



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/1/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Corvallis Plan Amendment
DLCD File Number 004-10

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: Tuesday, November 16, 2010

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Bob Richardson, City of Corvallis
Gloria Gardiner, DLCD Urban Planning Specialist
Amanda Punton, DLCD Regional Representative
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

OCT 27 2010

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: City of Corvallis

Local file number: LDT10-00003

Date of Adoption: October 18, 2010

Date Mailed: October 26, 2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Legislative Land Development Code Text Amendment affecting Chapter 2.9-
Historic Preservation Provisions with minor amendments to chapters 1.6-Definitions
4.0-Improvements Required with Development, 4.2-Landscaping, Buffering, Screening +
Lighting, and 4.7-Sign Regulations

Does the Adoption differ from proposal? Please select one

The City Council made minor changes to the Amendment as recommended
by the Corvallis Historic Resources Commission, and Planning Commission.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment... was

45-days prior to first evidentiary hearing? was

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 004-10 (18373) [16374]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Bob Richardson Phone: (541) 766 - 6908 Extension: 5124
Address: 501 SW Madison Ave Fax Number: 541 - 754 - 1792
City: Corvallis Zip: 97339 - 1083 E-mail Address: Robert.Richardson@ci.corvallis.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.



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

SCANNED

CORVALLIS CITY COUNCIL NOTICE OF DISPOSITION

Date: 10.19.10 By: JHE

ORDER 2010-068

CASE: LDT10-00003 - Historic Preservation Provisions, Legislative Land Development Code Text Amendment

REQUEST: Legislative Land Development Code Text Amendment to amend the City's Historic Preservation Provisions (Chapter 2.9 and other related Chapters of the Code). The affected Chapters include 1.6 - Definitions; 2.9 - Historic Preservation Provisions 4.0 - Improvements Required with Development; 4.2 - Landscaping, Buffering, Screening; and 4.7 - Corvallis Sign Regulations.

LOCATION: The proposal applies Citywide to all Designated Historic Resources. Designated Historic Resources (Resources) include: Individually Listed Resources in the Corvallis Register of Historic Landmarks and Districts (Local Register) and the National Register of Historic Places (National Register); Resources within the City's National Register Historic Districts, which include the Avery-Helm, College Hill-West, and Oregon State University Historic Districts; and public and private street rights-of-way within and adjacent to Historic Districts.

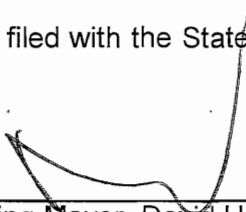
APPLICANT: City of Corvallis
PO Box 1083
Corvallis, OR 97339

DECISION:

The Corvallis City Council conducted, after proper legal notice, a public hearing concerning LDT10-00003 and deliberated on October 4, 2010. Interested persons and the general public were given an opportunity to be heard. The City Council found that the Legislative Land Development Code Text Amendment, as amended during the Council's deliberations on October 4, 2010, should be approved, and unanimously adopted Ordinance 2010-20. The formal findings for the Council's decision are included in Ordinance 2010-20.

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.



Acting Mayor, David Hamby
City of Corvallis

October 18, 2010
Date Signed

Attached: Ordinance: 2010-20

ORDINANCE 2010- 20

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 Historic Resources Commission after holding two duly advertised special public workshops, and one regular public meeting, has forwarded its recommendation to the Planning Commission concerning a request for a Legislative Amendment to the Land Development Code;

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 1.6 - Definitions; Chapter 4.0 - Improvements Required with Development; Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting; and Chapter 4.7 - Corvallis Sign Regulations;*

Whereas, the City Council held a duly-advertised public hearing concerning the proposed Legislative Amendment to the Land Development Code on October 4, 2010, and interested persons and the general public were given an opportunity to be heard;

Whereas, the Council has reviewed the public testimony and the recommendations of the Planning Commission, City Staff, and the Historic Resources Commission;

Whereas, findings of fact have been prepared by Staff, which consist of the formal findings attached hereto as Exhibit A; the final marked-up version of this Amendment including all affected Land Development Code Chapters, attached hereto as Exhibit B; and the final version of this Amendment with respect to Chapter 2.9 - Historic Preservation Provisions, attached hereto as Exhibit C

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 other applicable policies;

NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

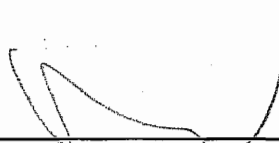
Section 1. The Land Development Code is amended as shown by the provisions contained in Exhibits B and C.

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 18th Day of October, 2010.

APPROVED by the Mayor this 18th Day of October, 2010.

Effective this 18th Day of October, 2010.



Acting Mayor

ATTEST:



City Recorder

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) LDT10-00003
(LDC) as proposed and as modified by the Council in)
Ordinance 2010-___, 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 Provisions. 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 March 15, 2010, through adoption of the 2010 Planning Division work plan. The Historic Resources Commission held a special workshops, open to the public, on June 22 and July 27, 2010, to consider draft revisions to Chapter 2.9. On August 10, 2010, during a regularly scheduled public meeting, the HRC forwarded its unanimous recommendation for approval of the Text Amendment to the Planning Commission. 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 September 1, 2010. The Planning Commission forwarded its unanimous recommendation for approval to the City Council, subject to one recommended change as described in the minutes from that meeting, and in the Findings presented below.

In accordance with Land Development Code Section 1.2.80.03, the City Council held a duly-advertised de novo public hearing on October 4, 2010, to consider this Legislative Text Amendment to the Land Development Code. On the same date, the City Council closed the public hearing and deliberated on the Legislative Text Amendment. During deliberations, the Council modified the proposed text in Sections 2.9.70.v - Installation of New or Expanded Pathways, 2.9.100.03.b - Replacement Using Dissimilar Materials or a Different Design or Style for Select

ORDINANCE EXHIBIT A.1

and Limited Site Features, and 2.9.100.03 regarding Driveway Width Expansions. During deliberations, the Council also corrected typographical errors in Sections 2.9.100.01.b and 2.9.100.03.b to be consistent with the Planning Commission's recommendation. The correction to Section 2.9.100.03.b caused subsequent Sections to be re-lettered.

On October 18, 2010, the City Council held a public meeting to review an Ordinance and formal findings regarding the Legislative LDC Text Amendment. During that meeting the City Council made corrections to Sections 2.9.100.04.a, subsections 8-13. These corrections resulted in accurate cross-references and also slightly modified certain sentences within the noted subsections to be consistent with the City Council decision regarding the Legislative LDC Text Amendment made on October 4, 2010.

The members of the City Council voted unanimously to APPROVE the Legislative Amendment to the Land Development Code as recommended by the Planning Commission and modified by the Council, subject to review and approval of these findings, and subject to the changes reflected in Exhibit B of this implementing Ordinance 2010-___, adopted October 18, 2010.

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 September 27, 2010, and its attached Exhibits.

FINDINGS RELATING TO THE LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE

1. Background and City Council Text Amendment Goals

The Council notes that in July 2003, the City Council modified the City's Historic Preservation Provisions, 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 individually listed resources in the Corvallis Register of Historic Landmarks and Districts (Local Register).

The Council notes that on June 5, 2006, the Historic Preservation Provisions were again revised. The 2006 amendments were intended to improve upon the clarity and objectivity of the criteria and standards regulating Designated Historic Resources. The 2006 amendments also established the Historic Resources Commission (HRC), a quasi-judicial decision-making body.

The Council notes that the 2006 Legislative Text Amendment structured LDC Chapter 2.9 such that certain activities affecting Designated Historic Resource are Exempt from the need for a Historic Preservation Permit (HPP), and other activities are eligible for administrative, or Director-level review. The Council notes that any activity affecting a Designated Historic Resource that is not specifically identified as Exempt, or eligible for Director-level review, requires HPP review by the HRC.

The Council notes that since the 2006 Legislative Text Amendment, the HRC, Staff, and citizens have gained experience with the implementation of the Historic Preservation Provisions and have identified areas where the LDC provisions affecting Designated Historic Resource could be improved. The Council also notes, that since the 2006 Legislative Text Amendment, Oregon State University formed a National Register Historic District, which added 83 buildings, structures or sites regulated by the City's Historic Preservation Provisions. The OSU National Register Historic District encompasses approximately 180 acres of non-residentially zoned land, within which, new development activities may require approval of a Historic Preservation Permit.

The Council notes that due, in part, to the new OSU National Register Historic District, increased staff and HRC resources have been needed to review Historic Preservation Permit applications and to otherwise administer the provisions in Chapter 2.9. At the same time, the Council direction through past budget prioritization decisions has been to limit the staff resources devoted to the Historic Preservation Program.

ORDINANCE EXHIBIT A.3

The Council notes that when initiating the subject Legislative LDC Text Amendment, five goals were articulated. They are:

1. Implement relatively minor and uncontroversial changes within 6-9 months from initiation;
2. Improve customer service:
 - a. Result in a clearer and less complicated review process;
 - b. Save applicants time and money;
 - c. Address regularly recurring issues.
3. Result in efficient use of City personnel and financial resources;
4. Clarify the LDC, but not significantly alter the intent of existing provisions; and
5. Result in equitable treatment for all applicants.

Conclusions on Background and Text Amendment Goals

The Council finds that a number of shortcomings have been identified regarding the current Historic Preservation Provisions. In sum, many of the shortcomings are related to the type of review process required for certain activities, the use of unclear, overly complex, or conflicting Code language, and the inability of the current provisions to sufficiently address the different types of development that occur on residential and nonresidential Designated Historic Resource sites. The Council finds that the Legislative LDC Text Amendment achieves the goals articulated by the City Council. The Council finds that in achieving these goals, the Legislative LDC Text Amendment is in the interest of public necessity, convenience, and general welfare, as required by LDC Section 1.2.80.01.

2. Adequacy of the Public Record

The Council notes that the Legislative LDC Text Amendment affects Chapter 2.9 - Historic Preservation Provisions; Chapter 1.6 - Definitions; Chapter 4.0 - Improvements Required with Development; Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting; Chapter 4.7 - Corvallis Sign Regulations. The Council notes that amendments to the LDC were 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 March 15, 2010, by adoption of the 2010 Planning Division Work Program.

ORDINANCE EXHIBIT A.4

The Council notes that Planning Division staff developed an initial draft of the Legislative Amendment to the Land Development Code, which was discussed by the HRC during two public workshops held on June 22, and July 27, 2010. The Council notes that prior to the HRC workshops, public notice was mailed to all owners and occupants on record of Designated Historic Resources. The Council notes that during the HRC workshops, the HRC accepted public testimony regarding the proposed Text Amendment. The Council notes that on August 10, 2010, the HRC unanimously recommended that the draft LDC Text Amendment be forwarded to the Planning Commission and City Council for further consideration through the public hearing process.

The Council notes that, on September 1, 2010, the Planning Commission held a duly advertised public hearing to consider the draft Text Amendment recommended by the HRC. During this meeting Staff suggested one change to the draft revisions recommended by the HRC. This change was to the proposed new Section 2.9.70.w - Utility Meters, Pipes, and Venting. The Planning Commission also considered changes suggested in public testimony. The Planning Commission unanimously recommended that the City Council approve the draft LDC Text Amendment as recommended by the HRC, including the single Staff recommended modification. The Planning Commission also asked Staff to present the modifications suggested in public testimony to the HRC for its consideration.

The Council notes that on September 1, 2010, the Planning Commission received a written request to continue the public hearing. The Planning Commission decided not to continue the public hearing, noting that there was additional opportunity to testify before the City Council.

The Council notes that on September 14, 2010, the HRC considered the suggestions offered in public testimony and, per the Planning Commission request, made additional recommendations regarding the LDC Text Amendment. The Council notes that the Planning Commission recommendation, and the Staff recommendation regarding the revisions suggested in public testimony and reviewed by the HRC at the request of the Planning Commission, were presented in the September 27, 2010, Staff Report to the City Council.

The Council notes that in accordance with Section 1.2.80.03, it held a public hearing regarding the Legislative LDC Text Amendment on October 4, 2010, and heard public testimony regarding the Text Amendment. The Council notes that during the hearing one person, the Oregon State University (OSU) Senior Planner, representing OSU, testified in favor of the Text Amendment, and one person, representing the OSU Able Student Alliance, testified in opposition.

The Council notes that the testimony in opposition asserted that the Legislative LDC Text Amendment was developed and heard in a manner that violates the Americans with Disabilities Act (ADA). The Council notes that the opposition testimony stated that organizations that advocate for persons with disabilities such as Access Benton County, the Able Student Alliance, the Associated Students of Oregon State University, the Accessible University Initiative Task Force, the Oregon State University Commission on the State of Individuals with Disabilities, were not informed of the the proposed Legislative LDC Text Amendment. The Council notes with the exception of Access Benton County, all other referenced groups are OSU affiliations. The Council notes that Oregon State University (OSU) had been notified of the proposed Legislative LDC Text Amendment in June 2010, prior to the first HRC public workshop. The Council notes that OSU participated in the June 22 and July 27, 2010, HRC public workshops and provided testimony. The Council notes that the person testifying in opposition also provided written testimony to the Planning Commission requesting that the public hearing be continued to provide additional time to review the record. The Council notes that the Planning Commission did not continue the public hearing because there would be opportunity to provide testimony to the City Council before a final decision was made.

The Council finds that minimum public notice requirements stipulated by the LDC were met or exceeded. The Council finds that the OSU Able Student Alliance had opportunity to participate in both the Planning Commission and City Council public hearing process as evidenced by their testimony submitted to both bodies. The Council finds that the Able Student Alliance did not identify any flaws with the Legislative LDC Text Amendment.

The Council notes that the same opposition testimony asserts that the City Council Ordinance 2006-15, establishing the HRC prevents persons with a disabilities from being eligible to serve on the HRC, because this Ordinance requires the HRC to consist of members with expertise in areas such as archaeology, architectural history, conservation, cultural anthropology, and historic preservation planning, etc.

The Council finds that the issue of discrimination raised by the OSU Student Alliance regarding City Council Ordinance 2006-15 is not germane to the Legislative LDC Text Amendment. Even if this issue is considered germane to the Text Amendment, the Council finds that persons with disabilities could also have expertise in the areas required by City Council Ordinance 2006-15. The Council finds that this Ordinance does not prevent persons with disabilities from being eligible to serve on the Historic Resources Commission. The Council finds that it was not persuaded to deny the Text Amendment for the reasons cited in opposition testimony.

The Council notes that on October 4, 2010, after hearing public testimony, it closed the public hearing and deliberated on the Text Amendment. During deliberations, the Council modified the proposed text in Sections 2.9.70.v - Installation of New or Expanded Pathways, 2.9.100.03.b - Replacement Using Dissimilar Materials or a Different Design or

Style for Select and Limited Site Features, and 2.9.100.03 regarding Driveway Width Expansions. During deliberations, the Council also corrected typographical errors in Sections 2.9.100.01.b and 2.9.100.03.b to be consistent with the Planning Commission's recommendation. The correction to Section 2.9.100.03.b caused subsequent Sections to be re-lettered.

The Council notes that after deliberating, it unanimously approved the LDC Legislative Text Amendment subject to approval of formal findings and an ordinance. The Council notes that it considered all applicable legal criteria governing review of the Legislative LDC Text Amendment, which are identified in the staff report to the City Council dated September 27, 2010, and its attached Exhibits. The Council notes that in reaching its decision it also considered the HRC recommendation, the Planning Commission recommendation, the information and analysis presented by staff, and all public testimony.

Conclusions on Adequacy of the Public Record

The Council finds that there was ample opportunity for the public to testify, the process for developing and reviewing the Legislative LDC Text Amendment conformed to local and state land use requirements, and the record contains all information needed to evaluate the application for compliance with the applicable criteria.

4. Compliance with LDC Section 1.2.80 - Text Amendments

The City Council notes that LDC Section 1.2.80 contains provisions for amending the text of the Land Development Code.

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 Section 1.2.80.02 - Initiation states that a Text Amendment may be accomplished by a Majority vote of the City Council or a majority vote of the Planning Commission. The Council notes that on March 15, 2010, a majority vote of the City Council initiated the subject Legislative LDC Text Amendment. The Council notes that Section 1.2.80.03 - Review of Text Amendments requires both the Planning Commission and City Council to review the proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings. The Council notes that the Planning Commission held a duly advertised public hearing on the Text Amendment on September 1, 2010, and the City Council held a duly advertised de novo public hearing on the Text Amendment on October 4, 2010.

The Council finds that the Legislative LDC Text Amendment has been initiated and reviewed in accordance with Sections 1.2.80.02 and 1.2.80.03.

The City Council notes that Section 1.2.80.01 - Background permits the Code to 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."

The Council finds that the Legislative LDC Text Amendment supports the general welfare of the community by requiring that significant alterations to Designated Historic Resources be reviewed by Community Development Director, or the HRC, to ensure the historic character of the Designated Historic Resources are maintained.

The Council notes that in 2006, when the current Historic Preservation Provisions were adopted, most Designated Historic Resources were residential and most alterations to Designated Historic Resources affected residential structures. The Council notes that in 2008, OSU established a 180 acre Historic District, which includes 83 nonresidential Designated Historic Resources regulated by Chapter 2.9.

The Council notes that in addition to the OSU Historic District, nonresidential Designated Historic Resources are found throughout the City, including in downtown and in the Avery-Helm National Register Historic District. The Council notes that the type and scale of development activities affecting nonresidential Designated Historic Resource structures and sites is often different from the types of development activities affecting residential Designated Historic Resource structures or sites. The Council notes that the current Historic Preservation Provisions do not distinguish between development activities on residential and nonresidential properties. The Council notes that as part of the subject Legislative LDC Text Amendment certain portions of Chapter 2.9 have been revised to apply only to residential development, while other portions have been revised to apply only to nonresidential development, and in some cases specifically to development in the OSU Historic District.

The Council finds that there is a public need to regulate certain types of development on nonresidential Designated Historic Resources differently than development on residential Designated Historic Resources. The Council finds that the Legislative LDC Text Amendment responds to this public need.

The Council notes that many Designated Historic Resources are privately owned. The Council notes that Designated Historic Resources contribute positively to the cultural and historic fabric of the community. The Council notes that it is in the public interest to encourage the maintenance and preservation of Designated Historic Resources. The Council notes that the Legislative LDC Text Amendment increases the number of alteration or new construction activities that can occur on residential and nonresidential Designated Historic Resource sites without the need for an HPP (Exempt activities).

The Council finds that the parameters for Exempt activities are clear and objective. The Council finds that increasing the number of Exempt activities is in the interest of public convenience because it increases the number of activities that can occur without HPP application review. The Council finds that these activities would result in relatively minor and low impact changes to Designated Historic Resources that encourage the long term use and maintenance of these Resources that benefit the entire community.

Conclusions on Compliance with LDC Section 1.2.80 - Text Amendments

The Council finds that the Legislative LDC Text Amendment was reviewed according the process and criteria required per LDC Section 1.2.80. The Council finds that the Legislative LDC Text Amendment satisfies the applicable review criteria in Section 1.2.80.

5. Applicable Comprehensive Plan Policies

The Council notes that in addition to responding to the question of public necessity, convenience, and general welfare, Section 1.2.80.01 - Background requires Text Amendments to conform to the Corvallis Comprehensive Plan and other applicable policies. The Council finds the following Comprehensive Plan policies applicable to the Legislative LDC Text Amendment.

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.
- 1.2.9 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.
- 5.4.13 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

- 9.4.3 The City shall investigate mechanisms to assure the vitality and preservation of Corvallis' residential areas.
- 9.4.4 The City shall encourage the repair and maintenance of existing dwelling units and shall pursue opportunities to focus financial assistance programs in specific areas of the City on a census tract or neighborhood basis.
- 9.6.2 The City shall encourage the preservation of historically significant homes and buildings within the Downtown Residential Neighborhood.

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 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) public notices regarding the proposed Text Amendment were mailed to all owners and occupants of Designated Historic Resources informing of them of opportunities to participate in the land use planning process, the HRC discussed the Text Amendment during two special public workshops and two other regular meetings, and duly advertised Planning Commission and City Council public hearings were held on the proposed Text Amendment; and 2) Meeting materials and staff reports were posted on the City website and made available for review, free of charge, at the Planning Division office.

The Council finds that the review of the Legislative LDC Text Amendment provided ample opportunity for the public to access materials related to the Text Amendment and to participate in the public meetings where this matter was discussed, 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 some policies in Article 9 - Housing also address historic homes.

Policy 5.4.1 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 Designated Historic Resources not listed on the Local Register are listed within the National Register of Historic Places and Districts, and these resources are also subject to the City's Historic Preservation Provisions.

The Council finds that the Text Amendment would not alter the use of the Corvallis Register of Historic Landmarks and Districts (Local Register) as an official historic site listing, consistent with Policy 5.4.1. The Council finds that all Designated Historic Resources are subject to the provisions in LDC Chapter 2.9, which requires review of required HPP applications against specific review criteria to ensure alterations to Designated Historic Resources are historically compatible, consistent with policy 5.4.5.

The Council notes that Policy 5.4.3 requires the City to maintain a local Historic Preservation Advisory Board. The Council notes that in 2006 the City established the HRC, a quasi-judicial body that replaced the Historic Preservation Advisory Board. The Council notes that the Legislative LDC Text Amendment does not alter the role or make-up of the HRC. The Council finds that the Text Amendment is consistent with policy 5.4.3.

The Council notes that policy 5.4.2 encourages 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. The Council notes that policy 5.4.14 directs new construction in designated historic neighborhoods to contain architectural features that relate to the historic period of surrounding dwellings. The Council notes that currently, and as part of the subject Legislative LDC Text Amendment, new construction requiring an HRC-level review is evaluated against criteria that specifically address facades, architectural features, roof shape, and building materials, among other building features. The Council finds that the Legislative LDC Text Amendment satisfies policies 5.4.2 and 5.4.14.

The Council notes that policy 5.4.15 states that, "removal of significant public trees in historic residential areas or historically designated properties should only occur when these trees endanger life or property." Chapter 2.9 contains provisions that require HRC approval to remove Historically Significant Trees. The Council notes that the subject Legislative LDC Text Amendment would permit trees identified as Hazardous Trees by the City Urban Forester to be removed as an exempt activity. The Council notes that other Historically Significant trees require review by the HRC prior to removal. The Council finds that this component of the Text Amendment is consistent with Policy 5.4.15.

The Council notes that Chapter 2.9 is structured such that in-kind repair or replacement activities and specific minor alterations do not require an HPP. The Council finds that by eliminating the need for an HPP to make minor alterations and

repairs, property owners are encouraged to preserve Designated Historic Resources in a state as close as possible to their original construction. The Council notes that the subject Text Amendment increases the number of activities exempt from the need for an HPP. The Council finds that increasing the number of exempt activities makes it easier for property owners to maintain or preserve Designated Historic Resources consistent with policy 5.4.2.

The Council notes that Chapter 2.9 recognizes that certain alterations are required to maintain an efficient contemporary use of historic structures. The Council notes that some alterations to a Designated Historic Resource structure may be needed to use the structure in an economically viable manner. The Council notes that Chapter 2.9 provides processes for reviewing such alterations to ensure a proposed alteration is historically compatible.

The Council finds that Chapter 2.9 is consistent with the goals of policies 5.4.2, 9.4.3, and 9.4.4 because historically compatible alterations may occur to Designated Historic Resources allowing existing dwelling units and residential areas to be maintained.

The Council finds that Chapter 2.9, in conjunction with Chapter 2.2 - Zone Changes, contains provisions for establishing Historic Preservation Overlays and listing new homes and buildings in the Local Register. The Council notes that any area under a Historic Preservation Overlay is subject to the provisions of Chapter 2.9. Therefore, the Council finds that Chapter 2.9 is consistent with policies 5.4.13 and 9.6.2, which requires a process to formally identify historic neighborhoods, and encourage the preservation of historically significant homes and buildings in the Downtown Residential Neighborhood.

Conclusions Regarding Applicable Comprehensive Plan Policies

The Council finds that the structure of the Code and its conformance with the noted policies will not change through the proposed Text Amendment. 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.

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 9 - Economic Development; Goal 10 - Housing, and Goal 13 - Energy and Conservation.

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

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 protect natural resources and conserve scenic and historic areas and open spaces.

Goal 9 - Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Goal 10 - Housing

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

Goal 13 - Energy and Conservation

To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

A. **Goal 1 - Citizen Involvement**

The Council notes that the proposed Text Amendment was first reviewed by the HRC during two public meeting workshops and a third regularly scheduled meeting. A notice announcing the HRC workshops was sent to all owners and occupants of Designated Historic Resources in Corvallis, informing them of their opportunity to comment on the draft revisions of the Text Amendment. The Council notes that the Planning Commission held a duly advertised public hearing on the same Legislative LDC Text Amendment where opportunity to provide comment was given. The Planning Commission deliberated on the Text Amendment and made a unanimous decision to recommend the City Council approve the Text Amendment. The Council notes that the Planning Commission also requested the HRC to comment on revisions to the Text Amendment suggested in public testimony to the Planning Commission. The Council notes that the HRC considered the revisions during a fourth public meeting. The City Council notes that it held a duly advertised de novo public hearing on the Legislative LDC Text Amendment and heard public testimony regarding the Text Amendment. The Council finds that ample opportunity was provided for the public to participate in all phases of the Legislative LDC Text Amendment process, consistent with Statewide Planning Goal 1.

B. **Goal 2 - Land Use Planning**

The Council notes that the process for evaluating the proposed Legislative LDC Text Amendment is described in the LDC. This process affords the opportunity for public comment, and requires review by the Planning Commission and City Council. The City Council finds the LDC provides the planning process and framework for making decisions on the Text Amendment. The Council finds the planning process and

decisions regarding the Text Amendment were made consistent with Statewide Planning Goal 2.

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 Council notes that Chapter 2.9 specifically addresses the protection of Designated Historic Resources in Corvallis. The Council finds that the proposed Text Amendment would not abolish those protections, but would modify certain aspects of existing provisions and add others. The Council finds that the Legislative LDC Text Amendment is consistent with Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces.

D. Goal 9 - Economic Development

The Council notes that the Legislative LDC Text Amendment would increase the number of activities or alterations that could occur on Designated Historic Resource sites without the need for an HPP. The Council notes that increasing the number of activities that could occur without the need for an HPP may make it easier for buildings containing commercial or other nonresidential uses to evolve to meet contemporary needs. The Council finds that fostering the use of Designated Historic Resources to support modern day uses and economic opportunities is consistent with Goal 9.

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. The Council notes that the Legislative LDC Text

Amendment increases the number of activities that do not require an HPP. The Council finds that by increasing the number of such exempt activities, the Text Amendment may make it easier for residential building owners to maintain their residential buildings and provide suitable housing for Corvallis residents. The Council finds that the Legislative LDC Text Amendment is consistent with Goal 10 - Housing.

F. Goal 13 - Energy and Conservation

The Council notes that the provisions in Chapter 2.9 encourage the preservation of existing structures, and the conservation of their embodied energy. The Council notes that the continued use and adaptation of existing buildings is often considered to represent a greater conservation of energy compared to the energy used to demolish and construct new buildings with new materials. The Council notes that Chapter 2.9 would not regulate basic energy efficient measures such as insulating buildings, and weatherizing windows and doors, provided such measures do not affect the exterior of a structure. The Council notes that Chapter 2.9 also includes provisions that allow windows and doors to be replaced with new energy efficient windows and doors as Exempt or Director-level activities. The Council finds that these provisions, and the Legislative LDC Text Amendment as a whole, are consistent with Goal 13 - Energy and Conservation.

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. 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. The Council notes that a general summary of the proposed changes to Chapter 2.9 are listed below:

A. Section 2.9.70 Exemptions from Historic Preservation Permit Requirements

Several new exempt activities were included in this section affecting both residential and nonresidential Designated Historic Resources. The language of some existing exempt activity provisions was modified to be more clear, simple, and easier to understand, and in some cases to incorporate a greater number of exempt activities.

B. Section 2.9.80 - Emergency Actions

This section was modified by removing the provision regarding Emergency Removal of Historically Significant Trees. Trees that are required to be removed in emergency situations are also Hazardous Trees. Removal of Historically Significant Hazardous trees was made an exempt activity through the subject Legislative LDC Text Amendment, and is regulated per Section 2.9.70.y.

C. Section 2.9.100.03 - Alteration or New Construction Parameters and Review Criteria for a Director-level Historic Preservation Permit

Provisions in the current LDC regarding Building Foundations, Re-roofing, Mechanical Equipment, Gutters and Downspouts, Freestanding Trellises, Installation of Sidewalk Wheelchair Ramps have been modified and made exempt activities. The Director-level activity regarding window and door replacement has been modified, and a new provision regarding driveway width expansion has been included.

D. Section 2.9.100.04 - Alteration or New Construction Parameters and Review Criteria for an HRC-level Historic Preservation Permit

Language regarding the allowance to consider flexibility in new building design to accommodate contemporary uses; accessibility requirements, compliance with zoning and development standards, and cultural considerations is included in this section's introductory paragraph. The Facades and Building Orientation criteria in Section 2.9.100.04.b.3 have been revised to reference portions of the Designated Historic Resource site that are significantly visible from public areas, excluding alleys. The Differentiation criterion in this section has been revised to clarify that it applies to new free standing buildings and additions.

E. Section 2.9.110 - Demolition Involving a Designated Historic Resource

Section 2.9.110.03 has been revised to clarify which criteria apply to the removal of Historically Significant Trees.

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 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 finds that the changes to Chapter 2.9 clarify how to apply certain criteria related to HRC-level HPP applications.

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

The Council notes that the definition of Visible from Public Rights-of-Way and Private Street Rights-of-Way has been modified. The Council notes that definitions and graphics for window muntins and window sashes have been included in Chapter 1.6.

Conclusions Regarding the Summary of Components of the Legislative Amendment to the Land Development Code Related to Chapter 1.6 - Definitions

The Council finds that the changes to Chapter 1.6 - Definitions clarify the intent of provisions in Chapter 2.9.

9. Summary of Components of Legislative Amendment to the Land Development Code Related to Chapter 4.0 - Improvements Required with Development

The Council notes that historic sidewalk prisms, horse rings, and iron curbs are part of some Corvallis streets. The Council notes that these features are not currently regulated. The Council notes that Section 4.0.30.b.3.f has been modified to regulate sidewalk prisms, horse rings, and iron curbs.

Conclusions Regarding the Summary of Components of the Legislative Amendment to the Land Development Code Related to Chapter 4.0- Improvements Required with Development

The Council finds that these features positively contribute to the historic character of the streets in which they are located and should be protected. The Council finds that the changes to Chapter 4.0 - Improvements Required with Development adequately regulate the removal or alteration of streetscape features that are historically important to Corvallis.

10. Summary of Components of Legislative Amendment to the Land Development Code Related to Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

The Council notes that Section 4.2.20.h has been revised to update references to other LDC provisions. The Council notes that a new Section 4.2.20.i - Hazardous Tree Removal has been included. This section references provisions related to the removal of Historically Significant Hazardous Trees.

Conclusions Regarding Summary of Components of Legislative Amendment to the Land Development Code Related to Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting

The Council finds that these revisions to Chapter 4.2 provide consistency throughout the LDC in how to address Hazardous Tree Removal, and remove unnecessary process for the removal of Historically Significant Trees that are also Hazardous Trees.

12. Summary of Components of Legislative Amendment to the Land Development Code Related to Chapter 4.7 - Sign Regulations

The Council notes that changes to Section 2.9.70.d have been made that permit the installation of a greater variety of signs as exempt activities compared to the current Code. The Council notes that the modifications to Section 2.9.70.d result in clear and objective standards regarding the types and locations of signs that do not require an HPP.

The Council notes that on July 29, 2009, the Community Development Director issued an Administrative Decision regarding the Section 4.7.90.05 - Sign Standards for Oregon State University (OSU) Zone. The Council notes that this decision corrected a typographic error in Section 4.7.90.05.a(2) by replacing the word "and" with the word "or". The Council notes that this change was made prior to the initiation of the subject Legislative LDC Text Amendment, but has been part of the Text Amendment materials reviewed by the HRC, the Planning Commission, and the City Council. The Council notes that a copy of the Director's Administrative Decision and supporting documentation is provided in Exhibit V.143 - 148 of the September 27, 2010, Staff Report to the City Council. The Council notes that this typographical error has not yet been corrected in the Code.

Conclusions Regarding Summary of Components of Legislative Amendment to the Land Development Code Related to Chapter 4.7 - Sign Regulations

The Council finds that the modifications to Section 2.9.70.d result in clear and objective standards for determining which signs may be installed without an HPP, and that installation of those signs will not negatively impact Designated Historic Resources. The Council finds that it is appropriate to correct the typographic error in Section 4.7.90.05.a(2) with the subject Legislative LDC Text Amendment because making this correction clarifies which signs in the OSU Exemption Area would be exempt from the need for an HPP.

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 one item was the Planning Commission's recommendation to revise the proposed new provision, Section 2.9.70.w - Utility Meters, Pipes, and Venting. The Council notes that the Planning Commission recommended revising this provision by clarifying that the installation, alteration, or removal of brick, stone, and masonry chimneys are not exempt from the need for an HPP. The Council notes that specific language to this effect was provided in the September 27, 2010, Staff Report to the City Council. The City Council finds that the revisions shown in the Staff Report to the City Council are consistent with the Planning Commission's recommendation, and provide an appropriate level of protection to alterations related to brick, stone, and masonry chimneys.

The Council notes that City Staff recommended revisions to Section 2.9.70.v - Installation of New or Expanded Pathways. The Council notes that the staff recommended revision is shown on page 4 of the September 27, 2010, Staff Report to the City Council. This revision clarifies that automobile parking is prohibited on pathways, and paths in residential zones

constructed of concrete, brick, or pavers that do not exceed 5 ft. in width and a total of 250 sq. ft. are exempt from the need for an HPP. The Council notes that this revision originated from public testimony submitted to the Planning Commission. The Council notes that at the request of the Planning Commission, the HRC considered revising this provision, and the HRC supported the revision as presented to City Council.

The Council finds that this revision provides a reasonable degree of flexibility to owners of residential Designated Historic Resources to install hardscape pathways that will not negatively impact the Designated Historic Resource.

The Council notes that Staff recommended revising the Director-level activity, *Replacement, Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features*, which is Section 2.9.100.03.e of the current Code. Council notes that Staff recommend revising the structure of this provision as shown on page 5 of the September 27, 2010, Staff Report to the City Council. The Council notes that at the request of the Planning Commission, the HRC considered revising this provision, and the HRC supported the revision as presented to City Council.

The Council finds that the Staff recommended revision results in more clear and objective language, and is consistent with the Council goals for the Legislative LDC Text Amendment.

The Council notes that Staff recommended inclusion of a new provision, Section 2.9.70.k - Driveway Width Expansion. The Council notes that this revision originated from public testimony submitted to the Planning Commission. The Council notes that at the request of the Planning Commission the HRC considered a new provision regarding driveway width expansion, and generally supported the draft language Staff presented to the Council on page 6 of the September 27, 2010, Staff Report to the Council. The Council notes that during deliberations the City Council suggested removing reference to increasing the width of the driveway by 3 ft, because this conflicted with language in the same provision allowing the driveway to be increased to a maximum of 12 ft. The Council notes that revised text addressing this conflict is included in Exhibit B of this Ordinance adopting these Findings (LDT 10-00003).

The Council finds that as revised, the new Director-level provision regarding Driveway Expansion provides an appropriate level of flexibility to improve driveways on Designated Historic Resource sites, with a limited review process, and in a manner that will not negatively impact Designated Historic Resources.

The Council notes that during the City Council public hearing on the Legislative LDC Text Amendment, Staff recommended making two corrections. One correction is to delete the word "and" after subsection "b" in Section 2.9.100.01. The Council notes that Section 2.9.100.01 provides three types of activities that are defined as an Alteration or New

Construction Involving a Designated Historic Resource. The Council notes that only one of the activities must occur to meet the definition. Thus, the Council finds the word and in Section 2.9.10.01.b should be deleted.

The Council notes that as revised, the current Director-level activity, Section 2.9.100.03.d Mechanical Equipment would be modified and made an exempt activity. The Council notes that in Exhibit I.B - 24 of the September 27, 2010, Staff Report to the Council the Director-level provision regarding Mechanical Equipment was not shown as being deleted, but should have been. The Council finds that Section 2.9.100.03.d - Mechanical Equipment in the current Code should be deleted as shown in Exhibits X-20, 21, and 62 of the September 27, 2010, Staff Report to the Council, and the provisions following this deleted section be re-numbered/lettered accordingly.

The Council notes that on October 18, 2010, the City Council held a public meeting to review an Ordinance and formal findings regarding the Legislative LDC Text Amendment. The Council notes that during that meeting the City Council made corrections to Sections 2.9.100.04.a, subsections 8-13. The Council finds that these corrections result in accurate cross-references and consistency with other revisions to Chapter 2.9 made as part of the City Council decision regarding the Legislative LDC Text Amendment made on October 4, 2010.

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 (LDT10-00003), and that the proposed Legislative LDC Text Amendment is consistent with the applicable LDC criteria, Comprehensive Plan policies, and Statewide Planning Goals. Accordingly, the Legislative Amendment to the Land Development Code (LDT10-00003) is APPROVED.

City Recorder

Mayor

Date: _____

ORDINANCE EXHIBIT A.21

Chapter 1.6 - Definitions

Visible from Public Rights-of-way (Excluding Alleys) and Private Street Rights-of-way - As indicated by the arrows in Figure 1.6-28 - Visibility from Streets, structures and and appurtenances facades that face public rights-of-way (excluding alleys) and private street rights-of-way are areas considered to be visible unless screened consistent with "a" or "b" below.; with the following two exceptions:- In all cases the screen shall be of an equal or greater height and width as the structure being screened.

The structure or appurtenance shall be screened by:

- a. A solid structure; or
 - b. A hedge or fence with a minimum opacity of 80%.
- ~~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 \leq 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 six ft. and provided the structure in question is less than the height of the fence or hedge.~~

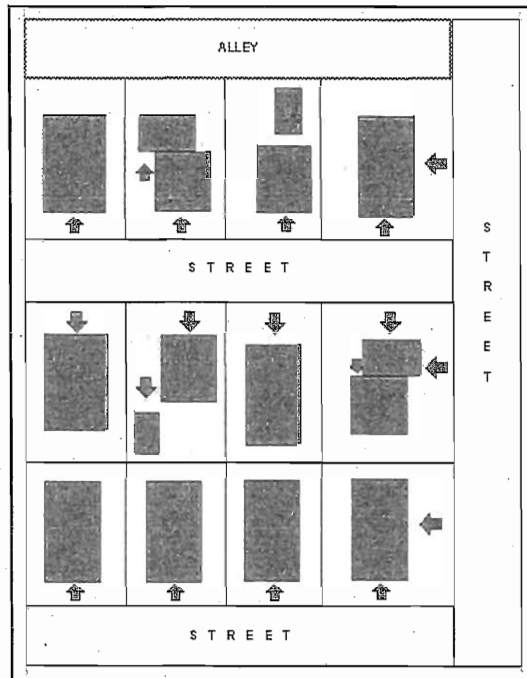


Figure 1.6-28 - Visibility from Streets

Muntin, Window - A secondary framing member to hold panes within a window, window wall or glazed door, as shown in graphics below.

Sash, Window - Any framework of a window; may be movable or fixed; may slide in a vertical plane (such as a double-hung window) or may be pivoted (such as a casement window). For the purposes of this definition, a window sash also includes the top and bottom rails and stiles as shown in the graphic below.

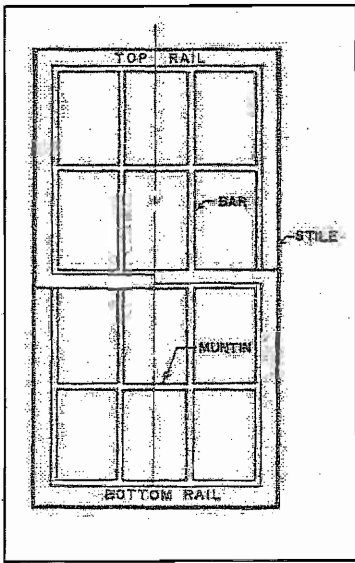


Figure 1.6 - 24.a - Sash

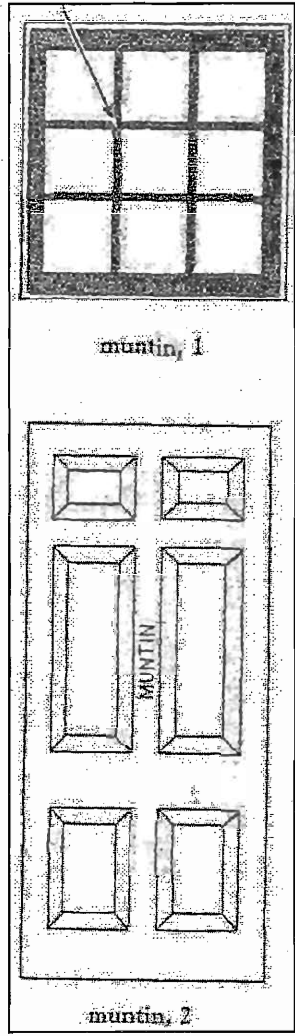


Figure 1.6-22.b
Muntin

CHAPTER 2.9 HISTORIC PRESERVATION PROVISIONS

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 involving Designated Historic Resources as defined in Chapter 1.6 - Definitions, 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 - Historic Preservation Overlay, the 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 Rehabilitation¹ and the Secretary of Interior's Standards for Preservation,² since they were used in the development 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 ZONING DESIGNATION

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

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

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

Section 2.9.40 - PROCEDURES FOR REMOVING A HISTORIC PRESERVATION OVERLAY ZONING DESIGNATION

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

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, Demolition, or Moving 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 - Legal Framework, is

a staff-level review, and acts as a double-check for compliance with Sections 2.9.90 and 2.9.100.

2. HRC-level Historic Preservation Permit - The HRC-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 HRC-level Historic Preservation Permit is classified as a quasi-judicial land use decision in Chapter 1.2 - Legal Framework, involves public notice, and requires a Historic Resources Commission 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, and other provisions of this Code, such as landscaping requirements in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

- 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 or 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 - Pertains 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 - 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; and

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.~~

d. **Signs and Tablets** - Installation of the following:

1. Signs and tablets that are exempt from City Sign Code regulations per Section 4.7.70;

2. Freestanding signs in the OSU zone that are 32 sq. ft. or less and otherwise exempt from the need for a Sign Permit per 4.7.90.05.a and b;

3. Attached signs on Noncontributing buildings in the OSU Historic District, that are 32 sq. ft. or less and otherwise exempt from City Sign Code regulations per Section 4.7.90.05.a and b; and

4. Attached signs on Nonhistoric or Nonhistoric/Noncontributing buildings outside of the OSU Historic District that are:

a) 32. sq. ft. or less; or

b) If greater than 32 sq. ft., attached signs that:

1. Replace existing signs;

2. Are not variable message;

3. Have the same approach to illumination as the sign to be replaced (none, internal, or external);

4. Fit completely within the footprint of the original sign; and

5. Are equal to or smaller than area of the sign to be replaced.

- e. **Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District - An e** 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 public rights-of-way or private street rights-of-way, except for alleys, from which it may be visible, and the Alteration or New Construction is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.
- f. **Installation of Removable Screen and Storm Doors and Windows - A screen door is a secondary door attached over a structure's primary door to allow additional air flow when the door is open, while simultaneously providing some basic door functions. A storm door or window is a secondary door or window attached over a structure's primary door or window to protect the primary door or 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. Installation of screen and storm doors and windows are exempt, provided they do not function as replacements for primary doors and windows, are installed in a manner that is Reversible, and do not damage or permanently alter external historic features of the Designated Historic Resource. Unpainted metal is not exempt.**
- 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 - Installation of the following accessory items are exempt from the need for a Historic Preservation Permit:**
1. Benches;
 2. City-standard bus shelters;
 3. Blue light security kiosks;
 4. Replacement of uncovered bicycle racks with new uncovered bicycle racks on the same or other-hard mounting/parking surface.
 5. Trash / Recycling receptacles with footprints less than 15 sq. ft. and meeting other Code standards; and
 6. Accessory development not listed above is exempt from the need for a Historic Preservation Permit if it meets ~~meeting~~ the criteria in Chapter 4.3 -

Accessory Development Regulations, that is not visible from public rights-of-way or private street rights-of-way; (except for alleys, from which it may be visible), that is 200 sq. ft. or less (floor area), and that does not exceed 14 ft. in height as measured from grade.

~~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 a Nonhistoric structure on an individually Designated Historic Resource listed in the Local Register and/or National Register of Historic Places; or~~

~~b) 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.~~

i. **Moving or Demolishing Structures** - Moving or demolition of structures, provided:

1. The structure is in a National Register Historic District, and is classified as Nonhistoric/Noncontributing, or Nonhistoric per the definition in Chapter 1.6 - Definitions; or

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2. The structure is on an Individually Designated Historic Resource outside of a National Register District; and

a. Is Nonhistoric per the definition in Chapter 1.6 - Definitions; and

b. Is a freestanding Accessory structure, less than 200 sq. ft. and less than 14 ft. in height; and

3. In all cases, moving or demolishing the structure, shall not damage, obscure, or negatively impact a Designated Historic Resource.

j. Installation of Satellite Dishes - Installation of a satellite dish on a facade not facing public or private street rights-of-way, except for alleys, from which it may be visible, provided the dish is less than 30 in. in diameter.

k. Access Ramps, Sidewalk Wheelchair Ramps, and Fire/Life Safety Devices Compliant with the Americans with Disabilities Act (ADA) Requirements - Installation of ~~an~~ access ramps, sidewalk wheelchair ramps, and fire/life safety devices that ~~is~~ are compliant with the Americans with Disabilities Act (ADA) requirements, provided the installation is Reversible, that none of the external historic features of the resource is are damaged or permanently altered, and the following criteria, as applicable, are satisfied; and the ramp is 32 in. or less in height and is constructed in a manner that is Reversible.

1. Access Ramps on Historic Contributing Resources - No more than 30 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%.

2. Access Ramps on Nonhistoric/ Noncontributing Resources - No more than 48 in. Above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%.

3. Sidewalk Wheelchair Ramps - In public or private street rights-of-way, provided they are installed or reconstructed to City of Corvallis Engineering Division Standard Specifications and are either 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.

4. Fire/Life Safety Devices - If masonry or stone buildings are affected, anchors and wiring shall be installed in mortar joints and not through brick or stone.

- i. Conversion of Existing Vehicular Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA)** - ~~The e~~Conversion of existing vehicular parking spaces to vehicular parking spaces that are needed to achieve compliance with the Americans with Disabilities Act (ADA), provided no additional impervious surface is created.
- m. Fencing Installation, Extension, or Removal** - ~~The i~~Installation or extension of new wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50. 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** - ~~The~~ Installation of a freestanding trellises that is are less than 14 ft. in height, Reversible, and not visible from public street rights-of-way or private street rights-of-way, except for alleys from which it may be visible. ~~The installation shall~~ and do not damage any significant external architectural features of the Designated Hhistoric Rresource.
- 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 Designated Hhistoric Rresource structures, or damage any Historically Significant Trees or other Historically Significant landscaping or landscapes 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 in.~~
- p. Building Foundations** - Altering a building foundation or installing a new foundation, provided the foundation material is not specifically identified as Historically Significant, and:

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1. The Alteration or New Construction is required to meet present-day Building Code requirements;
 2. The building elevation is not raised by more than 12 in.; and
 3. The existing foundation is 18 in. high or less.
- q. **Installation of New, and Repair or Replacement of Gutters and Downspouts - Installation of new, and r**Repair or replacement of existing 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 new, replaced, or repaired gutters and downspouts shall not damage or obscure any significant architectural features of the structure., such as internal gutters, etc.
- ~~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.~~
- r. **Utility Poles** - Installing, relocating, or removing utility poles.
- s. **Uncovered Rear Deck or Patio Additions 350 Sq. Ft. or Less** - The iInstallation or removal of an uncovered deck or patio, provided the deck or patio is obscured from view from public rights-of-way and private street rights-of-way by a fence, hedge, or other structure. The patio or deck may be visible from alleys. , except for alleys, from which it may be visible by a fence, hedge, or other structure and meets the applicable setback requirements per the zone or as approved through a Lot Development Option or Planned Development process. The deck shall be 30 in. or less in height, and shall be constructed in a manner that is Reversible.
- ~~t. **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.~~

t. Installation of New, or Replacement of Existing Windows or Doors on Nonhistoric and Nonhistoric/Noncontributing Resources—Installation of new, or replacement of existing windows and doors as follows:

1. Replacement of existing windows and doors with new windows and doors that have double-pane glazing meeting current Building Code energy efficiency standards. The replacements shall otherwise match the replaced items in materials, dimensions, and shape, except that wood or metal-clad wood may be substituted for the original, non-glass materials of replaced items; and
2. New windows and doors on facades that are not visible from public or private street rights-of-way (except for alleys), as defined in Chapter 1.6 - Definitions, may be installed.

~~u. Re-roofing Flat Roofs or Roofs Otherwise Obscured by a Parapet - Where a roof is a flat roof or a roof otherwise obscured by a parapet, and the roofing material is not specifically identified as Historically Significant, the roofing material may be repaired or replaced. Skylights shall be addressed in accordance with Sections 2.9.70.x, 2.9.100.03.i, or 2.9.100.04, as applicable.~~

u. Re-roofing - Replacement of roofing material with a material similar to, or different from, the existing or original material, provided the existing roofing material is not specifically identified as Historically Significant; and

1. The roof is flat and obscured by a parapet; or
2. The roof is pitched and is being replaced with architectural composition shingles. Skylights shall be addressed in accordance with Section 2.9.70.x, 2.9.100.03.h, or 2.9.100.04, as applicable.

v. Installation of New or Expanded Pathways 100 Sq. Ft. or Less - Installation of new or expanded pathways, provided the pathways are:

1. ~~100 sq. ft. or less and are either c~~Constructed of softscape (e.g. bark mulch, etc.), ~~or constructed of stone steps, or flagstone, that is and are~~ installed in a manner that is Reversible. Automobile parking is prohibited on pathways;
or

2. Constructed of hardscape materials (e.g. brick or pavers) concrete, brick or pavers, that do not exceed 5 ft. in width, 250 sq. ft., and are installed on residentially zoned sites; or

2-3. Are Constructed of asphalt, concrete, brick, or pavers that do not exceed a 12 ft. width, are 1,000 sq. ft. or less, are not part of Historic Contributing open space areas, and are on nonresidentially zoned sites.

~~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.~~

w. Utility Meters, Pipes, and Venting - Utility meters, pipes, and venting may be installed on, moved, or removed from structures, provided they do not alter windows, doors, or architectural details. Installation, alteration, or removal of brick, stone, and masonry chimneys are not exempt activities.

x. Skylights -

1. Skylights from 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 re-roofed, whichever comes first, unless a Historic Preservation Permit is subsequently approved to retain the skylight in accordance with Sections 2.9.100.03.h and 2.9.100.04, as applicable.
3. New skylights may be installed in accordance with Sections 2.9.100.03.h and 2.9.100.04, as applicable.

- y. Historically Significant Hazardous Trees - Removal of Historically Significant Trees that qualify as Hazardous Trees, based on the definition of Hazardous Tree in Chapter 1.6 - Definitions. The Hazardous Tree determination must be based on a Hazard Tree Evaluation that has been performed by an ISA Certified Arborist or ASCA Consulting Arborist using the 12-point hazard evaluation method, and the associated report 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. Following removal of the tree, the City shall notify the Historic Resources Commission that the action has occurred. Additionally, if a tree is required in the subject location via other Code provisions, such as those in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting, a new tree shall be planted consistent with those applicable Code provisions.**
- z. Ground Level and Rooftop Mechanical Equipment - Installation of ground level and rooftop mechanical equipment, limited to equipment not visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys. If attached to the Designated Historic Resource, it 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, and the installation shall be Reversible. Screening required by Code to conceal ground-level mechanical equipment so that it is not visible from public and private street rights-of-way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening.**
- aa. Required Ground-level Screening - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:**
- 1. Complies with development standards of the underlying zone;**
 - 2. Is freestanding, or constructed at ground level and attached to the Designated Historic Resource in a manner that is Reversible and does not damage architectural features of the structure;**
 - 3. Is composed of either vegetation, masonry walls, solid wood fencing, or a combination of these materials and, except in the case of vegetation, the material matches materials used on the Designated Historic Resource structure. Metal gates/doors may be used to access enclosures. If vegetation is used for screening, it shall be consistent with the screening**

provisions of Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting; and,

4. Does not exceed 6 ft in height, does not exceed 10 ft in length or width, and does not enclose an area greater than 100 sq. ft.

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 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 that the action has occurred.~~

Section 2.9.90 - PROCEDURES FOR ALL REQUIRED HISTORIC PRESERVATION PERMITS (DIRECTOR-LEVEL AND HRC-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 HRC-level, the items listed below. 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 zone 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 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, as amended;
 - c) Special Assessment Program requirements per ORS 358.475, as amended;
 - 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 HRC-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 zone 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 HRC-level Demolition 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 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 HRC-level Historic Preservation Permit involving a Moving shall include information required in "a," "c.1," and "c.4," above, stated with respect to a Moving. 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 10 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. **HRC-level Historic Preservation Permits**

1. Public notice shall be provided in accordance with Sections 2.0.50.04.b; 2.0.50.04.c.1-3, and 6-10; and 2.0.50.04.e-g; and
2. For a proposed Demolition or Moving, public notice shall be published in a newspaper of general circulation at least 10 days in advance of the Historic Resources Commission's 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 ensure consistency with the review criteria in Section 2.9.90.06 "a" and "b," below.
- b. **HRC-level Historic Preservation Permits** - For all HRC-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 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 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 concurrently 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 ensure consistency with the review criteria in Section 2.9.100.03.

c. HRC-level Historic Preservation Permits

1. Alteration or New Construction - Alteration or New Construction requiring an HRC-level Historic Preservation Permit shall be reviewed to ensure consistency with the review criteria in Section 2.9.100.04.
2. Demolition - Demolition requiring an HRC-level Historic Preservation Permit shall be reviewed to ensure consistency with the review criteria in Section 2.9.110.03; and
3. Moving - Moving requiring an HRC-level Historic Preservation Permit shall be reviewed to ensure 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. **HRC-level Historic Preservation Permits** - The Historic Resources Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the HRC 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 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 HRC 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;
 3. Any person who resides on or owns property within 100 ft. (excluding street right-of-way) of a the parcel of land that is the subject of the Historic Preservation Permit application;
 4. Any person who requested notice on the proposal; and
 5. Any persons who submitted written comment on the proposal.
- b. **HRC-level Historic Preservation Permits** - The Director shall provide the applicant and the Historic Resources Commission with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings, that includes a written statement of the Historic Resources Commission'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 in accordance with Chapter 2.19 - Appeals. The HRC-level Historic Preservation Permit decision may be appealed to the City Council in accordance with Chapter 2.19 - Appeals.
- b. **Undue Hardship Appeals** - The 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 hearing authority, the information listed in "1-6," below, as applicable, shall be submitted for the appeal hearing authority to consider a hardship appeal. Not every item listed in "1-6," below will apply to every case:

1. Three estimates of:
 - a) The cost of the activity(ies) proposed under the denied or conditionally-approved Historic Preservation Permit; and
 - b) 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 estimate 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.

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. Any past listing of the property for sale or lease, the price asked, and any offers received on that property.
6. Information relating to any nonfinancial hardship resulting from the denial or approval, as conditioned, of the proposed Historic Preservation Permit.

If the 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 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 2.0.50.15.
- 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 2.0.50.15. 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 "c," 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 HRC-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 "o," 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.

~~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 in.~~

ab. **Solar or Hydronic Equipment** - Installation of solar or hydronic equipment parallel to the roof surface with no part of the installation protruding more than 12 in. 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. **Re-roofing** - 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 Section 2.9.70.x, 2.9.100.03.i, or 2.9.100.04, as applicable.~~

~~d. **Mechanical Equipment** - Installation of mechanical equipment, limited to equipment not visible from 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.~~

b.e. **Replacement; Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features** - Replacement; of the following site features using with dissimilar materials and/or a different design or style, provided the size of such features does not increase:

1. ~~d~~Driveways; including paving of these existing areas; existing
2. Paths and sidewalks; existing
3. ~~b~~Bicycle parking areas; and/or existing
4. ~~v~~Vehicular parking areas that involve 800 sq. ft. or less, including paving of these existing areas.

c.f. **Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Addition of vehicular parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.i.

d.g. **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 public rights-of-way and private street rights-of-way, except for alleys, from which it may be visible, and does not exceed 14 ft. in height.

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~~h. **Cutters and Downspouts** - Unless already exempt per Section 2.9.70.r, 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.~~

e. **Replacement of Windows or Doors on Historic, Historic/Contributing, and Historic/Noncontributing Resources**- Windows and doors may be replaced with new windows and doors containing double-pane glazing and meeting current Building Code energy efficiency standards. The following provisions also apply:

1. Except as otherwise provided in subsections 2-5, below, the replacements shall match the replaced items in:
 - a. **Materials;**
 - b. **Design or style;**
 - c. **Size;**
 - d. **Sash and Muntin dimensions (a 1/2-in. tolerance in size is permitted for Sashes, and a 1/8-in. tolerance in size is permitted for Muntins);**
 - e. **Number and type of divided lites (either true or simulated lites are permitted; snap-on grids are not); and**
 - f. **Shape.**
2. **Metal-clad wood may be substituted for the original, non-glass materials of the replaced items.**
3. **On residential structures, non-wood doors and hollow-core doors may be replaced with doors of a dissimilar design, provided the replacement doors are solid wood or metal-clad solid wood and are the same size, and in the same location as the door to be removed. Glass is permitted in the replacement door.**
4. **Alterations involving decorative art glass and leaded glass windows shall be reviewed by the HRC unless the alteration satisfies the Chapter 1.6 definition for In-kind Repair or Replacement.**

5. Installation of new, or replacement of windows and doors on Nonhistoric and Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District are exempt per Section 2.9.70.t.

f.i. **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 or 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.

~~j. **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 public or private rights-of-way. The installation shall not damage any significant external architectural features of the structure.~~

g.k. **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.

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

1. Nonhistoric/Noncontributing structures;
2. Structures with flat roofs or where the skylight would otherwise be obscured by a parapet;
3. 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.

~~m. **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 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-pane materials on Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District are exempt per Section 2.9.70.t.~~

~~n. **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.~~

i.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.

i. **Driveway Width Expansion** - Widening driveways to a maximum width of 12 ft. using either the same materials and design in existence, or using dissimilar materials and/or a different design or style. The driveway length shall not increase. In all cases, driveways are subject to the Corvallis Off-street Parking and Access Standards, and the provisions in Chapter 4.1 - Parking, Loading, and Access Requirements.

2.9.100.04 - Alteration or New Construction Parameters and Review Criteria for an HRC-level Historic Preservation Permit

Some exterior Alterations or New Construction involving a Designated Historic Resource may be needed to ensure its continued use. Rehabilitation of a Designated Historic Resource includes an opportunity to make possible an efficient contemporary use through such alterations and additions. Flexibility in new building design may be considered to accommodate contemporary uses, accessibility requirements, compliance with current zoning and development standards, and cultural considerations.

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 an HRC-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 an HRC-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 Section 2.9.70.c.
 2. Signs - Signs that are not exempt per Section 2.9.70.d, provided they meet the applicable sign allocation standards outlined in Chapter 4.7 - 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 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 18 in., and/or where the building elevation is raised by more than 12 in.
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.~~kg~~.

10. Solar or Hydronic Equipment - Installation of solar or hydronic equipment not eligible for Director-level review per Section 2.9.100.03.~~ba~~.
11. Mechanical Equipment - Installation of mechanical equipment not exempt per Section 2.9.70.z. ~~eligible for Director-level review per Section 2.9.100.03.d.~~
12. Re-roofing - Unless ~~unless~~ exempt under Section 2.0.70.u, ~~or 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.
13. 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.f. ~~2.9.100.03.l.~~
14. 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.
15. Accessory Development - Unless exempt per Section 2.9.70 or eligible for Director-level review per Section 2.9.100.03, Accessory Development meeting the criteria in Chapter 4.3 - Accessory Development Regulations.
16. 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. 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 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 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, such as balconies, porches, bay windows, dormers, or 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~~ that are significantly visible from public areas, excluding alleys. 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, such as 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. Replacements for 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 zoning designation and other chapters of this Code, 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 to minimize so that the impacts to primary facade(s) of the Designated Historic Resource that are significantly visible from public areas, excluding alleys, 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 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 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 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, as amended, which pertains to the finding of cultural materials; ORS 390.235, as amended, which describes steps for State permits on sites where cultural materials are found; and OAR 736.051.0080 and OAR 736.051.0090, as amended, which describe requirements for cultural materials found on public versus private land, respectively.

- n) Differentiation - An Alteration or New Construction New free standing buildings and additions to buildings shall be differentiated from the portions of the site's existing Designated Historic Resource(s) inside the applicable Period of Significance. However, ~~it~~ they 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 shall receive from the Director a finding that indicates the following:

- a) The zone 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 HRC-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 provisions of Chapter 2.2 - Zone Changes, 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 provisions of Chapter 2.2 - Zone Changes, 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 - Definitions, unless the tree is officially sanctioned for emergency removal via Section ~~2.9.80.b~~ 2.9.70.y.

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

An HRC-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 HRC-level Historic Preservation Permit for the Demolition of a Designated Historic Resource other than a Historically Significant Tree, 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". Criteria "a-c" do not apply to requests to remove a Historically Significant Tree. Removal of a Historically Significant Tree that

does not qualify as an exempt activity via Section 2.9.70.y is addressed in "d", below.

- 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 -2," below, and is not exempt per Section 2.9.70, 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 criteria, the Demolition shall involve only the following:
 1. A Nonhistoric structure on an individually Designated Historic Resource listed in the Local Register or National Register of Historic Places; or
 2. 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) Moving of the Designated Historic Resource is not feasible; 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. Three of the following ~~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." The sign's lettering line height shall be at least five in. and line width shall be at least one half in. The sign and public notice shall be posted within two ft. of any street sidewalk abutting the property. ~~a placed in a prominent place on the property.~~ Signs shall be posted for a minimum of 40 days prior to the public hearing;
- 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** - A 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 "1-56," below. Removal of Historically Significant Trees that qualify as Hazardous Trees are addressed in Section 2.9.70.y. If removal of a Historically Significant Tree is approved through the provisions of this section (2.9.110.03.d), 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 percent 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; and/or
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, a 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 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 "1-3," below. The method(s) of documentation shall be specified in the Historic Preservation Permit. The required documentation must be approved by the Director prior to the issuance of a Building Permit for Demolition.
1. Documentation using guidelines in the Historic American Buildings Survey, including 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 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 Locally-designated Historic Resource, the Historic Preservation Overlay may be removed through use of the provisions of Chapter 2.2 - Zone Changes, following the effective date of the approved Historic Preservation Permit, and provided the applicable provisions of Chapter 2.2 - Zone 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, provided it is not listed in the National Register.
- 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 Zone Change consistent with the provisions in Chapter 2.2 - Zone Changes, pertaining to the removal of the related Historic Preservation Overlay will need to be approved for the Designated Historic Resource to no longer 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; 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 HRC-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 HRC-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 an HRC-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 an HRC-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 Moving a 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 provisions of Chapter 2.2 - Zone 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.

Chapter 4.0 - Improvements Required with Development

Section 4.0.30.b.3.f

- f. Prior to development, applicants shall perform a site inspection and identify any Contractor Sidewalk/street Stamps, sidewalk prisms, horse rings, and iron curbs in existing sidewalks that will be impacted by the development. If such a Contractor Sidewalk/street Stamp feature exists, it shall either be left in its current state as part of the existing sidewalk or street, or incorporated into the new sidewalk or street for the development site, as close as possible to ~~the~~ its original location and orientation. Iron curbs shall be retained unless required to be removed or modified to comply with mandatory ADA standards. In such instances, the iron curb shall only be removed or modified to the minimum extent necessary to comply with the ADA standards.

Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting

Section 4.2.20.h

- h. **Historically Significant Trees** - Definitions, procedures, and review criteria to remove Historically Significant Trees are located in Chapter 1.6 - Definitions, and Sections ~~2.9.80.b~~, 2.9.70.y, 2.9.90.02.a.11, 2.9.110.01.e, and 2.9.110.03.d of Chapter 2.9 - Historic Preservation Provisions.

Section 4.2.20.i

- i. **Hazardous Tree Removal** - Hazardous Trees are defined in Chapter 1.6 - Definitions. Except in emergency situations, removal of Hazardous Trees may only occur following the City Urban Forester's approval of a Hazard Tree Evaluation, which recommends tree removal. The Hazard Tree Evaluation shall be performed by an ISA Certified Arborist or ASCA Consulting Arborist using the 12-point hazard evaluation method, and the associated report must be submitted to the City's Urban Forester for review. The City Urban Forester will make the final determination as to whether or not the tree qualifies as a Hazardous Tree. Historically Significant Trees are also subject to the provisions in LDC Section 2.9.70.y. Protected trees that qualify as Hazardous Trees are also subject to the relevant Natural Resource protection provisions in this Code, and/or any relevant Conditions of Approval.

Chapter 4.7 - Sign Regulations

4.7.90.05 - Sign Standards for Oregon State University (OSU) Zone

Sign regulations for the OSU Zone vary, depending on the location and visual impact of the sign in relation to properties surrounding the zone. The following part of the OSU Zone is called the exemption area: the area east of 30th Street, south of Johnson Street and Monroe Avenue, west of the east boundary of the OSU Zone, and north of Western Boulevard and Oak Creek.

- a. Any sign inside the exemption area shall be exempt from these regulations, provided that:
 - 1. The sign is more than 100 ft. inside the exemption area;
 - 2. The sign has a Sign Area of less than 32 sq. ft.; and or
 - 3. The sign doesn't function as a graphic communication to people outside the exemption area.

- b. Any sign located in the OSU Zone but outside the exemption area shall be exempt from these regulations, provided the sign does not function as a graphic communication to people on adjacent streets or private property. See Figure 4.7-3 - OSU Sign Exemption Area.

CHAPTER 2.9 HISTORIC PRESERVATION PROVISIONS

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 involving Designated Historic Resources as defined in Chapter 1.6 - Definitions, 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 - Historic Preservation Overlay, the 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 Rehabilitation¹ and the Secretary of Interior's Standards for Preservation,² since they were used in the development 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 ZONING DESIGNATION

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

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

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

Section 2.9.40 - PROCEDURES FOR REMOVING A HISTORIC PRESERVATION OVERLAY ZONING DESIGNATION

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

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, Demolition, or Moving 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 - Legal Framework; is

a staff-level review, and acts as a double-check for compliance with Sections 2.9.90 and 2.9.100.

2. HRC-level Historic Preservation Permit - The HRC-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 HRC-level Historic Preservation Permit is classified as a quasi-judicial land use decision in Chapter 1.2 - Legal Framework, involves public notice, and requires a Historic Resources Commission 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 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, and other provisions of this Code, such as landscaping requirements in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

- 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 or 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 - Pertains 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 - 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; and
 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 and Tablets** - Installation of the following:
1. Signs and tablets that are exempt from City Sign Code regulations per Section 4.7.70;
 2. Freestanding signs in the OSU zone that are 32 sq. ft. or less and otherwise exempt from the need for a Sign Permit per 4.7.90.05.a and b;
 3. Attached signs on Noncontributing buildings in the OSU Historic District, that are 32 sq. ft. or less and otherwise exempt from City Sign Code regulations per Section 4.7.90.05.a and b; and
 4. Attached signs on Nonhistoric or Nonhistoric/Noncontributing buildings outside of the OSU Historic District that are:
 - a) 32. sq. ft. or less; or
 - b) If greater than 32 sq. ft., attached signs that:
 1. Replace existing signs;
 2. Are not variable message;
 3. Have the same approach to illumination as the sign to be replaced (none, internal, or external);
 4. Fit completely within the footprint of the original sign; and
 5. Are equal to or smaller than area of the sign to be replaced.
- e. Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District** - 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 public rights-of-way or private street rights-of-way, except for alleys, from which it may be visible, and the Alteration or New Construction is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.

- f. **Installation of Removable Screen and Storm Doors and Windows** - A screen door is a secondary door attached over a structure's primary door to allow additional air flow when the door is open, while simultaneously providing some basic door functions. A storm door or window is a secondary door or window attached over a structure's primary door or window to protect the primary door or window against weather impacts. Installation of screen and storm doors and windows are exempt, provided they do not function as replacements for primary doors and windows, are installed in a manner that is Reversible, and do not damage or permanently alter external historic features of the Designated Historic Resource. Unpainted metal is not exempt.
- 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** - Installation of the following accessory items are exempt from the need for a Historic Preservation Permit:
1. Benches;
 2. City-standard bus shelters;
 3. Blue light security kiosks;
 4. Replacement of uncovered bicycle racks with new uncovered bicycle racks on the same or other-hard mounting/parking surface.
 5. Trash / Recycling receptacles with footprints less than 15 sq. ft. and meeting other Code standards; and
 6. Accessory development not listed above is exempt from the need for a Historic Preservation Permit if it meets the criteria in Chapter 4.3 - Accessory Development Regulations, is not visible from 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 (floor area), and does not exceed 14 ft. in height as measured from grade.
- i. **Moving or Demolishing Structures** - Moving or demolition of structures, provided:
1. The structure is in a National Register Historic District, and is classified as Nonhistoric/Noncontributing, or Nonhistoric per the definition in Chapter 1.6 - Definitions; or

2. The structure is on an Individually Designated Historic Resource outside of a National Register District; and
 - a. Is Nonhistoric per the definition in Chapter 1.6 - Definitions; and
 - b. Is a freestanding Accessory structure, less than 200 sq. ft. and less than 14 ft. in height; and
3. In all cases, moving or demolishing the structure, shall not damage, obscure, or negatively impact a Designated Historic Resource.

j. Installation of Satellite Dishes - Installation of a satellite dish on a facade not facing public or private street rights-of-way, except for alleys, from which it may be visible, provided the dish is less than 30 in. in diameter.

k. Access Ramps, Sidewalk Wheelchair Ramps, and Fire/Life Safety Devices - Installation of access ramps, sidewalk wheelchair ramps, and fire/life safety devices that are compliant with the Americans with Disabilities Act (ADA) provided the installation is Reversible, none of the external historic features of the resource are damaged or permanently altered, and the following criteria, as applicable, are satisfied:

1. Access Ramps on Historic Contributing Resources - No more than 30 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%.
2. Access Ramps on Nonhistoric/ Noncontributing Resources - No more than 48 in. Above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%.
3. Sidewalk Wheelchair Ramps - In public or private street rights-of-way, Division Standard Specifications and are either 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.
4. Fire/Life Safety Devices - If masonry or stone buildings are affected, anchors and wiring shall be installed in mortar joints and not through brick or stone.

l. Conversion of Existing Vehicular Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA) -Conversion of existing vehicular

parking spaces to vehicular parking spaces that are needed to achieve compliance with the Americans with Disabilities Act (ADA), provided no additional impervious surface is created.

- m. **Fencing Installation, Extension, or Removal** - Installation or extension of new wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50. 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 freestanding trellises that are less than 14 ft. in height, Reversible, and do not damage any significant external architectural features of the Designated 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 Designated Historic Resource structures, or damage any Historically Significant Trees or other Historically Significant landscaping or landscapes 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** - Altering a building foundation or installing a new foundation, provided the foundation material is not specifically identified as Historically Significant, and:
 - 1. The Alteration or New Construction is required to meet present-day Building Code requirements;
 - 2. The building elevation is not raised by more than 12 in.; and
 - 3. The existing foundation is 18 in. high or less.
- q. **Installation of New, and Repair or Replacement of Gutters and Downspouts** - Installation of new, and repair or replacement of existing 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 new, replaced, or repaired gutters and downspouts shall not damage or obscure any significant architectural features of the structure.

- r. **Utility Poles** - Installing, relocating, or removing utility poles.
- s. **Uncovered Rear Deck or Patio Additions 350 Sq. Ft. or Less** - Installation or removal of an uncovered deck or patio, provided the deck or patio is obscured from view from public rights-of-way and private street rights-of-way by a fence, hedge, or other structure. The patio or deck may be visible from alleys. The deck shall be 30 in. or less in height, and shall be constructed in a manner that is Reversible.
- t. **Installation of New, or Replacement of Existing Windows or Doors on Nonhistoric and Nonhistoric/Noncontributing Resources**- Installation of new, or replacement of existing windows and doors as follows:
 - 1. Replacement of existing windows and doors with new windows and doors that have double-pane glazing meeting current Building Code energy efficiency standards. The replacements shall otherwise match the replaced items in materials, dimensions, and shape, except that wood or metal-clad wood may be substituted for the original, non-glass materials of replaced items; and
 - 2. New windows and doors on facades that are not visible from public or private street rights-of-way (except for alleys), as defined in Chapter 1.6 - Definitions, may be installed.
- u. **Re-roofing** - Replacement of roofing material with a material similar to, or different from, the existing or original material, provided the existing roofing material is not specifically identified as Historically Significant; and
 - 1. The roof is flat and obscured by a parapet; or
 - 2. The roof is pitched and is being replaced with architectural composition shingles. Skylights shall be addressed in accordance with Section 2.9.70.x, 2.9.100.03.h, or 2.9.100.04, as applicable.
- v. **Installation of New or Expanded Pathways** - Installation of new or expanded pathways, provided the pathways are:
 - 1. Constructed of softscape (e.g. bark mulch, etc.), stone steps, or flagstone, and are installed in a manner that is Reversible. Automobile parking is prohibited on pathways;

2. Constructed of concrete, brick or pavers, that do not exceed 5 ft. in width, 250 sq.ft., and are installed on residentially zoned sites; or
 3. Constructed of asphalt, concrete, brick, or pavers that do not exceed a 12 ft. width, are 1,000 sq. ft. or less, are not part of Historic Contributing open space areas, and are on non-residentially zoned sites.
- w. **Utility Meters, Pipes, and Venting** - Utility meters, pipes, and venting may be installed on, moved, or removed from structures, provided they do not alter windows, doors, or architectural details. Installation, alteration or removal of brick, stone, and masonry chimneys are not exempt activities.
- x. **Skylights** -
1. Skylights from 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 re-roofed, whichever comes first, unless a Historic Preservation Permit is subsequently approved to retain the skylight in accordance with Sections 2.9.100.03.h or 2.9.100.04, as applicable.
 3. New skylights may be installed in accordance with Sections 2.9.100.03.h and 2.9.100.04, as applicable.
- y. **Historically Significant Hazardous Trees** - Removal of Historically Significant Trees that qualify as Hazardous Trees, based on the definition of Hazardous Tree in Chapter 1.6 - Definitions. The Hazardous Tree determination must be based on a Hazard Tree Evaluation that has been performed by an ISA Certified Arborist or ASCA Consulting Arborist using the 12-point hazard evaluation method, and the associated report 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. Following removal of the tree, the City shall notify the Historic Resources Commission that the action has occurred. Additionally, if a tree is required in the subject location via other Code provisions, such as those in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting, a new tree shall be planted consistent with those applicable Code provisions.

- z. Ground Level and Rooftop Mechanical Equipment** - Installation of ground level and rooftop mechanical equipment, limited to equipment not visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible. Screening required by Code to conceal ground-level mechanical equipment so that it is not visible from public and private street rights-of-way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening.
- aa. Required Ground-level Screening** - Code-required ground-level screening, including vegetation, walls, fences, and enclosures. provided the screen:
 - 1. Complies with development standards of the underlying zone;
 - 2. Is freestanding, or constructed at ground level and attached to the Designated Historic Resource in a manner that is Reversible and does not damage architectural features of the structure;
 - 3. Is composed of either vegetation, masonry walls, solid wood fencing, or a combination of these materials and, except in the case of vegetation, the material matches materials used on the Designated Historic Resource structure. Metal gates/doors may be used to access enclosures. If vegetation is used for screening, it shall be consistent with the screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting; and,
 - 4. Does not exceed 6 ft in height, does not exceed 10 ft in length or width, and does not enclose an area greater than 100 sq. ft.

Section 2.9.80 - 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 that the action has occurred.

Section 2.9.90 - PROCEDURES FOR ALL REQUIRED HISTORIC PRESERVATION PERMITS (DIRECTOR-LEVEL AND HRC-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 HRC-level, the items listed below. 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 zone 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 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, as amended;

- c) Special Assessment Program requirements per ORS 358.475, as amended;
- 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 HRC-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 zone 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 HRC-level Demolition 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 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 HRC-level Historic Preservation Permit involving a Moving shall include information required in "a," "c.1," and "c.4," above, stated with respect to a Moving. 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 10 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. **HRC-level Historic Preservation Permits**
 - 1. Public notice shall be provided in accordance with Sections 2.0.50.04.b; 2.0.50.04.c.1-3, and 6-10; and 2.0.50.04.e-g; and
 - 2. For a proposed Demolition or Moving, public notice shall be published in a newspaper of general circulation at least 10 days in advance of the Historic Resources Commission's 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 ensure consistency with the review criteria in Section 2.9.90.06 "a" and "b," below.
- b. **HRC-level Historic Preservation Permits** - For all HRC-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 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 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 concurrently 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 ensure consistency with the review criteria in Section 2.9.100.03.

c. HRC-level Historic Preservation Permits

1. Alteration or New Construction - Alteration or New Construction requiring an HRC-level Historic Preservation Permit shall be reviewed to ensure consistency with the review criteria in Section 2.9.100.04.
2. Demolition - Demolition requiring an HRC-level Historic Preservation Permit shall be reviewed to ensure consistency with the review criteria in Section 2.9.110.03; and
3. Moving - Moving requiring an HRC-level Historic Preservation Permit shall be reviewed to ensure 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. **HRC-level Historic Preservation Permits** - The Historic Resources Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the HRC 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 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 HRC 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;
3. Any person who resides on or owns property within 100 ft. (excluding street right-of-way) of the parcel of land that is the subject of the Historic Preservation Permit application;
4. Any person who requested notice on the proposal; and
5. Any persons who submitted written comment on the proposal.

- b. **HRC-level Historic Preservation Permits** - The Director shall provide the applicant and the Historic Resources Commission with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings, that includes a written statement of the Historic Resources Commission'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 in accordance with Chapter 2.19 - Appeals. The HRC-level Historic Preservation Permit decision may be appealed to the City Council in accordance with Chapter 2.19 - Appeals.

b. **Undue Hardship Appeals** - The 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 hearing authority, the information listed in "1-6," below, as applicable, shall be submitted for the appeal hearing authority to consider a hardship appeal. Not every item listed in "1-6," below will apply to every case:

1. Three estimates of:
 - a) The cost of the activity(ies) proposed under the denied or conditionally-approved Historic Preservation Permit; and
 - b) 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 estimate 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.

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. Any past listing of the property for sale or lease, the price asked, and any offers received on that property.
6. Information relating to any nonfinancial hardship resulting from the denial or approval, as conditioned, of the proposed Historic Preservation Permit.

If the 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 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 2.0.50.15.
- 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 2.0.50.15. 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.

ORDINANCE EXHIBIT C.22

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 “c,” 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, 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; 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 HRC-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 “o,” 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.

- a. **Solar or Hydronic Equipment** - Installation of solar or hydronic equipment parallel to the roof surface with no part of the installation protruding more than 12 in. 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.
- b. **Replacement Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features** - Replacement of the following site features with dissimilar materials and/or a different design or style, provided the size of such features does not increase:
 1. Driveways;
 2. Paths and sidewalks;
 3. Bicycle parking areas; and/or
 4. Vehicular parking areas that involve 800 sq. ft. or less.
- c. **Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Addition of vehicular parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.i.
- d. **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 public rights-of-way and private street rights-of-way, except for alleys, from which it may be visible, and does not exceed 14 ft. in height.
- e. **Replacement of Windows or Doors on Historic, Historic/Contributing, and Historic/Noncontributing Resources** - Windows and doors may be replaced with new windows and doors containing double-pane glazing and meeting current Building Code energy efficiency standards. The following provisions also apply:

1. Except as otherwise provided in subsections 2-5, below, the replacements shall match the replaced items in:
 - a. Materials;
 - b. Design or style;
 - c. Size;
 - d. Sash and Muntin dimensions (a 1/2-in. tolerance in size is permitted for Sashes, and a 1/8-in. tolerance in size is permitted for Muntins);
 - e. Number and type of divided lites (either true or simulated lites are permitted; snap-on grids are not); and
 - f. Shape.
 2. Metal-clad wood may be substituted for the original, non-glass materials of the replaced items.
 3. On residential structures, non-wood doors and hollow-core doors may be replaced with doors of a dissimilar design, provided the replacement doors are solid wood or metal-clad solid wood and are the same size, and in the same location as the door to be removed. Glass is permitted in the replacement door.
 4. Alterations involving decorative art glass and leaded glass windows shall be reviewed by the HRC unless the alteration satisfies the Chapter 1.6 definition for In-kind Repair or Replacement.
 5. Installation of new, or replacement of windows and doors on Nonhistoric and Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District are exempt per Section 2.9.70.t.
- f. **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 or 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.
- g. **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.

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

1. Nonhistoric/Noncontributing structures;
2. Structures with flat roofs or where the skylight would otherwise be obscured by a parapet;
3. 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.

i. 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.

j. Driveway Width Expansion - Widening driveways to a maximum width of 12 ft. using either the same materials and design in existence, or using dissimilar materials and/or a different design or style. The driveway length shall not increase. In all cases, driveways are subject to the Corvallis Off-street Parking and Access Standards, and the provisions in Chapter 4.1 - Parking, Loading, and Access Requirements.

2.9.100.04 - Alteration or New Construction Parameters and Review Criteria for an HRC-level Historic Preservation Permit

Some exterior Alterations or New Construction involving a Designated Historic Resource may be needed to ensure its continued use. Rehabilitation of a Designated Historic Resource includes an opportunity to make possible an efficient contemporary use through such alterations and additions. Flexibility in new building design may be considered to accommodate contemporary uses, accessibility requirements, compliance with current zoning and development standards, and cultural considerations.

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 an HRC-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 an HRC-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 Section 2.9.70.c.
 2. Signs - Signs that are not exempt per Section 2.9.70.d, provided they meet the applicable sign allocation standards outlined in Chapter 4.7 - 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 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 18 in., and/or where the building elevation is raised by more than 12 in.

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.g.
10. Solar or Hydronic Equipment - Installation of solar or hydronic equipment not eligible for Director-level review per Section 2.9.100.03.a.
11. Mechanical Equipment - Installation of mechanical equipment not exempt per Section 2.9.70.z.
12. Re-roofing - Unless exempt under Section 2.0.70.u, replacement of the existing roofing material with a new material that is different from the original.
13. 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.f.
14. 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.
15. Accessory Development - Unless exempt per Section 2.9.70 or eligible for Director-level review per Section 2.9.100.03, Accessory Development meeting the criteria in Chapter 4.3 - Accessory Development Regulations.
16. 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. 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 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 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, such as balconies, porches, bay windows, dormers, or trim details 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 that are significantly visible from public areas, excluding alleys. 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, such as 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. Replacements for 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 zoning designation and other chapters of this Code, 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 to minimize impacts to facade(s) of the Designated Historic Resource that are significantly visible from public areas, excluding alleys.
- 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 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 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 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, as amended, which pertains to the finding of cultural materials; ORS 390.235, as amended, which describes steps for State permits on sites where cultural materials are found; and OAR 736.051.0080 and OAR 736.051.0090, as amended, which describe requirements for cultural materials found on public versus private land, respectively.
- n) Differentiation - New free standing buildings and additions to buildings shall be differentiated from the portions of the site's existing Designated Historic Resource(s) inside the applicable Period of Significance. However, they 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. 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 shall receive from the Director a finding that indicates the following:

- a) The zone 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 HRC-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 provisions of Chapter 2.2 - Zone Changes, 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 provisions of Chapter 2.2 - Zone Changes, 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 - Definitions, unless the tree is officially sanctioned for removal via Section 2.9.70.y.

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

An HRC-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 HRC-level Historic Preservation Permit for the Demolition of a Designated Historic Resource other than a Historically Significant Tree 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". Criteria "a-c" do not apply to requests to remove a Historically Significant Tree. Removal of a Historically Significant Tree that does not qualify as an exempt activity via Section 2.9.70.y is addressed in "d", below.

- 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 -2," below, and is not exempt per Section 2.9.70, 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 criteria, the Demolition shall involve only the following:
 1. A Nonhistoric structure on an individually Designated Historic Resource listed in the Local Register or National Register of Historic Places; or
 2. 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) Moving of the Designated Historic Resource is not feasible; 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. Three of the following 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." The sign's lettering line height shall be at least five in. and line width shall be at least one half in. The sign and public notice shall be posted within two ft. of any street sidewalk abutting the property. Signs shall be posted for a minimum of 40 days prior to the public hearing;
 - 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** - A 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 "1-5," below. Removal of Historically Significant Trees that qualify

as Hazardous Trees are addressed in Section 2.9.70.y. If removal of a Historically Significant Tree is approved through the provisions of this section (2.9.110.03.d), 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 percent 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; and/or
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.

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 "1-3," below. The method(s) of documentation shall be specified in the Historic Preservation Permit. The required documentation must be approved by the Director prior to the issuance of a Building Permit for Demolition.
 1. Documentation using guidelines in the Historic American Buildings Survey, including 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 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 Locally-designated Historic Resource, the Historic Preservation Overlay may be removed through use of the provisions of Chapter 2.2 - Zone Changes, following the effective date of the approved Historic Preservation Permit, and provided the applicable provisions of Chapter 2.2 - Zone 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, provided it is not listed in the National Register.

- 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 Zone Change consistent with the provisions in Chapter 2.2 - Zone Changes, pertaining to the removal of the related Historic Preservation Overlay will need to be approved for the Designated Historic Resource to no longer 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;

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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; 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 HRC-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 HRC-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 an HRC-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 an HRC-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 Moving a 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 provisions of Chapter 2.2 - Zone 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.

ORDINANCE EXHIBIT C.44

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.

COMMUNITY DEVELOPMENT DEPT.
PLANNING DIVISION
CITY OF CORVALLIS
P.O. BOX 1083
CORVALLIS OR 97339-1083

FIRST CLASS



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Attention: Plan Amendment Specialist
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Salem, Oregon 97301 - 2540