



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

## NOTICE OF ADOPTED AMENDMENT

June 12, 2006



TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Corvallis Plan Amendment  
DLCD File Number 007-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 28, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Marguerite Nabeta, DLCD Regional Representative  
Kelly Schlesener, City of Corvallis

<paa> ya

**DLCD NOTICE OF ADOPTION**

This form must be mailed to DLCD within 5 working days after the final decision  
per ORS 197.610, OAR Chapter 660 - Division 18

**DEPT OF**

(See reverse side for submittal requirements)

JUN 08 2006

**LAND CONSERVATION  
AND DEVELOPMENT**

Jurisdiction: City of Corvallis Local File No.: LDT05-00001  
(If no number, use none)

Date of Adoption: June 5, 2006 Date Mailed: June 7, 2006  
(Must be filed in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: June 7, 2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

This Land Development Code Text Amendment amends the City's Historic Preservation Provisions (Chapter 2.9 and other related Chapters of the Code). The affected chapters include Chapters 1.1, 1.2, 1.3, 1.6, 2.0, 2.2, 2.9 - Historic Preservation, 2.16, 2.19, 3.31, 4.0, 4.2, 4.7, and 4.9. The Text Amendment is intended to clarify many aspects of the City's existing historic preservation regulations to establish clearer procedures and review criteria. The primary topics addressed include: establishment of a new quasi-judicial decision-making body called the Historic Resources Commission; creation of new definitions relating to historic preservation and land use processes; clarification of existing Development District Change (Zone Change) procedures and criteria; clarification of applicability of Historic Preservation Provisions for historic resources; clarification of Historic Preservation Permit exemptions; update of emergency action provisions; establishment of new criteria for trees on historically-designated sites; accomplishment of procedural changes to ensure compliance with 120-day rule for local-level land use decision-making; revision of Historic Preservation Permit application requirements and review criteria; establishment of new hardship criteria for appeals; revision of demolition and moving review criteria and procedures; clarification of existing Historic Preservation Overlay provisions; and revision of Sign Code standards for historic resources.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Council further refined the text in these chapters, most specifically that within Chapter 2.9, and chose the name Historic Resource Commission for the new quasi-judicial body. Council deleted revisions to Chapters 2.3 and 2.5,

Plan Map Changed from : \_\_\_\_\_ to \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to \_\_\_\_\_

Location: Citywide Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: 1, 2, 5, 7 & 10

Was an Exception Adopted? Yes: \_\_\_\_\_ No:

DLCD File No.: 007-05(14851)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: SHPO

Local Contact: Kelly Schlesener Area Code + Phone Number: (541) 766-6908  
Address: P.O. Box 1083 City: Corvallis  
Zip Code+4: 97339 Email Address: kelly.schlesener@ci.corvallis.or.us

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Mara.Ulloa@state.or.us](mailto:Mara.Ulloa@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**



Community Development  
Planning Division  
501 SW Madison Avenue  
Corvallis, OR 97333

**CORVALLIS CITY COUNCIL  
NOTICE OF DISPOSITION**

**ORDER #2006-079**

**CASE:** **LDT05-00001** - Land Development Code Text Amendment updating the City's Historic Preservation Provisions, including Chapter 2.9 and other related chapters of the Code.

**REQUEST:** This Land Development Code Text Amendment amends the City's Historic Preservation Provisions (Chapter 2.9 and other related Chapters of the Code). The affected chapters include Chapters 1.1 - The City Council and Its Agencies and Officers; 1.2 - Legal Framework; 1.3 - Enforcement; 1.6 - Definitions; 2.0 - Public Hearings; 2.2 - Development District Changes; 2.9 - Historic Preservation; 2.16 - Request for Interpretation; 2.19 - Appeals; 3.31 - HPO (Historic Preservation Overlay) District; 4.0 - Improvements Required with Development; 4.2 - Landscaping, Buffering, Screening; 4.7 - Corvallis Sign Regulations; and 4.9 - Additional Provisions. The Text Amendment is intended to clarify many aspects of the City's existing historic preservation regulations to establish clearer procedures and review criteria. The primary topics addressed include: establishment of a new quasi-judicial decision-making body called the Historic Resources Commission; creation of new definitions relating to historic preservation and land use processes; clarification of existing Development District Change (Zone Change) procedures and criteria; clarification of applicability of Historic Preservation Provisions for historic resources; clarification of Historic Preservation Permit exemptions; update of emergency action provisions; establishment of new criteria for trees on historically-designated sites; accomplishment of procedural changes to ensure compliance with 120-day rule for local-level land use decision-making; revision of Historic Preservation Permit application requirements and review criteria; establishment of new hardship criteria for appeals; revision of demolition and moving review criteria and procedures; clarification of existing Historic Preservation Overlay provisions; and revision of Sign Code standards for historic resources.

**LOCATION:** Citywide

**APPLICANT:** City of Corvallis  
PO Box 1083  
Corvallis, OR 97339

**DECISION:**

The Corvallis City Council conducted, after proper legal notice, a public hearing concerning LDT05-00001 on April 24, 2006; and conducted deliberations for LDT05-00001 on May 8 and 22, 2006, and June 5, 2006. Interested persons and the general public were given an opportunity to be heard. The City Council found that the update of the City's Historic Preservation Provisions and related Chapters of the Land Development Code, as amended during the Council's deliberations on May



8 and 22, 2006, and June 5, 2006, should be approved and unanimously adopted Ordinance 2006-14. The formal findings for the Council's decision are included in Ordinance 2006-14.

The proposal, staff report, and hearing minutes may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

If you wish to appeal this decision, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the decision.

  
\_\_\_\_\_  
Mayor Helen Berg  
City of Corvallis

June 5, 2006  
Date Signed

\_\_\_\_\_

Attached: Ordinance: #2006-14

ORDINANCE 2006- 14

**AN ORDINANCE AMENDING THE CORVALLIS LAND DEVELOPMENT CODE, MODIFYING ORDINANCE 93-20, AS AMENDED, TO UPDATE THE CITY'S HISTORIC PRESERVATION PROVISIONS AND RELATED CHAPTERS, AND DECLARING AN EMERGENCY**

AN ORDINANCE relating to a Legislative Amendment to the Land Development Code, modifying Ordinance 93-20, as amended.

Whereas, the Planning Commission, after holding a duly advertised public hearing, has forwarded its recommendation to the City Council concerning a request for a Legislative Amendment to the Land Development Code;

Whereas, the Planning Commission recommended that the City Council approve the request to revise the Land Development Code's Historic Preservation Provisions, including the affected chapters of *Chapter 2.9 - Historic Preservation Provisions; Chapter 2.2 - Development District Changes; Chapter 3.31 - HPO (Historic Preservation Overlay); Chapter 1.6 - Definitions; Chapter 2.19 - Appeals; Chapter 2.0 - Public Hearings;* and the more minimal housekeeping changes associated with *Chapter 1.1 - The City Council and Its Agencies and Officers; Chapter 1.2 - Legal Framework; Chapter 1.3 - Enforcement; Chapter 2.16 - Request for Interpretation; Chapter 4.0 - Improvements Required with Development; Chapter 4.2 - Landscaping, Buffering, and Screening; Chapter 4.7 - Corvallis Sign Regulations; and Chapter 4.9 - Additional Provisions;*

Whereas, the City Council held a duly-advertised public hearing concerning the proposed Legislative Amendment to the Land Development Code was held on April 24, 2006, and interested persons and the general public were given an opportunity to be heard, and the general public requested that the written record remain open;

Whereas, the written record was held open until 5:00 pm on May 1, 2006;

Whereas, the Council has reviewed the public testimony and the recommendations of the Planning Commission, staff, and the Historic Preservation Advisory Board;

Whereas, findings of fact have been prepared by staff, which findings consist of the formal findings attached hereto as Exhibit A; and the final version of this Amendment attached hereto as Exhibit B; the complete staff report to the City Council, dated April 11, 2006, including attachments (attached hereto as Exhibit C); the minutes of the April 24, 2006, public hearing, and the May 8, 2006, May 22, 2006, and June 5, 2006 deliberations (attached hereto as Exhibit D); the supplemental staff memo dated May 3, 2006 (attached hereto as Exhibit E); the two supplemental staff memos dated May 16, 2006 (attached hereto as Exhibit F); the two supplemental staff memos dated May 18, 2006 (attached hereto as Exhibit G);

-1- Ordinance

Legislative Amendment to the Land Development Code (LDT05-00001)  
Historic Preservation Provisions Update

- Whereas, said findings are by reference incorporated herein and are hereby adopted by the City Council;

Whereas, the City Council finds that the burden of proof has been met;

Whereas, the City Council finds that the public necessity, convenience, and general welfare require such Amendment; and

Whereas, the City Council finds that the proposal conforms with the Corvallis Comprehensive Plan and any other applicable policies;

NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

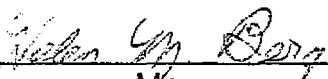

**Section 1.** The Land Development Code is amended as shown by the provisions contained in Exhibit B.

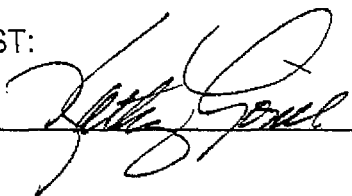
**Section 2.** The general welfare of the public will be promoted if this ordinance takes effect immediately. Therefore, an emergency is declared and this ordinance shall take effect immediately upon its passage by the City Council and its approval by the Mayor.

PASSED by the Council this fifth Day of June, 2006.

APPROVED by the Mayor this fifth Day of June, 2006.

Effective this fifth Day of June, 2006.

  
\_\_\_\_\_  
Mayor 

ATTEST:  
  
\_\_\_\_\_

# ORDINANCE EXHIBIT A

BEFORE THE CITY COUNCIL

OF THE CITY OF CORVALLIS

In the Matter of the City Council decision to approve a )  
Legislative Amendment to the Land Development Code ) LDT05-00001  
(LDC) as proposed and as modified by the Council in )  
Ordinance 2006-14, which will change the LDC and ) FINDINGS AND  
implement the proposed changes. ) CONCLUSIONS

## INTRODUCTION

The matter before the City Council is:

A decision regarding a Legislative Amendment to the Land Development Code to amend the Land Development Code's regulations associated with the City's Historic Preservation Program. These provisions are located in Chapter 2.9 of the Land Development Code and other related Land Development Code chapters.

The applicant for this case is the City of Corvallis. The City Council identified this effort as a high priority work program item for the Planning Division for this calendar year. In accordance with Land Development Code Section 1.2.80.02, the City Council initiated this Legislative Amendment to the Land Development Code on June 20, 2005. In accordance with Land Development Code Section 1.2.80.03, the Planning Commission conducted and completed a public hearing process for the Legislative Amendment to the Land Development Code on January 25, 2006, February 8, 15, and 22, 2006, and March 8 and 22, 2006. The Planning Commission forwarded its unanimous recommendation for approval to the City Council, subject to the recommended changes attached to the Planning Commission Notice of Disposition.

In accordance with Land Development Code Section 1.2.80.03, the City Council conducted and completed a public hearing process to consider this Legislative Amendment to the Land Development Code. On March 6, 2006, the City Council scheduled this public hearing for April 24, 2006, to consider the recommendation of the Planning Commission and ultimately to make a decision regarding the proposed Legislative Amendment to the Land Development Code.

The City Council held a duly-advertised *de novo* public hearing On April 24, 2006, at which a request was made by the public for the written record to remain open to submit additional written

testimony. The City Council closed the public hearing on April 24, 2006, and asked the public to submit additional written comments by May 1, 2006. The Council then conducted deliberations for this Legislative Amendment to the Land Development Code on May 8, and 22, 2006. The members of the City Council voted unanimously to APPROVE the Legislative Amendment to the Land Development Code subject to review and approval of these findings and subject to the changes reflected in Exhibit B of this implementing Ordinance 2006-14, adopted June 5, 2006.

Having considered all the testimony presented at the hearings, together with all relevant evidence in the record, the City Council makes the following findings and conclusions. These findings and conclusions address relevant Comprehensive Plan Policies, Land Development Code sections, and Oregon Statewide Planning Goals.

### **APPLICABLE CRITERIA**

All applicable legal criteria governing review of this application are identified in: the staff report to the City Council dated April 11, 2006, and its attached Exhibits; the staff presentation portion of the minutes of the City Council dated April 24, 2006; the supplemental staff memo dated May 3, 2006; the two supplemental staff memos dated May 16, 2006; the two supplemental staff memos dated May 18, 2006; and the staff and Council comment portions of the Council minutes of May 8 and 22, 2006, and June 5, 2006.

# FINDINGS RELATING TO THE LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE

## 1. Public Need for Revisions to the City's Land Development Code:

The Council notes that the City last amended its Historic Preservation Provisions in July 2003, principally to establish requirements relevant to Historic Districts. The Council notes that these provisions were needed because of the formation of two new National Register of Historic Places Historic Districts: Avery-Helm on January 27, 2000, and College Hill West on August 1, 2002. With the formation of these new National Register of Historic Places Historic Districts, the number of properties subject to the City's Historic Preservation Provisions increased to just over 500, including the individually listed resources (Attachment B, C, and D of **Exhibit VI** of the April 11, 2006, City Council staff report).

The Council notes that increased staff and Historic Preservation Advisory Board (HPAB) resources have been needed to review Historic Preservation Permit applications and to otherwise administer the regulations in Chapter 2.9. At the same time, Council and Budget Commission direction through past budget prioritization decisions has been to limit the staff resources devoted to the Historic Preservation Program. Staff's and the HPAB's work program has shifted towards an emphasis on Historic Preservation Permit review.

The Council notes that since the 2003 Code amendments, Planning Division staff, the Historic Preservation Advisory Board, and affected property owners have gained experience with the implementation of the Historic Preservation Code provisions. Grey areas and gaps have been identified over time regarding the appropriate review procedures that should apply to specific development scenarios. Accordingly, the Council notes that the primary goal of this proposed Legislative Amendment to the Land Development Code is to improve upon the clarity and objectivity of the criteria and standards that guide land use decisions affecting Designated Historic Resources.

The Council notes that another important objective of this Legislative Amendment to the Land Development Code is to clarify the appropriate decision-maker or decision-making body for different categories of Historic Preservation decisions and to provide appropriate review criteria for each type of decision. A new quasi-judicial decision-making body will assume a quasi-judicial decision-making role for certain Historic Preservation Permit applications. This new decision-making body will be called the Historic Resources Commission (HRC). The existing Code specifies that the Historic Preservation Advisory Board make recommendations on Historic Preservation Permits to the Director, and the Director then acts on those recommendations. In many ways the Board has assumed a de facto decision-making role and it may be appropriate to establish a decision-making body for discretionary Historic Preservation Permits. The establishment of a new quasi-

judicial decision-making body is consistent with the situation in many other jurisdictions acting as Certified Local Governments to carry out local, state, and federal Historic Preservation regulations. The Oregon State Historic Preservation Office (SHPO), which oversees the Certified Local Government (CLG) program, also supports the establishment of a quasi-judicial decision-making body.

The Council notes that several other procedural changes, definitions, and clarifications are proposed to address state land use requirements and define other land use processes in the Land Development Code. For example, Code changes are proposed to ensure that all decisions regarding Historic Preservation Permits can be acted upon at the local level within 120 days of the date of a complete application. Accordingly, the Council notes that some layers of review under the existing Code have been eliminated to guarantee that all reviews, including possible local appeals, can be accommodated within this 120-day period. Per state law, a 20-day public notice prior to HRC public hearings is included. Additionally, the Council notes that Chapter 1.6 - Definitions has been augmented to not only address additional provisions related to Historic Preservation but also to define other land use application processes addressed in the Land Development Code.

Finally, the Council notes that the roles, responsibilities, and makeup of the Historic Preservation Advisory Board are spelled out in Corvallis Municipal Code (CMC), Section 1.16.250. The changes proposed in this Legislative Amendment to the Land Development Code, particularly the proposed changes to the name, make-up, and decision-making authority, will necessitate some changes to the CMC. CMC changes are to be processed separately from this project. The City Council will notes that it will need to address those in response to its actions on this Legislative Amendment to the Land Development Code.

Conclusions on Need for Revisions to the Land Development Code: The Council finds that in the application of existing Historic Preservation Provisions, the City has identified a number of shortcomings. These have to do with clear and objective standards, review processes, state statutes, and other issues described above. The Council finds that public necessity, convenience, and general welfare support the need for the proposed Legislative Amendment to the Land Development Code.

## **2. Adequacy of the Public Record:**

The Council notes that the Legislative Amendment to the Land Development Code associated with *Chapter 2.9 - Historic Preservation Provisions; Chapter 2.2 - Development District Changes; Chapter 3.31 - HPO (Historic Preservation Overlay); Chapter 1.6 - Definitions; Chapter 2.19 - Appeals; Chapter 2.0 - Public Hearings;* and the more minimal housekeeping changes associated with *Chapter 1.1 - The City Council and Its Agencies and Officers; Chapter 1.2 - Legal Framework; Chapter 1.3 - Enforcement; Chapter 2.16 - Request for Interpretation; Chapter 4.0 - Improvements Required with Development; Chapter 4.2 - Landscaping, Buffering, and Screening; Chapter 4.7 - Corvallis Sign*

*Regulations; and Chapter 4.9 - Additional Provisions* were all developed with the use of a comprehensive public involvement effort.

The Council notes that the Land Development Code identifies procedures for Legislative Amendments to the Land Development Code in Chapter 1.2, which states that such Amendments must be initiated by a majority vote of the Planning Commission or the City Council. The Council notes that it initiated this Legislative Amendment to the Land Development Code on June 20, 2005 (Attachments S and T of **Exhibit VI** of the April 11, 2006, City Council staff report).

The Council notes that Planning Division staff developed an initial draft of the Legislative Amendment to the Land Development Code and presented it to the Historic Preservation Advisory Board in June, 2005. The Historic Preservation Advisory Board held a series of public workshops through the spring and fall of 2005. The HPAB recommended modifications to the initial draft of proposed Code changes prepared by Planning Division staff. Staff's initial draft reflected suggestions based on past experience administering the existing Code, feedback from other affected staff, a review of historic preservation Codes from other Oregon jurisdictions, and research regarding applicable state and federal historic preservation requirements.

The Council notes that during the HPAB workshops, owners of historic properties and other interested citizens were notified and provided comment to the Board. The HPAB-recommended version of the Legislative Amendment to the Land Development Code was distributed to the Planning Commission and City Council in a memo dated October 27, 2005, and a work session was held on November 16, 2005, at which the Chair of the HPAB presented the document.

The Council notes that the Planning Commission was required to hold a public hearing regarding the proposed Legislative Amendment to the Land Development Code and develop a recommendation to the City Council. The Planning Commission conducted and completed that public hearing process on January 25, 2006, February 8, 15, and 22, 2006, and March 8 and 22, 2006 (**Exhibits I - VI** of the April 11, 2006, City Council staff report). In the Planning Commission's public hearing, the Commission was presented a draft of the HPAB-recommended provisions that included recommendations from staff for some changes (Attachment A of **Exhibit VI** of the April 11, 2006, City Council staff report). Public testimony submitted to the Planning Commission is included in **Exhibits IV - VI** of the April 11, 2006, City Council staff report. The Planning Commission considered the HPAB recommendation, the additional information presented by staff, and all the public testimony in developing a recommendation for the City Council.

The Council notes that the Planning Commission forwarded its unanimous recommendation for approval to the City Council (**Exhibits I & II** of the April 11, 2006, City Council staff report). The Council notes that Planning Commission-recommended version



of the proposed Legislative Amendment to the Land Development Code (**Exhibits I & II** of the April 11, 2006, City Council staff report) reflects recommendations made by the Planning Commission during its deliberations.

The City Council notes that in accordance with Land Development Code Section 1.2.80.03, it conducted and completed a public hearing process to consider this Legislative Amendment to the Land Development Code. On March 6, 2006, the City Council scheduled this public hearing for April 24, 2006, to consider the recommendation of the Planning Commission and ultimately to make a decision regarding the proposed Legislative Amendment to the Land Development Code. The City Council held a duly-advertised *de novo* public hearing On April 24, 2006, at which a request was made by the public for the written record to remain open to submit additional written testimony. The City Council notes that it closed the public hearing on April 24, 2006, and asked the public to submit additional written comments by May 1, 2006. The Council then conducted deliberations for this Legislative Amendment to the Land Development Code on May 8, and 22, 2006.

The Council notes that it considered all applicable legal criteria governing review of this application are identified in: the staff report to the City Council dated April 11, 2006, and its attached Exhibits; the staff presentation portion of the minutes of the City Council dated April 24, 2006; the supplemental staff memo dated May 3, 2006; the two supplemental staff memos dated May 16, 2006; the two supplemental staff memos dated May 18, 2006; and the staff and Council comment portions of the Council minutes of May 8 and 22, 2006, and June 5, 2006. The Council notes that in reaching its decision it also considered the HPAB recommendation, the Planning Commission recommendation, the additional information presented by staff, and all the public testimony.

Conclusions on Adequacy of the Public Record: The Council finds that there was ample opportunity for the public to testify, and the record contains all information needed to evaluate the application for compliance with the relevant criteria.

### **3. Relationship of City Criteria and Certified Local Government (CLG) Requirements:**

The Council notes that to approve a Legislative Amendment to the Land Development Code, the Council must find that the proposal complies with the applicable sections of the Land Development Code, applicable Comprehensive Plan Policies, and Oregon Statewide Planning Goals and Guidelines. The Council notes that as a Certified Local Government (CLG), the City has been granted authority from the state and federal governments to carry out the purposes of the National Historic Preservation Act. Accordingly, the Council notes that the proposed Legislative Amendment to the Land Development Code to update the City's Historic Preservation Provisions also must meet minimum CLG standards for historic preservation regulations and enforcement. The City's Historic Preservation Provisions also must be consistent with applicable state and federal law relating to the local level historic

preservation programs. The Council notes that the record has identified the applicable review criteria.

Conclusions on Relationship of City Criteria and Certified Local Government (CLG) Requirements: The Council finds that the Record identifies the applicable criteria and provides an analysis regarding how the Legislative Amendment to the Land Development Code complies with them.

**4. Evaluation of the Overriding Public Necessity, Convenience, and General Welfare Criteria:**

**Chapter 1.2 - Legal Framework:**

**Section 1.2.80.01 - Background**

This Code may be amended whenever the public necessity, convenience, and general welfare requires such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.

**Section 1.2.80.02 - Initiation**

Initiation of an amendment may be accomplished by one of the following methods:

- a. Majority vote of the City Council; or
- b. Majority vote of the Planning Commission.

**Section 1.2.80.03 - Review of Text Amendments**

The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings

The Council notes that Legislative Amendments to the Land Development Code are reviewed in accordance with Chapter 1.2 of the Land Development Code and other applicable policies of the Comprehensive Plan and any other applicable policies and standards adopted by the City Council. The Council notes that LDC Section 1.2.80.01 states that the *"Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies."*

The Council notes that early in 2005, it placed the need to amend the City's Historic Preservation Provisions high on its list of priorities for the Community Development Department's Planning Division. The proposed Legislative Amendment to the Land Development Code was seen as a necessary means to improve upon the clarity of the City's existing historic preservation regulations and to address gaps in existing Code requirements which had become apparent following recent experience applying the Code to the City's National Register of Historic Places Historic Districts. In response, Planning

Division staff developed draft revisions to these provisions and presented them to the Historic Preservation Advisory Board for review. In a series of eight workshops, the HPAB made changes to the staff proposal, and on October 12, 2005, recommended a revised package of Historic Preservation Provisions to the City Council.

The Council notes that the proposed Legislative Amendment to the Land Development Code was initiated by the City Council. The Planning Commission and City Council also reviewed the proposed Amendment through legislative public hearings, as required.

Conclusions Overriding Public Necessity, Convenience, and General Welfare Criteria:

The Council finds that the proposed Legislative Amendment to the Land Development Code meets the general Code criterion to meet "public necessity, convenience, and general welfare." The Council also finds that the requirements for public processes were followed. Therefore, the Council finds that the proposed Amendment complies with the general Land Development Code direction for such actions.

**5. Applicable Comprehensive Plan Policies:**

Article 1 - Introduction and General Policies

- 1.2.1 The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.
- 1.2.8 Procedures for public notification, including timing, shall be contained in the Land Development Code.
- 1.2.9 The applicable criteria in all land use decisions shall be derived from the Comprehensive Plan and other regulatory tools that implement the Plan.

Article 2 - Citizen Involvement

- 2.2.5 The City shall strive to ensure that all public information on land use planning issues is available in an understandable form, is accurate and complete, and is made available to all citizens as soon as possible after receipt of an application. The City shall continue to take advantage of the best available technology for dissemination of this information.
- 2.2.6 City staff shall provide information to citizens and other interested parties concerning all aspects of the City's land use planning program.

Article 5 - Urban Amenities (Section 5.4 - Historic and Cultural Resources)

- 5.4.1 The City shall continue to use the Corvallis Register of Historic Landmarks and Districts as the City's official historic site listing. The intent of this inventory is to increase community awareness of historic structures and to ensure that these structures are given due consideration prior to alterations that may affect the historic integrity of the structure.

- 5.4.2 The City shall encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.
- 5.4.3 The City shall maintain a local Historic Preservation Advisory Board.
- 5.4.4 The public's safety and general welfare shall be carefully evaluated when a conflict surfaces between the renovation of an historic structure and the City's building and fire codes.
- 5.4.5 Special architectural review criteria for historic structures shall be maintained in the Land Development Code.
- 5.4.9 The City shall identify historically significant sites and structures on City-owned property with appropriate plaques and markers, and shall encourage owners of private property to do the same.
- 5.4.13 The City shall develop a definition, criteria, and a process to formally identify historic residential neighborhoods.
- 5.4.14 New dwellings and additions in formally recognized historic residential neighborhoods must contain exterior architectural features that relate to the historic period of surrounding dwellings. Examples of this are: street-facing porch, comparable roof slope, horizontal wood siding, and overall design features including trim, windows, and structure.
- 5.4.15 Removal of significant public trees in historic residential areas or historically designated properties should only occur when these trees endanger life or property.

**Article 9 - Housing**

- 9.4.2 The City shall continue to periodically review the immediate and long-term effects of fees, charges, regulations, and standards on dwelling costs and on community livability as defined in the Corvallis 2020 Vision Statement.
- 9.4.3 The City shall investigate mechanisms to assure the vitality and preservation of Corvallis' residential areas.
- 9.4.5 The City shall maintain appropriate standards to assure the repair and rehabilitation of housing units that may be hazardous to the health, safety, and welfare of the inhabitants.
- 9.6.2 The City shall encourage the preservation of historically significant homes and buildings within the Downtown Residential Neighborhood.
- 9.6.3 The City shall amend the Land Development Code to encourage the following in the Downtown Residential Neighborhood:
  - A. Building to the higher end of the allowed density range through intensive site utilization;
  - B. Reduction of on-site parking requirements; and
  - C. Maintenance of historic character.

**9.7.1 The City shall encourage the rehabilitation of old fraternity, sorority, and other group buildings near OSU for continued residential uses.**

**A. Article 1 - Introduction and General Policies:**

The Council notes that Article 1 contains general provisions relating to the City's implementation of Comprehensive Plan policies. The Council notes that, consistent with Policy 1.2.1, the most appropriate means to amend the City's existing requirements affecting Designated Historic Resources is to modify the existing Land Development Code provisions through a Legislative Amendment. The Council notes that Policy 1.2.8 specifies that public notice procedures be contained in the Land Development Code. Proposed revisions to the Code's existing public notice procedures for Historic Preservation Permits and applications to establish or remove a Historic Preservation Overlay are proposed as part of this Amendment. The Council notes that specific Code decision-making criteria are proposed in the Amendment, to ensure that the Code remains the primary regulatory tool implementing the Comprehensive Plan's direction on historic preservation, consistent with Policy 1.2.9. Given the above, the Council finds that the proposed Amendment is consistent with Article 1 - Introduction and General Policies.

**B. Article 2 - Citizen Involvement:**

The Council finds that Comprehensive Plan Policy 2.2.5 encourages the dissemination of public information on land use planning issues in an understandable, accurate, complete, and timely manner. Policy 2.2.6 also stipulates that the City shall provide information to citizens and other interested parties concerning all aspects of the City's land use planning program. The Council notes that this proposed Legislative Amendment to the Land Development Code is seen as complying with these Article 2 Policies in two ways: 1) extensive efforts have been made to solicit citizen input on the proposed Code changes to date; and 2) proposed Code changes establish procedures by which citizens may comment on selected historic preservation decisions. As described earlier, the HPAB conducted eight work sessions on the proposed Amendment during the spring through fall of 2005. Public comment opportunities were provided at the beginning and end of each of these work sessions. The Council notes that citizens were encouraged to provide written comments throughout this part of the process. Meeting materials and draft Code language also were posted on the City's web site and mailed to interested parties. Historic Preservation Advisory Board members, themselves volunteers for the City, allocated significant time and energy in their consideration of the proposed Amendment.

The Council notes that the proposed Legislative Amendment to the Land Development Code also provides for public review of more significant changes affecting Designated Historic Resources. Changes to Designated Historic

Resources that are proposed to be reviewed by the Historic Resource Commission (HRC) will be subject to the City's public hearing provisions in Chapter 2.0. A 20-day public notice prior to these hearings is proposed, consistent with state requirements for quasi-judicial land use hearings. Public notice also will also be provided to the HRC and the State Historic Preservation Office.

Given the above, the Council finds that the proposed Amendment is consistent with Article 2 - Citizen Involvement.

C. Article 5 - Urban Amenities (Section 5.4 - Historic and Cultural Resources) and Article 9 - Housing:

The Council notes that the section of the Comprehensive Plan that is most directly relevant to the proposed Legislative Amendment to the Land Development Code is Section 5.4 of Article 5 - Historic and Cultural Resources. The Council notes that a few policies in Article 9 - Housing also address historic homes. Policy 5.4.1 of this Article 5 specifies that the City shall maintain a Local Register as the City's official listing of Designated Historic Resources and that specific criteria and procedures should be utilized to formally identify Designated Historic Resources. The Council notes that the City also must maintain a local Historic Preservation Advisory Board (Policy 5.4.3). Establishing a new quasi-judicial decision-making body called the Historic Resources Commission will still satisfy Policy 5.4.3. Property owners are encouraged to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner (Policy 5.4.2). Special architectural review criteria for historic structures are to be maintained in the Land Development Code (Policy 5.4.5). New construction in designated historic neighborhoods must contain architectural features that relate to the historic period of surrounding dwellings (Policy 5.4.14). The public's safety and general welfare must be considered when a conflict emerges between renovating a Designated Historic Resource and compliance with building and fire codes (Policy 5.4.4). Private property owners are encouraged to identify Designated Historic Resources with appropriate plaques and markers (Policy 5.4.9). The removal of significant public trees in historic residential areas or on historically designated properties should only occur when these trees endanger life or property (Policy 5.4.15). The Council notes that other provisions of Section 5.4 not listed above pertain to history inventory work, efforts to increase public awareness of the City's historic structures, and financial incentives, which are not the direct subject matter of this Legislative Amendment to the Land Development Code.<sup>1</sup>

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<sup>1</sup>During its review of the draft Code provisions, the Historic Preservation Advisory Board made a formal recommendation that the City investigate opportunities to offer financial incentives to owners of Designated Historic Resources for historically-sensitive renovations. Planning Division staff agreed to add this issue to the "Unresolved Planning Issues" list reviewed annually by Planning Commission. The Board

The Council notes that the proposed Legislative Amendment to the Land Development Code is seen as complying with these relevant Comprehensive Plan criteria. Chapter 2.2 of the Land Development Code is proposed to be amended to contain procedures and criteria for the listing of Designated Historic Resources in the Local Register. The Council notes that the proposed Amendment clarifies existing procedures and criteria that are now located in Chapter 2.9; these provisions are proposed to be moved to Chapter 2.2 because they are akin to other "Development District Change" decisions located in this Chapter.

Consistent with Policy 5.4.3, the Council notes that the role of the new Historic Resources Commission is enhanced beyond that of the current Historic Preservation Advisory Board with the proposed Amendment. As described earlier, the Amendment proposes to establish the HRC as a quasi-judicial decision-making body.

The Council notes that Comprehensive Plan Policies 5.4.5 and 5.4.14 address architectural review criteria and compatibility. Proposed new exemptions and the updated two-tier Historic Preservation Permit system are intended to encourage the maintenance and repair of Designated Historic Resources prior to the undertaking of more significant changes which would be the subject of public hearing review before the HRC. The Council notes that the proposed Amendment has been developed to provide explicit Code provisions that clarify how the most common types of Alteration and New Construction activities are to be evaluated, such as re-roofing, and siding, window, and door replacement. This is seen as improvement over the current Code, which contains general review criteria based on the classification of the Designated Historic Resource; in current practice, it may not be clear whether a certain Alteration should be evaluated administratively at the staff level or whether it should be reviewed by the HRC. The Council notes that the proposed revised review criteria also are intended to apply to instances of New Construction affecting Designated Historic Resources.

The Council notes that Comprehensive Plan Policy 5.4.2 specifies that a balance must be struck between the objectives to preserve historic resources and to allow property owners to use those resources in an economically viable manner. Housing policies 9.6.2, 9.6.3, and 9.7.1 encourage the maintenance, preservation, and/or rehabilitation of the City's historic resources. On the other hand, Policy 9.4.2 stipulates that the City shall periodically evaluate the effect of its actions on dwelling costs and livability. The Council notes that Policy 9.4.3 calls for the City to assure

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also recommended that the City provide information to those applying for a demolition building permit regarding possible alternatives to demolition that those applicants may consider. Staff agreed to develop a handout to be included with the demolition building permit form.

both the vitality and the preservation of Corvallis' residential areas. This Amendment proposes to balance these objectives through the tiered permit review approach proposed in Chapter 2.9.

The Council notes that some new provisions in Chapter 2.9 are intended to address health and safety concerns, as specified by Comprehensive Plan policies 5.4.4 and 9.4.5. The Code's existing emergency provisions are proposed to be amended to require additional documentation prior to an emergency action affecting a Designated Historic Resource. A possible follow-up Historic Preservation Permit also may be required. New review criteria are proposed to specify when some flexibility from Building Code requirements may be authorized by the City's Building Official.

The Council notes that the City's Sign Code in Chapter 4.7 is proposed to be clarified to encourage historical plaques and markers on all designated resources, consistent with Comprehensive Plan Policy 5.4.9. Finally, new tree provisions in Chapter 2.9 establish criteria for the identification of Historically Significant Trees. The proposed Legislative Amendment to the Land Development Code contains procedures and criteria for tree removal, including emergency tree removal. While the removal of a Historically Significant Tree is discouraged, some criteria are proposed to allow consideration of needed development on the affected site. These new proposed tree provisions address Comprehensive Plan Policy 5.4.15.

Given the above, the Council finds that the proposed Amendment is consistent with Article 5 - Urban Amenities (Section 5.4 - Historic and Cultural Resources) and Article 9 - Housing.

#### Conclusions Regarding Applicable Comprehensive Plan Policies:

In conclusion, based on the information presented above, the Council finds that the proposed Legislative Amendment to the Land Development Code is consistent with and improves Land Development Code compliance with the applicable policy direction in the Comprehensive Plan.

## **6. Applicable Statewide Land Use Planning Goals:**

The Council notes that the specific Statewide Land Use Planning Goals identified by staff as applying to this proposed Legislative Amendment to the Land Development Code are: Goal 1 - Citizen Involvement; Goal 2 - Land Use Planning; Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces; Goal 7 - Areas Subject to Natural Hazards; and Goal 10 - Housing. Analysis of the proposed Amendment with regard to these Statewide Goals follows. Because the Comprehensive Plan is the primary mechanism by which the Statewide Planning Goals are implemented at the local level, many of the same



arguments presented in Finding #5 above apply to a review of applicable Statewide Planning Goals.

**Goal 1 - Citizen Involvement**

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

**Goal 2 - Land Use Planning**

**PART 1 – PLANNING**

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

**Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources**

To conserve open space and protect natural and scenic resources.

**Goal 7 - Areas Subject to Natural Disasters and Hazards**

To protect life and property from natural disasters and hazards.

**Goal 10 - Housing**

To provide for the housing needs of citizens of the state.

A. **Goal 1 - Citizen Involvement:**

The Council notes that the State's Goal 1 Guidelines for "*Citizen Influence*" are most directly relevant to a local-level Amendment effort. These Guidelines specify that the general public, through the City's citizen involvement program, shall have "*the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out a comprehensive land-use plan.*" The public also shall have "*the opportunity to review each proposal and application for a land conservation and development action prior to the formal consideration of such proposal and application.*" Citizens shall "*have the opportunity to review and make recommendations on proposed changes in comprehensive land-use plans prior to the public hearing process to formally consider the proposed changes.*" The Council notes that the City also is required to clearly state the mechanism through which the citizens will receive a response from policy-makers at the onset of its citizen involvement program.

The Council notes that the City has made extensive efforts to involve citizens, including the volunteer HPAB members, in the review of the proposed Legislative Amendment to the Land Development Code prior to any of the public hearing processes. The HPAB itself developed specific guidelines early on to establish how

citizen input would be solicited and considered during the HPAB workshops. The Council notes that citizens were encouraged to provide input in a variety of means, including public comment to the HPAB, e-mail, and/or written testimony. Required Land Development Code procedures for notification of the Planning Commission public hearing have been followed. As described in Finding #5 above relative to Comprehensive Plan policies, the proposed Amendment also contains provisions for citizen involvement in the review of proposed Historic Preservation Permits and District Change applications for the addition or removal of Historic Preservation Overlays. The Council finds that the City's efforts to date to involve citizens in the review of the proposed Amendment are seen as complying with Goal 1 direction.

B. Goal 2 - Land Use Planning:

The Council notes that Goal 2 Guidelines require that all local level land use ordinances be *"adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances..."* The Council notes that while the Goal 2 Guidelines principally address the requirement for *"periodic review"* of the City's Comprehensive Plan and associated implementing ordinance, the Land Development Code, it is reasonable to interpret this provision as also applying to the need to amend Code language periodically to address public needs. The Council notes that it identified this Amendment as a high priority work task, given deficiencies and ambiguities in the current Code. The Council notes that Finding #1 of these Findings concludes that there is a public need for this Legislative Amendment to the Land Development Code. The Council notes that Goal 2 also requires an adequate factual base for land use planning decisions. The proposed Amendment contains revised criteria for the review of historic preservation actions which are intended to provide for greater clarity and consistency in decision-making. For these reasons, the Council finds that there is a public need for this Amendment and the proposed Amendment is consistent with Goal 2 requirements for Land Use Planning.

C. Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces:

The Council notes that Goal 5 requires local governments to adopt programs to protect and conserve scenic, historic, and open space resources for present and future generations. Most of Goal 5 pertains to natural resources, and relatively little policy direction is provided to local governments for their historic preservation regulations. Cities are required to maintain current inventories of historic resources. The National Register of Historic Places and the recommendations of the State Advisory Committee on Historic Preservation should be utilized in designating

historic sites. State and federal agencies are encouraged to develop statewide historic plans and to provide technical assistance to local and regional agencies.

The Council notes that this Amendment contains references, as appropriate, to state and federal procedures for the listing of Designated Historic Resources in the National Register of Historic Places. The City's Code provisions affecting Designated Historic Resources are considered adequate per standards for Certified Local Governments. The State Historic Preservation Office will continue to be involved in the review of this proposed Amendment. The City's Code provisions for designating historic resources also are seen as adequate per state and federal criteria. Therefore, the Council finds that this Legislative Amendment to the Land Development Code is compliant with the general policy direction of Goal 5.

D. Goal 7 - Areas Subject to Natural Disasters and Hazards:

The Council notes that Goal 7 specifies that the City "*protect life and property from natural disasters and hazards.*" Some revised provisions pertaining to emergency actions affecting Designated Historic Resources are contained in the proposed Legislative Amendment to the Land Development Code. These provisions clarify when an emergency would be seen as in effect and how owners of Designated Historic Resources should respond to an emergency. Some new requirements for documentation prior to addressing the hazard are proposed, consistent with Goal 7 Guidelines. New requirements to address an emergency tree hazard on a historic site also are recommended. These provisions are intended to balance property owner concerns and the public's needs for safety with objectives to preserve the City's Historically Significant Trees. Therefore, the Council finds that these proposed provisions of the Amendment are consistent with the general guidance provided in Goal 7.

E. Goal 10 - Housing:

The Council notes that Goal 10 begins with the overarching objective "*to provide for the housing needs of citizens of the state.*" In general, Goal 10 requires that cities make the appropriate types and amounts of land available for housing and that specific implementation mechanisms provide for needed housing. While Goal 10 does not explicitly address historic resources, the City's Historic Preservation Provisions need to be consistent with the general direction of Goal 10. Accordingly, the Council notes that it is reasonable to conclude that the Legislative Amendment to the Land Development Code should not unduly burden owners of historic homes seeking to make renovations to enhance the livability of their properties. The Council notes that these objectives need to be balanced with the community's overall interest to protect its Designated Historic Resources, many of which are not private homes. The Council finds that the Amendment's inclusion of clear and

objective standards and a discretionary review path consistent with state land use requirements help to ensure that, in general, the proposed Amendment adequately meets Goal 10 Guidelines.

#### Conclusions Regarding Applicable Statewide Land Use Planning Goals:

In conclusion, and based on the information presented above, the Council finds that the proposed Legislative Amendment to the Land Development Code complies with the general policy direction in applicable Statewide Land Use Planning Goals.

#### **7. Certified Local Government Requirements and Applicable State Regulations:**

The Council notes that the City of Corvallis is a Certified Local Government (CLG) with delegated authority from the state and federal governments to carry out the purposes of the National Historic Preservation Act. The State Historic Preservation Office (SHPO) has prepared minimum Annotated Performance Standards and Participation Procedures for Certified Local Governments; these guidelines are reproduced as Attachment J of **Exhibit VI** of the April 11, 2006, City Council staff report. While not land use review criteria, per se, the Council notes that these guidelines reference the primary state laws with which CLGs must comply, also included as Attachment I of **Exhibit VI** of the April 11, 2006, City Council staff report.

The Council notes that the CLG responsibilities identified in the SHPO Annotated Performance Standards that are most directly relevant to this Legislative Amendment to the Land Development Code are the following:

- The Certified Local Government enforces preservation legislation and ordinances.
- The Certified Local Government establishes and maintains an adequate and qualified landmarks commission.
- The Certified Local Government designates local landmarks.
- The Certified Local Government reviews proposals to alter local landmarks.
- The Certified Local Government reviews requests for demolition and removal of local landmarks.
- The Certified Local Government conducts meetings in conformance with State of Oregon public meeting statutes.

The Council notes that the State Historic Preservation Office's Local Government Participation Procedures reiterate and expand upon the above requirements with further guidance. The following minimum requirements in the Participation Procedures are most germane to the proposed Amendment:

- Enforce appropriate state or local legislation for the designation and protection of historic properties.

- Establish by state or local law an adequate and qualified historic preservation review commission composed of professional and lay members.
- Provide for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register.

The Council notes that generally, CLGs also are required to “*satisfactorily perform the responsibilities delegated to it under the [National Historic Preservation] Act.*” Some further provisions address how CLGs are expected to participate in the National Register nomination process.

The Council notes that Corvallis’ Historic Preservation Provisions have been found to meet SHPO’s minimum standards. The existing Code complies with the general provisions listed above. However, the City has consulted often with SHPO about the proposed Legislative Amendment to the Land Development Code, and SHPO supports the proposed Amendment, including the proposed change to establish a new quasi-judicial decision-making body called the Historic Resources Commission (HRC). The Council notes that State staff contend that the Landmarks Boards for many other Oregon jurisdictions have assumed this role and that it is appropriate for Corvallis to move in this direction. Accordingly, this Amendment contains new procedural requirements that reference this proposed new HRC role, including revised public notice requirements.

The Council notes that some additional changes are proposed as part of this Legislative Amendment to the Land Development Code which are further in keeping with state and federal requirements. For example, some new Code language is proposed for Chapter 2.9 that reinforces the City’s enforcement authority with regard to the protection of Designated Historic Resources. A District Change process in Chapter 2.2 is proposed to implement a 1995 state law that requires local jurisdictions to remove a historic designation given circumstances of documented prior owner objection to that designation. The Council notes that the existing Code does not explicitly address the situation identified in the state law.

The Council notes that some other SHPO standards pertaining to the qualifications of the HRC, grant administration, historic resource inventorying, and the review of nominations of resources proposed to be listed in the National Register of Historic Places are not directly relevant to this Amendment. However, the Council notes that where relevant, the City has attempted to reference any state and/or federal procedures that may apply to its local level decision-making.

#### Conclusions Regarding Certified Local Government Requirements and Applicable State Regulations:

The Council finds that in summary, the proposed Legislative Amendment to the Land Development Code is consistent with the minimum state and federal guidelines for Certified Local Governments.

**8. Summary of Components of Legislative Amendment to the Land Development Code Related to Chapter 2.9 - Historic Preservation Provisions:**

The Council notes that most of the recommended changes that are the subject of this Legislative Amendment to the Land Development Code apply to Chapter 2.9 - Historic Preservation Provisions. Accordingly, the Council notes that a wholesale revision to Chapter 2.9 is proposed, and the existing Chapter 2.9 is proposed to be replaced by the newly proposed one. The Council notes that a general summary of the proposed changes to Chapter 2.9 are listed below:

- A. Updated Background and Purpose Statements - Several wording changes are recommended to reflect information in the Corvallis Comprehensive Plan and to describe the City's Historic Preservation Program.
- B. Applicability - Consistent terminology is proposed to identify Designated Historic Resources subject to the City's Historic Preservation Provisions, including specific references to the Local Register and/or the National Register of Historic Places, as appropriate. The Chapter 2.9 Provisions also are proposed to apply to public or private street rights-of-way located within or adjacent to a National Register of Historic Places Historic District. Sources of information that the Director may refer to in determining the Historic Significance of a Designated Historic Resource, or attributes thereof, are listed. Changes are proposed throughout Chapter 2.9 to identify those features of a Designated Historic Resource that are considered Historically Significant and therefore subject to review.
- C. Exempt Activities - A new section is proposed to define activities which do not trigger the need to obtain a Historic Preservation Permit. The listed activities are intended to clarify the current Code and/or past Historic Preservation Permit interpretations, and include relatively benign activities.
- D. Emergency Actions - New standards for documentation of a Designated Historic Resource prior to undertaking an emergency action are recommended, if time allows. After the immediate emergency has been addressed, a follow-up Historic Preservation Permit may be required to address any needed changes resulting from the emergency.
- E. Two-Tier Historic Preservation Permit Review - A two-tier Historic Preservation Permit review system is proposed whereby certain changes can be reviewed administratively (subject to a Director-level Historic Preservation Permit) and other changes are evaluated by the Historic Resources Commission through a public hearing process (subject to an HRC-level Historic Preservation Permit). A two-tier system is consistent with the current Code, with the exception that a new HRC is

proposed to assume quasi-judicial decision-making authority for HRC-level Historic Preservation Permits. Changes are proposed to ensure that the associated review procedures are consistent with state and local requirements for the processing of land use applications. For example, certain layers of review have been eliminated to ensure that final action at the local level, including all possible levels of appeal, can be accomplished within 120 days of the receipt of a complete application, as required under state land use law.

- F. Application Requirements - An expanded list of information for a Historic Preservation Permit application is proposed to be consistent with recent past practice and to facilitate efficient and effective Permit review. Application requirements not pertinent to the review of a Historic Preservation Permit may be waived by the Director, as appropriate, consistent with other land use application processes. Any SHPO recommendations, or other information required under state or federal law, that is relevant to the Historic Preservation Permit, are required to be included in the application. Additional application information needed for unique types of Historic Preservation Permits, such as Demolition Permits, is listed.
- G. Historic Preservation Permit Review Criteria - More specifically listed review criteria for the review of Historic Preservation Permits are proposed. These criteria are intended to implement the federal Secretary of Interior Standards for Preservation and Rehabilitation. Detailed compatibility criteria addressing facades, building materials, architectural details, scale and proportion, height, roof shape, building orientation, site development, accessory development/structures, and garages are proposed. New criteria pertaining to the removal of a Historically Significant Tree also are proposed.
- H. Consolidation of Alteration and New Construction Provisions - In contrast to the existing Code, the proposed processes and review criteria for Alteration and New Construction are combined. This change will reduce the Code's complexity and the Council notes that the review criteria and processes needed for these two sections would be identical. Additionally, gray areas can emerge in practice regarding what constitutes an "Alteration" versus "New Construction," so implementation of the Code is expected to be simplified by merging these two categories.
- I. Clarification of Specific Actions Eligible for Director-level Historic Preservation Permit Review - As is the case in the current Code, specific changes that can be reviewed administratively are listed. However, the revised provisions are intended to provide greater clarity regarding the specific types of changes that can be accomplished under this process. The listed items also are intended to be clear and objective so that the Director does not exert discretion in acting on the Permit request. Legally, such changes may be categorized as a form of General Development, as defined in Chapter 1.2. Public notice for these Permits is not

required, but Notices of Dispositions for them will be provided to those properties within 100 ft. of each subject site. These changes are intended to make the Director-level review process more consistent with state law than is the case under the current Code.

- J. Tree Provisions - New criteria are proposed for Historically Significant Tree, as newly defined in Chapter 1.6 - Definitions. Other proposed new provisions pertain to emergency tree removal and the removal of a Historically Significant Tree (via a Demolition Historic Preservation Permit). Consultation with the City's Urban Forester may be required for certain tree-related actions.
  
- K. Revised Demolition Review Criteria and Procedures - The review criteria for a Historic Preservation Permit to demolish a Designated Historic Resource have been revised. The proposed review criteria include alternatives to Demolition. While such alternatives are listed in the current Code, changes are recommended to enable action on a complete Historic Preservation Permit application for Demolition within 120 days, as required by state law, and to encourage early consideration of alternatives. Documentation of the Designated Historic Resource proposed to be demolished will be required prior to the issuance of a building permit for the Demolition. A new proposed temporary stay in the issuance of a building permit for Demolition of a publicly-owned Designated Historic Resource subject to a pending nomination for listing in the National Register of Historic Places also is included.
  
- L. New Moving Provisions - The existing Code features a combined Demolition and Moving section, with few distinctions for these two actions. New distinct procedures and review criteria are recommended for Moving applications. A Moving request is considered to apply only to the removal of a Designated Historic Resource from its current location. Evaluation of the installation of the resource at its new location is proposed to be done per the revised Alteration and New Construction provisions. In practice, the City has received very few Moving applications, so these changes are proposed primarily to make the Code more consistent and complete.
  
- M. New Hardship Criteria for Appeals - New criteria are proposed for the consideration of claims of undue hardship where an applicant was denied a Historic Preservation Permit or granted a Permit with conditions which are alleged to constitute an undue hardship.
  
- N. New Enforcement Provisions - Violations of any Historic Preservation Provision(s) in the Code is subject to the general Land Development Code Enforcement Provisions contained in Chapter 1.3. A new section in Chapter 2.9 is proposed to augment the Chapter 1.3 provisions to note the remedies which may be required for violations of any of the City's Historic Preservation regulations.



Conclusions Regarding Summary of Components of Legislative Amendment to the Land Development Code Related to Chapter 2.9 - Historic Preservation Provisions:

The Council finds that the summary of Chapter 2.9 - Historic Preservation Provisions components of the proposed Legislative Amendment to the Land Development Code is thorough and will provide a more clear framework for activities involving Designated Historic Resources. The Council also finds that the proposed changes to Chapter 2.9 provide clear and objective parameters for Exemptions and clear and objective parameters and review criteria for Director-level Historic Preservation Permits, The Council also finds that the proposed changes to Chapter 2.9 provide more specific review criteria for HRC-level Historic Preservation Permits, which fully implement the Secretary of Interior Preservation and Rehabilitation Standards, consistent with minimum state and federal guidelines.

**9. Summary of Components of Legislative Amendment to the Land Development Code Related to Chapter 2.2 - Development District Changes:**

The Council notes that new provisions are proposed to establish procedures and criteria for adding or removing a Historic Preservation Overlay (HPO) for Historic Resources proposed to be listed in (or removed from) the Local Register. These provisions are proposed to replace existing sections of Chapter 2.9 because Historic Preservation Overlay-related actions are considered to be a type of District Change decision. A new Administrative District Change process is proposed to implement a state law that requires local jurisdictions to remove a historic designation that was placed counter to documented prior owner objection to that designation.

Conclusions Regarding the Summary of Components of the Legislative Amendment to the Land Development Code Related to Chapter 2.2 - Development District Changes: The Council finds that the changes to Chapter 2.2- Development District Changes are appropriate and consistent with current state and federal law.

**10. Summary of Components of Legislative Amendment to the Land Development Code Related to Chapter 3.31 - HPO (Historic Preservation Overlay):**

The Council notes that clarifications are provided to note that a Historic Preservation Overlay District designation applies only to Local Register Designated Historic Resources. The process by which Designated Historic Resources listed in the National Register of Historic Resources are regulated under the Code is referenced. Updated purpose statements are proposed to be consistent with similar changes recommended for Chapter 2.9 - Historic Preservation Provisions. Updated references to appropriate sections of Chapters 2.2 and 2.9 also are provided.

Conclusions Regarding the Summary of Components of the Legislative Amendment to the Land Development Code Related to Chapter 3.31 - HPO (Historic Preservation Overlay): The Council finds that the changes to Chapter 3.31 - HPO (Historic Preservation Overlay) are appropriate and consistent with the changes to Chapters 2.9 - Historic Preservation Provisions and Chapter 2.2 - Development District Changes.

**11. Summary of Components of Legislative Amendment to the Land Development Code Related to Chapter 1.6 - Definitions:**

The Council notes that new definitions are proposed to establish a clear and consistent framework for the Historic Preservation Permit provisions in Chapter 2.9 - Historic Preservation Provisions, historic designation provisions in Chapter 2.2 - Development District Changes, and other Code Chapters which reference Designated Historic Resources. Several definitions are proposed to make legal distinctions for Designated Historic Resources listed in the Corvallis Register of Historic Landmarks and Districts (Local Register) and the National Register of Historic Places.

The Council notes that currently, Chapter 1.6 does not include any definitions relating to historic preservation, and so these changes are intended to aid in the implementation of the Code. Also provided are definitions for all land use applications listed in the Code. These new definitions were added at the request of the Planning Commission and the public notice for the City Council hearing, which is a *de novo* hearing, included notice of the land use process definitions. The definitions are relevant to the Legislative Amendment to the Land Development Code because they included definitions for both Director-level and HRC-level HPP's, and the Council notes that if some land use processes received definitions in Chapter 1.6, then they all should. The definitions merely reference the applicable Code chapter and include information from those applicable Code chapters.

Conclusions Regarding Summary of Components of Legislative Amendment to the Land Development Code Related to Chapter 1.6 - Definitions: The Council finds that these definitions are appropriate and will assist the general public, applicants, staff, and decision-makers in understanding the meaning behind terms used throughout the Code.

**12. Summary of Components of Legislative Amendment to the Land Development Code Related to Chapter 2.19 - Appeals:**

The Council notes that changes are proposed to explain that appeals of Director-level Historic Preservation Permits will be reviewed by the Historic Resources Commission and appeals of newly-established Administrative District Change decisions by the Director (for removal of a Historic Preservation Overlay under limited circumstances provided for under state law) will be reviewed by the City Council. These changes are needed to be consistent with other Code recommendations.

Conclusions Regarding Summary of Components of Legislative Amendment to the Land Development Code Related to Chapter 2.19 - Appeals: The Council finds that these changes are appropriate because they are needed to implement the changes made to other chapters of the Code.

**13. Summary of Components of Legislative Amendment to the Land Development Code Related to Chapter 2.0 - Public Hearings:**

The Council notes that changes are proposed to be consistent with recommendations in Chapters 2.2 and 2.9 that establish the new HRC as a quasi-judicial decision-making body for certain Historic Preservation Permits and District Change decisions. Some other changes are recommended to list public notice recipients for Historic Preservation decisions and the coordination of multiple land use applications filed together when at least one of the applications pertains to a Historic Preservation decision.

Conclusions Regarding Summary of Components of Legislative Amendment to the Land Development Code Related to Chapter 2.0 - Public Hearings: The Council finds that these changes are appropriate because they are needed to implement the changes made to other chapters of the Code.

**14. Summary of Components of Legislative Amendment to the Land Development Code Related to Housekeeping Changes Associated with Chapter 1.1 - The City Council and Its Agencies and Officers; Chapter 1.2 - Legal Framework; Chapter 1.3 - Enforcement; Chapter 2.16 - Request for Interpretation; Chapter 4.0 - Improvements Required with Development; Chapter 4.2 - Landscaping, Buffering, and Screening; Chapter 4.7 - Corvallis Sign Regulations; and Chapter 4.9 - Additional Provisions:**

**A. Chapter 1.1 - The City Council and Its Agencies and Officers:**

The Council notes that the Historic Resources Commission is listed along with the Planning Commission and Land Development Hearings Board as an entity authorized by the City Council to implement land use plans and controls. The specific duties of the Historic Resources Commission are described.<sup>2</sup> As part of this Amendment, the HRC is proposed to become a quasi-judicial body for discretionary Historic Preservation decisions. Changes are proposed throughout the Code to reflect this quasi-judicial decision-making role.

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<sup>2</sup> Related to its evaluation of this Legislative Amendment to the Land Development Code, the Council will need to review Corvallis Municipal Code Chapter 1.16, which currently identifies the composition and duties of the Historic Preservation Advisory Board and will move to instead identify the composition and duties of the new Historic Resources Commission. This establishment of a new Commission triggers the need for global changes throughout the Land Development Code wherever the Historic Preservation Advisory Board is currently listed.

B. Chapter 1.2 - Legal Framework:

The Council notes that minor corrections are proposed to explain the levels of review associated with different categories of Historic Preservation Permits and Historic Preservation Overlay-related Development District Change decisions, consistent with other proposed changes to Chapters 2.2 and 2.9.

C. Chapter 1.3 - Enforcement:

The Council notes that the Historic Resources Commission is added to the list of decision-making bodies having the authority to establish conditions of approval. This is consistent with the proposal to establish the new HRC as a quasi-judicial body for Historic Preservation decisions.

D. Chapter 2.16 - Request for Interpretation:

The Council notes that a change is proposed to reference the Historic Resources Commission, along with the Land Development Hearings Board, Planning Commission, and City Council, as an entity not bound by a formal Director Interpretation when making a decision. This change is needed to include the HRC as one of the City's land use decision-making bodies, given other changes proposed as part of this Legislative Amendment to the Land Development Code.

E. Chapter 4.0 - Improvements Required with Development:

The Council notes that a proposed new pedestrian development standard specifies that a contractor sidewalk/street stamp in an existing sidewalk that is impacted by a proposed development is to be left in its current state or incorporated into the new sidewalk for the development site.

F. Chapter 4.2 - Landscaping, Buffering, and Screening:

The Council notes that a reference to the new definitions, procedures, and review criteria for Historically Significant Trees in Chapter 2.9 - Historic Preservation Provisions is proposed.

G. Chapter 4.7 - Corvallis Sign Regulations:

The Council notes that a clarification to an existing Sign Code exemption for small historical signs is proposed to remove the reference to "historical" because constitutional grounds prohibit the regulation of sign content. As a result, an additional modification to the provision is proposed to default to the sign design guidelines that the Historic Resources Commission has established.

H. Chapter 4.9 - Additional Provisions:

The Council notes that a correction is proposed for the Wireless Telecommunications Section to refer to Designated Historic Resources rather than "Historic Preservation District Overlay" properties. The Historic Preservation Overlay District designation applies only to Local Register Designated Historic Resources. In contrast, "Designated Historic Resources" are defined as Historic Resources listed in the Local Register and/or the National Register of Historic Places.

Conclusions Regarding Summary of Components of Legislative Amendment to the Land Development Code Related to Housekeeping Changes Associated with Chapter 1.1 - The City Council and Its Agencies and Officers; Chapter 1.2 - Legal Framework; Chapter 1.3 - Enforcement; Chapter 2.16 - Request for Interpretation; Chapter 4.0 - Improvements Required with Development; Chapter 4.2 - Landscaping, Buffering, and Screening; Chapter 4.7 - Corvallis Sign Regulations; and Chapter 4.9 - Additional Provisions: The Council finds that, for the reasons outlined in A-H of this finding, these changes are appropriate. The Council also finds that these changes are needed to reflect the bulk of the changes involved in this Legislative Amendment to the Land Development Code.

15. **Chapter 2.3 - Conditional Development and Chapter 2.5 - Planned Development:**

The Council notes that the HPAB and the Planning Commission recommended that a new review criterion "k" be added to both of these Chapters. The new criterion pertained to the visual impacts on any adjacent Designated Historic Resources of a proposed development adjacent to a Historic District. However, the Council notes that the addition of such a new criterion to each of these Chapters would result in historic criteria applying to properties that did not themselves possess Designated Historic Resources, and that such criterion would thus be in conflict with the intent of the applicability provisions in Chapter 2.9 - Historic Preservation Provisions. Additionally, the Council notes that public notice of this Legislative Amendment to the Land Development Code was not provided to such additional property owners.

Conclusion Regarding Chapter 2.3 - Conditional Development and Chapter 2.5 - Planned Development: Given the above, the Council finds that it is inappropriate to add this review criterion to Chapters 2.3 and 2.5 and deletes, from this proposed Legislative Amendment to the Land Development Code, this subsection "k" and any proposed changes to these two chapters.

**16. Specific Issues Raised and Addressed During Council Deliberations:**

The Council notes that there were specific items related to this Legislative Amendment to the Land Development Code that were addressed during Council deliberations. The Council notes that these items are addressed in the matrix started on the next page, along with the Council's findings relative to each issue.

## Matrix of Issues Addressed During Deliberations

The Council notes that the matrix below identifies further issues raised and addressed during Council deliberations on May 8 and 22, 2006.

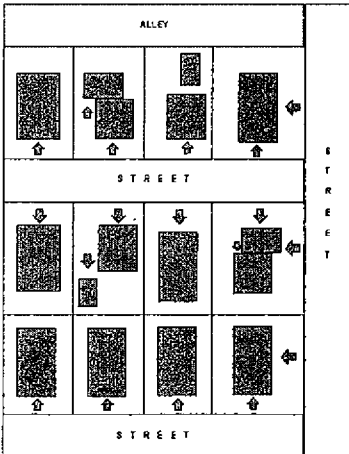
PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) -Pg. 52; and Testimony #5 of 5/2/06 Memo	<b>2.9.20.c (Purposes)</b>	<p>The Council notes that this testimony requested that the Purpose statement in Section 2.9.20.c be modified as noted by shading below.</p> <p>c. Complement any National Register of Historic Places Historic <u>Sites or</u> Districts in the City;</p> <p>■ The Council notes that the historic preservation provisions apply to both sites and districts when the context is the National Register of Historic Places. The Council notes that this suggestion is a good suggestion, but that the word "or" should be changed to "and/or" to be more accurate.</p>	<p><b>The Council concludes that Section 2.9.20.c (Purposes), should be modified as follows:</b></p> <p>c. Complement any National Register of Historic Places Historic <u>Sites and/or</u> Districts in the City;</p>
Exhibit I (yellow) -Pg. 52; Exhibit VII - Pg. 42; & Testimony #10 in 5/2/06 Memo	<b>2.9.20 (Purposes)</b>	<p>The Council notes that this testimony requested that the following statement be added as an additional subsection to the purpose statements in Section 2.9.20.</p> <p><del>Lessen</del> <u>Increase</u> the influence of private economic interests in the land use decision-making process <u>as it relates to Historic Districts in the City of Corvallis</u>;</p> <p>■ The Council notes that this statement puts forth a position in favor of private economic interests. The Council notes that it desires a neutral position on private economic interests when considering land use permit requests.</p>	<p><b>The Council concludes that this proposed additional purpose statement should not be added to Section 2.9.20.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit VII - Pg. 6	<b>Sections 2.9.30.01.a &amp; 2.9.70.01.a are listed, but don't correspond to topic.</b>	<p>The Council notes that this testimony expressed a concern that, for conflict of interest reasons, the HPAB should not be able to initiate a District Change application to apply a Historic Preservation Overlay and should not be able to initiate a Historic Preservation Permit.</p> <ul style="list-style-type: none"> <li>■ The Council notes that it agrees that the new quasi-judicial decision-making body should not be able to initiate a District Change application to apply a Historic Preservation Overlay and should not be able to initiate a Historic Preservation Permit. The Council notes that the currently proposed version of this Legislative Amendment to the Land Development Code (Exhibit I of the Council staff report) does not allow this to occur.</li> </ul>	<b>The Council concludes that no changes are needed to address these stated concerns because the currently proposed version of this Legislative Amendment to the Land Development Code (Exhibit I of the Council staff report) does not allow the issues to occur.</b>

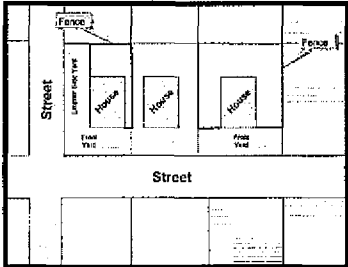


PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) -Pg. 55	<b>2.9.70.b</b> <b>(in</b> <b>Exemptions</b> <b>List)</b>	<p>The Council notes that on pages 28 &amp; 29 of Council staff report, staff suggests modifying Section 2.9.70.b as shown in italics and shading below.</p> <p><b>b.</b>     <b>Routine Maintenance and/or In-kind Repair or Replacement -</b>  Routine maintenance of any exterior feature of a Designated Historic Resource that does not involve a change in the design; or style, <i>dimensions</i>, or material of the resource. <u><i>A complete definition for In-kind Repair and Replacement is contained in Chapter 1.6 - Definitions.</i></u> The In-kind Repair or Replacement of deteriorated materials is also allowed; however, it is recommended that repair be considered prior to replacement. Also included in routine maintenance are the following: .....</p> <p>■     The Council notes that the changes are simple additions to help with implementation of Chapter 2.9 - Historic Preservation Provisions. The Council notes that the additions do not introduce any additional requirements, since the term “dimensions” is actually included in the definition for In-kind Repair and Replacement in Chapter 1.6 - Definitions. The Council notes that including the term “dimensions” and the cross-reference to the actual definition for In-kind Repair and Replacement in Section 2.9.70.b will assist owners of Designated Historic Resources, as well as staff.</p>	<b>The Council concludes that it is appropriate to modify Section 2.9.70.b as proposed by staff.</b>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pg. 56; Exhibit II (pgs. 64 &amp; 65); and Councilor Griffith's Testimony (pg. 3)</p>	<p><b>2.9.70.d (in Exemptions List)</b></p>	<p>The Council notes that Councilor Griffiths suggested modifying Section 2.9.70.d as shown in shading below, in order to reflect staff-proposed text to the Planning Commission.</p> <p>d. <u>Historical Proposed Signs or Tablets</u> - Installation of one permanent memorial sign or tablet <u>up to ten sq. ft. in area</u> per property, where the sign or tablet is exempt from the City's Sign Code regulations per Section 4.7.70.e, and is consistent with the published dimensions and design guidelines established by the Historic Resources Commission.</p> <p>■ The Council notes that the City Attorney's Office advised staff and the Planning Commission that sign content can't be regulated because it is a constitutional issue. The Council notes that that is why the reference to "historical" was deleted. The Council notes that during Planning Commission deliberations, both the Commission and staff thought that, given that sign content couldn't be regulated (and the sign could not be guaranteed to be historical), the appropriate size of the sign for this exemption should default to the sign standards for a property's underlying District Designation.</p>	<p><b>The Council concludes that Section 2.9.70.d should not be changed.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pg. 56; and Exhibit VII - Pgs. 3 &amp; 10; &amp; Councilor Griffith's Testimony (pg. 3)</p>	<p><b>2.9.70.e (in Exemptions List)</b></p> <p><b>Chapter 1.6 - Definitions</b></p>	<p>The Council notes that Councilor Griffiths &amp; other testimony requested a definition for what is meant by "visible" and "not visible," when the terms are used in Chapter 2.9 - Historic Preservation Provisions. The Council notes that an example where such terms are used is Section 2.9.70.e below and the terms in question are highlighted.</p> <p>e. <b>Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District</b> - An exterior Alteration or New Construction to a property in a National Register of Historic Places Historic District that is classified in its entirety as Nonhistoric/Noncontributing shall be exempt from review, provided the Alteration or New Construction is not visible from <del>the</del> public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), is 200 sq. ft. or less, and does not exceed 14 ft. in height.</p> <p>■ The Council notes that this suggestion is a good one and that it subsequently reviewed a staff-proposed definition as shown in the conclusion column to the right.</p>	<p>The Council concludes that the staff-proposed definition below adequately addresses the definition request.</p> <p><u>Visible from Public Rights-of-Way (Excluding Alleys) and Private Street Rights-of-Way - As indicated by the arrows in the graphic below, structure facades that face public rights-of-way (excluding alleys) and private street rights-of-way are areas considered to be "visible," with the following two exceptions:</u></p> <p><u>a. Structures that are obscured by other structures that are located directly in front of them are not considered to be visible, provided they are ≤ the height of the structure that is obscuring them; and</u></p> <p><u>b. Structures that are located behind a solid fence or a minimum 80% opaque evergreen hedge are not considered to be visible, provided the fence or evergreen hedge is a minimum height of 6 ft. and provided the structure in question is ≤ the height of the fence or hedge.</u></p> 

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pg. 56; and Councilor Griffith's Testimony (pg. 3)</p>	<p><b>2.9.70.h</b> (in Exemptions List)</p>	<p>The Council notes that Councilor Griffiths requested that the 100 sq. ft. threshold in Section 2.9.70.h be changed to 200 sq. ft., as staff had previously recommended.</p> <p>h. <b>Accessory Development</b> - Accessory development meeting the criteria in Chapter 4.3 - <i>Accessory Development Regulations</i> that is not visible from <del>the</del> public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), that is <del>100</del> <u>200</u> sq. ft. or less, and that does not exceed 14 ft. in height.</p> <p>■ The Council notes that this change, as shown in shading, will make this provision consistent with Section 2.9.70.i. The Council notes that this threshold was originally proposed by staff because it matches the threshold at which a Building Permit is required. The Council notes that there is merit in having these two thresholds match at 200 sq. ft. The Council notes that allowing this increase in square footage should not result in negative impacts to historic resources because the accessory development is not allowed via this provision to be visible from public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible).</p> <p>The Council notes that making the proposed change also requires deletion of Section 2.9.100.03.I (a Director-level provision for Accessory Development that regulates sizes 100-200 sq. ft.) and re-lettering of Section 2.9.100.03 accordingly.</p>	<p><b>The Council concludes that it is appropriate to modify Section 2.9.70.h as shown; delete Section 2.9.100.03.I; and re-letter Section 2.9.100.03 accordingly.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) -Pgs. 57 & 58	2.9.70.m (in Exemptions List)	<p>The Council notes that on pages 29 &amp; 30 of Council staff report, staff recommended that Section 2.9.70.m be modified as shown in italics and shading:</p> <p>m. <b>Fencing Installation, Extension, or Removal</b> - The installation or extension of new wood fencing, or the repair or replacement of existing wood fencing, <i>provided such fencing that is constructed of wood and that meets applicable development standards for fencing in Section 4.2.50. The fence shall not be located beyond the building facade facing a front or exterior side yard adjacent to a public right-of-way. Additionally, the removal of an existing wood or chainlink fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.</i></p> <p><u>Delete Graphic</u></p>  <p><del>Additionally, the removal of an existing wood or chainlink fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.</del></p>	<p>■ The Council notes that the changes noted in <del>strike-out</del> and shaded <del>strike-out</del> text are proposed to assist with compliance of Chapter 2.9 - Historic Preservation Provisions by providing an incentive for compliance. The Council notes that this incentive is achieved by allowing owners of Designated Historic Resources to install, extend, or remove wood fences in accordance with existing Code provisions, similar to other properties in the City. The Council notes that because there are many regulations proposed for Designated Historic Resources, allowing wood fences to be built per Code (and thus restricted in height to 3 ft. in required front and exterior side yards, and 6 ft. elsewhere on properties) is not anticipated to damage Designated Historic Resources. The Council notes that modifying Section 2.9.70.m as proposed by staff will provide a trade-off to assist property owners by allowing reasonable improvements and not restricting wood fences as outlined in the graphic to the left.</p> <p><b>The Council concludes that it is appropriate to modify Section 2.9.70.m as shown.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) -Pg. 58	2.9.70.n (in Exemptions List)	<p>The Council notes that on page 30 of Council staff report, staff recommends modifying Section 2.9.70.n as shown in italics and shading:</p> <p>n. <b>Freestanding Trellises</b> - Installation of a freestanding trellis that is less than 14 ft. in height and not visible from <del>the public street rights-of-way</del> or private <i>street</i> rights-of-way (except for alleys from which it may be visible). The installation shall not damage or <del>obscure</del> any significant external architectural features of the historic resource.</p> <p>■ The Council notes that the change noted in <del>strike-out</del> and red-lined <del>strike-out</del> text will make the last sentence of this provision consistent with Section 2.9.100.03.j, which also pertains to freestanding trellises. The Council notes that the Commission removed the red-lined terms from Section 2.9.100.03.j already, in order to acknowledge that a trellis might block the view of another structure at least to some degree. The Council notes that this change shaded above was needed, but merely overlooked during Planning Commission deliberations. The Council notes that the change will make the Sections 2.9.70.n and 2.9.100.03.j consistent in this regard. The Council notes that the main difference that will remain between the two provisions is that Section 2.9.70.n pertains to trellises <u>not</u> visible from streets and Section 2.9.100.03.j pertains to trellises visible from streets.</p>	The Council concludes that it is appropriate to modify Section 2.9.70.n as shown.

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pg. 59; and Councilor Griffith's Testimony (pg. 3)</p> <p><b>CONT'D ON NEXT PAGE</b></p>	<p><b>2.9.70.q &amp; r (in Exemptions List)</b></p> <p><b>CONT'D ON NEXT PAGE</b></p>	<p>The Council notes that Councilor Griffiths requested that instead of staff's recommendation from the pages 30 &amp; 31 of the Council Staff report, Section 2.9.70.q be modified as shown directly below by shading and that the staff-proposed new Section of 2.9.70.r not be added.</p> <p>q. <del><u>Repair, or Replacement, or Installation of New of Gutters and Downspouts</u></del> - Repair or replacement of gutters and downspouts using materials that match the appearance of the gutters and downspouts being replaced or match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The installed gutters and downspouts shall not damage or obscure any significant architectural features of the structure <del>(e.g. internal gutters, etc.)</del>. <del>This exemption also covers the installation of gutters and downspouts where none previously existed on Nonhistoric/Noncontributing Designated Historic Resources.</del></p> <p>■ The Council notes that if the intent is to allow the installation of new gutters where none previously existed on all structures (as the title indicates), then this provision would need to be altered further than proposed above to clarify that. The Council notes that to re-combine "q" and "r," the provision would need to be altered further to clarify where new gutters can be installed where none previously existed. The Council notes that staff proposed separating these concepts into "q" and "r" because it would be easier for people to see right away (from the title proposed for "r") that gutters can be installed where none previously existed on Nonhistoric/Noncontributing Designated Historic Resources. The Council notes that separating the provisions for situations where no gutters previously existed versus where they do exist clarifies the text.</p>	<p><b>The Council concludes that it is appropriate to modify Section 2.9.70.q; add Section 2.9.70.r; and re-letter Section 2.9.70 accordingly. The Council further concludes that the appropriate wording for Sections 2.9.70.q and 2.9.70.r is as shown below.</b></p> <p>q. <u>Repair or Replacement of Gutters and Downspouts</u> - Repair or replacement of gutters and downspouts using materials that match the appearance of the gutters and downspouts being replaced or match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The installed gutters and downspouts shall not damage or obscure any significant architectural features of the structure <u>(e.g. internal gutters, etc.)</u>. <u>This exemption also covers the installation of gutters and downspouts where none previously existed on Nonhistoric/Noncontributing Designated Historic Resources.</u></p> <p>r. <u>Installation of New Gutters and Downspouts on Nonhistoric/Noncontributing Designated Historic Resources</u> - <u>Installation of gutters and downspouts where none previously existed on Nonhistoric/Noncontributing Designated Historic Resources. Materials shall match the appearance of the gutters and downspouts that were typically used on similar-style buildings from the same period of significance, based on evidence supplied by the property owner. The installed gutters and downspouts shall not damage or obscure any significant architectural features of the structure.</u></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pg. 59; &amp; Councilor Griffith's Testimony (pg. 3)</p>	<p><b>2.9.70.s (in Exemptions List)</b></p>	<p>The Council notes that Councilor Griffiths requested that the square foot threshold in Section 2.9.70.s be changed from 200 sq. ft. to 350 sq. ft. The Council notes that Council Griffiths suggested that, alternatively, this same provision could be copied and added to the list of Director-level items in Section 2.9.100.03, but for a threshold range greater than 200 sq. ft. and ≤ 300 sq. ft. The Council notes that on page 31 of the Council staff report, staff recommended modifying this section in other manners shown in shading below.</p> <p><u>rs</u>      <b>Uncovered Rear Deck or Patio Additions 200 Sq. Ft. or Less -</b> The <del>installation or removal of an uncovered</del> deck or patio, <del>provided the deck or patio is shall be</del> obscured from view from <del>the</del> public rights-of-way and private street rights-of-way (except for alleys, from which it may be visible) by a fence, hedge, or other structure and <del>shall</del> meets the applicable setback requirements (per the Development District or as approved through a Lot Development Option or Planned Development process). The deck shall be 30 inches or less in height, and shall be constructed in a manner that is reversible.</p> <p>■      The Council notes that changes noted in the shaded text improve clarity of Chapter 2.9 - Historic Preservation Provisions. The Council notes that the changes capture the intent of the provision, but make it clear that it can apply to the installation or removal of the subject decks or patios. The Council notes that the improvements are not allowed via this provision to be visible from public rights-of-way or private street rights-of-way (except for alleys, from which they may be visible). The Council notes that via this provision the improvements are required to be Reversible.</p>	<p><b>The Council concludes that it is appropriate to modify Section 2.9.70.s to address the staff-recommended text clarifications and also to raise the square footage threshold to 350 square feet. The Council further concludes that the appropriate text for Section 2.9.70.s is as shown below:</b></p> <p><u>rs</u>      <b>Uncovered Rear Deck or Patio Additions <del>200</del> 350 Sq. Ft. or Less -</b> The <del>installation or removal of an uncovered</del> deck or patio, <del>provided the deck or patio is shall be</del> obscured from view from <del>the</del> public rights-of-way and private street rights-of-way (except for alleys, from which it may be visible) by a fence, hedge, or other structure and <del>shall</del> meets the applicable setback requirements (per the Development District or as approved through a Lot Development Option or Planned Development process). The deck shall be 30 inches or less in height, and shall be constructed in a manner that is reversible.</p>



PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pgs. 59 &amp; 70; and Testimony #1 in 4/24/06 Memo</p>	<p><b>2.9.70.u (in Exemptions List) &amp; 2.9.100.03.c (in Director-level Alt'n or New Const'n List)</b></p>	<p>The Council notes that the terminology in Section 2.9.70.u pertaining to “not visible from the ground plane” is not defined. The Council also notes that testimony requested that the addition of new skylights be exempt.</p> <p><u>tu.</u> <b>Reroofing Where the Roof Surface is not Visible from the Ground Plane</b> - Where a roof surface is not visible from the ground plane and the roofing material is not specifically identified as Historically Significant, the roofing material may be repaired or replaced, provided the finished roof surface remains not visible from the ground plane. Skylights <del>that are</del> from the structure's Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows (or doors with glass).</p> <p>c. <b>Reroofing</b> - Replacement of existing wooden shingles or shakes with architectural composition shingles or other materials documented to have been used on the structure during its Period of Significance and that are not otherwise prohibited by the approved Building Code. The new roof shall not damage or obscure any significant architectural features of the structure. Skylights that are from the structure's Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows (or doors with glass) (Sections 2.9.70.b and t; 2.9.100.03.m; 2.9.100.04).</p> <p>■ The Council notes that defining the difficult topic of “where the roof surface is not visible from the ground plane” is not needed if the threshold is changed to “Flat Roofs or Roofs Otherwise Obscured by a Parapet.” The Council notes that this alternate descriptor is more straightforward for people to understand.</p>	<p>■ The Council notes that Sections 2.9.70.u &amp; 2.9.100.03.c (as shown to the left) currently treat skylights similarly to windows and doors with glass. The Council notes that the addition of new skylights where none previously existed currently default to the HRC-level review for Alterations or New Construction (Section 2.9.100.04). The Council notes that it is more clear to separate the skylight provisions into separate provisions.</p> <p><b>The Council concludes that it is appropriate to modify Sections 2.9.70.u and 2.9.100.03.c to use the alternate descriptor for “where the roof surface is not visible from the ground plane” and to separate skylights out into their own sections. The Council further concludes that the appropriate wording for these revised sections is as follows below and on the next page:</b></p> <p><b><u>2.9.70.tu</u></b> <b><u>Reroofing: Flat Roofs or Roofs Otherwise Obscured by a Parapet Where the Roof Surface is not Visible from the Ground Plane</u></b> - Where a roof <u>is a flat roof or a roof otherwise obscured by a parapet, surface is not visible from the ground plane</u> and the roofing material is not specifically identified as Historically Significant, the roofing material may be repaired or replaced, <del>provided the finished roof surface remains not visible from the ground plane.</del> <u>Skylights shall be addressed in accordance with 2.9.70.x, 2.9.100.03.l, or 2.9.100.04 as applicable.</u> <del>Skylights that are from the structure's Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows (or doors with glass).</del></p> <p><b>CONTINUED ON NEXT PAGE</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
		<p align="center"><b>COUNCIL CONCLUSION CONTINUED FROM PREVIOUS PAGE</b></p> <p><u>2.9.70.x Skylights</u></p> <p><u>1.</u> Skylights <del>that are from the</del> a structure's <u>relevant</u> Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows (or doors with glass).</p> <p><u>2.</u> <u>Skylights that are existing but are not from a structure's relevant Period of Significance may be removed or retained and repaired in accordance with "1" above. However, in order for these skylights to be retained and repaired, they shall have been constructed prior to the establishment of the relevant Individual or National Historic Designation, or via an approved Historic Preservation Permit. Otherwise, the skylight shall be removed when deteriorated beyond repair or when a structure is being reroofed, whichever comes first (unless a Historic Preservation Permit is subsequently approved to retain the skylight in accordance with Sections 2.9.100.03.1 or 2.9.100.04, as applicable).</u></p> <p><u>3.</u> <u>New skylights may be installed in accordance with Sections 2.9.100.03.1 and 2.9.100.04, as applicable.</u></p>	<p align="center"><b>COUNCIL CONCLUSION CONTINUED FROM PREVIOUS PAGE</b></p> <p><u>2.9.100.03.c</u> Reroofing - Replacement of existing wooden shingles or shakes with architectural composition shingles or other materials documented to have been used on the structure during its Period of Significance and that are not otherwise prohibited by the approved Building Code. The new roof shall not damage or obscure any significant architectural features of the structure. <u>Skylights shall be addressed in accordance with 2.9.70.x, 2.9.100.03.1, or 2.9.100.04, as applicable. Skylights that are from the structure's Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows (or doors with glass) (Sections 2.9.70.b and f, 2.9.100.03.m, 2.9.100.04).</u></p> <p><u>2.9.100.03.1</u> <u>Skylights - Activities involving existing skylights that are not already exempt via Section 2.9.70.x and new skylights are allowed on:</u></p> <p><u>a) Nonhistoric/Noncontributing structures;</u></p> <p><u>b) Structures with flat roofs or where the skylight would otherwise be obscured by a parapet;</u></p> <p><u>c) Portions of structures that are not visible from private street rights-of-way and public rights-of-way (except for alleys from which they may be visible).</u></p> <p><u>All other modifications or installations of skylights shall be processed via Section 2.9.100.04.</u></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) -Pg. 60	2.9.70.v (in Exemptions List)	<p>The Council notes that on page 31 of the Council staff report, staff recommended that a new Section 2.9.70.v be added.</p> <p><u>v</u>      <u>Installation of New or Expanded Pathways 100 Sq. Ft. Or Less - Installation of new or expanded pathways, provided the pathways are constructed of softscape (e.g. bark mulch, etc.); or stone steps or flagstone that is installed in a manner that is Reversible.</u></p> <p>■      The Council notes that this topic was discovered by staff in its review of past Historic Preservation Permit applications, and pertains to a benign improvement that could assist property owners of Designated Historic Resources. The Council notes that allowing this small amount of softscape or stepping stone pathway(s) as an exemption is not anticipated to damage Designated Historic Resources. The Council notes that this is an area that could be considered a trade-off or incentive for compliance for owners of Designated Historic Resources.</p>	The Council concludes that Section 2.9.70.v should be added to Section 2.9.70 as recommended by staff and shown.

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pgs. 61-64; Exhibit VII - Pg. 3; &amp; Testimony #8 (pg. 8-B) of 5/2/06 Memo</p>	<p><b>2.9.90.02 (HPP Application Req'ts) &amp; 2.9.90.02.a</b></p>	<p>The Council notes that testimony raised a concern that list of Historic Preservation Permit application requirements in Section 2.9.90.02 exceeds available time and expertise of most property owners. The Council notes that testimony requested to limit the mandatory requirements to items 1-6 in Section 2.9.90.02, with the remainder of the requirements applying to only the more complex applications.</p> <p>a. A Historic Preservation Permit application for a Designated Historic Resource shall be made on forms provided by the Director and shall include, for both types of Historic Preservation Permits (Director-level and HRC-level), the items listed below. For Director-level Historic Preservation Permits, the Director may waive any of the below requirements when he/she determines the information required by a part of this section is unnecessary to properly evaluate the proposed Historic Preservation Permit:</p> <p>■ The Council notes that the lead-in provision for Section 2.9.90.02 provides that, at least for Director-level Historic Preservation Permits, the Director can waive application requirements that aren't needed to evaluate the application. However, the Council notes that to better address the concern raised, the lead-in paragraph could be modified to allow the Director to waive unnecessary requirements for any type of Historic Preservation Permit (not just the Director-level ones). The Council notes that this change would make Section 2.9.90.02 consistent with this aspect of other land use application requirements which allow for the Director to waive requirements when the Director believes that they are not needed to evaluate an application.</p>	<p><b>The Council concludes that it is appropriate to modify Section 2.9.90.02 as follows:</b></p> <p>a. A Historic Preservation Permit application for a Designated Historic Resource shall be made on forms provided by the Director and shall include, for both types of Historic Preservation Permits (Director-level and HRC-level), the items listed below. <del>For Director-level Historic Preservation Permits,</del> The Director may waive any of the below requirements when he/she determines the information required by a part of this section is unnecessary to properly evaluate the proposed Historic Preservation Permit:</p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) -Pg. 62; and Exhibit VII - Pg. 5	2.9.90.02.a.9	<p>The council notes that testimony requested that Section 2.9.90.02.a.9 be modified as shown in shading below:</p> <p>9. A site plan, drawn to scale, showing the location of structures, driveways, <del>and landscaped areas on the site</del>, setback dimensions, and the general location of structures on adjacent lots;</p> <p>■ The Council notes that landscaping and impacts to landscaping should be considered during evaluation of a Historic Preservation Permit. The Council notes that landscaping provides context and needs to be considered during the design phase of a project. The Council notes that some proposed activities may result in the need for a preservation plan for certain landscaping components.</p>	<p><b>The Council concludes that the requirement for information relative to landscaped areas on a site needs to be maintained and that Section 2.9.90.02.a.9 should not be modified.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pgs. 67, 68, &amp; 82; Exhibit VII - Pg. 5; &amp; Testimony #5 &amp; Testimony #8 (pg. 8-A) in 5/2/06 Memo; &amp; Councilor Griffith's Testimony (pg. 2)</p> <p><b>(CONT'D ON NEXT PAGE)</b></p>	<p><b>2.9.90.09.b;</b>  <b>2.9.110.03.c.1;</b>  <b>&amp; 1.6 -</b>  <b>Definition for Economically Feasible Rehabilitation</b></p> <p><b>(CONT'D ON NEXT PAGE)</b></p>	<p>The Council notes that Councilor Griffith's requested that the definition for Economically Feasible Rehabilitation be clarified, replaced, or deleted entirely. The Council notes that Councilor Griffiths stated that the Council heard a lot of testimony about the difficulty in interpreting this definition and that unless the definition is very clear and objective related to the clause "75% of the structure's replacement value at a similar quality of construction," the definition should be deleted.</p> <p>The Council notes that testimony raised a concern regarding the ability to generate consistent and fair numbers required in the Undue Hardship Appeals provisions of Section 2.9.90.09.b; the Chapter 1.6 definition for Economically Feasible Rehabilitation; and the use of the term Economically Feasible Rehabilitation in Section 2.9.110.03.c.1. The Council notes that this testimony requested elimination of the definition, elimination of the use of the term Economically Feasible Rehabilitation, and use of only the Undue Hardship Appeals provisions in Section 2.9.90.09.b.</p> <p><b>2.9.90.09.b - Undue Hardship Appeals -</b> The <del>decision-maker hearing authority</del> for an appeal may consider claims of economic or undue hardship in cases where an applicant was either denied a Historic Preservation Permit or granted a Historic Preservation Permit with conditions of approval that the applicant believes to be an economic or undue hardship. The applicant must provide adequate documentation and/or testimony at the appeal hearing to justify such claims. In addition to the information the applicant believes is necessary to make his/her case to the appeal <del>decision-maker hearing authority</del>, the following types of information, as applicable, shall be submitted in order for the appeal <del>decision-maker hearing authority</del> to consider a hardship appeal:</p> <ol style="list-style-type: none"> <li>1. Estimate of the cost of the activity(ies) proposed under the denied or conditionally-approved Historic Preservation Permit, and an estimate of any additional costs which would be incurred to comply with the modified activity(ies) recommended by the decision-maker.</li> </ol> <p><b>(CONTINUED ON NEXT PAGE)</b></p>	<p><b>CONCLUSIONS AND ADDITIONAL DISCUSSION ON NEXT SEVERAL PAGES</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pgs. 67, 68, &amp; 82; and Exhibit VII - Pg. 5</p> <p>(CONT'D FROM PREVIOUS PAGE) &amp; (CONT'D ON NEXT PAGE)</p>	<p>2.9.90.09.b; 2.9.110.03.c.1; &amp; 1.6 -</p> <p>Definition for Economically Feasible Rehabilitation</p> <p>(CONT'D FROM PREVIOUS PAGE) &amp; (CONT'D ON NEXT PAGE)</p>	<p>(CONTINUED FROM PREVIOUS PAGE)</p> <ol style="list-style-type: none"> <li>2. Estimates of the value of the property in its current state, with the denied or conditionally-approved Historic Preservation Permit, and with the modified activity(ies) proposed by the decision-maker.</li> <li>3. Information regarding the soundness of the affected structure(s), and the feasibility for rehabilitation which would preserve the historic character and qualities of the <i>Designated Historic Resource</i>.</li> <li>4. Any information concerning the mortgage or other financial obligations on the property which are affected by the denial or approval, as conditioned, of the proposed Historic Preservation Permit.</li> <li>5. The appraised value of the property.</li> <li>6. Any past listing of the property for sale or lease, the price asked, and any offers received on that property.</li> <li>7. Information relating to any nonfinancial hardship resulting from the denial or approval, as conditioned, of the proposed Historic Preservation Permit.</li> </ol> <p>If the <del>decision-maker</del> <i>hearing authority</i> determines that the denial or approval, as conditioned, of the Historic Preservation Permit would pose an undue hardship on the applicant, then a Historic Preservation Permit noting the hardship relief shall be issued, and the property owner may conduct the activity(ies) outlined in the Historic Preservation Permit as modified by the appeal <del>decision-maker</del> <i>hearing authority</i>.</p> <p><u>(Definition) Economically Feasible Rehabilitation - Relative to designated historic resources, rehabilitation is economically feasible where the cost required to bring the structure up to minimum building code standards while maintaining its Historic Integrity does not exceed 75 percent of the structure's replacement value at a similar quality of construction.</u></p> <p>2.9.110.03.c.1      If the Demolition involves a <i>Designated Historic Resource</i> other than the structures outlined in "b," above, the Demolition may be allowed provided:</p> <ol style="list-style-type: none"> <li>1.      The physical condition of the Designated Historic Resource is deteriorated beyond Economically Feasible Rehabilitation and either:.....</li> </ol>	<p>CONCLUSIONS AND ADDITIONAL DISCUSSION ON NEXT SEVERAL PAGES</p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) - Pgs. 67, 68, &amp; 82; and Exhibit VII - Pg. 5</p> <p>(CONT'D FROM PREVIOUS PAGE)</p>	<p>2.9.90.09.b; 2.9.110.03.c.1; &amp; 1.6 - Definition for Economically Feasible Rehabilitation</p> <p>(CONT'D FROM PREVIOUS PAGE)</p>	<p>(CONT'D FROM PREVIOUS PAGE)</p> <ul style="list-style-type: none"> <li>■ The Council notes that use of numbers in these provisions will always relate to a discretionary hearing situation. The Council notes that whether relying solely on the Undue Hardship Appeals provisions and deleting the rest of the provisions above (as suggested by testimony), or keeping the provisions above, it is possible to better define calculation methods to help resolve some concerns. The Council notes that the criteria used for a Demolition (Section 2.9.110.03.c.1) and the Chapter 1.6 definition for the term "Economically Feasible Rehabilitation" which is used in (Section 2.9.110.03.c.1), is really a matter with a specific intent related to a Demolition, while the Undue Hardship Appeal may apply to any Historic Preservation Permit. Additionally, the Council notes that an Undue Hardship Appeal of a Demolition decision (which is primarily an HRC-level decision), is heard by Council.</li> </ul> <p>The Council Staff notes that staff consulted the Benton County Assessor's Office, the Corvallis Building Official, and the State of Oregon office charged with licensing appraisers. The Council notes that staff developed the information below and offered re vised text accordingly. The Council notes that incorporating this type of information into any or all of the provisions above will address the concerns by providing more specific requirements for the calculations .</p> <ul style="list-style-type: none"> <li>1) With respect to estimates for "Replacement Value," the Council notes that the Assessor's Office actually develops these figures regularly and uses a cost replacement book to do so;</li> <li>2) With respect to estimates for the cost of bringing a structure up to Building Code standards, the Council notes that the Building Official suggests requiring three estimates;</li> </ul> <p>DISCUSSION CONTINUED IN COLUMN TO THE RIGHT</p>	<p>DISCUSSION CONTINUED FROM COLUMN TO THE LEFT</p> <ul style="list-style-type: none"> <li>3) Also with respect to estimates for the cost of bringing a structure up to Building Code standards, the Council notes that clarification is needed to ensure that the estimates are limited to the costs associated with improving a structure to meet minimum Building Code standards - without regard to costs associated with other desired improvements. The Council notes that this clarification would ensure that there is a direct relationship between the two costs being compared (replacement cost and cost of bring a structure up to Building Code standards); and</li> <li>4) With respect for appraisals, the Council notes that it is important that the appraiser be licensed or certified in the State of Oregon and that the appraisal estimates of a property fall within the scope of practice of the appraiser's license or certification.</li> </ul> <p><b>The Council concludes that it is appropriate to modify Section 2.9.90.09.b and the definition for Economically Feasible Rehabilitation as shown on the next page. The Council concludes that with the change to the definition for Economically Feasible Rehabilitation, it is appropriate to maintain Section 2.9.110.03.c.1 as it is currently written.</b></p> <p>REVISED CODE SECTIONS ON NEXT PAGE</p>



PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
		<p><b>REVISED CODE SECTIONS FROM PREVIOUS PAGE</b></p> <p><b>2.9.90.09.b - Undue Hardship Appeals</b> - The <i>decision-maker-hearing authority</i> for an appeal may consider claims of economic or undue hardship in cases where an applicant was either denied a Historic Preservation Permit or granted a Historic Preservation Permit with conditions of approval that the applicant believes to be an economic or undue hardship. The applicant must provide adequate documentation and/or testimony at the appeal hearing to justify such claims. In addition to the information the applicant believes is necessary to make his/her case to the appeal <i>decision-maker-hearing authority</i>, the <u>following types of information listed in "1-6 below," as applicable, shall be submitted in order for the appeal decision-maker-hearing authority to consider a hardship appeal. <u>Not every item listed in "1-6" below will apply to every case:</u></u></p> <p>1. <u>Three estimates of:</u></p> <p><u>a) The cost of the activity(ies) proposed under the denied or conditionally-approved Historic Preservation Permit; and an estimate of</u></p> <p><u>b) Any additional costs which would be incurred to comply with the modified activity(ies) recommended by the decision-maker.</u></p> <p><u>All such cost estimates shall be accomplished by contractors licensed in the State of Oregon.</u></p> <p>2. <u>An estimate of the appraised value of the property:</u></p> <p><u>a) In its current state;</u></p> <p><u>b) With the improvements that were denied or conditionally-approved for the Historic Preservation Permit; and</u></p> <p><u>c) With the modified activity(ies) proposed by the applicant/decision-maker.</u></p> <p><u>All such appraisal estimates shall be performed by an appraiser who is licensed or certified in the State of Oregon. Additionally, appraisal estimates of the property shall fall within the scope of practice of the appraiser's license or certification in order for the appraisal to meet this provision.</u></p> <p>3. Information regarding the soundness of the affected structure(s), and the feasibility for rehabilitation which would preserve the historic character and qualities of the <i>Designated Historic Resource</i>. <u>All such information shall be developed by a contractor licensed in the State of Oregon.</u></p> <p><b>CONTINUED IN COLUMN TO THE RIGHT</b></p>	<p><b>CONTINUATION OF REVISED CODE SECTIONS FROM COLUMN TO THE LEFT</b></p> <p>4. Any information concerning the mortgage or other financial obligations on the property which are affected by the denial or approval, as conditioned, of the proposed Historic Preservation Permit.</p> <p><del>5. The appraised value of the property.</del></p> <p><del>56.</del> Any past listing of the property for sale or lease, the price asked, and any offers received on that property.</p> <p><del>67.</del> Information relating to any nonfinancial hardship resulting from the denial or approval, as conditioned, of the proposed Historic Preservation Permit.</p> <p>If the <i>decision-maker-hearing authority</i> determines that the denial or approval, as conditioned, of the Historic Preservation Permit would pose an undue hardship on the applicant, then a Historic Preservation Permit noting the hardship relief shall be issued, and the property owner may conduct the activity(ies) outlined in the Historic Preservation Permit as modified by the appeal <i>decision-maker-hearing authority</i>.</p> <p><b>(Definition) Economically Feasible Rehabilitation</b> - Relative to Designated Historic Resources, rehabilitation is economically feasible where the cost required to bring the structure up to minimum building code standards while maintaining its Historic Integrity does not exceed 75 percent of the structure's replacement value at a similar quality of construction. <u>Calculations required in this definition shall be developed as follows:</u></p> <p><u>a. Estimates for the cost of bringing a structure up to minimum Building Code standard shall be limited to the costs associated with improving a structure to meet minimum Building Code standards - without regard to costs associated with other desired improvements.</u></p> <p><u>b. With respect to estimates for the cost of bringing a structure up to minimum Building Code standards, three estimates from contractors licensed in the State of Oregon shall be provided; and</u></p> <p><u>c. "Replacement Value" as used in this definition shall equal the Benton County Assessor's Office figures for "Replacement Value."</u></p> <p><b>END OF DISCUSSION AND COUNCIL CONCLUSIONS ON THESE ITEMS</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) - Pg.69; & Testimony #5 of 5/2/06 Memo	2.9.100.01.a (Def'n of Alt'n or New Const'n)	<p>The Council notes that testimony requested that Section 2.9.100.01.a be modified so that it doesn't imply that it only pertains to buildings.</p> <p>...An activity is considered an Alteration or New Construction involving a Designated Historic Resource when: the activity is not an exempt activity, a Demolition, or a Moving, as defined in Sections 2.9.70, 2.9.110, and 2.9.120, respectively; and the activity meets at least one of the descriptions in "a" through "d," below.</p> <p>a. The activity alters the exterior appearance of a Designated Historic Resource. Exterior appearance includes a resource's facade, texture, design or style, material, and/or fixtures;...</p> <p>■ The Council notes that this section does not imply that Alteration and New Construction activities apply only to buildings because other features have facades, design or style, material, etc.</p>	The Council concludes that Section 2.9.100.01.a should be retained as currently written.

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) -Pgs. 71 & 74	2.9.100.03.d (in Director- level Alt. & New Const'n. List) & 2.9.100.04.a.2 (in HRC-level Alt. & New Const'n. List)	<p>The Council notes that on pages 31 and 32 of the Council staff report, staff recommended deletion of Section 2.9.100.03.d and modification of Section 2.9.100.04.a.2, as shown in italics and shading below:</p> <p><del>..03.d <i>Small Signs or Tablets</i> - Small signs or tablets, not meeting the exemption in Section 2.9.70.d, provided the sign or tablet is consistent with the applicable sign allocation standards outlined in Chapter 4.7 - Corvallis Sign Regulations, is ten sq. ft. or less; is non-illuminated; is architecturally compatible with the design or style of the Designated Historic Resource; and if freestanding, is less than four ft. in height. Attached signs shall not damage or obscure any significant architectural features of the structure. Additionally, the installation shall be reversible.</del></p> <p><del>..04.a.2 Signs - Signs that are not exempt per Section 2.9.70.d, or eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03.c, provided they meet the applicable sign allocation standards outlined in Chapter 4.7 - Corvallis Sign Regulations.</del></p> <p>■ The Council notes that Section 2.9.100.03.d includes the requirement that the sign be “architecturally compatible with the design or style of the Designated Historic Resource.” The Council notes that this phrase is not clear and objective and only clear and objective provisions may be included for Director-level Historic Preservation Permit items. The Council notes that Section 2.9.70.d already exempts a single memorial sign or tablet per property, provided the sign or tablet is listed as exempt in Section 4.7.70 of Chapter 4.7 - Corvallis Sign Regulations, and is consistent with the published dimensions and design guidelines established by the Historic Resources Commission.</p> <p style="text-align: center;"><b>CONTINUED IN COLUMN ON THE RIGHT</b></p>	<p style="text-align: center;"><b>DISCUSSION AND CONCLUSIONS CONTINUED FROM COLUMN ON THE LEFT</b></p> <p>The Council notes that the City has such dimensions and guidelines established by the Historic Resources Commission on file. The Council notes that signs not qualifying for an exemption per Section 2.9.70.d will be reviewed by the Historic Resources Commission as noted in Section 2.9.100.04.a.2. The Council notes that elimination of Section 2.9.100.03.d will result in the remainder of Section 2.9.100.03 being re-lettered and in Section 2.9.100.04.a.2 being revised as shown to the left.</p> <p><b>The Council concludes that it is appropriate to eliminate Section 2.9.100.03.d as shown; re-letter Section 2.9.100.03 accordingly; and modify Section 2.9.100.04.a.2 as shown.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) -Pg. 71	2.9.100.03. <del>fe</del> (in Director- level Alt. & New Const'n. List)	<p>The Council notes that on page 32 of the Council staff report, staff recommended that Section 2.9.100.03.e be modified as shown in italics and shading:</p> <p><del>fe</del>      <b>Replacement, Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features -</b> Replacement, using dissimilar materials and/or a different design or style, of existing driveways (including paving of these existing areas); existing paths and sidewalks; existing bicycle parking areas; and/or existing vehicular parking areas that involve <u>800 sq. ft. or less</u> <del>four or fewer spaces</del> (including paving of these existing areas), provided the extent of such features is not increased in size.</p> <p>■ The Council notes that the change noted in red-line and strike-out text will make Section 2.9.100.03.e more clear and objective. The Council notes that while at first glance the paving of "four or fewer spaces" appears to be clear and objective, spaces in gravel or dirt areas are not necessarily well-defined prior to their being improved. The Council notes that 800 square feet better represents the size of four typically-sized parking spaces.</p>	The Council concludes that it is appropriate to modify Section 2.9.100.03.e as shown.

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pgs. 17 &amp; 73; Exhibit V - Pgs. 190 &amp; 191; and Exhibit VII - Pgs. 2, 10, &amp; 11; Testimony #3 in 4/24/06 Memo; &amp; Testimony #6 (1<sup>st</sup> pg. &amp; pg. 6-A); Testimony #8 (pg. 8-A &amp; B); &amp; Testimony #11 (pgs. 11-F thru I) &amp; Testimony #15 in 5/2/06 Memo &amp; Councilor Griffith's Testimony (pgs. 2 &amp; 3)</p> <p>(CONT'D ON NEXT PAGE)</p>	<p><b>2.9.70.t (in Exemptions List);</b>  <b>2.9.100.03.<del>mm</del></b>  <b>(in Director-level Alt. &amp; New Const'n. List); &amp; 1.6 - Definition for In-Kind Repair &amp; Replacement</b>    <b>(CONT'D ON NEXT PAGE)</b></p>	<p>The Council notes that Councilor Griffiths requested that the definition for In-kind Repair and Replacement be modified to keep first and last sentences &amp; delete the middle one. The Council notes that Councilor Griffiths also requested deletion of Section 2.9.70.t and modification of Section 2.9.100.03.m to delete subsection "1." The Council notes that Councilor Griffiths explained that the Council has heard extensive testimony regarding the desire to replace windows with energy efficient ones, that those who spoke said that you cannot tell the difference, especially from the street, and that using energy efficient windows is in keeping with the City's goal of energy efficiency and sustainability. The Council notes that the changes requested by Councilor Griffiths would also result in the need to eliminate Section 2.9.100.03.m.</p> <p>The Council notes that testimony emphasized past promises made by the City during the establishment of the College Hill West Historic District, including the ability to replace windows with energy efficient windows at an administrative level. The Council notes that the testimony requested additional changes to allow energy efficient windows as Exempt or Director-level.</p> <p>■ The Council notes that there are benefits to having a Director-level Historic Preservation Permit review for window replacements with energy efficient windows because such an administrative permit process allows staff to assist property owners with a double-check of compliance and to ensure the replacement truly matches the original in design, color, texture, materials, dimensions, shape, and other visual qualities. The Council notes that by making a single change to Section 2.9.100.03.m, window replacement with energy efficient windows (that are otherwise like the windows being replaced)</p> <p><b>CONTINUED IN COLUMN ON THE RIGHT</b></p>	<p><b>CONTINUED FROM COLUMN ON THE LEFT</b></p> <p>can be accomplished at Exempt and Director-level. This single change is shown below.</p> <p><b>The Council concludes that it is appropriate to maintain the definition for In-kind Repair and Replacement as shown below, maintain Section 2.9.70.t as shown below, and modify Section 2.9.100.03.m as shown below.</b></p> <p><u>In-kind Repair or Replacement - Repair or replacement of existing materials or features that match the old in design, color, texture, materials, dimensions, shape, and other visual qualities. This includes replacement of roofing, doors, windows, siding, and other structural elements, provided the replacements match the old in the manners described herein. Repair or replacement of windows or (doors containing glass) that substitute double-pane glass for single-pane glass is not considered to be In-kind Repair or Replacement. Additionally, while the repair or replacement of deteriorated materials in-kind is allowed, it is recommended that repair be considered by the property owner prior to replacement.</u></p> <p><del>st.</del> <b>Repair or Replacement of Windows (or Doors Containing Glass) with Energy Efficient (Double-paned) Materials on Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District - Repair or replacement of windows (or doors containing glass) on Nonhistoric/Noncontributing resources in a National Register of Historic Places Historic District.</b></p> <p><del>mm.</del> <b>Repair or Replacement of Windows (or Doors Containing Glass) with Energy Efficient (Double-pane) Materials -</b>  Except for situations involving decorative art glass, windows (or doors containing glass) may be repaired or replaced using energy efficient (double-pane) glazing, provided the replacements:</p> <ol style="list-style-type: none"> <li><del>1.</del> <b>Are being placed on Nonhistoric additions or where not visible from the public or private street rights-of-way (except for alleys, from which they may be visible); and</b></li> <li><del>2.</del> <b>Otherwise match the replaced items in materials, design or style, color, dimensions, number of divided lights, and shape.</b></li> </ol>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) -Pgs. 17 & Testimony #8 (pg. 8-B) of 5/2/06 Memo	1.6 - Definition for In-Kind Repair & Replacement	<p>The Council notes that testimony requested that other examples of In-kind Repair and Replacement be included in the definition in Chapter 1.6 (e.g. composition roofing replaced by composition roofing (whether visible or not), rotten wood siding replaced by new wood siding, crumbled cement driveways with new cement driveways, &amp; old wood doors and windows with new wood doors and windows.</p> <p><u>In-kind Repair or Replacement - Repair or replacement of existing materials or features that match the old in design, color, texture, materials, dimensions, shape, and other visual qualities. This includes replacement of roofing, doors, windows, siding, and other structural elements, provided the replacements match the old in the manners described herein. Repair or replacement of windows or (doors containing glass) that substitute double-pane glass for single-pane glass is not considered to be In-kind Repair or Replacement. Additionally, while the repair or replacement of deteriorated materials In-kind is allowed, it is recommended that repair be considered by the property owner prior to replacement.</u></p> <ul style="list-style-type: none"> <li>■ The Council notes that these types of things are more obviously allowed. The Council notes that by specifying too precisely it may imply that other forms of In-kind Repair and Replacement are not allowed.</li> </ul>	<p><b>The Council concludes that it is not appropriate to modify the definition for In-kind Repair and Replacement and that it should remain.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pg. 75; Councilor Griffith's Testimony (pg. 3); &amp; Exhibit II - pgs. 86 &amp; 90</p>	<p><b>2.9.100.04.a.10</b> (HRC-level Alt'n or New Const'n)</p>	<p>The Council notes that Councilor Griffiths requested that Section 2.9.100.04.a.10 be moved back to the list of Director-level items for Alteration or New Construction (thereby deleting Section 2.9.100.04.a.10 and providing the appropriate new subsection number in Section 2.9.100.03). The Council notes that Councilor Griffiths stated that she believed that this item is a Building Code requirement and not a historic preservation one.</p> <p>10. <u>Exterior Steps and/or Stairways - Changes in step or stairway design or style that may be required to meet present-day Building Code requirements, including handrail or guardrail installation. When authorized by the Building Official, some flexibility from conformance with some Building Code requirements relative to this design, including the question of whether or not handrail or guardrail installation is required, may be granted as outlined in Section 2.9.90.06.a. The design or style shall be architecturally compatible with the <i>Designated Historic Resource</i> (based on documentation provided by the applicant).</u></p> <p>■ The Council notes that staff recommended this change to the Planning Commission and the Commission chose to retain this item as an HRC-level of review. The Council notes that it is reasonable to move this section to the Director-level, provided it is slightly revised to limit the improvements to a height of one story. The Council noted that the subject matter is indeed related to Building Code requirements and that by limiting improvements to the first story of Designated Historic Resources, any compatibility concerns would be sufficiently addressed.</p>	<p><b>The Council concludes that it is appropriate to delete Section 2.9.100.04.a.10; re-letter Section 2.9.100.04.a accordingly; and create a new item in Section 2.9.100.03 that is worded as follows:</b></p> <p><u>Single (First) Story Exterior Steps and/or Stairways - Changes in step or stairway design or style that may be required to meet present-day Building Code requirements, including handrail or guardrail installation, provided such changes are conducted within the height of the first story of a Designated Historic Resource. When authorized by the Building Official, some flexibility from conformance with some Building Code requirements relative to this design, including the question of whether or not handrail or guardrail installation is required, may be granted as outlined in Section 2.9.90.06.a. The design or style shall be architecturally compatible with the Designated Historic Resource (based on documentation provided by the applicant).</u></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) -Pgs. 73-80; & Testimony #6 (pg. 6-B) in 5/2/06 Memo	2.9.100.04 (HRC-level Alt'n or New Const'n)	<p>The Council notes that testimony raised a concern that Chapter 2.9 does not contain the criterion of <i>"historic character of the district."</i> The Council notes that testimony requested that the phrase <i>"preserve the historic character of historic districts"</i> be substituted for the phrase <i>"preserve the structure"</i> throughout all of Section 2.9.100.04.</p> <ul style="list-style-type: none"> <li>■ The Council notes that a word search of Section 2.9.100.04 did not reveal the phrase <i>"preserve the structure."</i></li> </ul>	The Council concludes that it is not necessary to pursue this change.



PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pgs. 76 &amp; 77; &amp; Testimony #4 (1<sup>st</sup> pg.) &amp; Testimony #6 (pgs. 6-A &amp; B) &amp; Testimony #13 in 5/2/06 Memo</p>	<p><b>2.9.100.04.b</b> (Review criteria for HRC-level Alt'n or New Const'n)</p>	<p>The Council notes that testimony raised a concern that Chapter 2.9 contains no specific criteria that relate to Historic Districts and that the criteria in Section 2.9.100.04.b all relate to structures and not "historic character." The Council notes that testimony requested insertion of the phrase <i>"resembles the existing historic character of Historic District"</i> or <i>"does not diminish, or negatively impact the existing visual character of the Historic District."</i> The Council notes that there was separate testimony that raised a concern that this same section (2.9.100.04.b) do not fully incorporate all of the Secretary of Interior Standards for Rehabilitation.</p> <p>■ The Council notes that more clarity regarding historic character of Historic Districts is helpful and that this concern is appropriately addressed with the inclusion of an additional introductory statement in Section 2.9.100.04.b.3. The Council notes that there is a redundant sentence in Section 2.9.100.04.b.1 that needs to be deleted. The Council notes that these changes are noted in the column to the right.</p> <p>The Council notes that the criteria starting in the right column and extending onto the next page are the introductory and more general review criteria for discretionary Historic Preservation Permit level of review which is governed by Section 2.9.100.04. The Council notes that Section 2.9.100.04.b goes on further with additional very detailed criteria addressing topics such as facades and their related architectural features, building materials, architectural details, scale and proportion, height, roof shape, pattern of window and door openings, building orientation, site development, accessory development/structures, garages, chemical or physical treatments, archaeological resources,</p> <p><b>CONTINUED IN COLUMN ON THE RIGHT</b></p>	<p><b>CONTINUED FROM COLUMN ON THE LEFT</b></p> <p>differentiation, and installation of a Designated Historic Resource on a new site, following a Moving. The Council notes that these detailed criteria fully implement the Secretary of Interior Standards for Rehabilitation.</p> <p><b>The Council concludes that it is appropriate to modify Section 2.9.100.04.b as shown below.</b></p> <p><b>Review Criteria</b></p> <ol style="list-style-type: none"> <li>1. General - The Alteration or New Construction Historic Preservation Permit request shall be evaluated against the review criteria listed below. These criteria are intended to ensure that the design or style of the Alteration or New Construction is compatible with that of the existing Designated Historic Resource, if in existence, and proposed in part to remain, and with any existing surrounding comparable Designated Historic Resources, if applicable. <del>Such activities shall ensure that a Designated Historic Resource remains compatible with other existing surrounding Designated Historic Resources and other examples of the resource's architectural design or style.</del> Consideration shall be given to:       <ol style="list-style-type: none"> <li>a) Historic Significance and/or classification;</li> <li>b) Historic Integrity;</li> <li>c) Age;</li> <li>d) Architectural design or style;</li> <li>e) Condition of the subject Designated Historic Resource;</li> <li>f) Whether or not the <i>Designated Historic Resource</i> is a prime example or one of the few remaining examples of a once common architectural design; or style, or type of construction; and</li> <li>g) Whether or not the <i>Designated Historic Resource</i> is of a rare or unusual architectural design; or style, or type of construction.</li> </ol> </li> <li>2. In general, the proposed Alteration or New Construction shall either:       <ol style="list-style-type: none"> <li>a) Cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource <u>pertaining relative to the applicable Period of Significance</u>; or</li> </ol> </li> </ol> <p><b>CONTINUED ON NEXT PAGE</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
			<p><b>CONTINUED FROM RIGHT COLUMN ON PREVIOUS PAGE</b></p> <p>b) Be compatible with the historic characteristics of the Designated Historic Resource and/or District, as applicable, based on a consideration of the historic design or style , appearance, or material composition of the resource.</p> <p>3. Compatibility Criteria for Structures and Site Elements - Compatibility considerations shall include the items listed in "a - n," below, as applicable, and <del>as pertaining relative to the applicable Period of Significance.</del> Alteration or New Construction shall complement the architectural design or style of the primary resource, if in existence and proposed in part to remain; and any existing surrounding comparable Designated Historic Resources. <u>Notwithstanding these provisions and "a-n," below, for Nonhistoric/Noncontributing resources in a National Register of Historic Places Historic District or resources within such Historic District that are not classified because the nomination for the Historic District is silent on the issue, Alteration or New Construction activities shall be evaluated for compatibility with the architectural design or style of any existing Historic/Contributing resource on the site or, where none exists, against the attributes of the applicable Historic District's Period of Significance.</u></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pg. 77; &amp; Testimony #6 (pg. 6-A) &amp; Testimony #11 (pgs. 11-D, E, &amp; G) in 5/2/06 Memo</p> <p>CONT'D ON NEXT PAGE</p>	<p><b>2.9.100.04.b.3(c)</b> (Review criteria for for HRC-level Alt'n or New Const'n)</p> <p><b>CONT'D ON NEXT PAGE</b></p>	<p>The Council notes that testimony requested modification to Section 2.9.100.04.b.3(c) to either delete the term "<i>fenestration</i>" or delete the phrase "<i>shall be retained or repaired, unless deteriorated beyond repair.</i>" The Council notes that testimony raised the concern that this term and this phrase could be interpreted as not allowing energy efficient window replacement. The Council notes that there was an additional suggestion from testimony to substitute the phrase "<i>shall be retained or repaired, unless the Director finds that they are deteriorated beyond repair</i>" for the phrase "<i>shall be retained or repaired, unless deteriorated beyond repair.</i>"</p> <p>c) <u>Architectural Details</u> - Existing character-defining elements of a structure (e.g., <del>fenestration</del>; molding or trim, brackets, columns, cladding, ornamentation, and other finishing details) and their design or style, materials, and dimensions, shall be retained or repaired, unless deteriorated beyond repair. Replacements for deteriorated architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.</p> <p>■ The Council notes that the concern that this term and this phrase could be interpreted as not allowing energy efficient window replacement is valid, since fenestration refers to window treatments on a building or facade. The Council notes that at a minimum, the term "<i>fenestration</i>" should be deleted. The Council also notes that the phrase "<i>shall be retained or repaired, unless deteriorated beyond repair</i>" could be construed as too restrictive for other items listed in this provision. The Council notes that the goal is to have "<i>retention and repair</i>" be considered prior to "<i>replacement</i>," which is better addressed by modified wording as shown in the top of the column to the right.</p> <p><b>CONTINUED IN COLUMN TO THE RIGHT</b></p>	<p><b>CONTINUED FROM COLUMN TO THE LEFT</b></p> <p>c) <u>Architectural Details</u> - <del>Retention and repair of Existing</del> character-defining elements of a structure (e.g., <del>fenestration</del>; molding or trim, brackets, columns, cladding, ornamentation, and other finishing details) and their design or style, materials, and dimensions, shall be <u>considered by the property owner prior to replacement, retained or repaired, unless deteriorated beyond repair.</u> Replacements for <del>deteriorated existing</del> architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.</p> <p>The Council notes that these changes would be consistent with the last sentence that is currently used in the definition for In-kind Repair and Replacement. The Council notes that this las sentence reads, "<u>Additionally, while the repair or replacement of deteriorated materials In-kind is allowed, it is recommended that repair be considered by the property owner prior to replacement.</u>"</p> <p><b>The Council concludes that it is appropriate to modify Section 2.9.100.04.b.3(c) as follows:</b></p> <p>c) <u>Architectural Details</u> - <del>Retention and repair of Existing</del> character-defining elements of a structure (e.g., <del>fenestration</del>; molding or trim, brackets, columns, cladding, ornamentation, and other finishing details) and their design or style, materials, and dimensions, shall be <u>considered by the property owner prior to replacement, retained or repaired, unless deteriorated beyond repair.</u> Replacements for <del>deteriorated existing</del> architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.</p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pg. 78; &amp; Testimony #5 in 5/2/06 Memo</p>	<p><b>2.9.100.04.b.3(d)</b> (Review criteria for HRC-level Alt'n or New Const'n)</p>	<p>The Council notes that testimony raised a concern regarding conflicting sentences in Section 2.9.100.04.b.3(d). The Council notes that the testimony requested resolving the conflict within this provision by deleting the last sentence as shown below.</p> <p>d) <del>Scale and Proportion - The size and proportions of the Alteration or New Construction shall be compatible with existing structures on the site, if in existence and proposed in part to remain, and with any surrounding comparable structures. New additions or new construction shall be smaller than the impacted Designated Historic Resource, if in existence and proposed in part to remain. In rare instances where an addition or new construction is proposed to be larger than the original Designated Historic Resource, it shall be designed such that no single element is visually larger than the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding comparable Designated Historic Resources.</del></p> <p>■ The Council notes that the conflict does indeed exist, but the suggested modification would make the provision too restrictive. The Council notes that the conflict can be addressed by simply adding the word “generally” in the second sentence as follows:</p> <p>d) <u>Scale and Proportion</u> - The size and proportions of the Alteration or New Construction shall be compatible with existing structures on the site, if in existence and proposed in part to remain, and with any surrounding comparable structures. New additions or new construction shall <u>generally</u> be smaller than the impacted Designated Historic Resource, if in existence and proposed in part to remain. In rare instances where an addition or new construction is proposed to be larger than the original <i>Designated Historic Resource</i>, it shall be designed such that no single element is visually larger than the original <i>Designated Historic Resource</i>, if in existence and proposed in part to remain, or any existing surrounding comparable Designated Historic Resources.</p>	<p><b>The Council concludes that it is appropriate to modify Section 2.9.100.04.b.3(d) as follows:</b></p> <p>d) <u>Scale and Proportion</u> - The size and proportions of the Alteration or New Construction shall be compatible with existing structures on the site, if in existence and proposed in part to remain, and with any surrounding comparable structures. New additions or new construction shall <u>generally</u> be smaller than the impacted Designated Historic Resource, if in existence and proposed in part to remain. In rare instances where an addition or new construction is proposed to be larger than the original <i>Designated Historic Resource</i>, it shall be designed such that no single element is visually larger than the original <i>Designated Historic Resource</i>, if in existence and proposed in part to remain, or any existing surrounding comparable Designated Historic Resources.</p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pg. 78; &amp; Testimony #11 (pg. 11-C) in 5/2/06 Memo</p>	<p>2.9.100.04.b.3(e) (Review criteria for for HRC-level Alt'n or New Const'n)</p>	<p>The Council notes that testimony requested that Section 2.9.100.04.b.3(e) be modified as shown:</p> <p>e) <u>Height</u> - To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource <u>structure</u>, if in existence and proposed in part to remain, and any existing surrounding <u>compatible structures</u>; <del>comparable Designated Historic Resources. However, in a National Register of Historic Places Historic District, single-story houses can be converted into story-and-a-half or two-story houses of the same style by raising the roof, if the alteration is compatible with the height of neighboring Historic structures.</del></p> <p>■ The Council notes that the term Designated Historic Resource is defined in Chapter 1.6 - Definitions and specifically applies to all types of historic resources, some of which are not structures. The Council notes that the term "structures" should not be used as a substitute for Designated Historic Resource in this provision. The Council notes that regarding the larger issue of allowing an opportunity for property owners to construct second story additions is an important point and can be clarified by changing Section 2.9.100.04.b.3(e) as noted below:</p> <p>e) <u>Height</u> - To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. <u>However, second story additions are allowed, provided they are consistent with the height standards of the underlying District Designation and other Code Chapters, and provided they are consistent with the other review criteria contained herein.</u></p>	<p><b>The Council concludes that it is appropriate to modify Section 2.9.100.04.b.3(e) as follows:</b></p> <p><u>Height</u> - To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. <u>However, second story additions are allowed, provided they are consistent with the height standards of the underlying District Designation and other Code Chapters, and provided they are consistent with the other review criteria contained herein.</u></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pg. 79; &amp; Testimony #11 (pg. 11-C) in 5/2/06 Memo</p>	<p><b>2.9.100.04.b.3(i)</b> (Review criteria for for HRC-level Alt'n or New Const'n)</p>	<p>The Council notes that testimony requested modification of Section 2.9.100.04.b.3(i) as shown below:</p> <p>i) <u>Site Development</u> - To the extent practicable, given other applicable development standards, such as standards in this Code for building coverage, setbacks, <i>landscaping</i>, sidewalk and street tree locations, the Alteration or New Construction shall maintain existing site development patterns, if in existence and proposed in part to remain. <u><i>In a National Register of Historic Places Historic District, HRC review for site development will consider compatibility with the District but review will be limited to site development which is: (1) not reversible; and (2) not screened from public rights-of-way or private streets rights-of-way (except from alleys from which it may be visible).</i></u></p> <p>■ The Council notes that many site development activities for Designated Historic Resources are already exempt from Historic Preservation Permit requirements via Section 2.9.70 and that the requested changes would create a conflict with those Exemption provisions. The Council notes that items subject to this criteria 2.9.100.04.b.3(i) are items that qualify as HRC-level Alteration or New Construction activities and are, thus, larger improvements which should at least attempt to maintain existing site development patterns.</p>	<p><b>The Council concludes that it is not appropriate to modify Section 2.9.100.04.b.3(i) as requested, and that the provision should remain as written.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit i (yellow) -Pg. 79; &amp; Testimony #11 (pg. 11-C &amp; D) in 5/2/06 Memo</p>	<p><b>2.9.100.04.b.3(j)</b> (Review criteria for for HRC-level Alt'n or New Const'n)</p>	<p>The Council notes that testimony requested modification of Section 2.9.100.04.b.3(j) as shown in shading below:</p> <p>i) <u>Accessory Development/Structures</u> - Accessory development as defined in Chapter 4.3 - <i>Accessory Development Regulations</i> and items such as exterior lighting, walls, fences, awnings, and landscaping that are associated with an Alteration or New Construction Historic Preservation Permit application, shall be visually compatible with the architectural design or style of the existing Designated Historic Resource, if in existence and proposed in part to remain, and any comparable Designated Historic Resources within the District, as applicable. <u>In a National Register of Historic Places Historic District, HRC compatibility review will be limited to Accessory Development (1) not reversible and (2) not screened from public rights-of-way or private streets rights-of-way (except from alleys from which it may be visible).</u></p> <p>■ The Council notes that because smaller levels of Accessory Development/Structures on Designated Historic Resource sites are already either exempt from Historic Preservation Permit requirements via Section 2.9.70 or only subject to a Director-level HPP (via Section 2.9.100.03), this change is not appropriate. The council notes that the items subject to this criteria 2.9.100.04.b.3(j) are items that qualify as HRC-level Accessory Development/Structure activities and are, thus, larger improvements which should at least attempt to maintain compatibility with the existing resource and any comparable Designated Historic Resources within the District, as applicable.</p>	<p><b>The Council concludes that it is not appropriate to modify Section 2.9.100.04.b.3(j) as requested and this section should remain as written.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pg. 79; &amp; Testimony #11 (pg. 11-D) in 5/2/06 Memo</p>	<p><b>2.9.100.04.b.3(k)</b> (Review criteria for for HRC-level Alt'n or New Const'n)</p>	<p>The Council notes that testimony requested modification of Section 2.9.100.04.b.3(j) as shown in shading below requested modification of this provision as shown in shading below:</p> <p>k) <u>Garages - Garages, including doors, shall be compatible with the Designated Historic Resource's site's primary structure (if in existence and proposed in part to remain) based on factors that include design or style, roof pitch and shape, architectural details, location and orientation, and building materials. In a National Register of Historic Places Historic District, the design of alteration to existing garages and new garage construction, visible from public rights-of-way or private streets rights-of-way (except from alleys from which it may be visible), should also be compatible with the style of other garages in the district or other period garages in Corvallis.</u></p> <p>■ The Council notes that this suggestion is a good one because garages in a National Register of Historic Places Historic District should be compatible with other garages in that Historic District (those garages that were constructed during the Historic District's Period of Significance). The Council notes that to maintain consistent use of terminology, better wording for the modifications are as shown in shading:</p> <p><u>In a National Register of Historic Places Historic District, the design or style of Alteration or New Construction involving to an existing or new garages, and new garage construction, visible from public rights-of-way or private streets rights-of-way (except from for alleys from which it may be visible), shall should also be compatible with the style or design of other garages in the applicable Historic District that were constructed during that Historic District's Period of Significance, or other period garages in Corvallis.</u></p>	<p><b>The Council concludes that it is appropriate to modify Section 2.9.100.04.b.3(k) as follows:</b></p> <p><u>Garages - Garages, including doors, shall be compatible with the Designated Historic Resource's site's primary structure (if in existence and proposed in part to remain) based on factors that include design or style, roof pitch and shape, architectural details, location and orientation, and building materials. In a National Register of Historic Places Historic District, the design or style of Alteration or New Construction involving an existing or new garage, visible from public rights-of-way or private street rights-of-way, shall also be compatible with the design or style of other garages in the applicable Historic District (those garages that were constructed during that Historic District's Period of Significance).</u></p>



PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pgs. 26-30; 82-85; 88;</p> <p>Exhibit VII - Pgs. 10 &amp; 11; Testimony #1 in 4/24/06 Memo; &amp; Testimony #7 (pg. 7-B) &amp; Testimony #11 (1<sup>st</sup> pg.) of 5/2/06 Memo</p>	<p>2.9.100.04.b; 2.9.110.03; &amp; 2.9.120.03</p>	<p>The Council notes that testimony raised a concern that the review criteria for HRC-level Historic Preservation Permits were not clear and objective enough &amp; that second story additions won't be allowed.</p> <ul style="list-style-type: none"> <li>■ The Council notes that Sections 2.9.100.04.b, 2.9.110.03, &amp; 2.9.120.03 contain the review criteria for HRC-level decisions for Alteration or New Construction; Demolition; and Moving activities, respectively. The Council notes that these decisions are discretionary and discretionary decisions include criteria that is not clear and objective because of the many variables associated with projects at the discretionary level. However, the Council notes that the review criteria in these sections are proposed to provide the HRC with more specific direction than the current Code, with provisions that implement the Secretary of Interior Standards, and with a framework to work within when considering Historic Preservation Permit applications. The Council notes that it is appropriate to further clarify the fact that changes are expected over time, and believes it appropriate to insert the following statement at the beginning of Section 2.9.100.04 (the HRC-level Alteration or New Construction Section). <p><u>Some exterior Alterations or New Construction involving a Designated Historic Resource may be needed to assure its continued use. Rehabilitation of a Designated Historic Resource includes an opportunity to make possible an efficient contemporary use through such alterations and additions.</u></p> </li> </ul>	<p><b>The Council concludes that it is appropriate to modify the introductory paragraph to Section 2.9.100.04 as follows:</b></p> <p><u>Some exterior Alterations or New Construction involving a Designated Historic Resource may be needed to assure its continued use. Rehabilitation of a Designated Historic Resource includes an opportunity to make possible an efficient contemporary use through such alterations and additions.</u> A Historic Preservation Permit request for any of the following Alteration or New Construction activities shall be approved if the Alteration or New Construction is in compliance with the associated definitions and review criteria listed below. Such Alteration or New Construction activities are classified as a HRC-level Historic Preservation Permit.</p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pg. 82; &amp; Testimony #4 (pgs. 4-B &amp; C) in 5/2/06 Memo</p>	<p>2.9.110.03.b</p>	<p>The Council notes that OSU testimony raised a concern that Section 2.9.110.03.b requires an HRC-level Historic Preservation Permit for Demolition of a Nonhistoric/Noncontributing structure in a National Register of Historic Places Historic District. The Council notes that the OSU testimony requested that the physical impacts of the Demolition, with respect to adjacent Designated Historic Resources, be evaluated first (as an Exempt item or Director-level). The Council notes that the OSU testimony stated that if there will be no physical impact on any adjacent Designated Historic Resource(s), then the Demolition should be allowed because it already has been determined to be Nonhistoric/Noncontributing.</p> <p>b. If the proposed Demolition involves one of the structures identified in "1" - "3" below, and is not exempt per Section 2.9.70.i, it may be allowed, provided the applicant submits evidence documenting the age of the affected structure and documentation that the Demolition will not damage, obscure, or negatively impact any <i>Designated Historic Resource</i> on the property that is classified as Historic/Contributing or that is called out as being <i>Historically Significant</i>, based on any of the sources of information listed in Section 2.9.60.c. To be considered under this criterion, the Demolition shall involve only the following:</p> <ol style="list-style-type: none"> <li>1. A Nonhistoric/Noncontributing structure listed in a National Register of Historic Places Historic District;.....</li> </ol> <p>■ The Council notes that by its classification as Nonhistoric/Noncontributing, a structure has already been determined as nonhistoric and as having no contribution to the relevant National Register of Historic Places Historic District. Therefore, the Council believes that it should not be subject to additional historic preservation regulations for Demolition or Moving. The Council notes that several Code modifications are needed to accomplish this change.</p>	<p>The Council concludes that it is appropriate to modify Sections 2.9.70 and 2.9.110.03.b and associated cross references, and add new Exemption as follows:</p> <p>2.9.70.i Demolition or Moving of Freestanding Temporary or Small Accessory Structures <u>that are Not Classified as Nonhistoric/Noncontributing - Demolition or Moving of structures in a National Register of Historic Places Historic District that are classified as Nonhistoric/Noncontributing are addressed in Section 2.9.70.w.</u> Demolition or Moving is <u>also</u> allowed for freestanding temporary accessory structures and other freestanding accessory structures less than 200 sq. ft. and less than 14 ft. in height provided that:</p> <ol style="list-style-type: none"> <li>1. The proposed Demolition or Moving does not damage, obscure, or negatively impact any Locally-designated Historic Resource or any Nationally-designated Historic Resource that is classified as Historic/Contributing or called out as being significant, based on any of the sources of information listed in Section 2.9.60.c; and</li> <li>2. The affected structure is less than 50 years old (based on evidence submitted by the applicant); and</li> <li>3. At least one of the following: <ul style="list-style-type: none"> <li><del>a) The affected structure is in a National Register of Historic Places Historic District and listed as Nonhistoric/Noncontributing; or</del></li> <li><u>a)</u> The affected structure is a Nonhistoric structure on an individually Designated Historic Resource listed in the Local Register and/or National Register of Historic Places; or</li> <li><u>b)</u> The affected structure is a Nonhistoric structure on a Designated Historic Resource property listed in a National Register of Historic Places Historic District, even if the approved National Register of Historic Places nomination for the District is silent on the issue.</li> </ul> </li> </ol> <p>CONTINUED ON NEXT PAGE</p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
			<p><b>CONTINUED FROM PREVIOUS PAGE</b></p> <p><u>2.9.70.w Demolition or Moving of Structures in a National Register of Historic Places Historic District that are Classified as Nonhistoric/Noncontributing - Demolition or Moving of a structure in a National Register of Historic Places Historic District, provided the structure is classified as Nonhistoric/Noncontributing in the relevant National Register of Historic Places nomination.</u></p> <p><b>2.9.110.03</b></p> <p>b. If the proposed Demolition involves one of the structures identified in "1" - "<u>23</u>" below, and is not exempt per Section 2.9.70.i, it may be allowed, provided the applicant submits evidence documenting the age of the affected structure and documentation that the Demolition will not damage, obscure, or negatively impact any <i>Designated Historic Resource</i> on the property that is classified as <i>Historic/Contributing</i> or that is called out as being <i>Historically Significant</i>, based on any of the sources of information listed in Section 2.9.60.c. To be considered under this criterion, the Demolition shall involve only the following:</p> <ol style="list-style-type: none"> <li><del>1. A Nonhistoric/Noncontributing structure listed in a National Register of Historic Places Historic District;</del></li> <li><u>12.</u> A Nonhistoric structure on an individually Designated Historic Resource listed in the Local Register or National Register of Historic Places; or</li> <li><u>23.</u> A Nonhistoric structure on a Designated Historic Resource property listed in a National Register of Historic Places Historic District, even if the approved National Register of Historic Places nomination for the District is silent on the issue.</li> </ol>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) -Pgs. 82 & 41; & Testimony #5 of 5/2/06 Memo	<b>2.9.110.03.a &amp;            c.1(intro)            (Demolition            review            criteria); &amp;            2.2.40.05.c.2(b)            ) (HPO            Overlay            removal            criteria)</b>	<p>The Council notes that testimony raised a concern that there is a loophole created by Sections 2.9.110.03.a &amp; c.1(intro) (Demolition review criteria); &amp; 2.2.40.05.c.2(b) (HPO Overlay removal criteria) in that a property owner could allow a Designated Historic Resource to deteriorate, sell the resource, and the new property owner could claim that the deterioration was not the result of action or inaction by them because it occurred prior to their purchasing the resource.</p> <p>a. The Historic Integrity of the Designated Historic Resource has been substantially reduced or diminished due to unavoidable circumstances that were not a result of action or inaction by the property owner. "Historic Integrity" is defined in Chapter 1.6 - Definitions.</p> <p>c. If the Demolition involves a <i>Designated Historic Resource</i> other than the structures outlined in "b," above, the Demolition may be allowed provided:</p> <p>1. The physical condition of the Designated Historic Resource is deteriorated beyond <i>Economically Feasible Rehabilitation</i> and either:.....</p> <p><u>(b) The Historic Integrity of the resource has been substantially reduced or diminished due to unavoidable circumstances that were not a result of action or inaction by the property owner; and/or</u></p> <p>■ The Council notes that while this is certainly possible, it seems like it would be an uncommon situation and that the provisions are adequate as written.</p>	<p><b>The Council concludes that it is not appropriate to modify Sections 2.9.110.03.a &amp; c.1(intro), 2.2.40.05.c.2(b), &amp; 2.9.100.04.b.3(j) to address such an uncommon situation.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pg. 83; &amp; Testimony #11 (pg. 11-D) of 5/2/06 Memo</p>	<p>2.9.110.03.c.1(b) (Demolition review criteria);</p>	<p>The Council notes that testimony requested modification of Section 2.9.110.03.c.1(b) as shown in shading:</p> <p>b) If within a National Register of Historic Places Historic District, Demolition of the <del>Designated Historic Resource</del> a Historic structure <del>(including those designated Historic/Contributing or Historic/Noncontributing)</del> will not adversely affect the Historic Integrity of the District <del>visible from public rights-of-way or private streets rights-of-way (except from alleys from which it may be visible). Generally, more historic protection will be given to primary structures on the site than to secondary structures such as garages, accessory development, or site development.</del> To address this criterion, the applicant shall provide an assessment of the Demolition's effects on the character and Historic Integrity of the <del>District and of the</del> subject Designated Historic Resource <del>site, as well as an assessment of the specific Historic Significance of the structure and District.</del> "Historic Integrity" is defined in Chapter 1.6 - Definitions, <del>subsection e, as the architectural continuity of the street or neighborhood.</del> "Historic Significance" is defined in Chapter 1.6, subsections a through i.</p> <p>■ The Council notes that other sections of Chapter 2.9 (such as the 2.9.70 - Exemptions and 2.9.100.03 - Director-level Historic Preservation Permits for Alterations and New Construction) address some of the topic areas shown by the requested changes above. Therefore, the Council notes that such changes would create conflicts with those sections and perhaps also result in an inappropriate focus of this discretionary review criteria.</p>	<p>The Council concludes that it is inappropriate to modify Section 2.9.110.03.c.1(b) as requested.</p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pgs. 16 &amp; 17, 55 &amp; 56, &amp; 81-85; Exhibit VII - Pgs. 10 &amp; 11; &amp; Testimony #8 (pg. 8-A)</p>	<p><b>2.9.110.03.d; &amp; Chapter 1.6 - Definition for Historically Significant Tree</b></p>	<p>The Council notes that testimony raised a concern that more than “landmark” trees will be restricted from being removed and that the definition for Historically Significant Trees cannot be found in Chapter 1.6 - Definitions.</p> <ul style="list-style-type: none"> <li>■ The Council notes that there is a heirarchy of approaches to trees on Designated Historic Resource sites. The Council notes that first, via Section 2.9.70.b.3, the removal of trees that do not meet the definition of Historically Significant Trees are exempt from the Historic Preservation Permit process. The Council notes that the definition for Historically Significant Tree is located in Chapter 1.6 - Definitions. The Council notes that second, removal (Demolition) of a Historically Significant Tree may be considered via Section 2.9.110.e, which is an HRC-level Historic Preservation Permit. The Council notes that the review criteria which need to be met for such a removal of a Historically Significant Tree is located in Section 2.9.110.03.d. The Council believes that this issue has been adequately addressed.</li> <li>■ The Council notes that the Definition that testimony couldn't find is listed under “Historically Significant Tree in Chapter 1.6- Definitions (on Exhibit I - pgs. 16 &amp; 17 of the Council staff report).</li> </ul>	<p><b>The Council concludes that no changes are needed for Sections 2.9.110.03.d &amp; Chapter 1.6 - Definition for Historically Significant Tree.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Councilor Griffith's Testimony (1<sup>st</sup> pg.) &amp; Testimony #12 (1<sup>st</sup> pg.) in 5/2/06 Memo; &amp; Exhibit VII - Pg. 41</p>	<p><b>Advocacy vs. Quasi-Judicial Role (Multiple Chapters and throughout Chapter 2.9)</b></p>	<p>The Council notes that Councilor Griffiths suggested that the following two options be considered for the historic preservation quasi-judicial decision-making role:</p> <ol style="list-style-type: none"> <li>1) Expansion of the Land Development Hearings Board only for those situations where historic preservation is under review. Could add 3-4 members to this Board from the list of 12 required types of expertise with at least one of them from a designated historic district or living in a designated historic house. These members by ordinance could not be members of the HRC; or</li> <li>2) Make the Planning Commission the decision-maker with the same model as above – i.e. adding 3-4 members with historic preservation expertise to this body for historic preservation reviews.</li> </ol> <p>The Council notes that other testimony suggested that both the historic advocacy and historic quasi-judicial decision-maker roles could be satisfied by the following:</p> <ol style="list-style-type: none"> <li>1) HPAB making HPP decisions and helping with Historic Preservation Month; and</li> <li>2) A local private organization called Preservation WORKS (local, private, historic preservation group) satisfying the educational and advocacy functions.</li> </ol> <p>The Council notes that other testimony requested that the HPAB not be made a quasi-judicial decision-maker.</p> <p><b>CONTINUED IN COLUMN ON THE RIGHT</b></p>	<p><b>CONTINUED FROM COLUMN ON THE LEFT</b></p> <ul style="list-style-type: none"> <li>■ The Council notes that Municipal Code changes will be needed because of this Legislative Amendment to the Land Development Code because of the establishment of a new quasi-judicial decision-making body for review of some Historic Preservation Permits. These Municipal Code changes are a separate issue from this Legislative Amendment to the Land Development Code, with the exception of the choosing of a name for the new quasi-judicial decision-making body. The name is needed in order to use it in the Code and in this Legislative Amendment to the Land Development Code.</li> </ul> <p>The Council notes that including the term "Preservation" in the name of the new decision-making body may create a perception of bias. The Council notes that the name "Historic Resources Commission" is a more neutral name and addresses the new quasi-judicial responsibilities of this decision-making body.</p> <p><b>The Council concludes that the "Historic Resources Commission" is an appropriate name for this new quasi-judicial decision-making body. The Council further concludes that the Code's references to "Historic Preservation Advisory Board" and "HPAB-level" should be changed to reflect this new name change to Historic Resources Commission.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Councilor Griffiths Testimony (1<sup>st</sup> pg. &amp; pg. 2) Testimony #4 (pg. 4-A) in 5/2/06 Memo</p>	<p><b>Chapter 2.9 - Pros/Cons of Separate Standards for each Historic District</b></p>	<p>The Council notes that testimony requested separate Standards for each National Register of Historic Places Historic District.</p> <p>The Council notes that Councilor Griffiths' testimony stated opposition to this suggestion, saying that it would result in a confusing set of different standards that would be difficult to implement and understand. The Council notes that Councilor Griffiths further stated that she does not think that such a request by OSU or others should be supported as a general statement without seeing some actual code language, and that public buildings may require different language and this can be developed in conjunction with OSU and other government entities in the future.</p> <ul style="list-style-type: none"> <li>■ The Council notes that the request to provide separate Standards for each National Register of Historic Places Historic District would create an abundance of redundancy in the Chapter. The Council notes that a better way to approach any distinctions between the Historic District characteristics is to actually call out the differences in any provisions where such distinctions would be appropriate. The Council notes that those distinctions are handled by referring to the Period of Significance (which is different for each Historic District). The Council notes that this concept of separate standards for each Historic District was thoroughly discussed at each step of this legislative process and the decision-makers and staff have not elected to pursue this direction.</li> </ul>	<p><b>The Council concludes that it is not appropriate to implement this suggested change to separate Standards for each National Register of Historic Places Historic District.</b></p>



PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit VII - Pg. 11 &amp; Testimony #7 (1<sup>st</sup> pg.) &amp; Testimony #10 (pg. 11- A) &amp; Testimony #15 of 5/2/06 Memo</p>	<p><b>Chapter 2.9</b></p>	<p>The Council notes that testimony raised a concern that private homeowners in Historic Districts are penalized because there are not separate and more flexible standards for individual homes versus prominent public buildings. The Council notes that the other testimony raised a concern that private homes were overly restricted and public historic resources were not protected enough. The Council notes that other testimony requested separate standards for Individual historic resources versus Historic District historic resources.</p> <ul style="list-style-type: none"> <li>■ The Council notes that these issues and concepts were thoroughly discussed at each step of this legislative process and the decision-makers and staff have not elected to pursue them. The Council notes that a better way to approach any desired distinctions would be to actually call out the differences in any provisions where such distinctions would be appropriate. The Council notes that these distinctions have been accomplished where appropriate.</li> </ul>	<p><b>The Council concludes that the existing text adequately addresses these concerns.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) -Pg. 32; and Exhibit VII - Pg. 41	2.2.20.d	<p>The Council notes that testimony requested that Section 2.2.20.d be deleted or modified as shown in shading:</p> <p>d. <del>Lessen</del> <u>increase</u> the influence of private economic interests in the land use decision-making process <u>as it relates to Historic Districts in the City of Corvallis</u>;</p> <p>■ The Council notes that this purpose statement is in the Development District Change Chapter of the Code and that because it pertains to land use <u>designation</u> changes, as opposed to an actual land use development <u>permit</u> application, it is appropriate to comment on the role of private economic interests. The Council notes that land use designation changes should not be based on private economic interests because land use designations are part of a community wide plan and are intended to be for the longer term. Therefore, the Council notes that it would be inappropriate to implement the requested changes shown above.</p>	<p><b>The Council concludes that it is not appropriate to implement the requested change to Section 2.2.20.d.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pgs. 40, 15, &amp; 17; Exhibit VII - Pg. 4; &amp; Testimony #11 (pg. 11-F) of 5/2/06 Memo &amp; Councilor Griffith's Testimony (pg. 2)</p>	<p><b>2.2.40.05.b.2(b)</b>  Chapter 1.6 - Definition for <b>Historic Significance (subsection b)</b>; and Definition for <b>Historically Significant Tree (subsection a.3(a)(3))</b></p>	<p>The Council notes that testimony requested that Sections 2.2.40.05.b.2(b) and the definitions for Historic Significance (subsection b) and Historically Significant Tree (subsection a.3(a)(3)) be modified as shown below.</p> <p>b) <u>It is associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the City, County, State or nation;</u></p> <p>3) <u>The tree is associated with the life of a person or group of Historic Significance.</u></p> <p>The Council notes that the wording is slightly different in the definition for Historically Significant Tree and that the testimony suggests modifying all three provisions as shown in italics and shading as follows:</p> <p>b) <u><i>The resource # is fundamentally related to the work, achievements, or life story associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the City, County, State or nation;</i></u></p> <p>The Council notes that Councilor Griffith's testimony supports these suggestions.</p> <p>■ The Council notes that the suggested Code modifications are good suggestions because the revised text is more precise in getting the intended meaning understood. However, the Council notes that for the Historically Significant Tree provision, the sentence should begin with <u><i>"The tree"</i></u> instead of <u><i>"The resource"</i></u></p>	<p><b>The Council concludes that it is appropriate to modify Section 2.2.40.05.b.2(b) &amp; subsection "b" of the definition for Historic Significance as follows:</b></p> <p>b) <u><i>The resource # is fundamentally related to the work, achievements, or life story associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the City, County, State or nation;</i></u></p> <p><b>The Council further concludes that it is appropriate to modify subsection "a.3(a)(3)" of the definition for Historically Significant Tree as follows:</b></p> <p>3) <u><i>The tree is fundamentally related to the work, achievements, or life story associated with the life of a person or group, organization, or institution that has made a significant contribution to the City, County, State or nation of Historic Significance.</i></u></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) -Pg. 42; & Councilor Griffith's Testimony (pg. 2)	2.2.50 (Administrative District Changes)	<p>The Council notes that Councilor Griffiths testimony suggested modifying the heading for Section 2.2.50 as shown in shading to avoid confusion:</p> <p><u>Section 2.2.50 - QUASI-JUDICIAL CHANGE PROCEDURES FOR ADMINISTRATIVE DISTRICT CHANGES FOR HISTORIC PROPERTIES</u></p> <ul style="list-style-type: none"> <li>■ The Council notes that while this proposed change works fine for now, once Phase III of the Code Update is implemented, it would need to be changed back the way it currently is proposed to read because there are other types of Administrative District Changes in the Phase III text.</li> </ul>	The Council concludes that it is not appropriate to change the heading for Section 2.2.50 as requested.

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pgs. 46 &amp; 53; Exhibit VII - pg. 3; Testimony #2 in 4/24/06 Memo; &amp; Testimony #11 (pg. 11-A, B, &amp; I) of 5/2/06 Memo</p> <p><b>CONT'D ON NEXT PAGE</b></p>	<p><b>2.2.60 &amp; 2.9.50 (Reclassifying Nationally-designated Historic Resources in a National Register of Historic Places Historic District)</b></p> <p><b>CONT'D ON NEXT PAGE</b></p>	<p>The Council notes that testimony raised a concern that mistakes in classification of Designated Historic Resources that were made during the nomination process and will not be corrected. The Council notes that the testimony requested that the City use the definition for Historic Significance to evaluate resources instead, and prioritize what resources in a Historic District should be protected. The Council notes that the testimony suggested that, alternatively, Section 2.2.60 should be modified as shown in shading below:</p> <p><u><b>Section 2.2.60 - PROCEDURES FOR RECLASSIFYING A DESIGNATED HISTORIC RESOURCE IN A NATIONAL REGISTER OF HISTORIC PLACES HISTORIC DISTRICT</b></u>  <u>Reclassification of a Designated Historic Resource in a National Register of Historic Places Historic District is accomplished per state and federal procedures. Upon notification from the State Historic Preservation Office that a reclassification of a Nationally-designated Historic Resource has been approved, the City shall amend its files accordingly. All future Historic Preservation Permit applications relating to this Nationally-designated Historic Resource shall be evaluated per the revised reclassification. <i>When an error was made in the nomination papers for a Designated Historic Resource, the owner may petition the Director to help correct it. The owner should explain the nature of the mistake, using sources of information in 2.9.60.c (particularly subsections 2, 4, 7, and 8). The Director will petition the State Historic Preservation Office to make the correction.</i></u></p> <p><b>Section 2.9.50 - PROCEDURES FOR RECLASSIFYING HISTORIC RESOURCES IN A NATIONAL REGISTER OF HISTORIC PLACES HISTORIC DISTRICT</b>  Reclassification of a Designated Historic Resource listed in the National Register of Historic Places shall be accomplished in accordance with the state and federal provisions identified in Section 2.2.60.</p> <p><b>CONTINUED IN COLUMN TO THE RIGHT</b></p>	<p><b>CONTINUED FROM COLUMN TO THE LEFT</b></p> <ul style="list-style-type: none"> <li>■ The Council notes that Sections 2.2.60 and 2.9.50 provide a correction process which is echoed by April 19, 2006, e-mail from Chrissy Curran, National Register Nominations Coordinator, Oregon SHPO. The Council notes that until such a correction is made, the City does not have jurisdiction over the correction and is obligated to use the classifications in place at the time an Historic Preservation Permit application is processed. However, the Council notes that the concerns could be addressed by adding the following sentences below to Section 2.2.60.  <u><i>If a property owner believes that an error was made in the nomination papers for a Designated Historic Resource, the property owner may petition the Director to help correct it. The owner should explain the nature of the mistake, using sources of information in 2.9.60.c. The Director shall forward the property owner's request for the correction, along with the property owner's documentation, to the State Historic Preservation Office (SHPO) for consideration.</i></u></li> <li>■ The Council concludes that it is appropriate to modify Section 2.2.60 as shown below:  <u><b>Section 2.2.60 - PROCEDURES FOR RECLASSIFYING A DESIGNATED HISTORIC RESOURCE IN A NATIONAL REGISTER OF HISTORIC PLACES HISTORIC DISTRICT</b></u>  <u>Reclassification of a Designated Historic Resource in a National Register of Historic Places Historic District is accomplished per state and federal procedures. Upon notification from the State Historic Preservation Office that a reclassification of a Nationally-designated Historic Resource has been approved, the City shall amend its files accordingly. All future Historic Preservation Permit applications relating to this Nationally-designated Historic Resource shall be evaluated per the revised reclassification. <i>If a property owner believes that an error was made in the nomination papers for a Designated Historic Resource, the property owner may petition the Director to help correct it. The owner should explain the nature of the mistake, using sources of information in 2.9.60.c. The Director shall forward the property owner's request for the correction, along with the property owner's documentation, to the State Historic Preservation Office (SHPO) for consideration.</i></u></li> </ul>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) -Pg.13; & Testimony #11 (pg. 11-F) in 5/2/06 Memo	<b>Chapter 1.6 -            Definition of            Nationally-            designated,            which is            subsection "b"            under definition            of Designated            Historic            Resource</b>	<p>The Council notes that testimony requested correction of subsection "b" in the Chapter 1.6 definition for Designated Historic Resource, since it doesn't take property owner concurrence for some sites to be listed in the National Register of Historic Places.</p> <p><u>b. <b>Nationally-designated:</b> A Nationally-designated Historic Resource is listed in the National Register of Historic Places. To list a property in the National Register of Historic Places, a property owner must obtain approval must be obtained in accordance with state and federal processes and criteria listed in 36 CFR 60. Local level input regarding a proposed National Register of Historic Places nomination normally is solicited; however, official local action does not occur. Because Nationally-designated Historic Resources are subject to the Historic Preservation Provisions of Chapter 2.9, a notation indicating that a property is listed in the National Register of Historic Places is included on the City's Development District Map.</u></p> <p>■ The Council notes that this is a good correction and can be addressed as shown in shading above.</p>	<p><b>The Council concludes that it is appropriate to modify subsection "b" of the Chapter 1.6 for Designated Historic Resource as shown.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) - Pg.19; Exhibit VII - Pg. 5; & Testimony #6 (pg. 6-C) & Testimony #11 (pg. 11-E) of 5/2/06 Memo	<b>Chapter 1.6 - Definition for National Register of Historic Places Historic District Classifications</b>	<p>The Council notes that testimony raised a concern that there is a conflict between the Chapter 1.6 description for "Nonhistoric" that is part of the definition for National Register of Historic Places Historic District Classifications below, and the College Hill West Historic District's nomination description for "Nonhistoric." The Council notes that the testimony stated that the District's nomination description for "Nonhistoric" includes resources constructed after the Period of Significance" (1905-1945) and requested that "Period of Significance" be added to some descriptions in this definition. The Council notes that there was additional testimony that requested that the Chapter 1.6 definition for Nonhistoric be modified to read:</p> <p><u>Nonhistoric – Generally, not yet 50 years old at the time of designation. (However, in the College Hill West Historic District, all structures built after 1945, the end of the Period of Significance, were also classified as Nonhistoric).</u></p> <p><u>National Register of Historic Places Historic District Classifications - Historic resources in an approved National Register of Historic Places Historic District are classified as "Historic/Contributing," "Historic/Noncontributing," or "Nonhistoric/Noncontributing." The components of these classifications are defined as follows:</u></p> <p><u>Historic – At least 50 years old at the time of designation.</u></p> <p><u>Nonhistoric – Not yet 50 years old at the time of designation.</u></p> <p><u>Contributing – A resource in a National Register of Historic Places Historic District which, at the time of designation, retained a sufficient amount of Historic Integrity to convey its historic appearance and Historic Significance.</u></p> <p><u>Noncontributing – A resource in a National Register of Historic Places Historic District which, at the time of designation, lacks Historic Integrity relevant to the Period of Significance, and/or which is not historic.....</u></p> <p><b>CONTINUED IN COLUMN TO THE RIGHT</b></p>	<p><b>CONTINUED FROM COLUMN TO THE LEFT</b></p> <p>■ The Council notes that the issues raised are good points and that several descriptions for the definition for National Register of Historic Places Historic District Classifications should be changed. However, the Council notes that instead of the suggested text, the following is more appropriate. The Council notes that with these changes, there is not problem with the definition for Nonhistoric (the definition that is not part of the definition for National Register of Historic Places Historic District Classifications).</p> <p><u>National Register of Historic Places Historic District Classifications - Historic resources in an approved National Register of Historic Places Historic District are classified as "Historic/Contributing," "Historic/Noncontributing," or "Nonhistoric/Noncontributing." The components of these classifications are defined as follows:</u></p> <p><u>Historic – At least 50 years old at the time of designation and called out as Historic in the Historic District Nomination.</u></p> <p><u>Nonhistoric – Not yet 50 years old at the time of designation or called out as Nonhistoric in the Historic District Nomination.</u></p> <p><u>Contributing – A resource in a National Register of Historic Places Historic District which, at the time of designation, retained a sufficient amount of Historic Integrity relevant to the Period of Significance to convey its historic appearance and Historic Significance.</u></p> <p><u>Noncontributing – A resource in a National Register of Historic Places Historic District which, at the time of designation, lacks Historic Integrity relevant to the Period of Significance, and/or which is not historic.....</u></p> <p><b>The Council concludes that it is appropriate to modify the definition for National Register of Historic Places Historic District Classifications as shown above.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) - pg. 23; &amp; Testimony #6 (pg. 6B) &amp; #11 (pg. 11-E) of 5/2/06 Memo; &amp; Councilor Griffith's Testimony (pg. 2)</p>	<p><b>Chapter 1.6 - Definitions for Preservation &amp; Rehabilitation</b></p>	<p>The Council notes that Councilor Griffiths testimony requested that the Chapter 1.6 definition for "<i>Preservation</i>" be modified to address different contexts.</p> <p>The Council notes that other testimony raised a concern that the Chapter 1.6 definition for "<i>Preservation</i>" applies in all instances where the term "preservation" is used throughout Chapter 2.9, and that this definition is much too restrictive if that is the case. The Council notes that the testimony raised a similar concern with the Chapter 1.6 definition for "<i>Rehabilitation</i>" and requested that these two definitions be clarified to indicate that they are only meant to indicate two of the four types of Secretary of Interior "treatment" options and not other more general usage. The Council notes that the testimony requested that the word "treatment" be inserted as shown in shading below:</p> <p><u><b>Preservation Treatment</b> (as applied to <i>Designated Historic Resources</i>) -</u>  <u>As used in this Code, preservation treatment means activities that stabilize and maintain properties at a high level of Historic Integrity. When repair of a feature is no longer possible, preservation includes actions such as "like-for-like" replacement and often allows review through an administrative process.</u></p> <p><u><b>Rehabilitation Treatment</b> (as applied to <i>Designated Historic Resources</i>) -</u>  <u>As used in this Code, rehabilitation treatment includes activities that modify properties. Though removal of Historically Significant features is discouraged, replacement with new materials and even new additions may be allowed, if they are compatible with the property's historic materials, features, size, scale and proportion, and massing to protect the Historic Integrity of the property and its environment. Approval generally requires quasi-judicial review by the Historic Resources Commission.</u></p>	<p>■ The Council notes that these suggestions better clarify the intent.</p> <p><b>The Council concludes that it is appropriate to modify the definitions for "<i>Preservation</i>" and "<i>Rehabilitation</i>" as shown.</b></p>



PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) - all pages; and Exhibit VII - Pgs. 5, 6, & 42	<b>Chapter 1.6 - Definitions for various land use application processes</b>	<p>The Council notes that testimony raised a concern that Chapter 1.6 - Definitions contains newly added definitions for land use application processes have Code-wide ramifications and were not properly noticed.</p> <ul style="list-style-type: none"> <li>■ The Council notes that the new definitions were added at the request of the Planning Commission and the public notice for the City Council hearing, which is a <i>de novo</i> hearing, included notice of the land use process definitions. The Council notes that the Commission believed the definitions relevant to LDT05-00001 because they included definitions for both Director-level and HRC-level Historic Preservation Permits, and the Commission believed that if some land use processes received definitions in Chapter 1.6, then they all should. The Council notes that the definitions merely reference the applicable Code chapters and include information from those applicable Code chapters.</li> </ul>	<b>The Council concludes that it is appropriate to include the definitions for land use application processes in this Legislative Amendment to the Land Development Code.</b>
Exhibit I (yellow) -Pg. 3	<b>1.1.40 (in City Council &amp; its Agencies Chapter)</b>	<p>The Council notes that on page 28 of the Council staff report, staff recommends modifying Section 1.1.40 as shown in italics &amp; shading:</p> <p><u><b>Section 1.1.40 - THE HISTORIC RESOURCES COMMISSION</b></u>  <u>The Historic Resources Commission shall be appointed in accordance with Municipal Code Section 1.16.250, as amended, the Boards and Commissions Ordinance. The Commission shall have the powers and duties provided therein and provided by this Code.</u></p> <ul style="list-style-type: none"> <li>■ The Council notes that this is a housekeeping item, which pertains to the establishment of the new quasi-judicial decision-making body for some Historic Preservation Permits. However, the Council notes that the name of the new body should also be changed to Historic Resources Commission.</li> </ul>	<p><b>The Council concludes that it is appropriate to modify Section 1.1.40 as follows:</b></p> <p><u><b>Section 1.1.40 - THE HISTORIC RESOURCE COMMISSION PRESERVATION ADVISORY BOARD</b></u>  <u>The Historic Resources Commission Preservation Advisory Board shall be appointed in accordance with Municipal Code Section 1.16.250, as amended, the Boards and Commissions Ordinance. The Commission Board shall have the powers and duties provided therein and provided by this Code.</u></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit I (yellow) -Pg. 7; and Exhibit VII - Pg. 3	1.2.120 (in Legal Framework Chapter)	<p>The Council notes that a concern was raised with Section 1.2.120 relative to Historic Preservation Permits, because of the potential for lengthy process of 120 days.</p> <p><u>Section 1.2.120 - EXTENSION OF 120-DAY PERIOD FOR REVIEW OF LAND USE APPLICATIONS</u>  <u>Consistent with state law, the City's review of all land use applications shall be completed within 120 days of the date an application is deemed complete, allowing for any possible appeals at the local level. This 120-day period may be extended only by written authorization of the applicant. Such authorization shall specify the length of time by which the 120-day deadline is extended.</u></p> <ul style="list-style-type: none"> <li>■ The Council notes that the goal is to process Historic Preservation Permits as soon as possible after their submittal, but the 120-day provision must also apply as a maximum per state law. The Council notes that this provision is a help, not a hindrance.</li> </ul>	The Council notes that it is not appropriate to modify Section 1.2.120 and to leave it as shown to the left.
Exhibit I (yellow) -Pg. 28; & Councilor Griffith's Testimony (pg. 2)	2.0.50.04.b.2 & 3 - (Public Notice)	<p>The Council notes that Councilor Griffiths testimony requested modification of the introductory statements for Sections 2.0.50.04.b.2 &amp; 3 as shown in shading:</p> <ol style="list-style-type: none"> <li>2. Any person who resides on or owns property within <del>300</del> <u>500</u> ft, including street right-of-way, of a parcel of land for: ...(all public hearing land use cases)</li> <li>3. Any person who resides on or owns property within <del>100</del> <u>300</u> ft, including street right-of-way, of a parcel of land for: ...(all administrative land use cases)</li> </ol> <ul style="list-style-type: none"> <li>■ The Council notes that this increase in notice area for all land use applications has budgetary implications, is in conflict with a past Council decision, and seems outside the scope of this project.</li> </ul>	The Council concludes that it is not appropriate to modify Section 2.0.50.04.b.2 as requested.

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<p>Exhibit I (yellow) -Pgs. 47 &amp; 49; and Testimony #4 (pgs. 4-A &amp; B) &amp; Testimony #6 of 5/2/06 Memo; &amp; Councilor Griffith's Testimony (pg. 3)</p>	<p><b>2.3.30.04.k &amp; 2.5.40.04.k (Review criteria for CD's &amp; PD's)</b></p>	<p>The Council notes that Councilor Griffiths testimony requested deletion of Section 2.3.30.04.k, stating that this review criteria is a duplication of Section 2.3.30.04.b and seems overly restrictive.</p> <p>The Council notes that other Testimony requested the deletion of both Section 2.3.30.04.k &amp; 2.5.40.04.k because adjacent property owners have not been noticed and because it is an undue burden on property owners that do not have historically designated properties. The council notes that the testimony stated that subjecting these property owners to this criteria broadly expands the intent and purpose of historic preservation.</p> <p><u>k. If the proposed development is adjacent to a National Register of Historic Places Historic District, the impact of visual elements (as described in "b," above) of the development on any adjacent Designated Historic Resource(s).</u></p> <p>■ The Council notes that these arguments are good points and that both of these two provisions should be deleted.</p>	<p><b>The Council concludes that it is appropriate to delete Sections 2.3.30.04.k &amp; 2.5.40.04.k.</b></p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
<b>OTHER TOPICS</b>			
<p>Testimony #4 (pg. 4-A) of 5/2/06 Memo &amp; Councilor Griffith's Testimony (1<sup>st</sup> pg. &amp; pg. 2)</p>	<p>Separate OSU Historic District regulations once an OSU Historic District established</p>	<p>The Council notes that OSU testimony requested that "during the adoption of the Chapter 2.9 Update, the City Council acknowledge its support (via a motion) for OSU to prepare its own historic preservation zoning code language."</p> <p>The Council notes that Councilor Griffiths testimony stated that this is similar to requests from each of the current historic districts to have their own special language by creating separate and distinct code language for each Historic District. The Council notes that Councilor Griffiths voiced her opposition, stating that it would result in a a confusion of different standards. The Council notes that Councilor Griffiths testimony further stated that she believed that this request by OSU is premature, without seeing actual Code language.</p> <ul style="list-style-type: none"> <li>■ The Council notes that any proposed provisions for an OSU National Register of Historic Places Historic District can be considered as part of a future Land Development Code Text Amendment public hearing process, following formation of the Historic District, and that any such motion for support of the concept now would be inappropriate.</li> </ul>	<p><b>The Council concluded that it is inappropriate to pass the motion requested by OSU.</b></p>

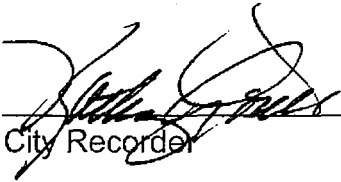
PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit VII - Pg. 4	Comprehensive Plan Map & District Map	<p>The Council notes that testimony raised a concern that in the College Hill West Historic District there are properties designated with more intensive residential designations than Low Density Residential (e.g. High Density Residential, etc.). The Council notes that the testimony requested that the land use designations be modified to Low Density Residential Comprehensive Plan Map designation and RS-5 District Map Designation, with the exception of the church and two buildings originally designated as sororities.</p> <p>■ The Council notes that this request is outside the scope of this project.</p>	<p><b>The Council concluded that it is inappropriate to consider such land use designation changes as part of this Legislative Amendment to the Land Development Code.</b></p>
Exhibit VII - Pgs. 6, 12, & 41; Testimony #3 of 4/24/06 Memo; & Testimony #12 (1 <sup>st</sup> pg. & pgs. 12-D & E) in 5/2/06 Memo	Make-up of HRC	<p>The Council notes that testimony requested that the new quasi-judicial decision-making body include "guaranteed" and "liberal" representation from the City's established National Register of Historic Places Historic Districts, and that such representation constitute at least 50% of the body. The Council notes that testimony requested that new quasi-judicial decision-making body not be comprised of advocates.</p> <p>The Council notes that testimony requested to use the current HPAB for the new quasi-judicial decision-making body because it is the only body that could meet the CLG requirements &amp; neither the Planning Commission or the Land Development Hearings Board members satisfy the CLG requirements.</p> <p>■ The Council notes that these requests will be considered separately as part of changes to the Municipal Code.</p>	<p><b>The Council concludes that it is inappropriate to make decisions on these matters as part of this Legislative Amendment to the Land Development Code. The Council further concludes that these requests will be considered separately as part of changes to the Municipal Code.</b></p>

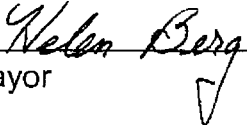
PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Exhibit VII - Pgs. 6 & 11	Documentation of HRC decision rationale	<p>The Council notes that testimony requested that documentation be provided for HRC decisions to ensure that decisions are based on criteria.</p> <ul style="list-style-type: none"> <li>■ The Council notes that decisions will be required to be based on criteria and that documentation of the decision rationale will be included in the minutes for the HRC meeting and, if the staff report is quoted, the staff report as well.</li> </ul>	<b>The Council concludes that documentation of criteria rationale will be accomplished.</b>
Exhibit VII - Pg. 6	Design Guidelines	<p>The Council notes that testimony requested that when the Design Guidelines are completed, they be user-friendly and based on the City's Comprehensive Plan and Land Development Code, and not new historic preservation policies beyond these documents.</p> <ul style="list-style-type: none"> <li>■ The Council notes that the Design Guidelines are intended to do this and also provide property owners with ideas of how to be historically sensitive. However, the Council notes that the project to finish these Design Guidelines is outside the scope of this Legislative Amendment to the Land Development Code and will be considered by the Council separately, prior to work on the Design Guidelines being resumed.</li> </ul>	<b>The Council concludes that the project to finish these Design Guidelines is outside the scope of this Legislative Amendment to the Land Development Code and will be considered by the Council separately at a later date.</b>
Exhibit VII - Pg. 12	Education	<p>The Council notes that testimony requested that there be education of all realtors, contractors, landscapers, and homeowners subject to Historic Preservation Provisions, so that the appropriate regulations are followed and permits secured.</p> <ul style="list-style-type: none"> <li>■ The Council concurs and intends for staff to provide educational opportunities.</li> </ul>	<b>The Council concludes that no changes to the Legislative Amendment to the Land Development Code are needed to address this point and that the Council intends for staff to provide educational such opportunities.</b>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	COUNCIL CONCLUSIONS
Testimony #7 (pg. 7-A) of 5/2/06 Memo	Adding public historic resources to National Register	<p>The Council notes that testimony suggested that more of the publicly owned historic resources should be added to the National Register of Historic Places.</p> <ul style="list-style-type: none"> <li>■ The Council notes that this request is outside the scope of this project.</li> </ul>	<p><b>The Council concludes that this request is outside the scope of this Legislative Amendment to the Land Development Code.</b></p>
Testimony #12 (1 <sup>st</sup> pg. & pgs. 12-A & B) in 5/2/06 Memo	Comments on economic benefits of historic preservation & achieving energy benefits	<p>The Council notes that testimony listed the economic benefits of historic preservation and achieving sustainability and energy efficiency by means other than window replacement.</p> <ul style="list-style-type: none"> <li>■ The Council notes that these comments offer support for historic preservation and were considered.</li> </ul>	<p><b>The Council concludes that no change or action is needed regarding the Legislative Amendment to the Land Development Code to address these comments, and that this type of information is appropriate as educational background.</b></p>

## SUMMARY OF CONCLUSIONS

The City Council finds that there was ample opportunity for public review of the proposed Legislative Amendment to the Land Development Code (LDT05-00001), that the proposed CHANGES are consistent with the applicable Comprehensive Plan criteria, and that the proposal is consistent with the applicable Statewide Planning Goals. Accordingly, the Legislative Amendment to the Land Development Code (LDT05-00001) is APPROVED.

  
\_\_\_\_\_  
City Recorder

  
\_\_\_\_\_  
Mayor

Date: 06/05/06



## **EXHIBIT B**

Final version of this Legislative Amendment to  
the Land Development Code (LDT05-00001)

**COUNCIL TEXT AMENDMENT**  
**CHANGES TO EXISTING**  
**CODE TEXT INDICATED IN**  
**RED-LINE/DOUBLE UNDERLINE OR STRIKEOUT FONTS**

**COUNCIL CHANGES IN ITALICS**

**CHAPTER 1.1**  
**THE CITY COUNCIL AND ITS AGENCIES AND OFFICERS**  
*(Last revised 5-24-06)*

**Section 1.1.10 - THE CITY COUNCIL**

**1.1.10.01 - Authority and Responsibility**

The State has delegated to the City Council responsibility for adopting land use plans and controls. The City has adopted this Code pursuant to its responsibilities to secure the health, safety, and welfare of its citizens and also pursuant to its home rule authority. The City Council has created a Planning Commission, and a Land Development Hearings Board, and a Historic Resources Commission~~Preservation Advisory Board~~ for the purpose of implementing such plans and controls. In addition, the State has authorized the Council to act upon applications for development or to delegate its authority to act upon such applications.

**1.1.10.02 - Powers and Duties**

The City Council has the following powers and duties in addition to any others it may now have, be given, or confer upon itself. The City Council:

- a. May adopt, amend, supplement, or repeal plans and policies for development of the community;
- b. May adopt, amend, supplement, or repeal the text of any provisions or regulations of this Code or the boundaries of development districts established on the Official Development District Map;
- c. Shall review decisions of the Planning Commission, and Land Development Hearings Board, and Historic Resources Commission~~Preservation Advisory Board~~ upon appeal;
- d. Shall appoint members of the Planning Commission and Historic Resources Commission~~Preservation Advisory Board~~; and
- e. May establish a reasonable schedule of fees with respect to matters under this Code.

## **Section 1.1.20 - THE PLANNING COMMISSION**

The Planning Commission shall be appointed in accordance with the Boards and Commissions Ordinance. The Commission shall have the powers and duties provided therein and provided by this Code.

## **Section 1.1.30 - LAND DEVELOPMENT HEARINGS BOARD**

There is hereby created a Land Development Hearings Board for the City. The Board shall hear and act on appeals resulting from alleged errors in orders, requirements, decisions, and interpretations of the Director or designated administrative officers charged with the enforcement of this Code and such other matters as required by this Code.

### **1.1.30.01 - Membership**

- a. All members of the Planning Commission are eligible to serve on the Land Development Hearings Board. The Land Development Hearings Board shall consist of three members appointed from the Planning Commission by the chair. One member shall be appointed to a 1-year term, one member shall be appointed to a 2-year term, and one member shall be appointed to a 3-year term. All succeeding appointments shall be for 3-year terms or until they are no longer members of the Planning Commission, whichever comes first.
- b. Any vacancy in office shall be filled by the chair for the unexpired portion of the term of the member whose office became vacant.
- c. The members of the Land Development Hearings Board shall continue as voting members of the Planning Commission.
- d. The Chair may appoint alternates to serve in the absence of Board members.

### **1.1.30.02 - Quorum**

Two members of the Land Development Hearings Board shall constitute a quorum. Any position in the Land Development Hearings Board may be filled, or substitution made, to allow any members of the Planning Commission to serve for purposes of a quorum.

### **1.1.30.03 - Powers and Duties**

The Land Development Hearings Board shall conduct hearings and prepare findings of fact in accordance with Chapter 2.0 - Public Hearings and take such actions concerning appeals as required by this Code.

**Section 1.1.40 - THE HISTORIC RESOURCES COMMISSION PRESERVATION ADVISORY BOARD**

The Historic Resources Commission Preservation Advisory Board shall be appointed in accordance with Municipal Code Section 1.16.250, as amended. the Boards and Commissions Ordinance. The Commission Board shall have the powers and duties provided therein and provided by this Code.

**Section 1.1.450 - COMMUNITY DEVELOPMENT DIRECTOR**

**1.1.450.01 - Position**

The City Manager may delegate the powers and duties herein created to the administrative officer of the City, herein defined as the Community Development Director to supervise, organize, direct, and control activities defined under this Code. For brevity, the Community Development Director shall be referred to as Director throughout the Code.

**1.1.450.02 - Powers and Duties**

The Director provides professional planning assistance to the general citizens, City Council, Planning Commission, Land Development Hearings Board, Historic Resources Commission Preservation Advisory Board, and City Manager and is hereby authorized to interpret provisions of this Code and to perform such other duties in the administration of the Land Development Code as are required herein. Such powers and duties may be accomplished by person(s) as designated by the Director.

**Section 1.1.560 - CONFLICT OF INTEREST**

A member of the hearing authority shall not participate in any proceedings or action in which the member has a legal conflict of interest defined in State law that would bar participation in a decision by a Planning Commissioner or Historic Resources Commissioner Preservation Advisory Board member. Any actual or potential interest shall be disclosed at the meeting of the hearing authority where the action is being taken. Examples of conflict of interest include: a) the member owns property within the area entitled to receive notice of the public hearing; b) the member has a direct private interest in the proposal; or, c) for any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

**Section 1.1.670 - PARTICIPATION BY INTERESTED OFFICERS OR EMPLOYEES**

No officer or employee of the City who has a financial interest in a land use decision shall participate in discussions with or give an official opinion to the hearing body without first declaring for the record the nature and extent of such interest.

# COUNCIL TEXT AMENDMENT

## CHANGES TO EXISTING CODE TEXT INDICATED IN RED-LINE/DOUBLE UNDERLINE OR STRIKEOUT FONTS

### COUNCIL CHANGES IN ITALICS

#### CHAPTER 1.2 LEGAL FRAMEWORK

(Excerpt; last reviewed/ revised 5-24-06)

#### Section 1.2.110 - DEVELOPMENT REVIEW PROCESS

##### 1.2.110.01 - General Development

General Development includes development activities that are permitted outright, subject to compliance with the criteria and standards of this Code. Those uses that are listed in the development districts in Article III as "Permitted Uses" are General Development activities. These uses require staff review upon application for a building permit and are subject to district standards and other development provisions of the Code and applicable City ordinances and requirements. Review of building permits shall be accomplished according to administrative procedures. In accordance with provisions of Chapter 2.9, certain Alterations or New Construction affecting designated historic resources shall be considered General Development. Specifically, development requiring a Director-level Historic Preservation Permit shall be categorized as General Development.

##### 1.2.110.02 - Special Development

Special Development includes development activities that require applying at least some amount of discretion. As with General Development, approval of the use is subject to district standards and other development provisions of the Code and City ordinances and requirements. There are two types of special developments:

**Type I:** Generally requires considerable discretion and involves a public hearing, in accordance with the provisions of Chapter 2.0, and approval by an established hearing authority; and

**Type II:** Requires less discretion than Type I and involves review and approval by staff without a public hearing. This type of development qualifies as a Limited Land Use Decision under ORS 197.015. Type II Special Developments require public notice prior to a decision

being made by staff with a follow-up notice being provided to affected persons who responded in writing to the first notice. Appeals are made to the Land Development Hearings Board and City Council in accordance with Chapter 2.19.

### **1.2.110.02.01 - Type I: Special Development**

Special development activities that require a public hearing are described in the following sections of Article II - Administrative Procedures:

- Chapter 2.1 - Comprehensive Plan Amendment Procedures
- Chapter 2.2 - Development District Changes (Includes Historic Preservation review under Section 2.2.40 - Quasi-Judicial Change Procedures for District Changes Subject to a Public Hearing)
- Chapter 2.3 - Conditional Development
- Chapter 2.4 - Subdivisions and Major Replats
- Chapter 2.5 - Planned Developments Conceptual and Detailed Development Plans
- Chapter 2.5 - Major Planned Development Modification
- Chapter 2.6 - Annexations
- Chapter 2.7 - Extension of City Services Outside the City Limits
- Chapter 2.8 - Vacating of Public Lands and Plats
- Chapter 2.9 - Historic Preservation Provisions pertaining to HRCHPAB-level Historic Preservation Permits (excluding Section 2.9.60 - Procedures for Alteration of an Historic Resource)
- Chapter 3.30 - Willamette River Greenway Conditional Development
- Chapter 4.7 - Sign Variance

### **1.2.110.02.02 - Type II: Special Development**

Special development activities that may be approved by staff without a public hearing are described in the following sections of Article II - Administrative Procedures:

- Chapter 2.2 - Development District Changes (Includes Historic Preservation review under Section 2.2.50 - Quasi-Judicial Change Procedures for Administrative District Changes)
- ~~Chapter 2.9 - Historic Preservation Provisions Section 2.9.60 - Procedures for Alteration of an Historic Resource~~
- Chapter 2.3 - Conditional Development Modification
- Chapter 2.4 - Subdivision Modification
- Chapter 2.5 - Minor Planned Development Modification
- Chapter 2.12 - Lot Development Option
- Chapter 2.13 - Plan Compatibility Review
- Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments

- Chapter 2.15 - Hillside Development and Density Transfer
- Chapter 2.16 - Request for Interpretations
- Chapter 2.18 - Solar Access Permits

**Section 1.2.120 - EXTENSION OF 120-DAY PERIOD FOR REVIEW OF LAND USE APPLICATIONS**

Consistent with state law, the City's review of all land use applications shall be completed within 120 days of the date an application is deemed complete, allowing for any possible appeals at the local level. This 120-day period may be extended only by written authorization of the applicant. Such authorization shall specify the length of time by which the 120-day deadline is extended.

## COUNCIL TEXT AMENDMENT

### CHANGES TO EXISTING CODE TEXT INDICATED IN RED-LINE/DOUBLE UNDERLINE OR STRIKEOUT FONTS

### COUNCIL CHANGES IN ITALICS

#### CHAPTER 1.3 ENFORCEMENT (last revised 5-24-06)

##### Section 1.3.10 - RESPONSIBLE OFFICERS

The Land Development Code shall be administered and enforced by the Director.

##### Section 1.3.20 - BUILDING PERMIT

No building permit shall be issued by the Building Official for any authorized development unless the Director has determined that the proposed development complies with the provisions of this Code, including any established conditions of approval (established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, the Historic Resources Commission~~Preservation Advisory Board~~, or otherwise authorized by the Land Development Code, City Ordinances, or State law), and the required development permit has been issued.

##### Section 1.3.30 - CERTIFICATE OF OCCUPANCY

No certificate of occupancy shall be issued by the Building Official for any development unless all requirements of this Code have been met, including any established conditions of approval (established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, the Historic Resources Commission~~Preservation Advisory Board~~, or otherwise authorized by the Land Development Code, City Ordinances, or State law), or until the applicant has provided some written form of assurance acceptable to the Director guaranteeing the completion of all requirements.



### **Section 1.3.40 - STOP WORK ORDER**

Whenever any work is being done contrary to the provisions of this Code, including any established conditions of approval (established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, the Historic Resources Commission Preservation Advisory Board, or otherwise authorized by the Land Development Code, City Ordinances, or State law), the Director may order the work stopped by notice in writing served on any persons engaged in the work, and any such persons shall immediately stop such work until authorized by the Director to proceed.

### **Section 1.3.50 - VIOLATIONS**

Use of land in the City of Corvallis not in accordance with the provisions of this Code, including any established conditions of approval (established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, the Historic Resources Commission Preservation Advisory Board, or otherwise authorized by the Land Development Code, City Ordinances, State or Federal law), constitutes a violation. Upon receiving information concerning a violation of this Code, the Director may conduct, or cause to be conducted, an investigation determining whether a violation exists. The Director may request the assistance of other City agencies and officers in the conduct of such investigations.

The Director may prepare and deliver to the City Attorney a request for prosecution indicating the location and nature of the suspected violation, applicable code sections, and other information staff may have.

#### **1.3.50.01 - Classification of Violation**

Violations shall be identified by the Director under one of the following classifications:

Type I: Violations which represent a serious threat to public health, safety and welfare, or those unapproved actions deemed to potentially create serious adverse environmental or land use consequences as the result of continued development activity; or

Type II: Violations which do not pose a serious threat to public health, safety and welfare, but do violate provisions of this Code, including any established conditions of approval, as described in Section 1.3.50 above.

### **1.3.50.02 - Notice of Violation**

- a.** Type I: After receiving a report of an alleged Type I violation, the Director will determine whether the violation requires that a citation be issued immediately or whether to provide notice of the violation prior to the issuance of a citation. Notice

# CITY COUNCIL TEXT AMENDMENT

## CHANGES TO EXISTING CODE TEXT INDICATED IN RED-LINE/DOUBLE UNDERLINE OR STRIKEOUT FONTS

THOSE CHANGES MADE BY COUNCIL INDICATED BY ITALICS

### CHAPTER 1.6 - Excerpt NEW OR MODIFIED DEFINITIONS RELATING TO HISTORIC PRESERVATION (Last revised 5-23-06)

#### Section 1.6.30 - SPECIFIC WORDS AND TERMS

**Administrative District Change** - An amendment to the boundaries of *Development Districts* shown on the official Development District Map. A detailed definition for an Administrative District Change is contained in Section 2.2.50.b. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.90.01 - Special Development and Land Development Code Section 2.2.50 - Quasi-Judicial Change Procedures for Administrative District Changes.

**Annexation** - A land use process that evaluates whether a property meets the criteria for incorporation into the City limits and meets the requirements to be forwarded to the voters for a final decision on its incorporation. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Chapter 2.6 - Annexations. The State of Oregon can mandate, without voter approval, the annexation of property on which a health hazard exists. See "Health Hazard Annexation."

**Certified Local Government (CLG)** - A city or county that has been certified by the National Park Service, U.S. Department of the Interior, to carry out the purposes of the National Historic Preservation Act of 1966, as amended. The CLG program is administered by the State Historic Preservation Office (SHPO). The City of Corvallis is a Certified Local Government.

**Comprehensive Plan Amendment** - An amendment to either the boundaries of Comprehensive Plan Map designations shown on the official Comprehensive Plan Map or an amendment to the text of the Comprehensive Plan. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Chapter 2.1 - Comprehensive Plan Amendment Procedures.

**Conceptual Development Plan** - A land use process that is a type of Conditional Development and that provides a mechanism for achieving greater flexibility and improved design where the scope of the proposed modifications to pre-stated Land Development Code standards exceeds that permitted through a Lot Development Option. This type of land development project is comprehensively planned as an entity via a unified site plan. Often it is proposed to allow for better preservation of significant natural features and/or for innovation in site planning and architectural design. Approval requires compensating benefits that offset the requested development standard modifications. The Request must be followed by or processed concurrently with a Detailed Development Plan and the issuance of building permits is withheld until a Detailed Development Plan is approved. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development, Land Development Code Chapter 2.5 - Planned Development, and Land Development Code Section 2.5.40 - Conceptual Development Plan Review Procedures.

**Conditional Development** - A land use process that provides an opportunity to allow a use when potential adverse effects can be mitigated or deny a use if concerns cannot be resolved to the satisfaction of the hearing authority. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Chapter 2.3 - Conditional Development.

**Conditional Development Modification** - A land use process that provides an opportunity to allow a limited amount of flexibility with regard to site planning and architectural design for previously approved Conditional Developments and provides benefits within the development site that compensate for requested variations from approved Conditional Developments such that the intent of the original approval is still met. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Section 2.3.40 - Conditional Development Modification.

**Contractor Sidewalk/Street Stamps** - An insignia or mark stamped into a sidewalk or street that includes information, such as the contractor's name and the date the work was performed, and which indicates that the stamp dates from 1956 or before.

**Corvallis Register of Historic Landmarks and Districts (Local Register)** - The City's official list of locally-designated historic resources.

**Designated Historic Resource** - A historic resource that has been determined through an official action to meet criteria for Historic Significance, resulting in the resource being Locally-designated and/or Nationally-designated, as more specifically defined below. The City's Historic Preservation Provisions in Chapter 2.9 apply to all Designated Historic Resources, regardless of whether they

are Locally- or Nationally-designated. Some *Designated Historic Resources* are listed in both the Local Register and the National Register of Historic Places.

- a. Locally-designated:** A Locally-designated historic resource is listed in the Corvallis Register of Historic Landmarks and Districts (Local Register). To list a property in the Local Register, a property owner must obtain approval for a Development District Change to apply a Historic Preservation Overlay to the subject property. A Historic Preservation Overlay denotes the *Locally-designated Historic Resource* on the City's Development District Map. Property owner approval for local designation is required.
- b. Nationally-designated:** A Nationally-designated Historic Resource is listed in the National Register of Historic Places. To list a property in the National Register of Historic Places, ~~a property owner must obtain~~ approval must be obtained in accordance with state and federal processes and criteria listed in 36 CFR 60. Local level input regarding a proposed National Register of Historic Places nomination normally is solicited; however, official local action does not occur. Because *Nationally-designated Historic Resources* are subject to the Historic Preservation Provisions of Chapter 2.9, a notation indicating that a property is listed in the National Register of Historic Places is included on the City's Development District Map.

**Detailed Development Plan** - A land use process that is a type of Conditional Development and that provides a mechanism for achieving greater flexibility and improved design where the scope of the proposed modifications to predated Land Development Code standards exceeds that permitted through a Lot Development Option. This type of land development project is comprehensively planned as an entity via a unified site plan and must be based on a previously or concurrently approved Conceptual Development Plan. *Such Plans* are often proposed to allow for better preservation of significant natural features and/or for innovation in site planning and architectural design. Approval requires compensating benefits that offset the requested modifications to development standards. A *Detailed Development Plan* provides sufficient information for the issuance of building permits. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development, Land Development Code Chapter 2.5 - Planned Development, and Land Development Code Section 2.5.50 - Detailed Development Plan Review Procedures.

**Development District Map Change** - An amendment to the boundaries of *Development Districts* shown on the official Development District Map. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.90.01 - Special Development and Land Development Code Chapter 2.2 - Development District Changes.

**Director's Interpretation** - A land use process that seeks the Director's interpretation of either Land Development Code or Comprehensive Plan provisions. These Interpretations may be legislative or quasi-judicial in nature. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.90.01 - Special Development and Land Development Code Chapter 2.16 - Request for Interpretation.

**Economically Feasible Rehabilitation** - Relative to Designated Historic Resources, rehabilitation is economically feasible where the cost required to bring the structure up to minimum building code standards while maintaining its Historic Integrity does not exceed 75 percent of the structure's replacement value at a similar quality of construction. Calculations required in this definition shall be developed as follows:

- a.** *Estimates for the cost of bringing a structure up to minimum Building Code standard shall be limited to the costs associated with improving a structure to meet minimum Building Code standards - without regard to costs associated with other desired improvements;*
- b.** *With respect to estimates for the cost of bringing a structure up to minimum Building Code standards, three estimates from contractors licensed in the State of Oregon shall be provided; and*
- c.** *"Replacement Value" as used in this definition shall equal the Benton County Assessor's Office figures for "Replacement Value."*

**Extension of Services** - A land use process that implements City Charter Section 51 ~~84~~ and allows an extension of City sanitary sewer, storm sewer, and/or water services outside the City limits in limited circumstances. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.90.01 - Special Development and Land Development Code Chapter 2.7 - Extension of City Services Outside the City Limits.

**Health Hazard Annexation** - a land use process that addresses health hazard situations and evaluates whether a property meets the criteria for incorporation into the City limits. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Chapter 2.6 - Annexations.

**Historic Integrity** - Integrity of setting, location, materials or workmanship which is determined to be historic by fulfilling at least two of the following criteria:

- a.** *The historic resource is in its original location or is in the location in which it made a historical contribution;*

- b. The historic resource remains essentially as originally constructed;
- c. Sufficient original workmanship and material remain to show the construction technique and stylistic character of a given Period of Significance;
- d. The immediate setting of the historic resource retains land uses, or landscaping and relationship with associated structures, consistent with the Period of Significance;
- e. The historic resource contributes to the architectural continuity of the street or neighborhood;
- f. The site is likely to contain artifacts related to prehistory or early history of the community; or
- g. The historic resource is now one of few remaining prime examples of an architectural style or design, or a type of construction that was once common.

**Historic Preservation Permit (HRCHPAB-level)** - A land use process for review of changes to Designated Historic Resources. The changes address Alteration or New Construction, Demolition, and Moving activities not covered by Director-level Historic Preservation Permits, and not covered in Section 2.9.70 - Exemptions from Historic Preservation Permit Requirements. Specific procedures and discretionary review criteria for this type of permit are listed in Sections 2.9.60.c, 2.9.90, 2.9.100, 2.9.110, and 2.9.120. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Chapter 2.9 - Historic Preservation Provisions.

**Historic Preservation Permit (Director-level)** - A land use process for review of changes to Designated Historic Resources. The changes address Alteration or New Construction activities that are minor in nature, not covered in Section 2.9.70 - Exemptions from Historic Preservation Permit Requirements, and decided upon by the Director. Specific procedures and clear and objective review criteria for this type of permit are listed in Sections 2.9.60.c, 2.9.90, and 2.9.100. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Chapter 2.9 - Historic Preservation Provisions.

**Historic Resource** - A building, district, object, site, or structure that has a relationship to events or conditions of the human past, as defined in OAR 660-023-0200(1)(c) and 40 CFR 60.3.

**Historic Significance (or Historically Significant)**- A determination made for a resource that is in and of itself significant or that contributes to historic and cultural resources of the community.

Such a determination is made when the resource is 50 years old or older and when at least one of the additional criteria listed below applies to it. *the historic resource*. Resources that are less than 50 years old may be considered eligible for historic designation if they are of exceptional importance, based on National Register of Historic Places Criteria for Evaluation (36 CFR 60).

- a. It is associated with events that have made a significant contribution to the broad patterns of political, economic, cultural, or industrial history of the City, County, State or nation;
- b. *The resource is fundamentally related to the work, achievements, or life story associated with the life or activities* of a person, group, organization, or institution that has made a significant contribution to the City, County, State or nation;
- c. It embodies distinctive characteristics of a type, Period of Significance, or method of construction;
- d. *If The resource* may be a prime example of an architectural style or design, or may represent a type of construction that was once common and is now one of few remaining examples;
- e. It represents the work of a master, i.e., it is a noteworthy example of the work of a craftsman, builder, architect, or engineer significant in City, County, State, or national history;
- f. It demonstrates high artistic values in its workmanship or materials;
- g. It yields or is likely to yield information important in prehistory or history;
- h. It is a visual landmark; or
- i. It contributes to the continuity or the historic character of the street, neighborhood, and/or community, or contributes to the Historic Integrity of the Period of Significance represented.

**Historically Significant Tree** -A *Historically Significant Tree* is defined as a tree that meets the criteria described in "a," "b," or "c," below:

- a. A tree that meets all of the following criteria:



1. The tree is located on a *Designated Historic Resource* property, is at least 50 years old, and has been in existence since a time prior to, or during, the *Designated Historic Resource's* Period of Significance;
2. The tree meets the definition of Significant Tree in Chapter 1.6, with the exception that the minimum 8-inch diameter at breast height (dbh) requirement does not apply to a tree which, due to *its* species type, is not anticipated to reach a minimum 8-inch dbh by a 50-year date of maturity; and
3. The tree is consistent with at least one of the statements in "a.3.a)" below, in the opinion of the Director. The Director's opinion shall be based on the items in "a.3b)," below:

a) Statements -

- 1) The tree can be correlated to a Historically Significant event that contributed to Corvallis' history;
- 2) The tree marks the site of a historic event; or
- 3) The tree is *fundamentally related to the work, achievements, or life story associated with the life* of a person or group, organization, or institution that has made a significant contribution to the City, County, State or nation of *Historic Significance*.

b) Information for Use by the Director-

- 1) Documentation in Section 2.9.60.c and any additional documentation provided by the property owner; and
- 2) Consideration of the criteria referenced in "a.3.a)3)," above relative to the designated historic resource's Period of Significance.

b. A tree that is either:

1. Identified as a designated historic resource on an individual basis; or
2. In or adjacent to a National Register of Historic Places Historic District, within a private street right-of-way or a public right-of-way, and which meets both criteria "a.1" and "a.2" above, relative to the District.

- c. Individually identified as historically significant in an official historic inventory for a designated historic resource or an approved National Register of Historic Places nomination;

In-kind Repair or Replacement - Repair or replacement of existing materials or features that match the old in design, color, texture, materials, dimensions, shape, and other visual qualities. This includes replacement of roofing, doors, windows, siding, and other structural elements, provided the replacements match the old in the manners described herein. Repair or replacement of windows or (doors containing glass) that substitute double-pane glass for single-pane glass is not considered to be In-kind Repair or Replacement. Additionally, while the repair or replacement of deteriorated materials In-kind is allowed, it is recommended that repair be considered by the property owner prior to replacement.

Land Development Code Text Amendment - An amendment to the text of the Land Development Code. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.80.

**Land Division** - Land divided to create legally separate areas in one of the following ways:

- a. **Partition** - Division of land that creates three or fewer parcels within a calendar year when such parcels exist as a unit or contiguous units of land under single ownership at the beginning of the year. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments. See also "Replat, Minor."

A partition does not include division of land resulting from any of the following:

1. Establishment or modification of a "tax lot" by the County Assessor;
2. A lien foreclosure, foreclosure of a recorded contract for the sale of real property, or creation of cemetery lots;
3. An adjustment of a property line where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zone criteria established by this Code; or
4. Sale or grant by a person to a public agency or public body for state highway, county road, city street, or other right-of-way purposes provided that such road

or right-of-way complies with the applicable Comprehensive Plan policies and ORS 215.213 (2)(q)-(s) and 215.283 (2)(p)-(r). See "Lot Line Adjustment."

- b. Subdivision** - Division of land that creates four or more lots within a calendar year when such lots exist as a unit or contiguous units of land under a single ownership at the beginning of such year. A subdivision does not include division of land resulting from any of the activities in "a." Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Chapter 2.4 - Subdivisions and Major Replats. See also "Replat, Major."

**Local Register** - See Corvallis Register of Historic Landmarks and Districts.

**Lot Development Option** - A land use process that applies only to individual lots and provides a means to vary the development standards normally applied in a particular *Development District*. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Chapter 2.12 - Lot Development Option.

**Lot Line Adjustment** - A land use process that shifts the location(s) of lot line(s) but does not create or eliminate a unit of land. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development, Land Development Code Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments, and Land Development Code Section 2.14.60.

**National Register of Historic Places (National Register)** - The nation's official list of significant historic resources worthy of preservation, as authorized by the National Historic Preservation Act of 1966, as amended. The National Register of Historic Places is administered by the National Park Service, U.S. Department of the Interior. Historic resources may be added to the National Register of Historic Places on an individual basis and/or as part of a Historic District. Under state law, National Register of Historic Places historic resources are defined as "historic resources of statewide significance." All National Register of Historic Places historic resources are defined as *Designated Historic Resources* in this Code.

**National Register of Historic Places Historic District Classifications** - Historic resources in an approved National Register of Historic Places Historic District are classified as "Historic/Contributing," "Historic/Noncontributing," or "Nonhistoric/Noncontributing." The components of these classifications are defined as follows:

<u>Historic –</u>	<u>At least 50 years old at the time of designation and called out as Historic in the Historic District Nomination.</u>
<u>Nonhistoric –</u>	<u>Not yet 50 years old at the time of designation or called out as Nonhistoric in the Historic District Nomination.</u>
<u>Contributing –</u>	<u>A resource in a National Register of Historic Places Historic District which, at the time of designation, retained a sufficient amount of Historic Integrity relevant to the Period of Significance to convey its historic appearance and Historic Significance.</u>
<u>Noncontributing –</u>	<u>A resource in a National Register of Historic Places Historic District which, at the time of designation, lacks Historic Integrity relevant to the Period of Significance, and/or which is not historic.</u>

The City shall refer to the final approved National Register of Historic Places Historic District nomination forms to determine the appropriate classification that applies. In some cases, more than one classification may apply to a property; for example, a primary structure on a site, such as a single-family detached home, may be classified as Historic/Contributing, while an accessory structure, such as a detached garage, may be classified as Nonhistoric/Noncontributing.

Vacant lots or parking lots shall be evaluated per the requirements for Nonhistoric/Noncontributing resources contained in this Code. Any reclassifications for these or any other Designated Historic Resources listed in a National Register of Historic Places Historic District shall be accomplished per state and federal requirements.

**Nonhistoric** - For historic resources not already specifically classified as part of a National Register of Historic Places Historic District (classifications for said District include "Historic/Contributing," "Historic/Noncontributing," and "Nonhistoric/Noncontributing"), the term "Nonhistoric" means resources that are less than 50 years old.

**Period of Significance** - Period of Significance is the length of time when a property was associated with important events, activities, or persons, or attained the characteristics which qualify it for National Register of Historic Places listing and/or Local Register listing. Period of Significance usually begins with the date when significant activities or events began giving the property its Historic Significance; this is often a date of construction. Period of Significance usually ends with the date when the significant activities or events stopped giving the property its Historic Significance. For prehistoric properties, the Period of Significance is the broad span of time about which the site or district is likely to provide information; it is often the period associated with a particular cultural group.

**Plan Compatibility Review** - a land use process that provides an additional review of certain uses to ensure that the intensity and characteristics of the uses are compatible with particular sites and nearby land uses. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Chapter 2.13 - Plan Compatibility Review.

**Partition** - See "Land Division."

**Planned Development** - See "Conceptual Development Plan and "Detailed Development Plan." Land development project comprehensively planned as an entity via a unified site plan. Permits modifications to the site development standards of the underlying zone while maintaining the intent behind the standards. Often proposed to allow for better preservation of significant natural features and/or for innovation in site planning and architectural design. Requires compensating benefits that offset the requested development standard modifications.

**Planned Development Modification (Major)** - Aa land use process that provides an opportunity to allow flexibility with regard to site planning and architectural design for previously approved Conceptual or Detailed Development Plans. Such flexibility is in excess of the thresholds that define a Minor Planned Development Modification and provides benefits within the development site that compensate for requested variations from the approved Conceptual or Detailed Development Plan such that the intent of the original approval is still met. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Section 2.5.60 - Planned Development Modification.

**Planned Development Modification (Minor)** - A land use process that provides an opportunity to allow a limited amount of flexibility with regard to site planning and architectural design for previously approved Conceptual or Detailed Development Plans; and provides benefits within the development site that compensate for requested variations from the approved Conceptual or Detailed Development Plan such that the intent of the original approval is still met. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Section 2.5.60 - Planned Development Modification.

**Planned Development Overlay** - One of two types of overlays. One type is a Development District overlay that exists for the life of an active Conceptual or Detailed Development Plan. Procedures for this first type of Planned Development land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Chapter 2.5 - Planned Development. The other type is a Development District overlay established without an associated Conceptual or Detailed Development Plan. Procedures for this second type of Planned Development Overlay land use application are outlined in Land Development Code

Section 1.2.110.02 - Special Development and Land Development Code Chapter 3.32 - PD (Planned Development) District Overlay.

**Preservation Treatment** (as applied to *Designated Historic Resources*) - As used in this Code, *preservation treatment* means activities that stabilize and maintain properties at a high level of Historic Integrity. When repair of a feature is no longer possible, preservation includes actions such as "like-for-like" replacement and often allows review through an administrative process.

**Primary Source Material** - Pertains to *Designated Historic Resources* . Primary source material includes historic photographs, design drawings or blueprints, or other information directly associated with a specific historic resource.

**Rehabilitation Treatment** (as applied to *Designated Historic Resources*) - As used in this Code, *rehabilitation treatment* includes activities that modify properties. Though removal of Historically Significant features is discouraged, replacement with new materials and even new additions may be allowed, if they are compatible with the property's historic materials, features, size, scale and proportion, and massing to protect the Historic Integrity of the property and its environment. Approval generally requires quasi-judicial review by the *Historic Resources Commission Preservation Advisory Board*.

**Replat (Major)** - ~~Reconfiguration of lots in a recorded subdivision plat that results in the creation or deletion of four or more lots within one calendar year.~~ A land use process that is used when parcels within a recorded Subdivision are reconfigured such that 4 or more parcels are created or deleted in a calendar year. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development, Land Development Code Chapter 2.4 - Subdivisions and Major Replats, and Land Development Code Section 2.4.50 - Major

**Replat (Minor)** - ~~Reconfiguration of a portion of the lots in a recorded subdivision or partition plat that results in the creation or deletion of three or fewer lots within one calendar year.~~ A land use process that is used when parcels within a recorded Partition are reconfigured such that 3 or fewer parcels are created or deleted in a calendar year. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development, Land Development Code Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments, and Land Development Code Section 2.14.50.

**Reversible** - Pertains to *Designated Historic Resources*. Refers to modifications that do not substantially change, obscure, damage, or destroy character-defining materials, features, or finishes. Intent is that the modification could be removed and any impacted character-defining materials, features, or finishes could then be restored.

**Secondary Source Material** - Pertains to designated historic resources. Secondary source material includes information such as photos, design drawings, or other information depicting structures or appurtenances similar to and/or from the same Period of Significance as the historic resource for which a Historic Preservation Permit is being requested.

**Sign Variance** - A land use process to request a deviation from the provisions of Chapter 4.7 - Corvallis Sign Regulations. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Section 4.7.110.

**Solar Access Permit (Type I)** - A land use process that provides and protects solar access for use of a property owner(s) by limiting shading of a solar collector by trees on adjacent properties. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Chapter 2.18.

**Solar Access Permit (Type II)** - A land use process that provides and protects solar access for use of a property owner(s) by limiting shading of a solar collector by structures on adjacent properties. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Chapter 2.18.

**State Historic Preservation Office (SHPO)** - An agency of state government delegated the authority from the federal government to administer a state's historic preservation program consistent with state and federal law.

**Subdivision** - See "Land Division."

**Tentative Subdivision Plat** - see "b" under "Land Division."

**Tentative Subdivision Plat Modification** - A land use process that provides an opportunity to allow a limited amount of flexibility with regard to site planning for a previously approved subdivision; and provides elements within the development site that compensate for requested variations from the approved tentative subdivision plat such that the intent of the original approval is still met. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development and Land Development Code Section 2.4.80 - Tentative Subdivision Plat Modification.

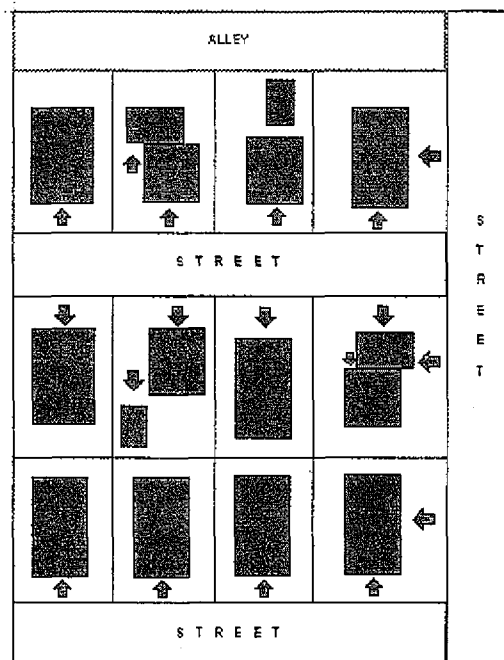
**Vacating of Public Lands and Plats** - a land use process that petitions to vacate all or parts of a public street, alley, easement, plat, or other public place if determined not to be harmful to the

City or adjacent properties. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.90.01 - Special Development and Land Development Code Chapter 2.8 - Vacating of Public Lands and Plats.



Visible from Public Rights-of-Way (Excluding Alleys) and Private Street Rights-of-Way - As indicated by the arrows in the graphic below, structure facades that face public rights-of-way (excluding alleys) and private street rights-of-way are areas considered to be "visible," with the following two exceptions:

- a. Structures that are obscured by other structures that are located directly in front of them are not considered to be visible, provided they are < the height of the structure that is obscuring them; and
- b. Structures that are located behind a solid fence or a minimum 80% opaque hedge are not considered to be visible, provided the fence or hedge is a minimum height of 6 ft. and provided the structure in question is less than the height of the fence or hedge.



Willamette River Greenway Conditional Development - A land use process that is a type of Conditional Development required for development within lands subject to a Willamette River Greenway (WRG) District Overlay, when the development is not considered "Exempt" per the provisions of Land Development Code Section 3.30.30 - Exemptions. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.90.01 - Special Development, Land Development Code Chapter 3.30 - WRG (Willamette River Greenway) District Overlay, and Land Development Code Chapter 2.3 - Conditional Development.

**COUNCIL TEXT AMENDMENT**  
**CHANGES TO EXISTING**  
**CODE TEXT INDICATED IN**  
**RED-LINE/DOUBLE UNDERLINE OR STRIKEOUT FONTS**

**COUNCIL CHANGES IN ITALICS**

**CHAPTER 2.0**  
**PUBLIC HEARINGS**  
(Excerpts; last revised 5-24-06)

**Section 2.0.50 QUASI-JUDICIAL HEARINGS**

**2.0.50.03 - Prenotification to Neighborhoods**

- a. As a means to provide information to ~~citizens<sub>1</sub> and to neighborhood associations<sub>1</sub> and organizations on file with the City~~ earlier than required in Section 2.0.50.04 below, prenotification shall be provided to such property owners and residents, citizens, neighborhood associations, organizations on file with the City as requesting such information, and organizations and persons whose property boundaries include or border the subject property. Prenotification shall contain the following information listed below. However, prenotification is not required for: HRCHPAB-level Historic Preservation Permits and District Change applications to establish or remove a Historic Preservation Overlay.
1. Date, time, and place of hearing;
  2. Nature of the proposed development, and proposed uses that could be authorized;
  3. Address, legal descriptions, or some other means of identification of the subject property; and
  4. Name and telephone of a staff member from whom additional information can be obtained.
- b. When pPrenotification is required (see Section 2.0.50.03.a above), it shall be sent to neighborhood contact persons and any citizen or organization who has requested such information. These prenotification mailing lists shall be updated annually.
- c. When pPrenotification is required (see Section 2.0.50.03.a above), it shall be mailed upon determination by staff that an application for a pending land use action is complete.

## 2.0.50.04 - Public Notice

- a. (no changes)
- b. The notice shall be sent by mail at least 20 days prior to the hearing to the following persons:
  1. The applicant or authorized agent(s), and owner(s) of the property of the subject application if different from the applicant. For the purposes of this mailing, the property owner shall be determined using the most recent Benton County Assessor's database supplied to the City.
  2. Any person who resides on or owns property within **300 ft**, including street right-of-way, of a parcel of land for:
    - a) District Changes or Comprehensive Plan Amendments (excluding establishing or removing Historic Preservation District Overlays, and Research Technology Center time extensions);
    - b) Subdivisions and Replats that create 10 or more lots;
    - c) ~~Conditional Development on parcels greater than 1 acre (including Planned Developments and Willamette River Greenway Permits);~~
    - d) Annexation proposals;
    - e) Subdivisions and Major Replats that create fewer than 10 lots;
    - ~~f) Conditional development on parcels less than 1 acre (including Planned Developments and Willamette River Greenway Permits).~~
    - f) Planned Developments.
    - g) HRCHPAB-level Historic Preservation Permits related to demolitions.
  3. Any person who resides on or owns property within **100 ft**, including street right-of-way, of a parcel of land for:
    - a) Appeals of an administrative decision of the Director;
    - ~~b) Establishment/removal of an Historic Preservation Overlay designation and moving/demolition of an historic resource.~~
    - b) Establishing or removing a Historic Preservation Overlay, in accordance with District Change procedures, including appeals of Administrative District Changes;

c) HRCHPAB-level Historic Preservation Permits, except those covered by 2(g), above:

(e)d) Request for extension of services outside the City limits. In addition, all property owners between the City limits and the subject property shall be mailed a notice; and

(d)e) Sign Variance.

54. Tenants of any existing manufactured-dwelling park for which a development district change is proposed.

65. Vacating public lands, including subdivision plats and street rights-of-way, shall be notified as provided in Chapter 2.8 - Vacating of Public Lands and Plats and ORS 271.080.

76. Any other person, agency, or organization that has filed with the Director a request to receive notices of hearings and has paid a reasonable fee to cover noticing therefor;

87. Any other person, agency, or organization that may be designated by this Code; and

98. Any other person, agency, or organization that may be designated by the City Council or its agencies.

409. Any other resident owner of property whom the Director determines is affected by the application.

10. Historic Resources Commission Preservation Advisory Board and State Historic Preservation Office, for appeals of Director-level and HRCHPAB-level Historic Preservation Permits and Development District Change applications to establish or remove a Historic Preservation Overlay, including appeals of Administrative District Changes.

#### **2.0.50.15 - Multiple Applications Filed Together**

When more than one application has been filed at one time for a specific property or development, and the review of those applications shall be coordinated as follows:

a. If any of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same meeting, except as outlined in "b" of this Section. For example, applications for Development District Changes are ordinarily heard by the Land Development Hearings Board. When a District Change is sought simultaneously with an amendment to the Comprehensive Plan, a Conditional Development, however, the

two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board is shall be required.

- b.** Applications ordinarily heard by the Historic Resources Commission Preservation Advisory Board shall not be filed together (combined) with another application(s) requiring a public hearing that is ordinarily heard by some other decision-making body. Historic Preservation Permit applications and Historic Preservation Overlay-related Development District Change applications that are ordinarily decided upon by the Director, or the Director's designee, shall be filed together (combined) with applications ordinarily heard by the Historic Resources Commission Preservation Advisory Board. In these cases, the combination of historic applications shall be reviewed by the Historic Resources Commission Preservation Advisory Board and no prior action by the Director shall be required.

### **Section 2.0.60 - PROCEDURES FOR HEARINGS INVOLVING REMANDS FROM THE STATE LAND USE BOARD OF APPEALS (LUBA)**

Procedures for hearings involving both voluntary and involuntary remands from the state Land Use Board of Appeals shall be as follows:

- a.** The Director shall present the remand directly to the City Council so that it can decide how to proceed. The Director shall inform the City Council of the nature of the remand, and the Council shall make a formal decision regarding procedures prior to any hearing to decide the matter. The Council may decide to do any of the following:
1. Send the matter to another authorized decision-making body (e.g., Land Development Hearings Board, Historic Resources Commission Preservation Advisory Board, or Planning Commission);
  2. Set a hearing date to decide the matter without re-opening the public hearing on the case; or
  3. Set a hearing date and re-open the public hearing for consideration.
- b.** When considering a remand, the hearing authority may consider the case in whole or in part.
- c.** Procedures for public notice and order of proceedings for remands on legislative matters shall be in accordance with section 2.0.40.
- d.** Procedures for public notice and order of proceedings for remands on quasi-judicial matters shall be in accordance with section 2.0.50, except that in all cases, required mailing of notices shall occur a minimum of 20 days in advance of the public hearing to address the remand.

## CITY COUNCIL TEXT AMENDMENT

### CHANGES TO EXISTING CODE TEXT INDICATED IN RED-LINE/DOUBLE UNDERLINE OR STRIKEOUT FONTS

#### COUNCIL CHANGES NOTED IN ITALICS

#### CHAPTER 2.2 DEVELOPMENT DISTRICT CHANGES

(Last revised 5-23-06)

##### Section 2.2.10 - BACKGROUND

The Development District Map is consistent with the adopted Comprehensive Plan, as amended, and as such it is a reflection of the City's land use planning goals. The Map has also been adopted as part of the Land Development Code. Frequent and piecemeal amendments to the Development District Map can threaten the integrity of the Comprehensive Plan and the likelihood of its successful implementation. Nevertheless, it may be necessary to amend the Development District Map from time to time to correct errors or to respond to changing conditions or unforeseen circumstances.

When a Development District is amended there often must be a corresponding change to the Comprehensive Plan Map. There are, however, instances where more than one District matches the Comprehensive Plan designation. In these situations, the District can be amended without a Comprehensive Plan Map change. The table *in Section 2.2.20 below* illustrates the relationship between the Comprehensive Plan and the District Map designations in the City.

Development District Changes (*District Changes*) are classified as legislative or quasi-judicial, depending on the number of properties involved. While only the City Council makes legislative District Change decisions, quasi-judicial decisions may be made by the Planning Commission, Land Development Hearings Board, or upon appeal by the City Council, depending on the nature of proposed change. When a Development District Change application is being reviewed along with a Comprehensive Plan Map Amendment or other land use application, the Planning Commission approves or denies the request. When no other request is under consideration, the District Change request is approved or denied by the Land Development Hearings Board, with the exception of District Changes pertaining to the application or removal of a Historic Preservation Overlay. The City Council designates the Historic Resources Commission-Preservation Advisory Board as having the authority to make District Change decisions regarding the application or removal of a Historic Preservation Overlay in cases where a public hearing is required. The City Council designates the Director as having the authority to make Administrative District Change decisions regarding the removal of a Historic Preservation Overlay.

**Section 2.2.20 - PURPOSES**

This chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative Development District Changes map amendments to accomplish the following:

- a. Maintain sound, stable, and desirable development within the City;
- b. Permit changes in Development District boundaries where appropriate;
- c. Ensure District Changes are consistent with the community's land use policies and goals;
- d. Lessen the influence of private economic interests in the land use decision-making process;
- e. Establish procedures and criteria for applying Historic Preservation Overlays to, or removing Historic Preservation Overlays from, Designated Historic Resources; and
- f. Establish procedures and criteria for reclassifying a Designated Historic Resource in a National Register of Historic Places Historic District.

The chart below is out-of-date and does not reflect current Comprehensive Plan designations or Development District designations, nor does it reflect updated changes that have been approved by the City Council via ordinances for Land Development Code Updates, Phase I and Phase III. Once those ordinances are in effect, the chart below will be corrected.

<b>COMPREHENSIVE PLAN &amp; CORRESPONDING DISTRICT MAP DESIGNATIONS<sup>1</sup></b>	
<b>IF THE COMPREHENSIVE PLAN DESIGNATION IS:</b>	<b>DISTRICT MAP DESIGNATION SHALL BE</b>
<b>RESIDENTIAL</b>	<b>RESIDENTIAL</b>
Low Density (2-6 units/acre)	RS-3.5 Low RS-5 Low RS-6 Low
Medium Density (6-12 units/acre)	RS-9 & 9(U) Medium
Medium High Density (12-20 units/acre)	RS-12 & 12(U) Medium-High
High Density (over 20 units/acre)	RS-20 High
<b>OFFICE/COMMERCIAL</b>	<b>COMMERCIAL</b>
Professional Offices	Professional and Administrative Office (P-AO)

1. Does not include Development District overlays.

<b>COMPREHENSIVE PLAN &amp; CORRESPONDING DISTRICT MAP DESIGNATIONS<sup>1</sup></b>	
<b>IF THE COMPREHENSIVE PLAN DESIGNATION IS:</b>	<b>DISTRICT MAP DESIGNATION SHALL BE</b>
Shopping Area	Shopping Area (SA) Shopping Area-University (SA-U) Special Shopping District (SSD) Community Shopping (CS)
Linear Commercial	Linear Commercial (LC)
Central Business District	Central Business District (CB) Central Business Fringe (CBF)
Regional Shopping Center	Regional Shopping Center (RSC)
<b>INDUSTRIAL</b>	<b>INDUSTRIAL</b>
Limited	Limited (LI)
General	General (GI)
Intensive	Intensive (II)
Research Technology Center	Research Technology Center (RTC)
<b>OTHERS</b>	<b>OTHERS</b>
Public-Institutional	Oregon State University (OSU) and in any other District for government and public facility uses.
Agriculture/Conservation	Agriculture/Open Space (AG-OS)

1. Does not include Development District overlays.

## **Section 2.2.30 - LEGISLATIVE CHANGE PROCEDURES**

A District Change is considered a legislative act if the change applies uniformly to all properties in the City or to a sufficiently large number of properties as determined by contemporary legal principles.

### **2.2.30.01 - Initiation**

- a. A District Change that is legislative in nature may be initiated by either a majority vote of the City Council or Planning Commission upon a finding that there is sufficient cause to initiate a change.
- b. Property owners may petition the Planning Commission to initiate a hearing through the following procedure:



1. A petition shall only be considered if it represents a majority (over 50 percent) of property owners within the area of the proposed District Change.
  2. A petition shall include a description and map of the area to be affected and information as may be necessary for an adequate review.
  3. If the Planning Commission makes a determination that there is sufficient cause, it shall initiate the District Change in accordance with Chapter 2.0 - Public Hearings.
- c. Where a motion by either the City Council or Planning Commission involves a Planned Development designation, the motion by either body need not include a conceptual or detailed development plan.

#### **2.2.30.02 - Staff Evaluation**

A report shall be prepared by staff that evaluates whether the proposal complies with the review criteria below. The report should include a recommendation for approval or denial.

#### **2.2.30.03 - Review Criteria**

Legislative District Changes shall be reviewed to determine the effects on City facilities and services and to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

#### **2.2.30.04 - Action by the Planning Commission**

The Planning Commission shall conduct a public hearing in accordance with the provisions of Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Commission shall make a recommendation to the City Council concerning the proposed District Change. The Commission's recommendation shall include findings that specify how the proposal has or has not complied with the above review criteria.

#### **2.2.30.05 - Action by City Council**

Upon receipt of the Planning Commission's recommendation the matter shall be set for a public hearing before the City Council in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the City Council shall either deny the petition or adopt an ordinance approving the proposed District Change or a modification thereof. The City Council's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

## 2.2.30.06 - Notice of Disposition

A Notice of Disposition shall be mailed in accordance with Chapter 2.0 - Public Hearings to persons who presented testimony orally or in writing at the public hearing.

### Section 2.2.40 - QUASI-JUDICIAL CHANGE PROCEDURES FOR DISTRICT CHANGES SUBJECT TO A PUBLIC HEARING

a. **Quasi-Judicial District Changes** - All District Changes not deemed legislative shall be quasi-judicial. Administrative District Changes are quasi-judicial District Changes that are not subject to a public hearing and are defined by and subject to the provisions of Section 2.2.50. All other quasi-judicial District Changes are subject to a public hearing and the provisions below.

b. **Adding a Historic Preservation Overlay** - A District Change process involving a public hearing is required to add a Historic Preservation Overlay to a historic resource. Establishment of a Historic Preservation Overlay requires property owner concurrence and approval by the Historic Resources Commission-Preservation Advisory Board. Once a Historic Preservation Overlay is applied, the historic resource is listed in the Local Register, is defined as a Designated Historic Resource, and is subject to the City's Historic Preservation Provisions in Chapter 2.9.

Historic Resources are listed in the National Register of Historic Places consistent with state and federal processes and criteria. Official action at the local level is not required as part of the National Register of Historic Places designation process. However, if a property owner wishes to list a Nationally-designated Historic Resource in the Local Register, a District Change to add a Historic Preservation Overlay is required. In all cases, a Nationally-designated Historic Resource also is defined as a Designated Historic Resource and is subject to the City's Historic Preservation Provisions in Chapter 2.9, unless as otherwise specified under state and federal law.

c. **Removing a Historic Preservation Overlay** - A District Change process involving a public hearing is required to remove a Historic Preservation Overlay from a Designated Historic Resource, with the single exception that an Administrative District Change process shall be used to remove a Historic Preservation Overlay under the circumstances outlined in Section 2.2.50.b.

Once a Historic Preservation Overlay is removed, the historic resource is automatically removed from the Local Register, is no longer defined as a Designated Historic Resource, and is no longer subject to the Historic Preservation Provisions in Chapter 2.9, unless it is still Nationally-designated. If the Designated Historic Resource remains Nationally-designated, it is still subject to the City's Historic Preservation Provisions in Chapter 2.9, but is not listed in the Local Register and does not show a Historic Preservation Overlay.

- d. Decisions Regarding National Register of Historic Places Delistings - Official action at the local level to delist a National Register of Historic Places Designated Historic Resource is not required. National Register of Historic Places delistings are state and federal issues. If a National Register of Historic Places Designated Historic Resource is delisted, and that Resource is not also listed in the Local Register, the Resource shall no longer be defined as a Designated Historic Resource and shall no longer be subject to the Historic Preservation Provisions in Chapter 2.9. If a National Register of Historic Places Designated Historic Resource is delisted per state and federal procedures, but that Resource also has a Historic Preservation Overlay and is, therefore, listed in the Local Register, the Resource shall continue to be defined as a Designated Historic Resource and shall continue to be subject to the Historic Preservation Provisions in Chapter 2.9, unless an Administrative District Change removing the Historic Preservation Overlay is approved per Section 2.2.50.**

#### **2.2.40.01 - Initiation**

- a. Initiation of a District Change that is quasi-judicial in nature may be accomplished by one of the following ways:
1. Filing of an application by the owner(s) of the subject property(ies); or
  2. A majority vote of the City Council or Planning Commission, ~~following the same procedures used for legislative amendments discussed above.~~ However, for District Changes involving the application or removal of a Historic Preservation Overlay, property owner consent shall be required in accordance with state law. If the historic resource is owned by more than one property owner, the consent of all owners shall be required; or
  3. District Changes involving the application or removal of a Historic Preservation Overlay may also be initiated by the Director. Property owner consent shall be required in accordance with state law. If the historic resource is owned by more than one property owner, the consent of all owners shall be required.
- b. Where a motion by either the City Council or Planning Commission involves a Planned Development designation, the motion need not include a conceptual or detailed development plan.

#### **2.2.40.02 - Application Requirements**

An application for a District Change that requires a quasi-judicial hearing shall be made on forms provided by the Director and shall include the following where applicable:

**a. General Requirements**

1. Applicant's name, address, and signature;

2. Owner's name, address, and signature, if different from applicant's. If a proposed District Change is to include land in more than one ownership, the application must be submitted jointly by all of the owners or authorized agents;

3. Location and Description of the land associated with the proposed District Change, including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description of the boundaries of a proposed Historic Preservation Overlay District;

a. (address, lot, block, or similar description);

4b. Narrative addressing how the application meets the review criteria in 2.2.40.05 below; and

5e. Maps, drawings, and such other information as may be needed for an adequate review of the application.

**b. Requirements for District Change Applications to Add a Historic Preservation Overlay**

1. All requirements of "a" of this Section;

2. Map illustrating the location and bounds of the historic resource(s) proposed to receive the Historic Preservation Overlay;

3. Statements explaining the following:

a) How the proposed Historic Preservation Overlay is consistent with the review criteria for such designation in Section 2.2.40.05.b;

b) If a Historic Preservation Overlay Local Register Historic District is proposed to add a historic resource to the Local Register, why the boundaries of the proposed Historic Preservation Overlay District are appropriate, given the historic resources located in the proposed Historic Preservation Overlay District; and

4. Two sets of black and white photographs of, and inventory information for, each of the historic resource(s) proposed to be subject to a Historic Preservation Overlay. The photographs shall be 4 by 6 inches, 5 by 7 inches, or 8 by 10 inches. Digital images meeting federal National Park Service photo policy standards, as amended, for National Register of Historic Places resources, are acceptable.

**c. Requirements for District Change Applications to Remove a Historic Preservation Overlay**

1. All requirements of "a" of this Section;
2. Map illustrating the location and bounds of the Historic Preservation Overlay proposed to be removed and any Designated Historic Resource(s) within that area;
3. Statements explaining the following:
  - a) How removal of the proposed Historic Preservation Overlay is consistent with the review criteria in Section 2.2.40.05.c;
  - b) Why the applicant is requesting removal of the existing Historic Preservation Overlay;
4. Two sets of black and white photographs of, and inventory information for, each of the Designated Historic Resource(s) within the Historic Preservation Overlay area proposed for removal. The photographs shall be 4 by 6 inches, 5 by 7 inches, or 8 by 10 inches. Digital images meeting federal National Park Service photo policy standards, as amended, for National Register of Historic Places Designated Historic Resources, are acceptable.

**2.2.40.03 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing. The public hearing will be conducted by:
  1. The Planning Commission, if the District Change is requested in conjunction with an Amendment to the Comprehensive Plan and is not a request to apply or remove a Historic Preservation Overlay;
  2. The Land Development Hearings Board, if no Comprehensive Plan Amendment is required to approve the District Change, the hearing shall be conducted by the Land Development Hearing Board and the application is not a request to apply or remove a Historic Preservation Overlay;
  3. The ~~Historic Resources Commission~~ ~~Preservation Advisory Board~~, if the request is to apply or remove a Historic Preservation Overlay and does not meet the definition for an Administrative District Change outlined in Section 2.2.50.b.

#### 2.2.40.04 - Staff Evaluation

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall also include a recommendation for approval or denial.

#### 2.2.40.05 - Review Criteria

**a. Review Criteria for District Changes, Except Those Requesting to Apply or Remove a Historic Preservation Overlay**

Quasi-judicial District Changes shall be reviewed to determine the effects on City facilities and services and to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

- 1a. Visual elements (scale, structural design and form, materials, and so forth);
- 2b. Noise attenuation;
- 3e. Noxious odors;
- 4d. Lighting;
- 5e. Signage;
- 6f. Landscaping for buffering and screening;
- 7g. Traffic;
- 8h. Effects on off-street parking;
- 9i. Effects on air and water quality.

**b. Review Criteria for District Changes to Apply a Historic Preservation Overlay**

1. Historic Integrity of setting, location, materials or workmanship

To meet this criteria, the applicant shall demonstrate that the application fulfills at least two of the following criteria:

- a) The historic resource is in its original location or is in the location in which it made a historical contribution;
- b) The historic resource remains essentially as originally constructed;
- c) Sufficient original workmanship and material remain to show the construction technique and stylistic character of a given Period of Significance;
- d) The immediate setting of the historic resource retains land uses, or landscaping and relationship with associated structures, consistent with the Period of Significance;
- e) The historic resource contributes to the architectural continuity of the street or neighborhood;

- f) The site is likely to contain artifacts related to prehistory or early history of the community; or
- g) The historic resource is now one of few remaining prime examples of an architectural style or design, or a type of construction that was once common.

2. Historic Significance or contribution to historic and cultural resources of the community

To meet this criteria, the applicant shall demonstrate that the resource is 50 years old or older and that at least one of the additional criteria listed below applies to *it, the historic resource*. Resources that are less than 50 years old may be considered eligible for historic designation if they are of exceptional importance, based on National Register of Historic Places Criteria for Evaluation (36 CFR 60).

- a) It is associated with events that have made a significant contribution to the broad patterns of political, economic, cultural, or industrial history of the City, County, State or nation;
- b) *The resource # is fundamentally related to the work, achievements, or life story associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the City, County, State or nation;*
- c) It embodies distinctive characteristics of a type, Period of Significance, or method of construction;
- d) *It ~~The resource~~ may be a prime example of an architectural style or design, or may represent a type of construction that was once common and is now one of few remaining examples;*
- e) It represents the work of a master, i.e., it is a noteworthy example of the work of a craftsman, builder, architect or engineer significant in City, County, State, or national history;
- f) It demonstrates high artistic values in its workmanship or materials;
- g) It yields or is likely to yield information important in prehistory or history;
- h) It is a visual landmark; or
- i) It contributes to the continuity or the historic character of the street, neighborhood, and/or community, or contributes to the Historic Integrity of the Period of Significance represented.

**c. Review Criteria for Public Hearing District Changes to Remove a Historic Preservation Overlay**

1. Removal of the Historic Preservation Overlay shall not adversely impact properties in the surrounding area or the Historic Integrity of the affected Local Register Historic District, if applicable.
2. At least one of the following has occurred since the Historic Preservation Overlay was established:
  - a) A re-evaluation of the original Designated Historic Resource determination, with the results being that, under current criteria, the resource is no longer considered Historically Significant, and the change in the Historic Significance of the Resource was not the result of action or inaction by the property owner. The determination of Historic Significance in this case shall be based on National Register of Historic Places Criteria for Evaluation (36 CFR 60);
  - b) The Historic Integrity of the resource has been substantially reduced or diminished due to unavoidable circumstances that were not a result of action or inaction by the property owner; and/or
  - c) An evaluation of maintaining or removing the Historic Preservation Overlay demonstrates that removing the Overlay substantially outweighs maintaining the Overlay.

**2.2.40.06 - Action by the Hearing Authority**

The hearing authority shall conduct a public hearing in accordance with the provisions of Chapter 2.0 - Public Hearings. Following the close of the public hearing, the hearing authority shall by motion either approve the proposed District Change ~~or a modification thereof~~, or deny the petition. The hearing authority's decision shall include findings that specify how the application has or has not complied with the above review criteria. If the request is to apply a Historic Preservation Overlay to a property, the Historic Resources Commission Preservation Advisory Board also shall identify in its findings the specific historic resource(s) that are Historically Significant and subject to future regulation under Chapter 2.9 - Historic Preservation Provisions.

**2.2.40.07 - Notice of Disposition**

The Director shall provide the applicant with a Nnotice of Ddisposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the hearing authority's decision, a reference to findings leading to it, and appeal period deadline. A Nnotice of Ddisposition shall also be mailed to persons who presented testimony orally or in writing at the public hearing. For all Development District Changes associated with historic preservation, the Notice of Disposition shall also be mailed to the Historic Resources Commission Board.



## **2.2.40.08 - Appeals**

The decision of the Land Development Hearings Board, Planning Commission, or Historic ~~Preservation Resources Commission~~ ~~Advisory Board~~ may be appealed in accordance with Chapter 2.19 - Appeals.

## **2.2.40.09 - Effective Date**

The ~~D~~ecisions of the Land Development Hearing Board and the ~~Historic Resources Commission~~ ~~Preservation Advisory Board~~ shall become effective 12 days from when the ~~N~~otice of ~~D~~isposition is signed unless an appeal has been filed. Once a District Change to add or remove a Historic Preservation Overlay is in effect, the Historic Preservation Overlay shall be added to, or removed from, the Land Development Code District Map, as appropriate.

The decision of the Planning Commission made in conjunction with a Comprehensive Plan Amendment shall become final 12 days from when the ~~N~~otice of ~~D~~isposition is signed unless an appeal has been filed. The associated District Change will not take effect, however, until and unless the necessary Comprehensive Plan Amendment has been implemented by the City Council.

## **Section 2.2.50 - QUASI-JUDICIAL CHANGE PROCEDURES FOR ADMINISTRATIVE DISTRICT CHANGES**

- a. Quasi-Judicial District Changes** - As stated in Section 2.2.40.a, all District Changes not deemed legislative shall be quasi-judicial. Administrative District Changes are quasi-judicial District Changes that are not subject to a public hearing and are defined by and subject to the provisions below. All other quasi-judicial District Changes are subject to a public hearing and the provisions of Section 2.2.40.
- b. Administrative District Change Defined** - A District Change is considered an Administrative District Change if the Change applies to property subject to a Historic Preservation Overlay and the criteria in either "1" or "2" below are met:
  - 1. Property Owner Consent** - "a" though "c" below are all true:
    - a. The Historic Preservation Overlay was placed on the Designated Historic Resource before September 9, 1995 through a legislative action initiated by the City under circumstances outlined in ORS 197.772(3); and**
    - b. The applicant requesting the removal of the Historic Preservation Overlay (and, thus, removal from the Local Register) was the owner of the property at the time the property was listed in the Local Register and has continued to own said property since this listing; and**
    - c. The applicant requesting the removal of the Historic Preservation Overlay (and, thus, removal from the Local Register) presented written or documented oral**

testimony in opposition to the property's being listed in the Local Register during the public hearing at which the property was so listed; or

2. Demolition of the Designated Historic Resource - Either "a" or "b" below is true:

a. Local Register Designated Historic Resources -

- 1) Approval has been granted for the Demolition of a Local Register Designated Historic Resource;
- 2) The date of the approved Historic Preservation Permit for Demolition is effective; and
- 3) The Designated Historic Resource has been demolished; or

b. Historic Resources Listed in the National Register of Historic Places -

- 1) The affected Designated Historic Resource is also listed in the Local Register;
- 2) The City has notified the State Historic Preservation Office that a Historic Preservation Permit authorizing the Demolition of a Designated Historic Resource listed in the National Register of Historic Places is effective;
- 3) The Designated Historic Resource has been demolished; and
- 4) SHPO has provided the City with official notification that a delisting of the Designated Historic Resource from the National Register of Historic Places has occurred in accordance with state and federal procedures, and that such delisting is in effect.

**2.2.50.01 - Initiation**

An Administrative District Change may be initiated by the filing of an application by the owner of the subject property. If the resource is owned by more than one property owner, the consent of all owners shall be required.

**2.2.50.02 - Application Requirements**

An application for an Administrative District Change shall be made on forms provided by the Director and shall include the following:

- a. Applicant's name, address, and signature;
- b. Owner's name, address, and signature, if different from applicant's. If a proposed District Change includes land in more than one ownership, the application must be submitted jointly by all of the owners.

- c. Location and description of the land associated with the proposed District Change, including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description of the boundaries of the subject a-Historic Preservation Overlay District;
- d. Narrative and documentation addressing how the application meets the review criteria in Section 2.2.50.06 below;
- e. Maps, drawings, and such other information as may be needed for an adequate review of the application.

### 2.2.50.03 - Acceptance of Application

The Director shall review the application to determine whether it is complete per the requirements in Section 2.2.50.02. If the application is incomplete, the Director shall notify the applicant and state what information is needed to make the application complete. The applicant shall have up to ten days from the date of the Director's notification to submit additional information.

### 2.2.50.04 - Public Notice

Public notice for an Administrative District Change shall be provided in accordance with Section 2.12.30.04. The notice also shall be sent to the Historic Resources Commission Preservation Advisory Board and State Historic Preservation Office.

### 2.2.50.05 - Staff Evaluation

The Director shall evaluate whether the proposal complies with the review criteria in Section 2.2.50.06, below.

### 2.2.50.06 - Review Criteria

The criteria outlined in "a" below shall be utilized to evaluate an Administrative District Change application that meets the definition criteria in Section 2.2.50.b.1. The criteria outlined in "b" below shall be utilized to evaluate an Administrative District Change application that meets the definition criteria in Section 2.2.50.b.2.

- a. Property Owner Consent - "1" through "3" below are all true:
  - 1. Evidence demonstrates that the Historic Preservation Overlay was placed on the historic resource before September 9, 1995, through a legislative action initiated by the City, under circumstances outlined in ORS 197.772(3); and
  - 2. Evidence demonstrates that the owner(s) requesting the removal of the Historic Preservation Overlay (and, thus, removal from the Local Register) was the owner(s)

of the property at the time the property was listed in the Local Register and has continued to own said property since its listing; and

3. Evidence demonstrates that the owner(s) requesting the removal of the Historic Preservation Overlay (and, thus, removal from the Local Register) presented written or oral testimony in opposition to the property's being listed on in the Local Register during the public hearing at which the property was so listed.

b. Demolition of the Designated Historic Resource - Either "1" or "2" below is true:

1. Local Register Designated Historic Resources - Evidence demonstrates that:

a) Approval has been granted for the Demolition of a Local Register Designated Historic Resource;

b) The date of the approved Historic Preservation Demolition Permit is effective; and

c) The Designated Historic Resource has been demolished; or

2. Historic Resources Listed in the National Register of Historic Places - Evidence demonstrates that:

a) The affected Designated Historic Resource is also listed in the Local Register;

b) The City has notified the State Historic Preservation Office that a Historic Preservation Permit authorizing the Demolition of a Designated Historic Resource listed in the National Register of Historic Places is effective;

c) The Designated Historic Resource has been demolished; and

d) SHPO has provided the City with official notification that a delisting of the Designated Historic Resource from the National Register of Historic Places has occurred in accordance with state and federal procedures, and that such delisting is in effect.

#### 2.2.50.07 - Action by the Director

On the basis of the review criteria above, the Director shall review the proposed Administrative District Change application submittal and either approve or deny the request. The Director's decision shall include findings that specify how the proposal has or has not complied with all the review criteria in Section 2.2.50.06. If all the review criteria have not been met, the Director shall deny the Administrative District Change application.

### **2.2.50.08 - Notice of Disposition**

The Director shall provide the applicant and owner(s) with a Notice of Disposition that includes a written statement of the decision, a reference to the findings leading to it, and appeal period deadline. A Notice of Disposition also shall be mailed to persons who provided written comment on the application. Notice shall also be mailed to the Historic Resources Commission-Preservation Advisory Board.

### **2.2.50.09 - Appeals**

The Director's decision may be appealed in accordance with Chapter 2.19 - Appeals.

### **2.2.50.10 - Effective Date**

The Director's shall become effective 12 days from the date that the Notice of Disposition is signed, unless an appeal has been filed. Once an Administrative District Change is approved and is in effect, the Historic Preservation Overlay shall be removed from the Land Development Code District Map.

## **Section 2.2.60 - PROCEDURES FOR RECLASSIFYING A DESIGNATED HISTORIC RESOURCE IN A NATIONAL REGISTER OF HISTORIC PLACES HISTORIC DISTRICT**

Reclassification of a Designated Historic Resource in a National Register of Historic Places Historic District is accomplished per state and federal procedures. Upon notification from the State Historic Preservation Office that a reclassification of a Nationally-designated Historic Resource has been approved, the City shall amend its files accordingly. All future Historic Preservation Permit applications relating to this Nationally-designated Historic Resource shall be evaluated per the revised reclassification. *If a property owner believes that an error was made in the nomination papers for a Designated Historic Resource, the property owner may petition the Director to help correct it. The owner should explain the nature of the mistake, using sources of information in 2.9.60.c. The Director shall forward the property owner's request for the correction, along with the property owner's documentation, to the State Historic Preservation Office (SHPO) for consideration.*

## CITY COUNCIL TEXT AMENDMENT

### NEW CHAPTER TO REPLACE EXISTING CODE CHAPTER 2.9 IN ITS ENTIRETY.

Council changes to address unclear sentences, slightly rearranged items, etc. that are not substantive in nature indicated by *italics* alone (black font) or *italics and strike-out* (black font).

Council changes to minor but substantive or substantially rearranged items are indicated in a combination of *italics* and redline/double underline or *italics and redline/strike-out* (black font)

## CHAPTER 2.9 HISTORIC PRESERVATION PROVISIONS

(Last Revision 5/23/06)

### Section 2.9.10 - BACKGROUND AND APPLICABILITY

The City of Corvallis recognizes that historic resources located within its boundaries contribute to the unique character of the community and merit preservation. The City's Historic Preservation Provisions implement the policies in Comprehensive Plan Article 5, Section 5.4 - Historic and Cultural Resources. In doing so, the City's Historic Preservation Provisions establish procedures and standards for the review of development on *properties designated as historic resources involving Designated Historic Resources* (as defined in Chapter 1.6) and development on or within public rights-of-way and private street rights-of-way located within and adjacent to a National Register of Historic Places Historic District. These properties include those subject to a Historic Preservation Overlay (HPO) and historic resources listed in the National Register of Historic Places. As defined in Chapter 3.31, a Historic Preservation Overlay applies to all historic resources listed in the Corvallis Register of Historic Landmarks and Districts (Local Register). As a Certified Local Government, the City has authority delegated from the state and federal governments to evaluate Historic Preservation Permit changes to Designated Historic Resources listed in the National Register of Historic Places. Accordingly, the City's Historic Preservation Provisions apply to: historic resources listed in the Corvallis Register of Historic Landmarks and Districts (Local Register); historic resources listed in the National Register of Historic Places; and public rights-of-way and private street rights-of-way located within and adjacent to a National Register of Historic Places Historic District. These provisions also conform with Statewide Planning Goals and other state land use requirements.

## Section 2.9.20 - PURPOSES

The purposes of the City's Historic Preservation Provisions are as follows:

- a. Implement historic and cultural resource policies of Comprehensive Plan Article 5, Section 5.4 - Historic and Cultural Resources;
- b. Encourage, effect, and accomplish the protection, enhancement, and perpetuation of historic resources, historic resource improvements, and of historic districts that represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
- c. Complement any National Register of Historic Places Historic sites and/or Districts in the City;
- d. Foster civic pride in the beauty and noble accomplishments of the past;
- e. Promote the use of historic districts and landmarks for education, pleasure, energy conservation, housing, and the public and economic welfare of the City;
- f. Provide processes and criteria for the review of Historic Preservation Permit applications for Designated Historic Resources for the following actions:
  1. Alteration or New Construction;
  2. Demolition; and
  3. Moving;
- g. Provide a clear and objective listing of activities exempt from the Historic Preservation Permit process;
- h. Provide procedures for addressing emergency actions affecting the historic resources in the City; and
- i. Adequately implement the Secretary of the Interior's Standards for Rehabilitation<sup>1</sup> and the Secretary of Interior's Standards for Preservation,<sup>2</sup> since they were used in the development

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<sup>1</sup> <http://www.cr.nps.gov/hps/tps/standards/rehabilitation.htm>

<sup>2</sup> <http://www.cr.nps.gov/hps/tps/standards/preservation.htm>

of review criteria for Historic Preservation Permit requests. The review criteria contained herein implement these standards in a manner that adequately protects Designated Historic Resources consistent with Secretary of the Interior's Standards for Rehabilitation and the Secretary of Interior's Standards for Preservation.

### **Section 2.9.30 - PROCEDURES FOR ESTABLISHING A HISTORIC PRESERVATION OVERLAY DISTRICT DESIGNATION**

A Historic Preservation Overlay District designation may be established for a historic resource in accordance with the provisions in Chapter 2.2 - Development District Changes.

### **Section 2.9.40 - PROCEDURES FOR REMOVING A HISTORIC PRESERVATION OVERLAY DISTRICT DESIGNATION**

A Historic Preservation Overlay District designation may be removed from a Designated Historic Resource in accordance with the provisions in Chapter 2.2 - Development District Changes.

### **Section 2.9.50 - PROCEDURES FOR RECLASSIFYING HISTORIC RESOURCES IN A NATIONAL REGISTER OF HISTORIC PLACES HISTORIC DISTRICT**

Reclassification of a Designated Historic Resource listed in the National Register of Historic Places shall be accomplished in accordance with the state and federal provisions identified in Section 2.2.60.

### **Section 2.9.60 - DETERMINING APPLICABILITY AND APPROPRIATE HISTORIC PRESERVATION PERMIT REVIEW PROCEDURE(S)**

A Historic Preservation Permit is required for certain Alteration or New Construction, Demolitions, or Movings *activities* affecting Designated Historic Resources, even if no building permit is required by the Building Official. Accordingly, the City's Historic Preservation Provisions apply to: historic resources listed in the Corvallis Register of Historic Landmarks and Districts (Local Register); historic resources listed in the National Register of Historic Places; and public rights-of-way and private street rights-of-way located within and adjacent to a National Register of Historic Places Historic District. Different review procedures and criteria apply, depending on the nature of the permit request, and if the Designated Historic Resource is located in a National Register of Historic Places Historic District, the classification of the resource.

- a. **Exempt Activities** - Section 2.9.70 outlines activities affecting a Designated Historic Resource that are exempt from the requirement for a Historic Preservation Permit.



**b. Types of Historic Preservation Permits -**

1. Director-level Historic Preservation Permit - The Director-level Historic Preservation Permit addresses Alteration or New Construction activities that are minor in nature and not covered in Section 2.9.70 - Exemptions from Historic Preservation Permit Requirements. Specific procedures and clear and objective review criteria for this type of permit are listed in Sections 2.9.60.c, 2.9.90, and 2.9.100. The Director-level Historic Preservation Permit is classified as General Development in Chapter 1.2, is a staff-level review, and acts as a double-check for compliance with Sections 2.9.90 and 2.9.100.
2. HPABHRC-level Historic Preservation Permit - The HPABHRC-level Historic Preservation Permit addresses Alteration or New Construction, Demolition, and Moving activities not covered by "1," above, and not covered in Section 2.9.70 - Exemptions from Historic Preservation Permit Requirements. Specific procedures and discretionary review criteria for this type of permit are listed in Sections 2.9.60.c, 2.9.90, 2.9.100, 2.9.110, and 2.9.120. The HPABHRC-level Historic Preservation Permit is classified as a Quasi-judicial Land Use Decision/Type II Special Development in Chapter 1.2, involves public notice, and requires a ~~Historic Resources Commission-Preservation Advisory Board~~ public hearing review for compliance with Sections 2.9.90, 2.9.100, 2.9.110, and 2.9.120.

**c. Sources of Information that Assist the Director in Determining Historic Significance and Appropriate Historic Preservation Permit Review Process** - The Director may use any of the following information sources to determine the appropriate Historic Preservation Permit review process that applies:

1. This Code Chapter and others referenced by it;
2. The official historic inventory for the Designated Historic Resource;
3. Findings from a final approved Order or Notice of Disposition summarizing the rationale for the placement of a Historic Preservation Overlay on the resource;
4. An approved National Register of Historic Places nomination;
5. Applicable state law;
6. Other adopted City ordinances;

7. Primary source material provided by the applicant; and/or
  8. Secondary source materials on history, architecture, design *or style*, materials, methods, or pertinent examples locally or elsewhere.
- d. **Emergency Actions** - Section 2.9.80- *Emergency Actions* outlines how to address activities resulting from an emergency action when the City's Urban Forester, City Engineer, Building Official, and/or Fire Marshal determine(s) that an emergency action is needed for public safety due to an unsafe or dangerous condition. This Section also addresses requirements for obtaining the appropriate Historic Preservation Permit, when applicable, after the immediate hazard has been addressed.

### **Section 2.9.70 - EXEMPTIONS FROM HISTORIC PRESERVATION PERMIT REQUIREMENTS**

The following changes to a Designated Historic Resource shall be exempt from the requirement for a Historic Preservation Permit. Property owners are advised that other permits may be required to make such changes (such as other land use permits, building permits, *etc. and other Code provisions, such as landscaping requirements in Chapter 4.2 - Landscaping, Buffering, and Screening*).

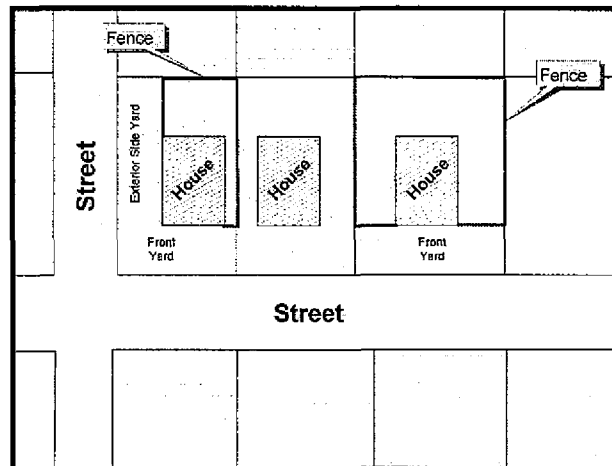
- a. **Interior Alterations**- Changes to the interior of a Designated Historic Resource that do not alter the building exterior.
- b. **Routine Maintenance and/or In-kind Repair or Replacement** - Routine maintenance of any exterior feature of a Designated Historic Resource that does not involve a change in the design; or style, dimensions, or material of the resource. A complete definition for In-kind Repair and Replacement is contained in Chapter 1.6 - Definitions. The In-kind Repair or Replacement of deteriorated materials is also allowed; however, it is recommended that repair be considered prior to replacement. Also included in routine maintenance are the following:
  1. Routine site maintenance - pertaining to landscaping maintenance, brush clearing and removal of debris, pruning of shrubs, and removal of shrubs not listed as original plantings in the official historic inventory, or other sources of information listed in Section 2.9.60.c;
  2. Pruning of trees - However, pruning of trees that are located on Designated Historic Resource properties shall be in accordance with the most current edition of American National Standards Institute (ANSI) A300 standards for Tree Care Operations.

Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and/or resource functions;

3. Removal of trees that are not considered to be Historically Significant Trees, based on the definition in Chapter 1.6 - *Definitions*.
- c. **Painting** - Exterior painting or repainting of any portion of a Designated Historic Resource, including changes to paint color. Exemption does not apply to artwork attached to buildings, murals, or painting over existing architectural features, such as signs, or previously unpainted metalwork, brickwork, stonework, and masonry.
- d. **Signs or Tablets** - Installation of one permanent memorial sign or tablet per property, where the sign or tablet is exempt from the City's Sign Code regulations per Section 4.7.70.e, and is consistent with the published dimensions and design guidelines established by the *Historic Resources Commission-Preservation Advisory Board*.
- e. **Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District** - An exterior Alteration or New Construction to a property in a National Register of Historic Places Historic District that is classified in its entirety as Nonhistoric/Noncontributing shall be exempt from review, provided the Alteration or New Construction is not visible from ~~the~~ public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), is 200 sq. ft. or less, and does not exceed 14 ft. in height.
- f. **Installation of Removable Storm Windows** - A storm window is a secondary window attached over a structure's primary window to protect the primary window against weather impacts. A storm window shall not function as a replacement for a primary window, and none of the external historic features of the resource shall be damaged or permanently altered with the installation.
- g. **Installation of a Removable Heating or Cooling Device** - Installation of a removable heating or cooling device, such as an air conditioning unit, in an existing building opening, provided that none of the external historic features of the resource are altered.
- h. **Accessory Development** - Accessory development meeting the criteria in Chapter 4.3 - *Accessory Development Regulations* that is not visible from ~~the~~ public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), that is ~~400~~ 200 sq. ft. or less, and that does not exceed 14 ft. in height.

- i. **Demolition or Moving of Freestanding Temporary or Small Accessory Structures that are Not Classified as Nonhistoric/Noncontributing - Demolition or Moving of structures in a National Register of Historic Places Historic District that are classified as Nonhistoric/Noncontributing are addressed in Section 2.9.70.w.** Demolition or Moving is also allowed for freestanding temporary accessory structures and other freestanding accessory structures less than 200 sq. ft. and less than 14 ft. in height provided that:
1. The proposed Demolition or Moving does not damage, obscure, or negatively impact any Locally-designated Historic Resource or any Nationally-designated Historic Resource that is classified as Historic/Contributing or called out as being significant, based on any of the sources of information listed in Section 2.9.60.c; and
  2. The affected structure is less than 50 years old (based on evidence submitted by the applicant); and
  3. At least one of the following:
    - ~~a) — The affected structure is in a National Register of Historic Places Historic District and listed as Nonhistoric/Noncontributing; or~~
    - ab) The affected structure is a Nonhistoric structure on an individually Designated Historic Resource listed in the Local Register and/or National Register of Historic Places; or
    - be) The affected structure is a Nonhistoric structure on a Designated Historic Resource property listed in a National Register of Historic Places Historic District, even if the approved National Register of Historic Places nomination for the District is silent on the issue.
- j. **Installation of Satellite Dishes** - Installation of a satellite dish on a facade not facing a public or private street rights-of-way (except for alleys, from which it may be visible), provided the dish is less than 30 inches in diameter.
- k. **~~Handicapped~~ Access Ramps Compliant with the Americans with Disabilities Act (ADA) Requirements** - Installation of an *handicapped* access ramp that is compliant with the Americans with Disabilities Act (ADA) requirements, provided that none of the external historic features of the resource is damaged or permanently altered and the ramp is 32 inches or less in height and is constructed in a manner that is Reversible.

- I. **Conversion of Existing Vehicular Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA) ~~Handicapped Vehicular Parking Spaces~~** - The conversion of existing vehicular parking spaces to *handicapped* vehicular parking spaces that are needed to achieve compliance with the Americans with Disabilities Act (ADA), provided ~~where~~ no additional impervious surface is created.
- m. **Fencing Installation, Extension, or Removal** - The installation or extension of new wood fencing, or the repair or replacement of existing wood fencing, provided such fencing that ~~is constructed of wood and that~~ meets applicable development standards for fencing in Section 4.2.50. ~~The fence shall not be located beyond the building facade facing a front or exterior side yard adjacent to a public rights-of-way.~~ Additionally, the removal of an existing wood or chainlink fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.



Delete Graphic

~~Additionally, the removal of an existing wood or chainlink fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.~~

- n. **Freestanding Trellises** - Installation of a freestanding trellis that is less than 14 ft. in height and not visible from ~~the~~ public street rights-of-way or private street rights-of-way (except for alleys from which it may be visible). The installation shall not damage or ~~obscure~~ any significant external architectural features of the historic resource.
- o. **New, Repair, or Replacement Landscaping and Tree Planting** - Installation of new, repair, or replacement landscaping, including tree planting, and related appurtenances, such as irrigation sprinklers. The installation shall not damage any significant external

architectural features of the historic resource or damage any Historically Significant Trees or other landscaping on the Designated Historic Resource site, as identified in the official historic inventory or other sources of information listed in Section 2.9.60(c).

- p. **Building Foundations** - Alteration or New Construction activities to a building foundation that are required to meet present-day Building Code requirements, provided that the foundation material is not specifically identified as Historically Significant and the initial and finished foundation exposure is not more than 12 inches.
  
- q. **Repair or Replacement of Gutters and Downspouts** - Repair or replacement of gutters and downspouts using materials that match the appearance of the gutters and downspouts being replaced or match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The installed gutters and downspouts shall not damage or obscure any significant architectural features of the structure (e.g. internal gutters, etc.). ~~This exemption also covers the installation of gutters and downspouts where none previously existed on Nonhistoric/Noncontributing Designated Historic Resources.~~
  
- r. **Installation of New Gutters and Downspouts on Nonhistoric/Noncontributing Designated Historic Resources** - Installation of gutters and downspouts where none previously existed on Nonhistoric/Noncontributing Designated Historic Resources. Materials shall match the appearance of the gutters and downspouts that were typically used on similar-style buildings from the same period of significance, based on evidence supplied by the property owner. The installed gutters and downspouts shall not damage or obscure any significant architectural features of the structure.
  
- rs **Uncovered Rear Deck or Patio Additions ~~200~~ 350 Sq. Ft. or Less** - The installation or removal of an uncovered deck or patio, provided the deck or patio is shall be obscured from view from ~~the~~ public rights-of-way and private street rights-of-way (except for alleys, from which it may be visible) by a fence, hedge, or other structure and ~~shall~~ meets the applicable setback requirements (per the Development District or as approved through a Lot Development Option or Planned Development process). The deck shall be 30 inches or less in height, and shall be constructed in a manner that is Reversible.
  
- st. **Repair or Replacement of Windows (or Doors Containing Glass) with Energy Efficient (Double-Paneled) Materials on Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District** - Repair or replacement of windows (or doors containing glass) on Nonhistoric/Noncontributing resources in a National Register of Historic Places Historic District.

tu. **Reroofing Flat Roofs or Roofs Otherwise Obscured by a Parapet Where the Roof Surface is not Visible from the Ground Plane** - Where a roof is a flat roof or a roof otherwise obscured by a parapet, surface is not visible from the ground plane and the roofing material is not specifically identified as Historically Significant, the roofing material may be repaired or replaced, provided the finished roof surface remains not visible from the ground plane. Skylights shall be addressed in accordance with 2.9.70.x, 2.9.100.03.l, or 2.9.100.04, as applicable. Skylights that are from the structure's Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows (or doors with glass).

v. **Installation of New or Expanded Pathways 100 Sq. Ft. Or Less** - Installation of new or expanded pathways, provided the pathways are 100 sq. ft. or less and are either constructed of softscape (e.g. bark mulch, etc.), or constructed of stone steps or flagstone that is installed in a manner that is Reversible.

w. **Demolition or Moving of Structures in a National Register of Historic Places Historic District that are Classified as Nonhistoric/Noncontributing** - Demolition or Moving of a structure in a National Register of Historic Places Historic District, provided the structure is classified as Nonhistoric/Noncontributing in the relevant National Register of Historic Places nomination.

x. **Skylights** -

1. Skylights ~~that are from the~~ a structure's relevant Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows (or doors with glass).

2. Skylights that are existing but are not from a structure's relevant Period of Significance may be removed or retained and repaired in accordance with "1" above. However, in order for these skylights to be retained and repaired, they shall have been constructed prior to the establishment of the relevant Individual or National Historic Designation, or via an approved Historic Preservation Permit. Otherwise, the skylight shall be removed when deteriorated beyond repair or when a structure is being reroofed, whichever comes first (unless a Historic Preservation Permit is subsequently approved to retain the skylight in accordance with Sections 2.9.100.03.l or 2.9.100.04, as applicable).

3. New skylights may be installed in accordance with Sections 2.9.100.03.l and 2.9.100.04, as applicable.

## Section 2.9.80 - EMERGENCY ACTIONS

- a. **Emergency Actions** - Emergency actions include the Alteration or New Construction, Demolition, or Moving of a Designated Historic Resource when the City Engineer, Building Official, or Fire Marshal determines that emergency action is required to address public safety due to an unsafe or dangerous condition or to resolve an immediate threat to the Designated Historic Resource itself. After the immediate hazard has been addressed, if the emergency action was not an exempted activity as defined in Section 2.9.70, the property owner shall apply for the appropriate Historic Preservation Permit and address any additional requirements specified by the Historic Preservation Permit. In the application, the property owner shall submit information documenting the need for the emergency action. Such documentation shall include photographs and a written evaluation by an engineer, architect, or a historic preservation consultant. Once a building is determined to be unsafe or dangerous in accordance with these provisions, property owners are encouraged to consider, while addressing the hazard, the re-use of the structure or its materials, to the extent feasible under the hazardous circumstances. To decide upon the Historic Preservation Permit, the decision-maker shall consider information from the City Engineer, Building Official, or Fire Marshal, depending on the authority(ies) that deemed the emergency removal necessary. Once made aware of the emergency action, the City shall notify the *Historic Resources Commission-Preservation Advisory Board* that the action has occurred.
- b. **Emergency Removal of a Historically Significant Tree** - Emergency removal of a Historically Significant Tree is defined as a situation where failure of a tree or tree part is imminent and response time is critical (e.g. the hazard needs to be removed within 24 hours or less). In the event that a tree is deemed an immediate hazard, the emergency removal of a Historically Significant Tree (as defined in Chapter 1.6 - Definitions), or its hazardous portion, is allowed if the City's Urban Forester, City Engineer, Building Official, Fire Marshal, or *for trees on the Oregon State University campus, a certified arborist employed by Oregon State University*, determines that emergency action is required for public safety due to an unsafe or dangerous condition. After the immediate hazard has been addressed, the property owner shall submit to the Director information documenting the need for the emergency action. Such documentation shall include photographs and a written evaluation by a certified arborist. The Director shall consider information from the City's Urban Forester, City Engineer, Building Official, Fire Marshal or, *for trees on the Oregon State University campus, a certified arborist employed by Oregon State University*, depending on the authority(ies) that deemed the emergency removal necessary. Once made aware of an emergency action involving the removal of a Historically Significant Tree, the City shall notify the *Historic Resources Commission-Preservation Advisory Board* that the action has occurred.



**Section 2.9.90 - PROCEDURES FOR ALL REQUIRED HISTORIC PRESERVATION PERMITS  
(Director-level AND HPABHRC-level)**

**2.9.90.01 - Initiation of Application**

A property owner, or his/her designee, may initiate a Historic Preservation Permit application. Property owner(s) consent to the application shall be required.

**2.9.90.02 - Application Requirements**

a. A Historic Preservation Permit application for a Designated Historic Resource shall be made on forms provided by the Director and shall include, for both types of Historic Preservation Permits (Director-level and HPABHRC-level), the items listed below. ~~For Director-level Historic Preservation Permits, t~~The Director may waive any of the below requirements when he/she determines the information required by a part of this section is unnecessary to properly evaluate the proposed Historic Preservation Permit:

1. Applicant's name, address, and signature;
2. Owner's name, address, and signature, if different from applicant's. If the Designated Historic Resource is owned by more than one property owner, the consent of all owners shall be required;
3. Location of the Designated Historic Resource, including address and tax assessor map and tax lot number;
4. Map(s) illustrating the location of the Designated Historic Resource;
5. Historic name of the resource, whether listed in the Local and/or National Register of Historic Places, and (if pertinent ) classification within a National Register of Historic Places Historic District;
6. A narrative description of the request in sufficient detail to allow for the review of the proposal;
7. A narrative explanation of what the applicant proposes to accomplish;
8. A narrative description regarding how the request complies with applicable review criteria, including applicable Development District standards;

9. A site plan, drawn to scale, showing the location of structures, driveways, and landscaped areas on the site, setback dimensions, and the general location of structures on adjacent lots;
10. Elevation drawings, drawn to scale, in sufficient detail to show the general scale, mass, building materials, and architectural elements of the proposal;
11. Information regarding whether or not there are any Historically Significant Trees (~~as defined in Section 2.9.110.01.e~~) on the site;
12. A copy of any relevant historic resource inventory information;
13. As applicable, any recommendations from SHPO or other state or federal agencies relative to any reviews required under state or federal law, including:
  - a) Section 106 of the National Register Historic Preservation Act;
  - b) Consultation review as required by ORS 358.653;
  - c) Special Assessment Program requirements per ORS 358.475;
  - d) National Transportation Act;
  - e) National Environmental Protection Act; or
  - f) Any other applicable state or federal law.

Such recommendations shall be required only if the proposed changes that are the subject of any of the above required state or federal reviews also require Historic Preservation Permit approval under the provisions of this Chapter;

14. Photographs or drawings of the resource from the applicable Period of Significance to provide context; and
  15. Any additional information reasonably necessary to evaluate compliance with the provisions of this Code as determined by the Director.
- b.** The narrative description for Historic Preservation Permits involving an HPABHRC-level Alteration or New Construction Permit (per Section 2.9.100) to install a Moved Designated Historic Resource on a site within the City limits shall include the following information, in addition to "a," above:
1. A rationale for the new location for the Designated Historic Resource that also addresses the Development District standards that apply to the new site;

2. A site plan, drawn to scale, for the proposed new location for the Designated Historic Resource showing: the location of existing and proposed structures, driveways, and landscaped areas; setback dimensions; the general location of structures, walkways, sidewalks, and driveways on adjacent lots; the historic designation of adjacent properties; existing and proposed legal access and infrastructure for the proposed new site; and existing and proposed infrastructure improvements adjacent to the proposed new site; and
  3. A description of the Historic Integrity and Historic Significance of the specific structure, building, plant, or other historic element for which the change is requested.
- c. The narrative description for Historic Preservation Permits involving an HPABHRC-level Demolitions shall include the following information in addition to that outlined in "a," above:
1. A description of the Designated Historic Resource's current physical condition, and its condition at the time it was inventoried;
  2. If within a National Register of Historic Places Historic District, a narrative description of the Designated Historic Resource's contribution to the District and the subsequent *Historic Integrity* of the District if the resource were to be demolished;
  3. A statement as to whether the applicant considered *Moving* the resource as an alternative to *Demolition*. If a *Moving* was not found to be feasible, a description as to why not;
  4. A narrative explanation of why the proposed *Demolition* is needed and what alternatives were explored; *and*
  5. A statement regarding whether denial of the request will result in substantial economic or other hardship to the owner of the Designated Historic Resource.
- d. The narrative description for an HPABHRC-level Historic Preservation Permits involving *Movings* shall include information required in "a," "c.1," and "c.4," above, stated with respect to a *Movings*. Additionally, the narrative description for the proposed *Moving* shall, if the resource is listed in a National Register of Historic Places Historic District, address the Designated Historic Resource's contribution to

the District and the subsequent *Historic Integrity* of the District if the resource were to be moved. This provision pertains to the site from which the *Designated Historic Resource* is being moved and, if the site to which the *Designated Historic Resource* is moving is inside the City limits, then it also pertains to the new site.

### **2.9.90.03 - Acceptance of Application**

The Director shall review the application to determine whether it is complete per the requirements in Section 2.9.90.02. If the application is incomplete, the Director shall notify the applicant and state what information is needed to make the application complete. The applicant shall have up to ten days from the date of the Director's notification to submit additional information and make the application complete.

### **2.9.90.04 - Public Notice**

- a. **Director-level Historic Preservation Permits** - No public notice is required.
- b. **HPABHRC-level Historic Preservation Permits**
  - 1. Public notice shall be provided in accordance with Section 2.0.50.04.a; 2.0.50.04.b.1-3, and 6-10; and 2.0.50.04.d-f; and
  - 2. For a proposed Demolition or Moving, public notice shall be published in a newspaper of general circulation at least ten days in advance of the *Historic Resources Commission's Preservation Advisory Board* public hearing.

### **2.9.90.05 - Staff Evaluation**

- a. **Director-level Historic Preservation Permits** - All applications for Director-level Historic Preservation Permits shall be reviewed to assure consistency with the review criteria in Section 2.9.90.06 "a" and "b," below.
- b. **HPABHRC-level Historic Preservation Permits** - For all HPABHRC-level Historic Preservation Permits, the Director shall prepare a report that evaluates whether the permit request complies with the review criteria in Section 2.9.90.06 "a" and "c," below. The report shall also include, if needed, a list of approval conditions for the *Historic Resources Commission Preservation Advisory Board* to consider.

## 2.9.90.06 - Review Criteria

- a. **General Review Criteria for All Historic Preservation Permits** - All Historic Preservation Permits shall comply with: the Building Code, as adopted and amended by the State of Oregon, and other applicable state and local Codes and ordinances related to building, development, fire, health, and safety, including other provisions of this Land Development Code. When authorized by the Building Official, some flexibility from conformance with Building Code requirements may be granted for repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a building or structure. In considering whether or not to authorize this flexibility from some Building Code standards, the Building Official will check to ensure that: the building or structure is a Designated Historic Resource; any unsafe conditions as described in the Building Code are corrected; the rehabilitated building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and the advice of the State of Oregon Historic Preservation Officer has been received.
- b. **Director-level Historic Preservation Permits** - The review of a Director-level Historic Preservation Permit may be accomplished concurrent with the review of any accompanying permit application(s), or individually if no accompanying permit application(s) exists. Applications for a Director-level Historic Preservation Permit shall be reviewed to assure consistency with the review criteria in Section 2.9.100.03.
- c. **HPABHRC-level Historic Preservation Permits**
1. Alteration or New Construction - Alteration or New Construction requiring a HPABHRC-level Historic Preservation Permit shall be reviewed to assure consistency with the review criteria in Section 2.9.100.04.
  2. Demolition - Demolition requiring a HPABHRC-level Historic Preservation Permit shall be reviewed to assure consistency with the review criteria in Section 2.9.110.03; *and*
  3. Moving - Moving requiring a HPABHRC-level Historic Preservation Permit shall be reviewed to assure consistency with the review criteria in Section 2.9.120.03.

## 2.9.90.07 - Action on Application

- a. **Director-level Historic Preservation Permits** - Based on applicable review criteria, the Director or his/her designee, shall approve, conditionally approve, or deny the Historic Preservation Permit application. Conditional approval must be limited to conditions that address specific defects in the application and are required for the application to comply with the criteria. The decision shall be made in writing. Staff shall strive to process the application as quickly as possible, but in no case shall the initial decision be made later than 45 days from the date the application is deemed complete.
- b. **HPABHRC-level Historic Preservation Permits** - The Historic *Resources Commission-Preservation-Advisory-Board* shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the HPABHRC shall approve, conditionally approve, or deny the Historic Preservation Permit application. Conditional approval must be limited to conditions that address specific defects in the application and are required for the application to comply with the criteria. The *Commission's Board's* decision shall include findings that specify how the application has or has not complied with the applicable review criteria. The Director shall strive to process the application as quickly as possible to ensure that the initial HPABHRC decision is made no later than 75 days from the date the application is deemed complete.

## 2.9.90.08 - Notice of Disposition -

- a. **Director-level Historic Preservation Permits** - The Director, or his/her designee, shall provide a Notice of Disposition that includes a written statement of the decision, a reference to the findings leading to it, any conditions of approval, and the appeal period deadline to the following:
  1. The applicant and the property owner(s) (if different from the applicant);
  2. The Historic *Resources Commission-Preservation-Advisory-Board*;
  3. Any person who resides on or owns property within 100 ft. (*including excluding* street right-of-way) of a parcel of land ~~for a Director-level Historic Preservation Permit~~;
  4. Any person who requested notice on the proposal; and

5. Any persons who submitted written comment on the proposal.

- b. **HPABHRC-level Historic Preservation Permits** - The Director shall provide the applicant and the ~~Historic Resources Commission-Preservation Advisory Board~~ with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings, that includes a written statement of the ~~Historic Resources Commission's -Preservation Advisory Board's~~ decision, a reference to the findings leading to it, any conditions of approval, and the appeal period deadline. The Notice of Disposition also shall be mailed to the property owner(s) (if different from the applicant), any persons who presented oral or written testimony at the public hearing, and any person who requested notice on the proposal.

### 2.9.90.09 - Appeals

- a. The Director-level Historic Preservation Permit decision may be appealed to the ~~Historic Resources Commission-Preservation Advisory Board~~ in accordance with Chapter 2.19 - Appeals. The HPABHRC-level Historic Preservation Permit decision may be appealed to the City Council in accordance with Chapter 2.19 - Appeals. ~~While there is no fee for a Historic Preservation Permit application, there is a fee for an appeal of a Historic Preservation Permit decision.~~
- b. **Undue Hardship Appeals** - The ~~decision-maker hearing authority~~ for an appeal may consider claims of economic or undue hardship in cases where an applicant was either denied a Historic Preservation Permit or granted a Historic Preservation Permit with conditions of approval that the applicant believes to be an economic or undue hardship. The applicant must provide adequate documentation and/or testimony at the appeal hearing to justify such claims. In addition to the information the applicant believes is necessary to make his/her case to the appeal ~~decision-maker hearing authority~~, the ~~following types of~~ information listed in "1-6 below," as applicable, shall be submitted ~~in order~~ for the appeal ~~decision-maker hearing authority~~ to consider a hardship appeal. Not every item listed in "1-6" below will apply to every case:
1. Three eEstimates of:
    - a) ~~t~~The cost of the activity(ies) proposed under the denied or conditionally-approved Historic Preservation Permit; and ~~an estimate of~~
    - b) ~~a~~Any additional costs which would be incurred to comply with the modified activity(ies) recommended by the decision-maker.

All such cost estimates shall be accomplished by contractors licensed in the State of Oregon.

2. An Estimates of the appraised value of the property:
  - a) In its current state;
  - b) With the improvements that were denied or conditionally-approved for the Historic Preservation Permit; and
  - c) With the modified activity(ies) proposed by the applicant~~decision-maker~~.

All such appraisal estimates shall be performed by an appraiser who is licensed or certified in the State of Oregon. Additionally, appraisal estimates of the property shall fall within the scope of practice of the appraiser's license or certification in order for the appraisal to meet this provision.

3. Information regarding the soundness of the affected structure(s), and the feasibility for rehabilitation which would preserve the historic character and qualities of the *Designated Historic Resource*. All such information shall be developed by a contractor licensed in the State of Oregon.
4. Any information concerning the mortgage or other financial obligations on the property which are affected by the denial or approval, as conditioned, of the proposed Historic Preservation Permit.
- ~~5. The appraised value of the property:~~
56. Any past listing of the property for sale or lease, the price asked, and any offers received on that property.
67. Information relating to any nonfinancial hardship resulting from the denial or approval, as conditioned, of the proposed Historic Preservation Permit.

If the ~~decision-maker~~ *hearing authority* determines that the denial or approval, as conditioned, of the Historic Preservation Permit would pose an undue hardship on the applicant, then a Historic Preservation Permit noting the hardship relief shall be issued, and the property owner may conduct the activity(ies) outlined in the Historic Preservation Permit as modified by the appeal ~~decision-maker~~ *hearing authority*.



### **2.9.90.10 - Effective Date**

Unless an appeal has been filed, the Historic Preservation Permit decision shall become effective 12 days after the Notice of Disposition is signed.

### **2.9.90.11 - Effective Period of Approval**

Historic Preservation Permits shall be effective for a two-year period from the date of approval. In the event that the applicant has not begun the development or its identified and approved phases prior to the expiration of the established effective period, the approval shall expire.

### **2.9.90.12 - Re-application Following Denial, Modification(s) to an Approved Historic Preservation Permit, and Partial Approval of a Historic Preservation Permit**

- a. **Re-application Following Denial** - Re-application for a Historic Preservation Permit following denial of that Permit is allowed in accordance with Section 2.0.50.14.
- b. **Modification(s) to An Approved and Unexpired Historic Preservation Permit** - A proposal to modify an approved Historic Preservation Permit shall be processed as a new Historic Preservation Permit application, in accordance with the provisions of this Chapter. The new Historic Preservation Permit application shall be considered in the context of the existing Historic Preservation Permit, the subject Designated Historic Resource, and any completed improvements done in accordance with the original Historic Preservation Permit. Approval of the new Historic Preservation Permit shall replace the existing Permit in whole or in part, whichever is applicable.
- c. **Partial Approval of a Historic Preservation Permit** - An application for a Historic Preservation Permit may be approved in part, with a condition(s) clearly outlining the part(s) that is denied and the associated rationale (incompleteness and/or lack of compliance with applicable criteria). Re-application for a subsequent Historic Preservation Permit addressing the denied part of the original Permit is allowed, consistent with the criteria in Section 2.0.50.14. The new Historic Preservation Permit application shall be considered in the context of the existing Historic Preservation Permit, the Designated Historic Resource, and any completed improvements done in accordance with the original Historic Preservation Permit.

## **Section 2.9.100 - ALTERATION OR NEW CONSTRUCTION ACTIVITIES INVOLVING A DESIGNATED HISTORIC RESOURCE**

### **2.9.100.01 - Definition of Alteration or New Construction Involving a Designated Historic Resource**

An activity is considered an Alteration or New Construction involving a Designated Historic Resource when: the activity is not an exempt activity, a Demolition, or a Moving, as defined in Sections 2.9.70, 2.9.110, and 2.9.120, respectively; and the activity meets at least one of the descriptions in "a" through "d," below.

- a. The activity alters the exterior appearance of a Designated Historic Resource. Exterior appearance includes a resource's facade, texture, design *or style*, material, and/or fixtures;
- b. The activity involves a new addition to an existing Designated Historic Resource or new freestanding construction on a Designated Historic Resource property; *and/or*
- c. The activity involves installation of a Designated Historic Resource at a new site location, following a Moving, if the new site is within the City limits. If the new site of the Designated Historic Resource is outside the City limits, no City evaluation of the resource's installation at that new site will occur because the City has no jurisdiction in such locations.

### **2.9.100.02 - Historic Preservation Permit Required for Alteration or New Construction Involving a Designated Historic Resource**

If an activity meets the definition for an Alteration or New Construction involving a Designated Historic Resource, as outlined in Section 2.9.100.01 above, then one of the two types of Historic Preservation Permits (Director-level or HPABHRC-level) outlined in this Section and summarized in Section 2.9.60.b is required.

### **2.9.100.03 - Alteration or New Construction Parameters and Review Criteria for a Director-level Historic Preservation Permit**

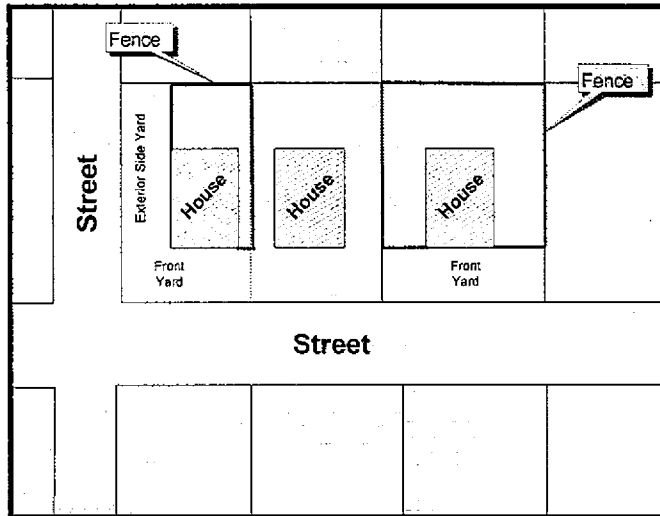
A Historic Preservation Permit request for any of the Alteration or New Construction activities listed in Sections "a" through "en," below, shall be approved if the Alteration or New Construction is in compliance with the associated definitions (and review criteria imbedded therein) listed below. Such Alteration or New Construction activities are classified as a Director-level Historic Preservation Permit. Some activities that are similar to Director-level

Historic Preservation Permits may be exempt from permit review per Section 2.9.70 or may require review by the *Historic Resources Commission Preservation Advisory Board*.

- a. **Building Foundations** -Alteration or New Construction activities to a building foundation that are required to meet present-day Building Code requirements, provided that similar materials are used and the building elevation is not raised by more than 12 inches.
- b. **Solar or Hydronic Equipment** - Installation of solar or hydronic equipment parallel to the roof surface with no part of the installation protruding more than twelve inches above the roof surface, provided the subject roof surface does not directly front a street. The equipment shall be attached to the Designated Historic Resource in a manner that does not damage any significant architectural features of the structure. Additionally, the installation shall be *Reversible*.
- c. **Reroofing** - Replacement of existing wooden shingles or shakes with architectural composition shingles or other materials documented to have been used on the structure during its Period of Significance and that are not otherwise prohibited by the approved Building Code. The new roof shall not damage or obscure any significant architectural features of the structure. Skylights shall be addressed in accordance with 2.9.70.x, 2.9.100.03.l, or 2.9.100.04, as applicable. ~~Skylights that are from the structure's Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows (or doors with glass) (Sections 2.9.70.b and t; 2.9.100.03.m; 2.9.100.04).~~
- ~~d. **Small Signs or Tablets** - Small signs or tablets, not meeting the exemption in Section 2.9.70.d, provided the sign or tablet is consistent with the applicable sign allocation standards outlined in Chapter 4.7 - Corvallis Sign Regulations, is ten sq. ft. or less; is non-illuminated; is architecturally compatible with the design or style of the Designated Historic Resource; and if freestanding, is less than four ft. in height. Attached signs shall not damage or obscure any significant architectural features of the structure. Additionally, the installation shall be reversible.~~
- ed. **Mechanical Equipment** - Installation of mechanical equipment, limited to equipment not visible from ~~the~~ public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys. The equipment shall be attached to the Designated Historic Resource in a manner that does not damage any significant architectural features of the structure. Additionally, the installation shall be *Reversible*.

- fe. Replacement, Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features** - Replacement, using dissimilar materials and/or a different design or style, of existing driveways (including paving of these existing areas); existing paths and sidewalks; existing bicycle parking areas; and/or existing vehicular parking areas that involve 800 sq. ft. or less ~~four or fewer spaces~~ (including paving of these existing areas), provided the extent of such features is not increased in size.
- gf. Addition of ~~Handicapped~~ Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Addition of ~~handicapped~~ vehicular parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.l.
- hg. Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District** - An exterior Alteration or New Construction more than 200 sq. ft. to a property in a National Register of Historic Places Historic District that is classified in its entirety (including all structures on the site) as Nonhistoric/Noncontributing, provided the Alteration or New Construction is not visible from ~~the~~ public rights-of-way and ~~the~~ private street rights-of-way, except for alleys, from which it may be visible, and does not exceed 14 ft. in height.
- ih. Gutters and Downspouts** - *Unless already exempt per Section 2.9.70.r,* ~~t~~The addition of gutters and downspouts to a Designated Historic Resource or a portion thereof that previously had none, using materials that match the appearance of those that were typically used on similar-style buildings during the resource's Period of Significance, provided that the new gutters and downspouts do not damage or obscure any significant architectural features of the structure.

- ji. **Extension of Fencing Other than Wood** - The extension of existing fencing (other than wood fencing, which is exempt under Section 2.9.70.m) with In-kind Repair and Replacement materials, provided that the type of fencing material was used during the Period of Significance for the *Designated Historic Resource* and the fence is not extended beyond the facade of the Resource facing a front or exterior side yard.



- kj. **Freestanding Trellises** - Unless exempt per Section 2.9.70.n, installation of a freestanding trellis that is less than 14 ft. in height and visible from ~~the~~ public or private rights-of-way. The installation shall not damage any significant external architectural features of the structure.

- kl. **Awnings** - Installation of canvas awnings, limited to Designated Historic Resources and situations where awnings are required by this Code. Such canvas awnings shall either be installed where none previously existed or may reproduce historic canvas awnings from the applicable Period of Significance, as shown in documentation submitted by the applicant. In-kind Repair or Replacement of existing awnings is exempt per Section 2.9.70.b.

- ~~ml. **Accessory Development** - Accessory development meeting the criteria in Chapter 4.3 - Accessory Development Regulations that is not visible from the public or private street rights-of-way (except for alleys, from which it may be visible), is greater than 100 sq. ft. and less than 200 sq. ft., and does not exceed 14 ft. in height.~~

***L.*** ***Skylights - Activities involving existing skylights that are not already exempt via Section 2.9.70.x and new skylights are allowed on:***

- a)*** ***Nonhistoric/Noncontributing structures;***
- b)*** ***Structures with flat roofs or where the skylight would otherwise be obscured by a parapet;***
- c)*** ***Portions of structures that are not visible from private street rights-of-way and public rights-of-way (except for alleys from which they may be visible).***

***All other modifications or installations of skylights shall be processed via Section 2.9.100.04.***

~~nm.~~ **Repair or Replacement of Windows (or Doors Containing Glass) with Energy Efficient (Double-pane) Materials** - Except for situations involving decorative art glass, windows (or doors containing glass) may be repaired or replaced using energy efficient (double-pane) glazing, provided the replacements:

- ~~1.~~ Are being placed on Nonhistoric additions or where not visible from the public or private street rights-of-way (except for alleys, from which they may be visible); and
- ~~2.~~ Otherwise match the replaced items in materials, design or style, color, dimensions, number of divided lights, and shape. ***Repair or Replacement of Windows (or Doors Containing Glass) with Energy Efficient (Double-Paned) Materials on Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District are Exempt per Section 2.9.70.t.***

***on.*** **Installation of Sidewalk Wheelchair Ramps** - In public or private street rights-of-way that are within or adjacent to a National Register of Historic Places Historic District, sidewalk wheelchair ramps may be installed or reconstructed to City of Corvallis Engineering Division Standard Specifications, provided they are installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements.

***o.*** ***Single (First) Story Exterior Steps and/or Stairways - Changes in step or stairway design or style that may be required to meet present-day Building Code requirements, including handrail or guardrail installation, provided such changes are conducted within the height of the first story of a Designated Historic Resource. When authorized by the Building Official, some flexibility from conformance with some Building Code requirements relative to this design, including the question of whether or not handrail or guardrail installation is required, may be granted as outlined in Section 2.9.90.06.a. The design or style shall be architecturally***

compatible with the Designated Historic Resource (based on documentation provided by the applicant).

#### **2.9.100.04 - Alteration or New Construction Parameters and Review Criteria for a HPABHRC-level Historic Preservation Permit**

Some exterior Alterations or New Construction involving a Designated Historic Resource may be needed to assure its continued use. Rehabilitation of a Designated Historic Resource includes an opportunity to make possible an efficient contemporary use through such alterations and additions. A Historic Preservation Permit request for any of the following Alteration or New Construction activities shall be approved if the Alteration or New Construction is in compliance with the associated definitions and review criteria listed below. Such Alteration or New Construction activities are classified as a HPABHRC-level Historic Preservation Permit.

- a. **Parameters** - Any Alteration or New Construction activity involving a Designated Historic Resource that is not exempt per Section 2.9.70, or eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03, is a HPABHRC-level Alteration or New Construction activity. This includes, but is not limited to:
  1. Nonexempt Exterior Painting - Exterior painting or the application of artwork to buildings, murals, or existing architectural features such as signs, stonework, brickwork, and masonry. Other types of exterior painting are exempt in accordance with ~~per~~ Section 2.9.70.c.
  2. Signs - Signs that are not exempt per Section 2.9.70.d, ~~or eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03.e,~~ provided they meet the applicable sign allocation standards outlined in Chapter 4.7 - Corvallis Sign Regulations.
  3. Alteration or New Construction Replicating Historic Features - Alteration or New Construction activities that are not exempt per Section 2.9.70 and that reconstruct historic exterior features of the Designated Historic Resource as determined from a historic photograph (taken during the structure's Period of Significance), original building plans, the *Designated Historic Resource* inventory, or other evidence submitted by the applicant.

4. Alteration or New Construction with Dissimilar Materials or Which Impact Significant Architectural Features - Alteration or New Construction activities involving changes in material or that impact *Historically* Significant architectural features, unless exempt per Section 2.9.70, or allowed to be reviewed as a Director-level Historic Preservation Permit per Section 2.9.100.03.
  
5. Alteration or New Construction to Later Additions - Unless exempt per Section 2.9.70, Alteration or New Construction activities involving a later addition for the following:
  - a) A Designated Historic Resource in a National Register of Historic Places Historic District where the addition was constructed outside (after) the Resource's Period of Significance; and/or
  - b) A Designated Historic Resource listed in the Corvallis Register of Historic Landmarks and Districts (Local Register) and/or an individually listed *Designated Historic Resource* listed in the National Register of Historic Places where the addition was constructed within the last 50 years (based on documentation provided by the applicant).

The Alteration or New Construction shall not damage any *Historically* Significant architectural features of the structure.

6. Alteration or New Construction to Historic/Noncontributing Structures that Do Not Replicate Features, on a Site that is Located in a National Register of Historic Places Historic District, unless exempt per Section 2.9.70 or allowed as a Director-level Historic Preservation Permit per Section 2.9.100.03.
  
7. Alteration or New Construction to Individually Designated Historic Resources that are Not Located Within a National Register of Historic Places Historic District and that do not replicate the original features of the structure, unless exempt per Section 2.9.70 or allowed as a Director-level Historic Preservation Permit per Section 2.9.100.03.
  
8. Building Foundations - Alteration or New Construction to a building foundation where dissimilar materials are used and the foundation's exposure is greater than 12 inches, and/or where the building elevation is raised by more than 12 inches.



9. Awning Installation - Installation of awnings that are not exempt as an In-kind Repair or Replacement per Section 2.9.70.b or that are not eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03.k.
- ~~10. Exterior Steps and/or Stairways - Changes in step or stairway design or style that may be required to meet present-day Building Code requirements, including handrail or guardrail installation. When authorized by the Building Official, some flexibility from conformance with some Building Code requirements relative to this design, including the question of whether or not handrail or guardrail installation is required, may be granted as outlined in Section 2.9.90.06.a. The design or style shall be architecturally compatible with the Designated Historic Resource (based on documentation provided by the applicant).~~
107. Solar or Hydronic Equipment - Installation of solar or hydronic equipment not eligible for Director-level review per Section 2.9.100.03.b.
112. Mechanical Equipment - Installation of mechanical equipment not eligible for Director-level review per Section 2.9.100.03.d.
123. Reroofing - Unless eligible for Director-level review per Section 2.9.100.03.c, replacement of the existing roofing material with a new material that is different from the original.
134. Fencing - The installation of new fencing or replacement fencing with dissimilar design or style or dissimilar materials unless exempt per Section 2.9.70.m or eligible for Director-level review per Section 2.9.100.03.k.
145. New Freestanding Construction - Any new freestanding construction for a Designated Historic Resource site that is not exempt per Section 2.9.70 or eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03.
156. Accessory Development - Unless exempt per Section 2.9.70.h or eligible for Director-level review per Section 2.9.100.03.l, accessory development meeting the criteria in Chapter 4.3 - *Accessory Development Regulations*.
167. Other - Any other Alteration or New Construction activity that meets the definition for an Alteration or New Construction activity in Section 2.9.100.01,

and is not exempt per Section 2.9.70 or allowed to be reviewed as a Director-level Historic Preservation Permit in accordance with Section 2.9.100.03.

**b. Review Criteria**

1. **General** - The Alteration or New Construction Historic Preservation Permit request shall be evaluated against the review criteria listed below. These criteria are intended to ensure that the design or style of the Alteration or New Construction is compatible with that of the existing Designated Historic Resource, if in existence, and proposed in part to remain, and with any existing surrounding comparable Designated Historic Resources, if applicable. ~~Such activities shall ensure that a Designated Historic Resource remains compatible with other existing surrounding Designated Historic Resources and other examples of the resource's architectural design or style.~~ Consideration shall be given to:
  - a) Historic Significance and/or classification;
  - b) Historic Integrity;
  - c) Age;
  - d) Architectural design or style;
  - e) Condition of the subject Designated Historic Resource;
  - f) Whether or not the *Designated Historic Resource* is a prime example or one of the few remaining examples of a once common architectural design; or style, or type of construction; and
  - g) Whether or not the *Designated Historic Resource* is of a rare or unusual architectural design; or style, or type of construction.
2. In general, the proposed Alteration or New Construction shall either:
  - a) Cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource *pertaining relative to the applicable Period of Significance*; or

- b) Be compatible with the historic characteristics of the Designated Historic Resource and/or District, as applicable, based on a consideration of the historic design or style , appearance, or material composition of the resource.

3. Compatibility Criteria for Structures and Site Elements - Compatibility considerations shall include the items listed in "a - n," below, as applicable, and ~~as pertaining~~ relative to the applicable Period of Significance. Alteration or New Construction shall complement the architectural design or style of the primary resource, if in existence and proposed in part to remain; and any existing surrounding comparable Designated Historic Resources. Notwithstanding these provisions and "a-n," below, for Nonhistoric/Noncontributing resources in a National Register of Historic Places Historic District or resources within such Historic District that are not classified because the nomination for the Historic District is silent on the issue, Alteration or New Construction activities shall be evaluated for compatibility with the architectural design or style of any existing Historic/Contributing resource on the site or, where none exists, against the attributes of the applicable Historic District's Period of Significance.

- a) Facades - Architectural features (e.g. balconies, porches, bay windows, dormers, trim details) on main facades shall be retained, restored, or designed to complement the primary structure and any existing surrounding comparable Designated Historic Resources. Particular attention should be paid to those facades facing street rights-of-way. Architectural elements inconsistent with the *Designated Historic Resource*'s existing building design or style shall be avoided.
- b) Building Materials - Building materials shall be reflective of, and complementary to, those found on the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. Siding materials of vertical board, plywood, cement stucco, aluminum, exposed concrete block, and vinyl shall be avoided, unless documented as being consistent with the original design; or style, or structure of the *Designated Historic Resource*.
- c) Architectural Details - Retention and repair of Existing character-defining elements of a structure (e.g., ~~fenestration~~, molding or trim, brackets, columns, cladding, ornamentation, and other finishing details) and their design or style, materials, and dimensions, shall be

~~considered by the property owner prior to replacement, retained or repaired, unless deteriorated beyond repair.~~ Replacements for ~~deteriorated~~ existing architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.

- d) Scale and Proportion - The size and proportions of the Alteration or New Construction shall be compatible with existing structures on the site, if in existence and proposed in part to remain, and with any surrounding comparable structures. New additions or new construction shall generally be smaller than the impacted Designated Historic Resource, if in existence and proposed in part to remain. In rare instances where an addition or new construction is proposed to be larger than the original *Designated Historic Resource*, it shall be designed such that no single element is visually larger than the original *Designated Historic Resource*, if in existence and proposed in part to remain, or any existing surrounding comparable Designated Historic Resources.
- e) Height - To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. However, second story additions are allowed, provided they are consistent with the height standards of the underlying District Designation and other Code Chapters, and provided they are consistent with the other review criteria contained herein.
- f) Roof Shape - New roofs shall match the pitch and shape of the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding compatible Designated Historic Resources.
- g) Pattern of Window and Door Openings - To the extent possible window and door openings shall be compatible with the original features of the existing Designated Historic Resource, if in existence and proposed in part to remain, in form (size, proportion, detailing), materials, type, pattern, and placement of openings.

- h) Building Orientation - Building orientation shall be compatible with existing development patterns on the Designated Historic Resource site, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. In general, Alteration or New Construction shall be sited so that the impact to primary facade(s) of the *Designated Historic Resource*, if in existence and proposed in part to remain, is minimized.
- i) Site Development - To the extent practicable, given other applicable development standards, such as standards in this Code for building coverage, setbacks, *landscaping*, sidewalk and street tree locations, the Alteration or New Construction shall maintain existing site development patterns, if in existence and proposed in part to remain.
- j) Accessory Development/Structures - Accessory development as defined in Chapter 4.3 - *Accessory Development Regulations* and items such as exterior lighting, walls, fences, awnings, and landscaping that are associated with an Alteration or New Construction Historic Preservation Permit application, shall be visually compatible with the architectural design or style of the existing Designated Historic Resource, if in existence and proposed in part to remain, and any comparable Designated Historic Resources within the District, as applicable.
- k) Garages - Garages, including doors, shall be compatible with the *Designated Historic Resource's site's* primary structure (if in existence and proposed in part to remain) based on factors that include design or style, roof pitch and shape, architectural details, location and orientation, and building materials. *In a National Register of Historic Places Historic District, the design or style of Alteration or New Construction involving an existing or new garage, visible from public rights-of-way or private street rights-of-way, shall also be compatible with the design or style of other garages in the applicable Historic District (those garages that were constructed during that Historic District's Period of Significance).*
- l) Chemical or Physical Treatments - Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials *shall will* not be used.

- m) Archeological Resources - Activities associated with archeological resources shall be carried out in accordance with all State requirements pertaining to the finding of cultural materials, including ORS 358.905 (which pertains to the finding of cultural materials), ORS 390.235 (which describes steps for State permits on sites where cultural materials are found), and OAR 736.051.0080 and OAR 736.051.0090 (which describe requirements for cultural materials found on public versus private land, respectively).
- n) Differentiation - An Alteration or New Construction shall be differentiated from the portions of the site's existing Designated Historic Resource(s) inside the applicable Period of Significance. However, it also shall be compatible with said Designated Historic Resource's *Historically Significant* materials, design or style elements, features, size, scale, proportion, and massing to protect the Historic Integrity of the Designated Historic Resource and its environment. Therefore, the differentiation may be subtle and may be accomplished between the *Historically Significant portions* and the new construction with variations in wall or roof alignment, offsets, roof pitch, or roof height. Alternatively, differentiation may be accomplished by a visual change in surface, such as a molding strip or other element that acts as an interface between the *Historically Significant* and the new portions.

4. **Additional Review Criteria for the Installation of a Designated Historic Resource on a New Site, Following a Moving** - To complete its review of a request to install a Designated Historic Resource on a new site following its being *Moved*, the *Historic Resources Commission-Preservation Advisory Board* shall receive from the Director a finding that indicates the following:

- a) The Development District designation for the proposed site is appropriate to accept the Designated Historic Resource that was *Moved*, in terms of land use(s) and development standards;
- b) Legal vehicular and Fire Department access to the proposed new site is available or can be provided; and
- c) Required infrastructure improvements for or adjacent to the proposed new site have been or will be provided.

**2.9.100.05 - Status of Properties for Which an Alteration or New Construction HPABHRC-level Historic Preservation Permit has been Approved to Install a Moved Historic Resource**

- a. Local Register Historic Resources** - If approval has been granted for the installation of a Moved *Designated Historic Resource* that was a Local Register-designated *Historic Resource* at its previous location, a Historic Preservation Overlay may be applied to the new site to which the *Designated Historic Resource* is being Moved through use of the District Change provisions of Chapter 2.2, following the effective date of the approved Alteration or New Construction Historic Preservation Permit associated with the Moving. Once the City's Historic Preservation Overlay has been applied, future modifications affecting the *Designated Historic Resource* at its new site shall be subject to the provisions of this Chapter.
- b. Historic Resources listed in the National Register of Historic Places** - The City shall notify the State Historic Preservation Office when a Historic Preservation Permit authorizing the installation of a Moved *Designated Historic Resource* listed in the National Register of Historic Places becomes effective. A proposed listing or the maintenance of an existing listing of a National Register of Historic Places *Historic Resource* at its new site shall be processed through state and federal procedures. Upon receipt of official notification from SHPO that a listing has occurred or has been maintained and is in effect and when the affected *Designated Historic Resource* is not listed in the Local Register, the affected *Designated Historic Resource* at its new site shall be subject to the Historic Preservation Provisions of this Code. In such cases, a Historic Preservation Overlay may be added to the new site to which the *Designated Historic Resource* is being Moved through use of the District Change provisions of Chapter 2.2, following the effective date of the approved Alteration or New Construction Historic Preservation Permit.

**Section 2.9.110 - DEMOLITION INVOLVING A DESIGNATED HISTORIC RESOURCE**

**2.9.110.01 - Definition of a Demolition of a Designated Historic Resource**

An activity is considered a Demolition of a Designated Historic Resource when the activity:

- a.** Is not an exempt activity as defined in Section 2.9.70;
- b.** Is not an Alteration or New Construction as defined in Section 2.9.100;
- c.** Is not a Moving as defined in Section 2.9.120;

- d. Involves destruction of a Designated Historic Resource, and/or
- e. Involves the removal of a Historically Significant Tree (as defined in Chapter 1.6) unless said tree is officially *sanctioned for emergency removal via Section 2.9.80.b. determined to be a hazard tree via the Hazard Tree Evaluation process in Section 2.9.110.03.d.*

**2.9.110.02 - Historic Preservation Permit Required for Demolition of a Designated Historic Resource**

An HPABHRC-level Historic Preservation Permit is required for all activities meeting the definition for Demolition of a Designated Historic Resource, as outlined in Section 2.9.110.01 above.

**2.9.110.03 - Review Criteria** - An HPABHRC-level Historic Preservation Permit for the Demolition of a Designated Historic Resource shall be evaluated against the criteria in "a" through "c" below. Approval may be granted for a Demolition only where a proposal has been demonstrated to have met criterion "a" and either "b" or "c."

- a. The Historic Integrity of the Designated Historic Resource has been substantially reduced or diminished due to unavoidable circumstances that were not a result of action or inaction by the property owner. "Historic Integrity" is defined in Chapter 1.6 - Definitions.
- b. If the proposed Demolition involves one of the structures identified in "1" - "23" below, and is not exempt per Section 2.9.70.i, it may be allowed, provided the applicant submits evidence documenting the age of the affected structure and documentation that the Demolition will not damage, obscure, or negatively impact any *Designated Historic Resource* on the property that is classified as Historic/Contributing or that is called out as being *Historically Significant*, based on any of the sources of information listed in Section 2.9.60.c. To be considered under this criterion, the Demolition shall involve only the following:
  - ~~1. A Nonhistoric/Noncontributing structure listed in a National Register of Historic Places Historic District;~~
  - 12. A Nonhistoric structure on an individually Designated Historic Resource listed in the Local Register or National Register of Historic Places; or
  - 23. A Nonhistoric structure on a Designated Historic Resource property listed in a National Register of Historic Places Historic District, even if the approved



National Register of Historic Places nomination for the District is silent on the issue.

- c. If the Demolition involves a *Designated Historic Resource* other than the structures outlined in "b," above, the Demolition may be allowed provided:
1. The physical condition of the Designated Historic Resource is deteriorated beyond *Economically Feasible Rehabilitation* and either:
    - a) ~~*Economically feasible relocation*~~ Moving of the Designated Historic Resource is not ~~*feasible*~~ possible; or
    - b) If within a National Register of Historic Places Historic District, Demolition of the *Designated Historic Resource* will not adversely affect the Historic Integrity of the District. To address this criterion, the applicant shall provide an assessment of the Demolition's effects on the character and Historic Integrity of the subject Designated Historic Resource and District. "Historic Integrity" is defined in Chapter 1.6 - Definitions.
  2. Alternatives to Demolishing the Designated Historic Resource have been pursued, including the following, as appropriate:
    - a) Public or private acquisition of the Designated Historic Resource (with or without the associated land) has been explored;
    - b) Alternate structure and/or site designs that address the property owner's needs, and which would avoid Demolition of the Designated Historic Resource, have been explored and documented;
    - c) A "For Sale" sign and a public notice have been posted on the Designated Historic Resource site. The sign and public notice shall read: "HISTORIC RESOURCE TO BE DEMOLISHED -- FOR SALE." Lettering on the sign shall be at least 5 inches in height and posted in a prominent place on the property for a minimum of 40 days;
    - d) The Designated Historic Resource has been listed for sale in local and state newspapers for a minimum of five days over a five-week period;
    - e) The Designated Historic Resource has been listed for sale in at least two preservation publications for at least 30 days;

- f) A press release has been issued to newspapers of local and state circulation describing the *Historic* Significance of the resource, the physical dimensions of the property, and the reasons for the proposed Demolition; *and/or*
  - g) Notification through other means of advertisement has been accomplished (e.g. internet, radio).
- d. **Trees** - An Historic Preservation Permit to remove a Historically Significant Tree (as defined in Chapter 1.6 - *Definitions*), shall meet at least one of the criteria in "1" through "6" below. If removal of a Historically Significant Tree is approved, a replacement tree(s) may be required as mitigation if, in the opinion of the decision-maker, there is an opportunity either on the subject site, or within 750 ft. of the site, to plant an additional tree(s):
- 1. The Historically Significant Tree, in the opinion of the City's Urban Forester and City Engineer, negatively impacts existing public infrastructure, and both officials recommend removal of the Tree;
  - 2. The Historically Significant Tree, in the opinion of the Building Official and the City's Urban Forester, negatively impacts existing structures on the development site that are intended to remain, and both officials recommend removal of the Tree;
  - 3. The location of the Historically Significant Tree precludes the reasonable use of the property because the area needed to ensure preservation of the Historically Significant Tree, in the opinion of a certified arborist and the City's Urban Forester, encompasses an area that does not allow for the property owner to make improvements on up to 75% of the otherwise buildable portion of the lot (the area excluding required setback areas, after consideration of lot coverage *and landscaping* standards);
  - 4. For the determination of buildable area in "3," above, an automatic 15 *percent* reduction in setbacks and 10 *percent* increase in height limitation shall be *allowed and* used to assist a property owner in achieving reasonable use of property;
  - 5. In the case of public infrastructure, the location of the Historically Significant Tree precludes construction of necessary public

infrastructure improvements and, in the opinion of the City Engineer and the City's Urban Forester, design alternatives to accomplish the necessary public infrastructure and preservation of the Tree are not feasible; *and/or*

6. A non-emergency tree hazard exists where failure of *the Historically Significant Tree* is anticipated but is not imminent, and the Tree site is stabilized. In such situations, *an Historically Significant Tree* is determined to be hazardous or in serious decline for reasons including, but not limited to, storm damage, structural defects, poor past pruning methods, history of failure, and disease. This determination must be based on a Hazard Tree Evaluation that has been performed by an ISA Certified Arborist or ASCA Consulting Arborist trained in this method and the associated report which must be filed with the Director and the City's Urban Forester. Removal may only occur following the City's Urban Forester's review and approval of the Hazard Tree Evaluation which recommends for removal of the tree.

#### **2.9.110.04 - Documentation Required Prior to Demolition of a Designated Historic Resource**

- a. Documentation of a Designated Historic Resource that has been approved for Demolition through the issuance of a Historic Preservation Permit shall occur using one or more of the methods outlined in "1" through "3," below. The method(s) of documentation shall be specified in the Historic Preservation Permit. The required documentation must ~~be have been~~ approved by the Director prior to the issuance of a building permit for demolition.
  1. Documentation using *guidelines in the* Historic American Buildings Survey ~~guidelines~~ (includes architectural drawings, photographs, and historical narrative);
  2. Documentation by cataloging historic and contemporary photographs of the Designated Historic Resource and site; or
  3. Documentation by salvaging *Historically Significant* architectural *elements* or ~~historic~~ artifacts from the Designated Historic Resource and site.

b. Dispensation of Documentation Materials:

1. Original documentation materials shall remain the property of the owner of the Designated Historic Resource being demolished;
2. Copies of documentation materials identified in Sections "a.1" and a.2," above, shall be submitted to the Director for storage by the City or its designee; *and*
3. The Director may require an applicant to submit a plan for dispensing of the documentation materials identified in Section "a.3," above. The plan shall describe all re-use, sale, donation, or other actions investigated by the applicant.

**2.9.110.05 - Status of Properties for Which Demolition Approved**

- a. **Local Register Designated Historic Resources** - If approval has been granted for the Demolition of a ~~Local Register~~ *Locally*-designated Historic Resource, the Historic Preservation Overlay may be removed through use of the District Change provisions of Chapter 2.2 - *Development District Changes*, following the effective date of the approved Historic Preservation ~~Demolition~~ Permit, and provided the applicable provisions of Chapter 2.2 - *Development District Changes* are met. Once the City's Historic Preservation Overlay has been removed, the affected resource shall no longer be subject to the provisions of this Chapter.
- b. **Historic Resources listed in the National Register of Historic Places** - The City shall notify the State Historic Preservation Office when a Historic Preservation Permit authorizing the Demolition of a *Designated* Historic Resource listed in the National Register of Historic Places becomes effective. A proposed delisting of such a *Designated Historic Resource* shall be processed through state and federal procedures. Upon receipt of official notification from the *Oregon State Historic Preservation Office (SHPO)* that a delisting has occurred and is in effect, and when the affected *Designated Historic Resource* is not also listed in the Local Register, the affected *Designated Historic Resource* shall no longer be subject to the Historic Preservation Provisions of this Code. Upon receipt of official notification from SHPO that a delisting has occurred and is in effect, and when the affected resource is still listed in the Local Register, a District Change consistent with the provisions in Chapter 2.2 - *Development District Changes* pertaining to the removal of the related Historic Preservation Overlay would need to be approved for the Designated Historic

Resource to no longer ~~to~~ be subject to the Historic Preservation Provisions of this Code (see "a" above).

### **2.9.110.06 - Temporary Stay of Demolition Building Permit for Publicly-owned Historic Resources Subject to a Pending Nomination for Listing in the National Register of Historic Places**

- a. If the Director has received from the State Historic Preservation Office official notification that a publicly-owned historic resource is the subject of a nomination application to list the resource in the National Register of Historic Places, and the nomination application is currently being reviewed by the State Historic Preservation Office and/or the National Park Service, a building permit shall not be issued for the demolition of that publicly-owned historic resource for the period that the nomination application is under review, provided:
1. The Director's receipt of official notification of the pending nomination of the publicly-owned historic resource for listing in the National Register of Historic Places occurred prior to the Director's receipt of an application for a building permit for demolition of the affected publicly-owned resource;
  2. For a pending National Register of Historic Places Historic District nomination, if applicable, the temporary stay of the demolition building permit applies only to any publicly-owned resources *proposed for classification* as "Historic/Contributing" or "Historic/Noncontributing" in the nomination application. Any publicly-owned resources *proposed for classification* as "Nonhistoric/Noncontributing" in the nomination application are not subject to this Section's stay requirement;
  3. For a pending nomination for a historic resource proposed to be individually listed in the National Register of Historic Places, if applicable, this Section's temporary stay does not apply to the issuance of a demolition building permit for any publicly-owned resources on the subject site that are Nonhistoric (*as defined in Chapter 1.6 - Definitions*) ~~resources less than 50 years old~~; and
  4. The affected historic resource is owned by the City of Corvallis, Benton County, the Corvallis School District, a publicly-owned special district, the State of Oregon, and/or the federal government.
- b. **Removal of a Temporary Stay** - The temporary stay of the demolition permit shall end upon the Director's receipt of official notification from the Keeper of the National

Register, the National Park Service, and/or the State Historic Preservation Office regarding the final outcome of the proposed National Register of Historic Places listing. If the historic resource has been approved for listing in the National Register of Historic Places, the Demolition provisions of this Chapter apply in addition to any required building permits.

## **Section 2.9.120 - MOVING A DESIGNATED HISTORIC RESOURCE**

### **2.9.120.01 - Definition of Moving a Designated Historic Resource**

An activity is considered to be Moving a Designated Historic Resource when the activity:

- a. Is not an exempt activity as defined in Section 2.9.70.i;
- b. Is not an Alteration or New Construction to a Designated Historic Resource as defined in Section 2.9.100;
- c. Is not a Demolition as defined in Section 2.9.110; and
- d. Involves relocating the Designated Historic Resource, in whole or in part, from its current site to another location. Review of the Moving request shall be limited to an evaluation of the removal of the Designated Historic Resource from its current location. Evaluation of the installation of the Designated Historic Resource at its new location is considered an Alteration or New Construction, and shall occur in accordance with the provisions of Section 2.9.100, if the new site is within the City limits. If the proposed new site of the Designated Historic Resource is outside the City limits, no City evaluation of the resource's installation at that new site will occur because the City has no jurisdiction over such locations.

### **2.9.120.02 - Historic Preservation Permit Required for Moving a Designated Historic Resource**

An HPABHRC-level Historic Preservation Permit is required for all activities meeting the definition for Moving a Designated Historic Resource, per Section 2.9.120.01, above.

**2.9.120.03 - Review Criteria** - For an HPABHRC-level Historic Preservation Permit involving Moving of a Designated Historic Resource, the following review criteria shall be used , as applicable:

- a. Evaluation of the current and potential future Historic Significance and *Historic Integrity* of the *Designated Historic Resource* , independent of its setting.
- b. The review criteria in Section 2.9.110.03.b, but with respect to Moving instead of Demolition.
- c. Moving the Designated Historic Resource will save it from demolition.
- d. Moving the *Designated Historic Resource* has benefits that outweigh the detrimental impact of removing the resource from its designated site.

**2.9.120.04 - Documentation Required Prior to Moving for a HPABHRC-level Historic Preservation Permit Issued for Moving a Designated Historic Resource**

A Designated Historic Resource that has been approved for Moving through the issuance of a HPABHRC-level Historic Preservation Permit shall be documented in accordance with Section 2.9.110.04, but with respect to Moving instead of Demolition, as applicable.

**2.9.120.05 - Status of Properties for Which Moving *is* Approved**

- a. **Local Register Historic Resources** - If approval has been granted for the Moving a ~~Local Register~~ *Locally-designated* Historic Resource, the Historic Preservation Overlay may be removed from the site from which the *Designated Historic Resource* is being moved, through use of the District Change provisions of Chapter 2.2 - *Development District Changes*, following the effective date of the approved Historic Preservation Permit for Moving. Once the City's Historic Preservation Overlay has been removed, the affected resource site shall no longer be subject to the provisions of this Chapter.
- b. **Historic Resources listed in the National Register of Historic Places** - The City shall notify the State Historic Preservation Office when a Historic Preservation Permit authorizing the Moving of a *Designated* Historic Resource listed in the National Register of Historic Places becomes effective. The Historic status of the original site shall be addressed in accordance with Section 2.9.110.05.b, except with respect to Moving instead of Demolition.

## 2.9.130 - ADMINISTRATIVE

### 2.9.130.01 - Enforcement

The Director shall administer and enforce these regulations and, to ensure compliance with these regulations, is authorized to take any action authorized by Chapter 1.3 - Enforcement, *as well as those contained in Section 2.9.130.02, below.*

### 2.9.130.02 - Ordered Remedies

- a. Violations of these regulations shall be remedied in accordance with Chapter 1.3 - Enforcement. Additionally, if an after-the-fact Historic Preservation Permit is required to address a Violation of these regulations, the decision-maker for that Historic Preservation Permit shall have full authority to implement these regulations, regardless of what improvements have been made in violation of these regulations. This includes requiring the *Designated Historic Resource* to be restored to its appearance or setting prior to the Violation, unless this requirement is amended by the decision-maker. This civil remedy shall be in addition to, and not in lieu of, any other criminal or civil remedy set out in this Chapter and/or Chapter 1.3 - *Enforcement*.
  
- b. Where the Alteration or New Construction, Demolition, or Moving of a *Designated Historic Resource* within a National Register of Historic Places Historic District or on any individually-listed property is in violation of these regulations, that *Designated Historic Resource* is protected by these regulations. Any person who intentionally causes or negligently allows the Alteration or New Construction, Demolition, or Moving of any *Designated Historic Resource* shall be required to restore or reconstruct the *Designated Historic Resource* in accordance with the pertinent architectural characteristics, guidelines and standards adopted by this Chapter. These remedies are in addition to any other civil or criminal penalty set out in this Chapter and/or Chapter 1.3 - *Enforcement*.

~~(NOTE: The table at the end of the existing Chapter 2.9 is not reproduced below. Following review of the draft chapters, the City's decision makers and staff can consider whether or not a replacement table would be appropriate.)~~



**COUNCIL TEXT AMENDMENT**  
**CHANGES TO EXISTING**  
**CODE TEXT INDICATED IN**  
**RED-LINE/DOUBLE UNDERLINE OR STRIKEOUT FONTS**

**COUNCIL CHANGES IN ITALICS**

**CHAPTER 2.16**  
**REQUEST FOR INTERPRETATION**  
*(last revised 5-24-06)*

**Section 2.16.10 - BACKGROUND**

Property owners and developers often seek interpretations of the Land Development Code or Comprehensive Plan from the Director or other City staff persons. These interpretations may be "legislative" in that they apply to a large geographic area, for example all properties within a given development district, or they may be "quasi-judicial", applying to a specific site or area. Through the process identified in this chapter an applicant can obtain an official written interpretation from the City.

**Section 2.16.20 - PURPOSES**

Requests for interpretation may be made for the following purposes:

- a. Assure uniformity of Code and Comprehensive Plan interpretations through a formal process; and,
- b. Provide for a reasonable opportunity to appeal staff interpretations while protecting owners, users or developers of property from appeals that might otherwise be filed after an unreasonable delay.

**Section 2.16.30 - PROCEDURES**

A request for an interpretation of this Code or Comprehensive Plan shall be accomplished by the following procedures:

**2.16.30.01 - Application Requirements**

Any person may file a request for interpretation. Requests shall be in writing that is legible, reproducible and readily understood. The form of the request shall be as specified by the Director.

**2.16.30.02 - Acceptance of Application**

The Director shall review a request for interpretation within 10 days to verify that the request meets the requirements specified above. If a request for interpretation does not meet those requirements, the applicant shall be notified and given the opportunity to correct the deficiency. The Director may consult with the City Attorney to determine whether the request is legislative or quasi-judicial.

### **2.16.30.03 - Public Notice Prior to a Quasi-Judicial Decision**

- a. The Director shall notify affected parties that a request for a quasi-judicial interpretation has been filed.
- b. "Affected parties" shall mean any owner and occupants of property within 100 ft of the subject property and any other resident owner of property whom the Director determines is affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.
- c. The notice will state that all comments concerning the interpretation must be in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:
  1. Street address or other easily understood geographical reference to the subject property;
  2. Applicable criteria for the decision;
  3. Place, date and time comments are due;
  4. Indicate that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
  5. Include name and phone number of staff contact person;
  6. State that notice of disposition shall be provided to the applicant and any person who submits comments;
  7. An explanation of appeal rights;
  8. A summary of the local decision making process.

### **2.16.30.04 - Staff Evaluation**

After accepting a request for an interpretation meeting the requirements specified above, the Director may route copies of the request to other City divisions or departments for comments or suggestions regarding the interpretations.

### **2.16.30.05 - Action by Director**

- a. Within 30 calendar days after acceptance of a completed request for interpretation, the Director shall respond with a written interpretation. The Director shall clearly state the interpretation being issued and basis for such interpretation.
- b. The Director may interpret provisions of the Code or Comprehensive Plan, but shall not issue any legal opinion or interpretation of case law.
- c. The Director is not authorized to issue any interpretation that could have the effect of prejudging any application required by another chapter of this Code.

- d. Interpretations by the Director are advisory only and do not bind the Land Development Hearings Board, Historic Resources Commission Preservation Advisory Board, Planning Commission, or City Council in making their decisions.
- e. The Director may modify previously issued interpretations if there are specific circumstances that warrant such notification.

#### **2.16.30.06 - Notice of Disposition**

A notice of disposition and all applicable information shall be available in the Planning Division of the Community Development Department. Notification of the disposition shall also be provided to the public in the following ways:

- a. **Legislative Interpretation:** Notice shall be published in a newspaper of general circulation in Corvallis that includes a statement of the decision and reasons leading to it, and appeals period deadline.
- b. **Quasi-judicial Interpretation:** The Director shall provide the applicant with a notice of disposition that includes a written statement of the decision, a reference to findings leading to it, any conditions of approval, and appeal period deadline. A notice of disposition shall also be mailed to persons who provided written comment on the mailed notice.

#### **2.16.30.07 - Appeals**

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.

#### **2.16.30.08 - Effective Date**

- a. **Legislative Interpretation:** The decision of the Director shall become effective 12 days from the date that the notice of disposition is published, unless an appeal is filed.
- b. **Quasi-judicial Interpretation:** The decision of the Director shall become effective 12 days from when the notice of disposition is signed, unless an appeal is filed.

**COUNCIL TEXT AMENDMENT**  
**CHANGES TO EXISTING**  
**CODE TEXT INDICATED IN**  
**RED-LINE/DOUBLE UNDERLINE OR STRIKEOUT FONTS**

**COUNCIL CHANGES IN ITALICS**

**CHAPTER 2.19**  
**APPEALS**

(Excerpt; Last revised 5-24-06)

**Section 2.19.10 - BACKGROUND**

This Code is intended to permit flexibility in achieving the goals of the Comprehensive Plan. Some provisions of this Code therefore allow considerable discretion in decisions made making by the City Council and its agencies and officers.

Criteria and standards have been adopted as part of this Code to ensure consistency in land use and limited land use ~~discretionary~~ decisions. To ensure due process, it is also necessary to provide for review of land use and limited land use ~~discretionary~~ decisions that are perceived to be ~~allegedly~~ inconsistent with the Comprehensive Plan and/or the requirements of this Code.

**Section 2.19.20 - PURPOSES**

Procedures and requirements in this chapter are established for the following purposes:

- a. Provide an appeal process wherein parties affected by ~~discretionary~~ land use decisions may request review of such decisions;
- b. Establish the basis for valid appeals;
- c. Establish who may appeal land use or limited land use ~~discretionary~~ decision; and
- d. Provide for timely review of appeals.

## Section 2.19.30 - PROCEDURES

Appeals shall be filed and reviewed in accordance with the following procedures:

### 2.19.30.01 - General Provisions

- a. Every decision relating to the provision of this Code substantiated by findings of every board, commission, committee, hearings officer, and official of the City is subject to review by appeal in accordance with the provisions of this chapter.
- b. **Staying of Decisions**
  1. The filing of an appeal to a higher level of City hearings authority, in accordance with the provisions of this chapter, shall initiate the appeal process and stays the order or decision appealed. The process shall include adequate public notice, a public hearing, and preparation of findings by the hearing authority that either affirms, amends, or reverses the decision appealed.
  2. A final decision by the City that is appealed to a State agency shall be stayed only through the relevant State procedures. When State procedures do not require the stay of a final decision, applicants may obtain development and/or site improvement permits. However, applicants will be proceeding at their own risk, pending the outcome of the appeal.
- c. All hearings on appeals shall be held de novo (as a new public hearing). For any appeal, the record of the decision made before the lower level of City hearing authority shall be part of the staff report on appeal.

### 2.19.30.02 - Hearings Authority

- a. Appeals from decisions of the Director shall be reviewed by the Land Development Hearings Board, except that appeals of Historic Preservation Permit decisions by the Director shall be reviewed by the Historic Resources Commission Preservation Advisory Board, and appeals of Administrative District Change decisions by the Director shall be reviewed by the City Council. The definition of an Administrative District Change is contained within Section 2.2.50.b.
- b. Appeals from decisions of the Building Official that relate to the enforcement of Land Development Code requirements shall be reviewed by the Land Development Hearings Board.
- bc. Appeals from decisions of the City Engineer shall be reviewed by the Land Development Hearings Board.
- cd. Appeals from decisions of the Planning Commission, or the Land Development Hearings Board, or the Historic Resources Commission Preservation Advisory Board shall be reviewed by the City Council.

- de.** Appeals from decisions of the City Council shall conform with applicable ORS provisions.

### **2.19.30.03 - Standing**

Appeals may only be filed by parties affected by a ~~discretionary~~ land use or limited land use decision. For purposes of this chapter "affected parties" shall include any of the following:

- a. The applicant or the applicant's authorized agent.
- b. Any person who testified orally or in writing before the hearing authority ~~decision-maker~~ whose decision is being appealed.
- c. Any neighborhood organization that testified orally or in writing before the hearing authority ~~decision-maker~~ whose decision is being appealed.
- d. Any City agency, officer, or department that is responsible for provision of City facilities and services to the proposed development.
- e. Ten registered voters who are City residents.
- f. Any person who was mailed a copy of the Notice of Disposition for a Director-level Historic Preservation Permit.
- fg. Any person who is entitled to appeal a land use or limited land use decision pursuant to State law.

### **2.19.30.04 - Appeal Periods**

Appeals ~~must have been~~ shall be filed within 12 days ~~from the date that a notice of disposition~~ after a decision is signed. In the case of a legislative interpretation of the Code or the Comprehensive Plan, an appeal must have been be filed within 12 days of a published notice of such interpretation. Appeals to the State Land Use Board of Appeals shall be made in accordance with the provisions of State law.

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. Where the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the next work day.

### **2.19.30.05 - Filing Requirements**

Appeals shall be filed in writing with the City Recorder and shall include the following:

- a. Name and address of the appellant;
- b. Reference to the subject development and case number, if any;

- c. Statement of the specific grounds for the appeal, stated in terms of specific review criteria applicable to the case;
- d. Statement of the ~~applicant's~~ appellant's standing to appeal as an affected party; and
- e. Appropriate filing fee.

#### **2.19.30.06 - Notice and Hearing**

- a. The Director shall schedule a public hearing for complete and properly filed appeals ~~for a public hearing.~~ Such hearing is to be held not later than 60 days after the receipt of the notice of appeal. ~~Appeals that are not complete or properly filed~~ Incomplete or improperly filed appeals shall be referred to the hearing authority for dismissal as noted in "b" below.
  - 1. The hearing authority shall give notice of the time, place, and particular nature of the appeal. ~~At least 10 days prior to the hearing, notice shall be published in the newspaper; and~~ At least 20 days prior to the hearing, notice shall be sent by mail to the appellant(s), to the applicant ~~(in the event they are not one and the same),~~ to the property owner(s) if different from the applicant, and to those persons and neighborhood organizations ~~who~~ that originally received notice of the application, and to anyone who testified or submitted written information for the record of the case. ~~In the event that~~ If the decision being appealed was the Director's ~~an administrative decision of the Director,~~ notice shall be provided to residents and owners of properties within 100 ft. of the subject property.
  - 2. Public Hearings shall be conducted in accordance with Chapter 2.0 - Public Hearings.
- b. Appeals that are ~~not complete~~ incomplete, filed late, or improperly filed may be denied by the hearing authority without further review.

#### **2.19.30.07 - Effective Date of Decision**

Unless an appeal has been filed, ~~a~~ Approval of any development request shall become effective upon expiration of the appeal period. Where the hearing authority is the City Council, the effective date for filing an appeal with the State Land Use Board of Appeals (LUBA) shall be in accordance with the provisions of State Law ~~21 days after the notice of disposition of the Council's action has been mailed.~~

## COUNCIL TEXT AMENDMENT

### CHANGES TO EXISTING CODE TEXT INDICATED IN RED-LINE/DOUBLE UNDERLINE OR STRIKEOUT FONTS

### COUNCIL CHANGES IN ITALICS

#### CHAPTER 3.31 HPO (HISTORIC PRESERVATION OVERLAY) DISTRICT (Last revised 5-24-06)

The City of Corvallis recognizes that historic resources located within its boundaries contribute to the unique character of the community and merit preservation. The City's Historic Preservation Overlay District provisions assist in implementing the policies in Comprehensive Plan Article 5.4 - Historic and Cultural Resources. The Historic Preservation Overlay (HPO) District designation applies to all ~~structures and sites~~ historic resources listed on in the Corvallis Register of Historic Landmarks and Districts (Local Register). The procedural provisions implementing this Chapter are located in Article II - Administrative Procedures. These Provisions also conform with Statewide Planning Goals and other state land use requirements.

A Historic Preservation Overlay District Designation does not apply to Designated Historic Resources listed in the National Register of Historic Places unless those resources are also listed in the Local Register. However, National Register of Historic Places resources are subject to the City's Historic Preservation Provisions in Chapter 2.9, and all other provisions of this Code that apply to Designated Historic Resources.

Historic resources are listed in the National Register of Historic Places consistent with state and federal processes and criteria. Official action at the local level is not required as part of the National Register of Historic Places designation process. However, if a property owner wishes to list a Nationally-designated Historic Resource in the Local Register, a District Change to add a Historic Preservation Overlay is required. A Nationally-designated Historic Resource also is defined as a Designated Historic Resource and is subject to the City's Historic Preservation Provisions in Chapter 2.9, unless as otherwise specified under state and federal law. However, a Designated Historic Resource listed in the National Register of Historic Places may or may not have a Historic Preservation Overlay. If it does, it is listed in the Local Register. If it does not, it is not listed in the Local Register.

*Because the City strives to encourage historic preservation, no fees are charged for the processing of District Changes that involve adding a Historic Preservation Overlay District to property(ies).*



### Section 3.31.10 - PURPOSES

This overlay district is intended to:

- a. Implement, through Chapter 2.9, historic and cultural resource policies of the Comprehensive Plan Article 5.4 - Historic and Cultural Resources; and
- ~~b. Encourage preservation, rehabilitation, and adaptive use of structures and sites that are indicative of Corvallis' history, and architectural, and cultural heritage;~~
- ~~c. Encourage the preservation, rehabilitation, and adaptive use of designated historic resources that are representative of Corvallis' heritage;~~
- b. Encourage, effect, and accomplish the protection, enhancement, and perpetuation of such historic resource improvements and of historic districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
- c. Complement any National Register of Historic Places Historic Districts in the City;
- d. Foster civic pride in the beauty and noble accomplishments of the past; and
- e. Promote the use of historic districts and landmarks for education, pleasure, energy conservation, housing, and public welfare of the City.

### Section 3.31.20 - PERMITTED USES

Uses permitted ~~in the HPO~~ for properties with an Historic Preservation Overlay District designation shall be the same as uses permitted in the underlying Development District.

### Section 3.31.30 - IMPLEMENTATION

Chapters 2.2 and 2.9 contains procedural requirements for the following:

- ~~a. Section 2.9.30 - Procedures for Historic Landmark and District Designation;~~
- ~~b. Section 2.9.40 - Procedures for Demolition or Moving an Historic Structure;~~
- ~~c. Section 2.9.50 - Procedures for Removing an Historic Designation; and~~
- ~~d. Section 2.9.60 - Procedures for Alternation of an Historic Resource.~~
- a. Section 2.2.40 - Quasi-Judicial Change Procedures for District Changes Subject to a Public Hearing
- b. Section 2.2.50 - Quasi-Judicial Change Procedures for Administrative District Changes
- c. Section 2.2.60 - Procedures for Reclassifying a Designated Historic Resource in a National Register of Historic Places Historic District
- d. Sections 2.9.100 - Alteration or New Construction Activities Involving a Designated Historic Resource

- e. Section 2.9.110 - Demolition Involving a Designated Historic Resource
- f. Sections 2.9.120 - Moving a Designated Historic Resource

## COUNCIL TEXT AMENDMENT

### CHANGES TO EXISTING CODE TEXT INDICATED IN RED-LINE/DOUBLE UNDERLINE OR STRIKEOUT FONTS

### COUNCIL CHANGES IN ITALICS

#### CHAPTER 4.0 IMPROVEMENTS REQUIRED WITH DEVELOPMENT (Excerpt; last revised 5-24-06)

##### Section 4.0.40 - PEDESTRIAN REQUIREMENTS

- a. Sidewalks shall be required along both sides of all arterial, collector, and local streets, as follows:
1. Sidewalks shall be a minimum of 5 ft wide on local through streets and a minimum of 4 ft wide on cul-de-sacs. The sidewalks shall be separated from curbs by a tree planting area that provides at least 6 ft of separation between sidewalk and curb.
  2. Sidewalks along arterial and collector streets shall be separated from curbs with a planted area. The planted area shall be a minimum of 12 ft wide and landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of 6 ft wide.
  3. The timing of the installation of sidewalks shall be as follows:
    - (a) Sidewalks and planted areas along arterial and collector streets shall be installed with street improvements.
    - (b) Sidewalks along local streets shall be installed in conjunction with development of the site, generally with building permits, except as noted in (c) below.
    - (c) Where sidewalks on local streets abut common areas, drainageways, or other publicly owned areas, the sidewalks and planted areas shall be installed with street improvements.
- b. Safe and convenient pedestrian facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:
1. For the purposes of this section, "safe and convenient" means pedestrian facilities that: are reasonably free from hazards which would interfere with or discourage pedestrian travel for short trips; provide a direct route of travel between

destinations; and meet the travel needs of pedestrians considering destination and length of trip.

2. To meet the intent of "b" above, pedestrian rights-of-way connecting cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft wide. When these connections are less than 220 ft long (measuring both the on-site and the off-site portions of the path) and they directly serve 10 or fewer on-site dwellings, the paved improvement shall be no less than 5 ft wide. Connections that are either longer than 220 ft or serving more than 10 on-site dwellings shall have wider paving widths as specified in Section 4.0.50.c.
3. Internal pedestrian circulation shall be encouraged in new developments by clustering buildings, constructing convenient pedestrian ways, and/or constructing skywalks where appropriate. Pedestrian walkways shall be provided in accordance with the following standards:
  - a) The on-site pedestrian circulation system shall connect the sidewalk on each abutting street to the main entrance of the primary structure on the site to minimize out-of-direction pedestrian travel.
  - b) Walkways shall be provided to connect the on-site pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.
  - c) Walkways shall be as direct as possible and avoid unnecessary meandering.
  - d) Walkway/driveway crossings shall be minimized, and internal parking lot circulation design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.
  - e) With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or maneuvering areas by grade, different paving material, or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City Engineer. (This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).
- c. Where a development site is traversed by or adjacent to a future trail linkage identified within either the Corvallis Transportation Plan or the Trails Master Plan, improvement of the trail linkage shall occur concurrent with development. Dedication of the trail to the City shall be provided in accordance with Section 4.0.110.d.
- d. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).
- e. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning

Commission or Director may require off-site pedestrian facility improvements concurrent with development.

- f.** Prior to development, applicants shall perform a site inspection and identify any Contractor Sidewalk/street Stamps in existing sidewalks that will be impacted by the development. If such a Contractor Sidewalk/street Stamp exists, it shall either be left in its current state as part of the existing sidewalk; or incorporated into the new sidewalk for the development site, as close as possible to the original location and orientation.

# COUNCIL TEXT AMENDMENT

## CHANGES TO EXISTING CODE TEXT INDICATED IN RED-LINE/DOUBLE UNDERLINE OR STRIKEOUT FONTS

### COUNCIL CHANGES IN ITALICS

#### CHAPTER 4.2 LANDSCAPING, BUFFERING, SCREENING (Excerpt; last revised 5-24-06)

##### Section 4.2.10 - PURPOSES

Corvallis recognizes the aesthetic and economic value of landscaping and encourages its use to establish a pleasant community character, unify developments, and buffer or screen unsightly features; to soften and buffer large scale structures and parking lots; and to aid in energy conservation by providing shade from the sun and shelter from the wind. The community desires and intends all properties to be landscaped and maintained.

This chapter prescribes standards for landscaping, buffering, and screening. While this chapter provides standards for frequently encountered development situations, detailed planting plans and irrigation system designs, when required, shall be reviewed by the City with this purposes clause as the guiding principle.

##### Section 4.2.20 - GENERAL PROVISIONS

- a. Where landscaping is required by this Code, detailed planting plans and irrigation plans shall be submitted for review with development permit application. Development permits shall not be issued until the Director has determined the plans comply with the purposes clause and specific standards in this chapter. Required landscaping for Planned Developments shall be reviewed and approved by the Planning Commission, and in no case shall landscaping be less than that required by this chapter. All required landscaping and related improvements shall be completed or financially guaranteed prior to the issuance of a Certificate of Occupancy, and shall provide a minimum 90 percent ground coverage within 3 years.
- b. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent right-of-way is the right and responsibility of the property owner, unless City ordinances

specify otherwise for general public and safety reasons. A City permit is required to plant, remove, or significantly prune any trees in a public right-of-way. Landscaping, buffering, and screening required by the Code shall be maintained. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind.

- c. Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Trees of 8-in. or greater diameter measured at a height of 4 ft above grade and shrubs (excluding blackberries, poison oak, and similar noxious vegetation) over 3 ft in height are considered significant. Plants to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be considered preserved only if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area 5 ft outside the tree's dripline. In addition, the tree shall be protected from damage during construction by a construction fence located 5 ft outside the dripline.
- d. Planters and boundary areas used for required plantings shall have a minimum diameter of 5 ft (2.5 ft radius, inside dimensions). Where the curb or the edge of these areas are used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of 7.5 ft.
- e. Irrigation systems shall be required in RS-12, RS-12(U), RS-20, PA-O, SA, SA(U) CS, LC, RTC, and LI districts unless waived by the Director. Irrigation systems are recommended for planting areas in all other districts to assure survival of plant materials. Where required, a detailed irrigation system plan shall be submitted with building permit application. The plan shall indicate source of water, pipe location and size, and specifications of backflow device. The irrigation system shall utilize 100 percent sprinkler head to head coverage or sufficient coverage to assure 90 percent coverage of plant materials in 3 years.
- f. In no case shall shrubs, conifer trees, or other screening be permitted within vision clearance areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles.
- g. Definitions, procedures, and review criteria for the removal of a Historically Significant Tree are located in Chapter 1.6 - Definitions and Sections 2.9.80.b, 2.9.90.02.a.11, 2.9.110.01.e, and 2.9.110.03.d of Chapter 2.9 - Historic Preservation Provisions.

## COUNCIL TEXT AMENDMENT

### CHANGES TO EXISTING CODE TEXT INDICATED IN RED-LINE/DOUBLE UNDERLINE OR STRIKEOUT FONTS

#### COUNCIL CHANGES IN ITALICS

#### CHAPTER 4.7 CORVALLIS SIGN REGULATIONS

(Excerpt; last revised 5-24-06)

##### Section 4.7.70 - EXEMPTIONS FROM SPECIFIC REQUIREMENTS OF REGULATIONS

The following types of graphic communication are exempted from one or more requirements of this chapter, but shall comply with other applicable provisions. They are not subject to allocation limits specified in Sections 4.7.80 and 4.7.90 below. Limitations on number and size of these classes of signs, if any, are noted below.

- a. Signs erected in a public right-of-way by the City, Benton County, the State of Oregon, the U.S. Government, a public utility, or an agent including:
  - ▶ Street identification signs;
  - ▶ Traffic control, safety, warning, hazard, construction, and related signs.
- b. One official national, state, and local government flag or banner per property when installed in a manner that meets City ordinances and when flown and maintained with the respect due to these symbols of honor and authority, as specified by the U. S. Flag Code are exempt from the provisions of these regulations. As per Section 4 of the Flag Code, the American flag should never be used for advertising purposes in any manner.

The flag structure shall not exceed 20 ft or 110 percent of the maximum height of the primary structure on the property, whichever is greater. All structures over 10 ft in height supporting flags require a Building Permit and an inspection(s) of the footing and structure, as per the Corvallis Building Code, prior to installation of the structure.

- c. Campaign signs shall be exempt from the permit requirements and allocational limitations of these regulations;
- d. Signs required by City ordinance, County ordinance, or State or Federal law are exempt from the provisions of these regulations. Examples include address numbers, street names, public notices, restaurant health inspection ratings, handicapped access signs, and Civil Defense Shelter signs.
- e. For Designated Historic Resources listed ~~on~~ in the Local and/or National Historic Register of Historic Places, as "historic contributing," one permanent memorial sign or tablet



per property that displays only historical information (official historic name of a building, date of erection, and/or logo) is exempt from the provisions of these regulations. To be exempt, the dimensions and design of such memorial signs or tablets shall be consistent ~~sign must be designed and placed consistent~~ with guidelines established by the Corvallis Historic Resources Commission Preservation Advisory Board. ~~Sign area may not exceed 10 sq. ft.~~

- f. Permanent signs directing and guiding traffic and parking on private property, not to exceed 6 sq. ft and limited to 1 sign per driveway entrance or street frontage are exempt from the provisions of these regulations. Other signs that designate reserved parking spaces or are related to traffic or parking regulations, if limited to 2 sq. ft, are also exempted.
- g. A non-illuminated blade sign (1 per entrance to a building) placed above a walkway and under weather-protecting awnings, marquees, and parapets is exempt from the sign area limits of Sections 4.7.80 and 4.7.90 below and limitation of 2 attached signs per occupant or business. An approved permit is required prior to installation. (See Section 4.7.80.06 below for additional blade sign standards.)
- h. Signs that communicate only to persons inside buildings or building complexes, or private property shall be exempt from the provisions of these regulations.
- i. Signs, decorations, and displays inside of windows or attached to the inside of a window are exempt from these requirements, except signs prohibited by 4.7.50 (a,b,c,e, and i) shall not be visible from outside of the building.
- j. Temporary signs conforming with this chapter shall be exempt from the permit requirements.

#### **4.7.90.06 - Sign Standards for Designated Historic Resources ~~the Historic Preservation (HP) District~~**

A proposed sign to be placed on a building or for a Designated Historic Resource ~~property in a Historic Preservation District~~ shall comply with both the provisions of these regulations and Chapter 2.9 - Historic Preservation Provisions.

# COUNCIL TEXT AMENDMENT

## CHANGES TO EXISTING CODE TEXT INDICATED IN RED-LINE/DOUBLE UNDERLINE OR STRIKEOUT FONTS

### COUNCIL CHANGES IN ITALICS

#### CHAPTER 4.9 ADDITIONAL PROVISIONS (Excerpt; last revised 5-24-06)

##### Section 4.9.60 - WIRELESS TELECOMMUNICATION FACILITIES

###### 4.9.60.01 - Siting Criteria and Review Procedures

Wireless Telecommunication Facilities (as defined in Chapter 3.0) may be approved as an outright permitted use, or may require Plan Compatibility Review in accordance with Chapter 2.13 or Conditional Development approval in accordance with Chapter 2.3, depending on the type of facility (colocated/attached or freestanding) and its proposed location. Uses that are permitted outright require building permits only. All facilities located in the Willamette River Greenway District Overlay are subject to the provisions of Chapter 3.30 - Willamette River Greenway District Overlay. All facilities located on ~~Historic Preservation District Overlay~~ Designated Historic Resources properties are subject to the provisions of Chapter 2.9 - Historic Preservation Provisions. All Wireless Telecommunication Facilities and their related appurtenances located in areas with a Planned Development Overlay (except residential districts) are exempted from the requirements to have an approved Conceptual Development Plan and/or Detailed Development Plan in accordance with Chapter 2.5, Sections 2.5.40 and 2.5.50. Facilities proposed to be located in residential districts with a Planned Development Overlay shall be treated as a minor modification to the approved Conceptual and/or Detailed Development Plan and processed accordingly.

## **EXHIBIT C**

**Complete Staff Report to the City Council,  
Dated April 11, 2006, and  
Including Attachments**

This reproduction does not include this Exhibit, due to its length. If you would like to see the full Exhibit, it is available at:

- The City of Corvallis Planning Division at 501 SW Madison Avenue, Upper Floor, Corvallis, OR 97333; and
  - By end of the day on Monday, June 12, 2006, the documents may be viewed at:  
<http://www.ci.corvallis.or.us/index.php?option=content&task=view&id=1754&Itemid=203>
- 6

## EXHIBIT D

### City Council Minutes Including:

- April 24, 2006, Public Hearing;
- May 8, 2006, Deliberations;
- May 22, 2006, Deliberations; and
- June 5, 2006, Deliberations & Adoption of Ordinance

This reproduction does not include this Exhibit, due to its length. If you would like to see the full Exhibit, it is available at:

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<http://www.ci.corvallis.or.us/index.php?option=content&task=view&id=1754&Itemid=203>  
6

## **Exhibit E**

**Supplemental Staff Memo Dated May 3, 2006**

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- By end of the day on Monday, June 12, 2006, the documents may be viewed at:  
<http://www.ci.corvallis.or.us/index.php?option=content&task=view&id=1754&Itemid=203>

## **Exhibit F**

### **Two Supplemental Staff Memos Dated May 16, 2006**

This reproduction does not include this Exhibit, due to its length. If you would like to see the full Exhibit, it is available at:

- The City of Corvallis Planning Division at 501 SW Madison Avenue, Upper Floor, Corvallis, OR 97333; and
- By end of the day on Monday, June 12, 2006, the documents may be viewed at:  
<http://www.ci.corvallis.or.us/index.php?option=content&task=view&id=1754&Itemid=2036>

## **Exhibit G**

### **Two Supplemental Staff Memos Dated May 18, 2006**

This reproduction does not include this Exhibit, due to its length. If you would like to see the full Exhibit, it is available at:

- The City of Corvallis Planning Division at 501 SW Madison Avenue, Upper Floor, Corvallis, OR 97333; and
- By end of the day on Monday, June 12, 2006, the documents may be viewed at:  
<http://www.ci.corvallis.or.us/index.php?option=content&task=view&id=1754&Itemid=2036>