



**CORVALLIS
CITY COUNCIL AGENDA**

*** SPECIAL MEETING ***

**May 8, 2006
7:00 pm**

**Downtown Fire Station
400 NW Harrison Boulevard**

COUNCIL ACTION

I. ROLL CALL

II. UNFINISHED BUSINESS

- A. Deliberations on a Land Development Code Text Amendment to revise Chapter 2.9 (Historic Preservation Provisions) and other related Land Development Code chapters (LDT05-00001)

III. ADJOURNMENT

For the hearing impaired, a sign language interpreter can be provided with 48 hours' notice prior to the meeting. Please call 766-6901 or TTY/TDD telephone 766-6477 to arrange for such service.

A LARGE PRINT AGENDA CAN BE AVAILABLE BY CALLING 766-6901

A Community That Honors Diversity

MEMORANDUM

TO: Mayor and City Council

FROM: Kelly Schlesener, Senior Planner 

DATE: May 3, 2006

RE: Update of Historic Preservation Provisions (LDT05-00001)
Ordered Discussion Items from Testimony, to Assist with
City Council Deliberations

Attached is an ordered list of issues raised during the public hearing process for the Update of the City's Historic Preservation Provisions (LDT05-00001). The list contains issues raised, page references, and applicable Code Sections. Issues are from:

- Staff in pages 28-32 of the April 11, 2006, City Council Staff Report;
- Public written testimony contained in Exhibit VII of the April 11, 2006, City Council Staff Report;
- Public written testimony contained in the April 24, 2006, Memo from Kelly Schlesener to the City Council;
- Public written testimony contained in the May 2, 2006, Memo from Kelly Schlesener to the City Council;
- Public verbal testimony received at the April 24, 2006, City Council public hearing, focused only on issues not already addressed by the written documents described above; and
- Councilor testimony received by staff as of 5 pm on May 4, 2006.

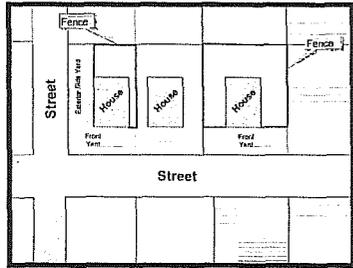
The list is generally ordered by Code Chapter as noted below. However, some comments are grouped when multiple sections are affected by the same issue. Additionally, typos, minor grammatical errors, and cross-reference errors will be corrected and are not specifically called out in this memo.

- Chapter 2.9 - Historic Preservation Provisions;
- Chapter 2.2 - Development District Changes;
- Chapter 1.6 - Definitions;
- Chapter 1.1 - The City Council and Its Agencies and Officers;
- Chapter 1.2 - Legal Framework;
- Chapter 1.3 - Enforcement;
- Chapter 2.0 - Public Hearings;
- Chapter 2.3 - Conditional Development;
- Chapter 2.5 - Planned Development;
- Chapter 2.16 - Request for Interpretation;
- Chapter 2.19 - Appeals;
- Chapter 3.31 - HPO (Historic Preservation Overlay) District;
- Chapter 4.0 - Improvements Required with Development;
- Chapter 4.2 - Landscaping, Buffering, and Screening;
- Chapter 4.7 - Corvallis Sign Regulations;
- Chapter 4.9 - Additional Provisions; and
- Other

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)
Exhibit I (yellow) - Pg. 52; and Testimony #5 of 5/2/06 Memo	2.9.20.c (Purposes)	Request that this purpose statement be modified as noted by shading below. c. Complement any National Register of Historic Places Historic <u>Sites or</u> Districts in the City; ■ Good Suggestion. Possibly change the "or" to "and/or" though.
Exhibit I (yellow) - Pg. 52; Exhibit VII -Pg. 42; & Testimony #10 in 5/2/06 Memo	2.9.20 (Purposes)	Request that the following statement be added as a purpose statement to Chapter 2.9. <u>Lessen Increase</u> the influence of private economic interests in the land use decision-making process <u>as it relates to Historic Districts in the City of Corvallis;</u> ■ Staff will look to Council for direction on this matter.
Exhibit VII -Pg. 6	Sections 2.9.30.01.a & 2.9.70.01.a are listed, but don't correspond to topic.	Concern that, for conflict of interest reasons, the HPAB should not be able to initiate either a District Change application to apply a Historic Preservation Overlay; and should not be able to initiate a Historic Preservation Permit. ■ Agreed. However, staff does not believe there are any Code Sections in Exhibit I (yellow) that allow for this to occur. Please advise if otherwise noted.
Exhibit I (yellow) - Pg. 55	2.9.70.b (in Exemptions List)	(CC Staff Report) Modify as shown in italics and shading: 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, <i>dimensions</i> , or material of the resource. <i>A complete definition for In-kind Repair and Replacement is contained in Chapter 1.6 - Definitions.</i> 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: ■ Suggested by staff on pgs. 28 & 29 of CC Staff Report. Housekeeping item.

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<p>Exhibit I (yellow) - Pg. 56; Exhibit II (pgs. 64 & 65); and Councilor Griffith's Testimony (pg. 3)</p>	<p>2.9.70.d (in Exemptions List)</p>	<p>(Councilor Griffiths) Add back in text that staff proposed to Planning Commission and as shown in shading below.</p> <p>d. <u>Historical Proposed Signs or Tablets</u> - Installation of one permanent memorial sign or tablet <u>up to ten sq. ft. in area</u> per property, where the sign or tablet is exempt from the City's Sign Code regulations per Section 4.7.70.e, and is consistent with the published dimensions and design guidelines established by the Historic Preservation Advisory Board.</p> <p>■ The City Attorney's Office advised staff and the Planning Commission that sign content can't be regulated because it is a constitutional issue. That is why the reference to "historical" was deleted. During Planning Commission deliberations, both the Commission and staff thought that, given that sign content couldn't be regulated (and the sign could not be guaranteed to be historical), the appropriate size of the sign for this exemption should default to the sign standards for a property's underlying District Designation. Therefore, it is recommended that this provision not be changed as noted above.</p>
<p>Exhibit I (yellow) - Pg. 56; and Exhibit VII -Pgs. 3 & 10; & Councilor Griffith's Testimony (pg. 3)</p>	<p>2.9.70.e (in Exemptions List)</p> <p>Chapter 1.6 - Definitions</p>	<p>(Councilor Griffiths & Other Testimony) Concern with the lack of a definition for what is meant by "visible" and "not visible," when the terms are used in Chapter 2.9. An example is the provision below and the terms in question are highlighted. Suggested that "visible from the right-of-way" mean facades facing the street.</p> <p>e. Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District - An exterior Alteration or New Construction to a property in a National Register of Historic Places Historic District that is classified in its entirety as Nonhistoric/Noncontributing shall be exempt from review, provided the Alteration or New Construction is <u>not visible from the</u> public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), is 200 sq. ft. or less, and does not exceed 14 ft. in height.</p> <p>■ Good point. A definition should be developed. As there are a number of ways to approach this definition, staff will present some options to the Council to receive direction and then craft a definition for Council to consider.</p>

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Exhibit I (yellow) - Pg. 56; and Councilor Griffith's Testimony (pg. 3)	2.9.70.h (in Exemptions List)	<p>(Councilor Griffiths) Change 100 sq. ft. threshold to 200 ft., as staff had previously recommended. This change, as shown in shading below, will make this provision consistent with Section 2.9.70.i.</p> <p>h. Accessory Development - Accessory development meeting the criteria in Chapter 4.3 - <i>Accessory Development Regulations</i> that is not visible from the public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), that is 700 <u>200</u> sq. ft. or less, and that does not exceed 14 ft. in height.</p> <p>■ This threshold was originally proposed by staff because it matches the threshold at which a Building Permit is required. If the proposed change is made by the Council, then Section 2.9.100.03.I (a Director-Level provision for Accessory Development that regulates sizes 100-200 sq. ft.) would need to be deleted and Section 2.9.100.03 re-lettered accordingly.</p>

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Exhibit I (yellow) - Pgs. 57 & 58	2.9.70.m (in Exemptions List)	<p>(CC Staff Report) Modify as shown in italics and shading:</p> <p>m. Fencing Installation, Extension, or Removal - The installation or extension of new wood fencing, or the repair or replacement of existing wood fencing, provided such fencing that is constructed of wood and that meets applicable development standards for fencing in Section 4.2.50. <i>The fence shall not be located beyond the building facade facing a front or exterior side yard adjacent to a public rights-of-way. Additionally, the removal of an existing wood or chainlink fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.</i></p> <p><u>Delete Graphic</u></p>  <p><i>Additionally, the removal of an existing wood or chainlink fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.</i></p> <ul style="list-style-type: none"> ■ Suggested by staff on pgs. 29 & 30 of CC Staff Report. More property owner flexibility.
Exhibit I (yellow) - Pg. 58	2.9.70.n (in Exemptions List)	<p>(CC Staff Report) Modify as shown in italics and shading:</p> <p>n. Freestanding Trellises - Installation of a freestanding trellis that is less than 14 ft. in height and not visible from the public street rights-of-way or private street rights-of-way (except for alleys from which it may be visible). The installation shall not damage or obscure any significant external architectural features of the historic resource.</p> <ul style="list-style-type: none"> ■ Suggested by staff on pg. 30 of CC Staff Report. Some housekeeping items, consistency with 2.9.100.03.j, & more property owner flexibility.

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<p>Exhibit I (yellow) - Pg. 59; and Councilor Griffith's Testimony (pg. 3)</p> <p>CONT'D ON NEXT PAGE</p>	<p>2.9.70.q & r (in Exemptions List)</p> <p>CONT'D ON NEXT PAGE</p>	<p>(Councilor Griffiths) Instead of staff's recommendation from the CC Staff report (see below), modify 2.9.70.q as noted below by shading and do not add "r."</p> <p>q. <u>Repair, or Replacement, or Installation of New of Gutters and Downspouts</u> - Repair or replacement of gutters and downspouts using materials that match the appearance of the gutters and downspouts being replaced or match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The installed gutters and downspouts shall not damage or obscure any significant architectural features of the structure <i>(e.g. internal gutters, etc.)</i>. <i>This exemption also covers the installation of gutters and downspouts where none previously existed on Nonhistoric/Noncontributing Designated Historic Resources.</i></p> <p>■ If the intent is to allow the installation of new gutters where none previously existed on all structures (as the title indicates), then this provision would need to be altered further to clarify that. If the solution is to re-combine "q" and "r," then the provision would need to be altered further to clarify where new gutters can be installed where none previously existed. Staff proposed separating these concepts into "q" and "r" because it would be easier for people to see right away (from the title proposed for "r") that gutters can be installed where none previously existed on Nonhistoric/Noncontributing Designated Historic Resources.</p> <p>(CC Staff Report) Modify as shown in italics and shading:</p> <p>q. <u>Repair or Replacement of Gutters and Downspouts</u> - Repair or replacement of gutters and downspouts using materials that match the appearance of the gutters and downspouts being replaced or match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The installed gutters and downspouts shall not damage or obscure any significant architectural features of the structure <i>(e.g. internal gutters, etc.)</i>. <i>This exemption also covers the installation of gutters and downspouts where none previously existed on Nonhistoric/Noncontributing Designated Historic Resources.</i></p> <p>CONT'D ON NEXT PAGE</p>

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<p>Exhibit I (yellow) - Pg. 59; and Councilor Griffith's Testimony (pg. 3)</p> <p>CONT'D FROM PREVIOUS PAGE</p>	<p>2.9.70.q & r (in Exemptions List)</p> <p>CONT'D FROM PREVIOUS PAGE</p>	<p>CONT'D FROM PREVIOUS PAGE</p> <p><u>r</u> <i>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.</i></p> <p>■ Suggested by staff on pgs. 30 & 31 of CC Staff Report. Clarifies text by separating provisions for situations where no gutters previously existed versus where they do exist.</p>
<p>Exhibit I (yellow) - Pg. 59; & Councilor Griffith's Testimony (pg. 3)</p>	<p>2.9.70.s (in Exemptions List)</p>	<p>(Councilor Griffiths) Change the sq. ft. threshold in Section 2.9.70.s from 200 sq. ft. to 350 sq. ft. Alternatively, copy this same provision and add it to the list of Director-Level items in Section 2.9.100.03, but for a threshold range greater than 200 sq. ft. and ≤ 300 sq. ft. These items are usually in the back and not seen from the public right-of-way, so are similar to interior changes that the public cannot see from the outside.</p> <p>(CC Staff Report) Modify as shown in italics and shading:</p> <p><u>rs</u> Uncovered Rear Deck or Patio Additions 200 Sq. Ft. or Less - The <i>installation or removal of an uncovered</i> deck or patio, <i>provided the deck or patio is shall be</i> obscured from view from the public rights-of-way and private street rights-of-way (except for alleys, from which it may be visible) by a fence, hedge, or other structure and shall meets the applicable setback requirements (per the Development District or as approved through a Lot Development Option or Planned Development process). The deck shall be 30 inches or less in height, and shall be constructed in a manner that is reversible.</p> <p>■ Suggested by staff on pg. 31 of CC Staff Report. Housekeeping & clarifies text by making it clear that provisions applies to the installation or removal of decks and patios. No problems with either of Councilor Griffith's additional suggestions.</p>

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Exhibit I (yellow) - Pgs. 59 & 70; and Testimony #1 in 4/24/06 Memo	2.9.70.u (in Exemptions List) & 2.9.100.03.c (in Director-Level Alt'n or New Const'n List)	<p>Request that addition of new skylights be exempt.</p> <p><u>t</u>. Reroofing Where the Roof Surface is not Visible from the Ground Plane - Where a roof surface is not visible from the ground plane and the roofing material is not specifically identified as Historically Significant, the roofing material may be repaired or replaced, provided the finished roof surface remains not visible from the ground plane. Skylights that are from the structure's Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows (or doors with glass).</p> <p>c. Reroofing - Replacement of existing wooden shingles or shakes with architectural composition shingles or other materials documented to have been used on the structure during its Period of Significance and that are not otherwise prohibited by the approved Building Code. The new roof shall not damage or obscure any significant architectural features of the structure. Skylights that are from the structure's Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows (or doors with glass) (<i>Sections 2.9.70.b and t; 2.9.100.03.m; 2.9.100.04</i>).</p> <p>■ Sections 2.9.70.u & 2.9.100.03.c currently treat skylights similarly to windows and doors with glass. The addition of new skylights where none previously existed would fall under the HPAB-Level review for Alterations or New Construction (Section 2.9.100.04). However, a possible solution could be to modify one or both of the sections above (2.9.70.u & 2.9.100.03.c) to exempt skylights from HPP review.</p>
Exhibit I (yellow) - Pg. 60	2.9.70.v (in Exemptions List)	<p>(CC Staff Report) Modify as shown in italics and shading:</p> <p><u>v</u> <i><u>Installation of New or Expanded Pathways 100 Sq. Ft. Or Less - Installation of new or expanded pathways, provided the pathways are constructed of softscape (e.g. bark mulch, etc.); or stone steps or flagstone that is installed in a manner that is Reversible.</u></i></p> <p>■ Suggested by staff on pg. 31 of CC Staff Report. Item has come up in past HPP applications & would provide more flexibility for property owners.</p>

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Exhibit I (yellow) - Pgs. 61-64; Exhibit VII -Pg. 3; & Testimony #8 (pg. 8-B) of 5/2/06 Memo	2.9.90.02 (HPP Application Req'ts) & 2.9.90.02.a	<p>Concern that list of HPP application requirements exceeds available time and expertise of most property owners. One request is to limit the mandatory requirements to items 1-6, with the remainder of the requirements applying to only the more complex applications.</p> <p>a. A Historic Preservation Permit application for a Designated Historic Resource shall be made on forms provided by the Director and shall include, for both types of Historic Preservation Permits (Director-level and HPAB-level), the items listed below. For Director-level Historic Preservation Permits, the Director may waive any of the below requirements when he/she determines the information required by a part of this section is unnecessary to properly evaluate the proposed Historic Preservation Permit:</p> <p>■ The lead-in provision for this section provides that, at least for Director-level HPP's, the Director can waive application requirements that aren't needed to evaluate the application. However, to better address this concern, the lead-in paragraph should be modified to read:</p> <p>a. A Historic Preservation Permit application for a Designated Historic Resource shall be made on forms provided by the Director and shall include, for both types of Historic Preservation Permits (Director-level and HPAB-level), the items listed below. For Director-level Historic Preservation Permits, the Director may waive any of the below requirements when he/she determines the information required by a part of this section is unnecessary to properly evaluate the proposed Historic Preservation Permit:</p>
Exhibit I (yellow) - Pg. 62; and Exhibit VII -Pg. 5	2.9.90.02.a.9	<p>Modify Section 2.9.90.02.a.9 as shown in shading:</p> <p>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;</p> <p>■ This change is not recommended, as landscaping and impacts to landscaping should be considered during evaluation of an HPP. Landscaping provides context needs to be considered during the design phase of the project. There may also be a need for a preservation plan.</p>

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<p>Exhibit I (yellow) - Pgs. 67, 68, & 82; Exhibit VII -Pg. 5; & Testimony #5 & Testimony #8 (pg. 8-A) in 5/2/06 Memo; & Councilor Griffith's Testimony (pg. 2)</p> <p>(CONT'D ON NEXT PAGE)</p>	<p>2.9.90.09.b; 2.9.110.03.c.1; & 1.6 - Definition for Economically Feasible Rehabilitation</p> <p>(CONT'D ON NEXT PAGE)</p>	<p>(Councilor Griffith's Testimony) The definition need for Economically Feasible Rehabilitation needs to be clarified, replaced, or deleted entirely. We heard a lot of testimony about the difficulty in interpreting this definition and unless we can come up with something that is very clear and objective related to the clause "75% of the structure's replacement value at a similar quality of construction" we should simply delete it. I ask that staff present some real examples to help us understand this.</p> <p>(Other Testimony) Concern regarding the ability to generate consistent and fair numbers required in Undue Hardship Appeals provisions of Section 2.9.90.09.b; the Chapter 1.6 definition for Economically Feasible Rehabilitation; and the use of the term Economically Feasible Rehabilitation in Section 2.9.110.03.c.1. Request elimination of the definition and uses of the term and use of only the Undue Hardship Appeals provisions.</p> <p>2.9.90.09.b - Undue Hardship Appeals - The decision-maker <i>hearing authority</i> for an appeal may consider claims of economic or undue hardship in cases where an applicant was either denied a Historic Preservation Permit or granted a Historic Preservation Permit with conditions of approval that the applicant believes to be an economic or undue hardship. The applicant must provide adequate documentation and/or testimony at the appeal hearing to justify such claims. In addition to the information the applicant believes is necessary to make his/her case to the appeal decision-maker <i>hearing authority</i>, the following types of information, as applicable, shall be submitted in order for the appeal decision-maker <i>hearing authority</i> to consider a hardship appeal:</p> <ol style="list-style-type: none"> 1. Estimate of the cost of the activity(ies) proposed under the denied or conditionally-approved Historic Preservation Permit, and an estimate of any additional costs which would be incurred to comply with the modified activity(ies) recommended by the decision-maker. 2. Estimates of the value of the property in its current state, with the denied or conditionally-approved Historic Preservation Permit, and with the modified activity(ies) proposed by the decision-maker. 3. Information regarding the soundness of the affected structure(s), and the feasibility for rehabilitation which would preserve the historic character and qualities of the <i>Designated Historic Resource</i>. 4. Any information concerning the mortgage or other financial obligations on the property which are affected by the denial or approval, as conditioned, of the proposed Historic Preservation Permit. <p>(CONT'D ON NEXT PAGE)</p>

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

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<p>Exhibit I (yellow) - Pgs. 67, 68, & 82; and Exhibit VII -Pg. 5</p> <p>(CONT'D FROM PREVIOUS PAGE)</p>	<p>2.9.90.09.b; 2.9.110.03.c.1; & 1.6 - Definition for Economically Feasible Rehabilitation</p> <p>(CONT'D FROM PREVIOUS PAGE)</p>	<p>(CONT'D FROM PREVIOUS PAGE)</p> <p>■ The use of numbers in these provisions will always relate to a discretionary hearing situation. Whether relying solely on the Undue Hardship Appeals provisions and deleting the rest of the provisions above (as suggested by testimony), or keeping the provisions above, it is possible to better define calculation methods to help resolve some concerns. It should be noted that the criteria noted for a Demolition (Section 2.9.110.03.c.1) and the Chapter 1.6 definition for the term <i>"Economically Feasible Rehabilitation"</i> which is used in (Section 2.9.110.03.c.1), is really a matter with a specific intent related to a Demolition, while the Undue Hardship Appeal may apply to any Historic Preservation Permit. Additionally, the Undue Hardship Appeal of a Demolition decision (which is primarily an HPAB-Level decision), is heard by Council.</p> <p>Staff consulted the Benton County Assessor's Office and the Corvallis Building Official and offers three pieces of information below. This information could be incorporated into any or all of the provisions above. Staff will look to the Council for direction on this matter.</p> <ol style="list-style-type: none"> 1) With respect to estimates for "Replacement Value," the Assessor's Office actually develops these figures regularly and uses a cost replacement book to do so; 2) With respect to estimates for the cost of bringing a structure up to Building Code standards, the Building Official suggests requiring three estimates; and 3) Also with respect to estimates for the cost of bringing a structure up to Building Code standards, it would be a good idea to clarify that the estimates are limited to the costs associated with improving a structure to meet minimum Building Code standards - without regard to costs associated with other desired improvements. This clarification would ensure that there is a direct relationship between the two costs being compared (replacement cost and cost of bring a structure up to Building Code standards).

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Exhibit I (yellow) - Pg.69; & Testimony #5 of 5/2/06 Memo	2.9.100.01.a (Def'n of Alt'n or New Const'n)	<p>Modify this section so that it doesn't imply that it only pertains to buildings.</p> <p>...An activity is considered an Alteration or New Construction involving a Designated Historic Resource when: the activity is not an exempt activity, a Demolition, or a Moving, as defined in Sections 2.9.70, 2.9.110, and 2.9.120, respectively; and the activity meets at least one of the descriptions in "a" through "d," below.</p> <p>a. The activity alters the exterior appearance of a Designated Historic Resource. Exterior appearance includes a resource's facade, texture, design or style, material, and/or fixtures;...</p> <p>■ It doesn't apply to only buildings because other features have facades, design or style, material, etc.</p>
Exhibit I (yellow) - Pgs. 71 & 74	2.9.100.03.d (in Director-Level Alt. & New Const'n. List) & 2.9.100.04.a.2 (in HPAB-Level Alt. & New Const'n. List)	<p>(CC Staff Report) Delete Section 2.9.100.03.d & modify Section 2.9.100.04.a.2 as shown in italics and shading:</p> <p>..03.d <i>Small Signs or Tablets</i> - Small signs or tablets, not meeting the exemption in Section 2.9.70.d, provided the sign or tablet is consistent with the applicable sign allocation standards outlined in Chapter 4.7 - Corvallis Sign Regulations, is ten sq. ft. or less; is non-illuminated; is architecturally compatible with the design or style of the Designated Historic Resource; and if freestanding, is less than four ft. in height. Attached signs shall not damage or obscure any significant architectural features of the structure. Additionally, the installation shall be reversible.</p> <p>..04.a.2 <i>Signs</i> - Signs that are not exempt per Section 2.9.70.d, or eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03.e, provided they meet the applicable sign allocation standards outlined in Chapter 4.7 - Corvallis Sign Regulations.</p> <p>■ Suggested by staff on pgs. 31 & 32 of CC Staff Report. Removes Director-Level item that is not clear & objective & provision not needed because of Section 2.9.70.d.</p>
Exhibit I (yellow) - Pg. 71	2.9.100.03.fe (in Director-Level Alt. & New Const'n. List)	<p>(CC Staff Report) Modify as shown in italics and shading:</p> <p>fe <i>Replacement, Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features</i> - Replacement, using dissimilar materials and/or a different design or style, of existing driveways (including paving of these existing areas); existing paths and sidewalks; existing bicycle parking areas; and/or existing vehicular parking areas that involve <i>800 sq. ft. or less</i> four or fewer spaces (including paving of these existing areas), provided the extent of such features is not increased in size.</p> <p>■ Suggested by staff on pg. 32 of CC Staff Report & makes provision more clear and objective.</p>

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<p>Exhibit I (yellow) - Pgs. 17 & 73; Exhibit V - Pgs. 190 & 191; and Exhibit VII -Pgs. 2, 10, & 11; Testimony #3 in 4/24/06 Memo; & Testimony #6 (1st pg. & pg. 6-A); Testimony #8 (pg. 8-A & B); & Testimony #11 (pgs. 11-F thru I) & Testimony #15 in 5/2/06 Memo & Councilor Griffith's Testimony (pgs. 2 & 3)</p> <p>(CONT'D ON NEXT PAGE)</p>	<p>2.9.70.t (in Exemptions List); 2.9.100.03.nm (in Director-Level Alt. & New Const'n. List); &1.6 - Definition for In-Kind Repair & Replacement</p> <p>(CONT'D ON NEXT PAGE)</p>	<p>(Councilor Griffiths) In definition for In-kind Repair and Replacement, keep first and last sentences & delete the middle one. Then delete Section 2.9.70.t entirely and modify Section 2.9.100.03.m as shown in the first bullet below (where subsection "1" is deleted). We heard extensive testimony regarding this issue and those who spoke said that you cannot tell the difference, especially from the street. Also, this is in keeping with the City's goal of energy efficiency and sustainability. <i>(Note: With her proposed change to the definition for In-kind Repair and Replacement, Section 2.9.100.03.m would just need to be deleted.)</i></p> <p>(Other Testimony) Concern about past promises and ability to address energy efficiency with window replacements. Request additional changes to allow energy efficient windows as Exempt or Director-Level.</p> <p>st. 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.</p> <p>nm. Repair or Replacement of Windows (or Doors Containing Glass) with Energy Efficient (Double-pane) Materials - Except for situations involving decorative art glass, windows (or doors containing glass) may be repaired or replaced using energy efficient (double-pane) glazing, provided the replacements:</p> <ol style="list-style-type: none"> 1. Are being placed on Nonhistoric additions or where not visible from the public or private street rights-of-way (except for alleys, from which they may be visible); and or 2. Otherwise match the replaced items in materials, design <i>or style</i>, color, dimensions, number of divided lights, and shape. <p>■ A better way to accomplish would be to do the following:</p> <p>nm. Repair or Replacement of Windows (or Doors Containing Glass) with Energy Efficient (Double-pane) Materials - Except for situations involving decorative art glass, windows (or doors containing glass) may be repaired or replaced using energy efficient (double-pane) glazing, provided the replacements:</p> <ol style="list-style-type: none"> 1. Are being placed on Nonhistoric additions or where not visible from the public or private street rights-of-way (except for alleys, from which they may be visible); and 2. Otherwise match the replaced items in materials, design or style, color, dimensions, number of divided lights, and shape. <p>(CONT'D ON NEXT PAGE)</p>

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<p>Exhibit I (yellow) - Pgs. 17 & Testimony #8 (pg. 8-B) of 5/2/06 Memo & Councilor Griffith's Testimony (pgs. 2 & 3)</p> <p>(CONT'D FROM PREVIOUS PAGE)</p>	<p>2.9.70.t (in Exemptions List); 2.9.100.03.mm (in Director-Level Alt. & New Const'n. List); &1.6 - Definition for In-Kind Repair & Replacement</p> <p>(CONT'D FROM PREVIOUS PAGE)</p>	<p>(CONT'D FROM PREVIOUS PAGE)</p> <ul style="list-style-type: none"> ■ Alternatively, the course Councilor Griffiths recommends could be followed, the concepts of which are shown in the staff-proposed Chapter 1.6 definition for In-kind Repair and Replacement (Exhibit V - pg. 191). This approach would involve deletion of Sections 2.9.70.t & 2.9.100.03.m altogether, thereby making the use of energy efficient materials exempt per 2.9.70.b (Exhibit I - pg.55). The current definition (Exhibit I - pg.17) would be modified as shown in italics & shading below or by following Councilor Griffith's suggestion of keeping the first and last sentences & deleting the middle one. <i>(Note: if the Council does not find these suggestions acceptable, there are more alternatives on pages 11-H and 11-I of Testimony #11 in the 5/2/06 Memo.)</i> <p>Version of Definition from (Exhibit V - pg. 191):</p> <p><u>In-kind Repair or Replacement - Repair or replacement of existing materials or features that match the old in design, color, texture, materials, dimensions, shape, and other visual qualities. This includes replacement of roofing, doors, windows, siding, and other structural elements, provided the replacements match the old in the manners described herein. Repair or replacement of windows or doors containing glass that substitute double-pane glass for single-pane glass is not considered to be in-kind Repair or Replacement. Additionally, while the repair or replacement of deteriorated materials in-kind is allowed, it is recommended that repair be considered by the property owner prior to replacement. When determining match materials and design for windows, and doors that contain glass, materials may be modern, energy efficient, glass materials, provided the outwardly visual design matches the old.</u></p> <p>(CONT'D ON NEXT PAGE)</p>

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<p>Exhibit I (yellow) - Pgs. 17 & Testimony #8 (pg. 8-B) of 5/2/06 Memo</p> <p>(CONT'D FROM PREVIOUS PAGE)</p>	<p>2.9.70.t (in Exemptions List); 2.9.100.03.mm (in Director-Level Alt. & New Const'n. List); &1.6 - Definition for In-Kind Repair & Replacement</p> <p>(CONT'D FROM PREVIOUS PAGE)</p>	<p>(CONT'D FROM PREVIOUS PAGE)</p> <p>Additional Version of Definition to consider (further refined by staff):</p> <p><u>In-kind Repair or Replacement</u> - Repair or replacement of existing materials or features that match the old in design, color, texture, materials, dimensions, shape, and other visual qualities. This includes replacement of roofing, doors, windows, siding, and other structural elements, provided the replacements match the old in the manners described herein. Repair or replacement of windows (or doors containing glass) that substitute <u>energy efficient materials (including double-pane glass for single-pane glass)</u>, is <u>not</u> considered to be In-kind Repair or Replacement. <u>Additionally, while the repair or replacement of deteriorated materials In-kind is allowed, it is recommended that repair be considered by the property owner prior to replacement.</u></p> <ul style="list-style-type: none"> ■ Staff believes the Director-Level approach may be more appropriate to ensure the replacement truly matches the original in design, color, texture, materials, dimensions, shape, and other visual qualities. <p>(Additional Testimony) Also request that other examples of In-kind Repair and Replacement be included in the definition in Chapter 1.6 (e.g. composition roofing replaced by composition roofing (whether visible or not), rotten wood siding replaced by new wood siding, crumbled cement driveways with new cement driveways, & old wood doors and windows with new wood doors and windows.</p> <ul style="list-style-type: none"> ■ These types of things are more obviously allowed. By specifying too precisely it may imply that other forms of In-kind Repair and Replacement are not allowed.

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<p>Exhibit I (yellow) - Pg. 75; Councilor Griffith's Testimony (pg. 3); & Exhibit II - pgs. 86 & 90</p>	<p>2.9.100.04.a.10 (HPAB-Level Alt'n or New Const'n)</p>	<p>(Councilor Griffiths) Move Section 2.9.100.04.a.10 back to the list of Director-Level items for Alteration or New Construction (delete Section 2.9.100.04.a.10 and move it to Section 2.9.100.03), since it is a Building Code requirement and not a historic preservation one.</p> <p>10. <u>Exterior Steps and/or Stairways</u> - Changes in step or stairway design or style that may be required to meet present-day Building Code requirements, including handrail or guardrail installation. When authorized by the Building Official, some flexibility from conformance with some Building Code requirements relative to this design, including the question of whether or not handrail or guardrail installation is required, may be granted as outlined in Section 2.9.90.06.a. The design or style shall be architecturally compatible with the <i>Designated Historic Resource</i> (based on documentation provided by the applicant).</p> <p>■ Staff recommended this change of the HPAB draft to the Planning Commission. The Commission chose to uphold the HPAB position of keeping this item as an HPAB level of review. Staff agrees with Councilor Griffith's proposal. If there is still concern with moving the provision as currently worded, an alternative would be to slightly revise the provision to limit the improvements to a height of one story perhaps, as a middle ground.</p>
<p>Exhibit I (yellow) - Pgs. 73-80; & Testimony #6 (pg. 6-B) in 5/2/06 Memo</p>	<p>2.9.100.04 (HPAB-Level Alt'n or New Const'n)</p>	<p>Concern that Chapter 2.9 does not contain the criterion of "<i>historic character of the district.</i>" Requests that the phrase "<i>preserve the historic character of historic districts</i>" be substituted for the phrase "<i>preserve the structure</i>" throughout all of Section 2.9.100.04. (See also comments in next row of this table)</p> <p>■ A word search of this section did not reveal the phrase "<i>preserve the structure.</i>" For further comments on this issue, see next row of this table.</p>

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<p>Exhibit I (yellow) - Pgs. 76 & 77; & Testimony #4 (1st pg.) & Testimony #6 (pgs. 6-A & B) & Testimony #13 in 5/2/06 Memo</p>	<p>2.9.100.04.b (Review criteria for HPAB-Level Alt'n or New Const'n)</p>	<p>Concern that Chapter 2.9 contains no specific criteria that relate to Historic Districts. Criteria all relate to structures and not "historic character." Suggest insertion of <i>"resembles the existing historic character of Historic District"</i> or <i>"does not diminish, or negatively impact the existing visual character of the Historic District."</i> Also, concern that this section (including items 3(a) through (n) & 4 (not shown below) does not fully incorporate all of the Secretary of Interior Standards discussed on pgs. 233-235 of Exhibit V.</p> <p>Review Criteria</p> <ol style="list-style-type: none"> 1. General - The Alteration or New Construction Historic Preservation Permit request shall be evaluated against the review criteria listed below. These criteria are intended to ensure that the design or style of the Alteration or New Construction is compatible with that of the existing Designated Historic Resource, if in existence, and proposed in part to remain, and with any existing surrounding comparable Designated Historic Resources, if applicable. Such activities shall ensure that a Designated Historic Resource remains compatible with other existing surrounding <i>Designated Historic Resources</i> and other examples of the resource's architectural design or style. Consideration shall be given to: <ol style="list-style-type: none"> 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 <i>Designated Historic Resource</i> is a prime example or one of the few remaining examples of a once common architectural design, or style, or type of construction; <i>and</i> g) Whether or not the <i>Designated Historic Resource</i> 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: <ol style="list-style-type: none"> a) Cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource <i>pertaining to the applicable Period of Significance</i>; 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.

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<p>Exhibit I (yellow) - Pgs. 76 & 77; & Testimony #4 (1st pg.) & Testimony #6 (pgs. 6-A & B) & Testimony #13 in 5/2/06 Memo</p> <p>CONTINUED FROM PREVIOUS PAGE</p>	<p>2.9.100.04.b (Review criteria for HPAB-Level Alt'n or New Const'n)</p> <p>CONTINUED FROM PREVIOUS PAGE</p>	<p>CON'TD FROM PREVIOUS PAGE</p> <p>3. Compatibility Criteria for Structures and Site Elements - Compatibility considerations shall include the items listed in "a - n," below, as applicable, and as <i>pertaining to the applicable Period of Significance</i>. 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.</p> <ul style="list-style-type: none"> ■ Sections above are introductory provisions to the HPAB-Level review criteria and were intended (especially the shaded areas) to address this concern. However, if Council would like additional text added to further emphasize other resources in a Historic District, staff can try and develop some text for Council's consideration. ■ If Council believes that section 2.9.100.04.b, in total, does fully implement the Secretary of Interior Standards for Rehabilitation, then those criteria could be augmented as Council deems appropriate.

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<p>Exhibit I (yellow) - Pg. 77; & Testimony #6 (pg. 6-A) & Testimony #11 (pgs. 11-D, E, & G) in 5/2/06 Memo</p> <p>CONT'D ON NEXT PAGE</p>	<p>2.9.100.04.b.3(c) (Review criteria for HPAB-Level Alt'n or New Const'n)</p> <p>CONT'D ON NEXT PAGE</p>	<p>Request either deleting the term "<i>fenestration</i>" or deleting the phrase "<i>shall be retained or repaired, unless deteriorated beyond repair.</i>" Concern that this term and this phrase could be interpreted as not allowing energy efficient window replacement. Additional suggestion to substitute the phrase "<i>shall be retained or repaired, unless the Director finds that they are deteriorated beyond repair</i>" for the phrase "<i>shall be retained or repaired, unless deteriorated beyond repair.</i>"</p> <p>c) <u>Architectural Details</u> - Existing character-defining elements of a structure (e.g., fenestration; molding or trim, brackets, columns, cladding, ornamentation, and other finishing details) and their design or style, materials, and dimensions, shall be retained or repaired, unless deteriorated beyond repair. Replacements for deteriorated architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.</p> <p>■ Valid points, since fenestration refers to window treatments on a building or facade. At a minimum, the term "<i>fenestration</i>" should be deleted if the previous direction on window replacement is taken. Additionally, the phrase "<i>shall be retained or repaired, unless deteriorated beyond repair</i>" could also be construed as too restrictive for other items listed in this provision. If the Council's goal is to have "<i>retention and repair</i>" be considered prior to "<i>replacement,</i>" then it is recommended that the provision be modified as follows:</p> <p>c) <u>Architectural Details - Retention and repair of Existing</u> Existing character-defining elements of a structure (e.g., fenestration; molding or trim, brackets, columns, cladding, ornamentation, and other finishing details) and their design or style, materials, and dimensions, shall be <u>considered by the property owner prior to replacement.</u> retained or repaired, unless deteriorated beyond repair. Replacements for deteriorated existing architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.</p> <p>CONT'D ON NEXT PAGE</p>

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Exhibit I (yellow) - Pg. 77; & Testimony #6 (pg. 6-A) & Testimony #11 (pgs. 11-D, E, & G) in 5/2/06 Memo CONT'D FROM PREVIOUS PAGE	2.9.100.04.b.3(c) (Review criteria for for HPAB-Level Alt'n or New Const'n) CONT'D FROM PREVIOUS PAGE	CONT'D FROM PREVIOUS PAGE <ul style="list-style-type: none"> ■ These changes would be consistent with the last sentence that is currently used in the definition for In-kind Repair and Replacement. That last sentence reads, <u>"Additionally, while the repair or replacement of deteriorated materials In-kind is allowed, it is recommended that repair be considered by the property owner prior to replacement."</u>
Exhibit I (yellow) - Pg. 78; & Testimony #5 in 5/2/06 Memo	2.9.100.04.b.3(d) (Review criteria for HPAB-Level Alt'n or New Const'n)	Suggest resolving a conflict within this provision by deleting the last sentence. d) <u>Scale and Proportion</u> - The size and proportions of the Alteration or New Construction shall be compatible with existing structures on the site, if in existence and proposed in part to remain, and with any surrounding comparable structures. New additions or new construction shall 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. <ul style="list-style-type: none"> ■ This suggestion is too restrictive and the conflict can be addressed by simply adding the word "generally" in the second sentence as follows: d) <u>Scale and Proportion</u> - The size and proportions of the Alteration or New Construction shall be compatible with existing structures on the site, if in existence and proposed in part to remain, and with any surrounding comparable structures. New additions or new construction shall <u>generally</u> be smaller than the impacted Designated Historic Resource, if in existence and proposed in part to remain. In rare instances where an addition or new construction is proposed to be larger than the original <i>Designated Historic Resource</i> , it shall be designed such that no single element is visually larger than the original <i>Designated Historic Resource</i> , if in existence and proposed in part to remain, or any existing surrounding comparable Designated Historic Resources.

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Exhibit I (yellow) - Pg. 78; & Testimony #11 (pg. 11-C) in 5/2/06 Memo	2.9.100.04.b.3(e) (Review criteria for HPAB-Level Alt'n or New Const'n)	<p>Request modification of this provision as shown in shading:</p> <p>e) <u>Height - To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource <i>structure</i>, if in existence and proposed in part to remain, and any existing surrounding <i>compatible structures, comparable Designated Historic Resources. However, in a National Register of Historic Places Historic District, single-story houses can be converted into story-and-a-half or two-story houses of the same style by raising the roof, if the alteration is compatible with the height of neighboring Historic structures.</i></u></p> <p>■ It is not recommended that the terms “structures” be used in this provision as a substitute for Designated Historic Resource. The term Designated Historic Resource is defined in Chapter 1.6 - Definitions and specifically applies to historic resources. Regarding the larger issue, if Council would like the opportunity for property owners to construct second story additions, a better way to modify this provision would be as noted below in shading below.</p> <p>e) <u>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. <i>However, second story additions are allowed, provided they are consistent with the height standards of the underlying District Designation and other Code Chapters, and provided they are consistent with the other review criteria contained herein.</i></u></p>

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

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

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Exhibit I (yellow) - Pg. 79; & Testimony #11 (pg. 11-D) in 5/2/06 Memo	2.9.100.04.b.3(k) (Review criteria for HPAB-Level Alt'n or New Const'n)	<p>Request modification of this provision as shown in shading:</p> <p>k) <u>Garages</u> - Garages, including doors, shall be compatible with the <i>Designated Historic Resource's site's</i> primary structure (if in existence and proposed in part to remain) based on factors that include design <i>or style</i>, roof pitch and shape, architectural details, location and orientation, and building materials. <u>In a National Register of Historic Places Historic District, the design of alteration to existing garages and new garage construction, visible from public rights-of-way or private streets rights-of-way (except from alleys from which it may be visible), should also be compatible with the style of other garages in the district or other period garages in Corvallis.</u></p> <p>■ Good Suggestion. Suggest some modifications to use consistent terminology. These modifications for the new sentence are as shown in shading: <u>In a National Register of Historic Places Historic District, the design <i>or style</i> of Aalteration <i>or New Construction involving to an existing or new garages, and new garage construction</i>, visible from public rights-of-way or private streets rights-of-way (except fromfor alleys from which it may be visible), shall should also be compatible with the style <i>or design</i> of other garages in the <u>applicable Historic District that were constructed during that Historic District's Period of Significance, or other period garages in Corvallis.</u></u></p>

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<p>Exhibit I (yellow) - Pgs. 26-30; 82-85; 88; Exhibit VII -Pgs. 10 & 11; Testimony #1 in 4/24/06 Memo; & Testimony #7 (pg. 7-B) & Testimony #11 (1st pg.) of 5/2/06 Memo</p>	<p>2.9.100.04.b; 2.9.110.03; & 2.9.120.03</p>	<p>Concern that the review criteria for HPAB-Level HPP's are not clear and objective enough & that second story additions won't be allowed.</p> <ul style="list-style-type: none"> ■ Sections 2.9.100.04.b, 2.9.110.03, & 2.9.120.03 contain the review criteria for HPAB-Level decisions for Alteration or New Construction; Demolition; and Moving activities, respectively. These decisions are discretionary and discretionary decisions include criteria that is not clear and objective because of the many variables associated with projects at the discretionary level. However, the review criteria in these sections are proposed to provide the HPAB with more specific direction than the current Code, with provisions that implement the Secretary of Interior Standards, and with a framework to work within when considering HPP applications. A possible approach to further clarify the fact that changes are expected over time, could be the insertion of a statement at the beginning of Section 2.9.100.04 (the HPAB-Level Alteration or New Construction Section). One possible statement to consider for insertion into the introductory paragraph could be: <p style="text-align: center;"><u><i>Some exterior Alterations or New Construction involving a Designated Historic Resource may be needed to assure its continued use. Rehabilitation of a Designated Historic Resource includes an opportunity to make possible an efficient contemporary use through such alterations and additions.</i></u></p>

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Exhibit I (yellow) - Pg. 82; & Testimony #4 (pgs. 4-B & C) in 5/2/06 Memo	2.9.110.03.b	<p>Concern that an HPAB-Level HPP is required for Demolition of a Nonhistoric/Noncontributing structure in a National Register of Historic Places Historic District and that is a problem for OSU. Request that the physical impacts of the Demolition, with respect to adjacent Designated Historic Resources, be evaluated first (as an exempt item or Director-Level). If there will be no physical impact on any adjacent Designated Historic Resource(s), then the Demolition should be allowed because it already has been determined to be Nonhistoric/Noncontributing.</p> <p>b. If the proposed Demolition involves one of the structures identified in "1" - "3" below, and is not exempt per Section 2.9.70.i, it may be allowed, provided the applicant submits evidence documenting the age of the affected structure and documentation that the Demolition will not damage, obscure, or negatively impact any <i>Designated Historic Resource</i> on the property that is classified as Historic/Contributing or that is called out as being <i>Historically Significant</i>, based on any of the sources of information listed in Section 2.9.60.c. To be considered under this criterion, the Demolition shall involve only the following:</p> <ol style="list-style-type: none"> 1. A Nonhistoric/Noncontributing structure listed in a National Register of Historic Places Historic District; <p>■ Staff will look to Council for direction on this matter.</p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)
Exhibit I (yellow) - Pgs. 82 & 41; & Testimony #5 of 5/2/06 Memo	2.9.110.03.a & c.1(intro) (Demolition review criteria); & 2.2.40.05.c.2(b) (HPO Overlay removal criteria)	<p>Concern that there is a loophole created by these provisions in that a property owner could allow a Designated Historic Resource to deteriorate, sell the resource, and the new property owner could claim that the deterioration was not the result of action or inaction by them because it occurred prior to their purchasing the resource.</p> <p>a. The Historic Integrity of the Designated Historic Resource has been substantially reduced or diminished due to unavoidable circumstances that were not a result of action or inaction by the property owner. "Historic Integrity" is defined in Chapter 1.6 - Definitions.</p> <p>c. If the Demolition involves a <i>Designated Historic Resource</i> other than the structures outlined in "b," above, the Demolition may be allowed provided:</p> <ol style="list-style-type: none"> 1. The physical condition of the Designated Historic Resource is deteriorated beyond <i>Economically Feasible Rehabilitation</i> and either:..... <p>(b) <u>The Historic Integrity of the resource has been substantially reduced or diminished due to unavoidable circumstances that were not a result of action or inaction by the property owner; and/or</u></p> <p>■ Certainly possible, but seems like it would be an uncommon situation.</p>
Exhibit I (yellow) - Pg. 83; & Testimony #11 (pg. 11-D) of 5/2/06 Memo	2.9.110.03.c.1(b) (Demolition review criteria);	<p>Request modification of this provision as shown in shading:</p> <p>b) If within a National Register of Historic Places Historic District, Demolition of the Designated Historic Resource a Historic structure <u>(including those designated Historic/Contributing or Historic/Noncontributing)</u> will not adversely affect the Historic Integrity of the District <u>visible from public rights-of-way or private streets rights-of-way (except from alleys from which it may be visible). Generally, more historic protection will be given to primary structures on the site than to secondary structures such as garages, accessory development, or site development.</u> To address this criterion, the applicant shall provide an assessment of the Demolition's effects on the character and Historic Integrity of the <u>District and of the</u> subject Designated Historic Resource <u>site, as well as an assessment of the specific Historic Significance of the structure and District.</u> "Historic Integrity" is defined in Chapter 1.6 - Definitions, <u>subsection e, as "the architectural continuity of the street or neighborhood."</u> "Historic Significance" is defined in <u>Chapter 1.6, subsections a. through i.</u></p> <p>■ Staff will look to Council for direction on this matter.</p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)
Exhibit I (yellow) - Pgs. 16 & 17, 55 & 56, & 81-85; Exhibit VII -Pgs. 10 & 11; & Testimony #8 (pg. 8-A)	2.9.110.03.d; & Chapter 1.6 - Definition for Historically Significant Tree	<p>Concern that more than "landmark" trees will be restricted from being removed. Also, can't find definition in Chapter 1.6.</p> <ul style="list-style-type: none"> ■ There is a heirarchy of approaches to trees on Designated Historic Resource sites. First, via Section 2.9.70.b.3, the removal of trees that do not meet the definition of Historically Significant Trees, are exempt from the Historic Preservation Permit process. The definition for Historically Significant Tree is located in Chapter 1.6 - Definitions. Second, removal (Demolition) of a Historically Significant Tree may be considered via Section 2.9.110.e, which is an HPAB-Level HPP. The review criteria which need to be met for such a removal of a Historically Significant Tree is located in Section 2.9.110.03.d. It appears that this issue has been addressed. ■ The Definition is listed under "Historically Significant Tree in Chapter 1.6- Definitions (on Exhibit I - pgs. 16 & 17).

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<p>Councilor Griffith's Testimony (1st pg.) & Testimony #12 (1st pg.) in 5/2/06 Memo; & Exhibit VII -Pg. 41</p>	<p>Advocacy vs. Quasi-Judicial Role (Multiple Chapters and throughout Chapter 2.9)</p>	<p>(Councilor Griffiths) Suggestion that the following two options be considered for the historic preservation quasi-judicial decision-making role:</p> <ol style="list-style-type: none"> 1) Expansion of the Land Development Hearings Board only for those situations where historic preservation is under review. Could add 3-4 members to this Board from the list of 12 required types of expertise with at least one of them from a designated historic district or living in a designated historic house. These members by ordinance could not be members of the HPAB; or 2) Make the Planning Commission the decision-maker with the same model as above – i.e. adding 3-4 members with historic preservation expertise to this body for historic preservation reviews. <p>(Other Testimony) Suggestion that both the historic advocacy and historic quasi-judicial decision-maker roles could be satisfied by the following:</p> <ol style="list-style-type: none"> 1) HPAB making HPP decisions and helping with Historic Preservation Month; and 2) A local private organization called Preservation WORKS (local, private, historic preservation group) satisfying the educational and advocacy functions. <p>(Other Testimony) Request that HPAB not be made a quasi-judicial decision-maker.</p> <p>■ Staff will look to Council for direction on this matter.</p>

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)
<p>Councilor Griffiths Testimony (1st pg. & pg. 2) Testimony #4 (pg. 4-A) in 5/2/06 Memo</p>	<p>Chapter 2.9 - Pros/Cons of Separate Standards for each Historic District</p>	<p>(Councilor Griffiths) I am opposed to this, as it would result in a hodge podge of different standards and make it even more confusing. I do not think that we should support such a request by OSU or others as a general statement without seeing some actual code language. Public buildings may require different language and this can be developed in conjunction with OSU and other government entities in the future.</p> <p>(Other Testimony) Request separate Standards for each National Register of Historic Places Historic District.</p> <ul style="list-style-type: none"> ■ This suggestion would create an abundance of redundancy in the Chapter. A better way to approach any distinctions between the Historic District characteristics is to actually call out the differences in any provisions where such distinctions would be appropriate. Thus far, those distinctions have been handled by referring to the Period of Significance (which is different for each Historic District). Additionally, this concept was thoroughly discussed at each step of this legislative process and the decision-makers and staff have not elected to pursue this direction.
<p>Exhibit VII -Pg. 11 & Testimony #7 (1st pg.) & Testimony #10 (pg. 11-A) & Testimony #15 of 5/2/06 Memo</p>	<p>Chapter 2.9</p>	<p>Concern that private homeowners in Historic Districts are penalized because there are not separate and more flexible standards for individual homes versus prominent public buildings. Concern that private homes overly restricted and public historic resources not protected enough. Request separate standards for Individual historic resources and Historic District historic resources.</p> <ul style="list-style-type: none"> ■ Additionally, this concept was thoroughly discussed at each step of this legislative process and the decision-makers and staff have not elected to pursue this direction. A better way to approach any desired distinctions would be to actually call out the differences in any provisions where such distinctions would be appropriate.

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)
Exhibit I (yellow) - Pg. 32; and Exhibit VII -Pg. 41	2.2.20.d	Request that this section be deleted or consider modifying as shown in shading: d. <u>Lessen increase</u> the influence of private economic interests in the land use decision-making process <u>as it relates to Historic Districts in the City of Corvallis;</u> ■ Staff will look to Council for direction on this matter.
Exhibit I (yellow) - Pgs. 40, 15, & 17; Exhibit VII -Pg. 4; & Testimony #11 (pg. 11-F) of 5/2/06 Memo & Councilor Griffith's Testimony (pg. 2)	2.2.40.05.b.2(b) Chapter 1.6 - Definition for Historic Significance (subsection b); and Definition for Historically Significant Tree (subsection a.3(a)(3))	(Other Testimony) Modify phrase used in all three places. The wording is identical in Sections 2.2.40.05.b.2(b) & the definition of Historic Significant, as follows: b) <u>It is associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the City, County, State or nation;</u> 3) <u>The tree is associated with the life of a person or group of Historic Significance.</u> The wording is slightly different in the definition for Historically Significant Tree. Testimony suggests modifying all three provisions as shown in italics and shading as follows: b) <u>The resource # is fundamentally related to the work, achievements, or life story associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the City, County, State or nation;</u> (Councilor Griffith's Testimony) Modify subsection "b" in the Chapter 1.6 definition for Historically Significant (or Historically Significant) as noted directly above (she agrees with other Testimony) ■ Good suggestion. However, it is recommended that for the Historically Significant Tree provision, the sentence begin with <u>"The tree"</u> instead of <u>"The resource."</u>
Exhibit I (yellow) - Pg. 42; & Councilor Griffith's Testimony (pg. 2)	2.2.50 (Administrative District Changes)	(Councilor Griffiths) Modify the heading to this section as shown in shading to avoid confusion: <u>Section 2.2.50 - QUASI-JUDICIAL CHANGE PROCEDURES FOR ADMINISTRATIVE DISTRICT CHANGES FOR HISTORIC PROPERTIES</u> ■ While this proposed change works fine for now, once Phase III of the Code Update is implemented, it would need to be changed back the way it currently is proposed to read because there are other types of Administrative District Changes in the Phase III text.

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<p>Exhibit I (yellow) - Pgs. 46 & 53; Exhibit VII - pg. 3; Testimony #2 in 4/24/06 Memo; & Testimony #11 (pg. 11-A, B, & I) of 5/2/06 Memo</p> <p>CONT'D ON NEXT PAGE</p>	<p>2.2.60 & 2.9.50 (Reclassifying Nationally-designated Historic Resources in a National Register of Historic Places Historic District)</p> <p>CONT'D ON NEXT PAGE</p>	<p>Concern that mistakes in classification of Designated Historic Resources that were made during the nomination process will not be corrected. Request that the City use the definition for Historic Significance to evaluate resources instead, and prioritize what resources in a Historic District should be protected. Alternatively, request that the City modify Section 2.2.60 as shown in shading below:</p> <p><u>Section 2.2.60 - PROCEDURES FOR RECLASSIFYING A DESIGNATED HISTORIC RESOURCE IN A NATIONAL REGISTER OF HISTORIC PLACES HISTORIC DISTRICT</u> <u>Reclassification of a Designated Historic Resource in a National Register of Historic Places Historic District is accomplished per state and federal procedures. Upon notification from the State Historic Preservation Office that a reclassification of a Nationally-designated Historic Resource has been approved, the City shall amend its files accordingly. All future Historic Preservation Permit applications relating to this Nationally-designated Historic Resource shall be evaluated per the revised reclassification. When an error was made in the nomination papers for a Designated Historic Resource, the owner may petition the Director to help correct it. The owner should explain the nature of the mistake, using sources of information in 2.9.60.c (particularly subsections 2, 4, 7, and 8). The Director will petition the State Historic Preservation Office to make the correction.</u></p> <p>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.</p> <p>CONT'D ON NEXT PAGE</p>

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<p>Exhibit I (yellow) - Pgs. 46 & 53; Exhibit VII - pg. 3; Testimony #2 in 4/24/06 Memo; & Testimony #11 (pg. 11-A, B, & I) of 5/2/06 Memo</p> <p>CONT'D FROM PREVIOUS PAGE</p>	<p>2.2.60 & 2.9.50 (Reclassifying Nationally-designated Historic Resources in a National Register of Historic Places Historic District)</p> <p>CONT'D FROM PREVIOUS PAGE</p>	<p>CONT'D FROM PREVIOUS PAGE</p> <ul style="list-style-type: none"> ■ Provisions above provide a correction process which is echoed by April 19, 2006, e-mail from Chrissy Curran, National Register Nominations Coordinator, Oregon SHPO. Until such a correction is made, the City does not have jurisdiction over the correction and is obligated to use the classifications in place at the time an HPP application is processed. However, text could be added to Section 2.2.60 that addresses the concerns by inserting the following slightly different text after the first sentence. <p><u><i>If a property owner believes that an error was made in the nomination papers for a Designated Historic Resource, the property owner may petition the Director to help correct it. The owner should explain the nature of the mistake, using sources of information in 2.9.60.c. The Director shall forward the property owner's request for the correction, along with the property owner's documentation, to the State Historic Preservation Office (SHPO) for consideration.</i></u></p>
<p>Exhibit I (yellow) - Pg.13; & Testimony #11 (pg. 11-F) in 5/2/06 Memo</p>	<p>Chapter 1.6 - Definition of Nationally-designated, which is subsection "b" under definition of Designated Historic Resource</p>	<p>Request correction of this definition, since it doesn't take property owner concurrence for some sites to be listed in the National Register of Historic Places.</p> <ul style="list-style-type: none"> <u>b.</u> <u>Nationally-designated: A Nationally-designated Historic Resource is listed in the National Register of Historic Places. To list a property in the National Register of Historic Places, a property owner must obtain approval must be obtained in accordance with state and federal processes and criteria listed in 36 CFR 60. Local level input regarding a proposed National Register of Historic Places nomination normally is solicited; however, official local action does not occur. Because Nationally-designated Historic Resources are subject to the Historic Preservation Provisions of Chapter 2.9, a notation indicating that a property is listed in the National Register of Historic Places is included on the City's Development District Map.</u> <ul style="list-style-type: none"> ■ Good point and provision can be amended as shown in shading above.

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<p>Exhibit I (yellow) - Pg.19; Exhibit VII -Pg. 5; & Testimony #6 (pg. 6-C) & Testimony #11 (pg. 11-E) of 5/2/06 Memo</p>	<p>Chapter 1.6 - Definition for National Register of Historic Places Historic District Classifications</p>	<p>Concern that there is a conflict between the description for "Nonhistoric" below and the College Hill West Historic District's nomination description for "Nonhistoric." The District's nomination description for "Nonhistoric" includes resources constructed after the Period of Significance," (1905-1945). Suggestion to add Period of Significance to some descriptions in this definition. Additional suggestion to modify the description below for Nonhistoric to read:<u>Nonhistoric – Generally, not yet 50 years old at the time of designation. (However, in the College Hill West Historic District, all structures built after 1945, the end of the Period of Significance, were also classified as Nonhistoric).</u></p> <p><u>National Register of Historic Places Historic District Classifications</u> - Historic resources in an approved National Register of Historic Places Historic District are classified as "Historic/Contributing," "Historic/Noncontributing," or "Nonhistoric/Noncontributing." The components of these classifications are defined as follows:</p> <p><u>Historic –</u> <u>At least 50 years old at the time of designation.</u> <u>Nonhistoric –</u> <u>Not yet 50 years old at the time of designation.</u> <u>Contributing –</u> <u>A resource in a National Register of Historic Places Historic District which, at the time of designation, retained a sufficient amount of Historic Integrity to convey its historic appearance and Historic Significance.</u> <u>Noncontributing –</u> <u>A resource in a National Register of Historic Places Historic District which, at the time of designation, lacks Historic Integrity relevant to the Period of Significance, and/or which is not historic.....</u></p> <p>■ Good points and several descriptions for in this definition should be changed. However, instead of the suggested text, the following is proposed:</p> <p><u>Historic –</u> <u>At least 50 years old at the time of designation and called out as Historic in the Historic District Nomination.</u> <u>Nonhistoric –</u> <u>Not yet 50 years old at the time of designation or called out as Nonhistoric in the Historic District Nomination.</u> <u>Contributing –</u> <u>A resource in a National Register of Historic Places Historic District which, at the time of designation, retained a sufficient amount of Historic Integrity relevant to the Period of Significance to convey its historic appearance and Historic Significance.</u></p> <p>■ The description for Noncontributing in this definition would remain as written.</p>

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

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Exhibit I (yellow) - all pages; and Exhibit VII -Pgs. 5, 6, & 42	Chapter 1.6 - Definitions for various land use application processes	<p>Concern that newly added definitions for land use application processes have Code-wide ramifications and were not properly noticed.</p> <ul style="list-style-type: none"> ■ The new definitions were added at the request of the Planning Commission and the public notice for the City Council hearing, which is a <i>de novo</i> hearing, included notice of the land use process definitions. The Commission believed the definitions relevant to LDT05-00001 because they included definitions for both Director-Level and HPAB-Level HPP's and the Commission believed that if some land use processes received definitions in Chapter 1.6, then they all should. The definitions merely reference the applicable Code chapter and include information from those applicable Code chapters.
Exhibit I (yellow) - Pg. 3	1.1.40 (in City Council & its Agencies Chapter)	<p>(CC Staff Report) Modify as shown in italics & shading:</p> <p><u>Section 1.1.40 - THE HISTORIC PRESERVATION ADVISORY BOARD</u> <i>The Historic Preservation Advisory Board shall be appointed in accordance with Municipal Code Section 1.16.250, as amended. the Boards and Commissions Ordinance.</i> The Board shall have the powers and duties provided therein and provided by this Code.</p> <ul style="list-style-type: none"> ■ Suggested by staff on pg. 28 of CC Staff Report. Housekeeping item.
Exhibit I (yellow) - Pg. 7; and Exhibit VII -Pg. 3	1.2.120 (in Legal Framework Chapter)	<p>Concern with provision below relative to Historic Preservation Permits because of potential for lengthy process of 120 days.</p> <p><u>Section 1.2.120 - EXTENSION OF 120-DAY PERIOD FOR REVIEW OF LAND USE APPLICATIONS</u> <i>Consistent with state law, the City's review of all land use applications shall be completed within 120 days of the date an application is deemed complete, allowing for any possible appeals at the local level. This 120-day period may be extended only by written authorization of the applicant. Such authorization shall specify the length of time by which the 120-day deadline is extended.</i></p> <ul style="list-style-type: none"> ■ The goal is to process HPP's asap, but the 120-day provision must also apply as a maximum per state law. This is a help, not a hindrance.

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<p>Exhibit I (yellow) - Pg. 28; & Councilor Griffith's Testimony (pg. 2)</p>	<p>2.0.50.04.b.2 & 3 - (Public Notice)</p>	<p>(Councilor Griffiths) Modify the introductory statements for Sections 2.0.50.04.b.2 & 3 as shown in shading:</p> <ol style="list-style-type: none"> 2. Any person who resides on or owns property within 300 <u>500</u> ft, including street right-of-way, of a parcel of land for: ...(all public hearing land use cases) 3. Any person who resides on or owns property within 100 <u>300</u> ft, including street right-of-way, of a parcel of land for: ...(all administrative land use cases) <p>■ This increase in notice area for all land use applications has budgetary implications, is in conflict with a past Council decision, and seems outside the scope of this project.</p>
<p>Exhibit I (yellow) - Pgs. 47 & 49; and Testimony #4 (pgs. 4-A & B) & Testimony #6 of 5/2/06 Memo; & Councilor Griffith's Testimony (pg. 3)</p>	<p>2.3.30.04.k & 2.5.40.04.k (Review criteria for CD's & PD's)</p>	<p>(Councilor Griffiths) Request deletion of Section 2.3.30.04.k. This review criteria a duplication of Section 2.3.30.04.b and seems overly restrictive.</p> <p>(Other Testimony) Request deletion of both Section 2.3.30.04.k & 2.5.40.04.k because adjacent property owners have not been noticed and because it is an undue burden on property owners that do not have historically designated properties. Subjecting these property owners to this criteria broadly expands the intent and purpose of historic preservation.</p> <p><u>k.</u> <u>If the proposed development is adjacent to a National Register of Historic Places Historic District, the impact of visual elements (as described in "b," above) of the development on any adjacent Designated Historic Resource(s).</u></p> <p>■ Good points and good suggestions regarding the deletion of both of these two provisions.</p>

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OTHER TOPICS		
<p>Testimony #4 (pg. 4-A) of 5/2/06 Memo & Councilor Griffith's Testimony (1st pg. & pg. 2)</p>	<p>Separate OSU Historic District regulations once an OSU Historic District established</p>	<p>(OSU Testimony) Request that "during the adoption of the Chapter 2.9 Update, the City Council acknowledge its support (via a motion) for OSU to prepare its own historic preservation zoning code language."</p> <p>(Councilor Griffiths Testimony) This is similar to requests from each of the current historic districts to have their own special language by creating separate and distinct code language for each Historic District. I am opposed to this, as it would result in a hodge podge of different standards and make it even more confusing. Further, I believe that this request by OSU is premature. I do not think that we should support such a request by OSU or others as a general statement without seeing some actual code language. Public buildings may require different language and this can be developed in conjunction with OSU and other government entities in the future.</p> <p>■ A discussion item for Council.</p>
<p>Exhibit VII -Pg. 4</p>	<p>Comprehensive Plan Map & District Map</p>	<p>Concern that in the College Hill West Historic District there are properties designated with more intensive residential designations than Low Density Residential (e.g. High Density Residential, etc.). Request to modify such land use designations to Low Density Residential Comprehensive Plan Map designation and RS-5 District Map Designation, with the exception of the church and two buildings originally designated as sororities.</p> <p>■ This request is outside the scope of this project.</p>

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<p>Exhibit VII -Pgs. 6, 12, & 41; Testimony #3 of 4/24/06 Memo; & Testimony #12 (1st pg. & pgs. 12-D & E) in 5/2/06 Memo</p>	<p>Make-up of HPAB</p>	<p>Request that there be “guaranteed” and “liberal” representation from the City’s established National Register of Historic Places Historic Districts, and that such representation constitute at least 50% of the Board. Request that Board not be composed of advocates.</p> <ul style="list-style-type: none"> ■ This request will be considered by the Council during the Municipal Code changes. <p>Also, request to use the HPAB for the quasi-judicial decision-maker because it is the only body that could meet the CLG requirements & neither the Planning Commission or the Land Development Hearings Board members satisfy the CLG requirements.</p> <ul style="list-style-type: none"> ■ CLG requirements will be considered by the Council in decisions on this matter.
<p>Exhibit VII -Pgs. 6 & 11</p>	<p>Documentation of HPAB decision rationale</p>	<p>Request that documentation be provided for HPAB decisions to ensure that decisions are based on criteria.</p> <ul style="list-style-type: none"> ■ Decisions will be required to be based on criteria. Documentation of the decision rationale will be included in the minutes for the HPAB meeting and, if the staff report is quoted, the staff report as well.
<p>Exhibit VII -Pg. 6</p>	<p>Design Guidelines</p>	<p>Request that when the Design Guidelines are completed, they be user-friendly and based on the City’s Comprehensive Plan and Land Development Code, and not new historic preservation policies beyond these documents.</p> <ul style="list-style-type: none"> ■ The Design Guidelines are intended to do this and also provide property owners with ideas of how to be historically sensitive. Council can provide further direction on this topic later, prior to work on the Design Guidelines being resumed.

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Exhibit VII -Pg. 12	Education	<p>Suggestion that there be education of all realtors, contractors, landscapers, and homeowners subject to Historic Preservation Provisions, so that the appropriate regulations are followed and permits secured.</p> <p>■ Good Suggestion.</p>
Testimony #7 (pg. 7-A) of 5/2/06 Memo	Adding public historic resources to National Register	<p>Suggestion that more of the publicly owned historic resources should be added to the National Register of Historic Places.</p> <p>■ This request is outside the scope of this project.</p>
Testimony #12 (1 st pg. & pgs. 12-A & B) in 5/2/06 Memo	Comments on economic benefits of historic preservation & achieving energy benefits	<p>Listing of economic benefits of historic preservation and achieving sustainability and energy efficiency by means other than window replacement.</p> <p>■ These comments offer support for historic preservation.</p>

MEMORANDUM

From: Fred Towne, Planning Division Manager
To: Mayor and City Council
Date: May 2, 2006
Re: Comments from Councillor Griffiths regarding LDT05-00001

Councillor Griffiths will not be present at the May 8, 2006, City Council deliberations on the historic preservation provisions contained in LDT05-00001. Attached are the comments she sent for your consideration.

HISTORIC PRESERVATION PROVISIONS OF LAND DEVELOPMENT CODE
SUGGESTED CHANGES – BETTY GRIFFITHS
MAY 1, 2006

- I. I do not support eliminating the HBAP and forming a new quasi-judicial decision making body for historic preservation review where discretionary decision-making is needed. Rather, I recommend examination of two other options:
 - a. Expansion of the Land Development Hearings Board only for those situations where historic preservation is under review. We could add 3-4 members to this Board from the list of 12 required types of expertise with at least one of them from a designated historic district or living in a designated historic house. These members by ordinance could not be members of the HPAB.
 - b. Make the Planning Commission the decision maker with the same model as above – i.e. adding 3-4 members with historic preservation expertise to this body for historic preservation reviews.

Comment: We received considerable testimony from citizens (Dowling, Brown, Kadas, OSU) either requesting we not make this change or expressing concerns about such a change. Appeals of Director decisions would go to this expanded body while appeals under either one of the above options would go straight from LDHB or PC to the City Council.

Rationale: This would retain the valuable role of the HBAP in promoting historic preservation, consulting with interested citizens, providing advocacy for historic preservation and working on the design guidelines that are needed. If we make the HPAB the decision maker, all of these functions will be lost as they conflict with their proposed role as a decision maker or would fall to staff to work on as time permits. In spite of comments to the contrary, I do not believe it is appropriate nor would HBAP be successful in separating these two distinct roles. Further, we need to include individuals with a broader community view and with experience in land use planning which our planning commission has. I believe that either one of these options will fulfill the requirements for the City of Corvallis to continue to be a Certified Local Government (CLG) to carry out the purposes of the National Historic Preservation Act of 1966 as administered by the State Historic Preservation Office. If there is doubt about this, that I recommend that we seek a formal opinion of our attorney since we have been satisfying the requirements of the Federal and State governments as a CLG for as long as we have had a Land Development Code.

This change would require changes to Chapter 1.1, particularly Sections 1.1.10 and Section 1.1.30 and 1.1.4.50. Under 1.1.30.02 – Quorum, I recommend that with a body of 3 Planning Commissioners and 3 historic preservation experts that the quorum be 2 Planning Commissioners and 2 historic preservation experts.

- II. OSU Request for a special motion for OSU to prepare its own historic preservation zoning code language separate and distinct from the City's. This is similar to requests from each of the current historic districts to have their own special language by creating separate and distinct code language for each Historic District. I am opposed to this, as it would result in a hodge podge of different standards and make

it even more confusing. Further, I believe that this request by OSU is premature. I do not think that we should support such a request by OSU or others as a general statement without seeing some actual code language. Public buildings may require different language and this can be developed in conjunction with OSU and other government entities in the future.

III. Chapter 2.9 Exhibit 1 (yellow) – Definitions:

Economically Feasible Rehabilitation (page 13) - This definition needs to be clarified, replaced or deleted entirely.

Comments: We heard a lot of testimony about the difficulty in interpreting this definition and unless we can come up with something that is very clear and objective related to the clause “75% of the structure’s replacement value at a similar quality of construction” we should simply delete it. I ask that staff present some real examples to help us understand this.

Historic Significance (or Historically Significant) – (PAGE 15)

Change b to read: (delete) **Bold add/ed**

“It is (associated with the life or activities) **fundamentally related to the work, achievements or life story** of a person, group...State or nation;

In-kind Repair or Replacement (page 17) - Keep the first sentence and the last sentence. Delete the sentence: (Repair or replacement of windows or doors (containing glass) that substitute double-pane glass for single-pane glass is not considered to be In-Kind Repair or Replacement.)

Preservation: Need a definition for this perhaps in different contexts.

IV. Chapter 2.9 page 29 2.0.50.04 – Public Notice b.2 change as follows:

2. Any person who resides on or owns property within (300) **500** ft including street right of way...
3. Any person who resides on or owns property within (100) **300** ft, including street...

Comment: This notice change from 300 to 500ft and from 100 to 300ft returns our code to the standard we have had for many years and was changed upon staff request when there were many planning activities and the budget was being cut. This should be returned to the wider notice throughout the code, not just in this section.

V. Sec 2.2.50 page 42 – Quasi-Judicial Change Procedures for Administrative District Changes for **Historic Properties**. Add words in **Bold** to clarify that these are procedures for historic properties only. It is confusing and you have read it carefully to see that it only applies to historic properties so that it is misleading as written.

VI. Chapter 2.3, section 2.3.30.04, Exhibit I Page 47 – Suggest deletion of review criteria K.

Comment: If not deleted then some definitions need to be added for “adjacent” (I think that the intent of the use of this work is probably different than the definition in the current code, but not sure) and better describe what is meant by “impact” This review criteria may be a duplication of criteria b anyhow and seems overly restrictive. Both OSU and Brown testified regarding this.

VII. Section 2.9.70 Page 56 Exemptions – item d: Add back language recommended by staff. So would read d. Historical Interpretive Signs or Tablets. Installation of one permanent sign or tablet **up to ten square feet in area**.... and (is consistent with the published dimensions and design guidelines established by the Historic Preservation Advisory Board) (delete phrase in parenthesis)

Comment: This was recommended before and we won't have an advisory board to work over this if we make the HBAB quasi judicial.

VIII. Section 2.9.70 h (and other places where this word is used)

Need to define “visible” Also, 100 sq ft or less is too restrictive suggest going back to recommended 200 sq ft which then match items “i” in that same section.

IX. Page 59 r – delete and add the words “installation of new” to item q. So the heading for q would read Repair, **Replacement or Installation of New** Gutters and Downspouts.

X. Page 59-item s – change sq ft from 200 to 350. Uncovered rear Deck or Patio additions (200) **350** sq ft or Less. Or make 200 sq ft exempt outright and 350 sq ft a Director level decision.

Comment: These items are usually in the back and not seen from public right of way so are similar to interior changes that the public cannot see from outside.

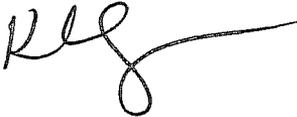
XI. Page 59, item t – delete entirely.

XII. Page 73 m change to read m. Repair or replacement of Windows (or doors Containing glass with Energy Efficient Double-pane Materials – Except for situations involving decorative art glass, widows (or doors containing glass) may be repaired or replaced using energy efficient (double pane) glazing provided the replacements: Delete 1 entirely (1. Are being placed on non-historic...visible) and leave 2 as it is.

Comment: We heard extensive testimony regarding this issue and those who spoke said that you cannot tell the difference especially from the street. Also, this is in keeping with the City's goal of energy efficiency and sustainability.

XIII. Page 75 – item 10 – Exterior Steps and/or Stairways – this should be moved back to Director level decision, as it is a building code requirement not a historic preservation one.

MEMORANDUM

From: Kelly Schlesener, Senior Planner 
To: Mayor and City Council
Date: May 2, 2006
Re: **Land Development Code Text Amendment (LDT05-00001) to Revise Chapter 2.9 of the Land Development Code (Historic Preservation Provisions) and Other Related Chapters**

- **Additional Public Testimony Submitted During April 24, 2006, City Council Public Hearing and up to 5:00 pm May 1, 2006**

Attached is the public testimony submitted to the City Council during its April 24, 2006, public hearing and during the period that the written record remained open. This period ended at 5:00 pm on May 1, 2006. The testimony includes the following:

Testimony	Address
4. April 24, 2006, letter from Vincent Martorello, Interim Director Facilities Services, OSU	Oregon State University 100 Adams Hall Corvallis, OR 97331-2001
5. April 24, 2006, letter from BA Beierle	PO Box T Corvallis, OR 97339
6. April 24, 2006, letter from College Hill Neighborhood Association	c/o Dan Brown 3009 NW VAN BUREN AVE CORVALLIS OR 97330
7. April 24, 2006, letter from Tammy Stehr	3560 NW TYLER AVE CORVALLIS OR 97330-4959
8. April 24, 2006, letter from Deb Kadas	3105 NW Jackson Ave. Corvallis, OR 97330
9. April 24, 2006, Memo from Corvallis Area Chamber of Commerce Business Advocacy Committee	429 NW 2 nd St. Corvallis, OR 97330
10. April 25, 2006, e-mail from Peter Ball, Corvallis Insurance Services, Inc.	P.O. Box 760 Corvallis, OR 97339-0760

Testimony	Address
11. May 1, 2006, letter from College Hill Neighborhood Association	c/o Dan Brown 3009 NW VAN BUREN AVE CORVALLIS OR 97330
12. May 1, 2006, letter from BA Beierle	PO Box T Corvallis, OR 97339
13. May 1, 2006, e-mail from BA Beierle	PO Box T Corvallis, OR 97339
14. May 1, 2006, letter from Carolyn Ver Linden	644 SW 5 TH ST CORVALLIS OR 97333
15. April 28, 2006, letter from Edward and Karen Miller	304 NW 28 th Street Corvallis, OR 97330



Submitted During
4/24/06 Public Hrg

Testimony #24

Facilities Services; 100 Adams Hall; Corvallis, Oregon 97331-2001
T 541-737-2969 | F 541-737-4242 | <http://faweb1.baf.orst.edu/towow/>

April 24, 2006

Members of City Council
501 SW Madison Avenue
Corvallis, Oregon 97331

Dear Members of City Council:

On behalf of Oregon State University, please accept this letter as written testimony in response to the City of Corvallis, City Council hearing on the Planning Commission's recommendations regarding LDT05-00001-Update of City's Historic Preservation Provisions, including Chapter 2.9 and related chapters.

General Observation:

Chapter 2.9 does not contain any specific criteria that relate to Historic Districts. All the review criteria relate to structures and do not address the overall "historic character" of a Historic District. It is commonly known that historic resources within a Historic District are allowed a greater degree of flexibility than individual listings in rehabilitation treatment since the impact of changes is measured against the "historic character" of the District. The City needs to include in Chapter 2.9 criteria that promote the visual character of the district and establish the visual character as the crucial benchmark when assessing rehabilitation initiatives within a Historic District. Language might include: *"resembles the existing historic character of Historic District"* or *"does not diminish, or negatively impact the existing visual character of the Historic District"*. By including such language, the City will ensure that the rehabilitation of individual structures within a district is done in a manner consistent with the "character" of the Historic District, and that the emphasis placed on a single structure does not supersede the overall purpose of the Historic District.

Historic Preservation Code Language:

Oregon State University (OSU) is currently completing a nomination application to have a portion of its campus registered on the National Registry of Historic Places. In accordance with this work, OSU will prepare zoning code language for adoption by the City. This zoning code language will be specific to OSU and include historic preservation regulations for OSU's historic resources. OSU has shared its intent to create this zoning code language with the State Historic

Preservation Office, City Planning staff, the Historic Preservation Advisory Board, and the Planning Commission; each has expressed their support.

OSU would request that during the adoption of Chapter 2.9 update, the City Council acknowledge its support (via a motion) for OSU to prepare its own historic preservation zoning code language. OSU will work with the HPAB and the Planning Commission to prepare the zoning code language prior to review and adoption by the City Council.

Language specific to the need, purpose and function of OSU, will ensure that preservation efforts are tailored to the dynamic nature of a major university campus and its facilities.

OSU requests that the City Council strongly consider the benefits of having such a distinction for Historic Districts within the Land Development Code. A Historic District is defined by all the elements, features and resources within a specific geographic area and a particular period of significance.

Creating separate and distinct code language for each Historic District within the City of Corvallis, would allow property owners to have input into how their property will be protected or rehabilitated. Most of the properties being discussed by the City are homes for people; as such, the City Council should be particularly interested whether the homeowners find certain preservation or rehabilitation regulations acceptable. Allowing homeowners within a district input in the creation of code language specific to their district will ensure greater long term support and compliance.

I would volunteer my time and prepare the zoning code language with the homeowners. This will offset the work burden on City staff. **During your deliberation of the Chapter 2.9 updates acknowledge support for this concept via a motion.** The homeowners within the Historic Districts should have regulations in the code specific to their District and needs.

Chapter 2.3 and 2.5

Under the review criteria for each of these sections, the following language is included

"If the proposed development is adjacent to a Historic District, the impact of visual elements (as described in "B" above) of the development on any adjacent designated resource(s)"

OSU would offer that the City is potentially subjecting non-historic resources to an HPAB review. This broadly expands the intent and purpose of historic preservation. Please answer the following questions in a written response.

Which entity within the City will determine the visual impact on a historic district?

What criteria will be used to assess the visual impact?

What resources will be used to establish an objective review of the visual impact?

What role, if any, will the members of the HPAB have in the review?

If the HPAB has a role in the review, will it be advisory or quasi-judicial?

If quasi-judicial, then how does the City find this to be an appropriate level of review if the property in question is not historic?

Has the City properly notified all the property owners that would be affected by such a regulation?

Does the City find that the adoption of such code language unnecessarily creates a hardship for the property owner who happens to own a home adjacent to a Historic District?

Does the City realize that by having such code language in LDC, all redevelopment efforts along Monroe Street would be subject to this criterion (and potentially a HPAB review) since OSU will have a Historic District along Monroe Street?

It appears the City is stretching the parameters of historic preservation review and as such may subject property owners to an unanticipated hardship. OSU would recommend the City Council delete this new criterion from Chapter 2.3 and Chapter 2.5.

Chapter 2.9.110.02 – Demolition Involving a Designated Historic Resource

Section b of this Chapter states that the demolition of Nonhistoric/Noncontributing structures listed in a National Register of Historic

Places Historic District will require a review by the HPAB. This presents a significant problem for OSU.

A structure designated as Nonhistoric/Noncontributing has been identified as a resource, which does not have any contributing historic qualities. The HPAB would like to review such structures under the assumption that the removal of such structures may or may not affect (i.e., damage, obscure, or negatively impact) historic resources within a National Register of Historic Places Historic District. Shouldn't such an effect be determined before review by the HPAB? By writing the code in such a manner, the City is presupposing that each demolition would affect a historic resource, perhaps unnecessarily subjecting the applicant to a time-consuming quasi-judicial review. Many properties will be affected by this requirement that otherwise would not be affected by historic preservation zoning code.

As an alternative, OSU would suggest that the City make such a review a Director Level review. This type of review would require a site plan showing the extent of construction or demolition boundaries, truck access to the area, staging area for construction vehicles, manner or mechanism for protecting the windows, architectural features, etc of buildings immediately adjacent to the building proposed for demolition. By having such information, the Director would be able to review the potential damage.

If the Director finds that the demolition has the potential to impact historic resources, then the HPAB would review the application.

Thank you,



Vincent Martorello, AICP
Interim Director Facilities Services
Oregon State University

Submitted During Testimony # 5
4/24/06 Public Hearing

City Council of Corvallis
Written Testimony re: 2.9 Updates and related Chapters, April 24, 2006
BA Beierle

I would like to thank the ~~Preservation~~ ^{Planning} Commission for yeoman's work refining the draft ordinance changes forwarded by the HPAB following their public workshop program. Generally the Commission's work has substantially improved the document with few notable exceptions.

2.9.20.c (Exhibit 1, page 52) Resources listed in the National Register of Historic Places include individual sites, not just Districts. Add the language "Sites or" before Districts.

2.9.100.01.a (Exhibit 1, page 69) This language speaks only to buildings. Sites or structures are also defined as Historic Resources (Exhibit 1, page 15), and this proposed language is less meaningful for non-building resources. Craft additional language to better reflect the scope of all the Historic Resources.

2.9.100.04.b.3.d. (Exhibit 1 page 78). This language is in conflict with itself. The draft code stipulates that "New additions or new construction **shall be** smaller than the impacted designated historic resource." In the next sentence, the language continues ". . . where an addition or new construction **is proposed** to be larger than the original designated historic resource, . . ." To respect the first statement, strike the remainder.

Chapter 1.6 (Exhibit 1 page 14), definition of "Economically Feasible Rehabilitation" and its singular reference in Chapter 2.9 (Exhibit 1 page 82), 2.9.110.03.c.a

The proposed 75% standard, while based on Housing and Urban Development practice, is arbitrary and capricious when applied to historic resources. While this percentage may appear clear and objective, it is based on an undefined "replacement" value. Is the replacement value defined by a real estate appraisal? More than one appraisal? Is it based on a fair market comparison provided by a real estate salesperson? Is it the best guess of a contractor who may or may not be familiar with respectful rehabilitation or preservation techniques? Or is it the property owner's best guess? If an applicant feels a discretionary decision is not economically feasible, the draft code offers an application for an Economic Hardship Appeal in Section 2.9.90.09.b (Exhibit 1 page 67) with clear parameters established for determining financial burden. There are too many variables in the language "replacement value" for Council to let this language stand.

In its only application in the draft code, this crude definition of economically feasible rehabilitation in and of itself, permits demolition of a designated historic resource. Demolition is forever, and once this step is taken, it can never be called back. Consequently, as the hearing body charged with conservation of the city's historic resources, the HPAB must be extraordinarily thoughtful in approving demolition. This proposed definition makes light of an extremely weighty constitutional matter. **Further, if left in the code, this language renders the balance of the code meaningless.**

Another concern touches on two matters: 2.2.40.05.c.1.a. and b, removal of a historic preservation overlay, (Exhibit 1 Page 41), and 2.9.110.03.c.2.a alternatives to demolishing a designated historic resource (Exhibit 1 page 83). This concern exists in the current code as well as in the proposed draft. In both formats, the code cautions property owners that their actions or inactions may not substantially reduce or diminish a designated resource. In alternatives to demolition, a property owner is encouraged to explore public or private acquisition of the resource. Unfortunately, a formidable disconnect exists between the spirit of the code and the letter of the code. If a property owner allows a resource to deteriorate beyond rehabilitation and then finds a buyer, the seller has satisfied code by finding an alternative to demolition. Since the deteriorated condition of the resource is not the fault of the buyer, the buyer is then able – under the code – to apply for a demolition permit, since the deteriorated condition of the resource occurred prior to his or her watch. This disconnect creates a loop hole large enough to drive a bulldozer through. Direct the city attorney to craft language to correct this challenge.

Together with the proposed economically feasible rehabilitation definition, these components are a formula for wholesale loss of long-suffering but historically significant resources. Failure to address this concern puts this code at odds with its purposes 2.9.20 (Exhibit 1 page 52), the established policies in the Comprehensive Plan Article 5, Section 5.4, and statewide planning goals and possibly other state land use requirements. The economically feasible rehabilitation definition loses sight of intrinsic historic value, that is difficult to define, but easy to demonstrate.

I respectfully request that the record remain open.

Thank you for your kind and thoughtful attention and consideration.

Submitted During
4/24/06 Public Hearing

Testimony #6

COLLEGE HILL NEIGHBORHOOD ASSOCIATION

Dan Brown, President (754-8420); Gary Angelo, Vice President (753-5789);
Christine Stillger, Secretary (753-5108); Mike Middleton, Treasurer, (738-0827)

April 24, 2006

Dear City Councilors,

Finally being able to review the "clean" draft of the revised historic preservation language has inspired the following discussion. It goes beyond our earlier written testimony submitted to the City Council and included in your materials as part of EXHIBIT VII. We ask the City Council to choose **OPTION 3**:

Modify the Planning Commission's recommendation in some other manner not identified in Options #1 and #2 and approve the Land Development Code Text Amendment (LDT05-00001, subject to the review and approval of a final order.

Neighboring Properties

Although the College Hill Neighborhood Association represents many properties in the College Hill West Historic District, we also represent other members who own neighboring properties. We are concerned about everyone's interests, and we see both sides of the changes to the Land Development Code in **2.3.30.04k** and **2.5.40.04k**. These changes would impose restrictions on changes to non-historic properties adjacent to historic resources.

As we see it, as a matter of principle, incorporating this new language now is a bad idea for the City government. These new provisions apply historic preservation standards to properties that have never been officially designated as historic resources. First, owners will naturally question the propriety of such a policy. Second, if adopted by the City Council now, this action will be taken without reasonable notice to many property owners in Corvallis who, since they do not live in designated historic structures or in designated historic districts, have no reason to be following the current development of historic preservation regulations. Not informing these people that they will be subject to "compatibility" review (by the new Quasi-Judicial group we suppose) would be unfortunate for the City of Corvallis.

We recommend that the City Council delete the proposed changes, to 2.3.30.04.k and to 2.5.40.04.k.

Energy Efficient Windows

Historic preservation is an important goal for the City of Corvallis. However, it is not the only important goal. We believe that energy conservation and livability, featured in the 2020 Vision Statement, are equally important. Thus, as a matter of policy, the Land Development Code should make an explicit compromise in 2.9 to accommodate energy-efficient windows which will make homes quieter and less drafty and save energy.

We endorsed 2.9.100.03.n in our previous, written testimony to the City Council (See EXHIBIT VII), based on March 28, 2006 draft (See EXHIBIT II-PAGE 87). However, since then the conjunction “*and*” and not “*or*” has been inserted into the document between 1) and 2) (See EXHIBIT I –PAGE 73, now 2.9.100.03m). This change makes the resulting policy very restrictive even if the replacement windows are expensive wood windows with divided lights as required by section 2).

In some previous drafts of the proposed code revisions, wood double pane windows were exempt if they were matching the old in all other respects. Now, under Director-Level decisions, matching wood double pane windows are allowed only if “not visible” or on “Non-Historic additions. Further, there is no policy on energy efficient windows at the Quasi-Judicial level.

Particularly in historic districts, where many included properties are not museum pieces in their own right, the installation of double pane windows which match the windows they replace in all other respects is a reasonable compromise between the demands of historic protection and other City goals.

We ask the City Council to either (1) change the conjunction from “and” to “or”, thus affirming the Director-Level authority to permit double paned windows or (2) to insert a statement under 2.9.100.04 to guide the new Quasi-Judicial body about energy efficient windows and (3) to allow such windows to be installed in historic homes.

In addition, we ask the City Council to (4) delete either the word “fenestration” (a Latin word for windows) in 2.9.100.04.b.3.c or to delete the phrase “[windows] shall be retained or repaired, unless deteriorated beyond repair.”

The limited written testimony has not scientifically established that modern double-pane windows do not create a net benefit to society and to owners in terms of long-run livability and energy efficiency – especially for designated historic structures intended to be preserved indefinitely.

Character of the Historic District

Since the beginning of the process to revise historic preservation regulations in 2005, we have argued that historic districts should be separated, in the code, from individually-listed properties. The reason is that there are many significant differences between the two types. By not explicitly separating out guidelines for historic districts, the revised historic preservation regulations are more appropriate for individually-listed properties than for those located in historic districts. This is problematic because the district properties by far outnumber those individually-listed.

Now we have a prime example of such an error. For properties in a national historic district, individual structures do not stand alone. Whether historic or non-historic and whether contributing or non-contributing, the overall purpose is the protection of the “historic character of the district,” and not a particular structure. This results in some properties being held to a higher standard and some properties to a lower standard than if they were individually-listed.

The criterion of "historic character of the district" has been left out of the proposed code, and so the new Quasi-Judicial body will not specifically understand the intent of the Corvallis community about historic district properties.

In order to guide the decisions of the new Quasi-Judicial body, we ask the City Council to explicitly include "preserve the historic character of historic districts" as a substitute for "preserve the structure" in 2.9.100.04.

Definition of "Preservation"

In Chapter 1.6, there is a new definition of "Preservation" which implies only a very narrow definition to be applied in the Land Development Code.

(as applied to Designated Historic Resources) – As used in this Code . . ."
(See EXHIBIT I – PAGE 23)

We hope that this problem is merely an oversight. If not, we take the greatest exception.

This new definition, along with the definition of "Rehabilitation" should refer only to two of four alternate treatment possibilities identified by the Secretary of the Interior. (None is required under federal law, and "Preservation" certainly is not required.) "Preservation" is an archival quality type of "preservation," appropriate for publicly-owned resources such as Monticello or Colonial Williamsburg, which does not permit additions to homes and requires repair of worn-out or rotten materials rather than replacement. Much testimony from Corvallis citizens, testimony from the State Historic Preservation Office, and practice in other Oregon municipalities favors a general standard of "Rehabilitation" over "Preservation" as a treatment strategy.

The problem comes in the frequent use of "preservation" in a different, general usage, sense in the code:

"Chapter 2.9 – HISTORIC PRESERVATION PROVISIONS;"

"Historic Preservation Overlay;"

"Historic Preservation Permit;"

"Historic Preservation Review Board," etc.

In the cases above, a very different meaning is implied. The definition problem can be corrected in a number of different ways.

We ask the City Council to insert language to clarify that the definitions in Chapter 1.6 of "Preservation" and "Rehabilitation" only refer to Department of Interior treatment options and not other more general usage.

Definition Conflict for Non-Historic/Non-Contributing (Revisited)

In our previous written testimony, to the City Council (See EXHIBIT VII – PAGE 5), we recommended that Chapter 1.6 be altered to reflect the consultant's use of the period of significance ending in 1945 – in addition to being less than 50 years old -- to determine which properties were Non-Historic/Non-Contributing in the College Hill West Historic District. We would now like to point out that there is a nearby precedent in Albany. Here are Albany's related definitions for all of their historic districts:

Non-contributing: A building or structure that was originally constructed after 1945, outside the period of significance. [Ord. 5488, 7/11/01]

Historic Non-contributing: A building or structure originally constructed before 1946 that retains but does not exhibit sufficient historic features to convey a sense of history. These properties do not strengthen the historic character of the district in their current condition. [Ord. 5488, 7/11/01]

Historic Contributing: A building or structure originally constructed before 1946 that retains and exhibits sufficient integrity (materials, design, and setting) to convey a sense of history. These properties strengthen the historic character of the district. [Ord. 5488, 7/11/01]

(For verification, see EXHIBIT VI – Attachment D, pp. 219 and 220). As with the CHWHD consultants, Albany felt that the postwar architecture and development represented a break from the prewar historic trend.

April 24, 2006

Submitted During
4/24/06 Public Hearing

Tammy Stehr

Testimony # 7

Thank you for the opportunity to address you on the Update of the City's Historic Preservation Provisions. I personally attended most of the 8 HPAB workshops, as well as 5 of the 6 Planning Commission meetings on this matter. As a member of the College Hill Neighborhood Association, which overlaps in part with the College Hill West Historic District in which I am a resident and property owner, I would like to express my support for virtually all of the testimony presented by Dan Brown throughout these deliberations over the course of the last year. I also would like to state that I concur with virtually all of the testimony presented by Deb Kadas. I would like tonight to also briefly reiterate some of the concerns I have raised in the past, as well as air some distress I'm experiencing over the health of historic preservation in this town.

As I've stated before, I do not see that the proposed provisions adequately protect *public* historic resources. As the workshops and public hearings progressed, the focus came more and more to rest on the plight and handling of residential properties, whether individually listed or within districts. The County, the State, the City, the School District, and the State Board of Higher Education all own properties which will fall under the jurisdiction of these revised provisions. More accurately stated, of course, the *public* owns the properties in question; the County, the State, the City, the School District, and the State Board of Higher Education—along with their employees—are the *stewards* of these public resources. And sometimes career ambitions, even outright tunnel vision, can impinge on responsible stewardship of these public resources. We have seen in the case of OSU, for example, in both the matter of the siting of the Kelley Engineering Building and the Apperson Hall sign change, that other Comp Plan Policies were deemed subordinate to the mandate of 13.2.1.: "The University and the City should work cooperatively to develop and recognize means and methods to allow the University to provide the mission activities." In effect this has meant that if OSU bureaucrats claim

they need a waiver from other Comp Plan requirements in order to fulfill any scheme they claim fulfills its mission in some way, some are inclined to roll over and give them carte blanche. Frankly, based on these examples, it's not hard to imagine OSU again and again petitioning for exemptions from these Historic Preservation Provisions and effectively undermining their intent vis a vis the OSU Historic Resources already listed on the Local Register, not to mention any Nationally designated Individual or District listings which may or may not occur.

Government at all levels across this country has thousands of resources listed on the National Historic Register. In Corvallis, we have the Benton County Courthouse, and nothing else I believe. That is shameful. We had a high school, but it was callously torn down. Other higher ed institutions in this state have resources on the National Register, but not OSU. This leads me to a broader question: Why does Corvallis have such a terrible track record when it comes to honoring the spirit and the practice of Historic Preservation, both in the public as well as the private sector?

The National Register includes nearly 79,000 listings encompassing 1.2 million individual resources, including historic areas in the National Park System, over 2,300 National Historic Landmarks, tens of thousands if not hundreds of thousands of residential homes, and 12,967 Districts. National Historic Districts are a common phenomenon across this country. Just drive I-5 through Washington and Oregon and you'll see numerous brown and white signs alerting travelers to the existence of Historic Districts from Ashland to Blaine. I asked the HPAB over two years ago when Corvallis was going to request such signage out on I-5 from the appropriate agencies, and I didn't even get the courtesy of a response.

Just look at this print-out I made four years ago of the Oregon listings on the National Historic Register. Every page in this notebook has multiple

properties. There are hundreds, even thousands of properties. Every blue tab denotes a Historic District, in Oregon. Yet, here in Corvallis, I have realized during these deliberations over the past year that Historic Preservation has a very bad name in this town: prominent citizens are agitating to reverse the creation of the College Hill West Historic District; horror stories circulate about the capricious nature of HPAB findings; more and more people are ignoring the Land Development Code altogether and repairing and altering historic properties without consultation with the city.

Why do hundreds, if not thousands, of other towns make Historic Preservation work, but Corvallis cannot? I'm really not sure this document before you contains the answers. I *do* believe it will feed the adversarial divide that has grown up between the citizens and the HPAB; it will further the hypocrisy of governmental units abusing their positions as stewards of publicly owned historic resources; it will contribute to the degradation of our designated historic districts; and it will cripple the cause of historic preservation in Corvallis for years to come. This code is not clear and objective, rather it creates a great deal of opportunity for the HPAB to render subjective, if not outright capricious, decisions. Put very bluntly, many of my neighbors are scared of the HPAB, and these proposed revisions do very little to calm their fears. I don't have the answer, but I am painfully aware of many problems and would urge you to acknowledge the problems as well, and strive to craft more effective provisions.

Thank you for your time and attention in these matters.

Submitted During.
4/24/06 Public Hearing

Testimony #8

To: Corvallis City Council
From: Deb Kadas, Homeowner
College Hill West Historic District
Re: Comments regarding LDC Text Amendments, Chapter 2.9
Date: April 24, 2006

Thank you for this opportunity to provide public input regarding the updating of LDC Chapter 2.9, and other affected City Codes. I have participated in this process since the beginning and I can appreciate everyone's interest in bringing this to a close.

SUPPORT FOR CITY COUNCIL TO CHOOSE OPTION 3

While I too am exhausted and anxious to see a final version of the Code approved by the City Council, I do NOT support Exhibit I, Planning Commission Recommended Text Amendment as currently written. I have several outstanding concerns, as outlined on the next page. Therefore, I want to encourage the City Council to choose Option 3, make the modifications to the code as suggested by me, my neighbors and my neighborhood association, and *then* approve the code.

WHAT ARE THE PROBLEMS THAT NEED TO BE SOLVED?

Before the Council evaluates the 2.9 Code revisions, it is worth remembering what current problems exist. Changes to the Code should reflect the intention to solve these problems, and not be to satisfy any extreme minority position. As I see it, the biggest problems with 2.9 as it currently exists are:

1. The Code needs to be clarified and made objectively verifiable.
2. The Historic Preservation Permit process needs streamlining.
3. The City made "promises" to the property owners of College Hill West, and needs to keep them in order to maintain trust.
4. The City needs a Code that encourages widespread compliance and participation, thereby offering maximum protection of historic resources.
5. The City needs to "do the right thing" now so that potential future historic resources will be voluntarily protected.

The City of Corvallis slogan on their logo reads, "Enhancing Community Livability." When evaluating the Code revisions, the question "Does this enhance livability?" should be asked. The need to protect valuable resources should be balanced with the City's goals for livability and economic vitality, especially in the case of the many homes in historic districts. With respect to old historic resources, a good code with incentives and flexibility will give the City the greatest return on its investment.

Changing the code now to be more restrictive will generate mistrust, non-compliance, and could actually encourage deterioration, as property owners become discouraged and decide to do nothing or sell their old homes to absentee landlords.

Balancing the need to maintain livability with the need to preserve character of neighborhoods will generate historically-sensitive maintenance, repairs, and additions and encourage enthusiastic support by resource owners,.

OUTSTANDING CONCERNS RELATED TO 2.9 / EXHIBIT 1

In addition to the concerns I submitted in writing on April 11, 2006, I would like to submit the following additional issues as significant concerns which I hope the City Council will address and change in the final version of 2.9. I have listed my concerns in order as they appear in the Code document and not in my order of priority.

1. Economically Feasible Rehabilitation (pg. 4) This definition begs for abuse. Who determines the costs and values of the replacement? Are second opinions allowed? Required? Challenged? How and where will this definition be applied? I am in the historic remodeling design business, and I can guarantee you that I can get you a bid on any replacement, and then get another one for DOUBLE, sometimes even TRIPLE, the price. "Similar quality of construction" is extremely vague in the construction business. I recommend completely deleting this definition.
2. Historically Significant Tree (pg. 6) This is a house-keeping matter. A2 states that a tree must meet the definition of Significant Tree in 1.6, but I find NO DEFINITION of significant tree in 1.6, or at least not under "S" for Significant.
3. In-Kind Repair or Replacement (with regard to Energy Efficient Windows) (Pg. 7) Without question, this has been one of the most debated topics of 2.9. I emphatically URGE the City Council to include energy efficient windows in the definition IF the windows match exactly in size, material (almost always wood), number of panes, etc. The Council should make this change for the following reasons: 1) The City will be keeping its promises (both written and implied) made to homeowners in the College Hill West neighborhood; 2) Double-paned windows are energy efficient and fulfill one of the code's purposes to promote energy efficiency; 3) Changing old wood and clear glass windows to new double-paned wood and clear glass windows does NOT involve a change in materials, unless of course, the City considers argon gas an unacceptable replacement for air; and 4) replacing deteriorated windows does NOT diminish the historic character of the neighborhood, which was THE primary goal when we formed our district. From the sidewalk, very few people can tell the difference between an old double-hung wood sash window and a new double-hung, double-paned wood sash window. I CAN ASSURE THE COUNCIL THAT IF THIS RULE WAS IN PLACE AT THE TIME OF THE NOMINATION, THE COLLEGE HILL WEST NEIGHBORHOOD WOULD NOT HAVE AGREED TO BECOME A HISTORIC DISTRICT. Currently neighbors left and right are circumventing the system completely, sometimes putting in cheap vinyl windows. Encouraging property owners to participate in the permit process and put in high-quality wood windows is far preferable to owners not complying and putting in windows that DO look plastic and inappropriate. IF the City Council wants some measure beyond exemption for energy-conserving windows, then placing this particular In-Kind Replacement would be acceptable at the Director-Level permit process. Finally, I recommend the City consider incentives to motivate property owners to KEEP their original windows, by offering rebates for having wood-framed, storm windows/screens made to fit their old windows. (Similar to the washing machine rebates.) A list of providers would also be helpful, like the City lists for sidewalk repairs and tree/vegetation pruning along rights-of-ways.

* Note: I have no problem with a stricter, more Preservation-oriented approach for windows on public buildings that are maintained with public dollars. I also have no problem with our friends in the Avery-Helm Historic District preferring the stricter Code language as it applies to their district. I am speaking about this issue on behalf of my neighbors in the College Hill neighborhood only.

4. Routine Maintenance and/or In-Kind Repair or Replacement (pg. 55) See argument made above. In addition, I suggest clearer language, specifically listing the following most common repairs/replacements as exemptions: a composition roof needing repair/replacement with a new composition roof (visible and non-visible), rotten wood siding with new wood siding, crumbled cement driveways with new cement driveways, and old wood doors and windows with new wood doors and windows...Remember: this is ALL with the clear understanding that it does not involve a change in the design, style, dimension, or material of the resource
5. Re-roofing (pg. 59) If not specifically stated in In-Kind Repair or Replacement, then replacing old composition roofing with new composition roofing should surely be mentioned here, under exemptions to HPP's. (Various forms of re-roofing are mentioned in Exempt, Director-level, and HPAB-level, but no where is replacing an old composition roof with a new composition roof specified.)
6. Application Requirements (pg. 61) Although the Director (or his appointee?) may waive certain items, requiring an applicant to submit detailed information on 15 different points is OVERKILL and unreasonable, especially for Director Level permits. This will discourage participation. (Unless the City staff can guarantee that every applicant coming to the counter will leave after his/her first visit with a clear understanding of all the waivers to their particular application.) Is it really necessary for a resource owner wanting to attach a sign or install a freestanding trellis to complete an application of 15 items that includes a narrative of what they hope to accomplish, a narrative description regarding how their request complies with applicable review criteria, a site plan drawn to scale, showing the location of structures, driveways, and landscaped areas on the site, setback dimensions.....etc. I recommend simplifying the Director-Level application to Items 1-6, with additional items 7-15 specifically noted for a few, very certain Director-Level permits.
7. Repair or Replacement of Windows (pg. 73) If replacement of old windows with new, energy-efficient windows is not covered under like-for-like circumstances, (but it should, if the law is followed to the letter) then Director review of the replacements for matching in material, design, size, number of divided lights, and shape should surely be allowed. This would be the place in the Code to specify replacement with energy-efficient windows is allowed if the like-for-like criterion is followed. This can easily be accomplished by replacing the word "and" with the word "or" in between items number 1 and 2. (In fact, the word "and" was inserted since the last version of the code, without discussion.)

CONCLUSION

The College Hill West neighborhood was encouraged to become a Historic District, by the City, because of its historic character as a neighborhood. Residents of our neighborhood maintained the historic character very well for almost 80 years, without Historic District status or Historic Preservation permits. Property owners have generally done the right thing for over 80 years, because they love their homes and they love how livable the neighborhood is.

What motivated College Hill to allow the City to create our historic district was NOT the desire to micro-manage our neighbor's (or worse yet, Avery-Helm's) window replacements, patio constructions, or even control their plastic fences (even though we might agree they lack historic integrity.) What motivated me and my neighbors was the desire to maintain the historic character of the neighborhood. This meant reviewing the designs of additions, new construction, ADU's, garages, etc. to make sure they were generally compatible with the historic character of the neighborhood. This meant no T-111 siding or metal sliding windows. This meant Harding School would likely be spared the wrecking ball and the trees on Harrison would likely be preserved.

I urge the City Council to take whatever time necessary to write the best code possible. Please consider the City's slogan "Enhancing Community Livability" when reviewing the code and please consider the fact that property owners in the College Hill neighborhood did NOT sign up to be a 300+ home Preservation Project. We want a Code that protects the character of our neighborhood without making every old home a living museum, at the owner's expense.

Historic Preservation's best chance for success in Corvallis is through positive partnership. Rules, regulations, enforcement and fines will not encourage future preservation. Enthusiasm, incentives, advice and education, cooperation, and flexibility will all go much further in advancing our cause. Personally, I would enjoy being an enthusiastic voice in the Historic Preservation movement in Corvallis, if extreme positions are avoided, if the Code remains clear and objective, and if expectations for private property owners are kept reasonable. I hope our City Council chooses this positive direction and becomes a model for future success.

Most Sincerely,

Deb Kadas
3105 NW Jackson Avenue, Corvallis
754-6611

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APR 25 2006

Testimony #9

Memorandum Community Development

To: Corvallis City Council
From: Business Advocacy Committee
Date: April 24, 2006
RE: Historic Preservation Provisions
CC: Mayor Helen Berg, Jon Nelson, Ken Gibb



The Business Advocacy Committee of the Chamber of Commerce is pleased to endorse the changes made to the historical preservation section of the Land Development Code, Chapter 2.9. We appreciate the careful consideration given to developing clear and objective standards, holding the Historical Preservation Advisory Committee accountable by structuring it as a quasi-judicial body, and streamlining the approval process for decisions that should not be subjected to further public process.

We feel that historical preservation is an asset to any community. It is also imperative that provisions for preservation be forthright, governed by clear rules and accommodating to a thriving community in which change is also a part of its life and necessary to continued existence. The new provisions promise to balance our needs as an ever-changing economic environment with our values linking us to our past.

Testimony #10

Towne, Fred

From: Peter Ball [corins@teleport.com]
Sent: Tuesday, April 25, 2006 2:24 PM
To: Towne, Fred
Cc: 'Dan Brown'
Subject: Update to Historic District

Dan Brown gave me your name as the most appropriate place to send information to be submitted for the hearing. I have contacted my council person, Jerry Davis, and sent him some of my concerns.

The approach that was and is being pursued is, in my opinion, taking us down a costly and restricted path that isn't where most of the Corvallis citizens want to go. It is being overly planned and with the threat of a "quasi-judicial" body to deal with and a code that is so compromised as to intent and clarity that virtually no one can comply with the letter of the "law". There is phrase that sums up the significant problem. Under Section 2.2.20 – Purposes subsection d. it states under the heading "This chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative District map amendments to accomplish the following" d> "Lessen the influence of private economic interests in the land use decision-making process:". If this isn't Socialism, what is?

I am taking this statement quite literally to indicate substantial social engineering and socialistic planning objectives where the values of a quasi-judicial body take precedence over reasonable private property rights and any attempt for economic reality. I would like the community to encourage historic preservation either within a district or outside a district. Within a district, the function of the district would be to pre-qualify and identify buildings in that district for eligibility to register as historic structures and to allow the property owner to choose whether or not they wanted to be included in that registry. The district could pro-actively assist property owners with guidelines and resources to assist in preservation. In no way should there be a requirement or another layer of social engineering. Zoning should be the key community planning tool.

I now read about people trying to do in-fill housing in an "historic" district. This created conflict in planning goals and historic goals. How are those to be decided? We have already gone way too far in our planned development model. We are getting many generic developments that present a totally different value system than those of our historic neighborhoods. I am a life-long resident of Corvallis and value many things about our city. I grew up in an older home at 34th & Harrison. At some point, every home standing today could be an "older" home. We have many poor quality older homes as well as some fine quality homes. Preservation of "old" homes should not be our objective. Preserving quality neighborhoods is more important and property owners should be encouraged to maintain and upgrade their properties. Economic reality and individual determination should drive those decisions. The city and historic district people should be there to help recognize structures of significance and encourage the community value of preserving our history. There should be no quasi-judicial body, only a stated community goal. Thanks for the opportunity to testify.

Peter W. Ball
Corvallis Insurance Services, Inc.
PO Box 760
Corvallis, OR 97339-0760
541-757-1990 Phone
541-757-1452 FAX

4/25/2006

Testimony # 11

COLLEGE HILL NEIGHBORHOOD ASSOCIATION

Dan Brown, President (754-8420); Gary Angelo, Vice President (753-5789);
Christine Stillger, Secretary (753-5108); Mike Middleton, Treasurer, (738-0827)

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May 1, 2006

Community Development

Community Development

Greetings City Councilors:

The College Hill Neighborhood Association board supports the principles of historic preservation. We would like people in Corvallis to:

- Maintain their historic homes;
- Go through the Preservation Permit Process specified in Chapter 2.9;
- Designate more historic properties; and
- Buy historic homes and love them.

It has always been our position that a "carrot" approach will be more successful than a "stick" approach in achieving these important goals. Therefore, rather than increased enforcement, we are seeking a clear, objective, and reasonable Code to encourage property owners.

You have received considerable written and oral from the College Hill neighborhood through April 24, 2006. We hear from neighbors that they are concerned by the experiences of owners who have gone before the HPAB, which *de facto*, has been acting as a Quasi-Judicial body for a couple of years. Although their concern is expressed in various specific ways, neighbors want protection against capricious and unreasonable decisions by the Quasi-Judicial body. We are looking to the City of Corvallis to provide that protection through policies, review criteria, definitions, and processes in the Land Development Code, in the Municipal Code, and in the Comprehensive Plan.

The City Staff have succeeded in making the EXEMPTIONS section and DIRECTOR-LEVEL section clear and objective. In many cases, the same cannot be said for the Quasi-Judicial section. We are still concerned about the issues raised in our previous testimony, although the "*Neighboring Properties*" section of our April 24, 2006 written testimony is of less concern than before. The purpose of this third document is to provide additional detail. We will consider the following topics:

- 1. Differences between District Listings and Individual Listings**
- 2. Restrictions Based on Historic Value**
- 3. Rehabilitation not Preservation Philosophy**
- 4. Definitions with Policy Implications**
- 5. Sustainability Policy and Double Pane, Energy Efficient Windows**
- 6. Compensating for Mistakes in Nominations**

The first, "Differences between District and Individual Listings" provides background on these differences as requested by City Councilors, and the remaining five sections make specific suggestions for improvements to the draft Code revisions.

1. Differences between District Listings and Individual Listings

We have argued consistently to separate out historic districts from individually-listed properties in the Code. At this point in the revision process, we recognize that such separation would be very time consuming. We still feel it is important to distinguish clearly between these two. This discussion is intended to make it clear how district and individual listings are different, therefore why it is critical that they should be treated differently in the Code.

First, every individually-listed historic property on the National Register has been judged to possess both sufficient Historic Integrity and sufficient Historic Significance to be protected by historic preservation regulations. (See the definitions in **Chapter 1.6**). This determination is backed up by copious research and documentation completed by the applicant, and it is officially certified by actions of local, state and federal governments. By contrast, many properties in historic districts would not qualify as “Designated Historic Resources” on their own. They just happened to be in the wrong place at the wrong time!

Historic districts include many so-called “Designated Historic Resources” that have little or no historic value. Perhaps most obvious are vacant lots, which have no development on the property, historic or otherwise. (For example, the vacant land on Southeast corner of 29th and Harrison is called a “Designated Historic Resource.”) Some structures which are “Designated Historic Resources” in historic districts have no historic value and are officially labeled “Nonhistoric”

Sometimes even properties in historic districts listed as “Historic/Contributing” have little historic value. Please consider the case of the Sara Cauthorn garage. The garage is classified as a Historic/Contributing structure in the Avery-Helm Historic District. The property is zoned commercial and is located along federal highway 99W. The garage sits as far back of the front of the house (and into the alley) as possible; it would not be noticed by drivers passing at 25mph on 99W. Further, some patrons of Le Patissier, which is located across the alley, consider it to be an eyesore. Finally, please recognize that this is not a hypothetical example -- it is one where the owners want to replace it and the HPAB forcefully discouraged them (Case HPP04-000034).

The garage is in very bad shape. You can view it in person behind the residence at 614 SW 3rd. Make your own judgment about this decrepit outbuilding, but we believe that nobody would take an individual historic nomination of the Sara Cauthorn garage seriously. The nine “Historic Significance” (See **Chapter 1.6**.) criteria can be applied to this Historic/Contributing structure to assess its historic value. Was the garage associated with historic events? Did Sara Cauthorn make significant historic contributions while living there, and was that one-car garage part of her contribution? (Was the garage built before she sold the property in 1912, and did Sara own a car between 1908 and 1912?) Does the garage embody distinctive characteristics? Is the garage a prime example of architecture? Is the garage the work of a master? Does the garage demonstrate high artistic values? Is the garage likely to yield historic information? Is the garage a visual landmark? Does this garage contribute to the historic character? Our assessment, after going through the checklist, is that this cheaply-built “small one-car garage” is not in the same historic class with Thomas Jefferson’s Monticello, the Benton County Courthouse, the HP garage where Bill Hewlett and Dave Packard started their business, or even a modest house in the district. Therefore we conclude that the public policy should be that it is not worthy of the expense of maintaining or restoring it.

Certainly some “Designated Historic Resources” located in historic districts would qualify for individual listings. A good example would be the Fairbanks House located at 316 NW 32nd. In fact, this house is both individually-listed and listed as part of the College Hill West Historic District. The point is that, if necessary, individual-listing can be pursued for all worthy properties within a historic district to afford them the individual protection they deserve. Lesser structures in historic districts do not warrant museum-quality protection.

Second, because of the way the Code is currently written, almost everything connected directly or indirectly with the ground in a historic district is a “Designated Historic Resource,” and as such, can be subject to historic protection. “Designated Historic Resources” include: garages, sheds, curbs and sidewalks, trellises, trees, shrubs, power poles, electric services, dryer vents, etc. This is important because some of the discussion at the April 24, City Council meeting was based on the assumption that only houses were involved. (Interestingly, before the District was created, the College Hill neighbors also thought that only their houses would be regulated.)

Third, within a historic district, protecting the historic character of the district is the goal rather than protecting a particular structure, as in

“the historic resource contributes to the architectural continuity of the street or neighborhood (CHAPTER 1.6, Historic Integrity, subsection “e”-
[EXHIBIT I – Page 14-5])

In this context – sometimes – it should be possible for an individual structure to be modified, a structure to be removed, or a structure to be built without affecting the historic integrity of the surrounding area. (Remember that structures which are “Designated Historic Resources” include curbs, sheds, shrubs, trellises, as well as houses.)

Fourth, to summarize the First, Second and Third items, it is necessary to prioritize those “Designated Historic Resources” in historic districts that the community really thinks are worth protecting, even at great expense and inconvenience to the owner. The best way to be clear about priorities is to encourage individual listing of truly significant properties. For extremely valuable resources, the City can purchase the properties and preserve them at public expense.

Fifth, whereas the designation of an individual private property usually involves owner consent, the creation of a historic district does not require the consent of property owners. In forming a historic district, there is instead a process whereby if more than 50 percent of the owners object through certified mail by a certain date, the process is stopped. Thus, the creation of a historic district is like eminent domain, and governments should be mindful of the costs they are imposing on private property owners as unfunded mandates and must be certain the costs are exceeded by benefits.

Sixth, mistakes are more common in historic district nominations than for individually listed properties simply due to the volume of work, the massive time required, and the small amount of money expended to complete the nomination. In the College Hill West Historic District, for example, the consultants hired by the City of Corvallis researched and wrote up summaries for over 300 structures. They made a lot of mistakes which could work against the owners’ interests in Quasi-Judicial proceedings.

2. Protection Standards Based on Historic Value

The Land Development Code, which is currently being revised, establishes policies about the best use of land in Corvallis. For some properties (and structures) the best use is historic preservation, but for other properties we think historic protections should be relaxed in light of conflicting concerns such as livability. We believe that the City should implement policies in the LDC to guide the Quasi-Judicial body to make decisions consistent with the values of the Corvallis community.

Under the new Code's current interpretation, everything in a historic district is a Designated Historic Resource (that is, every vacant lot, every shed, every shrub, every window pane, every stop sign, every roof cap vent, every utility pole, every sidewalk, etc.). We do not believe that the citizens of Corvallis think everything is *significant* enough to deserve historic protection under the LDC, and we need objective standards to determine which ones do and which ones don't. We believe that several factors should be considered in Quasi-Judicial reviews to distinguish the level of historic protection for various historic resources, especially the marginal ones:

Individual vs. Historic District Designation
Primary vs. Secondary Structures
Front yard vs. Back yard (Not visible/Screened)
Appearance vs. Materials

The following text implements these priorities for Quasi-Judicial decisions.

2.9.100.04b.3.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 structure, if in existence and proposed in part to remain, or any existing surrounding compatible structures. However, in a National Register of Historic Places Historic District, single-story houses can be converted into story-and-a-half or two-story houses of the same style by raising the roof, if the alteration is compatible with the height of neighboring Historic structures. [EXHIBIT I – Page 78]

2.9.100.04b.3.i – Site Development – To the extent practicable, given other applicable development standards in this Code for building coverage, setbacks, landscaping, sidewalk and street tree locations, the Alteration and New Construction shall maintain existing site development patterns, and if in existence and proposed in part to remain. In a National Register of Historic Places Historic District, HPAB review for site development will consider compatibility with the District but will review be limited to site development which are (1) not reversible and (2) not screened from public rights-of-way or private streets rights-of-way (except from alleys from which it may be visible). [EXHIBIT I – Page 79]

2.9.100.04.b.3.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. In a National Register of Historic Places

Historic District, HPAB compatibility review will be limited to Accessory Development (1) not reversible and (2) not screened from public rights-of-way or private streets rights-of-way (except from alleys from which it may be visible). [EXHIBIT I – Page 79]

2.9.100.04.b.k – Garages – Garages, including doors shall be compatible with the Designated 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 of alteration to existing garages and new garage construction, visible from public rights-of-way or private streets rights-of-way (except from alleys from which it may be visible), should also be compatible with the style of other garages in the district or other period garages in Corvallis. [EXHIBIT I – Page 79]

2.9.110.03c.1.b - If within a National Register of Historic Places Historic District, Demolition of a Historic structure (including those designated Historic/Contributing or Historic/Non-Contributing) will not adversely affect the Historic Integrity of the District visible from public rights-of-way or private streets rights-of-way (except from alleys from which it may be visible). Generally, more historic protection will be given to primary structures on the site than to secondary structures such as garages, accessory development, or site development. [EXHIBIT I – Page 83]

To address this criterion, the applicant shall provide an assessment of the Demolition’s effects on the character and Historic Integrity of the District and of the Designated Historic Resource site, as well as an assessment of the the specific Historic Significance of the structure. “Historic Integrity” of the District is defined in Chapter 1.6, subsection e, as “the architectural continuity of the street or neighborhood.” “Historic significance” is defined in Chapter 1-6, subsections a. through i.

3. Rehabilitation not Preservation Philosophy

Section 2.9.100.04.b.3.c imposes a very restrictive HPAB policy [EXHIBIT I – Page 77].

Architectural Details – Existing character-defining elements of a structure (e.g., fenestration, molding or trim, brackets, columns, cladding, ornamentation, and other finishing details) and their design or style, materials and dimensions, shall be retained or repaired, unless deteriorated beyond repair.

Unlike the philosophy underlying the rest of the Code, based on Department of Interior Rehabilitation treatment guidelines, this insistence on repair rather than replacement is based on strict Preservation treatment guidelines. This different philosophy may be appropriate for the other architectural elements, but not for windows. This discussion ties together with section **5. Sustainability Policy** in this testimony. We recommend the following language which eliminates “fenestration.”

Architectural Details – Existing character-defining elements of a structure (e.g., molding or trim, brackets, columns, cladding, ornamentation, and other finishing details) and their design or style, materials and dimensions, shall be retained or repaired, unless the Director determines that they are deteriorated beyond repair [EXHIBIT I– Page 77].

“Deteriorated beyond repair” is not clear and objective. Modern epoxies can “repair” wood which has been reduced to splinters and carpenter ant frass, but what’s the point? A person knowledgeable with building construction, such as someone in Community Development, should make this judgment.

4. Definitions with Policy Implications

Some new definitions will create or change policies which might result in unreasonable treatment of homeowners.

Definition of Preservation. The problem created by this last-minute definition may have been inadvertent, but as stated [Exhibit I – Page 23], it is potentially one of the biggest problems in the revised Code because the word “preservation” is used so often, but in a more general way. The new definition completely rewrites the old Code and all of the language which has been written in the revision to date because it could be interpreted to apply to everything in Chapter 2.9, i.e. to *all Designated Historic Resources*. It has never been the intention of the old Code or the new Code to require “Preservation” treatments such as repair and like-for-like replacement or to completely restrict alterations, new construction, demolition or movings. We recommend the following change: [EXHIBIT I – Page 23.]

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

Similarly, we recommend a similar modification to the definition of “Rehabilitation” [Exhibit I – Page 23]. These recommendations tie into the discussion in our testimony entitled, **3. Rehabilitation not Preservation Philosophy** which appears above.

Definition of Nonhistoric We discussed this earlier in written City Council testimony under the heading, “**Definition Conflict for Nonhistoric/Noncontributing.**” The problem here is that the new definition [See EXHIBIT I – Page 19.] also inaccurately rewrites policy, at least for the College Hill West Historic District. The problem can be eliminated with the addition of a sentence.

Nonhistoric – Generally, not yet 50 years old at the time of designation. (However, in the College Hill West Historic District, all structures built after 1945, the end of the Period of Significance, were also classified as Nonhistoric.) [EXHIBIT I – Page 19]

Definition of Nationally-designated The problem with this definition is that it is inaccurate concerning a significant fact. In **Chapter 1.6** of the clean draft, located under the definition of “Nationally–designated” under “Designated Historic Resource” [See EXHIBIT I – Page 13] there is an incorrect statement

“To list a property in the National Register of Historic Places, owner must obtain approval . . .”

In fact, the property owner may not be the party that obtains approval for a listing in the National Register. For example, in the case of the College Hill West Historic District, the City of Corvallis was the applicant who obtained approval. The owners did not participate in the application process , and in fact, some owners opposed the listing and did not want it approved.

Definition of Historic Significance (of a Person) In **Chapter 1.6** under Historic Significance (or Historically significant) the new definition states

- b. *It is associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the City, County, State, or nation; [EXHIBIT I – Page 15]*

The problem with this wording is that it is too broad, as we discussed in previous written testimony. We recommend the following new language.

- b. *It is fundamentally related to the work, achievements or life story of a person, group, organization, or institution that has made a significant contribution to the City, County, State, or nation; [EXHIBIT I – Page 15]*

5. Sustainability Policy and Double Pane, Energy Efficient Windows

We believe that the Corvallis community believes in sustainability and wants to encourage energy conservation. For old houses, this can be accomplished through modern technology including double pane windows. These windows have a higher R value than single pane windows and reduce the leakage of heated air from inside the house. These windows save energy, especially when we consider the desired lifetime of a protected “historic” home to be hundreds of years. The energy savings for the City can add up over 500+ Historic homes.

In addition, modern double pane windows increase livability by eliminating drafts and reducing noise. Traffic noise is much louder and persistent in the College Hill West Historic District than it was during the historic period (1905 to 1945) when the homes were built. Modern energy efficient windows will make historic homes more energy efficient and comfortable. Thus, modern families will be motivated to invest to rehabilitate and live in them. The opposite will be true for drafty, noisy houses with high energy requirements; such houses will be condemned to neglect as rentals (and eventual loss) in the hands of uncaring landlords.

In general , we would like to see the code allow the use of, otherwise identical, double pane windows. We think this provides the right balance between the City’s goals in both energy conservation and historic preservation. This was the case in previous revisions of 2.9. However, there have been recent changes to the current revision to severely restrict the use of double pane windows.

A. Problems with Recent Changes to the Current Revision

First, in early versions of the revised regulations, energy-efficient windows were allowed as EXEMPTIONS under “in-kind replacement”. Here is the text of the definition in an early version of **Chapter 1.6 – Definitions**.

***In-Kind Repair or replacement** – Repair or replacement of existing materials or features that match the old in design, color, texture, materials, dimensions, shape, and other visual qualities. This includes replacement of roofing, windows, doors, siding, and other structural elements, provided the replacements match the old in the manners described herein. When determining match materials and design for windows, and doors that contain glass, materials may be modern, energy efficient, glass materials, provided the outwardly visual design matches the old.*

However, this exemption was eliminated by the HPAB in the closing moments of their final workshop on October 12, 2005 without public input.

Second, a version dated March 28, 2006 (*Planning Commission Notice of Disposition*) seemed to generally allow, otherwise identical, double paned windows on Historic homes as a DIRECTOR level decision. (See EXHIBIT II, p. 87)

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

- 1. Are being placed on Nonhistoric additions or where not visible from public or private street rights of way (except for alleys, from which they may be visible*
- 2. Otherwise match the replaced items in materials, design or style, color dimensions, number of divided lights, and shape.*

However, in the “clean” yellow draft, **WITHOUT highlighting indicating a change OR explanation, the word “and” is inserted between 1) and 2).** This changes the meaning to **EXCLUDE** from director-level decisions any double paned windows on Historic homes, where visible.

Third, another change to *Section 2.9.100.04.b.3.c* by the HPAB imposes a very restrictive HPAB policy [EXHIBIT I – Page 77],

“fenestration . . . shall be retained or repaired unless deteriorated beyond repair . . .”

This language does not allow any replacement of windows on Historic homes unless deteriorated beyond repair. And, it provides no specific allowance of window replacement to improve energy conservation even with otherwise identical, double-paned windows.

B. Proposals for New Code Language Concerning Double Pane Windows We request a general and consistent policy regarding double pane windows in the Code. We would like to see, otherwise identical, double pane windows allowed for Historic homes. There are three ways for the City Council to handle double pane windows:

1. as an EXEMPTION, and/or
2. as a DIRECTOR-LEVEL decision, and/or
3. as a QUASI-JUDICIAL decision.

We would prefer emphasis on either option 1. or 2. so homeowners aren't subjected to delays and time-consuming processes if possible.

First, the new policy could involve an EXEMPTION in Chapter 1.6 under Section 2.9.70.b and a change to the definition of **In-Kind Repair or Replacement** in Chapter 1.6.

***In-Kind Repair or replacement** – Repair or replacement of existing materials or features that match the old in design, color, texture, materials, dimensions, shape, and other visual qualities. This includes replacement of roofing, windows, doors, siding, and other structural elements, provided the replacements match the old in the manners described herein. For structures in historic districts which are not individually-listed when determining match materials and design for windows, and doors that contain glass, materials may be modern, energy efficient, glass materials, provided the outwardly visual design matches the old. Additionally while the repair or replacement of deteriorated materials is allowed, it is recommended that repair be considered by the property owner prior to replacement. [EXHIBIT I – Page 17]*

Second, the new policy may involve DIRECTOR-LEVEL decision in Section 2.9.100.03.m. This policy is based on an In-Kind standard which provides a very high level of historic protection. [EXHIBIT I – Page 73]

***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 meets one of the criteria in “a,” “b,” or “c,” below.*

1. *Are being placed on Nonhistoric additions;*
2. *are not visible from public or private street rights of way (except for alleys, from which they may be visible); or*
3. *For structures in historic districts which are not individually-listed, windows match the replaced items in materials, design or style, color dimensions, number of divided lights, and shape.*

Third, the new policy could involve QUASI-JUDICIAL Decisions in **Chapter 2.9**. Our suggestion considers In-Kind replacements, as well as replacements which maintain a similar appearance. [EXHIBIT I – Page 80]

2.9.100.04.b.3.o Energy Efficient Windows – Replacement of existing windows in Designated Historic Resources with energy efficient (double pane) windows will be permitted within National Register of Historic Places Historic Districts, provided they:

1. *match the replaced items in design or style, color, dimensions, number of divided lights, and shape, and/or*
2. *for structures in historic districts which are not individually-listed, windows match the appearance of the replaced window from the vantage point of the public right-of-way. For example, painted wood sashes may be replaced by painted metal or painted fiberglass which display a similar exterior surface.*

6. Policy for Correcting for Mistakes in Nominations

Unfortunately, the consultants the City of Corvallis hired to write the nomination for College Hill West Historic District made many errors in their paperwork on important issues. These problems include: date of construction (which determines whether or not the structure is Historic and/or Contributing, unrecognized second story additions, and even mistaken identity of the owner.

These mistakes falsely document the historic value of properties and may cause inappropriate Quasi-Judicial decisions to be made to protect them. Owners should have means of rectifying the mistakes, at least in City decisions, and the process for correction should be made clear (and easy) in the Code.

Please see the e-mail dated April 19, 2006 to Kelly Schlesener from Chrissie Curran, at the Oregon State Historic Preservation office which was sent to the Mayor and City council on April 24, 2006. In her message she states:

Ideally, any corrections to NR nominations would be funneled through you, the local government. The local govt. lets us know, in writing, about the mistakes, including supporting evidence (photos, etc . . .) if you are petitioning for a reclassification in a district. If we agree with the reclass, the corrections are made with a note in the file, and the local govt. is notified that the change has been made.

This letter makes it clear that the City of Corvallis should take an active role in clearing up errors. We recommend adding the following language. [EXHIBIT I – Page 46]

2.2.60. – PROCEDURES FOR RECLASSIFYING A DESIGNATED HISTORIC RESOURCE IN A NATIONAL REGISTER OF HISTORIC PLACES HISTORIC DISTRICT - When an error was made in the nomination papers for a Designated HistoricResource, the owner may petition the Director to help correct it. The owner should explain the nature of the mistake, using sources of information in 2.9.60.c (particularly subsections 2, 4, 7, and 8). The Director will petition the State Historic Preservation Office to make the correction.

Testimony #12
Community Development
MAY 01 2006
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Corvallis City Council
2.9 Updates, May 1, 2006 Testimony
BA Beierle

Quasi-judicial

The city attorney has determined that the HPAB is already a de facto quasi-judicial body. Change in official status would acknowledge the role the HPAB already serves for the citizens of Corvallis.

The composition of the HPAB is structured by the Certified Local Government (CLG) program administered by the Oregon State Historic Preservation Office (SHPO). This program also provides funding for the HPAB. Since the Planning Commission's composition does not reflect these requirements, neither the Planning Commission nor the Land Development Hearings Board (composed of Planning Commissioners) would satisfy CLG requirements. As a quasi-judicial body, a new HPAB merits full measure of responsibilities as a hearing authority, and is a parallel decision-making partner to the Planning Commission. As specified in the draft, appeals move to the City Council.

To date, appeals have been rare and unanimously reaffirmed by the Land Development Hearings Board. The clear and objective decision-making identified in the draft ordinance is expected to further reduce any need for appeals. The proposed HPAB Design Guidelines would provide even more information for historic resource stewards, also reducing the need for appeals.

Advocacy

As a quasi-judicial body, the HPAB will continue to provide technical assistance to citizens during Visitors Propositions, just as the Planning Commission and City Council do. This opportunity allows all these decision-making bodies to hear and respond to concerns that are not part of the administrative processes.

In the past three years, the HPAB's most significant outreach and educational program, Preservation Month, has been increasingly managed by private sector groups and individuals. The organization of a local, private, historic preservation group, PreservationWORKS, was intended to assume many of the HPAB's educational functions, and distinguish the roles of "educator" from "decision-maker." As PreservationWORKS continues to grow, additional programs and activities will further distinguish educational opportunities from the HPAB's changing role as a quasi-judicial body.

Economics

More than any other man-made element, historic buildings differentiate one community from all others. The quality of historic buildings and the quality of their preservation says much about a community's self-image. A community's commitment to itself is a prerequisite for nearly all other quality-of-life elements. And quality of life is the single most critical ingredient in

economic development. Consequently, historic preservation is a significant element in the quality-of-life equation.

Economic benefits of a comprehensive community preservation program include:

1. Property values increased;
2. Quality of life, sense of neighborhood, and community pride enhanced;
3. Compatible land-use patterns created;
4. Pockets of deterioration diluted;
5. Private investment stimulated;
6. Tourism stimulated;
7. New businesses formed, and
8. New jobs created.

Preserving our built heritage is not a luxury; it's a sound investment.

Research of historic preservation's economic impacts over the last ten years alone shows:

- ✓ Economic impact is generally measured in three ways: jobs created, increase in household income, and demand created on other industries. Few categories of economic activity have as potent a local impact, balanced among these three criteria, as does the rehabilitation of historic buildings.
- ✓ Virtually every example of sustained success in downtown revitalization – regardless of the size of the city – has included historic preservation as a key component of the strategy.
- ✓ Heritage visitors spend more per day, stay longer, and visit more places than tourists in general.
- ✓ There is a crisis in affordable housing in America, and that crisis will not be resolved in the foreseeable future without saving and reinvesting in our older and historic homes at a level far greater than is taking place today.
- ✓ Smart growth has become a broad-based citizen movement with support across the political and geographic spectrum. Effective smart growth efforts have historic preservation and downtown revitalization as core elements of the approach.
- ✓ There is no credible evidence whatsoever that local historic districts reduce property values. In the vast majority of cases properties subject to the protections of local historic districts experience rates of property appreciation greater than the rest of the local market and greater than in similar, undesignated neighborhoods. Generally the worst case is that values of properties within a local historic district move in tandem with the local market as a whole.
- ✓ Historic preservation is one of the highest job-generating economic development options available. One million dollars spent for historic resource rehabilitation in Oregon, creates 22 more jobs than cutting one million dollars of timber.

Sustainability & Energy

When we lose a historic resource in whole or in part, we waste not only the memory and culture housed in the resource, but also the materials used in the structure, the earth the landfill sits upon, and the structure's embodied energy.

Embodied energy is all the energy consumed by production of a structure: acquisition of natural resources, component production and delivery, and ongoing maintenance. Every structure is a complex combination of processed materials – each contributing to total embodied energy. This energy is different than the operational energy needed to heat, light, and water a resource. To reduce the waste of embodied energy and its environmental impacts, we continue to use durable and adaptable buildings. Australia has calculated that the embodied energy in their existing building stock is equivalent to 10 years of total energy consumption of the entire country.

Operational Energy & Windows

During the 2.9 update process, considerable debate focused on thermal windows. There are far more effective strategies to reduce operational energy costs in historic – or non-historic structures for that matter – than wholesale replacement of historic windows. Consider:

- ✓ Insulate attics and ceilings. The vast majority of heat loss in homes is through the attic or uninsulated walls, not windows.
- ✓ Adding just 3 ½ “ of fiberglass insulation in the attic has three times the R factor impact as replacing a single pane window with no storm window with the most energy efficient windows.
- ✓ Properly repaired historic windows have an R factor nearly indistinguishable from so-called “weatherized” windows.
- ✓ Reduce infiltration by keeping historic windows in good repair and caulking around frames inside and outside.
- ✓ An Indiana study showed that the payback period through energy savings by replacing historic wood windows is 400 years.
- ✓ Top quality, knot free hard wood is ideal for sashes and frames. While increasingly scarce and expensive, these woods are abundant in historic buildings. Historic homes are often built with hardwood from old growth forests. Destroying historic windows represents the destruction of this same scarce resource.
- ✓ Vinyl frames made with polyvinylchloride (PVC) are banned in Europe, since the toxins produced in their manufacture are potentially hazardous. These materials also produce faster, hotter and more toxic fires. PVCs also “off gas” dioxin.
- ✓ Caulk, weatherstrip, and insulate walls, attics, basements, doors, pipes, roof chimneys, and vents to reduce energy leakage.

Before considering wholesale replacement of historic windows, building stewards should pursue other strategies to conserve energy, like lower thermostats in winter, or low-flow shower heads and faucets.

Historic rehabilitation can be energy efficient and life-cycle cost effective. *Components of a building, such as historic windows and doors, although traditionally not designed with energy conservation in mind, can be retrofitted to meet current standards of energy use. This can be achieved at less immediate and long-term cost than replacement units, while preserving significant historic fabric. In fact, studies have shown that the replacement of historic wood or metal single-glazed windows with contemporary units, such as vinyl or aluminum double-glazed sash, cannot be justified on the basis of life-cycle costs. DoD and other federal agencies have*

discovered that preservation of these components meets mission requirements at a lower cost to the government.

The Benefits of Cultural Resource Conservation, U.S. Department of Defense.

The Planning Commission recommended that repair or replacement of windows with energy efficient materials on non-historic/non-contributing resources in a historic district be exempt from historic preservation permit requirements (2.9.70.t, – Exhibit 1 page 59). Further, Planning Commission recommended that Director Level review allow for energy efficient glazing on non-historic additions (2.9.100.03.m - Exhibit 1 page 23). Since windows are a predominant feature of historic resources, their replacement properly belongs to HPAB review in Historic/Contributing or Historic/Non-Contributing structures.

Replicas & The Real Thing

With historic resources, looking like the genuine article is important, but **being** the genuine article is even more important, since its authenticity provides a greater value. Even though a print of Leonardo daVinci's *Mona Lisa* looks like the revered portrait, the original masterwork has substantially greater value. While a historic window or door is not a *Mona Lisa*, it is an honest, genuine, original feature and consequently has more value – and integrity – than any replacement.

District Integrity

In 1970, Congress elaborated on the 1916 National Park Service Organic Act, saying “all units of the system have equal legal standing in a national system.” Resources in a National Register designated district are not less important than any individually designated resource. No one structure in a historic district is more – or less – important than another. Each structure contributes to the collection of resources that compose the district, and as a group, the whole is greater than the sum of the parts. Each dwelling, garage, and shed contributes to the district, and – as a whole – make a statement larger than separate components. Historic/contributing, historic non-contributing, and non-historic/non-contributing, resources each add to the fabric of the district. Inside the district, each has merit, and changes made to one impact the others. Creating a different standard of review for resources in a historic district compromises the whole district by eroding its integrity, one resource at a time.

Composition of HPAB

Although current code calls for an eight-member board, the HPAB currently has only seven appointed members, and two liaison members: one representing the City Council and another representing the Planning Commission. Three current members live in designated historic districts: two in College Hill West and one in Avery-Helm. Of the remaining members, two either live or work in historic resources; and one previously lived in a historic home. Today 43% of the HPAB lives in Corvallis' designated historic districts; almost 30% in the College Hill West historic district. More than 71% of the HPAB either lives or works in Corvallis' historic resources today.

As a Certified Local Government (CLG), composition of the HPAB is determined by requirements of the SHPO, which administers the CLG program and provides funding for the work of the HPAB. Fred Towne's April 24, 2006 memorandum describes the preservation-related disciplines **required** for persons serving on the Board.

The Planning Commission recommended that HPAB appointees continue to meet the state-mandated requirements: preservation-related professional disciplines, and demonstrate a positive interest, competence, or knowledge of historic preservation. These appointees may also be historic resource owners in either established – or potential – historic districts. In addition to OSU, which is currently drafting a historic district nomination, neighbors in the Franklin Square neighborhood, at least four additional neighborhoods, and the downtown commercial core all merit historic designation.

Nationwide, 27% of historic properties and sites belong to private owners who care for the nation's collective heritage. Most of that 27% are residences, but private owners also include industries, churches, nonprofit organizations, and businesses.

12-D

Testimony #13

Schlesener, Kelly

From: babeierle@comcast.net
Sent: Monday, May 01, 2006 4:57 PM
To: Towne, Fred; Schlesener, Kelly; Ortman, Liz
Subject: More City Council Testimony!

I respectfully request you consider the comments provided in Exhibit V pp 233 -235 regarding the Secretary of Interior's Standards. I remain concerned that a number of the standards are not incorporated into the proposed draft.

Thank you for your kind consideration.

Regards,

BA

Testimony # 127
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MAY 01 2006
Community Development

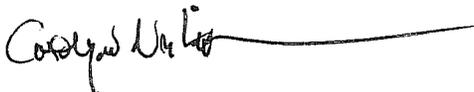
To: The Corvallis City Council
From: Carolyn Ver Linden, Avery-Helm Historic District

City Council Members:

In terms of code, nothing is carved in stone — the process of revising the historic preservation ordinance is an ongoing one in which the provisions will continue to evolve and be revisited as conditions warrant. When Corvallis' first National Historic District was listed in 2000, the ordinance was updated and redesigned with flexibility built into the document. To allow room for maneuvering, the fledging document gave the Director a great deal of discretionary power and decision-making responsibility. The last revision was only 6 years ago, but the director acknowledged that his responsibilities needed to be lessened and the HPAB had more expertise in these areas. In addition, the listing of a second historic district warranted guidelines with more structure and clarification.

Being in a historic district does entail some responsibilities—the privilege of being in a historic district cannot be enjoyed without any defining characteristics or guidelines. A historic district pulls everyone up – a house that by itself wouldn't qualify has status conferred and takes on the collective value of the district. It is historically equivalent to studying a whole era rather than one great person from the era. You have the context of the time, including the great and small, which tell you more about our ancestors and antecedents than one mansion can. The development of commercial districts and educational campuses may be considered different enough to warrant special sections of code, but code for neighborhood districts should be uniform; if divvied up into special interest groups this becomes contentious and cumbersome to implement.

Because of the nature of Corvallis and its modest history, the ordinance standards here have never been onerous, but are provide enough of a framework to have modified some really inappropriate designs. Some of the best examples are in the Avery-Helm Historic District: four Habitat for Humanity homes built within the district are wonderful examples of rethinking typical Habitat designs to fit in with the surrounding houses; the unique Craftsman-style bungalow built on the corner of B and 6th St. – which allowed a great deal of design latitude but maintained a high level of aesthetic and historic integrity; the improvement of a poorly designed development project that had all the units facing inward away from the streets and neighboring houses (a plan which the neighbors hated) to one acceptable to everyone involved and compatible with the district. As far as flexibility of the HPAB regarding solar panels, the Buchanan House on 4th St. was permitted solar panels covering an entire south-facing roof (ridgeline not fronting the street). The people chosen for HPAB are required to be knowledgeable in some aspect of historic resources, but they also understand the needs of this community. I have observed their meetings many times, and their public process has been open-minded and fair. Applicants range the full spectrum from naïve and unprepared, to knowledgeable and well-informed. Unfortunately, some applicants want to manipulate and subvert the process and would even dispense with building permits if they could. This is not a reason to dispense with proper standards.
Thank you for your consideration.



Carolyn Ver Linden

Testimony #15
RECEIVED

Edward and Karen Miller
304 NW 28th St.
Corvallis, OR 97330
Apr. 28, 2006

RECEIVED

APR 28 2006

APR 28 2006

CITY MANAGERS
OFFICE

Community Development

Dear City Council:

We urge you to go slow on adopting new regulations for historic resources.

The hard work of the Board and city staff has produced a document that is much more carefully worded and clear than the previous regulations. We commend them for that work.

However, we and many of the others in the College Hill West historic district are concerned that these new regulations are considerably more intrusive than we were promised when we agreed to become a historic district.

One of your concerns should be that the new regulations should encourage everyone in the city to respect and maintain as much of the historic architecture as is reasonable consistent with a modern lifestyle. Part of that would be encouraging formation of more historic districts within the city.

Toward that end, it is crucial that the residents of the existing historic districts be supportive of the regulations that govern the historic district. If they are chafing under the regulations, they will become advocates *against* any new historic districts.

It was obvious at the Council meeting last Monday that there is considerable concern among the residents of College Hill West about the effects of the new regulations. The opinions expressed by the Association and a number of individual residents, including us, were mostly along the lines of "These regulations are more restrictive than necessary." and "This is not what was promised us when we signed up."

One important issue was the idea that houses in a historic district should be supervised less strictly than properties that are historic in their own right. The balance between historical accuracy and liveability needs to be *different* for most of the houses in a historic district versus those which are or could be listed individually. What is important is the character of the neighborhood as a whole and the contributions of the individual properties within it, not the materials and exact form of the individual houses.

Another point that elicited much concern was the fact that the regulation of insulating windows had been substantially increased. We think it is extremely important that the regulation of historic appearance should not restrict our ability to respond to the needs of energy efficiency in a world where conservation becomes increasingly important.

We urge you to build on the work that has been done so far in such a way that we in College Hill West will continue to support historic preservation and feel that the promises made to us when we agreed to be a district are kept.

Very truly yours,

Edward L. Miller Karen J. Miller