

Historic Property Applications

9.8150 **Purpose of Historic Property Applications.** To help make the citizens of the community and its visitors aware of the origin, development, and historic significance of property, this land use code contains regulations for the preservation of historic property.

(Section 9.8150, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8155 **Applicability.** These regulations are applicable to historic property as defined in this land use code.

(Section 9.8155, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8160 **General Application Requirements.** All historic property applications shall be submitted on a form approved by the city manager and in the manner provided in EC 9.7000 through EC 9.7030, and shall also comply with the following additional requirements for historic property applications:

- (1) **Historic Landmark Designation.** The historic landmark designation follows a Type III process and may be initiated by the property owner, planning director, or city council.
- (2) **Historic Landmark- Removal of Designation.** The property owner of a historic landmark or the planning director may initiate the process to remove historic landmark designation. Removal applications shall follow a Type I process.
- (3) **Historic Property Demolition.** A pre-application conference is required prior to submittal of a historic property demolition application. The demolition application shall follow a Type II application process (EC 9.7010 Application Filing). In order for the city to determine that a historic property demolition application is complete, the owner shall establish that within the previous year the owner has solicited purchase offers for the historic property by giving notice of sale of the property as follows:
 - (a) Listing the property for sale in both The Register Guard and Oregonian at least six times and at regular intervals;
 - (b) Posting and maintaining visible for sale sign(s) on the property as specified by the planning director; and
 - (c) Making a financial prospectus on the status of the property available to interested parties.

As part of the historic property demolition application, the applicant shall prepare and submit a historic property mitigation report.

(Section 9.8160, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8165 **Historic Landmark- Designation Approval Criteria.** The historic review board shall designate a historic resource as a historic landmark if it finds that the following criteria are met:

- (1) Designation is consistent with applicable provisions of the Metro Plan and applicable refinement plans.
- (2) Designation is based on a determination of historic significance according to

Eugene Code

one or more of the following:

- (a) Is associated with events that have made a significant contribution to the broad patterns of history.
 - (b) Is associated with the lives of persons significant to our past.
 - (c) Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
 - (d) Yields, or may be likely to yield, information important to prehistory or history.
- (3) In addition to EC 9.8165 (1) and (2) above, criteria for designation of a historic resource that was moved, is primarily commemorative in intent, or less than fifty years of age shall include the following considerations:
- (a) A historic resource moved from its original location or a place that has historic significance can be eligible if it has historic architectural significance or is the surviving property most importantly associated with a historic person or event.
 - (b) A historic resource that is primarily commemorative in intent can be eligible if design, age, tradition, or symbolic value has invested it with its own historic significance.
 - (c) A historic resource achieving significance within the last fifty years can be eligible if it is of exceptional importance.

(Section 9.8165, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8170 Historic Landmark-Removal of Designation Approval Criteria. The planning director shall remove a historic property from the local list of landmark designations if any of the following conditions are met:

- (1) Upon verification that the historic landmark is demolished or moved.
- (2) The property owner requests that the local historic landmark designation be removed.

(Section 9.8170, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8175 Historic Property Alteration Approval Criteria. The planning director shall approve, approve with conditions or deny an application for historic property alteration. Approval, or conditional approval shall be granted if all of the following criteria for historic rehabilitation or historic restoration work are met:

- (1) The historic significance of the property is retained and preserved by minimizing the removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the historic property.
- (2) The historic property remains recognizable as a physical record of its time, place, and use. The alteration will not create a false sense of historical development by adding conjectural features or elements from other historic properties or time periods.
- (3) Changes to the property that have acquired historic significance in their own right are retained and preserved to the extent possible.
- (4) Distinctive materials, features, finishes, construction techniques, or examples of skilled craftsmanship that characterize the property are retained to the extent possible.

Eugene Code

- (5) Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and where possible, materials. Whenever possible replacement of missing features, including identified historic landscape features, is substantiated by historic, pictorial, or physical evidence rather than on conjectural designs.
- (6) New additions, exterior alterations, or related new construction do not unnecessarily destroy historic materials, features, and spatial relationships that characterize the property. The new work is differentiated from the old and is compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment. If a historic property alteration is removed in the future, the essential form and integrity of the historic property and its environment will be unimpaired to the extent possible.
- (7) If applicable, the proposed alteration is consistent with development standards or design guidelines adopted by the historic review board.
- (8) Every reasonable effort is made to protect known archeological resources affected by and adjacent to any alteration project. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) The proposed alteration complies with all applicable standards or adjustments thereto made pursuant to provisions beginning at EC 9.8015 of this land use code.

(Section 9.8175, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8180 **Historic Property Demolition Approval Criteria.** No person may demolish a historic property unless the planning director has approved, with or without conditions, an application to do so and a demolition permit has been obtained from the city manager. (Refer to EC 9.8160 General Application Requirements concerning pre-application requirements.) The planning director may condition approval of the application upon a postponement of the demolition if it will likely result in preservation of the historic property at its current site. A postponement shall be for a maximum of 60 days from the time the city determines the application is complete. If a postponement is a condition of approval, the decision of the planning director shall be in writing and contain findings and conclusions. The planning director shall consider the following in assessing the likelihood of preservation:

- (1) The state of repair of the historic property and the financial and physical feasibility of historic rehabilitation, historic property moving, or leaving the property in its current state or location.
- (2) The effects of the moving upon the use and development of the historic property.
- (3) The marketability of the property and the willingness of the property owner to sell the property.

As a condition of approval of a demolition permit the planning director may impose certain documentation or artifact preservation requirements as outlined in the application form. These application provisions may be waived by the planning director based on public safety concerns and an immediate need to allow the structure to be demolished. Waiver under this section however does not waive the requirement for a demolition permit that would be applicable for property without

Eugene Code

historic property designation.

(Section 9.8180, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.8185** **Historic Property Moving Approval Criteria.** No person may move a historic property unless the planning director has approved an application to do so and the necessary permits have been obtained. The planning director shall approve the application unless a postponement will likely result in preservation of the historic property at its current site. A postponement shall be for a maximum of 60 days from the time the city determines the application is complete. If the planning director requires postponement, the decision shall be in writing and contain findings and conclusions. The planning director shall consider all of the following in assessing the likelihood of historic preservation:
- (1) Relocation is the only viable alternative for preservation of the historic property.
 - (2) The effects of the moving upon the use and development of the historic property.
 - (3) The historic property is structurally capable of relocation.
 - (4) The proposed new relocation site will not reduce the historic significance or historic architectural significance of the historic property.

When a historic property is moved to a new location, the historic property status is automatically removed for that property at the new site unless the planning director, using the process required for designation, determines that the historic landmark designation is appropriate.

(Section 9.8185, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)