



**Oregon**  
Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150  
Salem, OR 97301-2540  
(503) 373-0050  
Fax (503) 378-5518  
[www.lcd.state.or.us](http://www.lcd.state.or.us)



**NOTICE OF ADOPTED AMENDMENT**

10/31/2011

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

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** Linn County Plan Amendment  
DLCD File Number 002-11

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:** Wednesday, November 16, 2011

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

**Cc:** Robert Wheeldon, Linn County  
Jon Jinings, DLCD Community Services Specialist  
Ed Moore, DLCD Regional Representative  
Amanda Punton, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

## Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE  
STAMP

DEPT OF

OCT 27 2011

LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: **Linn County**

Local file number: **BC11-0002**

Date of Adoption: **10/12/2011**

Date Mailed: **10/26/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: **7/25/2011**

☒ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☒ Other: **CODE TEXT**

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

Amend the Historic Resources sections of the Comprehensive Plan (Plan) and the Land Development Code (Code) at LCC 903.430 to 903.437; LCC 921.700 to 921.740; LCC 931.300 to 931.380; and LCC 932.900 to 932.945. The Plan and Code text amendments are primarily non-substantive "housekeeping" edits to correct text errors. Minor amendments to the Plan text are consistent with statute and rule.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD File No. 002-11 (18913) [16813]



**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

DLCD, ODOT

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Local Contact: **Robert Wheeldon**

Phone: (541) 967-3816 Extension: 2075

Address: **PO Box 100**

Fax Number: 541-926-2060

City: **Albany**

Zip: **97321-**

E-mail Address: **rwheeldon@co.linn.or.us**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

<http://www.oregon.gov/LCD/forms.shtml>

Updated April 22, 2011



## LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

Room 114, Linn County Courthouse  
PO 100 Box, Albany, Oregon 97321  
Phone 541-967-3816, Fax 541-926-2060, [www.co.linn.or.us](http://www.co.linn.or.us)

### NOTICE OF ADOPTION

**RESOLUTION NO. 2011-353**

**ORDINANCE NO. 2011-354**

**FILE NO. BC11-0002**

**APPLICANT Linn County**

**PROPOSAL** A proposal by Linn County to amend the Historic Resources sections of the *Comprehensive Plan (Plan)* and the Land Development Code (Code) at LCC 903.430 to 903.437; LCC 921.700 to 921.740; LCC 931.300 to 931.380; and LCC 932.900 to 932.945. The *Plan* and Code text amendments are primarily non-substantive "housekeeping" edits to correct text errors. Minor amendments to the Plan text are consistent with statute and rule.

**BOARD ACTION** On October 12, 2011 the Linn County Board of Commissioners voted 3-0 to approve Resolution and Order No. 2011-353 and Ordinance No. 2011-354 adopting the proposed *Plan* and Code text amendments.

If you wish to appeal this decision, an appeal must be filed with the Land Use Board of Appeals (LUBA) within 21 days from the date this notice is mailed. Appeals to LUBA must be filed in accordance with *ORS 197.830*. If you have any questions about this process, contact LUBA in Salem at (503) 373-1265.

Resolution and Order No. 2011-353 and Ordinance No. 2011-354 may be reviewed at the office of the Linn County Clerk, Room 205, Linn County Courthouse. That office is open from 8:30 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. A copy of the ordinance is available in the office of the Linn County Clerk. A fee to cover copying costs will be charged.

Robert Wheeldon  
Robert Wheeldon  
Director

10/26/11  
Date

cc: DLCD



**FILED**  
OCT 12 2011  
STEVE DRUCKENMILLER, CLERK  
By *[Signature]* Clerk



2011-00580

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**FOR LINN COUNTY OREGON**

**IN THE MATTER OF AMENDING THE )  
LINN COUNTY NATURAL RESOURCES )  
ELEMENT CODE [CHAPTER 903] AND )  
THE LAND DEVELOPMENT CODE )  
[CHAPTERS 921, 931, AND 932]**

**RESOLUTION &  
ORDER NO. 2011-353  
(Planning and Building Department)  
(BC11-0002)  
(Findings and Conclusions)**

WHEREAS, The Board of County Commissioners for Linn County (Board) conducted a duly advertised meeting on September 28, 2011 for the purpose of considering the matter of proposed *Plan* text amendments to be codified at Title 9, Chapter 903 – Natural Resources Element Code, and at Title 9, Chapter 921 – Land Development Administration Code, Chapter 931 – Overlay Code, and Chapter 932 – Specific Conditional Uses Code;

WHEREAS, The proposed *Plan* and Code text amendments had been previously considered by the Linn County Historic Resource Commission at a duly advertised meeting on August 23, 2011 and who voted 4-0 to recommend approval to the Board;

WHEREAS, The proposed *Plan* and Code text amendments had been previously considered by the Linn County Planning Commission at a duly advertised meeting on September 13, 2011 and who voted 4-0 to recommend approval to the Board;

WHEREAS, The Board opened the meeting for public comment and after hearing such comments reached a consensus to direct that the proposed text, as changed by the Board and substantially set forth in Exhibit 1, attached hereto, be placed in ordinance format for formal adoption;

WHEREAS, The findings in support of the proposed *Plan* and Code text amendments are attached hereto as Exhibit 2 (Decision Criteria, Findings and Conclusions); and now, therefore, be it

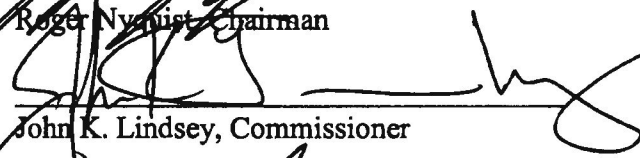
RESOLVED, That the Board of County Commissioners for Linn County approves the text set forth in Exhibit 1 showing the changes made by the Board of County Commissioners for Linn County; and

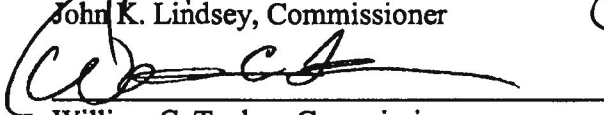
ORDERED, That the text set forth in Exhibit 1 be placed in ordinance format for formal adoption in compliance with ORS Chapter 215 by the Board of County Commissioners for Linn County.

Resolved and Ordered this 12<sup>th</sup> day of October, 2011.

BOARD OF COUNTY COMMISSIONERS  
FOR LINN COUNTY

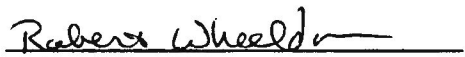
  
Roger Nyquist, Chairman

  
John K. Lindsey, Commissioner

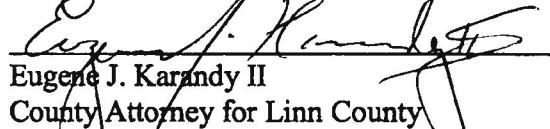
  
William C. Tucker, Commissioner

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APPROVED AS TO CONTENT:

  
Robert Wheeldon  
Linn County Planning and Building Director

APPROVED AS TO FORM:

  
Eugene J. Karandy II  
County Attorney for Linn County



## EXHIBIT 1: HISTORIC RESOURCE EDITS

### D. HISTORIC AND CULTURAL AREAS

#### 903.430 Background

Historic and prehistoric cultural areas provide an understanding of past land uses, life styles and cultural values. It provides a sense of social continuity and evidence of earlier culture's relationships with their environments. Such resources are not fully inventoried in Linn County. Without adequate knowledge of the remaining areas and their interrelationships, significant historic areas cannot be retained as portions of the cultural landscape.

[Adopted 80-335 eff 9/2/80]

#### 903.435 Policies for historic and cultural areas

(A) The policies for historic and cultural areas are set forth in subsection (B) of this section.

(B) *Policies.*

(1) Linn County will maintain an updated inventory of historic resources for use as a source of background information for historic preservation planning in the county.

(2) Historic resources in Linn County will be evaluated for significance with a system that is based on National Register of Historic Places criteria.

(3) Linn County will develop and maintain a register of historic resources determined to be significant and worthy of preservation.

(4) The Historic Resource Commission is responsible for historic resource planning in the county.

(5) Linn County will seek to coordinate its historic preservation efforts with historic preservation programs, organizations, and agencies that exist at the local, private, federal, and state levels.

(6) When needed, Linn County will seek available state, federal, and other outside funding for historic resource survey, planning, repair, maintenance, rehabilitation, and restoration.

(7) Approval from the county is required for alteration or demolition of structures listed on the National Register of Historic Places and structures voluntarily listed on the Linn County Register of Historic Resources.

(8) In order to encourage continued use, rehabilitation, and preservation of significant historic structures, Linn County will allow limited flexibility in the use of historic structures and the size of lots and number of residences permitted on lots where historic structures are located.

(9) Linn County shall inform citizens about historic preservation, historic resources in Linn County, and how these resources may be affected by the planning process.

(10) Linn County will cooperate with Oregon State University's efforts to conduct a complete inventory of archaeological sites and artifacts in Linn County. When such an inventory is completed, Linn County shall protect the identified sites.

(11) The development of a major facility shall be accomplished in a manner not having a significant adverse impact on ~~a sensitive fish or wildlife habitat or scenic or an~~ historic area.

~~(12) The development of a major facility shall be accomplished in a manner not having a significant adverse impact on a sensitive fish or wildlife habitat or scenic or historic area.~~

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99; amd 01-627 §1 eff 11/20/01]

**903.437 Policy implementation for historic and cultural areas**

(A) The policy set forth in LCC 903.435 (B) (1) shall be implemented by the following:

(1) Linn County shall review and update the Linn County Inventory of Historic Resources as funds permit.

(B) The policies set forth in LCC 903.435 (B) (1) to (8) shall be implemented by the following:

(1) A Linn County Historic Resource Commission shall be established and shall have the following duties:

(2) (a) Maintain the Linn County Inventory of Historic Resources as a depository of information about historic resources in Linn County and as a source of historic resources for inclusion on the Linn County Register of Historic Resources;

(3) (b) Receive and take action on requests to include a potential historic resource on, or remove a listed resource from the Linn County Register of Historic Resources;

(4) (c) Review and act on permit applications for proposed alterations and demolitions of historic resources listed on the Linn County Register of Historic Resources or National Register of Historic Places;

(5) (d) Review and act on Historic Resource district applications;

(6) (e) Review and comment on proposed land use actions and programs that may impact historic resources listed on the Linn County Register of Historic Resources or National Register of Historic Places;

(7) (f) Attempt to obtain up-to-date information on private, federal, and state historic preservation organization and agency activities and seek to maintain county programs that are consistent with these activities;

(8) (g) Recommend to the State Historic Preservation Office, historic resources for nomination to the national Register of Historic Places;

(9) (h) Seek funding for historic resource survey, planning, repair, maintenance, rehabilitation, or restoration;

(10) (i) Receive and act on requests for monetary assistance for repair, maintenance, rehabilitation, and restoration if funds are available for such work; and

(11) (j) Perform other duties relating to historic resources upon request of the Linn County Board of Commissioners.

(C) The policy set forth in LCC 903.435 (B) (7) shall be implemented by the following:

(1) Procedures and criteria for review of proposed alterations and demolitions of structures listed on the Linn County Register of Historic Resources and National Register of Historic Places will be adopted.

(D) The policy set forth in LCC 903.435 (B) (8) shall be implemented by the following:

(1) The Land Development Code includes an Historic Resource Overlay (HRO) which, through zone amendment procedures, may be applied to properties listed on the National Register of Historic Places. Consideration will be given to establishing lower fees for review of HRO proposals than those charged for review of other similar land development proposals. ~~An exception to Statewide Planning Goals #3 and #4 will be taken if the HRO is established in an area where these goals would otherwise apply.~~

(E) The policy set forth in LCC 903.435 (B) (9) shall be implemented by the following:

(1) Linn County will publish a brochure that will include information about historic preservation in the planning process and will publish a tour map of historic resources in Linn County.

(F) The policy set forth in LCC 903.435 (B) (10) shall be implemented by the following:

(1) An inventory of archaeological sites has been proposed by OSU in the Willamette Valley.



[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99; amd 01-627 §1 eff 11/20/01]

**CHAPTER 921**  
**LAND DEVELOPMENT ADMINISTRATION CODE**

**IV. HISTORIC RESOURCES PROCEDURES**

**921.700 Historic resources; applications**

**921.710 Historic resource; procedures**

**921.730 HRC review of applications for historic resource properties**

**921.740 Board review of applications for historic resource properties**

**IV. HISTORIC RESOURCES PROCEDURES**

**921.700 Historic resources; applications**

An application complying with LCC 921.040, may be made for the following actions.

(A) An application to remove an Historic Resource Overlay (HRO).

(B) An application to apply an Historic Resource Overlay (HRO).

(C) An application to alter or demolish an historic resource on the Linn County Register of Historic Resources.

[Adopted 98-002 §3 eff 3/4/98]

**921.710 Historic resource; procedures**

(A) An application to remove an Historic Resource Overlay (HRO) shall be reviewed and decided by a Type ~~IIA~~ **IIIB** process.

(~~B~~)(A) An application to apply an Historic Resource Overlay (HRO) shall be reviewed and decided by a Type IIIB process.

(~~C~~)(B) An application to alter or demolish an historic resource on the Linn County Register of Historic Resources shall be reviewed and decided by a Type IIIB process.

[Adopted 98-002 §3 eff 3/4/98]

**921.730 HRC review of applications for historic resource properties**

(A) The Director shall review and initially classify an application set forth in subsection (C) of this section for review by the Historic Resource Commission (HRC) as provided in LCC 932.900 to 932.990.

(B) The HRC shall review an application by the level of review set forth in LCC 921.710.

(C) The HRC shall make a recommendation to the ~~Commission~~ **Board** approving or denying:

(1) application or removal of the Historic Resource Overlay (HRO) designation, or

(2) amending the HRO designation.

(D) The recommendation in subsection (C) shall be based on whether the application or removal of the HRO would serve to retain the integrity of the historic resource or on whether the HRO designation should be amended.

(E) The HRC shall make a decision on an application for alteration or demolition of an historic resource on the Linn County Register of Historic Resources.

(F) When a qualifying historic dwelling is habitable and the authorized unit of land is proposed to apply an HRO, the dwelling does not need a conditional use permit from the Department or the Commission.

(G) When an historic property which is not habitable or which has been used for non-dwelling purposes is proposed to be rehabilitated for or converted to a dwelling, its establishment as a dwelling

requires approval under the Land Development Code provisions for the underlying zoning district from either the Department or the Commission.

(H) The HRC shall determine whether it is appropriate to establish or remove the Historic Resource Overlay (HRO) and to confirm the underlying zoning designation if property is removed from the HR Overlay.

(I) Any proposed changes that would potentially affect the exterior of a qualifying historic dwelling shall be reviewed and approved by the HRC before they are initiated. Such review and approval shall be required as a condition of approval attached to the partitioning decision.

**[Adopted 98-002 §3 eff 3/4/98]**

#### **921.740 Board review of applications for historic resource properties**

The Director shall schedule a recommendation made by the HRC for final action by the Board. The Board shall review and decide the recommendation as follows:

(A) A recommendation made by the HRC to remove an Historic Resource Overlay (HRO) shall be reviewed and decided by a Type ~~HIA-III~~**IIIB** process.

(B) A recommendation made by the HRC to apply an Historic Resource Overlay (HRO) shall be reviewed and decided by a Type ~~HIA-III~~**IIIB** process.

(C) An appeal of a decision made on an application to alter or demolish an historic resource on the Linn County Register of Historic Resources shall be reviewed and decided by a Type IIIB process.

**[Adopted 98-002 §3 eff 3/4/98]**

### **CHAPTER 931 OVERLAY CODE**

#### **III. HISTORIC RESOURCE OVERLAY (HRO)**

##### **931.300 Subchapter title**

##### **931.305 Purpose**

##### **931.320 HRO; relationship between Commission and Historic Resource Commission**

##### **931.330 HRO; application of overlay**

##### **931.340 HRO; uses allowed outright**

##### **931.350 HRO; uses permitted through a Type IIIB conditional use review**

##### **931.360 HRO; decision criteria for uses permitted conditionally**

##### **931.370 HRO; alteration of property**

##### **931.380 HRO; property development standards**

#### **III. HISTORIC RESOURCE OVERLAY (HRO)**

##### **931.300 Subchapter title**

This Subchapter, LCC 931.300 to 931.399, shall be known and may be cited as the "Linn County Historic Resource Overlay Code" or simply as the "Historic Resource Overlay Code."

**[Adopted 99-121 §12 eff 6/30/99]**

##### **931.305 Purpose**

The purpose of this Subchapter ~~LCC~~ is to encourage continued use, rehabilitation and preservation of significant historic properties by allowing flexibility in zoning regulations which affect significant historic properties.



[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §12 eff 6/30/99]

**931.320 HRO; relationship between Commission and Historic Resource Commission**

An application for a land use action involving an historic property as defined in ORS 358.480, will be reviewed and decided in the order and manner set forth in LCC 921.700 to 921.750.

[Adopted 98-002 §3 eff 3/4/98]

**931.330 HRO; application of overlay**

(A) The Historic Resource Overlay may apply to any authorized unit of land where an historic property listed in the National Register of Historic Places is located.

(B) The application of the HRO to an underlying zoning district shall be subject to the applicable provisions of LCC 921.700 to 921.750.

[Adopted 98-002 §3 eff 3/4/98]

**931.340 HRO; uses allowed outright**

The uses set forth in this section are allowed outright in the HRO.

(A) Farm uses.

(B) Cultivation, management, protection and harvest of forest crops but excluding primary timber processing operations or maintenance and repair facilities for timber vehicles or equipment.

[Adopted 98-002 §3 eff 3/4/98]

**931.350 HRO; uses permitted through a Type IIIB conditional use review**

Any use not set forth in LCC 931.340 is a Type ~~HA~~ IIIB conditional use in the HRO and may be permitted subject to the applicable provisions of LCC Chapter 921 (Administration of the Land Development Code) and decision criteria contained in LCC 933.200 to 933.220 ~~or 931.250 to 931.260~~.

[Adopted 98-002 §3 eff 3/4/98]

**931.360 HRO; decision criteria for uses permitted conditionally**

(A) A conditional use permit must first be reviewed and approved by the Planning Commission and made subject to review and approval by the HRC that the decision criteria set forth in subsection

(B) and, if applicable, the conditions set forth in subsection (C) are met.

(B) Decision criteria.

(1) The use will be consistent with the purpose statement of the HRO; and

(2) The use will not destroy or detract from the distinguishing character or qualities of the property and will be compatible with its historic and architectural integrity.

(C) *Conditions*. When an historic property which is not habitable or which has been used for non-dwelling purposes is proposed to be rehabilitated for or converted to a dwelling, its establishment as a dwelling will require as a condition of approval by the hearing authority that any exterior alteration shall be reviewed and approved by the HRC before they are initiated.

[Adopted 98-002 §3 eff 3/4/98]

**931.370 HRO; alteration of property**

(A) Proposed alterations of properties located in the HRO and listed in the National Register of Historic Resources shall be reviewed by the Historic Resource Commission according to the procedures of LCC Chapter 921 (Administration of the Land Development Code).

(B) This section also applies to properties previously designated HRO.

(C) The Historic Resource Commission shall approve, approve with conditions or deny such proposed alterations according to a determination based on the standards of LCC 932.900 to 932.990

as to whether the alterations will destroy or detract from the distinguishing architectural and historic character and qualities of the property.

[Adopted 98-002 §3 eff 3/4/98]

**931.380 HRO; property development standards**

Development of all properties in the HRO must comply with the development standards set forth in LCC Chapter 934 (Development Standards Code) and also to any specific standards applicable to the underlying zoning district.

[Adopted 98-002 §3 eff 3/4/98]

**CHAPTER 932 SPECIFIC CONDITIONAL USES CODE**

**IX. HISTORIC RESOURCES**

**932.900 Statement of Purpose**

The purpose of LCC 932.900 to 932.950 is to encourage preservation of significant historic properties through a process of review of proposed alterations and demolitions of these properties.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §13 eff 6/30/99]

**932.905 Definitions**

As used in LCC 932.900 to 932.950, "**alteration to an historic building, structure or object**" means any addition to, removal of, or change in the exterior part of a property. The term includes modification of the surface texture, material or architectural detail of the exterior part of a building, structure or object. The term does not include altering the color of the paint.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §13 eff 6/30/99]

**932.910 Application**

In addition to the requirements of LCC 921.040, the provisions of LCC 932.900 to 932.950 apply to all properties listed in the *National Register* or the Linn County Register of Historic Resources which is maintained by the Historic Resource Commission (HRC).

[Adopted 98-002 §3 eff 3/4/98; 99-121 §13 eff 6/30/99]

**932.915 Alteration or demolition permit not required**

A permit is not required for the alteration or demolition of a historic resource.

[Adopted 98-002 §3 eff 3/4/98]

**932.920 Removal from Linn County Historical Register**

(A) An applicant may request that the applicant's historical resource be removed from the Linn County Historical Register. The HRC shall grant the request.

(B) If the historic resource removed from the Linn County Historical Register is in the HRO, then the resource shall revert to a use allowed, or permitted in the zoning district. If the Overlay is removed only the regulations of the underlying zoning district remain.

[Adopted 98-002 §3 eff 3/4/98]

**932.925 Alteration or demolition certification required**

(A) *Policy requiring certificate.*



(1) Instead of an alteration or demolition permit, an alteration or a demolition certificate by the landowner meeting the requirements of subsection (B) is required to help establish the timeframe and locational information needed for the replacement of certain structures and to notify the County Assessor of the removal of taxable improvements.

(2) This certificate will also be used to bring proposed demolition activities to the attention of the Historic Resource Coordinator or the Historic Resource Commission.

**(B) Certificate.**

(1) A certificate is required for alteration or demolition of any property listed in the National Register of Historic Places at the time that LCC 932.900 to 932.950 is adopted and for any property listed in the Linn County Register of Historic Resources.

(2) Exception. A certificate is not required under LCC 932.900 to 932.950 for alteration of a property when review of the proposed alteration is required by an agency of the state or federal government.

(3) Alteration to an historic site means any change of the terrain within the site boundary which would diminish the information potential or associative value of the site.

(4) Nothing in LCC 932.900 to 932.950 shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature on any property covered by this section that does not involve a change in design, material or external appearance. Nor does this prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the building official determines that such emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, notification shall be provided to the Historic Resource Commission.

(5) Any proposed changes that would potentially affect the exterior of a qualifying historic dwelling shall be reviewed and approved by the HRC before they are initiated. Such review and approval shall be required as a condition of approval attached to the land use decision.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; 99-121 §13 eff 6/30/99]

**932.930 Review procedure**

The Historic Resource Commission shall review applications for certificates for alteration and demolition according to the applicable provisions of LCC ~~933.935~~ 932.935 and 921.700 to 921.740.  
[Adopted 98-002 §3 eff 3/4/98]

**932.935 Historic Resource Commission action**

(A) Alteration. In the case of a request for a certificate for alteration of an historic property listed in the Linn County Register of Historic Resources, the Historic Resource Commission shall either:

(1) Approve the request as submitted.

(2) Approve the request with modifications.

(3) Delay final decision on the request for up to 60 days to allow time for an alternative to the alteration being requested. At the end of the 60 day delay period, the Historic Resource Commission shall approve the request, approve the request with modifications or deny the request.

(4) Deny the request.

(B) Demolition. In the case of an application for demolition of properties listed in the Linn County Register of Historic Resources, the Historic Resource Commission shall order either:

(1) Immediate issuance of the certificate; or

(2) Delay of issuance of the certificate for up to 180 calendar days.

(C) During this period, the Historic Resource Commission shall attempt to determine if public or private acquisition and preservation is feasible or if other alternatives are possible which could prevent demolition of the site or property.

[Adopted 98-002 §3 eff 3/4/98]

**932.940 Decision criteria**

(A) To preserve the historic architectural integrity and provide for building safety of historic properties, recommendations concerning alterations shall be based on the following:

- (1) The standards in LCC 932.945; and
- (2) Applicable state and local codes and ordinances related to building, fire and life safety.

(B) The Historic Resource Commission shall order immediate issuance of a demolition certificate if it finds all of the following:

- (1) The property cannot be economically rehabilitated;
- (2) A program or project does not exist which may result in preservation of the property;
- (3) Delay of the certificate would result in unnecessary and substantial hardship to the applicant;

(4) Issuance of the certificate will not act to the substantial detriment of the public welfare considering the significance of the property and the economic, cultural and energy consequences of demolishing the property; or

- (5) No other reasonable alternative to demolition exists.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §13 eff 6/30/99]

**932.945 Historic property alteration review standards**

The standards set forth in LCC 934.430 shall apply to the alteration of historic property.

[Adopted 98-002 §3 eff 3/4/98]

**CHAPTER 934**

**DEVELOPMENT STANDARDS CODE**

**P. HISTORIC PROPERTY STANDARDS**

**934.430 Historic property alteration review standards**

(A) The standards set forth in subsection (B) shall apply to the alteration of historic property.

(B) Alteration review standards.

(1) The distinguishing original qualities or characteristics of a building, property or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(2) All buildings, properties and sites shall be recognized as products of their own time. Alterations that have no historical basis or that seek to create a different style shall be discouraged.

(3) Changes which may have taken place in the course of time are evidence of the history and development of a building, property or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.

(4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, property or site shall be treated with sensitivity.

(5) Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of



missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or properties.

(6) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

(7) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and characteristics of the property, neighborhood or environment.

(8) Wherever possible, new additions or alterations to properties shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the property would be unimpaired.

[Adopted 98-002 §3 eff 3/4/98]

## **EXHIBIT 2**

### **Decision Criteria, Findings and Conclusions**

#### **I. SUMMARY**

A proposal by Linn County to amend the Historic Resources sections of the *Comprehensive Plan (Plan)* and the Land Development Code (Code) at LCC 903.430 to 903.437; LCC 921.700 to 921.740; LCC 931.300 to 931.380; and LCC 932.900 to 932.945. The *Plan* and Code text amendments are primarily non-substantive "housekeeping" edits to correct text errors. Minor amendments to the *Plan* text are consistent with statute and rule. *Plan* and Code amendment procedures and criteria are contained in LCC 921.850 to 921.890 and LCC 921.802 to 921.840.

Linn County Code (LCC) 905.435(B)(7) is edited to include missing text. LCC 905.435(B)(12) is deleted as it is the identical text as Policy 11. LCC 905.435(B)(11) is proposed to be edited to remove text that is not applicable to the Historic Resource protection goal, and is addressed by other Goal elements in the *Plan*.

LCC 903.437(B) is edited to correct paragraph numbering/lettering errors. LCC 903.437(D) is proposed to be edited to remove text that the Department believes is inconsistent with the Goals.

LCC 921.710 and LCC 921.740 are edited to correct typographical errors. LCC 931.305 is edited to correct a typographical error. LCC 931.350 is edited to correct incorrect citations. LCC 932.930 is edited to correct a typographical error.

#### **II. PROCEDURE AND DECISION CRITERIA**

The applicant is Linn County. The Linn County Historic Resource Commission (HRC) conducted a public meeting on August 23, 2011 to review the proposed edits. The HRC voted 4-0 to recommend the Board of Commissioners (Board) adopt the proposed edits. The Planning Commission (Commission) conducted a public hearing on the proposed amendments on September 13, 2011. The Commission voted 4-0 to recommend that the Board adopt the proposed amendments. The Board conducted a public hearing on the proposed amendments at 10:00 a.m., September 28, 2011. The hearings were conducted under the procedures for a Type IIIA Legislative Hearing in *Linn County Code (LCC) 921.130*.

The *Plan* and Code amendment procedures and criteria are contained in *LCC 921.850 to 921.890* and *LCC 921.802 to 921.840*. The following criteria apply to *Plan* text amendments:

*LCC 921.872 Decision criteria for Plan text amendments*

*To approve a plan text amendment, the following criteria shall be met:*



- (A) The amendment is consistent with the intent of the applicable section (s) of the Comprehensive Plan; and*
- (B) The amendment is consistent with the statewide planning goals.*

The following criteria apply to Code text amendments:

*LCC 921.824 Decision criteria for Development Code text amendments*

- (A) A Land Development Code text amendment may be granted if on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that:*
  - (1) The amendment is consistent with the intent and purpose statement of the affected Chapter or subchapter of the Land Development Code; and*
  - (2) The amendment is consistent with the intent of the policies within the applicable section (s) of the Comprehensive Plan.*

### **III. FINDINGS**

The proposed text amendments affecting the Historic Resource elements of the *Plan* and the Code are non-substantive edits to correct errors or omissions in the *Plan* and the Code. The Board finds that the proposed *Plan* amendments at LCC 905.435(B)(11) and LCC 903.437(D) and all other proposed Code text edits are consistent with the applicable Statewide Planning Goals, and that the criteria in LCC 921.872 and LCC 921.824 are satisfied.

### **IV. CONCLUSION**

Based on the criteria, facts and findings identified above the Board of County Commissioners for Linn County concludes the proposed *Plan* and Code text amendments and edits comply with the decision criteria in County Code and other applicable law.

**FILED**

**OCT 12 2011**

**STEVE DRUCKENMILLER, CLERK**

By Sean Smith

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR LINN COUNTY OREGON**

**IN THE MATTER OF AN ORDINANCE )  
AMENDING THE LINN COUNTY )  
NATURAL RESOURCES ELEMENT )  
CODE CODIFIED AT LINN COUNTY )  
CODE CHAPTER 903 AND THE LAND )  
DEVELOPMENT CODE CODIFIED AT )  
LINN COUNTY CODE CHAPTER 921, )  
CHAPTER 931 AND CHAPTER 932 )**

**ORDINANCE  
NO. 2011-354  
(Amending Code)  
(BC11-0002)**

**WHEREAS**, Linn County adopted Ordinance No. 80-335, as amended by 99-190 *et al.*, adopting an ordinance now codified as LCC 903 (Natural Resources Element Code), LCC 921 (Land Development Administration Code), LCC 931 (Overlay Code) and LCC 932 (Specific Conditional Uses Code) and;

**WHEREAS**, The Board of County Commissioners for Linn County (Board) advertised notice that on September 28, 2011 it will consider proposed amendments to the Linn County *Comprehensive Plan (Plan)* text to be codified at Title 9, Chapter 903 – Natural Resources Element Code, and at Title 9, Chapter 921 – Land Development Administration Code, Chapter 931 – Overlay Code, and Chapter 932 – Specific Conditional Uses Code;

**WHEREAS**, The proposed *Plan* and Code text amendments had been previously considered by the Linn County Historic Resource Commission at a duly advertised meeting on August 23, 2011 and who voted to recommend approval to the Board;

**WHEREAS**, The proposed *Plan* and Code text amendments had been previously considered by the Linn County Planning Commission at a duly advertised meeting on September 13, 2011 and who voted to recommend approval to the Board;

**WHEREAS**, At 10:00 a.m., on September 28, 2011, the Board opened the meeting for public comment and after hearing such comments reached a consensus to direct that the proposed text, as approved by the Board and substantially set forth in Exhibit 1, attached hereto, be placed in ordinance format for formal adoption;

**WHEREAS**, Findings in support of the proposed *Plan* and Code text amendments are attached to Resolution and Order No. 2011-353 and entitled Exhibit 2 (Decision Criteria, Findings and Conclusions);

**WHEREAS**, The Board having read the proposed ordinance and having received and considered the oral and written public testimony presented prior to and at the hearing; and now, therefore, be it

**Ordained by the Board of County Commissioners for Linn County, That:**

**Section 1. Amendment.** LCC Chapter 903 (Natural Resources Element Code), LCC Chapter 921 (Land Development Administration Code), Chapter 931 (Overlay Code) and Chapter 932 (Specific Conditional Uses Code) are amended as set forth in Exhibit 1 (redline indicates text that has been added to the Code; ~~strikeout~~ indicates text that has been deleted from the Code).

**Section 2. Severability.** Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

**Section 3. Effective date.** To protect the health, safety, and welfare of the citizens of Linn County, this ordinance shall take effect following adoption, October 12, 2011.

**Section 4. Codification.** Following adoption, this ordinance shall be codified pursuant to LCC Chapter 120.

Public reading held September 28, 2011, and October 12, 2011.

Adopted and passed October 12, 2011.

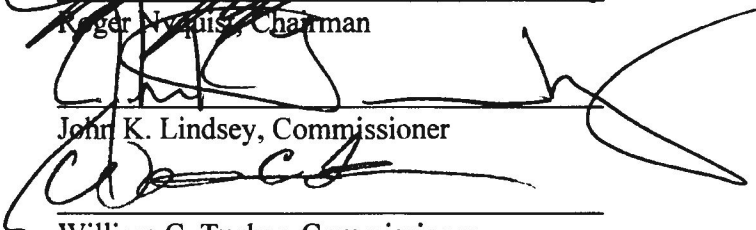
The effective date of this Ordinance shall be October 12, 2011.

BOARD OF COUNTY COMMISSIONERS FOR LINN COUNTY

Signed October 12, 2011


BOARD OF COUNTY COMMISSIONERS  
FOR LINN COUNTY

  
Roger Nyquist, Chairman

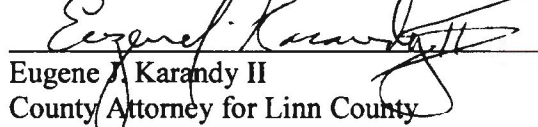
  
John K. Lindsey, Commissioner

  
William C. Tucker, Commissioner

APPROVED AS TO CONTENT:

  
Robert Wheeldon  
Linn County Planning and Building Director

APPROVED AS TO FORM:

  
Eugene J. Karandy II  
County Attorney for Linn County



## EXHIBIT 1: HISTORIC RESOURCE EDITS

### D. HISTORIC AND CULTURAL AREAS

#### 903.430 Background

Historic and prehistoric cultural areas provide an understanding of past land uses, life styles and cultural values. It provides a sense of social continuity and evidence of earlier culture's relationships with their environments. Such resources are not fully inventoried in Linn County. Without adequate knowledge of the remaining areas and their interrelationships, significant historic areas cannot be retained as portions of the cultural landscape.

[Adopted 80-335 eff 9/2/80]

#### 903.435 Policies for historic and cultural areas

(A) The policies for historic and cultural areas are set forth in subsection (B) of this section.

(B) *Policies.*

(1) Linn County will maintain an updated inventory of historic resources for use as a source of background information for historic preservation planning in the county.

(2) Historic resources in Linn County will be evaluated for significance with a system that is based on National Register of Historic Places criteria.

(3) Linn County will develop and maintain a register of historic resources determined to be significant and worthy of preservation.

(4) The Historic Resource Commission is responsible for historic resource planning in the county.

(5) Linn County will seek to coordinate its historic preservation efforts with historic preservation programs, organizations, and agencies that exist at the local, private, federal, and state levels.

(6) When needed, Linn County will seek available state, federal, and other outside funding for historic resource survey, planning, repair, maintenance, rehabilitation, and restoration.

(7) Approval from the county is required for alteration or demolition of structures listed on the National Register of Historic Places and structures voluntarily listed on the Linn County Register of Historic Resources.

(8) In order to encourage continued use, rehabilitation, and preservation of significant historic structures, Linn County will allow limited flexibility in the use of historic structures and the size of lots and number of residences permitted on lots where historic structures are located.

(9) Linn County shall inform citizens about historic preservation, historic resources in Linn County, and how these resources may be affected by the planning process.

(10) Linn County will cooperate with Oregon State University's efforts to conduct a complete inventory of archaeological sites and artifacts in Linn County. When such an inventory is completed, Linn County shall protect the identified sites.

(11) The development of a major facility shall be accomplished in a manner not having a significant adverse impact on ~~a sensitive fish or wildlife habitat or scenic or~~ an historic area.

(12) ~~The development of a major facility shall be accomplished in a manner not having a significant adverse impact on a sensitive fish or wildlife habitat or scenic or historic area.~~

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99; amd 01-627 §1 eff 11/20/01]

**903.437 Policy implementation for historic and cultural areas**

(A) The policy set forth in LCC 903.435 (B) (1) shall be implemented by the following:

(1) Linn County shall review and update the Linn County Inventory of Historic Resources as funds permit.

(B) The policies set forth in LCC 903.435 (B) (1) to (8) shall be implemented by the following:

(1) A Linn County Historic Resource Commission shall be established and shall have the following duties:

(2) (a) Maintain the Linn County Inventory of Historic Resources as a depository of information about historic resources in Linn County and as a source of historic resources for inclusion on the Linn County Register of Historic Resources;

(3) (b) Receive and take action on requests to include a potential historic resource on, or remove a listed resource from the Linn County Register of Historic Resources;

(4) (c) Review and act on permit applications for proposed alterations and demolitions of historic resources listed on the Linn County Register of Historic Resources or National Register of Historic Places;

(5) (d) Review and act on Historic Resource district applications;

(6) (e) Review and comment on proposed land use actions and programs that may impact historic resources listed on the Linn County Register of Historic Resources or National Register of Historic Places;

(7) (f) Attempt to obtain up-to-date information on private, federal, and state historic preservation organization and agency activities and seek to maintain county programs that are consistent with these activities;

(8) (g) Recommend to the State Historic Preservation Office, historic resources for nomination to the national Register of Historic Places;

(9) (h) Seek funding for historic resource survey, planning, repair, maintenance, rehabilitation, or restoration;

(10) (i) Receive and act on requests for monetary assistance for repair, maintenance, rehabilitation, and restoration if funds are available for such work; and

(11) (j) Perform other duties relating to historic resources upon request of the Linn County Board of Commissioners.

(C) The policy set forth in LCC 903.435 (B) (7) shall be implemented by the following:

(1) Procedures and criteria for review of proposed alterations and demolitions of structures listed on the Linn County Register of Historic Resources and National Register of Historic Places will be adopted.

(D) The policy set forth in LCC 903.435 (B) (8) shall be implemented by the following:

(1) The Land Development Code includes an Historic Resource Overlay (HRO) which, through zone amendment procedures, may be applied to properties listed on the National Register of Historic Places. Consideration will be given to establishing lower fees for review of HRO proposals than those charged for review of other similar land development proposals. ~~An exception to Statewide Planning Goals #3 and #4 will be taken if the HRO is established in an area where these goals would otherwise apply.~~

(E) The policy set forth in LCC 903.435 (B) (9) shall be implemented by the following:

(1) Linn County will publish a brochure that will include information about historic preservation in the planning process and will publish a tour map of historic resources in Linn County.

(F) The policy set forth in LCC 903.435 (B) (10) shall be implemented by the following:

(1) An inventory of archaeological sites has been proposed by OSU in the Willamette Valley.



[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99; amd 01-627 §1 eff 11/20/01]

**CHAPTER 921  
LAND DEVELOPMENT ADMINISTRATION CODE**

**IV. HISTORIC RESOURCES PROCEDURES**

**921.700 Historic resources; applications**

**921.710 Historic resource; procedures**

**921.730 HRC review of applications for historic resource properties**

**921.740 Board review of applications for historic resource properties**

**IV. HISTORIC RESOURCES PROCEDURES**

**921.700 Historic resources; applications**

An application complying with LCC 921.040, may be made for the following actions.

(A) An application to remove an Historic Resource Overlay (HRO).

(B) An application to apply an Historic Resource Overlay (HRO).

(C) An application to alter or demolish an historic resource on the Linn County Register of Historic Resources.

[Adopted 98-002 §3 eff 3/4/98]

**921.710 Historic resource; procedures**

(A) An application to remove an Historic Resource Overlay (HRO) shall be reviewed and decided by a Type ~~IIA~~ IIIB process.

(~~B~~) (A) An application to apply an Historic Resource Overlay (HRO) shall be reviewed and decided by a Type IIIB process.

(~~C~~) (B) An application to alter or demolish an historic resource on the Linn County Register of Historic Resources shall be reviewed and decided by a Type IIIB process.

[Adopted 98-002 §3 eff 3/4/98]

**921.730 HRC review of applications for historic resource properties**

(A) The Director shall review and initially classify an application set forth in subsection (C) of this section for review by the Historic Resource Commission (HRC) as provided in LCC 932.900 to 932.990.

(B) The HRC shall review an application by the level of review set forth in LCC 921.710.

(C) The HRC shall make a recommendation to the ~~Commission~~ Board approving or denying:

(1) application or removal of the Historic Resource Overlay (HRO) designation, or

(2) amending the HRO designation.

(D) The recommendation in subsection (C) shall be based on whether the application or removal of the HRO would serve to retain the integrity of the historic resource or on whether the HRO designation should be amended.

(E) The HRC shall make a decision on an application for alteration or demolition of an historic resource on the Linn County Register of Historic Resources.

(F) When a qualifying historic dwelling is habitable and the authorized unit of land is proposed to apply an HRO, the dwelling does not need a conditional use permit from the Department or the Commission.

(G) When an historic property which is not habitable or which has been used for non-dwelling purposes is proposed to be rehabilitated for or converted to a dwelling, its establishment as a dwelling



requires approval under the Land Development Code provisions for the underlying zoning district from either the Department or the Commission.

(H) The HRC shall determine whether it is appropriate to establish or remove the Historic Resource Overlay (HRO) and to confirm the underlying zoning designation if property is removed from the HR Overlay.

(I) Any proposed changes that would potentially affect the exterior of a qualifying historic dwelling shall be reviewed and approved by the HRC before they are initiated. Such review and approval shall be required as a condition of approval attached to the partitioning decision.

[Adopted 98-002 §3 eff 3/4/98]

#### **921.740 Board review of applications for historic resource properties**

The Director shall schedule a recommendation made by the HRC for final action by the Board. The Board shall review and decide the recommendation as follows:

(A) A recommendation made by the HRC to remove an Historic Resource Overlay (HRO) shall be reviewed and decided by a Type ~~HIA-IIIB~~ process.

(B) A recommendation made by the HRC to apply an Historic Resource Overlay (HRO) shall be reviewed and decided by a Type ~~HIA-IIIB~~ process.

(C) An appeal of a decision made on an application to alter or demolish an historic resource on the Linn County Register of Historic Resources shall be reviewed and decided by a Type IIIB process.

[Adopted 98-002 §3 eff 3/4/98]

### **CHAPTER 931 OVERLAY CODE**

#### **III. HISTORIC RESOURCE OVERLAY (HRO)**

##### **931.300 Subchapter title**

##### **931.305 Purpose**

##### **931.320 HRO; relationship between Commission and Historic Resource Commission**

##### **931.330 HRO; application of overlay**

##### **931.340 HRO; uses allowed outright**

##### **931.350 HRO; uses permitted through a Type IIIB conditional use review**

##### **931.360 HRO; decision criteria for uses permitted conditionally**

##### **931.370 HRO; alteration of property**

##### **931.380 HRO; property development standards**

#### **III. HISTORIC RESOURCE OVERLAY (HRO)**

##### **931.300 Subchapter title**

This Subchapter, LCC 931.300 to 931.399, shall be known and may be cited as the "Linn County Historic Resource Overlay Code" or simply as the "Historic Resource Overlay Code."

[Adopted 99-121 §12 eff 6/30/99]

##### **931.305 Purpose**

The purpose of this Subchapter ~~LCC~~ is to encourage continued use, rehabilitation and preservation of significant historic properties by allowing flexibility in zoning regulations which affect significant historic properties.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §12 eff 6/30/99]

**931.320 HRO; relationship between Commission and Historic Resource Commission**

An application for a land use action involving an historic property as defined in ORS 358.480, will be reviewed and decided in the order and manner set forth in LCC 921.700 to 921.750.

[Adopted 98-002 §3 eff 3/4/98]

**931.330 HRO; application of overlay**

(A) The Historic Resource Overlay may apply to any authorized unit of land where an historic property listed in the National Register of Historic Places is located.

(B) The application of the HRO to an underlying zoning district shall be subject to the applicable provisions of LCC 921.700 to 921.750.

[Adopted 98-002 §3 eff 3/4/98]

**931.340 HRO; uses allowed outright**

The uses set forth in this section are allowed outright in the HRO.

(A) Farm uses.

(B) Cultivation, management, protection and harvest of forest crops but excluding primary timber processing operations or maintenance and repair facilities for timber vehicles or equipment.

[Adopted 98-002 §3 eff 3/4/98]

**931.350 HRO; uses permitted through a Type IIIB conditional use review**

Any use not set forth in LCC 931.340 is a Type ~~HA~~ IIIB conditional use in the HRO and may be permitted subject to the applicable provisions of LCC Chapter 921 (Administration of the Land Development Code) and decision criteria contained in LCC 933.200 to 933.220 ~~or 931.250 to 931.260.~~

[Adopted 98-002 §3 eff 3/4/98]

**931.360 HRO; decision criteria for uses permitted conditionally**

(A) A conditional use permit must first be reviewed and approved by the Planning Commission and made subject to review and approval by the HRC that the decision criteria set forth in subsection (B) and, if applicable, the conditions set forth in subsection (C) are met.

(B) Decision criteria.

(1) The use will be consistent with the purpose statement of the HRO; and

(2) The use will not destroy or detract from the distinguishing character or qualities of the property and will be compatible with its historic and architectural integrity.

(C) *Conditions.* When an historic property which is not habitable or which has been used for non-dwelling purposes is proposed to be rehabilitated for or converted to a dwelling, its establishment as a dwelling will require as a condition of approval by the hearing authority that any exterior alteration shall be reviewed and approved by the HRC before they are initiated.

[Adopted 98-002 §3 eff 3/4/98]

**931.370 HRO; alteration of property**

(A) Proposed alterations of properties located in the HRO and listed in the National Register of Historic Resources shall be reviewed by the Historic Resource Commission according to the procedures of LCC Chapter 921 (Administration of the Land Development Code).

(B) This section also applies to properties previously designated HRO.

(C) The Historic Resource Commission shall approve, approve with conditions or deny such proposed alterations according to a determination based on the standards of LCC 932.900 to 932.990

as to whether the alterations will destroy or detract from the distinguishing architectural and historic character and qualities of the property.

[Adopted 98-002 §3 eff 3/4/98]

**931.380 HRO; property development standards**

Development of all properties in the HRO must comply with the development standards set forth in LCC Chapter 934 (Development Standards Code) and also to any specific standards applicable to the underlying zoning district.

[Adopted 98-002 §3 eff 3/4/98]

**CHAPTER 932 SPECIFIC CONDITIONAL USES CODE**

**IX. HISTORIC RESOURCES**

**932.900 Statement of Purpose**

The purpose of LCC 932.900 to 932.950 is to encourage preservation of significant historic properties through a process of review of proposed alterations and demolitions of these properties.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §13 eff 6/30/99]

**932.905 Definitions**

As used in LCC 932.900 to 932.950, “**alteration to an historic building, structure or object**” means any addition to, removal of, or change in the exterior part of a property. The term includes modification of the surface texture, material or architectural detail of the exterior part of a building, structure or object. The term does not include altering the color of the paint.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §13 eff 6/30/99]

**932.910 Application**

In addition to the requirements of LCC 921.040, the provisions of LCC 932.900 to 932.950 apply to all properties listed in the *National Register* or the Linn County Register of Historic Resources which is maintained by the Historic Resource Commission (HRC).

[Adopted 98-002 §3 eff 3/4/98; 99-121 §13 eff 6/30/99]

**932.915 Alteration or demolition permit not required**

A permit is not required for the alteration or demolition of a historic resource.

[Adopted 98-002 §3 eff 3/4/98]

**932.920 Removal from Linn County Historical Register**

(A) An applicant may request that the applicant’s historical resource be removed from the Linn County Historical Register. The HRC shall grant the request.

(B) If the historic resource removed from the Linn County Historical Register is in the HRO, then the resource shall revert to a use allowed, or permitted in the zoning district. If the Overlay is removed only the regulations of the underlying zoning district remain.

[Adopted 98-002 §3 eff 3/4/98]

**932.925 Alteration or demolition certification required**

(A) *Policy requiring certificate.*



(1) Instead of an alteration or demolition permit, an alteration or a demolition certificate by the landowner meeting the requirements of subsection (B) is required to help establish the timeframe and locational information needed for the replacement of certain structures and to notify the County Assessor of the removal of taxable improvements.

(2) This certificate will also be used to bring proposed demolition activities to the attention of the Historic Resource Coordinator or the Historic Resource Commission.

**(B) Certificate.**

(1) A certificate is required for alteration or demolition of any property listed in the National Register of Historic Places at the time that LCC 932.900 to 932.950 is adopted and for any property listed in the Linn County Register of Historic Resources.

(2) Exception. A certificate is not required under LCC 932.900 to 932.950 for alteration of a property when review of the proposed alteration is required by an agency of the state or federal government.

(3) Alteration to an historic site means any change of the terrain within the site boundary which would diminish the information potential or associative value of the site.

(4) Nothing in LCC 932.900 to 932.950 shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature on any property covered by this section that does not involve a change in design, material or external appearance. Nor does this prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the building official determines that such emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, notification shall be provided to the Historic Resource Commission.

(5) Any proposed changes that would potentially affect the exterior of a qualifying historic dwelling shall be reviewed and approved by the HRC before they are initiated. Such review and approval shall be required as a condition of approval attached to the land use decision.

**[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; 99-121 §13 eff 6/30/99]**

**932.930 Review procedure**

The Historic Resource Commission shall review applications for certificates for alteration and demolition according to the applicable provisions of LCC ~~933.935~~ **932.935** and 921.700 to 921.740.  
**[Adopted 98-002 §3 eff 3/4/98]**

**932.935 Historic Resource Commission action**

(A) Alteration. In the case of a request for a certificate for alteration of an historic property listed in the Linn County Register of Historic Resources, the Historic Resource Commission shall either:

(1) Approve the request as submitted.

(2) Approve the request with modifications.

(3) Delay final decision on the request for up to 60 days to allow time for an alternative to the alteration being requested. At the end of the 60 day delay period, the Historic Resource Commission shall approve the request, approve the request with modifications or deny the request.

(4) Deny the request.

(B) Demolition. In the case of an application for demolition of properties listed in the Linn County Register of Historic Resources, the Historic Resource Commission shall order either:

(1) Immediate issuance of the certificate; or

(2) Delay of issuance of the certificate for up to 180 calendar days.

(C) During this period, the Historic Resource Commission shall attempt to determine if public or private acquisition and preservation is feasible or if other alternatives are possible which could prevent demolition of the site or property.

[Adopted 98-002 §3 eff 3/4/98]

#### **932.940 Decision criteria**

(A) To preserve the historic architectural integrity and provide for building safety of historic properties, recommendations concerning alterations shall be based on the following:

- (1) The standards in LCC 932.945; and
- (2) Applicable state and local codes and ordinances related to building, fire and life safety.

(B) The Historic Resource Commission shall order immediate issuance of a demolition certificate if it finds all of the following:

- (1) The property cannot be economically rehabilitated;
- (2) A program or project does not exist which may result in preservation of the property;
- (3) Delay of the certificate would result in unnecessary and substantial hardship to the applicant;
- (4) Issuance of the certificate will not act to the substantial detriment of the public welfare considering the significance of the property and the economic, cultural and energy consequences of demolishing the property; or
- (5) No other reasonable alternative to demolition exists.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §13 eff 6/30/99]

#### **932.945 Historic property alteration review standards**

The standards set forth in LCC 934.430 shall apply to the alteration of historic property.

[Adopted 98-002 §3 eff 3/4/98]

### **CHAPTER 934**

### **DEVELOPMENT STANDARDS CODE**

#### **P. HISTORIC PROPERTY STANDARDS**

#### **934.430 Historic property alteration review standards**

(A) The standards set forth in subsection (B) shall apply to the alteration of historic property.

(B) Alteration review standards.

(1) The distinguishing original qualities or characteristics of a building, property or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(2) All buildings, properties and sites shall be recognized as products of their own time. Alterations that have no historical basis or that seek to create a different style shall be discouraged.

(3) Changes which may have taken place in the course of time are evidence of the history and development of a building, property or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.

(4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, property or site shall be treated with sensitivity.

(5) Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of

missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or properties.

(6) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

(7) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and characteristics of the property, neighborhood or environment.

(8) Wherever possible, new additions or alterations to properties shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the property would be unimpaired.

[Adopted 98-002 §3 eff 3/4/98]