

ORDINANCE NO. NS-2226

AN ORDINANCE AMENDING THE BEND CODE CHAPTER 10.20, HISTORIC PRESERVATION CODE.

Findings

- A. The City of Bend initiated amendments to the Bend Code Chapter 10.20, Historic Preservation Code on May 15, 2014.
- B. On June 19, 2014, the Bend Landmarks Commission opened a public hearing and accepted testimony on the proposed legislative amendments to the Bend Code Chapter 10.20, Historic Preservation Code. On July 17, 2014, the Commission accepted additional testimony, completed its deliberations, and voted to recommend that the City Council approve the proposed text amendment contained in Exhibit A. The Planning Division staff report and recommendation together with the testimony of the persons testifying at the hearing were considered and are part of the record.
- C. The Bend City Council held a public hearing on August 20, 2014, to consider the Landmarks Commission recommendation.
- D. The requested Bend Code amendments approved by this Ordinance are consistent with all applicable criteria, including those set forth in Bend Development Code Chapter 4.6.200.B.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend Code Chapter 10.20, Historic Preservation Code is amended as shown in Exhibit A.

First reading: August 20, 2014.

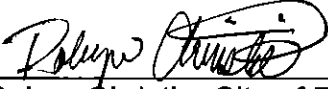
Second reading and adoption by roll call vote: September 3, 2014.

YES:	Mayor Jim Clinton	NO: none
	Councilor Jodie Barram	
	Councilor Mark Capell	
	Councilor Scott Ramsay	
	Councilor Victor Chudowsky	
	Councilor Doug Knight	
	Councilor Sally Russell	



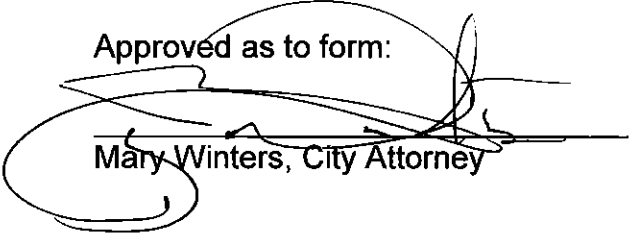
Jim Clinton, Mayor

Attest:



Robyn Christie, City of Bend Recorder

Approved as to form:



Mary Winters, City Attorney

EXHIBIT A

Amendments to Bend Code Chapter 10.20, Historic Preservation Code

Language that is proposed to be inserted is underlined. Text to be removed is ~~struck through~~.

Chapter 10.20 HISTORIC PRESERVATION CODE

Sections:

- 10.20.010 Purpose.
- 10.20.020 Applicability.
- ~~10.20.030 Administration.~~
- 10.20.030~~40~~ Procedures.
- 10.20.040~~50~~ Definitions.
- 10.20.050~~60~~ Criteria of Approval.
- 10.20.060~~70~~ Designation of Historic Resources.
- 10.20.070~~80~~ Removal of Historic Resource Designation ~~Designation of Local Historic District.~~
- ~~10.20.090 Designation Not a Recommendation for Federal Action.~~
- ~~10.20.100 Exterior Alteration and New Construction.~~
- 10.20.080~~140~~ Demolition or Moving or of Dangerous Building Abatement ~~Historic Structures.~~
- ~~10.20.120 Removal of Landmark Designation.~~
- ~~10.20.130 Record of Demolished Historical Building/Artifacts.~~
- 10.20.090~~40~~ Signs/Plaques.
- ~~10.20.150 Redevelopment and Neighborhood Improvement Projects.~~
- 10.20.100~~60~~ Appeals.
- 10.20.110~~70~~ Penalties.
- ~~10.20.180 Severability.~~
- ~~Appendix "A" Deschutes County Landmarks Commission – Historic Resource Rating Sheet.~~
- 10.20.120Appendix "B" Design Review Criteria Guidelines ~~– Alterations/Additions.~~
- ~~Appendix "C" Design Review Guidelines – New Construction.~~
- ~~Appendix "D" The Secretary of the Interior's Standards for Rehabilitation.~~
- ~~Appendix "E" The Federal Requirements of the Certified Local Government.~~
- 10.20.130 Best Practices
- 10.20.140 Supplemental Information

10.20.010 Purpose.

A. ~~Districts, buildings and sites in the City of Bend~~ The standards and criteria of this chapter were created to implement the Secretary of the Interior's Standards for the treatment of historic properties. The standards are contained in Section 10-20-130. The purpose of this chapter is to implement the Bend Area General Plan's policies regarding the preservation and designation of historic resources that have special historic and prehistoric association or significance should be preserved as a part of the heritage of the citizens of the City and for the education, enjoyment and pride of the citizens, as well as the beautification of the City and enhancement of the value of such property. Chapter 3 of the City's The Bend Area General

Plan includes the City's official list of historic and cultural resources and sets policy for the protection and designation of these locally recognized historic resources, which are protected by the standards contained within this chapter. This chapter also protects properties registered with the National Register of Historic Places. The Landmarks Commission appointed by the Mayor consistent with the provisions of the Bend Code, is responsible for carrying out the provisions of this code and is an advisory body to the City Council on decisions that could affect historic resources Such (preservation) efforts are important because public awareness of Bend's historical and cultural background has been and will continue to be an important source of knowledge, pride, education, and enjoyment for visitors and residents. Rapid growth and development make it imperative that the City's historical and cultural resources be identified and protected. Properly restored and utilized historical and cultural resources enhance the economy of the area.

B.—The City of Bend endorses the following policies regarding historic preservation:

1.—A community's cultural heritage is a valuable and important asset; that the public has an interest in the preservation and management of all antiquities, historic and prehistoric ruins, sites, structures, objects, districts, buildings and similar places and things for their scientific and historic information and cultural and economic value; and that the neglect, desecration and destruction of cultural sites, structures, places and objects result in an irreplaceable loss to the public.

2.—The preservation and rehabilitation of historic resources is of prime importance as a prime attraction for all visitors; that they help attract new industry by being an influence in business relocation decisions; and that rehabilitation projects are labor intensive, with subsequent benefits of payroll, energy savings and are important to the revitalization of deteriorating neighborhoods and downtowns.

3.—It is, therefore, the purpose of the City to identify, foster, encourage and develop the preservation, management and enhancement of structures, sites and objects of cultural significance ... in a manner conforming with, but not limited by, the provisions of the National Historic Preservation Act of 1966. (P.L. 89-665; 16 U.S.C. 470). [1983 c.268 §1].

C.—To those ends, the regulatory controls and administrative procedures contained in this chapter are necessary. [Ord. NS-1970, 2005]

10.20.020 Applicability.

This code chapter applies to any historic resources as defined in this chapter that are within the City of Bend. [Ord. NS-1970, 2005]

10.20.030 Administration.

A.—This chapter shall be administered by the Deschutes County Historical Landmarks Commission.

B.—The Landmarks Commission is composed of nine voting and unnumbered nonvoting ex-officio members who have demonstrated expertise in historic preservation related disciplines. The Mayor of Bend with the advice and consent of City Council shall appoint four Commissioners to represent the City of Bend; the Mayor of Redmond shall appoint one Commissioner to represent the City of Redmond; the Mayor of Sisters shall appoint one Commissioner to represent the City of Sisters; and the Board of County Commissioners shall appoint one Commissioner to represent the unincorporated portion of the County. The president of the Deschutes County Historical Society shall recommend one Commissioner to represent the Historical Society and the Deschutes County Pioneer Association President shall recommend one Commissioner to represent the Pioneer Association. The Board of County

~~Commissioners shall appoint the Commissioners who represent the Historical Society and the Deschutes County Pioneer Association. The ex-officio members shall be appointed by the Deschutes County Board of Commissioners. Landmarks Commissioners shall be qualified as defined in the National Park Service's Certified Local Government Program requirements (Appendix E, Section 2). Appendix E, by this reference, is incorporated herein.~~

~~C.—Landmarks Commissioners serve four-year terms. Commissioners shall serve without compensation. Any vacancy occurring in a position for any reason other than expiration of a term shall be filled by appointment for the remainder of the term.~~

~~D.—The Commission shall serve as a land use decision making body on applications required by this chapter and as an advisory body to the City Council on City policy, ordinances, decisions, and on City projects that could affect the historic resources and their settings that are protected by this code.~~

~~E.—Decisions made by the Landmarks Commission or the City Council when acting as the decision maker under BC 10.20.110(F) or upon appeal of a Landmarks Commission decision to the City Council shall be made in accordance with this chapter and attached appendices. [Ord. NS-1970, 2005]~~

10.20.040030 Procedures.

A. Chapter 4.1 of the Bend Development Code (BDC) provides uniform procedures for reviewing applications. All applications required by this Code are subject to the procedural requirements of Bend Development Code Chapter 4.1.

B. All applications for alterations, additions, new construction, demolition, removal, signs, restoration, rehabilitation and other actions involving a historic resource and addressed by this chapter shall be submitted to the City Community Development Department on the appropriate application form and with the review fee as set by the City Council. An application is "submitted" when it is received by the City Community Development Department.

C. Applications for review under this chapter shall be submitted by the property owner or a person who has written authorization from the property owner as defined herein to make the application; be completed on a form prescribed by the Planning Director; include supporting information required by this code and other information necessary to demonstrate compliance with applicable criteria; and be accompanied by the appropriate filing fee. No person may alter a designated historic building or building within a historic district to change its exterior appearance, nor may any new building be built within a historic district unless approved in accordance with this chapter. Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of exterior architectural features which does not involve a change in design or type of materials.

~~C.—All land use applications submitted under this code shall be processed in accordance with BDC Title 4, Applications and Review Procedures, as amended.~~

D. 1. A pre-application meeting conference is encouraged for complex applications or for applicants who are unfamiliar with the City's historic preservation program or the land use development review process. The purpose of the pre-application meeting conference shall be is:

1. to acquaint the applicant with the substantive and procedural requirements of the applicable legal requirements,
2. to provide for an exchange of information regarding applicable requirements and of the comprehensive plan, procedures ordinance, zoning ordinance, historic preservation code, building codes, or land division ordinance

3. to identify issues likely to arise in processing an application. ~~A preservation plan and preservation incentives may be explored at the meeting.~~

~~2.—A pre-application conference is required when an applicant applies for demolition or removal of a historic resource. This conference shall be held no less than 30 days prior to the filing of an application.~~

~~3.—A public meeting shall be conducted pursuant to BDC 4.1.215 when an applicant applies for the demolition or removal of a historic resource.~~

~~E.—If the applicant or the applicant’s representative or apparent representative makes a misstatement of fact on the application regarding property ownership, authority to submit the application, or any other fact material to the acceptance or approval of the application, and such misstatement is relied upon by the Landmarks Commission in making a decision whether to accept or approve the application, the Planning Director may upon notice to the applicant and subject to an applicant’s right to a hearing declare the application void.~~

~~E. Applications shall be reviewed according to the processes described below for minor alterations, restoration and rehabilitation may be decided by staff under the administrative review process, under the direction of the City of Bend Community Development Department (CDD) Director through the Type I or II process unless the Director elevates the application to the landmarks Commission for their review. and The Landmarks Commission.~~

1. The following applications are reviewed by the Director via the Type I process:

a. Fences

b. Solar panels not visible from the primary façade of the listed resource.

c. AC unit/mechanical equipment either rooftop or window mounted not visible from a public street.

d. Replacement-in-kind such as a front door, residing or reroofing.

e. Side venting for a fireplace unit or insert provided venting does not impact masonry.

f. Demolition of non-historic features or building.

g. Signs

g. At the discretion of the Director, a Type I application may be elevated to a Type II application.

2. The following applications are reviewed under by the Director via the Type II process:

a. Minor additions and alterations

b. At the discretion of the Director, a Type II application may be elevated to a Type III application.

3. The following applications are reviewed by the Landmarks Commission via the Type III process:

a. Major alterations

b. New Construction

c. Moving or partial/complete demolition of a historic structure

4. The following applications are reviewed through the Type IV process with the Landmarks Commission serving as the advisory body to the City Council:

a. Designation or removal of a historic district.

b. Designation or removal of a historic resource.

~~G.—Applications for major alterations, additions, new construction, signs, moving or partial or complete demolition of a structure shall be decided by the majority vote of a quorum of the Commissioners after the Commission has held a quasi-judicial public hearing.~~

~~H.—The public shall have an opportunity to comment on applications that come before the Landmarks Commission. The Commission reviews and makes decisions on applications through a quasi-judicial land use decision-making process. It follows the State’s Open~~

~~Meetings Law and the Public Records Laws as well as the Secretary of the Interior's Standards and Guidelines for Rehabilitation. The applicant, the owner of the property and any interested parties shall be entitled to be heard in writing or orally up to the close of public hearings. In reaching the decision on an application, the Landmarks Commission shall consider all relevant evidence and testimony. The applicant and parties of record shall address the criteria and present evidence of appropriateness of the action requested.~~

~~I. The Commission shall approve, approve with conditions or deny the application within 75 days of the date that the application has been determined to be complete, unless the 120-day rule contained in ORS 227.179 has been waived in writing by the applicant. [Ord. NS-1970, 2005]~~

F. Except as otherwise provided for in this chapter, all other development regulations contained in the Bend Development Code apply to historic resources and historic districts.

G. All improvements in the public right of way shall meet the requirements of the City's Standards and Specifications.

10.20.050040 Definitions.

The following words and phrases are used in this chapter shall have the meanings described below. These definitions are used in conjunction with the definitions contained in Chapter 1.2. Where there is a conflicting definition relating to a historic resource, this section shall prevail. For purposes of this chapter, the following terms are defined as indicated:

Adaptive reuse is means putting a historic structure to a new use and altering its interior and/or exterior and making other modifications to allow for its new use, while retaining its character-defining features the qualities for which the resource has been recognized.

Alteration means the addition to, removal of or from, or physical modification of any exterior part or portion of a structure.

Alteration, Major means an addition, removal or reconfiguration which significantly changes the historical or architectural significance of a historic resource including new construction in historic districts.

Alteration, Minor means an alteration which does not affect the historical or architectural significance of a structure

Architectural significance means that the structure, building or district (1) portrays the environment of a group of people in an era of history characterized by a distinctive architectural style, or (2) embodies those distinguishing characteristics of an architectural type, or (3) is the work of an architect or master builder whose individual work has influenced the development of the City, or (4) contains elements of architectural design, detail, materials, or craftsmanship which represent an architectural innovation.

Character-defining means the qualities for which the resource has been recognized.

City means the City of Bend.

Culture ~~means the traditions, beliefs, practices, lifeways, arts, crafts, and social institutions of any community, be it an Indian tribe, a local ethnic group, or the people of the City, region, State or nation as a whole.~~

Demolish means to raze, destroy, dismantle, deface or, in any other manner, cause partial or total ruin of a designated structure.

Evidence ~~means facts, documents, data or other information submitted to the record to demonstrate compliance or noncompliance with the standards, guidelines and criteria believed to be relevant to the decision.~~

Exterior means any portion of the outside of a designated historic structure and/or building or a structure and/or building in a designated historic district or any addition thereto.

~~Historic~~ means 50 years old or older.

~~Historic artifacts~~ means three-dimensional objects including furnishings, art objects, architectural elements, building materials and items of personal property which have historic significance. "Historic artifacts" does not include photographs, paper, electronic media or other media that are classified as public records.

~~Historic resource~~ means a building, historic or cultural site, structure, object, historic district that meets the significance and integrity criteria for designation as a landmark or any combination of these resources that is designated by the City Council, State of Oregon or National Park Service, that is listed on the National Register of Historic Places, is within a National Register Historic District, or designated on the City's list of Goal 5 Historic Resources. Resource types are further described as:

1. Building: Shall have the same meaning as defined in BDC Chapter 1.2
2. Structure: Shall have the same meaning as defined in BDC Chapter 1.2
3. Historic Object: A construction which 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. Historic Site: The location of a significant event, use or occupation which may include associated standing, ruined, or underground features, e.g. battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering areas, etc.
5. Historic District: A geographically defined area designated by the National Register of Historic Places possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united unified by past events or aesthetically by plan or physical development. Historic districts consist of contributing and non-contributing properties.

Historic resources of statewide significance are buildings, structures, objects, cultural sites, or districts listed in the National Register of Historic Places, and those located within approved National Register Historic Districts pursuant to the National Historic Preservation Act of 1966 (PL 89-665; 16 U.S.C. 470).

Historical significance shall mean means that the structure or historical district (1) has character, interest, or value as part of the development, heritage, or cultural characteristics for the City, County, State, or nation; (2) is the site of a historic event with an effect upon society; (3) is identified with a person or group of persons who had some influence on society; or (4) exemplifies the cultural, political, economic, social, or historic heritage of the community.

Inventory is a survey, map, or description of one or more resource sites that is prepared by a local government, State or Federal agency, private citizen, or other organization and that includes information about the resource values and features associated with such sites. As a verb, "inventory" means to collect, prepare, compile, or refine information about one or more resource sites.

Landmarks Commission or **Commission** means the Deschutes County Historical Bend Landmarks Commission.

~~A Major Alteration~~ is an alteration which affects the historical or architectural significance of a structure or building.

Maintenance means the process of mitigating the wear and deterioration of a property without altering the historic character of the property, including action taken to protect and repair the condition of the property with the least possible impact on the historic character of the property.

~~A **Minor Alteration** is an alteration which does not affect the historical or architectural significance of a structure.~~

Preservation means the process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property, including but not limited to the ongoing maintenance and repair of historic materials, but not including the extensive replacement of historic materials or new construction.

~~**Preservation plan** means a written preservation, rehabilitation, and maintenance plan submitted by the owner. A preservation plan for a property included in the Oregon Special Assessment Program is approved by the State Historic Preservation Office.~~

~~**Primary resource** is the site, object, structure, or building that includes the age, function, associations, physical characteristics, features, and historic significance of the overall property.~~

Property owner means the owner of record or the contract purchaser and does not include a person or organization that holds a security interest.

Protect means to require Landmarks Commission review of applications for demolition, removal, or exterior alteration of a historic resource, new construction or signs on the designated property in accordance with the provisions of this chapter so that the defining characteristics of the building and its site and environment are retained.

Real market value has the meaning given in ORS 308.205.

Reconstruction means the process of depicting, by means of new construction, the form, features, and detailing of a nonsurviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

Replacement means the process of replacing historic materials and features with new materials when the deterioration of a character-defining material or feature is so extensive that protection, maintenance, or repair is not possible. Replacing severely deteriorated or damaged historic materials with new materials of the same kind as the historic materials and in the same design as the historic element is "replacement."

~~**Resource list** includes the description, maps, and other information about significant Goal 5 resource sites within a jurisdiction, adopted by a local government as a part of the comprehensive plan or as a land use regulation. A "plan inventory" adopted under OAR 660-016-0000(5)(c) shall be considered to be a resource list.~~

Resource, Contributing means a building, structure, or object which has been identified by the State or the General Plan as adding to the historical integrity or architectural qualities that make the historic district or resource significant.

Resource, Non-Contributing means buildings within an historic district identified by the State or General Plan as a contributing resource that does not contribute to the historical integrity or architectural qualities that make the historic district or resource significant.

Restoration means the process of accurately depicting the forms, features and character of a property 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.

~~**Secondary resources** are usually not as large as the primary resource on the property and do not strongly contribute to the property's historic significance. They may have been constructed by a different property owner after the primary resource was constructed, but during the period of significance.~~

~~Secretary of the Interior's Standards for Rehabilitation~~ are 10 basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs. The Standards are included as Appendix "D," and by this reference are incorporated herein.

Site means 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 historical, cultural, or archaeological value regardless of the value of any existing structure.

Structure means anything constructed or built, any edifice or building or any kind, or any pieces of work architecturally built or composed of parts joined together in some definite manner. [Ord. NS-1970, 2005]

10.20.05060 Criteria of Approval.

~~The evaluation and designation of sites, structures, and historical districts shall be based on the factors listed on the Deschutes County Landmarks Commission Rating Sheet, a copy of which is marked Appendix "A," attached hereto and, by this reference, incorporated herein. [Ord. NS-1970, 2005]~~

A. Applications for Type I applications shall meet the following criterion:

1. The proposal is consistent with this chapter, including the design review criteria of Section 10.20.130.

B. Applications for Type II and III additions to and alterations of existing structures shall meet all of the following criteria of approval:

1. The proposed alteration will not change the qualities for which the structure has been recognized.

2. The alteration will be compatible with the appearance and character of the historic structure or district.

3. The proposal is consistent with the design review criteria of section 10.20.130.

C. Type II and III applications for the construction of new structures in a historic district shall meet all of the following criteria of approval:

1. The new structure will be compatible with the appearance and character of the historic district.

2. The new structure is consistent with the design review criteria of section 10.20.130.

10.20.06070 Designation of Historic Resources.

~~A. Upon receipt of a request by the Landmarks Commission Any individual or organization may apply to designate a particular building or site within the City limits of Bend as a historic resource with the consent of the property owner. The application shall be processed as a quasi-judicial General Plan amendment with a recommendation from the Landmarks Commission and final decision by the City Council., or upon direction by the Bend City Council on its own motion, the City Planning Department shall advise the owner of such building or site and shall fix a date and time for a public hearing before the City Council thereon. The criteria for evaluating the request are as follows:~~

1. The request is consistent with relevant State Administrative Rules and statutes and with Federal regulations; and

2. The request is consistent with relevant General Plan policies; and

3. The building or site has architectural or historical significance based upon past use; or the site had a prior use involving the establishment, growth, or particular incidents relating to the history of the city.

B. A request to establish a local Historic District or resource shall be processed as a legislative General Plan amendment with a recommendation from the Landmarks Commission and final decision by the City Council. The criteria for evaluating the historic district designation request are as follows:

1. The designation is consistent with relevant State Administrative Rules and statutes and with Federal regulations; and

2. The designation is consistent with the historic preservation General Plan policies; and

3. The area has architectural or historical significance based upon past use.

~~B. The Planning Department shall notify the Bend Urban Area Planning Commission and shall transmit a copy of the request to the Landmarks Commission unless such a request has come from the Landmarks Commission.~~

~~C. The Landmarks Commission shall submit its recommendation to the Bend City Council at least 10 days prior to the public hearing. The Landmarks Commission, as part of its report, may request an inspection of the property from the Building Department and/or the Fire Prevention Division to determine the condition of the building or site.~~

~~D. At such public hearing, the owner of the property involved, a representative of the Landmarks Commission, and all other interested parties shall be entitled to be heard by the City Council.~~

~~E. If the City Council determines that a building inside the City limits proposed for designation as a historic resource has architectural or historical significance based upon past or present use, the Council may designate such building as a historic resource. The Council shall use the criteria listed in BC 10.20.060 and Appendix "A" to determine historical or architectural significance.~~

~~F. If the City Council finds that a particular site had a prior use involving the establishment, growth, or particular incidents relating to the history of the City, the Council may designate the same as a historic resource.~~

10.20.070 Removal of Historic Resource Designation

~~A. G. If any historical building historic resource has been demolished or destroyed, no longer possesses the charter-defining features related to its architectural significance for which it was recognized or an error in documentation occurred, the City Council, on its own motion or upon recommendation of the Landmarks Commission, may remove the historic resource designation therefrom from the site.~~

~~B. H. If the designation is proposed to be removed from any historic resource, for any other reason than set forth in BC 10.20.080(G), then similar notices, recommendations and hearings shall be held the same process and criteria shall be used as upon the designation as a historic resource in the first instance.~~

~~C. In accordance with ORS 197.772, a property owner shall be allowed to remove a historic designation imposed on the property by the City.~~

~~I. A historical or architecturally significant interior space or other portion of a building may be designated as a historic resource in the same manner as provided in this section; provisions of this chapter relating to historical buildings shall be applicable to such designated interior space or other portion of a building.~~

J.—~~The City Council may make a recommendation regarding any request to designate a historic resource outside the City limits but inside the adopted urban growth boundary.~~

K.—~~At the time of annexation to the City, all designated historic resources within the annexed area shall retain their designation and shall fall under the jurisdiction of the City unless a public hearing is held by the City to remove the designation from the site or structure. [Ord. NS-1970, 2005]~~

10.20.080 Designation of Local Historic District.

A.—~~Upon receipt of a request by the Landmarks Commission to designate an area as a historic district or upon direction by the City Commission, the Planning Director shall fix a date and time for a public hearing before the City Council thereon.~~

B.—~~The Planning Department shall notify owners within the proposed historic district, the Bend Urban Area Planning Commission, and shall transmit a copy of the request to the Landmarks Commission unless such request has been made by the Landmarks Commission.~~

C.—~~The Landmarks Commission shall submit its recommendation to the Bend City Council at least 10 days prior to the public hearing. The Landmarks Commission, as part of its report, may request an inspection of the property from the Building Department and/or the Fire Prevention Division to determine the condition of the building or site.~~

D.—~~At such public hearing, the owners of the properties involved, a representative of the Landmarks Commission and all other interested parties shall be entitled to be heard by the City Council.~~

E.—~~If the City Council determines that an area proposed to be designated as a historical district has architectural or historical significance, based upon past or present use, the City Council may designate such area as a historic district.~~

F.—~~If the City Council determines that an area outside the City limits but inside the adopted urban growth boundary has historical significance, the City Council may recommend to the Board of County Commissioners that such area be designated as a historical district.~~

G.—~~All sites and structures within a historic district need not be of historical or architectural significance provided the district as a whole is of such importance or significance.~~

H.—~~If the primary or significant buildings within a historical district have been demolished or destroyed, the City Council, on its own motion, may remove the historical district designation.~~

I.—~~If the designation is proposed to be removed from any historical district for any other reason than set forth in subsection (H) of this section, then similar notices, recommendations and hearings shall be held as upon the designation of the historical district in the first instance.~~

J.—~~If part or all of a designated historical district is annexed to the City, that historical district or portion thereof shall retain its historic resource designation and shall fall under the jurisdiction of the City unless a public hearing is held to remove the historic district designation. [Ord. NS-1970, 2005]~~

10.20.090 Designation Not a Recommendation for Federal Action.

~~Nothing in this chapter nor the designation of a historic district under BC 10.20.080 shall be interpreted as a recommendation by the City Council supporting designation of any building or structure as a “Certified Historic Structure” for purposes of Section 191(d), (1), (b), or (c) of the Federal Tax Reform Act of 1976. [Ord. NS-1970, 2005]~~

10.20.100 Exterior Alteration and New Construction.

A.—~~No person may alter any structure within a historic district or designated historic structure in such a manner as to change its exterior appearance, nor may any new structure be constructed within a historic district unless a certificate of approval has been issued by the Landmarks Commission and the City Planning Director, provided nothing in this chapter shall be construed to prevent ordinary maintenance or repair of exterior architectural features which does not involve a change in design or type of materials.~~

B.—~~Application for a certificate of approval shall be made to the City Planning Department and shall be referred to the Landmarks Commission for review and hearing; provided, that minor alterations may be acted upon by the Planning Director or designee by administrative review.~~

C.—~~A certificate of approval is not required for ordinary maintenance and repair of a structure that does not affect historic or architectural design. All applications for a certificate of approval must be accompanied by appropriate plans and specifications.~~

D.—~~Any request for a certificate of approval must be filed prior to or in conjunction with an application for any building or land use permit.~~

E.—~~For exterior alterations of structures in a historic district or a designated historic structure, the criteria to be used by the Landmarks Commission in reaching its decision on the certificate of approval shall include the following:~~

1.—~~The reasonableness of the proposed alteration considering public interest in the structure's historical significance.~~

2.—~~Whether the alteration will be harmonious and compatible with the appearance and character of the historic structure or district.~~

3.—~~Whether the physical condition of the structure necessitates repairs or alterations.~~

4.—~~The design guidelines attached hereto as Appendix "B" and, by this reference, incorporated herein.~~

F.—~~For construction of new structures in a designated historic district, the criteria to be used in the issuance of a certificate of approval shall include the following:~~

1.—~~The economic effect of the new structure on the historical structure in the district.~~

2.—~~The effect of the proposed new structure on the historical character of the district.~~

3.—~~Whether the new structure will be harmonious and compatible with the appearance and character of the historic structure or district.~~

4.—~~The design guidelines attached hereto as Appendix "C" and, by this reference, incorporated herein.~~

G.—~~All decisions on certificates of approval shall be in writing. [Ord. NS-1970, 2005]~~

10.20.080110 Demolition or Moving of or Dangerous Building Abatement Historic Structures.

The following regulations rules, and the procedural rules contained in BC 10.20.040, apply to the demolition and ~~removal~~ moving of contributing and non-contributing historic resources:

A. The owner or other party with written permission of the owner shall apply for approval to demolish or move a historic resource to the City of Bend Community Development Department as described in BC 10.20.040. A pre-application meeting with the City Building Official or designee, City Planner, and the Historic Preservation Planner is required. Any decision made by the Commission on a request for demolition, moving or condemnation of a historic resource is a land use decision.

B. At least 30 days prior to submitting an application to move or demolish a designated historic resource, the applicant shall provide mailed notice of the intended demolition or

removal to the Deschutes County Historical Society and State Historical Preservation Office. The letters shall include the historic name of the resource, the date of construction or significant event associated with the property, a statement of its cultural or historic significance, and the reason for the proposed removal or demolition. Copies of the two mailed notices shall be submitted by the applicant with the demolition or removal application.

C. ~~Staff shall~~ As part of the pre-application meeting, staff will provide the applicant ~~no later than the day of the required pre-application conference~~ information regarding financial incentives for historic preservation and adaptive reuse projects including but not limited to such as the Oregon Special Assessment Program, donations of facade easements, the Federal Investment Tax Credit, the "Preserving Oregon" grants, the "Preserving America's Treasures" grants and special provisions in the International Building Code and International Existing Building Code available for designated historic resources. The applicant shall acknowledge in writing that he/she is aware of the above incentives. ~~and Has been provided this information by the planning staff.~~

D. At least 30 days before submitting an application for demolition or removal of a historic structure, the applicant shall post a notice on the property ~~and publish a legal notice in a newspaper of general circulation in Deschutes County~~ notifying the public that the applicant is considering applying for ~~removal or demolition of~~ to move or demolish a historic structure. The notice shall also invite purchasers and tenants to make written offers to purchase and/or rent the structure. The notice posted on the property shall be placed at a conspicuous location easily visible from the adjacent street. A copy of the notices shall be submitted with the removal or demolition application.

~~E. After the application is deemed complete and forwarded to the Landmarks Commission, the Commission staff shall give required public notice, write a staff report addressing the criteria and schedule a public hearing that will be held within 45 days of the determination that a complete application has been filed.~~

~~F. The Commission may continue the hearing to a date, time, and place certain upon request from the applicant, a party of record, or a majority of the Commission. However, unless the 120-day time limit for final action is waived by the written consent of the applicant, the Commission shall issue a final written decision within 75 days after an application is accepted as complete. In the event that the Commission fails to issue a final written decision within 75 days after an application is accepted as complete, the City Council may call up the application for consideration, and decide the application itself following the procedures and substantive criteria contained in this chapter.~~

E.G. In determining whether to grant or deny an application for removal or demolition, the Commission shall consider the following evidence An application to move or demolish a historic resource shall contain the following information, if available:

1. The first list of evidence submittal requirements applies to all historic resources, both contributing and non-contributing primary and secondary resources.
 - a. Proof of ownership of the property.
 - b. Whether or not the structure could be adaptively reused.
 - c. Records of how the structure has been used over time.
 - d. Date property was acquired and status of the property under this chapter at the time of acquisition, e.g., whether the property had been designated as a historic resource.
 - e. Statement of the necessity of the action requested.
 - f. Whether or not there is a viable economic or public use for the structure as it exists.
 - g. Alternatives to the requested action that have been studied.

h. Records of the current owner's efforts to maintain and rehabilitate the structure in the past five years or since purchasing the structure, if ownership has been for a period of less than five years.

i. The information used in the original designation of the property or structure as a historic resource as filed in the Deschutes County Historical Landmarks Commission Historic Sites file or applicable National Register of Historic Places nomination.

~~j.—The information filed in the Deschutes County Historic Landmarks Commission Historic Sites file or applicable National Register of Historic Places nomination.~~

j.k. Evidence of structural maintenance including maintenance records for the past five years or since the current owner purchased the building, and whether the current owner has neglected the structure thereby deliberately leading to demolition by neglect.

~~l.—Whether or not the structure can be altered, rehabilitated or adaptively used and at what financial cost.~~

~~m.—Whether or not the structure could be altered or increased in size with an addition and the costs and benefits of that action.~~

k.n. Records of applications for any available historic preservation or energy efficiency grants or tax incentives.

l. e. Whether or not the structure poses a threat to the public health or is a safety or fire hazard and whether or not there is a technically feasible means of alleviating the public health, safety, or fire hazard.

~~p.—Historic photographs (more than 50 years old) of the structure and its setting.~~

n.q. Current color slide photographs of the structure and its setting showing all exterior sides of the structure.

~~r.—A set of black and white four inch by six inch prints of all exterior sides of the structure.~~

2. The following applies to primary contributing resources only:

~~a.—The zoning of the property and efforts to change the zoning to allow continued use of the structure.~~

~~a.b.—~~ Records of efforts to sell the property during the past 18 months to a party interested in preserving or adaptively reusing the structure.

~~b.c.—~~ Records of advertisements for tenants for the structure.

~~d.—~~ Evidence submitted by neutral parties determining the market value of the property.

~~c.e.—~~ Evidence prepared by parties of comparable lease or rental rates for the structure.

~~d.f.—~~ Architectural plans and construction drawings of the historic structure.

~~e.g.—~~ Copies of all attempts to market the property, such as advertisements, notices, and news articles in magazines, newspapers, and the local historical society newsletter.

~~f.h.—~~ Evidence that the owner(s) are willing to consider in good faith, in the interest of preserving the structure, all reasonable offers to purchase, rent or lease the property and whether the owners have made a good faith effort to locate a tenant or a buyer for the property.

i. Reports of registered structural engineers, registered architects or historic preservation contractors with historic preservation experience about the feasibility of rehabilitation, restoration or an adaptive reuse project.

~~j.—~~ Efforts to relocate the structure to a property that has a setting that is similar to the current site.

gk. The importance of the historic structure to the identity of the neighborhood and the importance to the appearance of the built environment and architectural diversity and texture of Bend.

~~l.—Whether there exists any viable alternative to demolition of the historic structure.~~

~~m.—The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and the price asked and offers received, if any, within the previous two years. This determination can include testimony and relevant documents regarding any real estate broker or firm engaged to sell or lease the property; reasonableness of the price or rent sought by the applicant; and any advertisements placed for the sale or rent of the property by the owner or applicant.~~

~~n.—Comments and/or reports from any community organizations, preservation groups, other associations and private citizens that wish to testify about economic viability.~~

~~o.—The extent to which the owner is responsible for diminished economic returns, such as the owner’s failure to perform normal maintenance and repairs; the failure to diligently solicit and retain tenants; the failure to prescribe a rental amount which is reasonable; the failure to provide normal tenant improvements; and the owner’s purchase of the subject property without making said purchase contingent upon the owner’s first obtaining the approvals required by this chapter.~~

H. The Landmarks Commission shall make a decision on whether a resource may be demolished or moved based on the following criteria: record—and the criteria contained in this code.

1. The request is consistent with relevant State Administrative Rules and statutes; and
2. The request is consistent with relevant General Plan policies; and
3. there is no viable economic alternative to demolition.

~~l.—1.—In order to obtain a demolition permit involving a historic resource, the applicant must overcome the presumption that the structure shall be preserved. This presumption may be overcome and the demolition permit issued or issued with conditions, if the applicant demonstrates that there is no viable economic alternative to demolition. Absent such a demonstration, the demolition permit shall be denied.~~

~~l.—2.—The Commission may attach conditions to the approval to the decision of a demolition permit regarding historic artifacts and/or regarding the future development of the location if other historic resources will be affected by the proposed development.~~

J. If the Commission, or the City Council on appeal of a Landmarks Commission decision, City approves the application for demolition, a building permit may not be issued until all appeals have been exhausted or waived for 120 days from the date the application was deemed complete.

~~K.—If the Landmarks Commission approves or approves with conditions an application for a demolition permit and no appeal is pending, the building official may issue the permit 120 days from the date the application was deemed complete. The issuance of the demolition permit, however, shall be stayed beyond the 120-day period referenced in this subsection, until the land use approvals and a building permit have been issued for the development that will occur on the site.~~

K. L. The City Building Division shall include notify the Landmark Commission staff ~~on the mailing list for receiving notices of abatement of dangerous buildings involving historic structures.~~ Landmark Commission staff may work with property owners to remedy the cause for the abatement notice. The Building Division shall entertain requests for extensions of time

in processing such abatements to enable the property owner to remedy such dangerous conditions; provided, that the public safety is maintained.

L. M. The same procedures as stated in this section for demolition shall apply to moving a building or structure. The setting is an important component of the historical context. The site to which the building or structure is moved shall be as similar as is possible to the original setting. [Ord. NS-1970, 2005]

10.20.120 Removal of Landmark Designation.

M. When the Landmarks Commission approves a the demolition or removal permit, of a historic resource inventoried in the Bend Area General Plan it shall make a recommendation to the City Council regarding whether or not the landmark or historical status should be removed from the General Plan. In making this recommendation the Commission shall consider the following factors among others: The historic resource was part of an ensemble designated as a historic landmark; or the site of the historic resource itself was designated as a significant feature of a historic landmark; or other buildings, structures, or objects on the property are historic resources.

O. Notice of the demolition of an historic resource shall be given to the State after the resource is removed.

~~10.20.130 Record of Demolished Historical Building/Artifacts.~~

N. If a delignated historic resource is to be demolished, ~~insofar as~~ if it is practical and as if funds are available, the Landmarks Commission ~~shall~~ should keep a pictorial and graphic history of the historic building or site and obtain artifacts from the building or site which it deems worthy of preservation. [Ord. NS-1970, 2005]

10.20.090140 Signs/Plaques.

A. No sign or plaque may be displayed on a historic resource except for signs or plaques approved in conformance with this chapter and the Sign Code ~~by the Landmarks Commission, in conformance with BC 10.20.100, the appendices referred to therein and the City of Bend sign code.~~

B. All signs and plaques to be displayed on a historic property must be approved by the City Landmarks Commission.

C. Signs that are freestanding, painted on the windows or glass doors or that are similar to signs shown in historic photographs of the structure are permitted encouraged.

D. Signs must be attached to the structure in such a way as to not cause irreversible damage to the building. New signs ~~will~~ shall be attached by reusing existing hardware whenever possible. New brackets and bolts on masonry buildings shall be put only in wood or mortar, and not in bricks or rock.

E. The size of the sign must be in proportion to the size of the historic building. The placement of the sign shall not obscure significant architectural elements of the building.

F. The type of the sign, font, design and shape of the sign should be compatible with the historic building and the historic character of the historic district.

G. The materials of which the sign is made must be compatible with the historic building and the historic character of the historic district.

H. Backlighted or internally illuminated ~~metal-framed plastic~~ signs are prohibited discouraged. [Ord. NS-1970, 2005]

10.20.10050 Redevelopment and Neighborhood Capital Improvement Projects.

A. ~~In any redevelopment project or neighborhood~~ Any capital improvement project administered by a department of the City or submitted to the City Council for its review and recommendation, the proposed action relating to in or adjacent to a designated historical district, building, or site shall be submitted to the Landmarks Commission during the design phase of the project so that any issues raised by the Commission may be addressed for its review and recommendation.

B. ~~A report thereon by the Landmarks Commission shall be filed with the City Council and a copy shall be sent to the appropriate City departments.~~

C. ~~If the project is federally funded, all or in part, the City of Bend will follow the Federal Section 106 process.~~

D. ~~If the project has no Federal funding, but is within 100 feet of a designated historic or cultural resource or historic district, the City shall submit the project to the Landmarks Commission for review and recommendation. [Ord. NS-1970, 2005]~~

10.20.11060 Appeals.

A. ~~An appellant must file a completed notice of appeal in conformance with BDC 4.1.100~~

B. ~~Appeals of Type II decisions shall be heard by the Landmarks Commission as via the Type III process. Appeals from actions of the Landmarks Commission decisions shall be to the Bend City Council and shall comply with the appeal procedures contained in Chapter 4.1. may be filed by a party of record. Appeals must be filed within 12 days from the date of written decision by the Landmarks Commission and shall be accompanied by a fee established by the Bend City Council. The appeal shall be conducted in conformance with BDC Title 4, Applications and Review Procedures. [Ord. NS-1970, 2005]~~

10.20.12070 Penalties.

A. ~~A violation of this chapter is a Class A violation~~ civil infraction.

B. ~~Illegal Demolition or Removal of a Historic Resource.~~

1. ~~The demolition or removal of a historic resource without the appropriate permit shall constitute a misdemeanor and shall be punishable accordingly.~~

2. ~~The City is authorized to institute a civil action against any person or group of persons who demolishes a designated historic resource without a demolition permit to recover up to 20 percent of the current real market value of the subject property as determined by the Deschutes County Assessor or in the event that the property is sold or conveyed for profit to recover the difference between the sales price and the purchase price by the property owner. [Ord. NS-1970, 2005]~~

10.20.180 Severability.

~~In the event that any section, subsection, sentence or phrase of this chapter shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this chapter, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. [Ord. NS-1970, 2005]~~

Appendix “A” Deschutes County Landmarks Commission – Historic Resource Rating Sheet.

RATING _____
 NAME OF HISTORIC RESOURCE _____
 ADDRESS _____
 MAP AND TAX LOT _____
 EVALUATOR _____
 DATE _____

Scoring on Scale of 1-5

- 5 – Excellent
- 4 – Very Good
- 3 – Good
- 2 – Fair
- 1 – Poor
- 0 – Non-existent

Factors	Relative Importance	Weighted Rating
1. Interpretive Potential: Property is associated with pre-historic or historic events, is related to the broad cultural history of the nation, state or community, or is included on the National Register of Historic Places, or has yielded or is likely to yield information important to prehistory or history.	3.0 x	
2. Rarity of type and/or Style: Property represents a period of history or prehistory or style of architecture or method of construction of extraordinary or unusual design, detail, materials, or craftsmanship; or is identified as the work of an architect, designer or master builder whose work has influenced development in the nation, state or community.	2.0 x	
3. Identification: Property is identified with a person or persons who have significantly contributed to the history of the City or County.	1.5 x	
4. Symbolic Value: Property represents an aesthetic or educational feature of the community, or has contributed to the cultural or economic history of the area.	1.5 x	
5. Chronology: Property was developed early in the relative scale of local history or was an early expression of a type or style of structure or development.	1.0 x	

[Ord. NS-1970, 2005]

Appendix “B” 10.20.130 Design Review Criteria Guidelines – Alterations/Additions.

The following design review criteria shall apply to alterations, additions and new construction:

A. SITING

1. In addition to the zoning requirements, the relationship of new additions and new construction to the street and to the open space between buildings shall be compatible with adjacent historic buildings and with the historic character of the surrounding area.
2. New additions and new construction shall be sited so that the impact to the primary facade(s) is kept to a minimum. Additions shall generally be located at the rear portions of the property or in such locations where they have the least visual impact from public ways.

B. LANDSCAPE (Visible from adjacent public right of way)

1. Alterations and new development shall incorporate traditional ~~Traditional~~ landscape elements evident in the ~~district – historic properties in the surrounding area such as~~ grass, trees, shrubs, picket fences as applicable etc. ~~— should be preserved and are encouraged in site redevelopment.~~

2. Inappropriate landscape treatments, such as berms and extensive ground cover inconsistent with the historic landscaping of the property, are prohibited ~~discouraged~~.

C. BUILDING HEIGHT

1. In addition to the zoning requirements, the height of new additions and new construction shall not exceed the height of the historic building being added onto, or of historic buildings in the surrounding area.

D. BUILDING ~~BULK~~ MASSING

1. New additions shall be articulated in such a manner that no single element is visually larger than the existing historic building..

~~New additions smaller than the historic building or the historic buildings in the surrounding area are encouraged.~~

~~(a) Where new additions must be larger the new addition shall be articulated in such a manner that no single element is visually larger than the historic building or larger than the surrounding historic buildings.~~

E. PROPORTION AND SCALE

1. The relationship of height to width of new additions and their sub-elements, such as windows and doors and of alterations, shall be compatible with related elements of the historic building and with the historic character of the surrounding area.

2. The relationship of solids to voids (wall to window) shall be compatible with related elements on the historic building and with the historic character of the surrounding area.

F. EXTERIOR FEATURES

1. General

(a) To the extent practicable, original historic architectural elements and materials shall be preserved.

(b) Architectural elements and materials for new additions shall be compatible with related elements of the historic building and with the historic character of the surrounding area.

(c) The preservation, cleaning, repair, and other treatment of original materials shall be done in a manner as to retain the original materials to the most practical extent. ~~in accord with the Secretary of Interior's Standards of Rehabilitation and Guidelines for Rehabilitating Historic Buildings.~~

2. Foundations:

(a) Concrete or masonry foundations to replace deteriorated wood foundations are permitted encouraged. Such new foundations shall be covered with board skirting or similar treatment to match the original appearance and extend to within six to eight inches (~~6" - 8"~~) of the ground level.

(b) Concrete or masonry foundations for new additions need not be covered with material that ~~stimulates~~ simulates earlier construction techniques that were practiced at the original time of construction.

(c) New foundations shall not significantly alter the historic finish floor elevation of the building.

3. Roofs:

(a) Roofs on new additions shall be of forms (gabled, hipped, etc.) that are compatible with the historic building and the historic character of the district.

4. Garages/Carports:

(a) When feasible, garages and carports shall be located on the site where they have the minimum visual impact from public ways.

(b) Where garages must face the street front, they shall be designed to minimize their bulk and visual impact. Single-car garage doors should be employed.

10.20.140 Supplemental Information

Design new buildings to be compatible with surrounding buildings that contribute to the overall character of the historic district in terms of height, form, size, scale, massing, proportion, and roof shape.

The Secretary of the Interior's Standards for the Treatment of Historic Properties.

The Standards are neither technical nor prescriptive, but are intended to promote responsible preservation practices that help protect our Nation's irreplaceable cultural resources. For example, they cannot, in and of themselves, be used to make essential decisions about which features of the historic building should be saved and which can be changed. But once a treatment is selected, the Standards provide philosophical consistency to the work. The four treatment approaches are Preservation, Rehabilitation, Restoration, and Reconstruction, outlined below in hierarchical order and explained:

The first treatment, **Preservation**, places a high premium on the retention of all historic fabric through conservation, maintenance and repair. It reflects a building's continuum over time, through successive occupancies, and the respectful changes and alterations that are made.

Rehabilitation, the second treatment, emphasizes the retention and repair of historic materials, but more latitude is provided for replacement because it is assumed the property is more deteriorated prior to work. (Both Preservation and Rehabilitation standards focus attention on the preservation of those materials, features, finishes, spaces, and spatial relationships that, together, give a property its historic character.)

Restoration, the third treatment, focuses on the retention of materials from the most significant time in a property's history, while permitting the removal of materials from other periods.

Reconstruction, the fourth treatment, establishes limited opportunities to re-create a non-surviving site, landscape, building, structure, or object in all new materials.

Standards for Preservation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Rehabilitation projects must meet the following Standards, as interpreted by the National Park Service, to qualify as "certified rehabilitations" eligible for the 20% rehabilitation tax credit. The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.

The Standards apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

1. 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. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. 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. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic 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 other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. 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. 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, 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. 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.

Standards for Restoration

1. A property will be used as it was historically or be given a new use which reflects the property's restoration period.

2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.

3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.

6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.

7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.

8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

10. Designs that were never executed historically will not be constructed.

Standards for Reconstruction

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.

2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.

3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.

4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural

designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.

5. A reconstruction will be clearly identified as a contemporary re-creation.

6. Designs that were never executed historically will not be constructed.

MASONRY

(~~Adobe, Brick, Stone, Terra Cotta, Concrete, Stucco, Mortar~~)

RECOMMENDED

~~Retaining original masonry and mortar, whenever possible, without the application of any surface treatment.~~

~~Repointing only those mortar joints where there is evidence of moisture problems or when sufficient mortar is missing to allow water to stand in the mortar joint.~~

~~Duplicating old mortar in composition, color, and texture.~~

~~Duplicating old mortar in joint size, method of application, and joint profile.~~

~~Repairing stucco with a stucco mixture that duplicates the original as closely as possible in appearance and texture.~~

~~Cleaning masonry only when necessary to halt deterioration or to remove graffiti and stains, and always with the gentlest method possible, such as low pressure water and soft, natural bristle brushes.~~

~~Repairing or replacing, where necessary, deteriorated material with new material that duplicates the old as closely as possible.~~

~~Replacing missing significant architectural features, such as cornices, brackets, railings, and shutters.~~

~~Retaining the original or early color and texture of masonry surfaces, including early signage wherever possible. Brick or stone surfaces may have been painted or whitewashed for practical and aesthetic reasons.~~

NOT RECOMMENDED

~~Applying waterproofing or water repellent coating or surface consolidation treatments unless required to solve a specific technical problem that has been studied and identified. Coatings are frequently unnecessary, expensive, and can accelerate deterioration of the masonry.~~

~~Repointing mortar joints that do not need repointing. Using electric saws and hammers to remove mortar can seriously damage the adjacent brick.~~

~~Repointing with mortar of high Portland cement content can often create a bond that is stronger than the building material. This can cause deterioration as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.~~

~~Repointing with mortar joints of a differing size or joint profile, texture, or color.~~

~~Sandblasting, including dry and wet grit and other abrasives, brick, or stone surfaces; this method of cleaning erodes the surface of the material and accelerates deterioration. Using chemical reaction with the masonry materials, i.e., acid on limestone or marble.~~

~~Applying new material which is inappropriate or was unavailable when the building was constructed, such as artificial brick siding, artificial cast stone, or brick veneer.~~

~~Removing architectural features such as cornices, brackets, railings, shutters, window architraves, and doorway pediments.~~

Removing paint from masonry surfaces indiscriminately. This may subject the building to damage and change its appearance.

WOOD

(Clapboard, Weatherboard, Shingles, and Other Wooden Siding)

RECOMMENDED

Retaining and preserving significant architectural features wherever possible.

Repairing or replacing, where necessary, deteriorated material that duplicates in size, shape, and texture the old as closely as possible.

NOT RECOMMENDED

Removing architectural features such as siding, cornices, brackets, window architraves, and doorway pediments. These are, in most cases, an essential part of a building's character and appearance that illustrate the continuity of growth and change.

Resurfacing frame buildings with new material that is inappropriate or was unavailable when the building was constructed, such as artificial stone, brick, veneer, asbestos, or asphalt shingles and plastic or aluminum siding. Such material can also contribute to the deterioration of the structure from moisture and insects.

ARCHITECTURAL METALS

(Cast Iron, Steel, Pressed Tin, Aluminum, and Zinc)

RECOMMENDED

Retaining original material, whenever possible.

Cleaning when necessary with the appropriate method. Metals should be cleaned by methods that do not abrade the surface.

NOT RECOMMENDED

Removing architectural features that are an essential part of a building's character and appearance, illustrating the continuity of growth and change.

Exposing metals which were intended to be protected from the environment. Do not use cleaning methods which alter the color, texture, and tone of the metal.

ROOFS AND ROOFING

RECOMMENDED

Preserving the original roof shape.

Retaining the original material, whenever possible.

Providing adequate roof drainage and ensuring that the roofing materials provide a weathertight covering for the structure.

Preserving or replacing, where necessary, all architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, and weather vanes.

NOT RECOMMENDED

Changing the essential character of the roof by adding inappropriate features such as dormer windows, vents, or skylights.

~~Applying new roofing material that is inappropriate to the style and period of the building and neighborhood.~~

~~Stripping the roof of architectural features important to its character.~~

WINDOWS AND DOORS

RECOMMENDED

~~Retaining and repairing window and door openings, frames, sash, glass, doors, lintels, sills, pediments, architraves, hardware, awnings, and shutters where they contribute to the architectural and historic character of the building.~~

~~Improving the thermal performance of existing windows and doors through adding or replacing weatherstripping and adding storm windows and doors which are compatible with the character of the building and which do not damage window or door frames.~~

~~Replacing missing or irreparable windows on significant facades with new windows that match the original in material, size, general muntin and mullion proportion and configuration, and reflective qualities of the glass.~~

~~NOT RECOMMENDED Introducing or changing the location or size of windows, doors, and other openings that alter the architectural and historic character of the building.~~

~~Replacing window and door features on significant facades with historically and architecturally incompatible materials such as anodized aluminum, mirrored or tinted glass.~~

~~Removing window and door features that can be repaired where such features contribute to the historic and architectural character of the building.~~

~~Installing on significant facades shutters, screens, blinds, security grills, and awnings which are historically inappropriate and which detract from the character of the building.~~

~~Installing new exterior storm windows and doors which are inappropriate in size or color, or which are inoperable, or which require removal of original windows and doors.~~

~~Installing interior storm windows that allow moisture to accumulate and damage the window.~~

~~Replacing sashes which contribute to the character of the building with those that are incompatible in size, configuration, and reflective qualities or which alter the setback relationship between window and wall.~~

~~Installing heating/air conditioning units in the window frames when the sash and frames may be damaged. Window installations should be considered only when all other viable heating/cooling systems would result in significant damage to historic material.~~

STOREFRONTS

RECOMMENDED

~~Retaining and repairing existing storefronts, including windows, sash, doors, transoms, signage, and decorative features where such features contribute to the architectural and historic character of the building.~~

~~Where original or early storefronts no longer exist or are too deteriorated to save, retaining the commercial character of the building through (1) contemporary design which is compatible with the scale, design, materials, color, and texture of the historic buildings, or (2) an accurate restoration of the storefront based on historical research and physical evidence.~~

~~NOT RECOMMENDED Introducing a storefront or new design element on the ground floor, such as an arcade, which alters the architectural and historic character of the building and its~~

~~relationship with the street or its setting or which causes destruction of significant historic fabric.~~

~~Using materials which detract from the historic or architectural character of the building, such as mirrored glass.~~

~~Altering the entrance through a significant storefront.~~

ENTRANCES, PORCHES, AND STEPS

RECOMMENDED

~~Retaining porches and steps that are appropriate to the building and its development. Porches or additions reflecting later architectural styles are often important to the building's historical integrity and, wherever possible, should be retained.~~

~~Repairing or replacing, where necessary, deteriorated architectural features of wood, iron, cast iron, terra cotta, tile, and brick.~~

~~NOT RECOMMENDED Removing or altering porches and steps that are appropriate to the building's development and style.~~

~~Stripping porches and steps of original material and architectural features, such as hand rails, balusters, columns, brackets, and roof decoration of wood, iron, cast iron, terra cotta, tile, and brick.~~

~~Enclosing porches and steps in a manner that destroys their intended appearance.~~

Appendix "C" Design Review Guidelines – New Construction.

A.—GENERAL

~~1.— New construction shall be compatible in size, form, scale, materials, and texture with adjacent historic buildings and with dominant architectural character of the district.~~

~~2.— Contemporary designs expressing the elements described in 1. above are encouraged.~~

~~3.— Imitating in detail an earlier style of architecture is discouraged.~~

B.—SITING

~~1.— In addition to the zoning requirements, the relationship of new construction to the street and to the open space between buildings shall be compatible with surrounding historic buildings and with the historic character of the district.~~

C.—LANDSCAPE

~~1.— Traditional landscape elements evident in the district—grass, trees, and shrubs—are encouraged in new development.~~

~~2.— Inappropriate landscape treatment such as berms and extensive ground cover areas are discouraged.~~

D.—BUILDING HEIGHT

~~1.— In addition to the zoning requirements, the height of new construction shall not exceed the height of the tallest historic building of similar type in the district.~~

E.—BUILDING BULK

~~1.— The apparent size of primary elements of new construction shall not exceed that of the largest historic building in the district.~~

F.—PROPORTION AND SCALE

~~1.— The relationship of height to width of primary and secondary elements of new construction shall be compatible with the dominant historic character of the district, such as the typical historic windows which have an approximate proportion of 2 vertical to 1 horizontal.~~

~~2.—The relationship of solid to void (wall to window) shall be compatible with the dominant historic character of the district.~~

~~G.—EXTERIOR FEATURES~~

~~1.—General:~~

~~(a)—Exterior features such as bays, porches, balconies, and other architectural elements that establish the district's historic character are encouraged in new construction.~~

~~2.—Materials:~~

~~(a)—New construction should employ materials traditional to the district—wood, stone, and brick. Such materials should be employed in their traditional configuration, e.g., drop siding, common brick, standard shingles.~~

~~(b)—Inappropriate materials such as plywood, plastic and metal sidings, imitation brick and stone, and raw aluminum window frames are discouraged.~~

~~3.—Roof Form:~~

~~(a)—Primary roofs shall be gabled with pitches in the range of 12/12 to 12/8 to reflect the dominant roof pitches of the district's primary historic buildings.~~

~~4.—Garages/Carports:~~

~~(a)—When feasible, garages and carports should be located on the site where they have the minimum visual impact from public ways.~~

~~(b)—Where garages must face the street front, they should be designed to minimize their bulk and visual impact. Single-car garage doors should be employed.~~

[Ord. NS-1970, 2005]

Appendix "D"

~~The Secretary of the Interior's Standards for Rehabilitation.~~

~~The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.~~

~~The Standards (36 CFR Part 67) apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.~~

~~Rehabilitation projects must meet the following Standards, as interpreted by the National Park Service, to qualify as "certified rehabilitations" eligible for the 20% rehabilitation tax credit.~~

~~The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.~~

~~1.—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.—The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.~~

~~3.—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.—Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.~~

~~5.—Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic 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 other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.~~

~~7.—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.—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, 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.—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.~~

Appendix “E” The Federal Requirements of the Certified Local Government.

1.— ~~Enforce Appropriate State or Local Legislation for the Designation and Protection of Historic Properties. Federal regulations are found in 36 CFR 61.6. For the purpose of the CLG Program, the Act defines:~~

a.— ~~“Designation” as “the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government.” Designation includes the identification and registration of resources according to State or local criteria which must be consistent with the Secretary of the Interior’s Standards for Identification and Registration. Adoption of the National Register criteria is encouraged.~~

b.— ~~“Protection” as “a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic properties designated pursuant to” a local government becoming a Certified Local Government. The CLG’s local protection review process of the Act applies only to properties designated pursuant to State or local laws and procedures. This would not include properties listed on or determined eligible for the National Register of Historic Places unless such properties also were designated under the appropriate State or local process.~~

c.— ~~In its CLG procedures, each State must define what constitutes appropriate State or local legislation for the designation and protection of historic properties and its enforcement. NPS does not require State or local legislation regarding designation and/or protection as a prerequisite for certification. However, if State and/or local legislation is required in the State’s certification procedures, that legislation must be consistent with the Act and with the definitions above (for designation and/or protection).~~

2.— ~~Establish an Adequate and Qualified Historic Preservation Review Commission by State or Local Legislation. **Historic preservation review commission** means a board, council, commission, or other similar collegial body established by State or local legislation. The members must be appointed, unless otherwise provided by State or local legislation, by the chief elected official of the jurisdiction. Members must be drawn from professionals in architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent such professionals are available in the community concerned, and such other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines. NPS regulations regarding commissions are found in 36 CFR 61.6.~~

a.— ~~If no State law exists that allows the establishment of local commissions, the State will require the local government to establish a commission by law or ordinance, or other official action.~~

b.— ~~The State may define “adequate and qualified” within the limits of 36 CFR 61.6, but the requirements set shall not be more stringent or comprehensive than the State’s requirements for the State Review Board.~~

c.— ~~A State may specify in its State CLG procedures or incorporate by reference in State CLG procedures, the minimum number and type of professional members that the local government shall appoint to the commission, and indicate how additional expertise may be obtained. A local government may be certified without the minimum number or types of disciplines if it can provide written documentation to the SHPO that it has made a reasonable effort to fill those positions. However, if the SHPO has delegated State Review Board responsibilities to the Certified Local Government for that jurisdiction, the local commission~~

~~must meet all applicable Review Board requirements, and perform all Review Board responsibilities.~~

~~d.—When a professional discipline is not represented in the commission membership, the commission shall seek expertise in this area from persons meeting the Secretary of the Interior’s Professional Qualification Standards, as appropriate.~~

~~3.—Maintain a System for the Survey and Inventory of Properties that furthers the Purposes of the Act.~~

~~a.—The State shall promulgate guidelines for local survey and inventory systems that ensure that such systems and the data produced can be readily integrated into SHPO inventories, the statewide comprehensive historic preservation plan, and other appropriate State and local planning processes. CLG survey data shall be in a format consistent with SHPO inventory requirements and shall not be inconsistent with the Secretary of the Interior’s “Standards for Identification and Evaluation.” This policy does not apply to survey data produced by local governments before the effective date of CLG certification.~~

~~4.—Provide for Adequate Public Participation in the Local Historic Preservation Program.~~

~~a.—The State shall define in writing minimum requirements for public participation in the conduct of overall CLG activities. These minimum requirements must include provision for open meetings (which must include public participation in the National Register Nomination process), minutes that are publicly available, and the publication and dissemination of commission procedures, as well as compliance with local, State, and Federal public participation regulations.~~

~~5.—Satisfactorily Perform the Responsibilities Delegated to it Under the Act. Each local government must have the legal authority to fulfill the minimum requirements specified by the SHPO in its NPS-approved CLG procedures.~~