

FAILED HISTORIC DISTRICT NOMINATIONS:
THE INTERSECTION OF PRESERVATION AND PRIVATE PROPERTY RIGHTS
IN THE STATE OF OREGON

by

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The historic preservation field is often perceived as being antagonistic towards private property rights, leading some property owners to oppose official designation of their property on local, state or national registers. As the Oregon Statewide Planning Goals mandate local governments to protect historic resources, property owners are often apprehensive of potential restrictions being placed on their property rights as a result of historic designation. This trepidation is particularly the case in instances where local guidelines are vague or appear quite demanding. The conflict between preservation and property rights merits further research to determine the underlying factors that lead to these polarized positions and the role of varying interpretations of the Oregon laws in each situation. This thesis will investigate case studies of failed historic district nominations in the State of Oregon to understand the nature of this tension and to formulate initial recommendations to mitigate such conflicts in the future.

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CHAPTER I

INTRODUCTION

If preservation is not to fall into the black hole of total irrelevance, we must look beyond our traditional preoccupation with architecture and history, and beyond our elitist intellectual and aesthetic mind set. We must turn our preservation energies to a broader, more constructive and inclusive social purpose. We must move beyond the problem of architectural artifacts and begin to think how we can conserve urban neighborhoods, rural landscapes, and natural resources for human purposes.

—Robert E. Stipe, *A Richer Heritage*

The Case for Historic Preservation and Property Rights

Buildings serve as testaments to the history of a community, silent markers of who and what has gone before. These physical reminders of the past are often seen as dispensable to a consumer-driven nation constantly seeking the “next big thing.” Why preserve an old commercial block in the heart of a booming downtown district when a new high rise could provide more housing or office space? Why maintain a small one-story bungalow when the needs of a growing family demand more space? These are a few of the questions historic preservationists continually face: these questions of “why?” The public rightfully insists upon justifications for the preservation of buildings, particularly for those that seem ordinary or are in the way of new development. However, professionals and advocates within the field, such as the one quoted above, wrestle with more than just the philosophical rationale for preservation being just about buildings and not about people. This humanist branch of the field often faces an uphill

battle in convincing property owners that the preservation of their historically significant buildings and neighborhoods can be an agent of societal good that is not an infringement on their property rights.

The Fifth Amendment protects an individual's right to property, stating that no person shall "be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."¹ A cultural more, centered on the protection of property rights that transcends economic status and political beliefs, has taken root in the American consciousness. Conflicts have arisen within the historic preservation field when specific preservation actions are deemed unwelcome or intrusive by property owners. These disputes can escalate to more than neighborly quarrels, as seen in landmark U.S. Supreme Court cases, such as *Penn Central Transportation Co. v. New York City* (1978) and *United Artists' Theater Circuit, Inc. v. City of Philadelphia* (1993). This thesis aims to identify the relationship between preservation policies at the federal, state and local level and identified case studies in local communities. This relationship will then be analyzed with regard to Goal 5 of the Oregon Statewide Planning Goals.

Each side in this debate has merit; the right to own private property is a deep-rooted value within American society, and historic preservation has been identified as a significant facet of the protection of the nation's cultural heritage. The fundamental right to own property was identified early in American history, as seen in the Supreme Court case *Vanhorne's Lessee v. Dorrance* (1795), a case questioning the validity of a

1. U.S. Constitution, amend. 5.

Pennsylvania law regarding the government's right to reclaim the title to land without the consent of the property owners or jury comment.² The Court stated,

[I]t is evident; that the right of acquiring and possessing property, and having it protected, is one of the natural, inherent, and unalienable rights of man. Men have a sense of property: Property is necessary to their subsistence, and correspondent to their natural wants and desires; its security was one of the objects, that induced them to unite in society.³

Furthermore, the Court stated, "[N]o one can be called upon to surrender or sacrifice his whole property, real and personal, for the good of the community, without receiving a recompense in value."⁴ The ruling in this particular case wholly defended an individual's right to own property, but it also recognized that the government does have the right to acquire property for public purposes, although not at the expense of an individual when the burden "ought to be sustained by the society at large."⁵ The issue at hand, though, is not whether an individual has the right to own property, clearly they do, but the level of government regulation imposed on property.

According to a 1995 Congressional Research Service Report, "The property rights issue arises because societal goals are sometimes pursued through government restrictions on the use of private property. Reduced to its essentials, the issue is but another aspect of the multifaceted tension in any society between public goals and private

2. Alan T. Ackerman, "Kelo v. City of New London: The Answer to the Public Use Question or Just a Source of More Questions?" in *Current Condemnation Law: Takings, Compensation, and Benefits*, 2nd ed., ed. Alan T. Ackerman and Darius W. Dynkowski (Chicago, IL: American Bar Association, 2006), 294.

3. *Vanhorne's Lessee v. Dorrance*, 2 U.S. at 310 (1795).

4. *Ibid.*

5. *Ibid.*

rights.”⁶ Added to this general tension of public versus private goals is the fact that the field of preservation is often misunderstood and undervalued by the general public.

Preserving Communities, Not Just Buildings

Robert E. Stipe, a well-known scholar in the historic preservation field, outlines seven key reasons for the importance of preservation in the prologue to *A Richer Heritage: Historic Preservation in the Twenty-First Century*. Stipe stresses that “our historic resources are all that physically link us to our past,” that our architectural heritage has become a part of who we are, and that this heritage allows us to maintain a sense of individuality and cultural identity as society moves towards homogeneity.⁷ Stipe also recognizes the association of nostalgia and patriotism with historic resources and the beauty and artistic value of historic architecture. Finally, historic preservation is important because of the social role it can play in society. Stipe concludes his reasoning by stating,

The importance of our nostalgic, patriotic and intellectual drives cannot be denied, but they are no longer a sufficient motivation for what we preservationists are about. Basically, it is the saving of people and lives and cities—not just buildings—that is important to all of us. We have before us an unparalleled opportunity, if we are determined, to contribute significantly to upgrading the quality of human existence.⁸

It is this concept that preservationists need to communicate to the public. This new branch of the historic preservation movement must demonstrate that preservation is more

6. U.S. Congressional Research Service, “The Property Rights Issue” (Report 95-200; Jan. 20, 1995), by Robert Meltz. Text in: National Council for Science and the Environment, CRS Reports; Accessed March 13, 2009.

7. Robert E. Stipe, *A Richer Heritage: Historic Preservation in the Twenty-First Century* (Chapel Hill, NC: University of North Carolina Press, 2003), xiii-xiv.

8. Stipe, *A Richer Heritage*, xv.

than a hobby for the wealthy, but rather a field that seeks to improve the quality of life for all people and the physical environments in which they live, work and play. Donald Rypkema, an economic development consultant specializing in downtown revitalization and the reuse of historic structures, defines quality of life as “the amalgam of those things that make a place out of a location and a community out of a bunch of houses.”⁹ Quality of life provides a sense of authentic community and belonging to those who choose to live in a specific place.

Preservationists are often drawn to buildings for their architecture, but upon delving deeper into their histories they cannot ignore the stories they tell about the individuals who designed them, constructed them, and lived and worked in them.

Richard Bushman, an historian, affirms this condition,

Ultimately I concluded that the houses were in truth but the outward signs of what the inhabitants hoped would be an inward grace. They wished to transform themselves along with their environments. To explain the houses I have been compelled to explain the people as well, and more particularly the ideal of a cultivated and refined inward life which I believe the houses were meant to express and support.¹⁰

The National Trust for Historic Preservation clarifies this idea in its mission, “Helping people protect, enhance, and enjoy the places that matter to them.”¹¹ This expanded view of heritage conservation and its relationship to people is more inclusive of vernacular

9. Donald Rypkema, “Community, Place and the Economics of Historic Preservation” (lecture, New Jersey Historic Preservation Awards Ceremony, Montclair, NJ, April 27, 1996).

10. Richard Bushman, *The Refinement of America: Persons, Houses, Cities* (New York: Knopf, 1992), xii.

11. National Trust for Historic Preservation, “About the National Trust for Historic Preservation,” National Trust for Historic Preservation, <http://www.preservationnation.org/about-us/> (accessed April 8, 2009).

resources, recognizing the value of diverse landscapes to depict the narratives of people, place, and time. A new understanding requires a redefinition of priorities within the preservation field, which has led to the development of a “new” preservation movement.

The challenges this new movement must address is re-educating the public about its goals, and reframing the institutional priorities of the Department of the Interior related to heritage conservation policies to better accommodate livability and cultural identity factors. This refocusing does not mean the value of the buildings themselves has been negated; instead, it gives them an even richer existence. However, this emphasis on people and cultural process also moves into an even more intangible definition of what has historic value. As a result of the preservation field’s desire to acknowledge the inherent relationships among objects, buildings, landscapes, and people, a greater level of communication must occur between its professionals and the public. A high-style residence is more easily recognized as having significance than a small worker’s cottage with little ornamentation. Clear definitions of historic significance are made difficult by the notion “that the everyday is less a rhetorical field or a collection of leftover activities than a heterogeneous mélange of ideas, sensations, emotions, and physical actions, half-conscious and half-rote.”¹² As that which is “everyday” is increasingly valued by preservationists, continued dialogue with the public and educational training are essential.

An important element in the discussion of preservation and property rights is the role emotions play in the conversation. According to “The Property Rights Issue” report

12. Dell Upton, “Architecture in Everyday Life,” *New Literary History* 33, no. 4 (Autumn 2000): 720.

from the Congressional Research Service, Americans have an intrinsic connection to property that has existed since colonial times. “A key attraction of the New World to Europeans prior to the Twentieth Century was land, often granted by the Crown or colonial and federal governments on generous terms. Indications are that the Framers [of the Constitution]...viewed private property as securing a sphere of personal liberty against arbitrary government.”¹³ This belief has extended into modern times, with owning property, particularly that of a first home, seen as a kind of rite of passage for all Americans. However, owning property comes with its share of burdens, not limited to the financial burden of mortgages and basic maintenance and repairs. While attitudes toward property may vary as a result of basic factors such as location and length and type of ownership, few can deny the emotional and financial investments resulting from property ownership. Both property owners and preservationists have deep emotional ties to buildings and property, albeit for often very different reasons.

Preservation Ordinances and the Property Rights Debate in Oregon

Although preservationists have a passion for the architectural heritage of this nation, this basic connection may not be shared by all people, particularly those who have a financial stake in a resource. The often restrictive nature of preservation ordinances is not a fact to be glossed over and is frequently the catalyst for many of the debates surrounding preservation. This also adds to the perception that preservation is just another arm of the government. The current tension between preservation efforts and

13. U.S. Congressional Research Service, “The Property Rights Issue.”

property rights activists in the State of Oregon appears to be a result of restrictions on officially designated resources, specifically resources designated as part of a National Register historic district. In the last decade a series of nominated historic districts in Oregon have faced considerable setbacks to listing with a few failing to be listed due to objections from a majority of the property owners within those districts. In 1980, the United States Congress amended the National Historic Preservation Act (1966) to require property owners be given the opportunity to consent or object to the listing of their property in the National Register.¹⁴ However, publicly-owned resources do not need consent to be nominated. This provision does not require the owner to specifically express their consent, only that an opportunity be provided for them to indicate either their consent or objection. The National Historic Preservation Act states:

The Secretary [of the Interior] shall promulgate regulations requiring that before any property or district may be included on the National Register or designated as a National Historic Landmark, the owner or owners of such property, or a majority of the owners of the properties within the district in the case of an historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property or district for such inclusion or designation. If the owner or owners of any privately owned property, or a majority of the owners of such properties within the district in the case of an historic district, object to such inclusion or designation, such property shall not be included on the National Register or designated as a National Historic Landmark until such objection is withdrawn. The Secretary shall review the nomination of the property or district where any such objection has been made and shall determine whether or not the property or district is eligible for such inclusion or designation, and if the Secretary determines that such property or district is eligible for such inclusion or designation, he shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the

14. J. Myrick Howard, *The American Mosaic: Preserving a Nation's Heritage*, ed. Robert E. Stipe and Antoinette J. Lee (Detroit: Wayne State University Press, 1987), 138.

appropriate chief elected local official and the owner or owners of such property, of his determination.¹⁵

While Federal and Oregon state laws do not impose precise restrictions on National Register properties or districts, the protection of historic resources by local governments is mandated in Goal 5 of the Oregon Statewide Planning Goals. As a result, listed properties are regulated by local jurisdictions, county or city, and may have restrictions imposed at this level.¹⁶ The potential imposition of local regulations on listed properties appears to dissuade Oregon property owners from seeking the designation and recognition of their historic buildings. As preservation continues to be contentious to property rights advocates, the fundamental factors leading to these polarized positions need to be determined as well as the role varying interpretations of the state mandate play in each case. In order for communities to continue to preserve this nation's physical heritage in its buildings and landscapes, while respecting an elemental aspect of American cultural identity—the right to own private property—effective mediation needs to occur.

The National Register of Historic Places and the Designation of Historic Districts

There are numerous factors that may contribute to the perceived threat of preservation efforts to property rights, particularly laws already in place at the federal,

15. *National Historic Preservation Act of 1966*, Public Law 89-665, codified at *U.S. Code* 16 (2008), § 470.1.

16. For a more complete list of state restrictions on National Register listed properties, see the Oregon State Historic Preservation Office's Heritage Bulletin "National Register Benefits and Restrictions," which can be found at http://www.oregon.gov/OPRD/HCD/NATREG/docs/hb_5_nat_reg_benefits.pdf.

state and local levels. The U.S. Congress passed key legislation throughout the last century, such as the Antiquities Act of 1906 and the Historic Sites Act of 1935, to protect the United States' national cultural heritage. Historic preservation specifically was identified as a national interest in the National Historic Preservation Act, passed in 1966. This law identifies historic properties significant to the nation's heritage as "irreplaceable heritage," and that the preservation of this heritage is "in the public interest so that its vital legacy...will be maintained and enriched for future generations of Americans."¹⁷ The National Historic Preservation Act also established the National Register of Historic Places, to be maintained by the National Park Service. The National Register is the official list in the United States of "cultural resources worthy of preservation."¹⁸ In addition to the commemorative aspect of the National Register, listed properties may be eligible for federal grants, federal tax provisions, and limited protection under Section 106 of the National Historic Preservation Act.¹⁹

Before a property can be listed in the National Register of Historic Places, it must first meet at least one of the National Register Criteria for Evaluation with regard to both its association to an important historic context and retaining enough historic integrity to convey its significance. There are four criteria for evaluation to classify resources:

(a) that are associated with events that have made a significant contribution to the broad patterns of our history; or (b) that are associated with the lives of persons significant in our past; or (c) that embody the distinctive characteristics of a type,

17. *National Historic Preservation Act*, § 470a(a)(6).

18. National Register of Historic Places, "About Us," National Park Service, <http://www.nps.gov/history/nr/about.htm> [accessed June 3, 2008].

19. *National Historic Preservation Act*, § 106.

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; or (d) that have yielded, or may be likely to yield, information important in prehistory or history.²⁰

The National Register of Historic Places has identified seven aspects of integrity:

location, design, setting, materials, workmanship, feeling, and association. There are currently more than 80,000 properties listed in the National Register representing 1.4 million individual resources.²¹ These resources can be divided into five categories:

buildings, sites, districts, structures, and objects. A district “possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.”²² Historic districts are not confined to residential neighborhoods; they can also be collections of agricultural, commercial or industrial components. Ultimately, the nominated district must demonstrate that it has significance; “It must be important for historical, architectural, archeological, engineering, or cultural values.”²³ It is these characteristics, in addition to the ability to convey itself as an identifiable unit, that distinguish an area as an historic district.

Although not explicitly identified as such by the National Register of Historic Places, historic districts are inherently cultural and ethnographic landscapes. The

20. National Register of Historic Places, *U.S. Code of Federal Regulations*, 36, sec. 60.4 (2008).

21. National Register of Historic Places, “About Us,” National Park Service, <http://www.nps.gov/history/nr/about.htm> (accessed June 3, 2008).

22. U.S. Department of the Interior, National Park Service, “How to Apply the National Register Criteria for Evaluation,” (Washington, D.C.: 1990), 11.

23. U.S. Department of the Interior, “How to Apply the National Register Criteria for Evaluation” 5.

National Park Service defines the cultural landscape as “a geographic area...associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.”²⁴

If, as the new preservation movement emphasizes, buildings represent the individuals who have inhabited them, then collections of buildings, specifically neighborhoods, can be understood as ethnographic landscapes. These neighborhoods illustrate not only the development of the land initially over time, the construction of buildings, and the planning of a community, but they can also illustrate the values of those who once lived there and those who continue to live there. According to Dell Upton, “[T]he identity of a building and the intentions of its makers are dissolved within confusing patterns of human perception, imagination, and use...the meaning of a building is determined primarily by its viewers and users. This process of creation goes on long after the crew leaves the site; it never stops.”²⁵

Prior Research on Property Rights and Preservation

Sociologist Melinda Milligan, as a result of research conducted on a New Orleans historic district, identifies historic preservation as a social movement. Milligan rates the levels and types of emotions used by advocates and opponents of preservation to identify

24. National Park Service, “Defining Landscape Terminology,” U.S. Department of the Interior, http://www.nps.gov/hps/hli/landscape_guidelines/terminology.htm (accessed May 20, 2009).

25. Dell Upton, “Architectural History or Landscape History?” *Journal of Architectural Education*, 44, no. 4 (August 1991), 196.

their role within the process and further characterize it as a social movement.²⁶ Although this research is a sociological perspective on the historic preservation movement, it coincides with the preservation field's increased emphasis on the relationship between buildings and people. Milligan states, "The sociology of the built environment is concerned with the relationship between individuals and the spaces they inhabit, both the ways in which individuals are shaped and constrained by their spatial environments and the ways in which individuals shape and constrain their environments."²⁷ Other research examines preservation and historic district nominations in light of the political process. One such study recognizes the prevailing inclination towards property rights in American culture over historic preservation that often spans the political spectrum, leading the researcher to categorize property owners and other stakeholders within the historic district process as "makers," "breakers," and "shakers" to break down the attitudes toward designation.²⁸ These studies demonstrate the need for recognition and appraisal of the emotional and potentially divisive nature of historic designation to foster communication between advocates and opponents and move toward a common solution.

Knowledge of the broad context for property rights and preservation conflicts, including legislation and landmark cases, is essential to understanding specific situations of tension. Connected with the social value of private property rights is the basic

26. Melinda J. Milligan, "Ambivalent Passion and Passionate Ambivalence: Emotions and the Historic Preservation Movement," (paper presented at the annual meeting of the *American Sociological Association*, Philadelphia, PA, August 12, 2005).

27. Milligan, "Ambivalent Passion and Passionate Ambivalence."

28. William E. Schmickle, *The Politics of Historic Districts: A Primer for Grassroots Preservation* (Lanham: Altamira Press, 2007), 55-56.

demographic makeup of the community or region in question. Studies completed on the Rocky Mountain front of Montana, Wyoming, Utah and Texas demonstrate that different ownership backgrounds may have a bearing on their predisposition towards fiercely protecting property rights, or a desire for government regulation and management of resources.²⁹ Several studies discuss the differences in educational background, income, full-time versus part-time residency, and even sheer acreage of property holdings.³⁰ Another key element in property rights orientation, according to Inman and McLeod, was the length of residency and ultimately the reasoning behind choosing a specific community to live in. Data collected from the population at large in Sublette County, Wyoming, demonstrated that, "Those living in the county for low taxes are likely to be against more government control...Those living in the county for its rural community lifestyle are likely to want to protect that lifestyle."³¹ Most researchers were able to conclude that property owners' understanding and assertions of their property rights were not clear-cut. Instead, they discovered that a majority of owners, representing the spectrum of property owner types, desired some level of government involvement in the

29. Kathleen Inman and Donald McLeod, "Property Rights and Public Interests: A Wyoming Agricultural Lands Survey," *Growth and Change* 33, no. 1 (Winter 2002): 91-114, <http://0-web.ebscohost.com.janus.uoregon.edu/ehost/pdf?vid=2&hid=13&sid=c45e8678-424f-4e1a-9fef-5e139314d98c%40sessionmgr8> (accessed April 13, 2008); Douglas Jackson-Smith, Urs Kreuter, and Richard S. Krannich, "Understanding the Multidimensionality of Property Rights Orientations: Evidence from Utah and Texas Ranchers," *Society and Natural Resources* 18, no. 7 (August 2005): 587-610, <https://uo-vpn1-gw.uoregon.edu/http/0/0-web.ebscohost.com.janus.uoregon.edu/ehost/pdf?vid=2&hid=21&sid=6f1902e8-42dd-4a94-ac74-07a309449da5%40SRCMS2> (accessed April 13, 2008); Laurie Yung and Jill M. Belsky, "Private Property Rights and Community Goods: Negotiating Landowner Cooperation Amid Changing Ownership on the Rocky Mountain Front," *Society & Natural Resources* 20, no. 8 (September 2007): 689-703, <http://dx.doi.org/10.1080/08941920701216586> (accessed April 13, 2008).

30. Ibid.

31. Inman and McLeod, "Property Rights and Public Interests," 106.

management of private land culturally and historically significant to the public. A careful examination of the relationship between these underlying orientations and property owner attitudes will create a more detailed picture of these situations for increased public outreach, advocacy, and education.

While there is information available detailing the tension between preservation and property rights, there are few examples of broader analysis other than the brief conclusions from surveys conducted on specific communities. The majority of these surveys sought to understand property rights in areas where there was a high level of diversity between older, settled landowners and newer, possibly part-time landowners, rather than in reaction to a particular preservation issue looming in the community. Additionally, these studies were primarily focused on cultural landscapes, rather than the built environment. On the other hand, cases and legislation discussed in legal journals tend to focus on specific buildings or districts. Both the public and private elements of these situations need to be explored in order to develop new ideas for easing this tension in a way that still protects the nation's physical heritage and its value of private property rights. A continued review of literature, especially with regard to specific state preservation legislation and their varying interpretations of the National Register criteria and guidelines, will serve as a foundation for understanding Oregon's situation within a broader national context.

Statement of Purpose and Research Methodology

Although much research has been conducted on private property rights in America, there is a lack of scholarly work on communities that have significantly resisted historic preservation efforts, primarily on the basis of property rights. This study identifies the nature and dimension of this type of continuous resistance within the State of Oregon. A collective case-study³² was the best avenue of research in order to gain information and insight on the specific situation of conflict within Oregon that can then be understood on a larger scale. This research study used a collective case study as its strategy of inquiry, focusing on two cases that experienced a similar phenomenon, and synthesizing across the results from each to reach a well-balanced conclusion.

The primary purpose of this study was to determine the nature of the conflict between preservation advocacy and the protection of private property rights. In order to understand this conflict, several other questions were explored, including how preservation potentially threatens private property rights on a realistic and theoretical level. Additionally, the demographics of the community were evaluated for potential relationships to property owners' orientation towards private property rights, such as education, and length and type of ownership. The size and population of the community, as well as its geographic location and cultural profile may play a role in owners' property rights orientation. This required document analysis, including the review of previous nomination efforts to the National Register of Historic Places, Oregon laws and the local

32. A case-study is an in-depth exploration of a specific situation, be it a program, event, or region. A collective case-study is a study that involves more than one case study.

ordinances and city codes of the case study sites. In order to understand the tension present in the relationship between preservation and property rights in the State of Oregon, the laws relating to both subjects were addressed at the federal, state and local levels. In addition to these documents, interviews were conducted with city government representatives, consultants drafting these nomination documents, and citizens on either side of the debate.

The broader topic of preservation needs to be understood in terms of its basic historic development and its impact and presence in the specific sites under examination. The first priority with this research topic was to understand specific situations within the State of Oregon where private property rights and preservation appear to be at odds with one another. Ultimately, there needs to be greater awareness regarding this issue and education to inform communities about the positive aspects of preservation, while still embracing their rights as property owners. The intent of this thesis was to understand the tension surrounding preservation and property rights. This study identifies the principal factors that led to these polarized positions and determines the role played by varying interpretations of the state law. Furthermore, this study formulates a model to develop initial recommendations, such as conflict resolution strategies, to help prevent and alleviate future conflicts.

CHAPTER II

OREGON NATIONAL REGISTER HISTORIC DISTRICTS

Private property rights are indeed a far more commanding *instinct* in American politics than preservation.

–William E. Schmickle, *The Politics of Historic Districts*

The National Register Program in the State of Oregon

The Oregon State Historic Preservation Office (SHPO) maintains Oregon's National Register and Survey Program, and is responsible for assisting in the identification and listing of the state's most historically significant resources on the National Register of Historic Places. The role of State Historic Preservation Officers and State Historic Preservation Programs are outlined within the National Historic Preservation Act. Each SHPO is charged with administering its State's Historic Preservation Program to uphold the following responsibilities:

[D]irect and conduct a comprehensive statewide survey of historic properties and maintain inventories of such properties; identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register; prepare and implement a comprehensive statewide historic preservation plan; administer the State program of Federal assistance for historic preservation within the State; advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities; cooperate with the Secretary, the Advisory Council on Historic Preservation, and other Federal and State agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development; provide public information, education, and training, and technical assistance in historic preservation; cooperate with local governments in the development of

local historic preservation programs and assist local governments in becoming certified...consult with the appropriate Federal agencies in accordance with this Act on Federal undertakings that may affect historic properties; and the content and sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to such properties; and advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance.³³

The duties of the SHPO include identification and nomination of properties eligible for listing on the National Register, which are consistent with the adopted National Register guidelines and criteria. The SHPO accepts property nominations three times a year: in March, July and November. After reviewing the submissions, the SHPO returns the nominations with their comments, including areas for clarification and editing, to the nomination preparer. The preparer is given 30 days to make the suggested corrections and resubmit the nomination. The nomination is then forwarded to any local landmark or historic commissions where the nominated property is located for further review, 60 days prior the next meeting of the State Advisory Committee on Historic Preservation (SACHP).³⁴ The SACHP is a nine-member committee, appointed by the governor, which reviews and votes on the eligibility of nominations for inclusion in the National Register. If a nomination is found eligible, it is forwarded to the Keeper of the National Register program in Washington, D.C. for final review.³⁵

The SHPO is also responsible for notifying property owners, nomination preparers

33. *National Historic Preservation Act*, §101 (b)(3)(A)-(J).

34. Oregon State Historic Preservation Office, "National Register of Historic Places," Oregon Parks and Recreation Department, http://www.oregon.gov/OPRD/HCD/NATREG/nrhp_natreglist.shtml (cessed February 28, 2009)

35. Oregon State Historic Preservation Office, "State Advisory Committee on Historic Preservation," Oregon Parks and Recreation Department, http://www.oregon.gov/OPRD/HCD/NATREG/nrhp_sachphome.shtml (cessed February 28, 2009)

and local elected officials of pending nominations by mail 60 days before the SACHP public meeting.³⁶ As mentioned previously, a provision regarding owner objection in amendments to the National Historic Preservation Act requires that private property owners be allowed an opportunity to consent or object to the listing of their property. In the case of historic districts, where more than one property owner is involved, a majority of the property owners must file notarized written objections to halt the listing of the district. Under the National Register protocol, the burden is upon the property owner within an historic district to formerly express his/her opposition to the listing. Furthermore, Oregon law states,

Notwithstanding any other provision of law, a local government shall allow a property owner to refuse to consent to any form of historic property designation at any point during the designation process. Such refusal to consent shall remove the property from any form of consideration for historic property designation under ORS 358.480 to 358.545 or other law except for consideration or nomination to the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.).³⁷

This law requires listing agencies to receive consent from property owners before historic properties receive any type of historic district designation except National Register designation. The owners of any landmark or district established by a local government must consent before the property will be officially listed. This law places the burden for establishing consent upon the listing agency. National Register properties are exempt from this consent provision because the National Historic Preservation Act only

36. Oregon State Historic Preservation Office, "National Register of Historic Places," Oregon Parks and Recreation Department, http://www.oregon.gov/OPRD/HCD/NATREG/nrhp_natreglist.shtml (accessed February 28, 2009)

37. *Oregon Revised Statutes*, 197.772(1)-(3), (2007).

necessitates providing owners with an opportunity to object. The distinction between requiring consent and providing an opportunity to object was a key element of the property rights and preservation debate in the case studies examined in this study.

There are currently 116 historic districts in Oregon listed in the National Register of Historic Places (see fig. 1).³⁸ “A historic district is an area or neighborhood that has a concentration of buildings and associated landscape and streetscape features (50 years or older) that retains a high degree of historic character and integrity, and represents an important aspect of the city’s history.”³⁹ The National Register also includes a process for nominating groups of properties that are related by themes, trends and patterns of history with the Multiple Property Documentation Form. “The form facilitates the evaluation of individual properties by comparing them with resources that share similar

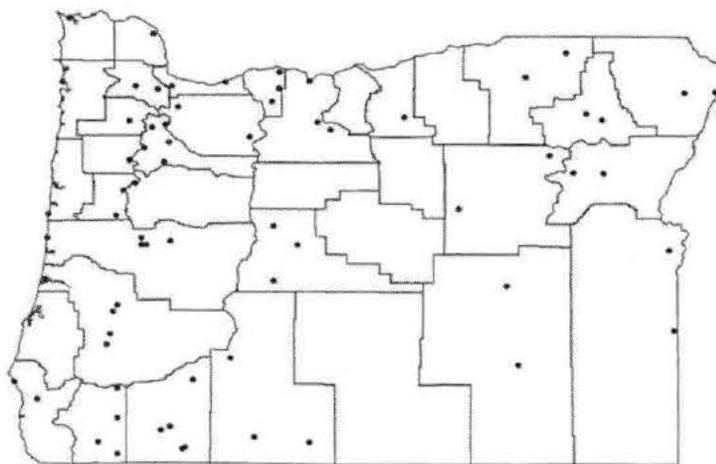


Figure 1. National Register Historic Districts in the State of Oregon.

38. A list of all the National Register Historic Districts in the State of Oregon can be found at the State Historic Preservation Office website, <http://www.oregon.gov/OPRD/HCD/NATREG/index.shtml>.

39. Oregon State Historic Preservation Office, “National Register of Historic Places: Historic Districts,” Oregon Parks and Recreation Department, http://www.oregon.gov/OPRD/HCD/NATREG/nrhp_histdistricts.shtml (accessed March 13, 2008).

physical characteristics and historical associations.”⁴⁰ It is not a nomination, but can be used to evaluate the National Register eligibility of related properties. It can be used as a management tool for local preservation programs “because it evaluates properties on a comparative basis within a given geographical area and because it can be used to establish preservation priorities based on historical significance.”⁴¹ It is easier to nominate qualifying resources once they are included as part of a multiple property submission. Preparing a nomination for an historic district or a multiple property submission is a research and time-intensive project and can take up to two to three years before listing is finalized. The SHPO requires the submission of a “Preliminary Eligibility Evaluation” (PEE) form prior to beginning a district nomination or the multiple property submission process. The PEE form calls for a description of the district, justifications for eligibility, and photographs of the proposed district. Following review of a PEE, SHPO will give their opinion on eligibility and recommend strategies to advance the nomination.⁴²

Oregon State Law and Historic Preservation

Historic preservation is addressed in Goal 5 of the Oregon Statewide Planning Goals. The Land Conservation and Development Department of the Oregon

40. U.S. Department of the Interior, National Park Service, *How to Complete the National Register Multiple Property Documentation Form*, (Washington, D.C.:1999), 2.

41. Ibid.

42. Oregon State Historic Preservation Office, “Listing Historic Districts in the National Register,” Oregon Parks and Recreation Department, http://www.oregon.gov/OPRD/HCD/NATREG/nrhp_historicdistrict.shtml (accessed February 28, 2009).

Administrative Rules administers the rules necessary to implement this goal.⁴³ Goal 5 broadly addresses natural resources, scenic and historic areas, and open spaces; historic preservation is just one aspect of the goal. According to Goal 5, “Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open resources for present and future generations.”⁴⁴ The term “protect” means to “require local government review of applications for demolition, removal, or major exterior alteration of a historic resource.”⁴⁵ Furthermore, historic resources are defined as “those buildings, structures, objects, sites, or districts that have a relationship to events or conditions of the human past,” and historic resources of statewide significance are “buildings, structures, objects, sites, or districts listed in the National Register of Historic Places.”⁴⁶ While it is clear from Oregon law that historic resources must be protected by local governments in some way, the mandate allows local governments to establish their own protection programs. As a result, local law can vary from community to community. Local governments are called upon to maintain updated inventories of historic resources, develop a local historic context statement, and adopt a historic preservation plan and preservation ordinance. The responsibility of updating these surveys, creating historic context statements, and drafting a preservation plan is placed on the shoulders of the local government, with little direction from the State. Consequently, this has resulted in local

43. ORS 183.310(9) defines a “rule” as “any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice of any agency.”

44. *Oregon Administrative Rules*, 660-015-0000(5) (2009).

45. *Oregon Administrative Rules*, 660-023-0200 (2009).

46. *Ibid.*

preservation ordinances that either mirror the relative vagueness of Goal 5, or are conversely quite demanding in their protection of historic resources.

The interaction between Federal regulations and Oregon state law regarding historic resources is quite complicated. Although National Register designation is viewed by the Federal government as a commemorative honor, it also establishes a level of protection under Section 106 of the National Historic Preservation Act for resources listed within the National Register from federally funded, licensed or permitted undertakings.⁴⁷ Section 106 requires Federal agencies to take into account the effect of any proposed Federal undertaking on National Register listed or eligible properties before approval of Federal funds or issuance of any Federal license or permit.⁴⁸ The National Historic Preservation Act only requires that private property owners be provided an opportunity to consent or object to National Register designation, but the Oregon Revised Statutes requires owner consent before properties are locally designated within the State. Oregon law also requires that “A local government shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government.”⁴⁹ There are two aspects of the Oregon law: listing agencies must receive consent from property owners before listing properties and property owners may opt out of the local designation during the nomination process. However, as indicated previously, an objection to a local district does not prevent the property from later being included as part of a

47. *National Historic Preservation Act*, 16 U.S.C. 470f

48. *Ibid.*

49. *Oregon Revised Statutes*, 197.772(3) (2007).

National Register Historic District. Federal law requires a majority of property owners to object to prevent the designation of an historic district within the National Register of Historic Places. The differences between Federal and Oregon law complicate the National Register designation process. Although Oregon law requires owner consent for local designation, the same requirement cannot be placed upon properties nominated to the National Register when federal regulation only requires that an opportunity to object be provided. Proponents for historic designation can consequently circumvent the Oregon requirement for owner consent by seeking National Register status rather than a local designation.

Controversial Neighborhood District Nominations

Within the last decade, four historic district nominations in the State of Oregon faced considerable opposition from property owners: nominations in Eugene, Corvallis, Bend, and Coos Bay. This thesis studied two of these historic district nominations that failed to be officially listed within the National Register in the State of Oregon: the South University district in Eugene and the North College Hill district in Corvallis. The distinction of National Register status was not withheld because these neighborhoods lacked historic or architectural integrity—in fact, the North College Hill neighborhood was given an official Determination of Eligibility under both Criterion A & C from the National Register of Historic Places in February 2003. These neighborhoods do share certain elements in common. Both neighborhoods are located next to a university, and followed a similar timeline of development. Despite these similarities, the neighborhoods are different

in size and type of ownership. Although they did undergo the National Register nomination process within a few years of one another, the common thread for these two neighborhoods is that both failed to be listed due to the official notarized objection of a majority of their property owners.

South University Neighborhood, Eugene, Oregon

The South University Neighborhood is located south of the University of Oregon in Eugene, Oregon. The site of present-day Eugene was first settled by the initial wave of settlers to the Oregon Territory seeking rich farmland and economic opportunity in the mid-1840s. One of the first in the wave of settlers to the upper Willamette Valley was Eugene Skinner, who staked a land claim in 1846 to 640 acres near Skinner Butte in present day Eugene, Oregon.⁵⁰ At the time of this settlement, the area was already inhabited by the Kalapuya Native Americans, who practiced annual burnings of the vegetation in the valley to encourage new growth. This practice that cleared the land made the valley ideal for immediate settlement and farming.⁵¹ More settlers followed Skinner, and between 1847 and 1848 the area saw the arrival of settlers such as Charnel Mulligan, Prior Blair, James Huddleston and Daniel Christian. Oregon was declared a United States Territory in March 1848 and Lane County was organized in 1851. Skinner and Judge Risdon established a meridian lineform in April 1851 to survey and plat a town

50. Elizabeth Carter and Michelle Dennis, "City of Eugene Historic Context Statement" (City of Eugene Planning Department, April 1996), 13.

51. Jonathan M. Pincus, "Eugene Downtown Core Area Historic Context Statement" (City of Eugene Planning Department, November 1991), 2-3.

site, located just east of Skinner's Butte. The town site was named Eugene City by Mary Skinner in honor of her husband, Eugene Skinner. Eugene City became the county seat of Lane County in 1853 and was incorporated as a town in 1862 and as a city in 1864. Meanwhile, Oregon was admitted as the thirty-third state in the Union in 1859.

From 1846 to 1870 Eugene was the site of rapid commercial and residential growth. The University of Oregon was established in Eugene in October 1876. Twenty-six additions and subdivisions were platted in Eugene between 1884 and 1898, with twenty-four more between 1902 and 1911. The city's experience of steady growth and the addition of a state university led to Eugene's distinction as an ideal place to live by the 1890s. The greatest building record in Eugene, at the time, was set in 1909 with the construction of 266 new residential buildings and the remodeling of 40 buildings. Another building boom occurred in the 1920s following the end of World War I, creating more new neighborhoods, including the South University neighborhood (see fig. 2). The implementation of an electric streetcar line near the University of Oregon in 1906 led to the development of the South University neighborhood, which was still largely agricultural at the time. In 1907, the land was platted as Gross's Addition running from 18th to 23rd Avenue and from Alder to Agate Street. The addition, designed on a grid system, contained 420 lots, which were typically 55 feet wide and 160 feet deep.⁵²

52. Leslie Heald and Sally Wright, "South University Historic District Nomination," (National Register of Historic Places Nomination, Eugene, OR: 2000), Section 7, page 2.

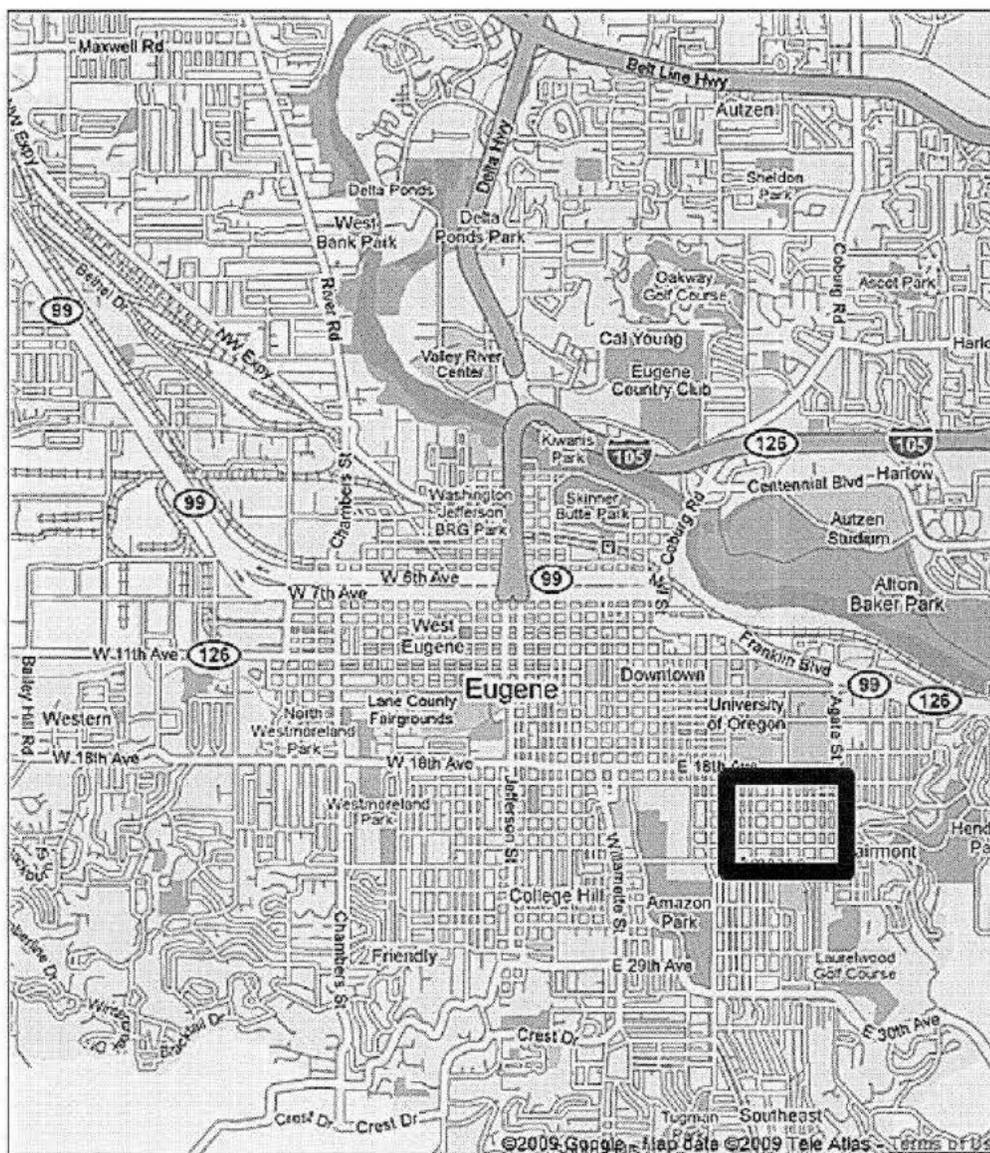


Figure 2. Map of Eugene, Oregon. This map indicates the location of the South University neighborhood.

Slow to grow initially, the neighborhood thrived after the end of World War I, with at least 40 percent of the houses built during the 1920s. Factors that may have led to this increased neighborhood development include the construction of schools, like Edison Elementary on W. 22nd Avenue in 1926, and installation of sewer lines and sidewalks, in 1922 and 1924, respectively. The location of the streetcar, known as the Eugene Street Railway, was conducive to University faculty and staff living in the South University neighborhood as one line of the streetcar ran on University Street, going through campus (see fig. 3).

The streetcar went out of business in 1927 after 21 years of service, but the track running down University Street was merely paved over and can still be seen.⁵³ The streetcar system had three main routes: the University/Fairmount loop, the College Crest loop, and the Springfield line. The University/Fairmount loop ran from the train depot at 5th and Willamette to the University of Oregon, and extended down University Street to the Masonic Cemetery at 25th and University. The line was extended to loop along the foothills to E. 26th where it turned north on Columbia, Fairmount Boulevard, and Moss Street until E. 13th Avenue where it turned west to return to the University station.⁵⁴

There is a slight knoll in the center of the neighborhood and the most desirable and expensive lots are located in this area. The relatively uniform look of the neighborhood was defined during the period following the First World War, in part by the president of the County Investment Company, Robert Prescott. These guidelines for

53. Heald and Wright, "South University District Nomination," Section 8, page 8.

54. Ibid.

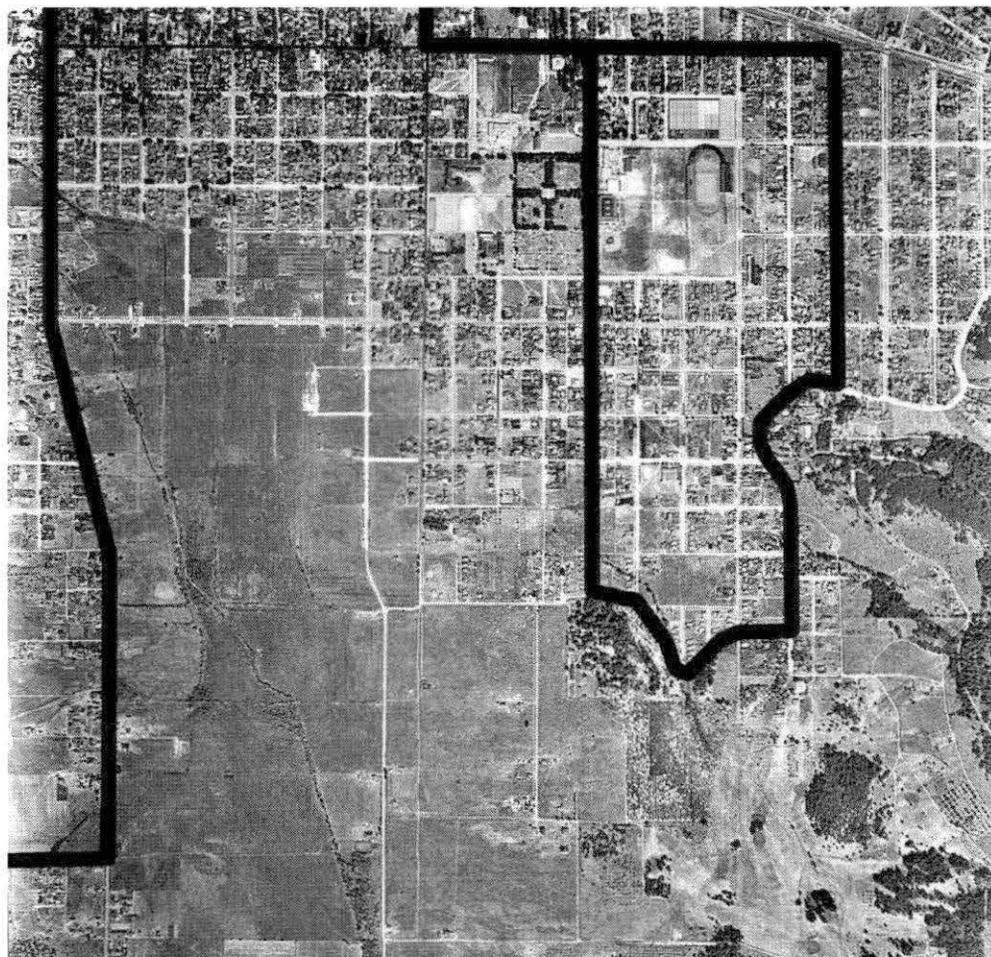


Figure 3. South Eugene Aerial Photograph. This 1936 aerial photograph features an overlay of the Eugene Street Railway that had a line that ran through the University of Oregon campus and the South University neighborhood until it went out of business in 1927.

the neighborhood included setback requirements of 15 feet on Potter Street and 30 feet on University Street and a minimum cost of \$2,000 for houses built.⁵⁵ Although this one portion of the neighborhood has the most expensive and high style houses, the neighborhood “has been home to a cross section of Eugene society.”⁵⁶ South University residents included University of Oregon presidents, faculty members, physicians, attorneys, local business owners, and school teachers. In addition to high style residences, there are more modest and vernacular houses and even rental properties, catering to University students.

The current South University Neighborhood, as defined by the city of Eugene’s updated 2007 Neighborhood Analysis, is bounded by Agate Street to the east, Patterson Street to the west, E. 18th Avenue to the north, and E. 24th Avenue to the south.⁵⁷ While the National Register nomination for the neighborhood as an historic district is similar to these officially defined boundaries and the historical ones, there are some important differences and irregularities (see fig. 4). While the neighborhood’s northern boundary extends to E. 18th Avenue, the district’s boundary stops one block short, running predominately along E. 19th Avenue with a slight jog north to include six lots along University Street between E. 18th and 19th. All the other boundaries of the proposed district are equally jagged, which does not necessarily imply they are wrong.

55. Heald and Wright, Section 7, page 7.

56. Heald and Wright, Section 8, page 10.

57. City of Eugene Planning and Development, “South University Neighborhood Analysis” City of Eugene, http://www.eugene-or.gov/portal/server.pt/gateway/PTARGS_0_2_253883_0_0_18/SUNA.pdf [accessed March 13, 2008].

These boundaries do indicate the careful inclusion and exclusion of very specific properties based on building integrity and stylistic significance related to the period of significance of 1907-1950. The eastern boundary, mostly running along Agate Street,

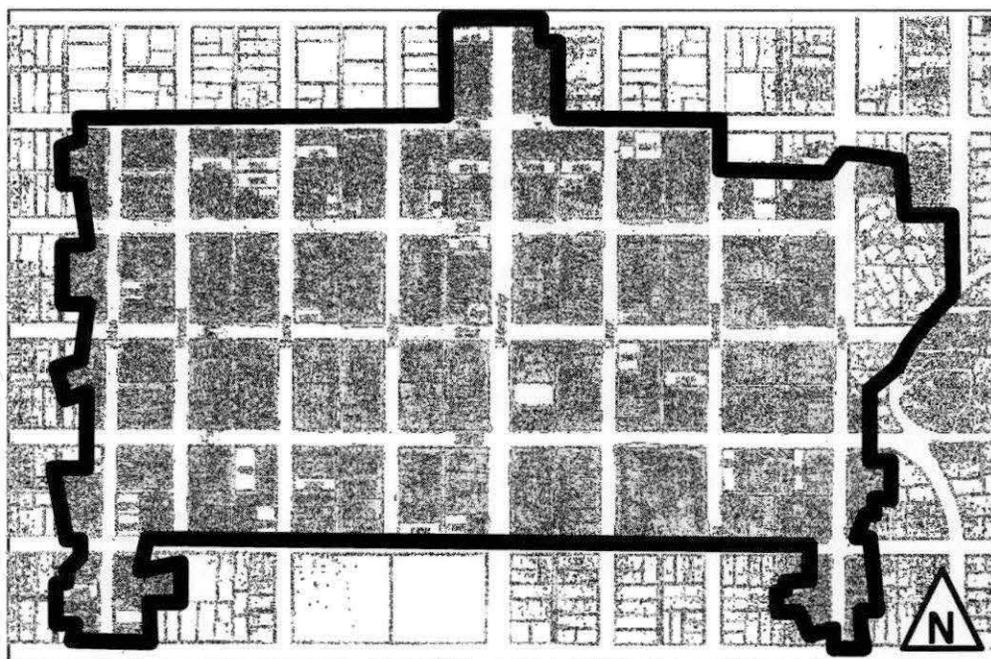


Figure 4. South University Historic District Boundaries. This map indicates the historic district boundaries with property numbers for the nominated South University Historic District.

hooks further east to include Washburn Park and an additional twelve lots. The southern boundary runs an entire block north of the city's defined boundary for the neighborhood, along E. 23rd Avenue, with jogs further south at the southeast and southwest corners to include thirteen properties. The western boundary of the district runs along Alder Street, a full two blocks east of the neighborhood's western boundary of Patterson Street. However, the district boundary includes the lots on both the west and east sides of the street, rather than using the street itself as the border. It is important to note that historic

boundaries, particularly in the case of historic districts, may differ from current officially recognized boundaries, for the purposes of neighborhood associations. While the historic district boundaries of the South University neighborhood are primarily in line with the original Gross's Addition, extensions were made along Alder Street and Agate Street due to the integrity of the structures within the areas and their relationship to other resources in the district.

South University Historic District—Initiating the Nomination Process

The process for the nomination of the South University Neighborhood as a National Register Historic District had been under consideration by property owners for several years, but the proposal was officially raised by members of the South University Neighborhood Association (SUNA) in May 1998. Following this initial discussion, the subject remained on the agenda for 11 subsequent SUNA meetings throughout 1998 and 1999. During this time the City of Eugene updated the 1986 Cultural Resources Survey of the neighborhood, and proponents disseminated an informational sheet and simple survey to property owners within the neighborhood. The survey consisted of two questions: "Do you support the designation of your neighborhood?" and "Would you be willing to gather information and volunteer?" (see fig. 5). Of the 440 cards mailed, 209 were returned. Seventy-six percent of the cards returned contained "yes" responses to the question of supporting historic designation. Proponents mailed a second questionnaire, requesting detailed property information, to property owners in October 1999. Following this initial legwork, SUNA members voted in April 2000 to apply for a neighborhood

grant to fund the nomination process. The grant of \$15,570 was awarded in June 2000 with SUNA raising their half of the funds to match the amount from the city through private contributions and 365 hours of matching labor. The grant money allowed the neighborhood association to hire two consultants, Leslie Heald and Sally Wright, to research and write the National Register nomination.⁵⁸

South University Neighborhood Informational Survey	
1. Do you favor having your home and property included in a proposed historic district?	
Yes _____	No _____
2. Would you be willing to help collect historic information about your home and other properties (pictures, stories, ownership, etc.) in a proposed historic district?	
Yes _____	No _____
<i>Thank you for your interest in this inquiry. Please return the completed postpaid card as soon as possible.</i>	
_____	_____
Signature	Property Address
Day Phone: _____	Eve Phone: _____

Figure 5. South University Neighborhood Informational Survey. SUNA mailed this information survey to property owners within the South University neighborhood.

The completed nomination was presented five months later at an advertised SUNA meeting in November 2000 and the nomination was submitted to the Oregon SHPO in December 2000. The SHPO sent notices to the Mayor and City of Eugene and property owners in December 2000 regarding the presentation of the nomination at the

⁵⁸. This information was gathered from the record on the proposed South University Historic District maintained by the City of Eugene.

February 2001 meeting of the SACHP. However, the December notice mailed to property owners incorrectly stated the SACHP meeting would be the final presentation of the nomination rather than the initial, resulting in a corrected notice being mailed in January 2001. Property owners were asked at this time to make comments in writing regarding the nomination. Meanwhile the nomination was successfully presented at the Eugene Historic Review Board meeting and received the support of the Historic Review Board and Mayor Jim Torrey. Although presented at the February 2001 meeting in Roseburg, no action was taken on the nomination and it was scheduled for its final hearing at the May 2001 State Advisory Committee meeting in Coos Bay. Again, property owners were asked to submit their comments in writing to the State Historic Preservation Office. As mentioned previously, the burden is on the property owners if they object to the designation. Official opposition to designation must be submitted in the form of a notarized letter by a property owner. These letters may be submitted until the end of the final review of the nomination by the Keeper of the National Register. The SHPO had received ten letters of objection regarding the South University nomination as of April 2001.

A few issues were discussed regarding the nomination at the May 2001 State Advisory Committee meeting. It was noted that 16 notarized objections had been received by SHPO at the time of the meeting, but that was not the issue discussed at greatest length. Instead, it was mentioned that the property owners of 1928 and 1942 Agate Street on the eastern edge of the district wished to be excluded from the district—a request that had been granted by the City but had not been shared with either SHPO or

the nomination preparers (see fig. 6). Consequently, the properties had been included in the district due to their historic integrity and significance. In 1999, the Hodges Family, the owners of the aforementioned properties, and the City had reached an

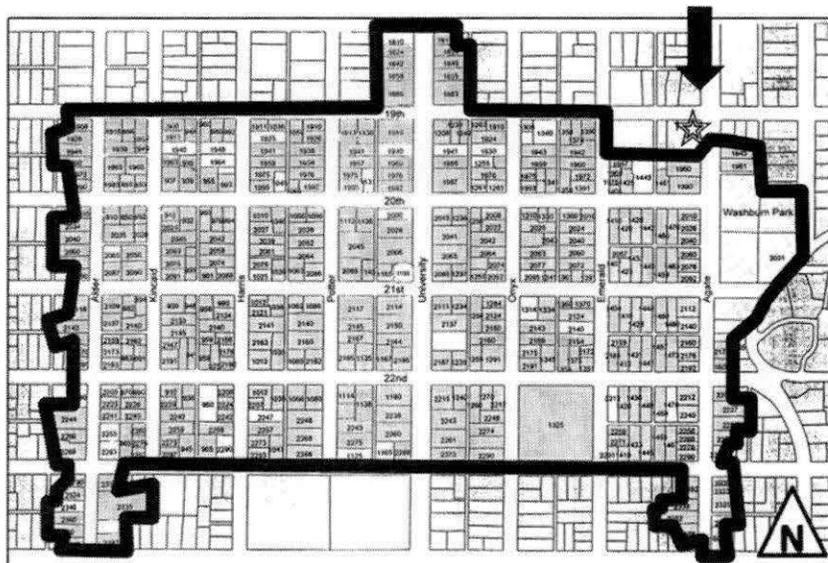


Figure 6. South University Historic District Boundary Conflict. 1928 and 1942 Agate Street are adjacent properties that were eventually excluding from the proposed historic district boundaries. Their location is marked by a star icon and indicated by an arrow.

agreement that the Hodges' properties along Agate Street would be excluded from the proposed district. James Hamrick, the Deputy State Historic Preservation Officer at the time, responded to the request of the owners of 1928 Agate, Gloria and Bryan Hodges, and decided to honor the agreement in 2001 between the City of Eugene and the Hodges. However, following this agreement, the owner of 1942 Agate Street, Lance Hodges, requested the same exclusion of his property from the proposed district. Hamrick shared this information with the SACHP and admitted his and SHPO's concern that such a

“decision would create precedence and would encourage this type of activity, allowing people to request removal from the boundaries of historic districts at will.”⁵⁹

The SACHP discussed this topic at length, with one commissioner, Dr. Keeler, stating his displeasure that the SACHP had been put in the position of setting precedence they are uncomfortable with.⁶⁰ Ultimately, the SACHP did not agree to exclude the Agate Street properties from the nomination. After much discussion over this topic of property exclusion, the SACHP agreed that the nomination was “poster child” for other nominations, well-written and prepared, and voted unanimously that the neighborhood was eligible for inclusion as an historic district in the National Register.⁶¹ Comments for revision were sent to the preparers of the nomination between August and October 2001, and the nomination was sent to the Keeper of the National Register in November 2001.

Eugene Preservation Ordinances

Throughout this process, the National Register designation was supported and aided by the City of Eugene, as seen in SUNA’s receipt of a neighborhood grant. The City of Eugene is a Certified Local Government (CLG), which is a local government that has been certified by the State Historic Preservation Officer as having a preservation ordinance outlining how preservation issues will be addressed within the local government; establishing a qualified historic preservation review commission;

59. Minutes of the State Advisory Committee on Historic Preservation (SACHP), May 25, 2001 meeting, South University Historic District Record, City of Eugene, Eugene, OR.

60. Minutes, SACHP, May 25, 2001.

61. Ibid.

maintaining a system for the survey and inventory of historic properties; and providing for adequate public participation in their local preservation program.⁶² Historic preservation is addressed in Chapter 9 of the City of Eugene Land Use Code, the purpose of which is to “protect and promote the health, safety, and general welfare of the public and to preserve and enhance the economic, social, and environmental qualities of the community.”⁶³ One of the six goals that the Land Use Code is designed to promote applies specifically to historic resources in the community and its intention is to “preserve and restore significant historic resources and increase public awareness of the community’s historic and cultural heritage.”⁶⁴ Within the Land Use Code, an historic resource is defined as the following:

Includes, but is not limited to, districts, ensembles, thematic groups, corridors, structures, bridges, buildings, sites, cemeteries, landscape features, signs, plaques, archaeological sites or artifacts, or other objects that have historic, cultural and/or architectural significance, locally, regionally or nationally. A historic site is the location of a historic archaeological event, activity, occupation, structure, object or landscape feature, including existing buildings or structures on the site which has historic significance.⁶⁵

The treatment of historic resources is further developed with the potential addition of a special zoning designation. According to the Land Use Code, “Application of S Special zone to a lot containing a specific building, structure, object, site or archeological resource that qualifies as an historic landmark will ensure that permitted uses encourage

62. *National Historic Preservation Act*, 16 U.S.C. 470a(c)(1).

63. *Eugene City Code*, Chapter 9.0020 (Eugene, 2008).

64. *Ibid.*

65. *Eugene City Code*, Chapter 9.0500 (Eugene, 2008).

preservation of historic qualities.”⁶⁶ Specifically, this designation, S-H Historic Zoning, “is used selectively to help ensure the conservation of historic properties in Eugene...Before a property can receive the S-H Historic Zoning designation it must first be designated as a City Landmark or be listed in the National Register of Historic Places.”⁶⁷ Currently the city has two special zones that emphasize the preservation of historic resources: the S-HB Blair Boulevard Historic Commercial Special Area Zone and the S-W Whiteaker Special Area Zone. The advantages of this historic overlay allows for greater flexibility in the use of the property to ensure a compatible and continued use of the property.

Procedures for alterations to historic properties are also laid out within the Land Use Code. Under Eugene law, an historic property is either designated by the city as an historic landmark or listed in the National Register of Historic Places or within a National Register historic district.⁶⁸ A series of regulations for the alteration to historic properties were established “to make the citizens of the community and its visitors aware of the origin, development, and historic significance of property.”⁶⁹ In addition to applications for historic landmark designation, these regulations include specific criteria for the removal of landmark designation and the alteration to or demolition of an historic property.

66. *Eugene City Code*, Chapter 9.3000 (Eugene, 2008).

67. City of Eugene Planning and Development, “City of Eugene Historic Preservation,” City of Eugene, <http://www.eugene-or.gov/portal/server.pt?open=512&objID=318&PageID=445&cached=true&mode=2&userID=2> (accessed May 13, 2009).

68. *Eugene City Code*, Chapter 9.0020, (Eugene, 2008).

69. *Eugene City Code*, Chapter 9.8150, (Eugene, 2008).

In 1975 a seven-member Historic Review Board (HRB), a sub-committee of the Eugene Planning Commission, was established by the City of Eugene to oversee the City's historic preservation program. The duties of the HRB include collaborating with the City's Historic Preservation Planner to supervise the cultural resource survey program, preservation incentive programs such as neighborhood grants, and education and outreach efforts.

As the nomination process for the South University Neighborhood was underway, the City of Eugene Planning Division, through federal funds from the National Park Service, was drafting a set of advisory design guidelines in addition to a specific set of guidelines for the proposed South University Historic District. City staff reviewed and improved the draft of the advisory design guidelines and republished them in the summer of 1999. The "Advisory Design Guidelines for Historic Residential Properties" state:

These Design Guidelines were written to provide owners and residents of historic properties, as well as developers working with infill lots in historic neighborhoods, with design suggestions for protecting the historic character of their properties and surroundings...This is not a matter of cheap versus expensive construction, but rather thoughtful design that recognizes context. These Guidelines are intended to encourage residents of Eugene to appreciate local history and the historic character of our city.⁷⁰

The guidelines were not intended to be a coercive process to prevent property owners from using their property. Instead, they were meant to provide advisement on alterations or rehabilitations that may alter the distinguishing characteristics of an historic property. The guidelines include a discussion of the following items: façade orientation and

70. City of Eugene Planning Department, "Advisory Design Guidelines for Historic Residential Properties" (Eugene, City of Eugene Planning Department: 1999), 1.

setbacks, roof form, exterior siding and details, windows and doors, porches, foundations, paint schemes, solar panels and other utility systems, and garages and outbuildings.

Specific South University guidelines were drafted during the summer of 2001 and presented at SUNA meeting in July. At this time, the Eugene City Code required guidelines and, therefore, the guidelines were expressed in mandatory language rather than merely advisory. This requirement was subsequently removed from the City Code by the City Council by 2004 and the guidelines were changed to a more advisory tone. One of the specific concerns held by many of the objecting homeowners was with regard to paint colors for their houses, but the Guidelines address these issues of personal choice and taste.⁷¹

The restoration of original colors on historic residential architecture is desirable, but not always feasible. Colors appropriate to the style and era are encouraged. Avoid painting originally unpainted surfaces like brick...Color choice is a personal decision for a building owner, and should not be dictated. These suggested colors are intended to help you select a paint scheme that is consistent with both your individual taste and the historic character of your house.⁷²

South University Historic District—Designation Challenges

While SUNA and the City of Eugene were drafting and revising advisory guidelines for the proposed district, the SACHP approved the nomination and the consultants worked to finalize the document making advised corrections and

71. A May 6, 2009, interview with South University Historic District proponents Sally and Everett Smith and Janet Heinonen indicated that paint color was one issue, although not a main concern, that was brought up in public meetings and conversations with property owners throughout the district.

72. City of Eugene Planning Department, "Advisory Design Guidelines for Historic Residential Properties," 25-26.

elaborations. Following two rounds of editing, the final nomination was submitted by SHPO to the Keeper of the National Register on November 6, 2001, who received it on the 14th of November. Once received, the forty-five day period of review began. On December 28, 2001, the final day of the review period, a property owner requested and received a 30-day extension to the period of review. A second extension was also granted, extending the review period to February 26, 2002. During this time, the opposition engaged a notary service to help obtain letters of objection from property owners within the proposed district. In a November 29, 2001 letter to the editor published in Eugene's *The Register-Guard*, Jim Ralph, a property owner within the South University neighborhood and an opponent to the historic designation, responded to a previous article on the benefits of designation, stating,

This process is not, as advocates suggest, about "bringing neighbors together." It is about a small group of people wanting to control through government what others own and their neighbors trying to protect their traditional rights of responsible property stewardship...Governmental intervention is unwelcome and unnecessary.⁷³

Between Spring 2000 and Fall 2002, nineteen pieces, including articles, letters to the editor and editorials, appeared in *The Register Guard*. A debate that might have stayed a quiet disagreement between neighbors had taken a city-wide stage.

Due to the number of requests for extension and substantive review of the nomination, the Keeper of the National Register returned the nomination to the SHPO with instructions to address the procedural and documentation questions raised by the opposition. The City of Eugene and the SHPO then worked to clarify these issues and

73. Jim Ralph, letter to the editor, *The Register-Guard*, November 29, 2001.

determine the ownership status for all of the letters of objection over the next two years. When the nomination was submitted to the Keeper of the National Register for a second time, it was returned in 2005 for further revision. At this point, at least five years had passed since the survey work and documentation had occurred, and the National Register wanted updated information for the nomination. The National Register returned the nomination with the collection of objections and letters they had received. The National Register office emphasized that some of the issues with the nomination needed to “be addressed through a stronger discussion regarding the level and methodology of the field investigations and the compilation of information included in the nomination.”⁷⁴ Faced with essentially starting the nomination process over from the beginning, proponents chose not to continue with the historic designation.

North College Hill Neighborhood, Corvallis, Oregon

The North College Hill Neighborhood is located north of the Oregon State University campus in Corvallis, Oregon (see fig. 7). Corvallis is located at the confluence of the Willamette and Mary’s Rivers in the Willamette River Valley. Initially occupied by bands of the Kalapuya Native American tribe, Euro-American fur-traders and then settlers followed the Oregon-California Pack Trail into the region along with

74. National Register of Historic Places, “National Register of Historic Places – Return Comments,” Oregon Parks and Recreation Department, http://www.streamline.oregon.gov/OPRD/HCD/NATREG/docs/nr_comments--SUHD.pdf (accessed May 30, 2009).

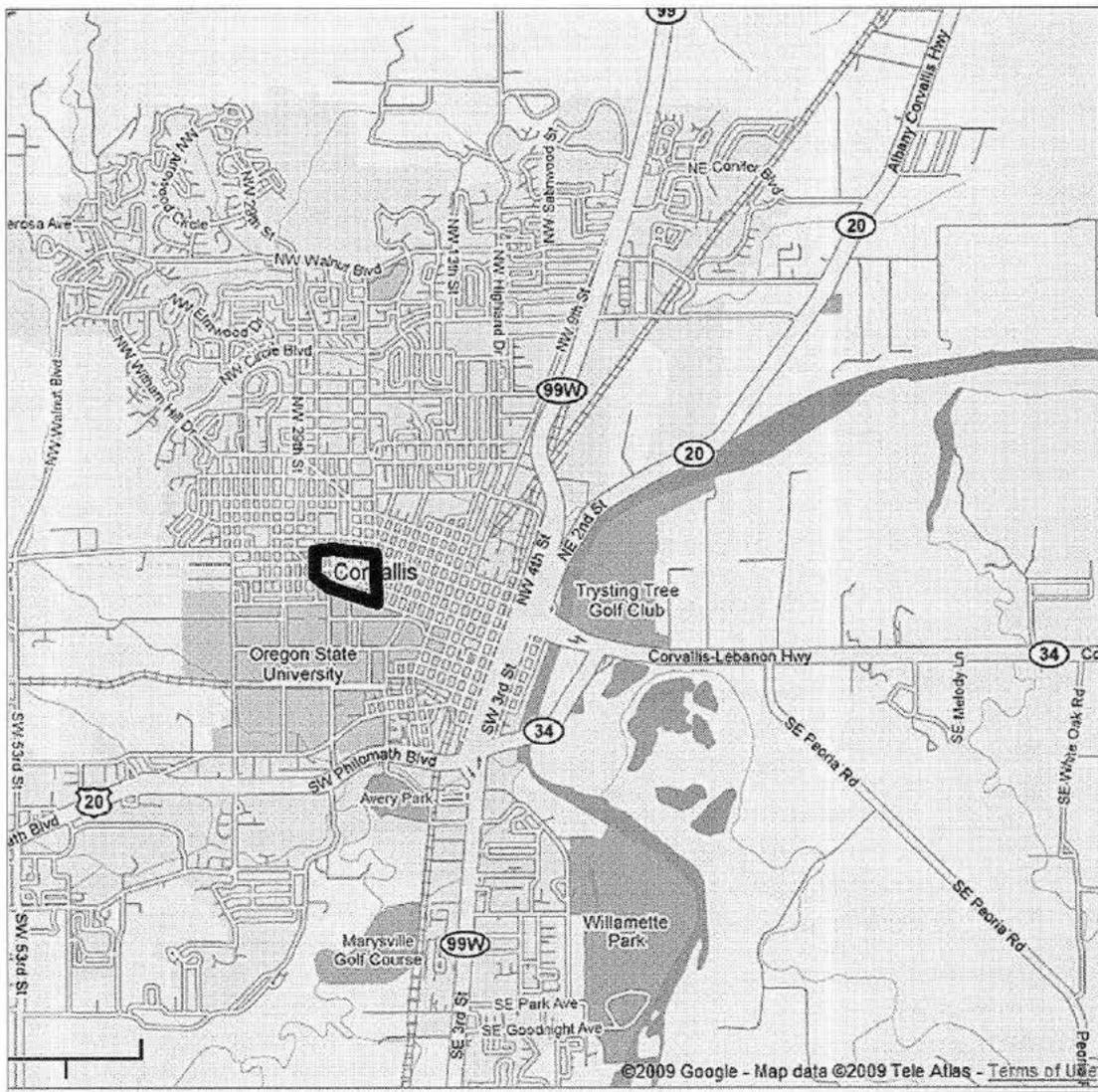


Figure 7. Map of Corvallis, Oregon. A current map of Corvallis, Oregon with the location of the North College Hill neighborhood outlined.

missionaries, such as the Peoria Party, in the late 1830s and early 1840s.⁷⁵ Following a large emigration of settlers in 1843, a Provisional Government was established, forming the Yamhill District and Polk County in 1845, an area including the current site of Corvallis.⁷⁶ Settlers, such as James L. Mulkey and Joseph C. Avery, began to stake claims to land on the site of present-day Corvallis in 1845. Settlement to the area continued to increase with the development of two new wagon trails in 1846, the Barlow Road over Mt. Hood and the southern Applegate Trail or South Road. Additional stakes were claimed in 1846 and a seventh county, named Benton County after Missouri Senator Thomas Hart Benton, was established from a portion of Polk County in 1847. Growth continued in the area, with churches and businesses slowly emerging on the landscape, particularly with the passage of the Donation Land Claim Act in 1850.⁷⁷

The town of Marysville was platted by J.C. Avery in February 1851, consisting of 24 blocks and 6 fractional blocks extending from the Willamette River west to Fifth Street and from present-day Western Avenue north to Jackson Street. Marysville was designated as the county seat for Benton County in 1851. By 1854, Marysville was renamed Corvallis and two more additions were platted, the County Addition and Dixon's 2nd Addition, adding 29 and 13 blocks respectively to the town. Briefly the territorial capitol of Oregon in 1855, the City of Corvallis was incorporated in 1857. A

75. City of Corvallis, "Regional and Local Developments, 1851-1868," City of Corvallis, <http://www.ci.corvallis.or.us/index.php?option=content&task=view&id=242&Itemid=196> (accessed March 11, 2009).

76. City of Corvallis, "Regional and Local Developments, 1851-1868."

77. Ibid.

few more additions were platted between 1857 and 1872 and the population rose to 1220 by 1870. Expansion slowed following a decrease in gold mining activity by the 1860s and continued with the location of the Oregon and California Railroad line through neighboring Albany in 1871. However in 1880, Corvallis had its own railway connection with the Western Oregon Railway Company followed by a boom in construction post-1880.

The growth and expansion of Corvallis College, such as the establishment of the first Department of Agriculture in the Pacific Northwest, required a reorganization of the college's campus. As Corvallis College, renamed State Agricultural College after the state gained control in 1885, continued to grow and expand its campus, the City of Corvallis responded with the development of new additions northwest of the campus, such as the 1895 College Hill Addition, the last plat to be filed in Corvallis during the 1800s.⁷⁸ A population boom in the early 1900s resulted in the establishment of the North College Hill Addition in 1908, similar to the establishment of the South University neighborhood in Eugene. The boundaries of this supplemental addition, platted by Judge W.S. McFadden, comprise the central portion of the North College Hill Neighborhood, as defined for the National Register historic district nomination. As the population of Corvallis and the Oregon Agricultural College (renamed in 1908) continued to grow, the North College Hill neighborhood felt the pressure, particularly with a lack of on-campus housing for male students.

78. Sally Wright and David Pinyerd, "North College Hill Historic District Nomination," Section 7, page 2.

The North College Hill neighborhood continued to grow, with two additional plats filed and 27 resources constructed in the 1910s. Deed restrictions limited construction to residential uses and set a \$1200 minimum value for new houses. While single family residential construction steadily grew in the 1920s, the neighborhood also saw an increase in the number of fraternities and sororities to support the enlarging student body from the Oregon Agricultural College. These organizations were also beginning to construct their own residences. Corvallis saw dramatic growth in the 1920s, in both residential population and increased enrollment at the Oregon Agricultural College. New plats were added to the neighborhood, the 1920 and 1921 Supplemental to the College Hill Addition, dividing the block-sized lots into individual building sites. Although a few of the new houses constructed were valued at over \$6,000, most were more modest residences, valued between \$2,000-\$4,000. In addition to the new residential construction, there were also a few commercial ventures, such as a small store, grocery and even a doctor's practice, constructed within the neighborhood. The boom of the 1920s resulted in the construction of 48%, or 96 resources, of the neighborhood's current resources, which is also similar to the South University neighborhood. Construction slowed during the Depression, with only 37 resources built during the decade of the 1930s. Development of the North College Hill neighborhood was nearly complete at this point in time.⁷⁹

79. Sally Wright and David Pinyerd, "North College Hill Historic District Nomination," Section 7, page 2.

The North College Hill neighborhood is a small, yet well-defined residential area, comprised of a wide variety of housing types, from single-family residences to fraternities and rental housing (see fig. 8). Other resources in the neighborhood include

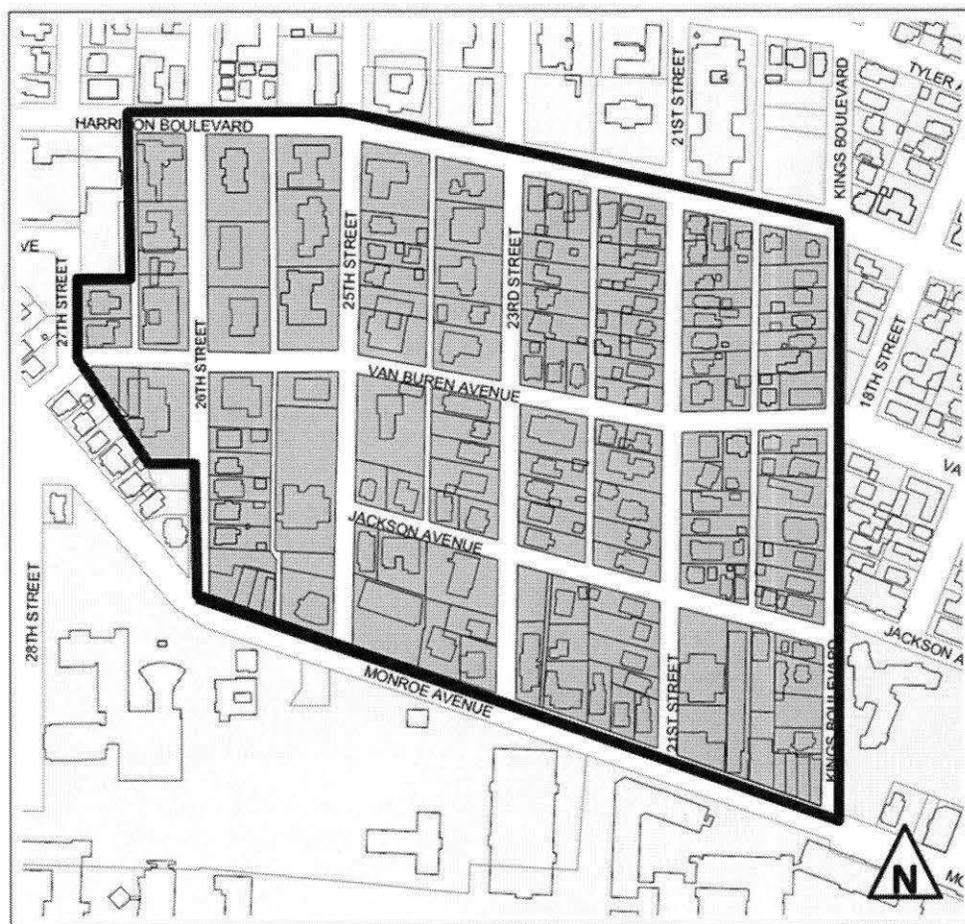


Figure 8. North College Hill Historic District Boundaries. This map indicates the district boundaries for the proposed North College Hill Historic District in Corvallis.

small commercial establishments, constructed for the benefit of the university population. The neighborhood, for the purposes of the proposed National Register historic district, is bounded on the west by former Corvallis General Hospital and the College Hill West

Historic District, which includes both sides of Arnold Way. The northern and eastern boundaries are marked by Harrison Boulevard and Kings Boulevard, respectively. The southern boundary is defined by Monroe Avenue and the Oregon State University campus.

North College Hill Historic District—Initiating the Nomination Process

The idea for the establishment of an historic district in the North College Hill neighborhood in Corvallis began in 2000 after neighbors successfully fought off a proposed large development in the area that would have demolished several historic houses.⁸⁰ Carol Chin, a property owner in the neighborhood and former Secretary-Treasurer of the North College Hill Neighborhood Association, said that the main impetus for the district nomination was the fact that “[W]e didn’t want to lose that many historic structures in one fell swoop...that it might afford some protection if there were an historic district.”⁸¹ Following discussion throughout the winter of 2000-2001, the neighborhood association agreed on April 9, 2001, to apply for a neighborhood empowerment grant from the City of Corvallis. The North College Hill Neighborhood Association received a \$2500 grant from Corvallis’ Neighborhood Empowerment Program to hire a consultant to train and advise volunteers to begin the research process.⁸² They hired preservation consultants Leslie Heald and Sally Wright⁸³ to begin

80. Carol Chin, interview by author, Eugene, OR, April 15, 2009.

81. Ibid.

82. This information was gathered from the City of Corvallis’ record on the proposed North College Hill Historic District.

the initial research phase. From June to October 2001, volunteers conducted over 800 hours of research in city directories, property records and other sources. The Corvallis City Council received a \$15,000 grant from the Oregon SHPO, \$12,132 of which was allocated for research and a completed historic district nomination to the National Register for the North College Hill neighborhood. The City sent out a Request for Proposals (RFP) on November 8, 2001, and Sally Wright and Dave Pinyerd, of Historic Preservation – Northwest, were hired to work within the neighborhood.

A public neighborhood meeting to discuss the benefits of district designation and answer questions was held on February 5, 2002. An informal survey and map of the proposed district was included with a February 7, 2002, letter announcing the second public meeting for March 6, 2002. The informal survey included four options for the level of support or opposition to designation: I strongly support, I have no objections, I oppose, and I am neutral or have no opinion regarding the nomination of the North College Hill Historic District (see fig. 9).

As the bulk of the research for the proposed district was conducted over the summer of 2001, the historic district nomination was able to be quickly completed following the receipt of grant funds. The completed nomination was submitted to the Oregon SHPO in March 2002. In accordance with requirements pertaining to historic resources in the City of Corvallis Code, the district nomination was reviewed at the

83. Heald and Wright were the nomination preparers for the proposed South University Historic District.

**North College Hill Historic District Survey –
Should We Form a
National Register Historic District?**

The North College Hill Neighborhood Association is conducting a survey to measure support or opposition. Results from this survey will guide the City in deciding whether or not to continue with the nomination of the North College Hill area as a National Register Historic District. If the nomination is forwarded, the State Historic Preservation Office will provide another opportunity for property owners to indicate their opposition. If you want to provide input at that time, you should carefully follow SHPO's instructions.

Property owner position regarding the formation of a National Registration of Historic Districts (National Register).

- I **strongly support** the nomination of the North College Hill National Register Historic District.
- I **have no objections** to the nomination of the North College Hill National Register Historic District.
- I **oppose** the nomination of the North College Hill National Register Historic District.
- I am **neutral or have no opinion** regarding the nomination of the North College Hill National Register Historic District.

This designation is for the property(ies) located at: _____

PLEASE SIGN AND PRINT YOUR NAME BELOW:

I am the owner or authorized representative for the owner of the above listed property.

Signature

Date

Printed Name of Person Signing

Address of Person Signing

Please write any comments on the back of this form.

Figure 9. North College Hill Historic District Survey. The North College Hill Neighborhood Association mailed this survey to property owners to gauge support.

City's Historic Preservation Advisory Board (HPAB) meeting on April 8, 2002. At this time the HPAB was made aware of issues pertaining to the nomination, the greatest of which was a significant level of opposition. Trish Daniels and Carol Chin, officers within the North College Hill Neighborhood Association, discussed the results of their informal survey, which indicated 40 property owners in opposition, 23 in support, 7 with no opposition, and 3 remaining neutral. However, at the date of this HPAB meeting, there were still approximately 50-70 property owners who had not responded to the survey. At this meeting, the City of Corvallis requested a position on the nomination from the HPAB and a recommendation on it for the City Council. The Board unanimously expressed their support for the nomination and unanimously recommended the City Council support it as well.⁸⁴

Following the support of the HPAB and the City Council, the North College Hill Historic District nomination was ready for presentation at the October 2002 SACHP meeting. However, as indicated in an August 28, 2002, letter to the City of Corvallis Community Development Department, SHPO wanted to postpone the hearing for the nomination to "allow the City of Corvallis additional time to better gauge owner support by further educating property owners on the city, state, and national honors, benefits and rules relating to National Register listing."⁸⁵ The results of the updated neighborhood survey measuring support for the designation had 55% of respondents in opposition. Although SHPO had only 18 official notarized letters of objection at that point, there was

84. Minutes, Corvallis Historic Preservation Advisory Board, North College Hill Historic District Record, City of Corvallis, Corvallis, Oregon, April 8, 2002.

85. James Hamrick to Ken Gibb, August 28, 2002.

significant concern about the level of community support, especially due to the language of the survey, which stated, “Results from this survey will guide the City in deciding whether or not to continue with the nomination of the North College Hill area as a National Register Historic District.”⁸⁶ At that point, the nomination was tabled for later review following a greater level of demonstrated owner support for the historic district designation.

Corvallis Preservation Ordinances

Historic preservation is addressed by the City of Corvallis in Article 5 of the Corvallis Comprehensive Plan, which provides the framework for land-use applications, including zoning district changes, annexations and planned developments. The plan identifies an established concern within the community for preservation, stating, “There has been a demonstrated interest in maintaining historic integrity in historical neighborhoods.”⁸⁷ Sixteen policies regarding Corvallis’ historic resources are expressed within this section of the plan, including, but not limited to: maintaining a Historic Preservation Advisory Board; continuing to inventory historic and archaeological sites; and encouraging property owners to preserve their historic structures. The goals and policies of the Comprehensive Plan, including these historic preservation policies, are implemented through the Land Development Code, which contains the zoning regulations for the City of Corvallis. Chapter 2.9 of the Land Development Code outlines

86. These results were tabulated from surveys returned to the North College Hill Neighborhood Association.

87. City of Corvallis, Comprehensive Plan, Article 5.4.j (2008).

the guidelines for the preservation of historic resources, identified as the City's Historic Preservation Provisions. According to these provisions, "The City of Corvallis recognizes that historic resources within its boundaries contribute to the unique character of the community and merit preservation."⁸⁸ These provisions include procedures for: the establishment and removal of an historic preservation overlay zoning designation and the reclassifying of historic resources in a National Register of Historic Places historic district; determining the applicable and appropriate historic preservation permit review procedures; emergency actions for historic resources; and alteration, new construction, demolition or moving of a designated historic resource.⁸⁹

Following the amendment of the Land Development Code in 2006, the section of the Corvallis Municipal Code containing the "Historic Preservation Advisory Board" was repealed and amended with the addition of a section entitled "Historic Resources Commission." This new commission was established as a nine-member quasi-judicial board to advise the City Council, Planning Commission and Community Development Director in matters concerning historic and cultural resources in the community, such as: recommendations for amendments to the Land Development Code concerning historic preservation; recommendations concerning National Register nominations and additional surveys and inventories; and the coordination of public information and education programs regarding historic resources.⁹⁰ Qualifications for members of the Historic

88. City of Corvallis, Land Development Code, Section 2.9.10 (2007).

89. Ibid., Section 2.9.

90. City of Corvallis, Municipal Code, Section 1.16.325 (2008).

Resources Commission are also defined within this addition to the code. All members of the Commission must satisfy at least one of the following “Primary Attributes:”

A demonstrated positive interest competence or knowledge in historic preservation; prior experience in a quasi-judicial decision making capacity; and/or a community wide perspective on balancing multiple objectives associated with community planning.⁹¹

At least five of the nine members must meet one or more of the Federal Historic Preservation Professional Qualification Standards for: Archaeology, Architectural History, Conservation, Cultural Anthropology, Curation, Engineering, Folklore, Historic Architecture, Historic Landscape Architecture, Historic Preservation Planning, Historic Preservation or History. Additionally the commission should have at least one member from each historic district in the city. If needed, members may be drawn from the general public to fill open positions as long as they fulfill at least one of the Primary Attributes detailed above.

North College Hill Historic District—Designation Challenges

Following their notification of the SHPO’s decision to postpone the hearing on the North College Hill nomination, Trish Daniels and Carol Chin of the North College Hill Neighborhood Association wrote a letter to the members of the SACHP expressing their wish that the decision be reconsidered. Daniels and Chin made their request based on two issues: that they had never heard that the support of the majority of property owners was required to move forward, and that the survey SHPO seemed to base their

91. City of Corvallis, Municipal Code, Section 1.16.325 (2008).

decision on was not one that had been conducted in a manner that a public agency should make policy decisions from.⁹² Their letter further states their understanding of this particular nomination as having achieved local support—the approval of the Historic Preservation Advisory Board and the City Council. Additionally, they indicate, “It is difficult to imagine how we could further educate property owners, as Mr. Hamrick suggests, beyond what has already been done.”⁹³ To counter the opposition, North College Hill Neighborhood Association’s team of volunteers had sent additional mailings and information to unresponsive property owners and held meetings to answer questions.

Despite previous intentions, the North College Hill Historic District was placed on the agenda for the October 2002 SACHP meeting. However, at the October 25, 2002, meeting, a majority of more than 50% of the property owners within the proposed boundaries of the district was able to demonstrate their official opposition to the designation through notarized letters of objection. The SHPO still forwarded the nomination to the National Register for a determination of eligibility, to ensure a measure of protection from adverse effect by federal undertakings. Therefore, the historic value of the neighborhood’s resources will be taken into consideration if any future development plans with federal funding or a federal permit or license. The determination of eligibility, made by the National Register on February 24, 2003, does not place any restrictions on private property owners.

92. Trish Daniels and Carol Chin to State Advisory Committee on Historic Preservation, September 5, 2002.

93. Trish Daniels and Carol Chin to SACHP, September 5, 2002.

CHAPTER III

PROPERTY RIGHTS AND OWNER CONSENT

Where all politics is local, all preservation is personal...Historic districts hit home, literally. They touch us where we live and often how we earn our living.

–William Schmickle, *The Politics of Historic Districts*

Principal Critiques of Designation

National Register historic designation, seen as a primarily commemorative honor by the Federal Government, is not intended to involve more regulation at the state or local level. Typically, state and locally recognized and managed districts and landmarks have their own regulations and are listed in registers separate from the National Register. Some states, such as Oregon and California, use the National Register to identify their own historic resources. California has its own register of historic places and properties eligible for or listed in the National Register are included in the California Register.⁹⁴ However, California law does not mandate the protection of these properties. It does grant city and county legislative bodies the ability to “restrict the use of the [historic] property” when the owner enters into a contract with the legislative body.⁹⁵ This provision is in conjunction with the California Revenue and Taxation Code⁹⁶ and pertains to a property owner’s use of tax incentives, such as the State’s Mills Act Property Tax

94. *California Public Resources Code*, 5024.1(d)(1) (2008).

95. *California Government Code*, 50280 (2008).

96. *Revenue and Taxation Code*, Division 1, Part 2, Chapter 3, Article 1.9, Section 439 (2008).

Abatement Program, or other financial incentives. When a property owner enters into a contract with a city or county, they agree to adhere to the rules of the California SHPO, the Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code for the preservation, restoration or rehabilitation of their historic property.

However, within the State of Oregon, designation on the National Register triggers mandated local preservation regulation, regulation that varies in its severity and application from community to community. The requirements regarding National Register districts, outlined in Oregon State Law, seems to escalate what would otherwise be a generic property rights versus preservation debate.⁹⁷ As a result, proposed designation within Oregon often raises significant concerns from residents—both in support and in opposition—as was the case with both the South University and North College Hill neighborhoods in Eugene and Corvallis, respectively. There are questions ranging from the advantages and disadvantages of preservation to the level of scrutiny on individual buildings within the proposed districts. There are also more complex questions about the interaction of Federal, State and local laws with regard to National Register Historic Districts. The following sections attempt to identify the primary areas of objection by opponents, and justifications by proponents to the designation of these two neighborhoods.

97. The State of Oregon is the only state where National Register status in and of itself triggers local regulation of designated properties.

Property Owners' Opinions on Designation – South University Neighborhood

As the nomination process continued for the designation of the South University Historic District, neighbors and property owners became increasingly divided over the subject. This conflict manifested itself in a series of newspaper articles, editorials, letters to the editor, SUNA meetings and newsletters, privately sponsored pamphlets and even the hire of a notary service to go door-to-door to obtain official notarized letters of objection.⁹⁸ Although each property owner had their own questions and opinions regarding the potential designation, there were often recurring comments and themes on both sides of the debate.

The Proponent's Case

The topic of historic district designation was first broached in the South University neighborhood in the 1970s, but lacked the level of support needed to further a nomination. Two decades later, four resident property owners again raised the subject of the designation for their neighborhood in May 1998. In an effort to preserve the character of their neighborhood, threatened by University encroachment and an increase in multiple-family rental units, these proponents placed the idea of a district on the agenda for the next eleven South University Neighborhood Association (SUNA) meetings. They believed they had received support from their neighborhood regarding the initiation of the nomination process in accordance with the results of the returned

⁹⁸. See the City of Eugene's public record of the South University Historic District nomination process and conflict.

survey forms. Although four individuals—Sally and Everett Smith, Nancy McFadden, and Al Urqhart—spearheaded the nomination, other proponents were intricately involved in the process. This idea of neighborhood involvement and teamwork is supported by Michael Reidy and Virginian Hendrickson in a February 23, 2002, letter to the editor printed in *The Register Guard*, stating:

With an initial poll showing a 4-to-1 majority favoring the historic district, these four, with volunteer support from a broad spectrum of neighborhood residents, embarked upon what became a three-year project to research the history of homes and to inform property owners about the proposal. More than 100 neighbors contributed time or money to the project.⁹⁹

According to the City of Eugene, 168 individuals committed financially or through volunteer hours to the nomination process of this neighborhood.¹⁰⁰

An article published in the SUNA newsletter, written by proponents Janet Heinonen and Marilyn Milne in support of the nomination, indicated eight benefits associated with the designation of the neighborhood: preservation of an important piece of Eugene's history; protection of the neighborhood's character; historic design advice with cost-effective suggestions for alterations; protection from high density housing; retention of property owners as longer-term residents; incremental increase in property values; financial incentives to rehabilitate historic property; and avoiding the problems¹⁰¹

99. Michael Reidy and Virginia Henrickson, letter to the editor, *The Register-Guard*, February 23, 2002.

100. This information was gathered from the City of Eugene's records on the proposed South University Historic District, which included a tally sheet of contributors and volunteers to the district nomination.

101. The West University Neighborhood is located to the west of the University of Oregon. It is the densest neighborhood in Eugene with the youngest population and less than 2 percent of residences owner-occupied. The majority of the properties are student-occupied rentals. Additionally, the neighborhood experienced a violent riot in October 2002.

associated with the West University Neighborhood.¹⁰² In addition to financial benefits, seen in both property values and government incentives¹⁰³, the primary reasons for designation focused on the value of preserving the special character and feel of their specific neighborhood, specifically design review, type of residents and protection from zoning changes. Residents supporting the establishment of an historic district continually cited the character and quality of life in their neighborhood. A November 20, 2001, article printed in *The Register-Guard* indicates this in its reference to proponent Nancy McFadden's perception of her neighborhood, "The neighborhood retains the best of Eugene's past and serves as a beacon toward the future...It's what progressives mean when they talk about nodal development, a 'walking neighborhood' with a school and shopping close by."¹⁰⁴ The neighborhood features a mixture of architectural styles and housing types; maintains uniform setbacks and streetscapes; and includes amenities such as the historic Edison Elementary School and a close proximity to the University of Oregon. It was this atmosphere that the proponents primarily sought to protect.

Furthermore, the process was intended as an opportunity for neighborhood pride that would "bring neighbors together."¹⁰⁵ This intention was reflected in the number of neighborhood meetings held and fliers mailed encouraging the designation. The proponents desired neighborhood involvement. South University property owners David

102. Janet Heinonen and Marilyn Milne, SUNA Newsletter, October 2002.

103. Potential incentives for National Register properties within the State of Oregon include the Oregon Special Assessment Program and the Federal Historic Tax Credits.

104. Susan Palmer, "Neighborhood Stands Divided," *The Register-Guard*, November 20, 2001.

105. Susan Palmer, "Neighborhood Stands Divided," *The Register-Guard*, November 20, 2001.

and Mary Ellen Rodgers, owners heavily in support of the designation, emphasized the wealth of information provided to property owners during the process.

We applaud the leadership supporting the South University Historic District for providing more specific information regarding a district's effect on property owners. We recently received a clear and concise flyer answering many of the questions posed during the June meeting. Noteworthy is the fact that they are gathering case studies from other historic districts in our area to ascertain the effects that the designation has had on those neighborhoods. Bravo!¹⁰⁶

As many issues often rest on their economic feasibility, advocates for the historic district considered the Oregon Special Assessment program one of the financial benefits associated with historic designation. This program was one of the options alluded to with regard to financial incentives in the column of support in the October 2002 SUNA newsletter. The Oregon Special Assessment of Historic Property Program is offered to individually listed National Register properties or those deemed historic-contributing within a National Register historic district. Designed to encourage appropriate rehabilitation of historic properties, the Oregon Special Assessment grants a 15-year freeze on the assessed value of an historic property. The freeze on the assessed value is meant to offset the expense of rehabilitation, which, in some cases may be more expensive in order to maintain the historic character of the property.¹⁰⁷

In addition to the Oregon Special Assessment program, owners of income-producing properties, such as rentals, individually listed or cited as contributing to an historic district could qualify for a Federal Historic Tax Credit on their income taxes.

106. David and Mary Ellen Rodgers, letter to the editor, *The Register-Guard*, July 26, 2002.

107. Oregon State Historic Preservation Office, "Historic Property Tax Incentives," Oregon Parks and Recreation Department, http://www.oregon.gov/OPRD/HCD/SHPO/tax_assessment.shtml (accessed May 13, 2009).

This tax incentive is a 20% credit for substantial rehabilitation work completed in compliance with the Secretary of the Interior's Standards for Rehabilitation to be applied to the property owner's income taxes. As a tax credit rather than a deduction, the 20% of the Qualified Rehabilitation Expenses (QREs) is a dollar-for-dollar reduction in the *amount* of income tax owed by the owner.¹⁰⁸ This incentive was particularly encouraging for the proponents of the district who were fearful of poorly maintained rental properties continuing throughout the neighborhood as it seemed to be specifically geared toward such properties. According to the proponents, the high cost of historic maintenance would no longer be an excuse for neglecting properties.

The Opposition's Case

As previously mentioned, the nomination had been officially submitted by the SHPO to the Keeper of the National Register in late 2001. On the same day the first period of review was scheduled to end, a joint guest article written by Angela Gore and Christopher Kehoe, entitled "Historic Designation Being Forced," was printed in *The Register-Guard*. Gore and Kehoe summed up their opposition to the designation in three main points: designation is biased against low-income property owners, home improvements will take longer and be more costly, and because they believe proponents to have provided misleading information. They saw designation as biased against low-

108. National Park Service, "Historic Preservation Tax Incentives," U.S. Department of the Interior, <http://www.nps.gov/hps/tps/tax/index.htm>.

income property owners due to the higher cost of historically sensitive improvements.

They further state,

The SUNA activists claim that most of the neighborhood is in favor of the historic district, citing the initial survey card as proof. In fact, the vast majority of neighbors with whom we spoke signed a petition against it. Most people, including ourselves, are not activists, and do not have the time, energy or money to fight those who are. Those pushing the historic district count on our silence, twisting the lack of response to indicate tacit approval for their agenda.¹⁰⁹

This article raises several key points, including issues of affordability, truthfulness in information, and what constitutes “support” of the designation by property owners.

This raises questions on how much information is enough and that what may be enough information for one property owner may not be for another. A letter disseminated throughout the neighborhood by an opposition group, including Kehoe and Gore, cited “mixed messages” as one of their reasons for objection, stating, “Neighbors have received conflicting answers to simple but critical questions, such as are the guidelines drafted by the city *advisory-only* [author’s emphasis] or do they have the force of the law?”¹¹⁰ Much of this confusion may have been due to a change in City Code that occurred in the middle of the SUHD nomination process. The previous code stated that the Historic Review Board “shall prescribe standards intended to preserve or enhance the unique characteristics of the proposed historic landmark in its final order designating historic landmark status,” while the new portion of the code states, “If applicable, the

109. Angela Gore and Chris Kehoe, “Historic Designation Being Forced,” *The Register-Guard*, December 28, 2001.

110. South University Historic District opponents to “South University Neighbor” January 14, 2002. The letter was signed by numerous individuals from the opposition.

proposed alteration is consistent with development standards or design guidelines adopted by the historic review board.”¹¹¹

A first draft of design review guidelines indicated they were mandatory, per City Code requirements, while a subsequent draft indicated they were intended as advisory in nature, reflecting the change in the City Code. Additionally, a letter written to Ken Guzowski, a Senior Planner for the City of Eugene, by property owner Shirley Foster critiquing the first draft of the guidelines indicates confusion over the level of regulation, stating, “The language in the draft is in need of editing for style and meaning. Imperative sentence structure does not belong in a text that purports to be guidelines or recommendations... The draft also vacillates between advisory and regulatory language, and a decision must be made which it is to be.”¹¹² Although the document Foster is referring to was merely intended as an initial draft, her concerns regarding the language within the draft were common throughout the opposition. Guzowski responded to Foster’s July 31st letter, answering her questions and clarifying the design review.

However, in this process, Guzowski made a point that became an even greater source of concern for owners opposed to the district. He stated, “Property owners will work directly with me for their historic alteration requests.”¹¹³ Guzowski’s role was clarified in public forums and a November 2001 *Register-Guard* article, which stated, “People who live in historic districts here [Eugene] are required to submit any structural

111. *Eugene City Code*, Chapter 9.8175 (Eugene, 2008).

112. Shirley Foster to Ken Guzowski, July 31, 2001.

113. Ken Guzowski to Shirley Foster August 31, 2001.

changes to their properties to Guzowski, the historic planner...Guzowski can approve such plans, ask for alterations or outright reject them. But he said he's never rejected a homeowner's proposal in his 10 years as historic review planner."¹¹⁴ His willingness to coordinate with owners' plans for alterations was encouraging to proponents of the district, as indicated in a *Register-Guard* article, in which supporters indicate "the vagueness of the rules would allow the city staff to work flexibly with homeowners...that no alteration decisions had ever been appealed, and that city planners were, in effect, offering design assistance rather than regulations."¹¹⁵ Proponents desired guidance in planning changes to their homes in order to maintain the historic architectural character of not only their property but the neighborhood as a whole. *Flexibility* to the proponents was *ambiguity* to the opponents; "They believe that the city's code could allow capricious officials to block projects they don't like."¹¹⁶ Although the current preservation planner, Guzowski, had not rejected any plans, opponents argued there was nothing to prevent such a rejection and feared the next planner may not be as open to discourse.

A major contention of the opposition was the "lack of due process" (identified previously) or the general "unfairness" of the nomination process. A November 12, 2001, letter sent to Nancy Niedernhofer, the former National Register Coordinator at the Oregon SHPO, from property owners David and Andrea Arlington, stated:

114. Editorial, "Neighborhood Stands Divided," *The Register-Guard*, November 20, 2001.

115. Susan Palmer, "Historic District Proposal Pits Neighbor vs. Neighbor," *The Register-Guard*, January 2, 2006.

116. *Ibid.*

[S]tate and local officials have taken away property owners' right to vote in the Nomination for South University Neighborhood Historic District... **THERE WAS NO VOTE.** How many times in how many ways does this point have to be made to get attention? The process was undemocratic! Fraud! Property owners were disenfranchised!¹¹⁷

The frustration experienced by the Arlingtons and other opponents to designation regarding the lack of an official vote for support is understandable, yet, as City and SHPO officials clarified, there is no federal or state requirement for such a vote to take place. The burden is, therefore, placed on the side of the opposition to demonstrate a majority. Additionally, as covered at a Special Meeting and Public Forum held on June 6, 2002, James Hamrick clarified if the opposition did not reach the 51% needed for withdrawal, the nomination could only be withdrawn by the City or the proponents.¹¹⁸

Another issue of concern for the opposition, as with the proponents, was one of money. A November 28, 2001, letter from property owner Heather Wilson to Carol Shull, the Keeper of the National Register of Historic Places, and U.S. Representative Peter DeFazio, also objected to the potential expenses to meet design guidelines, particularly the burden it would place on rentals. Wilson states, "The costs for a landlord to meet 'historic requirements' are not worth it. People will be less inclined to buy when there are so many expensive rules."¹¹⁹ A previously mentioned letter sent to the neighborhood by an opposition group cited both affordability and tax consequences as reasoning for their opposition. The letter refers to affordability by stating, "Design

117. David and Andrea Arlington to Nancy Niedernhofer, November 12, 2001.

118. Minutes of a Special Meeting & Public Forum, South University Historic District, Eugene, Oregon, June 6, 2002. Attributed to James Hamrick.

119. Heather Wilson to Carol Shull and Peter DeFazio, November 28, 2001

standards almost always will result in requirements to use more expensive materials, thus making alterations—and homes—less affordable.”¹²⁰ With regard to tax consequences, the letter asks, “Can our city and schools afford to lose the tax revenue from property owners who get a 15-year special tax assessment?”¹²¹ The “15-year special tax assessment” mentioned is the Oregon Special Assessment of Historic Property Program, the very program the proponents advocated as an affordable measure to encourage historically appropriate rehabilitation. Although individual property owners would benefit from the freeze on their assessed value, the opposition argued that such a freeze would actually be detrimental to the community. Individuals would benefit, while the City of Eugene would have even less money in the budget for important items, such as schools. Furthermore, the premise of the Special Assessment program is that it encourages appropriate rehabilitation on historic properties. Historic rehabilitation may be a more expensive option, but the Special Assessment program is intended to alleviate that financial burden by freezing the assessed value of the property. A general increase in the value of the property over time or through rehabilitations would not be reflected in the assessed value during the 15-year period. While the City of Eugene would not technically lose any tax revenue from properties receiving the special assessment, they would also not profit from an increase in property values over time until after the 15-year period had ended.

120. South University Historic District opponents to “South University Neighbor” January 14, 2002. The letter was signed by numerous individuals from the opposition.

121. *Ibid.*

Analysis of the South University Conflict

The proponents of National Register designation for the South University neighborhood had an issue to overcome before the process even began, without even including the general questions and concerns any property owners would have. They had to first combat potential residual negativity from the last attempt at designation in the 1970s. Although two decades would seem enough time to heal past wounds, the South University neighborhood has many long-term property owners and residents with great memories. Once this hurdle was supposedly surmounted, though, the proponents faced even greater challenges. From a preservationist's perspective, district designation is an excellent option for neighborhoods that maintain a high level of historic cohesiveness but otherwise lack an overwhelming number of individually eligible resources. However, as with any public policy decision there is a protocol that must be carefully followed to avoid misinformation and confusion as best as possible. When mistakes are made, however unintentional or seemingly innocent, there will be problems in achieving unwavering local support. These mistakes may have absolutely nothing to do with the intrinsic value of an historic and cultural resource, but they can derail any policy. In this instance, an historic district nomination, no matter how valid or worthwhile the action is, may be derailed. Recommendations for future nominations will be discussed in the following chapter. This section is not intended to place blame on any one individual or organization, but rather to lay out what went wrong and where and how these errors may have occurred. From the research conducted for this study, the failure of the historic district nomination of the South

University neighborhood to the National Register can be attributed to communication issues. Although this may seem obvious, this issue is multi-faceted and occurred in numerous ways. Additionally, there was an underlying assumption about what a community should, and can, be that was not shared by everyone within the neighborhood. Trying to get a neighborhood comprised of more than 600 property owners to all agree on the future trajectory of their community was, in this case, an impossible feat.

The general demographic makeup of the neighborhood, in addition to its sheer size, was also a factor in the nomination difficulties. The proposed district included 26 full blocks plus an additional 11 partial blocks. Bordering the University of Oregon, this neighborhood has an assortment of student housing options, including a few fraternities and sororities, house and room rentals, and some multi-family options. There is significant owner occupancy within the neighborhood, but it is concentrated at the center of the proposed district on Potter, University and Harris Streets between 20th and 23rd Avenue. As the nomination process was initiated, owner occupancy in these blocks was at 92.1 to 100 percent, while blocks closer to the University and along the periphery of the district boundaries had occupancy rates of less than 50 percent and, on some blocks, less than 15 percent.¹²² The per capita income within the proposed district was \$19,687 - \$23,492.¹²³

122. U.S. Census Bureau, *Percent of Occupied Housing Units That Are Owner-Occupied: 2000*, Census 2000, Summary File 1, Matrix H4, http://factfinder.census.gov/servlet/ACSSAFFacts?_event=Search&geo_id=&_geoContext=&_street=&_county=eugene&_cityTown=eugene&_state=04000US41&_zip=&_lang=en&_sse=on&pctxt=fph&pgsl=010 (May 25, 2009).

123. The U.S. Census Bureau defines per capita income as the average obtained by dividing aggregate income by total population of an area.

The proposed historic district was included on the SUNA agenda for eleven meetings following its introduction to the association in 1998. These meetings were open to the public and notices were mailed to property owners and printed in Eugene's local newspaper, *The Register-Guard*. Although, there were 584 tax lots included in the proposed district boundaries alone, only a small percentage of property owners were actually at these meetings, between 20 and 30 individuals on average. The proponents could not force their neighbors to attend meetings. The proponents, with the knowledge they had, did have support. However, to say they had achieved a significant show of support for the nomination in order to proceed was potentially misleading to the rest of the neighborhood. Technically, the proponents were using the information and general statistics they had available to them, and they were staying within the bounds of the National Register nomination guidelines. A majority of supporting property owners is not officially required to begin the nomination process.

The idea of the nomination being initiated without owner consent raised the ire of property owners who became a part of the opposition. A flier entitled "The Nomination without Representation" reflected such sentiments. It does seem highly counterintuitive, particularly with the emphasis on the value of voting within the United States, that the opposition must achieve a majority of objections rather than the proponents demonstrating their majority. Due to this stipulation allowing an opportunity for owners to object within the National Historic Preservation Act, the National Register of Historic Places stresses the importance of state and local governments carefully following due process to ensure

everyone is provided the opportunity to give their input.¹²⁴ The highly vocal opposition continually asserted their belief that their right to due process had been violated by the nomination process, as evident in their numerous letters to the editors, guest newspaper articles, and retention of legal counsel.

Finally, there is the broad definition of “community” to consider. Proponents viewed their physical neighborhood as being representative of the past and present community of which they have chosen to be a part. As with any public policy, care must be taken to avoid generalizations, and making presumptions about the consensus view of place. Both the proponents and opponents were seeking to protect the definition of “neighborhood” and “community” they held dear.

Property Owners’ Opinions on Designation—North College Hill Neighborhood

The Proponent’s Case

The proposed North College Hill Historic district is located north of the Oregon State University campus and is comprised of a variety of residential housing types and architectural styles, from the single-family residence to University fraternities and sororities. The North College Hill Neighborhood Association desired the designation, stating, “We have found a growing neighborhood awareness that preserving historic structures in the older sections of town, as a visible link to our past, can lead to many positive benefits for us, both as property owners and as residents of the larger

124. Paul Lusignan, email message to author, April 28, 2009.

community.”¹²⁵ An informational sheet disseminated throughout the neighborhood, entitled “Forming a Historic District: Frequently Asked Questions for the College Hill Area Survey,” included a list of considered benefits associated with historic district designation. This list included: fostering community awareness and a sense of pride in one’s home and neighborhood; protection of historic character through provisions in the City Zoning Code; financial incentives such as grants and special assessment for a property’s assessed value; stabilization and increase in property values; compatibility of new construction with existing historic structures; additional consideration before the removal of mature landscape and demolition of significant buildings; design review to ensure compatibility.¹²⁶ Potential drawbacks included additional review regarding modifications to the exterior of properties within the district and possible delays or increased expenses for modified alterations on historic buildings.

A letter written to the Corvallis newspaper, *The Gazette-Times*, prior to the October 2002 SACHP meeting, expressed a resident’s perspective on the value in preserving historic buildings,

Certainly, not all old buildings are worthy of saving. Historic preservation is not always the easiest or cheapest way to meet the changing needs of a building. But as city officials and preservation experts tell us, historic buildings are a city's most tangible reminder of our past and give us a "sense of place." They provide a point of reference to all passersby. As years go by and times change, historic buildings provide us warmth, comfort and reassurance.¹²⁷

125. North College Hill Neighborhood Association to North College Hill property owners, January 23, 2002.

126. City of Corvallis, “Forming a Historic District: Frequently Asked Questions for the College Hill Area Survey,” February 2002.

127. Deb Kadas, “Save and Recycle Our Old Buildings,” *Gazette-Times*, October 23, 2002.

Another letter submitted to the *Gazette Times*, emphasized the level of community involvement displayed in the research and nomination process for the district. This citizen stated the nomination for the North College Hill was “a product of residents acting together in the North College Hill Neighborhood Association. The proposal is an excellent example of your call for neighbors to agree about ‘what is good for their street, block and neighborhood.’”¹²⁸ A May 6, 2002, article printed in *The Gazette-Times*, following the City Council’s decision to support the National Register nomination, cited neighborhood pride and that a designation would “spur redevelopment while preserving the unique flavor of the area,” as justifications for support.¹²⁹ In fact, a resident of another district in the city, the Avery-Helms Historic District, stated building activity had increased in their neighborhood following its designation; “Historic districts aren’t static...Historic districts grow.”¹³⁰ This careful distinction reflects the desires of the district proponents to stabilize property values and preserve the character that defines the feel of the neighborhood while encouraging revitalization.

The Opposition’s Case

The proponents of the North College Hill district nomination faced opposition to the designation quite early on in the process. In comparison to the South University

128. Donnell Rogers, letter to the editor, *Gazette-Times*, May 26, 2002.

129. Christian Hill, “Council Delays Decision About Historic District.” *Gazette-Times*, May 6, 2002.

130. *Ibid.*

nomination in Eugene, which spanned several years and went back and forth between the city, state, and federal government, the North College Hill nomination was begun and finished within one year. The percentage of absentee property owners was also extraordinarily high in this neighborhood, with 78% of the objections coming from property owners not living in Corvallis.¹³¹ As a result, the opposition within the neighborhood was much less vocal than in Eugene. Additionally, due to the proximity to and relationship with the Oregon State University campus, there are a substantial number of properties used as rentals within the neighborhood. District designation is often viewed warily by rental property owners, as was the case in the instance of the proposed North College Hill district.

One of the concerns raised by the opposition was one of increased building regulations with the addition of an historic district. One opponent cited distaste for government intervention, stating, “I don’t like government telling people what they can and cannot do with their property.”¹³² In a sense, the property owner was correct. Any property owner desiring to make changes, be it alterations or additions, would have to go through an additional level of review by the City of Corvallis, before they would be allowed to proceed. This additional level of government oversight can increase a property owner’s renovation expenses and delay projects. The chief concern is that such

131. These results were calculated by the North College Hill Neighborhood Association, proponents of the North College Hill Historic District, from a survey they mailed to property owners to gauge support.

132. Christian Hill, “Council Delays Decision About Historic District.”

regulations would not only stifle a property owner's ability to change their property as they deemed fit, but also potentially affect the turnaround time of redevelopment projects.

Opponents also took issue with historic designation being forced on everyone within the neighborhood. The burden is placed on the opposition to prove a majority of objectors. This upset many property owners, who may not disagree with an individual choosing to list their own property on the National Register, but were opposed to it being "pushed" on an entire neighborhood.¹³³ An editorial printed in *The Gazette-Times* following the nomination's first presentation at a Corvallis City Council meeting, stated that, at that point, it was clear that a large number of property owners were not "convinced of the merits of the district."¹³⁴ The editorial further stated the opinion of the opposition,

Before asking the City Council for its blessing, it seems neighbors ought to reach consensus on such things. By the time the council is asked to weigh in, the issue ought to be a slam-dunk that the City can endorse and send on. What's the point of forcing neighbors to do something that they may not view as being in their best interest? It's one thing for residents to accept certain rules when they move in, especially in new developments. It's another thing to force people who may be longtime residents to accept new rules that they may not agree with.

Designation affects every property owner in the neighborhood, and the opposition felt that such a decision should be agreed upon by everyone before moving forward. Without such accord, opponents believed the nomination needed to be halted. In the City of Corvallis, all property owners within a local or National Register Historic District must apply for an historic preservation permit for they can move the historic structure or begin

133. Ibid.

134. Editorial, "Historic? Agree First," *The Gazette-Times*, May 12, 2002.

any alteration, new construction, demolition or removal of historically significant trees on the property (see Appendix B). In the case of non-contributing structures within the district, alterations need to demonstrate compatibility with the architectural design or style of the district and its period of significance.¹³⁵

Analysis of the North College Hill Conflict

Elements of the North College Hill conflict were similar to the South University in terms of the primary objections. The opposition from both neighborhoods disagreed with the potential for increased regulation placed on the property and the established protocol for objection. However, there were key differences between the two district nominations. Although both border university campuses, the proposed North College Hill historic district was substantially smaller in size and the number of resources. Three-quarters of the North College Hill district's resources were classified as historic contributing, while two-thirds of the resources in the South University district were historic contributing. Proportionally, the ratio of contributing resources differs by district, but not substantially. However, the North College Hill district had 201 buildings in contrast to the 591 buildings present in the South University proposed district.

Another important factor in the North College Hill district was the fraternity and sorority houses. Twenty-two of the properties within the proposed district were fraternity

135. City of Corvallis Planning Department, Historic Preservation Permit General Application Form, 2008.

or sorority houses.¹³⁶ The nomination discussed the connection between the neighborhood's support of the university, as seen in a mixture of faculty and student housing, small businesses, and fraternities and sororities. Both the nomination preparers and the SHPO believed the inclusion of the fraternities and sororities in the boundaries of the proposed district was an important element in explaining the development and significance of the neighborhood.¹³⁷ Although the fraternities and sororities are, as an institution, an historical member of the neighborhood, they see continuous resident turnover as students graduate and move on. This fact presented a challenge for proponents in garnering support for the historic district. While proponents initially thought they had the support of these organizations, the fraternities and sororities ultimately opposed the historic designation. Fraternity and sorority members have a deep connection to their chapter and their house, but may not feel the same affinity for the neighborhood in which they are only a part of for four years.

As such a physically small district, the North College Hill neighborhood, by contrast, had a low percentage of property owners who actually lived within the district. Out of 115 property owners, only 26 actually resided within the North College Hill neighborhood.¹³⁸ The proposed district included 11 full neighborhood blocks and 2 partial blocks. Owner occupancy was less than 7 percent for 6 of the 11 blocks, and between 7.5 and 20.4 percent for 3 blocks, with only one block demonstrating owner

136. Sally Wright and David Pinyerd, "North College Hill Historic District Nomination," Section 7.

137. Kathy Gager, email message to Dave Pinyerd, February 7, 2002.

138. Dave Pinyerd, email message to Carol Chin, March 27, 2002.

occupancy between 21.1 and 36.4 percent. The partial blocks had similar owner-occupancy percentages and neither had greater than 36.4 percent of owner occupancy.¹³⁹ This contrasts sharply with the nearly 68 percent of property owners that resided within the proposed South University Historic District.¹⁴⁰ Additionally, the per capita income for the proposed North College Hill district at \$3,464 to \$8,567 was substantially less than the South University's per capita income, which possibly reflects the North College Hill district's student population.

While absentee and landlord property owners are quite common for a neighborhood so close to a university campus, this made the task of convincing property owners within the North College Hill neighborhood of the value of district designation even more difficult for the proponents. This does raise the question of whether there's a point at which it is too late to attempt National Register district designation, even if the neighborhood has a high level of integrity, but no owner loyalty. Should a neighborhood that developed as a single-family, owner-occupied community be listed as an historic district if that original community is no longer the predominant one within the neighborhood? If the field of historic preservation is emphasizing the significance of

139. U.S. Census Bureau, *Percent of Occupied Housing Units That Are Owner-Occupied: 2000*, Census 2000, Summary File 1, Matrix H4, http://factfinder.census.gov/servlet/SAFFacts?_event=&geo_id=16000US4115800&_geoContext=01000US104000US41116000US4115800&_street=&_county=corvallis&_cityTown=corvallis&_state=04000US41&_zip=&_lang=en&_sse=on&ActiveGeoDiv=&_useEV=&pctxt=fph&pgsl=160&_submenuId=factsheet_1&ds_name=ACS_2007_3YR_SAFF&_ci_nbr=null&qr_name=null®=null%3Anull&_keyword=&_industry= (accessed May 29, 2009).

140. This information was gathered by comparing the owner addresses for properties included within the proposed boundaries of the South University Historic District.

communities, not just buildings, how should the replacement of an historic community with a new one be reconciled?

The Role of Preservation Professionals and the State Historic Preservation Office

As with any National Register nomination, the South University and North College Hill historic district nominations involved historic preservation professionals in both the private and public sector. National Register nominations are typically written by preservation consultants, and then all are submitted to a State Historic Preservation Office (SHPO) for review. The South University district nomination appears to have received even greater attention from preservation professionals due to its proximity to the University of Oregon, which has a graduate program in historic preservation. Both preservation students and faculty were involved in the nomination of this district. In fact, the 1999 updated Cultural Resources Survey was conducted in the neighborhood primarily by preservation graduate students. The authors of the nomination, Leslie Heald and Sally Wright, were alumnae of the UO Historic Preservation Program. Additionally, a few SHPO employees were also adjunct faculty members in the program. While this was most likely considered an asset by proponents of the district, opponents were frustrated by what they perceived to be a conflict of interest. One opponent expressed their frustration in a letter to Robert Melnick, former Dean of the School of Architecture & Allied Arts, stating, "The University can and should participate in healing the local community. A good start would be to do a major housecleaning in the Historic Preservation Program. I also ask the University to put a moratorium in place on any further inventory and nomination work in

our neighborhood”¹⁴¹ Wright and another alumnus from the Historic Preservation Program, Dave Pinyerd, were the preservation consultants for the North College Hill district nomination.

Opponents to the South University Historic District claimed the nomination was poorly researched and written, citing inconsistent construction dates, boundary justifications, and discrepancies in architectural styles and levels of integrity as the main problems. Opponents combed through the nomination and sent a petition to the Keeper of the National Register, detailing what they believed were inconsistencies.¹⁴² However, the SACHP determined the district nomination was an excellent example of a thorough and well-documented nomination.¹⁴³ Although the opponents were correct in many of their assessments, many of these elements should have easily been clarified through the revision process by the consultants. This critique demonstrates the difficulty preservationists face with regard to consistency in their determinations. Each resource is different and is evaluated on its own. While the National Register does provide guidelines for evaluating properties under their criteria and completing a nomination in National Register Bulletins, there is still much that is left up to the interpretation of preservation professionals. This ambiguity is often unacceptable to opponents and should not be ignored by preservationists. It must be noted, though, that the nomination document is intended for review by professionals at the state and federal level. These documents are not geared

141. Jana Jackson to Robert Melnick, October 10, 2003.

142. James and Ginevra Ralph to Carol Shull, Keeper of the National Register, January 22, 2002.

143. Minutes, SACHP, May 2001.

towards property owners, elevating the importance of public meetings and informational sessions. In response to concerns from the opponents, the consultants for the South University Historic District should have provided the rubric they used to determine contributing status.

The role played by the SHPO and the City of Eugene was also confusing to property owners in the South University neighborhood. District opponents raised questions regarding tax payer interests and the responsibilities of public officials. Both the SHPO and the City of Eugene were working to verify property ownership to determine the level of objection to the district and one opponent wanted to be informed of “[H]ow the City will fund this set of activities and what the budget is to continue to press this ill-conceived and fundamentally flawed nomination in addition to what has already been spent.”¹⁴⁴ This is yet another example of how opponents were frustrated by the nomination process and the burden upon opponents to object.

144. Ginevra Ralph to Kurt Yeiter, May 3, 2003.

CHAPTER IV

CONCLUSION AND RECOMMENDATIONS

While emotionality is a valued aspect of ‘practicing’ preservation, it potentially disrupts the effective politicization of the movement and hinders the willingness of its practitioners to claim preservationist identities.

–Melinda J. Milligan, “Ambivalent Passion and Passionate Ambivalence”

This study has sought to understand the underlying factors that resulted in a majority objection to the designation of National Register Historic Districts in two case studies, the South University and North College Hill neighborhoods in Eugene and Corvallis, respectively. Communication barriers, conflicting messages from proponents and the preservation community, the Federal nomination process, and Oregon’s laws, namely Goal 5, related to historic resources were key elements in the debate. However, property rights and a general aversion to increased government regulation played the most significant role in both conflicts. While such a conclusion simplifies the complexity of each situation, they were the most prevalent issues throughout the debate. The following are recommendations for preservationists to better understand the pervasiveness of property rights among Western states, in particular, and to acknowledge other factors that can result in a nomination failure.

General Recommendations

Clarity in communication is a significant issue anytime there are various levels of regulation and multiple public agencies involved. This factor is particularly relevant with the National Register historic district designations in Oregon. In this situation, there were many stakeholders: proponents, opponents, those undecided, preservation professionals, and city, state, and federal employees, and officials. It is a challenge balancing all the information that passes among all these players; however, it is a process that can be improved. The SHPO and city preservation programs need to increase their communication when a National Register nomination is put forward and clarify each other's positions. These two programs operate at different levels, but do have significant interaction. Mixed messages played a key role in the South University designation conflict.

It should be noted that the SHPO does not administer local preservation regulations, but they should, however, be aware of the specific ramifications of National Register designation at the local level. The opposition was frustrated with seemingly contradictory information, and an inability to immediately have questions answered. Although there is no way to conclude whether a presence of consistent information would have changed the minds of any opponents, it may have helped sway the undecided towards designation. SHPO should have a comprehensive list of local regulations placed upon National Register properties available for owners within historic districts and clarify

recommended policies clearly as such. The responsibility of the SHPO to the National Register is outlined as such:

The Oregon National Register program assists property owners, their representatives, and interested citizens to list Oregon's most historically significant buildings, structures, objects, sites, and districts in the National Register of Historic Places. Staff can assist individuals with identifying research materials, completing federal documentation, and navigating the nomination process.¹⁴⁵

The SHPO provides invaluable aid to nomination preparers and proponents, and diligently works to clarify the owner objection issues following the outcry from the opposition. However, the SHPO needs to provide proponents with the tools they need to not only navigate the process but to effectively explain the process and its results to their community. A possible method to clarify this process would be for the SHPO to partner with local governments to establish methods for surveying and identifying historic resources that can be applied consistently throughout the State. This would include identifying effective terminology for describing the integrity and condition of properties.

While the SHPO and local preservation programs should play an important role in educating the public about the benefits and restrictions of historic district designation, the preservation consultants hired to complete the nomination must have a highly active role in this aspect of the process. Consultants have an advantage that other stakeholders in the process do not; they have looked at and researched every property within the proposed boundaries of the district. They do not have the same emotional and financial investment in the neighborhood as property owners do, which should give them a certain level of

145. Oregon State Historic Preservation Office, "About Us," Oregon Parks and Recreation Department, http://www.oregon.gov/OPRD/HCD/NATREG/about_us.shtml (accessed May 30, 2009).

neutrality with regard to the neighborhood politics that may have nothing to do with the actual designation. Yes, the consultants are hired by the proponents, but, ultimately, they speak for the resources. Preservationists cannot check out of the process once the nomination has been submitted and they have completed their revisions. They must be involved throughout the process, at neighborhood association meetings, public meetings, and informational sessions. The additional cost of this advocacy must be built into the grant application and the SHPO must include funding to ensure this work occurs. The sheer number of hours spent researching, surveying, and writing should be incentive enough to stay engaged to ensure the process is navigated smoothly.

Effective public meetings are essential to the success of the nomination process. Whether a neighborhood association meeting or a question-and-answer session, public meetings can quickly turn negative and highly antagonistic. Representation from the various sections of the designation's support team, including city and state staff members and the nomination preparers, at public meetings is essential for the success of a nomination. This consistent presence demonstrates the proponents are invested in the process and they should make themselves consistently available for comments and to answer questions through follow-up emails and phone calls. Proponents of the North College Hill district were disappointed by a limited SHPO presence at their public meetings.¹⁴⁶ The nomination preparers need to budget time for public meeting attendance as they can answer questions owners have about boundaries, significance, historic character, and integrity. Additionally, proponents need to schedule meeting

146. Dave Pinyerd, interview with the author, April 29, 2009.

times that allow for the greatest attendance. Every individual speaking on behalf of the district, even if they represent different interests and agencies, must have the same information about the designation, including the most current copy of the nomination, boundaries, any preservation regulations, and an impartial fact sheet to defuse discord among neighbors. Proponents should never provide guarantees on behalf of a government agency, such as the city, or answer questions on issues about which they are uncertain. This problem factored into the South University conflict when important questions were not answered in a consistent or clear manner.

Furthermore, proponents and preservation professionals must understand the designation process as one entrenched in politics. Proponents of successfully listed districts recognize the political nature of the process and use it to their advantage. William Schmickle's *The Politics of Historic Districts: A Primer for Grassroots Preservation* lays out the basic designation process for districts, primarily local, and outlines a systematic approach to planning with strategy methods to succeed. For those entertaining the idea of an historic district, Schmickle states, "Do nothing until you get comfortable with the idea that for the foreseeable future you're going to be doing politics more than preservation."¹⁴⁷ The National Park Service, State Historic Preservation Offices, and local preservation programs detail the official nomination processes for designation, but overlook the fact that proponents must do more than what is formally required to submit a nomination for review. Proponents must win their community's support, and that takes politics. Effective advocacy for historic districts occurs when

147. Schmickle, *The Politics of Preservation*, 5

advocacy and politics merge. “It is only by winning that we are able to translate what we want into public policy.”¹⁴⁸ Preservationists emphasize the significance of the resources and the community benefits of designation, but can step back from a political battle for listing. However, if the opponents use politics to express their viewpoint, why shouldn’t the proponents? Schmickle warns,

We can become so intoxicated with our vision of a well-preserved community that we can’t see straight when politics intrudes on our reverie. If that’s the case, then we’re going to make the cardinal mistake of thinking that preservation is one thing and politics something else—an incompatible and inferior interloper.¹⁴⁹

Communication issues also arise at the local level between property owners within proposed historic districts. Although property owners have a vested interest in their own property, they do not necessarily share the same vision for their neighborhood or participate in neighborhood associations and community gatherings with the same level of commitment. Both case studies researched in the course of this thesis initiated the National Register nomination process through neighborhood associations. The representative nature of a neighborhood association is only as good as the number of people who attend. Also, there is no guarantee that it is the property owner, rather than tenant, in a rental property situation who is attending the association meeting. When discussing (and then voting to pursue) an historic district designation, neighborhood associations need to pursue measures to promote maximum owner attendance. The associations should verify the addresses of property *owners*, not rely solely on the

148. Schmickle, 11.

149. Schmickle, 22.

addresses of the properties in the neighborhood to ensure that owners are notified. In many jurisdictions this information is available online through the local GIS or Assessor databases. If there are multiple property owners per property, the association should notify each owner individually. The proponents of the district designation need to demonstrate that they sought feedback from all the property owners in the proposed district to combat potential claims otherwise.

Communication is also a strong component of the political process. Proponents have to be able to clearly articulate the steps involved in the nomination process, how designation will play out in their specific community, and what will ultimately be required of property owners. Before the proponents identify and notify every property owner within the boundary of the proposed district, they must establish their strategy, recognizing key stakeholders in the process, anticipating questions from owners, and knowing the answers that will be given at the federal, state and local level.

Proponents must be prepared for conflict and opposition, even if they believe they have overwhelming support and a well-crafted nomination. “Home plate is the most valuable piece of property in baseball. The whole game is organized and played around that central fact. And so it is with preservation. You have to focus on people’s primary interest in real estate to keep your head in the game.”¹⁵⁰ Yes, it is a property rights issue, but opponents may not vocalize their concerns in such a black-and-white distinction. The opposition, just like the proponents, has financial and emotional ties to their property, albeit a different philosophy on government regulation. Proponents should empathize

150. Schmickle, 50.

with this philosophy, but not concede that it is more valid or worthwhile than their own. Proponents must continually emphasize that the primary aim of historic preservation and designation is not to limit property owners, but to protect their established community and honor its history.

Finally, this conflict can have adverse effects on the community within which it takes place. While this conflict is inevitable, just as diverse opinions among neighbors, the proponents should take care to alleviate it throughout the process. This mitigation must be more than just the notion that if everyone can just be civil, the two sides can reach a compromise that sits well with everyone. What it comes right down to is the sheer fact that individuals, even when presented with the same set of information, will not always agree. Proponents must recognize this fact, empathize with, and respect, differing views, while still making a strong case for district designation if unconvinced by the opposition's arguments. This process is political and, therefore, personal; however, both sides should refrain from personal attacks. Although this seems like an obvious suggestion, many individuals, as in the case of the South University neighborhood, lose their perspective and resort to inflammatory language and value judgments when they become passionate about a subject. The North College Hill Historic District nomination was initiated and halted within less than a year, while the South University nomination was drawn out over several years. The level of neighborhood conflict in the North College Hill is significantly less than in the South University neighborhood, most likely due to the brevity of the nomination process and the high percentage of absentee ownership in the neighborhood.

In response to the conflict in the South University neighborhood, the City of Eugene hired the Oregon Consensus Program in 2004 to evaluate the potential for a collaborative resolution to the conflict in the South University neighborhood. The final report was submitted to the City on January 18, 2005. The Oregon Consensus Program, in collaboration with Community Mediation Services of Eugene, interviewed proponents, opponents, City employees and officials, and State employees. They “concluded that there is no agreed on approach and no realistic prospect for collaboration to resolve the current issues surrounding the nomination. There may be opportunity in the future to explore some steps that would assist in rebuilding neighborhood relationships.”¹⁵¹

Although both sides were “concerned with the divisiveness this controversy has caused in their neighborhood” and wanted to move towards neighborhood unity, neither, at the time of the assessment, was willing to agree to the requests of the other in order to begin mediation.¹⁵² The Program outlined several options for collaborative processes and resolution, but ultimately concluded there was not a willingness present in the neighborhood to initiate them. Despite the continued state of conflict within the South University neighborhood, a few of the suggested strategies are ideas that other disputing communities could employ.

Perhaps if such collaboration, as suggested by the Oregon Consensus Program and Community Mediation Services, occurs early, the severity of designation disputes

151. Oregon Consensus Program and Community Mediation Services, *Proposed South University Historical District Conflict Assessment Report* by R. Elaine Hallmark and Betsy Ford, (Eugene, OR, January 18, 2005) 1.

152. *Ibid.*, 3.

like the South University one can be lessened, or at the very least, not result in a neighborhood rift. One possible strategy for neighborhoods in conflict over designation is to engage in a structured dialogue, even mediation, to address the issues at play early on.¹⁵³ Another is to provide a neutral information/education process sponsored by the city in the form of facilitated, structured, and educational forums or published materials.¹⁵⁴

The demographic profiles of the South University and North College Hill proposed districts were different; however, they both faced similar issues with owner objection. In both districts, dissenting property owners objected to being forced to deal with local design review regulations and additional permit processing and fees. This type of local regulation of National Register properties does not occur in other states and is the direct consequence of Oregon's Goal 5. An amendment to Goal 5 of the Statewide Planning Goals that excludes National Register listed properties from the State's definition of historic resources requiring local protection may reduce future instances of owner objection. This will return National Register status to the primarily commemorative status that it is within other states. This will also allow Goal 5 to continue to require the protection of historic resources identified by the State or local governments, without the added conflict that the National Register entails. Additionally, city and State officials need to work to create a jargon-free description of the Goal, clarifying its requirements.

153. Ibid., 6.

154. Oregon Consensus Program and Community Mediation Services, *Proposed South University Historical District Conflict Assessment Report*, 8.

Proponents for both proposed districts sought to protect their neighborhoods from encroachment, including higher density zoning, increased traffic, and parking problems. Local planning offices should actively down-zone around predominately residential neighborhoods, creating buffer zones or gradual changes in zoning between lower density zoning for single-family residences and higher density for multi-unit apartment complexes. This will lessen the impact of new and potentially incompatible construction on historic residential neighborhoods, and lessen the reactionary nature of district nominations.

Topics for Future Research

1. Although this thesis only focused on two case studies of failed historic district nominations, there were two other proposed districts that had similar owner objection problems within the same period of time: Coos Bay and Bend. Further research into these two proposed districts would provide interesting counterpoints to the South University and North College Hill neighborhoods that had similar development experiences and bordered university campuses. This research would provide even more insight into the intricacies of the National Register nomination process in the State of Oregon, and more thoroughly measure the affects of Goal 5 in different communities.
2. Investigating failed historic district nominations demonstrates opportunities for improvement within the nomination process used within Oregon. However, research to analyze successful nominations within the State at the same time would articulate the

aspects of the process that need to be retained. This research would provide instances of less contentious district nominations to compare for similarities with the failed district nominations examined in this study or through future research that represent a different socio-political-economic base of citizenry.

3. The examination of the South University and North College Hill proposed districts revealed that differing ratios of tenant to owner-occupied residences did not result in a dramatically different outcome. This indicates that other factors, particularly the requirements of Goal 5 in the Oregon Statewide Planning Goals, may have played an important role in the decision of property owners; for example, other jurisdictions may have voluntary, rather than mandatory, design review guidelines for properties of National Register or local significance. Future researchers should compare tenant and owner-occupancy rates among successful districts to more clearly express what role they play in National Register district nominations in Oregon.

4. Both the South University and North College Hill neighborhoods had similar justifications for initiating the National Register historic district nomination process; although a specific development threat spurred the North College Hill Neighborhood Association into action. It is essential that preservationists clearly explain the benefits and restrictions of National Register designation. A researcher could analyze the strategies used within both successful and failed historic district designations to determine if there is a method that is consistently successful in order to improve public outreach and preservation education.

Concluding Remarks

The conflict between preservation and property rights will continue to be an issue for historic designation. Although “private property rights are, indeed, a far more commanding *instinct* in American politics than preservation,”¹⁵⁵ the inventory of historic resources expands as time marches on. The analysis in this thesis focused on the specifics of National Register designation in the State of Oregon, but broadly applies to other designation and property rights conflicts. This research and analysis lays the foundation for preservation professionals and students to recognize the implications and intricacies of Oregon State Law and National Register historic district designation.

Preservationists must learn to not only understand the American propensity for protecting property rights, but also to clearly identify how historic designation affects the way in which an owner may use or alter his/her property. Additionally, professionals must learn to articulate the societal, economic, and historic value of preservation in an easily understood manner to a broad spectrum of property owners and residents. During this process, though, preservationists must not lose sight of the critical goals: the protection of cultural heritage in the built environment, and educational outreach. Ultimately, how we perceive our landscapes determine their social meaning and cultural value. A key tenet of preservation is educating the public about its important historic and cultural resources. However, this goal simply provides an opportunity to learn; what the public chooses to do with the information they receive is solely up to them. Preservation

155. William Schmickle, *The Politics of Preservation*, 46.

will not remain relevant if it alienates communities that have already invested, emotionally and financially, in their neighborhood. Preservationists appreciate and respect the diversity in the built environment, but must learn to value the diversity of opinions about that environment. If the preservation field continues to embrace the livability of communities in conjunction with the protection of buildings, its professionals and proponents must engage in open dialogue with those communities, even the opposition. With this mindset, this generation of preservationists will be known for their creativity, passion, effective advocacy, and collaborative will to secure this nation's architectural heritage for future generations.

APPENDIX A

EUGENE CITY HISTORIC PROPERTY ALTERATION APPLICATION



Planning & Development
Planning Division

CITY HISTORIC PROPERTY ALTERATION APPLICATION

City of Eugene
99 West 10th Avenue
Eugene, Oregon 97401
(541) 682-5377
(541) 682-5572 FAX
www.eugene-or.gov

Please complete the following application checklist. Note that additional information may be required upon further review in order to adequately address the applicable criteria for approval. If you have any questions about filling out this application, please contact Planning staff at the Permit and Information Center, phone (541) 682-5377, 99 West 10th Avenue, Eugene.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Assessor's Map	Tax Lot	Zoning

Street Address (if available): _____

Existing Use(s) of the Property: _____

Proposed Use(s) of the Property: _____

Acres: _____

Name of Property: _____

Historic: _____ Common: _____

Condition of Property:
 Excellent Good Fair Deteriorated

Level of Integrity:
 Virtually Intact Minor Modifications Major Modifications

Moved:
 Yes If yes, when? _____ No Unknown

Historic Status:
 National Register City Landmark Formal Historic Landmark Application Pending

Has property received historic tax benefits or restoration loans in the past: (check any that apply):
 Federal Investment Tax Credits State Special Assessment City Historic Loan

Are you aware of any applications for alteration that have been previously submitted for this property?

Yes If yes, application number? _____ No

Anticipated starting date of construction: _____

Anticipated completion date: _____

Adjustment(s) Requested? Yes No

If yes, list code section numbers: _____

Written Statement - Provide 5 copies.

- Submit a detailed written statement describing **how** this request is consistent with all applicable criteria (Sections 9.8175 of the Eugene Code). Applications involving adjustments shall specifically address additional related criteria. **Please note that it is the applicant's responsibility to provide adequate information demonstrating how the project satisfies the applicable approval criteria. Failure to provide such information may result in a denial of your application.**
- Physical Description** - Written statement describing the physical appearance of the affected portions of the property. Please include the year of construction, a description of the original appearance, and any past alterations or additions, if known. (Much of this information can be obtained from the property's landmark application.) Include the current condition of any affected significant details.
- Description of Proposed Alteration** - Written statement describing the proposed alteration, new construction, or major new landscaping and its impact on the historical integrity of the landmark.

Site Plan and Architectural Information

Provide 5 copies. In addition, submit one copy of the site plan reduced to an 8-1/2 x 11" sheet.) All site plans must be folded to a size equal to or less than 11" x 17" and include the following:

- Show date, north point and standard engineer's scale on the site plan.
- Show Assessor's Map and Tax Lot numbers on the site plan.
- Show vicinity map on the subject site plan. (Vicinity map does not need to be drawn to scale.)
- Architectural exterior and interior elevations and site design details of altered building(s), with supporting data to demonstrate compliance with approval criteria, as well as applicable development standards.
- Clearly distinguish the existing conditions from proposed work. Detailed photographs may be substituted as documents of existing conditions if approved. Contact Planning staff for exact requirements.
- Show the width and location of all existing and proposed public and private easements.
- Floor plans including foundation plan and roof plan as necessary
- Typical and special wall sections
- Construction details

Supporting Analysis and Documents

- Legal description of all property included in the alteration. This description must be typed on an 8-1/2 x 11" white sheet of paper (no letterhead) so that it is suitable for recording.
- Photographs** - Photographs documenting the present condition of the structure, or site for major new landscaping, and significant details. Photographs should not be Polaroid. All photographs should be clearly labeled with the name of the property, address, date, and view or detail. Minimum requirements include one photograph of each of the following:
- One view of each affected facade.
 - One or two views demonstrating the relationship of the property to its site.
 - Views of significant details or affected interior spaces as necessary.

NOTE: This is not a complete list of requirements. Additional information may be required after further review in order to adequately address the required criteria of approval.

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

OWNER (Also the Applicant? Yes / No):

Name (print): _____ Phone: _____

Address: _____

City/State/Zip: _____

Signature: _____

APPLICANT / APPLICANT'S REPRESENTATIVE (Check one):

Name (print): _____

Company/Organization: _____

Address: _____

City/State/Zip: _____ E-mail (if applicable): _____

Phone: _____ Fax: _____

Signature: _____

APPENDIX B

CITY OF CORVALLIS HISTORIC PRESERVATION PERMIT GENERAL
APPLICATION FORM

City of Corvallis
Historic Preservation Permit
General Application Form

Community Development Department - Planning Division
501 SW Madison, P. O. Box 1083
Corvallis, OR 97339-1083
Phone: (541) 766-6908, Fax: (541) 754-1792
email: planning@ci.corvallis.or.us

Case Number	<small>For staff use only</small>
	Date Filed

Please tell us about your property and your request. Attach additional information, if necessary.

- 1) **Historic Property Address/Location:** (Or general vicinity, side of street, distance to intersection.)

Assessor's Map Number(s)*

Related Tax Lot(s)

*The Assessor's Map Number (Township, Section/Range) and the Tax Lot Number (parcel) can be found on your tax statement or at the Benton County Assessor's Office)

- 2) **Historic Name of the Property:** (Available from Historic District nomination and/or inventory form. If you need assistance, contact staff.)

<p>3) Historic Property Information: (Check all that apply.)</p> <p>Individually Significant Historic Resource on:</p> <p><input checked="" type="checkbox"/> Local Register</p> <p><input checked="" type="checkbox"/> National Register</p> <p>Property is Located within a Historic District:</p> <p><input type="checkbox"/> Historic Contributing</p> <p><input type="checkbox"/> Historic Non-Contributing</p> <p><input type="checkbox"/> Non-Historic Non-Contributing</p>	<p>4) Request: (Check all that apply.)</p> <p><input type="checkbox"/> Alteration or New Construction</p> <p><input type="checkbox"/> Demolition</p> <p><input type="checkbox"/> Remove a Historically Significant Tree</p> <p><input type="checkbox"/> Move a Historic Resource</p>
---	---

- 5) **Please provide a brief summary of the proposal:**

6) Applicant Information: *(Provide complete information for all that apply.)*

Property Owner(s) Name: _____ **E-mail:** _____
Address: _____ **Phone:** _____
Signature (Required) _____ **Date:** _____

Applicant's Name: _____ **E-mail:** _____
Address: _____ **Phone:** _____
Signature: _____ **Date:** _____

Project Staff: (Developer, Engineer, Planner, Architect, Other)

Address: _____
Email: _____ **Phone:** _____

7) Application Requirements:

- Please refer to the application requirements in LDC Section 2.9.90 provided on the following page. These are general requirements for all applications. Additional information may be required.

8) Additional Attachments/Color and/or Oversize Attachments:

If any attachments are larger than 8 ½" x 14", or if you would like color copies to be distributed to the Board, please submit 15 copies of your attachments.

9) Authorization for Staff and HRC Members to Enter Land:

City staff and members of the Historic Resources Commission (HRC) are encouraged to visit the sites of proposed developments as part of their review of Historic Preservation Permit applications. Please indicate below whether you authorize City staff and HRC members to enter onto property associated with this application as part of their site visits.

- I authorize City staff and HRC members to enter onto property associated with this application.
 I do not authorize City staff and HRC members to enter onto the property associated with this application.

10) Public Notice Signs:

If the application must be reviewed by the HRC, the applicant is responsible for ensuring that up to three public notice signs are posted on the site at least 20 days prior to the HRC Public Hearing. Staff will prepare the signs and will let you know when the signs are ready to be picked up from City Hall.

Please indicate who will be responsible for posting any required signs:

Name: _____

Phone: _____

APPENDIX C

SOUTH UNIVERSITY HISTORIC DISTRICT NATIONAL REGISTER
NOMINATION

NPS Form 10-900
(10-90)

OMB No. 1024-0018

United States Department of the Interior
National Park Service

National Register of Historic Places
Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in *How to Complete the National Register of Historic Places Registration Form* (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name South University Historic District

other names/site number N/A

2. Location

street & number Roughly bound by East 19th, Agate, East 23rd, and Alder not for publication

city or town Eugene vicinity

state Oregon code OR county Lane code 039 zip code 97403

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1986, as amended, I hereby certify that this nomination request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property meets does not meet the National Register Criteria. I recommend that this property be considered significant nationally statewide locally. (See continuation sheet for additional comments.)

Jane Hamrick 6 Nov 01
Signature of certifying official/Title Date

State or Federal agency and bureau _____

In my opinion, the property meets does not meet the National Register criteria. (See continuation sheet for additional comments.)

Signature of certifying official/Title Date

State or Federal agency and bureau _____

4. National Park Service Certification

I, hereby certify that this property is:

- entered in the National Register
 - See continuation sheet.
- determined eligible for the National Register.
 - See continuation sheet.
- determined not eligible for the National Register.
- removed from the National Register.
- other (explain): _____

Signature of the Keeper

Date of Action

South University Historic District
Name of Property

Lane, Oregon
County and State

5. Classification

Ownership of Property
(check as many as apply)

- private
- public - local
- public - state
- public - Federal

Category of Property
(check only one box)

- building(s)
- district
- site
- structure
- object

Number of Resources within Property
(Do not include previously listed resources in the count)

Contributing	Noncontributing	
410	181	buildings
1		sites
1		structures
		objects
412	181	Total

Name of related multiple property listing
(enter "NA" if property is not part of a multiple property listing)

Residential Architecture in Eugene, OR, 1850-1950

Number of contributing resources previously listed in the National Register

0

6. Function or Use

Historic Functions
(enter categories from instructions)

DOMESTIC/Single Dwelling
DOMESTIC/Multiple Dwelling
EDUCATION/School

Current Functions
(Enter categories from instructions)

DOMESTIC/Single Dwelling
DOMESTIC/Multiple Dwelling
EDUCATION/School
LANDSCAPE/Park

7. Description

Architectural Classification
(Enter categories from instructions)

Late Victorian/Gothic, Italianate
20th C. Revivals/Colonial, Tudor, Mission
20th C. Movements/Bungalow, Foursquare,
Craftsman

Materials
(Enter categories from instructions)

foundation: Concrete
walls: wood:clapboard, shingle, lap
masonry: brick, stucco
roof: composition, wood shingle
Other: _____

Narrative Description
(Describe the historic and current condition of the property on one or more continuation sheets)

See continuation sheets.

OMB No. 1024-0018

South University Historic District
Name of Property

Lane, Oregon
County and State

B. Statement of Significance

Applicable National Register Criteria
(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing).

Areas of Significance
(Enter categories from instructions)

- A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B Property is associated with the lives of persons significant in our past.
- C Property 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 lack individual distinction.
- D Property has yielded, or is likely to yield, information important in prehistory or history.

Architecture
Planning & Community Development
Transportation

Period of Significance
1907-1950

Significant Dates
1907

Criteria Considerations
(Mark "x" in all the boxes that apply)

Property is:

- A owned by a religious institution or used for religious purposes
- B removed from its original location
- C a birthplace or grave
- D a cemetery
- E a reconstructed building, object, or structure
- F a commemorative property
- G less than 50 years of age or achieved significance Within the past 50 years

Significant Person
(Complete if Criterion B is marked above)
N/A

Cultural Affiliation
N/A

Architect/Builder
N/A

Narrative Statement of Significance
(Explain the significance of the property on one or more continuation sheets)

9. Major Bibliographical References

Bibliography (Cite books, articles, and other sources used in preparing the form on one or more continuation sheets) See continuation sheets

- Previous documentation on file (NPS):
- preliminary determination of individual listing (36CFR67) has been requested
 - previously listed in the National Register
 - previously determined eligible by the National Register
 - designated a National Historic Landmark
 - recorded by Historic American Buildings Survey
 - recorded by Historic American Engineering Record

- Primary location of additional data:
- State Historic Preservation Office
 - Other State agency
 - Federal agency
 - Local government
 - University
 - Other
- Name of repository: _____

OMB No. 10024-0015

South University Historic District
Name of Property

Lane, Oregon
County and State

10. Geographical Data

Acreage of Property approx. 117.5 acres

UTM References
(Place additional UTM references on a continuation sheet)

1	10	494630	4876130	3	10	493630	4875390
	Zone	Easting	Northing		Zone	Easting	Northing
2	10	494630	4875385	4	10	493630	4876125

Verbal Boundary Description
(Describe the boundaries of the property on a continuation sheet)

Boundary Justification
(Explain why the boundaries were selected on a continuation sheet)

11. Form Prepared By

name/title Leslie Heald & Sally Wright, Historic Preservation Consultants

organization Heald & Wright date December 1, 2000

street & number _____ telephone _____

city or town Eugene state OR zip code 97405

Additional Documentation

Submit the following items with the completed form:

Continuation sheets

Maps: A USGS map (7.5 or 15 minute series) indicating the property's location.
A sketch map for historic districts and properties having large acreage or numerous resources.

Photographs: Representative black and white photographs of the property.

Additional items (check with the SHPO or FPO for any additional items)

Property Owner

name Various (see list)

street & number _____ telephone _____

city or town _____ state _____ zip code _____

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, PO Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reduction Project (1024-0018), Washington, DC 20503.

APPENDIX D

NORTH COLLEGE HILL HISTORIC DISTRICT NOMINATION

North College Hill Historic District
Name of Property

Benton County, Oregon
County and State

5. Classification

Ownership of Property
(Check as many boxes as apply)

- private
- public-local
- public-State
- public-Federal

Category of Property
(Check only one box)

- building(s)
- district
- site
- structure
- object

Number of Resources within Property
(Do not include previously listed resources in the count.)

Contributing	Non-contributing	
<u>151</u>	<u>50</u>	buildings
<u> </u>	<u> </u>	sites
<u> </u>	<u> </u>	structures
<u> </u>	<u> </u>	objects
<u>151</u>	<u>50</u>	Total

Name of related multiple property listing
(Enter "N/A" if property is not part of a multiple property listing.)

Number of contributing resources previously listed in the National Register

0

6. Function or Use

Historic Functions
(Enter categories from instructions)

Cat: <u>DOMESTIC</u>	Sub: <u>Single dwelling</u>
<u>DOMESTIC</u>	<u>Multiple dwelling</u>
<u>DOMESTIC</u>	<u>Fraternal</u>
<u>COMMERCE</u>	<u>Specialty stores</u>
<u>RELIGIOUS</u>	<u>Social facility</u>
_____	_____
_____	_____

Current Functions
(Enter categories from instructions)

Cat: <u>DOMESTIC</u>	Sub: <u>Single dwelling</u>
<u>DOMESTIC</u>	<u>Multiple dwelling</u>
<u>DOMESTIC</u>	<u>Fraternal</u>
<u>COMMERCE</u>	<u>Special store</u>
<u>RELIGIOUS</u>	<u>Social facility</u>
_____	_____
_____	_____

7. Description

Architectural Classification
(Enter categories from instructions)

20th CENTURY REVIVALS / Colonial, Tudor, Mission

20th CENTURY MOVEMENTS / Bungalow, Foursquare,

Craftsman

Materials
(Enter categories from instructions)

foundation concrete, clay tile, concrete block

walls wood: horizontal board, shingle, vertical board

masonry: brick, stucco

roof composition shingle, wood shake, built-up

other _____

Narrative Description

(Describe the historic and current condition of the property on one or more continuation sheets.)

North College Hill Historic District
Name of Property

Benton County, Oregon
County and State

8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing)

- A** Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B** Property is associated with the lives of persons significant in our past.
- C** Property 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 lack individual distinction.
- D** Property has yielded, or is likely to yield information important in prehistory or history.

Criteria Considerations

(Mark "X" in all the boxes that apply.)

- A** owned by a religious institution or used for religious purposes.
- B** removed from its original location.
- C** a birthplace or a grave.
- D** a cemetery.
- E** a reconstructed building, object, or structure.
- F** a commemorative property.
- G** less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance

(Enter categories from instructions)

Architecture
Planning and Community Development

Period of Significance

1908-1941

Significant Dates

1908 - North College Hill Addition

Significant Person

(Complete if Criterion B is marked above)

N/A

Cultural Affiliation

N/A

Architect/Builder

N/A

Narrative Statement of Significance

(Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References

Bibliography

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS):

- preliminary determination of individual listing (36 CFR 67) has been requested
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey

- recorded by Historic American Engineering Record

Primary location of additional data:

- State Historic Preservation Office
- Other State agency
- Federal agency
- Local government
- University
- Other

Name of repository:

City of Corvallis, Oregon State University

North College Hill Historic District

Name of Property

Wenton County, Oregon

County and State

10. Geographical DataAcreage of Property 34+ acres**UTM References**

(Place additional UTM references on a continuation sheet)

	Zone	Easting	Northing		Zone	Easting	Northing
1	<u>10</u>	<u>478250</u>	<u>4935230</u>	3	<u>10</u>	<u>477770</u>	<u>4934790</u>
2	<u>10</u>	<u>478250</u>	<u>4934770</u>	4	<u>10</u>	<u>477775</u>	<u>4935230</u>

 See continuation sheet**Verbal Boundary Description**

(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification

(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared Byname/title Sally Wright & David Pinyerd, Historic Preservation Consultantsorganization Historic Preservation Northwestdate March 29, 2002

street & number _____

telephone _____

city or town Eugenestate ORzip code 97405**Additional Documentation**

Submit the following items with the completed form:

Continuation Sheets**Maps**

A USGS map (7.5 or 15 minute series) indicating the property's location.

A sketch map for historic districts and properties having large acreage or numerous resources.

Photographs

Representative black and white photographs of the property.

Additional items

(Check with the SHPO or FPO for any additional items)

Property Owner

(Complete this item at the request of the SHPO or FPO.)

name/title _____

street & number _____

telephone _____

city or town _____

state _____

zip code _____

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reduction Project (1024-0018), Washington, DC 20503.

BIBLIOGRAPHY

- Ackerman, Alan T. "Kelo v. City of New London: The Answer to the Public Use Question or Just a Source of More Questions?" In *Current Condemnation Law: Takings, Compensation, and Benefits*, 2nd ed., edited by Alan T. Ackerman and Darius W. Dynkowski, 293-323. Chicago, IL: American Bar Association, 2006.
- Bushman, Richard. *The Refinement of America: Persons, Houses, Cities*. New York: Knopf, 1992.
- Carter, Elizabeth, and Michelle Dennis. "City of Eugene Historic Context Statement." Eugene, OR: City of Eugene Planning Department, April 1996.
- City of Corvallis. "Forming a Historic District: Frequently Asked Questions for the College Hill Area Survey." February 2002.
- City of Corvallis. "Regional and Local Developments, 1851-1868." City of Corvallis. <http://www.ci.corvallis.or.us/index.php?option=content&task=view&id=242&Itemid=196> (accessed March 11, 2009).
- City of Corvallis Planning Department. Historic Preservation Permit General Application Form. 2008.
- City of Eugene Planning and Development. "Advisory Design Guidelines for Historic Residential Properties." Eugene, OR: City of Eugene Planning and Development, 1999.
- City of Eugene Planning and Development. "City of Eugene Historic Preservation." City of Eugene. <http://www.eugene-or.gov/portal/server.pt?open=512&objID=318&PageID=445&cached=true&mode=2&userID=2> (accessed May 13, 2009).
- City of Eugene Planning and Development. "South University Neighborhood Analysis." http://www.eugene-r.gov/portal/server.pt/gateway/PTARGS_0_2_253883_0_0_18/SUNA.pdf (accessed March 13, 2008).
- Corvallis Historic Preservation Advisory Board. Minutes. April 8, 2002. City of Corvallis, Oregon.
- Heald, Leslie, and Sally Wright. "South University Historic District Nomination," National Register of Historic Places Nomination. Eugene, OR: 2000.

- Heinonen, Janet, and Marilyn Milne. SUNA Newsletter. October 2002.
- Howard, J. Myrick. *The American Mosaic: Preserving a Nation's Heritage*. Edited by Robert E. Stipe and Antoinette J. Lee. Detroit: Wayne State University Press, 1987.
- Inman, Kathleen, and Donald McLeod. "Property Rights and Public Interests: A Wyoming Agricultural Lands Survey," *Growth and Change* 33, no. 1 (Winter 2002): 91-114. <http://0-web.ebscohost.com.janus.uoregon.edu/ehost/pdf?vid=2&hid=13&sid=c45e8678-424f-4e1a-9fef-5e139314d98c%40sessionmgr8> (accessed April 13, 2008).
- Jackson-Smith, Douglas, Urs Kreuter, and Richard S. Krannich. "Understanding the Multidimensionality of Property Rights Orientations: Evidence from Utah and Texas Ranchers." *Society and Natural Resources* 18, no. 7 (August 2005): 587-610. <https://uo-vpn1-gw.uoregon.edu/http/0/0-web.ebscohost.com.janus.uoregon.edu/ehost/pdf?vid=2&hid=21&sid=6f1902e8-42dd-4a94-ac74-07a309449da5%40SRCSM2> (accessed April 13, 2008).
- Milligan, Melinda J. "Ambivalent Passion and Passionate Ambivalence: Emotions and the Historic Preservation Movement." Paper, annual meeting of the American Sociological Association, Philadelphia, PA, August 12, 2005.
- National Park Service. "Defining Landscape Terminology." U.S. Department of the Interior. http://www.nps.gov/hps/hli/landscape_guidelines/terminology.htm (accessed May 20, 2009).
- National Park Service. "Historic Preservation Tax Incentives." U.S. Department of the Interior. <http://www.nps.gov/hps/tps/tax/index.htm> (accessed April 8, 2009).
- National Register of Historic Places. "About Us." National Park Service. <http://www.nps.gov/history/nr/about.htm> (accessed June 3, 2008).
- National Register of Historic Places. "National Register of Historic Places – Return Comments." Oregon Parks and Recreation Department. http://www.streamline.oregon.gov/OPRD/HCD/NATREG/docs/nr_comments--SUHD.pdf (accessed May 30, 2009).
- National Trust for Historic Preservation. "About the National Trust for Historic Preservation." National Trust for Historic Preservation. <http://www.preservationnation.org/about-us/> (accessed April 8, 2009).

- North College Hill Historic District Record. City of Corvallis. Corvallis, OR.
- Oregon Consensus Program and Community Mediation Services. *Proposed South University Historical District: Conflict Assessment Report*, by R. Elaine Hallmark and Betsy Ford. Eugene, OR, January 18, 2005.
- Oregon State Historic Preservation Office. "About Us." Oregon Parks and Recreation Department. http://www.oregon.gov/OPRD/HCD/NATREG/about_us.shtml (accessed May 30, 2009).
- Oregon State Historic Preservation Office. "Historic Property Tax Incentives." Oregon Parks and Recreation Department. http://www.oregon.gov/OPRD/HCD/SHPO/tax_assessment.shtml (accessed May 13, 2009).
- Oregon State Historic Preservation Office. "Listing Historic Districts in the National Register." Oregon Parks and Recreation Department. http://www.oregon.gov/OPRD/HCD/NATREG/nrhp_historicdistrict.shtml (accessed February 28, 2009).
- Oregon State Historic Preservation Office. "National Register of Historic Places." Oregon Parks and Recreation Department. http://www.oregon.gov/OPRD/HCD/ATREG/nrhp_natreglist.shtml (accessed February 28, 2009).
- Oregon State Historic Preservation Office. "State Advisory Committee on Historic Preservation." Oregon Parks and Recreation Department. http://www.oregon.gov/OPRD/HCD/NATREG/nrhp_achphome.shtml (accessed February 28, 2009).
- Oregon State Historic Preservation Office. "National Register of Historic Places: Historic Districts." Oregon Parks and Recreation Department. http://www.oregon.gov/OPRD/HCD/NATREG/nrhp_histdistricts.shtml (accessed March 13, 2008).
- Oregon State Advisory Committee on Historic Preservation. Minutes. May 2001. City of Eugene, Oregon.
- Pincus, Jonathan M. "Eugene Downtown Core Area Historic Context Statement." Eugene, OR: City of Eugene Planning Department, November 1991.
- Rypkema, Donald. "Community, Place and the Economics of Historic Preservation." Lecture, New Jersey Historic Preservation Awards Ceremony, Montclair, NJ, April 27, 1996.
- Schmickle, William E. *The Politics of Historic Districts: A Primer for Grassroots Preservation*. Lanham: Altamira Press, 2007.

South University Historic District Record. City of Eugene. Eugene, OR.

Stipe, Robert E., ed. *A Richer Heritage: Historic Preservation in the Twenty-First Century*. Chapel Hill: University of North Carolina Press, 2003.

Technical Preservation Services. "Historic Preservation Tax Incentives." National Park Service. <http://www.nps.gov/hps/tps/tax/index.htm> (accessed April 8, 2009).

Upton, Dell. "Architectural History or Landscape History?" *Journal of Architectural Education* 44, no. 4 (August 1991), 195-199.

Upton, Dell. "Architecture in Everyday Life." *New Literary History* 33, no. 4 (Autumn 2000): 707-723.

U.S. Census Bureau. *Percent of Occupied Housing Units That Are Owner-Occupied: 2000*. Eugene, Oregon. Census 2000, Summary File 1, Matrix H4. http://factfinder.census.gov/servlet/ACSSAFFacts?_event=Search&geo_id=&_geoContext=&_street=&_county=eugene&_cityTown=eugene&_state=04000US41&_zip=&_lang=en&_sse=on&pctxt=fph&pgsl=010 (May 25, 2009).

U.S. Census Bureau. *Percent of Occupied Housing Units That Are Owner-Occupied: 2000*, Corvallis, Oregon. Census 2000, Summary File 1, Matrix H4. http://factfinder.census.gov/servlet/SAFFacts?_event=&geo_id=16000US4115800&_geoContext=01000US104000US41116000US4115800&_street=&_county=corvallis&_cityTown=corvallis&_state=04000US41&_zip=&_lang=en&_sse=on&ActiveGeoDiv=&_useEV=&pctxt=fph&pgsl=160&_submenuId=factsheet_1&ds_name=ACS_2007_3YR_SAFF&_ci_nbr=null&q_r_name=null®=null%3Anull&_keyword=&_industry= (accessed May 29, 2009).

U.S. Congressional Research Service. *The Property Rights Issue*, by Robert Meltz. National Council for Science and the Environment, CRS Reports. Report 95-200, January 20, 1995.

U.S. Department of the Interior. National Park Service. *How to Apply the National Register Criteria for Evaluation*. Washington, D.C.: 1990.

U.S. Department of the Interior. National Park Service. *How to Complete the National Register Multiple Property Documentation Form*. Washington, D.C.: 1999.

Wright, Sally, and David Pinyerd. "North College Hill Historic District Nomination." National Register of Historic Places Nomination. Corvallis, OR: 2002.

Yung, Laurie and Jill M. Belsky. "Private Property Rights and Community Goods: Negotiating Landowner Cooperation Amid Changing Ownership on the Rocky Mountain Front." *Society & Natural Resources* 20, no. 8 (September 2007): 689-703, <http://dx.doi.org/10.1080/08941920701216586> (accessed April 13, 2008).