



CITY OF LEBANON
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Lebanon Municipal Code Title 16: Development Code

Article Six: Historic Preservation

**Chapter 16.31: Historic Preservation Standards
and Requirements**

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Chapter 16.31: Historic Preservation Standards and Requirements

16.31.010 PURPOSE

The City of Lebanon recognizes that certain significant historic resources located within its boundaries contribute to the unique character of the community and are irreplaceable, and as such, merit preservation. The provisions of this chapter of the Lebanon Development Code establish: (1) an Historic Landmark Commission (the Planning Commission); (2) a program for the identification, evaluation, and designation of historic resources as landmarks; (3) public incentives for the preservation of Designated Landmarks; and, (4) land use regulations regarding the alteration, moving or demolition of Designated Landmarks and Historic Resources of Statewide Significance. This Chapter establishes the provisions for the City to effectively manage its responsibilities vis-à-vis historic resources as set forth in applicable Oregon Revised Statutes (ORS) and Administrative Rules (OARs), as amended, Statewide Planning Goal 5, and the City of Lebanon 2004 Comprehensive Plan.

16.31.020 HISTORIC PRESERVATION TERMINOLOGY AND DEFINITIONS

The following terminology and definitions apply to terms used in this Chapter. Terms not defined have their commonly construed meaning.

- A. Alteration:** An addition, removal, or reconfiguration that significantly changes the character of a historic resource, including new construction in historic districts.
- B. Demolition:** The razing, destruction, or dismantling of a resource to the degree that its historic character is substantially obliterated.
- C. Designated Landmark:** A property officially recognized by the City of Lebanon as important in its history. Such properties will be recorded in the *Lebanon Historic Register*.
- D. Extraordinary Historic Importance:** The quality of historic significance achieved outside the usual norms of age, association, or rarity.
- E. Historic Context Statement (City of Lebanon):** The *City of Lebanon Historic Context Statement* was created in 1994 by the City of Lebanon with assistance from a number of volunteers from the local community. The *Historic Context Statement* provides a thorough documentation of the various historic stages of development within the expanding City Limits of Lebanon. The contextual information in this document addresses the following:
 - 1. Identifying the historical themes, events, designs, and associated individuals that have played an important role in the development of the area;
 - 2. Describing the types and characteristics of historic buildings, structures, objects and districts associated with the identified themes, events, designs, and individuals;
 - 3. Discussing the potential distribution of these buildings, objects, structures, and districts on the landscape;

4. Establishing evaluation standards to use in determining how well existing buildings, structures, objects, and districts represent or illustrate the identified themes, events, designs, and individuals; and
 5. Identifying priorities and treatment strategies to help preserve those buildings, structures, objects, and districts evaluated as representing and/or illustrating community history.
- F. Historic Integrity:** The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.
- G. Historic Resource:** A building, structure, object, site, or district that meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:
1. **Building.** A construction made for purposes of shelter or habitation (e.g., house, barn, store, theater, train station, garage, school, etc.).
 2. **Structure.** A construction made for functions other than shelter or habitation (e.g., bridge, windmill, dam, highway, boat, kiln, etc.).
 3. **Object.** A construction that is primarily artistic or commemorative in nature and not normally movable or part of a building or structure (e.g., statue, fountain, milepost, monument, sign, etc).
 4. **Site.** The location of a significant event, use, or occupation that may include associated standing, ruined, or underground features (e.g., battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.).
 5. **District.** A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites that are unified historically by plan or physical development (e. g. downtown, residential neighborhood, military reservation, ranch complex, etc.).
- H. Historic Resources of Statewide Significance:** Buildings, structures, objects, sites, and districts that are listed on the National Register of Historic Places.
- I. Inventory of Historic Resources:** The record of information about resources potentially significant in the history of The City of Lebanon.
- J. Lebanon Historic Register:** The list of, and record of information about, properties officially recognized by The City of Lebanon as important in its history.
- K. Planning Official:** The City's Planning Official or designees.
- L. Relocation:** The removal of a resource from its historic context.

16.31.030 THE CITY OF LEBANON HISTORIC LANDMARK COMMISSION

A. Authority Invested in the Planning Commission

1. The City of Lebanon's Planning Commission is hereby designated as the City's Historic Landmark Commission, hereinafter the *Commission*.
2. Membership, appointment, occupation and residency, term of office, compensation, vacancies and removal of members of the *Commission* shall be according to the provisions of Chapter 2.24 (Planning Commission) of the Lebanon Municipal Code as amended.
3. A majority of the members of the *Commission* shall constitute a quorum to conduct official business, as per Section 2.24.090 of the Lebanon Municipal Code.
4. *Commission* Officers shall be determined as per the provisions of Section 2.24.070 of the Lebanon Municipal Code.

B. Separation of Duties and Responsibilities of the Planning Commission and the Historic Landmark Commission

All land use deliberations and proceedings of the Planning Commission shall be conducted independently from those of the Historic Landmark Commission, subject to Section C.1 below.

C. Meetings

1. Regular Business Meetings

The *Commission* shall meet at least once a year (annually), and as required, to conduct regular business in a timely fashion. Regular business conducted by the *Commission* may include hearings pursuant to periodic revisions of the Lebanon Historic Register by adding or deleting properties, and responding to requests for such revisions. Regular business meetings may be conducted before, after or during a regularly scheduled Planning Commission Meeting, or held at a separate time at the discretion of the *Commission*. Notice of the meetings shall be in accordance with state law. Minutes, applications, staff reports, findings, and decisions of the *Commission* shall be maintained as public records in accordance with state law.

2. Hearings

- a. Hearings (Quasi-Judicial Review process) to review and act upon applications for the alteration, relocation, or demolition of Designated Landmarks, or the major exterior alteration, relocation, or demolition of Historic Resources of Statewide Significance, shall be held as necessary in a timely fashion before, after, or during any regularly scheduled Planning Commission Meeting, or held at a separate time at the discretion of the *Commission*.
- b. If a historic preservation hearing and decision is related to a pending land use hearing and decision, the two hearings shall be separated. Staff shall determine the order of the proceedings based on the nature of the applications.
- c. Notice of the meetings shall be in accordance with the provisions of Chapter 16.20 of this Code. Minutes, applications, staff reports, findings, and decisions of the *Commission* shall be maintained as public records in accordance with state law. Hearings procedures shall be the same as those used by the Planning Commission for land use hearings in accordance with state law.

3. Staff

The Planning Official shall assign staff as appropriate to facilitate the work of the *Commission*.

16.31.040 POWERS AND DUTIES OF THE CITY OF LEBANON HISTORIC LANDMARK COMMISSION

- A. The *Commission* may adopt and amend by-laws, subject to approval by the City Council, to regulate its internal operations.
- B. For purposes consistent with the provisions of this Chapter and subject to the approval of the City Council, the *Commission* may seek, accept, and expend public appropriations; seek, accept, and expend grant and gift funds; cooperate with public and private entities; and employ clerical and expert assistance¹.
- C. The *Commission* may undertake to inform the citizens of, and visitors to the City of Lebanon, regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of historic resources; provide information on state and federal preservation programs; document historic resources prior to their alteration, demolition, or relocation and archive that documentation; assist the owners of historic resources in securing funding for the preservation of their properties; and recommend public incentives and code amendments to the City Council¹.

¹ To assist in the achievement these goals, the *Commission*, at their discretion, may utilize the efforts of City staff and/or community volunteers, either individuals or groups with a demonstrated positive interest, knowledge, or competence in historic preservation.

- D. The *Commission* may develop and publish, or adopt, written and graphic guidelines and example materials to clarify the decision criteria in this Chapter and to assist applicants in developing complete and viable applications¹.
- E. Employing the procedures and decision criteria in Section 16.31.050 of this Chapter, the *Commission* shall periodically survey, identify and evaluate the historic resources of the City of Lebanon and maintain an Inventory of Historic Resources¹. Such periodic identification and evaluation of the historic resources shall occur at least every ten years. When surveys are being conducted, owners of the subject properties shall be notified and invited to provide comment and input.
- F. Employing the procedures and decision criteria in Section 16.31.060 of this Chapter, the *Commission* shall periodically make recommendations to the City Council to revise the Lebanon Historic Register by adding or deleting properties, and make recommendations to the City Council on requests to include a potential historic resource on, or remove a listed resource from the Lebanon Historic Register¹. Such periodic revisions of the Lebanon Historic Register shall occur at least every ten years (beginning with the adoption of this Code).
- G. Employing the procedures and decision criteria in Sections 16.31.070 and 16.31.080 of this Chapter, the *Commission* shall review and act upon applications for the alteration, relocation, or demolition of Designated Landmarks, or the major exterior alteration, relocation, or demolition of Historic Resources of Statewide Significance.
1. When such applications are received, the City shall send official notice to the State Office of Historical Preservation (SHPO) and local historical preservation groups that request such notification.
 2. The City shall invite and encourage SHPO and any local historical preservation groups to submit written testimony and present verbal testimony at the hearings. Such testimony shall be taken into account by the *Commission* in its decision making on these applications.
 3. Final decisions on demolitions shall be made by the City Council after conducting required public hearings.
- H. The *Commission* shall advise and make policy recommendations to the City Council or on matters relating to historic preservation¹; and shall make an annual report, in writing, to the City Council on its activities and expenditures during the preceding twelve months, and its projected activities and expenditures for the following twelve months. At the request of the *Commission*, and with the approval of the Planning Official, City staff may assist as deemed appropriate in the keeping of the *Commission's* records, as well as preparation of the annual reports and presentations to City Council.

¹ To assist in the achievement these goals, the *Commission*, at their discretion, may utilize the efforts of City staff and/or community volunteers, either individuals or groups, with a demonstrated positive interest, knowledge, or competence in historic preservation.

16.31.050 THE INVENTORY OF HISTORIC RESOURCES

- A. The *Commission* shall determine and periodically (at least every ten years, beginning with the adoption of this Code as year “1”) revise priorities and decision criteria for the identification and evaluation of historic resources¹.
- B. Unless the *Commission* finds extraordinary historic importance, only properties over fifty years of age shall be considered for inclusion in the Inventory of Historic Resources.
- C. The *Commission* shall develop or adopt a system, based on historic integrity and significance, for evaluating historic resources. The system shall rank surveyed historic resources as eligible, potentially eligible, or ineligible for listing on the Lebanon Historic Register. Owners of surveyed properties will be notified of these findings, and shall be notified at the outset of the evaluation process and invited to provide comment and input.
- D. Documentation of properties in the Inventory of Historic Resources shall be on forms compatible with the Statewide Inventory of Historic Properties, and upon completion, copies of the forms shall be supplied to the State Historic Preservation Office.
- E. Subject to Oregon Law, records concerning archaeological sites shall not be made available to the public.

¹ To assist in the achievement these goals, the *Commission*, at their discretion, may utilize the efforts of City staff and/or community volunteers, either individuals or groups, with a demonstrated positive interest, knowledge, or competence in historic preservation.

16.31.060 THE LEBANON HISTORIC REGISTER

- A. Properties listed on the National Register of Historic Places, including all properties within National Register Historic District boundaries, are eligible for automatic listing on the Lebanon Historic Register. As Historic Resources of Statewide Significance, all such properties are subject to the regulations in Sections 16.31.070 and 16.31.080 of this Chapter regardless of their listing on the Lebanon Historic Register, pursuant to applicable Oregon Administrative Rule(s). However, only properties listed on the Lebanon Historic Register shall be eligible for any public incentives and Code considerations pursuant to this Chapter (see Section 16.31.070).
- B. Any individual or group, including the *Commission* acting on its own initiative, may nominate a historic resource for inclusion on or removal from the Lebanon Historic Register by submitting a complete application to the *Commission*. The burden of proof lies with the applicant. No property shall be so designated or removed without the written consent of the owner or, in the case of multiple ownership, all of the owners.
- C. The Planning Official in consultation with the *Commission* shall establish standards for a complete application. Upon acceptance of a complete application the *Commission* shall schedule a public hearing, pursuant to applicable state laws, to review the request for inclusion of an historic resource on the Lebanon Historic Register, and shall make a recommendation to the City Council for a final decision.
- D. **Decision Criteria:** In order to be recommended for inclusion or to be maintained on the Lebanon Historic Register the *Commission* must find that the historic resource is over fifty years of age or of extraordinary historic importance, and possesses sufficient historic integrity, and:
1. is associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or
 2. is associated with the lives of persons, or groups of people, significant in local, state, or national history; or
 3. embodies the distinctive characteristics of an architectural type, style, period, or method of construction or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 4. has yielded or is likely to yield information that is important in local, state, or national history.
- E. The *Commission* shall develop findings based on the decision criteria to support its decisions and recommendations to the City Council. These findings shall indicate those elements of a property, including interior, landscape, and archaeological features, that are included in the designation and subject to regulation under the provisions of this Chapter.

16.31.070 ALTERATIONS

- A. No exterior, interior, landscape, or archaeological element of a Designated Landmark that is specified as significant in its designation shall be altered without a permit issued pursuant to this Chapter.
- B. No major exterior alteration of a Historic Resource of Statewide Significance shall be allowed without a permit issued pursuant to this Chapter.
- C. Prior to submitting an application for a permit pursuant to this section, proponents are encouraged to request a pre-application conference or informal review with City Planning staff to review concepts and proposals.
- D. The Planning Official in consultation with the *Commission* shall establish standards for a complete application. Upon acceptance of a complete application the *Commission* shall schedule a public hearing pursuant to applicable state laws.
- E. The Planning Official and/or the *Commission* shall review all applications to alter or demolish any historic resource listed on the Lebanon Historic Register.
 - 1. **Planning Official Administrative Reviews:** The Planning Official shall evaluate and approve alteration requests if:
 - a. There is no change in historic character, appearance or material composition from the existing structure; or
 - b. If the proposed alteration materially duplicates the affected exterior building features as determined from an historic photograph, original building plans or other evidence of original building features. In addition, the Planning Official shall approve alterations to all compatible structures (including compatible commercial structures) when the proposed alteration causes the structure to more closely resemble its original appearance.
 - c. Planning Official reviews shall be conducted according to the procedures described in this Chapter and in Chapter 16.20 for Administrative Reviews.
 - d. In addition, when such applications are received, the City shall send official notice to the State Office of Historical Preservation (SHPO) and local historical preservation groups that request such notification. The City shall invite and encourage SHPO and any local historical preservation groups to submit written testimony for the review. Such testimony shall be taken into account by the Planning Official in the decision making process on these applications.
 - 2. **Commission Review.** All other alteration or demolition requests not within the scope of a Planning Official Review (above) and all demolition requests shall be reviewed by the *Commission* according to the procedures described in this Chapter and in Chapter 16.20 for public (Quasi-Judicial) hearings.

- F. In cases requiring a public hearing, the *Commission* shall review and act upon applications for the alteration of a Designated Landmark, or the major exterior alteration of a Historic Resource of Statewide Significance. The burden of proof lies with the applicant. Applications may be approved, approved with conditions, or denied. The City of Lebanon shall include any conditions imposed by the *Commission* in permits issued pursuant to this section. However, the *Commission* may not impose conditions certified by the Building Official as unsafe or contrary to the adopted Building Codes required for the public safety. Conditions may not conflict with rulings or conditions established by any state agency.
- G. **Decision Criteria:** In order to approve an application for the alteration of a historic resource listed on the Lebanon Historic Register, or the major alteration of a Historic Resource of Statewide Significance, the *Commission* must find that the proposal meets the following standards:
1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 2. The historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 3. A 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 elements from other historic properties, shall not be undertaken.
 4. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
 7. Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
 8. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. 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.
- H. The provisions of this Chapter shall not be construed to prevent the ordinary repair or maintenance of a Designated Landmark or Historic Resource of Statewide Significance, when such action does not involve a change in design, materials, or appearance.
- I. The provisions of this Chapter shall not be construed to prevent the alteration of a Designated Landmark or Historic Resource of Statewide Significance, when the Building Official certifies that such action is required for the public safety.

16.31.080 RELOCATIONS AND DEMOLITIONS

- A. The exterior, interior, landscape, or archaeological elements of a Designated Landmark that is designated as significant shall not be removed, or demolished without a permit issued pursuant to this Chapter.
- B. Major exterior relocation or demolition of a Historic Resource of Statewide Significance is not allowed without a permit issued pursuant to this Chapter.
- C. Prior to submitting an application for a permit pursuant to this section, the applicant is encouraged to request a pre-application conference or informal review with City Planning staff to review concepts and proposals.
- D. The Planning Official shall establish standards for a complete application. Upon acceptance of a complete application the *Commission* shall schedule a public hearing pursuant to state law.
- E. In cases requiring a public hearing, the *Commission* shall review and prepare an advisory opinion to the City Council upon applications for the relocation or demolition of a Designated Landmark, or the major exterior alteration of a Historic Resource of Statewide Significance. The *Commission* may recommend to the City Council that applications may be approved, approved with conditions, or denied. The City of Lebanon may include any conditions recommended by the *Commission* in permits issued pursuant to this section. However, the *Commission* may not recommend conditions certified by the Building Official as unsafe or contrary to the adopted Building Codes required for the public safety. Conditions may not conflict with rulings or conditions established by any state agency.

- F. Decision Criteria:** In order to recommend approval of an application for the relocation or demolition of a Designated Landmark or Historic Resource of Statewide Significance, the *Commission* must find that:
1. No prudent and feasible alternative exists, or
 2. The designated property has deteriorated beyond repair, or
 3. The value to the community of the proposed use of the property outweighs the value of retaining the Designated Landmark or Historic Resource of Statewide Significance.
- G.** At the hearing on an application to relocate or demolish a Designated Landmark or Historic Resource of Statewide Significance the *Commission* may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing, with concurrence and waiver by the applicant. If, ten days prior to the expiration of the delay period the *Commission* finds that there are still reasonable alternatives to explore, it may apply to the City Council for permission to continue the delay for an additional period of up to 120 days.
- H.** In recommending approval of an application for the demolition of a Designated Landmark or Historic Resource of Statewide Significance, the *Commission* may impose the following conditions:
1. Photographic, video, or drawn recordation of the property to be demolished, and/or
 2. Salvage and curation of significant elements, and/or
 3. Other reasonable mitigation measures.
- I.** The provisions in this Chapter shall not be construed to prevent the demolition or relocation of a Designated Landmark or Historic Resource of Statewide Significance when the Building Official certifies that such action is required for the public safety.

16.31.090 APPEALS

- A.** Decisions of the Planning Official are appealable to the *Commission*. Decisions of the *Commission* are appealable to the City Council. Decisions of the City Council pursuant to provisions of this Chapter are the City's final local decision.
- B.** Procedures for appeals to the *Commission* shall be the same as those for appeals to the Planning Commission of administrative reviews by the Planning Official for land use actions. Procedures for appeals to the City Council shall be the same as those for appeals of Planning Commission decisions.

16.31.100 OTHER PROVISIONS

- A.** There is no fee for designation of a historic resource as a Designated Landmark. Fees for other applications shall be determined by the City Council based on the cost of processing the application.
- B.** The provisions of this Chapter shall not affect any citation, complaint, prosecution, or other proceeding pending at the time this Chapter of the Lebanon Development Code is adopted by the City Council.

16.31.110 PUBLIC INCENTIVES FOR HISTORIC PRESERVATION

(Reserved for public incentives and code considerations recommended by the *Commission* and approved by the City Council for properties listed on the Lebanon Historic Register.)