

## **CHAPTER 2.9**

### **HISTORIC PRESERVATION PROVISIONS**

#### **Section 2.9.10 - BACKGROUND AND APPLICABILITY**

The City of Corvallis recognizes that historic resources located within its boundaries contribute to the unique character of the community and merit preservation. The City's Historic Preservation Provisions implement the policies in Comprehensive Plan Article 5, Section 5.4 - Historic and Cultural Resources. In doing so, the City's Historic Preservation Provisions establish procedures and standards for the review of development on properties involving Designated Historic Resources as defined in Chapter 1.6 - Definitions, and development on or within public rights-of-way and private street rights-of-way located within and adjacent to a National Register of Historic Places Historic District. These properties include those subject to a Historic Preservation Overlay (HPO) and historic resources listed in the National Register of Historic Places. As defined in Chapter 3.31 - Historic Preservation Overlay, the Overlay applies to all historic resources listed in the Corvallis Register of Historic Landmarks and Districts (Local Register). As a Certified Local Government, the City has authority delegated from the state and federal governments to evaluate Historic Preservation Permit changes to Designated Historic Resources listed in the National Register of Historic Places. Accordingly, the City's Historic Preservation Provisions apply to: historic resources listed in the Corvallis Register of Historic Landmarks and Districts (Local Register); historic resources listed in the National Register of Historic Places; and public rights-of-way and private street rights-of-way located within and adjacent to a National Register of Historic Places Historic District. These provisions also conform with Statewide Planning Goals and other state land use requirements.

#### **Section 2.9.20 - PURPOSES**

The purposes of the City's Historic Preservation Provisions are as follows:

- a.** Implement historic and cultural resource policies of Comprehensive Plan Article 5, Section 5.4 - Historic and Cultural Resources;
- b.** Encourage, effect, and accomplish the protection, enhancement, and perpetuation of historic resources, historic resource improvements, and of historic districts that represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
- c.** Complement any National Register of Historic Places Historic sites and/or Districts in the City;
- d.** Foster civic pride in the beauty and noble accomplishments of the past;

- e. Promote the use of historic districts and landmarks for education, pleasure, energy conservation, housing, and the public and economic welfare of the City;
- f. Provide processes and criteria for the review of Historic Preservation Permit applications for Designated Historic Resources for the following actions:
  - 1. Alteration or New Construction;
  - 2. Demolition; and
  - 3. Moving;
- g. Provide a clear and objective listing of activities exempt from the Historic Preservation Permit process;
- h. Provide procedures for addressing emergency actions affecting the historic resources in the City; and
- i. Adequately implement the Secretary of the Interior's Standards for Rehabilitation<sup>1</sup> and the Secretary of Interior's Standards for Preservation,<sup>2</sup> since they were used in the development of review criteria for Historic Preservation Permit requests. The review criteria contained herein implement these standards in a manner that adequately protects Designated Historic Resources consistent with Secretary of the Interior's Standards for Rehabilitation and the Secretary of Interior's Standards for Preservation.

**Section 2.9.30 - PROCEDURES FOR ESTABLISHING A HISTORIC PRESERVATION OVERLAY ZONING DESIGNATION**

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

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

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

---

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

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

**Section 2.9.50 - PROCEDURES FOR RECLASSIFYING HISTORIC RESOURCES IN A NATIONAL REGISTER OF HISTORIC PLACES HISTORIC DISTRICT**

Reclassification of a Designated Historic Resource listed in the National Register of Historic Places shall be accomplished in accordance with the state and federal provisions identified in Section 2.2.60 of Chapter 2.2 - Zone Changes.

**Section 2.9.60 - DETERMINING APPLICABILITY AND APPROPRIATE HISTORIC PRESERVATION PERMIT REVIEW PROCEDURE(S)**

A Historic Preservation Permit is required for certain Alteration or New Construction, Demolition, or Moving activities affecting Designated Historic Resources, even if no Building Permit is required by the Building Official. Accordingly, the City's Historic Preservation Provisions apply to: historic resources listed in the Corvallis Register of Historic Landmarks and Districts (Local Register); historic resources listed in the National Register of Historic Places; and public rights-of-way and private street rights-of-way located within and adjacent to a National Register of Historic Places Historic District. Different review procedures and criteria apply, depending on the nature of the permit request, and if the Designated Historic Resource is located in a National Register of Historic Places Historic District, the classification of the resource.

a. **Exempt Activities** - Section 2.9.70 outlines activities affecting a Designated Historic Resource that are exempt from the requirement for a Historic Preservation Permit.

b. **Types of Historic Preservation Permits** -

1. Director-level Historic Preservation Permit - The Director-level Historic Preservation Permit addresses Alteration or New Construction activities that are minor in nature and not covered in Section 2.9.70 - Exemptions from Historic Preservation Permit Requirements. Specific procedures and clear and objective review criteria for this type of permit are listed in Sections 2.9.60.c, 2.9.90, and 2.9.100. The Director-level Historic Preservation Permit is classified as General Development in Chapter 1.2 - Legal Framework, is a staff-level review, and acts as a double-check for compliance with Sections 2.9.90 and 2.9.100.
2. HRC-level Historic Preservation Permit - The HRC-level Historic Preservation Permit addresses Alteration or New Construction, Demolition, and Moving activities not covered by "1," above, and not covered in Section 2.9.70 - Exemptions from Historic Preservation Permit Requirements. Specific procedures and discretionary review criteria for this type of permit are listed

in Sections 2.9.60.c, 2.9.90, 2.9.100, 2.9.110, and 2.9.120. The HRC-level Historic Preservation Permit is classified as a quasi-judicial land use decision in Chapter 1.2 - Legal Framework, involves public notice, and requires a Historic Resources Commission public hearing review for compliance with Sections 2.9.90, 2.9.100, 2.9.110, and 2.9.120.

**c. Sources of Information that Assist the Director in Determining Historic Significance and Appropriate Historic Preservation Permit Review Process -**

The Director may use any of the following information sources to determine the appropriate Historic Preservation Permit review process that applies:

1. This Code Chapter and others referenced by it;
2. The official historic inventory for the Designated Historic Resource;
3. Findings from a final approved Order or Notice of Disposition summarizing the rationale for the placement of a Historic Preservation Overlay on the resource;
4. An approved National Register of Historic Places nomination;
5. Applicable state law;
6. Other adopted City ordinances;
7. Primary source material provided by the applicant; and/or
8. Secondary source materials on history, architecture, design or style, materials, methods, or pertinent examples locally or elsewhere.

**d. Emergency Actions - Section 2.9.80- Emergency Actions outlines how to address activities resulting from an emergency action when the City's Urban Forester, City Engineer, Building Official, and/or Fire Marshal determine(s) that an emergency action is needed for public safety due to an unsafe or dangerous condition. This Section also addresses requirements for obtaining the appropriate Historic Preservation Permit, when applicable, after the immediate hazard has been addressed.**

## **Section 2.9.70 - EXEMPTIONS FROM HISTORIC PRESERVATION PERMIT REQUIREMENTS**

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

- a. Interior Alterations** - Changes to the interior of a Designated Historic Resource that do not alter the building exterior.
  
- b. Routine Maintenance and/or In-kind Repair or Replacement** - Routine maintenance of any exterior feature of a Designated Historic Resource that does not involve a change in the design or style, dimensions, or material of the resource. A complete definition for In-kind Repair or Replacement is contained in Chapter 1.6 - Definitions. The In-kind Repair or Replacement of deteriorated materials is also allowed; however, it is recommended that repair be considered prior to replacement. Also included in routine maintenance are the following:
  - 1. Routine site maintenance - Pertains to landscaping maintenance, brush clearing and removal of debris, pruning of shrubs, and removal of shrubs not listed as original plantings in the official historic inventory, or other sources of information listed in Section 2.9.60.c;
  
  - 2. Pruning of trees - Pruning of trees that are located on Designated Historic Resource properties shall be in accordance with the most current edition of American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and/or resource functions; and
  
  - 3. Removal of trees that are not considered to be Historically Significant Trees, based on the definition in Chapter 1.6 - Definitions.
  
- c. Painting** - Exterior painting or repainting of any portion of a Designated Historic Resource, including changes to paint color. Exemption does not apply to artwork attached to buildings, murals, or painting over existing architectural features, such as signs, or previously unpainted metalwork, brickwork, stonework, and masonry.
  
- d. Signs or Tablets** - Installation of one permanent memorial sign or tablet per property, where the sign or tablet is exempt from the City's Sign Code regulations

per Section 4.7.70.e, and is consistent with the published dimensions and design guidelines established by the Historic Resources Commission.

- e. **Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District** - An exterior Alteration or New Construction to a property in a National Register of Historic Places Historic District that is classified in its entirety as Nonhistoric/Noncontributing shall be exempt from review, provided the Alteration or New Construction is not visible from public rights-of-way or private street rights-of-way, except for alleys, from which it may be visible, is 200 sq. ft. or less, and does not exceed 14 ft. in height.
- f. **Installation of Removable Storm Windows** - A storm window is a secondary window attached over a structure's primary window to protect the primary window against weather impacts. A storm window shall not function as a replacement for a primary window, and none of the external historic features of the resource shall be damaged or permanently altered with the installation.
- g. **Installation of a Removable Heating or Cooling Device** - Installation of a removable heating or cooling device, such as an air conditioning unit, in an existing building opening, provided that none of the external historic features of the resource are altered.
- h. **Accessory Development** - Accessory development meeting the criteria in Chapter 4.3 - Accessory Development Regulations that is not visible from public rights-of-way or private street rights-of-way, except for alleys, from which it may be visible, that is 200 sq. ft. or less, and that does not exceed 14 ft. in height.
- i. **Demolition or Moving of Freestanding Temporary or Small Accessory Structures that are Not Classified as Nonhistoric/Noncontributing** - Demolition or Moving of structures in a National Register of Historic Places Historic District that are classified as Nonhistoric/Noncontributing are addressed in Section 2.9.70.w. Demolition or Moving is also allowed for freestanding temporary accessory structures and other freestanding accessory structures less than 200 sq. ft. and less than 14 ft. in height provided that:
  - 1. The proposed Demolition or Moving does not damage, obscure, or negatively impact any Locally-designated Historic Resource or any Nationally-designated Historic Resource that is classified as Historic/Contributing or called out as being significant, based on any of the sources of information listed in Section 2.9.60.c; and

2. The affected structure is less than 50 years, old based on evidence submitted by the applicant; and
  3. At least one of the following:
    - a) The affected structure is a Nonhistoric structure on an individually Designated Historic Resource listed in the Local Register and/or National Register of Historic Places; or
    - b) The affected structure is a Nonhistoric structure on a Designated Historic Resource property listed in a National Register of Historic Places Historic District, even if the approved National Register of Historic Places nomination for the District is silent on the issue.
- j. Installation of Satellite Dishes** - Installation of a satellite dish on a facade not facing public or private street rights-of-way, except for alleys, from which it may be visible, provided the dish is less than 30 in. in diameter.
- k. Access Ramps Compliant with the Americans with Disabilities Act (ADA) Requirements** - Installation of an access ramp that is compliant with the Americans with Disabilities Act (ADA) requirements, provided that none of the external historic features of the resource is damaged or permanently altered and the ramp is 32 in. or less in height and is constructed in a manner that is Reversible.
- l. Conversion of Existing Vehicular Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA)** - The conversion of existing vehicular parking spaces to vehicular parking spaces that are needed to achieve compliance with the Americans with Disabilities Act (ADA), provided no additional impervious surface is created.
- m. Fencing Installation, Extension, or Removal** - The installation or extension of new wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50. Additionally, the removal of an existing wood or chainlink fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.
- n. Freestanding Trellises** - Installation of a freestanding trellis that is less than 14 ft. in height and not visible from public street rights-of-way or private street rights-of-way, except for alleys from which it may be visible. The installation shall not damage any significant external architectural features of the historic resource.

- o. New, Repair, or Replacement Landscaping and Tree Planting** - Installation of new, repair, or replacement landscaping, including tree planting, and related appurtenances, such as irrigation sprinklers. The installation shall not damage any significant external architectural features of the historic resource or damage any Historically Significant Trees or other landscaping on the Designated Historic Resource site, as identified in the official historic inventory or other sources of information listed in Section 2.9.60.c.
- p. Building Foundations** - Alteration or New Construction activities to a building foundation that are required to meet present-day Building Code requirements, provided that the foundation material is not specifically identified as Historically Significant and the initial and finished foundation exposure is not more than 12 in.
- q. Repair or Replacement of Gutters and Downspouts** - Repair or replacement of gutters and downspouts using materials that match the appearance of the gutters and downspouts being replaced or match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The installed gutters and downspouts shall not damage or obscure any significant architectural features of the structure , such as internal gutters, etc.
- r. Installation of New Gutters and Downspouts on Nonhistoric/Noncontributing Designated Historic Resources** - Installation of gutters and downspouts where none previously existed on Nonhistoric/Noncontributing Designated Historic Resources. Materials shall match the appearance of the gutters and downspouts that were typically used on similar-style buildings from the same Period of Significance, based on evidence supplied by the property owner. The installed gutters and downspouts shall not damage or obscure any significant architectural features of the structure.
- s. Uncovered Rear Deck or Patio Additions 350 Sq. Ft. or Less** - The installation or removal of an uncovered deck or patio, provided the deck or patio is obscured from view from public rights-of-way and private street rights-of-way, except for alleys, from which it may be visible by a fence, hedge, or other structure and meets the applicable setback requirements per the zone or as approved through a Lot Development Option or Planned Development process. The deck shall be 30 in. or less in height, and shall be constructed in a manner that is Reversible.
- t. Repair or Replacement of Windows or Doors Containing Glass with Energy Efficient, Double-paned Materials on Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District** - Repair or

replacement of windows or doors containing glass on Nonhistoric/Noncontributing resources in a National Register of Historic Places Historic District.

- u. Re-roofing Flat Roofs or Roofs Otherwise Obscured by a Parapet** - Where a roof is a flat roof or a roof otherwise obscured by a parapet, and the roofing material is not specifically identified as Historically Significant, the roofing material may be repaired or replaced. Skylights shall be addressed in accordance with Sections 2.9.70.x, 2.9.100.03.l, or 2.9.100.04, as applicable.
- v. Installation of New or Expanded Pathways 100 Sq. Ft. or Less** - Installation of new or expanded pathways, provided the pathways are 100 sq. ft. or less and are either constructed of softscape (e.g. bark mulch, etc.), or constructed of stone steps or flagstone that is installed in a manner that is Reversible.
- w. Demolition or Moving of Structures in a National Register of Historic Places Historic District that are Classified as Nonhistoric/Noncontributing** - Demolition or Moving of a structure in a National Register of Historic Places Historic District, provided the structure is classified as Nonhistoric/Noncontributing in the relevant National Register of Historic Places nomination.
- x. Skylights** -

  1. Skylights from a structure's relevant Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows or doors with glass.
  2. Skylights that are existing but are not from a structure's relevant Period of Significance may be removed or retained and repaired in accordance with "1," above. However, in order for these skylights to be retained and repaired, they shall have been constructed prior to the establishment of the relevant Individual or National Historic Designation, or via an approved Historic Preservation Permit. Otherwise, the skylight shall be removed when deteriorated beyond repair or when a structure is being re-roofed, whichever comes first, unless a Historic Preservation Permit is subsequently approved to retain the skylight in accordance with Sections 2.9.100.03.l or 2.9.100.04, as applicable.
  3. New skylights may be installed in accordance with Sections 2.9.100.03.l and 2.9.100.04, as applicable.

## Section 2.9.80 - EMERGENCY ACTIONS

- a. Emergency Actions** - Emergency actions include the Alteration or New Construction, Demolition, or Moving of a Designated Historic Resource when the City Engineer, Building Official, or Fire Marshal determines that emergency action is required to address public safety due to an unsafe or dangerous condition or to resolve an immediate threat to the Designated Historic Resource itself. After the immediate hazard has been addressed, if the emergency action was not an exempted activity as defined in Section 2.9.70, the property owner shall apply for the appropriate Historic Preservation Permit and address any additional requirements specified by the Historic Preservation Permit. In the application, the property owner shall submit information documenting the need for the emergency action. Such documentation shall include photographs and a written evaluation by an engineer, architect, or a historic preservation consultant. Once a building is determined to be unsafe or dangerous in accordance with these provisions, property owners are encouraged to consider, while addressing the hazard, the re-use of the structure or its materials, to the extent feasible under the hazardous circumstances. To decide upon the Historic Preservation Permit, the decision-maker shall consider information from the City Engineer, Building Official, or Fire Marshal, depending on the authority(ies) that deemed the emergency removal necessary. Once made aware of the emergency action, the City shall notify the Historic Resources Commission that the action has occurred.
  
- b. Emergency Removal of a Historically Significant Tree** - Emergency removal of a Historically Significant Tree is defined as a situation where failure of a tree or tree part is imminent and response time is critical (e.g., the hazard needs to be removed within 24 hours or less). In the event that a tree is deemed an immediate hazard, the emergency removal of a Historically Significant Tree as defined in Chapter 1.6 - Definitions, or its hazardous portion, is allowed if the City's Urban Forester, City Engineer, Building Official, Fire Marshal, or, for trees on the Oregon State University campus, a certified arborist employed by Oregon State University, determines that emergency action is required for public safety due to an unsafe or dangerous condition. After the immediate hazard has been addressed, the property owner shall submit to the Director information documenting the need for the emergency action. Such documentation shall include photographs and a written evaluation by a certified arborist. The Director shall consider information from the City's Urban Forester, City Engineer, Building Official, Fire Marshal or, for trees on the Oregon State University campus, a certified arborist employed by Oregon State University, depending on the authority(ies) that deemed the emergency removal necessary. Once made aware of an emergency action involving the removal of a Historically Significant Tree, the City shall notify the Historic Resources Commission that the action has occurred.

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

**2.9.90.01 - Initiation of Application**

A property owner, or his/her designee, may initiate a Historic Preservation Permit application. Property owner(s) consent to the application shall be required.

**2.9.90.02 - Application Requirements**

- a.** A Historic Preservation Permit application for a Designated Historic Resource shall be made on forms provided by the Director and shall include, for both types of Historic Preservation Permits, Director-level and HRC-level, the items listed below. The Director may waive any of the below requirements when he/she determines the information required by a part of this Section is unnecessary to properly evaluate the proposed Historic Preservation Permit:
1. Applicant's name, address, and signature;
  2. Owner's name, address, and signature, if different from applicant's. If the Designated Historic Resource is owned by more than one property owner, the consent of all owners shall be required;
  3. Location of the Designated Historic Resource, including address and tax assessor map and tax lot number;
  4. Map(s) illustrating the location of the Designated Historic Resource;
  5. Historic name of the resource, whether listed in the Local and/or National Register of Historic Places, and (if pertinent) classification within a National Register of Historic Places Historic District;
  6. A narrative description of the request in sufficient detail to allow for the review of the proposal;
  7. A narrative explanation of what the applicant proposes to accomplish;
  8. A narrative description regarding how the request complies with applicable review criteria, including applicable zone standards;

9. A site plan, drawn to scale, showing the location of structures, driveways, and landscaped areas on the site, setback dimensions, and the general location of structures on adjacent lots;
10. Elevation drawings, drawn to scale, in sufficient detail to show the general scale, mass, building materials, and architectural elements of the proposal;
11. Information regarding whether or not there are any Historically Significant Trees on the site;
12. A copy of any relevant historic resource inventory information;
13. As applicable, any recommendations from SHPO or other state or federal agencies relative to any reviews required under state or federal law, including:
  - a) Section 106 of the National Register Historic Preservation Act;
  - b) Consultation review as required by ORS 358.653, as amended;
  - c) Special Assessment Program requirements per ORS 358.475, as amended;
  - d) National Transportation Act;
  - e) National Environmental Protection Act; or
  - f) Any other applicable state or federal law.

Such recommendations shall be required only if the proposed changes that are the subject of any of the above required state or federal reviews also require Historic Preservation Permit approval under the provisions of this chapter;

14. Photographs or drawings of the resource from the applicable Period of Significance to provide context; and
15. Any additional information reasonably necessary to evaluate compliance with the provisions of this Code as determined by the Director.

- b.** The narrative description for Historic Preservation Permits involving an HRC-level Alteration or New Construction Permit per Section 2.9.100 to install a Moved Designated Historic Resource on a site within the City limits shall include the following information, in addition to “a,” above:
1. A rationale for the new location for the Designated Historic Resource that also addresses the zone standards that apply to the new site;
  2. A site plan, drawn to scale, for the proposed new location for the Designated Historic Resource showing: the location of existing and proposed structures, driveways, and landscaped areas; setback dimensions; the general location of structures, walkways, sidewalks, and driveways on adjacent lots; the historic designation of adjacent properties; existing and proposed legal access and infrastructure for the proposed new site; and existing and proposed infrastructure improvements adjacent to the proposed new site; and
  3. A description of the Historic Integrity and Historic Significance of the specific structure, building, plant, or other historic element for which the change is requested.
- c.** The narrative description for Historic Preservation Permits involving an HRC-level Demolition shall include the following information in addition to that outlined in “a,” above:
1. A description of the Designated Historic Resource’s current physical condition, and its condition at the time it was inventoried;
  2. If within a National Register of Historic Places Historic District, a narrative description of the Designated Historic Resource’s contribution to the District and the subsequent Historic Integrity of the District if the resource were to be demolished;
  3. A statement as to whether the applicant considered Moving the resource as an alternative to Demolition. If Moving was not found to be feasible, a description as to why not;
  4. A narrative explanation of why the proposed Demolition is needed and what alternatives were explored; and
  5. A statement regarding whether denial of the request will result in substantial economic or other hardship to the owner of the Designated Historic Resource.

- d. The narrative description for an HRC-level Historic Preservation Permit involving a Moving shall include information required in “a,” “c.1,” and “c.4,” above, stated with respect to a Moving. Additionally, the narrative description for the proposed Moving shall, if the resource is listed in a National Register of Historic Places Historic District, address the Designated Historic Resource's contribution to the District and the subsequent Historic Integrity of the District if the resource were to be moved. This provision pertains to the site from which the Designated Historic Resource is being moved and, if the site to which the Designated Historic Resource is moving is inside the City limits, then it also pertains to the new site.

### **2.9.90.03 - Acceptance of Application**

The Director shall review the application to determine whether it is complete per the requirements in Section 2.9.90.02. If the application is incomplete, the Director shall notify the applicant and state what information is needed to make the application complete. The applicant shall have up to 10 days from the date of the Director's notification to submit additional information and make the application complete.

### **2.9.90.04 - Public Notice**

- a. **Director-level Historic Preservation Permits** - No public notice is required.
- b. **HRC-level Historic Preservation Permits**
  - 1. Public notice shall be provided in accordance with Sections 2.0.50.04.b; 2.0.50.04.c.1-3, and 6-10; and 2.0.50.04.e-g; and
  - 2. For a proposed Demolition or Moving, public notice shall be published in a newspaper of general circulation at least 10 days in advance of the Historic Resources Commission's public hearing.

### **2.9.90.05 - Staff Evaluation**

- a. **Director-level Historic Preservation Permits** - All applications for Director-level Historic Preservation Permits shall be reviewed to ensure consistency with the review criteria in Section 2.9.90.06 “a” and “b,” below.
- b. **HRC-level Historic Preservation Permits** - For all HRC-level Historic Preservation Permits, the Director shall prepare a report that evaluates whether the permit request complies with the review criteria in Section

2.9.90.06 “a” and “c,” below. The report shall also include, if needed, a list of approval conditions for the Historic Resources Commission to consider.

### **2.9.90.06 - Review Criteria**

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

  1. Alteration or New Construction - Alteration or New Construction requiring an HRC-level Historic Preservation Permit shall be reviewed to ensure consistency with the review criteria in Section 2.9.100.04.
  2. Demolition - Demolition requiring an HRC-level Historic Preservation Permit shall be reviewed to ensure consistency with the review criteria in Section 2.9.110.03; and
  3. Moving - Moving requiring an HRC-level Historic Preservation Permit shall be reviewed to ensure consistency with the review criteria in Section 2.9.120.03.

### **2.9.90.07 - Action on Application**

- a. Director-level Historic Preservation Permits** - Based on applicable review criteria, the Director or his/her designee, shall approve, conditionally approve, or deny the Historic Preservation Permit application. Conditional approval must be limited to conditions that address specific defects in the application and are required for the application to comply with the criteria. The decision shall be made in writing. Staff shall strive to process the application as quickly as possible, but in no case shall the initial decision be made later than 45 days from the date the application is deemed complete.
  
- b. HRC-level Historic Preservation Permits** - The Historic Resources Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the HRC shall approve, conditionally approve, or deny the Historic Preservation Permit application. Conditional approval must be limited to conditions that address specific defects in the application and are required for the application to comply with the criteria. The Commission's decision shall include findings that specify how the application has or has not complied with the applicable review criteria. The Director shall strive to process the application as quickly as possible to ensure that the initial HRC decision is made no later than 75 days from the date the application is deemed complete.

### **2.9.90.08 - Notice of Disposition**

- a. Director-level Historic Preservation Permits** - The Director, or his/her designee, shall provide a Notice of Disposition that includes a written statement of the decision, a reference to the findings leading to it, any conditions of approval, and the appeal period deadline to the following:
  - 1. The applicant and the property owner(s) (if different from the applicant);
  - 2. The Historic Resources Commission;
  - 3. Any person who resides on or owns property within 100 ft. (excluding street right-of-way) of a parcel of land;
  - 4. Any person who requested notice on the proposal; and
  - 5. Any persons who submitted written comment on the proposal.

- b. **HRC-level Historic Preservation Permits** - The Director shall provide the applicant and the Historic Resources Commission with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings, that includes a written statement of the Historic Resources Commission's decision, a reference to the findings leading to it, any conditions of approval, and the appeal period deadline. The Notice of Disposition also shall be mailed to the property owner(s) (if different from the applicant), any persons who presented oral or written testimony at the public hearing, and any person who requested notice on the proposal.

### 2.9.90.09 - Appeals

- a. The Director-level Historic Preservation Permit decision may be appealed to the Historic Resources Commission in accordance with Chapter 2.19 - Appeals. The HRC-level Historic Preservation Permit decision may be appealed to the City Council in accordance with Chapter 2.19 - Appeals.
- b. **Undue Hardship Appeals** - The hearing authority for an appeal may consider claims of economic or undue hardship in cases where an applicant was either denied a Historic Preservation Permit or granted a Historic Preservation Permit with conditions of approval that the applicant believes to be an economic or undue hardship. The applicant must provide adequate documentation and/or testimony at the appeal hearing to justify such claims. In addition to the information the applicant believes is necessary to make his/her case to the appeal hearing authority, the information listed in "1-6," below, as applicable, shall be submitted for the appeal hearing authority to consider a hardship appeal. Not every item listed in "1-6," below will apply to every case:

- 1. Three estimates of:
  - a) The cost of the activity(ies) proposed under the denied or conditionally-approved Historic Preservation Permit; and
  - b) Any additional costs which would be incurred to comply with the modified activity(ies) recommended by the decision-maker.

All such cost estimates shall be accomplished by contractors licensed in the State of Oregon.

- 2. An estimate of the appraised value of the property:
  - a) In its current state;

- b) With the improvements that were denied or conditionally-approved for the Historic Preservation Permit; and
- c) With the modified activity(ies) proposed by the applicant.

All such appraisal estimates shall be performed by an appraiser who is licensed or certified in the State of Oregon. Additionally, appraisal estimates of the property shall fall within the scope of practice of the appraiser's license or certification in order for the appraisal to meet this provision.

- 3. Information regarding the soundness of the affected structure(s), and the feasibility for rehabilitation which would preserve the historic character and qualities of the Designated Historic Resource. All such information shall be developed by a contractor licensed in the State of Oregon.
- 4. Any information concerning the mortgage or other financial obligations on the property which are affected by the denial or approval, as conditioned, of the proposed Historic Preservation Permit.
- 5. Any past listing of the property for sale or lease, the price asked, and any offers received on that property.
- 6. Information relating to any nonfinancial hardship resulting from the denial or approval, as conditioned, of the proposed Historic Preservation Permit.

If the hearing authority determines that the denial or approval, as conditioned, of the Historic Preservation Permit would pose an undue hardship on the applicant, then a Historic Preservation Permit noting the hardship relief shall be issued, and the property owner may conduct the activity(ies) outlined in the Historic Preservation Permit as modified by the appeal hearing authority.

#### **2.9.90.10 - Effective Date**

Unless an appeal has been filed, the Historic Preservation Permit decision shall become effective 12 days after the Notice of Disposition is signed.

### **2.9.90.11 - Effective Period of Approval**

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

### **2.9.90.12 - Re-application Following Denial, Modification(s) to an Approved Historic Preservation Permit, and Partial Approval of a Historic Preservation Permit**

- a. Re-application Following Denial** - Re-application for a Historic Preservation Permit following denial of that Permit is allowed in accordance with Section 2.0.50.15.
- b. Modification(s) to An Approved and Unexpired Historic Preservation Permit** - A proposal to modify an approved Historic Preservation Permit shall be processed as a new Historic Preservation Permit application, in accordance with the provisions of this Chapter. The new Historic Preservation Permit application shall be considered in the context of the existing Historic Preservation Permit, the subject Designated Historic Resource, and any completed improvements done in accordance with the original Historic Preservation Permit. Approval of the new Historic Preservation Permit shall replace the existing Permit in whole or in part, whichever is applicable.
- c. Partial Approval of a Historic Preservation Permit** - An application for a Historic Preservation Permit may be approved in part, with a condition(s) clearly outlining the part(s) that is denied and the associated rationale (incompleteness and/or lack of compliance with applicable criteria). Re-application for a subsequent Historic Preservation Permit addressing the denied part of the original Permit is allowed, consistent with the criteria in Section 2.0.50.15. The new Historic Preservation Permit application shall be considered in the context of the existing Historic Preservation Permit, the Designated Historic Resource, and any completed improvements done in accordance with the original Historic Preservation Permit.

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

**2.9.100.01 - Definition of Alteration or New Construction Involving a Designated Historic Resource**

An activity is considered an Alteration or New Construction involving a Designated Historic Resource when: the activity is not an exempt activity, a Demolition, or a Moving, as defined in Sections 2.9.70, 2.9.110, and 2.9.120, respectively; and the activity meets at least one of the descriptions in “a” through “c,” below.

- a. The activity alters the exterior appearance of a Designated Historic Resource. Exterior appearance includes a resource’s facade, texture, design or style, material, and/or fixtures;
- b. The activity involves a new addition to an existing Designated Historic Resource or new freestanding construction on a Designated Historic Resource property; and/or
- c. The activity involves installation of a Designated Historic Resource at a new site location, following a Moving, if the new site is within the City limits. If the new site of the Designated Historic Resource is outside the City limits, no City evaluation of the resource’s installation at that new site will occur because the City has no jurisdiction in such locations.

**2.9.100.02 - Historic Preservation Permit Required for Alteration or New Construction Involving a Designated Historic Resource**

If an activity meets the definition for an Alteration or New Construction involving a Designated Historic Resource, as outlined in Section 2.9.100.01 above, then one of the two types of Historic Preservation Permits (Director-level or HRC-level) outlined in this Section and summarized in Section 2.9.60.b is required.

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

A Historic Preservation Permit request for any of the Alteration or New Construction activities listed in Sections “a” through “o,” below, shall be approved if the Alteration or New Construction is in compliance with the associated definitions and review criteria imbedded therein, listed below. Such Alteration or New Construction activities are classified as a Director-level Historic Preservation Permit. Some activities that are similar to Director-level Historic Preservation Permits may be

exempt from permit review per Section 2.9.70 or may require review by the Historic Resources Commission.

- a. **Building Foundations** -Alteration or New Construction activities to a building foundation that are required to meet present-day Building Code requirements, provided that similar materials are used and the building elevation is not raised by more than 12 in.
- b. **Solar or Hydronic Equipment** - Installation of solar or hydronic equipment parallel to the roof surface with no part of the installation protruding more than 12 in. above the roof surface, provided the subject roof surface does not directly front a street. The equipment shall be attached to the Designated Historic Resource in a manner that does not damage any significant architectural features of the structure. Additionally, the installation shall be Reversible.
- c. **Re-roofing** - Replacement of existing wooden shingles or shakes with architectural composition shingles or other materials documented to have been used on the structure during its Period of Significance and that are not otherwise prohibited by the approved Building Code. The new roof shall not damage or obscure any significant architectural features of the structure. Skylights shall be addressed in accordance with Section 2.9.70.x, 2.9.100.03.I, or 2.9.100.04, as applicable.
- d. **Mechanical Equipment** - Installation of mechanical equipment, limited to equipment not visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys. The equipment shall be attached to the Designated Historic Resource in a manner that does not damage any significant architectural features of the structure. Additionally, the installation shall be Reversible.
- e. **Replacement, Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features** - Replacement, using dissimilar materials and/or a different design or style, of existing driveways, including paving of these existing areas; existing paths and sidewalks; existing bicycle parking areas; and/or existing vehicular parking areas that involve 800 sq. ft. or less, including paving of these existing areas, provided the extent of such features is not increased in size.
- f. **Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Addition of vehicular

parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.l.

- g. Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District** - An exterior Alteration or New Construction more than 200 sq. ft. to a property in a National Register of Historic Places Historic District that is classified in its entirety (including all structures on the site) as Nonhistoric/Noncontributing, provided the Alteration or New Construction is not visible from public rights-of-way and private street rights-of-way, except for alleys, from which it may be visible, and does not exceed 14 ft. in height.
- h. Gutters and Downspouts** - Unless already exempt per Section 2.9.70.r, the addition of gutters and downspouts to a Designated Historic Resource or a portion thereof that previously had none, using materials that match the appearance of those that were typically used on similar-style buildings during the resource's Period of Significance, provided that the new gutters and downspouts do not damage or obscure any significant architectural features of the structure.
- i. Extension of Fencing Other than Wood** - The extension of existing fencing other than wood fencing, which is exempt under Section 2.9.70.m, with In-kind Repair or Replacement materials, provided that the type of fencing material was used during the Period of Significance for the Designated Historic Resource and the fence is not extended beyond the facade of the Resource facing a front or exterior side yard.
- j. Freestanding Trellises** - Unless exempt per Section 2.9.70.n, installation of a freestanding trellis that is less than 14 ft. in height and visible from public or private rights-of-way. The installation shall not damage any significant external architectural features of the structure.
- k. Awnings** - Installation of canvas awnings, limited to Designated Historic Resources and situations where awnings are required by this Code. Such canvas awnings shall either be installed where none previously existed or may reproduce historic canvas awnings from the applicable Period of Significance, as shown in documentation submitted by the applicant. In-kind Repair or Replacement of existing awnings is exempt per Section 2.9.70.b.
- l. Skylights** - Activities involving existing skylights that are not already exempt via Section 2.9.70.x and new skylights are allowed on:

1. Nonhistoric/Noncontributing structures;
2. Structures with flat roofs or where the skylight would otherwise be obscured by a parapet;
3. Portions of structures that are not visible from private street rights-of-way and public rights-of-way, except for alleys from which they may be visible.

All other modifications or installations of skylights shall be processed via Section 2.9.100.04.

- m. Repair or Replacement of Windows or Doors Containing Glass with Energy Efficient, Double-pane Materials** - Except for situations involving decorative art glass, windows or doors containing glass may be repaired or replaced using energy efficient, double-pane glazing, provided the replacements otherwise match the replaced items in materials, design or style, color, dimensions, number of divided lights, and shape. Repair or replacement of windows or doors containing glass with energy efficient, double-pane materials on Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District are exempt per Section 2.9.70.t.
- n. Installation of Sidewalk Wheelchair Ramps** - In public or private street rights-of-way that are within or adjacent to a National Register of Historic Places Historic District, sidewalk wheelchair ramps may be installed or reconstructed to City of Corvallis Engineering Division Standard Specifications, provided they are installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements.
- o. Single (First) Story Exterior Steps and/or Stairways** - Changes in step or stairway design or style that may be required to meet present-day Building Code requirements, including handrail or guardrail installation, provided such changes are conducted within the height of the first story of a Designated Historic Resource. When authorized by the Building Official, some flexibility from conformance with some Building Code requirements relative to this design, including the question of whether or not handrail or guardrail installation is required, may be granted as outlined in Section 2.9.90.06.a. The design or style shall be architecturally compatible with the Designated Historic Resource based on documentation provided by the applicant.

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

**a. Parameters** - Any Alteration or New Construction activity involving a Designated Historic Resource that is not exempt per Section 2.9.70, or eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03, is an HRC-level Alteration or New Construction activity. This includes, but is not limited to:

1. Nonexempt Exterior Painting - Exterior painting or the application of artwork to buildings, murals, or existing architectural features such as signs, stonework, brickwork, and masonry. Other types of exterior painting are exempt in accordance with Section 2.9.70.c.
2. Signs - Signs that are not exempt per Section 2.9.70.d, provided they meet the applicable sign allocation standards outlined in Chapter 4.7 - Sign Regulations.
3. Alteration or New Construction Replicating Historic Features - Alteration or New Construction activities that are not exempt per Section 2.9.70 and that reconstruct historic exterior features of the Designated Historic Resource as determined from a historic photograph taken during the structure's Period of Significance, original building plans, the Designated Historic Resource inventory, or other evidence submitted by the applicant.
4. Alteration or New Construction with Dissimilar Materials or Which Impact Significant Architectural Features - Alteration or New Construction activities involving changes in material or that impact historically significant architectural features, unless exempt per Section 2.9.70, or allowed to be reviewed as a Director-level Historic Preservation Permit per Section 2.9.100.03.

5. Alteration or New Construction to Later Additions - Unless exempt per Section 2.9.70, Alteration or New Construction activities involving a later addition for the following:
  - a) A Designated Historic Resource in a National Register of Historic Places Historic District where the addition was constructed after the Resource's Period of Significance; and/or
  - b) A Designated Historic Resource listed in the Corvallis Register of Historic Landmarks and Districts (Local Register) and/or an individually listed Designated Historic Resource listed in the National Register of Historic Places where the addition was constructed within the last 50 years based on documentation provided by the applicant.

The Alteration or New Construction shall not damage any Historically Significant architectural features of the structure.

6. Alteration or New Construction to Historic/Noncontributing structures that do not replicate features, on a site that is located in a National Register of Historic Places Historic District, unless exempt per Section 2.9.70 or allowed as a Director-level Historic Preservation Permit per Section 2.9.100.03.
7. Alteration or New Construction to individually designated Historic Resources that are not located within a National Register of Historic Places Historic District and that do not replicate the original features of the structure, unless exempt per Section 2.9.70 or allowed as a Director-level Historic Preservation Permit per Section 2.9.100.03.
8. Building Foundations - Alteration or New Construction to a building foundation where dissimilar materials are used and the foundation's exposure is greater than 12 in., and/or where the building elevation is raised by more than 12 in.
9. Awning Installation - Installation of awnings that are not exempt as an In-kind Repair or Replacement per Section 2.9.70.b or that are not eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03.k.
10. Solar or Hydronic Equipment - Installation of solar or hydronic equipment not eligible for Director-level review per Section 2.9.100.03.b.

11. Mechanical Equipment - Installation of mechanical equipment not eligible for Director-level review per Section 2.9.100.03.d.
12. Re-roofing - Unless unless exempt under Section 2.0.70 or eligible for Director-level review per Section 2.9.100.03.c, replacement of the existing roofing material with a new material that is different from the original.
13. Fencing - The installation of new fencing or replacement fencing with dissimilar design or style or dissimilar materials unless exempt per Section 2.9.70.m or eligible for Director-level review per Section 2.9.100.03.l.
14. New Freestanding Construction - Any new freestanding construction for a Designated Historic Resource site that is not exempt per Section 2.9.70 or eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03.
15. Accessory Development - Unless exempt per Section 2.9.70 or eligible for Director-level review per Section 2.9.100.03, Accessory Development meeting the criteria in Chapter 4.3 - Accessory Development Regulations.
16. Other - Any other Alteration or New Construction activity that meets the definition for an Alteration or New Construction activity in Section 2.9.100.01, and is not exempt per Section 2.9.70 or allowed to be reviewed as a Director-level Historic Preservation Permit in accordance with Section 2.9.100.03.

**b. Review Criteria**

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

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

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

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

3. **Compatibility Criteria for Structures and Site Elements -** Compatibility considerations shall include the items listed in “a -n,” below, as applicable, and relative to the applicable Period of Significance. Alteration or New Construction shall complement the architectural design or style of the primary resource, if in existence and proposed in part to remain; and any existing surrounding comparable Designated Historic Resources. Notwithstanding these provisions and “a-n,” below, for Nonhistoric/Noncontributing resources in a National Register of Historic Places Historic District or resources within such Historic District that are not classified because the nomination for the Historic District is silent on the issue, Alteration or New Construction activities shall be evaluated for compatibility with the architectural design or style of any existing Historic/Contributing

resource on the site or, where none exists, against the attributes of the applicable Historic District's Period of Significance.

- a) Facades - Architectural features, such as balconies, porches, bay windows, dormers, or trim details on main facades shall be retained, restored, or designed to complement the primary structure and any existing surrounding comparable Designated Historic Resources. Particular attention should be paid to those facades facing street rights-of-way. Architectural elements inconsistent with the Designated Historic Resource's existing building design or style shall be avoided.
- b) Building Materials - Building materials shall be reflective of, and complementary to, those found on the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. Siding materials of vertical board, plywood, cement stucco, aluminum, exposed concrete block, and vinyl shall be avoided, unless documented as being consistent with the original design or style, or structure of the Designated Historic Resource.
- c) Architectural Details - Retention and repair of existing character-defining elements of a structure, such as molding or trim, brackets, columns, cladding, ornamentation, and other finishing details and their design or style, materials, and dimensions, shall be considered by the property owner prior to replacement. Replacements for existing architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.
- d) Scale and Proportion - The size and proportions of the Alteration or New Construction shall be compatible with existing structures on the site, if in existence and proposed in part to remain, and with any surrounding comparable structures. New additions or New Construction shall generally be smaller than the impacted Designated Historic Resource, if in existence and proposed in part to remain. In rare instances where an addition or New Construction is proposed to be larger than the original Designated Historic Resource, it shall be

designed such that no single element is visually larger than the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding comparable Designated Historic Resources.

- e) Height - To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. However, second story additions are allowed, provided they are consistent with the height standards of the underlying zoning designation and other chapters of this Code, and provided they are consistent with the other review criteria contained herein.
- f) Roof Shape - New roofs shall match the pitch and shape of the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding compatible Designated Historic Resources.
- g) Pattern of Window and Door Openings - To the extent possible window and door openings shall be compatible with the original features of the existing Designated Historic Resource, if in existence and proposed in part to remain, in form (size, proportion, detailing), materials, type, pattern, and placement of openings.
- h) Building Orientation - Building orientation shall be compatible with existing development patterns on the Designated Historic Resource site, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. In general, Alteration or New Construction shall be sited so that the impact to primary facade(s) of the Designated Historic Resource, if in existence and proposed in part to remain, is minimized.
- i) Site Development - To the extent practicable, given other applicable development standards, such as standards in this Code for building coverage, setbacks, landscaping, sidewalk and street tree locations, the Alteration or New Construction shall maintain existing site development patterns, if in existence and proposed in part to remain.

- j) Accessory Development/Structures - Accessory development as defined in Chapter 4.3 - Accessory Development Regulations and items such as exterior lighting, walls, fences, awnings, and landscaping that are associated with an Alteration or New Construction Historic Preservation Permit application, shall be visually compatible with the architectural design or style of the existing Designated Historic Resource, if in existence and proposed in part to remain, and any comparable Designated Historic Resources within the District, as applicable.
- k) Garages - Garages, including doors, shall be compatible with the Designated Historic Resource site's primary structure, if in existence and proposed in part to remain, based on factors that include design or style, roof pitch and shape, architectural details, location and orientation, and building materials. In a National Register of Historic Places Historic District, the design or style of Alteration or New Construction involving an existing or new garage, visible from public rights-of-way or private street rights-of-way, shall also be compatible with the design or style of other garages in the applicable Historic District that were constructed during that Historic District's Period of Significance.
- l) Chemical or Physical Treatments - Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- m) Archeological Resources - Activities associated with archeological resources shall be carried out in accordance with all State requirements pertaining to the finding of cultural materials, including ORS 358.905, as amended, which pertains to the finding of cultural materials; ORS 390.235, as amended, which describes steps for State permits on sites where cultural materials are found; and OAR 736.051.0080 and OAR 736.051.0090, as amended, which describe requirements for cultural materials found on public versus private land, respectively.
- n) Differentiation - An Alteration or New Construction shall be differentiated from the portions of the site's existing Designated Historic Resource(s) inside the applicable Period of

Significance. However, it also shall be compatible with said Designated Historic Resource's Historically Significant materials, design or style elements, features, size, scale, proportion, and massing to protect the Historic Integrity of the Designated Historic Resource and its environment. Therefore, the differentiation may be subtle and may be accomplished between the Historically Significant portions and the new construction with variations in wall or roof alignment, offsets, roof pitch, or roof height. Alternatively, differentiation may be accomplished by a visual change in surface, such as a molding strip or other element that acts as an interface between the Historically Significant and the new portions.

4. **Additional Review Criteria for the Installation of a Designated Historic Resource on a New Site, Following a Moving** - To complete its review of a request to install a Designated Historic Resource on a new site following its being moved, the Historic Resources Commission shall receive from the Director a finding that indicates the following:
  - a) The zone designation for the proposed site is appropriate to accept the Designated Historic Resource that was moved, in terms of land use(s) and development standards;
  - b) Legal vehicular and Fire Department access to the proposed new site is available or can be provided; and
  - c) Required infrastructure improvements for or adjacent to the proposed new site have been or will be provided.

**2.9.100.05 - Status of Properties for Which an Alteration or New Construction HRC-level Historic Preservation Permit has been Approved to Install a Moved Historic Resource**

- a. **Local Register Historic Resources** - If approval has been granted for the installation of a moved Designated Historic Resource that was a Local Register-Designated Historic Resource at its previous location, a Historic Preservation Overlay may be applied to the new site to which the Designated Historic Resource is being moved through use of the provisions of Chapter 2.2 - Zone Changes, following the effective date of the approved Alteration or New Construction Historic Preservation Permit associated with the Moving. Once the City's Historic Preservation Overlay has been applied, future

modifications affecting the Designated Historic Resource at its new site shall be subject to the provisions of this Chapter.

- b. Historic Resources listed in the National Register of Historic Places -** The City shall notify the State Historic Preservation Office when a Historic Preservation Permit authorizing the installation of a moved Designated Historic Resource listed in the National Register of Historic Places becomes effective. A proposed listing or the maintenance of an existing listing of a National Register of Historic Places Historic Resource at its new site shall be processed through state and federal procedures. Upon receipt of official notification from SHPO that a listing has occurred or has been maintained and is in effect and when the affected Designated Historic Resource is not listed in the Local Register, the affected Designated Historic Resource at its new site shall be subject to the Historic Preservation Provisions of this Code. In such cases, a Historic Preservation Overlay may be added to the new site to which the Designated Historic Resource is being moved through use of the provisions of Chapter 2.2 - Zone Changes, following the effective date of the approved Alteration or New Construction Historic Preservation Permit.

## **Section 2.9.110 - DEMOLITION INVOLVING A DESIGNATED HISTORIC RESOURCE**

### **2.9.110.01 - Definition of a Demolition of a Designated Historic Resource**

An activity is considered a Demolition of a Designated Historic Resource when the activity:

- a.** Is not an exempt activity as defined in Section 2.9.70;
- b.** Is not an Alteration or New Construction as defined in Section 2.9.100;
- c.** Is not a Moving as defined in Section 2.9.120;
- d.** Involves destruction of a Designated Historic Resource; and/or
- e.** Involves the removal of a Historically Significant Tree as defined in Chapter 1.6 - Definitions, unless the tree is officially sanctioned for emergency removal via Section 2.9.80.b.

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

An HRC-level Historic Preservation Permit is required for all activities meeting the definition for Demolition of a Designated Historic Resource, as outlined in Section 2.9.110.01 above.

**2.9.110.03 - Review Criteria** - An HRC-level Historic Preservation Permit for the Demolition of a Designated Historic Resource other than a Historically Significant Tree, shall be evaluated against the criteria in “a” through “c,” below. Approval may be granted for a Demolition only where a proposal has been demonstrated to have met criterion “a” and either “b” or “c”. Removal of a Historically Significant Tree is addressed in “d”, below.

- a.** The Historic Integrity of the Designated Historic Resource has been substantially reduced or diminished due to unavoidable circumstances that were not a result of action or inaction by the property owner. Historic Integrity is defined in Chapter 1.6 - Definitions.
- b.** If the proposed Demolition involves one of the structures identified in “1 -2,” below, and is not exempt per Section 2.9.70, it may be allowed, provided the applicant submits evidence documenting the age of the affected structure and documentation that the Demolition will not damage, obscure, or negatively impact any Designated Historic Resource on the property that is classified as Historic/Contributing or that is called out as being Historically Significant, based on any of the sources of information listed in Section 2.9.60.c. To be considered under this criteria, the Demolition shall involve only the following:
  - 1. A Nonhistoric structure on an individually Designated Historic Resource listed in the Local Register or National Register of Historic Places; or
  - 2. A Nonhistoric structure on a Designated Historic Resource property listed in a National Register of Historic Places Historic District, even if the approved National Register of Historic Places nomination for the District is silent on the issue.
- c.** If the Demolition involves a Designated Historic Resource other than the structures outlined in “b,” above, the Demolition may be allowed provided:

1. The physical condition of the Designated Historic Resource is deteriorated beyond Economically Feasible Rehabilitation and either:
  - a) Moving of the Designated Historic Resource is not feasible; or
  - b) If within a National Register of Historic Places Historic District, Demolition of the Designated Historic Resource will not adversely affect the Historic Integrity of the District. To address this criterion, the applicant shall provide an assessment of the Demolition's effects on the character and Historic Integrity of the subject Designated Historic Resource and District. Historic Integrity is defined in Chapter 1.6 - Definitions.
  
2. Alternatives to Demolishing the Designated Historic Resource have been pursued, including the following, as appropriate:
  - a) Public or private acquisition of the Designated Historic Resource with or without the associated land has been explored;
  - b) Alternate structure and/or site designs that address the property owner's needs, and which would avoid Demolition of the Designated Historic Resource, have been explored and documented;
  - c) A For Sale sign and a public notice have been posted on the Designated Historic Resource site. The sign and public notice shall read: "HISTORIC RESOURCE TO BE DEMOLISHED -- FOR SALE." Lettering on the sign shall be at least five inches in height and posted in a prominent place on the property for a minimum of 40 days;
  - d) The Designated Historic Resource has been listed for sale in local and state newspapers for a minimum of five days over a five-week period;
  - e) The Designated Historic Resource has been listed for sale in at least two preservation publications for at least 30 days;
  - f) A press release has been issued to newspapers of local and state circulation describing the Historic Significance of the

resource, the physical dimensions of the property, and the reasons for the proposed Demolition; and/or

- g) Notification through other means of advertisement has been accomplished (e.g. internet, radio).

**d. Trees** - A Historic Preservation Permit to remove a Historically Significant Tree as defined in Chapter 1.6 - Definitions, shall meet at least one of the criteria in “1-6,” below. If removal of a Historically Significant Tree is approved, a replacement tree(s) may be required as mitigation if, in the opinion of the decision-maker, there is an opportunity either on the subject site, or within 750 ft. of the site, to plant an additional tree(s):

1. The Historically Significant Tree, in the opinion of the City’s Urban Forester and City Engineer, negatively impacts existing public infrastructure, and both officials recommend removal of the tree;
2. The Historically Significant Tree, in the opinion of the Building Official and the City’s Urban Forester, negatively impacts existing structures on the development site that are intended to remain, and both officials recommend removal of the tree;
3. The location of the Historically Significant Tree precludes the reasonable use of the property because the area needed to ensure preservation of the Historically Significant Tree, in the opinion of a certified arborist and the City’s Urban Forester, encompasses an area that does not allow for the property owner to make improvements on up to 75 percent of the otherwise buildable portion of the lot - the area excluding required setback areas, after consideration of lot coverage and landscaping standards;
4. For the determination of buildable area in “3,” above, an automatic 15 percent reduction in setbacks and 10 percent increase in height limitation shall be allowed and used to assist a property owner in achieving reasonable use of property;
5. In the case of public infrastructure, the location of the Historically Significant Tree precludes construction of necessary public infrastructure improvements and, in the opinion of the City Engineer and the City’s Urban Forester, design alternatives to accomplish the necessary public infrastructure and preservation of the tree are not feasible; and/or

6. A non-emergency tree hazard exists where failure of the Historically Significant Tree is anticipated but is not imminent, and the tree site is stabilized. In such situations, a Historically Significant Tree is determined to be hazardous or in serious decline for reasons including, but not limited to, storm damage, structural defects, poor past pruning methods, history of failure, and disease. This determination must be based on a Hazard Tree Evaluation that has been performed by an ISA Certified Arborist or ASCA Consulting Arborist trained in this method and the associated report must be filed with the Director and the City's Urban Forester. Removal may only occur following the City's Urban Forester's review and approval of the Hazard Tree Evaluation which recommends for removal of the tree.

#### **2.9.110.04 - Documentation Required Prior to Demolition of a Designated Historic Resource**

- a. Documentation of a Designated Historic Resource that has been approved for Demolition through the issuance of a Historic Preservation Permit shall occur using one or more of the methods outlined in "1-3," below. The method(s) of documentation shall be specified in the Historic Preservation Permit. The required documentation must be approved by the Director prior to the issuance of a Building Permit for Demolition.
  1. Documentation using guidelines in the Historic American Buildings Survey, including architectural drawings, photographs, and historical narrative;
  2. Documentation by cataloging historic and contemporary photographs of the Designated Historic Resource and site; or
  3. Documentation by salvaging Historically Significant architectural elements or artifacts from the Designated Historic Resource and site.
- b. Dispensation of Documentation Materials:
  1. Original documentation materials shall remain the property of the owner of the Designated Historic Resource being demolished;
  2. Copies of documentation materials identified in Sections "a.1" and "a.2," above, shall be submitted to the Director for storage by the City or its designee; and

3. The Director may require an applicant to submit a plan for dispensing of the documentation materials identified in Section “a.3,” above. The plan shall describe all re-use, sale, donation, or other actions investigated by the applicant.

#### **2.9.110.05 - Status of Properties for Which Demolition Approved**

- a. **Local Register Designated Historic Resources** - If approval has been granted for the Demolition of a Locally-designated Historic Resource, the Historic Preservation Overlay may be removed through use of the provisions of Chapter 2.2 - Zone Changes, following the effective date of the approved Historic Preservation Permit, and provided the applicable provisions of Chapter 2.2 - Zone Changes are met. Once the City’s Historic Preservation Overlay has been removed, the affected resource shall no longer be subject to the provisions of this Chapter, provided it is not listed in the National Register.
  
- b. **Historic Resources listed in the National Register of Historic Places** - The City shall notify the State Historic Preservation Office when a Historic Preservation Permit authorizing the Demolition of a Designated Historic Resource listed in the National Register of Historic Places becomes effective. A proposed delisting of such a Designated Historic Resource shall be processed through state and federal procedures. Upon receipt of official notification from the Oregon State Historic Preservation Office (SHPO) that a delisting has occurred and is in effect, and when the affected Designated Historic Resource is not also listed in the Local Register, the affected Designated Historic Resource shall no longer be subject to the Historic Preservation Provisions of this Code. Upon receipt of official notification from SHPO that a delisting has occurred and is in effect, and when the affected resource is still listed in the Local Register, a Zone Change consistent with the provisions in Chapter 2.2 - Zone Changes, pertaining to the removal of the related Historic Preservation Overlay will need to be approved for the Designated Historic Resource to no longer be subject to the Historic Preservation Provisions of this Code. See “a,” above.

#### **2.9.110.06 - Temporary Stay of Demolition Building Permit for Publicly-owned Historic Resources Subject to a Pending Nomination for Listing in the National Register of Historic Places**

- a. If the Director has received from the State Historic Preservation Office official notification that a publicly-owned historic resource is the subject of a nomination application to list the resource in the National Register of Historic

Places, and the nomination application is currently being reviewed by the State Historic Preservation Office and/or the National Park Service, a Building Permit shall not be issued for the Demolition of that publicly-owned historic resource for the period that the nomination application is under review, provided:

1. The Director's receipt of official notification of the pending nomination of the publicly-owned historic resource for listing in the National Register of Historic Places occurred prior to the Director's receipt of an application for a Building Permit for Demolition of the affected publicly-owned resource;
  2. For a pending National Register of Historic Places Historic District nomination, if applicable, the temporary stay of the Demolition Building Permit applies only to any publicly-owned resources proposed for classification as Historic/Contributing or Historic/Noncontributing in the nomination application. Any publicly-owned resources proposed for classification as Nonhistoric/Noncontributing in the nomination application are not subject to this Section's stay requirement;
  3. For a pending nomination for a Historic Resource proposed to be individually listed in the National Register of Historic Places, if applicable, this Section's temporary stay does not apply to the issuance of a Demolition Building Permit for any publicly-owned resources on the subject site that are Nonhistoric as defined in Chapter 1.6 - Definitions; and
  4. The affected Historic Resource is owned by the City of Corvallis, Benton County, the Corvallis School District, a publicly-owned special district, the State of Oregon, and/or the federal government.
- b. Removal of a Temporary Stay** - The temporary stay of the Demolition permit shall end upon the Director's receipt of official notification from the Keeper of the National Register, the National Park Service, and/or the State Historic Preservation Office regarding the final outcome of the proposed National Register of Historic Places listing. If the Historic Resource has been approved for listing in the National Register of Historic Places, the Demolition provisions of this chapter apply in addition to any required Building Permits.

## **Section 2.9.120 - MOVING A DESIGNATED HISTORIC RESOURCE**

### **2.9.120.01 - Definition of Moving a Designated Historic Resource**

An activity is considered to be Moving a Designated Historic Resource when the activity:

- a.** Is not an exempt activity as defined in Section 2.9.70.i;
- b.** Is not an Alteration or New Construction to a Designated Historic Resource as defined in Section 2.9.100;
- c.** Is not a Demolition as defined in Section 2.9.110; and
- d.** Involves relocating the Designated Historic Resource, in whole or in part, from its current site to another location. Review of the Moving request shall be limited to an evaluation of the removal of the Designated Historic Resource from its current location. Evaluation of the installation of the Designated Historic Resource at its new location is considered an Alteration or New Construction, and shall occur in accordance with the provisions of Section 2.9.100, if the new site is within the City limits. If the proposed new site of the Designated Historic Resource is outside the City limits, no City evaluation of the resource's installation at that new site will occur because the City has no jurisdiction over such locations.

### **2.9.120.02 - Historic Preservation Permit Required for Moving a Designated Historic Resource**

An HRC-level Historic Preservation Permit is required for all activities meeting the definition for Moving a Designated Historic Resource, per Section 2.9.120.01, above.

**2.9.120.03 - Review Criteria** - For an HRC-level Historic Preservation Permit involving Moving of a Designated Historic Resource, the following review criteria shall be used, as applicable:

- a.** Evaluation of the current and potential future Historic Significance and Historic Integrity of the Designated Historic Resource, independent of its setting.
- b.** The review criteria in Section 2.9.110.03.b, but with respect to Moving instead of Demolition.

- c. Moving the Designated Historic Resource will save it from Demolition.
- d. Moving the Designated Historic Resource has benefits that outweigh the detrimental impact of removing the resource from its designated site.

#### **2.9.120.04 - Documentation Required Prior to Moving for an HRC-level Historic Preservation Permit Issued for Moving a Designated Historic Resource**

A Designated Historic Resource that has been approved for Moving through the issuance of an HRC-level Historic Preservation Permit shall be documented in accordance with Section 2.9.110.04, but with respect to Moving instead of Demolition, as applicable.

#### **2.9.120.05 - Status of Properties for Which Moving is Approved**

- a. **Local Register Historic Resources** - If approval has been granted for Moving a Locally-designated Historic Resource, the Historic Preservation Overlay may be removed from the site from which the Designated Historic Resource is being moved, through use of the provisions of Chapter 2.2 - Zone Changes, following the effective date of the approved Historic Preservation Permit for Moving. Once the City's Historic Preservation Overlay has been removed, the affected resource site shall no longer be subject to the provisions of this Chapter.
- b. **Historic Resources listed in the National Register of Historic Places** - The City shall notify the State Historic Preservation Office when a Historic Preservation Permit authorizing the Moving of a Designated Historic Resource listed in the National Register of Historic Places becomes effective. The Historic status of the original site shall be addressed in accordance with Section 2.9.110.05.b, except with respect to Moving instead of Demolition.

### **2.9.130 - ADMINISTRATIVE**

#### **2.9.130.01 - Enforcement**

The Director shall administer and enforce these regulations and, to ensure compliance with these regulations, is authorized to take any action authorized by Chapter 1.3 - Enforcement, as well as those contained in Section 2.9.130.02, below.

### **2.9.130.02 - Ordered Remedies**

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