), major variances, and appeals of a decision of the City Manager regarding a minor development application, minor development permit applications shall be reviewed and decided by the City Manager. In the alternative, the City Manager may refer a minor development application directly to a hearing body for public hearing and decision pursuant to LOC [50.07.003.4](#), Hearings.

Minor development in the R-DD zone, design variances in the downtown redevelopment, LGVCO, and FMU districts, and major variances shall be reviewed by the Development Review Commission pursuant to LOC [50.07.003.4](#), Hearings.

Designation and Removal of Designation of Landmarks and Historic Districts; Demolition Moving, Alteration of a Landmark; and Demolition and Relocation of National Register properties shall be reviewed as provided in LOC 50.01.003.2 and .3.

ii. Review Criteria for Minor Developments

A minor development shall comply with:

- (1)** The requirements of the zone in which it is located;
- (2)** The development standards applicable to minor developments;
- (3)** Any additional statutory, regulatory or Lake Oswego Code provisions which may be applicable to the specific minor development application, as provided for in this Community Development Code (LOC Chapter [50](#)), Stormwater Management Code (LOC Article [38.25](#)), streets and sidewalks chapter (LOC Chapter [42](#)), and the tree cutting chapter (LOC Chapter [55](#)); and
- (4)** Any applicable condition of approval imposed pursuant to an approved ODPS or prior development permit affecting the subject property.

iii. Final Decision

(1) City Manager Approve, Condition, or Deny Application

The City Manager shall make a final decision on a minor development application following expiration of the 14-day comment period. The City Manager shall approve, approve with conditions pursuant to LOC [50.07.003.5](#), or deny the application based upon the applicable criteria and the evidence submitted by the applicant and other interested persons during the comment period. Approval or denial of an application shall be accompanied by written findings that explain the criteria and standards considered relevant to the decision, state the facts relied upon in rendering the

decision and explain the justification for the decision based on the criteria, standards and facts set forth. The date of the decision for purposes of appeal is the date on which the City Manager signs the written findings.

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e. Appeal

The appeal procedures for minor development decisions are provided by LOC [50.07.003.7.b](#), Appeal of a Minor Development Decision.

50.07.004 ADDITIONAL SUBMISSION REQUIREMENTS

This section contains submission and review criteria for the procedures listed below. Where review criteria are important for an understanding of the substantive requirements of a section or limited in size they have been maintained with the substantive provisions.

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4. HISTORIC PRESERVATION

a. Process to Initiate Historic Review

i. Designating or removing a designation of a landmark or contributing resource

The City Council, Historic Resources Advisory Board (~~Board~~HRAB), property owner, City Manager, or their authorized representative may initiate the following processes:

- (1) Designating a landmark or a contributing resource;
- (2) Removing a landmark or contributing resource designation;
- ~~(3) Designating a contributing resource;~~
- ~~(4) Removing contributing resource designation.~~

ii. Create ~~Creating~~ or Modifying a Historic District

The City Manager shall make available information regarding the benefits and restrictions of a designation to all the property owners within the proposed Historic District boundaries.

The City Council, HRAB, or owners of not less than one third of the privately owned property in the area sought to be designated may initiate the creation or modification of a historic district. If there is multiple ownership in a parcel of land, the vote of the property shall be determined by the majority ownership of the parcel. ~~The process to create or modify the boundaries of a~~ Historic District may be initiated by the City Council, the Board, City staff, or by the owners, or

their authorized representatives, of at least one-third of the privately owned property in the area sought to be designated.

In the case of a boundary modification:

~~(1) If adding area to the Historic District, the owners of property properties within the area to be added encompassed by the existing district and the total proposed district boundary shall be counted.~~

~~(2) If subtracting area from the Historic District: all properties within the Historic District shall be counted. If there is multiple ownership in a parcel of land, each consenting owner shall be counted as a fraction equal to the interest the owner holds in the land relative to other owners. At the time of application, the City Manager shall make available information regarding the benefits and restrictions of a designation to all the property owners within the proposed Historic District boundaries.~~

iii. Demolishing or Moving a Landmark and/or Contributing Resource

~~(1) The process for demolishing or moving a landmark or contributing resource may be initiated only by the property owner or their authorized representative.~~

iv. Application Requirements

The following information is required in an application pursuant to this section to initiate a review process:

- ~~(1) The applicant's name and address;~~
- ~~(2) The owner's name(s) and address(es), if different from the applicant, and a statement of authorization to act on behalf of the owner;~~
- ~~(3) An explanation of what review process the applicant wishes to initiate and why;~~
- ~~(4) A written description of the boundaries of the proposed Historic District, if applicable, or the location of the site;~~
- ~~(5) A map illustrating the boundaries of the proposed district, if applicable, or the location of the site;~~
- ~~(6) A statement explaining compliance with the applicable approval criteria;~~
- ~~(7) Any other information deemed necessary by the City Manager.~~

b. (2) Process for Moving or Demolition of a Landmark

~~i.~~ If an application to demolish a landmark is based upon compliance with LOC ~~50.06.009.6.b.i(1)~~, demolition due to severe hazard, the request shall be directly forwarded to the Board for a public hearing and decision. If the application to demolish is based upon compliance with LOC ~~50.06.009.6.b.i(2) or (3)~~ or if the application requests to move a landmark, ~~a~~At least 120 days prior to submittal of the application, the applicant shall prepare and submit a plan for preservation of the landmark. One or more pre-application conferences 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 City after seven days following the pre-application conference.

ii.(3) Preservation Plan

The preservation plan shall include a narrative describing how the applicant will accomplish all of the following:

(1a) The applicant or the 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 pre-application period and shall provide evidence of such advertising.

(2b) Give public notice by posting the hearing notice on site in addition to a "For Sale" sign which shall read: HISTORIC BUILDING TO BE MOVED OR DEMOLISHED – FOR SALE. The sign shall also state the City department and telephone number to call for further information. The sign shall be provided by the City and be posted in a prominent and conspicuous place within ten ft. of each abutting public right-of-way on which the resource is located. The applicant is responsible for assuring that the sign is posted for the entire pre-application period.

(3c) Prepare and make available information related to the history and sale of the property to all who inquire.

(4d) Provide information regarding the proposed use for the landmark site.

(5e) 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 within the district, the applicant shall provide a list of property locations and owners who were contacted regarding purchase of a relocation site.

(4)iii Media Release

Following receipt of the preservation plan, the City Manager shall issue a media release to local and state newspapers of general circulation in the City. The media release shall include, but not be limited to, a description of the significance of the landmark, the reasons for the proposed demolition or removal, and possible options for preserving the landmark.

(5)iv Postponement of Decision on Demolition of Landmark

The Board may postpone up to 60 days making a final decision to approve, or approve with conditions, a request to demolish a landmark if it meets the criteria in LOC [50.06.009.6.b.i\(2\)](#), ESEE analysis, or (3) hardship. The postponement period may be invoked if the Board finds that:

(1a) There is a program or project underway that could result in preservation of the landmark; or

(2b) There is substantial evidence that a program or project will soon be underway and will successfully preserve the landmark.

(6)v. Issuance of Moving or Demolition Permit

A moving or demolition permit for a landmark found to comply with LOC [50.06.009.6.a.i](#) or LOC [50.06.009.6.b.i\(2\)](#) or (3) shall not be issued until all development permit applications for the new use or development have been approved by the City.

(7)vi Demolition of Unsafe Buildings

This section shall not be construed to make it unlawful for any person, without prior approval of the Board, to comply with an order by the City Manager or other competent authority to remove or demolish any landmark determined to be dangerous to life, health, or property.

bc. ~~Process for~~ Moving or Demolition of a Contributing Resource

i. If the application is based upon compliance with LOC [50.06.009.6.e.ii](#), the following actions must be commenced at least 90 days before an application can be approved:

(1) Contact the City Manager.

(2) Continuously post a "For Sale" sign on the contributing resource site which shall read: "Contributing Historic Resource to be moved or demolished – For Sale," with property owner and City contact information also included. The sign will be provided by the City and shall be posted in a prominent and conspicuous place within ten ft. of each abutting right-of-way.

(3) The applicant or the applicant's agent shall advertise the resource in local and state newspapers of general circulation in the area once per week for 90 days and shall provide evidence of such advertising.

(4) To ensure that an adequate effort has been made to secure a relocation site within the district, the applicant shall provide a list of property locations and owners who were contacted regarding purchase of a relocation site.

d. Casualty Destruction of a Historic Resource

A historic resource damaged or destroyed by unintentional means to the extent that the cost of rebuilding damaged portions would exceed 50% of the replacement value of the entire historic resource may be removed from the Landmark Designation List by requesting such action of the City Manager and providing such proof as is necessary to establish that the requirements of this section are met.

~~**e. Review Procedures and Historic Resources Advisory Board Recommendation**~~

~~The Development Review Commission shall apply the criteria of this chapter for major development which occurs on or to a landmark or within a Historic District during its normal consideration of such development. The Historic Resources Advisory Board may make recommendations regarding these matters to the Development Review Commission.~~

50.09.003 PENALTIES

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3. HISTORIC PRESERVATION

a. _____ A violation of any provision of LOC 50.06.009, except the demolition provisions of LOC 50.07.004.4.b and 50.06.009.6.b, is a civil violation and shall be enforced pursuant to the provisions of LOC 34.04.101 to 34.04.145. Each day that the violation exists constitutes a separate violation. The demolition of a landmark in violation of LOC 50.07.004.4.b or 50.06.009.6.b is a misdemeanor and shall be punished as provided in LOC 34.02.081, Criminal Penalties.

b. _____ For Neglect of Landmark,

i. _____ It shall be a civil violation for an owner to not remedy the condition(s) constituting Neglect of Landmark within the date specified in the City Manager's Notice and Order.

ii. _____ The City Manager may initiate civil violation proceedings pursuant to LOC Article 34.04 against the Owner of the landmark building.

iii. _____ The violation shall be punishable by a fine as provided in LOC 13.02.020.

iv. _____ As a cumulative remedy in addition to civil violation, upon request of the City Manager, the City Attorney may institute an appropriate action in any court to enjoin the Neglect of Landmark which is in violation of any provision of this section.

50.10.003 DEFINITIONS

1. INTERPRETATION

- a. For the purposes of this Code certain terms and words are defined as follows: the words "used for" include "designed for" and vice-versa; words used in the present tense include the future, the singular tense includes the plural and vice-versa; the word "shall" is always mandatory; the word "may" is discretionary; the masculine gender includes the feminine gender, except as otherwise provided.
- b. In the case of conflict between two similar or identical terms, the term identified as Historic Preservation or Solar Access shall take precedence over the general term when applied to historic preservation or solar access requirements.

2. DEFINITION OF TERMS

The following terms shall mean:

///

Alteration (Historic Preservation)

Alteration: An addition to, or removal of a portion of, or reconfiguration of a landmark that changes an elevation of a landmark or contributing resources (not applicable to National Register properties; see "Demolition")

Alteration, Major (Historic Preservation)

An exterior alteration which ~~that~~ is not a minor alteration.

~~Alteration, Minor (Historic Preservation)~~

~~An exterior alteration which does not change the appearance or material of the landmark or contributing resource as it exists, or which duplicates or restores the affected exterior features and materials as determined from historic photographs, original building plans or other evidence of original features or materials.~~

Alteration, Minor (Historic Preservation)

An alteration (Historic Preservation) that does not:

- a. Change the height of the building,
- b. Make a substantial change to an elevation visible from the public right-of-way, a public open space, or Oswego lake,
- c. Increase the floor area more than 20 percent provided the building addition is not visible from the public right-of-way, a public open space, or Oswego Lake, and

d. Reduce the square footage of the original structure other than removing previous additions or treatments that did not contribute to the historical or architectural significance of the landmark as stated in the findings of fact for the landmark designation.

Archeological Resource: An archaeological site or materials for which a permit is required by ORS 390.235 to excavate or alter.

//

Demolish (Historic Preservation)

Landmark: To raze, destroy, dismantle, deface or in any other manner cause partial or total destruction of a resource on the Landmark-landmark Designation List or -contributing resource within a historic district or any landmark.

National Register Properties: See LOC 50.06.009.8.b.

///

Eligible/Contributing (Historic Preservation)

A building, structure, object, or site originally constructed 50 years or more ago or is less than 50 years old, but is of exceptional historic or architectural significance and retains and exhibits sufficient historic integrity to convey a sense of history. If located within an existing or potential historic district, the building, structure, object, or site would strengthen the historic integrity of the district.

Eligible/Significant (Historic Preservation)

A building, structure, object, or site originally constructed 50 years or more ago or is less than 50 years old but, is of exceptional historic or architectural significance and retains and exhibits sufficient historic integrity to convey a sense of history. If located within an existing or potential historic district, the building, structure, object, or site would strengthen the historic integrity of the district and would qualify to be considered for designation as a landmark or contributing resource.

///

Exceptional Significance (Historic Preservation)

As used in “exceptional historic significance” or “exceptional architectural significance,” the quality of historic significance achieved outside the usual norms of age, association, or rarity.

Historic Resource (Historic Preservation)

Sites, structures and objects that have local, regional, statewide or national historical significance. Historic Resources have historical significance if they have historic, prehistoric, or archeological significance. Historic resources are landmarks, contributing resources within historic districts, and historic districts. and landmarks.

Historic Integrity

The quality of wholeness of historic location, design, setting, materials, workmanship, and association of a historic resource, as opposed to its physical condition.

Historic Preservation Plan

A Plan that sets forth the goals and policies of the Comprehensive Plan consistent with Goal 5 to conserve open space land, protect natural areas and scenic resources including historic areas, sites structures and objects. It is directed at enhancing the quality of life, economic vitality, and community authenticity.

It includes information about the City’s Historic Preservation program and identifies the benefits of historic preservation. It summarizes existing conditions related to historic preservation including the history of the community and types of historic resources that help convey its heritage.

Historic Significance

The physical association of a building, structure, site, object, or district with historic events, trends, persons, architecture, method of construction, or that have yielded or may yield information important in prehistory or history. A property with historical significance is one that helps in the understanding of the history of the local area, state or nation by illuminating the local, statewide or nationwide impact of the events or persons associated with the property, or its architectural type or style. The local area can include the Lake Oswego community or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

////

Landmark (Historic Preservation)

Any site, object or structure, and the property surrounding it that contributes to its historical or architectural significance, if so designated pursuant to this Code, that is identified designated as a landmark site, object or structure in the Landmark Designation List pursuant to the provisions of this Code.

Landmark Designation List (LDL)

The list of historic resources (see LOC 50.06.009.4) officially recognized by the City of Lake Oswego as important to the history of the Lake Oswego area, within the boundaries of the City of Lake Oswego, and protected under this Code.

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Major Development (~~Historic Preservation~~)

Development defined as major development in LOC [50.07.003.15.a](#), Major Development Classification.

///

Minor Development (~~Historic Preservation~~)

Development defined as minor development in LOC 50.07.003.14.a, Minor Development Classification.

Only the following types of development: (a) construction of single family dwelling, duplex, zero lot line dwellings, accessory building which requires a building permit; garage, carport, studio, etc., (b) minor partition, (c) lot line adjustment where resulting lots will meet requirements of the Community Development Code, (d) signs, (e) tree cutting, (f) grading which is not exempt from the Uniform Building Code and (g) an exterior remodel of a duplex or single family dwelling which requires a building permit.

///

Moving / Relocation (~~Historic Preservation~~)

Relocating a ~~historic~~ Historic or ~~cultural resource~~ Resource from its existing parcel or tax lot to another site.

National Register Resource / National Register Property

Buildings, structures, objects, sites or districts listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470) and maintained by the National Park Service. National Register Property may also be Landmarks if designated pursuant to LOC 50.06.009.

///

Not in Period –(~~Historic Preservation~~)

A building, structure, object, or site that was originally constructed less than 50 years old and does not have exceptional historic or architectural significance to exhibit sufficient historic integrity to convey a sense of history.

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Object (~~Historic Preservation~~)

A construction that is largely artistic in nature or is relatively small in scale and simply constructed in comparison to buildings or structures, including a fountain, sculpture, monument, milepost, etc.

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Owner (~~Historic Preservation~~)

Where used in relationship to real property that is or is being considered to be a historic resource:

- a. The owner of fee title to the real property as shown in the deed records of the county where the property is located; or
 - b. The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or
 - c. If the property is owned in fee title or a purchaser's interest under a land sale contract and is held by a trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner; or
 - d. For a landmark with multiple owners, including a district, a simple majority of owners as defined in (A)-(D); or
 - e. For National Register Resources, the same as defined in 36 CFR 60.3(k).[OAR 660-023-0200]
- Owner does not include individuals, partnerships, corporations or public agencies holding easements or less than fee interests (including leaseholds) of any nature.

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Preservation (Historic)

The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic resource.

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Rehabilitation (Historic Preservation)

The process of returning a historic resource to a state or utility through repair or alteration, which makes possible a use while preserving those portions and features of the historic resource and its site that convey its historic significance.

Restoration (Historic Preservation)

The act or process of accurately depicting the form, features, and character of a historic contributing resource or historic non-contributing resource as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing system and other code-related work to make properties functional is appropriate within a preservation project.

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Site (Historic Preservation)

The location of a significant event, prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic or archeological value regardless of any existing building, structure, or object.

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