

**CITY OF DALLAS  
ORDINANCE NO. 1915**

**AN ORDINANCE AMENDING DALLAS DEVELOPMENT CODE CHAPTER 2.10  
REGARDING HISTORIC PRESERVATION REGULATIONS**

The City of Dallas does ordain as follows:

**SECTION 1:**        **ADOPTION** “2.10.010 Policy” of the Dallas Development Code is hereby *added* as follows:

A D O P T I O N

2.10.010 Policy(*Added*)

It is hereby declared to be the policy of the City of Dallas in carrying out the historic sites and structures goal and policy of the City of Dallas comprehensive plan to identify Significant Historic Resources and to encourage and promote their restoration and preservation.

**SECTION 2:**        **AMENDMENT** “2.10.010 Purpose” of the Dallas Development Code is hereby *amended* as follows:

A M E N D M E N T

2.10.010 Purpose

The City of Dallas adopts Chapter 2.10 to identify, designate, and preserve Significant Historic Resources associated with the community's history and prehistory; encourage the rehabilitation and ongoing viability of designated Significant Historic Resources, archaeological objects, sites, and sites of archaeological significance strengthen public support for historic preservation efforts within the community; foster civic pride; and encourage cultural heritage tourism.

**SECTION 3:**        **REPEAL** “2.10.030 Historic Preservation Commission” of the Dallas Development Code is hereby *repealed* as follows:

R E P E A L

~~2.10.030 Historic Preservation Commission~~ (*Repealed*)

~~The City of Dallas Historic Preservation Commission is hereby established as an advisory body to the Planning Commission with the following provisions:~~

- A. The City Manager shall appoint an Historic Preservation Officer to serve as staff to the Historic Preservation Commission and to carry out the administrative provisions of this Chapter.
- B. The Mayor, subject to City Council approval, shall appoint an Historic Preservation Commission, hereinafter referred to as the "Preservation Commission", of five members with a demonstrated competence, knowledge, or interest in historic preservation with preference given to those with professional experience in the fields of preservation, architecture, archaeology, community history, building trades, real estate, or related specialties. Three of the five members must reside inside the Dallas Urban Growth Boundary. Members shall serve without compensation, but are eligible for reimbursement of expenses related to their service. Members will serve a four year term, but are not limited in the number of terms they may serve.
- C. The Preservation Commission shall meet at least four times a year, and as required to conduct business in a timely fashion. Notice of the meetings shall be in accordance with applicable state law. Meeting minutes; applications for exterior remodeling, alteration or demolition; Landmark nominations; records of designation; staff reports; and decisions of the Commission shall be created and maintained as public records in accordance with applicable local and state laws.
- D. A majority of the Preservation Commission shall constitute a quorum for a meeting. The vote of a majority of a quorum present at any meeting shall be required to decide any matter before the Commission.

**SECTION 4:**            **AMENDMENT** “2.10.020 Applicability” of the Dallas Development Code is hereby *amended* as follows:

A M E N D M E N T

2.10.020 Applicability

- a. Sections 2.10.060 to 2.10.140 apply to all Locally Significant Historic Resources.
- b. Sections 2.10.090, 100, and 110 of these regulations apply to National Register Resources listed after February 23, 2017.
- c. No provision of Sections 2.10.060 to 2.10.140 may be construed to prevent the ordinary maintenance of a Significant Historic Resource when such action does not change the design, materials, or appearance of the resource.

**SECTION 5:**            **REPEAL** “2.10.040 Historic Preservation Commission Duties” of the Dallas Development Code is hereby *repealed* as follows:

R E P E A L

~~2.10.040 Historic Preservation Commission Duties (Repealed)~~

~~The Preservation Commission shall have the following duties:~~

- ~~A. Employing the procedures and criteria in Section 2.10.050, the Preservation Commission shall create and maintain an Historic Resource Survey consistent with the standards of the Oregon State Historic Preservation Office, hereinafter referred to as “SHPO”.~~
- ~~B. Employing the procedures and criteria in Section 2.10.060, the Preservation Commission shall recommend that the Planning Commission designate qualifying historic resources to the Local Landmark Register.~~
- ~~C. Employing the procedures and criteria in Section 2.10.070, the Preservation Commission shall review and act upon applications for the preservation, rehabilitation, reconstruction, alteration, relocation, or demolition of Significant Historic Resources, and new construction within the designated boundary of a Significant Historic Resource as described in this regulation.~~
- ~~D. The Preservation Commission shall support the enforcement of all federal and state laws relating to the protection of National Register Resources, Archaeological Sites, and Archaeological Objects regardless if they are designated to the Resource List.~~
- ~~E. The Preservation Commission may undertake to inform the residents of, and visitors to the City of Dallas, regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of Landmarks; provide information on state and federal preservation programs; and document Landmarks prior to their alteration, demolition, or relocation and archive that documentation.~~
- ~~F. For purposes consistent with this Ordinance the Preservation Commission may recommend to the City Council, that the City seek, accept, and expend grant and gift funds; cooperate with public and private entities; and assist the owners of Landmarks in securing funding for the preservation of their properties.~~
- ~~G. Upon request, the Preservation Commission may advise the City Council or Planning Commission on local, state, or federal issues, laws, and information requests relating to historic preservation.~~
- ~~H. The Preservation Commission may adopt and amend rules and procedures to govern its internal operations.~~
- ~~I. The Preservation Commission will review and comment on nominations to the National Register of Historic Places. The review process will include opportunity for public notification and comment.~~
- ~~J. The Preservation Commission may adopt and publish written and graphic guidelines and example materials to clarify the standards in this regulation and to assist applicants in developing complete and viable applications to preserve, rehabilitate, reconstruct, alter, relocate and demolish a Significant Historic Resource, and/or erect new construction within the designated boundary of a Significant Historic Resource.~~
- ~~K. The Preservation Commission shall inform the citizens of, and visitors to the City of Dallas, regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of historic resources provide information on state and federal preservation programs and~~

incentives; and document historic resources prior to their alteration, demolition, or relocation and archive that documentation.

- L. The Preservation Commission may recommend to the City Council to seek, accept, and expend public appropriations; seek, accept, and expend grant and gift funds; cooperate with public and private entities; and assist the owners of Significant Historic Resources in securing funding for the preservation of their properties.
- M. The Preservation Commission may recommend incentives and code amendments to the Planning Commission to promote historic preservation in the community.
- N. The Preservation Commission may comment on local, state, or federal issues, laws, and requests relating to historic preservation.

**SECTION 6:**        **ADOPTION** “2.10.040 Conflicts With Other Laws” of the Dallas Development Code is hereby *added* as follows:

#### ADOPTION

##### 2.10.040 Conflicts With Other Laws(*Added*)

If any provisions of Sections 2.10.090 to 2.10.140 are found to be in conflict with federal or state laws the federal or state law shall prevail. In cases of conflict other city ordinances the previously established ordinances shall take precedence.

**SECTION 7:**        **REPEAL** “2.10.050 Historic Resource Survey” of the Dallas Development Code is hereby *repealed* as follows:

#### REPEAL

##### ~~2.10.050 Historic Resource Survey (Repealed)~~

~~The Historic Resource Survey shall list, describe, and determine the eligibility of historic resources for listing in the Local Landmark Register. Not all properties listed in the Historic Resource Survey shall be eligible for listing in the Local Landmark Register. A property need not be first listed in the Historic Resource Survey before being nominated to the Local Landmark Register under Section 2.10.060.~~

- ~~A. The Landmark Commission shall determine and periodically revise priorities for the identification and evaluation of historic resources based on the community’s needs and interests.~~
- ~~B. Surveyed properties shall be identified as Eligible/Significant (ES), Eligible/Contributing (EC), Non-Contributing (NC), or Not in Period (NP). Evaluation and documentation of properties in the Historic Resource Survey shall meet the requirements the SHPO and be provided to that agency within six (6) months~~

after of the completion of the survey, and any amendment of the survey.

- C. The Historic Resource Survey shall be maintained as a public record with the exception of archaeological sites, which is prohibited by State law.

**SECTION 8:**        **ADOPTION** “2.10.050 Definitions” of the Dallas Development Code is hereby *added* as follows:

#### ADOPTION

##### 2.10.050 Definitions(*Added*)

The following words, terms and phrases, when used in Sections 2.10.060 to 2.10.140, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a. Alteration: means a physical modification of the exterior of a Significant Historic Resource and the interior of a Significant Historic Resource owned by the City of Dallas identified as significant in the record of Designation. Alterations do not include painting, color selection, or ordinary maintenance or repair of a Significant Historic Resource unless such activity alters a character-defining feature.
- b. Archaeological Object: means an object that is at least 75 years old; is part of the physical record of an indigenous or other culture found in the state or waters of the state; and is material remains of past human life or activity that are of archaeological significance including, but not limited to, monuments, symbols, tools, facilities, technological by-products and dietary by-products.
- c. Archaeological Site: means a geographic locality in Oregon, including but not limited to submerged and submersible lands and the bed of the sea within the state’s jurisdiction that contains archaeological objects and the contextual associations of the archaeological objects with each other; or biotic or geological remains or deposits. Examples of archaeological sites include but are not limited to shipwrecks, lithic quarries, house pit villages, camps, burials, lithic scatters, homesteads and townsites.
- d. Building: means a house, barn, church, hotel, or similar structure created principally to shelter any form of human activity.
- e. Certificate of Appropriateness: means a document issued by the Historic Preservation Officer indicating that a building, structure, object, site, or district satisfactorily meets the provisions of Chapter 2.10 for the preservation, rehabilitation, reconstruction, alteration, relocation, or demolition of a Significant Historic Resource, or new construction within the designated boundary of a Significant Historic Resource.
- f. Character-Defining Feature(s): means the visual and physical aspect(s) of a Locally

Significant Historic Resource that convey its historic integrity and historic significance.

g. Demolition: means any act that destroys, removes, or relocates, in whole or part, a significant historic resource such that its historic, cultural, or architectural character and significance is lost.

h. District: means a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

i. Eligible/Contributing: means a historic resource in existence within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district.

j. Eligible/Significant: means a historic resource in existence within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district, and are likely individually eligible for designation to the Resource List.

k. Historic Context Statement: means an element of the City of Dallas comprehensive plan that describes the important broad patterns of historical development in the City of Dallas and the region and identifies historic resources representative of the important broad patterns of historic development. The Historic Context Statement also identifies Historic Resources that are representative of the important broad patterns of historical development.

l. Historic Integrity: means the quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a historic resource.

m. Historic Preservation Officer: means the appointed official responsible for the administration of Chapter 2.10.

n. Historic Preservation Plan: means an element of the City of Dallas's comprehensive plan and ordinances implementing the comprehensive plan that contains the city's goals and policies for historic resource preservation and the processes for creating and amending the program to protect Significant Historic Resources.

o. Historic Resources: means those buildings, structures, objects, sites, or districts that potentially have a significant relationship to events or conditions of the human past.

p. Historic Resource Inventory: means the record of buildings, structures, objects, sites, and districts recorded by the City used to identify historic resources that may be determined significant and designated to the Resource List.

q. Historic Significance: means the physical association of a building, structure, site, object, or district with historic events, trends, persons, architecture, method of construction, or that have yielded or may yield information important in prehistory or history

- r. Locally Significant Historic Resource: means a building, structure, site, object, or district designated to the City Resource List.
- s. National Register Resource: means buildings, structures, objects, sites, or districts listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended (PL 89-665; 16 U.S.C 470).
- t. Non-Contributing: means a historic resource in existence within the applicable period of significance that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition.
- u. Not in Period: means a building, structure, object, or site that was originally constructed outside the applicable period of significance.
- v. Owner, as it relates to the ownership of property, means:
- i. The owner of fee title to the property as shown in the deed records of the county where the property is located;
  - ii. The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property
  - iii. If the property is owned in the name of a revocable trust, the trustee of the trust;
  - iv. For an historic resource with multiple owners, including a district, a simple majority of owners as defined in (i)-(iii).
  - v. For National Register Resources, those individuals, partnerships, corporations or public agencies holding fee simple title to property. Owner or owners does not include individuals, partnerships, corporations or public agencies holding easements or less than fee interests (including leaseholds) of any nature.
  - vi. Owner does not include individuals, entities or public bodies that hold easements, a security interest or less than fee interests, including leaseholds, of any nature.
- w. Period of Significance: means the time period, from one to several years or decades, during which a Significant Historic Resource was associated with an important historic event(s), trend(s), person(s), architecture, or method(s) of construction.
- x. Preservation: means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a Significant Historic Resource.
- y. Record of Designation: means the official document that describes how a Locally Significant Historic Resource meets the criteria for designation to the Resource List.
- z. Reconstruction: means the act or process of depicting, by means of new construction, the

form, features, or detailing of a non-surviving building, or structure for the purpose of replicating its appearance at a specific period of time and in its historic location.

aa. Rehabilitation: means the process of returning a Significant Historic Resource to a state of utility through repair or alteration, which makes possible a use while preserving those portions and features of the Significant Historic Resource and its site that convey its historic significance

bb. Relocation: means moving of a Significant Historic Resource from its location described in the Record of Designation.

cc. Restoration: means the act or process of accurately depicting the form, features, and character of an historic-contributing resource or historic-non-contributing resource as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

dd. Resource List: The list of Locally Significant Historic Resources adopted by City of Dallas pursuant to its comprehensive plan as important to its history and afforded the protection under Chapter 2.10.

ee. Significant Historic Resource: means a Locally Significant Historic Resource and/or a National Register Resource.

ff. Site: means the location of a significant event, prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of any existing building, structure, or object.

gg. Structure: means a functional construction made usually for purposes other than creating human shelter, such as an aircraft, bridge, fence, dam, tunnel, etc.

**SECTION 9:**        **REPEAL** “2.10.060 Local Landmark Register” of the Dallas Development Code is hereby *repealed* as follows:

REPEAL

~~2.10.060 Local Landmark Register~~ (*Repealed*)

- A. The Commission may recommend to the Planning Commission that a historic resource be designated to the Local Landmark Register as a means of providing recognition of its significance and providing incentives and guidelines for its preservation. The Local Landmark Register shall be maintained by the city and shall be available to the public.
- B. Criteria for Designating Historic Resources to the Local Landmark Register. Any

building, structure, object, site or district may be designated to the Local Landmark Register if it meets all the criteria listed below:

1. The property is located within the boundaries of the City of Dallas.
2. The property is over fifty (50) years of age or of exceptional importance, or in the case of a district, the majority of the properties are over fifty (50) years old or have exceptional significance.
3. The property possesses sufficient historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that may destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on 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 form and appearance of the historic resource when viewed from the public right-of-way.
4. The property has historic significance as demonstrated by meeting at least one of the following criteria:
  - a. Association with events that have made a significant contribution to the broad patterns of our history; and/or
  - b. Association with the lives or persons significant in our past; and/or
  - c. Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and/or
  - d. Have yielded, or may be likely to yield, information important in prehistory or history.

**SECTION 10:**            **ADOPTION** “2.10.060 Inventorying, Evaluating, And Determining Significance Of Historic Resources” of the Dallas Development Code is hereby *added* as follows:

#### A D O P T I O N

##### 2.10.060 Inventorying, Evaluating, And Determining Significance Of Historic Resources(*Added*)

The following procedures must be used to identify Historic Resources that may be considered for designation as a Locally Significant Historic Resource on the Resource List.

- a. The Historic Resource Officer shall maintain the Historic Resource Inventory and Resource List as a public record with the exception of archaeological sites, the publication of which is prohibited by state law.
- b. Historic Resources shall be evaluated for their historic integrity and significance and

recorded in the Historic Resource Inventory as Eligible/Significant (ES), Eligible/Contributing (EC), Non-Contributing (NC), or Not in Period (NP). Evaluation and documentation of properties in the Historic Resource Inventory must follow the document “Guidelines for Historic Resource Surveys in Oregon, 2010” or most recent guidance for such efforts published by the Oregon State Historic Preservation Office and be supplied to the agency

within six (6) months of the completion of the study.

c. Historic Properties added to the Historic Resource Inventory are not subject to the regulations described in Sections 2.10.080, 090, 100, 120, 130 and 140.

d. The objection of an owner shall not prevent a property being inventoried, evaluated, or determined significant for placement on the Historic Resource Inventory.

**SECTION 11:**        **REPEAL** “2.10.065 Property Owner Right Of Refusal” of the Dallas Development Code is hereby *repealed* as follows:

REPEAL

~~2.10.065 Property Owner Right Of Refusal (Repealed)~~

~~Owners of inventoried historic resources may refuse historic resource designation at any time during the designation process and a site shall not be included on the Historic Resource Survey or Local Landmark Register if the owner of the property objects to its designation on the public record.~~

**SECTION 12:**        **REPEAL** “2.10.070 Design Review Of Historic Resources Listed In The Local Landmark Register” of the Dallas Development Code is hereby *repealed* as follows:

REPEAL

~~2.10.070 Design Review Of Historic Resources Listed In The Local Landmark Register (Repealed)~~

~~A. No exterior portion of a Locally Significant Historic Resource or Non-Contributing or Not in Period resource; new construction within the boundary of a Locally Significant Historic Resource; or interior of a Locally Significant Historic Resource owned by the City of Dallas identified as significant in the Record of Designation must be constructed, preserved, rehabilitated, or altered without a Certificate of Appropriateness signed by the Historic Preservation Officer as provided in this Section. Certificates must be presented to the Building Official before a permit may be issued.~~

1. In approving a permit for the preservation, restoration, rehabilitation, reconstruction, or rehabilitation of a Significant Historic Resource the Building Official may find that under state law that the Significant Historic Resource does not meet current building code, but if the action is not dangerous the Building Official may approve the land use action.
2. Activities not subject to the provisions of this Section when not specifically noted in the Record of Designation as a Character-Defining Feature.
  - a. Alterations to building interiors, except those that are owned by City of Dallas and noted as significant in the Record of Designation as a character-defining feature.
  - b. Application of exterior or interior paint.
  - c. Alterations to vegetative landscape features, including tree removal.
3. The Historic Preservation Officer must prepare a staff report that summarizes the proposed project, notes the criteria specified in these regulations under which the application must be considered, and make a recommendation to the Commission to approve, approve with conditions, or deny the application for a Certificate of Appropriateness. Materials that may be used in the preparation of the staff report include the Record of Designation; and/or National Register nomination document; and/or other archival photos, maps; and/or other documentary evidence specific to the subject property; and/or observations from on-site inspections to document its historic appearance or alteration over time; and/or documents and publications of the National Park Service or Oregon State Historic Preservation Office.
4. The Commission must review and act upon applications for the alteration, relocation, and demolition of a Locally Significant Historic Resource. Applications for the alteration of a Locally Significant Historic Resource may be approved, approved with conditions, or denied. Applications for the relocation or demolition of a Locally Significant Historic Resource may be approved, approved with conditions, or the action delayed for up to 60 days. The Commission must develop written findings to support its decisions. The Historic Preservation Officer must include any conditions imposed by the Commission in the Certificate of Appropriateness pursuant to this Section.
5. The approval period for a Certificate of Appropriateness shall be the period specified in Section 4.2.080 – *Site Design Review; Compliance with Permit Approval; Modifications; Permit Expiration*.
6. A Significant Historic Resource may be altered, relocated, or demolished without a Certificate of Appropriateness when the Building Official finds that the condition of a Significant Historic Resource poses a clear and immediate hazard to public safety. The written comments of the Building Official must be provided by the Historic Preservation Officer to the Commission at their next regular meeting.
7. The Historic Preservation Officer may issue a Certificate of Appropriateness for the alteration of a Locally Significant History Resource when the proposed alteration will not significantly change the qualities that merited the designation of the Locally Significant Historic Resource to the Resource List. A completed Certificate of Appropriateness must be presented to the (Building

Official) before a permit is issued. The Historic Preservation Officer must make a list of certificates issued in this manner available to the Commission at each regular meeting. Decisions of the Historic Preservation Officer are appealable to the Commission. The historic preservation officer may choose to refer any application for a Certificate of Appropriateness to the Commission. Activities eligible for a Certificate of Appropriateness issued as described in this provision include the following:

- a. Construction of a fence that meets the standards applicable to the land use district.
  - b. Demolition of an Not-In-Period or Non-contributing outbuilding within the designated boundary of a Locally Significant Historic Resource specifically noted as not historically significant in its Record of Designation
  - c. Replacement of historic materials when the replacement material exactly matches the material type, dimension(s); color(s), shape(s), texture(s). No more than 20% of exterior siding, details, or the total number of windows may be replaced under this provision in a two-year time period.
8. A public hearing before the Commission and a signed Certificate of Appropriateness must be required for activities not exempted in provisions of this Section
9. To approve an application for the alteration of a Locally Significant Historic Resource the Commission must find that the proposal meets the following standards:
- a. A property must be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships; and/or
  - b. The historic integrity of a property must be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property must be avoided; and/or
  - c. A property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, must not be undertaken; and/or
  - d. Changes to a property that have acquired historic significance in their own right must be retained and preserved; and/or
  - e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved; and/or
  - f. Deteriorated historic features must be repaired rather than replaced. If the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, color, texture, and, where possible, materials. Replacement of missing features must be substantiated by documentary and physical evidence; and/or



- principal elevations for new buildings and additions to existing Locally Significant Historic Resources must be in scale with the surrounding structures and streetscape. Wider new building can be divided into segments that more closely resemble the façade widths of historic buildings; and/or
- h. In historic districts and on lots with existing Locally Significant Historic Resources, the roof shape of new buildings and additions to existing Locally Significant Historic Resources must be visually compatible with the surrounding structures and streetscape. Unusual roof shapes, materials, and pitches are discouraged; and/or
  - i. Any applicable design guidelines adopted by the Commission as part of the body's duties described in Section 2.10.040 - *Preservation Commission Duties*.

**SECTION 13:**        **ADOPTION** “2.10.070 Designation Historic Resources to the Resource List; Amendment of Record of Designation” of the Dallas Development Code is hereby *added* as follows:

#### ADOPTION

2.10.070 Designation Historic Resources to the Resource List; Amendment of Record of Designation(*Added*)

Historic Resources, including buildings, structures, sites, objects, historic districts may be designated to the Resource List and Records of Designation may be amended as provided in this section.

- a. The Commission may, on its own motion or upon application by the City and any person, group, or government agency, recommend that the City Council designate a Historic Resource to the Resource List to provide recognition of its significance, provided that the proposed Historic Resource is not the subject of a pending application for alteration, relocation, or demolition.
- b. An application to designate a Historic Resource to the Resource List shall include a description of the boundaries of the proposed nominated area and the buildings, structures, objects, sites, and districts contained therein; a description of the historic resource(s)' Character-Defining Features and how these reflect the Historic Resource(s)' Historic Significance and Historic Integrity; a statement explaining how the historic resource(s) meet(s) the criteria under provisions of this section; photos, maps, drawings, and other appendices to support the assertions made in the submitted documentation. The Historic Preservation Officer may establish additional standards for a complete application.
- c. Upon acceptance of a complete application, the owner(s) must be notified in writing of the designation process and their right to support or object to the designation of the Historic Resource to the Resource List under the provisions of ORS 197.772. Written notice shall be

delivered in person or by first class mail addressed to the owner's address as shown on the records of the Polk County Assessor. In the case of multiple owners, notice by mail shall be addressed to the owners whose names and addresses appear on the records of the Polk County Clerk and to any other owners whose names and addresses are known to the Historic Preservation Officer.

d. An owner may object to the designation of the Historic Resource to the Resource List at any time prior to the addition of the property to the Resource List. Such an objection must be submitted on the public record and shall terminate consideration of the Historic Resource for designation to the Resource List.

e. A permit to demolish or modify an Historic Resource under consideration for recommendation for designation to the Resource List must not be issued for 120 days from the date of the owner's refusal to consent to designation or the application to alter, relocate, or demolish the Historic Resource, whichever occurs first.

f. An owner's objection to the designation of an Historic Resource to the Resource List shall not remove the Historic Resource from the Historic Resource Inventory.

g. The Commission may recommend additional protections to supplement the provisions of Sections 2.10.060 to 2.10.140, to the City Council as part of the designation process necessary for the protection of an Historic Resource recommended for designation to the Resource List.

h. In making a recommendation to the City Council under this section, the Commission shall evaluate and must determine that an historic resource has sufficient historic integrity and historic significance to merit designation to the Resource List as a Locally Significant Historic Resource using the following criteria:

i. The Historic Resource is located within the boundaries of the City of Dallas.

ii. The Historic Resource is over fifty (50) years of age or is of exceptional significance, or in the case of a district, the majority of the properties are over fifty (50) years old or have exceptional significance

iii. The Historic Resource possesses sufficient historic integrity to convey its significant relationship to events or conditions of the human past.

iv. The Historic Resource has historic significance as demonstrated by meeting at least one of the following criteria:

1. Association with events that have made a significant contribution to the broad patterns of local, regional, state, or national history; and/or

2. Association with the lives of persons significant to local, regional, state, or national history; and/or

3. 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;

4. Yielding, or being likely to yield information important in prehistory or history; or

5. Relevance within the local Historic Context and priorities described in the Historic Preservation Plan when such documents exist.

v. The Commission shall consider the factors described in Section 2.10.090(d)(2)(a-f) when recommending designation of a National Register Resource to the Resource List.

i. The City and any person, group, or government agency recommend to the City Council an amendment of a Record of Designation for a Significant Historic Resource on the Resource List, provided the proposed Significant Historic Resource is not the subject of a pending application for alteration, relocation, or demolition. The Historic Resource Officer may establish standards for a complete amendment application. Notice shall be given to the applicant and owner or owners of the Significant Historic Resource in the manner provided in Subsection d, above, and an owner may object to the proposed amendment in the manner provided in Subsection f, above, provided, that an owner's objection to a proposed amendment to the Record of Decision shall not prevent the amendment. An amendment to a Record of Designation must be processed as a Type IV land use procedure. To support a recommendation for amendment of the Record of Designation, the Commission must find that the amendment meets the Criteria described in Section 2.10.070(h).

j. Designation Procedure. Upon receiving a recommendation from the Commission for designation of an Historic Resource to the Resource List or to amend a Record of Decision, the City Council shall, after notice to the applicant and owner or owners of the subject Resource, given in the manner provided in Subsection c, hold a hearing to consider the recommendation, at which hearing the applicant and owner shall have the opportunity to testify and may object to the recommendation as provided in this section. In making its decision to approve or disapprove a recommendation of the Commission, the Council shall apply the same criteria as the Commission considered and any other applicable criteria identified by the Historic Resource Officer or owner. A decision by the City Council to designate a Historic Resource to the Resource List or to amend a Record of Decision shall be memorialized in an ordinance adopted by the City Council.

k. Following designation of a Historic Resource, the Historic Preservation Officer must prepare a Record of Designation that includes a description of the boundaries of the proposed nominated area and the buildings, structures, objects, sites, and districts contained therein; a description of the historic resource(s)' Character-Defining Features and how these reflect the Historic Resource(s)' Historic Significance and Historic Integrity; a statement explaining how the historic resource(s) meet(s) the criteria under provisions of this section; photos, maps, drawings, and other appendices to support the assertions made in the submitted documentation.

**SECTION 14:**            **REPEAL** "2.10.080 Local Landmark Register Properties" of

the Dallas Development Code is hereby *repealed* as follows:

REPEAL

~~2.10.080 Local Landmark Register Properties (Repealed)~~

~~The Local Landmarks Register is acknowledged by the Dallas Comprehensive Plan as a citywide Goal 5 historic resource. After the Planning Commission has approved a resource for designation to the Local Landmarks Register pursuant to Section 2.10.060, the City Council may confirm such designation by Resolution amending the Local Landmarks Register accordingly.~~

**SECTION 15:            ADOPTION “2.10.080 Design Review For Locally Significant Historic Resources Designated To The Resource List” of the Dallas Development Code is hereby *added* as follows:**

ADOPTION

2.10.080 Design Review For Locally Significant Historic Resources Designated To The Resource List(*Added*)

No exterior portion of a Locally Significant Historic Resource or Non-Contributing or Not in Period resource, or new construction within the boundary of a Locally Significant Historic Resource shall be constructed, preserved, rehabilitated, or altered without a Certificate of Appropriateness signed by the Historic Preservation Officer as provided in this section. Certificates must be presented to the Building Official before a permit may be issued.

- a. Activities not subject to the provisions of this section.
  - i. Alterations to building interiors.
  - ii. Application of exterior paint.
  - iii. Alterations to vegetative landscape features, including tree removal.
  - iv. Construction of detached accessory structures of 800 square feet or less in floor area.
- b. The Historic Preservation Officer shall prepare a staff report that summarizes the proposed project, notes the criteria specified in Section 2.10.080(f-g) under which the application must be considered, and provides an analysis in response to the applicable criteria. Materials that may be used in the preparation of the staff report include the Record of Designation; and/or National Register nomination document; and/or other archival photos, maps; and/or other documentary evidence specific to the subject property; and/or observations from on-site inspections to document its historic appearance or alteration over time; and/or documents and publications of the National Park Service or Oregon State Historic Preservation Office.

c. The Commission shall review and make a recommendation to the Historic Preservation Officer upon applications for the alteration, relocation, and/or demolition of a Locally Significant Historic Resource. Applications for the alteration of a Locally Significant Historic Resource may be approved, approved with conditions, or denied. Applications for the relocation or demolition of a Locally Significant Historic Resource may be approved, approved with conditions, or denied. The Historic Preservation Officer must develop written findings to support the decision. The Historic Preservation Officer shall include any conditions imposed in the Certificate of Appropriateness pursuant to this section.

d. A Certificate of Appropriateness issued for the alteration, relocation or demolition of a Locally Significant Historic Resource shall be effective for a period of one (1) year from the date of its issuance.

e. A Significant Historic Resource may be altered, relocated, or demolished without a Certificate of Appropriateness when the Building Official finds that the condition of a Significant Historic Resource poses a clear and immediate hazard to public safety. The written comments of the Building Official shall be provided by the Historic Preservation Officer to the Commission at their next regular meeting.

f. To approve an application for the alteration of a Locally Significant Historic Resource the Historic Preservation Officer must find that the proposal meets the following standards:

i. The historic integrity of a property must be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property must be avoided; and/or

ii. A property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, must not be undertaken; and/or

iii. Changes to a property that have acquired historic significance in their own right must be retained and preserved; and/or

iv. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved; and/or

v. Deteriorated historic features are encouraged to be repaired rather than replaced. If the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, color, texture, and, where possible, materials. Replacement of missing features must be substantiated by documentary and physical evidence; and/or

vi. Chemical and physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials must not be used; and/or

vii. Archeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken; and/or

viii. New additions, exterior alterations, or related new construction must not destroy historic materials, features, and spatial relationships that characterize the property. The new work must be differentiated from the old and must be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment; and/or

ix. New additions and adjacent or related new construction must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

g. In addition to meeting the applicable guidelines in 2.10.080(f)(i-ix) of this section, to approve an application for the alteration of a Locally Significant Historic Resource the Historic Preservation Officer shall find that the proposal meets the following design standards as applicable:

i. New additions must be subordinate to the original building, meaning lower in height, attached to the rear or set back along the side, smaller in scale, and have less architectural detail; and/or

ii. Height, width, setback, roof shape, and the overall scale and massing of new buildings within historic districts and on lots with existing Historic Resources, or additions to Historic Resources must be compatible with the existing historic building(s) and, in the case of historic districts, the overall streetscape; and/or

iii. In historic districts and on lots with existing Locally Significant Historic Resources, materials on at least the primary façade(s) of new buildings must be compatible in size, shape, color, and texture to the original materials on the facades of surrounding historic buildings; and/or

iv. Architectural details on new construction (including wood or metal trim, porches, cornices, arches, and window and door features, etc.) must be complimentary, but must not replicate historic features on surrounding historic buildings; and/or

v. Window and door opening should be similar in size and orientation (vertical to horizontal) to openings on historic buildings and should take up a similar percentage of the overall façade as those on surrounding historic buildings; and/or

vi. In historic districts and on lots with existing Locally Significant Historic Resource the relationship of the width to the height of the principal elevations for new buildings and additions to existing Locally Significant Historic Resources must be in scale with the surrounding structures and streetscape. Wider new building can be divided into segments that more closely resemble the façade widths of historic buildings; and/or

vii. In historic districts and on lots with existing Locally Significant Historic Resources, the roof shape of new buildings and additions to existing Locally Significant Historic Resources must be visually compatible with the surrounding structures and streetscape. Unusual roof shapes, materials, and pitches are discouraged.

**SECTION 16:**        **ADOPTION** “2.10.090 Additional Protections For National Register Resources” of the Dallas Development Code is hereby *added* as follows:

A D O P T I O N

2.10.090 Additional Protections For National Register Resources(*Added*)

The Commission may recommend that the City Council adopt, amend, or remove additional protections for a National Register Resource, provided the National Register Resource is not the subject of a pending application for alteration, relocation, or demolition. Application of additional protections to a National Register Resource shall be processed as set forth in this section. A National Register Resource need not be designated to the Resource List for additional protections to be applied.

a. National Register Resources within the corporate boundaries of the City of Dallas may be designated to the Resource List using the procedures outlined in Section 2.10.070 and made subject to the regulations of Sections 2.10.080, 090, 100, 110, and 120 as a means of providing additional protections. Application of additional protections must be processed as set forth in this section and subject to the specific provisions of 2.10.090(b-d) of this section.

b. Regulations adopted prior to February 23, 2017 regarding the alteration, preservation, restoration, rehabilitation, reconstruction, relocation, and/or demolition of a National Register Resource may be amended or removed when the proposed National Register Resource is not the subject of a pending application for alteration or demolition. The action must be processed as set forth in this section.

c. Additional protections may be applied to National Register Resources without owner consent under the provisions of OAR 660-023-0200(8)(b).

d. The City of Dallas and any person, group, or government agency may propose that a National Register Resource be considered for additional protections. The process for applying additional protections is as follows:

i. The proposal for adding additional protections to a National Register Resource must include the National Register nomination document and a complete list of the additional protections proposed. The Historic Preservation Officer may establish additional standards for a complete application.

ii. Upon acceptance of a complete application, the owners must be notified of the application and the process for designating additional protections in the manner for the giving of notice provided in Section 2.10.070.c.

iii. In making a recommendation to the City Council under this section, shall hold a hearing on the application at which the applicant and owner or owners may testify, and must consider all of the following factors:

1. The historic characteristics identified in the National Register nomination document; and
  2. The historic significance of the resource; and
  3. The relationship to the historic context statement and historic preservation plan contained in the comprehensive plan, if they exist; and
  4. The goals and policies in the City of Dallas Comprehensive Plan; and
  5. The effects of the additional protection measures on the ability of Significant Historic Resource owners to maintain and modify features of their Significant Historic Resource; and
  6. Any other relevant factors.
7. Designation Procedure. Upon receiving a recommendation from the Commission to add additional protections to a National Register Resource, City Council shall, after notice to the applicant and owner or owners of the subject Resource, given in the manner provided in Subsection c, hold a hearing to consider the recommendation, at which hearing the applicant and owner shall have the opportunity to testify. In making its decision to approve or disapprove a recommendation of the Commission, the Council shall apply the same criteria as the Commission considered and any other applicable criteria identified by the Historic Resource Officer or owner. A decision by the City Council to designate an Historic Resource to the Resource List or to amend a Record of Decision shall be memorialized in an ordinance adopted by the City Council.

**SECTION 17:            ADOPTION “2.10.100 Demolition And Relocation Of Significant Historic Resources”** of the Dallas Development Code is hereby *added* as follows:

A D O P T I O N

2.10.100 Demolition And Relocation Of Significant Historic Resources(*Added*)

The Historic Preservation Officer shall approve, approve with conditions, or deny an application to demolish or relocate a Significant Historic and National Register of Historic Places listed Resource. A Certificate of Appropriateness signed by the Historic Preservation Officer shall be required to demolish or relocate a Significant Historic Resource.

- a. The definition of “demolition” for Significant Historic and National Register Resources means any act that destroys, removes, or relocates, in whole or part, a National Register Resource such that it’s historic, cultural, or architectural character and significance is lost.
- b. In addition to the criteria stated in Section 2.10.100(d-e), the Historic Preservation Officer must consider the following factors when reviewing an application for the demolition or

relocation of a National Register Resource: Condition, historic integrity, age, historic significance, value to the community, economic consequences, design or construction rarity, and consistency with and consideration of other policy objectives in the acknowledged comprehensive plan.

c. Accessory structures and buildings and non-contributing buildings, structures, objects and sites included within the boundary of a designated National Register Resource shall be excluded from review under Sections 2.10.080 to 2.10.140.

d. The Historic Preservation Officer must find the following when approving or approving with conditions the demolition of a Significant Historic Resource:

i. The applicant completed a replacement plan for the site, including drawings approved by the Building Official. If the property is located within an historic district, plans must be submitted for review and approved by the Commission prior to the application to demolish the Significant Historic Resource pursuant to Sections 2.10.060 to 2.10.140 as they relate to new construction; and

ii. The Building Official determines and states in writing that the Significant Historic Resource cannot be safely removed from the site; and

iii. The value to the community of the proposed use of the Significant Historic Resource outweighs the value of retaining the Significant Historic Resource. Public testimony must be considered when making this determination.

e. The Historic Preservation Officer must find the following when approving or approving with conditions the relocation of a Significant Historic Resource:

i. If the Significant Historic Resource is located within an historic district, the owner completed a replacement plan for the site, including drawings approved by the Building Official. Plans must be submitted for review and approved by the Historic Preservation Officer prior to the application to demolish the Significant Historic Resource pursuant to Section 2.10.080 as they relate to new construction; and

ii. The value to the community of the proposed use of the Significant Historic Resource outweighs retaining the Significant Historic Resource in its original location; and

iii. The relocated Significant Historic Resource remains within the limits of the City of Dallas; and

iv. The new site provides a suitable setting and ensures the Significant Historic Resource's long term preservation; and

v. The owner has an approved plan for the new site.

f. In approving an application for the demolition or relocation of a Significant Historic Resource, the Historic Preservation Officer may impose the following conditions:

- i. Completion of photographic, video, textual and/or drawn recordation of the subject property in its original location; and/or
  - ii. A Significant Historic Resource be relocated to a new site when demolition is proposed, and that, to the extent feasible, the new location is similar to the original site and that the original setback and orientation of the building is replicated on the new lot; and/or
  - iii. The owner obtain permission from the National Park Service to move the National Register Resource in order to retain the property's listing in the National Register of Historic Places and/or assume all responsibility and cost of removing the property from the National Register of Historic Places if permission cannot be obtained; and/or
  - iv. Delay the demolition of the Significant Historic Resource for up to 120 days in the interest of exploring reasonable alternatives.
  - v. Other reasonable mitigation measures.
- g. Upon issuing a Certificate of Appropriateness for the demolition of a Significant Historic Resource, the Historic Preservation Officer must post a legal notice in two public places within the City, and mail notice by first class mail to any persons who have requested notice, announcing the demolition, the criteria under which the demolition was approved, the historic significance of the property, and invite the public to provide alternatives to the demolition for consideration by the Commission.
- h. Relocated Significant Historic Resources must remain designated to the Resource List unless removed from the Resource List under the provisions of this section.
- i. Demolished Significant Historic Resources must be removed from the Resource List using the procedures described in this section and must not be subject to the provisions of this section.
- j. Notice of this relocation or demolition of a Locally Significant Resource or National Register Resource must be provided to the State Historic Preservation Office.

**SECTION 18:**        **ADOPTION** “2.10.110 Preservation Of Archaeological Resources” of the Dallas Development Code is hereby *added* as follows:

#### A D O P T I O N

##### 2.10.110 Preservation Of Archaeological Resources(*Added*)

The following provisions apply to the preservation of archaeological resources under Oregon State law.

- a. Archeological resources must be protected and preserved in place subject to the requirements of federal, state, and local regulations, including the guidelines administered by

the Oregon State Historic Preservation Office and ORS 358.905—358.962.

b. A person may not excavate, injure, destroy or alter an archaeological site or object or remove an archaeological object located on public or private lands unless that activity is authorized by a permit issued under ORS 390.235. A violation of this subsection is a misdemeanor.

**SECTION 19:**            **ADOPTION** “2.10.120 Removal Of Significant Historic Resources From The Resource List” of the Dallas Development Code is hereby *added* as follows:

#### ADOPTION

##### 2.10.120 Removal Of Significant Historic Resources From The Resource List(*Added*)

A Certificate of Appropriateness signed by the Historic Preservation Officer is required to remove a Significant Historic Resource from the Resource list.

a. A National Register Resource must first be removed from the National Register of Historic Places before an owner may apply for the National Register Resource to be removed from the Resource List.

b. An application to remove a Significant Historic Resource from the Resource List must not be considered for two (2) years after the date of decision for the denial of an application for the relocation or demolition of the same Locally Significant Historic Resource under Section 2.10.090.

c. Any individual or group, may initiate the removal of a Significant Historic Resource by submitting a complete application to the Historic Preservation Officer. The Historic Preservation Officer may establish standards for a complete application.

d. In order to approve an application for the removal of a Locally Significant Historic Resource from the Resource List the Historic Preservation Officer must find the following:

i. The Locally Significant Historic Resource has lost the qualities for which it was originally recognized; and/or

ii. Additional information shows that the Locally Significant Historic Resource no longer satisfies the criteria for recognition or did not satisfy the criteria for recognition at time of listing; and/or

iii. The Building Official declares that the Locally Significant Historic Resource poses a clear and immediate hazard to public safety and must be demolished to abate the unsafe condition.

iv. The designation of the property to the Resource List was imposed on the property at the time of designation and:

1. The owner has retained ownership since the time of the designation; and
2. The owner can demonstrate that the owner objected to the designation on the public record; or
3. Was not provided an opportunity to object to the designation; and
4. The owner requests in writing that the local government remove the property from the Resource List.

e. Significant Historic Resources destroyed by flood, fire, or other natural or accidental act or demolished under the provisions of this section and meeting the definition of “demolished” as defined in Section 2.10.050 shall be removed from the Resource List by the Historic Preservation Officer. Notice of this action and written and photographic evidence documenting the demolition of the Significant Historic Resource must be provided to the Commission at the next regular meeting. This same documentation must be provided to the State Historic Preservation Office. If a Significant Historic Resource is also listed in the National Register, the Historic Preservation Officer must request that the SHPO remove the property from the National Register if not requiring the owner to do so under the provisions of this section.

f. A Significant Historic Resource removed from the Resource List under the provisions of this section is not subject to the provisions of Sections 2.10.060 to 2.10.140.

**SECTION 20:**            **ADOPTION** “2.10.130 Appeal Of Decision By The Historic Preservation Officer” of the Dallas Development Code is hereby *added* as follows:

#### A D O P T I O N

##### 2.10.130 Appeal Of Decision By The Historic Preservation Officer(*Added*)

An applicant or owner may appeal a decision of the Historic Preservation Officer to the City Council upon the filing of a notice of appeal in writing with the City Manager not later than 30 days after the date of the decision appealed from. Upon receipt of a notice of appeal, the City Council will schedule a hearing to determine the appeal, and give the appellant, the owner and any other persons who participated or provided written comment in the proceeding before the Historic Preservation Officer written notice, by first class mail, of the date and time of the hearing. At the hearing, the appellant, the owner and any other persons who participated or provided written comment in the proceeding before the Historic Preservation Officer shall have the opportunity to present testimony to the City Council.

**SECTION 21:**            **ADOPTION** “2.10.140 Enforcement” of the Dallas Development Code is hereby *added* as follows:

ADOPTION

2.10.140 Enforcement(*Added*)


Violation of any provision of Sections 2.10.060 to 2.10.140 will be subject to a civil penalty of \$500. Each day that a violation continues shall be considered a separate violation. The provisions of this section are in addition to, and not in lieu of any other remedy that may be available to the City for enforcement.

**SECTION 22:**            **EFFECTIVE DATE** November 5, 2025

PASSED AND ADOPTED BY THE CITY OF DALLAS CITY COUNCIL OCTOBER 06, 2025.

Presiding Officer

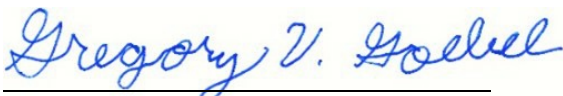
Attest



Richard Slack, Mayor, City of Dallas



Brian Latta, City Manager, City of Dallas



Gregory V. Goebel, City Attorney,  
City of Dallas

