



**CORVALLIS
CITY COUNCIL AGENDA**

*** SPECIAL MEETING ***

**May 22, 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

From: Ken Gibb, Community Development Director
To: Mayor and City Council
Date: May 18, 2006
Re: Process for Finalizing the Historic Preservation Update

I. Issue:

Included in your packet are the following three documents:

1. Matrix capturing the Council's decisions from May 8, 2006;
2. Matrix with proposed responses to the Land Development Code issues deferred to May 22, 2006;
3. Memo identifying the various approaches to appointment of the Historic Preservation quasi-judicial decision-making body.

Each is discussed below, followed by a proposed adoption procedure.

II. May 8, 2006, City Council Decision Matrix

This matrix contains the issues and staffs' suggested responses that were processed at the May 8, 2006, City Council deliberations. It also contains the precise decisions made by the City Council. No action is needed regarding this matrix.

III. Matrix of Deferred Issues for City Council Consideration on May 22, 2006

During the May 8, 2006, City Council deliberations, several issues were deferred for the May 22, 2006, meeting. These issues have been separated out from the original matrix, and from the issues specifically pertaining to the make-up of the quasi-judicial decision-making body. Staff have proposed specific responses for City Council to consider on each issue and suggest working through these proposals in the same manner used on May 8, 2006. Staff will capture any changes proposed by Council for inclusion in the final set of Land Development Code provisions.

IV. Historic Preservation Quasi-judicial Decision-making Body

Staff consulted with the State Historic Preservation Office and reviewed a number of documents addressing the potential make-up of the "Historic Preservation Commission." In an April 24, 2006, memo, staff presented an approach that would have a specific body appointed solely for the purpose of reviewing Historic Preservation Permit requests. Council discussion has indicated an interest in looking at other options. The attached memo further identifies the options and their implications for the Council to consider.

V. Adoption Procedure

Staff will make all the changes that Council recommends regarding both the deferred Land Development Code issues and the composition of the Historic Preservation Commission. These will be formalized as a clean copy of each of the Land Development Code Chapters associated with LDT05-00001 and a copy of Municipal Code Section 1.16.250 as recommended. Each will be presented to the Council accompanied by an Ordinance and ready for formal adoption on June 5, 2006. The ordinance adopting LDT05-00001 will contain the appropriate findings addressing the applicable criteria from the Land Development Code, the Comprehensive Plan, and the Statewide Planning Goals.

Review and Concur:



Jon S. Nelson, City Manager

MEMORANDUM

From: Kelly Schlesener, Senior Planner 
To: Mayor and City Council
Date: May 16, 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**

- **Matrix Record of Council Consensus Items from May 8, 2006, Deliberations**

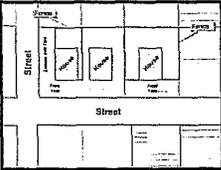
Attached is a matrix that records the consensus points that the Council made during its May 8, 2006, deliberations for this Project. Separate memos will address solutions for the items that were noted as being deferred until the Council's May 22, 2006, deliberations.

Should you have any questions on any of the information in the attached matrix, please contact staff and we will be happy discuss them.

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	MAY 8, 2006 COUNCIL CONSENSUS ON ISSUES
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.	Yes - modify Section 2.9.20.c (Purposes), as follows: c. Complement any National Register of Historic Places Historic <u>Sites and/or</u> Districts in the City; Rationale is that the historic preservation provisions apply to both sites and districts when the context is the National Register of Historic Places.
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. <i>Lessen Increase</i> 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.	No - Do not add a purpose statement on this topic to Section 2.9.20. Rationale is that the Council desires a neutral position on private economic interests when considering permit requests.
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.	No - No changes needed. Rationale is that Exhibit I does not include provisions that would allow this to occur.
Exhibit I (yellow) - Pg. 55	2.9.70.b (in Exemptions List)	(CC Staff Report) Modify as shown in italics and shading: b. <i>Routine Maintenance and/or In-kind Repair or Replacement</i> - 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.	Yes - modify Section 2.9.70.b as shown here. Rationale is in Council staff report.

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Exhibit I (yellow) - Pg. 56; Exhibit II (pgs. 64 & 65); and Councilor Griffith's Testimony (pg. 3)	2.9.70.d (in Exemptions List)	<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>No - Do not modify Section 2.9.70.d as proposed here.</p> <p>Rationale is as shown here.</p>
Exhibit I (yellow) - Pg. 56; and Exhibit VII -Pgs. 3 & 10; & Councilor Griffith's Testimony (pg. 3)	2.9.70.e (in Exemptions List) Chapter 1.6 - Definitions	<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 not visible from the public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), is 200 sq. ft. or less, and does not exceed 14 ft. in height.</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>	<p>Defer until May 22 deliberations. Staff will develop options for the 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 100 <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.l (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>	<p>Yes -</p> <ul style="list-style-type: none"> • Modify Section 2.9.70.h as shown here; • Delete Section 2.9.100.03.l; and • Re-letter Section 2.9.100.03 accordingly. <p>Rationale is that 200 sq. ft. is the threshold for needing a building permit and the accessory development is not allowed via this provision to be visible from public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible).</p>

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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. <i>Fencing Installation, Extension, or Removal</i> - The installation or extension of new wood fencing, or the repair or replacement of existing wood fencing, <i>provided such fencing that is constructed of wood and that</i> 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.</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.</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> <p>■ Suggested by staff on pgs. 29 & 30 of CC Staff Report. More property owner flexibility.</p>	<p>Yes - Modify Section 2.9.70.m as shown here.</p> <p>Rationale as noted here and in the Council staff report.</p>
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. <i>Freestanding Trellises</i> - Installation of a freestanding trellis that is less than 14 ft. in height and not visible from <i>the public street rights-of-way</i> or private <i>street</i> rights-of-way (except for alleys from which it may be visible). The installation shall not damage or <i>obscure</i> any significant external architectural features of the historic resource.</p> <p>■ Suggested by staff on pg. 30 of CC Staff Report. Some housekeeping items, consistency with 2.9.100.03.j, & more property owner flexibility.</p>	<p>Yes - Modify Section 2.9.70.n as shown here.</p> <p>Rationale as noted here and in the Council staff report.</p>

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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. <i>Repair, or Replacement, or Installation of New of Gutters and Downspouts</i> - 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. <i>Repair or Replacement of Gutters and Downspouts</i> - 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>	<p>Yes - Modify as shown below:</p> <ul style="list-style-type: none"> • Modify Section 2.9.70.q; • Add Section 2.9.70.r; • Re-letter Section 2.9.70 accordingly. <p>Rationale as noted here and in the Council staff report.</p> <p>q. <i>Repair or Replacement of Gutters and Downspouts</i> - 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>r. <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>

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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>§</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>§</u> <i>Uncovered Rear Deck or Patio Additions 200 Sq. Ft. or Less - The installation or removal of an uncovered deck or patio, provided the deck or patio is shall be obscured from view from the public rights-of-way and private street rights-of-way (except for alleys, from which it may be visible) by a fence, hedge, or other structure and shall meets the applicable setback requirements (per the Development District or as approved through a Lot Development Option or Planned Development process). The deck shall be 30 inches or less in height, and shall be constructed in a manner that is reversible.</i></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>	<p>Yes - Modify Section 2.9.70.s as follows:</p> <p><u>§</u> <i>Uncovered Rear Deck or Patio Additions 200 350 Sq. Ft. or Less - The installation or removal of an uncovered deck or patio, provided the deck or patio is shall be obscured from view from the public rights-of-way and private street rights-of-way (except for alleys, from which it may be visible) by a fence, hedge, or other structure and shall meets the applicable setback requirements (per the Development District or as approved through a Lot Development Option or Planned Development process). The deck shall be 30 inches or less in height, and shall be constructed in a manner that is reversible.</i></p> <p>Rationale is as noted here and discussed in the Council staff report. Also, the improvements are not allowed via this provision to be visible from public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible). Finally, via this provision the improvements are required to be reversible.</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>u.</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) (Sections 2.9.70.b and t; 2.9.100.03.m; 2.9.100.04).</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>	Defer until May 22 discussion when definition for "visible from the street" is developed.
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> <u><i>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.</i></u></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>	<p>Yes - Add Section 2.9.70.v to Section 2.9.70 as shown here.</p> <p>Rationale in the Council staff report.</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>	<p>Yes - Modify Section 2.9.90.02.a as shown below.</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>Rationale is as shown here and the fact that existing Code provisions for other land use applications allow for the Director to waive requirements also, when the Director believes that they are not needed to evaluate an application.</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>	<p>No - Do not do proposed change to section 2.9.90.02.a.9.</p> <p>Rationale is as shown here.</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 <i>decision-maker-hearing authority</i> for an appeal may consider claims of economic or undue hardship in cases where an applicant was either denied a Historic Preservation Permit or granted a Historic Preservation Permit with conditions of approval that the applicant believes to be an economic or undue hardship. The applicant must provide adequate documentation and/or testimony at the appeal hearing to justify such claims. In addition to the information the applicant believes is necessary to make his/her case to the appeal <i>decision-maker-hearing authority</i>, the following types of information, as applicable, shall be submitted in order for the appeal <i>decision-maker-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>	<p>Discussion deferred until May 22 and staff to bring back more specific language changes for:</p> <ul style="list-style-type: none"> • the definition for Economically Feasible Rehabilitation; and • Section 2.9.90.09.b - Undue Hardship Provisions <p>The changes are to incorporate the 3 ideas listed on page 12 of the matrix, providing that when estimates are referred to, they are coupled with a requirement that the estimates are conducted by a licensed contractor.</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 Economically Feasible Rehabilitation and either:..... <p>(CONT'D ON NEXT PAGE)</p>	

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Exhibit I (yellow) - Pgs. 67, 68, & 82; and Exhibit VII -Pg. 5 (CONT'D FROM PREVIOUS PAGE)	2.9.90.09.b; 2.9.110.03.c.1; & 1.6 - Definition for Economically Feasible Rehabilitation (CONT'D FROM PREVIOUS PAGE)	(CONT'D FROM PREVIOUS PAGE) ■ 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. 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. 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>	<p>No - Do not modify Section 2.9.100.01.a as proposed.</p> <p>Rationale as shown here, only reverse the words "to and only" in the rationale to read, "It doesn't apply to <u>only</u> 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 - Small Signs or Tablets - Small signs or tablets, not meeting the exemption in Section 2.9.70.d, provided the sign or tablet is consistent with the applicable sign allocation standards outlined in Chapter 4.7 - Corvallis Sign Regulations, is ten sq. ft. or less; is non-illuminated; is architecturally compatible with the design or style of the Designated Historic Resource; and if freestanding, is less than four ft. in height. Attached signs shall not damage or obscure any significant architectural features of the structure. Additionally, the installation shall be reversible.</p> <p>..04.a.2 <u>Signs</u> - 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>	<p>Yes -</p> <ul style="list-style-type: none"> • Delete Section 2.9.100.03.d as shown here; • Re-letter Section 2.9.100.03 accordingly; and • Modify Section 2.9.100.04.a.2 as shown here. <p>Rationale in City Council staff report.</p>
Exhibit I (yellow) - Pg. 71	2.9.100.03.fg (in Director-Level Alt. & New Const'n. List)	<p>(CC Staff Report) Modify as shown in italics and shading:</p> <p><u>fg</u> Replacement, Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features - Replacement, using dissimilar materials and/or a different design or style, of existing driveways (including paving of these existing areas); existing paths and sidewalks; existing bicycle parking areas; and/or existing vehicular parking areas that involve <u>800 sq. ft. or less, four or fewer spaces</u> (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>	<p>Yes - Modify Section 2.9.100.03.e as shown here.</p> <p>Rationale in Council staff report.</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-Pane) 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 or style, 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>	<p>Yes -</p> <ul style="list-style-type: none"> • Retain definition of In-kind Repair and Replacement as proposed in Exhibit I of Council staff report; • Retain Section 2.9.70.t as proposed in Exhibit I of Council staff report; and • Modify Section 2.9.100.03.m as follows: <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>Rationale as shown here, as testimony indicated during public hearing, and to encourage energy efficiency by the use of energy-efficient windows.</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.nm (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 - 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 <i>energy efficient materials (including double-pane glass for single-pane glass)</i>, is <i>not</i> considered to be In-kind Repair or Replacement. Additionally, while the repair or replacement of deteriorated materials in-kind is allowed, it is recommended that repair be considered by the property owner prior to replacement.</u></p> <ul style="list-style-type: none"> ■ 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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Exhibit I (yellow) - Pg. 75; Councilor Griffith's Testimony (pg. 3); & Exhibit II - pgs. 86 & 90	2.9.100.04.a.10 (HPAB-Level Alt'n or New Const'n)	<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>Yes -</p> <ul style="list-style-type: none"> • Delete Section 2.9.100.04.a.10; • Re-letter Section 2.9.100.04.a accordingly; • Create a new item in Section 2.9.100.03 that is worded as follows: <p><u>Single (First) Story Exterior Steps and/or Stairways - Changes in step or stairway design or style that may be required to meet present-day Building Code requirements, including handrail or guardrail installation, provided such changes are conducted within the height of the first story of a Designated Historic Resource. When authorized by the Building Official, some flexibility from conformance with some Building Code requirements relative to this design, including the question of whether or not handrail or guardrail installation is required, may be granted as outlined in Section 2.9.90.06.a. The design or style shall be architecturally compatible with the Designated Historic Resource (based on documentation provided by the applicant).</u></p> <p>Rationale is as shown in the Planning Commission staff report and further supported by the fact that these are required Building Code standards that are limited to the first story of Designated Historic Resources.</p>
Exhibit I (yellow) - Pgs. 73-80; & Testimony #6 (pg. 6-B) in 5/2/06 Memo	2.9.100.04 (HPAB-Level Alt'n or New Const'n)	<p>Concern that Chapter 2.9 does not contain the criterion of "historic character of the district." Requests that the phrase "preserve the historic character of historic districts" be substituted for the phrase "preserve the structure" 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 "preserve the structure." For further comments on this issue, see next row of this table.</p>	<p>No - No change needed.</p> <p>Rationale is that no problem of this sort found.</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 "resembles the existing historic character of Historic District" or "does not diminish, or negatively impact the existing visual character of the Historic District." Also, concern that this section (including items 3(a) through (n) & 4 (<i>not shown below</i>) 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; and 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. <p>CONTINUED NEXT PAGE</p>	<p>Defer to May 22 deliberations. The Council believed the provisions to be adequate as shown in Exhibit I of the Council staff report. However, staff will draft some edits more expressly outlining that Designated Historic Resources in a National Register of Historic Places Historic District may be evaluated against other Designated Historic Resources in that District. The Council will consider the edits to see if they are preferable to the existing text.</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>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., <i>fenestration</i>; 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> character-defining elements of a structure (e.g., <i>fenestration</i>; molding or trim, brackets, columns, cladding, ornamentation, and other finishing details) and their design or style, materials, and dimensions, shall be <u>considered by the property owner prior to replacement, retained or repaired, unless deteriorated beyond repair.</u> Replacements for <i>deteriorated existing</i> 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>	<p>Yes - Modify Section 2.9.100.04.b.3(c) as follows:</p> <p>c) <u>Architectural Details - Retention and repair of Existing</u> character-defining elements of a structure (e.g., <i>fenestration</i>; molding or trim, brackets, columns, cladding, ornamentation, and other finishing details) and their design or style, materials, and dimensions, shall be <u>considered by the property owner prior to replacement, retained or repaired, unless deteriorated beyond repair.</u> Replacements for <i>deteriorated existing</i> 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>Rationale is as shown here.</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 HPAB-Level Alt'n or New Const'n) CONT'D FROM PREVIOUS PAGE	CONT'D FROM PREVIOUS PAGE ■ 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. ■ 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 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.	Yes - Modify Section 2.9.100.04.b.3(d) 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 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. Rationale is as shown here.

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<p>Exhibit I (yellow) - Pg. 78; & Testimony #11 (pg. 11-C) in 5/2/06 Memo</p>	<p>2.9.100.04.b.3(e) (Review criteria for HPAB-Level Alt'n or New Const'n)</p>	<p>Request modification of this provision as shown in shading:</p> <p>e) <u>Height</u> - To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource <u>structure</u>, if in existence and proposed in part to remain, and any existing surrounding <u>compatible structures, 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.</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</u> - To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. <u>However, second story additions are allowed, provided they are consistent with the height standards of the underlying District Designation and other Code Chapters, and provided they are consistent with the other review criteria contained herein.</u></p>	<p>Yes - Modify Section 2.9.100.04.b.3(e) as follows:</p> <p><u>Height</u> - To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. <u>However, second story additions are allowed, provided they are consistent with the height standards of the underlying District Designation and other Code Chapters, and provided they are consistent with the other review criteria contained herein.</u></p> <p>Rationale as shown here.</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>	<p>No - Do not change Section 2.9.100.04.b.3(i) as proposed.</p> <p>Rationale is as shown here.</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>) <u>Accessory Development/Structures</u> - Accessory development as defined in Chapter 4.3 - <i>Accessory Development Regulations</i> and items such as exterior lighting, walls, fences, awnings, and landscaping that are associated with an Alteration or New Construction Historic Preservation Permit application, shall be visually compatible with the architectural design or style of the existing Designated Historic Resource, if in existence and proposed in part to remain, and any comparable Designated Historic Resources within the District, as applicable. <u>In a National Register of Historic Places Historic District, 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).</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>	<p>No - Do not change Section 2.9.100.04.b.3(j) as proposed.</p> <p>Rationale is as shown here.</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 or style, 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 or style of Alteration or New Construction involving to an existing or new garages, and new garage construction: visible from public rights-of-way or private streets rights-of-way (except from for alleys from which it may be visible), shall should also be compatible with the style or design of other garages in the applicable Historic District that were constructed during that Historic District's Period of Significance, or other period garages in Corvallis.</u></p>	<p>Yes - Modify Section 2.9.100.04.b.3(k) as follows:</p> <p><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 or style, roof pitch and shape, architectural details, location and orientation, and building materials. <u>In a National Register of Historic Places Historic District, the design or style of Alteration or New Construction involving an existing or new garage, visible from public rights-of-way or private street rights-of-way, shall also be compatible with the design or style of other garages in the applicable Historic District (those garages that were constructed during that Historic District's Period of Significance).</u></p> <p>Rationale is that garages in a National Register of Historic Places Historic District should be compatible with other garages in that Historic District (those garages that were constructed during the Historic District's Period of Significance).</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> <p>■ 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> <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>	<p>Yes - Modify the introductory paragraph to Section 2.9.100.04 as follows:</p> <p><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> A Historic Preservation Permit request for any of the following Alteration or New Construction activities shall be approved if the Alteration or New Construction is in compliance with the associated definitions and review criteria listed below. Such Alteration or New Construction activities are classified as a HPAB-level Historic Preservation Permit.</p> <p>Rationale is as shown here.</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>	<p>Yes -</p> <ul style="list-style-type: none"> • Modify Section 2.9.70.i as follows: <ol style="list-style-type: none"> i. <u>Demolition or Moving of Freestanding Temporary or Small Accessory Structures that are Not Classified as Nonhistoric/Noncontributing - Demolition or Moving of structures in a National Register of Historic Places Historic District that are classified as Nonhistoric/Noncontributing are addressed in Section 2.9.70.w.</u> Demolition or Moving is <u>also</u> allowed for freestanding temporary accessory structures and other freestanding accessory structures less than 200 sq. ft. and less than 14 ft. in height provided that: <ol style="list-style-type: none"> 1. The proposed Demolition or Moving does not damage, obscure, or negatively impact any Locally-designated Historic Resource or any Nationally-designated Historic Resource that is classified as Historic/Contributing or called out as being significant, based on any of the sources of information listed in Section 2.9.60.c; and 2. The affected structure is less than 50 years old (based on evidence submitted by the applicant); and 3. At least one of the following: <ol style="list-style-type: none"> a) The affected structure is in a National Register of Historic Places Historic District and listed as Nonhistoric/Noncontributing; or <u>ab)</u> The affected structure is a Nonhistoric structure on an individually Designated Historic Resource listed in the Local Register and/or National Register of Historic Places; or <u>be)</u> The affected structure is a Nonhistoric structure on a Designated Historic Resource property listed in a National Register of Historic Places Historic District, even if the approved National Register of Historic Places nomination for the District is silent on the issue. • Add Section 2.9.70.w as follows: <p><u>w.</u> <u>Demolition or Moving of Structures in a National Register of Historic Places Historic District that are Classified as Nonhistoric/Noncontributing - Demolition or Moving of a structure in a National Register of Historic Places Historic District, provided the structure is classified as Nonhistoric/Noncontributing in the relevant National Register of Historic Places nomination.</u></p> <p>CONTINUED ON NEXT PAGE</p>

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		CONTINUED FROM PREVIOUS PAGE	<p>CONTINUED FROM PREVIOUS PAGE</p> <ul style="list-style-type: none"> • Modify Section 2.9.110.03.b as follows: b. If the proposed Demolition involves one of the structures identified in "1" - "29" 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: <ul style="list-style-type: none"> 1. A Nonhistoric/Noncontributing structure listed in a National Register of Historic Places Historic District; <u>12.</u> A Nonhistoric structure on an individually Designated Historic Resource listed in the Local Register or National Register of Historic Places; or <u>23.</u> A Nonhistoric structure on a Designated Historic Resource property listed in a National Register of Historic Places Historic District, even if the approved National Register of Historic Places nomination for the District is silent on the issue. • Modify cross-references as needed to accomplish the three modifications above. <p>Rationale is that by its classification as Nonhistoric/Noncontributing, a structure has already been determined as nonhistoric and as having no contribution to the relevant National Register of Historic Places Historic District. Therefore, the Council believes that it should not be subject to additional historic preservation regulations for Demolition or Moving.</p>

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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> <p>1. The physical condition of the Designated Historic Resource is deteriorated beyond Economically Feasible Rehabilitation and either:.....</p> <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>	<p>No - Do not change Sections 2.9.110.03.a & c.1(intro), 2.2.40.05.c.2(b), & 2.9.100.04.b.3(j) as proposed.</p> <p>Rationale is as shown here.</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 subject Designated Historic Resource 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 Chapter 1.6, <u>subsections a. through i.</u></p> <p>■ Staff will look to Council for direction on this matter.</p>	<p>No - Do not do these proposed changes.</p> <p>Rationale is that other sections of Chapter 2.9 adequately address these concerns.</p>

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<p>Exhibit I (yellow) - Pgs. 16 & 17, 55 & 56, & 81-85; Exhibit VII -Pgs. 10 & 11; & Testimony #8 (pg. 8-A)</p>	<p>2.9.110.03.d; & Chapter 1.6 - Definition for Historically Significant Tree</p>	<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). 	<p>No - Do not do these changes to Sections 2.9.110.03.d & Chapter 1.6 - Definition for Historically Significant Tree.</p> <p>Rationale is that shown here.</p>

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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>	<p>Deferred until May 22 Deliberations.</p>

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<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>No - Do not do these changes.</p> <p>Rationale as shown here.</p>
<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. 	<p>No - Do not do these changes.</p> <p>Rationale as shown here.</p>

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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. <i>Lessen <u>increase</u></i> 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.	No - Do not do these changes. Rationale as shown here.
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><i>The resource it is fundamentally related to the work, achievements, or life story associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the City, County, State or nation;</i></u> (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><i>"The tree"</i></u> instead of <u><i>"The resource."</i></u>	Yes - • Modify Section 2.2.40.05.b.2(b) & subsection "b" of the definition for Historic Significance as follows: b) <u><i>The resource it is fundamentally related to the work, achievements, or life story associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the City, County, State or nation;</i></u> • Modify subsection "a.3(a)(3)" of the definition for Historically Significant Tree as follows: 3) <u><i>The tree is fundamentally related to the work, achievements, or life story associated with the life- of a person or group, organization, or institution that has made a significant contribution to the City, County, State or nation of Historic Significance.</i></u> Rationale is that this revised text is more precise in getting the intended meaning understood.
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.	No - Do not make this proposed change to Section 2.2.50. Rationale is as shown here.

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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>	<p>Yes - Modify Section 2.2.60 as follows:</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. 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.</u></p> <p>Rationale is as shown here.</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"> b. <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. 	<p>Yes - Modify subsection "b" of the definition for Designated Historic Resource as shown here.</p> <p>Rationale as shown here.</p>

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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 - Historic resources in an approved National Register of Historic Places Historic District are classified as "Historic/Contributing," "Historic/Noncontributing," or "Nonhistoric/Noncontributing." The components of these classifications are defined as follows:</u></p> <p><u>Historic – At least 50 years old at the time of designation.</u> <u>Nonhistoric – Not yet 50 years old at the time of designation.</u> <u>Contributing – A resource in a National Register of Historic Places Historic District which, at the time of designation, retained a sufficient amount of Historic Integrity to convey its historic appearance and Historic Significance.</u> <u>Noncontributing – A resource in a National Register of Historic Places Historic District which, at the time of designation, lacks Historic Integrity relevant to the Period of Significance, and/or which is not historic,.....</u></p> <p>■ 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 – At least 50 years old at the time of designation and called out as Historic in the Historic District Nomination.</u> <u>Nonhistoric – Not yet 50 years old at the time of designation or called out as Nonhistoric in the Historic District Nomination.</u> <u>Contributing – A resource in a National Register of Historic Places Historic District which, at the time of designation, retained a sufficient amount of Historic Integrity relevant to the Period of Significance to convey its historic appearance and Historic Significance.</u></p> <p>■ The description for Noncontributing in this definition would remain as written.</p>	<p>Yes - Modify the definition for National Register of Historic Places Historic District Classifications as follows:</p> <p><u>National Register of Historic Places Historic District Classifications - Historic resources in an approved National Register of Historic Places Historic District are classified as "Historic/Contributing," "Historic/Noncontributing," or "Nonhistoric/Noncontributing." The components of these classifications are defined as follows:</u></p> <p><u>Historic – At least 50 years old at the time of designation and called out as Historic in the Historic District Nomination.</u> <u>Nonhistoric – Not yet 50 years old at the time of designation or called out as Nonhistoric in the Historic District Nomination.</u> <u>Contributing – A resource in a National Register of Historic Places Historic District which, at the time of designation, retained a sufficient amount of Historic Integrity relevant to the Period of Significance to convey its historic appearance and Historic Significance.</u> <u>Noncontributing – A resource in a National Register of Historic Places Historic District which, at the time of designation, lacks Historic Integrity relevant to the Period of Significance, and/or which is not historic,.....</u></p> <p>Rationale is as shown here.</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 "<i>Preservation</i>" to address different contexts.</p> <p>(Other Testimony) Concern that the definition for "<i>Preservation</i>" applies in all instances where the term "preservation" is used throughout Chapter 2.9, and that this definition is much too restrictive if that is the case. Also concerned with the definition for "<i>Rehabilitation</i>." 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><i>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.</i></u></p> <p><u><i>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.</i></u></p> <p>■ Good suggestions.</p>	<p>Yes - Modify the definitions for "<i>Preservation</i>" and "<i>Rehabilitation</i>" as shown here.</p> <p>Rationale is as shown here.</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. 	<p>No - No issue here and no changes needed.</p> <p>Rationale is as shown here.</p>
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. The Board shall have the powers and duties provided therein and provided by this Code.</i></p> <ul style="list-style-type: none"> ■ Suggested by staff on pg. 28 of CC Staff Report. Housekeeping item. 	<p>Deferred until May 22 deliberations.</p>
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. 	<p>No - No issue with this section, so no changes.</p> <p>Rationale is as shown here.</p>

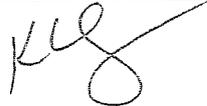
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Exhibit I (yellow) - Pg. 28; & Councilor Griffith's Testimony (pg. 2)	2.0.50.04.b.2 & 3 - (Public Notice)	<p>(Councilor Griffiths) Modify the introductory statements for Sections 2.0.50.04.b.2 & 3 as shown in shading:</p> <ol style="list-style-type: 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>No - Do not implement proposed changes to Sections 2.0.50.04.b.2 & 3.</p> <p>Rationale is as shown here.</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)	2.3.30.04.k & 2.5.40.04.k (Review criteria for CD's & PD's)	<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. 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>	<p>Yes - Delete Sections 2.3.30.04.k & 2.5.40.04.k.</p> <p>Rationale is as shown here.</p>

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OTHER TOPICS			
Testimony #4 (pg. 4-A) of 5/2/06 Memo & Councilor Griffith's Testimony (1 st pg. & pg. 2)	Separate OSU Historic District regulations once an OSU Historic District established	<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> <ul style="list-style-type: none"> ■ A discussion item for Council. 	<p>No - Do not pass requested motion.</p> <p>Rationale is as shown here and the Council believes that any proposed provisions for an OSU National Register of Historic Places Historic District can be considered as part of a future Land Development Code Text Amendment public hearing process, following formation of the Historic District.</p>
Exhibit VII -Pg. 4	Comprehensive Plan Map & District Map	<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> <ul style="list-style-type: none"> ■ This request is outside the scope of this project. 	<p>No - Do not enter into consideration of requested land use designation changes as part of this process.</p> <p>Rationale is as shown here.</p>

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Exhibit VII -Pgs. 6, 12, & 41; Testimony #3 of 4/24/06 Memo; & Testimony #12 (1 st pg. & pgs. 12-D & E) in 5/2/06 Memo	Make-up of HPAB	<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. 	Defer until May 22 deliberations.
Exhibit VII -Pgs. 6 & 11	Documentation of HPAB decision rationale	<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>No - No change to text needed.</p> <p>Rationale is as shown here.</p>
Exhibit VII -Pg. 6	Design Guidelines	<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. 	<p>No - No change or action is needed at this time.</p> <p>Rationale is as shown here.</p>

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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> <ul style="list-style-type: none"> ■ Good Suggestion. 	<p>Yes - Intend to do.</p> <p>Rationale is as shown here.</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> <ul style="list-style-type: none"> ■ This request is outside the scope of this project. 	<p>No - No change or action is needed at this time.</p> <p>Rationale is as shown here.</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> <ul style="list-style-type: none"> ■ These comments offer support for historic preservation. 	<p>No - No change or action is needed at this time and these comments can be included as educational items.</p> <p>Rationale is as shown here.</p>

MEMORANDUM

From: Kelly Schlesener, Senior Planner 
To: Mayor and City Council
Date: May 16, 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**

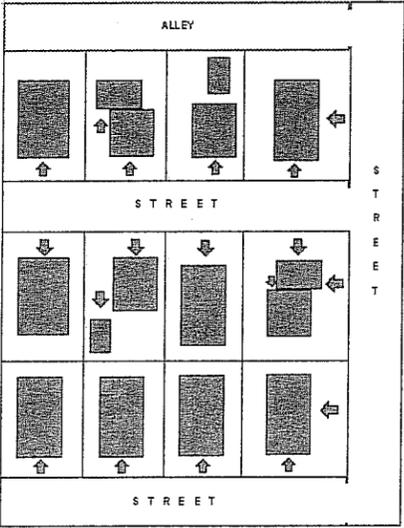
- **Matrix of Remaining Discussion Items Not Related to Quasi-Judicial Decision-maker**

Attached is a matrix of remaining issues not related to issues regarding the quasi-judicial decision-maker for discretionary historic preservation items. A separate memo will address these quasi-judicial decision-maker issues.

The attached matrix includes topics that were deferred during the May 8, 2006, Council deliberations and includes proposed solutions to each issue. During the May 22, 2006, Council deliberations for this Project, it is hoped that consensus can be reached on these items.

Should you have any questions on any of the information in the attached matrix, please contact staff and we will be happy discuss them.

TABLE OF REMAINING ITEMS FOR MAY 22, 2006, COUNCIL DELIBERATIONS
- DOES NOT INCLUDE ISSUES RELATED TO QUASI-JUDICIAL DECISION-MAKER, WHICH ARE ADDRESSED IN A SEPARATE MEMO

PAGE(S)	SECTION NUMBER(S)	TOPIC(S)	MAY 22, 2006 REMAINING ITEMS FOR COUNCIL DELIBERATIONS THIS COLUMN INCLUDES DRAFT TEXT REQUESTED BY COUNCIL
<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 public rights-of-way or private street rights-of-way</u> (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>	<p><u>Visible from Public Rights-of-Way (Excluding Alleys) and Private Street Rights-of-Way - As indicated by the arrows in the graphic below, structure facades that face public rights-of-way (excluding alleys) and private street rights-of-way are areas considered to be "visible," with the following two exceptions:</u></p> <p><u>a. Structures that are obscured by other structures that are located directly in front of them are not considered to be visible, provided they are ≤ the height of the structure that is obscuring them; and</u></p> <p><u>b. Structures that are located behind a solid fence or a minimum 80% opaque evergreen hedge are not considered to be visible, provided the fence or evergreen hedge is a minimum height of 6 ft. and provided the structure in question is ≤ the height of the fence or hedge.</u></p> 

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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. 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) (Sections 2.9.70.b and t; 2.9.100.03.m; 2.9.100.04).</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>	<p>2.9.70.tu Reroofing <u>Flat Roofs or Roofs Otherwise Obscured by a Parapet Where the Roof Surface is not Visible from the Ground Plane</u> - Where a roof <u>is a flat roof or a roof otherwise obscured by a parapet</u>, 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. <u>Skylights shall be addressed in accordance with 2.9.70.x, 2.9.100.03.l, or 2.9.100.04, as applicable.</u> 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>2.9.100.03.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. <u>Skylights shall be addressed in accordance with 2.9.70.x, 2.9.100.03.l, or 2.9.100.04, as applicable.</u> Skylights that are from the structure's Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows (or doors with glass) (Sections 2.9.70.b and t; 2.9.100.03.m; 2.9.100.04).</p> <p><u>2.9.70.x</u> Skylights -</p> <ol style="list-style-type: none"> <u>1.</u> Skylights that are from the a structure's <u>relevant</u> Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows (or doors with glass). <u>2.</u> <u>Skylights that are existing but are not from a structure's relevant Period of Significance may be removed or retained and repaired in accordance with "1" above. However, in order for these skylights to be retained and repaired, they shall have been constructed prior to the establishment of the relevant Individual or National Historic Designation, or via an approved Historic Preservation Permit. Otherwise, the skylight shall be removed when deteriorated beyond repair or when a structure is being reroofed, whichever comes first (unless a Historic Preservation Permit is subsequently approved to retain the skylight in accordance with Sections 2.9.100.03.l or 2.9.100.04, as applicable).</u> <u>3.</u> <u>New skylights may be installed in accordance with Sections 2.9.100.03.l and 2.9.100.04, as applicable.</u> <p>(CONT'D ON NEXT PAGE)</p>

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Exhibit I (yellow) - Pgs. 59 & 70; and Testimony #1 in 4/24/06 Memo	Skylights continued		<p>(CONT'D FROM PREVIOUS PAGE)</p> <p><u>2.9.100.03.I</u> <u>Skylights - Activities involving existing skylights that are not already exempt via Section 2.9.70.x and new skylights are allowed on:</u></p> <p><u>a) Nonhistoric/Noncontributing structures;</u></p> <p><u>b) Structures with flat roofs or where the skylight would otherwise be obscured by a parapet;</u></p> <p><u>c) Portions of structures that are not visible from private street rights-of-way and public rights-of-way (except for alleys from which they may be visible).</u></p> <p><u>All other modifications or installations of skylights shall be processed via Section 2.9.100.04.</u></p>

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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 hearing authority for an appeal may consider claims of economic or undue hardship in cases where an applicant was either denied a Historic Preservation Permit or granted a Historic Preservation Permit with conditions of approval that the applicant believes to be an economic or undue hardship. The applicant must provide adequate documentation and/or testimony at the appeal hearing to justify such claims. In addition to the information the applicant believes is necessary to make his/her case to the appeal decision-maker hearing authority, the following types of information, as applicable, shall be submitted in order for the appeal decision-maker hearing authority 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. 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 decision-maker hearing authority determines that the denial or approval, as conditioned, of the Historic Preservation Permit would pose an undue hardship on the applicant, then a Historic Preservation Permit noting the hardship relief shall be issued, and the property owner may conduct the activity(ies) outlined in the Historic Preservation Permit as modified by the appeal decision-maker hearing authority.</p> <p>(CONT'D ON NEXT PAGE)</p>	<p>Discussion deferred until May 22 and staff to bring back more specific language changes for:</p> <ol style="list-style-type: none"> 1. the definition for Economically Feasible Rehabilitation; and 2. Section 2.9.90.09.b - Undue Hardship Provisions <p>The changes are to incorporate the 3 ideas listed on page 12 of the matrix, providing that when estimates are referred to, they are coupled with a requirement that the estimates are conducted by a licensed contractor.</p> <p>2.9.90.09.b - Undue Hardship Appeals - The decision-maker hearing authority for an appeal may consider claims of economic or undue hardship in cases where an applicant was either denied a Historic Preservation Permit or granted a Historic Preservation Permit with conditions of approval that the applicant believes to be an economic or undue hardship. The applicant must provide adequate documentation and/or testimony at the appeal hearing to justify such claims. In addition to the information the applicant believes is necessary to make his/her case to the appeal decision-maker hearing authority, the following types of information listed in "1-6 below" as applicable, shall be submitted in order for the appeal decision-maker hearing authority to consider a hardship appeal. <u>Not every item listed in "1-6" below will apply to every case:</u></p> <ol style="list-style-type: none"> 1. Three estimates of: <ol style="list-style-type: none"> a) The cost of the activity(ies) proposed under the denied or conditionally-approved Historic Preservation Permit; and an estimate of b) Any additional costs which would be incurred to comply with the modified activity(ies) recommended by the decision-maker. <p><u>All such cost estimates shall be accomplished by contractors licensed in the State of Oregon.</u></p> 2. An estimate of the <u>appraised</u> value of the property: <ol style="list-style-type: none"> a) in its current state; b) with the improvements that were denied or conditionally-approved for the Historic Preservation Permit; and c) with the modified activity(ies) proposed by the applicant decision-maker. <p><u>All such appraisal estimates shall be performed by an appraiser who is licensed or certified in the State of Oregon. Additionally, appraisal estimates of the property shall fall within the scope of practice of the appraiser's license or certification in order for the appraisal to meet this provision.</u></p> 3. Information regarding the soundness of the affected structure(s), and the feasibility for rehabilitation which would preserve the historic character and qualities of the <i>Designated Historic Resource</i>. <u>All such information shall be developed by a contractor licensed in the State of Oregon.</u> <p>(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><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>■ 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 	<p>(CONT'D FROM PREVIOUS PAGE)</p> <ol style="list-style-type: none"> 4. Any information concerning the mortgage or other financial obligations on the property which are affected by the denial or approval, as conditioned, of the proposed Historic Preservation Permit. 5. The appraised value of the property. 56. Any past listing of the property for sale or lease, the price asked, and any offers received on that property. 67. Information relating to any nonfinancial hardship resulting from the denial or approval, as conditioned, of the proposed Historic Preservation Permit. <p>If the decision-maker-hearing authority determines that the denial or approval, as conditioned, of the Historic Preservation Permit would pose an undue hardship on the applicant, then a Historic Preservation Permit noting the hardship relief shall be issued, and the property owner may conduct the activity(ies) outlined in the Historic Preservation Permit as modified by the appeal decision-maker-hearing authority.</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. Calculations required in this definition shall be developed as follows:</u></p> <ol style="list-style-type: none"> <u>a. Estimates for the cost of bringing a structure up to minimum Building Code standard shall be limited to the costs associated with improving a structure to meet minimum Building Code standards - without regard to costs associated with other desired improvements.</u> <u>b. With respect to estimates for the cost of bringing a structure up to minimum Building Code standards, three estimates from contractors licensed in the State of Oregon shall be provided; and</u> <u>c. "Replacement Value" as used in this definition shall equal the Benton County Assessor's Office figures for "Replacement Value."</u> <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:.....

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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 "resembles the existing historic character of Historic District" or "does not diminish, or negatively impact the existing visual character of the Historic District." 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> <p>1. General - The Alteration or New Construction Historic Preservation Permit request shall be evaluated against the review criteria listed below. These criteria are intended to ensure that the design or style of the Alteration or New Construction is compatible with that of the existing Designated Historic Resource, if in existence, and proposed in part to remain, and with any existing surrounding comparable Designated Historic Resources, if applicable. Such activities shall ensure that a Designated Historic Resource remains compatible with other existing surrounding Designated Historic Resources and other examples of the resource's architectural design or style. Consideration shall be given to:</p> <ul 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 Designated Historic Resource is a prime example or one of the few remaining examples of a once common architectural design; or style, or type of construction; and g) Whether or not the Designated Historic Resource is of a rare or unusual architectural design; or style, or type of construction. <p>2. In general, the proposed Alteration or New Construction shall either:</p> <ul 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 pertaining to the applicable Period of Significance; or b) Be compatible with the historic characteristics of the Designated Historic Resource and/or District, as applicable, based on a consideration of the historic design or style, appearance, or material composition of the resource. 	<p>The Council believed the provisions to be adequate as shown in Exhibit I of the Council staff report. However, staff will draft some edits for Council consideration. These edits will more expressly outlining that Designated Historic Resources in a National Register of Historic Places Historic District may be evaluated against other Designated Historic Resources in that District.</p> <p>1. General - The Alteration or New Construction Historic Preservation Permit request shall be evaluated against the review criteria listed below. These criteria are intended to ensure that the design or style of the Alteration or New Construction is compatible with that of the existing Designated Historic Resource, if in existence, and proposed in part to remain, and with any existing surrounding comparable Designated Historic Resources, if applicable. Such activities shall ensure that a Designated Historic Resource remains compatible with other existing surrounding Designated Historic Resources and other examples of the resource's architectural design or style. Consideration shall be given to:</p> <ul 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 Designated Historic Resource is a prime example or one of the few remaining examples of a once common architectural design; or style, or type of construction; and g) Whether or not the Designated Historic Resource is of a rare or unusual architectural design; or style, or type of construction. <p>2. In general, the proposed Alteration or New Construction shall either:</p> <ul 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 <u>pertaining relative to the applicable Period of Significance</u>; 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. <p>CONTINUED ON NEXT PAGE</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>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. 	<p>CONTINUED 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 pertaining <u>relative to the applicable Period of Significance</u>. Alteration or New Construction shall complement the architectural design or style of the primary resource, if in existence and proposed in part to remain; and any existing surrounding comparable Designated Historic Resources. <u>Notwithstanding these provisions and "a-n" below, for Nonhistoric/Noncontributing resources in a National Register of Historic Places Historic District or resources within such Historic District that are not classified because the nomination for the Historic District is silent on the issue, Alteration or New Construction activities shall be evaluated for compatibility with the architectural design or style of any existing Historic/Contributing resource on the site or, where none exists, against the attributes of the applicable Historic District's Period of Significance.</u></p>

Memorandum

Date: May 18, 2006
To; Mayor and City Council
From: Ken Gibb, Community Development Director 
Re: Quasi-Judicial Historic Permit Decision-making

Discussion

An April 24, 2006-memorandum to the Mayor and City Council from Planning Manager Fred Towne (Attachment B) outlines potential amendments to the Corvallis Municipal Code regarding the Historic Preservation Advisory Board (HPAB). The changes would implement the recommendation from the HPAB, Planning Commission and Staff that the HPAB assumes a quasi-judicial decision making role in association with the proposed amendments to the City's Historic Preservation regulations. The Land Development Code amendments set up a three tiered system that includes exempt activities, Director (or staff level) decisions and a quasi-judicial process for discretionary types of decisions. Appeals of HPAB decisions would be directed to the City Council for final local action on a historic permit application.

The Municipal Code proposal would expand the membership of the HPAB to include additional representatives from the City's two historic districts and OSU. This would augment the current membership profile which is designed to meet the State Historic Preservation Office guidelines that provide for certain expertise and interest in historic preservation matters. The proposal would also have the City Council make the appointments to the HPAB similar to the Planning Commission which is a quasi-judicial body.

Council discussion has indicated an interest in an alternative to having the HPAB fulfill this quasi-judicial role. At the May 8 City Council meeting, Staff indicated that a brief review of other options would be prepared for Council consideration. Attachment A to this memorandum provides a review of the three options to the previously recommended approach. Staff has identified some pros and cons associated with each of the options. Assumed in the three options is a continuing historic preservation advisory committee in addition to the quasi-judicial decision-making body.

Regarding implications, Staff believes that the Council should consider the following factors when reviewing these or any other options:

Board / Commission Capacity - Three of the options involve some or all of the Planning Commission members. The level of historic permit review activity by a quasi-judicial body is

projected to be about 25 applications annually. This would add an additional meeting per month for the Planning Commission which often meets 2 - 3 times per month. Staff has had an initial discussion with the Planning Commission about these options. Planning Commission members did not develop any formal opinion about their interest and capacity to take on additional work but it was noted that the Planning Commissioners currently have several liaison responsibilities such as CCI, CIP, HCDC etc.

Time line factors - It is important to make sure that the review process and decision making system is timely. While the City has up to 120 days to finalize a quasi-judicial decision, we have been able to get historic decisions completed much quicker and this is an important customer service feature. Maintaining an advisory board function, followed by a quasi-judicial hearing process with an appeal opportunity to the City Council would stretch the current time line considerably.

Staff Resources - Staffing for HPAB is currently at a .40 FTE level. Should there be a quasi-judicial body, in addition to the HPAB, there will be additional staffing requirements.

SHPO (CLG) Guidelines - As noted in the April 14, 2006 memorandum, as a Certified Local Government (CLG) Corvallis has responsibilities to address state and federal requirements related to make-up of local Historic Boards. There is flexibility in doing so but a CLG must ensure that there is local expertise involved with the CLG historic preservation program. Staff is consulting with SHPO regarding this issue and will provide any additional information at Monday's meeting.

Responsiveness / Community Perception - We want to offer applicants and the community a responsive and consistent permit review system with a clear path to a decision. Should there be multiple groups involved, e.g., historic preservation advisory board, quasi-judicial body and City Council (along with staff), the process could become less direct and there is increased potential for different positions on an application by different city entities.

Requested Action

Please review this information and staff will be prepared to respond to Council questions and direction at the May 22 meeting.

Attachment A
Options for Make-up of Quasi-judicial Historic Preservation
Decision-making Body

I. Nature of decisions:

- A. Decisions regarding modifications to a Designated Historic Resource to be made based on criteria in Chapter 2.9 alone and other land use issues are evaluated separately by decision-makers as directed by the Code.
- B. Staff will provide standard staff reports addressing these historic criteria and making a recommendation (currently no recommendations and the staff report only lays out what is requested with little or no evaluation)
- C. Meetings would include City Attorney's Office support (minimal at present)
- D. Decisions are appealed directly to City Council
- E. Decisions to inventory, designate as a historic resource, and advocate for Historic Preservation (advocacy as a general effort) are fine
- F. Education outreach efforts and work on Historic Preservation Month activities are fine
- G. Advising applicants who will submit future HPP applications will need to be carefully managed.

II. Identified options for Board make-up:

- A. Historic Board - newly appointed by the City Council, expanded to include Historic District and OSU representatives as described in April 24th memorandum
- B. Planning Commission
- C. Planning Commission/Historic Board Hybrid- 3 or more members of PC (who are not LDHB members) and the remainder newly-appointed for Historic Preservation expertise
- D. LDHB/Historic Board Hybrid - The 3 LDHB members of PC & the remainder newly-appointed for Historic Preservation expertise

III. Pros and Cons of Board make-up:

- A Historic Board as recommended by HPAB, PC, and Staff
 - 1. Pros
 - a. Greater knowledge of and focus on historic issues
 - b. Evens out work load
 - c. Work program would include general advocacy and creation of guidelines, which would be difficult to add to Planning Commission
 - d. Greater credibility with Historic Preservation advocates
 - e. Generally maintains status quo related to staffing

- f. Would meet CLG guidelines
- g. Clear path for applicants

2. Cons

- a. May be perceived by the general public as having a possible bias for strict preservation requirements rather than having a broader community perspective
- b. The advisory role of the Historic Board will be limited (however local resources/referrals will be available from Staff)

B. Planning Commission

1. Pros

- a. Planning Commission is used to making land use decisions
- b. Provides the community-wide land use perspective
- c. Reduces the need to find additional volunteers
- d. Addresses possible bias for strict preservation requirements

2. Cons

- a. Reduces Historic Preservation expertise in the historic preservation review process
- b. Adds significantly to Planning Commission's work load, as the Commissioners are already liaisons to many City committees and Commissions, and already serve on their own LDHB subcommittee
- c. Advocacy/education, etc., would need to be done by another Board requiring additional staff time to support
- d. Impacts Planning Commission's capacity to do long range planning projects

C. PC/HP Hybrid (not containing LDHB members)

1. Pros

- a. Provides combination of Historic Preservation and community-wide land use expertise
- b. May enhance credibility with those interested in a broader community perspective in historic permit decisions
- c. Would not impact work load of full Planning Commission

2. Cons

- a. May dilute the Historic Preservation perspective/expertise
- b. May reduce credibility with Historic Preservation advocates
- c. Significantly adds to work load of some Planning Commissioners
- d. May impact Planning Commission's capacity to do long range planning projects

D. PC/HP Hybrid (containing LDHB members)

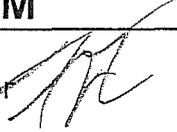
1. Pros

- a. Provides combination of Historic Preservation and community-wide land use expertise
- b. May enhance credibility with residents interested in a broader community perspective in historic permit decisions
- c. Reduces work load on full Planning Commission

2. Cons

- a. May dilute the Historic Preservation perspective
- b. May reduce credibility with Historic Preservation advocates
- c. Adds greatly to work load of Planning Commissioners who are already LDHB members
- d. May impact Planning Commission's capacity to do long range planning projects.

MEMORANDUM

From: Fred Towne, Planning Division Manager 
To: Mayor and City Council
Date: April 24, 2006
Re: Potential Amendments to Municipal Code Section 1.16.250 Regarding the Historic Preservation Advisory Board

I. Issue

As the City Council considers the recommendation from the Planning Commission to adopt LDT05-00001, which would amend the City's Historic Preservation provisions, it must recognize the need for some changes to the Municipal Code to respond to such an amendment. The primary issue is the change of responsibility for the Historic Preservation Advisory Board (HPAB) from that of an advisory board to a decision-making body. Other issues to address are ensuring the make-up of the body is consistent with state and federal requirements for Certified Local Governments (CLG), deciding if the body should be required to include members of established Historic Districts, deciding on the size of the body, and deciding whether the Mayor or the full Council appoint the members.

II. Background

To date, the HPAB has been an advisory board for the Community Development Director on many decisions affecting Designated Historic Resources. In this role, applicants present proposals to the HPAB describing modifications proposed to be made. The HPAB makes a recommendation to the Community Development Director regarding these applications, often with recommended Conditions of Approval that are intended to maintain a resource's Historic Integrity. The final decision is made by the Community Development Director based on public comment, staff expertise, and the recommendation from the HPAB. In most cases, the Community Development Director's decision has reflected the HPAB's recommendation. Because of this situation, the HPAB has become a de-facto quasi-judicial decision-maker on the Historic Preservation Permits that come before it. With this type of decision, comes a need to meet strict State-mandated public meeting and decision-making process standards. The proposed amendments to the Land Development Code contained in the Planning Commission recommendation (LDT05-00001) recognize and formalize this decision-making authority. Should the City Council choose to adopt LDT05-00001 consistent with this part of the Planning Commission recommendation, amendments to Municipal Code Section 1.16.250 will be needed. Following that initial decision, the specifics of those amendments can be considered.

III. Discussion

Amending Municipal Code Section 1.16.250 focuses on five key areas.

A. State and Federal Requirements for Certified Local Governments with Respect to Representation on Historic Boards

Oregon State Historic Preservation Office (SHPO) requirements state that the *majority* of the members on Historic Boards should be preservation professionals and/or persons working in historic preservation-related disciplines- based on the following category headings:

1. Archaeology: (a) Prehistoric Archaeology - Graduate degree in Anthropology or Prehistoric Archaeology, plus 2.5 years full-time professional experience; or (b) Historic Archaeology - Graduate degree in Anthropology or Historic Archaeology, plus 2.5 years full-time professional experience;
2. Architectural History: (a) Graduate degree in Architectural History or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Architectural History or a closely related field, plus 4 years full-time professional experience;
3. Conservation: (a) Graduate degree in Conservation or a closely related field, plus 3 years full-time professional experience; or (b) an undergraduate degree in Conservation or a closely related field, plus 3 years full-time apprenticeship in the field;
4. Cultural Anthropology: (a) Graduate degree in Anthropology with specialization in Applied Cultural Anthropology, plus 2 years full-time professional experience; or (b) an undergraduate degree in anthropology with specialization in applied cultural anthropology, plus 4 years full-time professional experience;
5. Curation: (a) Graduate degree in Museum Studies or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Museum Studies or a closely related field, plus 4 years full-time professional experience;

6. Engineering: (a) State Government-recognized license to practice Civil or Structural Engineering plus 2 years full-time professional experience; or (b) a Masters of Civil Engineering degree with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) a Bachelor's of Civil Engineering degree with one year of graduate study in Historic Preservation or a closely related field, plus 2 years full-time professional experience;
7. Folklore: (a) Graduate degree in Folklore or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Folklore or a closely related field, plus 4 years full-time professional experience;
8. Historic Architecture: (a) State Government-recognized license to practice Architecture plus 2 years full-time professional experience; or (b) a Masters of Architecture degree with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) a Bachelor's of Architecture with one year of graduate study in Historic Preservation or a closely related field plus 2 years full-time professional experience;
9. Historic Landscape Architecture: (a) a State Government-recognized license to practice Landscape Architecture plus 2 years full-time professional experience; or (b) a Masters degree in Landscape Architecture with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) a four or five year Bachelor's degree in Landscape Architecture plus 3 years full-time professional experience;
10. Historic Preservation Planning: (a) State Government-recognized certification or license in Land Use Planning, plus 2 years full-time professional experience; or (b) a graduate degree in Planning with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) an undergraduate degree in Planning with course work in Historic Preservation or a closely related field, plus 4 years full-time professional experience;

11. Historic Preservation: (a) Graduate degree in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Historic Preservation or a closely related field, plus 4 years full-time professional experience; or
12. History: (a) Graduate degree in History or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in History or a closely related field, plus 4 years full-time professional experience.

These are also the Federal standards. The State CLG regulations *require* and the Federal regulations *encourage* appointment of individuals with these qualifications *to the extent that they are available in the community*. Both the State and Federal regulations state that if a reasonable effort has been made to obtain the services of such individuals, but they are not available, members of the general public may be appointed instead. The Board's make-up with regard to these categories is a change to Municipal Code Section 1.16.250 that the City Council should consider whether LDT05-00001 is approved or not.

B. Specific Inclusion on the HPAB of Owners/residents from Recognized Historic Districts

During both the HPAB workshops and the Planning Commission public hearing regarding these Historic Preservation provisions, public testimony was offered recommending that the Historic Board resulting from this effort should include owners and/or residents of the recognized Historic Districts. In those meetings, staff pointed out that decisions regarding the Historic Board's make-up were not directly included in the Land Development Code itself. Instead, they would be taken up during any Municipal Code amendments Council believes are needed to address the LDT05-00001 Text Amendment. This is also an issue that could be taken up whether LDT05-00001 is approved or not.

C. Change in the Name of the Historic Preservation Advisory Board

Should the Council choose to approve the Planning Commission's recommendation that the HPAB become a quasi-judicial decision-making body, the term "Advisory Board" will no longer be appropriate. Any number of names might be chosen. Consistent with the quasi-judicial decision-

making character of the Planning Commission, "Historic Preservation Commission" may be appropriate.

D. Change in Number of Board Members

Council may wish to change the number of members on the Board. It is currently an 8-member Board, and decisions are made by a majority vote, or five members. Should Historic District residents/owners be designated as members, an increase to nine members (similar to the Planning Commission) may be appropriate. Since this majority of 5 must also be "qualified," yet the number in the majority does not increase for a body of either 8 or 9 members, those positions are no more difficult to fill. Again, this is a choice that could be made whether the Council approves LDT05-00001 or not.

E. Change in Method of Appointment

Currently, the Municipal Code states that, "...unless otherwise provided by ordinance, all commission and board members shall be appointed by the Mayor, subject to the advice and consent of Council." The HPAB is currently appointed in this manner; however, the other primary quasi-judicial decision-making body, the Planning Commission, is appointed by the Council. With approval of LDT05-00001, the Council may wish to change the appointment method consistent with that of the Planning Commission.

IV. Planning Commission's Comments

At its April 19, 2006, meeting, the Planning Commission discussed these issues, indicated a general agreement with the identified direction, and offered the following suggestions. First, the Commission was generally supportive of the inclusion of owners/residents from the Historic Districts on the new decision-making body. It was thought that given the many Historic Resources on the OSU Campus, consideration also should be given to having someone associated with OSU appointed. However, the Commission was concerned that any such appointees should meet the CLG requirement that members have a demonstrated interest, competence, or knowledge in historic preservation, or as the State standards state, members shall have a demonstrated *positive* interest, competence, or knowledge in historic preservation. This level of expertise was seen as a good way to avoid any potential for bias. Another concern was the need to revisit this requirement if additional Historic Districts are formed.

The Planning Commission also believes that it is important for a person on the body to have knowledge of commercial, industrial, and institutional buildings and how they operate. Most of the Historic Resources in the community are residential (with the exception of OSU), but this perspective is one that would be valuable in the review of permit requests for non-residential resources.

The Planning Commission is aware that the decision-making body will no longer be able to fill the advisory role currently identified in its charter. The Commission is also aware of the Historic Preservation Guidelines that the HPAB has initiated work on and that these guidelines should be helpful to future applicants for Historic Preservation Permits. It was suggested, however, that a library of accepted materials, amenities, and methods, based on previous approvals, might also be of help. This is beyond the immediate scope of this project.

IV. Proposed Update to Municipal Code Section 1.16.250

Should the Council choose to make the changes identified above, staff has drafted the following amendments to Section 1.16.250- Historic Preservation Advisory Board:

Section 1.16.250 Historic Preservation Advisory Board Commission

- 1) A Historic Preservation Advisory Board Commission is hereby created for the City.
- 2) This Board Commission shall consist of nine ~~eight~~ members as described in "a" through "e" below. All Commission members shall have a demonstrated positive interest, competence, or knowledge in historic preservation. An individual appointed to the Board may represent both "a" and up to one of the other categories in "b" through "d" below. However, an individual appointed to the Board may not be counted to satisfy representation for both "d" below and either "b" or "c." In addition, a member of the Planning Commission shall serve as an ex officio member of the Commission with all the rights and privileges attendant thereto except the right to vote.
 - a) At least five mMembers shall meet one or more of with the following knowledge, Federal Historic Preservation Professional Qualification Standards listed in 1-12 below, qualifications, to the extent that these members are available in the community. If a reasonable effort has been made to fill these five positions, and members meeting the qualifications are unavailable, the positions may be filled by persons meeting the qualifications in "b" through "e" below, and/or experience shall be appointed to serve on the Board: 1) historic resources protection; 2) building industry; 3) fire, life, and safety codes; 4) licensed architect; and 5) representative of the Benton

~~County Historical Society. An individual appointed to the Board may represent no more than two of these areas. Once all of these areas of interest are represented, additional members may be appointed to the Board who represent the general public. In addition, a member of the Planning Commission shall serve as an ex-officio member of the Board with all the rights and privileges attendant thereto except the right to vote.~~

1. **Archaeology:** (a) Prehistoric Archaeology - Graduate degree in Anthropology or Prehistoric Archaeology, plus 2.5 years full-time professional experience; or (b) Historic Archaeology - Graduate degree in Anthropology or Historic Archaeology, plus 2.5 years full-time professional experience;
2. **Architectural History:** (a) Graduate degree in Architectural History or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Architectural History or a closely related field, plus 4 years full-time professional experience;
3. **Conservation:** (a) Graduate degree in Conservation or a closely related field, plus 3 years full-time professional experience; or (b) an undergraduate degree in Conservation or a closely related field, plus 3 years full-time apprenticeship in the field;
4. **Cultural Anthropology:** (a) Graduate degree in Anthropology with specialization in Applied Cultural Anthropology, plus 2 years full-time professional experience; or (b) an undergraduate degree in anthropology with specialization in applied cultural anthropology, plus 4 years full-time professional experience;
5. **Curation:** (a) Graduate degree in Museum Studies or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Museum Studies or a closely related field, plus 4 years full-time professional experience;
6. **Engineering:** (a) State Government-recognized license to practice Civil or Structural Engineering plus 2 years full-time professional experience; or (b) a Masters of Civil Engineering degree with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) a Bachelor's of Civil Engineering degree with one year of graduate study in Historic Preservation or a closely related field, plus 2 years full-time professional experience;

7. **Folklore:** (a) Graduate degree in Folklore or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Folklore or a closely related field, plus 4 years full-time professional experience;
8. **Historic Architecture:** (a) State Government-recognized license to practice Architecture plus 2 years full-time professional experience; or (b) a Masters of Architecture degree with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) a Bachelor's of Architecture with one year of graduate study in Historic Preservation or a closely related field plus 2 years full-time professional experience;
9. **Historic Landscape Architecture:** (a) a State Government-recognized license to practice Landscape Architecture plus 2 years full-time professional experience; or (b) a Masters degree in Landscape Architecture with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) a four or five year Bachelor's degree in Landscape Architecture plus 3 years full-time professional experience;
10. **Historic Preservation Planning:** (a) State Government-recognized certification or license in Land Use Planning, plus 2 years full-time professional experience; or (b) a graduate degree in Planning with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) an undergraduate degree in Planning with course work in Historic Preservation or a closely related field, plus 4 years full-time professional experience;
11. **Historic Preservation:** (a) Graduate degree in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Historic Preservation or a closely related field, plus 4 years full-time professional experience; or
12. **History:** (a) Graduate degree in History or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in History or a closely related field, plus 4 years full-time professional experience.

- b) At least one member from each established Historic District. These Historic District representatives must be property owners and residents of the Historic District that they represent;

- c) At least one member that is a representative of Oregon State University. If an Oregon State University Historic District is eventually established, this member requirement will no longer be needed, as an OSU representative would already exist through "b" above; and
 - d) Additional members representing the general public, as needed, to fill the Commission's nine positions.
- 3) The Board-Commission shall be a quasi-judicial decision-maker for matters that include the following:
- a) District Change decisions regarding the application or removal of a Historic Preservation Overlay in cases where a public hearing is required by Land Development Code Chapter 2.2 - Development District Changes;
 - b) HPAB-level Historic Preservation Permit decisions; and
 - c) Appeals of Director-level Historic Preservation Permit decisions.
- 4) The Commission shall advise and assist Council, the Planning Commission, and the Community Development Director in all matters pertaining to historic and cultural resource preservation. Such matters shall include:
- ~~a) Recommendations concerning applications for alterations, demolitions, additions, modifications, or changes of use for any structure listed on Corvallis' Register of Historic Landmarks and Districts;~~
 - ab) Recommendations concerning amendments to sections of the Land Development Code pertaining to historic preservation.
 - be) Recommendations concerning the nominations of sites or structures for the National Register of Historic Places.
 - ~~d) Recommendations on additions or deletions to the Corvallis Register of Historic Landmarks and Districts;~~
 - ce) Encouraging Recommendations concerning additional inventories and/or surveys of Corvallis' historic sites and structures.
 - df) Coordinating Coordination of public information or educational programs pertaining to historic and cultural resources.
- 5) If a site or structure on the Corvallis Register of Historic Landmarks and Districts is to be demolished, insofar as practicable and as either public or private funds are available, the Historic Preservation Advisory Board-Commission shall obtain a pictorial record of the site and structure with such additional data as it may obtain. In addition, insofar as practicable and to the extent that public or private funds are available, the Historic Preservation Advisory Board-Commission shall obtain artifacts from the structure or site which it deems worthy of preservation, such as carvings, cast iron work, or other materials it deems of artistic or historical

significance. Such pictorial records and artifacts shall be made available for display in public buildings and buildings open to the public including, but not limited to, ~~such buildings as the~~ Corvallis City Hall, the Benton County Historical Museum, the Corvallis Arts Center, and the Horner Museum.

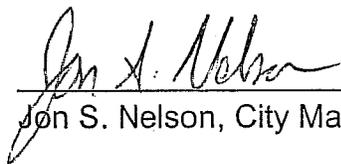
- 6) Upon expiration of a term or vacancy, a public announcement of the opening will be announced in a newspaper of general circulation in the City. The notice shall contain the qualifications for appointment in subsection 2) and a list of the qualifications of existing commissioners. After receiving applications Council may conduct interviews. If more than one application is submitted, Council shall hold a ballot vote conducted by the City Recorder. Any person receiving a majority vote shall be appointed to the Historic Preservation Commission. If no person receives a majority vote, the two receiving the most votes shall be voted upon again. The one then receiving the majority vote shall be appointed to the Historic Preservation Commission.

The Municipal Code changes identified above are for information only at this time. Once the Land Development Code provisions for Historic Preservation are agreed upon, these provisions can be refined further as needed.

V. Request

Following an initial approval of the proposed amendments to the Corvallis Historic Preservation Provisions in LDT05-00001(should approval occur), staff requests that the Council adopt the above-referenced changes (or portions thereof) to *Section 1.16.250 Historic Preservation Advisory Board* of the Corvallis Municipal Code, as appropriate. Staff will draft ordinances accomplishing both tasks, which can then be adopted consecutively.

Review and Concur:



Jon S. Nelson, City Manager

IV. Proposed Update to Municipal Code Section 1.16.250

Should the Council choose to make the changes identified above, staff has drafted the following amendments to Section 1.16.250- Historic Preservation Advisory Board:

Section 1.16.250 Historic Preservation Advisory Board Commission

- 1.) A Historic Preservation ~~Advisory Board~~ Commission is hereby created for the City.
- 2.) This ~~Board~~ Commission shall consist of nine ~~eight~~ members as described in "3.a" through "3.e" below, in the context of fulfilling as many of the following three Primary Goals as possible for All Commission members:
 - a) ~~shall have a~~ A demonstrated positive interest, competence, or knowledge in historic preservation;
 - b). Prior experience in a quasi-judicial decision-making capacity; and/or
 - c) A community-wide perspective on balancing multiple objectives associated with land use applications.
3. An individual appointed to the ~~Commission Board~~ may represent both "a" and up to one of the other categories in "b" through "d" below. However, an individual appointed to the Board may not be counted to satisfy representation for both "d" below and either "b" or "c." In addition, a member of the Planning Commission shall serve as an ex officio member of the Commission with all the rights and privileges attendant thereto except the right to vote.
 - a) To the extent that they are available in the community and fulfill one or more of the Primary Goals outlined in "2" above, ~~a~~At least five ~~m~~Members ~~shall meet-fulfilling one or more of~~ with the following knowledge, ~~Federal Historic Preservation Professional Qualification Standards listed in 1-12 below, qualifications, to the extent that these members are available in the community.~~ If a reasonable effort has been made to fill these five positions, ~~and members meeting the qualifications are unavailable,~~ the positions may be filled by persons ~~meeting fulfilling the qualifications in "b" through "e" below, and/or~~ experience shall be appointed to serve on the Board: 1) historic resources protection; 2) building industry; 3) fire, life, and safety codes; 4) licensed architect; and 5) representative of the Benton County Historical Society. An individual appointed to the Board may represent no more than two of these areas. Once all of these areas of interest are represented, additional members may be appointed to the Board who represent the general public. In addition, a member of the Planning Commission shall serve as an ex

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- b) To the extent that they are available in the community and fulfill one or more of the Primary Goals outlined in "2" above, aAt least one member from each established Historic District. These Historic District representatives must be property owners and residents of the Historic District that they represent;
- c) To the extent that they are available in the community and fulfill one or more of the Primary Goals outlined in "2" above, aAt least one member that is a representative of Oregon State University. If an Oregon State University Historic District is eventually established, this member requirement will no longer be needed, as an OSU representative would already exist through "b" above; and

- d) To the extent that they fulfill one or more of the Primary Goals outlined in "2" above, aAdditional members representing the general public, as needed, to fill the Commission's nine positions.

4.3) The Board Commission shall be a quasi-judicial decision-maker for matters that include the following:

- a) District Change decisions regarding the application or removal of a Historic Preservation Overlay in cases where a public hearing is required by Land Development Code Chapter 2.2 - Development District Changes;
- b) HPAB-level Historic Preservation Permit decisions; and
- c) Appeals of Director-level Historic Preservation Permit decisions.

5.4) The Commission shall advise and assist Council, the Planning Commission, and the Community Development Director in all-matters pertaining to historic and cultural resource preservation. Such matters shall include:

- ~~a) Recommendations concerning applications for alterations, demolitions, additions, modifications, or changes of use for any structure listed on Corvallis' Register of Historic Landmarks and Districts.~~
- ab) Recommendations concerning amendments to sections of the Land Development Code pertaining to historic preservation.
- be) Recommendations concerning the nominations of sites or structures for the National Register of Historic Places.
- ~~d) Recommendations on additions or deletions to the Corvallis Register of Historic Landmarks and Districts.~~
- ce) Encouraging Recommendations concerning additional inventories and/or surveys of Corvallis' historic sites and structures.
- df) Coordinating Coordination of public information or educational programs pertaining to historic and cultural resources.

6.5) If a site or structure on the Corvallis Register of Historic Landmarks and Districts is to be demolished, insofar as practicable and as either public or private funds are available, the ~~Historic Preservation Advisory Board~~ Commission shall obtain a pictorial record of the site and structure with such additional data as it may obtain. In addition, insofar as practicable and to the extent that public or private funds are available, the Historic Preservation Advisory Board Commission shall obtain artifacts from the structure or site which it deems worthy of preservation, such as carvings, cast iron work, or other materials it deems of artistic or historical significance. Such pictorial records and artifacts shall be made available for display in public buildings and buildings open to the public including, but not limited to, ~~such buildings as the Corvallis City Hall, the Benton County Historical Museum, the Corvallis Arts Center, and the Horner Museum.~~

7.6) Upon expiration of a term or vacancy, a public announcement of the opening will be announced in a newspaper of general circulation in the City. The notice shall contain the qualifications for appointment in subsections 2) and 3) and a list of the qualifications of existing Commissioners. After receiving applications Council may conduct interviews. If more than one application is submitted, Council shall hold a ballot vote conducted by the City Recorder. Any person receiving a majority vote shall be appointed to the Historic Preservation Commission. If no person receives a majority vote, the two receiving the most votes shall be voted upon again. The one then receiving the majority vote shall be appointed to the Historic Preservation Commission.