

TITLE 9

COMMUNITY DEVELOPMENT

CHAPTER 906

HISTORIC RESOURCE COMMISSION

TABLE OF CONTENTS

Section Title

906.010	Title
906.020	Purpose
906.100	Historic Resource Commission
906.200	Linn County Register of Historic Resources

Statutory References and Other Authorities

Legislative History of Chapter 906

906.010 Title

This Chapter, LCC 906.010 to 906.nnn, shall be known and may be cited as the "Linn County Historic Resource Commission Code" or simply as the "Historic Resource Commission Code."

[Adopted 99-190 eff 5/19/99]

906.020 Purpose

The purpose of the Historic Resource Provisions is to provide procedures for identification and preservation of significant historic resources located in Linn County.

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

906.100 Historic Resource Commission

(A) The Linn County Historic Resource Commission is hereby created.

(B) *Composition, appointment, and terms.*

(1) *Membership.* The historic resource commission shall consist of seven voting members as follows:

(a) Position #1: A member representing the Linn County Historical Society.

(b) Positions #2 through #7: Members from the general public who are interested in the preservation of historic resources in Linn County. Preference will be given to a member representing the building trades for one of the public positions.

(2) *Terms of office.* Members shall be appointed by the Linn County Board of Commissioners for three year terms, except the initial appointment shall be for terms as follows:

(a) Positions #1, #4, and #7 for three years;

(b) Positions #2 and #5 for two years; and

(c) Positions #3 and #6 for one year.

(3) Appointments to fill vacancies shall be for the unexpired portion of the term.

(4) *Removal.* A member of the historic resource commission shall serve at the pleasure of the Linn County Board of Commissioners.

(5) *Compensation.* Voting members of the historic resource commission shall receive no compensation, but shall be reimbursed for duly authorized expenses.

(6) *Presiding officers.* At the beginning of each calendar year, the Linn County Board of Commissioners shall select a chairperson for the historic resource commission from among the voting members to serve a one year term with eligibility for re-election. At its first meeting of each calendar year, the historic resource commission shall elect a vice-chairperson from among the voting members to serve a one year term, with eligibility for re-election.

(7) *Staff.* Employees of the Linn County Planning and Building Department shall provide

staff support services as required by the historic resource commission and shall keep an accurate record of commission proceedings.

(C) *Meetings.*

(1) *Quorum.* Four voting members of the historic resource commission shall constitute a quorum.

(2) *By-Laws.* The historic resource commission may recommend rules and regulations to be adopted by the Linn County Board of Commissioners, for its government and procedure which are consistent with this ordinance, other ordinances of Linn County, and the laws of the State of Oregon.

(3) *Meetings.* The meetings of the historic resource commission shall be convened at the call of the chairperson. Meetings shall be called by notice served upon each member at least 72 hours in advance of the time specified for the proposed meeting. Notice of the meeting shall be made available to the news media at least 24 hours prior to the meeting. All meetings shall be open to the public.

(D) *Functions, powers, and duties.* The historic resource commission shall have the following functions, powers, and duties:

(1) 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;

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

(3) Review and act on historic resource district applications;

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

(5) 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;

(6) Recommend historic resources for nomination to the National Register of Historic Places to the State Historic Preservation Office;

(7) Seek state, federal, and other outside funding for historic resource survey, planning, repair, maintenance, rehabilitation, or restoration;

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

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

[Adopted 80-335 eff 9/2/80; amd 99-190 eff 5/19/99]

906.200 Linn County Register of Historic Resources

(A) The Linn County Register of Historic Resources, hereinafter referred to as the register, is hereby created as the official county list of significant historic resources which warrant protection.

(B) *Designation Procedure.*

(1) A request for inclusion of a historic resource on the register may be made by the owner of the historic resource or his authorized representative, by the Linn County Board of Commissioners, by the Linn County Historic Resource Commission, or by the State Historic Preservation Office.

(2) The historic resource commission shall hold a public hearing to review the request for inclusion of an historic resource on the register.

(3) *Notice.*

(a) Notice of public hearing shall be given not less than 14 days nor more than 21 days prior to the date of the public hearing by one publication in a newspaper of general circulation in the county.

(b) Written notice of the public hearing shall be mailed to the applicant, the owners of the affected property, the State Historic

Preservation Office and, if the structure is in an urban growth boundary, to the affected city. Such notice shall be mailed not less than 14 days nor more than 21 days before the scheduled public hearing.

(c) Failure of any party to receive mailed notice shall not invalidate any scheduled proceeding.

(4) Within 35 days of the conclusion of the hearing, the historic resource commission shall either:

- (a) Approve the request submitted;
- (b) Approve the request with modifications; or
- (c) Deny the request.

(5) A copy of the historic resource commission decision shall be mailed within seven days of the decision to the applicant, the owner of the subject property, and other persons who have requested such notification.

(C) *Designation Criteria.* After public hearing, the historic resource commission may include an historic resource on the register if it finds that the resource possesses integrity of the original or historically evolved design, materials, and workmanship and if one or more of the following criteria apply:

- (1) It exemplifies or reflects special elements of the cultural, social, economic, political, aesthetic, engineering, or architectural history of Linn County, the state, or the nation;
- (2) It is identified with persons or events significant in local, state, or national history;
- (3) It embodies distinctive characteristics of a style, type, period, or method of construction;
- (4) It is representative of the notable work of a builder, designer, engineer, or architect;
- (5) It is representative of a type or style of construction that was once common and now is among the last examples surviving in the county or state; and
- (6) It is listed on the National Register of Historic Places.

(D) *Removal of an Historic Resource from the Register.*

(1) If an historic resource has been demolished or destroyed, the historic resource commission may remove the resource from the register without first holding a hearing.

(2) Requests for removal of an historic resource from the register for any other reason other than demolition or destruction shall be reviewed according to the procedures of Section 3(1). To remove an historic structure from the register, the historic resource commission must determine that the findings(s) made for inclusion on the register as per Section 3(2) of this ordinance, no longer apply.

(E) *Appeals and Board of Commissioner Review.*

(1) A decision made by the historic resource commission to approve or deny a request for inclusion of an historic resource or the register or removal of an historic resource from the register may be appealed to the Linn County Board of Commissioners or may be reviewed by the board of commissioners at its own request.

(2) A notice of appeal or of a board of commissioner decision to review a request must be filed with the planning department within 14 days after the historic resource commission decision.

(3) In the case of an appeal, the notice filed by the appellant shall clearly state the grounds upon which the appeal is filed.

(4) The board of commissioners shall hold a hearing within 42 days of the historic resource commission decision in order to obtain testimony on the appeal or the review.

(5) In the case of board of commissioner review, notwithstanding the provisions of Section 3(4)(d), if the board of commissioners does not wish to obtain further testimony beyond the historic resource commission hearings record, the review shall be scheduled for board of commissioners public meeting within 42 days of the historic resource commission decision.

(6) Notice of the public hearing or meeting shall be published not less than 14 days nor more than 21 days prior to the date of the

public hearing by one publication in a newspaper of general circulation in Linn County. Written notice shall be mailed to the applicants, the owners of the proposed designated historic resource, the State Historic Preservation Office, and other persons who have requested such notice not less than 14 days nor more than 21 days before the scheduled hearing. Failure of any party to receive mailed notice shall not invalidate any schedule proceeding.

(7) The designation criteria contained in Section 3 (2) shall be used by the board of commissioners in making a decision on an appeal. The board of commissioners shall render a final determination in the matter within 35 days of concluding the public hearing or meeting.

(8) A copy of the board of commissioners decision shall be mailed within seven days of the decision to the appellant, the owner of the property involved, and other persons who have requested such notification.

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

Statutory References and Other Authorities:
ORS 203

Legislative History of Chapter 906:

Adopted 80-335 Exhibits A and E 8/27/80 eff 9/2/80

Amendments to

- #1 95-026 §? eff 2/1/95¹
 - #2 95-398 §? eff 8/16/95²
 - #3 95-449 §? eff 12/13/95³
 - #4 95-456 §? eff 12/13/95⁴
 - #5 99-190 §? eff 5/19/99
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¹Articles rewritten and replaced: "Transportation" section of the "Community Facilities and Development Element."

²Articles rewritten and replaced: "Introduction" and "Background and Summary Issues" in "Citizen Involvement" section.

³Articles rewritten and replaced: "Transportation" section of the "Community Facilities and Development Element."

⁴Articles rewritten and replaced: "Urbanization."