

**ARTICLE 6**

**HISTORIC PROPERTIES**

6.010. PURPOSE.

It is the purpose of the City to promote and encourage the preservation, restoration, rehabilitation, and adaptive use of buildings, structures, appurtenances, objects, sites, and districts that are indicative of Astoria's historical heritage; to carry out certain provisions of the Land Conservation and Development Commission Goal 5 "Open Spaces, Scenic and Historic Areas, and Natural Resources"; to establish a historic design review process for historic structures, and to assist in providing the means by which property owners may qualify for Federal and State financial assistance programs assisting historical properties.

*[6.010 amended by Ordinance 13-08, 8-19-2013]*

6.020. SPECIAL PROVISIONS.

A. Signs.

1. Signs or plaques denoting a historic District, building or site will be permitted in accordance with the sign regulations for the zone in which it is located. Such signs will be of dignified design and positioned in a manner that is compatible with the building or site.
2. Any signs constructed or placed on or in association with a historic building will be reviewed by the Historic Preservation Officer to ensure that they are in scale and relate well to the architectural style of the building.
3. Restoration or reconstruction of historic signs are encouraged and will be reviewed by the Historic Preservation Officer to verify that they are a historic restoration or reconstruction. Any change in design and/or wording is not considered to be a historic sign restoration/reconstruction and would be subject to the Sign Ordinance regulations.

*[6.020.A.3 added by Ordinance 13-08, 8-19-2013]*

6.030. HISTORIC DISTRICT ESTABLISHMENT.

- A. The Historic Landmarks Commission, the City Council, or the owners of at least one-third of the privately owned property within a proposed District may initiate the proceedings for designation of a Historic District. If there is multiple ownership in a

property, each consenting owner shall be counted as a fraction equal to the interest the owner holds in that property.

A request that an area be designated as a Historic District will be considered by the Historic Landmarks Commission following receipt of a complete application by the Historic Preservation Officer. The Historic Landmarks Commission will transmit its recommendation of the area as a Historic District to the City Council. The City Council shall hold a public hearing in accordance with the procedures set forth in 9.010 through 9.100 except that notices of the hearing date will be mailed only to owners of property lying on or within the boundaries of the proposed District.

Upon receipt of the Historic Landmark Commission's recommendation, the City Council may authorize submittal of a nomination for Historic District status to the State Advisory Committee on Historic Preservation.

6.040. HISTORIC LANDMARK ESTABLISHMENT.

A. Application.

The Historic Landmarks Commission, City Council or a property owner may initiate the proceedings for designation of a Historic Landmark.

The application should include the following information as applicable: history of the structure; tenants both residential and commercial; exterior features and materials; alterations to the structure; architect; date of construction; outbuildings; photographs, both historic and current; and any other information available.

*[6.040.A amended by Ordinance 13-08, 8-19-2013]*

B. Existing Listings on the National Register of Historic Places.

For the purposes of Historic Landmark designation, buildings, structures, appurtenances, objects, signs, sites and districts which are listed on the National Register of Historic Places shall be automatically considered a Historic Landmark.

C. Primary, Secondary, Eligible/Significant, and Eligible/Contributing Classifications.

For the purposes of Historic Landmark designation, buildings, structures, appurtenances, objects, signs, sites and districts which are classified as Primary, Secondary, Eligible/Significant, or Eligible/Contributing shall be automatically considered a Historic Landmark.

*[6.040.C amended by Ordinance 13-08, 8-19-2013]*

D. Procedures.

Upon receipt of a complete application requesting that a building, structure, appurtenance, object, sign, or site be designated historic, the Historic Landmarks Commission shall consider the request. The Historic Landmarks Commission shall hold a public hearing on the request in accordance with the procedures set forth in Article 9.

The Historic Landmarks Commission may approve, modify or reject such request in accordance with Section 9.030 based on the criteria in Section 6.040.E.

*[6.040.D added by Ordinance 13-08, 8-19-2013]*

E. Criteria for Historic Landmark Designation.

The Historic Landmarks Commission shall consider and weigh the following criteria in making a determination of potential historic significance:

1. Physical Integrity.

Property is essentially as constructed on original site. Sufficient original workmanship and material remain to serve as instruction in period fabrication.

2. Architectural Significance.

Rarity of type and/or style. Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last examples surviving in the City. Property is a prototype or significant work of an architect, builder, or engineer noted in the history of architecture and construction.

3. Historical Significance.

Property is associated with significant past events, personages, trends or values and has the capacity to evoke one or more of the dominant themes of national or local history.

4. Importance to Neighborhood.

Property's presence contributes and provides continuity in the historical and cultural development of the area.

5. Symbolic Value.

Through public notice, interest, sentiment, uniqueness or other factors, property has come to connote an ideal, institution, political entity or period.

6. Chronology.

Property was developed early in the relative scale of local history or was early expression of type/style. The age of the building, structure, site, or object should be at least 50 years, unless determined to be of exceptional significance.

7. The request shall be consistent with the applicable goals and policies of the Comprehensive Plan.

*[6.040.E added by Ordinance 13-08, 8-19-2013]*

6.050. EXTERIOR ALTERATION.

A. Exemptions.

Nothing in this Section shall be construed to prevent ordinary maintenance of a structure listed or identified as a Historic Landmark as described in Section 6.040. The following are considered to be normal maintenance and repair and are not subject to this Section including, but not limited to:

*[6.050.A amended by Ordinance 13-08, 8-19-2013]*

1. Replacement of gutters and downspouts, or the addition of gutters and downspouts, using materials that match those that were typically used on similar style buildings.
2. Repairing, or providing a new foundation that does not result in raising or lowering the building elevation more than one foot unless the foundation materials and/or craftsmanship contribute to the historical and architectural significance of the landmark.

*[6.050.A.2 amended by Ordinance 13-08, 8-19-2013]*

3. Replacement of wood siding, when required due to deterioration of material, with wood material that matches the original siding in size, dimension, and material.

*[6.050.A.3 amended by Ordinance 13-08, 8-19-2013]*

4. Repair and/or replacement of roof materials with the same kind of roof materials existing, or with materials which are in character with those of the original roof.
5. Application of storm windows made with wood, bronze or flat finished anodized aluminum, or baked enamel frames which complement or match the color detail and proportions of the building.
6. Replacement of existing sashes with new sashes, when using material which is consistent with the original historic material, dimensions, and appearance.

*[6.050.A.6 amended by Ordinance 13-08, 8-19-2013]*

7. Painting and related preparation.
8. Installation of decorative stained and/or leaded glass in existing windows.

*[6.050.A.8 added by Ordinance 13-08, 8-19-2013]*

9. Fences, retaining walls, and/or landscaping features unless the existing features are noted in the historic designation as contributing features to the historic property.

*[6.050.A.9 added by Ordinance 13-08, 8-19-2013]*

B. Certificate of Appropriateness.

Unless otherwise exempted, no person, corporation, or other entity shall change, add to, or modify a building, structure, appurtenance, object, sign, or site in such a way as to affect its exterior appearance, if such structure is listed or identified as a Historic Landmark as described in Section 6.040 without first obtaining a Certificate of Appropriateness.

In obtaining a Certificate of Appropriateness, the applicant shall file an application on a form furnished for that purpose with the Community Development Department.

*[6.050.B amended by Ordinance 13-08, 8-19-2013]*

C. Type I Certificate of Appropriateness - Immediate Approval.

Projects that are limited in scope or minor alterations that meet the criteria listed below are classified as Type I Certificate of Appropriateness permits. Historic Design review performed by the Historic Preservation Officer or designee shall be administrative and shall not require public hearing nor public notice.

*[6.050.C amended by Ordinance 13-08, 8-19-2013]*

1. The Historic Preservation Officer shall review and approve the following Type I permit requests:
  - a. There is no change in historic character, appearance or material composition from the existing structure or feature; or
  - b. The proposed alteration duplicates the affected building features as determined from a photograph taken during either the Primary or Secondary development periods, original building plans, or other evidence of original building features; or
  - c. The proposed alteration is required for the public safety due to an unsafe or dangerous condition; or
  - d. The proposed alteration relates to signage in scale to the architectural style of the building.

*[6.050.C.1 amended by Ordinance 13-08, 8-19-2013]*

2. In addition to the Type I permit reviews listed in Section 1 above, the Historic Preservation Officer shall review and approve the following Type I permit requests if it meets the following:
  - a. Criteria.
    - 1) Located on the rear or interior side yard, not adjacent to a public right-of-way, except as noted below; and/or
    - 2) Reconstruction and/or replacement of porch and/or stairs on any elevation; and/or
    - 3) Will not result in an increase in building footprint or envelope except for mechanical venting.
  - b. Type I Permit Requests:
    - 1) Installation of mechanical equipment and venting located on other than the primary facade or street scape, or of less than one square foot if located on a non-primary facade street side. Ground mounted equipment shall be screened from view to the maximum extent practicable if visible from a City right-of-way.

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- 2) Installation of contemporary composite material on the flat decking area of porches, decks, and/or stair treads.
- 3) Replacement of roofing material as follows:
  - a) With similar material and/or composition shingles.
  - b) Flat roofing not visible from the street scape may be a contemporary material.
  - c) Original roof wood shingle or shakes, should be maintained in place whenever possible. Composition roofing is allowed as a substitute for wood shingles in a complete replacement.
  - d) Original roof tile, slate, or rolled composition roofing should be maintained in place whenever possible. Imitation slate and wood are allowed as a substitute for original materials in a complete replacement.
- 4) Removal of an utilitarian chimney that is not a character defining feature.
- 5) Replacement of skirting material with fiber cement material or other compatible contemporary material.
- 6) Installation of roof and/or soffit vents.
- 7) Replacement of existing columns with similar design and dimension of contemporary material other than vinyl material.
- 8) Installation of television microwave receiving dish.
- 9) Construction of stairs and railings on any elevation that are not attached to a building.
- 10) Solar energy facilities as listed in Development Code Section 16.030.A as a Solar Permit Type I, Administrative Review, Outright Use.

*[Section 6.050.C.2.b.10 added by Ordinance 13-10, 11-4-2013]*

*[6.050.C.2 added by Ordinance 13-08, 8-19-2013]*

D. Type II Certificate of Appropriateness - Administrative Review.

Projects that are limited in scope or minor alterations that meet the criteria below are classified as Type II Certificate of Appropriateness permits. Historic Design review performed by the Historic Preservation Officer or designee shall be administrative and shall not require public hearing before the Historic Landmarks Commission. These reviews shall be considered as a limited land use decision and shall require a public notice and opportunity for appeal in accordance with Article 9 of the Astoria Development Code.

The Historic Preservation Officer shall review and approve the following Type II permit requests if it meets the following:

1. Criteria.
  - a. Located on the rear or interior side yard, not adjacent to a public right-of-way, except as noted below; and/or
  - b. Reconstruction and/or replacement of porch and/or stairs on any elevation; and/or
  - c. May result in an increase in building footprint of no more than 10%, and will not result in an increase in building envelope except for mechanical venting.
2. Type II Permit Requests:
  - a. Construction of outbuildings or enclosures (less than 200 square feet).
  - b. Awnings on residential property.
  - c. Awnings on any elevation of a commercial property.
  - d. Handicap accessible ramps on any elevation.
  - e. Reconfiguration with not more than 10% increase in footprint, and/or reconstruction of existing decks or porches with similar materials and/or with a change in materials.
  - f. Reconstruction of existing stairs and balustrades with a historic design.
  - g. Replacement and/or reconfiguration of basement windows on any elevation.



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- h. Installation of flat mounted skylight located on other than the primary facade or street scape.
- i. Changes to fences, retaining walls, and/or landscaping features that are noted in the historic designation as contributing features to the historic property.
- j. Replacement of non-historic features such as aluminum or vinyl windows or siding, steel or fiberglass doors, etc. with a design, size, and material that is consistent with the existing historic features of the structure.
- k. Removal of a chimney that is considered as a character defining feature as noted in the historic designation.
- l. Solid waste disposal area enclosure.
- m. Construction of stairs and railings on any elevation that are attached to a building.
- n. Solar energy facilities as listed in Development Code Section 16.030.B as a Solar Permit Type II, Administrative Review, Conditional Use.

*[Section 6.050.D.2.n added by Ordinance 13-10, 11-4-2013]*

*[6.050.D added by Ordinance 13-08, 8-19-2013]*

E. Type III Certificate of Appropriateness – Historic Landmarks Commission Review.

Projects that do not meet the criteria for a Type I or Type II review are classified as Type III Certificate of Appropriateness permits. Historic Design review performed by the Historic Landmarks Commission based upon the standards in the Development Code shall be considered discretionary and shall require a public hearing, notice, and opportunity for appeal in accordance with Article 9 of the Astoria Development Code.

*[6.050.E added by Ordinance 13-08, 8-19-2013]*

F. Historic Design Review Criteria.

Type II and Type III Certificate of Appropriateness exterior alteration requests shall be reviewed by the Historic Landmarks Commission or Historic Preservation Officer as indicated in Section 6.050 following receipt of a complete application.

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The following standards, in compliance with the Secretary of the Interior's Standards for Historic Preservation, shall be used to review Type II and Type III exterior alteration requests. The standards summarized below involve the balancing of competing and conflicting interests. The standards are intended to be used as a guide in the Historic Landmark Commission's deliberations and/or the Historic Preservation Officer's decision.

*[6.050.F amended by Ordinance 13-08, 8-19-2013]*

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, 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.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever 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 structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and addition do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures 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 structure would be unimpaired.

6.070. NEW CONSTRUCTION.

A. Certificate of Appropriateness.

No person, corporation, or other entity shall construct a new structure adjacent to or across a public right-of-way from a Historic Landmark as described in Section 6.040, without first obtaining a Certificate of Appropriateness from the Historic Landmarks Commission.

In obtaining a Certificate of Appropriateness as required above, the applicant shall file an application on a form furnished for that purpose with the Community Development Department.

*[6.070.A amended by Ordinance 13-08, 8-19-2013]*

B. Historic Landmarks Commission Historic Design Review Criteria.

A request to construct a new structure shall be reviewed by the Historic Landmarks Commission following receipt of the request. In reviewing the request, the Historic Landmarks Commission shall consider and weigh the following criteria:

1. The design of the proposed structure is compatible with the design of adjacent historic structures considering scale, style, height, architectural detail and materials.
2. The location and orientation of the new structure on the site is consistent with the typical location and orientation of adjacent structures considering setbacks, distances between structures, location of entrances and similar siting considerations.

*[6.070.B title amended by Ordinance 13-08, 8-19-2013]*

6.080. DEMOLITION AND MOVING.

A. Certificate of Appropriateness.

No person, firm, or corporation shall move, demolish, or cause to be demolished any structure listed or identified as a Historic Landmark as described in Section 6.040 without first obtaining a Certificate of Appropriateness.

In obtaining a Certificate of Appropriateness, the applicant shall file an application on a form provided for that purpose with the Community Development Department.

*[6.080.A amended by Ordinance 13-08, 8-19-2013]*

B. Criteria for Immediate Approval.

The Historic Preservation Officer shall issue a Certificate of Appropriateness for moving or demolition if any of the following conditions exist:

1. The structure has been damaged in excess of 70% of its assessed value by fire, flood, wind, or other natural disaster or by vandalism; or
2. The Building Official finds the structure to be an immediate and real threat to the public health, safety and welfare.

All other requests will be reviewed by the Historic Landmarks Commission.

C. Historic Landmarks Commission Review Criteria.

Those demolition/moving requests not meeting the conditions for immediate approval shall be reviewed by the Historic Landmarks Commission following receipt of an applicant's request. In reviewing the request, the Historic Landmarks Commission shall consider and weigh all of the following criteria:

1. The structure cannot be economically rehabilitated on the site to provide a reasonable income or residential environment compared to structures in the general area.
2. There is demonstrated public need for a new use, if any is proposed, which outweighs the benefit which might be served by preserving the subject building(s) on the site due to the building's contribution to the overall integrity and viability of the historic district.
3. The proposed development, if any, is compatible with the surrounding area considering such factors as location, use, bulk, landscaping, and exterior design.

4. If the building is proposed to be moved, the new site and surrounding area will benefit from the move.

Any review shall be completed and a decision rendered within 75 days of the date the City received a complete application. Failure of the Historic Landmarks Commission to meet the time lines set forth above shall cause the request to be referred to the City Council for review. All actions of the Historic Landmarks Commission can be appealed to the City Council. The Historic Landmarks Commission will follow the procedural requirements set forth in Article 9.

D. Conditions for Demolition Approval.

As a condition for approval of a demolition permit, the Historic Landmarks Commission may:

1. Require photographic documentation, and other graphic data or history as it deems necessary to preserve an accurate record of the resource. The historical documentation materials shall be the property of the City or other party determined appropriated by the Commission.
2. Require that the property owner document that the Historic Preservation League of Oregon or other local preservation group has given the opportunity to salvage and record the resource within 90 days.

E. Appeal - Extension of Review Period.

On appeal or referral, the City Council may extend the review period for demolition/moving requests a maximum of an additional 120 days from the date of receipt of an application upon a finding that one of the following conditions exists:

1. The applicant has not submitted sufficient information to determine if an immediate demolition or moving should be allowed.
2. There has been little or no activity, within a reasonable amount of time, by the permit applicant to explore other viable alternatives.
3. There is a project under way which could result in public or private acquisition of the historic building or site and the preservation or restoration of such building or site, and that there is reasonable grounds to believe that the program or project may be successful.

If, at the end of an extended review period, any program or project is demonstrated to the City Council to be unsuccessful and the applicant has not withdrawn his/her application for a moving or demolition permit, the Community Development Director

shall issue the permit if the application otherwise complies with the code and ordinances of the City.

F. Exception.

In any case where the City Council has ordered the removal or demolition of any structure determined to be dangerous, nothing contained in this chapter shall be construed as making it unlawful for any person without prior approval of the Historic Landmarks Commission, pursuant to this chapter, to comply with such order.

6.090. ADMINISTRATIVE PROCEDURES.

- A. The Historic Landmarks Commission and/or Historic Preservation Officer will follow the procedural requirements set forth in Article 9 with regard to application, public notice, quasi-judicial public hearing procedure, appeals, action on applications, filing fees, and additional costs.

*[6.090.A amended by Ordinance 13-08, 8-19-2013]*

- B. In the consideration of an exterior alteration, demolition or moving request, the Historic Landmarks Commission and/or Historic Preservation Officer will approve or deny the request or recommend changes in the proposal which would enable it to be approved. The property owner will be notified of the Historic Landmarks Commission's and/or Historic Preservation Officer's decision within 10 working days of the date of action. The applicant may resubmit proposals for which changes have been recommended by the Historic Landmarks Commission.

*[6.090.B amended by Ordinance 13-08, 8-19-2013]*

- C. In approving an exterior alteration, demolition or moving request, the Historic Landmarks Commission and/or Historic Preservation Officer may attach conditions which are appropriate for the promotion and/or preservation of the historic or architectural integrity of the structure, appurtenance, object, site, or district. All decisions to approve, approve with conditions, or deny shall specify the basis of the decision. A decision of the Historic Preservation Officer may be appealed to the Historic Landmarks Commission. A decision of the Historic Landmarks Commission may be appealed to the City Council.

*[6.090.C amended by Ordinance 13-08, 8-19-2013]*