



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

October 9, 2006

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Silverton Plan Amendment  
DLCD File Number 005-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 26, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

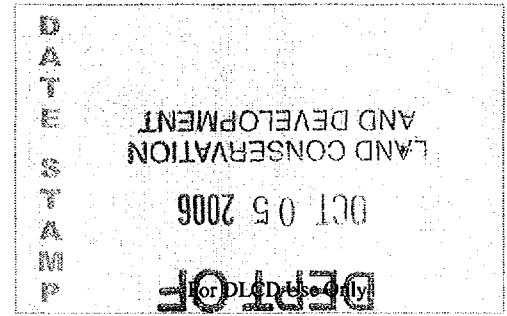
Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Jason Locke, DLCD Regional Representative  
Linda Sarnoff, City of Silverton

<paa> ya/



# 2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of Silverton Local file number: DC-06-02

Date of Adoption: 10/2/2006 Date Mailed: 10/4/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 8/4/2006

- |   |   |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment        | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment             |
| <input checked="" type="checkbox"/> New Land Use Regulation       | <input type="checkbox"/> Other: _____                     |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

**This adopted amendment is part of an ongoing revision to the City of Silverton's land use regulations. This amendment creates an Historic Landmarks Commission; a program for the identification, evaluation, and designation of historic resources as landmarks; and a process for the alteration, moving, or demolition of Designated Landmarks and Historic Resources of Statewide Significance.**

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

**Additional detail was developed regarding the review procedures of historic properties through a three level historic design review process. The levels include activities that are permitted outright through administrative staff level review and review by the Historic Landmarks Commission. Delay time limits and/**

**or documentation requirements were created for demolition proposals.**

Plan Map Changed from: N/A to: N/A

Zone Map Changed from: N/A to: N/A

Location: City Wide Acres Involved: City Wide

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: Goal 5

Was and Exception Adopted?  YES  NO

DLCD File No.: 005-06 (15444)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

Affected State or Federal Agencies, Local Governments or Special Districts:

**Marion County; State Historic Preservation Office (SHPO)**

Local Contact: **Linda Sarnoff** Phone: **(503) 874-2212** Extension:

Address: **306 S. Water Street** City: **Silverton**

Zip Code + 4: **97381-** Email Address: **lsarnoff@silverton.or.us**

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to **8-1/2x11 green paper only**; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

**CITY OF SILVERTON  
ORDINANCE NO. 06-25**

**AN ORDINANCE AMENDING SILVERTON MUNICIPAL CODE, BY RESCINDING CHAPTER 18.170 HISTORIC LANDMARKS AND CREATING A NEW ARTICLE 13: HISTORIC LANDMARKS, WHICH CREATES AN HISTORIC LANDMARK COMMISSION AND OTHER HISTORIC PRESERVATION PROVISIONS IN THE CITY OF SILVERTON, OREGON, DECLARING AN EMERGENCY AND STATING AN EFFECTIVE DATE.**

**WHEREAS**, the Zone Code (Title 18 of the Silverton Municipal Code) is proposed to be considered for text amendments. This includes rescinding existing regulations in Chapter 18.170 – Historic Landmarks and creating a new article, Article 13: Historic Landmarks.

**WHEREAS**, the Planning Commission held a public hearing on September 26, 2006, considered public testimony, reviewed the submitted proposal, and unanimously adopted Resolution PC-06-19 recommending that the City Council **APPROVE** the text amendments rescinding Chapter 18.170 Historic Landmarks and creating Article 13: Historic Landmarks; and

**WHEREAS**, after proper legal notice, a public hearing was held before the City Council concerning the proposed text amendments on October 2, 2006 and interested persons and the general public were given an opportunity to be heard. The City Council has reviewed all matters presented and has reviewed the recommendations of the Silverton Planning Commission; and

**WHEREAS**, the City Council has considered all relevant information and finds that the proposed text amendments to create a new Article 13: Historic Landmarks contains regulations relating to the use of land that protect public health, safety, and welfare.

**NOW, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:**

Section 1. The City Council finds that the text amendments will provide specific standards to address regulations to provide consistency in regulation and protect public health, safety and welfare; and

Section 2. Chapter 18.170: Historic Landmarks is hereby rescinded and replaced with Article 13: Historic Landmarks as follows in the attached Exhibit A:

Section 3. The Findings of Fact adopted by the City Council of the City of Silverton are attached in Exhibit 'B', which by this reference are incorporated herein and hereby adopted.

Section 4. The proposed amendments affect the public health, safety, and welfare of the City of Silverton and the citizens of Marion County, therefore, an emergency is declared to exist and this ordinance shall be in full force and effect from the date of its passage.

FIRST READ to the Council the \_\_\_ day of \_\_\_\_\_, 2006.

PASSED by the Council this \_\_\_ day of \_\_\_\_\_, 2006.

SIGNED by the Mayor this \_\_\_ day of \_\_\_\_\_, 2006.

Effective this \_\_\_ day of \_\_\_\_\_, 2006.

*For Mayor Hector*  
\_\_\_\_\_  
Ken Hector, Mayor

*Hennis L. Still*  
\_\_\_\_\_  
Council President

ATTEST:

*Bryan Cosgrove*  
\_\_\_\_\_  
Bryan Cosgrove, City Recorder

# **CHAPTER 18- ARTICLE 13 HISTORIC LANDMARKS**

- 18.13.005 Purpose
- 18.13.010 Definitions
- 18.13.015 Historic Landmark Commission
- 18.13.020 Powers and Duties
- 18.13.025 Historic Resources Inventory
- 18.13.030 Designated Landmarks Register
- 18.13.035 Historic Design Review
- 18.13.040 Historic Relocations and Demolitions
- 18.13.045 Exclusions
- 18.13.050 Appeals
- 18.13.055 Other Provisions
- 18.13.060 Enforcement and Penalties
- 18.13.065 Emergency Clause

**CITY OF SILVERTON  
ORDINANCE NO. 06-25**

**AN ORDINANCE AMENDING SILVERTON MUNICIPAL CODE, BY RESCINDING CHAPTER 18.170 HISTORIC LANDMARKS AND CREATING A NEW ARTICLE 13: HISTORIC LANDMARKS, WHICH CREATES AN HISTORIC LANDMARK COMMISSION AND OTHER HISTORIC PRESERVATION PROVISIONS IN THE CITY OF SILVERTON, OREGON, DECLARING AN EMERGENCY AND STATING AN EFFECTIVE DATE.**

**THE CITY OF SILVERTON ORDAINS AS FOLLOWS:**

**TITLE 18 – ARTICLE 13**

**18.13.005 Purpose**

The City recognizes that certain significant historic resources located within its boundaries contribute to the unique character of the community and are irreplaceable, and as such, merit preservation. This ordinance establishes an Historic Landmark Commission; a program for the identification, evaluation, and designation of historic resources as landmarks, and; a process for assisting in the perpetuation of these resources through review of alteration, moving or demolition of Designated Historic Landmarks, Contributing Historic Resources, and Historic Resources of Statewide Significance.

**18.13.010 Definitions**

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

- A. Alteration: An addition, removal, or reconfiguration which significantly changes the character of an historic resource, including new construction in historic districts.
- B. Contributing Historic Resource: A resource that retains its architectural integrity and is within the period of significance as defined in that resource's National Historic Register nomination application.
- C. Demolition: The razing, destruction, or dismantling of a resource to the degree that its historic character is substantially obliterated.
- D. Designated Landmark: A property officially recognized by The City of Silverton, Marion County, as important in its history.
- E. Designated Landmark Register: The list of, and record of information about, properties officially recognized by The City of Silverton, Marion County, as important in its history.

- F. **Historic Significance:** An individual building, structure, site, tree, landscape, or other object that has been determined to have importance because of its past relationship to any of the following:
1. The importance of its designer, previous owners, or builder, in local, state or national history;
  2. The quality of its architecture or landscaping;
  3. The fact that it is one of a few remaining examples of a building type that is of significance in local, state, or national history;
  4. Association with a significant cultural or ethnic group or the role that it has played in shaping local, state or national history.
- G. **Historic Integrity:** The quality or wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.
- H. **Historic Resource:** A building, structure, object, site, or district which meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:
1. **Building:** A construction made for purposes of shelter or habitation, e.g. house, barn, store, theater, train station, garage, school, etc.
  2. **Structure:** A construction made for functions other than shelter or habitation, e.g. bridge, windmill, dam, highway, boat, kiln, etc.
  3. **Object:** A construction which is primarily artistic or commemorative in nature and not normally moveable or part of a building or structure, e.g. statue, fountain, milepost, monument, sign, etc.
  4. **Site:** The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features, e.g. battlefield, shipwreck, campsite, cemetery, natural feature, garden, food gathering area, etc.
  5. **District:** A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites which are unified historically by plan or physical development, e.g. downtown, residential neighborhood, military reservation, ranch complex, etc.
- I. **Historic Resource of Statewide Significance:** Buildings, structures, objects, sites, and districts which are listed on the National Register of Historic Places.
- J. **Inventory of Historic Resources:** The record of information about resources potentially significant in the history of the City of Silverton, Marion County.
- K. **Non-contributing Resource:** New construction or construction that has occurred in a period outside that identified as the significant period in the resources



National Register Historic Nomination or a resource that has lost its architectural integrity through modification.

- L. Relocation: The removal of a resource from its historic context and placement in a different location.

#### **18.13.015 Historic Landmark Commission**

- A. The Mayor and City Council shall appoint a five-member (5) Historic Landmark Commission to carry out the provisions of this ordinance. All members shall have a demonstrated interest, competence, or knowledge of historic preservation and to the extent possible, a majority shall meet the professional requirements in architecture, history, architectural history, or archaeology, as defined by the State Historic Preservation Office and the National Park Service.

In the event that it is not feasible to constitute a separate commission, either due to the lack of interested or qualified members or due to concerns by the Council regarding the administrative burden a separate commission might require, the Silverton Planning Commission shall assume the role of the Historic Landmark Commission for the City of Silverton.

- B. The term of service for members shall be for three years.
- C. A simple majority of the seated members shall constitute a quorum to conduct official business.
- D. A Chair and Vice-chair shall be elected annually by and from the seated membership.
- E. The Commission shall meet at least twice a year, and as required to conduct business in a timely fashion. Notice of the meetings shall be in accordance with applicable state law. Minutes, applications, staff reports, findings, and decisions of the Commission shall be maintained as public records in accordance with applicable state law.
- F. The Commission shall be provided staff support by the Community Development Department.

#### **18.13.020 Powers and Duties**

- A. The Commission may adopt and amend by-laws, subject to approval by the Silverton City Council, to regulate its internal operations.
- B. For purposes consistent with this ordinance and subject to the approval of the Silverton City Council, the Commission may seek, accept, and expend public appropriations; seek, accept, and expend grant and gift funds, cooperate with public and private entities, and employ clerical and expert assistance related to the preservation of significant historic resources.

- C. The Commission may undertake to inform the citizens of, and visitors to the City regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of historic resources; provide information on state and federal preservation programs; document historic resources prior to their alteration, demolition, or relocation and archive that documentation; assist the owners of historic resources in securing funding for the preservation of their properties; and recommend public incentives and code amendments to the Silverton City Council.
- D. The Commission may develop and publish or adopt written and graphic guidelines and example materials or clarify the criteria in this ordinance and to assist applicants in developing complete and viable applications.
- E. Employing the procedures and criteria in Section 18.13.030 of this ordinance, the Commission shall periodically identify, evaluate, and re-evaluate the historic resources of the City and maintain an accurate Inventory of Historic Resources.
- F. Employing the procedures and criteria in Section VI of this ordinance, the Commission shall periodically revise the Designated Landmarks Register of the City by adding or deleting properties.
- G. Employing the procedures and criteria in Section 18.13.030 of this ordinance, the Commission shall review and act upon applications for the alteration, relocation, or demolition of Designated Landmarks, or the major exterior alteration, relocation, or demolition of Historic Resources of Statewide Significance.
- H. The Commission shall advise and make policy recommendations to the Silverton City Council on matters relating to historic preservation; and shall make an annual report in writing to the Silverton City Council on its activities, and its projected activities for the following twelve months.
- I. Nothing in the above section shall conflict or supersede with the duties and responsibilities assigned to the Silverton Planning Commission.

**18.13.025 Historic Resources Inventory**

- A. The Commission shall determine and periodically revise priorities for the identification and evaluation of historic resources.
- B. The Commission shall develop or adopt a system, based on historic integrity and significance, for evaluating historic resources. The system shall rank surveyed historic resources as eligible, potentially eligible, or ineligible for listing on the Designated Landmarks Register. Owners of surveyed properties will be notified of these findings.
- C. Documentation of properties in the Inventory of Historic Resources shall be on forms compatible with the Statewide Inventory of Historic Properties, and upon

completion, copies of the forms shall be supplied to the State Historic Preservation Office.

### **18.13.030 Designated Landmarks Register**

- A. Properties listed on the National Register of Historic Places, including all properties within National Register Historic District boundaries, are automatically listed on the Designated Landmarks Register. As Historic Resources of Statewide Significance, all such properties are subject to the regulations in Section 18.13.035 and 18.13.040 of this ordinance regardless of their listing on the Designated Landmarks Register, pursuant to Oregon Administrative Rules. However, only properties listed on the Designated Landmarks Register shall be eligible for public incentives and code considerations pursuant to this ordinance.
- B. Any individual or group, including the Commission acting on its own initiative, may nominate a historic resource for inclusion on or removal from the Designated Landmarks Register by submitting a complete application to the Commission. The burden of proof lies with the applicant. No property shall be so designated without the written consent of the owner or, in the case of multiple ownerships, a majority of the owners.
- C. The Commission shall establish standards for a complete application. Upon acceptance of a complete application, the Commission shall schedule a public hearing pursuant to applicable state laws.
- D. In order to be included or maintained on the Designated Landmarks Register the Commission must find that the historic resource is over fifty years of age or of extraordinary historic importance, and possess sufficient historic integrity, and;
  - 1. Is associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or
  - 2. Is associated with the lives of persons, or groups of people, significant in local, state, or national history; or
  - 3. Embodies the distinctive characteristics of an architectural type, style, period, or method of construction or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
  - 4. Has yielded or is likely to yield information which is important in local, state, or national history.
- E. The Commission shall develop findings to support its decisions. These findings shall indicate those elements of a property, including interior landscape, and archaeological features, that are included in the designation and subject to regulation under the provisions of this ordinance.

### **Section 18.13.035 Historic Design Review**

- A. Alterations or new construction of a designated landmark, contributing historic resource, or a historic resource of statewide significance are subject to Historic Design Review unless exempted by Subsection B, below.
- B. Exempt from Historic Design Review. The following activities shall be exempt from historic design review:
1. Normal repair and maintenance other than change of façade color where exterior material or color is specifically listed in the National Register nomination as an attribute that contributes to the resource's historic value;
  2. Changes that do not require a building permit, design review permit, sign permit, or other permit from the City and that will not alter the exterior material of a historic resource.
  3. Changes of exterior paint color unless the exterior color was specifically listed in the National Register nomination as an attribute that contributes to the resource's historic value; or
  4. Changes in landscaping unless the landscaping is identified in the National Register of Historic Places nomination as an attribute that contributes to the resources historic value;
  5. Parking lot landscaping that meets the standards of the Silverton Municipal Code and does not involve the installation of a wall or fence;
- C. The following activities shall require staff level Historic Design Review:
1. Exterior alterations or renovations to elevation(s) facing an interior or rear property line or that are not otherwise visible from the adjacent public right-of-way(s).
  2. Additions to the building that are not visible from the public right-of-way(s) and do not change the building footprint, height, volume or massing as seen from the adjacent public right-of-way(s).
  3. Restoration of historic features using materials and techniques that are similar to those used in the original construction or that will substantially replicate the original when such materials or techniques are not available.
  4. In-kind replacement of doors, windows, siding and other architectural features that are visible from the adjacent public right-of-way(s).
  5. Uncovered or covered rear deck additions not visible from the adjacent public right-of-way(s).
  6. Construction of a detached accessory structure with 460 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line.
  7. Installation of new or replacement awnings.
  8. Signs less than 15 square feet.
- D. The following activities shall require Historic Design Review by the Historic Landmark Commission:

1. Exterior alterations, renovations, or additions to elevation(s) facing a public right-of-way(s) or that are visible from the public right-of-way(s) that result in an increase in building footprint, height, volume, or massing.
  2. Construction of a new building(s) or placement of a relocated structure(s) on an historic site.
  3. Restoration of historic features using materials and techniques that are dissimilar to those used in the original construction or that will substantially deviate from the original construction in terms of style, design, or character.
  4. Changes of exterior paint color from a paint color that was specifically listed in the National Register nomination as an attribute that contributes to the resource's historic value.
  5. Relocation of a historic building.
  6. Public art.
  7. Covered or uncovered rear deck additions that are visible from the adjacent public right-of-way(s).
  8. Construction of a detached accessory structure with greater than 460 square feet of area or when the accessory structure is less than 40 feet from a front property line.
  9. Signs greater than 15 square feet.
- E. The Landmark Commission shall establish standards for a complete application. At a minimum this shall include:
1. A completed application form.
  2. A description of the site (address, assessor's map and tax lot, or legal description).
  3. A written description of the project that describes the components of the project such as location, square footage, materials, construction techniques, colors, etc.
  4. A plan, architectural elevation, or other graphic material that visually shows the extents of the project.
  5. For those actions requiring staff review or review by the Landmark Commission, a mailing list of property owners within 500 feet of the entire contiguous site when a public hearing is required. The list will be compiled from the most recent property tax assessment role and shall be certified by a Title Company or the Marion County Assessor's Office as being accurate and complete as found on the most recent property tax assessment role.
  6. Other materials as needed.
- F. Upon acceptance of a complete application staff shall process the request or schedule a public hearing before the Landmark Commission pursuant to applicable state and local laws and ordinances.
- G. In cases requiring a public hearing, the Landmark Commission shall review and act upon such applications. The burden of proof lies with the applicant. Applications may be approved, approved with conditions, or denied. The City of

Silverton shall include any conditions imposed by the Landmark Commission in permits issued pursuant to this section.

H. In order to approve historic design review applications, the reviewing body must find that the proposal meets the following standards:

1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
3. A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.
4. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
7. Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
8. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken,
9. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportions, and massing to protect the integrity of the property and its environment.
10. New additions, exterior alterations, 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.

#### **Section 18.13.040 Historic Relocations and Demolitions**

A. Applications for the relocation or demolition of a designated landmark or historic resource of statewide significance shall be considered in a public hearing by the Landmark Commission. In order for the Commission to approve the relocation or demolition, it must find that:

1. No prudent and feasible alternative exists, or
  2. The designated property is deteriorated beyond repair, or
  3. The value to the community of the proposed use if the property outweighs the value of retaining the designated landmark or historic resource of statewide significance.
- B. At the hearing for an application to relocate or demolish a designated landmark or historic resource of statewide significance the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a demolition permit for up to 90 days from the date of the hearing. If, ten days prior to the expiration of the delay period the Commission finds that there are still reasonable alternatives to explore, it may apply to the Silverton City Council for permission to continue the delay for an additional period of up to 90 days.
- C. In approving an application for the demolition of a designated landmark or historic resource of statewide significance, the Commission may impose the following conditions:
1. Photographic, video, or drawn recordation of the property to be demolished, and/or
  2. Salvage and creation of significant elements, and/or
  3. Other reasonable mitigation measures.

#### **Section 18.13.045 Exclusions**

- A. No provision of this ordinance shall be construed to prevent the ordinary or emergency repair or maintenance of a designated landmark or historic resource of statewide significance, when such action does not involve a change in design, materials, or appearance.
- B. No provision in this ordinance shall be construed to prevent the alteration, demolition, or relocation of a designated landmark or historic resource of statewide significance, when the Building Official certified that such action is required for public safety.

#### **Section 18.13.050 Appeals**

- A. Decisions of staff related to historic design review may be appealed to the Landmark Commission.
- B. Decisions of the Landmark Commission can be appealed to the Silverton City Council. Decisions of the Silverton City Council can be appealed to the Land Use Board of Appeals.
- C. Procedures for appeals to the Silverton City Council shall be the same as those for appeals of Planning Commission decisions.

### **Section 18.13.055 Other Provisions**

- A. There is no fee for designation of a historic resource as a Designated Landmark. Fees for other applications shall be determined by the Silverton City Council based on the cost of processing the application.
- B. The provisions of this ordinance shall not effect any citation, complaint, prosecution, or other proceeding pending at the time this ordinance is passed.
- C. Should any section, paragraph, sentence, or word of this ordinance be declared for any reason to be invalid, it is the intent of the Silverton City Council that it would have passed all other portions of this ordinance independent of the elimination of any portion as may be declared invalid.

### **Section 18.13.060 Enforcement and Penalties**

Any person violating any of the provisions of this chapter is subject to the general penalties provision of Silverton Municipal Code. A separate offense shall be deemed committed for each day a violation occurs.

### **Section 18.13.065 Emergency Clause**

The proposed amendments affect the public health, safety, and welfare of the City of Silverton and the citizens of Marion County, therefore, an emergency is declared to exist and this ordinance shall be in full force and effect from the date of its passage.