

ARTICLE 3.5 – HISTORIC BUILDINGS AND SITES

SECTION 3.5.001 – GENERAL PROVISIONS

- A. This Article shall be known as the Historic Buildings and Sites Article of the La Grande Land Development Code, and may be so cited and pleaded. Said Article shall be referred to herein as "This Article," and the sections hereinafter referred to shall be sections of this Article.

B. Purpose and Intent

This Article and the regulations and restrictions contained therein are adopted and enacted for the purpose of promoting the health, safety and welfare of the present and future inhabitants of La Grande, including but not limited to the following:

1. To safeguard the City's historic and cultural heritage, as embodied and reflected in its landmarks and historic districts;
2. To revitalize neighborhoods by restoring confidence and creating an environment conducive to reinvestment and continued maintenance;
3. To stabilize and enhance property values;
4. To foster community identity and civic pride;
5. To protect, enhance, and perpetuate the use of structures, sites and areas that are reminders of past eras, events, and persons important in local, State, or national history; or which reflect the distinct phases of the City's, State's, or Nation's cultural, social, economic, political, and architectural heritage;
6. To educate citizens about La Grande's history;
7. To promote compatible new development while at the same time protecting the old;
8. To protect and enhance the City's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry;
9. To strengthen the economy of the City;
10. To generally improve the quality of life in the City; and
11. To maintain community integrity for future generations.

C. Issuance of Licenses and Permits

Licenses and permits shall not be granted for the construction or alteration of any building or structure, or for the relocation of a building onto a lot, or for the change of the use in any land, building, or structure if such construction, alteration, moving, or change in use would be a violation of any of the provisions of this Article.

SECTION 3.5.002 – ADMINISTRATION AND PROCEDURES

A. Amendment Procedure

1. This Landmarks Preservation Article may be amended by the La Grande City Council after said amendments shall have first been submitted for recommendation to the Landmarks Commission.
2. Any person seeking to amend the Landmarks Preservation Article shall submit to the Landmarks Commission a written petition containing the following information:
 - a. A specific description of the amendment desired;
 - b. The reason and justification for such text change, and a statement setting forth the manner in which a proposed amendment would further promote the objectives and purposes of this Article; and
 - c. The filing fee established by City Council resolution for Land Development Code amendments.
3. Upon receipt of a petition, the Commission shall hold a public hearing on the matter before submitting recommendations to the City Council.
4. Before recommending an amendment to this Article, it must be shown that such amendment is in the interest of the public, and is consistent with the goals and policies of the La Grande Comprehensive Plan.

B. Operating Procedures

1. The Commission shall elect from its membership a Chairperson and a Vice-Chairperson who shall serve for terms of one (1) year. All regular members of the Commission shall vote on agenda items, including the Chairperson. However, the Chairperson may not make a motion on any agenda item.
2. A majority of the current appointed members of the Commission shall constitute a quorum for the transaction of business. All official actions of the Commission shall require a majority vote of the members present and voting.

C. Review of Land Use Requests

1. All land use requests affecting designated and formally nominated landmarks shall first be submitted to the Landmarks Commission for review and recommendation before action is taken by the appropriate decision-making body.
2. The Landmarks Commission comment shall be limited to anticipated impacts, if any, to the integrity and character of the historic landmark being affected.
3. The recommendation of the Landmarks Commission shall be forwarded to the appropriate body making the final decision for their consideration.

D. Appealing Decisions of Landmarks Commission

Any decision of the Landmarks Commission involving either the "designation" of a property as a historic "landmark", or their refusal to issue a Certificate of Historic Appropriateness, may be appealed to the City Council. An appeal to the Council must be made on or before thirty (30) days

after the Commission's decision. The appeal shall set forth the specific reasons and justification for the applicant's opposition to the Commission's decision.

SECTION 3.5.003 – LA GRANDE HISTORIC SITES LIST

A. Purpose

The La Grande Landmarks Commission may designate historic properties to the Historic Sites List as a means of providing recognition to and encouraging the preservation of historic properties in the community.

B. Criteria for Designating Properties to the Historic Sites List

Any district, building, structure, object or site may be designated to the Historic Sites List if it meets all the criteria outlined below:

1. It is located within the official boundaries of La Grande;
2. It is at least fifty (50) years old;
3. It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance of the building or structure when viewed from the public way;
4. If the property does not meet the integrity requirements outlined in Subsection 3 above, it may still qualify for designation if it meets one (1) of the following requirements for exceptional significance:
 - a. It is directly associated with events of historic significance in the City, State, or Nation.
 - b. It is closely associated with the lives of persons who were of historic importance to the City, State, or Nation.
 - c. It exhibits significant methods of construction or materials that were used within the historic period; and
5. It has been documented according to the State Historic Preservation Office standards for intensive level surveys, and copies of that documentation have been placed in the local and State Historic Preservation files.

C. Designation Procedures

Any person, group, or government agency may nominate a property for listing in the La Grande Historic Sites List. The nomination and listing procedures are as follows:

1. Completed Intensive Level Survey documentation for each nominated property must be submitted in duplicate to the Landmarks Commission.
2. The Commission will review and consider properly submitted nominations at its next scheduled meeting. The Commission will notify the nominating party and property owner, either orally or

in writing, fourteen (14) days prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting.

3. The Landmarks Commission will review the documentation for completeness, accuracy and compliance with the "Criteria for Designating Historic Properties to the La Grande Historic Sites List" and will make its decision accordingly.

D. Results of Designation to Historic Sites List

1. Owners of officially designated historic sites may obtain a historic site certificate from the Landmarks Commission. The certificate contains the historic name of the property, the date of designation, and signatures of the mayor and the Landmarks Commission chairperson.
2. The Commission will also deposit a listing of designated historic sites with the Planning Commission and Building Division.
3. Properties designated to the Historic Sites List may receive special consideration in the granting of zoning Variance Permits or Conditional Use Permits, and they may be eligible for rehabilitation and/or preservation loans.
4. If a historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place.
 - a. The City will delay issuing a demolition permit and will notify the owner of the building or site, who will take responsibility for the documentation.
 - b. Documentation will include, at a minimum, exterior photographs (both black-and-white and color slides) of all elevations of the building. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor plan drawing of the building.
 - c. The Commission may require, as a condition of approval, that the owner complete documentation of the building or site prior to the construction and/or demolition.

E. Removal of Properties from the Historic Sites List

Properties that, in the opinion of the Landmarks Commission, no longer meet the criteria for eligibility may be removed from the Historic Sites List after review and consideration by the Commission. Only the Landmarks Commission, City Council, or the owner of the historic site may initiate actions to remove properties from the Historic Sites List. The removal process shall follow the same public hearing procedure outlined above for designations.

SECTION 3.5.004 – LA GRANDE LANDMARKS REGISTER

A. Purpose

Significant historic properties may be designated to the Historic Landmark Register for the purposes of recognizing their significance, providing incentives for their preservation, and providing standards and regulations for their protection.

B. Criteria for Designating Properties to the Landmarks Register

Any district, building, structure, object or site may be designated to the Historic Landmark Register if it meets the first three (3) criteria below, and at least one (1) of the other criteria outlined in items (a) through (f) below:

1. It is located within the official boundaries of La Grande;
2. It is at least fifty (50) years old; and
3. It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance of the building or structure when viewed from the public way.
 - a. It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 CFR 60.6(s). Properties listed on or determined to be eligible for the National Register must still retain their integrity;
 - b. It is associated with events that have made a significant contribution to the broad patterns of the history of the City, State, or Nation;
 - c. It is associated with the lives of persons significant in the history of the City, State, or Nation;
 - d. It embodies the distinctive characteristics of a rare or unique type, period, or method of construction; or that represents the work of an architect or builder recognized as a master in his/her field; or that possesses high artistic values or style; or that represents a significant and distinguishable entity whose components may lack individual distinction;
 - e. It has yielded or may be likely to yield, information important in prehistory or history (archeological sites, for example); or
 - f. Because of its prominent spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the City, and contributes to the distinctive quality or identity of its neighborhood or the City.

C. Designation Procedures

1. Official nominations of properties to the Landmarks Register must originate with the owner of the property, the Landmarks Commission, or the City Council. In any case, owner consent is required. Completed Intensive Level Survey documentation for each nominated property must be submitted in duplicate to the Landmarks Commission.
2. The Commission will review and consider properly submitted nominations at its next scheduled meeting. The Commission will notify the nominating party and property owner, either orally or in writing, fourteen (14) days prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting.
3. The Landmarks Commission will review the documentation for completeness, accuracy and compliance with the "Criteria for Designating Historic Properties to the La Grande Landmarks Register" and will make its decision accordingly. The Commission shall forward its recommendation in writing to the City Council within fourteen (14) days.

4. The City Council may, by approval and passage of an appropriate Resolution, designate properties to the Landmarks Register. Following designation, a notice of such shall be mailed to the owners of record together with a copy of this Article.

D. Notification and Recording of Designation

When historic properties have been officially designated to the La Grande Landmarks Register by the City Council, the Commission shall promptly notify the owners of those properties. The Commission shall record the Historic Landmark Register status designation in the Union County Deed Records.

E. Results of Designation to the Landmarks Register and Requirement for Certificates of Appropriateness

1. Properties designated to the Landmarks Register may receive special consideration in the granting of zoning Variances or Conditional Use Permits in order to encourage their preservation, and shall be eligible for low-interest rehabilitation and preservation loans, which the City may offer.
2. In the event of rehabilitation of the property, local building officials shall consider waiving certain Code requirements in accordance with the Historic Building provisions of the Building Code or other specialty Codes for existing buildings.
3. Owners of Historic Landmarks may seek assistance from the Landmarks Commission in applying for grants or tax credits for rehabilitating their properties.
4. After a property has been designated on the Landmarks Register, any alteration of the exterior appearance of a structure, site, object or work of art affecting a Landmark shall be made or permitted only after application for a Certificate of Appropriateness has been submitted to and approved by the Landmarks Commission, or the Landmarks Commission Staff, if applicable, pursuant to Subsection (6) of this Section.
5. Certificates of Appropriateness shall be required for alterations such as but not limited to:
 - a. Any construction that requires a Building Permit;
 - b. Removal and replacement or alteration of architectural detailing, such as porch columns, railing, window moldings, cornices and siding;
 - c. Relocation of a structure or object on the same site or to another site;
 - d. Construction of additions or decks;
 - e. Alteration or construction of accessory structures, such as garages, carports, sheds, etc.;
 - f. Alteration of windows and doors, including replacement or changes in fenestration patterns;
 - g. Construction or alteration of porches;
 - h. Masonry work, including, but not limited to, tuckpointing, sandblasting and chemical cleaning;

- i. Construction or alteration of site features including, but not limited to, fencing, walls, paving and grading;
 - j. Installation or alteration of any exterior sign;
 - k. Any demolition;
 - l. Change of exterior paint color, and
 - m. New Construction.
- 6. The following types of construction or demolition may be decided administratively by the Landmarks Commission Staff subject to the standards in this Article or other applicable standards:
 - a. Minor alterations, repairs or additions to a Landmark or Contributory Building or Site in a Historic District;
 - b. Alterations, repairs or additions to a Non-Contributory Building or Site in a Historic District;
 - c. Any alterations or demolition of an accessory structure;
 - d. Demolition of a Non-Contributory Building or Site in a Historic District.
- 7. Applications for administrative decisions shall be made in the same form as applications for Landmarks Commission decisions as set forth in Subsection (12) below. Landmarks Commission Staff shall determine whether a request is to be processed administratively or referred to the Landmarks Commission.
- 8. Landmarks Commission Staff shall have ten (10) days to render an administrative decision after an application for a Certificate of Appropriateness has been accepted and deemed complete.
- 9. Administrative decisions shall be based on findings that analyze the proposal for compliance with the Standards and Guidelines for Historical Rehabilitation and Preservation as set forth in Section 3.5.005 of this Article.
- 10. Landmarks Commission Staff may refer any application to the Landmarks Commission:
 - a. Due to the complexity of the application or the significance of a change proposed for a Landmark or Contributory Building or Site, or
 - b. If the Staff reasonably believes it should consult the expertise available from members of the Commission. Landmarks Commission Staff may routinely decide on requests to remove and replace architectural features with like materials. If architectural materials are proposed to be altered, Staff shall consider referring such requests to the Landmarks Commission for action.
- 11. Persons aggrieved by an administrative decision may appeal to the Landmarks Commission by filing a letter of appeal within ten (10) days of the date the decision is mailed. Such appeals shall be scheduled for action at the next meeting of the Landmarks Commission.

12. Proposed repairs, alterations or additions to Historic Landmarks, if not administratively approved, are subject to the review of the Landmarks Commission and the subsequent review and approval of the City Council, if the Commission's decision is appealed. The purpose of such review is to ensure the preservation of historic materials and features to the greatest degree possible.
 - a. Applications for Building, and Sign Permits pertaining to designated Landmark properties, formally nominated landmarks, or any land located in a Historic District, shall be forwarded by the Building Official to the Landmarks Commission prior to their issuance.
 - b. A permit applicant, in order to obtain a permit from the Building Division, shall file a request for a Certificate of Appropriateness with the Landmarks Commission Staff on a form furnished by the Landmarks Commission.
 - c. At its next scheduled meeting, the Landmarks Commission shall review applications received for compliance with "Standards for Rehabilitation," promulgated by the United States Secretary of the Interior, hereafter referred to as "Standards" (See Section 3.5.005). A Certificate of Historic Appropriateness shall be issued by the Landmarks Commission for applications that comply with the provisions of this Article, within thirty (30) days after the filing of the application.
 - d. A person whose application is found to be in noncompliance with the provisions of this Article, shall be offered a negotiating period of sixty (60) days, during which time the Landmarks Commission, together with the applicant, shall explore all means for proper repair, alteration or addition to the historic landmark, which may include the following:
 - i. feasibility of modifications to the plans
 - ii. feasibility of alternative uses of the landmark
 - iii. feasibility of public acquisition or resale
 - iv. feasibility of acquiring easements
 - v. feasibility of obtaining financial or other forms of assistance from preservation organizations.

If no solution is agreed upon within the initial sixty (60) days, the Landmarks Commission may offer the applicant an extension of sixty (60) days. If no solution is agreed upon at the conclusion of one hundred twenty (120) days, the Certificate of Historic Appropriateness shall be denied; consequently, the Building Official shall not issue any permits. Nevertheless, an applicant may, at any time after the conclusion of the initial hearing, elect to receive a final determination by the Landmarks Commission.

- e. An applicant who is aggrieved by a decision of the Landmarks Commission, may appeal that decision to the City Council, subject to the procedures in Article 9.7, La Grande Land Development Code.

- f. Unless there is substantial action leading toward completion of the work described in the Certificate of Historic Appropriateness within a period of twelve (12) months from the date of approval, such approval shall expire, unless after reconsideration of the progress of the project an extension is approved by the Landmarks Commission.
- g. Under emergency situations, a Subcommittee is hereby authorized upon twenty-four (24) hour notice to make special review of requests for Certificates of Appropriateness, and to make approvals of the same. The decision as to whether emergency conditions exist shall rest with the Commission Chairperson or Vice-Chairperson in the absence of the Chair.

F. Demolition and Removal of Landmark Buildings and Sites

It is the intent of this and succeeding sections to preserve the historic and architectural landmarks of La Grande through limitations on demolition and removal of historic buildings and sites to the extent it is economically feasible, practical and necessary. The demolition or removal of historic buildings and sites in La Grande diminishes the character of the City's older neighborhoods and Historic Districts, and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse and relocation within La Grande. It is recognized, however, that structural deterioration, economic hardship and other factors not entirely within the control of a property owner may result in the necessary demolition or removal of a historic building or site.

1. Certificate of Appropriateness for Demolition

With the exception of any building or structure falling under the purview of the Unsafe Buildings or Structures section of the Building Code or undergoing complete renovation or reconstruction in compliance with this Article, no building or other structure that has been formally designated or nominated as a historic landmark (including Significant and Contributory buildings within a Historic District) may be demolished or removed without the prior issuance of a Certificate of Appropriateness by the Landmarks Commission. Application for a Certificate of Appropriateness for Demolition shall be made on forms provided by the Commission and shall be submitted to the Commission Staff.

2. Standards for Certificate of Appropriateness for Demolition of Landmark Sites (Including Significant Sites Within Historic Districts)

In considering an application for a Certificate of Appropriateness for Demolition of a Landmark Site, including significant sites within Historic Districts, the Landmarks Commission shall approve the application only upon finding that the project fully complies with one (1) of the following standards:

- a. The demolition is required to alleviate a threat to public health and safety as determined by the Building Official; or
- b. The demolition is required to rectify a condition of economic hardship, as defined and determined pursuant to the provisions of this Article.

If upon review of the application, the Staff, in conjunction with the Building Official, determines the subject building or structure to be structurally unsound, and a hazardous or dangerous building, the Community Development Department may issue a Certificate of Appropriateness. In the absence of a finding of public hazard, the application for demolition or removal shall be stayed for one hundred twenty (120) days.

3. Pre-Hearing Application Requirements

Upon refusal of the Community Development Department to issue a Certificate of Appropriateness for Demolition, a pre-hearing period of sixty (60) days shall commence, during which time the owner shall allow the City to post and sustain a visible sign stating the structure is "Proposed to be Demolished." Said sign shall be at least 3' x 2', readable from a point of public access, and state that more information may be obtained from the Community Development Department for the duration of the stay. In addition, the owner shall conduct negotiations with the City for the sale or lease of the property or some interest in the property such as a facade easement, or take action to facilitate proceedings for the City to acquire the property under its power of eminent domain, if appropriate and financially feasible.

At the end of the sixty (60) days, the owner may request a hearing before the Landmarks Commission upon showing that the above requirements have been met. The Department Staff shall, within fourteen (14) days, notify the owner if any additional information is needed to complete the application. If the Department Staff does not notify the owner, the application will be deemed complete. Within sixty (60) days of receiving the completed application, the Department Staff shall schedule a hearing regarding the application on the agenda of the Landmarks Commission. If no decision is reached by the Landmarks Commission at the conclusion of one hundred twenty (120) days, the Certificate of Appropriateness for Demolition shall be approved.

4. Demolition of Buildings in Historic District

Unless a building in a Historic District has been declared a dangerous or hazardous building by the Building Official, a permit to demolish such structure shall not be issued until the Commission has first reviewed plans for the construction of a replacement structure, and has determined that the proposed new construction will comply with the provisions of this Article.

G. Claims of Economic Hardship

The Landmarks Commission may approve a Certificate of Appropriateness for Rehabilitation or Demolition of a landmark building or site if the owner has presented substantial evidence demonstrating that unreasonable economic hardship will result from denial of the certificate of appropriateness.

1. Definition and Determination of Economic Hardship

The determination of economic hardship shall require the applicant to provide evidence sufficient to demonstrate that the application of the standards and regulations of this Ordinance deprives the applicant of all reasonable economic use or return on the subject property.

2. Application for Determination of Economic Hardship

An application for a Determination of Economic Hardship shall be made on a form prepared by the Community Development Director and shall be submitted to the Department. The application shall include photographs, information pertaining to the historic significance of the Landmark Site and all information necessary to make findings regarding the Standards for Determination of Economic Hardship.

3. Standards for Determination of Economic Hardship

The Landmarks Commission shall apply the following standards and make findings concerning economic hardship:

- a. The applicant's knowledge of the landmark designation when the property was acquired, or whether the property was designated subsequent to acquisition;
- b. The current level of economic return on the property as considered in relation to the following:
 - i. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant, and the person from whom the property was purchased;
 - ii. Annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, for the previous three (3) years;
 - iii. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the previous three (3) years;
 - iv. Real estate taxes for the previous four (4) years and assessed value of the property according to the two (2) most recent assessed valuations by the Union County Assessor;
 - v. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
 - vi. Fair market value of the property immediately prior to its designation as a Landmark Site and the fair market value of the property as a Landmark Site at the time the application is filed;
 - vii. Form of ownership or operation of the property, i.e., sole proprietorship, for-profit corporation or not-for-profit corporation, limited partnership, joint venture, etc.; and
 - viii. Any State or Federal income tax returns on or relating to the property for the previous two (2) years.
- c. The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and price asked and offers received, if any, within the previous two (2) years. Such determination may include testimony and relevant documents regarding:
 - i. Any real estate broker or firm engaged to sell or lease the property;
 - ii. Reasonableness of the price or rent sought by the applicant; and
 - iii. Any advertisements placed for the sale or rent of the property.
- d. The unfeasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:

- i. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
 - ii. Estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the decision of the Landmarks Commission concerning the appropriateness of proposed alterations;
 - iii. Estimated market value of the property in the current condition after completion of the demolition and proposed new construction; and after renovation of the existing property for continued use; and
 - iv. Testimony of an architect, developer, real estate consultant, appraiser, or other professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
- e. Economic incentives and/or funding available to the applicant through Federal, State, City, or private programs.

4. Procedure for Determination of Economic Hardship

For each application wherein an economic hardship is claimed, the Mayor shall appoint a three (3) person Economic Review Panel. Members shall consist of real estate and redevelopment experts knowledgeable in real estate economics and in particular the economics of renovation, redevelopment, and other aspects of rehabilitation. The Mayor shall request recommendations for Panel members from the Landmarks Commission and the applicant.

a. Review of Evidence

All of the evidence and documentation presented to the Landmarks Commission shall be made available to and reviewed by the Economic Review Panel. The Economic Review Panel shall convene a meeting complying with the Open Meetings Act to review the evidence of economic hardship in relation to the standards set forth in Section 3.5.004(G)(3) above. The Economic Review Panel may, at its discretion, convene a public hearing to receive testimony by any interested party provided that notice for such public hearing shall be in accordance with the notice requirements of Article 9.6 of this Code.

b. Report of Economic Review Panel

Within forty-five (45) days after the Economic Review Panel is established, the panel shall complete an evaluation of economic hardship, applying the standards set forth in Section 3.5.004(G)(3) above and shall forward a written report with its findings of fact and conclusions to the Landmarks Commission.

5. Landmarks Commission Determination of Economic Hardship

At the next regular Landmarks Commission meeting following receipt of the report of the Economic Review Panel, the Landmarks Commission shall reconvene its public hearing to take final action on the application.

a. Finding of Economic Hardship

If after reviewing all of the evidence, the Landmarks Commission finds that the application of the standards set forth in Section 3.5.004(G)(3) results in economic hardship, then the Landmarks Commission shall issue a Certificate of Appropriateness for Demolition.

b. Denial of Economic Hardship

If the Landmarks Commission finds that the application of the standards set forth in Section 3.5.004(G)(3) does not result in economic hardship then the Certificate of Appropriateness for demolition shall be denied.

c. Consistency with the Economic Review Panel Report

The Landmarks Commission decision shall be consistent with the conclusions reached by the Economic Review Panel unless, based on all of the evidence and documentation presented to the Landmarks Commission, the Landmarks Commission finds by a vote of three-fourths majority of a quorum present that the Economic Review Panel acted in an arbitrary manner, or that its report was based on an erroneous finding of a material fact.

H. Standards for Certificate of Appropriateness for Demolition of a Contributing Structure in an Historic District

In considering an application for a Certificate of Appropriateness for Demolition of a contributing structure the Landmarks Commission shall determine whether the project substantially complies with the following standards.

1. Standards for Approval of a Certificate of Appropriateness for Demolition

- a. The physical integrity of the site (its location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register) is no longer evident;
- b. The streetscape within the context of the Historic District would not be negatively affected;
- c. The demolition would not adversely affect the Historic District due to the surrounding non-contributing structures;
- d. The base zoning of the site is incompatible with reuse of the structure;
- e. The Reuse Plan has been formulated to minimize impacts on the character of the district.
- f. The site has not suffered from willful neglect, as evidenced by the following:
 - i. Willful or negligent acts by the owner that deteriorates the structure;
 - ii. Failure to perform normal maintenance and repairs;
 - iii. Failure to diligently solicit and retain tenants; and
 - iv. Failure to secure and board the structure if vacant.
- g. The denial of a Certificate of Appropriateness for Demolition would cause an economic hardship as defined and determined pursuant to the provisions of this Ordinance.

2. Landmarks Commission Determination of Compliance with Standards of Approval

The Landmarks Commission shall make its decisions based upon compliance with the requisite number of standards in Section 3.5.004(H)(1) as set forth below.

a. Approval of Certificate of Appropriateness for Demolition

Upon making findings that at least six of the standards are met, the Landmarks Commission shall approve the Certificate of Appropriateness for Demolition.

b. Denial of Certificate of Appropriateness for Demolition

Upon making findings that two or less of the standards are met, the Landmarks Commission shall deny the Certificate of Appropriateness for Demolition.

c. Deferral of Decision for up to One (1) Year

Upon making findings that three (3) to five (5) of the standards are met, the Landmarks Commission shall defer the decision for up to one (1) year during which the applicant shall conduct a bona fide effort to preserve the site.

3. Bona Fide Preservation Effort

Upon the decision of the Landmarks Commission to defer the decision on a Certificate of Appropriateness for up to one (1) year, the applicant must undertake bona fide efforts to preserve the structure. The deferral period will begin once the bona fide effort has commenced. A bona fide effort shall consist of all of the following actions at a minimum:

a. Marketing the property for sale or lease;

b. Filing an application for alternative funding sources for preservation;

c. Filing an application for alternative uses or regulatory flexibility if available or feasible, such as Conditional Uses and Variances;

d. Obtaining written statements from licensed building contractors or architects detailing the actual costs to rehabilitate the property.

4. Final Decision for Certificate of Appropriateness for Demolition Following Deferral

Upon the completion of the deferral period and if the applicant provides evidence of a bona fide preservation effort, the Landmarks Commission shall make a final decision regarding the Certificate of Appropriateness.

5. Recordation Requirement for Approved Certificate of Appropriateness for Demolition

Upon approval of a Certificate of Appropriateness for demolition of a Landmark site or contributing structure, the Landmarks Commission shall require the applicant to provide archival quality photographs, plans or elevation drawings, as available, necessary to record the structure(s) being demolished.

I. Final Decision

1. Approval

If the Landmarks Commission approves an application, a Certificate of Appropriateness shall be issued and the owner may proceed to rehabilitate or demolish the building or site after first obtaining the necessary permits from the Building Division. The Commission may require, as a condition of approval, that the owner provide the Commission with documentation of the

physical appearance of the building including black and white photographs and color slides of each building elevation, and exterior and interior measurements of the building.

2. Denial

In the event the Commission recommends denial of the rehabilitation or demolition, and negotiations with the owner do not result in an agreement, the Commission shall recommend to the City Council whether or not the City should provide some economic assistance, acquire the property, or take some other form of action.

3. Appeal

All final decisions of the Landmarks Commission may be appealed to the City Council, subject to the provisions of Article 9.7 of the La Grande Land Development Code and the standards of this Article.

J. Removal of Properties from the Landmarks Register

Properties that, in the opinion of the Landmarks Commission, no longer meet the criteria for eligibility may be removed from the Landmarks Register after review and consideration by the Commission.

SECTION 3.5.005 – STANDARDS AND GUIDELINES FOR HISTORICAL REHABILITATION AND PRESERVATION

The Commission shall utilize the Standards and Guidelines Manual for Historic Rehabilitation and Preservation, which is an attachment hereto, when determining the historic appropriateness of any application under its jurisdiction.