



**CORVALLIS
CITY COUNCIL AGENDA**

**February 21, 2012
12:00 pm and 7:00 pm**

**Downtown Fire Station
400 NW Harrison Boulevard**

COUNCIL ACTION

PLEDGE OF ALLEGIANCE

I. ROLL CALL

II. CONSENT AGENDA [direction]

The following items are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member (or a citizen through a Council member) so requests, in which case the item will be removed from the Consent Agenda and considered separately. If any item involves a potential conflict of interest, Council members should so note before adoption of the Consent Agenda.

- A. Reading of Minutes
 - 1. City Council Meeting – February 6, 2012
 - 2. City Council Work Session – February 4, 2012
 - 3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Citizens Advisory Commission on Transit – January 11, 2012
 - b. Downtown Commission – January 11, 2012
 - c. Economic Development Commission – January 9 and February 2, 2012
 - d. Historic Resources Commission – January 10, 2012
 - e. Planning Commission – January 4 and 18, 2012
 - f. Watershed Management Advisory Commission – November 16, 2012
- B. Confirmation of Appointments to Boards, Commissions, and Committees (Capital Improvement Program Commission - Carroll; Committee for Citizen Involvement - Demarest, Kilian, Parnon; Public Art Selection Commission - Laing)
- C. Announcement of Vacancy on Citizens Advisory Commission on Transit (Shimabuku)
- D. Announcement of Appointment to Citizens Advisory Commission on Transit (Wright)
- E. Schedule an Executive Session following the regular noon meeting under ORS 192.660(2)(d) (status of labor negotiations)

III. ITEMS REMOVED FROM CONSENT AGENDA

IV. UNFINISHED BUSINESS

- A. Lease agreement with Consumers Power, Inc., for a communications site on Marys Peak [direction]
- B. City Legislative Committee – February 15, 2012 [direction]

V. MAYOR, COUNCIL, AND STAFF REPORTS

- A. Mayor's Reports
 - 1. Helen Ellis recognition (Immediately after Consent Agenda)
 - 2. Proclamation of Enhancing Community Livability - International Year of Cooperatives – February 2012 (Immediately after Consent Agenda)
- B. Council Reports
- C. Staff Reports [information]
 - 1. City Manager's Report – January 2012
 - 2. Council Request Follow-up Report – February 16, 2012
 - 3. Advisory Question update

VI. VISITORS' PROPOSITIONS – 7:00 pm *(Note that Visitors' Propositions will continue following any scheduled public hearings, if necessary and if any are scheduled)* [citizen input]

VII. PUBLIC HEARINGS – 7:30 pm

- A. A public hearing to consider an appeal of a Historic Resources Commission decision (HPP11-00033 – Johnson Carriage House)

VIII. & IX. STANDING COMMITTEE REPORTS, ORDINANCES, RESOLUTIONS, AND MOTIONS

- A. Human Services Committee – None.
- B. Administrative Services Committee – February 8, 2012
 - 1. Financial Policies Recommendation [direction]

- C. Urban Services Committee – February 9, 2012
 - 1. Council Policy Review and Recommendation: CP 91-9.02, "Dirt on Streets" [direction]
 - 2. Council Policy Review and Recommendation: CP 91-7.04, "Building Permits" [direction]
 - 3. Occupy Public Right-of-Way Request (NW Second Street and NW Jackson Avenue – Ayers) [direction]
 - 4. Airport Lease Amendments – WKL Investments Hout, LLC; Western Pulp; Plastech; Kattare Internet; T. Gerding Construction [direction]

X. NEW BUSINESS

- A. Highway 20/34 corridor plan presentation by Oregon Department of Transportation (Immediately after Consent Agenda) [information]

XI. ADJOURNMENT

For the hearing impaired, a sign language interpreter can be provided with 48 hours' notice prior to the meeting. Please call 541-766-6901 or the Oregon Communications Relay Service at 7-1-1 to arrange for TTY services.

A LARGE PRINT AGENDA CAN BE AVAILABLE BY CALLING 541-766-6901

A Community That Honors Diversity

Memorandum

To: Mayor and City Council

From: Ken Gibb, Community Development Director 

Date: February 14, 2012

Subject: Appeal of the HRC decision regarding the Johnson Carriage House Historic Preservation Permit application (HPP11-00033)

I. ISSUE

At issue is the appeal of a Historic Resources Commission (HRC) decision to deny a Historic Preservation Permit (HPP) application for Alteration or New Construction activities on the Johnson Carriage House.

REPORT SUMMARY

Work was undertaken on the Johnson Carriage House without approval of requisite Historic Preservation Permits and a violation case was opened (VIO09-00759) after the City received a citizen complaint. To resolve the violation the applicant submitted an HPP application which was reviewed by the HRC on January 10, 2012. In this application the applicant requested approval of the following activities, which had already been completed:

- Add a third layer of siding on the Johnson Carriage House by covering the outer layer of plywood siding with a fiber cement siding;
- Replace a second layer of wood trim around windows and doors with new wood trim proposed to match the existing trim;
- Replace a front door and a back door, believed to be wood, with painted metal doors; and
- Install new front steps on the front porch in a different location than the original front steps.

Staff recommended that the HRC approve the proposal. During review of the application, the HRC identified other alterations that had occurred that were not included in the HPP application. These alterations are:

- Removal of handrail from front porch, and re-orientation of the porch landing boards; and
- Covering two windows on the attached shed with the fiber cement siding.

The HRC denied the HPP application. On appeal, the HPP application was revised to include the two alterations identified by the HRC that were not included in the HPP application. The applicant also revised the application to request approval to replace the installed metal doors with wood or metal-clad wood doors. Table 1 summarizes alterations to features of the Johnson Carriage House as proposed to the HRC and as revised on appeal to City Council.

Table 1: Alterations Proposed by Feature

Feature	Proposal to City Council	Proposal to HRC
Siding	Add fiber cement siding	Same
Trim	Add wood trim	Same
Porch	Install new steps on porch	Same
	Re-orient porch landing boards.	Not proposed
	Replace handrail.	Not proposed
Doors	Replace wood doors with wood or metal-clad wood doors	Replace wood doors with metal doors
Windows	Re-install shed windows	Not proposed

As described in more detail in the body of this memorandum, activities affecting Designated Historic Resources are either exempt from the need for an HPP, require Director-level approval, or require HRC-level approval. Land Development Code Chapter 2.9 lists activities that do not require an HPP and activities that qualify for administrative or Director-level review. Director-level activities are reviewed against a set of clear and objective criteria to determine historic compatibility. These criteria are different than the HRC-level activities which guide discretionary decisions. If multiple activities are proposed in one application, and one activity qualifies for Director-level approval, but others require HRC-level approval, the Director-level activity is considered by the HRC, not the Director. However, the HRC would apply the Director-level review criteria when considering the Director-level activity, not the HRC-level criteria.

On appeal, appellant argues that certain of the proposed activities are exempt from the need for review and request Director-level approval for others.

Table 2 lists the proposed alterations, and the applicable criteria or application type believed appropriate according to the appellant and staff, and Staff recommendations to approve or deny each aspect of the proposal based on consideration of the staff identified review criteria.

Table 2: Review Criteria and Staff Recommended Decisions

Alteration	Appellant Proposed Review Criteria	Staff Recommended Review Criteria	Staff Recommended Decision
Add Fiber Cement Siding	Exempt – no review needed (2.9.70.b)	HRC-level (2.9.100.04.a.4)	Deny (uphold HRC decision)
Add Wood Trim	Exempt – no review needed (2.9.70.b)	HRC-level (2.9.100.04.a.16)	Deny (uphold HRC decision)
Add Front Porch Steps	Director-level (2.9.100.03.e)	Director-level (2.9.100.04.a.16)	Approve as revised on appeal (satisfies Director-level criterion)
Add Porch handrail and re-orient boards	Exempt – no review needed (2.9.70.b)	Director-level (2.9.100.03.e)	
Replace Metal Doors with Wood or Metal Clad Doors	Director-level (2.9.100.03.e)	HRC-level (2.9.100.04.a.4, 16)	Approve wood doors as revised on appeal (satisfies HRC-level criteria)
Re-install Shed Windows	Exempt – no review needed (2.9.70.b)	HRC-level (2.9.100.04.a.16)	Approve as revised on appeal (satisfies HRC-level criteria)

SUMMARY OF STAFF FINDINGS AND RECOMMENDED ACTIONS

As summarized above, Staff find that as revised, the certain aspects of the application comply with applicable review criteria. These aspects include the proposed alterations to the front porch and door replacements. Staff also find that the proposed window installations are historically compatible based on consideration of applicable HRC-level review criteria. Staff recommend the City Council approve these parts of the proposal.

Staff find that the installation of new trim and fiber cement siding does not qualify as an exempt or Director-level activity, and does not satisfy applicable HRC-level review criteria. Therefore, Staff recommend that the City Council uphold the HRC’s decision to deny these parts of the proposal.

The balance of this report expands upon the above summary and concludes with recommended actions and motions.

II. BACKGROUND

CASE HISTORY

On November 30, 2009, City Staff received a complaint of work being done to the Johnson Carriage House without requisite HPP approval. City Staff investigated the complaint and determined that a Land Development Code (LDC) violation had occurred. On April 15, 2010, City staff mailed a letter to the applicant informing him that a violation case (VIO09-00759) had been opened concerning the subject property at 612 SW Second Street (**Exhibit V**) (During the intervening months, Staff worked with the property owner to clarify violation issues and in some cases resolve violations). This is

the location of the Johnson Carriage House, which is a Historic Contributing Designated Historic Resource in the Avery-Helm National Register Historic District. The letter listed several activities that had occurred or were underway that either required, or potentially required, HPP approval. The applicant has worked cooperatively with City Staff and many of the identified issues have been satisfactorily resolved.

On November 17, 2011, the applicant submitted an HPP application to resolve the outstanding issues associated with alterations done to the Johnson Carriage House without permits (HPP11-00033). Approval of all the proposed alterations would have fully resolved the Violation case. The November 17, 2011, HPP application requested approval to:

- Add a third layer of siding on the Johnson Carriage House by covering the outer layer of plywood siding with a fiber cement siding;
- Replace a second layer of wood trim around windows and doors with new wood trim proposed to match the existing trim;
- Replace a front door and a back door, believed to be non-original, with painted metal doors; and
- Install new front steps on the front porch in a different location than the original front steps.

On January 10, 2012, the HRC held a public hearing to consider the requests presented in the HPP application. During the meeting, the HRC identified two other alterations that the applicant had made to the Johnson Carriage House that were not included in the applicant's proposal. They are:

- Removing the front porch handrail, and re-orienting the direction of the boards on the porch landing; and
- Removing original windows on the attached shed and covering the openings with siding.

During the January 10, 2012, meeting, the HRC closed the public hearing, deliberated, and in a four to one decision voted to deny the application in whole. On January 11, 2012, a Notice of Disposition was mailed informing the applicant of the decision and the opportunity to appeal within 12-days.

On January 23, 2012, the applicant and his planning consultant submitted an appeal of the HRC decision. In the appeal letter the appellant explains why he believes the HRC decision to deny was in error, and modifies the application that was presented to the HRC. The modifications are:

- Re-orient the porch landing boards to their original direction, running parallel with the house, and reconstruct the porch handrail to match the previously existing handrail;

- Replace the metal front doors with wood, or metal-clad wood doors in a way that would satisfy the Director-level review criterion for door replacement; and
- Remove siding to reveal the covered shed windows, and fix windows by installing single pane glass and adding exterior window trim.

CHAPTER 2.9 – HISTORIC PRESERVATION PROVISIONS

Land Development Code (LDC) Chapter 2.9 – Historic Preservation Provisions governs activities affecting Designated Historic Resources, such as the Johnson Carriage House. Section 2.9.70 lists 27 activities that are exempt from the need for an HPP approval. Section 2.9.100.03 lists 10 Director-level activities, or activities that may be approved administratively by the Community Development Director. To be approved, an HPP application must be submitted that demonstrates that the applicable clear and objective decision making criteria in Section 2.9.100.3 are met. In general, all other activities (those that are not exempt, and do not qualify for Director-level approval), require approval of an HRC-level HPP before they can be undertaken.

ISSUES RAISED ON APPEAL

As described above, in the January 23, 2012, letter, the appellant proposes modest revisions to the application presented to the HRC. The appellant also claims that the HRC made three errors in their decision to deny the application. In summary, the alleged errors are:

- The HRC exceeded its authority by denying the entire application.
- City Planning Staff and the HRC misinterpreted information submitted by the applicant, and relied on contradictory evidence contained in the record to deny consideration of the HardiPlank lap siding as an In-kind Replacement.
- The HRC erred in assessing the compatibility of the HardiPlank siding based on conjectural evidence of siding materials contained in the record, through consideration of which the HRC improperly applied Section 2.9.100.04.b.2.a as a basis for denying the application.

DE NOVO HEARING

Land Development Code Section 2.19.30.01.c requires all hearings of appeals to be de novo. As such, the Council is required to review the entire application as revised on appeal, and determine if the proposal satisfies applicable review criteria. In this case, the Council is required to determine if the proposed alterations to the Johnson Carriage House are historically compatible. The Council is not required to evaluate the merits of the appellant's assignments of error except as they relate to how a criterion is satisfied, or evaluate the rationale used by the HRC in reaching their decision that the proposal was not historically compatible. However, analysis in this report does respond to the appellant's issues raised on appeal to help the Council understand how the HRC may

have reached a decision, and potential issues to consider when the Council reaches its own decision.

EXHIBITS

- I. January 23, 2012, Appeal Letter
- II. January 11, 2012, Notice of Disposition
- III. Excerpt of January 10, 2012, Draft HRC Meeting Minutes and attachments
- IV. December 31, 2011, Staff Report to the HRC
- V. Letter Informing Applicant of Violation

III. STAFF ANALYSIS

To facilitate a complete understanding of the proposal and staff analysis, the Staff Analysis section of this report includes nearly complete excerpts of the December 31, 2011 staff report to the HRC. **These excerpts generally occur in the same order that they occur in the HRC Staff Report, and except for Code citations, these excerpts are italicized.** Additional analysis and discussion addressing the revised application is provided within the context of the HRC findings and appellant's assignments of error. New analysis is provided in normal font. The attachments referenced in the HRC Staff report are included in Exhibit IV of this memorandum to the City Council.

The balance of the Staff Analysis section of this memorandum is divided into five sections:

- A. Background
- B. Review Parameters
- C. Review Criteria: for all Historic Preservation Permits
- D. Review Criteria: General
- E. Review Criteria: Compatibility Criteria for Structures and Site Elements

A. BACKGROUND

In 2009, a violation case was opened (VIO09-00759), because the applicant made exterior alterations to the Johnson House without first obtaining required HPP approval. Per LDC Section 2.9.130, the applicant has submitted a HPP application to resolve the violations.

2.9.130 - ADMINISTRATIVE

2.9.130.02 - Ordered Remedies

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

*Investigation by City staff confirmed that a fiber cement siding had been installed on top of the existing siding, steps had been added to the front porch, and the front and back doors were replaced. Photos indicate that new window trim had been installed on top of existing window trim. However, the applicant states that existing trim was removed prior to replacement with new trim, as explained in **Attachment A.20**. Over the following years, all other historic preservation related violations were resolved except for the alterations that are the subject of this HPP application. If approved, the submitted application will resolve the violation case.*

*The Statement of Significance for the Johnson Carriage House describes the siding as "horizontal board" siding (**Attachment B**). The application states that the original siding was believed to have been replaced sometime in the 1970s. The applicant describes the 1970s siding as a plywood-like material, manufactured specifically to be used as siding. Photos of the house before the fiber-cement siding was installed show two different types of siding: the 1970's siding, and an attached shed with an interior wall constructed with shiplap or drop lap siding (**Attachment D.6-8**). The interior wall of the shed is the exterior wall of the house, indicating that the original siding on the Johnson House was shiplap (**Attachment D.8**).*

Throughout this report the terms original, existing, and proposed, are used to describe the siding. These terms are defined as follows:

- Original siding - siding before the 1970s replacement;

- Existing siding - the manufactured wood siding installed in the 1970s; and
- Proposed siding - the fiber-cement siding that has been installed and is the subject of this application.

In addition to the alterations described above, the HRC noted during the public hearing on this case that what appears to have been original windows, on the east and north sides of the attached shed, were covered by siding without first obtaining the required HPP. The HRC also noted that the front porch handrail was removed and the front porch landing boards were oriented in a different direction than previously oriented, and that these alterations occurred without requisite HPP approval.

B. REVIEW PARAMETERS

Land Development Code Chapter 2.9 – Historic Preservation Provisions identifies activities that are exempt from the need for HPP approval, activities that can be approved administratively (Director-level), and activities that require review by the HRC (HRC-level). Per Section 2.9.100.04.a.16, below, activities that are not exempt from review and are not eligible for Director-level review must be approved by the HRC before they can commence.

- a. **Parameters - Any Alteration or New Construction activity involving a Designated Historic Resource that is not exempt per Section 2.9.70, or eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03, is an HRC-level Alteration or New Construction activity. This includes, but is not limited to:**
 16. **Other - Any other Alteration or New Construction activity that meets the definition for an Alteration or New Construction activity in Section 2.9.100.01, and is not exempt per Section 2.9.70 or allowed to be reviewed as a Director-level Historic Preservation Permit in accordance with Section 2.9.100.03.**

The following section evaluates activities identified by the appellant as exempt, to determine if those activities satisfy applicable exemption criteria. Evaluation of proposed exempt activities is followed by evaluation of proposed Director-level activities. As required by Section 2.9.100.04.a.16, all activities that are not exempt, and cannot be approved under Director-level criteria are evaluated to determine historic compatibility based on applicable HRC-level review criteria.

Proposed Exempt Activities

On appeal, the appellant requests concurrence with the view that the installation of new wood trim, the placement of fiber cement siding over top of plywood siding, and the re-installation of two shed windows are exempt from the need for HPP approval under Section 2.9.70.b. The applicable part of Section 2.9.70.b and the referenced Chapter 1.6 definition for In-kind Repair or Replacement are provided below, followed by analysis of the proposal for compliance with this criterion.

- b. **Routine Maintenance and/or In-kind Repair or Replacement** - Routine maintenance of any exterior feature of a Designated Historic Resource that does not involve a change in the design or style, dimensions, or material of the resource. A complete definition for In-kind Repair or Replacement is contained in Chapter 1.6 - Definitions. The In-kind Repair or Replacement of deteriorated materials is also allowed; however, it is recommended that repair be considered prior to replacement. Also included in routine maintenance are the following:

LDC Chapter 1.6 - Definitions

In-kind Repair or Replacement - Repair or replacement of existing materials or features that match the old in design, color, texture, materials, dimensions, shape, and other visual qualities. This includes replacement of roofing, 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.

The exemption criterion 2.9.70.b and the referenced Chapter 1.6 definition for In-kind Repair and Replacement are used by Staff to make clear and objective decisions regarding the need for an HPP application. Based on the intent of this criterion to be clear and objective, Staff consider the word match to mean an exact match. In this view replacement materials that almost match or are similar to existing materials do not satisfy the definition for In-kind Repair or Replacement. HRC Chair Kadas echoed this interpretation in her statement that "Typically, "like-for-like" usually means that the material is exactly the same, and usually applies to historic structures that have original materials" (**Exhibit III.4**).

Window and Door Trim

On appeal, the appellant states that the HRC should have approved the request to replace existing window and door trim with new trim. As explained below in the excerpt from the Staff Report to the HRC, information about the dimensions of proposed and replaced trim was not provided. However, the application stated that the proposed trim would match the existing trim to be replaced.

*The photograph in Attachment D shows the proposed trim. It is not entirely clear from the photograph if the proposed trim is attached to the existing trim, or if the existing trim was removed. Correspondence from the applicant states that previously existing wood trim was removed, and replaced with new wood trim with a matching design. Information about the width of the trim is not provided, but based on the photographs in **Attachment D.38**, the dimensions of the proposed trim match the existing trim. As such, the trim is an In-kind Repair or Replacement, as defined below, that is exempt from the need from HPP review. No further evaluation of window trim is provided in this report.*

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.

If the HRC determines that the proposed trim is attached to existing trim, and that this alters the design of the trim, the HRC is asked to make findings regarding the compatibility of the proposed trim based on consideration of the review criteria in Section 2.9.100.04.b.1-3.

In their appeal letter, the appellant suggests that the HRC erred because they did not make a specific finding as to whether or not the proposed trim satisfied the definition for In-Kind Repair or Replacement in order to determine if the trim replacement was exempt from the need for HRC review. The Council is not asked to determine whether or not the HRC made a flawed decision; the Council is asked to decide if the proposal satisfies applicable decision making criteria. Staff believe the HRC's decision to include the trim as part of the decision was reasonable.

The HRC has the option to approve an HPP application in-part, but they are not obligated to. The LDC does not require the HRC to view each component of an application as a separate request that requires a separate decision. An application can be viewed in whole, and the multiple components and interrelationships of those components may be viewed comprehensively to evaluate the historic compatibility of a proposal based on applicable review criteria.

In this instance, the appellant notes that one Commissioner commented that the replacement trim could satisfy the definition for In-kind Repair and Replacement because it was the same as the previous window and door trim. Another Commissioner with a different view stated that installing new siding on top of existing siding causes the siding to be "flat relative to the trim and makes it look more like a tract home" (**Exhibit III.5**). In other words, rather than protruding from the siding as far as is typical of Contributing structures in the Avery-Helm Historic District, the trim would be flush with the siding, or at least would not be off-set as far as normal. This effect is shown in the photographs in **Exhibits I.21, 29, 36**. The result is new trim that potentially matches the replaced trim, but also changes the design and visual qualities of the trim as it relates to the structure as a whole, particularly to the affected windows and doors. In this view, the trim, in combination with the siding, does not satisfy the criterion in Section 2.9.70.b because it alters the design and visual qualities of the Johnson Carriage House. Thus, the replacement of trim was not considered an exempt activity and was included in the HRC's decision.

Siding

Similar to their argument regarding window and door trim, the appellant argues that the proposed fiber-cement siding should be viewed as an in-kind replacement for the

existing manufactured plywood siding. On appeal, the appellant states that the existing 1970's plywood was 8-inches wide, but with a 6-inch reveal, which is the same reveal of the proposed fiber cement siding. This statement regarding reveal dimensions is similar to a statement made in correspondence with Staff, but conflicts with information in the actual application form, where the applicant states that "Existing siding reveal varied substantially. We used the large reveal dimension when installing" (**Exhibit IV.28, 21**).

In the appeal letter (**Exhibit I**), the appellant states,

Both types of siding were installed in a horizontal manner and are rectangular in shape. The appearance and texture of both the plywood lap siding and the HardiPlank lap siding is dominated by a "wood grain" that is the result of a manufacturing process (Attachments A-10 and A-11)...Based on the degree of similarity between these two siding materials, it is reasonable to conclude that they match one another in terms of design, texture, materials, dimensions, and shape".

The above statements in the appeal letter also conflict with statements made in the application form and statements made by the applicant during the public hearing, that the 1970's plywood siding had no grain and the proposed siding was textured (**Exhibits IV.21, and III.5**). A comparison of photographs of the 1970's plywood siding and proposed fiber cement siding reveal that the proposed siding is designed to purposefully simulate a wood grain texture, and this same texture is not visible on the plywood siding (**Exhibits I.25 and 26**).

Given the above, it is questionable whether or not the reveal of the proposed fiber cement siding matches the reveal of the plywood siding, and it does not appear to Staff that the simulated wood grain texture of the proposed siding matches the smooth texture of the plywood siding.

According to the appellant, the type of plywood siding on the house is no longer manufactured, so a substitute material believed to be very similar to the plywood siding was chosen (**Exhibit III.16**). The proposed fiber cement material may be similar to the 1970's plywood, but it does not match the existing plywood material, nor the original wood material. Both the proposed fiber cement and plywood siding are manufactured composite materials, but as indicated by their descriptions (fiber cement, plywood) they are composed of different materials. There are a variety of composite building materials on the market. Simply because two different products are made of multiple materials and held together with glue, does not make them the same. The definition for In-kind Repair or Replacement is not satisfied because the proposed siding is a different material than the existing siding.

It is also reasonable to conclude that the proposed siding fails to meet the In-kind Repair or Replacement definition, because the design and visual quality of the house as a whole is altered by the addition of a third layer of siding. Based on the clarifying questions asked by Commissioner Wathen regarding the replacement of trim, the trim

added on top of the original trim in the 1970's was removed and replaced recently with new trim (**Exhibit III.5**). New window trim replaced window trim on all windows (**Exhibit IV.33**). Today there are two layers of window and door trim and three layers of siding. Typically, on Historic Contributing resources in the Avery-Helm District, window and door trim protrudes from the siding. Placing three layers of siding next to two layers of trim reduces the distance the trim protrudes and alters the visual relationship of trim to siding, and the overall visual qualities of the Johnson Carriage House. This change in appearance was noted by Commissioner Stephens as reflected in the January 10, 2012, draft HRC meeting minutes (**Exhibit III.5.**) and illustrated in the photographs in **Exhibit I.21, 29, and 36.**

For the above reasons, Staff do not believe the proposed fiber cement siding matches the design, texture, and visual qualities of the plywood siding as required to satisfy the definition of In-kind Repair or Replacement and the exemption criterion in Section 2.9.70.b. Because of the conflicting statements regarding reveal widths, Staff is also not convinced that the proposed and existing siding have matching dimensions as required to satisfy the definition and exemption criterion. The proposed siding and trim alterations do not qualify for Director-level review, thus, these alterations must be evaluated against HRC-level review criteria to determine historic compatibility.

Windows

- e. **Replacement of Windows or Doors on Historic, Historic/Contributing, and Historic/Noncontributing Resources-** Windows and doors may be replaced with new windows and doors containing double-pane glazing and meeting current Building Code energy efficiency standards. The following provisions also apply:
 1. **Except as otherwise provided in subsections 2-5, below, the replacements shall match the replaced items in:**
 - a. **Materials;**
 - b. **Design or style;**
 - c. **Size;**
 - d. **Sash and Muntin dimensions (a ½-in. tolerance in size is permitted for Sashes, and a 1/8-in. tolerance in size is permitted for Muntins);**
 - e. **Number and type of divided lites (either true or simulated lites are permitted; snap-on grids are not); and**
 - f. **Shape.**
 2. **Metal-clad wood may be substituted for the original, non-glass materials of the replaced items.**
 3. **On residential structures, non-wood doors and hollow-core doors may be replaced with doors of a dissimilar design, provided the replacement doors are solid wood or metal-clad solid wood and are the same size, and in the same location as the door to be removed. Glass is permitted in the replacement door.**
 4. **Alterations involving decorative art glass and leaded glass windows shall be reviewed by the HRC unless the alteration satisfies the Chapter 1.6 definition for In-kind Repair or Replacement.**

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

As explained by the appellant in the appeal letter, the HRC noted that window openings on the north and east elevations of the attached shed were covered by the proposed fiber cement siding. The glass had also been removed from the window openings at some point. As stated by the appellant, the HRC noted during deliberations that by covering these windows the historic style, design, and materials of the structure were altered in a manner that was not historically compatible based on consideration of applicable review criteria.

To resolve this issue, the appellant proposes to remove the siding to reveal the window openings. They also propose to repair the windows by installing single pane glass, and by re-installing trim that was removed from around those windows.

The appellant suggests that this activity is exempt under Section 2.9.70.b - Routine Maintenance and/or In-Kind Repair or Replacement. As stated by the appellant and shown in the photographs in **Exhibit I.31**, the glass in the windows was removed and replaced with boards. Consequently, the design and style of the removed windows is not known. Without this information it is not possible to determine if the proposed replacement windows match the removed windows. Thus, it is not possible to conclude that the proposed windows satisfy the exemption criterion in Section 2.9.70.b. Nor is it possible to find that the proposed windows satisfy the Director-level review criterion in 2.9.100.03.e, provided below, which also requires information about existing windows to make positive findings. Because the window alteration does not satisfy the exemption criteria in 2.9.70.b, nor the Director-level review criterion in 2.9.100.03.e, it must be evaluated against the criteria applicable to HRC-level HPP applications.

CONCLUSION ON PROPOSED EXEMPT ACTIVITIES

In the first and second issues raised on appeal, the appellant asserts that the proposed trim and siding satisfy the exemption criterion in Section 2.9.70.b, which includes by reference the Chapter 1.6 definition for In-kind Repair or Replacement. The appellant has also revised the application to re-install two windows that were covered by the proposed fiber cement siding.

In each instance, the proposals do not satisfy the exemption criteria in Section 2.9.70, and the proposed window replacement also fails to satisfy the applicable Director-level review criterion. Because the proposed trim, siding, and window replacement activities do not satisfy applicable criteria to be considered exempt from the need for HPP review, and do not satisfy the applicable Director-level review criterion, these activities are required by LDC Sections 2.9.100.04.a.4 and "16" to be reviewed by the Historic Resources Commission.

Just because the noted activities are not exempt from HPP review and do not satisfy Director-level review criteria, does not necessarily mean that those activities are not historically compatible. It simply means that an HRC-level HPP is required. Analysis of proposed activities for consistency with applicable HRC-level HPP review criteria occurs below in the section entitled HRC-level Activities.

Proposed Director-level Activities

As presented to the HRC, the applicant requested Director-level approval for alterations to the front porch. On appeal the appellant has revised the application and requests approval of alterations to the front porch and front and back doors based on compliance with Director-level review criteria. The appellant also proposes to reveal the shed windows that were covered with siding, and requests that the Council determine that this is an exempt activity under Section 2.9.70.b. The appellant also argues that the proposed siding and trim satisfy the LDC Chapter 1.6 definition for In-kind Repair and Replacement qualifying these alterations as exempt activities under LDC Section 2.9.70.b.

On appeal, the appellant raises a question about the authority of a decision making body to deny an HPP application in-whole. In this case, the appellant asserts that the HRC exceeded its authority by denying the application in-whole, and not approving components of the application that they believed satisfied Director-level review criteria. Land Development Code Section 2.0.50.16 - Multiple Applications Filed Together, provided below, requires that HPP applications that are ordinarily decided upon by the Director shall be filed together with applications ordinarily heard by the HRC. This Code section also states that the combination of HPP applications shall be reviewed by the HRC and no prior action by the Director is required. As such, the appropriate decision making body is required to review both Director-level and HRC-level activities when they are proposed concurrently for the same development site.

2.0.50.16 - Multiple Applications Filed Together

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

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

As part of this appeal, two Director-level HPP activities are proposed with the HRC-level application; one activity affecting the front porch and the other affecting the front and back doors. Compliance with applicable review criteria regarding these activities is evaluated below.

Front Porch

The applicant has also modified the design of the front porch by adding steps that comply with current Building Codes. The original steps, which have a rise and run of 9.5:12-inches, do not meet current Building Codes. The new steps have a rise and run of 6.5:11.5-inches, which does satisfy current Building Codes. The proposed alteration to the front steps qualifies for Director-level review, based on the following criterion:

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

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

*The above criterion is satisfied because the alteration occurred to exterior steps on the first story of the building. The design of the porch has changed to accommodate the new steps, but the new steps result in compliance with the Building Code. The new steps are a minor feature on the house, and to the relatively simple front porch, and are considered historically compatible with the house (**Attachment A.15**). The steps will not be evaluated further in this report because they comply with the above criterion for Director-level review.*

The HRC denied the application in whole, including the request to modify the front porch. In reaching their decision, the HRC noted that the front porch handrail had been removed and the porch landing boards oriented in a different direction than the previous orientation. Based on the HRC comments and their decision to deny the application, it is apparent that the HRC found that the changes in porch design and style were architecturally incompatible. As such, the proposed alterations did not satisfy the above Director-level review criteria for first story steps and/or stairways.

In response to the HRC decision, the appellant has revised the application and now proposes to replace the porch handrail with one that will be similar to the previously existing handrail, which is shown in **Exhibit I.16, 17**. The appellant also proposes to reorient the boards on the porch landing so that they run perpendicular to the house, as they did prior to the recent porch alterations. As proposed on appeal, and Conditioned (**Condition of Approval 3**), this aspect of the proposal satisfies the applicable Director-level review criterion.

The revised proposal satisfies the Director-level review criteria because the new steps on the south side of the porch are proposed in order to satisfy current Building Code

standards. The landing boards are proposed to be oriented perpendicular to the house, which is how they were oriented prior to the recent changes to the porch made by the applicant. As such, the design of the landing is architecturally compatible with the porch and house. The handrail around the porch is proposed to be reconstructed to be very similar in terms of materials and design as the handrail removed by the applicant. Thus, the handrail will be architecturally compatible with the porch and house.

Given the above, Staff believe the revised porch design addresses the concerns raised by the HRC, and recommend the City Council approve the alterations to the front porch, as conditioned in this memorandum (**Condition of Approval 3**).

Doors

As proposed to the HRC, the applicant sought approval for the metal doors that were installed on the front and back sides of the house. In their appeal letter, the appellant notes that the HRC did not find the proposed metal doors historically compatible based on consideration of applicable review criteria. The applicant is not completely certain of the material of the removed doors, but believes both were wood. Both doors are believed to have had a 9-lite window pattern as shown in **Exhibit I.17**. The appellant has revised the proposal, and requests approval of either wood or metal-clad wood doors with a 9-lite window and paneling that matches, or is very similar to the removed windows. The applicable Director-level approval criterion from LDC Section 2.9.100.03 is provided below, followed by analysis of the proposal's compliance with this criterion.

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

In-kind Repair or Replacement.

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

As just explained, one option proposed by the appellant is to replace the metal doors with wood doors matching the 9-lite window and paneling of the door shown in **Exhibit I.17**. This proposal would satisfy sub-criteria e.1.a, b, c, e, and f of the above criterion. The appellant does not have information regarding the dimensions of window sashes or muntins. Therefore, it is not possible to make findings that the windows in the proposed wood doors satisfy the above Director-level review criterion. Similarly, because the the appellant does not believe the replaced doors were non-wood, or hollow core, sub-criterion e.3 does not apply. Because the proposed wood or metal-clad wood doors do not satisfy the above clear and objective Director-level review criterion, this aspect of the proposal must be reviewed for historic compatibility based on the HRC-level HPP review criteria. This analysis occurs later in this report.

CONCLUSION ON PROPOSED DIRECTOR-LEVEL ACTIVITIES

On appeal, the appellant requests approval to alter the front porch and replace metal doors with very similar wood or metal-clad wood doors. Staff analysis finds that the proposal regarding the front porch satisfies the applicable Director-level review criterion, and should be approved as conditioned. Staff analysis finds that there is not enough information to find that the proposed doors satisfy the applicable Director-level review criterion. Therefore, the proposed doors are evaluated later in this report for historic compatibility based on HRC-level review criteria.

HRC-LEVEL ACTIVITIES

Land Development Code (LDC) Section 2.9.100.04 - Alteration or New Construction Parameters outlines the parameters for activities requiring review by the Historic Resources Commission (HRC). An HRC-level permit is required for the subject application because the applicant proposes to replace existing siding with fiber-cement siding. The applicant states that existing siding is plywood lap siding, and the Statement of Significance describes the siding as horizontal board siding. The applicant has replaced the front and rear doors, and seeks HPP approval for these alterations. The material of the removed doors is not known. The replacement doors are painted metal. These alterations fall within the parameters of LDC Section 2.9.100.04(a).4.

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

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

A Historic Preservation Permit request for any of the following Alteration or New Construction activities shall be approved if the Alteration or New Construction is in compliance with the associated definitions and review criteria listed below. Such Alteration or New Construction activities are classified as an HRC-level Historic Preservation Permit.

- a. **Parameters - Any Alteration or New Construction activity involving a Designated Historic Resource that is not exempt per Section 2.9.70, or eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03, is an HRC-level Alteration or New Construction activity. This includes, but is not limited to:**
 4. **Alteration or New Construction with Dissimilar Materials or Which Impact Significant Architectural Features - Alteration or New Construction activities involving changes in material or that impact historically significant architectural features, unless exempt per Section 2.9.70, or allowed to be reviewed as a Director-level Historic Preservation Permit per Section 2.9.100.03.**
 16. **Other - Any other Alteration or New Construction activity that meets the definition for an Alteration or New Construction activity in Section 2.9.100.01, and is not exempt per Section 2.9.70 or allowed to be reviewed as a Director-level Historic Preservation Permit in accordance with Section 2.9.100.03.**

As previously explained, the proposed front porch alterations comply with the applicable Director-level review criterion. For this reason, porch alterations are not evaluated for consistency with HRC-level review criteria. Alterations affecting trim, siding, windows, and doors did not qualify as an exempt or Director-level activity. Consequently, the historic compatibility of those activities is evaluated below.

C. REVIEW CRITERIA: COMPLIANCE WITH CITY CODES AND ORDINANCES

Land Development Code Section 2.9.90.06(a) requires any Alteration or New Construction activity to comply with the applicable City codes and ordinances as outlined in the criterion.

- a. **General Review Criteria for All Historic Preservation Permits - All Historic Preservation Permits shall comply with the Building Code, as adopted and amended by the State of Oregon; and other applicable state and local Codes and ordinances related to building, development, fire, health, and safety, including other provisions of this Code. When authorized by the Building Official, some flexibility from conformance with Building Code requirements may be granted for repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a building or structure. In considering whether or not to authorize this flexibility from some Building Code standards, the Building Official will check to ensure that: the building or structure is a Designated Historic Resource; any unsafe conditions as described in the Building Code are corrected; the rehabilitated building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and the advice of the State of Oregon Historic Preservation Officer has been received.**

The installation of the proposed siding, trim, and steps does not require a Building Permit. And all other Codes and ordinances appear to be satisfied.

Staff continue to support the above statement that the proposal satisfies the criteria in Section 2.9.90.06.a. If the Council approves the request, **Condition of Approval 2** is recommended. **Condition of Approval 2** requires the applicant to comply with all applicable Building Codes and ordinances, and **Condition of Approval 3** provides flexibility for the front porch to be altered to the minimum extent necessary to comply with Building Code. As proposed and conditioned, the alterations to the Johnson Carriage house satisfy the requirements of Section 2.9.90.06.a.

D. REVIEW CRITERIA: GENERAL

Land Development Code Section 2.9.100.04.b contains General Review Criteria that applies to HRC-level HPP applications. The following text, in italicized font, is excerpted from the December 30, 2011, Staff Report to the HRC. This excerpt provides staff analysis provided to the HRC regarding consistency of the proposal with LDC Section 2.9.100.04.b. Additional analysis, provided in normal font, is included at the end of this excerpt, and is based on consideration of comments made by the HRC and by the the appellant in the January 23, 2012, appeal letter.

LDC Section 2.9.100.04.b.1

Land Development Code Section 2.9.100.04(b).1 requires HRC-level HPP applications to be evaluated against the following criteria to ensure the design or style of the Alteration or New Construction are compatible with the Designated Historic Resource:

b. Review Criteria

- 1. General - The Alteration or New Construction Historic Preservation Permit request shall be evaluated against the review criteria listed below. These criteria are intended to ensure that the design or style of the Alteration or New Construction is compatible with that of the existing Designated Historic Resource, if in existence, and proposed in part to remain, and with any existing surrounding comparable Designated Historic Resources, if applicable. Consideration shall be given to:**
 - a) Historic Significance and/or classification;**
 - b) Historic Integrity;**
 - c) Age;**
 - d) Architectural design or style;**
 - e) Condition of the subject Designated Historic Resource;**
 - f) Whether or not the Designated Historic Resource is a prime example or one of the few remaining examples of a once common architectural design or style, or type of construction; and**
 - g) Whether or not the Designated Historic Resource is of a rare or unusual architectural design or style, or type of construction.**

Land Development Code (LDC) Section 2.9.100.04.b.1 requires Alteration or New Construction activities to be evaluated against the general review criteria to ensure that the design or style of the alteration is compatible with the Designated Historic Resource and surrounding comparable Designated Historic Resources.

The Johnson Carriage House was constructed in 1907 and is a Historic Contributing resource in the Avery-Helm National Register Historic District. The Statement of Significance describes the Johnson Carriage House as a two-story, wood frame vernacular building, which originally was a carriage house. Small porches were added in its "early conversion to an apartment house." The Statement of Significance describes the siding as horizontal board siding; it does not provide any information about original doors.

*The Johnson Carriage House is a relatively simple house. It is not a prime example or one of the few remaining examples of a once common architectural style, nor is it a rare or unusual architectural style. The Johnson Carriage House appears to be in good condition. Much of the building's Historic Integrity is intact, as it is in the location where it was originally constructed and shows the stylistic character of its original form. Some windows appear to be originals, and others are vinyl replacement windows (**Attachment A.7 and D**). According to the application, the original siding was replaced with a manufactured horizontal plywood siding (**Attachments A.7, 17,18**). This alteration would have reduced the building's Historic Integrity in terms of materials and construction techniques.*

The following is the LDC Chapter 1.6 definition of Historic Integrity:

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

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

Siding

The applicant seeks approval to install horizontal fiber-cement siding, on top of the existing manufactured wood siding believed to have been installed in the 1970s. The proposed siding is similar to the previously existing siding, and most likely, the original siding, in that it has a horizontal orientation. The application states that the reveal of the existing siding varied, but that much of it was approximately 8-inches wide, and that the proposed siding has a uniform 6-inch reveal (**Attachments A.7, 14**).

Based on the description of the existing siding as non-original, manufactured siding with variable reveals, the proposed horizontal siding with a uniform reveal is a historically appropriate siding design for the Johnson Carriage House per Section 2.9.100.04.b.1. It is likely that horizontal siding (perhaps drop lap) was originally used on the building. Horizontal siding was common during the Avery-Helm District's Period of Significance (1854-1949) (**Attachment B.2**). The proposed siding style is compatible with the horizontal drop-lap siding on the building to the north of the subject building (602 SW 2nd - see **Attachment C.2**), the horizontal clapboard siding on the building to the south (630 SW 2nd). These are the only two buildings within the Avery-Helm Historic District that abut the subject site. Buildings further south on SW 2nd Street and within the Historic District also have horizontal siding. The auto repair shop west of the site is not in the Historic District. As such, the siding design is also compatible with the design of surrounding comparable buildings.

Doors

The applicant states that the existing front door was 36-inches wide with a 9-lite window, and the rear door was 32-inches wide with a 9-lite window. The replacement doors are the same size and have the same number of lites as the replaced doors. The replacement doors are constructed of painted steel (**Attachment A.16**).

The replacement doors satisfy Section 2.9.100.04.b.1 because they are in the same location, are the same size, and have the same window pattern as the doors replaced.

LDC Section 2.9.100.04.b.2

Land Development Code section 2.9.100.04(b).2 states,

2. In general, the proposed Alteration or New Construction shall either:
 - a) Cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the applicable Period of Significance; or
 - b) Be compatible with the historic characteristics of the Designated Historic Resource and/or District, as applicable, based on a consideration of the historic design or style, appearance, or material composition of the resource.

Siding

*It is not clear what the original siding was, but according to the application, the existing siding is a manufactured horizontal siding believed to have been installed 30-40 years ago (**Attachment A.17**).*

The proposal is also historically compatible based on consideration of Section 2.9.100.04.b.2, because the design, style, and appearance of the siding is similar to the style of siding found during the Period of Significance in the Historic District. Viewed from SW Second Street, it is difficult to know if the proposed siding is fiber-cement or wood. This indicates that its appearance is similar to what would be expected if wood siding were used; the siding material most commonly used during the District's Period of Significance,.

The proposed fiber-cement material is not always an appropriate substitute material for wood. In this case, based on the application materials, it is assumed that the existing siding was a manufactured siding, and not original to the house. Assuming the original siding was wood, the fiber cement materials would not more closely approximate the original material composition. However, the fiber cement would not be any less compatible, or further erode the Historic Integrity of the Johnson Carriage House, compared to the existing manufactured siding. If available, the existing manufactured siding could be replaced In-kind. Fiber cement is not an In-kind replacement, but in this case it is a historically compatible alternative to the existing manufactured siding material.

Doors

*The applicant states that the previous front door was 36-inches wide with a 9-lite window, and the previous rear door was 32-inches wide with a 9-lite window (**Attachment A.16**). The replacement doors are the same size and have the same number of lites as the replaced doors. The replacement doors are constructed of painted steel.*

*The replacement doors satisfy Section 2.9.100.04.b.2, because they are in the same location, are the same size, and have the same window pattern as the doors replaced. The materials of the previous doors is not known, however, the photographs in **Attachment C** indicate that they were not metal. As shown in **Attachment D**, the painted metal is a historically compatible material on this structure.*

Given the above, the proposal to install new siding and doors satisfies the review criteria in Section 2.9.100.04.b.2, because the proposed materials are compatible with the historic characteristics of the Designated Historic Resource and the District, based on consideration of design, style, appearance and material composition of the proposed materials and Designated Historic Resource.

ADDITIONAL STAFF ANALYSIS REGARDING LDC SECTION 2.9.100.04.B

The following analysis is based on consideration of the appellant's January 23, 2012, appeal letter, and comments made by the HRC during their January 10, 2012, meeting. This analysis addresses the General Review Criteria in Sections 2.9.100.04.b.1 and 2.9.100.04.b.2.

Siding and Trim

In general, the appellant concurs with the staff analysis presented in the December 30, 2012, Staff Report to the HRC. On page 6 of the appeal letter, and with respect to Section 2.9.100.04.b.1, the appellant emphasizes four points:

1. Neither the proposed fiber cement siding, nor the plywood siding are wood;
2. Proposed and existing siding have a horizontal orientation;
3. The plywood siding has a wood grain finish similar to the proposed fiber cement siding; and
4. Though the plywood siding has reduced the Historic Integrity of the Johnson Carriage House, it was none-the-less listed as a Historic Contributing Resource in the Avery-Helm National Register Historic District.

Given the above, the appellant states that, "...given the similarities between the two types of lap siding, it is reasonable to conclude that the proposed HardiPlank lap siding would not further diminish the Historic Integrity of the Johnson Carriage House or that of the Avery-Helm National Register Historic District."

Section 2.9.100.04.b.1 requires historic compatibility of proposed alterations to be based on consideration of factors such as age, historic classification, historic integrity, and architectural design or style. Section 2.9.100.04.b.2 requires alterations to either cause the Designated Historic Resource to more closely approximate its original design, style, appearance, or material composition during the Period of Significance, or be compatible based on consideration of the resources design, style, appearance and material composition. As discussed in more detail below, as conditioned, the window and door alterations satisfy the above criteria. However, the proposed siding and trim alterations do not. In summary, the siding and trim alterations do not satisfy the criteria in section 2.9.100.04.b because the materials, texture, and appearance of the siding, as a whole, and as it relates to trim, are not compatible with the historic qualities of the Johnson Carriage House.

As stated in the application, and shown in attached photographs, the 1970's siding had a smooth texture, while the proposed siding simulates wood grain. The HRC made similar findings and, after receiving verbal confirmation from the applicant during the hearing that the proposed siding was textured, Commissioner Stephens commented that "normally grain is not seen on historic houses" (**Exhibit III.5**). Commissioner Wathen also noted that fiber cement materials were not developed until the 1970's, and were not contemporary with the Johnson Carriage House (constructed in 1907), nor

with the Avery-Helm Historic District. The Period of Significance for this District was 1854 to 1949. These dissimilarities cause the proposed siding to be historically incompatible with both the existing and original siding in terms of material, texture, and overall appearance.

On appeal, the appellant states that the existing siding had a 6-inch reveal. This statement is consistent with the correspondence from the applicant in **Exhibit IV.28**, but conflicts with statements in the application form that siding had variable reveals (**Exhibit IV.21**). This inconsistency raises doubts about the similarity, and therefore, the compatibility, of the proposed siding with the existing siding. There is also not clear evidence of the siding style(s) on the Johnson Carriage House during the District's Period of Significance. As such, the HRC was not convinced that the proposed fiber cement siding was historically compatible with the design or style of the Johnson Carriage House based on consideration of the criteria in Section 2.9.100.04.b.1

While Staff reached a different conclusion in their original analysis, Staff believe the HRC's conclusions that the proposed siding and trim alterations are not historically compatible are justified based on consideration of the review criteria in Section 2.9.100.04.b.1.

It is also clear from the meeting minutes that the HRC viewed the criteria in Section 2.9.100.04.b.1 in tandem with the criteria in Section 2.9.100.04.b.2.

Land Development Code section 2.9.100.04(b).2 states,

2. In general, the proposed Alteration or New Construction shall either:
 - a) Cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the applicable Period of Significance; or
 - b) Be compatible with the historic characteristics of the Designated Historic Resource and/or District, as applicable, based on a consideration of the historic design or style, appearance, or material composition of the resource.

To satisfy the provisions in Section 2.9.100.04.b.2, either sub-criterion "a" or "b" must be met. The proposed siding and trim alterations do not cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the applicable Period of Significance.

Photographic evidence in the record indicates that the original siding on the house may have been drop-lap siding, a type of siding common during the District's Period of Significance (**Exhibit I.24**). The appellant argues that the photograph is conjectural evidence and the HRC should not have relied on it to determine compatibility. If this photograph, which indicates that the house may originally have been sheathed in drop-lap siding, is not considered, there is nothing else in the record indicating what the

original siding may have been. It is the applicant's burden to demonstrate that review criteria have been satisfied. In the case of criterion 2.9.100.04.b.2.a, the applicant must demonstrate that the proposed siding and trim alterations cause the Designated Historic Resource to more closely approximate its original design or style, appearance, or material composition relative to the Period of Significance. Other than the referenced photograph, the record does not contain information about the original historic siding or trim. Consequently, it is not possible to make findings that the proposed siding and trim cause the Designated Historic Resource to more closely approximate its original historic design, style, appearance or material composition as found during the Period of Significance.

Even if it is assumed that the entire house is sheathed with drop-lap siding, the proposed fiber cement siding would not cause the Johnson Carriage House to more closely approximate its original historic design, style, appearance or material composition as found during the Period of Significance. This is because the style of the proposed siding (lap) is obviously different from drop-lap siding, and fiber cement siding with a simulated grain texture was not manufactured and used during the Period of Significance.

The 1970's-era siding was added after the District's Period of Significance, and is not the original historic material. Consequently, it does not matter how similar the proposed siding and trim are to the existing 1970's siding in terms of design, style, appearance, or material composition, they do not move the Johnson Carriage House closer to its original form during the Period of Significance.

Given the above, the proposed siding and trim would do not result in the desired outcome contemplated in Section 2.9.100.04.b.2.a with respect to the original, and the 1970's trim. The only option for the applicant to satisfy Section 2.9.100.04.b.2 is to demonstrate compatibility with the Designated Historic Resource and/or District, per sub-criterion "b."

Analysis in the December 31, 2011, Staff Report to the HRC regarding consistency with Section 2.9.100.04.b.2.b found that the proposed siding was a "historically compatible alternative to the existing manufactured siding material". The HRC reached a different conclusion which, as explained below.

The historic characteristics of the Designated Historic Resource and District are those that were present during the Period of Significance (1854 – 1949). During the Period of Significance, the Johnson Carriage House had a single layer of siding that was almost certainly wood, and the original siding was most likely smooth, as seen on most houses in the District with original horizontal siding. The applicant proposes to add a third layer of siding that is a fiber cement material with a simulated wood grain texture. The applicant did not provide any evidence that the historic siding materials were not wood, they did not provide evidence that the historic siding materials were textured, nor did they provide conclusive evidence of the original siding style. Without this evidence, the

HRC was not convinced that the proposed materials were historically compatible in terms of materials, appearance, or design. This evidence is also not provided in the appeal letter.

Even if compatibility was based on the existing 1970's siding, the HRC was not convinced that the proposed material was compatible. The HRC found that the proposed third layer of siding appears to change the visual relationship of the siding relative to the second layer of trim, because the trim does not protrude as far as it would normally. This changes the appearance of the house and windows in a way that is not consistent with surrounding historic structures. Additionally, the proposed siding has a texture that is not present on the existing siding, and as noted by one Commissioner, textured siding is not normally found on Historic houses.

For the reasons given above, the proposed siding and trim are not historically compatible based on consideration of the criteria in Section 2.9.100.04.b.2.a or 2.9.100.04.b.2.b.

Doors

On appeal, the appellant proposes to change the door material to either wood, or metal clad wood. Based on comments made by the HRC during the public hearing on this application that wood is a historically compatible material for the doors, Staff recommend **Condition of Approval 4**, which requires the doors to be wood, with 9-lite windows and a single panel below the windows as shown in **Exhibit I.17 and Exhibit IV.40**. As conditioned, the proposed doors are found to be historically compatible based on consideration of the above criteria in section 2.9.100.04.b.1 and 2.9.100.04.b.2.b.

Windows

During the HRC public hearing, the HRC noted that windows on the east and north sides of the attached shed were covered with fiber cement siding. In their appeal letter, the appellant states that the glass had previously been removed from the opening, but that the window structure was intact. The appellant proposes to repair the windows by placing single panes of glass (no-lites/grids) into the window structure. As proposed on appeal, the proposed windows are consistent with the design and style of the Johnson Carriage House based on consideration of the criteria in Section 2.9.100.04.b.1 and 2.9.100.04.b.2.b (**Condition of Approval 5**).

Conclusion on General Review Criteria

The above analysis provides the Staff analysis in the December 31, 2011, Staff Report to the HRC, as well as revised analysis based on comments and findings of the HRC regarding the proposal, and information in the appellant's January 23, 2012, appeal letter. The revised staff analysis finds that as conditioned, the proposed doors and repaired windows satisfy the review criteria in Section 2.9.100.04.b. Staff analysis also find it reasonable to conclude, as the HRC did, that the proposed trim and siding are not historically compatible based on consideration of the review criteria in Section 2.9.100.04.b.

E. REVIEW CRITERIA: COMPATIBILITY CRITERIA FOR STRUCTURES AND SITE ELEMENTS

Similar to LDC Sections 2.9.100.04(b).1 and "2," LDC Section 2.9.100.04(b).3 requires Alteration or New Construction activities to "complement the architectural design or style or the primary resource," based on consideration of 14 compatibility criteria for structures and site elements. The following evaluates the proposal's compatibility based on these review criteria.

Facades

Architectural features, such as balconies, porches, bay windows, dormers, or trim details shall be retained, restored, or designed to complement the primary structure and any existing surrounding comparable Designated Historic Resources. Particular attention should be paid to those facades that are significantly visible from public areas, excluding alleys. Architectural elements inconsistent with the Designated Historic Resource's existing building design or style shall be avoided.

Architectural Details

Retention and repair of existing character-defining elements of a structure, such as molding or trim, brackets, columns, cladding, ornamentation, and other finishing details and their design or style, materials, and dimensions, shall be considered by the property owner prior to replacement. Replacements for existing architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.

*The proposed horizontal siding has a 6-inch reveal. This is different from the approximately 8-inch reveal of the existing horizontal siding (**Attachments A.14 and D.6-10**). While different from the existing siding, the proposed siding design (horizontal with a 6-inch reveal) is complementary to the Johnson House and surrounding comparable Designated Historic Resources. As such, the proposed siding is compatible based on the Facades and Architectural Details criteria.*

The proposed trim is considered by staff as an In-kind Repair or Replacement, and is exempt from the need for HPP review. If the HRC determines that the proposed trim does not satisfy the definition for In-kind Repair or Replacement, findings regarding the compatibility of the trim based on the above criteria should be made by the HRC.

The above two criteria apply to the proposed trim and siding. As explained previously in this memorandum, the HRC denied the entire application, including the proposed trim. At least one reason why the HRC denied the application is because the proposed trim would not protrude as far as trim typically would on a historic house, and was found to be inconsistent with the design and style of the Johnson Carriage House. While this conclusion is different from the one first reached by Staff, Staff believe it is a conclusion that can be justified based on the above review criteria.

The appellant correctly notes in the appeal letter that the Facades criterion states in part,

Particular attention should be paid to those facades that are significantly visible from public areas, excluding alleys.

The appellant notes that the nearest public streets are 60 and 70-ft away, and when viewed from these streets it is difficult to tell the difference between the proposed fiber cement siding, and the existing plywood siding. While it may be difficult to tell one material from another at these distances, the criterion does not say that only those facades visible from public areas are regulated. Even alterations to facades that are not visible from public area must demonstrate compatibility with the Facades criterion. This criterion simply places extra emphasis on facades that are visible from public areas.

Given the above, placing two layers of window and door trim next to three layers of siding alters the relationship of the trim relative to both the windows and doors, and the siding. As a result, the proposed trim, which, as defined by the above criteria, is a character-defining architectural feature is not complementary to the Johnson Carriage House. **Condition of Approval 1** requires the layers of trim to be equal to the layers of siding to ensure a more compatible relationship between trim, siding, and windows and doors.

Building Materials

Building materials shall be reflective of, and complementary to, those found on the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. Siding materials of vertical board, plywood, cement stucco, aluminum, exposed concrete block, and vinyl shall be avoided, unless documented as being consistent with the original design or style, or structure of the Designated Historic Resource.

Siding

The existing siding is described as a manufactured plywood material that was installed in the 1970s (Attachment A.14). It is not certain what the original siding material was, but based on remnants of siding on the interior wall of the attached shed, the original siding may have been wood drop-lap (Attachment D.8). The provisions in LDC Chapter 2.9 do not require a proposed Alteration or New Construction to return the Designated Historic Resource to its original form or material composition. The above criterion directs building materials to be reflective of, and complementary to, materials on the Designated Historic Resource and surrounding comparable Designated Historic Resources.

The proposed fiber cement material is reflective of the existing manufactured wood siding, and arguably closer in appearance to the original wood material, than the existing materials. The proposed siding is also reflective of, and complementary to, the style and materials (wood) of abutting Designated Historic Resources, and the siding found throughout the Historic District. As stated above, the proposed siding would not further reduce the Historic Integrity of the Johnson Carriage House compared to retaining the existing siding. And, viewed from SW Second Street, it is difficult to know if

the proposed siding is fiber-cement or wood. This indicates that its appearance is similar to what would be expected if wood siding were used; the siding material most commonly used during the District's Period of Significance.

The above criterion states that unless documented as being consistent with the original design, style, or structure of the original Designated Historic Resource, plywood siding shall be avoided. As explained previously, both Staff and the HRC found that the proposed fiber cement siding was not an In-kind replacement for the existing plywood siding. To the extent that fiber cement siding is similar to the existing plywood siding, as described by the appellant in their appeal letter, the proposed siding is also incompatible per the Building Materials criterion.

The HRC correctly noted that the plywood siding was not installed on the house during the Historic District's Period of Significance. Hence, it is not appropriate to compare proposed new materials to existing non-original and non-historic materials when evaluating the compatibility of new materials. At least one HRC Commissioner indicated there might be some flexibility in siding materials if the style of the proposed siding more closely approximated the style or appearance of the siding on the house during the Period of Significance. Since the applicant did not demonstrate that the style of the siding would more closely approximate the style or appearance of the original siding, and also proposed a material that was not used during the Period of Significance, the HRC was unable to find that the proposed siding was historically compatible based on the Building Materials criterion. Staff believe this is a reasonable conclusion.

Doors

*The material of the original doors was likely wood, but the material of the doors that were recently replaced is unclear. The proposed doors, which have already been installed, are painted metal. Based on the appearance of these doors (**Attachment D.11, 12**), the material is complementary to the other exterior materials on the Johnson Carriage House, and reflective of the materials used on nearby Designated Historic Resources.*

Given the above, the proposal is historically compatible based on the Building Materials review criterion.

On appeal, the appellant has revised the application and proposes to change the door material to either wood, or metal clad wood. Based on comments made by the HRC that wood was a historically compatible material, Staff recommend **Condition of Approval 4**, which requires the doors to be wood, with 9-lite windows and a single panel below the windows as shown in **Exhibit I.17 and Exhibit IV.40**. As conditioned, the proposed doors are historically compatible based on consideration of the building materials criterion.

Scale and Proportion

The size and proportions of the Alteration or New Construction shall be compatible with existing structures on the site, if in existence and proposed in part to remain, and with any surrounding comparable structures. New additions or New Construction shall generally be smaller than the impacted Designated Historic Resource, if in existence and proposed in part to remain. In rare instances where an addition or New Construction is proposed to be larger than the original Designated Historic Resource, it shall be designed such that no single element is visually larger than the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding comparable Designated Historic Resources.

The Scale and Proportion criterion is most relevant to New Construction activities. The dimensions of the proposed siding are discussed above under the Facades and Architectural Features criteria. The size and proportion of the proposed doors will be addressed under the Pattern of Window and Door Openings criteria. Findings from those sections are incorporated here, as findings under the Scale and Proportion criterion. Analysis in that section finds that the proposed alterations are of a compatible size, scale, and proportion, and the above criterion is satisfied.

The proposal to return and repair the shed windows is also evaluated under the Pattern of Windows and Doors criterion. In summary, Staff find the proposed windows satisfy the noted criterion, which includes consideration of scale and proportion. As such, the proposed windows are also compatible with the Scale and Proportion criterion.

Height

To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. However, second story additions are allowed, provided they are consistent with the height standards of the underlying zoning designation and other chapters of this Code, and provided they are consistent with the other review criteria contained herein.

Roof Shape

New roofs shall match the pitch and shape of the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding compatible Designated Historic Resources.

The above criteria are satisfied because the proposed alterations do not affect the height or roof shape of the Johnson Carriage House.

Pattern of Window and Door Openings

To the extent possible window and door openings shall be compatible with the original features of the existing Designated Historic Resource, if in existence and proposed in part to remain, in form (size, proportion, detailing), materials, type, pattern, and placement of openings.

There is no information in either the application or the Statement of Significance regarding the original doors of the Johnson Carriage House. The appellant states that the previous front door was 36-inches wide with a 9-lite window, and the previous rear door was 32-inches wide with a 9-lite window. Materials of the previously existing doors

are not known, but are believed to be wood. The replacement doors are the same size and have the same number of lites as the replaced doors. Based on the above, the proposed doors satisfy the Pattern of Window and Door Openings criterion.

The proposed trim is considered by staff as an In-kind Repair or Replacement, and is exempt from the need for HPP review. If the HRC determines that the proposed trim does not satisfy the definition for In-kind Repair or Replacement, findings regarding the compatibility of the trim based on the above criteria should be made by the HRC.

The appellant has revised the application and proposes to change the door material to either wood, or metal clad wood. Based on comments made by the HRC that wood is a compatible material for the doors, Staff recommend **Condition of Approval 4**, which requires the doors to be wood, with 9-lite windows and a single panel below the windows as shown in **Exhibit I.17 and Exhibit IV.40**. As conditioned, the proposed doors are compatible with the Johnson Carriage House. The wood material will be the same material as what the original doors were likely constructed of; they will be the same size and shape, and will have the same lite pattern and paneling (detailing) as previously existing doors. The new doors will be in the same locations as original doors, thereby maintaining the original pattern of door openings. As such, the proposed door replacements, as conditioned, satisfy the Pattern of Window and Door Openings criterion.

During the HRC public hearing, the HRC noted that windows on the east and north sides of the attached shed were covered with fiber cement siding. In their appeal letter, the appellant states that the glass had previously been removed from the opening, but that the window structure was intact. The appellant proposes to fix the windows by placing single panes of glass (no-lites/grids) into the window structure. As proposed on appeal, the windows are compatible with the Johnson Carriage House because they are the same size and proportion as originals. Trim previously around the windows will be replaced, providing consistency in detailing. The wood window frames will remain, and the openings will be in their original locations, maintaining the existing pattern of openings. As such, the proposed windows satisfy the above review criterion (**Condition of Approval 5**).

Building Orientation

Building orientation shall be compatible with existing development patterns on the Designated Historic Resource site, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. In general, Alteration or New Construction shall be sited to minimize impacts to facade(s) of the Designated Historic Resource that are significantly visible from public areas, excluding alleys.

Site Development

To the extent practicable, given other applicable development standards, such as standards in this Code for building coverage, setbacks, landscaping, sidewalk and street tree locations, the Alteration or New Construction shall maintain existing site development patterns, if in existence and proposed in part to remain.

Accessory Development / Structures

Accessory development as defined in Chapter 4.3 - Accessory Development Regulations and items such as exterior lighting, walls, fences, awnings, and landscaping that are associated with an Alteration or New Construction Historic Preservation Permit application, shall be visually compatible with the architectural design or style of the existing Designated Historic Resource, if in existence and proposed in part to remain, and any comparable Designated Historic Resources within the District, as applicable.

Garages

Garages, including doors, shall be compatible with the Designated Historic Resource site's primary structure, if in existence and proposed in part to remain, based on factors that include design or style, roof pitch and shape, architectural details, location and orientation, and building materials. In a National Register of Historic Places Historic District, the design or style of Alteration or New Construction involving an existing or new garage, visible from public rights-of-way or private street rights-of-way, shall also be compatible with the design or style of other garages in the applicable Historic District that were constructed during that Historic District's Period of Significance.

Chemical or Physical Treatments

Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

Archeological Resources

Activities associated with archeological resources shall be carried out in accordance with all State requirements pertaining to the finding of cultural materials, including ORS 358.905, as amended, which pertains to the finding of cultural materials; ORS 390.235, as amended, which describes steps for State permits on sites where cultural materials are found; and OAR 736.051.0080 and OAR 736.051.0090, as amended, which describe requirements for cultural materials found on public versus private land, respectively.

Differentiation

New freestanding buildings and additions to buildings shall be differentiated from the portions of the site's existing Designated Historic Resource(s) inside the applicable Period of Significance. However, they also shall be compatible with said Designated Historic Resource's Historically Significant materials, design or style elements, features, size, scale, proportion, and massing to protect the Historic Integrity of the Designated Historic Resource and its environment. The differentiation may be subtle and may be accomplished between the Historically Significant portions and the new construction with variations in wall or roof alignment, offsets, roof pitch, or roof height. Alternatively, differentiation may be accomplished by a visual change in surface, such as a molding strip or other element that acts as an interface between the Historically Significant and the new portions.

The proposed alteration will not affect the building's orientation or existing site development patterns. Accessory development is not proposed, garages would not be impacted, and physical or chemical treatments are not proposed. Ground disturbing activities are not proposed, nor is the construction of freestanding buildings or additions. Given the above, the Building Orientation, Site Development, Accessory Development/Structures, Garages, Chemical or Physical Treatments, Archeological Resources, and Differentiation criteria do not apply to this application.

Staff continue to support the findings, directly above, which were excerpted from the December 31, 2011, Staff Report to the HRC.

SUMMARY OF CONCLUSIONS, AND STAFF RECOMMENDATIONS

The above analysis evaluated the appellant’s revised proposal to replace the existing siding, trim, and doors with new siding, trim, and doors; install new steps and a handrail on the front porch; and re-install and repair windows on the attached shed.

Based on information provided by the appellant in the January 23, 2012, appeal letter which revised the original HPP application, and on consideration of findings made by the Historic Resources Commission, Staff find that, as conditioned, the following aspects of the HPP application satisfy applicable review criteria:

- Alterations to the front porch
- Door replacement
- Window installation

Staff find that the HRC’s decision to deny the installation of the proposed siding and trim is justified based on consideration of the applicable review criteria. **Condition of Approval 1** makes clear that these components of the proposal have not been approved.

Recommended Action

The City Council has multiple options with respect to the subject Historic Preservation Permit application. Four possible options include:

- Option 1: Approve the revised application in-whole, thereby overturning the HRC decision;
- Option 2: Approve the revised application in-whole, with conditions, thereby overturning the HRC decision;
- Option 3: Approve the revised application in-part, with conditions, thereby upholding certain aspects of the HRC decision; or
- Option 4: Deny the revised application in-whole, consistent with the HRC decision.

Based on the analysis in this report, staff recommend the City Council pursue Option 3 and approve the revised HPP application subject to the Conditions of Approval provided at the end of this report. If this option is approved, Staff recommend the following aspects of the application be approved, as conditioned:

- Alterations to front porch (new steps, replaced handrail, re-oriented porch landing boards);
- Replace metal doors with wood doors; and
- Re-install wood windows.

Staff recommend the following aspect of the application not be approved, as conditioned by **Condition of Approval 1**:

- Installation of trim and fiber cement siding;

If the City Council accepts this recommendation, the following motion to approve is suggested:

Recommended Motion

I move to tentatively approve in-part the Johnson Carriage House Historic Preservation Permit application (HPP11-00033), as conditioned in the February 14, 2012, memorandum to the City Council, and subject to the adoption of formal findings and conclusions regarding this decision. This approval includes alterations to the front porch, replacement of metal doors with wood doors, and re-installation of shed windows, as conditioned. This approval does not extend to the installation of the proposed trim and siding, as those alteration activities do not satisfy the applicable criteria. This motion is based on findings in support of the application presented in the February 14, 2012, memorandum to the Council, evidence presented during the proceedings, and findings in support of the application made by the Council during deliberations on the request.

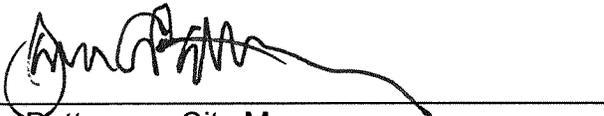
STAFF RECOMMENDED CONDITIONS OF APPROVAL

1. Siding and Window and Door Trim – Fiber cement siding shall not be installed on the Johnson Carriage House. Wood trim shall be installed. Trim shall be layered equivalent to the number of layers of siding (e.g. if three layers of siding are installed, three layers of trim shall be installed). The under layer of trim or supporting material does not need to be of any particular design or material, but shall not be visible.
2. Consistency with Plans and Applicable Codes and Ordinances – Approved portions of the development shall comply with the plans and narrative in the applicant's proposal as revised in their January 23, 2012, appeal letter, which is identified as Exhibit I of the February 14, 2012, staff memorandum to the City Council. Development shall also comply with previous approvals for the subject site including all conditions of approval, except as modified by this approval, or unless a requested modification otherwise meets the criteria for an Alteration or New Construction per LDC Chapter 2.9 - Historic Preservation Provisions. The applicant shall obtain all required Building Permits prior to beginning any work associated with the subject

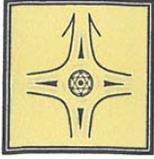
proposal, and shall comply with all applicable Codes and Ordinances, even if not specifically addressed in this approval.

3. Porch and Front Steps - The new front (east) porch steps on the south side of the porch shall be permitted as proposed. The boards on the porch landing shall be oriented so that they are perpendicular to the house, and shall be 2-inches thick by 6-inches wide. A handrail shall be installed around the porch and along the new steps. The height of the handrail shall be approximately 2-ft tall. The top and bottom rails shall be 2 x 4-inches . The balusters shall be 2 x 2-inches wide, approximately 2-ft, and spaced 4-inches on center. The handrail shall be wood. The design and materials of the handrail may vary from these specifications to the minimum extent necessary to comply with current Building Codes.
4. Doors– The front and back doors (east and west elevations) shall be wood, with 9-lite windows and a single panel below the windows as shown in **Exhibit I.17 and Exhibit IV.40**.
5. Windows – The window openings on the north and east sides of the attached shed shall be revealed by removing the siding covering them. These windows shall be repaired by installing either new glass within the window structure (either single pane, or double pane glazing). The window lites shall not be divided. The windows may also be replaced with new wood windows matching the size and proportions of the existing windows, and placed within the same openings. Trim removed from the windows shall be installed, or trim that either matches the removed trim, or the trim that is ultimately approved on the primary structure of the Johnson Carriage House.

Review and Concur:



Jim Patterson, City Manager



PLANNEXT

COMMUNITY ♦ PLANNING ♦ STRATEGIES

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January 23, 2012

Community Development
Planning Division

Ms. Kathy Louie
City Recorder
Corvallis City Manager's Office
501 SW Madison Avenue
Corvallis, Oregon 97333



RE: Appeal of the Johnson Carriage House (HPP11-00033)

Dear Ms. Louie:

On behalf of my client, Rob Schneider, who is the applicant in the case referenced above, I wish to appeal the Historic Resource Commission's (HRC) decision on January 10, 2012, to deny the subject request. Consistent with Corvallis Land Development Code (LDC) Section 2.19.30.03.a, Mr. Schneider and I are affected by the decision and have standing to file this appeal.

Case History

As described in the public notice for the HRC hearing, the applicant's proposal included the following four items:

1. Replace existing exterior manufactured wood (plywood) lap siding with fiber cement (HardiPlank) lap siding;
2. Replace existing wood window and door trim with new wood window and door trim;
3. Replace existing non-original exterior doors with painted metal doors; and
4. Install new front porch steps to comply with building code standards as a Director-level Historic Preservation Permit activity.

As noted in the HRC staff report, three siding materials were referred to: (1) the original siding material (exact material and style unclear); (2) the plywood lap siding thought to have been installed on the main house and attached garage some time during the 1970's; and (3) the HardiPlank lap siding that was installed over the plywood lap siding by the applicant.

It is important to note that each of the four activities listed above had already been completed by the applicant prior to the public hearing, and that the application was filed in response to a Violation case (VIO09-00759) initiated by the City of Corvallis. The applicant filed the Historic Preservation Permit (HPP) application on November 17, 2011, in order to resolve the Violation. The HRC subsequently denied the entire request at the January 10, 2012, hearing (Attachment B).

913 NE 13TH AVENUE ♦ ALBANY ♦ OREGON 97321

EXHIBIT I - 1

Grounds for Appeal

The grounds for this appeal are as follows.

1. The HRC exceeded its authority by denying the entire application.

Section 2.9.100.03.i of the LDC empowers the Community Development Director to review and approve the alteration or new construction of first story exterior steps that are required in order to comply with present-day Building Code requirements. The HRC staff report presented findings on the new steps (Attachment A-19), and concluded that they satisfied the applicable Director-level review criteria.

In addition, the staff report presented an analysis of the proposed window and door trim, which concluded that this portion of the request satisfied the definition of In-kind Replacement and was exempt from HPP approval per LDC Section 2.9.70.b. However, the analysis also noted that if the HRC disagreed with this conclusion, meaning that the definition of In-kind Replacement was not met with respect to the new window and door trim, then the HRC should make findings to that effect. A review of the audio recording of the hearing confirms that the HRC made no such findings. To the contrary, one commissioner stated that the replacement trim could easily be argued as exempt because it is the same as the previous window and door trim (refer to audio recording at 3:33:27).

Based on this evidence, the HRC should have granted a conditional approval of the request that allowed for the new front porch steps, and the new window and door trim at a minimum. Therefore, through the *de novo* hearing on this appeal, the City Council should adopt the findings made in the HRC staff report that support approval of the new front porch steps, and the window and door trim.

2. City Planning Staff and the HRC misinterpreted information submitted by the applicant, and relied on contradictory evidence contained in the record to deny consideration of the HardiPlank lap siding as an In-kind Replacement.

In describing the dimensions of the plywood lap siding and the HardiPlank lap siding, the applicant noted in separate emails to City Planning Staff dated November, 25, 2011, and December 21, 2011, that the HardiPlank lap siding was installed with a reveal width of six inches (6”), and that “the plywood siding was actual 8” wide strips of plywood installed as lap siding” (HRC staff report Attachments A.14 and A.17).

On Pages 7 and 9 of the December 30, 2011, HRC staff report, City Planning Staff note that the reveal of the plywood lap siding “was approximately 8-inches wide”, and that the HardiPlank lap siding was installed with a “6-inch reveal.” It is important to note the applicant did not state anywhere in the application or associated email correspondence that the reveal dimension of the plywood lap siding was eight inches, only that the boards were eight inches wide.

Attachment A-20 of this appeal confirms that the reveal width of the HardiPlank lap siding is six inches. Attachment 'D.6' of the HRC staff report is a photograph of the west elevation of the attached garage and adjoining wall of the house. This photograph and a second photograph that was not included in the HRC staff report show the plywood lap siding on the west elevation of the garage and the HardiPlank lap siding on the north elevation of the house (Attachments A-21 and A-22). It is clear from these photographs that the reveal width of the two siding materials is essentially the same. Therefore, to the extent City Planning Staff and the HRC precluded consideration of the HardiPlank lap siding as an In-kind replacement based on the reveal widths of the two siding materials stated in the staff report, those decisions were flawed.

The HRC made contradictory findings concerning whether the HardiPlank lap siding constituted an In-kind Replacement of the plywood lap siding during the subject hearing (refer to audio recording at 2:18:40, 2:58:23, and 3:04:40). Therefore, it is not clear to what extent consideration of the correct reveal width would have impacted the HRC's decision to not allow the HardiPlank lap siding as an In-kind Replacement. As provided in LDC Chapter 1.6, 'In-kind Repair or Replacement' is defined as follows:

Section 1.6.20 - COMMON WORDS

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.

The proposed HardiPlank lap siding and the plywood lap siding are both manufactured siding products that contain and look like wood. As discussed above, the reveal dimension of the plywood lap siding and the HardiPlank lap siding is essentially the same. Both types of siding were installed in a horizontal manner and are rectangular in shape. The appearance and texture of both the plywood lap siding and the HardiPlank lap siding is dominated by a "wood grain" that is the result of a manufacturing process (Attachments A-10 and A-11). Given that each is expected to be painted as part of its use, it is not a requirement that their colors match, as exterior painting is an exempt activity under LDC Section 2.9.70.

Based on the degree of similarity between these two siding materials, it is reasonable to conclude that they match one another in terms of design, texture, materials, dimensions, and shape. The applicant requests the City Council adopt findings to support this conclusion, and retroactively allow installation of the HardiPlank lap siding as an exempt activity under LDC Section 2.9.70.b.

3. **The HRC erred in assessing the compatibility of the HardiPlank siding based on conjectural evidence of siding materials contained in the record, through consideration of which the HRC improperly applied Section 2.9.100.04.b.2.a as a basis for denying the application.**

If the HardiPlank lap siding does not satisfy the definition of In-kind Replacement, then the new siding must be reviewed against the criteria contained in LDC Section 2.9.100.04.b. Part "1." of this section notes the following:

General - The Alteration or New Construction Historic Preservation Permit request shall be evaluated against the review criteria listed below. These criteria are intended to ensure that the design or style of the Alteration or New Construction is compatible with that of the existing Designated Historic Resource, if in existence, and proposed in part to remain, and with any existing surrounding comparable Designated Historic Resources, if applicable. Consideration shall be given to:

- a) **Historic Significance and/or classification;**
- b) **Historic Integrity;**
- c) **Age;**
- d) **Architectural design or style;**
- e) **Condition of the subject Designated Historic Resource;**
- f) **Whether or not the Designated Historic Resource is a prime example or one of the few remaining examples of a once common architectural design or style, or type of construction; and**
- g) **Whether or not the Designated Historic Resource is of a rare or unusual architectural design or style, or type of construction.**

It is common practice for City Planning Staff, the HRC, and applicants to rely on information contained in the corresponding Statement of Significance of a historic resource in order to assess consistency with Section 2.9.100.04.b.1. The analysis presented in the HRC staff report states the following in response to these criteria (Pages 6-7). Text has been emphasized where appropriate.

The Johnson Carriage House was constructed in 1907 and is a Historic Contributing resource in the Avery-Helm National Register Historic District. The Statement of Significance describes the Johnson Carriage House as a two-story, wood frame vernacular building, which originally was a carriage house. Small porches were added in its "early conversion to an apartment house." The Statement of Significance describes the siding as horizontal board siding; it does not provide any information about original doors. The Johnson Carriage House is a relatively simple house. It is not a prime example or one of the few remaining examples of a once common architectural style, nor is it a rare or unusual

architectural style. The Johnson Carriage House appears to be in good condition. Much of the building's Historic Integrity is intact, as it is in the location where it was originally constructed and shows the stylistic character of its original form. Some windows appear to be originals, and others are vinyl replacement windows (Attachment A.7 and D). According to the application, the original siding was replaced with a manufactured horizontal plywood siding (Attachments A.7, 17, 18). This alteration would have reduced the building's Historic Integrity in terms of materials and construction techniques.

The following is the LDC Chapter 1.6 definition of Historic Integrity:

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

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

Siding

The applicant seeks approval to install horizontal fiber-cement siding, on top of the existing manufactured wood siding believed to have been installed in the 1970s. The proposed siding is similar to the previously existing siding, and most likely, the original siding, in that it has a horizontal orientation. The application states that the reveal of the existing siding varied, but that much of it was approximately 8-inches wide, and that the proposed siding has a uniform 6-inch reveal (Attachments A.7, 14). Based on the description of the existing siding as non-original, manufactured siding with variable reveals, the proposed horizontal siding with a uniform reveal is a historically appropriate siding design for the Johnson Carriage House per Section 2.9.100.04.b.1. It is likely that horizontal siding (perhaps drop lap) was originally used on the building. Horizontal siding was common during the Avery-Helm District's Period of Significance (1854-1949) (Attachment B.2). The proposed siding style is compatible with the horizontal drop-lap siding on the building to the north of the subject building (602 SW 2nd – see Attachment C.2), the horizontal clapboard siding on the building to the south (630 SW 2nd). These are the only two buildings within the Avery-Helm Historic District that abut the subject site. Buildings further south on SW 2nd Street and

within the Historic District also have horizontal siding. The auto repair shop west of the site is not in the Historic District. As such, the siding design is also compatible with the design of surrounding comparable buildings.

The applicant concurs with this assessment and reiterates that: (1) just like HardiPlank lap siding, the plywood lap siding was a manufactured wood product, not real wood; (2) the plywood lap siding had been installed on the house and the attached garage in a horizontal configuration with a reveal width essentially the same as that of the new HardiPlank lap siding (Attachments A-20 through A-22); (3) that the plywood lap siding had a wood grain finish similar to that of the new HardiPlank lap siding (Attachments A-10 and A-11); and (4) despite the presence of plywood lap siding having “reduced the building’s Historic Integrity in terms of materials and construction techniques,” the Johnson Carriage House was still found, through the historic resource inventory completed for the Avery-Helm National Register Historic District, to contain “sufficient original workmanship and material[s]...to show the construction technique and stylistic character of a given Period of Significance”, and subsequently categorized as ‘Historic/Contributing (1)’. Thus, given the similarities between the two types of lap siding, it is reasonable to conclude that the proposed HardiPlank lap siding would not further diminish the Historic Integrity of the Johnson Carriage House or that of the Avery-Helm National Historic District.

The next set of criteria that were reviewed in the HRC staff report comes from Section 2.9.100.04.b.2, which states:

2. In general, the proposed Alteration or New Construction shall either:

a) Cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the applicable Period of Significance; or

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

The corresponding analysis from the HRC staff report states the following. Again, emphasis has been added where appropriate.

Siding

It is not clear what the original siding was, but according to the application, the existing siding is a manufactured horizontal siding believed to have been installed 30-40 years ago (Attachment A.17).

The proposal is also historically compatible based on consideration of Section 2.9.100.04.b.2, because the design, style, and appearance of the siding is similar to the style of siding found during the Period of Significance in the Historic District. Viewed from SW Second Street, it is difficult to know if the proposed siding is fiber-cement or wood. This indicates that its appearance is similar to what would be expected if wood siding were used; the siding material most commonly used during the District’s Period of Significance. The proposed fiber-cement material is not always an appropriate substitute material for wood. In this

case, based on the application materials, it is assumed that the existing siding was a manufactured siding, and not original to the house. Assuming the original siding was wood, the fiber cement materials would not more closely approximate the original material composition. However, the fiber cement would not be any less compatible, or further erode the Historic Integrity of the Johnson Carriage House, compared to the existing manufactured siding. If available, the existing manufactured siding could be replaced In-kind.

The applicant concurs with this assessment, and notes the manufactured plywood lap siding is no longer commercially available.

Consistency with Section 2.9.100.04.b.2 can be achieved through satisfying either Part “a)” or Part “b)”. It is clear that the HardiPlank lap siding would not further diminish the historic characteristics of either the Johnson Carriage House or the Avery-Helm National Historic District because the new siding so closely approximates the plywood lap siding that was in place at the time each resource was found to contain sufficient Historic Integrity. Further, the HRC has recently approved the use of HardiPlank as a siding material on other buildings within the District (Attachment C), as well as the use of synthetic wood materials on existing Historic/Contributing resources on the same block of SW 2nd Street as the Johnson Carriage House (Attachment D). Therefore, the use of HardiPlank lap siding, as proposed by the applicant, satisfies 2.9.100.04.b.2.b and is consistent with previous approvals granted by the HRC.

Despite these consistencies, the HRC chose to focus solely on whether the application satisfied 2.9.100.04.b.2.a. Throughout the hearing, several members of the HRC referred to this criterion and commented on the apparent inability of the application to comply with it. In fact, in one instance, a commissioner suggests that had the applicant applied under 2.9.100.04.b.2.b, the HRC would have had more latitude to grant an approval (refer to audio recording at 2:18:40). It was inappropriate for the HRC to apply 2.9.100.04.b.2.a at all, because the HRC relied on conjectural evidence contained in the record in order to do so.

Pages 9-10 of the HRC staff report contain an analysis of the application against the criteria contained in LDC Section 2.9.100.04.b.3. The review states the following. As above, emphasis has been added where appropriate.

E. Review Criteria: Compatibility Criteria for Structures and Site Elements

Similar to LDC Sections 2.9.100.04(b).1 and “2,” LDC Section 2.9.100.04(b).3 requires Alteration or New Construction activities to “complement the architectural design or style or the primary resource,” based on consideration of 14 compatibility criteria for structures and site elements. The following evaluates the proposal’s compatibility based on these review criteria.

Facades

Architectural features, such as balconies, porches, bay windows, dormers, or trim details shall be retained, restored, or designed to complement the primary structure and any existing surrounding comparable Designated Historic Resources. Particular attention should be paid to those facades that are

significantly visible from public areas, excluding alleys. Architectural elements inconsistent with the Designated Historic Resource's existing building design or style shall be avoided.

Architectural Details

Retention and repair of existing character-defining elements of a structure, such as molding or trim, brackets, columns, cladding, ornamentation, and other finishing details and their design or style, materials, and dimensions, shall be considered by the property owner prior to replacement. Replacements for existing architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.

The proposed horizontal siding has a 6-inch reveal. This is different from the approximately 8-inch reveal of the existing horizontal siding (Attachments A.14 and D.6-10). While different from the existing siding, the proposed siding design (horizontal with a 6-inch reveal) is complementary to the Johnson House and surrounding comparable Designated Historic Resources. As such, the proposed siding is compatible based on the Facades and Architectural Details criteria.

[Discussion regarding window and door trim removed for the sake of clarity.]

Building Materials

Building materials shall be reflective of, and complementary to, those found on the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. Siding materials of vertical board, plywood, cement stucco, aluminum, exposed concrete block, and vinyl shall be avoided, unless documented as being consistent with the original design or style, or structure of the Designated Historic Resource.

Siding

The existing siding is described as a manufactured plywood material that was installed in the 1970s (Attachment A.14). It is not certain what the original siding material was, but based on remnants of siding on the interior wall of the attached shed, the original siding may have been wood drop lap (Attachment D.8). The provisions in LDC Chapter 2.9 do not require a proposed Alteration or New Construction to return the Designated Historic Resource to its original form or material composition. The above criteria directs building materials to be reflective of, and complementary to, materials on the Designated Historic Resource and surrounding comparable Designated Historic Resources.

The proposed fiber cement material is reflective of the existing manufactured wood siding, and arguably closer in appearance to the original wood material, than the existing materials. The proposed siding is also reflective of, and complementary to, the style and materials (wood) of abutting Designated Historic Resources, and the siding found throughout the Historic District. As stated above, the proposed siding would not further reduce the Historic Integrity of the Johnson Carriage House compared to retaining the existing siding. And, viewed

from SW Second Street, it is difficult to know if the proposed siding is fiber-cement or wood. This indicates that its appearance is similar to what would be expected if wood siding were used: the siding material most commonly used during the District's Period of Significance.

With the exception of misinterpreted information concerning the reveal width of the plywood lap siding, the applicant concurs with the assessment presented above in response to the criteria addressing 'Facades', 'Architectural Details', and 'Building Materials'. The applicant emphasizes the direction provided under the 'Facades' criterion that "*Particular attention should be paid to those facades that are significantly visible from public areas, excluding alleys.*" Attachments A-1, A-2, A-3, A-4, and A-8 show views of the east and northwest perspectives of the Johnson Carriage House from the edge of the rights-of-way for SW 2nd Street and SW Western Boulevard nearest the structure. The house is not visible from any other public rights-of-way, excluding the alley immediately west of it. Based on measurements taken by the applicant, the house is approximately 60 feet from the SW 2nd Street edge of right-of-way, and approximately 70 feet from the SW Western Boulevard edge of right-of-way. At these distances, it is essentially impossible to tell a significant difference between the plywood lap siding and the HardiPlank lap siding, as supported by the photographs referenced above.

The applicant disputes the HRC's reliance on written testimony submitted at the January 10, 2012, hearing as partial justification for denying the subject request (refer to audio recording at 3:42:40). As suggested in the written testimony, the reference for assessing compliance with LDC Section 2.9.100.04.b.3.b (Building Materials) should not be the structure itself, but the property immediately to the north at 602 SW 2nd Street, otherwise known as the Johnson House. The subject building was originally constructed in 1907 as the carriage house of the Johnson House based on information contained in the corresponding Statement of Significance. However, as is also noted in the Statement of Significance, the Johnson Carriage House was converted to apartments in 1927 by the original owner of the Johnson House and subsequently sold to another party in 1933. This notable change in use and ownership occurred during the Period of Significance of the Avery-Helm National Historic District, which extends between 1870 and 1949. Therefore, of the 42-year period during which the existence of the Johnson Carriage House coincided with the Period of Significance, it was used as a carriage house for 20 years and as an apartment building for 22 years. The predominant use of the structure during this period was not as a carriage house of the Johnson House, therefore it is unreasonable conclude that the Johnson House should serve as the Primary Resource against which compliance with LDC Section 2.9.100.04.b.3 is assessed.

As additional support for reviewing the request against LDC Section 2.9.100.04.b.2.b, the applicant strongly emphasizes the statement made by Staff regarding the original siding material presumably used on the main house. Attachment 'D.8' of the HRC staff report purportedly shows some of the original siding materials that remain on the north elevation of the house (Attachment A-9). Careful inspection of this photo clearly shows two types of siding material. The applicant notes further that this photo shows only a small portion of one wall of the entire house. As a result, it is unreasonable to rely on this photo in order to reach a conclusion as to the type(s) and/or condition(s) of the original siding that might exist elsewhere on the house. Nevertheless, that is exactly what the HRC did during its deliberations on this case. There were numerous instances when the HRC made comments that they knew for certain the original

siding material was droplap or shiplap, and then speculated about whether it could be restored (refer to audio recording at 2:24:12, 3:26:10, 3:26:50, 3:28:20, 3:36:08). The only evidence contained in the record upon which such conclusions could be made is the photo presented as Attachment 'D.8' of the HRC staff report, which is the same photograph presented in Attachment A-9.

It is also clear, given comments made during its deliberations, that the HRC denied the subject request based in part on their conclusion that the HardiPlank lap siding did not satisfy Section 2.9.100.04.b.2.a, because it did not "cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the applicable Period of Significance." In other words, the HardiPlank did not closely approximate the droplap siding shown on Attachment A-9 that was presumed to be present on all other portions of the exterior. The only way such a conclusion could be reached is if the HRC relied on conjectural evidence of the style and materials of the original siding, and ignored the fact that Attachment A-9 shows two types of siding. Such evidence is expressly prohibited by Section 2.9.100.04.b.3.c ("Conjectural architectural details shall not be applied."). This method of analysis was cautioned by the City Attorney during the HRC hearing when it was noted that reliance on Section 2.9.100.04.b.2.a would require assessing whether the proposed HardiPlank lap siding closely approximated the original (refer to audio recording at 3:28:53). It cannot be concluded that the droplap siding covered the entire house or that it was even the original siding. Therefore, to the extent the HRC relied on conjectural evidence of the original siding, and subsequently applied Section 2.9.100.04.b.2.a and found the application did not satisfy this criterion, their decision was in direct conflict with the applicable review criteria and should be reversed by the City Council. After correcting information in the record regarding the plywood siding reveal width, this conclusion is strongly supported by the additional considerations that the analysis presented in the HRC staff report clearly demonstrates the HardiPlank lap siding satisfied the criteria contained in LDC Sections 2.9.100.04.b.2.b and 2.9.100.04.b.3, and that compliance with Section 2.9.100.04.b.2.a was, therefore, not necessary to approve the request.

Modifications to the Applicant's Original Request

As permitted through LDC Section 2.19.30.01.c, the applicant proposes to modify the original proposal as follows:

1. **Correct the orientation of new front porch landing boards and replace the front porch railing** – The applicant had replaced the previously existing front porch landing boards and removed a partially remaining railing as part of the broader rehabilitation project (Attachments A-1, A-2, A-17, and A-18). During the HRC hearing, commission members commented on the replacement and reorientation of the front porch landing boards to run parallel with the face of the house rather than being perpendicular as they had been previously. The HRC also noted that the partially remaining front porch railing shown in Attachments A-1 and A-2 had been removed by the applicant.

The applicant proposes to rectify these two elements by reorienting the front porch landing boards to be perpendicular to the face of the house, and by reconstructing the wood railing to match the style and design shown on Attachment A-1 and A-2. This proposal is consistent with conclusions reached by the HRC during the January 10, 2012, hearing (refer to audio recording at 3:04:40). Both of these corrective actions are proposed to comply with the exemptions permitted through Section 2.9.70, as discussed further, below.

2. **Replace painted metal front and rear doors with either wood or metal-clad wood doors**

The applicant replaced the previously existing front and rear doors with painted metal doors (Attachments A-1, A-2, A-12, A-13). Although the applicant cannot recall with exact certainty what materials the previous doors were constructed from, the best recollection suggests they were wood. The HRC commented on the lack of compatibility the painted metal doors achieved with the Johnson Carriage House and their inability to satisfy criteria in Section 2.9.100.04.b, Parts "1.", "2.", and "3." The HRC's denial of the subject request was based in part on these findings.

The applicant proposes to remove the painted metal doors and replace them with either wood or metal-clad wood doors, as permitted through the Director-level HPP process described in Sections 2.9.90 and 2.9.100. A response to the applicable criteria is provided below.

3. **Re-introduce the windows along the east and north elevations of the attached garage –**

The applicant stated during the HRC hearing that window openings along the east and north elevations of the attached garage had been covered when the new HardiPlank siding was installed (Attachments A-1, A-5, and A-16). Although the window glass had been removed for some time and replaced with plywood, the overall structure of each window remained intact. The HRC noted during its deliberations that by covering these windows, the applicant had significantly altered the existing historic style, design, and materials of the structure, and, therefore, did not comply with Sections 2.9.100.04.b, Parts "1.", "2.", and "3." The HRC's denial of the subject request was based in part on these findings.

The applicant proposes to reintroduce the window openings and the replace glass panes consistent with the exemptions permitted through Section 2.9.70. Window trim that had surrounded each window was removed and retained by the applicant, and will be reinstalled consistent with the previous configuration and dimensions.

Response to Applicable Review Criteria

Section 2.9.70 - EXEMPTIONS FROM HISTORIC PRESERVATION PERMIT REQUIREMENTS

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

- b. Routine Maintenance and/or In-kind Repair or Replacement - Routine maintenance of any exterior feature of a Designated Historic Resource that does not involve a change in the design or style, dimensions, or material of the resource. A complete definition for In-kind Repair or Replacement is contained in Chapter 1.6 - Definitions. The In-kind**

Repair or Replacement of deteriorated materials is also allowed; however, it is recommended that repair be considered prior to replacement. Also included in routine maintenance are the following:

Section 1.6.20 - COMMON WORDS

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.

Front Porch

The applicant proposes to replace the previously existing wood railing on the front porch of the subject building so that it reflects the exact design and materials used on the original. Based on photographic evidence of the east elevation, the railing was composed of two-inch by two-inch wood rails spaced four inches on center. The rails were two feet tall, topped by a wood two-inch by four-inch cap rail, and supported by a similarly dimensioned wood foot rail that sat directly on the porch landing boards. The railing extended between the posts supporting the porch roof. The railing was painted to match the color of the building. The replacement railing will match these materials and dimensions, as well as the color of the house.

The original front porch boards were wood and dimensioned as two-inches thick by six-inches wide. As shown in Attachment A-1, the boards were oriented perpendicular to the face of the house. The applicant installed wood boards of the same thickness and width, but oriented them parallel to the face of the house (Attachment A-18). The applicant proposes to re-orient the new porch landing boards so they are perpendicular to the face of the house.

Garage Windows

Based on photographs of the east and north elevations of the attached garage, the window openings in each of these elevations was one-foot, nine-inches wide (1'9") by two-feet, six-inches tall (2'6"). Four-inch wide wood trim surrounded each window. Neither of the windows contained glass panes when the applicant purchased the house, and were instead covered by a sheet of plywood (Attachments A-1 and A-16). There is no evidence to suggest that either of the windows contained divided lights. The applicant will remove the corresponding area of HardiPlank lap siding from over each of these window openings, and replace the previously installed wood trim. New single pane glass will be installed in both windows.

Section 2.9.90 - PROCEDURES FOR ALL REQUIRED HISTORIC PRESERVATION PERMITS (DIRECTOR-LEVEL AND HRC-LEVEL)

2.9.90.06 - Review Criteria

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

The installation of new wood or wood-clad front and rear doors on the subject building will not require obtaining building permits from the City of Corvallis.

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

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

A Historic Preservation Permit request for any of the Alteration or New Construction activities listed in Sections "a" through "o," below, shall be approved if the Alteration or New Construction is in compliance with the associated definitions and review criteria imbedded therein, listed below. Such Alteration or New Construction activities are classified as a Director-level Historic Preservation Permit. Some activities that are similar to Director-level Historic Preservation Permits may be exempt from permit review per Section 2.9.70 or may require review by the Historic Resources Commission.

- e. **Replacement of Windows or Doors on Historic, Historic/Contributing, and Historic/Noncontributing Resources- Windows and doors may be replaced with new windows and doors containing double-pane glazing and meeting current Building Code energy efficiency standards. The following provisions also apply:**
 1. **Except as otherwise provided in subsections 2-5, below, the replacements shall match the replaced items in:**
 - a. **Materials;**
 - b. **Design or style;**
 - c. **Size;**
 - d. **Sash and Muntin dimensions (a 1/2-in. tolerance in size is permitted for Sashes, and a 1/8-in. tolerance in size is permitted for Muntins);**

- e. **Number and type of divided lites (either true or simulated lites are permitted; snap-on grids are not); and**
 - f. **Shape.**
2. **Metal-clad wood may be substituted for the original, non-glass materials of the replaced items.**
 3. **On residential structures, non-wood doors and hollow-core doors may be replaced with doors of a dissimilar design, provided the replacement doors are solid wood or metal-clad solid wood and are the same size, and in the same location as the door to be removed. Glass is permitted in the replacement door.**

A photograph of the east elevation of the subject building shows a front door painted white with nine divided lites in the top of the door, and a single recessed panel in the bottom (Attachment A-1). The glass panes were approximately nine inches wide and 12 inches tall. It is not possible to determine from the photograph the exact dimensions of the muntins. The applicant believes this door was constructed of wood.

The applicant proposes to replace the existing painted metal doors installed on the front and rear elevations of the building with either wood or metal-clad wood doors that match the detailing and dimensions noted above. The applicant will ensure that the existing door frame dimensions are not altered as a result.

Summary

The information presented above establishes in detail the grounds for this appeal, and, where appropriate, references the applicable LDC criteria against which the subject request should have been reviewed by the HRC. While the applicant believes the decision to deny approval of the HPP was based, in part, on inaccurate information and conjectural evidence, it is also acknowledge that some elements of the original proposal did not comply with the applicable standards from Chapter 2.9. The applicant has made an effort to address those shortcomings as part of this appeal. We look forward to presenting our case to the City Council for their consideration.

Respectfully Submitted,



Eric M. Adams

Attachments:

- Attachment A – Photographs of Johnson Carriage House
- Attachment B – HRC Notice of Disposition on HPP11-00033
- Attachment C – HRC Notice of Disposition on HPP11-00032
- Attachment D – HRC Notice of Disposition on HPP11-00027

Appellants' Names and Addresses:

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Johnson Carriage House Appeal

View of east elevation from edge of sidewalk along SW 2nd St. Face of house is approximately 60 ft. from edge of right-of-way.

06/09/2009 08:52

Attachment A-1

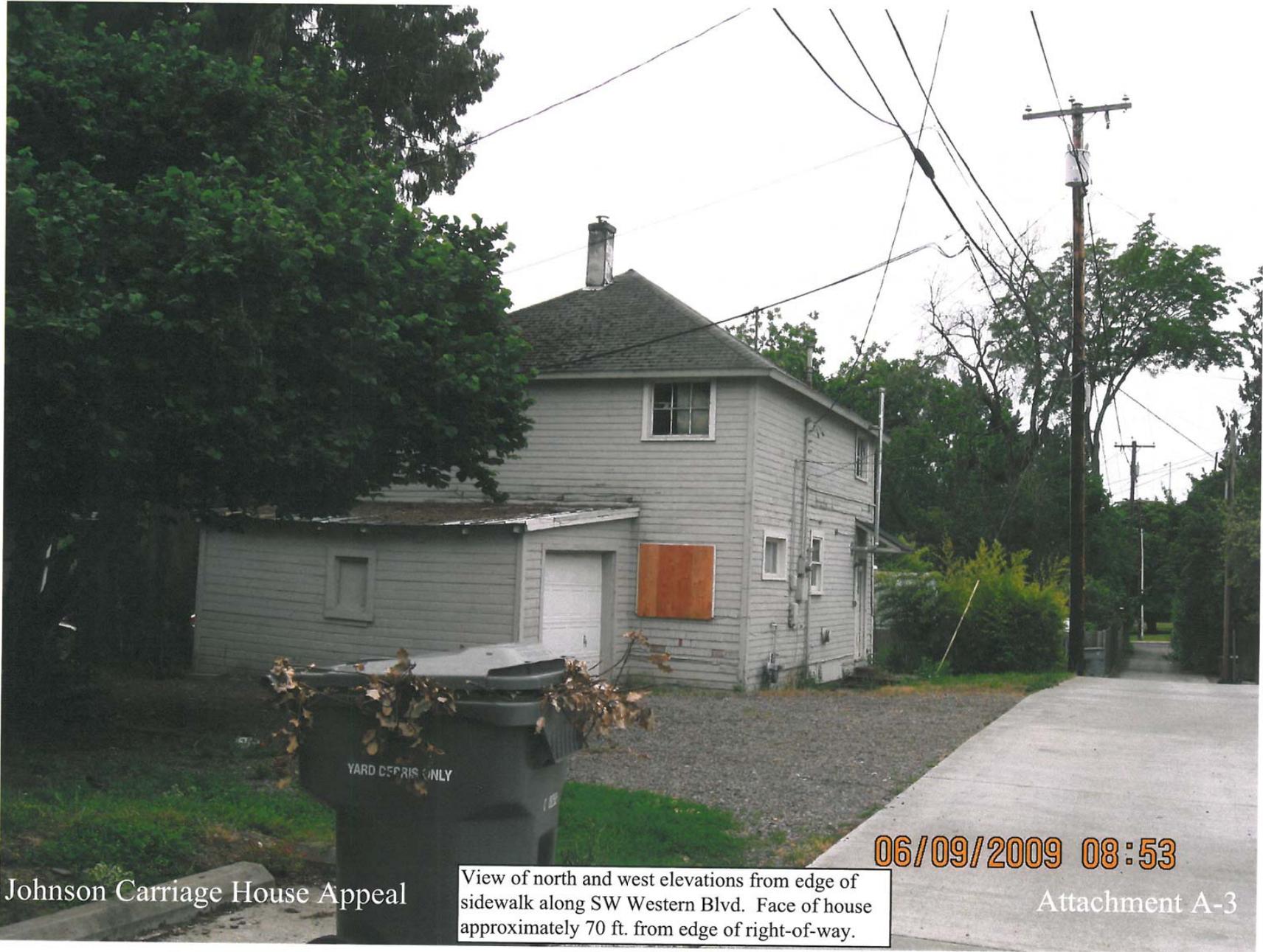


Johnson Carriage House Appeal

View of east elevation from edge of sidewalk
along SW 2nd St.

06/09/2009 08:52

Attachment A-2

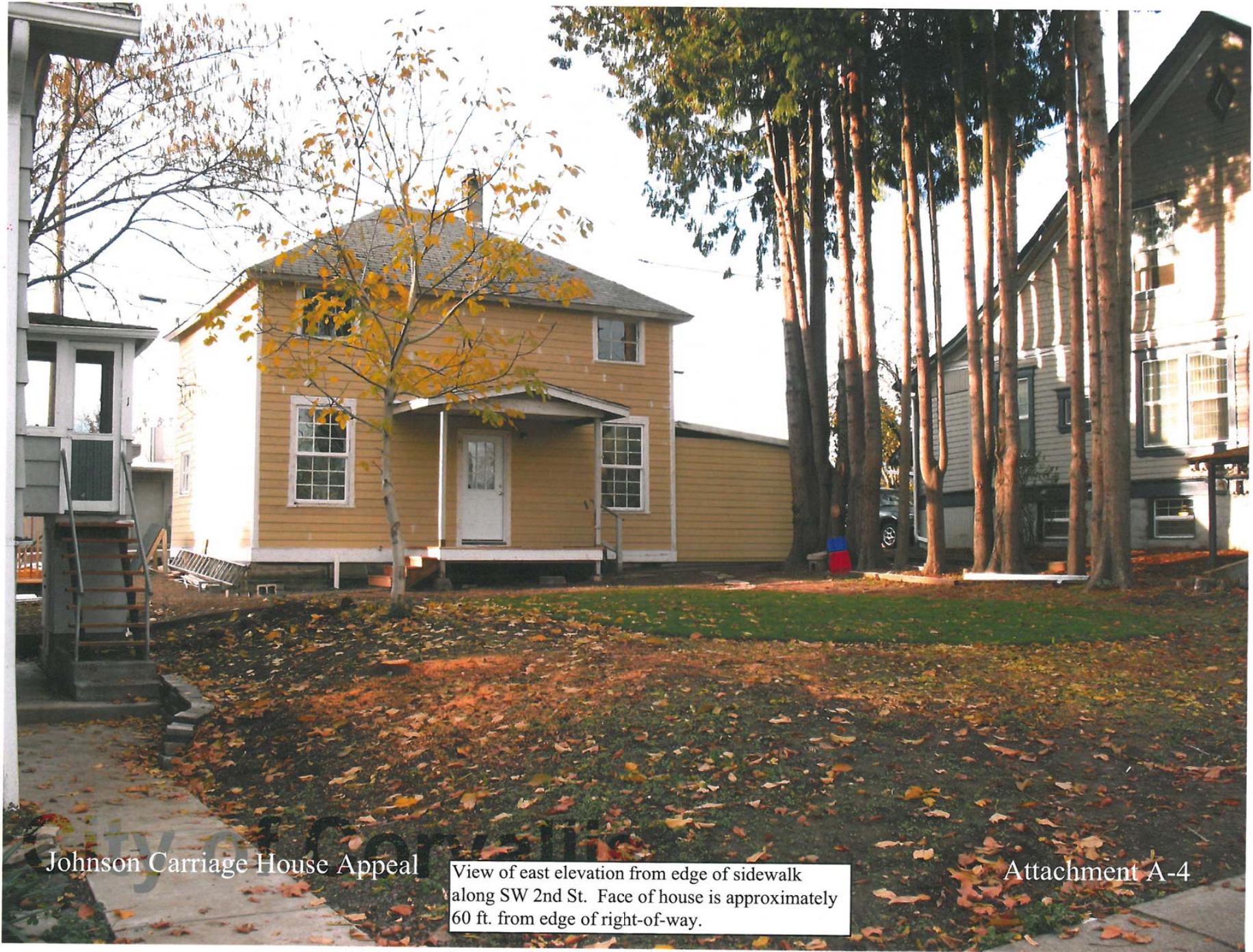


Johnson Carriage House Appeal

View of north and west elevations from edge of sidewalk along SW Western Blvd. Face of house approximately 70 ft. from edge of right-of-way.

06/09/2009 08:53

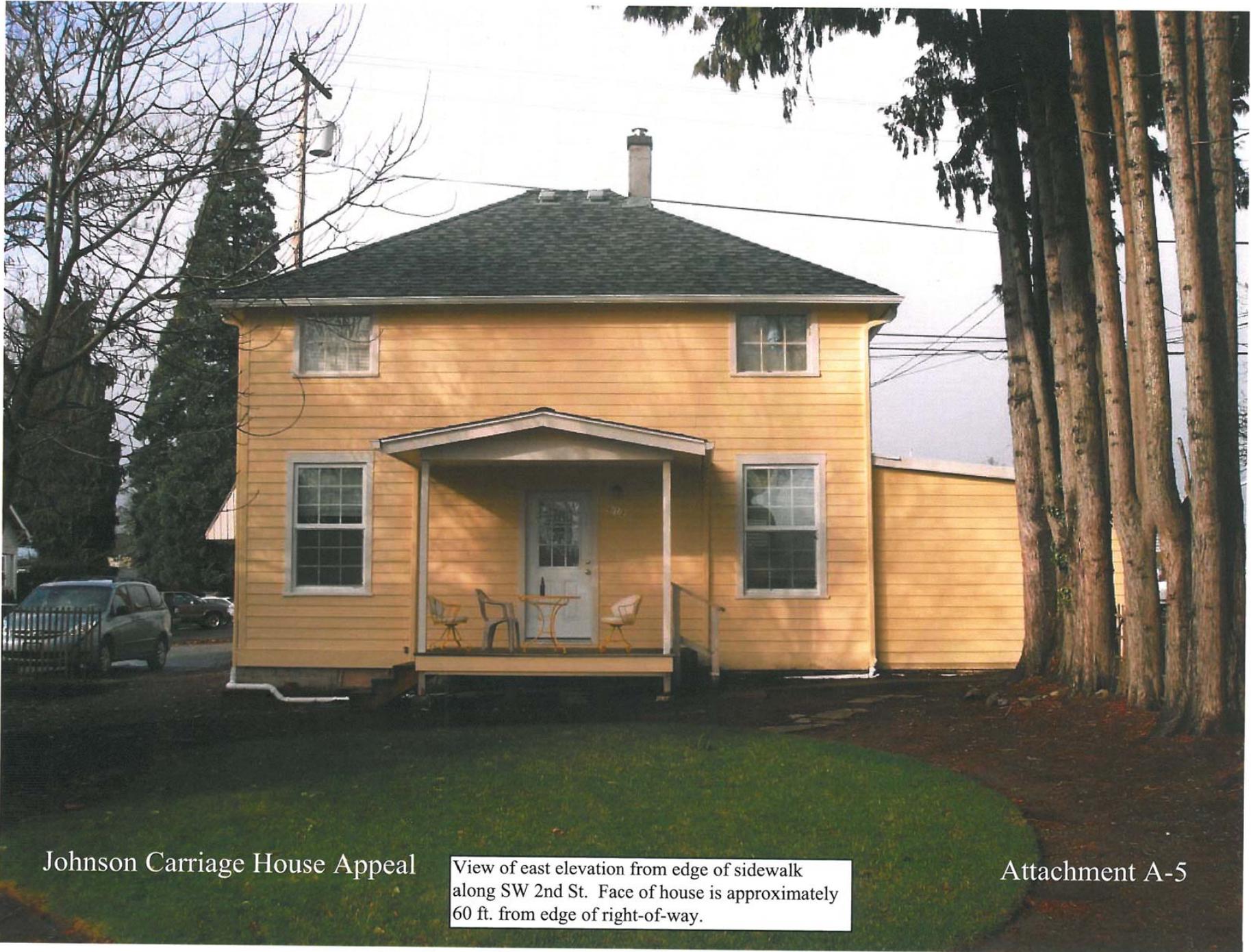
Attachment A-3



Johnson Carriage House Appeal

View of east elevation from edge of sidewalk along SW 2nd St. Face of house is approximately 60 ft. from edge of right-of-way.

Attachment A-4



Johnson Carriage House Appeal

View of east elevation from edge of sidewalk along SW 2nd St. Face of house is approximately 60 ft. from edge of right-of-way.

Attachment A-5

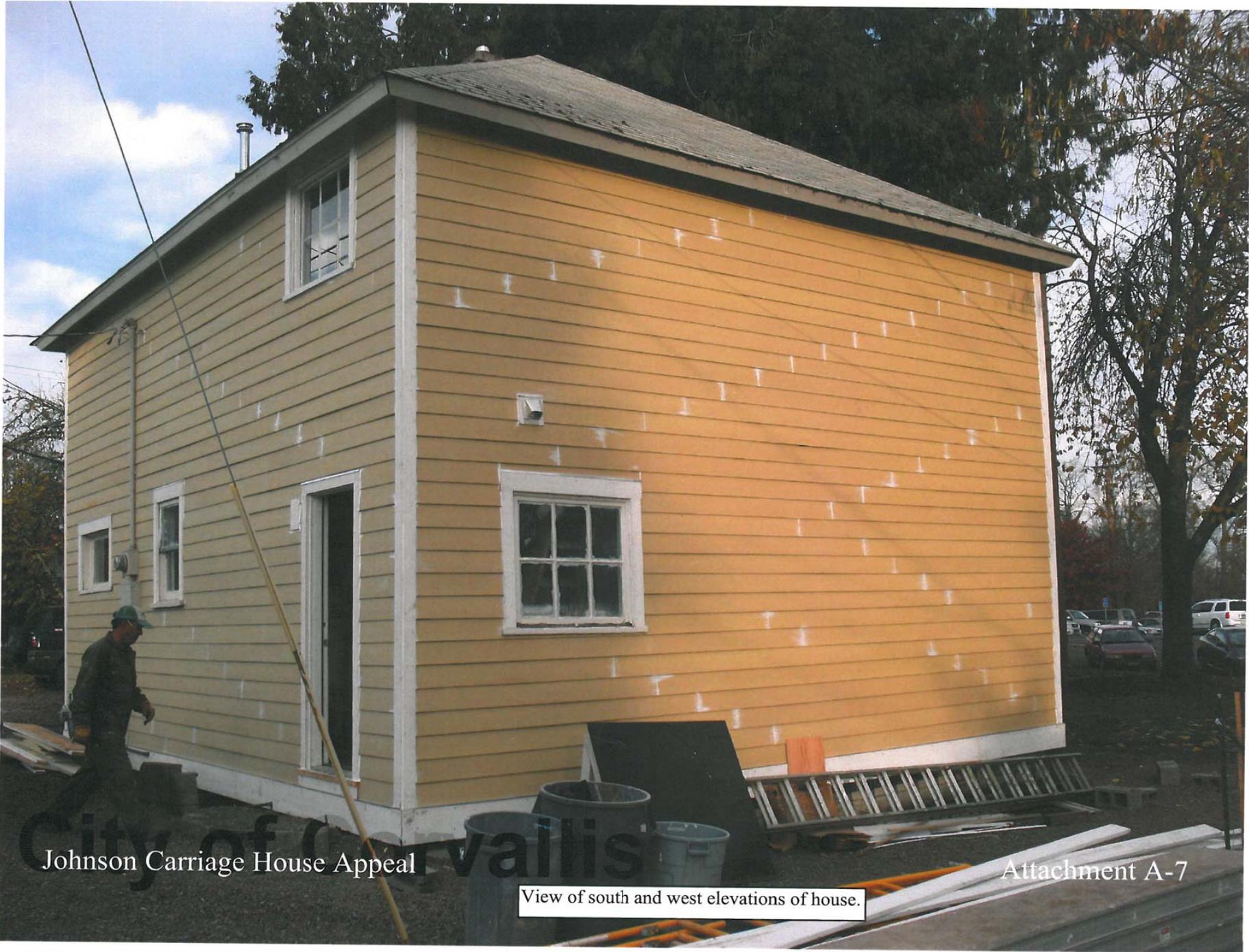


City of Corvallis

Johnson Carriage House Appeal

09/13/2010 09:29
Attachment A-6

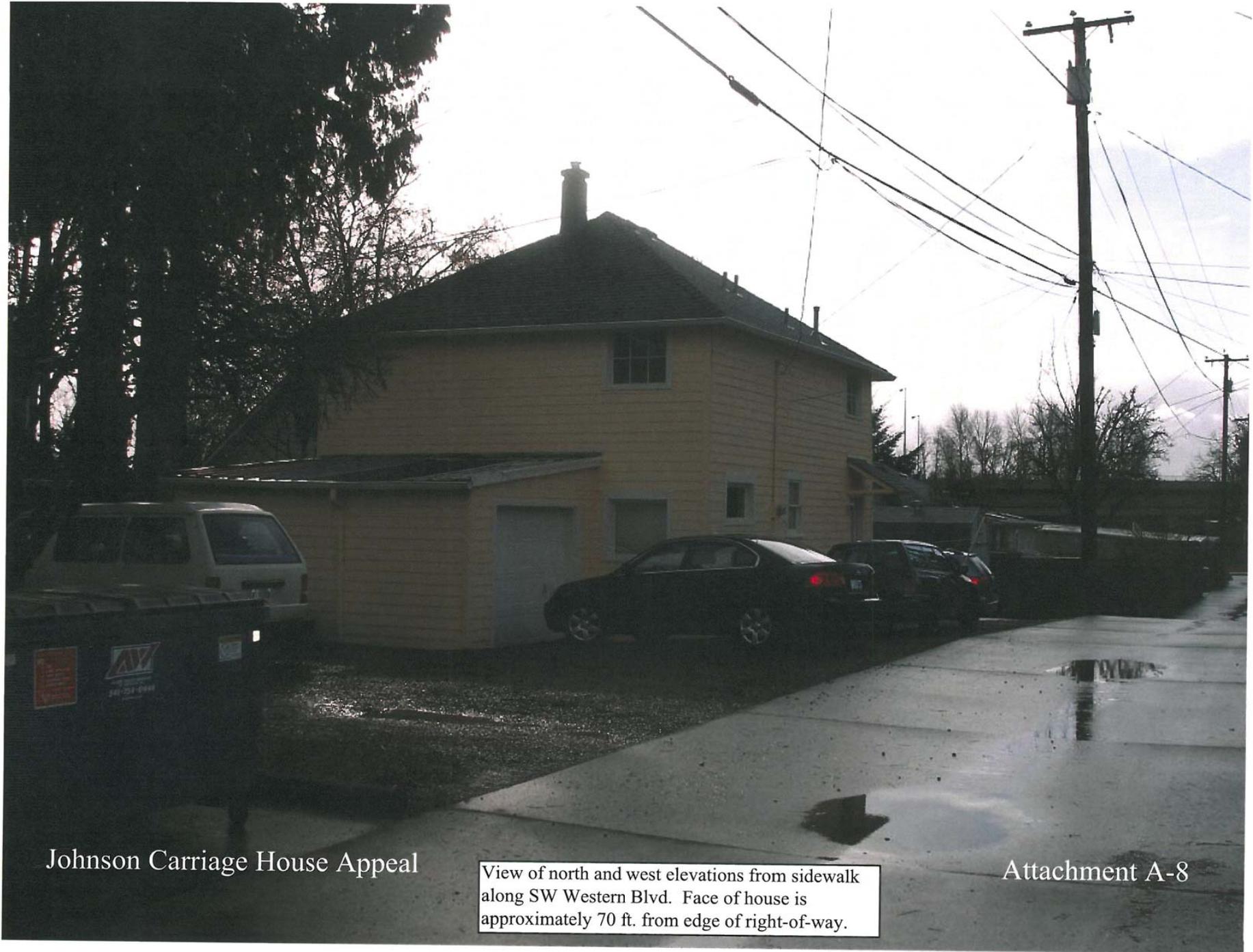
View of north and west elevations of house, and west elevation of garage.



Johnson Carriage House Appeal

Attachment A-7

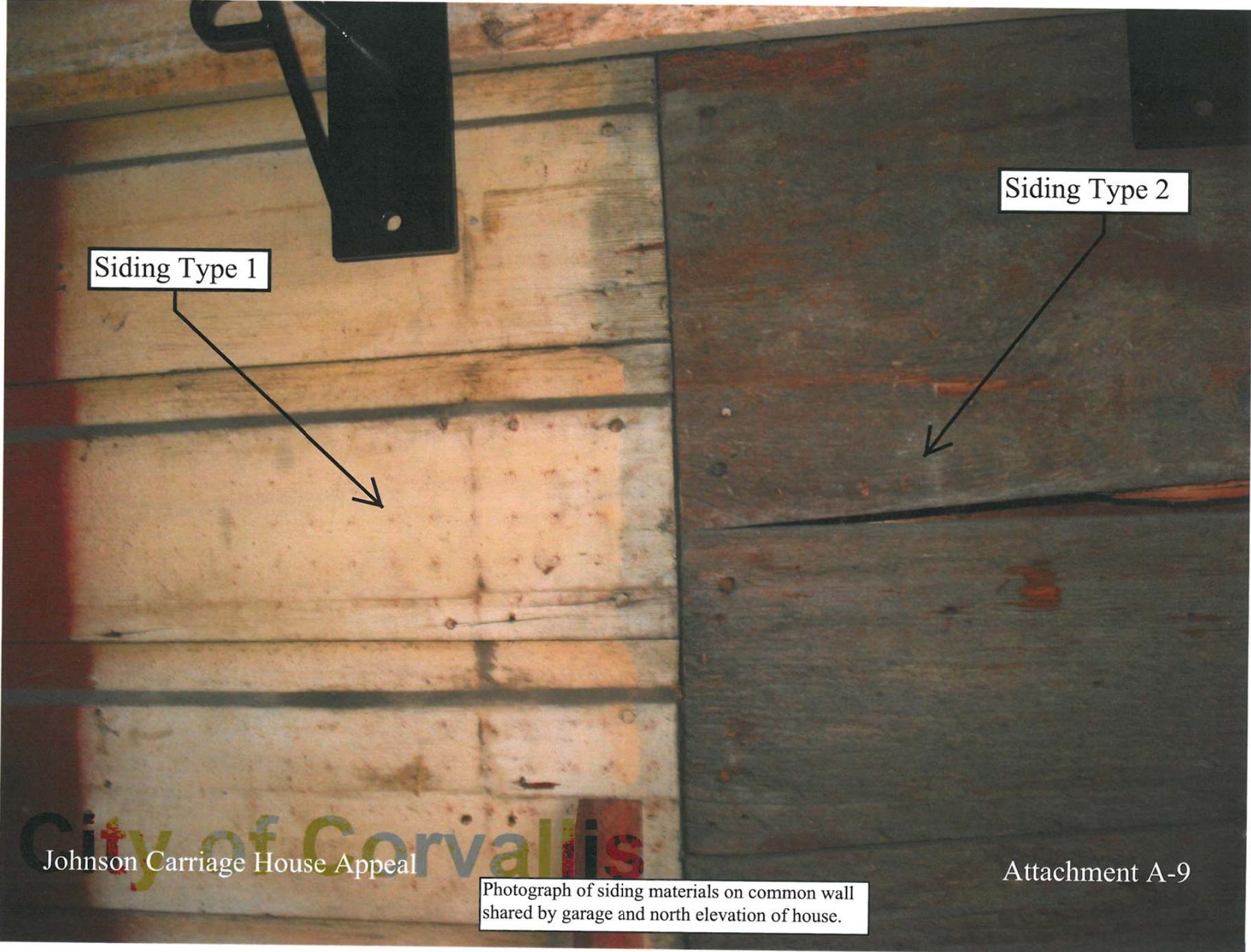
View of south and west elevations of house.



Johnson Carriage House Appeal

View of north and west elevations from sidewalk along SW Western Blvd. Face of house is approximately 70 ft. from edge of right-of-way.

Attachment A-8



Siding Type 1

Siding Type 2

Johnson Carriage House Appeal

Attachment A-9

Photograph of siding materials on common wall shared by garage and north elevation of house.



City of Corvallis
Johnson Carriage House Appeal

Photograph showing texture of plywood lap siding.

Attachment A-10

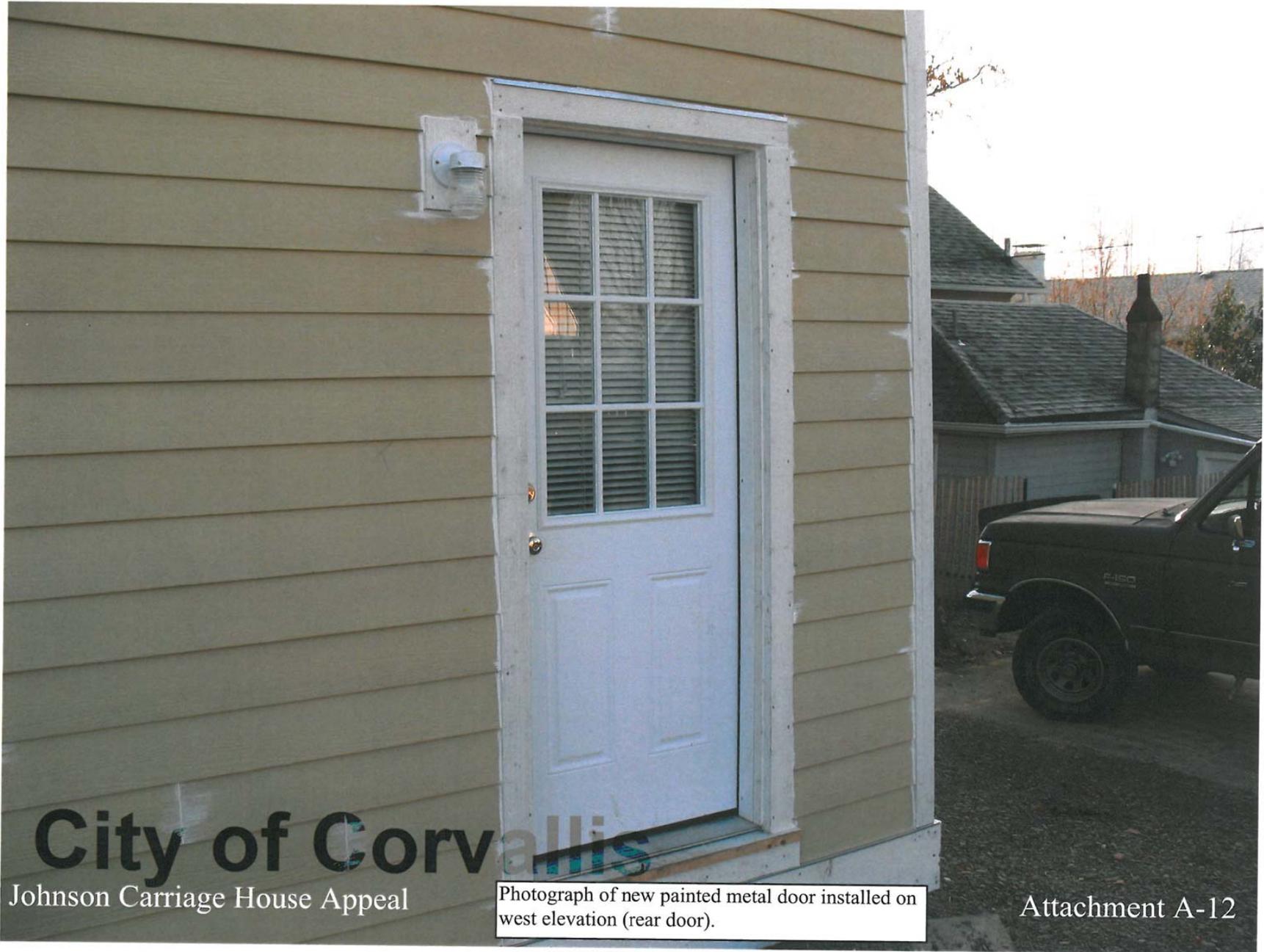


City of Corvallis

Johnson Carriage House Appeal

Photograph showing texture of HardiPlank lap siding.

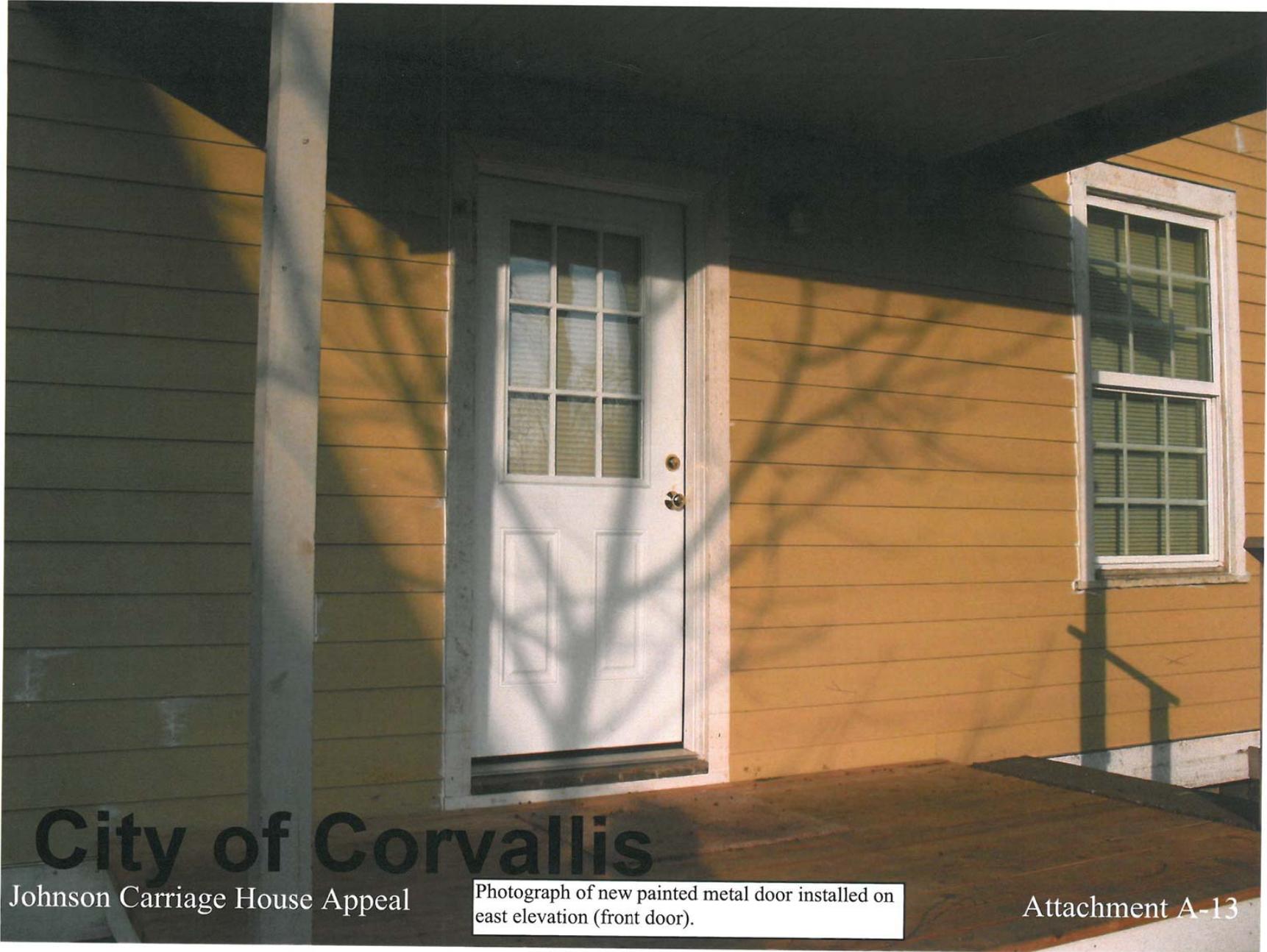
Attachment A-11



City of Corvallis
Johnson Carriage House Appeal

Photograph of new painted metal door installed on west elevation (rear door).

Attachment A-12



City of Corvallis

Johnson Carriage House Appeal

Photograph of new painted metal door installed on east elevation (front door).

Attachment A-13



Johnson Carriage House Appeal

09/13/2010 09:28 Attachment A-14

Photograph of window and window trim on east elevation.



City of Corvallis
Johnson Carriage House Appeal

Photograph of new window trim installed on east elevation.

Attachment A-15



Johnson Carriage House Appeal

Photograph of north elevation of garage showing window with glass pane removed. Existing window trim was removed and retained by applicant.

09/13/2010 09:27 Attachment A-16



City of Corvallis

Johnson Carriage House Appeal

09/13/2010 09:28
Attachment A-17

Photograph of new front porch landing boards.



Johnson Carriage House Appeal

Photograph of new front porch landing boards.

Attachment A-18



City of Corvallis

Johnson Carriage House Appeal

09/13/2010 09:28
Attachment A-19

Photograph of new front porch steps installed to meet Building Code requirements.



Johnson Carriage House Appeal

Photograph of HardiPlank lap siding showing six-inch reveal width.

Attachment A-20



Johnson Carriage House Appeal

Attachment A-21

View of west elevation of garage, and north and west elevations of house showing reveal width of plywood siding and HardiPlank siding.



Johnson Carriage House Appeal

View of north and west elevations of garage, and north elevation of house showing reveal width of plywood siding and HardiPlank siding.

Attachment A-22



**HISTORIC RESOURCES COMMISSION
NOTICE OF DISPOSITION**

ORDER NO. 2012-003

CASE: Johnson Carriage House (HPP11-00033)

REQUEST: Approval of a Historic Preservation Permit application to replace wood siding and two exterior doors with non-original materials. The siding is proposed to be fiber cement (Hardiplank) and the doors are proposed to be steel. The applicant also requests to install new front steps to comply with building code standards as a Director-level activity.

**OWNER /
APPLICANT:** Rob Schneider
2680 DeArmond Drive
Corvallis, OR 97333

LOCATION: The Johnson Carriage House is located at 612 SW 2nd Street. The house is on Tax Lot 3100 of Benton County Assessor's Map No. 12-5-02 BD.

On January 10, 2012, the Corvallis Historic Resources Commission held a public hearing, deliberated, and decided to deny the subject application. The Commission's findings from deliberations are reflected in the minutes from that meeting.

If you are an affected party and wish to appeal this decision, appeals must be filed in writing with the City Recorder within 12 days from the date the order is signed. The following information must be included:

1. Name and address of the appellant(s).
2. Reference the subject development and case number, if any.
3. A statement of the specific grounds for appeal.
4. A statement as to how you are an affected party.

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. The City Recorder is located in the City Manager's Office, City Hall, 501 SW Madison Avenue, Corvallis, Oregon.

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



Deb Kadas, Chair
Historic Resources Commission

Signed: January 11, 2012

Appeal Deadline: January 23, 2012

EXHIBIT I - 39



**HISTORIC RESOURCES COMMISSION
NOTICE OF DISPOSITION**

ORDER NO. 2012-002

CASE: **Benton Habitat for Humanity 5th Street and B Avenue (HPP11-00032)**

REQUEST: Approval of a Historic Preservation Permit application to construct four new residential dwelling units and associated improvements. The new houses are a continuation of existing Planned Development and Historic Preservation Permit approvals (PLD00-00008; HPP00-00004; HPP02-00014; HPP03-00009). The four houses are proposed at the terminus of an existing unimproved alley. In addition to the four new houses, the applicant proposes to improve the alley, remove a Historically Significant Tree within the alley right-of-way, and remove a lean-to shed attached to the garage on Tax Lot 1600.

OWNERS: Bettina Schempf, for Benton Habitat for Humanity
1347 NW 9th Street
Corvallis, OR 97330; and

Lizanne Thompson
800 SW 5th Street
Corvallis, OR 97333

APPLICANT: Bettina Schempf, for Benton Habitat for Humanity
1347 NW 9th Street
Corvallis, OR 97330

LOCATION: The subject site is comprised of two properties. One property is a vacant lot and the other contains a residence and detached garage. Both properties are located west of SW 5th Street between SW B Avenue and SW D Avenue. The site is also described as Tax Lots 10300 and 1600 of Benton County Assessor's Map No. 12-5-02 BC.

The Corvallis Historic Resources Commission held a public hearing, deliberated, and unanimously approved the application on January 10, 2012. The Commission adopted the findings in the December 30, 2011, staff report to the Commission, and findings in support of the Commission's decision which were made during the deliberations at the January 10, 2012, meeting. The Commission's findings from deliberations are reflected in the minutes from that meeting.

If you are an affected party and wish to appeal this decision, appeals must be filed in writing with the City Recorder within 12 days from the date the order is signed. The following information must be included:

1. Name and address of the appellant(s).
2. Reference the subject development and case number, if any.
3. A statement of the specific grounds for appeal.
4. A statement as to how you are an affected party.

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. The City Recorder is located in the City Manager's Office, City Hall, 501 SW Madison Avenue, Corvallis, Oregon.

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


Deb Kadas, Chair
Historic Resources Commission

Signed: January 11, 2012
Appeal Deadline: January 23, 2012
Effective Period: January 23, 2014 (If not appealed)

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

Conditions of Approval

1. Consistency with Plans - Development shall comply with the plans and narrative in the applicant's proposal identified as **Attachment A** of the December 30, 2011, staff report to the HRC. Development shall also comply with any previous approvals for the subject site including all conditions of approval, except as modified by this approval, or unless a requested modification otherwise meets the criteria for an Alteration or New Construction per LDC Chapter 2.9 - Historic Preservation Provisions.

2. Building Permits and other LDC Standards - The applicant shall obtain any required Building Permits associated with the proposal. Work associated with the proposal shall comply with the Building Code, as adopted and amended by the State of Oregon; and other applicable state and local Codes and ordinances related to building, development, fire, health, and safety, including other provisions of the Land Development Code.
3. Major Modification to the Planned Development - Prior to the issuance of building permits for the New Construction activities, the applicant shall receive approval of a Major Modification to the Planned Development (PLD00-00008), that is consistent with the subject HPP approval.
4. Shed Relocation - The three sheds located along the western property line shall be relocated to the east, such that they are at least three feet from any property line, unless the location is modified through the Planned Development process.

Development Related Concerns

- A. Public Improvements - Prior to constructing any public improvements, the applicant will need to submit for review and approval a Public Improvement by Private Contract Permit to the City's Development Review Engineering Division.
- B. Plan Modifications - If any modifications to the HRC-approved site plan result through the Planned Development process, and those modifications require Historic Preservation Permit approval, a new HPP application will be required prior to the issuance of any construction permits.
- C. Archeological Resources - It is anticipated that construction activities associated with the proposal will result in ground disturbing activities. If during construction activities archeological resources are found, the applicant will need to comply with the applicable Oregon Revised Statutes.

Attachments

- Excerpt of application graphics



**HISTORIC RESOURCES COMMISSION
NOTICE OF DISPOSITION**

ORDER NO. 2011-057

CASE: **G.M. Duncan House (HPP11-00027)**

REQUEST: Approval of a Historic Preservation Permit application to replace the wood treads and risers on the east (front) porch steps, as well as the porch landing of the Duncan House with a wood/plastic composite material. The overall dimensions of the steps and landing would not change, however, the widths of the boards comprising the steps and landing would be narrower than existing board widths.

**OWNER/
APPLICANT:** Paige Warner
636 SW Second Street
Corvallis, Oregon 97333

LOCATION: The Duncan House is located at 636 SW Second Street. It is on Tax Lot 2800 of Benton County Assessor's Map No. 12-5-02 BD.

The Corvallis Historic Resources Commission held a public hearing, deliberated, and unanimously approved the application on December 13, 2011. The Commission adopted the findings in the December 2, 2011, staff report to the Commission, and findings in support of the Commission's decision which were made during the deliberations at the December 13, 2011, meeting. The Commission's findings from deliberations are reflected in the minutes from that meeting.

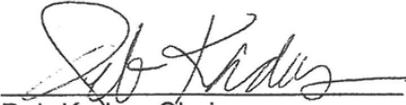
If you are an affected party and wish to appeal this decision, appeals must be filed in writing with the City Recorder within 12 days from the date the order is signed. The following information must be included:

1. Name and address of the appellant(s).
2. Reference the subject development and case number, if any.
3. A statement of the specific grounds for appeal.
4. A statement as to how you are an affected party.

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. The City

Recorder is located in the City Manager's Office, City Hall, 501 SW Madison Avenue, Corvallis, Oregon.

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


Deb Kadas, Chair
Historic Resources Commission

Signed: December 14, 2011
Appeal Deadline: December 27, 2011
Effective Period: December 27, 2013 (If not appealed)

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

Conditions of Approval

1. Consistency with Plans - Development shall comply with the plans and narrative in the applicant's proposal identified as **Attachment A** of the December 2, 2011, staff report to the HRC. Development shall also comply with previous approvals for the subject site including all conditions of approval, except as modified by this approval, or unless a requested modification otherwise meets the criteria for an Alteration or New Construction per LDC Chapter 2.9 - Historic Preservation Provisions.
2. Building Permits and other LDC Standards - The applicant shall obtain any required Building Permits associated with the proposal. Work associated with the proposal shall comply with the Building Code, as adopted and amended by the State of Oregon; and other applicable state and local Codes and ordinances related to building, development, fire, health, and safety, including other provisions of the Land Development Code.



**HISTORIC RESOURCES COMMISSION
NOTICE OF DISPOSITION**

ORDER NO. 2012-003

- CASE:** Johnson Carriage House (HPP11-00033)
- REQUEST:** Approval of a Historic Preservation Permit application to replace wood siding and two exterior doors with non-original materials. The siding is proposed to be fiber cement (Hardiplank) and the doors are proposed to be steel. The applicant also requests to install new front steps to comply with building code standards as a Director-level activity.
- OWNER / APPLICANT:** Rob Schneider
2680 DeArmond Drive
Corvallis, OR 97333
- LOCATION:** The Johnson Carriage House is located at 612 SW 2nd Street. The house is on Tax Lot 3100 of Benton County Assessor's Map No. 12-5-02 BD.

On January 10, 2012, the Corvallis Historic Resources Commission held a public hearing, deliberated, and decided to deny the subject application. The Commission's findings from deliberations are reflected in the minutes from that meeting.

If you are an affected party and wish to appeal this decision, appeals must be filed in writing with the City Recorder within 12 days from the date the order is signed. The following information must be included:

1. Name and address of the appellant(s).
2. Reference the subject development and case number, if any.
3. A statement of the specific grounds for appeal.
4. A statement as to how you are an affected party.

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. The City Recorder is located in the City Manager's Office, City Hall, 501 SW Madison Avenue, Corvallis, Oregon.

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



Deb Kadas, Chair
Historic Resources Commission

Signed: January 11, 2012

Appeal Deadline: January 23, 2012



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

DRAFT
CITY OF CORVALLIS
HISTORIC RESOURCES COMMISSION MINUTES
JANUARY 10, 2012

Present

Deb Kadas, Chair
 Richard Bryant
 Roger Lizut
 Geoffrey Wathen
 Lori Stephens
 Stanley Nudelman
 Roen Hogg, Council Liaison
 Jim Ridlington, Planning Comm. Liaison

Absent/Excused

Robert "Jim" Morris
 Aaron Collett
 Kevin Perkins

Staff

Bob Richardson, Associate Planner
 Brian Latta, Associate Planner
 David Coulombe, Deputy City Attorney
 Mark Lindgren, Recorder

Guests

Tim Kaye
 Charlyn Ellis
 Bettina Schempf
 Bruce Osen
 Lizanne Thompson
 Kirk Bailey
 Carolyn Ver Linden
 Pat Chappell
 Rob Schneider

SUMMARY OF DISCUSSION

	Agenda Item	Held for Further Review	Recommendations
I.	Visitor Propositions		None.
II	Public Hearings a. Benton Habitat for Humanity (HPP11-00032) b. Johnson Carriage House (HPP11-00033)		a. Motion passed 5-0 to approve the application as conditioned, except with a modification of Condition #4. b. Motion passed 4-1 to deny the application as proposed, with Commissioner Nudelman opposing.
III.	Work Plan Review		Motion passed to approve the work plan as presented.
IV.	Minutes Review- December 13, 2011		Motion passed to accept the Dec. 13, 2011 minutes as presented.
V.	Other Business/Info Sharing		Commissioner Stephens highlighted her research on historic conservation districts.
VI.	Adjournment		Meeting adjourned at 11:05 p.m.

II. PUBLIC HEARINGS –B. JOHNSON CARRIAGE HOUSE (HPP11-00033)

A. Opening and Procedures:

Roger Lizut rejoined the commission. Chair Kadas reviewed the public hearing procedures. Staff will present an overview followed by the applicant's presentation. There will be a staff report and public testimony, followed by rebuttal by the applicant, limited in scope to issues raised in opposition and sur-rebuttal by opponents, limited in scope to issues raised on rebuttal. The Commission may ask questions of staff, engage in deliberations, and make a final decision. Any person interested in the agenda may offer relevant oral or written testimony. Please try not to repeat testimony offered by earlier speakers. It is sufficient to say you concur with earlier speakers without repeating their testimony. For those testifying this evening, please keep your comments brief and directed to the criteria upon which the decision is based.

Land use decisions are evaluated against applicable criteria from the Land Development Code and Comprehensive Plan. A list of the applicable criteria for this case is available as a handout at the back of the room.

Persons testifying either orally or in writing may request a continuance to address additional documents or evidence submitted in favor of the application. If this request is made, please identify the new document or evidence during your testimony. Persons testifying may also request that the record remain open seven additional days to submit additional written evidence. Requests for allowing the record to remain open should be included within a person's testimony.

The Chair opened the public hearing.

B. Declarations by the Commission: Conflicts of Interest, Ex Parte Contacts, Site visits, or Objections on Jurisdictional Grounds

1. Conflicts of Interest. None declared.
2. Ex Parte Contacts. None declared.
3. Site Visits- Declared by Commissioners Nudelman, Bryant, and Stephens. No declarations were rebutted.
4. Objections on Jurisdictional Grounds. None declared.

C. Staff Overview:

Planner Richardson stated that recently arrived written testimony from B.A. Beierle (Attachment A) had been distributed this evening; Chair Kadas gave commissioners several minutes to read it.

Planner Richardson said the house was located at 612 SW 2nd Street, and is a Contributing resource in within the Avery-Helm National Register Historic District. He said the applicant sought to replace the existing manufactured wood siding with fiber cement siding, wood trim with new wood trim, and two non-original exterior doors with painted metal doors. The applicant also requests to install new front steps to comply with building code standards (this is ordinarily a Director-level HPP activity, but has been bundled together as a single request in this case).

D. Legal Declaration:

City Deputy Attorney David Coulombe stated that the Commission would consider the applicable criteria as outlined in the staff report, and he asked that citizens direct their testimony to the criteria in the staff report or other criteria that they feel are applicable. It is necessary at this time to raise all issues that are germane to this request. Failure to raise an issue, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond, precludes an appeal to the State Land Use Board of Appeals on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

E. Applicant's Presentation:

Rob Schneider stated he was one of the owners of the property. He said staff had done a great job with the staff report and documenting what had happened. He related he'd met with Ms. Beierle at the site to review the situation; he noted that she was listed as the person who'd lodged the complaint, though she'd said that she hadn't. He related that during the site visit, she'd expressed support for what the owners were doing, but her written testimony doesn't appear to reflect that. He said the original intent was a like-for-like replacement. The existing siding was a plywood-based lap siding, which local builders say was common in the 1970's but is no longer used, since it doesn't work well; therefore, replacing it like-for-like was not an option. Instead, the owners chose the typical, currently used lap siding.

Commissioner Stephens asked why the applicants installed the new siding over the existing plywood siding. Mr. Schneider replied that owners discussed the matter with the contractor, and felt the building did not have a high degree of structural integrity. While some lower sections of plywood had failed, there were other sections that were still fairly strong, and since plywood is a good anti-shear material, they decided to leave it in place. Commissioner Stephens asked if there had been a porch railing; Mr. Schneider replied that there was, but they had gotten a stop-work notice while the railing was still off, so that hadn't been finished. They would be happy to put it back on if required to do so under HRC criteria.

Commissioner Stephens asked if the existing doors were wood; Mr. Schneider replied that they were probably wood doors. They were replaced by new painted metal doors with the same window configuration and number (nine) of lites as the old ones. He related that he and his partners typically work on non-historic homes, where permits are not needed to simply replace a door; they've recently learned a lot about historic homes.

Commissioner Wathen said the application stated that there were three layers of siding, with the original siding still underneath the lap plywood siding. He said that in several places in the application, applicants stated they didn't know what the original siding was; however, if the original siding was still there, it warranted pulling the plywood siding off to find out what the original siding was; that would also allow matching the original reveal more closely. Mr. Schneider replied the applicants were trying to use a simple like-for-like approach with the plywood siding. They assumed that the original siding had failed because it had been sided over. Commissioner Wathen commented

that a better like-for-like approach would have been trying to more closely match the original siding style, even using a composite material. He said the 2.9.90.b.2 code states that “In general, proposed alteration or new construction shall either cause the designated historic resource to more closely approximate the original historic design, style, appearance, or material composition of the resource relative to the applicable period of significance..”. He said that this concern was part of Ms. Beierle’s written testimony. He said that the “or” in that code section means that if an applicant presents a proposal as more closely representing the original style, though not more closely matching the original material, it would give the commission more traction in the code to allow the proposal.

Mr. Schneider replied that it was the owners’ first time working with a historic home, and said in retrospect, they would have worked more closely with staff to look at like-for-like alternatives. At the time, they were working with challenging project time constraints. Commissioner Wathen noted that in cases where applicants seek after-the-fact approvals, the commission is instructed to deliberate as though the work had not yet occurred.

Commissioner Kadas asked about a “before” photo in Attachment C-3 that shows a window that faces the front façade of the bumpout that subsequently disappeared in “after” photo Attachment D-1. Mr. Schneider replied that siding was placed over the window; it was a non-functioning plywood window at that point. The garage had just previously been used for bicycle storage for the house next door and the intent was to prevent passersby from casing the bikes there. Commissioner Kadas asked whether the owners had known that the house was in a historic district when they purchased the property; Mr. Schneider replied that they had. Commissioner Kadas said that in that case, they were aware that there were regulations for historic properties, and that their reading of “like-for-like” was different than that of the commission. Typically, “like-for-like” usually means that the material is exactly the same, and usually applies to historic structures that have original materials. You always try to rehabilitate the original material first, and only in cases where that is beyond repair, then you put back new materials. When homes have been altered, you can use “like-for-like” when it is exactly the same, but if it is not, then it is a golden opportunity to go more with what was originally there. The commission looks favorably upon trying to go back to more exactly what was historic, even being somewhat lenient on materials; however, the commission doesn’t look favorably on the opposite. In this case, this neither does “like-for-like” nor goes back to more closely to the original.

Mr. Schneider pointed out that the owners hadn’t installed the existing vinyl windows but had fixed all the existing wood windows. Commissioner Kadas asked if it was a residence; Mr. Schneider replied that it was now a rental. Commissioner Kadas noted the new porch flooring boards orientation appeared to have changed; she said that a number of incremental changes like this add up to significant changes. Mr. Schneider replied that only the orientation had changed; the 2” by 6” materials remained the same as previous porch floor materials.

Commissioner Wathen asked what the applicant was willing to do to get the house closer to its original historic state. Mr. Schneider replied that he and the other owners had purchased and then restored three adjacent dilapidated historic houses to better condition and related that police had thanked them for improving the properties. He related that during her site visit, Ms. Beierle had pointed out a number of historically incompatible elements that had been introduced many years before in other houses nearby and suggested how he could research how to choose a historically compatible screen door. He said he welcomed being told what to do, since choosing a historically compatible screen door was beyond his interest or skill level.

Commissioner Stephens said that by putting siding over siding, it makes the siding very flat relative to the trim and makes it look more like a tract home. Normally the trim stands out more on a historic home. She related that during her site visit, she'd noticed that some of the siding hadn't seemed very well attached and was coming away from the siding underneath, possibly due to the number of layers of previous siding. That would be a concern to a homeowner; generally, siding is removed before it is replaced, especially on a historic home.

Commissioner Bryant said it sounded as though the building had previously been a carriage house that had been later converted into a residential structure and that the applicant was seeking to remodel into something better than it has been recently. The building was built over 100 years ago with little regard for earthquake or wind resistance. He said he had concerns for the owners, as investors, that they may simply be adding layers of junk onto a building that lacks structural stability, from a code standpoint. He added that one normally doesn't put siding over siding. Commissioner Kadas clarified that Commissioner Bryant's observation was simply sharing information from an architectural standpoint and didn't reflect criteria in the commission's decision making.

Mr. Schneider replied that he was sure that the house was not up to code, like a number of other Corvallis homes, and others in the historic district. He said that the owners had purchased the homes to either side of the Carriage House, which were in good shape, but this building had been boarded up, with transients living and building fires inside it, but he had felt that it could be saved. He related that the original intent by a previous owner was to tear all three buildings down in order to create parking for the Elements Building.

Commissioner Kadas said that applications where the work has already been done are the most challenging for the commission, since applicants have already invested a lot of money in trying to improve a property. Mr. Schneider said the owners would've preferred to simply get a hearing on a like-for-like application; Commissioner Kadas replied that a hearing is not necessary for a like-for-like application; you can get that information at a city counter and they will tell you that. Mr. Schneider replied that that is not a hearing; the owners would've preferred a discussion on like-for-like, as opposed to a ruling, with no other direction to go. The owners feel strongly that they had gone the like-for-like route, since there is no plywood siding available, but plywood is still a wood-glue composite material. Commissioner Kadas said that when there is not a good option, you come before the commission. Commissioner Kadas said it sounded as if he would like to see a clearer definition listed for like-for-like; Mr. Schneider added that there should also be other options. He added that the definition includes "similar in nature", not "exact"; there is wiggle room in that. He said it has been easy to work with Planner Richardson and the investors were trying to do the right thing.

Commissioner Wathen highlighted Attachment A-19 in his email exchange with Planner Richardson, in which Mr. Schneider stated that old trim was removed and new trim replaced; however, Attachment D-13 states that contemporary trim was added on over the original trim; there seems to be a conflict of information. After Mr. Schneider described the sequence of events, Commissioner Wathen summarized that it sounded like the trim added on in the 1970's was replaced with materials of a similar wood material, dimensions and design; Mr. Schneider said that was so. He added that the structure of the wood windows was reasonably intact and that they tried to save them.

Commissioner Wathen commented that the commission does not normally distinguish between different woods unless it is cogent to the specifics of the install. Commissioner Stephens said it appeared that the new Hardieplank siding appeared to be textured; Mr. Schneider said that was so. Commissioner Stephens said the commission preferred smooth siding on historic houses, since normally grain is not seen on historic houses.

F. Complete Staff Report:

Commissioner Wathen noted that embedded comments were present in photos in the electronic version of the staff report that were not part of the printed version in the packet. Planner Richardson said those comments were placed by the person from Development Services who took the photos as part of the violation case.

Planner Richardson said that the application is part of a violation case for work that was done without a permit; the applicant has worked with staff over a couple years to resolve many aspects of the violation. Resolving the other outstanding issues that were part of that violation case are part of this application. The proposal is to put new siding on top of existing siding, to replace existing trim with new trim, and to put new steps on the front porch. The steps were considered to qualify for Director-level approval; and staff felt it satisfied the criterion and can be approved; but it is for the Commission to make that decision.

Regarding the trim, based on the applicant's statements, the new trim is a like-for-like replacement and so staff felt that that is exempt from review, though the HRC may make different findings.

Regarding general review criteria, 2.9.100.04.(b).1, the house was constructed in 1901 and is a Contributing resource. The statement of significance states that the original siding was horizontal board siding. The applicant states that new siding was added on over the original siding and siding added on in 1970's. The criterion states that alterations or new construction shall be compatible with the design or style of the existing resource; the proposed siding is horizontal siding, compatible with the horizontal 1970's siding and the horizontal design corresponds with the original siding. The proposed siding does not match the original or existing siding but is similar in design and style and so staff felt it is consistent with 2.9.100.04.(b).1.

Regarding the criterion of the historic integrity of the resource, much is still in place; it still has the basic form, it is still in the same setting. However, while the changes to the siding and the windows have eroded the historic integrity, the condition of the resource appears to be decent. Staff felt that changes to the doors and siding do not erode the historic integrity of the resource any more than the change that has already occurred; it is a neutral change. It doesn't appear the doors that were replaced or the siding were original.

Regarding the criterion in 2.9.100.04(b).2, alterations or new construction should either cause a resource to more closely approximate the original design or style, or material composition of the resource relative to the applicable period of significance, or shall be compatible with the historic character of the designated resource based on the historic design or style, appearance or material composition of the resource. In this case, it's clear that the proposed siding don't cause the resource to more closely approximate the original; therefore, it must be compatible based on historic design, style, appearance or material composition. The existing material of the siding was a manufactured material; the proposal material is a manufactured fiber cement material; comparing them, staff found the new siding is compatible with the material composition, along with the design and style, in terms of the horizontal orientation, common throughout the district and adjacent structures.

Regarding the doors, the existing doors were not original, and replacing them with new steel doors with the same lite pattern and size was considered to be compatible with the existing characteristics of the designated historic resource, not necessarily the original. It is not certain what was there originally.

Regarding the compatibility review criteria, the proposed horizontal siding has a 6” reveal, is a fiber cement material, which is different from what the applicant stated was the 1970’s siding, with an 8” reveal. Staff felt design of the siding and the 6” reveal was sufficiently compatible with the 1970’s siding with a more variable reveal; the new siding would have a more uniform appearance.

Regarding Building Materials, staff evaluated the proposal in terms of the existing materials, the siding placed on the building in the 1970’s, which is a manufactured plywood material. Comparing the two, staff found the fiber cement was a reflective material and complimentary to the existing material and so satisfied the review criterion for Building Materials. The proposed changes don’t affect the Roof Height, Shape, Pattern of Window or Door Openings, Building Orientation, Site Development, or the other review criteria, and so they were not found to apply.

Staff found the proposal, as more thoroughly outlined in the staff report, did satisfy applicable review criteria, was historically compatible and recommended approval with conditions.

Commissioner Lizut summarized that the proposal was to add a third layer of siding; he asked whether there was any precedence to going back to the original siding. Planner Richardson replied he could not recall a similar example. Attorney Coulombe suggested looking at the review criteria regarding more closely approximating the original, or looking at compatibility.

Commissioner Wathen asked for more discussion on compatibility of materials; plywood as a material came into existence around 1905, but fiber cement didn’t begin to be used until the 1970’s at the earliest, so one could argue that plywood was contemporary to the resource, but fiber cement is not. While both are manufactured materials, allowing an addition of a material out of period of the house would seem to degrade the historic resource. Planner Richardson said that if the material is not found to be compatible, then that is degrading the historic integrity of the resource. He said the second layer of manufactured plywood siding doesn’t seem to be any more compatible than the fiber cement siding.

Commissioner Kadas asked if the definition for “like-for-like” was being used interchangeably with “in-kind repair or replacement”; Planner Richardson replied that it was. Commissioner Kadas read from the code: “In-kind repair or replacement is repair or replacement of existing materials or features that match the old in design, color, texture, materials, dimensions, shape and other visual qualities”. She said in her mind, the proposal was not like-for-like, based on that definition. She related that there was a somewhat similar previous case, where the commission denied the application.

Commissioner Kadas asked about the railing and the stop-work order; Planner Richardson replied that staff would direct putting back a wood railing as an in-kind repair or the railing could come back before the HRC.

G. Public Testimony in favor of the application: None.

H. Public Testimony in opposition of the application:

Carolyn Ver Linden stated that the owners had shown blatant disrespect to the building and the historic district. The vinyl windows had been put in illegally by a previous owner, without any review process; this has happened over and over. She said the building was a carriage house and stables and was inextricably linked to the Johnson House. She said the Johnsons had many important historic connections within Corvallis and therefore that satisfies 2.9.100.04(b)1 for historic significance.

She cited 2.9.100.04.(a), and (b)2.a; which requires that changes should cause a designated historic resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the period of significance; the City's testimony has ignored this, since the 1970's were not part of the period of significance for the house. She said 2.9.100.04.3(b) states that building materials shall be reflective of and complimentary to those on the primary designated historic resource, if in existence (which it is), and proposed in part to remain, and any existing surrounding comparable designated historic resources (the house to the north). She said any modifications should be taken back to the original. She said death by a thousand cuts was just as pernicious a way of undermining preservation of historic resources as wholesale destruction. She said approving these changes makes a mockery of the spirit, intent and letter of the ordinance. She said the changes to the siding, doors and steps are not necessary, do not comply with the code and should be denied.

I. Neutral testimony: None.

J. Additional Questions for Staff: None.

K. Rebuttal by Applicant:

L. Sur-rebuttal: None.

M. Additional time for applicant to submit final argument:

The applicant waived the right to submit additional testimony and there was not a request for a continuance or to hold the record open.

N. Close the public hearing:

MOTION: Commissioner Wathen moved to close the public hearing; Commissioner Lizut seconded the motion and it passed unanimously.

O. Discussion and Action by the Commission:

Commissioner Nudelman noted the applicant took a building in very bad shape and made an improvement, but it probably doesn't meet the criteria. It's not clear what to do. There is no mechanism to stop this before it happened.

Commissioner Wathen cited an application that came up a year ago, where work was stopped and the applicant came back with a much better proposal, with the commission giving a lot of input on what it wanted to see. Commissioner Nudelman noted that the application that Commissioner Wathen referred to was only for windows. Commissioner Wathen said the applicant has done both a service and a disservice.

Commissioner Lizut asked if there was a window of time that the applicant was now constrained to; Attorney Coulombe replied that the City generally gives adequate time for someone in this kind of circumstance to remedy the problem. He added that if the commission denied an application that needed extensive work, and the applicant refused to do the work, then the City Attorney's office would bring an application for injunctive relief in Circuit Court. That court would balance equities (looking at the cost already put in for the change versus the cost of meeting what the City was requiring by code); staff would help provide technical background.

Commissioner Bryant stated that staff came to the right conclusion but failed technically in allowing putting new siding over the historic siding without doing thorough analysis of what is there. While the Carriage House is not a great example of historic architecture, it should still be preserved. He suggested looking at the downtown carriage house that was moved, restored and put to a different use at the County fairground. He said Mr. Schneider did a service by bringing the building back from the brink but a disservice in simply putting new material over old.

Commissioner Stephens commented that part of what appears to be original siding is still there, where the garage was attached to it (dropped siding and shiplap). She noted that in many cases, the original siding is still in really good shape, needing only minor repair, and new siding was put over it misguidedly. Commissioner Wathen noted that he lives in a 1941 house with original plywood siding with a 2' reveal.

Commissioner Kadas commented that she would not be voting, since there were five voting members present, but if ever there was a case for not approving something it would be this application. She respectfully disagreed with staff. It is difficult with the applicant sitting here, having done the work, but this is a perfect opportunity to rehabilitate, since the code specifically requires that the change "...shall cause the resource to more closely approximate the original..". We know in this case what the original is, since the original siding is there to be seen. If nothing had been done yet, the commission would ask him to more closely replicate what was there or make it compatible; in this case, we do know what is there. It doesn't meet the general criteria. Regarding the like-for-like siding replacement, the material is not an in-kind replacement. The definition reads that the repair should be considered by the owner prior to the replacement. At a minimum, the top two layers can be removed and it is quite possible that the original siding may be in good shape, perhaps with some repair; it is hard to say. She said she would not vote, but if she did, she would vote to deny the application, since it doesn't appear to meet the requirement for in-kind repair or replacement. It doesn't meet general criteria 2.9.100.04(b).2. The detail and reveals do not match, nor do the size, materials, dimensions, surface, etc.

Commissioner Wathen said the applicant is cooperative, has stated he wants to do the right thing and has asked to be directed what to do. Commissioner Stephens said the doors, trim, porch steps, railings, and covering up the window must also be considered. Commissioner Wathen said a good start is to see what the condition of the original siding is. Regarding the doors, it is a material issue; to meet the criteria, the doors should be wood, not steel. Regarding the window trim, it could be argued that that it is exempt, since it was replaced as it was; however, if the siding is pulled off to the original siding, then the add-on trim could be pulled off to return it to a more historic state. Commissioner Kadas said the original trim may still be there in good shape. Commissioner Wathen said the window that was covered should be uncovered and put back. If there is a security issue, it could be obscure glass.

Attorney Coulombe cautioned against giving advice and stated that the commissioners should simply identify what criteria are not satisfied in the application, or if approved, what conditions of approval are necessary to satisfy the criteria. Commissioner Wathen said discussion could help the applicant in a future application.

Commissioner Bryant said if the applicant is told to go back to the original siding, if lead paint is found, that would be a serious abatement cost. Commissioner Kadas replied that you can simply successfully paint over it; it is an issue that all property owners in historic districts must wrestle with.

MOTION:

Commissioner Lizut moved to deny the application as proposed; Commissioner Wathen seconded. Motion passed 4-1, with Commissioner Nudelman opposing.

Commissioner Wathen cited covering the window at the back of garage in regard to the Window and Door Openings criterion; the change does not meet code. Regarding the front and rear doors, the original doors were most likely wood and were replaced by steel, a violation of code. The changes in siding material and design cannot be considered as in-kind and it does not bring the structure closer to historical accuracy and does not meet code. Commissioner Kadas cited the in-kind or replacement criteria and the general review criteria. She cited Ms. Beierle's testimony regarding the degree of historic significance of the resource, which gives it a bit more historic weight. She summarized that there simply was not enough criteria to rationalize the proposal.

Commissioner Wathen said the commission is doing outreach to try to prevent such cases from occurring in the first place. Mr. Schneider stated that given the amount of money involved, the applicants would be forced to appeal the decision.

P. Appeal Period:

Chair Kadas stated that any participant not satisfied with this decision may appeal to the City Council within 12 days of the date that the Notice of Disposition is signed.

III. WORK PLAN REVIEW:

Planner Richardson said at the last meeting, the group of commissioners found the work plan was something to go forward with, but didn't want to vote, given that some members were not present. Motion passed to approve the work plan. Planner Richardson added the next step was to determine several items to focus on over the next year or so.

IV. MINUTES REVIEW –DECEMBER 13, 2011.

December 13, 2011- Commissioner Lizut moved and Commissioner Bryant seconded to accept the minutes as presented; motion passed unanimously.

V. OTHER BUSINESS/INFORMATION SHARING:

Commissioner Stephens related that she had researched historic conservation districts across the US; Portland has seven of them. There are different types. One Bloomington, Indiana district is only concerned with demolition, moving or new construction; it tries to preserve the character of the neighborhood.

A district may be proposed by the neighborhood association. They set their own rules; different areas require different percentages of agreeing property owners needed to establish a district (generally between 50-70%). Neighbors in a district work with staff to develop their own guidelines; some are short, while others have much more detail. In Corvallis, the HRC would still review demolition, moving and new construction in a district. The districts don't necessarily require a survey before implementing them. Some districts do their own self-governance. Planner Richardson suggested

Commissioner Stephens send him information for him to distribute to commissioners. Commissioner Kadas said the impetus goes back to the first Visitors Proposition, in which there was concern about non-designated historic structures being rapidly torn down and replaced by block apartments.

Commissioner Wathen asked staff about the City Council Liaison leaving before the end of the second hearing, when the applicant stated he would appeal to the Council. He asked whether it was advisable for commissioners to be present during the appeal to the Council. Planner Richardson said it would be best for a Councilor to remain to hear the whole discussion in order to be able to convey the tenor and nuance, but it shouldn't have a major bearing.

Planner Richardson said staff generally writes a staff report to take to the Council; it would outline the reasons why it was denied. Commissioner Kadas noted it would be a *de novo* application and the applicants could change the application that goes to the Council. Planner Richardson said that if the code seems vague, Purpose Statements or Comp Plan language could be referenced. Commissioner Nudelman noted the applicants can cite hardship language with the Council.

Commissioner Bryant asked if really hard discussions can be tabled until the next meeting; Planner Richardson replied that, assuming that there is a 120-day decision timeline, the Commission has the option of postponing deliberation to the future. Commissioner Wathen noted that tabling discussion is not done with the intent of the applicant changing anything; the public hearing closes and then there are deliberations.

Commissioner Nudelman said that with this case in mind, the commission should include public outreach in its work plan to try to prevent this kind of thing from happening again. Commissioner Kadas noted that the applicants admitted they'd known the building was in a historic district; Commissioner Wathen added that the definition of "like for like" in the code was not ambiguous. Commissioner Kadas emphasized that commissioners respectfully disagree with staff when they occasionally differ.

VI. ADJOURNMENT: The meeting was adjourned at 11:05 p.m.

City of Corvallis Historic Resources Commission
Testimony, January 10, 2012
Johnson Carriage House (HPP11-00033)

Issues

- Relationship to primary historic structure
- Historic significance – in addition to architectural significance or visual appearance
- Period of significance in evaluating existing materials
- Replacement materials

Johnson Carriage House, companion structure to the Johnson House

The Johnson Carriage House is fundamentally related to the Johnson House (immediately north of the subject site), consequently the HRC must consider changes to the structure as it relates to elements and criteria defined by the historic residence that the Carriage House served. It is inappropriate to compare this resource to any other in the block or the district at large due to its unique relationship with its principal dwelling, the Johnson House.

Historic Significance

2.9.100.04.b.1 requires HRC review based on more than the architectural considerations. The HRC must also consider **a) the historic significance of the resource when weighing and reaching decisions.** Ella Johnson was the daughter of Cynthia Newton Fiechter Johnson and Archibald Johnson. The Fiechter House, located on the Finley National Wildlife Refuge, is one of the oldest and most significant structures in Benton County, and indeed the Willamette Valley. After the death of John Fiechter, the Johnsons raised thirteen children in the Fiechter House, and following Johnson's death, Cynthia continued to managed the highly successful family farm with her son Marion. Later in her life, Cynthia sold the expansive Fiechter holdings south of Corvallis. She moved to town to live with her daughter, Ella, in the Johnson House with its adjacent Carriage House under your consideration. (Additional historic information also attached.) The Johnson House and Carriage House are:

- Thematically linked to three of the founding families of Corvallis and Benton County, and
- Inextricably linked to the emancipation of Benton County's women, and the Willamette Valley National Wildlife Refuge Complex.

The Johnson House and Carriage House represents significant themes – or contexts – in the history of Corvallis. Consequently, the resource under consideration merits particularly thoughtful deliberations.

Period of Significance

The 1.6 definition of Historic Integrity includes c. *Sufficient original workmanship and materials remain to show the construction technique and stylistic character of a given Period of Significance.* Manufactured wood siding installed in the 1970s is NOT within the Avery-Helm Period of Significance, circa 1870 – 1949. Consequently, discussion and alteration justification regarding the existing composite siding is meaningless – the existing composite siding was applied **after** the Period of Significance. Additionally, the existing siding is **less than 50 years old**; it has not achieved historic significance in its own right. (See 2.9.100.04.2.5 a. & b. for Alterations or New Construction to Later Additions for more guidance on this matter.) Matching a new change to an inappropriate intervening change undermines the purpose of Chapter 2.9.20.b: *Encourage, effect, and accomplish the protection, enhancement, and perpetuation of historic resources, historic resource improvements, and of historic districts that represent or reflect elements of the city's cultural, social, economic, political, and*

architectural history. Importantly original siding material remains and demonstrates the nature – material, dimensions, and profile – of the original siding. Existence of this original material allows the HRC to review the application with knowledge of actual material, not conjecture regarding unknown materials.

Replacement Materials

2.9.100.04.b.3.b Building Materials is clear: **Building materials shall be reflective of those found on the existing primary Designated Historic Resource.** This criteria is not permissive – materials **must** reflect existing materials. In the Johnson Carriage House siding, evidence of original shiplap siding exists on the interior wall of the shed which is the exterior house wall. For siding and door materials, the Johnson House as the primary resource is the reference. The same issues apply regarding the Period of Significance considerations regarding inappropriately installed non-wood doors. These proposed alterations are not historic materials. Hardi-plank is not wood. Painted steel is not wood. These substitute materials categorically fail to meet 2.9.100.04.b.2. The proposed materials are not compatible with the historic material composition of siding and doors. Failure to meet these criteria is sufficient to deny the application outright.

Previously altered doors, windows, siding etc. are not necessarily original elements. Suggesting that proposed new alterations match previous inappropriate changes and consequently meet this criterion is completely inaccurate. Such erroneous justification results in overall eroding of the historic integrity of the resource under consideration and the district overall.

Please deny the permit application.

Respectfully submitted,

BA Beierle

Johnson House, 620 SW 2nd Street, Additional Narrative

In addition to the Johnson House's architectural significance, this Designated Historic Resource – as one structure of a multi-part set – tells significant aspects of Corvallis and American history including:

- Earliest Euro-American settlement pioneers and patterns;
- Women's history;
- Conservation policy.

Ella (Eleanora) Johnson, a local milliner, and her mother, Cynthia Newton Fiechter Johnson, built this House. As a child, Cynthia Newton immigrated to the Willamette Valley with her parents. In 1850, at age 16, she married John Fiechter, and in 1849 her father, Abiathar Newton supervised construction of their home, the Fiechter House, arguably the oldest extant house in Benton County. Cynthia and John Fiechter lived on their land claim and seven children were born to them. In 1861, Fiechter died in a hunting accident and Cynthia subsequently married Archibald Johnson. John Fiechter's estate was managed by Norris Newton, Cynthia's older brother, because at the time, women did not own or manage property in their own right. Cynthia raised 13 children, seven from her marriage to John Fiechter and six from her Johnson marriage, including Ella.

After the death of Archibald Johnson in 1899, Cynthia and her family continued to live at the family farm, now managed by her eldest son, Marion. In 1906, Cynthia sold the Fiechter-Johnson House and land holdings, and retired to town, a practice prevalent among many early Willamette Valley farm families. Significantly, by this time, Cynthia could now own property and manage her financial affairs in her own right. With her daughter Ella, Cynthia Johnson helped build these properties on SW 2nd Street that represent a significant social change for women and their financial empowerment.

R. S. Hughes and John W. Foster purchased the Fiechter estate and subsequently sold it to prominent Portland entrepreneur Henry Failing, who gave the property to his three daughters. One of the daughters and her husband, Henry Cabell, purchased the other sisters' share of the property and built a hunting lodge on the former Fiechter estate. That lodge and the early Fiechter property became the cornerstone of the William L. Finley National Wildlife Refuge, a unit of the U.S. Fish & Wildlife Service.

As you review changes to this property – and the other nearby Johnson properties – please consider their exceptional historic significance in addition to their architectural style and features. Alterations by this applicant have been made to all three properties without required HRC review.

Corvallis Planning Division
Report to Historic Resources Commission
Hearing Date: January 10, 2012
Report Date: December 30, 2011
Staff:
Robert Richardson, Associate Planner
(541) 766-6908
robert.richardson@ci.corvallis.or.us



JOHNSON CARRIAGE HOUSE **(HPP11-00033)**

REQUEST: Approval of a Historic Preservation Permit (HPP) application to replace a manufactured wood siding with fiber cement siding, wood trim with new wood trim, and two non-original exterior doors with painted metal doors. The applicant also requests to install new front steps to comply with building code standards as a Director-level HPP activity.

OWNER / APPLICANT: Rob Schneider
2680 DeArmond Drive
Corvallis, OR 97333

HISTORIC CLASSIFICATION: The Johnson Carriage House is a Contributing resource in the Avery-Helm National Register Historic District.

LOCATION: The Johnson Carriage House is located at 612 SW 2nd Street. The house is on Tax Lot 3100 of Benton County Assessor's Map No. 12-5-02 BD.

PUBLIC COMMENT: Thirty-nine public notices were mailed and the site was posted on December 20, 2011. No public testimony was received as of December 29, 2011.

ATTACHMENTS

- A. Application
- B. Statement of Significance and District Information
- C. Photographs before new siding and trim was installed.
- D. Photographs after new siding and trim was installed.

CRITERIA, REPORT FORMAT, AND ACTIONS REQUIRED

This section of the Staff Report is divided into five areas sections:

- A. Background
- B. Review Parameters
- C. Review Criteria: for all Historic Preservation Permits
- D. Review Criteria: General
- E. Review Criteria: Compatibility Criteria for Structures and Site Elements

A. Background

In 2009, a violation case was opened (VIO09-00759), because the applicant had made exterior alterations to the Johnson House without first obtaining required HPP approval. Per LDC Section 2.9.130, the applicant has submitted a HPP application to resolve the violations.

2.9.130 - ADMINISTRATIVE

2.9.130.02 - Ordered Remedies

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

Investigation by City staff confirmed that a fiber cement siding had been installed on top of the existing siding, steps had been added to the front porch, and the front and back doors were replaced. Photos indicate that new window trim had been installed on top of existing window trim. However, the applicant states that existing trim was removed prior to replacement with new trim, as explained in **Attachment A.20**. Over the following years, all other historic preservation related violations were resolved except for the alterations that

are the subject of this HPP application. If approved, the submitted application will resolve the violation case.

The Statement of Significance for the Johnson Carriage House describes the siding as “horizontal board” siding (**Attachment B**). The application states that the original siding was believed to have been replaced sometime in the 1970s. The applicant describes the 1970s siding as a plywood-like material, manufactured specifically to be used as siding. Photos of the house before the fiber-cement siding was installed show two different types of siding: the 1970's siding, and an attached shed with an interior wall constructed with shiplap or drop lap siding (**Attachment D.6-8**). The interior wall of the shed is the exterior wall of the house, indicating that the original siding on the Johnson House was shiplap (**Attachment D.8**).

Throughout this report the terms original, existing, and proposed, are used to describe the siding. These terms are defined as follows:

- Original siding - siding before the 1970s replacement;
- Existing siding - the manufactured wood siding installed in the 1970s; and
- Proposed siding - the fiber-cement siding that has been installed and is the subject of this application.

B. Review Parameters

Land Development Code (LDC) Section 2.9.100.04 - Alteration or New Construction Parameters outlines the parameters for activities requiring review by the Historic Resources Commission (HRC). An HRC-level permit is required for the subject application because the applicant proposes to replace existing siding with fiber-cement siding. The applicant states that existing siding is plywood lap siding, and the Statement of Significance describes the siding as horizontal board siding. The applicant has replaced the front and rear doors, and seeks HPP approval for these alterations. The material of the removed doors is not known. The replacement doors are painted metal. These alterations fall within the parameters of LDC Section 2.9.100.04(a).4.

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

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

A Historic Preservation Permit request for any of the following Alteration or New Construction activities shall be approved if the Alteration or New Construction is in compliance with the associated

definitions and review criteria listed below. Such Alteration or New Construction activities are classified as an HRC-level Historic Preservation Permit.

- a. **Parameters - Any Alteration or New Construction activity involving a Designated Historic Resource that is not exempt per Section 2.9.70, or eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03, is an HRC-level Alteration or New Construction activity. This includes, but is not limited to:**
 4. **Alteration or New Construction with Dissimilar Materials or Which Impact Significant Architectural Features - Alteration or New Construction activities involving changes in material or that impact historically significant architectural features, unless exempt per Section 2.9.70, or allowed to be reviewed as a Director-level Historic Preservation Permit per Section 2.9.100.03.**

The applicant has also modified the design of the front porch by adding steps that comply with current Building Codes. The original steps, which have a rise and run of 9.5:12-inches do not meet current Building Codes. The new steps have a rise and run of 6.5:11.5-inches, which does satisfy current Building Codes. The proposed alteration to the front steps qualifies for Director-level review, based on the following criterion:

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

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

The above criterion is satisfied because the alteration occurred to exterior steps on the first story of the building. The design of the porch has changed to accommodate the new steps, but the new steps result in compliance with the Building Code. The new steps are a minor feature on the house, and to the relatively simple front porch, and are considered historically compatible with the house (**Attachment A.15**). The steps will not be evaluated further in this report because they comply with the above criterion for Director-level review.

The photograph in Attachment D shows the proposed trim. It is not entirely clear from the photograph if the proposed trim is attached to the existing trim, or if the existing trim was removed. Correspondence from the applicant states that previously existing wood trim was removed, and replaced with new wood trim with a matching design. Information about the width of the trim is not provided, but based on the photographs in **Attachment D.38**, the dimensions of the proposed trim match the existing trim. As such, the trim is an In-kind

Repair or Replacement, as defined below, that is exempt from the need from HPP review. No further evaluation of window trim is provided in this report.

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.

If the HRC determines that the proposed trim is attached to existing trim, and that this alters the design of the trim, the HRC is asked to make findings regarding the compatibility of the proposed trim based on consideration of the review criteria in Section 2.9.100.04.b.1-3.

C. Review Criteria: Compliance with City Codes and Ordinances

Land Development Code Section 2.9.90.06(a) requires any Alteration or New Construction activity to comply with the applicable City codes and ordinances as outlined in the criterion.

- a. **General Review Criteria for All Historic Preservation Permits - All Historic Preservation Permits shall comply with the Building Code, as adopted and amended by the State of Oregon; and other applicable state and local Codes and ordinances related to building, development, fire, health, and safety, including other provisions of this Code. When authorized by the Building Official, some flexibility from conformance with Building Code requirements may be granted for repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a building or structure. In considering whether or not to authorize this flexibility from some Building Code standards, the Building Official will check to ensure that: the building or structure is a Designated Historic Resource; any unsafe conditions as described in the Building Code are corrected; the rehabilitated building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and the advice of the State of Oregon Historic Preservation Officer has been received.**

The installation of the proposed siding, trim, and steps does not require a Building Permit. And all other Codes and ordinances appear to be satisfied.

D. Review Criteria: General

Land Development Code Section 2.9.100.04(b).1 requires HRC-level HPP applications to be evaluated against the following criteria to ensure the design or style of the Alteration or New Construction is compatible with the Designated Historic Resource:

b. **Review Criteria**

1. **General - The Alteration or New Construction Historic Preservation Permit request shall be evaluated against the review criteria listed below. These criteria are intended to ensure that the design or style of the Alteration or New Construction is compatible with that of the existing Designated Historic Resource, if in existence, and proposed in part to remain, and with any existing surrounding comparable Designated Historic Resources, if applicable. Consideration shall be given to:**
 - a) **Historic Significance and/or classification;**
 - b) **Historic Integrity;**
 - c) **Age;**
 - d) **Architectural design or style;**
 - e) **Condition of the subject Designated Historic Resource;**
 - f) **Whether or not the Designated Historic Resource is a prime example or one of the few remaining examples of a once common architectural design or style, or type of construction; and**
 - g) **Whether or not the Designated Historic Resource is of a rare or unusual architectural design or style, or type of construction.**

Land Development Code (LDC) Section 2.9.100.04.b.1 requires Alteration or New Construction activities to be evaluated against the general review criteria to ensure that the design or style of the alteration is compatible with the Designated Historic Resource and surrounding comparable Designated Historic Resources.

The Johnson Carriage House was constructed in 1907 and is a Historic Contributing resource in the Avery-Helm National Register Historic District. The Statement of Significance describes the Johnson Carriage House as a two-story, wood frame vernacular building, which originally was a carriage house. Small porches were added in its “early conversion to an apartment house.” The Statement of Significance describes the siding as horizontal board siding; it does not provide any information about original doors.

The Johnson Carriage House is a relatively simple house. It is not a prime example or one of the few remaining examples of a once common architectural style, nor is it a rare or unusual architectural style. The Johnson Carriage House appears to be in good condition. Much of the building’s Historic Integrity is intact, as it is in the location where it was originally constructed and shows the stylistic character of its original form. Some windows appear to be originals, and others are vinyl replacement windows (**Attachment A.7 and D**). According to the application, the original siding was replaced with a manufactured horizontal plywood siding (**Attachments A.7, 17,18**). This alteration would have reduced the building’s Historic Integrity in terms of materials and construction techniques.

The following is the LDC Chapter 1.6 definition of Historic Integrity:

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

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

Siding

The applicant seeks approval to install horizontal fiber-cement siding, on top of the existing manufactured wood siding believed to have been installed in the 1970s. The proposed siding is similar to the previously existing siding, and most likely, the original siding, in that it has a horizontal orientation. The application states that the reveal of the existing siding varied, but that much of it was approximately 8-inches wide, and that the proposed siding has a uniform 6-inch reveal (**Attachments A.7, 14**).

Based on the description of the existing siding as non-original, manufactured siding with variable reveals, the proposed horizontal siding with a uniform reveal is a historically appropriate siding design for the Johnson Carriage House per Section 2.9.100.04.b.1. It is likely that horizontal siding (perhaps drop lap) was originally used on the building. Horizontal siding was common during the Avery-Helm District's Period of Significance (1854-1949) (**Attachment B.2**). The proposed siding style is compatible with the horizontal drop-lap siding on the building to the north of the subject building (602 SW 2nd - see **Attachment C.2**), the horizontal clapboard siding on the building to the south (630 SW 2nd). These are the only two buildings within the Avery-Helm Historic District that abut the subject site. Buildings further south on SW 2nd Street and within the Historic District also have horizontal siding. The auto repair shop west of the site is not in the Historic District. As such, the siding design is also compatible with the design of surrounding comparable buildings.

Doors

The applicant states that the existing front door was 36-inches wide with a 9-lite window, and the rear door was 32-inches wide with a 9-lite window. The replacement doors are the same size and have the same number of lites as the replaced doors. The replacement doors are constructed of painted steel (**Attachment A.16**).

The replacement doors satisfy Section 2.9.100.04.b.1 because they are in the same location, are the same size, and have the same window pattern as the doors replaced.

Land Development Code section 2.9.100.04(b).2 states,

2. In general, the proposed Alteration or New Construction shall either:
 - a) Cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the applicable Period of Significance; or
 - b) Be compatible with the historic characteristics of the Designated Historic Resource and/or District, as applicable, based on a consideration of the historic design or style, appearance, or material composition of the resource.

Siding

It is not clear what the original siding was, but according to the application, the existing siding is a manufactured horizontal siding believed to have been installed 30-40 years ago (**Attachment A.17**).

The proposal is also historically compatible based on consideration of Section 2.9.100.04.b.2, because the design, style, and appearance of the siding is similar to the style of siding found during the Period of Significance in the Historic District. Viewed from SW Second Street, it is difficult to know if the proposed siding is fiber-cement or wood. This indicates that its appearance is similar to what would be expected if wood siding were used; the siding material most commonly used during the District's Period of Significance,.

The proposed fiber-cement material is not always an appropriate substitute material for wood. In this case, based on the application materials, it is assumed that the existing siding was a manufactured siding, and not original to the house. Assuming the original siding was wood, the fiber cement materials would not more closely approximate the original material composition. However, the fiber cement would not be any less compatible, or further erode the Historic Integrity of the Johnson Carriage House, compared to the existing manufactured siding. If available, the existing manufactured siding could be replaced In-kind. Fiber cement is not an In-kind replacement, but in this case it is a historically compatible alternative to the existing manufactured siding material.

Doors

The applicant states that the previous front door was 36-inches wide with a 9-lite window, and the previous rear door was 32-inches wide with a 9-lite window (**Attachment A.16**). The replacement doors are the same size and have the same number of lites as the replaced doors. The replacement doors are constructed of painted steel.

The replacement doors satisfy Section 2.9.100.04.b.2, because they are in the same location, are the same size, and have the same window pattern as the doors replaced. The materials of the previous doors is not known, however, the photographs in **Attachment C** indicate that they were not metal. As shown in **Attachment D**, the painted metal is a historically compatible material on this structure.

Given the above, the proposal to install new siding and doors satisfies the review criteria in Section 2.9.100.04.b.2, because the proposed materials are compatible with the historic characteristics of the Designated Historic Resource and the District, based on consideration of design, style, appearance and material composition of the proposed materials and Designated Historic Resource.

E. Review Criteria: Compatibility Criteria for Structures and Site Elements

Similar to LDC Sections 2.9.100.04(b).1 and "2," LDC Section 2.9.100.04(b).3 requires Alteration or New Construction activities to "complement the architectural design or style or the primary resource," based on consideration of 14 compatibility criteria for structures and site elements. The following evaluates the proposal's compatibility based on these review criteria.

Facades

Architectural features, such as balconies, porches, bay windows, dormers, or trim details shall be retained, restored, or designed to complement the primary structure and any existing surrounding comparable Designated Historic Resources. Particular attention should be paid to those facades that are significantly visible from public areas, excluding alleys. Architectural elements inconsistent with the Designated Historic Resource's existing building design or style shall be avoided.

Architectural Details

Retention and repair of existing character-defining elements of a structure, such as molding or trim, brackets, columns, cladding, ornamentation, and other finishing details and their design or style, materials, and dimensions, shall be considered by the property owner prior to replacement. Replacements for existing architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.

The proposed horizontal siding has a 6-inch reveal. This is different from the approximately 8-inch reveal of the existing horizontal siding (**Attachments A.14 and D.6-10**). While different from the existing siding, the proposed siding design (horizontal with a 6-inch reveal) is complementary to the Johnson House and surrounding comparable Designated

Historic Resources. As such, the proposed siding is compatible based on the Facades and Architectural Details criteria.

The proposed trim is considered by staff as an In-kind Repair or Replacement, and is exempt from the need for HPP review. If the HRC determines that the proposed trim does not satisfy the definition for In-kind Repair or Replacement, findings regarding the compatibility of the trim based on the above criteria should be made by the HRC.

Building Materials

Building materials shall be reflective of, and complementary to, those found on the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. Siding materials of vertical board, plywood, cement stucco, aluminum, exposed concrete block, and vinyl shall be avoided, unless documented as being consistent with the original design or style, or structure of the Designated Historic Resource.

Siding

The existing siding is described as a manufactured plywood material that was installed in the 1970s (**Attachment A.14**). It is not certain what the original siding material was, but based on remnants of siding on the interior wall of the attached shed, the original siding may have been wood drop lap (**Attachment D.8**). The provisions in LDC Chapter 2.9 do not require a proposed Alteration or New Construction to return the Designated Historic Resource to its original form or material composition. The above criteria directs building materials to be reflective of, and complementary to, materials on the Designated Historic Resource and surrounding comparable Designated Historic Resources.

The proposed fiber cement material is reflective of the existing manufactured wood siding, and arguably closer in appearance to the original wood material, than the existing materials. The proposed siding is also reflective of, and complementary to, the style and materials (wood) of abutting Designated Historic Resources, and the siding found throughout the Historic District. As stated above, the proposed siding would not further reduce the Historic Integrity of the Johnson Carriage House compared to retaining the existing siding. And, viewed from SW Second Street, it is difficult to know if the proposed siding is fiber-cement or wood. This indicates that its appearance is similar to what would be expected if wood siding were used; the siding material most commonly used during the District's Period of Significance.

Doors

The material of the original doors was likely wood, but the material of the doors that were recently replaced is unclear. The proposed doors, which have already been installed, are painted metal. Based on the appearance of these doors (**Attachment D.11, 12**), the material is complementary to the other exterior materials on the Johnson Carriage House, and reflective of the materials used on nearby Designated Historic Resources.

Given the above, the proposal is historically compatible based on the Building Materials review criterion.

Scale and Proportion

The size and proportions of the Alteration or New Construction shall be compatible with existing structures on the site, if in existence and proposed in part to remain, and with any surrounding comparable structures. New additions or New Construction shall generally be smaller than the impacted Designated Historic Resource, if in existence and proposed in part to remain. In rare instances where an addition or New Construction is proposed to be larger than the original Designated Historic Resource, it shall be designed such that no single element is visually larger than the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding comparable Designated Historic Resources.

The Scale and Proportion criterion is most relevant to New Construction activities. The dimensions of the proposed siding are discussed above under the Facades and Architectural Features criteria. The size and proportion of the proposed doors will be addressed under the Pattern of Window and Door Openings criteria. Findings from those sections are incorporated here, as findings under the Scale and Proportion criterion. Analysis in that section finds that the proposed alterations are of a compatible size, scale, and proportion, and the above criterion is satisfied.

Height

To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. However, second story additions are allowed, provided they are consistent with the height standards of the underlying zoning designation and other chapters of this Code, and provided they are consistent with the other review criteria contained herein.

Roof Shape

New roofs shall match the pitch and shape of the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding compatible Designated Historic Resources.

The above criteria are satisfied because the proposed alterations do not affect the height or roof shape of the Johnson Carriage House.

Pattern of Window and Door Openings

To the extent possible window and door openings shall be compatible with the original features of the existing Designated Historic Resource, if in existence and proposed in part to remain, in form (size, proportion, detailing), materials, type, pattern, and placement of openings.

There is no information in either the application or the Statement of Significance regarding the original doors of the Johnson Carriage House. The applicant states that the previous front door was 36-inches wide with a 9-lite window, and the previous rear door was 32-inches wide with a 9-lite window. Materials of the previously existing doors are not known. The replacement doors are the same size and have the same number of lites as the replaced doors. Based on the above, the proposed doors satisfy the Pattern of Window and Door Openings criterion.

The proposed trim is considered by staff as an In-kind Repair or Replacement, and is exempt from the need for HPP review. If the HRC determines that the proposed trim does not satisfy the definition for In-kind Repair or Replacement, findings regarding the compatibility of the trim based on the above criteria should be made by the HRC.

Building Orientation

Building orientation shall be compatible with existing development patterns on the Designated Historic Resource site, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. In general, Alteration or New Construction shall be sited to minimize impacts to facade(s) of the Designated Historic Resource that are significantly visible from public areas, excluding alleys.

Site Development

To the extent practicable, given other applicable development standards, such as standards in this Code for building coverage, setbacks, landscaping, sidewalk and street tree locations, the Alteration or New Construction shall maintain existing site development patterns, if in existence and proposed in part to remain.

Accessory Development / Structures

Accessory development as defined in Chapter 4.3 - Accessory Development Regulations and items such as exterior lighting, walls, fences, awnings, and landscaping that are associated with an Alteration or New Construction Historic Preservation Permit application, shall be visually compatible with the architectural design or style of the existing Designated Historic Resource, if in existence and proposed in part to remain, and any comparable Designated Historic Resources within the District, as applicable.

Garages

Garages, including doors, shall be compatible with the Designated Historic Resource site's primary structure, if in existence and proposed in part to remain, based on factors that include design or style, roof pitch and shape, architectural details, location and orientation, and building materials. In a National Register of Historic Places Historic District, the design or style of Alteration or New Construction involving an existing or new garage, visible from public rights-of-way or private street rights-of-way, shall also be compatible with the design or style of other garages in the applicable Historic District that were constructed during that Historic District's Period of Significance.

Chemical or Physical Treatments

Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

Archeological Resources

Activities associated with archeological resources shall be carried out in accordance with all State requirements pertaining to the finding of cultural materials, including ORS 358.905, as amended, which pertains to the finding of cultural materials; ORS 390.235, as amended, which describes steps for State permits on sites where cultural materials are found; and OAR 736.051.0080 and OAR 736.051.0090, as amended, which describe requirements for cultural materials found on public versus private land, respectively.

Differentiation

New freestanding buildings and additions to buildings shall be differentiated from the portions of the site's existing Designated Historic Resource(s) inside the applicable Period of Significance. However, they also shall be compatible with said Designated Historic Resource's Historically Significant materials, design or style elements, features, size, scale, proportion, and massing to protect the Historic Integrity of the Designated Historic Resource and its environment. The differentiation may be subtle and may be accomplished between the Historically Significant portions and the new construction with variations in wall or roof alignment, offsets, roof pitch, or roof height. Alternatively, differentiation may be accomplished by a visual change in surface, such as a molding strip or other element that acts as an interface between the Historically Significant and the new portions.

The proposed alteration will not affect the building's orientation or existing site development patterns. Accessory development is not proposed, garages would not be impacted, and physical or chemical treatments are not proposed. Ground disturbing activities are not proposed, nor is the construction of freestanding buildings or additions. Given the above, the Building Orientation, Site Development, Accessory Development/Structures, Garages, Chemical or Physical Treatments, Archeological Resources, and Differentiation criteria do not apply to this application.

SUMMARY OF CONCLUSIONS, AND STAFF RECOMMENDATIONS

The above analysis evaluated the applicant's proposal to replace the existing siding and doors with new siding and doors, and add new Building Code compliant steps to the front porch. Based on the above analysis, the proposal is consistent with the applicable review criteria in LDC Chapter 2.9 - Historic Preservation Provisions.

Recommended Action

The Historic Resources Commission has three options with respect to the subject Historic Preservation Permit application:

- Option 1: Approve the application as proposed; or
- Option 2: Approve the application with conditions; or
- Option 3: Deny the application.

Based on the analysis in this report, staff recommend the Historic Resources Commission approve the Historic Preservation Permit application subject to the Conditions of Approval provided at the end of this report. If the HRC accepts this recommendation, the following motion to approve is suggested:

Recommended Motion

I move to approve the Johnson Carriage House Historic Preservation Permit application (HPP11-00033), as conditioned in the December 30, 2011, staff report to the Historic Resources Commission. This motion is based on findings in support of the application presented in the December 30, 2011, staff report to the Commission, and findings in

support of the application made by the Commission during deliberations on the request.

STAFF RECOMMENDED CONDITIONS OF APPROVAL

1. Consistency with Plans - Development shall comply with the plans and narrative in the applicant's proposal identified as **Attachment A** of the December 30, 2011, staff report to the HRC. Development shall also comply with previous approvals for the subject site including all conditions of approval, except as modified by this approval, or unless a requested modification otherwise meets the criteria for an Alteration or New Construction per LDC Chapter 2.9 - Historic Preservation Provisions.



RECEIVED

NOV 17 2011

Community Development
Planning Division

February, 2011
Community Development
Planning Division
501 SW Madison Avenue
PO Box 1083
Corvallis, OR 97339-1083
Phone: (541) 766-6908
Fax: (541) 754-1792
E-mail: planning@ci.corvallis.or.us

City of Corvallis Historic Preservation Permit General Application Form

For Staff Use Only	
Case Number <input style="width: 90%;" type="text" value="HPP11-00033"/>	Date Filed <input style="width: 90%;" type="text" value="11/17/11"/>

Please tell us about your property and your request. Attach additional information, if necessary.

1) Historic Property Address/Location: *(Or general vicinity, side of street, distance to intersection.)*

Address/Location

Assessor's Map Number(s)* Related Tax Lots

*The Assessor's Map Number (Township, Section/Range) and the Tax Lot Number (parcel) can be found on your tax statement or at the [Benton County Assessor's Office web site](#).

2) Historic Name of the Property: *(Available from Historic District nomination and/or inventory form. If you need assistance, contact City staff.)*

Historic Name

3) Historic Property Information:
(Check all that apply)

Individually Significant Historic Resource on:

- Local Register
- National Register

Property is Located within a Historic District:

- Historic Contributing
- Historic Noncontributing
- Nonhistoric Noncontributing

4) Request: *(Check all that apply)*

- Alteration or New Construction
- Demolition
- Remove a Historically Significant Tree
- Move a Historic Resource

EXHIBIT IV - 15

5) **Please provide a brief summary of the proposal:**

February, 2011

Proposal

Existing siding was a plywood lap (composite) version that was installed mid 1970's. The siding had failed and was no longer manufactured. The current replacement siding is wood, glue and cement commonly referred to as Hardi Plank. This was installed as a like for like replacement of the old siding. After 99% completion of installation, we were issued a stop work as the like for like replacement was in question. After a site review with the planning staff to review and clear up other issues, we are asking to be granted a like for like replacement of the siding using the Hardi Plank by the HRC. Property is rented - no access

6) **Owner and Applicant Information:** (Provide complete information for all that apply)

Property Owner(s) Name Phone

Address City/State/Zip

Owner(s) Signature E-mail

Applicant's Name Phone

Address City/State/Zip

Applicant's Signature E-mail

Other Project Staff Phone

Address E-mail

7) **Application Requirements:** Please refer to the application requirements in [LDC Section 2.9.90](#). These are general requirements for all applications. Additional information may be required. Please see the list of application requirements at the following link: [Application Requirements](#)

8) **Authorization for Staff and HRC Members to Enter Land:** City staff and members of the Historic Resources Commission (HRC) are encouraged to visit the sites of proposed developments as part of their review of Historic Preservation Permit applications. Please indicate below whether you authorize City staff and HRC members to enter onto property associated with this application as part of their site visits.

- I authorize City staff and HRC members to enter onto property associated with this application.
- I do not authorize City staff and HRC members to enter onto the property associated with this application.

9) **Public Notice Signs:** If the application must be reviewed by the HRC, the applicant is responsible for posting public notice signs on the site at least 20 days prior to the HRC Public Hearing. City staff will prepare the signs and will let you know when the signs are ready to be picked up from City Hall.

Please provide the contact information for the person who will pick up and post the public notice signs:

Name

Phone



City of Corvallis
Planning Division
501 SW Madison Avenue
PO Box 1083
Corvallis, Oregon 97333

Tel: (541) 766-6908
Fax: (541) 754-1792

planning@cityofcorvallis.org
www.cityofcorvallis.com

Historic Preservation Permit Historic Resources Commission Application

Staff Use Only

Case Number

Date Filed

All activities affecting Designated Historic Resources that are not exempt or do not qualify for Director-level approval must be reviewed by the Historic Resources Commission (HRC). The following pages list review criteria taken from Land Development Code Chapter 2.9. These criteria will be used to evaluate your proposal. Please explain how your proposal complies with **EACH** criterion. Some criteria may not be relevant to your proposal. If this is the case, please briefly explain why the criterion is not relevant. Each criterion heading is listed below with page references to where the criterion is found in this form. Each criterion has also been bookmarked electronically within the form. **If you do not want to use this form to respond to the criteria, but would still like to submit your application electronically, please include your responses as an attachment to the e-mail when you submit this form.** If you need assistance responding to the review criteria, please contact the Planning Division at (541) 766-6908. The "Submit by Email" button is on the last page of this form.

Keep in mind that activities receiving HRC-level approval for a Historic Preservation Permit may also require building permits. Please contact the Development Services Division at (541) 766-6929 for information regarding building permit requirements.

HRC-level General Review Criteria

LDC Section 2.9.90.06 (page 4)

LDC Section 2.9.100.04.b.1 (page 4)

LDC Section 2.9.100.04.b.2 (page 5)

LDC Section 2.9.100.04.b.3

HRC-level Compatibility Review Criteria

- | | |
|---|---|
| a. Facades (page 6) | h. Building Orientation (page 10) |
| b. Building Materials (page 7) | i. Site Development (page 10) |
| c. Architectural Details (page 7) | j. Accessory Development/Structures (page 11) |
| d. Scale and Proportion (page 8) | k. Garages (page 11) |
| e. Height (page 8) | l. Chemical and Physical Treatments (page 12) |
| f. Roof Shape (page 9) | m. Archeological Resources (page 12) |
| g. Pattern of Window and Door Openings (page 9) | n. Differentiation (page 13) |

EXHIBIT IV - 17

Review Criteria

1. General Review Criteria - All Historic Preservation Permits shall comply with the Building Code, as adopted and amended by the State of Oregon, and other applicable state and local Codes and ordinances related to building, development, fire, health, and safety, including other provisions of this Code. When authorized by the Building Official, some flexibility from conformance with the Building Code requirements may be granted for repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a building or structure. In considering whether or not to authorize this flexibility from some Building Code standards, the Building Official will check to ensure that: the building or structure is a Designated Historic Resource; any unsafe conditions as described in the Building Code are corrected; the rehabilitated building or structure will be no more hazardous, based on the life safety, fire safety, and sanitation, than the existing building; and the advice of the State of Oregon Historic Preservation Officer has been received.

Applicant's Response All building codes were met. Re siding of a building does not normally require a building permit

2. General - The Alteration or New Construction Historic Preservation Permit request shall be evaluated against the review criteria listed below. These criteria are intended to ensure that the design or style of the Alteration or New Construction is compatible with that of the existing Designated Historic Resource, if in existence, and proposed in part to remain, and with any existing surrounding comparable Designated Historic Resources, if applicable. Consideration shall be given to:
 - a) Historic Significance
 - 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
 - g) Whether or not the Designated Historic Resource is of a rare or unusual architectural design or style, or type of construction

Applicant's Response We tried to meet the existing siding as close as possible as our goal was to do a like for like replacement.

3. **In general, the proposed Alteration or New Construction shall either:**
- a) Cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the applicable Period of Significance; or
 - b) Be compatible with the historic characteristics of the Designated Historic Resource and/or District, as applicable, based on a consideration of the historic design or style, appearance, or material composition of the resource.

Applicant's Response

no alteration or new construction - simply replacement of siding in like for like manner.

SEE COMPATIBILITY CRITERIA ON THE FOLLOWING PAGE

4. **Compatibility Criteria for Structures and Site Elements** - Compatibility considerations shall include the items listed in "a-n," below, as applicable, and relative to the applicable Period of Significance. Alteration or New Construction shall complement the architectural design or style of the primary resource, if in existence and proposed in part to remain; and any existing surrounding comparable Designated Historic Resources. Notwithstanding these provisions in "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 was silent on the issue, Alteration or New Construction activities shall be evaluated for compatibility with the architectural design or style of any existing Historic/Contributing resource on the site or, where none exists, against the attributes of the applicable Historic District's Period of Significance.

a) **Facades** - Architectural features, such as balconies, porches, bay windows, dormers, or trim details shall be retained, restored, or designed to complement the primary structure and any existing surrounding comparable Designated Historic Resources. Particular attention should be paid to those facades that are significantly visible from public areas, excluding alleys. Architectural elements inconsistent with the Designated Historic Resource's existing building design or style shall be avoided.

Applicant's Response All Facades retained and / or replaced.

b) Building Materials - Building materials shall be reflective of, and complementary to, those found on the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. Siding materials of vertical board, plywood, cement stucco, aluminum, exposed concrete block, and vinyl shall be avoided, unless documented as being consistent with the original design or style, or structure of the Designated Historic Resource.

Applicant's Response

Structure has vinyl windows and had plywood siding with no grain. We installed a siding that was like for like in nature.

c) Architectural Details - Retention and repair of existing character-defining elements of a structure, such as molding or trim, brackets, columns, cladding, ornamentation, and other finishing details and their design or style, materials, and dimensions, shall be considered by the property owner prior to replacement. Replacements for existing architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.

Applicant's Response

All window and door trim dimensions retained with new wood. Existing siding reveal varied substantially. We used the large reveal dimension when installing. No other features altered.

d) Scale and Proportion - The size and proportions of the Alteration or New Construction shall be compatible with existing structures on the site, if in existence and proposed in part to remain, and with any surrounding comparable structures. New additions or New Construction shall generally be smaller than the impacted Designated Historic Resource, if in existence and proposed in part to remain. In rare instances where an addition or New Construction is proposed to be larger than the original Designated Historic Resource, it shall be designed such that no single element is visually larger than the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding comparable Designated Historic Resources.

Applicant's Response No change.

e) Height - To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. However, second story additions are allowed, provided they are consistent with the height standards of the underlying zoning designation and other chapters of this Code, and provided they are consistent with the other review criteria contained herein.

Applicant's Response N/A

f) Roof Shape - New roofs shall match the pitch and shape of the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding compatible Designated Historic Resources.

Applicant's Response N/A

g) Pattern of Window and Door Openings - To the extent possible window and door openings shall be compatible with the original features of the existing Designated Historic Resource, if in existence and proposed in part to remain, in form (size, proportion, detailing), materials, type, pattern, and placement of openings.

Applicant's Response N/A

*For applications affecting windows or doors, please fill out a [Window and Door Chart](#).

h) Building Orientation - Building orientation shall be compatible with existing development patterns on the Designated Historic Resource site, if in existence and proposed in part to remain, and any surrounding comparable Designated Historic Resources. In general, Alteration or New Construction shall be sited to minimize impacts to facade(s) of the Designated Historic Resource that are significantly visible from public areas, excluding alleys.

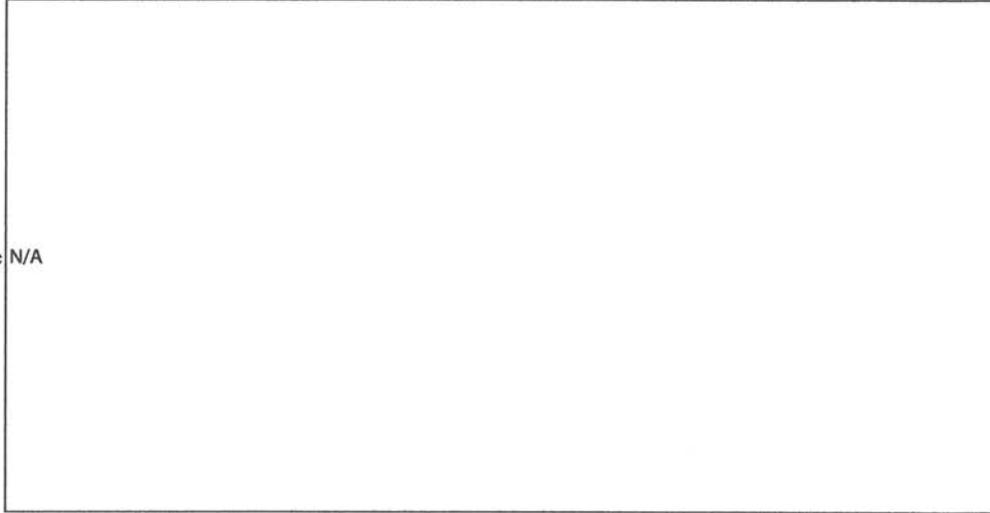
Applicant's Response N/A

i) Site Development - To the extent practicable, given other applicable development standards, such as standards in this Code for building coverage, setbacks, landscaping, sidewalk and street tree locations, the Alteration or New Construction shall maintain existing site development patterns, if in existence and proposed in part to remain.

Applicant's Response N/A

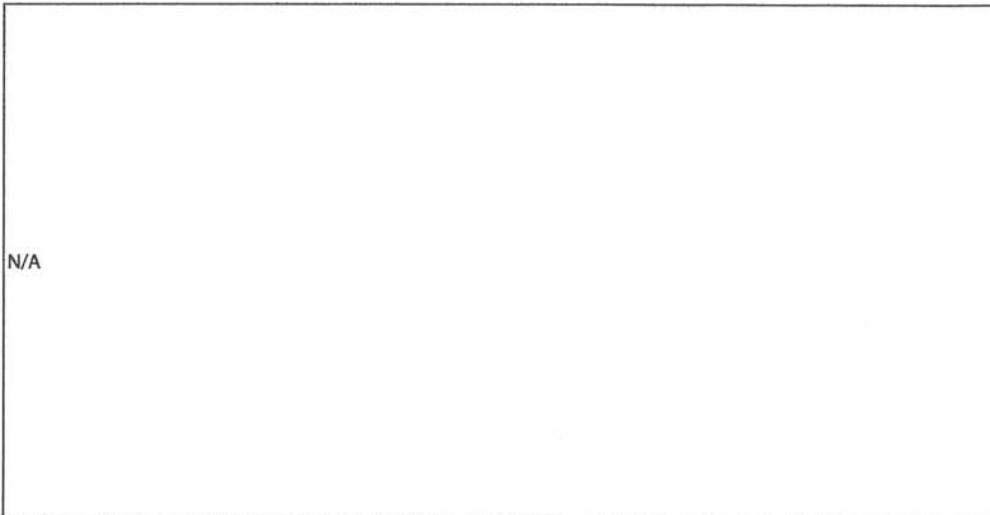
j) Accessory Development/Structures - Accessory development as defined in Chapter 4.3 - Accessory Development Regulations and items such as exterior lighting, walls, fences, awnings, and landscaping that are associated with an Alteration or New Construction Historic Preservation Permit application, shall be visually compatible with the architectural design or style of the existing Designated Historic Resource, if in existence and proposed in part to remain, and any comparable Designated Historic Resources within the District, as applicable.

Applicant's Response N/A



k) Garages - Garages, including doors, shall be compatible with the Designated Historic Resource site's primary structure, if in existence and proposed in part to remain, based on factors that include design or style, roof pitch and shape, architectural details, location and orientation, and building materials. In a National Register of Historic Places Historic District, the design or style of Alteration or New Construction involving an existing or new garage, visible from public rights-of-way or private street rights-of-way, shall also be compatible with the design or style of other garages in the applicable Historic District that were constructed during that Historic District's Period of Significance.

Applicant's Response N/A



l) Chemical or Physical Treatments - Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

Applicant's Response N/A

m) Archeological Resources - Activities associated with archeological resources shall be carried out in accordance with all State requirements pertaining to the finding of cultural materials, including ORS 358.905, as amended, which pertains to the finding of cultural materials; ORS 390.235, as amended, which describes steps for State permits on sites where cultural materials are found; and OAR 736.051.0080 and OAR 736.051.0090, as amended, which describe requirements for cultural materials found on public versus private land, respectively.

Applicant's Response N/A

n) Differentiation - New freestanding buildings and additions to buildings shall be differentiated from the portions of the site's existing Designated Historic Resource(s) inside the applicable Period of Significance. However, they also shall be compatible with said Designated Historic Resource's Historically Significant materials, design or style elements, features, size, scale, proportion, and massing to protect the Historic Integrity of the Designated Historic Resource and its environment. The differentiation may be subtle and may be accomplished between the Historically Significant portions and the new construction with variations in wall or roof alignment, offsets, roof pitch, or roof height. Alternatively, differentiation may be accomplished by a visual change in surface, such as molding strip or other element that acts as an interface between the Historically Significant and the new portions.

Applicant's Response N/A

Application Requirements: Please refer to the application requirements in [LDC Section 2.9.90](#). These are general requirements for all applications. Additional information may be required. Please see the list of application requirements at the following link: [Application Requirements](#)

Please e-mail this form and any additional application materials to City Staff by clicking on the "Submit by Email" button below. By clicking on the "Submit by Email" button, this form will automatically be attached to the e-mail. If you have additional application materials to submit, please attach them to the e-mail. E-mailing the application to City Staff is considered your formal application submission. If you wish to print the form and submit the application in another way you may click on the "Print Form" button. City Staff will process your application and contact you to schedule the public hearing with the Historic Resources Commission. If you have any questions, please do not hesitate to contact the Planning Division at (541) 766-6908.

Submit by E-mail

Print Form

Latta, Brian

From: Rob Schneider [schneider.rob@comcast.net]
Sent: Friday, November 25, 2011 11:31 AM
To: Latta, Brian
Subject: Historic case HPP11-00033
Attachments: 612 pictures for historic commision.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Brian,

Thanks for getting back to me on our historic preservation permit. I've addressed each of your questions below. Let me know if you need more details.

- A)
- 1) I would like to have the front porch step replacement and the front door replacement as a director level review, or if they qualify, as an exemption. I'm not sure if they qualify or not.
 - 2) The siding's compatibility with the characteristics is unknown and not part of my request. We feel the siding is 100% compatible with the 1970's era plywood lap siding that was on the building. We did a "like for like" replacement of that siding and feel that our choice of Hardi plank to replace the plywood lap siding was 100% compatible as both are lap sidings.
 - 3) (I am responding to the second number 2 in your letter here) Hardi plank is a manufactured siding consisting of three materials – wood, cement and glue. This was chosen as the only recommended composite siding for our climate. It replaced the existing siding that was plywood lap siding consisting of wood and glue. About ten year ago, LP siding was being used in the valley and it was wood and glue. It was discontinued because it failed prematurely in our wet environment.
 - 4) (Number 3 on your letter) Window/ door trim was all 1x4. The exposure on the siding is 6". Both sidings are overlap style. The new siding is compatible with the existing remodeling that included the plywood lap siding and the vinyl windows, done at different times.
- B) 1) Will email photos to you in pdf format so they have labels and brief description –later today.
- C) What time is the hearing. I coach ski team at CHS and that lasts till 6:30PM. I can adjust if required. Do you provide the signs for me to post?

Regards,

EXHIBIT IV - 28

South side of building



West side of building



North side of building



East side of building - Front



Vinyl window on east side(existing)



Latta, Brian

From: Rob Schneider [schneider.rob@comcast.net]
Sent: Wednesday, November 30, 2011 2:57 PM
To: Latta, Brian
Subject: RE: 612 SW 2nd Street HPP

Hi Brian,

Thanks for all the help on this.

The two doors were replaced due to security concerns. We had people breaking in and living / partying in the house and the old doors could not be secured anymore. We replaced the doors after we found them having fires inside without a fireplace.

The doors were replaced with the same size door, the same swing and the same number of lites per my contractor at the time. The front door is a 36" door with 9 lites and the rear door is a 32" door with 9 lites. I am not sure of the old door material, but the new doors are steel painted white. The old doors were white based on a picture I had from the city.

The steps were added to the front porch because the existing concrete steps did not meet code. The steps had a rise and run of 9 1/2": 12". The new wood steps have a rise and run of 6 1/2": 11 1/2".

Let me know if you need anything more.

Rob

Rob Schneider
541 231 2519

RECEIVED

NOV 30 2011

**Community Development
Planning Division**

From: [Rob Schneider](#)
To: [Richardson, Robert](#)
Cc: [Latta, Brian](#)
Subject: RE: HPP Application
Date: Wednesday, December 21, 2011 6:34:43 PM

Hi Bob,

Thanks for the message.

I will look for old pictures. I believe that you (the city) has pictures from a garbage complaint before we bought the property. I believe Chris sent these to me at one time. I will look, but you may have them.

The plywood siding was actual 8" wide strips of plywood installed as lap siding. I think there were pieces longer than 8', so it was not cut from plywood sheets, but manufactured this way. I have been led to believe that this was an actual siding product (an early version of Hardi plank or LP siding). The entire house was sided with this, not just patched. It probably looked nice when originally done, but we believe it was ~35 -40 years old and had failed (probably why it is not commercially available anymore) . This is based on builders telling me that there was a product like this in the mid 1970's. I don't have any facts, just opinions on the age.

The Hardi plank was installed over the existing plywood siding.

Let me know if you need anything else,

Rob

Rob Schneider
541 231 2519

From: Richardson, Robert [mailto:Robert.Richardson@ci.corvallis.or.us]
Sent: Wednesday, December 21, 2011 4:51 PM
To: 'Rob Schneider'
Cc: Latta, Brian
Subject: HPP Application

Hi Rob,

I'm working on the staff report to the HRC regarding your Historic Preservation Permit application for 612 SW Second Street. While the application has been deemed complete, I anticipate the following types of questions from the HRC regarding the existing siding.

Do you have pictures of what the plywood siding looked like?

Did the plywood siding cover the entire house, or was it just used to patch a limited area? (Knowing that plywood is only 8-ft long, and not designed as lap siding, did someone really go through the effort to cut enough plywood into such short strips, and clad the entire house?)

Was the hardi-plank siding installed over the existing siding, or was the existing siding first removed?

Your answers to these questions will help the HRC understand the compatibility of the proposed siding. Please provide any information regarding the above this week so that I can include it in the staff report.

Regards,

Bob Richardson
Associate Planner,
City of Corvallis
(541) 766-6908

From: [Rob Schneider](#)
To: [Richardson, Robert](#)
Subject: RE: Another question
Date: Friday, December 23, 2011 9:06:48 AM

Hi Bob,

Just got off the phone with the siding contractor. Here are the answers to your questions below.

Thanks,

Rob

From: Richardson, Robert [mailto:Robert.Richardson@ci.corvallis.or.us]
Sent: Friday, December 23, 2011 8:40 AM
To: 'Rob Schneider'
Subject: Another question

Hi Rob,

I was looking through photos of the house to see what the 1970's siding looked like, and I noticed that in addition to installing new siding, new window trim was also installed. I would like to address this aspect of the project in the staff report. Would you please help me by providing the following information?

Clarify if the previous trim is still there, and new trim attached on top of it. [No, old trim was removed and new trim replaced](#)

Is the previous trim the original? [I don't think so. I believe the trim was installed when the plywood siding was installed.](#)

Was new trim placed around all windows, or just some? If just some of the windows, which ones? [All windows.](#)

Compare the previous trim to the new trim in terms of its width, material composition, style (i.e. flat, or beveled). [Same material \(real wood\), same shape](#)

Provide a short explanation as to why new trim was used, and why you believe it is historically compatible. [The old trim had failed. Not sure if it is historically compatible, but it is exactly the same as what was there.](#)

I'm hopeful you can provide this information today. An email response would be fine.

Best,

Bob Richardson
Associate Planner,
City of Corvallis
(541) 766-6908

From: [Rob Schneider](#)
To: [Richardson, Robert](#)
Subject: RE: Another question
Date: Friday, December 23, 2011 7:33:41 PM

Hi Bob,

Remember that this house now has 3 layers of siding on it.

The first layer is the original layer when the house was built – I believe and is a ship lap type of siding.

The second siding layer is plywood siding. When this was installed I suspect that they added window trim on top of the original windows. This trim was removed and new trim installed when we installed the Hardi plank siding (3rd layer) over the plywood siding.

Does this help or make sense?

Rob

Rob Schneider
541 231 2519

From: Richardson, Robert [mailto:Robert.Richardson@ci.corvallis.or.us]
Sent: Friday, December 23, 2011 10:11 AM
To: 'Rob Schneider'
Subject: RE: Another question

Hi Rob,

Thanks again for your quick response. Based on what your contractor said about the trim, it might be considered an In-kind replacement. But, I have this photo that shows new trim installed on top of existing trim. Could you ask your contractor about this? If its easier, I'm happy to speak with him/her in person.

Bob Richardson
Associate Planner,
City of Corvallis
(541) 766-6908

From: Rob Schneider [mailto:schneider.rob@comcast.net]
Sent: Friday, December 23, 2011 9:06 AM
To: Richardson, Robert
Subject: RE: Another question

Hi Bob,

Just got off the phone with the siding contractor. Here are the answers to your questions below.

Thanks,

Rob

From: Richardson, Robert [mailto:Robert.Richardson@ci.corvallis.or.us]
Sent: Friday, December 23, 2011 8:40 AM
To: 'Rob Schneider'
Subject: Another question

Hi Rob,

I was looking through photos of the house to see what the 1970's siding looked like, and I noticed that in addition to installing new siding, new window trim was also installed. I would like to address this aspect of the project in the staff report. Would you please help me by providing the following information?

Clarify if the previous trim is still there, and new trim attached on top of it. **No, old trim was removed and new trim replaced**

Is the previous trim the original? **I don't think so. I believe the trim was installed when the plywood siding was installed.**

Was new trim placed around all windows, or just some? If just some of the windows, which ones? **All windows.**

Compare the previous trim to the new trim in terms of its width, material composition, style (i.e. flat, or beveled). **Same material (real wood), same shape**

Provide a short explanation as to why new trim was used, and why you believe it is historically compatible. **The old trim had failed. Not sure if it is historically compatible, but it is exactly the same as what was there.**

I'm hopeful you can provide this information today. An email response would be fine.

Best,

Bob Richardson
Associate Planner,
City of Corvallis
(541) 766-6908

United States Department of the Interior
National Park Service

National Register of Historic Places

Continuation Sheet

Section number 7 Page 6

INVENTORY OF INDIVIDUAL RESOURCES

602 SW 2nd

Historic Name: Ella (Elnora) Johnson House

Year of Construction: 1907

Legal Description: Avery's Addition, Block F Lot 6, Tax Lot 3200

Owner: Justus S. Seeley, 2325 NE Belvue St., Corvallis, OR 97330

Classification: Historic/Contributing (1)

Description: This 1½-story, wood frame house is an excellent local example of Colonial Revival architecture. It is rectangular in plan, sheathed with droplap siding, and rests on a "cast stone" concrete block basement foundation. The bellcast gable roof is covered with composition shingles. The gable end walls, shed roof dormers (east), and gabled dormer (west) are clad with wood shingles. Decorative features include a recessed entry with a single door flanked by sidelights, cornice style window heads, corner boards, and a diamond-shaped window in the gable end (north). Windows vary, but include symmetrically placed twenty-four-over-one double hung sash on the first story front (east), fifteen-over-one double hung in the shed dormers, and a combination of twelve-over-one and one-over-one double hung sash on the side and rear elevations. The basement is raised and fairly large windows have been installed.

History: This house was constructed for Ella Johnson, and her mother Cynthia Fiechter Johnson, in 1907 by local contractor Taylor Porter after the sale of the original Fiechter-Johnson property south of Corvallis. Ella was a milliner for Moses & Trask Company. In 1913, L. E. Phillips boarded with the Johnsons. The house, and its neighbor at 612 SW 2nd, were sold to Sophia Wildig Griffith in 1933, and in 1945, both properties were sold to C.G. Bessie Gillaspie. The lots were separated soon after and Charles and Emma Dill later owned the house. The house is listed on the Corvallis Register of Historic Landmarks and Districts.

612 SW 2nd

Historic Name: Johnson Carriage House

Year of Construction: c.1907

Legal Description: Avery's Addition, Block F Lot 5, Tax Lot 3100

Owner: Jacques M. LeFievre, 2092 Buttner Rd., Pleasant Hill, CA 94523

Classification: Historic/Contributing (1)

Description: This is a two-story, wood frame vernacular building, which originally was a carriage house. It is sheathed with horizontal board siding and rests on a stone foundation. Its hipped roof is covered with composition shingles. In its early conversion to an apartment house, entrances were created on the front and back (east and west) and small porches built. The front porch has a gable roof, the back porch has a shed roof; both are supported by simple square posts. Windows include two six-over-six double hung sash (east) and a number of six-pane hopper style windows. An interior brick chimney is visible through the roof. A small garage has been attached to the northwest corner of the building.

History: This building was the carriage house constructed for Ella Johnson when she built her house next door at 602 SW 6th. Ms. Johnson converted it to apartments by 1927. Sophia Wildig Griffith owned it, along with the house next door from 1933 until 1945. It was sold to C.G. and Bessie Gillaspie and later to Fred and Rose H. Fleury.

Avery-Helm Historic District

Benton, Oregon

Name of Property

County and State

5. Classification

Ownership of Property

(Check as many boxes as apply)

- private
- public-local
- public-State
- public-Federal

Category of Property

(Check only one box)

- building(s)
- district
- site
- structure
- object

Number of Resources within Property

(Do not include previously listed resources in the count.)

Contributing	Noncontributing	
122	42	buildings
0	0	sites
0	0	structures
1	0	objects
123	42	Total

Name of related multiple property listing

(Enter "N/A" if property is not part of a multiple property listing.)

N/A

Number of contributing resources previously listed in the National Register

4

6. Function or Use

Historic Functions

(Enter categories from instructions)

DOMESTIC/Single Dwelling

DOMESTIC/Multiple Dwelling

Current Functions

(Enter categories from instructions)

DOMESTIC/Single Dwelling

DOMESTIC/Multiple Dwelling

COMMERCE/TRADE/Business

COMMERCE/TRADE/Specialty Store

7. Description

Architectural Classification

(Enter categories from instructions)

CRAFTSMAN/Bungalow & Foursquare

20th Century Period Styles

LATE VICTORIAN/Italianate, Queen Anne

Materials

(Enter categories from instructions)

foundation Concrete, stone

walls Clapboard, shingle, droplap, brick, stucco, concrete

roof Composition/asphalt, wood shingles

other Brick

Narrative Description

(Describe the historic and current condition of the property on one or more continuation sheets.)

See continuation sheets

EXHIBIT IV - 37







06/09/2009 08:52



06/09/2009 08:53









City of Corvallis











City of Corvallis



City of Corvallis



City of Corvallis



City of Corvallis



City of Corvallis



City of Corvallis



EXHIBIT IV - 55

09/13/2010 09:28



Community Development
Development Services Division
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6929
TTY (541) 766-6477

NOTICE OF VIOLATION

April 15, 2010

SEVEN DS LLC
777 NE SECOND ST
CORVALLIS, OR 97330

RE: WORK WITHOUT REQUIRED HISTORIC PRESERVATION PERMITS
CASE: VIO09-00761 SITE: 602 NW SECOND STREET
CASE: VIO09-00759 SITE: 612 NW SECOND STREET

Dear Property Owners;

Records from the Benton County Assessor's office indicate that you are the owners of the properties at 602 & 612 NW Second Street, Corvallis, Oregon. This letter is to inform you that on Friday, December 11, 2009, while investigating a complaint, a violation of the Corvallis Land Development Code (LDC) was confirmed; alteration of structures within the Historic District without obtaining the required Historic Preservation Permits (HPP) as per LDC chapter 2.9.

On December 11, 2009, city staff met on-site with property owner, Rob Schneider, to discuss the above referenced violation cases. During the site visit Mr. Schneider showed us the exterior of the house at 612 SW Second Street, and the mailbox cluster at 602 SW Second Street that are the subjects of the violation cases. These structures are in the Avery-Helm National Register of Historic District and are subject to the Corvallis Historic Preservation Provisions, in Land Development Code (LDC) Chapter 2.9.

While at the sites we observed a number of recent alterations to the historic structures. These alterations occurred without approval of requisite Historic Preservation Permits (HPP).

612 SW Second Street

- The entire primary structure was clad with new engineered, deep textured siding installed over the existing siding;
- New trim was added over existing and possibly original door and window trim;
- A mud board was added around the entire structure;
- The front porch was reconstructed and altered by replacing the deck at a higher elevation and adding another set of stairs;
- The rear porch roof had been removed;
- Exterior appurtenances of the mechanical, electrical, and ventilation systems have been altered at the south and west walls and roof penetrations have been added;
- New front and rear doors were installed.

RE: WORK WITHOUT REQUIRED HISTORIC PRESERVATION PERMITS
CASE: VIO09-00761 SITE: 602 NW SECOND STREET
CASE: VIO09-00759 SITE: 612 NW SECOND STREET
PAGE 2

602 SW Second Street

- A multiple mailbox unit was installed on the east side of the house.

To resolve the historic preservation aspect of the violations the alterations must be reversed, or approved through a Historic Resources Commission-level HPP application review process. This process typically takes two to three months depending on how quickly a complete application is received. Application materials and guidance on how to complete an application can be found at www.ci.corvallis.or.us/cd/historic, and then by clicking on the Historic Preservation Permits link.

Please direct any questions regarding the HPP review process to planner Bob Richardson. He can be reached at (541) 766-6908, or robert.richardson@ci.corvallis.or.us.

Respectfully,



Shannen Chapman
Land Use Inspector

c: Bob Richardson, Associate Planner, Planning
Christopher Westfall, Code Enforcement Supervisor
Kevin Russell, Senior Planner

Memorandum

To: Mayor and City Council

From: Bob Richardson, Associate Planner

Date: February 21, 2012

Subject: Written Testimony – Johnson Carriage House (HPP11-00033)

Enclosed with this cover memorandum is written testimony received before 5:00 PM on February 21, 2012, regarding the appeal of the referenced land use case to City Council.

February 21, 2012

Dear members of the Corvallis City Council :

I am a member of the HRC, but I am writing today as an architect concerned with the improper installation of siding on the Johnson Carriage House.

The owner of the Johnson Carriage House installed a horizontal lap cement fiberboard siding over a horizontal plywood lap siding from the 1970's, over the original drop siding from 1907.

In the 2010 Oregon Structural Specialty Code, Section 1405.16 Cement Fiber Siding, it states that *siding shall be installed over sheathing or materials listed in Section 2304.6* (this section lists more types of acceptable wall sheathing). *Siding and accessories shall be installed in accordance with approved manufacturer's instructions.*

Lap siding is not wall sheathing. Wall sheathing is typically a 4' x 8' flat panel of plywood or oriented strand board. Wall sheathing helps in stabilizing the building against seismic forces, but it also provides a smooth surface on which to apply siding.

All fiberboard manufacturer's installation instructions that I have read state that their siding must be applied directly to studs or to wall sheathing. If it is not applied to these specifications their manufacturer's limited warranty is void. My concern with the Johnson Carriage House is that the siding was not installed to manufacturer's specifications, and therefore, not installed per code (I have never run across 3 layers of siding in the field). This means it was not installed on a level surface. The owner also stated that some areas of the 1970's plywood siding were in bad shape. In my opinion, putting siding over uneven, failing siding will do more harm than good. I had noticed that in some places on the Johnson Carriage House, the new siding was bowed and perhaps popping out. This is not a good sign. It is foreseeable that the new siding will fail because of improper installation which will allow water intrusion behind the siding which will lead to degradation of the structural integrity of the building. One should never install fiberboard lap siding in this manner, and with an historic structure one should have more concern for proper building practices.

Sincerely,



Lori Stephens
Architect, AIA

Broadleaf Architecture PC
534 NW 4th St,
Corvallis, OR 97330

City of Corvallis City Council
Johnson Carriage House Appeal
February 21, 2012

Why LDC Chapter 2.9 is important for City Council

Oregon Statewide Planning Goal 5 directs local governments to adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. The Historic Preservation provisions of LDC 2.9 help implement this mandate. Inventory, designation, review, and celebration of Corvallis' historic resources advance this statewide goal.

Why Historic Preservation is Important

Preservation is place-keeping, safeguarding that sense of place that makes each and every place unique. In the words of Gertrude Stein: "There's a there, there."

Sense of Place

Geographic places with a strong **sense of place** have an identity and character that is deeply felt by residents and visitors. Sense of place is characterized by authenticity and is composed of natural and cultural features in the landscape. When it comes to stewardship of sense of place, we are discussing historic preservation. When we lose an element of our place – in whole or in part – we erode the whole collection of elements that define our place.

Sense of Place and Economic Development

Quality of life considerations are the single-most important factor when businesses consider relocation. And sense of place is a significant component of quality of life. To be competitive economically, a community must safeguard its sense of place. Other towns and communities may offer similar tax strategies, incentives, or industrial park amenities, but no one can duplicate a community's sense of place and the historic resources that help define it. That is why we are here this evening – to take good care of our sense of place, and our quality of life that place supports.

Three-tiered System

Chapter 2.9 provides Corvallis with a three-part system for reviewing our historic resources to streamline the process. A group of activities are exempt from review altogether; another group of activities at the Director level may be reviewed responsively. Anything with an answer that resembles "It depends," is referred to the HRC as the city-appointed authority in heritage conservation matters. The Corvallis HRC is a Certified Local Government (CLG). There are over 1800 CLG's in the country, 56 in Oregon alone. The CLG program was created in 1966, more than 40 years ago.

Appeal

I encourage you to adopt Recommended Action Option 3: approve the revised application in-part, with conditions that uphold aspects of the HRC decision, as itemized in Table 2, Review Criteria and Staff Recommended Decisions. And I would like to address the appellant's grounds for appeal.

Item 1. The staff report explains the scope of the HRC's municipal authority to approve, approve in

part, or deny an application. The HRC neither exceeded nor neglected its authority under LDC 2.0.50.16, Multiple Actions Filed Together.

Item 2 addresses information supplied by the applicant and evidence in the record. A cursory glance at the original permit application demonstrates that unusually little information was provided in the application itself for the HRC's consideration making their deliberations that much more challenging. Many of the application questions were left either unanswered or provided little information. Further, some information provided at the hearing was either vague or self-contradicting.

Much of the appellant's justification for your reconsideration of the proposed siding installation rests on the definition of In-kind Repair or Replacement. It is important for your deliberations that the siding was **neither repaired nor replaced**. Consequently the **definition does not apply** to either this appeal or the original application. The siding is **added – applied over existing siding material** – consequently the proposed siding neither repairs failed siding, nor replaces existing siding.

The definition does tell us that in the situation where replacement does occur, replacement elements match the old in design, color, texture, materials, dimensions, shape, and other visual qualities. The definition does not allow that replacement elements match only some of these considerations, e.g., dimension but not material. As the staff report succinctly states “proposed siding is a different material than existing siding.” Hardie plank contains: water, sand, wood fiber, and cement. The siding materials are not similar; they do not match.

Item 3 addresses 2.9.100.04.b.1 General Review criteria. This is the part of the code where the expertise of the HRC is most needed. It is important to understand that (a) through (g) do not provide a checklist of criteria. These criteria have a dynamic interrelationship with one another where interpretation, evaluation, and balance in decision-making is most critical. If there is “wobble-room” in 2.9, this is where it occurs. Those of you who have ever watched Antiques Roadshow will understand that condition matters less if an object is rare or unusual or an early example of a particular kind of widget. You will also understand that a totally ordinary object may have tremendous value if it is in pristine condition: no nicks, no bumps, no bruises. These general review criteria – taken together as a dynamic interrelationship – allow the decision-maker to distinguish how important a particular historic resource is to our sense of place and the quality of stewardship that it merits.

The appellant suggests that even though the Johnson Carriage House was inappropriately sided with plywood in the past, that it still maintained sufficient historic integrity to merit listing in the National Register of Historic Places. Further the appellant suggests that adding a new layer of inappropriate material would not change that pre-existing integrity consideration. The appellant fails to consider the additional criteria that more than compensate for lack of pristine condition. As itemized in my testimony at the HRC hearing, this property has unusually strong ties to our earliest Euro-American settlement pioneers and patterns, women's history, and conservation policy. The Johnson Carriage House is so “heavy” on the Historic Significance aspect of these criteria that its Condition matters less. Also the resource is one of a few remaining example of a once common site arrangement of a home, the Johnson House, and its supporting dependency building, the Johnson Carriage House.

Importantly, despite the presence of inappropriately installed plywood siding in the 1970s, the Johnson Carriage House satisfies six of the seven criteria for the definition of Historic Integrity, when only two criteria need to be met to establish that a resource maintains its historic integrity.

The appellant suggests that it was inappropriate for the HRC to “apply 2.9.100.04.b.2 at all.” This is not a discretionary matter for the HRC or Council. It must be determined if a proposed change is going to return a resource to its original appearance **or** be compatible with either its own or its district’s **historic characteristics**. The decision-making body must determine which one of these criteria apply before considering any of the Compatibility Criteria that follow. This is not a discretionary consideration, the code states: “shall either . . . or.” For example, installation of fiber cement siding categorically does not “more closely approximate the original material composition of the resource,” because fiber cement siding did not exist during the District’s Period of Significance. Because criterion (a) cannot be met, criterion (b) **must** apply and proposed alterations **must** be compatible with the historic characteristics of the Designated Historic Resource and/or District.

The staff report and the appellant’s review of 2.9.100.04.b.3, fail to consider a critical clause: “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.**” The siding on this resource exists and it is proposed to remain. It is inappropriate to suggest that this criterion is satisfied by matching a new alteration to an intervening mistake, particularly when it occurs outside the Period of Significance.

Any applicant could determine if materials with historic characteristics remain with careful, limited investigation of the resource in an inconspicuous place. In this particular case, all the applicant need do is examine the existing siding – that is proposed to remain – on the interior wall of the garage addition, Exhibit 1-24 (also Attachment A-9). The appellant suggests that it is “unreasonable to rely on this photo in order to reach a conclusion as to the type(s) and/or conditions(s) of the original siding that might exist elsewhere on the house.” This photo and the location of the materials is exactly the type of information that responsible stewards use to research appropriate treatment for historic resources. It was appropriate for the HRC to give considerable weight to this documentary building evidence.

On page 10 of the appeal letter, the appellant suggests:

“It cannot be presumed to be present on all other portions of the exterior.” While it is possible different siding materials were used on different sides of a structure, it is highly unlikely that a builder during the Period of Significance – or today – would likely use such surface variety, particularly on a Carriage House. That said, careful investigation would answer this question definitively.

There is, however, nothing conjectural about the photographic evidence. The photo does show two types of siding. It is clear that some opening, a window, door, or carriage house door, once existed here, and that siding of one type or the other was used to cover the opening. It is also evident in the photo, which was siding and which was surface infill. Siding Type 1, drop lap siding, has a trim

shadow line that parallels the seam between the two types of siding material. This shadow line tells us that trim framed the opening that existed to the right of the seam between the two siding types. The presence of nail scars in the trim shadow further supports this conclusion as well as accumulation of dirt and dust over time. No such shadow or nail scars exist on the Siding Type 2 surface, indicating that no trim covered this surface for any opening that possibly existed to the left of the seam. Siding Type 1 was trimmed out around an opening; Siding Type 2 was not, consequently Siding Type 1 was installed earlier than Siding Type 2. While it cannot be concluded that Siding Type 1 is the original siding, it can be concluded that it was installed during the Period of Significance, which is all that is needed for the HRC's – or Council's decision.

Once a determination is reached regarding siding, the issue of appropriate trim application would answer itself.

Incentives

Importantly, for commercial historic properties like the Johnson Carriage house and others the appellant owns nearby, substantial Rehabilitation Tax Credits exist to defray the costs of a quality rehabilitation project. The State of Oregon also offers a financially attractive Property Tax Abatement program while pre-approved rehabilitation activities are underway. These incentives apply to income-producing rental properties.

I encourage you to adopt Recommended Action Option 3.

Thank you for your kind attention.

Respectfully submitted,

BA Beierle

February 18, 2012

RECEIVED

FEB 21 2012

Mayor Manning and Corvallis City Council
c/o Mr. Robert Richardson
Associate Planner
City of Corvallis
501 SW Madison Avenue
P.O. Box 1083
Corvallis, Oregon 97339-1083

Community Development
Planning Division

Dear Mayor Manning and City Councilors:

The purpose of this letter is to express our support of the appeal filed by Mr. Rob Schneider on the Johnson Carriage House (HPP11-00033).

As owners, property managers, and brokers of historic properties in Corvallis, it is of great concern to us that the Historic Resources Commission (HRC) improperly applied the criterion in Land Development Code (LDC) Section 2.9.100.04.b.2.a. There is no evidence contained in the record that conclusively demonstrates the style and materials of the original siding material that may have existed on the Johnson Carriage House during the associated Period of Significance. Given comments contained in the minutes of the January 10, 2012, hearing, the HRC clearly made assumptions about the original siding material and based its denial of the application on this criterion. It is not defensible for a quasi-judicial body to make a land use decision by relying on speculative information.

Even more puzzling is the fact that the HRC was not obligated to apply Section 2.9.100.04.b.2.a in the first place. The language used clearly conveys the flexibility to review an application under either Part "a)" or Part "b)." There are no prerequisites that must first be satisfied in order for Part "b)" to apply to a proposal, and Mr. Schneider did not explicitly request approval based on one criterion and not the other. Thus, the HRC simply failed to correctly interpret and apply the applicable criteria as a whole. The subject application clearly complies with LDC Sections 2.9.100.04.b.2.b and 2.9.100.04.b.3, as discussed in the December 30, 2011, HRC staff report and further argued in the submitted letter of appeal. Therefore, the City Council should approve the request.

The larger issue raised by this appeal is the City's duty to encourage and facilitate the reasonable maintenance of historic resources. In the case of the Johnson Carriage House, Mr. Schneider made considerable effort to revitalize a historic structure that the previous owners had allowed to deteriorate. While the plywood siding replaced by Mr. Schneider was not likely to have approximated siding materials used during the Period of Significance for the Avery-Helm National Historic District, its presence did not prevent the structure from being classified as 'Historic/Contributing'. Allowing the replacement of a "non-historic" siding material with another "non-historic" siding material should not be viewed as harming the structure's historic integrity, especially when the design, style, and appearance of the HardiPlank siding is consistent with historic siding materials found elsewhere within the Avery-Helm National Historic District. Permitting this flexibility encourages property owners to properly maintain the historic resources our community cherishes without imposing burdensome requirements. The result is that both the property owner and the community benefit; the house is maintained, and its historic integrity has not decreased.

In comparison, the HRC's perspective in this case solidifies a precedent of forcing owners of historic property to rehabilitate to an almost pristine state, regardless of the costs. While some may voluntarily elect to on their own, the decision to return a historic structure to its original conditions should be left to the property owner so long as it can be demonstrated that a material that does not "closely approximate the original historic design or style, appearance, or material composition" (Section 2.9.100.04.b.2.a) of a resource is at least "compatible with the historic characteristics of the Designated Historic Resource..." (Section 2.9.100.04.b.2.b). Holding property owners to the more stringent standard will likely encourage some to repair or replace materials without first seeking the appropriate reviews, or worse, to simply not perform the necessary maintenance at all. The possible outcomes of those scenarios include an increase in Violation cases that are costly for the City to manage, and the gradual decline of historic structures judged to be too expensive to maintain.

Among the purposes of LDC Chapter 2.9 are the following.

- b. Encourage, effect, and accomplish the protection, enhancement, and perpetuation of historic resources, historic resource improvements, and of historic districts that represent or reflect elements of the City's cultural, social, economic, political, and architectural history;**
- c. Complement any National Register of Historic Places Historic sites and/or Districts in the City;**
- d. Foster civic pride in the beauty and noble accomplishments of the past;**
- e. Promote the use of historic districts and landmarks for education, pleasure, energy conservation, housing, and the public and economic welfare of the City;**

The City Council has an opportunity through its decision on this appeal to convey what constitutes an appropriate balance of these purposes. We strongly encourage you to facilitate a reasonable path to preserving and protecting our community's historic resources.

Sincerely,

February 20, 2012

RECEIVED

Mayor Manning and Corvallis City Council
c/o Mr. Robert Richardson
Associate Planner
City of Corvallis
501 SW Madison Avenue
P.O. Box 1083
Corvallis, Oregon 97339-1083

FEB 21 2012

Community Development
Planning Division

Dear Mayor Manning and City Councilors:

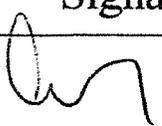
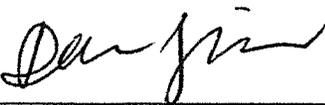
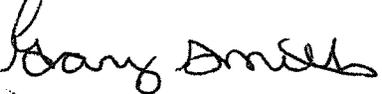
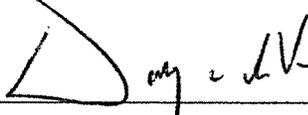
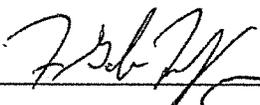
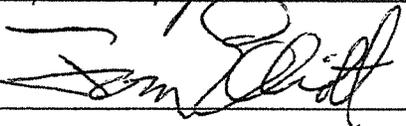
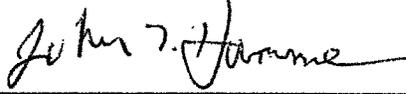
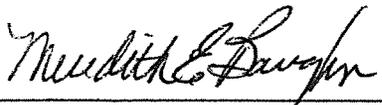
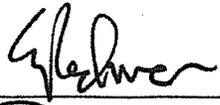
We are writing to you in support of Mr. Rob Schneider and his appeal of the Historic Resources Commission's (HRC) decision to deny his Historic Preservation Permit request (HPP11-00033).

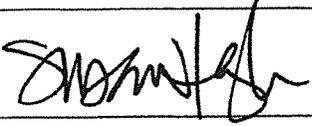
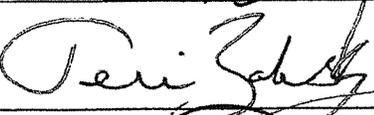
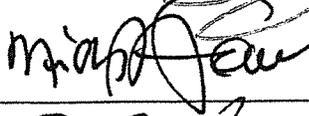
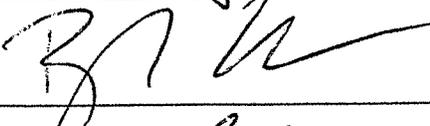
Mr. Schneider has made significant improvements to the southern portion of Downtown and the Avery-Helm National Historic District by rehabilitating the Johnson Carriage House. Prior to him purchasing the house, it had been neglected and was being used as a "flop house" by various individuals. Broken windows and doors were boarded up, and litter accumulated around the property. As Mr. Schneider testified during the HRC hearing, evidence of drug use and open fires was found inside the building as renovations began. The house had become a blight on the neighborhood and was an attractive nuisance.

In comparison to those conditions, the Johnson Carriage House and the property it occupies is now well-kept and positively contributes to the historic character of the surrounding properties. The improvements made by Mr. Schneider have returned the property to a respectable condition that supports its use as a residence for several tenants. Initially, Mr. Schneider made the house available to participants of a Benton County sanctioned drug rehabilitation program at sub-market rents. While this only lasted for 2 years due to funding cuts, we remain grateful to Mr. Schneider for rescuing a significant historic property from the brink of disaster.

We believe Mr. Schneider has supported the purposes of Land Development Code Chapter 2.9 by rehabilitating the Johnson Carriage House through the use of materials that are consistent with the design, style, and appearance of building materials found throughout the Avery-Helm National Historic District. These efforts ensure that the house will be available to make further contributions to the history of our community. The City Council can affirm the importance of that fact by reversing the HRC's decision and approving Mr. Schneider's request.

Sincerely,

Signature	Printed Name	Relation to Issue
	K. HUMBY	Neighborhood 614 S. W 4th
	Debra Griffin	545 S.W. 3rd Phil's Transmissions
	JAIME MARIE	630 SW 2nd
	GARY SMITH	504 NW THIRD ST CORVALLIS
	DOLF A. deVos	OWNER 620 SW 2nd St. CORVALLIS, OR
	F. Gale Farley	2940 NE Lancaster CORVALLIS, OR
	THOMAS ELLIOTT	4020 SW BROOKLANE CORVALLIS, OR
	Colleen ELLIOTT	4020 SW Brooklane Corvallis OR
	JOHN T. HUMME	624 THIRD ST CORVALLIS, OR.
	Jim Cihak	4835 NE Vinifera St Corvallis, OR 97330
	MEREDITH EIBALHAMMER	REAL ESTATE BROKER
	Tom Rondeau	Real Estate Broker
	Steve Redman	Real Estate Broker
	Jill Schuster	Real Estate Broker
	Pete Sekermestovich	Real Estate Principal Broker/owner

Signature	Printed Name	Relation to Issue
	SUSAN HETHERINGTON	REALTOR
	TERI ZALESKY	REAL ESTATE BROKER
	MICHÈLE FOWLER	REALTOR
	Raymond Cihak	3705 SW HILLTOP DR CORVALLIS OR 97333
	John Gibbons	TOWN'S AUTO Adjacent Property
	Steve Jole	Neighbor, works in area

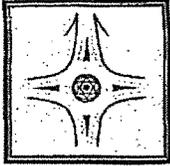
DATE: 10/10/11 TIME: 10:00 AM

Jim, Sold @ KW.com

Pete @ Seker Family.com

10/10/11 10:00 AM

10/10/11



PLANNEXT

COMMUNITY ♦ PLANNING ♦ STRATEGIES

February 21, 2012

Mayor Manning and Corvallis City Council
c/o Mr. Robert Richardson
Associate Planner
City of Corvallis
501 SW Madison Avenue
P.O. Box 1083
Corvallis, Oregon 97339-1083

RE: Additional Information Concerning the Johnson Carriage House Appeal (HPP11-00033)

Dear Mayor Manning and City Councilors:

After reviewing the February 14, 2012, staff report to the City Council on the case referenced above, it is necessary to provide additional information for your consideration on behalf of the appellant. At issue are: (1) the analysis provided by City Staff concerning the request to consider the new window and door trim as an In-kind Replacement; (2) the relationship between the proposed window and door trim and the proposed siding; and (3) the proposal to repair windows present on the north and east elevations of the attached garage as an In-kind Repair.

In-kind Replacement of Window and Door Trim

Pages 8 through 10 of the City Council staff report contain an analysis of the applicant's request that the new window and door trim be considered an In-kind Replacement and exempt from review per Land Development Code Section (LDC) 2.9.70.b. In support of this request, the applicant noted during the hearing before the Historic Resources Commission (HRC) that the previously existing wood trim was removed and replaced with new (proposed) wood trim with a matching design. The analysis provided in the staff report to the HRC also noted that photographs of the trim confirmed that the dimensions of the new (proposed) wood trim match the previous trim (see Page 9 of the City Council staff report). Further, it was noted that because of these facts, the trim qualified as an In-kind Replacement and was exempt from review.

Specific comments regarding the proposed trim were made by two commissioners during the hearing. In one instance, Commissioner Stephens noted that placing a new layer of siding over an existing layer of siding "makes the top layer of siding very flat relative to the trim" (see Exhibit III-6 of City Council staff report). She continued by stating that "Normally, the trim stands out more on a historic home." Commissioner Wathen noted later in the hearing that "it could be argued that the trim is exempt, since it was replaced as it was; however, if the siding is pulled off to the original siding, then the add-on trim could be pulled off to return it to a more historic state" (see Exhibit III-9 of City Council staff report).

Both of these comments demonstrate that the matter of concern was not whether the proposed trim qualified as an In-kind Replacement, but rather the relationship between it and the proposed siding. Therefore, the HRC did not make specific findings to support the conclusion that the proposed trim did not qualify as an In-kind Replacement.

The analysis presented in the City Council staff report interpolates the comments referenced above to conclude that the proposed trim does not qualify as an In-kind Replacement because of its relationship to the proposed siding. This represents a new argument for reaching that conclusion, and is one that was not directly synthesized by the HRC. As a result, the appellant did not have an opportunity to respond to this argument until after the appeal letter was filed and the City Council staff report had been published.

The definition of 'In-kind Repair or Replacement' makes no mention of the relationships that might exist between one type of architectural element and another. It focuses solely on the "design, color, texture, materials, dimensions, shape, and other visual qualities" of the element to be repaired or replaced. Based on testimony provided by the applicant and the analysis provided in the December 30, 2011, HRC staff report, it is clear that the proposed trim matches the previous trim in these respects, and satisfies the exemption criteria contained in LDC Section 2.9.70.b. The appellant requests that the City Council make findings to that effect.

Relationship Between the Proposed Siding and Trim

Having addressed installation of the proposed trim as an exempt activity, the related issue of how the proposed siding relates to the proposed trim remains. This issue only pertains to whether the proposed siding complies with the review criteria contained in LDC Section 2.9.100.04.b. It should be noted that the exact relationship between the previous siding and trim is unknown, as is the exact relationship between the original siding and trim.

As mentioned above, the HRC made comments concerning impacts to the structure's historic integrity potentially caused by the proposed siding being "flatter" to the proposed trim; specifically, Commissioner Stephen's statement that the trim on a historic home typically stands out more. Attached to this letter are photographs showing the offset depth achieved by the window and door trim in relation to the siding proposed on the Johnson Carriage House, (Attachments A-23 through A-24). Also attached are photographs of existing window and door trim and siding found on historic structures within the Avery-Helm National Historic District. Both of these structures are located immediately south of the Johnson Carriage House, (Attachments A-25 through A-28).

The offset depth resulting from the proposed trim and siding on the Johnson Carriage House is roughly three-quarters of an inch (3/4"). The same dimension was observed for window and door trim found on the historic houses located at 620 and 630 SW 2nd Street. Based on information contained in the Statement of Significance for the Avery-Helm National Historic District, each of these residences is designated as 'Historic/Contributing', and each still contains the original siding and trim. Therefore, the relationship between the trim and siding proposed on the Johnson Carriage House is consistent with that of siding and trim found on comparable historic resources within the Avery-Helm National Historic District that contain elements dating to the Period of Significance. This information provides additional support for arguments made by the appellant that the proposed siding satisfies LDC Sections 2.9.100.04.b.2.b and 2.9.100.04.b.3, and directly refutes findings made by the HRC concerning the

relationship between trim and siding typically found on historic homes. The appellant requests that the City Council make findings to that effect.

In-kind Repair of Garage Windows

As discussed in the appeal letter, the appellant proposes to uncover and repair two windows that are located on the north and east elevations of the garage attached to the Johnson Carriage House. With the exception of previously existing trim that was removed from around these windows when the new HardiPlank siding was installed, no other changes have been made to the structure of these windows, (see Exhibits I-16, I-17, and I-31 of City Council staff report).

The appellant's proposal to repair these windows by replacing the glass panes and re-installing the trim as an 'In-kind Repair' was based on an assumption that the photographs referenced above provide the information necessary to demonstrate compliance with LDC Section 2.9.70.b. Based on the analysis presented on Page 13 of the City Council staff report, the assumption was incorrect. Attachments A-30 through A-32 have been provided to remedy the deficient information previously presented by the appellant.

These photographs demonstrate that the frame of each window is still intact, and that the windows were installed in a fixed position. Based on the manner in which they were framed and secured, it is reasonable to conclude that the windows were taken from some other building and installed in the garage to simply allow light to enter the structure. Neither window frame shows any evidence of having originally contained divided lights. By removing portions of the HardiPlank siding to expose these windows, re-installing single pane glass, and re-installing the previous trim, the appellant will return the windows to their previous conditions and function, consistent with the definition of In-kind Repair. Therefore, this aspect of the proposal should be considered exempt per LDC Section 2.9.70.b. The appellant requests that the City Council make findings to that effect.

Summary

This additional information is submitted with the intent of clarifying critical components of the appellant's request and subsequent analysis performed by City Staff. We appreciate the City Council taking time to review this supplemental information, and look forward to answering any questions the Council might have.

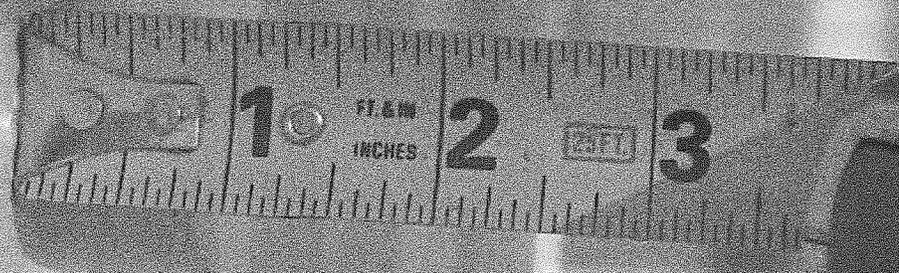
Respectfully,



Eric M. Adams

Attachments:

Attachment A – Additional Photographs of Johnson Carriage House and Nearby Properties



Detail of front door trim on Johnson Carriage House.



Detail of window trim on south elevation of Johnson Carriage House.



Johnson Carriage House Appeal

East elevation of house at 620 SW 2nd Street showing existing window trim and siding.

Attachment A-25



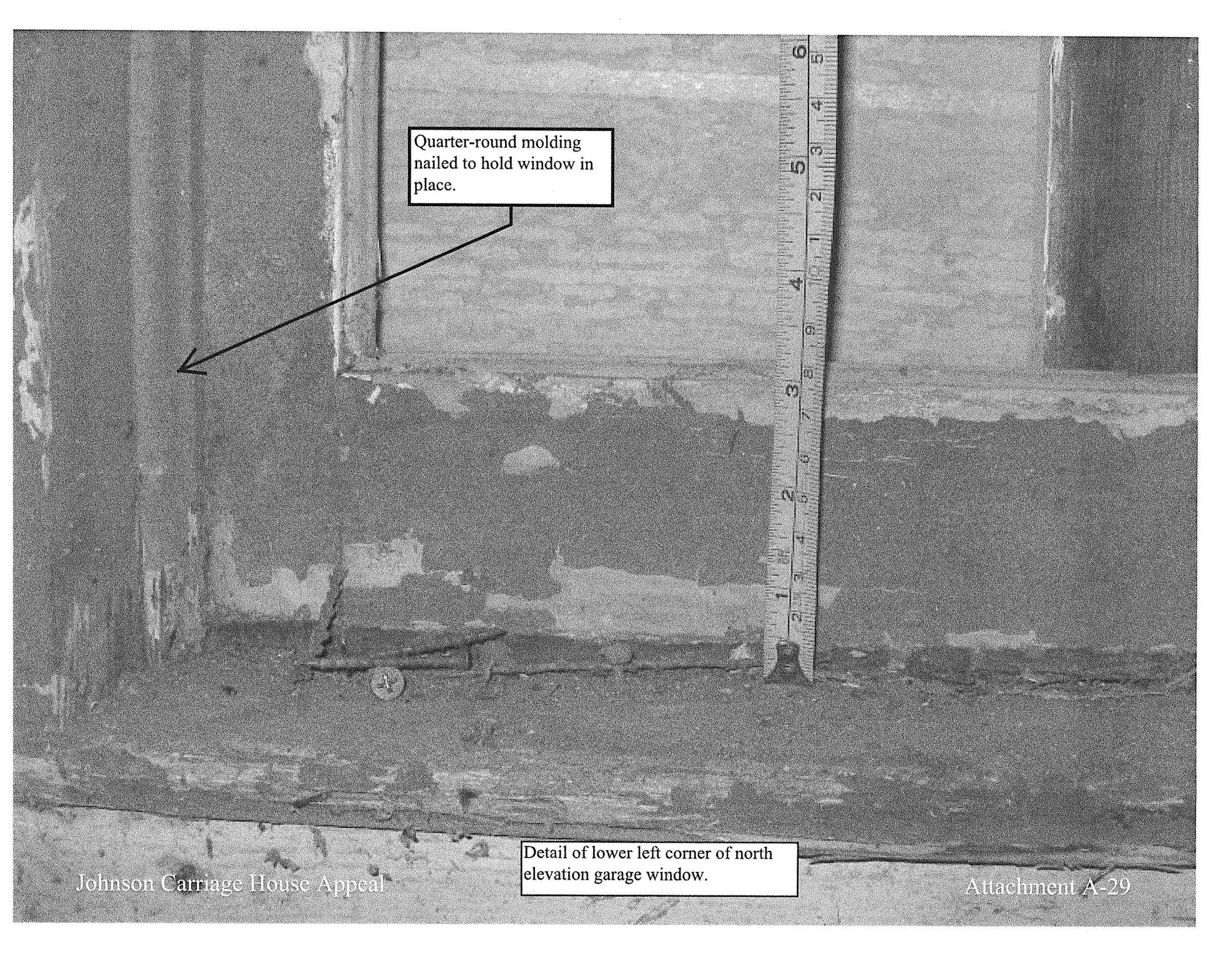
630



Johnson Carriage House Appeal

Detail of exiting siding and trim on house at 630 SW 2nd Street.

Attachment A-28



Quarter-round molding
nailed to hold window in
place.

Detail of lower left corner of north
elevation garage window.



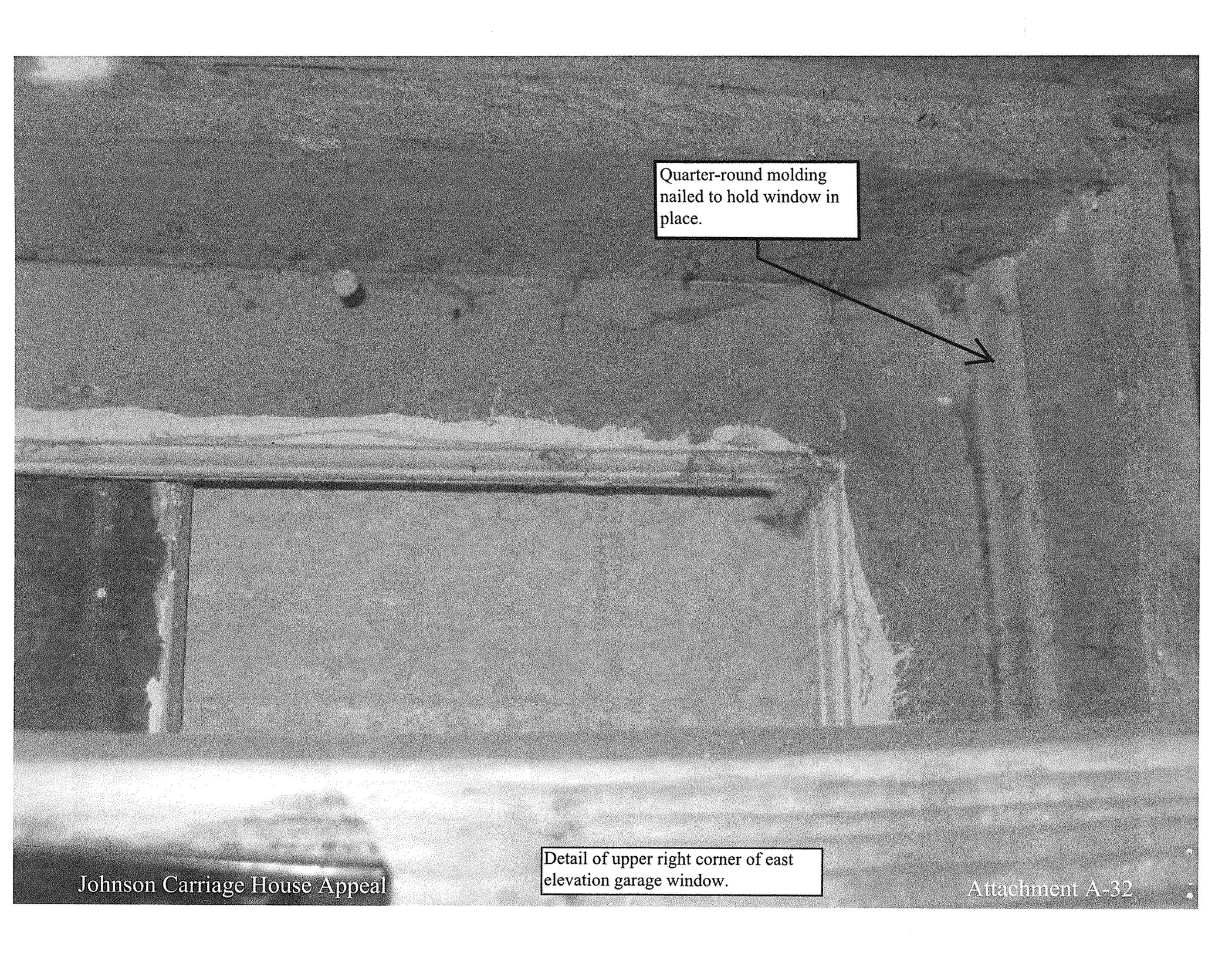
Quarter-round molding
nailed to hold window in
place.

Detail of lower right corner of north
elevation garage window.

Quarter-round molding
nailed to hold window in
place.



Detail of upper left corner of east
elevation garage window.



Quarter-round molding
nailed to hold window in
place.

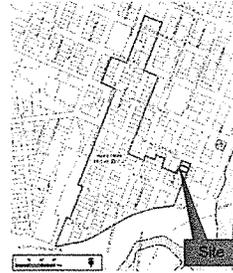
Detail of upper right corner of east
elevation garage window.

Johnson Carriage House HPP11-00033

Appeal of an HRC Decision

Bob Richardson, Associate Planner
February 21, 2012

612 SW Second Street



Background & Proposal Summary

- Background
- Proposal Summary
 - Install Fiber Cement Siding
 - Install Wood Trim
 - Front Porch
 - Steps, handrail, re-orient landing boards
 - Replace Metal Doors with Wood or Metal-Clad Wood Doors
 - Re-install Shed Windows

Full Presentation

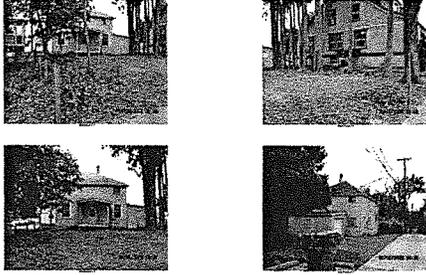
Structure of LDC Chapter 2.9

- 27 Exempt Activities – No HPP required
- 10 Director-level Activities
 - Reviewed against clear and objective criteria
- All other activities require HRC-level approval
 - Discretionary decisions
- Multiple application types combined
 - Reviewed by HRC

Evaluation of Alterations

- Porch
 - As conditioned, satisfies Director-level criterion
- Windows
 - As conditioned, satisfies HRC-level criteria
- Doors
 - As conditioned, satisfies HRC-level criteria
- Trim
 - With new information, Council may approve. HRC denied
- Siding
 - HRC denied. Staff do not believe it satisfies applicable review criteria

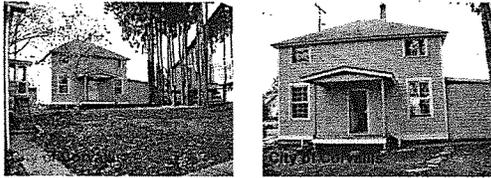
1970's Siding and Adjacent House



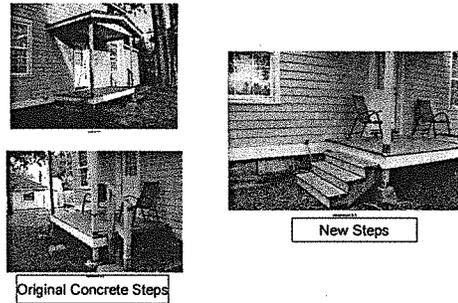
1970's Siding



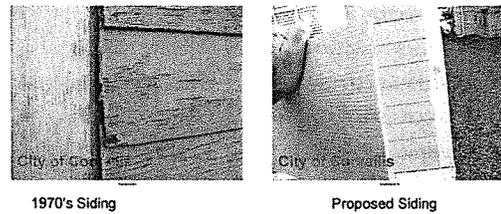
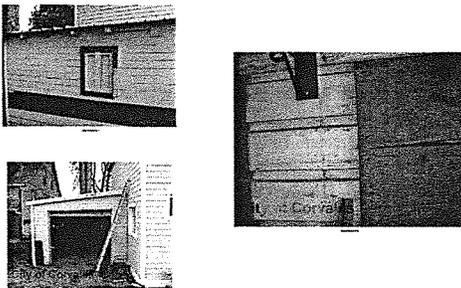
Proposed Fiber Cement Siding



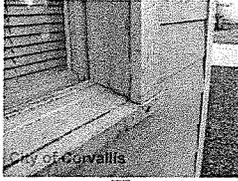
Front Porch



Original Siding on Shed



Proposed Trim and Doors



Carolyn Ver Linden

City of Corvallis City Council
Johnson Carriage House Appeal

February 21, 2012 HP 11-00033

City staff has done an excellent job of explaining in their report to the City Council why this appeal should be denied.

2.9.130.02 Ordered Remedies

Violations shall be remedied; if an after-the-fact HP permit is required to address a violation, the decision-maker for that permit shall have full authority to implement these regulations. Any person who intentionally or negligently allows the alteration or new construction shall be required to restore or reconstruct the designated historic resource, etc.

2.9.70 b. Routine Maintenance and/or In-kind Repair or Replacement

Routine maintenance of any exterior feature of a Designated Historic Resource that does not involve a change in the design or style, dimensions, or material of the resource.

The applicants knew that they had acquired historic properties within an official Historic District (Avery-Helm). The applicant stated that they were under some kind of time restraint to get this project done, and ██████████ felt that they did not need to comply with city regulations about acquiring a Historic Preservation Permit for the work they were doing on the Johnson Carriage House because everything was like-for-like; they're saying that they may have been naïve about like-for-like, however, changing a porch and covering up windows is at least a Director-level review, and it would seem apparent that changing wood doors for steel doors certainly would not qualify as like-for-like. They were forced into compliance with ordinance 2.9 because of a stop-work order that was placed on their project 2 years ago. The applicant has stated that he's cooperative and wants to do the right thing, but on his Historic Preservation permit application he checked that he did "not authorize City staff and HRC members to enter onto the property associated with this application," furthermore his application would have been almost blank if staff had not filled out his form for him based on questions they asked him by email.

Having made all the alterations to this resource without a permit, the applicants now hope to gain approval after the fact for siding ^{ALREADY} installed ██████████ (and I would contend, is also an inappropriate material). To that end, they have acquiesced on a number of smaller points.

I'm going to address the applicant's 3 appeal points. There are several arguments beneath each point and I'll address those in turn.

1. The HRC exceeded its authority by denying the entire application.

As noted in the Staff review, ("Director-level activities are reviewed against a set of clear and objective criteria to determine historic compatibility. These criteria are different than the HRC-level activities which guide discretionary decisions.) If multiple activities are proposed in one application, and one activity qualifies for Director-level approval, but others require HRC-level approval, the Director-level activity is considered by the HRC, not the Director. However, the HRC would apply the Director-level review criteria when considering the Director-level activity, not the HRC-level criteria. Thus, the HRC did not exceed its authority by denying the entire application.

In this new appeal to the City Council, the applicant has agreed to fix 5 of these issues, including the porch. I have a problem with the approval of the porch however. Although the boards will be returned to their original orientation and the railing replaced, the new stairs that were added have been placed on the south side of the porch, whereas previously they were on the north. This is clearly preferential as the driveway and garage are on the north side, and this is where one would enter the house from a car. I disagree with staff that this modification satisfies the Director-level review criteria, and would ask for a further modification by having the new stairs moved back to their original position on the north side of the porch.

The only remaining issues then are the trim and siding. The applicant thought that the trim satisfied the definition of In-kind Replacement; however, the trim cannot really be discussed on its own without a consideration of the siding because whatever happens to the siding affects the trim. The applicant referred to the audio recording of the HRC hearing in support of the trim being exempt from review because of the statement of Commissioner Wathen during Deliberations. Referencing that audio, this is what he said:

3:33:27 “Window trim, I think, could very easily be argued as exempt because it was replaced as it was, but if the siding is pulled off to the original siding then this add-on trim that was tacked on the top could be pulled off in order to return it to a more historic state.”

The applicant stated that the old trim that was added when the plywood siding was installed in the 70s was removed before they applied the new trim; however they still had to apply it over the original trim to make it stand out beyond the third layer of siding. They could not remove the original trim as well or the new trim would be recessed below the siding. If the siding were to be taken back to the original material, the trim would also have to be removed; therefore, it is a complicated situation which must be considered in tandem with the siding.]

2. City Planning Staff and the HRC misinterpreted information submitted by the applicant, and relied on contradictory evidence contained in the record to deny consideration of the HardiPlank lap siding as an In-Kind Replacement.

The discussion goes on to say that they thought that the plywood reveal was 8” when actually the boards themselves were 8”. I think this is intended to imply that the plywood therefore must have had a 6” reveal and is thus an In-kind match for the Hardi Plank 6” reveal (although Exhibit I 35 shows that Hardi Plank is actually closer 5 ¾”). However, this is confusing because what the applicant said in his application for a Historic Preservation Permit was “Existing siding reveal varied substantially. We used the large reveal dimension when installing.” The HRC mentioned that statement during the hearing, so it’s unclear to me how Staff and the HRC misinterpreted the information that he gave himself.]

As an aside, since plywood siding comes in large sheets of 4’ x 8’, and he says that he was led to believe that the siding was manufactured to be 8” wide, I wonder if that siding can even be plywood. How was that determination made?

In any case, it is irrelevant as to whether the reveal is 6” or 8”. The important point is that fiber cement is imitation wood siding substituted for traditional timber, a composite material consisting of sand, cement,

and wood fibers, and therefore not an in-kind material for the Period of Significance. To claim that Hardi Plank is an In-Kind for plywood which consists of layered sheets of wood glued together is incorrect, neither the material nor the style is the same. They may both be manufactured, but they're different animals. Hardi Plank with its simulated wood texture is even further removed from the original siding of just plain wood, so it is going in the wrong direction as far as being reflective of, and complementary to, that found on the existing primary Designated Historic Resource during the Period of Significance. J

In the first email referred to by the applicant, on Nov 25, 2011, he says:

“2. The siding’s compatibility with the characteristics is unknown and not part of my request. We feel the [HardyPlank] siding is 100% compatible with the 1970s era plywood lap siding that was on the building. We did a like-for-like replacement of that siding and feel that our choice of Hardi plank to replace the plywood lap siding was 100% compatible as both are lap sidings.

3. Hardi plank is a manufactured siding consisting of three materials – wood, cement and glue. This was chosen as the only recommended composite siding for our climate (and I stress the word “composite”). It replaced the existing siding that was plywood lap siding consisting of wood and glue. About ten year [sic] ago, LP siding was being used in the valley and it was wood and glue. It was discontinued because it failed prematurely in our wet environment.”

I would argue that this also makes a strong case for removing the old plywood to see whether it has failed and there is water damage beneath that has caused rot. Three layers of siding don’t make a building more structurally sound if it’s rotten. Adding layer upon layer of siding is not a good practice in general, and certainly not in a historic resource.

In his second referenced email on Dec. 21, 1911 “Remember that this house now has 3 layers of siding on it. The first layer is the original layer when the house was built – I believe and is a ship lap type of siding. The second siding layer is plywood siding. When this was installed I suspect that they added window trim on top of the original windows. This trim was removed and new trim installed when we installed the HardiPlank siding (3rd layer) over the plywood siding.”

* The applicant was incorrect in saying that the HRC made contradictory findings concerning whether Hardi Plank constituted in-kind replacement. The 3 conversations he cites in the audio tape of the hearing were **not** findings – it was the discussion phase of the hearing in which they were still asking him questions, and their questions concerned going back to the original siding to see what was there, and if given a good faith effort to match it, they might be able to be more lenient about materials. They were also looking for precedents. (See attached Appendix for transcribed conversations).

* The applicant states that the similarity of the plywood and Hardi Plank siding materials is such that one can conclude that they match one another in terms of design, texture, materials, dimensions, and shape. Not only is this not the case since the texture, materials, and dimensions are different between the two, but it’s a spurious argument since the siding should match that in the Period of Significance, which would be the original siding. Since he has stated that there are 3 layers on the house, it behooves him to go down to the original siding to try to emulate that, not the plywood.

3. The HRC erred in assessing the compatibility of the HardiPland siding based on conjectural evidence of siding materials contained in the record, through consideration of which the HRC improperly applied Section 2.9.100.04.b.s.a as a basis for denying the application.

2.9100.04 3b. Building materials shall be reflective of, and complementary to, those found on the existing primary Designated Historic Resource, if in existence ...

Conjectural evidence is misunderstood here. A conjectural element in historic preservation is one that has been fabricated on a building to resemble something from other historic properties, not material that is actually found in the building. Usually this would apply more to fanciful add-ons and not functional elements. The drop-lap wood siding, most especially in its current location within the shed, would certainly not be a made-up element to resemble something else. If anything, I contend that the Hardi Plank siding is itself conjectural, as it is being made to try to assume the identity of something it is not.

The HRC did not rely on conjectural evidence to make its decision against Hardi Plank but rather real evidence – the wood remaining in the shed as well as the applicant’s own written answers that there is original siding on the house and that it is shiplap – and that is fact, not conjecture. The type of lap is insignificant – what counts is that it exists. *BACK TO ORIGINAL*

He quotes the city as saying that adding plywood siding over the original siding back in the 70s reduced the building’s historic integrity in terms of materials and construction techniques. Ironically, he is staking his Hardi Plank claim on the fact that it’s just like the plywood, and by that logic, Hardi plank would also compromise the integrity of the building, and by one more layer. He’s taking the building in the wrong direction – into future materials which are less authentic, when he should be looking to the past. Two wrongs don’t make a right.

2.9.100.04.2 In general, the proposed Alteration or New Construction shall either:

- a) Cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the applicable Period of Significance; or
- b) Be compatible with the historic characteristics of the Designated Historic Resource and/or District, as applicable, based on a consideration of the historic design or style, appearance, or material composition of the resource.

“a” means that it’s better if the resource is self-referential, it’s always best if it can look to itself for authenticity, but if it can’t do that, then “b” says it can look to its neighbors as the next best thing for applicable historic characteristics. The only neighbor that would apply in this case is the Johnson House.

Whichever criteria the HRC applied, 2.9.100.04 2a or 2b, Hardi Plank siding does not meet it.

In the application, it says: “*Particular attention should be paid to those facades that are significantly visible from public areas, excluding alleys.*” ... Based on measurements taken by the applicant, the house is approximately 60’ from the SW 2nd Street edge of right-of-way, and approximately 70’ from the SW Western Blvd edge of right-of-way. At these distances, it is essentially impossible to tell a significant difference between the plywood lap siding and the HardiPlank siding, as supported by the photographs referenced above.” (Exhibit I-9) Whether the siding is visible from the street or not is absolutely

irrelevant. They have undermined their entire argument for a match of materials by saying “at these distances, it is essentially impossible to tell a significant difference between the plywood lap siding and the HardiPlank lap siding...” And that’s what it takes to fool the eye? Well, there’s a match!

I also dispute their contention that because the carriage house became something else and served other functions, that its important connection to the Johnson House to the north is diminished. It was built as a place for horses and carriages for the Johnson House at the same time as the house was built, thus they are inextricably linked by historical fact. However, it is also very unique in this town on its own merits. I don’t know of any other carriage house/stables that was converted to a house in Corvallis; lots of barns were converted, but no carriage houses. This makes it most unusual.

The applicant said that the house had suffered recent abuse by transients, and that the previous owner had intended to tear down these 3 properties for a parking lot. In the HRC hearing he states, “I didn’t think it was saveable and I’m the most optimistic of the investor group.” The house was structurally sound, only being the victim of neglect and hostile intent. In the HRC hearing, he laughingly called himself the savior of the house, because they did clean it up, but I’m going to claim that same savior status by conferring it upon myself: as the one who founded the Avery-Helm Historic District, I tried to save the houses in the whole district from just this kind of abuse and disintegration. I would like to see the same status for the City by standing up for its own ordinances and protecting one of its most valuable and attractive assets, its historic resources.

I would ask that you approve the Recommended Motion by the City Staff along with the Recommended Conditions of Approval, with the one request that the porch steps be moved to the north side of the porch.

Thank you for your attention.

Carolyn Ver Linden

[I would like to note that one photograph in the applicant’s appeal is mislabeled: at the HRC hearing Commissioner Wathen noted that the embedded text in the PDF photo file D13 was visible online, but could not be seen on the hard copies. The legend on the photo was “window at **northwest**, contemporary trim added on over the original”, but in the new application (Exhibit I-30) the legend is “Photograph of new window trim installed on **east** elevation.” Looking at it closely, it seems to me that the former description is the correct one.]

Appendix

2:18:40 from the standpoint of what we look at as a commission, if you were approaching this from the standpoint of replacing like-for-like with the plywood composite siding, wanting to replace it with a different type of composite siding, but you approached us saying we know that the original siding was this, and it’s different than the plywood, and we are trying to match the original siding better even though we’re still wanting to go with the composite material, that would give us more traction for saying, we can approve incorrect material that is not more closely matching the original structure, we can feel more

comfortable with that because we are getting a closer match to the historic nature of the house in the design. Do you understand what I'm saying?

2:58:23 ... where we've had this case before of this triple layering, and the point that was made by Commissioner Wathen about reaching back past B, back to A, to see what it looked like and what it was consisting of in the like-like discussion. Seems to be a fairly powerful point to be made. Now, having said that, my question to you is, do we have precedence of this situation where there was this same deal and somebody could go back and say you put B on top of A, you should have gone back to A to see what A was like, because I'm not taking issue with 2:59:00 the assertion that B and C are similar enough with respect to being newer materials and 2" reveal, I personally I'm not going to get worked up about that, but am I making myself clear about the question about precedence going back to comparing C to A. Do we have that kind of ... has that come up before in the past, and if so, how was that resolved? Do you understand what I'm asking?

3:04:40 In my mind that would not be a like-for-like, based on the question that you asked. I was thinking Roger you asked a question about precedent, which we're really ... each application is new. I will say, I think this was before your time on the commission, we did have an application come before us where um, it was a house on Harrison I believe, and the garage had the newer siding on it. The original siding was on the home and they wanted to replace the original siding with new siding to match the garage, which isn't quite what you're asking with the V and C, but it kind of is in a way, and we denied that. And we said they had the original siding and needed to keep the original siding. The garage siding had been replaced 3:05:36 before it was in a historic district. So, that's the only precedent that I can think of... similar.