

CHAPTER 2.9 HISTORIC PRESERVATION PROVISIONS

Section 2.9.10 - BACKGROUND

The Historic Preservation Overlay (HPO) is an overlay zone applied to properties listed on either the Corvallis Register of Historic Landmarks and Districts (Local Register), or the National Register of Historic Places (National Register). All development within the HPO Zone is subject to the standards herein. These provisions are in compliance with the Statewide Planning Goals and Chapter 3.31 - Historic Preservation Overlay (HPO) Zone. Uses permitted in the HPO Zone are the same as in the underlying zone.

Section 2.9.20 - PURPOSES

The purposes of the Historic Preservation Overlay are as follows:

- a. Implement historic and cultural resource policies of the Comprehensive Plan;
- b. Encourage the preservation, rehabilitation, and adaptive use of sites and structures that are representative of Corvallis' history, and architectural and cultural heritage;
- c. Provide a process for review of exterior modifications proposed for any site or structure listed on the Corvallis Register of Historic Landmarks and Districts;
- d. Provide a process for adding significant historic sites, structures, features, or objects to the Corvallis Register of Historic Landmarks and Districts; and
- e. Provide a process for review of new construction proposed for any site within a historic district.

Section 2.9.30 - PROCEDURES FOR ESTABLISHMENT OF A HISTORIC PRESERVATION OVERLAY ZONE DESIGNATION

The Historic Preservation Overlay Zone may be requested for a site, structure, landmark or historic district. Establishment of the overlay zone occurs in the following ways:

- a. **Corvallis Register of Historic Landmarks and Districts (Local Register)** - Establishment of an HPO at the local level requires property owner concurrence, review by the Historic Preservation Advisory Board, and approval by the Land Development Hearings Board. Resources approved by the Land Development Hearings Board receive an HPO designation.
- b. **National Register of Historic Places (National Register)** - Establishment of an HPO may be conducted through the federal procedures for listing resources on the National Register of Historic Places. Resources listed on the National Register receive an HPO designation.

At the time an HPO is designated, the property is added to the Corvallis Register of Historic Landmarks and Districts. Properties with an HPO designation are subject to the provisions in this chapter.

2.9.30.01 - Initiation of Application

An application for a Historic Preservation Overlay may be initiated by the Historic Preservation Advisory Board, Planning Commission, City Council, property owner, or any interested person who submits a complete application for designation.

2.9.30.02 - Application Requirements

The following application process shall be followed for a historic landmark or district designation. An application shall be made on forms provided by the Director and shall include the following:

- a. Applicant's name and address;
- b. Owner's name and address, if different from applicant's;
- c. Address of the proposed landmark or site, or a written description of boundaries of the proposed district, including tax assessor map and tax lot numbers;
- d. Map illustrating boundaries of the proposed district or location of the proposed landmark;
- e. Statement explaining the following:
 - 1. Reasons why the proposed district or landmark should be designated;
 - 2. Reasons why the boundaries of a proposed district, if applicable, are appropriate for designation; and
 - 3. Potential positive and negative effects, if any, that designation of a proposed district or landmark would have on residents and property owners in the area.
- f. Black and white photograph of the proposed landmark or of each property within a proposed district (5- by 7-in. or 8- by 10-in. glossy);
- g. Color slide transparencies showing front and side views of the proposed landmark or sufficient slides to illustrate properties and significant features within a proposed district; and
- h. Any other information deemed necessary by the Director.

2.9.30.03 - Acceptance of Application

The Director shall review the application for compliance with the application requirements in section 2.9.30.02. If the application is incomplete, the Director shall notify the applicant within 14 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

2.9.30.04 - Review Criteria for Historic Designation

The structure, site, landscape feature, or district may be designated historic upon consideration of the following:

- a. To establish integrity of location, design, setting, materials, or workmanship, the applicant must demonstrate that the resource either partially fulfills all of the following criteria or totally fulfills two or more of the criteria:
 1. The resource is in its original location and remains essentially as originally constructed or fabricated, or is in the location in which it made a historical contribution;
 2. Sufficient original workmanship and material remain to show the construction technique and stylistic character of a given period;
 3. The immediate setting of the resource retains land uses or landscaping consistent with the relevant historic period;
 4. The resource contributes materially to the architectural continuity or scheme of the street or neighborhood; and/or
 5. The site contains artifacts related to prehistory or early history of the community.

- b. To establish that the proposed landmark or district has historic significance or contributes to the historical and cultural resources of the community, the applicant must show that at least one of the following applies to the proposed historic resource:
 1. It is associated with events that have made a significant contribution to the broad patterns of political, economic, cultural, or industrial history of the City, County, State, or nation;
 2. 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 in the past;

3. It embodies distinctive characteristics of a type, period, or method of construction used in the past. The property may be a prime example of an architectural style or design, or may represent a type of construction that was once common and is now one of few remaining examples;
 4. It represents the work of a master, i.e., it is a noteworthy example of the work of a craftsman, builder, architect, or engineer significant in City, County, State, or national history;
 5. It possesses high artistic values in its workmanship or materials;
 6. It yields or is likely to yield information important in the community's prehistory or history;
 7. It is a visual landmark;
 8. It contributes to the continuity or historic character of the street, neighborhood, and/or community; or contributes to the integrity of the historic period represented; or
 9. It is 50 years old or older and meets at least one criterion listed above.
- c. If a resource is found to be historically significant through applying the criteria in "a" and "b" above, then the Historic Preservation Advisory Board shall determine whether the value of preserving the historic resource outweighs the value of other uses permitted in the district.

2.9.30.05 - Review by the Historic Preservation Advisory Board

- a. Upon acceptance of a complete application for a Historic Preservation Overlay Zone, the Director shall schedule a public meeting to be held by the Historic Preservation Advisory Board. Notice of this meeting shall be published in a newspaper of general circulation at least 20 days in advance.
- b. The applicant, property owner, and any other interested parties shall have the opportunity to present information pertaining to the HPO Zone request.
- c. Unless the applicant agrees to continue proceedings to the next scheduled meeting of the Historic Preservation Advisory Board, the Advisory Board shall complete its review at the meeting and make a written recommendation that the application be approved, approved subject to conditions, disapproved, or postponed pending additional specific information.
- d. The Historic Preservation Advisory Board's written recommendation shall include findings and criteria used in reaching their decision. The written

recommendation shall be forwarded to the Director and the Land Development Hearings Board within seven days of the Advisory Board's meeting.

2.9.30.06 - Action by the Land Development Hearings Board

- a. Upon receipt of the Advisory Board's recommendation, the Land Development Hearings Board shall hold a public hearing on the application. The quasi-judicial hearing procedures and notice requirements in Chapter 2.0 - Public Hearings shall apply.
- b. Based on applicable criteria, staff comments, property owner's comments, and public testimony, the Land Development Hearings Board shall approve the HPO Zone subject to conditions or modifications, deny it, or remand the matter to the Historic Preservation Advisory Board for consideration of additional specific information.

Section 2.9.40 - PROCEDURES FOR ALTERATION OF A HISTORIC RESOURCE AND CONSTRUCTION OF NEW STRUCTURES OF 120 SQ. FT. OR LESS

Approval is required for alteration of the exterior appearance of any structure listed on the Local Register and/or the National Register (even if no building permit is required by the Building Official). "Exterior appearance" includes a structure's facade, texture, design, material, and fixtures. Alteration involves replacement of these elements, including windows and doors, with dissimilar styles or materials. Approval is required for construction of new structures of less than 120 sq. ft. on properties with a Historic Preservation Overlay.

Nothing in this section shall be construed as preventing the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this section (including painting) that does not involve a change in design, material, or exterior appearance.

These provisions shall not prevent construction, reconstruction, alteration, or restoration of any such feature when the City Engineer, Building Official, or Fire Marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, the chair of the Historic Preservation Advisory Board shall be notified.

2.9.40.01 - Initiation of Application

A property owner may initiate an application for altering a historic structure.

2.9.40.02 - Application Requirements

For consideration of an alteration of a historic structure, the applicant shall provide the Director with a narrative and a description of the construction plans in detail sufficient to allow for a review of the proposal.

2.9.40.03 - Acceptance of Application

The Director shall review the application for compliance with the application requirements in 2.9.40.02. If the application is incomplete, the Director shall notify the applicant within 14 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

2.9.40.04 - Review Determination

All historic resources not within a historic district shall be reviewed in the manner outlined in "a" below. Properties within a historic district shall be reviewed in the manner outlined in "b" below. To determine whether a historic resource in a historic district is contributing, historic noncontributing, or noncontributing, the Director shall refer to the historical inventories for each property. The Director shall evaluate each application to determine the type of alteration and level of review required. The following criteria shall be used in determining how each application is reviewed.

a. Individual Historic Resources

1. Exterior alterations involving replacement of similar or like materials, or alterations that restore the historical integrity, shall be reviewed administratively by the Director.
2. Exterior alterations involving replacement with dissimilar materials and any new construction shall be reviewed by the Historic Preservation Advisory Board.

b. Properties within a Historic District

1. Historic resources within a historic district have been evaluated and divided into three classifications: Historic/Contributing, Historic/Noncontributing, and Nonhistoric/Noncontributing. Historic resources are at least 50 years old; nonhistoric resources are under 50 years old. Contributing resources have retained a sufficient amount of integrity to convey historic appearance and significance. Noncontributing resources are 50 years of age or older, but have been altered to the point of compromising historic integrity.
2. **For Nonhistoric/Noncontributing Resources**
 - (a) Exterior alterations involving replacement of similar or like materials shall be reviewed administratively by the Director.
 - (b) Exterior alterations involving replacement with dissimilar materials or any new construction (less than 120 sq. ft.) that is

not visible from a public right-of-way shall be exempt from review.

- (c) Exterior alterations involving replacement with dissimilar materials or any new construction (less than 120 sq. ft.) that is visible from a public right-of-way shall be reviewed administratively by the Director. The site shall be posted with a notice of the proposed request 14 days prior to the date of the Director's final decision.

3. For Historic/Noncontributing Resources

- (a) Exterior alterations involving replacement of similar or like materials, or alterations that restore the historical integrity, shall be reviewed administratively by the Director.
- (b) Exterior alterations involving replacement with dissimilar materials or any new construction (less than 120 sq. ft.) shall be reviewed administratively by the Director. The site shall be posted with a notice of the proposed request 14 days prior to the date of the Director's final decision.

4. For Historic/Contributing Resources

- (a) Exterior alterations involving replacement of similar or like materials, or alterations that restore the historical integrity, shall be reviewed administratively by the Director.
- (b) Exterior alterations involving replacement with dissimilar materials or any new construction shall be reviewed by the Historic Preservation Advisory Board. In addition, the site shall be posted with a notice and surrounding property owners shall be notified of the alteration request as per section 2.9.40.07 below.

2.9.40.05 - Review Criteria for Alteration Review

An application request shall be based upon the following criteria:

- a. Consistency with the purposes of this chapter and the Comprehensive Plan;
- b. The Secretary of the Interior's *Standards for Rehabilitation*, U.S. Department of the Interior;
- c. Building Code, as adopted and amended by the State of Oregon, with particular reference to Section 3110-3113; and

- d. Other applicable State and local codes and ordinances related to building, fire, health, and safety.

2.9.40.06 - Review by the Director

The Director's decision shall be made in writing within 45 days from the date the application is deemed complete, and shall specify reasons relied upon in rendering the recommendation.

2.9.40.07 - Review by the Historic Preservation Advisory Board

- a. The Director shall schedule a public meeting to be held by the Historic Preservation Advisory Board upon acceptance of a complete application for alteration of a historic resource. The Historic Preservation Advisory Board shall hold a public meeting to review the request within 45 days from the date the application is deemed complete. The Director shall post the site with a notice of the proposed request, and provide written notice to the owners and occupants of all properties within 100 ft. of the subject property, advising them that they have 14 days to comment on the application. Notice shall also be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.
- b. The applicant, property owner, and any other interested parties shall have the opportunity to present information pertaining to the alteration request. Unless the applicant agrees to continue the proceedings to the next scheduled meeting of the Historic Preservation Advisory Board, the Advisory Board shall complete its review and recommend approval or denial of the request to the Director.
- c. The Historic Preservation Advisory Board's recommendation shall be transmitted to the Director within three days after the Advisory Board's review. The recommendation shall be made in writing, and shall specify reasons relied upon in rendering the recommendation.

2.9.40.08 - Action by the Director

Based on the review criteria, recommendation of the Historic Preservation Advisory Board, and comments received from affected parties, within three days the Director shall approve, conditionally approve, or deny the request.

Section 2.9.50 - PROCEDURES FOR NEW CONSTRUCTION OVER 120 SQ. FT.

This section addresses the exterior appearance of new construction to ensure its compatibility with the character of the district or individual resources. Approval is required for new construction over 120 sq. ft. in historic districts.

These provisions shall not prevent construction within an HPO Zone when the City Engineer, Building Official, or Fire Marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, the chair of the Historic Preservation Advisory Board shall be notified.

2.9.50.01 - Initiation of Application

A property owner may initiate an application for new construction of over 120 sq. ft. in an HPO Zone.

2.9.50.02 - Application Requirements

For consideration of new construction in HPO zones, the applicant shall provide the Director with the following information:

- a. A site plan showing the location of structures, setback dimensions, the location of driveways and landscaped areas, and the general location of structures on adjacent lots;
- b. Elevations sufficient in detail to show the general scale, mass, building materials, and architectural elements of the proposed structure; and
- c. A brief narrative describing the proposed project.

2.9.50.03 - Acceptance of Application

The Director shall review the application for compliance with the application requirements in section 2.9.50.02. If the application is incomplete, the Director shall notify the applicant within 14 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

2.9.50.04 - Review Criteria for New Construction

The application review shall be based upon the following criteria:

- a. The new construction maintains unifying development patterns, such as sidewalk and street tree locations, setbacks, lot coverage, and orientation to the street;
- b. The structure is consistent with the size and scale of surrounding contributing buildings and reflects their architectural elements;
- c. Building materials reflect and complement existing contributing buildings within the district or on the same individual site; and

- d. Signs, exterior lighting, and other appurtenances, such as walls, fences, awnings, and landscaping, are visually compatible with the architectural character of the surrounding contributing buildings.

2.9.50.05 - Review by the Historic Preservation Advisory Board

- a. The Historic Preservation Advisory Board shall hold a public meeting to review the request within 45 days from the date the application is deemed complete. The Director shall post the site with a notice of the proposed request, and provide written notice to the owners and occupants of all properties within 100 ft. of the subject property, advising them that they have 14 days to comment on the application. Notice shall also be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.
- b. The applicant, property owner, and any other interested parties shall have the opportunity to present information pertaining to the construction request. Unless the applicant agrees to continue the proceedings to the next scheduled meeting of the Historic Preservation Advisory Board, the Advisory Board shall complete its review, and recommend approval or denial of the request to the Director.
- c. The Historic Preservation Advisory Board's recommendation shall be transmitted to the Director within three days after the Advisory Board's review. The recommendation shall be made in writing, and shall specify reasons relied upon in rendering the recommendation.

2.9.50.06 - Action by the Director

Based on the review criteria, recommendation of the Historic Preservation Advisory Board, and comments received from affected parties, within three days the Director shall approve, conditionally approve, or deny the request.

Section 2.9.60 - PROCEDURES FOR REMOVING A HISTORIC OVERLAY ZONE

Removal of a Historic Preservation Overlay Zone that was originally approved by the Land Development Hearings Board requires an application, review by the Historic Preservation Advisory Board, and approval by the Land Development Hearings Board. Removal of an HPO Zone that is on the National Register requires an application to the National Parks Service. When the overlay is removed, the resource is taken off the Local Register. The following procedures apply to HPO properties that were originally approved by the Land Development Hearings Board and are not listed on the National Register.

2.9.60.01 - Initiation of Application

An application to remove an HPO Zone may be initiated by the Historic Preservation Advisory Board, Planning Commission, City Council, or by any person with a legal interest in the property who submits a complete application to the Director.

2.9.60.02 - Application Requirements

An application for removal or amendment of the HPO Zone shall follow the procedures for a Historic Landmark and District Designation in section 2.9.30 above. In addition, the Department of Land Conservation and Development and the State Historic Preservation Office shall receive notice of the application at least 45 days prior to the public hearing of the Land Development Hearings Board to review the application.

2.9.60.03 - Acceptance of Application

The Director shall review the application for compliance with the applicable application requirements in section 2.9.60.02. If the application is incomplete, the Director shall notify the applicant within 14 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

2.9.60.04 - Criteria for Removing a Historic Designation

The Historic Preservation Advisory Board shall evaluate the request for removal of an HPO Zone based on an analysis of the economic, social, environmental, and energy consequences of the proposed and existing uses as defined by OAR 660-16-000, and upon finding that removal of the historic designation will not adversely affect properties in the surrounding area or the integrity of a historic district, if applicable. Also, to approve an application, the Advisory Board must find that at least one of the following has occurred since the site was listed as a historic resource:

- a. Reevaluation of the resource's original determination shows that, under current criteria, the resource is no longer considered significant;
- b. Due to unavoidable circumstances that were not a result of action or inaction by the property owner, the integrity of the resource or district has been substantially reduced or diminished; and/or
- c. Value of a proposed conflicting use substantially outweighs the value of preserving the historic nature of the resource or district.

Section 2.9.70 - PROCEDURES FOR DEMOLITION OR MOVING A HISTORIC RESOURCE

Approval is required for moving or demolishing any or all portions of a structure listed on the Corvallis Register of Historic Landmarks and Districts. An application for a permit shall be reviewed by the Historic Preservation Advisory Board and by the Director.

2.9.70.01 - Initiation of Application

- a. An application may be initiated by the Historic Preservation Advisory Board, Planning Commission, City Council, or property owner.
- b. Nothing in this section shall prevent the demolition or removal of a historic resource when the City Engineer, Building Official, or Fire Marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, the chair of the Historic Preservation Advisory Board shall be notified.

2.9.70.02 - Application Requirements

The following application process shall be followed for demolishing or moving a historic structure:

- a. An application shall be made on forms provided by the Director.
- b. The application shall include the following:
 - 1. Plans, drawings, and photographs of the historic resource;
 - 2. A description of the resource's physical condition;
 - 3. If within a historic district, the resource's contribution to the district and subsequent integrity of the district if the resource is demolished or removed; and
 - 4. Whether denial of the request will involve substantial hardship to the applicant.

2.9.70.03 - Acceptance of Application

The Director shall review the application for compliance with the application requirements in section 2.9.70.02. If the application is incomplete, the Director shall notify the applicant within 14 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

2.9.70.04 - Status of a Relocated Historic Resource

A structure's historic status is automatically retained when it is moved to a new location, unless the Historic Preservation Advisory Board, using the review process for removal of the historic designation, determines that the historic designation is no longer appropriate. The Advisory Board's recommendation shall be forwarded to the Director.

2.9.70.05 - Review Criteria for Demolition or Moving Permits

In determining whether demolishing or moving the historic resource is appropriate, the Historic Preservation Advisory Board shall consider the economic, social, environmental, and energy consequences, as defined by OAR 660-16-000, and the following criteria. The Advisory Board shall recommend approval of the permit to the Director if it finds that:

- a. The request satisfies the OAR 660-16-000 criterion;
- b. Due to unavoidable circumstances that were not a result of action or inaction by the property owner, the integrity of the resource or district has been substantially reduced or diminished;
- c. Issuance of the permit would not act to the substantial detriment of the public welfare or be contrary to the purpose and scope of the historic preservation policies of the Comprehensive Plan; and
- d. One or more of the following apply:
 1. Physical condition of the historic resource is deteriorated beyond economically feasible rehabilitation;
 2. It is not economically feasible to relocate the historic resource;
 3. If within a historic district, demolition or removal of the resource will not adversely affect the integrity of the district; or
 4. Denial of the request will involve substantial hardship to the applicant.

2.9.70.06 - Review by the Historic Preservation Advisory Board

- a. The Director shall schedule a public meeting to be held by the Historic Preservation Advisory Board upon acceptance of a complete application for demolishing or moving a historic resource. Notice of this meeting shall be published in a newspaper of general circulation at least 20 days in advance.
- b. The Department of Land Conservation and Development and the State Historic Preservation Office shall receive notice of the application at least 45

days prior to the public meeting of the Historic Preservation Advisory Board to review the application.

- c. The applicant, property owner, and any other interested parties shall have the opportunity to present information pertaining to the demolition or moving request.
- d. The Historic Preservation Advisory Board may recommend and the Director may order that action on the demolition or moving request be deferred for a period not to exceed 120 days from the date the application is deemed complete. During this period, the Historic Preservation Advisory Board shall attempt to determine whether public or private acquisition and preservation is feasible, or whether other alternatives could be implemented to prevent demolition or removal of the site or structure.
- e. The Historic Preservation Advisory Board's recommendation shall be transmitted to the Director within three days after the Advisory Board's review. The recommendation shall be made in writing, and shall specify reasons relied upon in rendering the recommendation.
- f. The Historic Preservation Advisory Board may recommend and the Director may order the following actions during the 120-day period:
 - 1. Post a "For Sale" sign and a public notice on the historic property that shall read: "HISTORIC BUILDING TO BE MOVED OR DEMOLISHED -- FOR SALE." Lettering on the sign shall be at least 5 in. in height. The sign shall be posted in a prominent and conspicuous place on the property for as long as 90 days.
 - 2. List the property for sale in local and state newspapers for a minimum of five days over a 5-week period.
 - 3. List the property in at least two preservation publications at least 30 days prior to issuance of the demolition or moving permit.
 - 4. Issue a press release to local and state newspapers describing the significance of the resource, the physical dimensions of the property, and the reasons for the proposed demolition or move.
 - 5. Post notification through other media (e.g., Internet, radio, etc.)
- g. The Historic Preservation Advisory Board may recommend and the Director may require the owner to produce one or more of the following:
 - 1. Documentation of the building using the Historic American Buildings Survey guidelines (includes architectural drawings, photographs, and historical narrative);

2. Historic and contemporary photographs of the historic building and site; or
3. Salvage of significant architectural or historic artifacts from the structure or site.

Documentation materials shall be the property of the City or its designee. The Historic Preservation Advisory Board shall determine where the documentation is to be deposited and where any artifacts, architectural features, materials, or equipment saved from the building are to be stored.

2.9.70.07 - Action by the Director

Based on the review criteria above, recommendation of the Historic Preservation Advisory Board, and comments received from affected parties, within three days the Director shall approve, conditionally approve, or deny the request.

Section 2.9.80 - NOTICE OF DISPOSITION

- a. **Director's Decisions Not Requiring Mailed Notices to Surrounding Property Owners and Occupants** - The Director shall provide the applicant notice of disposition either by stamping and redlining the building permit(s) or by postal mail within three days of the Director's decision. A notice of disposition shall also be provided to persons who submitted written comments or testified at the Historic Preservation Advisory Board public meeting regarding the application. If the application is denied, the Director shall provide a reference to the findings leading to the denial and the appeal deadline.
- b. **Director's Decisions Requiring Mailed Notice** - Within three days of the Director's decision, the Director shall issue a notice of disposition that describes the decision, a reference to findings leading to it, any conditions of approval, and the application appeal period deadline. The notice of disposition shall be issued to the applicant, persons who testified at the public hearing or who submitted written testimony, and to those persons entitled to receive a mailed 14-day notice of the application.
- c. **Decisions Made by the Land Development Hearings Board** - Following the signing of the order, the Director shall provide the applicant with a notice of disposition that includes a written statement of the decision, a reference to the findings leading to it, any conditions of approval, and the appeal period deadline. A notice shall also be mailed to persons who testified at the public hearing who submitted written testimony, and to those persons entitled to receive a notice of the public hearing.

Section 2.9.90 - APPEALS

Appeals of any decision of the Land Development Hearings Board or Director shall be made in accordance with Chapter 2.19 - Appeals.

Section 2.9.100 - EFFECTIVE DATE

- a.** Unless an appeal has been filed, the decision of the Land Development Hearings Board shall become effective 12 days after the notice of disposition is mailed.
- b.** The decision of the Director shall become effective 12 days after the notice of disposition is mailed or unless an appeal has been filed.

Table 2.9-1

SUMMARY OF REVIEW AUTHORITY AND NOTICE REQUIREMENTS

Type of Action	Director Admin.	Director with HPAB Recomm.	HPAB Advises LDHB	HPAB Advises Director/ LDHB Notices	LDHB Public Hearing Notices
Alteration of Resource - Individual Properties:					
• Similar materials	XXX				
• Dissimilar materials & new construction		XXX		14-day site posted & mailed notice 100 ft.	
New Construction - Individual Properties					
		XXX		14-day site posted & mailed notice 100 ft.	
Alteration of Resource or New Construction of 120 Sq. Ft. or Less - Within Historic District:					
• Nonhistoric noncontributing: similar materials	XXX				
• Nonhistoric noncontributing: dissimilar materials - new construction not visible from public right-of-way	XXX exempt				
• Nonhistoric noncontributing: dissimilar materials; new construction visible from public right-of-way	XXX 14-day site posted notice				
• Historic/noncontributing: similar materials	XXX				
• Historic/noncontributing: dissimilar materials & new construction	XXX 14-day site posted notice				
• Historic/contributing: similar materials	XXX				
• Historic/contributing: dissimilar materials & new construction		XXX		14-day site posted & mailed notice 100 ft.	
New Construction Exceeding 120 Sq. Ft. - Within Historic District					
		XXX		14-day site posted & mailed notice 100 ft.	

**Table 2.9-1
SUMMARY OF REVIEW AUTHORITY AND NOTICE REQUIREMENTS**

Type of Action	Director Admin.	Director with HPAB Recomm.	HPAB Advises LDHB	HPAB Advises Director/ LDHB Notices	LDHB Public Hearing Notices
Demolition or Moving		XXX		DLCD* 45 day 20-day newspaper notice - additional notice may be required from applicant	
Establish HPO Zone			XXX	20-day newspaper notice	Quasi-judicial incl. 500-ft. notice
Removing HPO Zone not on National Historic Register or Reclassifying in Historic District			XXX	DLCD 45 day 20-day newspaper notice	Quasi-judicial incl. 500-ft. notice

* Abbreviations: HPAB - Historic Preservation Advisory Board
 LDHB - Land Development Hearings Board
 DLCD - Dept. of Land Conservation and Development