



# City of Coos Bay

## Community Development Dept.

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September 1, 2015

TO: Planning Commission

FROM: Eric Day, Community Development Department

ISSUE: **DISCUSSION/REVIEW - THE ESTABLISHMENT A HISTORIC PRESERVATION ORDINANCE AND HISTORIC PRESERVATION COMMITTEE**

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The City Council is requesting the Planning Commission review draft documents regarding the establishment of a Historic Preservation program. The changes would include enacting a Historic Preservation Ordinance and amendments to Ordinance No. 456, which regulates the duties of the Design Assistance Team.

The proposed revisions to Ordinance No. 456 include historic preservation duties, would allow the existing Design Assistance Team to act as the Historic Preservation Committee for the City of Coos Bay, which is a requirement to be a Certified Local Government community. The existing committee members have the background, education and experience required to function as the Historic Preservation Committee.

### **BACKGROUND**

The Certified Local Government (CLG) program is designed to promote historic preservation at the local level. It is a federal program (National Park Service) that is administered by the Oregon State Historic Preservation Office (SHPO).

Local governments must meet certain qualifications to become "certified" and qualify to receive matching grants from SHPO. The basic certification requirements for local governments are as follows:

- Establish a historic preservation commission and appoint interested and qualified residents to serve. To the extent they are available, at least some of the commission members should meet "professional" qualifications in the disciplines of history, architecture, architectural history, archaeology, or related fields.
- Pass a preservation ordinance that outlines how the local government will address historic preservation issues.
- Agree to participate in updating and expanding the state's historic building inventory program. SHPO takes the lead in this effort by maintaining the master database and the files for the statewide inventory and by providing grants to survey additional properties.
- Agree to review and comment on any National Register of Historic Places nominations of properties within the local government boundaries. Nominations

are usually submitted by the property owners themselves or other members of the public. SHPO administers the National Register program in Oregon.

- Affirm that it will fulfill its obligation to enforce existing state preservation laws.

The existing Design Assistance Team (D.A.T.) currently review and provides comment to the Planning Commission on land use applications for projects in the Empire and Front Street design review areas. They also review Façade Improvement Grant applications and are invited to participate in Pre-Application Conferences for new commercial development and they provide related assistance as directed by City Council. Expanding the duties to include historic preservation would allow the City to utilize the existing members and meet the State requirements.

The proposed Historic Preservation Ordinance would allow the City to be certified as a “Certified Local Government”, which would expand grant and training options for the City of Coos Bay and property owners of eligible properties, including:

- **Grants from SHPO:** The grants, which require a 50/50 match, have typically been in the \$5,000--\$20,000 range in recent years. Grants can be used for a broad range of preservation activities, though some of the most common grant-funded projects include the following:
  - > Surveys of historic properties and accompanying context studies
  - > National Register nominations of either individual buildings or historic districts
  - > Public education activities: plaques, walking tour booklets, websites, etc.
  - > Preservation planning: updating ordinances, preparing design guidelines, administering local preservation programs, etc.
  - > Architectural and engineering studies and plans for rehabilitating historic properties
  - > "Brick-and-mortar" rehabilitation work on National Register buildings
- **Training:** workshops and conferences for staff and committee members.
- **SHPO and National Park Service assistance:** CLGs enjoy a partnership relationship with the state and federal agencies that have the primary responsibility for promoting historic preservation in the U.S. As such, CLGs are able to tap into the expertise and resources of these agencies in order to help address their local preservation issues. Networking: Through CLG workshops, conferences, lists, and websites, CLGs are able to participate in the discussion of preservation issues with other local governments throughout the state and country.
- **Increased Effectiveness:** By participating in the CLG program, local governments become more skilled and effective at promoting the economic, social, and educational benefits of historic preservation in their community. They are also able to avoid much of the controversy that comes from mishandled local historic preservation issues.

Attachments: Proposed Ordinance to establish the Historic Preservation program  
Proposed Amendments to Ordinance No. 456

ORDINANCE NO. \_\_\_\_\_

~~AN ORDINANCE REPEALING ORDINANCES NUMBER 439, 316 & 310 RELATED TO THE ESTABLISHMENT, POWERS AND DUTIES OF THE DESIGN REVIEW COMMITTEE AND ESTABLISHING THE DESIGN ASSISTANCE TEAM TO SERVE AS AN ADVISORY BODY CONCERNING DESIGN REVIEW AND OTHER MATTERS REGARDING HISTORIC, CULTURAL, ARCHITECTURAL, NATURAL, OR ARTISTIC RESOURCES~~

AN ORDINANCE AMENDING ORDINANCE NUMBER 456 RELATED TO AMMENDING THE POWERS AND DUTIES OF THE DESIGN ASSISTANCE TEAM TO INCLUDE HISTORIC PRESERVATION<sup>[ED1]</sup><sup>[DE2]</sup>.

The City of Coos Bay ordains as follows:

**Section 1. Purpose.** The purpose of this chapter is to establish a Design Assistance Team (DAT) to act as an advisory body to the city of Coos Bay Community Development Department, Planning Commission, City Council and, if requested, the Urban Renewal Agency for the city of Coos Bay.

*The purpose of this chapter is to amend the duties of the Design Assistance Team (DAT) which serves as an advisory body concerning design review and other matters regarding historic preservation, cultural, architectural, natural, or artistic resources, to the city of Coos Bay Community Development Department, Planning Commission, City Council and, if requested, the Urban Renewal Agency for the city of Coos Bay*<sup>[ED3]</sup>.

**Section 2. Design Assistance Team – Creation – Membership.**

(1) There is hereby created a Design Assistance Team, which shall<sup>[ED4]</sup> consist of up to seven members to be appointed by, and to serve at the pleasure of, the City Council. Membership may include any person possessing interest in furthering the betterment of historic, cultural, architectural, natural or artistic resources in the Coos Bay area<sup>[ED5]</sup><sup>[DE6]</sup>. A maximum of two members, who do not reside, or own a property<sup>[DE7]</sup> or business within the Coos Bay city limits, may be appointed to the design assistance team. Members shall serve without compensation, but are eligible for reimbursement of expenses related to their service.

(2) Membership should, if possible, include three members, one each with knowledge and expertise in one of the following areas: demonstrated competence, knowledge, or interest in historic preservation with preference given to those with professional experience in the fields of preservation, architecture, ~~Artart~~, graphics, or design, archaeology, community history, building trades, real estate, or related specialties.

(a) Local history;

(b) Art, graphics, or design;

(c) Architecture.

(3) The city council shall review applications and interview applicants for appointment to the Design Assistance Team.

(4) Terms of appointment shall be four years, and shall be staggered, with no more than four terms expiring in any one year. The initial appointment of four members shall be for three years; the initial appointment for three members shall be for two years. **Members shall be eligible for reappointment.**

**(5) The Historic Preservation Officer shall request that the City Council consider declaring the position vacant of any member who is absent from three meetings in a single calendar year without being excused prior to the meeting by the Chair of the Design Assistance Team.**

~~(5)~~ (6) A vacancy created in the Design Assistance Team shall be filled for the unexpired term of the predecessor in office.

### **Section 3: Meetings; Rules; Procedure.**

(1) The Design Assistance Team ~~are~~is encouraged to, either individually or as a group, meet with and act as a resource for the city at land use pre-application conferences with applicants and city staff as scheduled by the community development department.

(2) Meetings and records of the Design Assistance Team are subject to Oregon public meetings law and public records law; provided however, that to the extent not inconsistent with state and local laws, the committee may make and alter rules and regulations for its proceedings and operation.

**(3) A simple majority of the members shall constitute a quorum. The concurring vote of the members present shall be required for approval or disapproval of any motion or other action.**

**(4) A Chair and Vice-Chair shall be elected annually by and from the seated membership. Officers are eligible for reelection.**

**(5) The Design Assistance Team shall meet at least four times a year, and as required to conduct business in a timely fashion. Notice of the meetings shall be in accordance with applicable state law. Meeting minutes, applications for Certificates of Appropriateness, Landmark nominations, records of designation, staff reports, and decisions of the Committee shall be created and maintained as public records in accordance with applicable local state laws**<sup>[ED8]</sup><sup>[DE9]</sup>.

### **Section 4. Powers and duties of the Design Assistance Team.**

(1) The Design Assistance Team shall function as an advisory body in implementing and interpreting architectural design review, as set forth in the Ccity of Coos Bay land development ordinance.

(2) The Design Assistance Team shall cooperate with the Community Development Department, Planning Commission, and City Council, as well as other local bodies, to further the architectural design and to assure harmonious and integrated planning within Coos Bay.

(3) The Design Assistance Team shall, upon referral by the Planning Department, Planning Commission or City Council, review specific public and private proposals for consistency and compliance with the city's land development ordinance.

(4) In no instance shall the Design Assistance Team's action conflict with the land development ordinance, the building codes, other applicable city ordinances, or state or federal requirements.

(5) The Design Assistance Team may, individually or as a group, meet with and act as a resource for other persons or groups interested in undertaking projects which are directed at preserving historic, cultural, architectural, natural or artistic resources in the Coos Bay area, including those areas subject to the Coos Bay estuary management plan, but shall not, without prior approval by the city council, have the authority to endorse or officially support any particular project. This section shall not be interpreted to limit in any way the ability of a member of the design assistance team from being employed in their professional capacity, including their ability to support their client and/or customer's particular project with the City.

**(6) The Design Assistance Team shall employ the procedures and criteria of the Historic Preservation Ordinance to identify, recognize, and preserve significant properties related to the community's history; encourage the rehabilitation and ongoing viability of historic buildings and structures; strengthen public support for historic preservation efforts within the community; foster civic pride; and encourage cultural heritage tourism.**

**(7) The Design Assistance Team shall identify and evaluate properties in the City of Coos Bay and maintain a Historic Resource Survey consistent with the standards of the Oregon State Historic Preservation Office, hereinafter referred to as "SHPO."**

**(8) The Design Assistance Team shall support the enforcement of all state laws relating to historic preservation and may comment on local, state, or federal issues, laws, and requests relating to historic preservation.**

(6) **(9)** The Design Assistance Team shall undertake such other **advisory** duties as may be delegated to it by the Director of Community Development or City Council from time to time.

**Section 5: Severability.**

Invalidity of a section, subsection, paragraph or clause of this ordinance shall not affect the validity of the remaining sections or parts of this ordinance.

**Section 6:** This Ordinance shall take effect 30 days after enactment by the City Council and signature by the Mayor, whichever is later.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 4<sup>th</sup> ~~18<sup>th</sup>~~ day of April 2014 **August 2015**.

Yes:  
No:  
Absent:

\_\_\_\_\_  
Chrystal Shoji, Mayor of the City of Coos Bay  
Coos County, Oregon

ATTEST:

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Susanne Baker, City Recorder  
City of Coos Bay, Coos County, Oregon

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ESTABLISHING A HISTORIC PRESEVATION PROCESS TO IDENTIFY, RECOGNIZE, AND PRESERVE SIGNIFICANT PROPERTIES AND TO ENCOURAGE THE REHABILITATION OF HISTORIC BUILDING AND STRUCTURES.**

The City of Coos Bay ordains as follows:

**Section 1. Purpose.** The purposes of the ordinance is to establishe a Historic Preservation Ordinance to identify, recognize, and preserve significant properties related to the community's history; encourage the rehabilitation and ongoing viability of historic buildings and structures; strengthen public support for historic preservation efforts within the community; foster civic pride; and encourage cultural heritage tourism.

**Section 2: Applicability.** No provision of this Ordinance shall be construed to prevent the ordinary maintenance of a Landmark when such action does not involve a change in color, when color is not specifically noted in record of designation, design, materials, or appearance. No provision in this Ordinance shall be construed to prevent the alteration, demolition, or relocation of a Landmark when the Building Official certifies that such action is required for public safety. At his or her discretion, the Building Official may find that under state law and Section 8.D.3 that a Landmark does not meet current building code but is not dangerous.

**Section 3: Definitions.** The following definitions apply to terms used in this Ordinance. Terms not defined have their commonly construed meaning:

Alteration: An addition, removal, or reconfiguration that changes the appearance of a Landmark. Painting, when color is not specifically noted in Landmark's Record of Designation, and ordinary maintenance are excluded from this definition.

Building: A house, barn, church, hotel, or similar construction created principally to shelter any form of human activity.

Certificate of Appropriateness (COA): A document issued by the Historic Preservation Officer indicating that the applicant has satisfactorily met the provisions of this Ordinance for the alteration, relocation, or demolition of a Landmark.

Demolition: The complete destruction or dismantling of sixty-five (65) percent of, or greater, of the entirety of a Landmark.

District: A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Eligible/Contributing: A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district.

Eligible/Significant: A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district, and are likely individually eligible for listing in the Local Landmark Register.

Exceptional Significance: The quality of historic significance achieved outside the usual norms of age, association, or rarity.

Historic Integrity: The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a historic resource, as opposed to its physical condition.

Historic Preservation Officer: The city official responsible for the administration of this Ordinance.

Historic Resource: A building, structure, object, site, or district that is at least fifty (50) years old or is of exceptional significance and potentially meets the age, integrity, and significance criteria for listing in the Local Landmark Register, but may not necessarily be recorded in the Historic Resource Survey.

Historic Resources of Statewide Significance: Buildings, structures, sites, objects, and districts that are listed in the National Register.

Historic Resource Survey: The record of buildings, structures, objects, and sites recorded by the City of Coos Bay used to identify historic resources potentially eligible for listing in the Local Landmark Register.

Historic Significance: The physical association of a building, structure, site, object, or district with historic events, trends, persons, architecture, method of construction, or that have yielded or may yield information important in prehistory or history.

Landmark: A building, structure, site, object, or district listed in the City of Coos Bay's Local Landmark Register.

Local Landmark Register: The list of historic resources officially recognized by the City of Coos Bay as important to its history and afforded the protection under this Ordinance.

National Register of Historic Places: The nation's official list of buildings, structures, sites, objects, and districts important in the nation's history and maintained by the National Park Service in Washington, D.C., and hereinafter referred to as the "National Register." Historic resources listed in the National Register are referred to as "Historic Resources of Statewide Significance" in Oregon Revised Statutes.

Non-Contributing: A building, structure, object, or site originally constructed within the applicable period of significance that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition.

Not in Period: A building, structure, object, or site that was originally constructed outside the applicable period of significance.

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

Ordinary Maintenance: Activities that do not remove materials or alter qualities that make a historic resource eligible for listing in the Local Landmark Register, including cleaning, painting, when color is not changed, and limited replacement of siding, trim, and window components when such material is beyond repair and where the new piece is of the same size, dimension, material, and finish as that of the original historic material. Excluded from this definition is the replacement of an entire window sash or more than twenty (20) percent of the siding or trim on any one side of a Landmark at any one time within one (1) calendar year.

Period of Significance: The time period, from one to several years or decades, during which a Landmark was associated with an important historic event(s), trend(s), person(s), architecture, or method(s) of construction.

Record of Designation: The official document created by the Historic Preservation Officer that describes how a Landmark meets the criteria for listing in the Local Landmark Register.

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

Relocation: The removal from or moving of a Landmark from its original location noted in the Record of Designation.

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

Streetscape: The physical parts and aesthetic qualities of a public right-of-way, including the roadway, gutter, tree lawn, sidewalk, retaining walls, landscaping and building setback

**Section 4: Historic Preservation Committee.** The City of Coos Bay hereby appoints the Design Assistance Team to act as the "Historic Preservation Committee" and establishes the following historic preservation provisions:

- A. The Community Development Director shall be the Historic Preservation Officer and shall carry out the administrative provisions of this Ordinance. The Historic Preservation Officer may appoint a designee(s) to carry out responsibilities delegated to him or her under this Ordinance and to serve as staff to the Design Assistance Team.

- B. The seven members of the Design Assistance Team shall demonstrate competence, knowledge, or interest in historic preservation with preference given to those with professional experience in the fields of preservation, architecture, archaeology, community history, building trades, real estate, or related specialties. A maximum of two members who do not reside or own a business within the Coos Bay city limits may be appointed. Members shall serve without compensation, but are eligible for reimbursement of expenses related to their service.
- C. Terms of appointment shall be four years and shall be staggered with no more than four terms expiring in any one year. The initial appointment of four members shall be for three years; the initial appointment for three members shall be for two years. Subsequent terms of appointment shall be for three years, or in the case of a replacement, for the remainder of the unexpired term. Members shall be eligible for reappointment.
- D. A simple majority of the members of the Design Assistance Team shall constitute a quorum. The concurring vote of the members present shall be required for approval or disapproval of any motion or other action of the Design Assistance Team.
- E. A Chair and Vice-Chair shall be elected annually by and from the seated membership. Officers are eligible for reelection.
- F. The Design Assistance Team shall meet at least four times a year, and as required to conduct business in a timely fashion. Notice of the meetings shall be in accordance with applicable state law. Meeting minutes, applications for Certificates of Appropriateness, Landmark nominations, records of designation, staff reports, and decisions of the Design Assistance Team shall be created and maintained as public records in accordance with applicable local state laws.
- G. The Historic Preservation Officer shall request that the City Council consider declaring the position vacant of any member who is absent from three meetings in a single calendar year without being excused prior to the meeting by the Chair of the Design Assistance Team.

**Section 5: Historic Preservation Duties.** The Design Assistance Team shall have the following historic preservation duties:

- A. Employing the procedures and criteria in Section 6, they shall identify and evaluate properties in the City of Coos Bay and maintain a Historic Resource Survey consistent with the standards of the Oregon State Historic Preservation Office, hereinafter referred to as "SHPO."
- B. Employing the procedures and criteria in Section 7, they shall designate properties to the Local Landmark Register.
- C. Employing the procedures and criteria in Section 8, they shall review and act upon applications for the alteration, relocation, or demolition of Landmarks.

- D. They shall support the enforcement of all state laws relating to historic preservation.
- E. They shall perform any other functions that may be designated by motion of the City Council.
- F. They may publish and adopt written and graphic guidelines and example materials to clarify the criteria in this Ordinance and to assist applicants in developing complete and viable applications to designate, alter, rehabilitate, relocate, or demolish Landmarks. Documents intended to be used for the regulation of alterations as defined in this Ordinance must be voted on and adopted by the Design Assistance Team.
- G. They may undertake to inform the citizens of, and visitors to the City of Coos Bay, regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of Landmarks; provide information on state and federal preservation programs; and document Landmarks prior to their alteration, demolition, or relocation and archive that documentation.
- H. For purposes consistent with this Ordinance and subject to the approval the City Council, they may seek, accept, and expend public appropriations; seek, accept, and expend grant and gift funds; cooperate with public and private entities; assist the owners of Landmarks in securing funding for the preservation of their properties; and report on such activities to the City Council.
- I. They may recommend incentives and code amendments to the City Council and Planning Commission to promote historic preservation in the community.
- J. They may comment on local, state, or federal issues, laws, and requests relating to historic preservation.

**Section 6: Identification and Evaluation of Historic Resources.** The Historic Resource Survey lists, describes, and determines the eligibility of historic resources for listing in the Local Landmark Register. Not all properties listed in the Historic Resource Survey are eligible for listing in the Landmarks Register. A property need not be first listed in the Historic Resource Survey before being nominated to the Local Landmark Register under Section 10.

- A. The Design Assistance Team shall determine and periodically revise priorities for the identification and evaluation of historic resources based on the community's needs and interests.
- B. Before commencing inventory studies or updates, the Design Assistance Team shall provide public notice and/or mailing and web postings describing the inventory, its purposes and timelines and invite public participation.

- C. Surveyed properties shall be identified as Eligible/Significant (ES), Eligible/Contributing (EC), Non-Contributing (NC), or Not in Period (NP). Evaluation and documentation of properties in the Historic Resource Survey shall meet the requirements of the document "Guidelines for Historic Resource Surveys in Oregon, 2010" or most recent guidance for such efforts published by the SHPO and be supplied to the agency within six (6) months of the completion of the study.
- D. The Historic Resource Survey shall be maintained as a public record with the exception of archaeological sites, which is prohibited by State law.
- E. Citizens shall have the opportunity to review and correct information included in the Historic Resource Survey. Any member of the public may place a property in the Historic Resource Survey; however, the Design Assistance Team retains the authority to determine the property's eligibility for listing in the Local Landmark Register.
- F. The Design Assistance Team may collect further information including, but not limited to, current photographs, architectural descriptions based on on-site observations, or archival documentation for properties already listed in the Local Landmark Register or National Register for the purposes of administering this Ordinance pursuant to the provisions of this Section.

**Section 7: Local Landmark Register.** The Design Assistance Team may designate historic resources to the Local Landmark Register as a means of providing recognition of their significance and providing incentives and guidelines for their preservation. The Local Landmark Register is maintained by the Historic Preservation Officer and shall be available to the public.

- A. Historic resources within the corporate boundaries of the City of Coos Bay as listed in the City of Coos Bay Comprehensive Plan 2000, Volume II-Plan Inventories, Chapter 5.1 Historic Preservation and listed in the National Register, including all National Register-listed historic districts in their entirety may be listed in the Local Landmark Register using the procedures outlined in Section C, but need not be documented as outlined in Section B.2 through B.4 of this Section. In such cases, the National Register nomination shall serve as the Record of Designation. As Historic Resources of Statewide Significance, all National Register-listed properties, including individual properties in recognized National Register-listed historic districts are subject to the regulations in Section 8.E, pursuant to Oregon State Law.
- B. Criteria for Designating Historic Resources to the Local Landmark Register. Any building, structure, object, site, or district may be designated to the Local Landmark Register if it meets all the Criteria of Section 7.A or all of the criteria listed below:
  - 1. The property is located within the boundaries of the City of Coos Bay.
  - 2. The property is over fifty (50) years of age or of exceptional importance, or in the case of a district; the majority of the properties are over fifty (50) years old or have exceptional significance.

3. The property possesses sufficient historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that may destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the form and appearance of the historic resource when viewed from the public right-of-way.
  4. The property has historic significance as demonstrated by meeting at least one of the following criteria:
    - (a) Association with events that have made a significant contribution to the broad patterns of our history; and/or
    - (b) Association with the lives or persons significant in our past; and/or
    - (c) Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and/or
    - (d) Have yielded, or may be likely to yield, information important in prehistory or history.
- C. Nomination Procedure. Any person, group, or government agency may nominate a property for listing in the Local Landmark Register. The nomination procedures are as follows:
1. There is no fee associated with nominating a historic resource to the Landmark Register.
  2. The nomination for a historic resource to the Local Landmark Register must include a description of the boundaries of the proposed nominated area and the structures, objects, and sites contained therein, and a statement explaining how the historic resource(s) meet(s) the criteria under "B" of this Section. The Historic Preservation Officer may establish additional standards for a complete application.
  3. Prior to setting the proposed nomination on the agenda for the next Design Assistance Team meeting, the Historic Preservation Officer shall inform property owners in writing of the nomination process pursuant to local and state law. To be listed in the Local Landmark Register, the property's legal owner(s) shall provide to the City a written statement acknowledging that the owner understands the nomination process and the results of such a designation, and wishes to have their property listed in the Local Landmark Register. Within locally-designated historic districts a boundary may be established, but only those that submit a statement as described above will be listed in the Local Landmark Register. In cases where multiple persons or entities own a single

property, a simple majority of the property owners must submit a written statement.

The City of Coos Bay may not object to the listing of a historic resource in City ownership. This provision does not apply to individual historic resources and historic districts listed in the National Register.

4. Upon acceptance of a complete application and receipt of written owner consent, the Historic Preservation Officer shall schedule a public meeting before the Design Assistance Team pursuant to applicable state and local laws.
  5. The Design Assistance Team shall review the documentation for completeness, accuracy, and compliance with the “Criteria for Designating Historic Resources to the Local Landmark Register” of this Section. The Design Assistance Team may make a recommendation to approve, deny, or table the application pending further testimony, or to allow for the petitioner to provide additional information. The Design Assistance Team shall develop written findings to support its decisions.
  6. A public hearing before the City Council is required for a final decision. The City Council may approve, deny, or table the application pending further testimony, or to allow for the petitioner to provide additional information as requested by the Council. The Council shall adopt written findings to support its decisions. If approved, the Historic Preservation Officer shall prepare a Record of Designation that includes the original nomination materials, and any testimony or additional materials considered during the nomination process that establishes the eligibility of the historic resource for listing in the Local Landmark Register.
  7. Historic Resources designated as Landmarks shall be noted as such in the Record of Designation. The designation shall apply to the entirety of the recognized Landmark as described in the Record of Designation regardless of future property division or ownership.
  8. A Record of Designation may be amended through the process described in this Section. The Historic Preservation Officer may administratively add additional materials gathered under the provisions of Section 6 to keep the record current or elaborate on established facts in the Record of Designation. Notice of such an action shall be provided to the Design Assistance Team at their next regular meeting.
- D. Results of listing in Local Landmark Register. Historic resources listed in the Local Landmark Register receive the following benefits:
1. All uses and restrictions established by the underlying zoning, existing conditional use permits, and other applicable design standards shall remain in effect unless changed through due process.
  2. Landmarks are protected under the provisions of Section 8 through 13.
  3. City staff shall consider granting zoning variances and/or conditional use permits in order to encourage the productive use and preservation of Landmarks.

4. The local Building Official shall consider waiving certain code requirements in accordance with the existing state building code.
5. Property owners of Landmarks may seek technical or financial assistance from the Design Assistance Team in applying for grants or tax incentives for rehabilitating their properties as resources and funds are available.
6. Property owners of Landmarks are eligible to receive City-funded grants and loans to assist with the preservation of their buildings as resources and funds are available.

**Section 8: Treatment of Historic Resources listed in the Local Landmark Register.** The Design Assistance Team shall use the provisions of this Section to preserve the exterior character-defining features of individual Landmarks; the exterior of individual buildings in Landmark historic districts; and exteriors and interior public spaces of city-owned Landmarks.

- A. Activities not subject to the provisions of this Section.
  1. Alterations to building interiors.
  2. Application of exterior paint color when color is not specifically noted in record of designation.
  3. Alterations to landscape features not specifically identified as historically significant in Record of Designation.
- B. No Landmark or exterior landscape or archaeological element noted as significant in the Record of Designation shall be altered, relocated, or demolished, or a new building or structure constructed within the area defined in the Record of Designation without a Certificate of Appropriateness signed and issued by the Historic Preservation Officer. Certificates must be presented to the Building Official before a building or demolition permit is issued.
  1. An application for a Certificate of Appropriateness must include a description of the proposed activity, accompanying maps, photographs, drawings, and other documentation. The Historic Preservation Officer may establish additional standards for a complete application, including defining different criteria for a complete application under provisions C, D, and E of this Section.
  2. Upon acceptance of a complete application, the Historic Preservation Officer shall decide within 15 days if the proposed work is subject to provisions C, D, or E of this Section.
  3. The Historic Preservation Officer shall prepare a staff report for the Design Assistance Team that summarizes the proposed project, notes the criteria specified in this Ordinance under which the application shall be considered.

Materials that may be used in the preparation of the staff report include the Record of Designation; and/or National Register nomination; and/or other archival photos, maps; and/or other documentary evidence specific to the subject property; and/or observations from on-site inspections from the public-right-of way to document its historic appearance or alteration over time; and/or documents and publications of the National Park Service or Oregon State Historic Preservation Office.

Upon review of the report, the Design Assistance Team shall make a recommendation to the City Council to approve, approve with conditions, or deny the application for a Certificate of Appropriateness. Documents shall be made available at least seven (7) calendar days before a public hearing is held or administrative decision is made.

4. The City Council shall review the record and act upon applications for the alteration, relocation, and demolition of a Landmark. Applications for the alteration of a Landmark may be approved, approved with conditions, or denied. Applications for the relocation or demolition of a Landmark may be approved, approved with conditions, or the action delayed for up to one year. The Council shall adopt written findings to support its decisions pursuant to this Section.
  5. A Certificate of Appropriateness issued for the alteration of a Landmark shall be effective for a period of two (2) years from the date of its issuance. A Certificate of Appropriateness issued for the relocation or demolition of a historic resource shall be effective for a period of one (1) year. A one year extension may be granted by the Design Assistance Team.
  6. A Landmark may be altered, relocated, or demolished without a Certificate of Appropriateness if the Building Official attests in writing that the condition of a Landmark poses a clear and immediate hazard to public safety. The comments of the Building Official with sufficient evidence to support his or her conclusions shall be provided to the Historic Preservation Officer within fifteen (15) days of making his or her decision. The Historic Preservation Officer will make these materials available to the Design Assistance Team at their next regular meeting. The property owner(s) must submit an application for a Certificate of Appropriateness as required under this Ordinance within thirty (30) days of the Building Official submitting his or her written statement to the Historic Preservation Officer.
- C. The Historic Preservation Officer may issue a Certificate of Appropriateness for the alteration of a Landmark without a public hearing when the proposed alteration will not significantly change the qualities that merited the listing of the Landmark in the Local Landmark Register. A completed Certificate of Appropriateness must be presented to the Building Official before a permit is issued. The Historic Preservation Officer shall make a list of certificates issued in this manner available to the Design Assistance Team at each regular meeting. Activities eligible for a Certificate of Appropriateness issued as described in this provision include the following:

1. Construction of a fence that complies with the Development Code.
  2. Demolition of an outbuilding noted as sharing a lot with a Landmark and specifically noted as not historically significant in its designation.
- D. A public hearing before the City Council and a signed Certificate of Appropriateness shall be required for activities not exempted in A.1 through A.3. and C.1 through C.2 of this Section.
1. Prior to submitting an application for a permit pursuant to this Section, proponents are encouraged to request a pre-application conference to review concepts and proposals. The Historic Preservation Officer may assign a staff member to perform these duties or contract with other parties to complete the consultation. The Design Assistance Team may also form ad-hoc committees for this purpose. The members shall declare ex-parte contact at the time of a public hearing on the proposal.
  2. Upon acceptance of a complete application the Historic Preservation Officer shall schedule a public hearing pursuant to applicable local and state laws.
  3. In order to approve an application for the alteration of a Landmark, the Design Assistance Team must find that the proposal meets the following guidelines as applicable:
    - (a) A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships; and/or
    - (b) The historic integrity of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided; and/or
    - (c) A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken; and/or
    - (d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved; and/or
    - (e) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved; and/or
    - (f) Deteriorated historic features shall be repaired rather than replaced. The severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence; and/or

- (g) Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used; and/or
  - (h) Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken; and/or
  - (i) New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment; and/or
  - (j) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
4. In addition to meeting the applicable guidelines in 3(a) through 3(j) of this Section, in order to approve an application for the alteration of a Landmark the Design Assistance Team must find that the proposal meets the following design standards as applicable:
- (a) Vacant buildings shall be weather- and vandal-proofed in order to minimize further deterioration and the threat to public safety; and/or
  - (b) Rehabilitation work, especially on the exterior and the principal facades shall preserve the existing historic features or replace them if absolutely necessary with features and materials known to have existed on the building through verifiable evidence such as photographs. Alterations to Landmarks shall not be based on speculation, but instead on documentary evidence; and/or
  - (c) New additions shall be subordinate to the original building, meaning lower in height, attached to the rear or set back along the side, smaller in scale, and have less architectural detail; and/or
  - (d) Height, width, setback, roof shape, and the overall scale and massing of new buildings within historic districts and on lots with existing Landmarks, or additions to Landmarks shall be compatible with the existing historic building(s) and, in the case of historic districts, the overall streetscape; and/or
  - (e) In historic districts and on lots with existing Landmarks, materials on at least the primary façade(s) of new buildings shall be similar in size, shape, color, and texture to the original materials on the facades of surrounding historic buildings; and/or

- (f) Architectural details on new construction (including wood or metal trim, porches, cornices, arches, and window and door features, etc.) shall be complimentary, but shall not replicate historic features on surrounding historic buildings; and/or
- (g) Window and door opening should be similar in size and orientation (vertical to horizontal) to openings on historic buildings and shall take up about the same percentage of the overall façade as those on surrounding historic buildings; and/or
- (h) In historic districts and on lots with existing Landmarks, the relationship of the width to the height of the principal elevations for new buildings and additions to existing Landmarks shall be in scale with the surrounding structures and streetscape. Wider new building can be divided into segments that more closely resemble the façade widths of historic buildings; and/or
- (i) In historic districts and on lots with existing Landmarks, the roof shape of new buildings and additions to existing Landmarks shall be visually compatible with the surrounding structures and streetscape. Unusual roof shapes, materials, and pitches are discouraged; and/or
- (j) Moving Landmarks shall be avoided, especially to create artificial groupings; and/or
- (k) The demolition of Landmarks shall be avoided whenever possible; and/or
- (l) Any applicable design guidelines adopted by the Design Assistance Team in Section 5.

**E. Following a meeting before the Design Assistance Team, a public hearing before the City Council and a signed Certificate of Appropriateness shall be required to relocate or demolish a Landmark or any property listed in the National Register of Historic Places individually or as part of a historic district.**

1. In recommending that the City Council approve, approve with conditions, or deny an application for the demolition of a Landmark, the Design Assistance Team shall find that:
  - (a) The applicant has completed a replacement plan for the site, including drawings approved by the Building Official. If the property is located within a historic district, plans must be submitted for review by the Co Design Assistance Team pursuant to Section 8.D as it relates to new construction; and
  - (b) The Building Official determines and states in writing that the building may not be safely removed from the site; and
  - (c) The value to the community of the proposed use of the property outweighs the value of retaining Landmark at the original location. Public testimony shall be considered when making this determination.

2. In recommending that the City Council approve, approve with conditions, or deny an application for the relocation of a Landmark, the Landmark Design Assistance Team must find that:
  - (a) The relocated Landmark remains within the corporate limits of Coos Bay.
  - (b) The new site is provides a suitable setting and ensures the building's long term preservation.
  - (c) The applicant has completed a plan for the new site, including drawings approved by the Building Official.
3. In recommending the City Council approving or denying an application for the relocation or demolition of a Landmark, the Design Assistance Team may include the following conditions:
  - (a) Photographic, video, or drawn recordation of the Landmark in its original location; and/or
  - (b) In the case of demolition, the Landmark be transported to a new site, and that, to the extent possible, the new location is similar to the original site and that the original setback and orientation of the building is replicated on the new lot; and/or
  - (c) In the cases of properties listed in the National Register, that the applicant attempt to obtain permission to move the Landmark from the National Park Service in order to retain the property's listing in the National Register and/or assume all responsibility and cost of removing the if permission cannot be obtained; and/or
  - (d) Other reasonable mitigation measures.
4. At the hearing of an application to relocate or demolish a Landmark the Council may recommend that, in the interest of exploring reasonable alternatives, delay issuance of a Certificate of Appropriateness for up to one hundred eighty (180) calendar days from the date of the hearing. Not more than sixty (60) and not less than thirty (30) calendar days prior to the expiration of the delay period, the Historic Preservation Officer shall schedule a public hearing pursuant to local and state laws to allow the Design Assistance Team to consider if there are still reasonable alternatives to explore, and if the group will request in writing that the City Council continue the delay for an additional period of up to one hundred eighty (180) calendar days.
5. The Council may not delay the relocation or demolition of a Landmark for more than three-hundred sixty (360) calendar days subject to the provisions of this Section. At the end of the waiting period, the Historic Preservation Officer shall issue a Certificate of Appropriateness for the relocation or demolition of the Landmark.

6. Upon issuing a Certificate of Appropriateness for the demolition of a Landmark, the Historic Preservation Officer shall post a legal notice in a local newspaper of general circulation announcing the demolition, the criteria under which the demolition was approved, the historic significance of the property, and invite the public to provide alternatives to the demolition for consideration by the Design Assistance Team.
7. Relocated Landmarks shall remain listed in the Local Landmark Register unless removed under Section 9.
8. Demolished Landmarks shall be removed from the Local Landmark Register using the procedures described in Section 9.

**Section 9: Removal of Landmarks from the Local Landmark Register.** A public hearing before the Council and a signed Certificate of Appropriateness shall be required to remove a Landmark from the Local Landmark Register.

- A. An application to remove a Landmark from the Local Landmark Register shall not be considered for one (1) year after the date of decision for the denial of an application for the relocation or demolition of the same Landmark under Section 9.E.
- B. Landmarks concurrently listed in the Local Landmark Register and National Register will be considered for removal from the Local Landmark Register only after the Landmark is removed from the National Register and the SHPO has provided written evidence of the removal to the Historic Preservation Officer.
- C. Any individual or group, including the Design Assistance Team acting on its own initiative, may initiate the removal of a Landmark or individual property within a historic district from the Local Landmark Register by submitting a complete application to the Historic Preservation Officer.
- D. The Historic Preservation Officer shall establish standards for a complete application for the removal of a Landmark from the Local Landmark Register. Upon acceptance of a complete application, the Historic Preservation Officer shall schedule a public hearing pursuant to applicable local and state laws.
- E. In order to approve an application for the removal of a Landmark from the Local Landmark Register the Council must find the following:
  1. The Landmark has ceased to meet the criteria for listing in the Local Landmark Register because the qualities which caused it to be originally listed have been lost or destroyed; and/or
  2. The property owner at the time the property was added to the Local Landmark Register did not provide written permission for such action as required under Section 7.
- F. Landmarks accidentally destroyed by flood, fire, or other natural or accidental act or demolished under the provisions of Section 8 and meeting the definition of “demolished” as defined in this Ordinance may be removed administratively from the Local Landmark Register by the Historic Preservation Officer.

Notice of this action and written evidence documenting the demolition of the Landmark shall be provided to the Design Assistance Team at their next regular meeting. This same documentation shall be provided to the SHPO. If a Landmark is also listed in the National Register, the Design Assistance Team shall request that the SHPO remove the property from the National Register if not requiring the owner to do so under Section 7.E.3.

- G. Upon removing a Landmark from the Local Landmark Register, the Historic Preservation Officer shall provide final notice to the property owner, SHOP announcing the removal, and the criteria under which the removal was approved.

**Section 10: Economic Hardship.** The Design Assistance Team shall grant a Certificate of Appropriateness for a relocation, demolition, or, at the Co Design Assistance Team's discretion, modify or exempt a property from the requirements of Section 8 if the applicant can demonstrate that complying with the provisions of this Ordinance creates an economic hardship that prevents the profitable use of the subject property.

- A. Economic Hardship may only be considered in a separate hearing after an application for a Certificate of Appropriateness for the alteration, relocation, or demolition of a Landmark has been issued or denied and all pending appeals to the Land Use Board of Appeals, the Land Conservation and Development Committee, and local, state, and federal courts are resolved.
- B. Separate standards for demonstrating an economic hardship are established for investment or income-producing and non-income-producing properties:
  - 1. Economic hardship for an income-producing property shall be found when the property owner demonstrates that a reasonable rate of return cannot be obtained from the Landmark if it retains its historic features, buildings, or structures in either its present condition or if it is rehabilitated.
  - 2. Economic hardship for a non-income-producing property shall be found when the property owner demonstrates that the Landmark has no beneficial use as a single-family dwelling or for an institutional use in its present condition or if rehabilitated.
- C. Property owners seeking a Certificate of Appropriateness for economic hardship must provide sufficient information, as determined by the Historic Preservation Officer, to support the application for the Certificate. Demonstration of an economic hardship shall not be based on or include any of the following circumstances:
  - 1. Willful or negligent acts by the owner; and/or
  - 2. Purchase of the property for substantially more than market value; and/or
  - 3. Failure to perform normal maintenance and repairs; and/or
  - 4. Failure to diligently solicit and retain tenants; and/or
  - 5. Failure to provide normal tenant improvements.

**Section 11: Appeals.** Decisions of the City Council are appealable to the Oregon State Land Use Board of Appeals.

**Section 12: Re-submittal of an Application Previously Denied.** An application for a Certificate of appropriateness which has been denied or an application which was denied and which on appeal has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Committee, or the courts, may not be resubmitted for the same or a substantially similar proposal or for the same or substantially similar action for a period of at least two (2) years from the date the final city action is made denying the application unless there is a substantial change in the facts or a change in city policy which would change the outcome.

**Section 13: Enforcement of the Provisions of this Ordinance.** Penalties for violations of the provisions of this Ordinance shall be the same as for violation of the City of Coos Bay Development Code.

**Section 14: Severability.** If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance shall remain in force and effect.

**Section 15: Conflicts with Other Laws.** If the provisions of this Ordinance are found to be in conflict with federal or state laws the federal or state law shall prevail. In cases of conflict with other city ordinances the previously established statute shall take precedence.

**Section 16:** This Ordinance shall take effect 30 days after enactment by the City Council and signature by the Mayor, whichever is later.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 11th day of August 2015.

Yes:  
No:  
Absent:

\_\_\_\_\_  
Chrystal Shoji, Mayor of the City of Coos Bay  
Coos County, Oregon

ATTEST:

\_\_\_\_\_  
Susanne Baker, City Recorder  
City of Coos Bay, Coos County, Oregon