



Bureau of Planning and Sustainability
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Development
Services FROM CONCEPT
TO CONSTRUCTION

Historic Resources Code Improvement Project

Zoning Code Amendments

Discussion Draft – November 16, 2012

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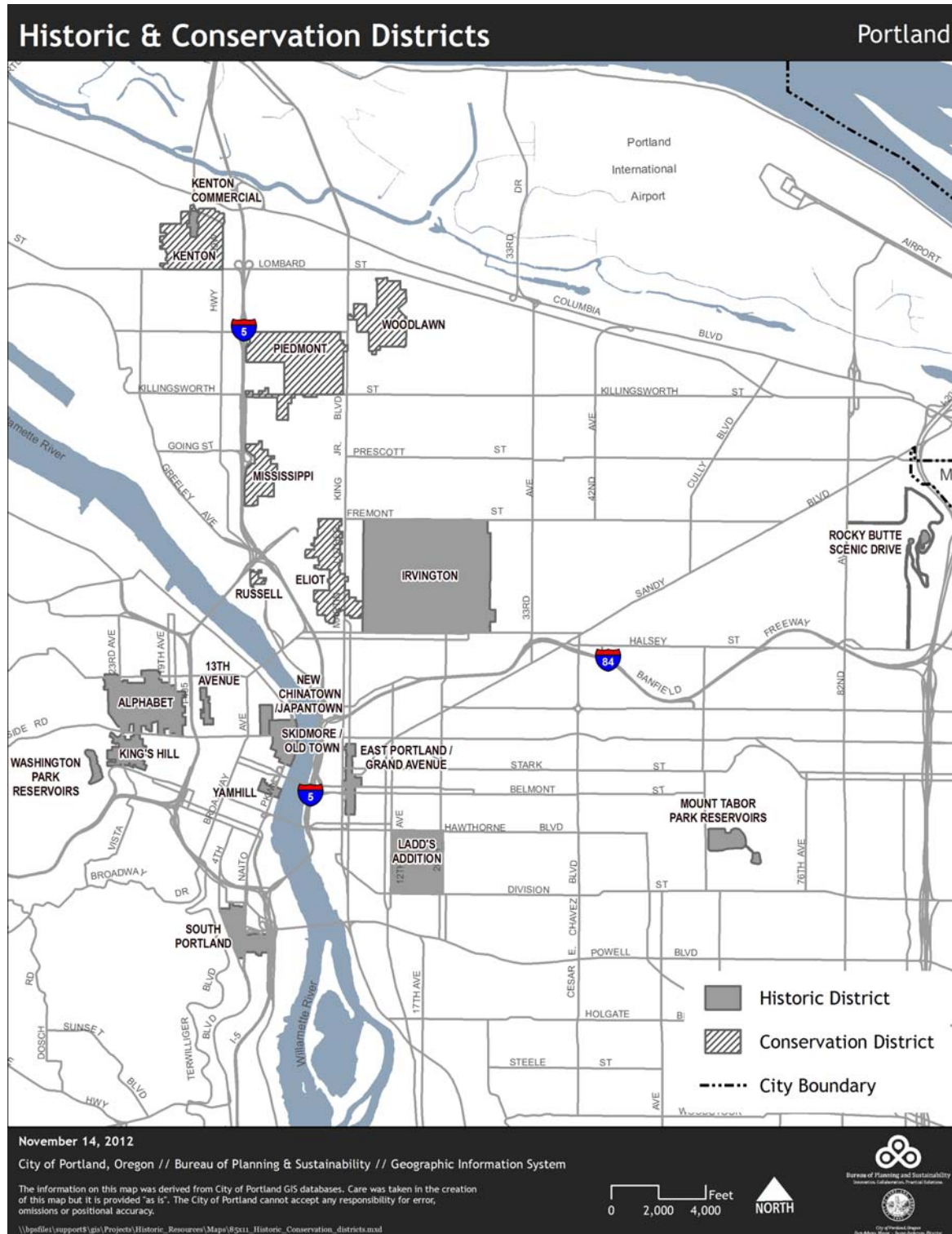
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I. Background and Project Overview

Portland's Historic Resources

Portland has 20 historic and conservation districts — covering 1,500 acres and containing more than 3,500 contributing properties — along with approximately 700 individual historic and conservation landmarks .



What is HRCIP?

In an 8-month public process, this project is proposing amendments to the Zoning Code to make it easier for property owners to make minor home improvements in the City's historic and conservation districts. The first step of the public process was to identify the issues, provide context, and identify potential solutions for consideration. This discussion draft is intended to take those potential solutions and craft a specific proposal for a community discussion at the Historic Landmarks Commission on December 10. The full project schedule is shown in Table 1.

Table 1: Schedule

July – Aug 2012	Problem identification, research and background	Check-in with Planning and Sustainability Commission, Historic Landmarks Commission, and the Development Review Advisory Committee
Sept - Oct 2012	Develop alternative concepts	Issues and Options Paper released on September 11 - met with stakeholders to discuss concepts
Nov – Dec 2012	Discussion Draft	Discussion draft of code amendments released November 16 for a Historic Landmarks Commission hearing with public testimony on December 10
Jan 2013	Public Hearing	Proposed draft of code amendments will be released first week of January for a Planning and Sustainability Commission hearing tentatively scheduled for January 22
Feb 2013	Public Hearing	City Council – adopted amendments will be effective 37 days after the last hearing

Background

Property owners in Historic and Conservation Districts are concerned about the fees and time involved for historic design review. Fees for small home remodeling projects start at \$900, and the design review process can take from 6-8 weeks. The fees, in some cases, can be more than the cost of the job itself. As a result, some property owners decide to make exterior home improvements without going through historic design review, while others decide not to make improvements at all.

Project Goals

- Improve the historic design review process to help preserve the historic character of Portland.
- Create a quicker, easier to understand, and more predictable review process for proposals with minor impacts on historic resources.

What will this project do?

Under the City's current regulations pertaining to historic resources, the majority of exterior alteration and development proposals are reviewed through historic design review. While historic design review provides for flexibility and public dialogue, it also takes time and money on the applicant's part. The overall purpose of this project is to reassess when historic design review is necessary and appropriate.

The following amendments are being explored, and others may be discussed, as the project moves forward:

1. Historic Resources Definitions – Clarify terminology related to historic resources regulations, including the terms “repair,” “maintenance” and “replacement.”
2. Redefine Historic Review Triggers/Exemptions – Determine the appropriate level of review in historic and conservation districts for the following:
 - a. minor alterations to structures;
 - b. alterations on non-street facing facades.
3. Procedure Type – Create a land use review procedure with a shorter timeline and no local appeal. This could be a new land use review or a revision of the Type I procedure.

Research

City staff conducted research to inform this process by reviewing permit data over the past 18 months and conducting a survey of other cities in the country to help identify best practices. Below is a summary of the information collected. In addition, the issues on the following pages have numerous references to the research material as well. More detailed summaries of the data are available upon request.

Permit Data

Over the course of the past 18 months, Bureau of Development Services staff processed 179 land use cases related to historic resources. Of these cases, approximately 54 percent are outside the scope of this project (e.g. signs, commercial storefront remodels, radio frequency antennas, and other large scale remodels or new constructions that triggered the Type 3 Historic Design Review process). The remaining 46 percent, however, did fall within the scope of the project. These cases provide helpful focus for the minor code improvements contemplated in this project. A summary of the permit data is below:

Table 2: Permit Data - November 1, 2010 to May 30, 2012

Review Categories	Number of Cases	Percent of Total
Rear additions	24	12.9%
Windows – main facades	19	10.2%
Windows – basement	4	2.2%
Minor repairs	27	14.5%
Restoration	3	1.6%
Repair and maintenance	1	0.5%
Mechanical equipment	5	2.7%
Garages and other accessory structures	3	1.6%
Not in scope: signs, commercial building and storefronts, radio frequency facilities	100	53.8%
Total	186*	100

*some cases fall into two categories. The total number of cases was 179.

Several themes emerge from the permit data, including:

- Approximately half of the cases reviewed by BDS could benefit from some form of code amendment;
- Creating exemptions or a minor review may encourage additions at the rear of a house where the impact is the least;
- Relatively few cases involve true restoration work;
- Although only 23 cases relate to windows, windows account for the bulk of inquiries to BDS staff; and
- Creating exemptions, standards, or minor review for window replacements under certain circumstances may help reduce time and cost for homeowners.

In addition to permit data, Bureau of Development Staff estimate that they receive approximately 150 inquiries each year from homeowners with questions about what types of work are considered repair and maintenance. It is anticipated that BDS workload could be reduced by clarifying certain definitions in the code.

Survey of Other Cities

Bureau of Planning and Sustainability staff conducted a survey of nine cities that have historic resource protection programs that offer lessons for Portland. The questions in the survey were specific to the issues outlined above in the “What will this project do?” section. The survey clearly shows that every jurisdiction is unique and has a different approach to protecting historic resources.

The themes of their approaches are as follows:

- Repair and maintenance are largely exempt or reviewed administratively in one day;
- Temporary structures (e.g. wheelchair ramps) and foundation work are often exempted;
- Minor projects are defined and reviewed administratively (percentage of resource affected or under a certain square footage addition);
- Visibility from defined viewpoints is a factor in determining the level of review – facades visible from the street have a higher level of review;
- The level of review applied to window replacement varies depending on conspicuousness and type of materials used; and
- Restoration projects typically require administrative review.

Identifying Issues, Opportunities and Potential Code Amendments

Staff kicked off the project in the summer of 2012 and released an [Issues and Opportunities Paper](#) in September to start the community conversation. The paper included information about issues and concerns related to Portland’s historic resources regulations and ideas for potential code changes. In addition to numerous individual conversations, staff attended the following meetings to discuss the project scope, identify issues and get feedback on ideas for code amendments:

- | | |
|---|--------------------|
| ▪ Development Review Advisory Committee | June 12, 2012 |
| ▪ Bosco-Milligan Foundation | June 22, 2012 |
| ▪ Historic Landmarks Commission | July 23, 2012 |
| ▪ Planning and Sustainability Commission | July 24, 2012 |
| ▪ Buckman Neighborhood Association | September 13, 2012 |
| ▪ Irvington Community Association | September 13, 2012 |
| ▪ SE Uplift Land Use / Transportation Committee | September 17, 2012 |

- | | |
|---|------------------|
| ▪ Historic Landmarks Commission | October 8, 2012 |
| ▪ Planning and Sustainability Commission | October 9, 2012 |
| ▪ Irvington Land Use Committee | October 10, 2012 |
| ▪ Remodelers Association | October 11, 2012 |
| ▪ Portland Coalition for Historic Resources | October 11, 2012 |
| ▪ Development Review Advisory Committee | October 18, 2012 |

Summary of community feedback:

General

- Strong support for the goals of the project – mainly to reduce the time and cost associated with historic design review for homeowners.
- Concern about the narrow scope of the project – many expressed a desire for the City to fix the myriad of issues associated with the City’s historic resource program.
- Concern that this project was not addressing high fees directly – although many understood that many of the concepts could indirectly reduce fees with added exemptions and/or a lower level of review.
- Support for revisiting the code revisions after they have been implemented to assess the project’s success in addressing community concerns.
- Support for considering different treatment (exemptions, review level, etc.) for contributing versus non-contributing structures.

Exemptions

- Many activities should be exempt (re-roofing, paint color, interior light wells, fire escape removal, fences, retaining walls, decks, removal of kitchen chimneys,).
- Big projects (additions greater than 200 square feet) should continue to be reviewed as it is today.
- Some things can’t be exempt and need a review. Although a lesser review than the typical Type II may be appropriate for some types of activities (window replacement, restoration, roof replacement).

New Review Procedure

- Support for a new, quicker procedure.
- Concern about no local appeal – neighborhoods in particular feel strongly that local appeal is necessary to achieve preservation goals.

II. Summary of Code Amendments

This section includes general information about the draft code amendments, included to summarize the intent of the proposed changes. Please refer to the specific code language in Section III for details.

General review categories

One purpose of this project is to reassess when and if historic design review is necessary and appropriate. This discussion draft proposes that there are three general review categories for thinking about this issue:

Exemptions –

Expanding and clarifying the list of exemptions is intended to direct reviews toward projects that have greater impact on the significance of historic resources and help homeowners understand what activities are exempt from review. In other words, activities that do not require any review or approval by the City. In addition to adding definitions for repair and maintenance, the exemptions will help provide clarity to homeowners, remodelers, and neighborhood associations when historic treatment review is required.

New Type I – Little Projects

The challenge of this project is determining what projects should fall into this new review procedure. Restorations is one example of a project that requires some level of review by City staff to ensure that the work is consistent with the period of significance, but is also an activity that the City would like to encourage through a lower review threshold. Additionally, smaller projects of less than 200 square feet, such as a new dormer, moving a window, or adding a back porch, should also require a review -- but a lesser review than the traditional Type II. This draft includes a new Type I procedure that still ensures the appropriate approval criteria are met, but does it in half the time and potentially half the cost. See Table 4 below for a comparison of procedures.

Type II or III – Big Projects

No change is proposed to large projects that currently go through a Type II or Type III review. These are typically one or two story additions that have significant cost. The additional time and cost of a review is justified for these types of projects.

Table 3 outlines the general proposed changes to activities subject to historic design review and the associated procedure type; Table 4 describes the range of current and a proposed review procedure type.

Table 3: Proposed Changes to Historic Design Review Scope

	Review Type				Applicability to Designation Types	
					Landmark	District
Maintenance <i>Actions, such as painting a previously painted surface or in-kind re-roofing, performed to prevent a historic resource from falling into a deteriorated condition.</i>	Exempt				Yes	Yes
Repair (e.g. repair of doors, windows, porches, or re-roofing) <i>Actions to fix or mend a damaged or deteriorated historic resource, or one of its constituent systems, with like material and while retaining sound parts or elements. Rule of thumb: if more than 50% of original material needs replacement, then it is no longer repair and may require a review.</i>	Exempt				Yes	Yes
Below Grade Windows <i>Windows 50% or more below grade are exempt on non-street facing facades. Includes egress window replacements.</i>	Exempt				No	Yes
Storm Windows <i>Includes both removal and addition of storm windows.</i>	Exempt				Yes	Yes
Accessibility Structures (e.g. wheelchair ramps) <i>Exempt if the structure can be picked up and moved without permanently removing or destroying original building materials.</i>	Exempt				Yes	Yes
Light Wells <i>Exempt if light well is completely contained within a building.</i>	Exempt				Yes	Yes
Fire Escapes <i>Exempt if removal is required by Fire Marshall.</i>	Exempt				No	Yes
Accessory structures (e.g. detached garages, gazebo) <i>In RH through RF zones.</i>	Exempt < 200 sq ft New Type I > 200 sq ft				Yes	Yes
Restoration <i>In RH through RF zones. See new definition for restoration in 33.910.</i>	New Type I				Yes	Yes
Alterations (e.g. replacement of windows, doors, porch, roof, siding, exterior trim, or other features) <i>Creates a lower level of review for smaller projects.</i>	*Contributing		*Non-contributing		No	Yes
	New Type I < 200 sq ft Zones RH-RF	Type II > 200 sq ft	Exempt < 200 sq ft	Type II > 200 sq ft		
Additions (e.g. dormer, porch, new room) <i>Additions are considered alterations in the Zoning Code.</i>	New Type I < 200 sq ft Zones RH-RF	Type II > 200 sq ft	Exempt < 200 sq ft	Type II > 200 sq ft	No	Yes
<p>Note – in addition to the actions listed in this table, the following actions will continue to remain exempt: retaining walls, fences, decks, rooftop mechanical equipment and solar panels.</p> <p>*See discussion of Contributing and Non-contributing below for an alternative approach.</p>						

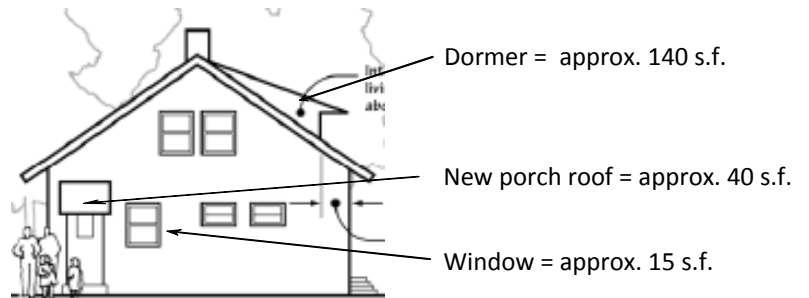
Table 4: Current and Proposed Procedure Types

Procedure Type	Decision Maker	Days to Decision	Notice	Appealable at local level	Appealable to LUBA	Historic Design Review Examples
Type I	Staff	30-45	Property owners within 100 ft of site and Associations	No	Yes	Signs < 150 sq ft
Type I (Proposed revisions for Type I reviews in RH to RF zones)	Staff	14-21	Property owners within 100 ft of site and Associations	No	Yes	Restoration; accessory structures and exterior alterations of less than 200 sq ft
Type II	Staff	56	Property owners within 150 ft of site and Associations within 400 ft of site	Yes	Yes	Exterior alterations > 200 sq ft and < \$396,200 to a structure that is not a landmark
Type III	Local review body (e.g. landmarks)	103	Property owners within 400 ft of site and Associations within 1000 ft of site	Yes	Yes	Exterior alterations > \$396,200 to a structure that is not a landmark

Note: The vast majority of historic design reviews are currently processed through at Type II.

Why 200 square feet?

200 sf is a reasonable threshold between a little and big project for the purposes of historic treatment review and is consistent with the 200 square foot International Building Code exemption for accessory structures. It also allows a homeowner to add a dormer or add a new back porch or replace several windows – or some combination of these that total less than 200 square feet. These projects are fairly simple and reducing the review threshold is the most promising way to reduce the time and expense for homeowners wanting to make minor improvements that don’t have a major impact on the historic resource.



Contributing versus Non contributing Resources

Stakeholders identified this distinction as a possible way to allow a quicker and less expensive process for structures in historic and conservation districts that contribute less to the significance of the district. The code was written using this approach, but in the week prior to publishing this document, staff identified an alternative approach of distinguishing between street facing and non-street facing. The benefit of this approach is ease of implementation and ability of a homeowner to quickly understand where it applies. It also encourages alterations on

facades that are less visible from the street. Both approaches will need to be explored in more detail in the coming month.

Other minor changes

The current terminology used in chapters 33.445 and 33.846 is Design Guidelines and Historic Design Review. This terminology implies that the review of alterations to historic resources is the same as the review of architectural designs. However, architectural design and historic preservation are distinct disciplines with very different concerns and approaches, which is reflected with separate overlay chapters in the Zoning Code and separate overseeing commissions. The emphasis in federal, state and most other local historic preservation programs is on the appropriateness of proposed historic treatments rather than on other design considerations (e.g. the roof pitch of an addition to a historic structure should generally match that the existing roof, rather than be determined purely by design preference, independent of historic context).

The following terms are proposed to be replaced throughout *Title 33, Planning and Zoning*:

Historic Resource Protection Overlay Zone – replace with **Historic Resources Overlay Zone**:

- | | | |
|---------------------|-------------------|----------------------|
| ▪ List of Chapters | ▪ 33.130.275 | ▪ 33.405.080.C2 |
| ▪ Table of Contents | ▪ 33.140.280 | ▪ 33.420.045.A |
| ▪ 33.110.210 | ▪ 400s title page | ▪ 33.445 – all pages |
| ▪ 33.110.260 | ▪ 33.405.060.5.b | ▪ 33.505.220.C.4.b |
| ▪ 33.120.290 | ▪ 33.405.070.D.2 | ▪ 33.505.230.B.5.b. |

Historic Design Review – replace with **Historic Treatment Review** in the following sections:

- | | | |
|--------------------|----------------------|---------------------|
| ▪ 33.218.010 | ▪ 33.405.080.C.2 | ▪ 33.846 title page |
| ▪ 33.218.010.E | ▪ 33.420.045.A | ▪ 33.846.060 |
| ▪ 33.218.015.A | ▪ 33.445 – all pages | ▪ 33.846.070. |
| ▪ 33.218.015.D.5.b | ▪ 505.220.C.4.b | |
| ▪ 33.405.070.D.2 | ▪ 33.700.625.A | |

III. Code Amendments

How to read this document

The following pages show proposed changes to the Zoning Code. Even numbered pages show code language with adopted changes. Language added to the Zoning Code is underlined and language deleted is shown in strikethrough.

Odd-numbered pages contain staff commentary on the proposed changes.

Commentary

Chapter Title. The term "Protection" is proposed for deletion from the title of the chapter for simplicity.

**CHAPTER 33.445
HISTORIC RESOURCE PROTECTION OVERLAY ZONE**

Sections:

General

- 33.445.010 Purpose
- 33.445.020 Where These Regulations Apply
- 33.445.030 Types of Historic Resources and Map Symbols
- 33.445.040 Adoption of Design Guidelines
- 33.445.050 Modifications that Enhance Historic Resources
- 33.445.060 Notice of Building and Housing Code Violations

Historic Landmarks

- 33.445.100 Designation of a Historic Landmark
- 33.445.110 Removal of a Historic Landmark Designation
- 33.445.120 Historic Preservation Incentives for Historic Landmarks
- 33.445.130 Relocation of a Historic Landmark
- 33.445.140 Alterations to a Historic Landmark
- 33.445.150 Demolition of a Historic Landmark

Conservation Landmarks

- 33.445.200 Designation of a Conservation Landmark
- 33.445.210 Removal of a Conservation Landmark Designation
- 33.445.220 Historic Preservation Incentives for Conservation Landmarks
- 33.445.230 Alterations to a Conservation Landmark
- 33.445.240 Demolition of a Conservation Landmark

Historic Districts

- 33.445.300 Designation of a Historic District
- 33.445.310 Removal of a Historic District Designation
- 33.445.315 Preservation Agreements in Historic Districts
- 33.445.320 Development and Alterations in a Historic District
- 33.445.330 Demolition of Historic Resources in a Historic District

Conservation Districts

- 33.445.400 Designation of a Conservation District
- 33.445.410 Removal of a Conservation District Designation
- 33.445.415 Preservation Agreements in Conservation Districts
- 33.445.420 Development and Alterations in a Conservation District
- 33.445.430 Demolition of Historic Resources in a Conservation District

Historic Resource Inventory Listing

- 33.445.500 Listing in the Historic Resource Inventory
- 33.445.510 Removal of Historic Resource Inventory Listing
- 33.445.515 Preservation Agreements for Resources Listed in the Historic Resource Inventory
- 33.445.520 Demolition of Properties Listed in the Historic Resource Inventory

Historic Preservation Agreements and Historic Preservation Incentives

- 33.445.600 Preservation Agreements
- 33.445.610 Historic Preservation Incentives

Community Design Standards

- 33.445.700 Purpose
- 33.445.710 When Community Design Standards May Be Used
- 33.445.720 When Community Design Standards May Not Be Used

Demolition Reviews

- 33.445.800 Types of Reviews
- 33.445.805 Supplemental Application Requirements
- 33.445.810 Demolition Delay Review

Commentary

Change in terminology made throughout the code:

Historic design review can be confused with design review, a procedure used to implement Chapter 33.420, Design Overlay Zone. Design review is generally used to protect the scenic, architectural or cultural value of an area, and is also used to ensure compatibility between new infill development and existing neighborhoods. Historic design review is focused more specifically on protecting the significance of a historic resource, using industry-established practices categorized by treatment type (e.g. restoration, rehabilitation). Changing the title of historic design review to historic resources treatment review will help clarify the distinction between these two types of reviews.

General

33.445.010 Purpose – [No change, included for reference only]

This chapter protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

33.445.020 Where These Regulations Apply - [No change]

33.445.030 Types of Historic Resource Designations and Map Symbols - [No change]

33.445.040 Adoption of Design Guidelines

Design guidelines for Historic Districts and Conservation Districts are reviewed and approved by the Historic Landmarks Commission and adopted by City Council. These guidelines are used for historic ~~design~~ resource treatment review, which is required for some alterations to historic resources. Historic ~~design~~ resource treatment review ensures the conservation and enhancement of the special characteristics of historic resources.

33.445.050 Modifications that Enhance Historic Resources

The review body may grant modifications to site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the historic ~~design~~ resource treatment review process. However, modification to a parking and loading regulation within the Central City plan district may not be considered through the historic ~~design~~ resource treatment review process. Modifications made as part of historic ~~design~~ resource treatment review are not required to go through a separate adjustment process. To obtain approval of a modification to site-related development standards, the applicant must show that the proposal meets the approval criteria stated in Section 33.846.070, Modifications Considered During Historic ~~design~~ Resource Treatment Review. Modifications to all other standards are subject to the adjustment process. Modifications that are denied through historic ~~design~~ resource treatment review may be requested through the adjustment process.

33.445.060 Notice of Building and Housing Code Violations – [No change]

Commentary

33.445.120 Historic Preservation Incentives for Historic Landmarks

Consolidated text.

33.445.140 Alterations to a Historic Landmark

A.2. Removed "accessory" to acknowledge that a Historic Landmark could be a particular object on the site and not the primary structure (a historic reservoir with non historic house). Replaced " Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of the Historic Landmark" with "character defining feature." As part of this project, the following definition is being proposed to be added to 33.910 for character-defining feature: *A characteristic of a historic resource that contributes to its ability to convey historic significance specific to the period of significance. Structures, objects, openings, projections, exposed structural elements, vegetation, spatial relationships, decorative details, and materials may be such features.*

A.3. Changed "façade color" to "exterior color" to be more inclusive of other elements such as stairway, railing or hardware color, and to make more consistent with current heading "Change to exterior color when...".

A.4. Added verb for code construction consistency.

Historic Landmarks

33.445.100 Designation of a Historic Landmark – [No change]

33.445.110 Removal of a Historic Landmark Designation – [No change]

33.445.120 Historic Preservation Incentives for Historic Landmarks

Historic Landmarks are eligible to use historic preservation incentives. See Sections 33.445.600 through 610. ~~Historic Landmarks are also eligible for the preservation agreement detailed in Section 33.445.600.~~

33.445.130 Relocation of a Historic Landmark

When a Historic Landmark is relocated, the receiving site is subject to Section 33.846.060, ~~Historic Design~~ Resource Treatment Review. If the applicant wishes to retain the Historic Landmark designation at the receiving site, the receiving site is also subject to Section 33.846.030, Historic Designation Review. The Historic Landmark designation is automatically removed from the sending site; see Section 33.855.075, Automatic Creation or Removal of Historic Resource Designation ~~Map Amendments For Historic resources~~. When there is a preservation agreement that requires demolition review before demolition or relocation will be allowed, the sending site is also subject to Section 33.846.080, Demolition Review.

33.445.140 Alterations to a Historic Landmark

Alterations to a Historic Landmark require historic ~~design~~ resource treatment review to ensure the landmark's historic value is considered prior to or during the development process.

A. When historic ~~design~~ resource treatment review for a Historic Landmark is required. Unless exempted by Subsection B, below, the following proposals are subject to historic ~~design~~ resource treatment review. Some modifications to site-related development standards may be reviewed as part of the historic ~~design~~ resource treatment review process; see Section 33.445.050:

1. Exterior alterations;
2. Exterior alteration of an ~~accessory~~ structure, landscape element, or other historic feature that is identified as a character defining feature, ~~in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of the Historic Landmark;~~
3. Change of exterior color when:
 - a. ~~Façade~~ Exterior color or material is identified as a character defining feature; ~~specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value; or~~
 - b. Other proposed alterations to the landmark require review and the proposed alterations include a change of ~~façade~~ exterior color; or
 - c. ~~Façade~~ Exterior color has been specifically approved through a historic ~~design~~ resource review.
4. Installation or alteration of eExterior signs;

Commentary

33.445.140.B. Exempt from historic resource treatment review

B.1. Currently, accessory structures 300 square feet or larger are subject to review. Reducing the size of structures that is subject to review to 200 square feet allows for greater protection of potential impacts to historic resources, and is consistent with the requirement to obtain a building permit for development greater than 200 square feet. Added provisions to address detached accessory structures on corner lots, similar to language used in base zones.

B.2 and B.3. These changes help clarify the intent of the code and make it more consistent with nationally-accepted standards for historic preservation. Alterations are currently defined in 33.910. As part of this project, the following definition is being proposed to be added to 33.910 for character-defining feature: *A characteristic of a historic resource that contributes to its ability to convey historic significance specific to the period of significance. Structures, objects, openings, projections, exposed structural elements, vegetation, spatial relationships, decorative details, and materials may be such features.*

B.4. Moved parking lot landscaping to follow general alterations to landscaping.

B.5 and B.6. The following definitions for repair and maintenance, consistent with nationally-accepted standards, are being proposed in 33.910 as part of this project:

Repair - Actions to fix or mend a damaged or deteriorated historic resource, or one of its constituent systems, with like material and while retaining sound parts or elements.

Maintenance - Actions, such as painting a previously painted surface or in-kind re-roofing, performed to prevent a historic resource from falling into a deteriorated condition.

B.7. Removed redundant stipulation that rooftop equipment must be installed on a roof. Rooftop equipment to be installed on a new building would be reviewed with the new building. Also changed 1/12 roof pitch to "flat roof" which is consistent with more recent changes to the code including vent and solar equipment exemption standards.

5. Alteration of an interior space when that interior space is designated as a Historic Landmark;
6. Proposals using any of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080; and
7. Proposals in the Albina Community plan district using the provisions of Section 33.505.220, Parking Requirement Reduction, or Section 33.505.230, Attached Residential Infill on Vacant Lots in R5-Zoned Areas.

B. Exempt from historic ~~design~~ resource treatment review.

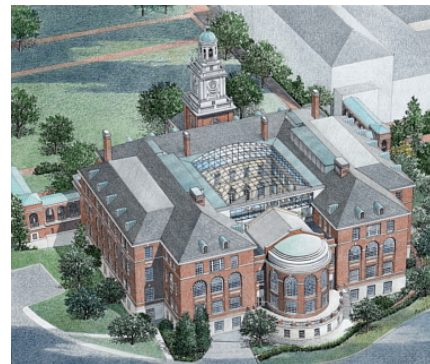
1. Construction of a detached accessory structure with ~~300~~ 200 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line and if on a corner lot, at least 25 feet from a side street lot line;
2. ~~Changes~~ Alterations that do not require a building, site, zoning, or sign permit from the City, and that will not alter any identified character defining features ~~the exterior material or color of a resource having exterior materials or color specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value~~;
3. ~~Changes~~ Alterations in landscaping unless the landscaping is identified as a character-defining feature ~~in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of a Historic Landmark~~;
45. Parking lot landscaping that meets the standards of this Title and does not include a wall or a fence;
54. ~~Normal Repair and maintenance other than change of facade color where exterior material or color is specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value~~;
6. Maintenance;
76. Rooftop mechanical equipment, other than radio frequency transmission facilities, ~~that is added to the roof of an existing building~~ if the following are met:
 - a. ~~The area where the equipment will be installed~~ on a flat roof ~~must have a pitch of 1/12 or less~~;
 - b. No more than 8 mechanical units are allowed, including both proposed and existing units;
 - c. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and
 - d. The proposed equipment must have a matte finish or be painted to match the roof.
87. Public Art as defined in Chapter 5.74;

Commentary

33.445.140.B. Exempt from historic treatment review (continued)

B.9. To facilitate compliance with the Americans with Disabilities Act (ADA), local governments may need to make reasonable modifications to existing policies or practices, including making a reasonable accommodation in zoning procedures and services. When proposed building alterations are directly related to making a building accessible under the ADA, the City needs to modify or make exceptions to zoning regulations/procedures that would otherwise hamper the owner's ability to implement the alterations. Accessibility structures are proposed to be exempt if the structure can be removed without permanently removing or destroying original building materials. More extensive alterations would require review.

B.10. Light wells are typically open air, exterior facades of a building that do not face a street and/or are not visible from the right of way because of the building floor plan configuration. They also often serve a utilitarian function for venting mechanical equipment and other building systems uses. Due to the typical configuration of an interior light well, they generally have little or no impact on the historic resource.



B.11. Storm windows are removable features that are distinct from windows. Wood storm windows typically fit neatly into the existing window frame and have little or no impact on the historic resource. Metal storm windows typically extrude from the frame and are attached to the resource. In both cases, storm windows are not permanent and can be removed by the next owner.

C.2. Currently, accessory structures 300 square feet or less are subject to demolition review. Reducing the size threshold for development that is subject to demolition review to 200 square feet allows for greater protection of potential impacts to historic resources. Also including a reference to character-defining feature to clarify the code and make it more consistent with nationally-accepted standards for historic preservation. As part of this project, the following definition is being proposed to be added to 33.910 for character-defining feature: *A prominent or distinctive aspect, quality, or characteristic of a historic resource that contributes to its ability to convey historic significance. Structures, objects, vegetation, spatial relationships, decorative details, and materials may be such features.*

9. Placement of structures to accommodate persons with disabilities when such structures can be removed without altering or destroying original building materials;
10. Light wells when fully surrounded by the exterior walls of a building; and
11. Installation or removal of storm windows.

33.445.150 Demolition of a Historic Landmark

Demolition of a Historic Landmark requires one of two types of review to ensure the landmark's historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. Demolition review.

1. When demolition review is required. Unless exempted by Subsection C, below, demolition of a Historic Landmark is subject to demolition review if:
 - a. It is individually listed in the National Register of Historic Places; or
 - b. There is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the Historic Landmark.
2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the Historic Landmark, a permit for demolition will not be issued until the following are met:
 - a. The decision in the demolition review is final;
 - b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and
 - c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.

B. Demolition delay review. Unless addressed by Subsection A, above, or exempted by Subsection C, below, all Historic Landmarks are subject to demolition delay review.

C. Exempt from demolition review and demolition delay review. The following are exempt from demolition review and demolition delay review:

1. Demolition of Historic Landmarks required to be demolished because:
 - a. The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - b. The Code Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
2. Demolition of detached accessory structures no larger than 200 ~~300~~ square feet, unless the accessory structure is identified as a character defining feature ~~in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of the Historic Landmark.~~

Commentary

33.445.220 Historic Preservation Incentives for Conservation Landmarks

Corrected an inadvertent omission of a section reference.

33.445.225 Relocation of Conservation Landmark

Added provision to address relocation of Conservation Landmarks. These mirror the existing provisions in 33.445.130 Relocation of a Historic Landmark.

33.445.230 A. When historic resource treatment review for a Conservation Landmark is required.

A.2. Removed "accessory" to acknowledge that a Conservation Landmark could be a particular object on the site and not the primary structure (a historic reservoir with non historic house). Replaced " Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of the Historic Landmark" with "character defining feature." As part of this project, the following definition is being proposed to be added to 33.910 for character-defining feature: *A characteristic of a historic resource that contributes to its ability to convey historic significance specific to the period of significance. Structures, objects, openings, projections, exposed structural elements, vegetation, spatial relationships, decorative details, and materials may be such features.*

A.3. Added that changes to the exterior color of a Conservation Landmark, when it is a character-defining feature, will be subject to review to be consistent with the regulations that apply to Historic Landmarks, Note that in 33.445.140.A.3, changed "façade color" to "exterior color" to be more inclusive of other elements such as stairway, railing or hardware color, and to make more consistent with current heading "Change to exterior color when...".

A.4. Added verb for code construction consistency.

Conservation Landmarks

33.445.200 Designation of a Conservation Landmark – [No change]

33.445.210 Removal of a Conservation Landmark Designation – [No change]

33.445.220 Historic Preservation Incentives for Conservation Landmarks

Conservation Landmarks are eligible to use historic preservation incentives. See Sections 33.445.600 through .610.

33.445.225 Relocation of a Conservation Landmark

When a Conservation Landmark is relocated, the receiving site is subject to Section 33.846.060, Historic Resource Treatment Review. If the applicant wishes to retain the Conservation Landmark designation at the receiving site, the receiving site is also subject to Section 33.846.030, Historic Designation Review. The Conservation Landmark designation is automatically removed from the sending site; see Section 33.855.075, Automatic Creation or Removal of Historic Resource Designation. When there is a preservation agreement that requires demolition review before demolition or relocation will be allowed, the sending site is also subject to Section 33.846.080, Demolition Review.

33.445.230 Alterations to a Conservation Landmark

Alterations to Conservation Landmarks require ~~historic design~~ historic resource treatment review to ensure the landmark's historic value is considered prior to or during the development process.

A. When historic ~~design~~ resource treatment review for a Conservation Landmark is required. Unless exempted by Subsection B, below, the following proposals are subject to historic ~~design~~ resource treatment review. Some may be eligible to use the Community Design Standards as an alternative; see Section 33.445.710:

1. Exterior alterations;
2. Exterior alteration of an accessory structure, landscape element, or other historic feature that is identified as a character defining feature, in the Historic Resource Inventory or Conservation Landmark nomination as an attribute that contributes to the historic value of the Conservation Landmark;
3. Change of exterior color when:
 - a. Exterior color or material is identified as a character defining feature;
 - b. Other proposed alterations to the landmark require review and the proposed alterations include a change of exterior color; or
 - c. Exterior color has been specifically approved through a historic resource review.
43. Installation or alteration of eExterior signs;

Commentary

33.445.230.B. Exempt from historic resource treatment review

B.1. Currently, accessory structures 300 square feet or larger are subject to review. Reducing the size of structures that is subject to review to 200 square feet allows for greater protection of potential impacts to historic resources, and is consistent with the requirement to obtain a building permit for development greater than 200 square feet. Added provisions to address detached accessory structures on corner lots, similar to language used in base zones.

B.2. These changes help clarify the intent of the code and make it more consistent with nationally-accepted standards for historic preservation. Alterations are currently defined in 33.910. As part of this project, the following definition is being proposed to be added to 33.910 for character-defining feature: *A characteristic of a historic resource that contributes to its ability to convey historic significance specific to the period of significance. Structures, objects, openings, projections, exposed structural elements, vegetation, spatial relationships, decorative details, and materials may be such features.*

B.3. Added alterations to landscaping when not "character defining feature" consistent with provisions for Historic Landmarks.

B.5 and B.6. The following definitions for repair and maintenance, consistent with nationally-accepted standards, are being proposed in 33.910 as part of this project:

Repair - Actions to fix or mend a damaged or deteriorated historic resource, or one of its constituent systems, with like material and while retaining sound parts or elements.

Maintenance - Actions, such as painting a previously painted surface or in-kind re-roofing, performed to prevent a historic resource from falling into a deteriorated condition.

B.7. removed redundant stipulation that rooftop equipment must be installed on a roof. Rooftop equipment to be installed on a new building would be reviewed with the new building. Also changed 1/12 roof pitch to "flat roof" which is consistent with more recent changes to the code including vent and solar equipment exemption standards.

- 54. Alteration of an interior space when that interior space is designated as a Conservation Landmark;
- 65. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080; and
- 76. Proposals in the Albina Community plan district using the provisions of Section 33.505.220, Parking Requirement Reduction, or Section 33.505.230, Attached Residential Infill on Vacant Lots in R5-Zoned Areas.

B. Exempt from historic design resource treatment review.

- 1. Construction of a detached accessory structure with ~~300~~ 200 square feet or less of floor area when the accessory structure is at least 40 feet from the front property line and if on a corner lot, at least 25 feet from a side street lot line;
- 2. ~~Changes~~ Alterations that do not require a building, site, zoning, or sign permit from the City, and that will not alter any identified character-defining features ~~the exterior material or color of a resource having exterior materials or color specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value~~;
- 3. Alterations in landscaping unless the landscaping is identified as a character-defining feature;
- 4. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence;
- 53. ~~Normal Repair and maintenance other than change of facade color where exterior material or color is specifically listed in the Historic Resource Inventory, Conservation Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value~~;
- 6. Maintenance;
- 75. Rooftop mechanical equipment, other than radio frequency transmission facilities, ~~that is added to the roof of an existing building~~ if the following are met:
 - a. ~~The area where the equipment will be installed~~ on a flat roof must have a pitch of 1/12 or less;
 - b. No more than 8 mechanical units are allowed, including both proposed and existing units;
 - c. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and
 - d. The proposed equipment must have a matte finish or be painted to match the roof;
- 86. Public Art as defined in Chapter 5.74.

Commentary

33.445.230.B Exempt from historic treatment review (continued)

B.9 To facilitate compliance with the Americans with Disabilities Act (ADA), local governments may need to make reasonable modifications to existing policies or practices, including making a reasonable accommodation in zoning procedures and services. When proposed building alterations are directly related to making a building accessible under the ADA, the City needs to modify or make exceptions to zoning regulations/procedures that would otherwise hamper the owner's ability to implement the alterations. Accessibility structures are proposed to be exempt if the structure can be removed without permanently removing or destroying original building materials. More extensive alterations would require review.

B.10. Light wells are typically open air, exterior facades of a building that do not face a street and/or are not visible from the right of way because of the building floor plan configuration. They also often serve a utilitarian function for venting mechanical equipment and other building systems uses. Due to the typical configuration of an interior light well, they generally have little or no impact on the historic resource.

B.11. Storm windows are removable features that are distinct from windows. Wood storm windows typically fit neatly into the existing window frame and have little or no impact on the historic resource. Metal storm windows typically extrude from the frame and are attached to the resource. In both cases, storm windows are not permanent and can be removed by the next owner.

33.445.240 C. Exempt from demolition review and demolition delay review.

Added provision allowing demolition of an accessory structure up to 200 square feet without demolition review for consistency with Historic Landmark provisions in Section 33.445.150.C [note that 33.445.150.C. was modified to reduce the maximum size of the structure from 300 to 200 square feet]

9. Placement of structures to accommodate persons with disabilities when such structures can be removed without altering or destroying original building materials;
10. Light wells when fully surrounded by the exterior walls of a building; and
11. Installation or removal of storm windows.

33.445.240 Demolition of a Conservation Landmark

Demolition of a Conservation Landmark requires one of two types of review to ensure the landmark's historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. Demolition review.

1. When demolition review is required. Unless exempted by Subsection C, below, demolition of a Conservation Landmark is subject to demolition review if there is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the Conservation Landmark.
2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the Conservation Landmark, a permit for demolition will not be issued until the following are met:
 - a. The decision in the demolition review is final;
 - b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and
 - c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.

B. Demolition delay review. Unless addressed by Subsection A, above, or exempted by Subsection C, below, all Conservation Landmarks are subject to demolition delay review.

C. Exempt from demolition review and demolition delay review. The following are exempt from demolition review and demolition delay review.

1. Demolition of Conservation Landmarks required to be demolished because:
 - a.1. The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - b.2. The Code Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
2. Demolition of detached accessory structures no larger than 200 square feet, unless the accessory structure is identified as a character defining feature.

Commentary

33.445.320. A. When historic resource treatment review is required in a Historic District.

A.1. Currently the City does not require historic review for alterations to accessory structures. However, inappropriate alterations to accessory structures can weaken the integrity of historic districts. This language expands historic resource treatment review to include exterior alterations for accessory structures. New exemptions and alternative review procedures are proposed in other sections for certain alterations that have less impact on the historic significance of districts and individual landmarks. A combined approach of expanding review and identifying additional exemptions will provide more clarity and predictability for residents and property owners in historic districts, and is consistent with the practice of many other jurisdictions.

A.3. added verb for code construction consistency.

Historic Districts

33.445.300 Designation of a Historic District – [No change]

33.445.310 Removal of a Historic District Designation – [No change]

33.445.315 Preservation Agreements in Historic Districts – [No change]

33.445.320 Development and Alterations in a Historic District

Building a new structure or altering an existing structure in a Historic District requires historic design resource treatment review. ~~Historic design review~~ to ensure the resource's historic value is considered prior to or during the development process.

A. When historic ~~design~~ resource treatment review is required in a Historic District. Unless exempted by Subsection ~~33.445.320.B~~, below, the following proposals in a Historic District are subject to historic design resource treatment review:

1. Exterior alterations ~~of a primary structure~~;
2. Building a new structure;
3. Installation or replacement of eExterior signs;
4. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that have not received prior approval of the City Engineer;
5. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080; and
6. Proposals in the Albina Community plan district using the provisions of Section 33.505.220, Parking Requirement Reduction, or Section 33.505.230, Attached Residential Infill on Vacant Lots in R5-Zoned Areas.

Commentary

33.445.320.B. Exempt from historic resource treatment review

B.1 Currently, accessory structures 300 square feet or larger are subject to review. Reducing the size of structures that is subject to review to 200 square feet allows for greater protection of potential impacts to historic resources, and is consistent with the requirement to obtain a building permit for development greater than 200 square feet. Added provisions to address detached accessory structures on corner lots, similar to language used in base zones.

B.2 These changes help clarify the intent of the code and make it more consistent with nationally-accepted standards for historic preservation. Alterations are currently defined in 33.910. As part of this project, the following definition is being proposed to be added to 33.910 for character-defining feature: *A prominent or distinctive aspect, quality, or characteristic of a historic resource that contributes to its ability to convey historic significance. Structures, objects, vegetation, spatial relationships, decorative details, and materials may be such features.*

B.3. The term "cumulative facade area" indicates that multiple alterations may be proposed on any number of facades, but the sum total of those must be less than 200 sf (to help distinguish from a linear measurement). As part of this project, this definition is proposed in 33.910 for contributing resource: *An associated building, site, structure, or object that adds to the historic associations, historic architectural qualities, or archeological values that make a Historic Landmark, Conservation Landmark, Historic District or Conservation District significant, as identified in the documentation prepared for the listing or designation of the landmark or district.*

B.4. Allows expanding a footprint of a structure, expanding an upper floor or converting roof area to habitable space (i.e. a dormer addition or attic conversion). Floor area does not count basements that are four feet below grade.

B.6 and B.7 Exempt from historic resource treatment review

The following definitions for repair and maintenance, consistent with nationally-accepted standards, are being proposed in 33.910 as part of this project:

Repair - Actions to fix or mend a damaged or deteriorated historic resource, or one of its constituent systems, with like material and while retaining sound parts or elements.

Maintenance - Actions, such as painting a previously painted surface or in-kind re-roofing, performed to prevent a historic resource from falling into a deteriorated condition.

B.9. Removed redundant stipulation that rooftop equipment must be installed on a roof. Rooftop equipment to be installed on a new building would be reviewed with the new building. Also changed 1/12 roof pitch to "flat roof" which is consistent with more recent changes to the code including vent and solar equipment exemption standards.

B. Exempt from historic design resource treatment review.

1. Construction of a detached accessory structure with ~~300~~ 200 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line and if on a corner lot, at least 25 feet from a side street lot line;
2. ~~Changes~~ Alterations that do not require a building, site, zoning, or sign permit from the City, and that will not alter any identified character-defining features ~~the exterior material or color of a resource having exterior materials or color specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value~~;
3. Alterations to non contributing resource facades that affect less than 200 cumulative square feet of facade area;
4. Additions to non contributing resource structures that are less than 200 square feet in floor area;
- ~~54.~~ 54. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence;
- ~~63.~~ 63. ~~Normal Repair and maintenance other than change of facade color where exterior material or color is specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value~~;
7. Maintenance;
- ~~85.~~ 85. Improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that meet the City Engineer's standards;
- ~~96.~~ 96. Rooftop mechanical equipment, other than radio frequency transmission facilities, ~~that is added to the roof of an existing building~~ if the following are met. For vents, the applicant may choose to meet either the standards of this paragraph or those of paragraph B.~~10-11~~, Vents.
 - a. ~~The area where the equipment will be installed~~ on a flat roof must have a pitch of 1/12 or less;
 - b. No more than 8 mechanical units are allowed, including both proposed and existing units;
 - c. ~~The~~ proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and
 - d. The proposed equipment must have a matte finish or be painted to match the roof.

Commentary

33.445.320.B. Exempt from historic resource treatment review (continued)

Renumbered exemptions for vents and solar energy systems. Full text included for context and to reflect terminology change from "Historic Design Review" to "Historic Resource Treatment Review"

1044. Vents. On residential structures in the RF through R1 zones, vents that meet all of the following:

- a. Wall vents. Proposed vents installed on walls must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:
 - (1) Be on a non-street facing façade;
 - (2) Project no more than 6 inches from the wall;
 - (3) Be no more than 1 square foot in area, where the area is width times height. The cumulative area of all proposed vents may be up to 2 square feet;
 - (4) Be at least 1 foot away from architectural features such as windows, doors, window and door trim, cornices and other ornamental features, except when located at or below finish first floor framing; and
 - (5) Be painted to match the adjacent surface.
- b. Rooftop vents. Proposed vents installed on roofs must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:
 - (1) Be on a flat roof;
 - (2) Not be more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - (3) Set back from the perimeters of the building at least 4 feet for every 1 foot of height; and
 - (4) Painted to match the adjacent surface.

118. Solar energy systems that meet the following requirements. When solar energy systems are proposed as part of a project that includes elements subject to historic ~~design~~ resource treatment review, the solar energy systems is not exempt:

- a. On a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof. Solar energy systems must also be screened from the street by:
 - (1) An existing parapet along the street-facing façade that is as tall as the tallest part of the solar-energy system, or
 - (2) Setting the solar energy system back from the roof edges facing the street 4 feet for each foot of solar energy system height.

Commentary

33.445.320.B. Exempt from historic resource treatment review (continued)

B.12. Added a stipulation that eco roofs must be surrounded by an existing parapet, to clarify that adding a parapet to surround an eco roof would not be an exempt activity.

B.15. To facilitate compliance with the Americans with Disabilities Act (ADA), local governments may need to make reasonable modifications to existing policies or practices, including making a reasonable accommodation in zoning procedures and services. When proposed building alterations are directly related to making a building accessible under the ADA, the City needs to modify or make exceptions to zoning regulations/procedures that would otherwise hamper the owner's ability to implement the alterations. Accessibility structures are proposed to be exempt if the structure can be removed without permanently removing or destroying original building materials. More extensive alterations would require review.

B.16. Light wells are typically open air, exterior facades of a building that do not face a street and/or are not visible from the right of way because of the building floor plan configuration. They also often serve a utilitarian function for venting mechanical equipment and other building systems uses. Due to the typical configuration of an interior light well, they generally have little or no impact on the historic resource and their design and compatibility with a historic context is not relevant or practiced over time.

B.17. Storm windows are removable features that are distinct from windows. Wood storm windows typically fit neatly into the existing window frame and have little or no impact on the historic resource. Metal storm windows typically extrude from the frame and are screwed into the resource. In both cases, storm windows are not permanent and can be removed by the next owner.

B.18. This is intended to facilitate egress window installation when converting basements to habitable space. Alterations to windows that are 50% or more below grade and are set back at least 2 inches from the window frame do not generally have an impact on the significance of the historic resource.

B.19. Section 33.445.320.A.1, When historic resource treatment review is required in a Historic District, has been amended to expand the applicability of the review to include all structures. This exemption continues the practice of allowing alterations to fences, decks and retaining walls without requiring review.

B.20. Fire escapes are often located on street-facing facades, but they are not typically considered character-defining features. This exemption allows the removal of fire escapes that are deemed dangerous by the Fire Marshal to improve public safety.

- b. On a pitched roof. Solar energy systems may be on a pitched roof facing a rear lot line or on a pitched roof surface facing within 45 degrees of the rear lot line. See Figure 445-1 The system must be mounted flush, with the plane of the system parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline. See Figure 445-2.

129. Eco-roofs installed on ~~existing~~ buildings when the roof is flat or surrounded by an existing parapet that is at least 12 inches higher than the highest part of the eco-roof surface. When eco-roofs are proposed as part of a project that includes elements subject to historic ~~design~~ resource treatment review, the eco-roofs are not exempt. Plants must be species that do not characteristically exceed 12 inches in height at mature growth.

137. Public Art as defined in Chapter 5.74; ~~and~~

1410. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as contributing to the historic significance of a Historic District;

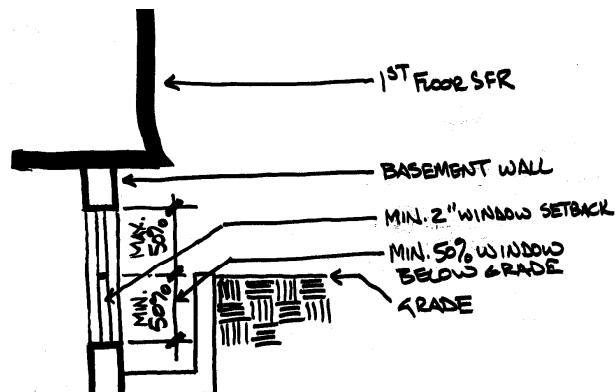
15. Placement of structures to accommodate persons with disabilities when such structures can be removed without altering or destroying original building materials;

16. Light wells when fully surrounded by the exterior walls of a building;

17. Installation or removal of storm windows;

18. Alterations to 50 percent below-grade windows on non street-facing facades. The window must also be set back at least 2 inches as shown in Figure 445-1;

Figure 445-1



19. Fences, walls and decks that meet the base zone requirements; and

20. Removal of fire escapes when required by the Fire Marshall;

Figure 445-1 and 445-2 - [Renumber, otherwise no change. Figures omitted from this draft]

33.445.330 Demolition of Historic resources in a Historic District - [No change]

Commentary

33.445.420.A When historic resource treatment review is required in a Conservation District.

A.1. Currently the City does not require historic review for alterations to accessory structures. However, inappropriate alterations to accessory structures (such as garages, gazebos, or other outbuildings) can weaken the historical significance of conservation districts. This language expands historic resource treatment review to include exterior alterations for accessory structures. New exemptions and alternative review procedures are proposed in other sections for certain alterations that have less impact on the historic significance of districts and individual landmarks. A combined approach of expanding review and identifying additional exemptions will provide more clarity and predictability for residents and property owners in historic districts, and is consistent with the practice of many other jurisdictions.

A.3. Added verbs for code construction consistency

33.445.420.B. Exempt from historic resource treatment review

B.1 Currently, accessory structures 300 square feet or less are subject to review. Reducing the amount of development that is subject to review to 200 square feet allows for greater protection of potential impacts to historic resources, and is consistent with the requirement to obtain a building permit for development greater than 200 square feet. Added provisions to address detached accessory structures on corner lots, similar to language used in base zones.

B.2 These changes help clarify the intent of the code and make it more consistent with nationally-accepted standards for historic preservation. Alterations are currently defined in 33.910. As part of this project, the following definition is being proposed to be added to 33.910 for character-defining feature: *A prominent or distinctive aspect, quality, or characteristic of a historic resource that contributes to its ability to convey historic significance. Structures, objects, vegetation, spatial relationships, decorative details, and materials may be such features.*

B.3. The term "cumulative facade area" indicates that multiple alterations may be proposed on any number of facades, but the sum total of those must be less than 200 sf (to help distinguish from a linear measurement). As part of this project, this definition is proposed in 33.910 for contributing resource: *An associated building, site, structure, or object that adds to the historic associations, historic architectural qualities, or archeological values that make a Historic Landmark, Conservation Landmark, Historic District or Conservation District significant, as identified in the documentation prepared for the listing or designation of the landmark or district.*

B.4. Allows expanding a footprint of a structure, expanding an upper floor or converting roof area to habitable space (i.e. a dormer addition or attic conversion). Floor area does not count basements that are four feet below grade.

Conservation Districts

33.445.400 Designation of a Conservation District - [No change]

33.445.410 Removal of a Conservation District Designation- [No change]

33.445.415 Preservation Agreements in Conservation Districts- [No change]

33.445.420 Development and Alterations in a Conservation District

Building a new structure or altering an existing structure in a Conservation District requires historic ~~design resource treatment~~ review. ~~Historic design resource treatment review~~ to ensures the resource's historic value is considered prior to or during the development process.

A. When historic ~~design resource treatment~~ review is required in a Conservation District. Unless exempted by Subsection ~~33.445.420.B.~~, below, the following proposals in a Conservation District are subject to historic ~~design resource treatment~~ review. Some may be eligible to use the Community Design Standards as an alternative; see Section 33.445.710:

1. Exterior alterations ~~of a primary structure~~;
2. Building a new structure;
3. Installation or replacement of eExterior signs;
4. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that have not received prior approval of the City Engineer;
5. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080; and
6. Proposals in the Albina Community plan district using the provisions of Section 33.505.220, Parking Requirement Reduction, or Section 33.505.230, Attached Residential Infill on Vacant Lots in R5-Zoned Areas.

B. Exempt from historic ~~design resource treatment~~ review.

1. Construction of a detached ~~accessory~~ structure with ~~300~~ 200 square feet or less of floor area when the ~~accessory~~ structure is at least 40 feet from a front property line and if on a corner lot, 25 feet from a side street property line;
2. Alterations ~~Changes~~ that do not require a building, site, zoning, or sign permit from the City, and that will not alter any identified character defining feature~~the exterior material or color of a resource having exterior materials or color specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value~~;
3. Alterations to non contributing resource facades that affect less than 200 cumulative square feet of facade area;
4. Additions to non contributing resource structures that are less than 200 square feet in floor area;

Commentary

33.445.420.B. Exempt from historic resource treatment review (continued)

B.6 and B.7. The following definitions for repair and maintenance, consistent with nationally-accepted standards, are being proposed in 33.910 as part of this project:

Repair - Actions to fix or mend a damaged or deteriorated historic resource, or one of its constituent systems, with like material and while retaining sound parts or elements.

Maintenance - Actions, such as painting a previously painted surface or in-kind re-roofing, performed to prevent a historic resource from falling into a deteriorated condition.

B.9. Removed redundant stipulation that rooftop equipment must be installed on a roof. Rooftop equipment to be installed on a new building would be reviewed with the new building. Also changed 1/12 roof pitch to "flat roof" which is consistent with more recent changes to the code including vent and solar equipment exemption standards. Also, added reference to newly added provisions for vents (see 33.445.420 B.10),

54. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence;

63. ~~Normal Repair and maintenance other than change of facade color where exterior material or color is specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;~~

7. Maintenance

85. Improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that meet the City Engineer's standards;

96. Rooftop mechanical equipment, other than radio frequency transmission facilities, ~~that is added to the roof of an existing building~~ if the following are met For vents, the applicant may choose to meet either the standards of this paragraph or those of paragraph B.10, Vents:

- a. ~~The area where the equipment will be installed~~ on a flat roof must have a pitch of 1/12 or less;
- b. No more than 8 mechanical units are allowed, including both proposed and existing units;
- c. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and
- d. The proposed equipment must have a matte finish or be painted to match the roof.

Commentary

33.445.420.B. Exempt from historic resource treatment review (continued)

B.10. Adding an exemption for vents in Conservation Districts creates consistency between the regulations applied in Historic Districts and Conservations Districts.

B.11. To increase parity with existing exemptions for solar energy systems in Historic Districts, an exemption was added to the conservation district list of exemptions. Presently, solar energy systems placed on existing rooftops in Conservation Districts are not exempt and must meet the community design standards found in 33.218. These standards are proposed to be carried over as an exemption in the Conservation Districts to reduce the regulatory burden for installation of these systems.

10. Vents. On residential structures in the RF through R1 zones, vents that meet all of the following:

a. Wall vents. Proposed vents installed on walls must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:

- (1) Be on a non-street facing façade;
- (2) Project no more than 6 inches from the wall;
- (3) Be no more than 1 square foot in area, where the area is width times height. The cumulative area of all proposed vents may be up to 2 square feet;
- (4) Be at least 1 foot away from architectural features such as windows, doors, window and door trim, cornices and other ornamental features, except when located at or below finish first floor framing; and
- (5) Be painted to match the adjacent surface.

b. Rooftop vents. Proposed vents installed on roofs must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:

- (1) Be on a flat roof;
- (2) Not be more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
- (3) Set back from the perimeters of the building at least 4 feet for every 1 foot of height; and
- (4) Painted to match the adjacent surface.

11. Solar energy systems added to an existing building that is neither a Conservation Landmark or Historic Landmark that meet the following requirements. When solar energy systems are proposed as part of a project that includes elements subject to historic resource treatment review, the solar energy systems is not exempt:

- a. Rooftop solar energy systems must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
- b. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.
- c. Photovoltaic glazing may be integrated into windows or skylights.

Commentary

33.445.420.B. Exempt from historic resource treatment review (continued).

B.15 To facilitate compliance with the Americans with Disabilities Act (ADA), local governments may need to make reasonable modifications to existing policies or practices, including making a reasonable accommodation in zoning procedures and services. When proposed building alterations are directly related to making a building accessible under the ADA, the City needs to modify or make exceptions to zoning regulations/procedures that would otherwise hamper the owner's ability to implement the alterations. Accessibility structures are proposed to be exempt if the structure can be removed without permanently removing or destroying original building materials. More extensive alterations would require review.

B.16. Light wells are typically open air, exterior facades of a building that do not face a street and/or are not visible from the right of way because of the building floor plan configuration. They also often serve a utilitarian function for venting mechanical equipment and other building systems uses. Due to the typical configuration of an interior light well, they generally have little or no impact on the historic.

B.17. Storm windows are removable features that are distinct from windows. Wood storm windows typically fit neatly into the existing window frame and have little or no impact on the historic resource. Metal storm windows typically extrude from the frame and are attached to the resource. In both cases, storm windows are not permanent and can be removed by the next owner.

B.18. This is intended to facilitate egress window installation when converting basements to habitable space. Alterations to windows that are 50% or more below grade and are set back at least 2 inches do not generally have an impact on the significance of the historic resource.

B.19. Section 33.445.320.A.1, When historic resource treatment review is required in a Historic District has been amended to expand the scope of historic design review to include all structures. The exemption continues the practice of allowing alterations to fences, decks and retaining walls without requiring review.

B.20. Fire escapes are often located on street-facing facades, but they are not typically considered character-defining features. This exemption allows the removal of fire escapes that are deemed dangerous by the Fire Marshal to improve public safety.

129. Eco-roofs installed on existing buildings when the roof is flat or surrounded by a parapet that is at least 12 inches higher than the highest part of the eco-roof surface, and when no other nonexempt exterior improvements subject to historic resource treatment review are proposed. Plants must be species that do not characteristically exceed 12-inches in height at mature growth.

137. Public Art as defined in Chapter 5.74; ~~and~~

148. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as contributing to the historic significance of a Conservation District;

15. Placement of structures to accommodate persons with disabilities when such structures can be removed without altering or destroying original building materials;

16. Light wells when fully surrounded by the exterior walls of a building;

17. Installation or removal of storm windows;

18. Alterations to 50 percent below-grade windows on non street-facing facades. The window must also be set back at least 2 inches as shown in Figure 445-1;

19. Fences, walls and decks that meet the base zone requirements; and

20. Removal of fire escapes when required by the Fire Marshall;

33.445.430 Demolition of Historic resources in a Conservation District – [no change]

[Remainder of Chapter 33.445 is unchanged, except for replacing the term "Historic Design Review" with "Historic Resource Treatment Review".]

Commentary

Modifications to the timelines for some Type I procedures are proposed for History Treatment Reviews in the RF to RH residential zones (from the Residential Farm / Forest zone to the High Density Residential zone, but excluding Central Residential Zones found downtown). This new procedure would be limited to activities such as restoration, accessory structures less than 200 square feet, alterations involving less than 200 square feet of a façade, and additions of less than 200 square feet of floor area.

The City currently uses a variety of procedures to process applications (summarized in the table below). The Historic Design Review process generally uses Procedure Types I, II and III; demolitions are processed through a Type IV Procedure and are not included in this summary. The vast majority of historic reviews are processed through a Type II that takes 6-8 weeks. The Type II procedure can be a disincentive to pursue projects that are relatively minor in scope or involve restoration of resources because of the associated review time and cost. Consequently, some property owners may improve without going through a review, while others may decide not to make improvements at all.

Summary of Procedure Types

Procedure Type	Decision Maker	Days to Decision	Notice	Appealable at local level	Appealable to LUBA	Historic Design Review Examples
Type I	Staff	30-45	Property owners within 100 ft of site and Associations	No	Yes	Signs < 150 sq ft
Type I (New for Historic Treatment)	Staff	14-21	Property owners within 100 ft of site and Associations	No	Yes	Restoration; accessory structures, additions and exterior alterations of less than 200 sq ft
Type II	Staff	56	Property owners within 150 ft of site; Associations within 400 ft of site	Yes	Yes	Exterior alterations > 200 sq ft and < \$396,200 to a structure that is not a landmark
Type III	Local review body (e.g. landmarks)	103	Property owners within 400 ft of site; Associations within 1000 ft of site	Yes	Yes	Exterior alterations > \$396,200 to a structure that is not a landmark

**CHAPTER 33.730
QUASI-JUDICIAL PROCEDURES**

Sections:

General

33.730.010 Purpose

Basic Procedures

33.730.013 Expedited Land Division Procedure

33.730.015 Type I Procedure

33.730.020 Type II Procedure

33.730.025 Type IIx Procedure

33.730.030 Type III Procedure

33.730.031 Type IV Procedure

33.730.040 Final Council Action Required

General Information on Procedures

33.730.042 Concurrent Reviews

33.730.050 Pre-Application Conference

33.730.060 Application Requirements

33.730.070 Written Notice Requirements

33.730.080 Posting Requirements

33.730.090 Reports and Record Keeping

33.730.100 Public Hearing Requirements

33.730.110 Ex Parte Contact

After a Final Decision

33.730.120 Recording an Approval

33.730.130 Expiration of an Approval

33.730.140 Requests for Changes to Conditions of Approval

General

33.730.010 Purpose

This chapter states the procedures and requirements for quasi-judicial reviews. It contains the step-by-step processing requirements. The chapter also describes the rules of conduct for all people involved in the quasi-judicial review process. The assignment of procedures to specific reviews is done in the chapter that establishes the review. The assignment of the review body is done in Chapter 33.720, Assignment of Review Bodies.

The regulations provide standardized methods for processing quasi-judicial land use reviews. The requirements provide clear and consistent rules to ensure that the legal rights of individual property owners and the public are protected. The rules implement state law, including the requirement that most quasi-judicial reviews must be completed within 120

days of filing a complete application. The Type II, Type IIx, Type III, and Type IV procedures, with their varying levels of review, provide the City with options when assigning procedures to each quasi-judicial review in this Title. The Type I procedure is an administrative procedure.

The Type I procedure, or limited land use review, allow local decisions to be made administratively for such reviews as minor design and historic treatment cases. The Type II procedure is the shortest and simplest of the other three quasi-judicial reviews. It is intended for reviews which involve lesser amounts of discretion, lower potential impacts, or both. The Type IIx procedure is used primarily for land divisions. It provides more time to make the administrative decision than the Type II procedure. The Type III procedure is a longer and more in-depth review. It is intended for reviews which involve substantial discretion or high impacts. The Type IV procedure is used to review proposals to demolish certain significant historic resources.

Commentary

33.730.015 Type I Procedure

D. Processing Time.

The primary difference between the current Type I review procedure and the proposed review procedure is the time between when the application is deemed complete by the Bureau of Development Services (30 versus 14 days) and when the final decision is made (45 versus 21 days). That time is cut roughly in half. The current Type I timeline is necessary because non-historic reviews require other City service bureaus to review an application for adequacy of services. Historic reviews do NOT require review by these other bureaus, therefore the shorter timeframe is still reasonable for staff to process applications.

The new Historic Resource Treatment Review procedure still requires the applicant to meet all the applicable approval criteria and provide the same notice to neighbors and associations (similar to the Type II) - but the time period is shorter and there is no option for a local appeal. Both the shorter notice period and no local appeal is essential to eventually lowering the fees associated with this procedure type. If a decision is appealable to either Historic Landmarks Commission or other body, there are no time or cost savings and fees will need to remain the same. It is important to note that the decision may still be appealed to the Land Use Board of Appeals.

Examples of projects intended for the new review procedure:

Restoration: the City wants to encourage homeowners to restore historic features and the requirement for a Type II review is a disincentive. Exempting this type of activity was dismissed due to the complex nature of researching the period of significance and the importance of staff and community input on the proposal. The new Type I is an appropriate balance between an exemption and a Type II.

Accessory structures (e.g. detached garages, gazebos, sheds): currently all accessory structures are exempt from historic review. This proposal limits the exemption to accessory structures of 200 square feet or less, consistent with the International Building Code (IBC). Structures larger than 200 square feet will be subject to review, but through the quicker and potentially less expensive process.

Alterations (e.g. replacement of doors, windows, siding): similar to restoration, small projects less than 200 square feet of facade allow homeowners to make small scale improvements in a quicker and potentially less expensive process. In addition, the proposal attempts to incentivize new additions to be smaller in scale by approving those types of projects through the new Type I process. Additions larger than 200 square feet will remain a Type II.

Additions (e.g. dormer, porches, room): additions are considered alterations in the code, although the 200 square foot limitation will be measured by additional footprint, not façade.

33.730.013 Expedited Land Division Procedure [No change]

33.730.015 Type I Procedure

The Type I procedure is an administrative process with public notice but no hearing.

- A. Pre-application conferences.** A pre-application conference is optional. See 33.730.050, Pre-Application Conference..
- B. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review. Type I procedures are intended for such reviews as minor design or historic treatment cases.
- C. Notice of a request.** Upon receipt of a complete application, the Director of BDS will mail a notice of the request to all property owners within 100 feet of the site, and to the recognized organization(s) in which the site is located. The notice will contain all information listed in 33.730.070.B, Type I notice of request.
- D. Processing time.** Upon determining that the application is complete the Director of BDS will make a decision on the case as follows:
 - 1. For Type I requests for Historic Resource Treatment Reviews in RF through RH zones.
 - a. The director of BDS will not make the decision until at least 14 days after the notice required by Subsection C is mailed; and
 - b. The Director of BDS will make the final decision on the case and mail a notice of decision within 21 days after the application is determined to be complete. The applicant may extend this time limit.
 - 2. For all other Type I requests.
 - ~~1~~a. The director of BDS will not make the decision until at least 30 days after the notice required by Subsection C is mailed; and
 - ~~2~~b. The Director of BDS will make the final decision on the case and mail a notice of decision within 45 days after the application is determined to be complete. The applicant may extend this time limit.
- E. Administrative decision.**
 - 1. In making the decision the Director of BDS may consult with the owner, applicant, other citizens, City agencies, other public and private organizations, to solicit information relevant to the request. The decision is based on the Director of BDS's findings. The Director of BDS's findings are based on an evaluation of the facts, the applicable code regulations, and the applicable design guidelines.
 - 2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.
 - 3. The decision of the Director of BDS is final.

Commentary

F. Notice of decision. The Director of BDS will mail notice of the decision to the applicant and to any person or organization who submitted written comments. See 33.730.070.F, Type I procedure notice of decision.

G. Date that decision is final and effective. The decision of the BDS Director is final and effective on the day the notice of decision is mailed.

33.730.020 through 33.730.140 [No change]

Commentary

Chapter Title. The term resource was added for improved clarity and to be consistent with the change from "design" to "resource treatment" as described below.

33.846.060 Historic Resource Treatment Review

Historic design review can be confused with design review, a procedure used to implement Chapter 33.420, Design Overlay Zone. Design review is generally used to protect the scenic, architectural or cultural value of an area, and is also used to ensure compatibility between new infill development and existing neighborhoods. Historic "design" review is focused more specifically on protecting the significance of a historic resource, using industry-established practices categorized by treatment type (e.g. restoration, rehabilitation). Changing the title of historic design review to historic resources treatment review will help clarify the distinction between these two types of reviews. This change is made throughout the code.

CHAPTER 33.846

HISTORIC RESOURCE REVIEWS

(Added by: Ord. No. 169987, effective 7/1/96. Amended by: Ord. No. 171589, effective 11/1/97; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 1/2/11.)

Sections:

General

- 33.846.010 Purpose
- 33.846.020 Review Procedures
- 33.846.025 Additional Notification Required
- 33.846.030 Historic Designation Review
- 33.846.040 Historic Designation Removal Review
- 33.846.050 Historic Preservation Incentive Review
- 33.846.060 Historic ~~Design~~ Resource Treatment Review
- 33.846.070 Modifications Considered During Historic ~~Design~~ Resource Treatment Review
- 33.846.080 Demolition Review

General

33.846.010 Purpose

This chapter provides procedures and establishes the approval criteria for all historic resource reviews. The approval criteria protect the region's historic resources and preserve significant parts of the region's heritage. The reviews recognize and protect the region's historic and architectural resources, ensuring that changes to a designated historic resource preserve historic and architectural values and provide incentives for historic preservation.

33.846.020 Review Procedures

The review procedures in this chapter supersede procedural and threshold statements in the City's adopted design guidelines documents for historic districts.

33.846.025 Additional Notification Required

In addition to the notifications provided for by Chapter 33.730, Quasi-Judicial Procedures, when a Conservation District or Historic District has a Historic District Advisory Committee that is recognized by a Neighborhood Association, notice of all historic resource reviews will also be sent to the District's advisory committee.

33.846.030 Historic Designation Review [No Change]

33.846.040 Historic Designation Removal Review [No Change]

33.846.050 Historic Preservation Incentive Review [No Change]

Commentary

33.846.060 Historic Resource Treatment Review

Historic design review can be confused with design review, a procedure used to implement Chapter 33.420, Design Overlay Zone. Design review is generally used to protect the scenic, architectural or cultural value of an area, and is also used to ensure compatibility between new infill development and existing neighborhoods. Historic design review is focused more specifically on protecting the significance of a historic resource, using industry-established practices categorized by treatment type (e.g. restoration, rehabilitation). Changing the title of historic design review to historic resource treatment review will help clarify the distinction between these two types of reviews. This change is made throughout the code.

33.846.060.B Review Procedure

The review procedures have been converted into a table format to simplify use of the code and more clearly distinguish types of proposals and their associated reviews. This also helps ensure greater consistency between sections, and makes for easier comparison.

33.846.060.B.2

In zones RF through RH, the following proposals will be processed through a revised Type I procedure that will apply to certain proposals subject to Historic Resource Treatment review, per the recommended changes in 33.730.015:

- Restoration

The primary difference between the current Type I review procedure and the proposed review procedure is the time between when the application is deemed complete by the Bureau of Development Services and when the final decision is made. That time is cut roughly in half.

These changes are essential to eventually lowering the fees associated with this procedure type, and the shorter process with no local appeal may encourage property owners to adjust their proposals toward activities that have less impact on the historic resources.

33.846.060 Historic Design Resource Treatment Review

A. Purpose. Historic design resource treatment review ensures the conservation and enhancement of the special characteristics of historic resources.

B. Review procedure. Certain proposals are subject to neighborhood contact requirements, as specified in B.1, below. Additionally, requests Procedures for historic design resource treatment review are assigned to a particular review type based on the proposal, whether the resource is a landmark, is within a Historic or Conservation District, the base zone in which the resource is located, and in certain cases on the project value or project size threshold limits as follows:

1. Neighborhood Contact. [No change]
2. For Historic Landmarks, including those in Historic Districts or Conservation Districts, the type of review is determined by Table 846-1, below:

[Add new table 846-1]

Table 846-1			
Review procedures for proposals affecting Historic Landmarks			
Proposal	Zone	Threshold	Review Type
Alterations of a landmark-designated interior public space	All	> \$396,200	III
		< \$396,200	II
Mechanical equipment	All		I
New or replacement Awnings	All		I
Signs	C, E, I, RX	< 150 sq. ft. in area	I
Alteration to the exterior of a structure	C, E, I, RX	< 500 sq. ft. of façade area	I
Restoration	RF-RH		I
Any other non-exempt exterior alteration or restoration proposal	All	> \$396,200	III
		< \$396,200	II

- a. ~~Proposals for alterations of a landmark-designated interior public space if the value of the alteration is more than \$396,200 are processed through a Type III procedure.~~
- b. ~~Proposals for alterations of a landmark-designated interior public space if the value of the alteration is \$396,200 or less are processed through a Type II procedure;~~
- c. ~~Proposals for the installation of mechanical equipment on the exterior of a building are processed through a Type I procedure;~~
- d. ~~Proposals for the installation of new or replacement awnings are processed through a Type I procedure; and~~
- e. ~~The following proposals in C, E, I, and RX zones are processed through a Type I procedure:~~
 - (1) ~~Signs less than 150 square feet in area; and~~
 - (2) ~~Alteration of a facade when 500 square feet or less of the structure's facade is being altered;~~
- f. ~~Proposals for alterations to its exterior if the value of the alteration is more than \$396,200 are processed through a Type III procedure;~~
- g. ~~Proposals for alterations to its exterior if the value of the alteration is \$396,200 or less are processed through a Type II procedure.~~

Commentary

33.846.060.B.3

In zones RF through RH, the following proposals will be processed through a revised Type I procedure that will apply to certain proposals subject to Historic Resource Treatment review, per the recommended changes in 33.730.015:

- Restoration

The primary difference between the current Type I review procedure and the proposed review procedure is the time between when the application is deemed complete by the Bureau of Development Services and when the final decision is made. That time is cut roughly in half.

These changes are essential to eventually lowering the fees associated with this procedure type, and the shorter process with no local appeal may encourage property owners to adjust their proposals toward activities that have less impact on the historic resources.

3. For Conservation Landmarks, including those in Historic Districts or Conservation Districts, the type of review is determined by Table 846-2, below:

[Add new table 846-2]

Table 846-2			
Review procedures for proposals affecting Conservation Landmarks			
Proposal	Zone	Threshold	Review Type
Signs	C, E, I, RX	< 150 sq. ft. in area	I
Alteration to the exterior of a structure	C, E, I, RX	< 500 sq. ft. of façade area	I
Restoration	RF-RH		I
Any other non-exempt exterior alteration or restoration proposal	All		II

- a. ~~Except as specified in B.3.b, below, proposals for alterations to its exterior are processed through a Type II procedure; and~~
- b. ~~The following proposals in C, E, I, and RX zones are processed through a Type I procedure:~~
- ~~(1) Signs less than 150 square feet in area; and~~
 - ~~(2) Alteration of a facade when 500 square feet or less of the structure's facade is being altered.~~

Commentary

33.846.060.B.4

In zones RF through RH the following proposals will be processed through a revised Type I procedure that will apply to certain proposals subject to Historic Resource Treatment review, per the recommended changes in 33.730.015:

- New accessory structures;
- Proposals for exterior alterations that are less than 200 square feet of facade area, on contributing resources;
- Proposals for additions with less than 200 square feet of new floor area, on contributing resources; and
- Restoration.

The primary difference between the current Type I review procedure and the proposed review procedure is the time between when the application is deemed complete by the Bureau of Development Services and when the final decision is made. That time is cut roughly in half.

These changes are essential to eventually lowering the fees associated with this procedure type, and the shorter process with no local appeal may encourage property owners to adjust their proposals toward activities that have less impact on the historic resources.

4. For Historic Districts, excluding Historic or Conservation Landmarks, the type of review is determined by Table 846-3, below:

[Add new table 846-3]

Table 846-3			
Review procedures for proposals within Historic Districts			
Proposal	Zone	Threshold	Review Type
New structure	All	> \$396,200	III
		< \$396,200	II
New accessory structure	RF - RH		I
Signs	C, E, I, RX	< 150 sq.ft. in area	I
Alteration to the exterior of a structure	C, E, I, RX	< 500 sq. ft. of facade area	I
Alteration to the exterior of a structure	RF -RH	< 200 sq. ft. of facade area	I
Addition to the exterior of a structure	RF-RH	< 200 sq. ft. of floor area	I
Restoration	RF-RH		I
Any other non-exempt exterior alteration or restoration proposal	All	> \$396,200	III
		< \$396,200	II

- a. ~~Except as specified in B.4.d, below, p~~ Proposals for the construction of a new structure within the district if the value of the construction is more than \$396,200 are processed through a Type III procedure;
- b. ~~Proposals for the construction of a new structure within the district if the value of the construction is \$396,200 or less are processed through a Type II procedure;~~
- c. ~~Proposals for alterations to the exterior of a structure that is not a Historic Landmark if the value of the construction is more than \$396,200 are processed through a Type III procedure;~~
- d. ~~Proposals for alterations to the exterior of a structure that is not a Historic Landmark if the value of the construction is \$396,200 or less are processed through a Type II procedure;~~
- e. ~~The following proposals in C, E, I, and RX zones are processed through a Type I procedure:~~
- ~~(1) Signs less than 150 square feet in area; and~~
- ~~(2) Alteration of a facade when 500 square feet or less of the structure's facade is being altered.~~

Commentary

33.846.060.B.5

In zones RF through RH the following proposals will be processed through a revised Type I procedure that will apply to certain proposals subject to Historic Resource Treatment review, per the recommended changes in 33.730.015:

- New accessory structures;
- Proposals for exterior alterations that are less than 200 square feet of facade area, on contributing resources;
- Proposals for additions with less than 200 square feet of new floor area, on contributing resources; and
- Restoration.

The primary difference between the current Type I review procedure and the proposed review procedure is the time between when the application is deemed complete by the Bureau of Development Services and when the final decision is made. That time is cut roughly in half.

These changes are essential to eventually lowering the fees associated with this procedure type, and the shorter process with no local appeal may encourage property owners to adjust their proposals toward activities that have less impact on the historic resources.

The remainder of the chapter is unchanged, except for replacing Historic Design Review in favor of consistent use of the term "Historic Resource Treatment Review"

5. For Conservation Districts, excluding Historic or Conservation Landmarks, the type of review is determined by Table 846-4, below:

[Add Table 846-4]

Table 846- Review procedures for proposals within Conservation Districts			
Proposal	Zone	Threshold	Review Type
New structure	All		II
New accessory structure	RF - RH		I
Signs	C, E, I, RX	< 150 sq. ft. in area	I
Alteration to the exterior of a structure	C, E, I, RX	< 500 sq. ft. of facade area	I
Alteration to the exterior of a structure	RF-RH	< 200 sq. ft. of facade area	I
Addition to the exterior of a structure	RF-RH	< 200 sq. ft. of floor area	I
Restoration	RF-RH		I
Any other non-exempt exterior alteration or restoration proposal	All		II

- ~~a. Except as specified in B.5.cb, below, proposals for the construction of a new structure within the district are processed through a Type II procedure;~~
- ~~b. Proposals for alterations to the exterior of a structure that is not a Historic Landmark are processed through a Type II procedure;~~
- ~~c. The following proposals in C, E, I, and RX zones are processed through a Type I procedure:~~
- ~~(1) Signs less than 150 square feet in area; and~~
- ~~(2) Alteration of a facade when 500 square feet or less of the structure's facade is being altered.~~

[Remainder of Chapter 33.846 is unchanged, except for replacing the term "Historic Design Review" with "Historic Resource Treatment Review".]

Commentary

Character Defining Feature. This definition was added to help clarify what features determine if a resource is significant to the historic or conservation district. The current language references features as listed in either the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination. These documents are not intended for that purpose is often written by well intentioned volunteers with a wide range of expertise. In addition, nominations were written with widely disparate levels of detail thereby conferring different levels of protection to different resources.

Adding the "character defining feature" language allows the City to: a) protect significant features not identified in nominations; and b) avoid reviewing alterations of features mentioned in nominations that aren't character defining.

This definition is potentially problematic because it relies on staff expertise to determine a character defining feature. This is not an issue in a land use review process, but exempting certain proposals may introduce discretion in something that needs to be clear and objective. Staff will consult with the City Attorney before a recommendation is made to the Planning and Sustainability Commission.

Conservation Landmark and Historic Landmark. These definitions are deleted as unnecessary due to the description of those terms in the text of Section 33.445.

Contributing Resource. This definition has been added to clearly distinguish structures and other objects where alterations or demolitions could affect the historic significance attributed to a landmark or district, from other non-contributing structures and objects.

ESEE Analysis. This definition was deleted as it is no longer used to nominate a historic resource for any level of protection. The current historic resource protection process largely relies on the National Parks Service process administered by the State's Historic Preservation Office.

Demolition. A definition was added to provide clarity to homeowners confused about what constitutes demolition and the corresponding required review.

Historic Context and Historic Ensemble. These definitions are not used elsewhere in the Zoning Code and are recommended to be removed.

**CHAPTER 33.910
DEFINITIONS**

Historic Resource-Related Definitions

- **Character Defining Feature.** A characteristic of a historic resource that contributes to its ability to convey historic significance specific to the period of significance. Structures, objects, openings, projections, exposed structural elements, vegetation, spatial relationships, decorative details, and materials may be such features.
- ~~**Conservation Landmark.** A Conservation Landmark may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City has designated or listed for their special historic, cultural, archaeological, or architectural merit. They are primarily of local or neighborhood importance.~~
- **Contributing Resource.** An associated building, site, structure, or object that adds to the historic associations, historic architectural qualities, or archeological values that make a Historic Landmark, Conservation Landmark, Historic District or Conservation District significant, as identified in the documentation prepared for the listing or designation of the landmark or district.
- **Demolition.** Intentional substantial destruction, razing, or deconstruction of a structure or other historic resource.
- ~~**ESEE Analysis.** A type of analysis which is used to help determine if a historic or other environmental resources should be protected. The analysis examines competing values to determine what the controlling value should be for the individual resource being examined. The analysis considers economic, social, energy, and environmental values. For purposes of the ESEE analysis, historic preservation is considered to be an environmental value.~~
- ~~**Historic Context.** The significant historic environment and background related to a historic resource that describes or explains the role played by that resource in the development of the city, region, state or nation. This includes physical development, notable events, and other human activity.~~
- ~~**Historic Ensemble.** A geographic grouping of historic resources that collectively have historic significance that is greater than the individual significance of any one resource in the group.~~
- ~~**Historic Landmark.** A Historic Landmark designations may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City or the Keeper of the National Register of Historic Places has designated or listed for their special historic, cultural, archaeological, or architectural merit.~~

Commentary

Maintenance and Repair. These two definitions will help homeowners to understand what types of work trigger a review and what does not. In addition, the definitions help distinguish repair and maintenance from alterations. The general rule of thumb used by historic preservation professionals is that if more than 50 percent of a material needs replacement, then it is no longer repair and maintenance and may need to be reviewed as an alteration.

Replacement. Similar to maintenance and repair, a definition for replacement helps the homeowner understand what types of activities require a review. Replacement typically requires review.

Restoration. Although restoration is an important aspect of historic preservation, it is not always apparent what the form, features, and character of a historic resource were during the period of significance. Therefore, a review is necessary to recoup the staff costs of doing the necessary research to ensure the restoration is done properly. This is one type of review that would benefit from some sort of subsidy to encourage home owners to do restorations. This could be a low cost because in review of permit data over an 18-month period, only 3 out of 179 cases were true restoration.

Renovation Plan. Removes an obsolete term that is not used elsewhere in the Zoning Code. Also, renovation is not an accurate term for historic preservation practices.

- **Historic Resource.** A structure or object that has historic significance. Historic Resources include:
 - Historic Landmarks, including those that are listed in the National Register of Historic Places;
 - Conservation Landmarks;
 - Historic Districts, including those listed in the National Register of Historic Places;
 - Conservation Districts;
 - Structures or objects that are identified as contributing to the historic significance of a Historic District or a Conservation District; and
 - Structures or objects that are included in the Historic Resources Inventory.
- **Historic Resources Inventory.** The Historic Resources Inventory is a documentation and preliminary evaluation of the significance of historic resources. Information for each resource includes a photograph, the year the resource was constructed, the builder or architect, original owner, significant features, architectural style, and, in most cases, a ranking for significance.
- **Historic Value.** A physical, aesthetic, scenic, educational, or other characteristic which is a reminder of important events or developments in Portland's past.
- **Maintenance.** Actions, such as painting a previously painted surface or in-kind re-roofing, performed to prevent a historic resource from falling into a deteriorated condition.
- **Repair.** Actions to fix or mend a damaged or deteriorated historic resource, or one of its constituent systems, with like material while retaining sound parts or elements.
- **Replacement.** Actions to substitute one material or system for another.
- **Restoration.** Actions undertaken to accurately depict the form, features, and character of a historic resource as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.
- ~~**Renovation Plan.** A written proposal to restore the distinctive and historically authentic architectural, historical, or cultural character of a historic resource while retaining or establishing the possibility for efficient, contemporary use.~~