



CITY OF REDMOND
Community Development Department

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REDMOND HISTORIC LANDMARKS COMMISSION
411 SW 9th Street, Conference Room 210
November 30, 2017
4:30pm – 6:00pm

Agenda

**RHLC
MEMBERS**

**Charles
Rucker
Chair**

**Trish
Pinkerton,
Vice Chair**

**Tonia
Cain**

**Leaha
Moon**

**Shannon
Farnsworth
Rose**

Vacancy

**Karla
Mora
Ex Officio**

TIME	ITEM
4:30 PM	CALL TO ORDER / INTRODUCTIONS
4:30 PM	CITIZEN COMMENTS
	ACTION ITEMS
4:35 PM	A. Approval of Minutes a. October 26, 2017 Work Session (Exhibit 1)
	DISCUSSION ITEMS
4:35 PM	A. Redmond Preservation Code Workshop (Exhibit 2)
5:25 PM	B. May Preservation Month Planning
5:35 PM	C. HLC Website and Social Media Outreach
5:50 PM	COMMISSIONER COMMENTS/ANNOUNCEMENTS
5:55 PM	STAFF COMMENTS
6:00 PM	ADJOURN

Next Historic Landmarks meeting will be December 20, 2017

*Please note that these documents are also available on the City's website www.ci.redmond.or.us; click on City Government, hover on Commissions and Committees, click on Redmond Historic Landmarks Commission. You may also request a copy at City Hall from Scott Woodford at 541-923-7758 or Jackie Abslag at 923-7763.

Anyone needing accommodation to participate in the meeting must notify ADA Coordinator, at least 48 hours in advance of the meeting at 541-504-3036, or through the Telecommunications Relay Service (TRS) which enables people who have difficulty hearing or speaking in the telephone to communicate to standard voice telephone users. If anyone needs Telecommunications Device for the Deaf (TDD) or Speech To Speech (STS) assistance, please use one of the following TRS numbers: 1-800-735-2900 (voice or text), 1-877-735-7525 (STS English) or 1-800-735-3896 (STS Spanish). The City of Redmond does not discriminate on the basis of disability status in the admission or access to, or treatment, or employment in, its programs or activities.



DRAFT

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REDMOND HISTORIC LANDMARKS COMMISSION **MINUTES**

October 26, 2017

Redmond City Hall, 411 SW 9th Street – Room 210, Redmond, Oregon

Commissioners Present: Chair Charles Rucker, Vice-Chair Trish Pinkerton, Tonia Cain, Shannon Farnsworth Rose (*absent: Leah Moon; 2 vacancies*)

Youth Ex Officio: Karla Mora

City Staff: Scott Woodford, *Senior Planner*; Lt. Curtis Chambers, *Police Department*; Jason Neff, *Budget Manager*; Keith Witcosky, *City Manager*; Cameron Prow, *TYPE-Write II*

Visitors: None

Media: Dave Morgan, *RedmondNewsToday.com*

(Agenda items appear in the order discussed. The 3 digits after a motion title show the number of commissioners voting in favor/opposed/abstaining.)

CALL TO ORDER – INTRODUCTIONS

Chair Rucker called the regular meeting of the Redmond Historic Landmarks Commission to order at 4:35 p.m. with a quorum of commissioners (4 of 5) present.

CITIZEN COMMENTS

None.

DISCUSSION ITEMS

A. Public Safety Fee Presentation

Mr. Witcosky discussed the results of staff research into how the City could provide stable funding to maintain and improve Redmond Police operations. Property taxes are not growing fast enough to provide the staffing level needed for Redmond's growing population. His summary (PowerPoint) included background, staffing, crime and workload statistics, call types, service area boundary, and 2017 community survey results. The goal is to make Redmond the safest community in Oregon. He outlined public outreach plans and benefits from the proposed public safety fee. He asked members to fill out and return the comment cards. He invited commissioners to attend the November 13 townhall meeting and the public comment section of Council meetings.

Commissioner concerns included statistics on the type of drugs Redmond police were dealing with.

B. Redmond Passenger Depot Proposal

Mr. Witcosky presented a copy of draft deed restrictions from an agreement the City reached with Tanney Staffenson. He discussed similarities and differences for the Staffenson (1st) and Hunter (2nd) proposals and outlined their respective backgrounds. He asked commissioners to work with Mr. Woodford on a letter of recommendation which staff could present to Council on November 14.

Commissioner concerns included planned uses, differences in planned improvements between the two proposals, how this opportunity was marketed, building size, and criteria for proposal selection.

ACTION ITEMS

A. Approval of Minutes

1. **September 28, 2017, Meeting**

Motion 1 (4/0/0): Commissioner Pinkerton moved to approve the minutes of September 28, 2017, as written. Commissioner Cain seconded the motion which passed unanimously.

2. **October 11, 2017, Work Session**

Ms. Prow requested correction of an inadvertent error in the number of commissioners constituting a quorum at the October meeting.

Motion 2 (4/0/0): Commissioner Pinkerton moved to approve the minutes of October 11, 2017, as amended. Commissioner Rose seconded the motion which passed unanimously.

DISCUSSION ITEMS

C. Redmond Preservation Code Workshop

Chair Rucker thanked Mr. Woodford for his assistance in updating the draft code.

Mr. Woodford summarized progress to date including the new direction commissioners were pursuing. He reported Kuri Gill, State Historic Preservation Office (SHPO), had agreed to the idea of starting with the Oregon Model Code and customizing it to fit Redmond’s needs. He presented the new draft for commissioners’ review, noting that it was thorough and a lot more detailed than Redmond’s current historic code.

Commissioners suggested replacing “Historic Preservation Officer” in Section 10 with “Community Development Department” and adding more definitions including one for “historic district.” Following discussion, commissioners agreed to review the draft one more time and asked staff to schedule a meeting with Kerry Davis.

Ms. Mora said she found the new draft much easier to understand.

COMMISSIONER COMMENTS – ANNOUNCEMENTS

Following discussion, commissioners agreed to reschedule their November 23 meeting to November 30 and move their December 28 meeting to December 20.

STAFF COMMENTS

Next meeting: Thursday, November 30, 2017, 4:30 p.m.

ADJOURN

With no further business, Chair Rucker adjourned the meeting at 6:09 p.m.

APPROVED by the Redmond Historic Landmarks Commission and SIGNED by me this _____ day of _____, 2017.

ATTEST:

Charles Rucker
Chair

Scott Woodford
Senior Planner



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EXHIBIT 2

DATE: November 30, 2017
TO: Redmond Historic Landmarks Commission (HLC)
THROUGH: Deborah McMahon, Planning Manager
FROM: Scott Woodford, Senior Planner
SUBJECT: Preservation Code Amendments

Report in Brief:

This report continues the discussion for amending the Preservation Code.

Background:

The 2016/17 HLC Work Plan calls for the HLC to “update the Preservation Code in the Redmond Development Code to improve the administration of the language.”

Discussion:

Attached is the latest draft of the Preservation Code Amendments. Staff has highlighted and noted remaining discussion items in the draft ordinance itself - in order to prepare an adoption draft of the amendments for the HLC to consider at its December meeting – and a summary of the key issues below:

1. **Ordinary Maintenance** – This is a key definition in the model code that we should discuss to see if the exclusions are adequate. The proposed definition is:

Ordinary Maintenance: Activities that do not remove materials or alter qualities that make a historic resource eligible for listing in the Local Landmark Register, including cleaning, painting, when color is not specifically noted in Landmark’s Record of Designation, and limited replacement of siding, trim, and window components when such material is beyond repair and where the new piece is of the same size, dimension, material, and finish as that of the original historic material. Excluded from this definition is the replacement of an entire window sash or more that twenty (20) percent of the siding or trim on any one side of a Landmark at any one time within one (1) calendar year.

2. **Demolition** – there are significant differences between the existing and proposed model code with respect to demolition and the model code is more stringent. Notes on the model code say that jurisdictions that would like stronger provisions to protect historic resources are encouraged to adopt them. We should have a discussion about whether the existing ordinance is adequate or if needs to be enhanced. The differences between the existing code and the model code are:

	Existing code:	Model code:
Review responsibility:	HLC	Planning Commission and HLC
Time to Hearing:	30 days max	No timeline
Include Relocation?	No	Yes

Decision:	May approve or suspend, but cannot deny	May approve, approve with conditions, or deny an application
Delay:	May suspend for 30 days after decision and can extend 60 more days, up to 90 days from hearing if a program exists for public/private acquisition or relocation; cannot exceed 120 days from acceptance of application.	May suspend up to 180 days from the date of the hearing to explore “reasonable alternatives”. Between 30-60 days, HLC must review alternatives and can suspend for additional 180 days, but not more than 360 total days. At end of 360 days, the staff must approve the demo
Appeal:	Applicant may appeal to City Council during suspension period	Not clear if applicant can appeal to Council during suspension

3. Removal of a Landmark from the Local Register –

	Existing code:	Model code:
Criteria for Removal:	Consideration of the factors of the original designation of a building as a Landmark	Limited to: 1. If building has ceased to meet historic criteria, or 2. Property owner at the time the property was added didn't provide written permission
Fire or natural disaster resulting in destruction	Can be removed by motion of HLC	
Review body:	HLC	HLC at public hearing
Other stipulations:		Must wait 1 year after initial denial to remove before applying again

4. **Economic Hardship** – The proposed ordinance includes a process for a property owner to claim “economic hardship” if they feel they can't comply with the ordinance's requirements. This can only be applied for after they have applied for approval of an alteration and have been denied “and all pending appeals to the Land Use Board of Appeals, the Land Conservation and Development Commission, and local, state, and federal courts are resolved.”

It is unlikely that we would have many property owners request because this issue hasn't come up in my experience. I haven't seen a request for alteration denied yet and, if the HLC did deny it, it would likely be appealed to City Council or the application would be modified to result in an approval by the HLC. Having said that, there is no downside to having this in the code, as it provides another tool for property owners, but it may not be necessary until we see a situation where there are a lot of denials for alteration requests.

The City of Redmond Historic Preservation Ordinance

8.0820: Purpose.

The City of Redmond establishes a Historic Preservation Ordinance to identify, recognize, and preserve significant properties related to the community's history; encourage the rehabilitation and ongoing viability of historic buildings and structures; strengthen public support for historic preservation efforts within the community; foster civic pride; and encourage cultural heritage tourism.

8.0825 Administration. I brought this over from the existing code.

1. This code shall be administered by the Redmond Historic Landmarks Commission (Landmarks Commission), as defined by Redmond City Code, Section 2.590 – 2.596.
2. The Commission shall serve as a land use decision making body on all Historic Resource (as defined by Section 8.0830(11)) applications required by Section 8.0820 – 8.0880 of the Redmond City Code, and as an advisory body to the City Council on city policy, ordinances, decisions, and on city projects that could affect the historic resources and their settings that are protected by this code.

Applicability.

No provision of this Ordinance shall be construed to prevent the ordinary maintenance of a Landmark when such action does not involve a change in design, materials, or appearance. No provision in this Ordinance shall be construed to prevent the alteration, demolition, or relocation of a Landmark when the Building Official certifies that such action is required for public safety. At his or her discretion, the Building Official may find that under state law and Section 11.D.3 that a Landmark does not meet current building code but is not dangerous.

8.0830: Definitions.

The following definitions apply to terms used in this Ordinance. Terms not defined have their commonly construed meaning:

1. Alteration: An addition, removal, or reconfiguration that changes the appearance of a Landmark. Painting, when color is not specifically noted in Landmark's Record of Designation, and ordinary maintenance are excluded from this definition.
2. Building: A house, barn, church, hotel, or similar construction created principally to shelter any form of human activity.
3. Certificate of Appropriateness (COA): A document issued by the Historic Preservation Officer indicating that the applicant has satisfactorily met the provisions of this Ordinance for the alteration, relocation, or demolition of a Landmark.
4. Demolition: The complete destruction or dismantling of sixty-five (65) percent of, or greater, of the entirety of a Landmark.
5. District: A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.
6. Eligible/Contributing: A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and

association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district.

7. Eligible/Significant: A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district, and are likely individually eligible for listing in the Local Landmark Register.
8. Exceptional Significance: The quality of historic significance achieved outside the usual norms of age, association, or rarity.
9. Historic Integrity: The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a historic resource, as opposed to its physical condition.
10. Historic Preservation Officer: The city official responsible for the administration of this Ordinance.
11. Historic Resource: A building, structure, object, site, or district that is at least fifty (50) years old or is of exceptional significance and potentially meets the age, integrity, and significance criteria for listing in the Local Landmark Register, but may not necessarily be recorded in the Historic Resource Survey.
12. Historic Resources of Statewide Significance: Buildings, structures, sites, objects, and districts that are listed in the National Register.
13. Historic Resource Survey: The record of buildings, structures, objects, and sites recorded by the City of Redmond used to identify historic resources potentially eligible for listing in the Local Landmark Register.
14. Historic Significance: The physical association of a building, structure, site, object, or district with historic events, trends, persons, architecture, method of construction, or that have yielded or may yield information important in prehistory or history.
15. Landmark: A building, structure, site, object, or district listed in the City of Redmond Local Landmark Register.
16. Local Landmark Register: The list of historic resources officially recognized by the City of Redmond as important to its history and afforded the protection under this Ordinance.
17. National Register of Historic Places: The nation's official list of buildings, structures, sites, objects, and districts important in the nation's history and maintained by the National Park Service in Washington, D.C., and hereinafter referred to as the "National Register." Historic resources listed in the National Register are referred to as "Historic Resources of Statewide Significance" in Oregon Revised Statutes.
18. Non-Contributing: A building, structure, object, or site originally constructed within the applicable period of significance that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition.

19. Not in Period: A building, structure, object, or site that was originally constructed outside the applicable period of significance.
20. Object: A construction that is largely artistic in nature or is relatively small in scale and simply constructed in comparison to buildings or structures, including a fountain, sculpture, monument, milestone, etc.
21. Ordinary Maintenance: Activities that do not remove materials or alter qualities that make a historic resource eligible for listing in the Local Landmark Register, including cleaning, painting, when color is not specifically noted in Landmark's Record of Designation, and limited replacement of siding, trim, and window components when such material is beyond repair and where the new piece is of the same size, dimension, material, and finish as that of the original historic material. Excluded from this definition is the replacement of an entire window sash or more than twenty (20) percent of the siding or trim on any one side of a Landmark at any one time within one (1) calendar year. **This is a key definition - are we okay with it?**
22. Period of Significance: The time period, from one to several years or decades, during which a Landmark was associated with an important historic event(s), trend(s), person(s), architecture, or method(s) of construction.
23. Record of Designation: The official document created by the Historic Preservation Officer that describes how a Landmark meets the criteria for listing in the Local Landmark Register.
24. Rehabilitation: The process of returning a Landmark to a state of utility through repair or alteration, which makes possible an efficient use while preserving those portions and features of the Landmark and its site that convey its historic significance.
25. Relocation: The removal from or moving of a Landmark from its original location noted in the Record of Designation.
26. Site: The location of a significant event, prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of any existing building, structure, or object.
27. Structure: A functional construction made usually for purposes other than creating human shelter, such as an aircraft, bridge, fence, dam, tunnel, etc.
28. Streetscape: The physical parts and aesthetic qualities of a public right-of-way, including the roadway, gutter, tree lawn, sidewalk, retaining walls, landscaping and building setback

Section 7: Severability. If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance shall remain in force and effect.

Section 8: Conflicts with Other Laws. If the provisions of this Ordinance are found to be in conflict with federal or state laws the federal or state law shall prevail. In cases of conflict with other city ordinances the previously established statute shall take precedence.

Section 9: Identification and Evaluation of Historic Resources. The Historic Resource Survey lists, describes, and determines the eligibility of historic resources for listing in the Local Landmark Register. Not all properties listed in the

Historic Resource Survey are eligible for listing in the Landmarks Register. A property need not be first listed in the Historic Resource Survey before being nominated to the Local Landmark Register under Section 10.

- A. The Commission shall determine and periodically revise priorities for the identification and evaluation of historic resources based on the community's needs and interests.
- B. Before commencing inventory studies or updates, the Commission shall provide public notice describing the inventory, its purposes, and invite public participation through a public notice and posting on the City website.

Do we feel it's necessary to do a public notice for the inventory?

- C. Surveyed properties shall be identified as Eligible/Significant (ES), Eligible/Contributing (EC), Non-Contributing (NC), or Not in Period (NP). Evaluation and documentation of properties in the Historic Resource Survey shall meet the requirements of the document "Guidelines for Historic Resource Surveys in Oregon, 2010" or most recent guidance for such efforts published by the SHPO and be supplied to the agency within six (6) months of the completion of the study.
- D. The Historic Resource Survey shall be maintained as a public record with the exception of archaeological sites, which is prohibited by State law.
- E. Citizens shall have the opportunity to review and correct information included in the Historic Resource Survey. Any member of the public may place a property in the Historic Resource Survey; however, the Commission retains the authority to determine the property's eligibility for listing in the Local Landmark Register.
- F. The Commission may collect further information including, but not limited to, current photographs, architectural descriptions based on on-site observations, or archival documentation for properties already listed in the Local Landmark Register or National Register for the purposes of administering this Ordinance pursuant to the provisions of this Section.

Section 10: Local Landmark Register. The Commission may designate historic resources to the Local Landmark Register as a means of providing recognition of their significance and providing incentives ("incentive" or "incentives"? **Incentives implies financial, while incentive seems to be more general encouragement**) and guidelines for their preservation. The Local Landmark Register is maintained by the Historic Preservation Officer and shall be available to the public.

- A. National Register Properties. Historic resources within the corporate boundaries of the City of Redmond and listed in the National Register, including all National Register-listed historic districts in their entirety may be listed in the Local Landmark Register using the procedures outlined in Section C, but need not be documented as outlined in Section B.2 through B.4 of this Section. In such cases, the National Register nomination shall serve as the Record of Designation. As Historic Resources of Statewide Significance, all National Register-listed properties, including individual properties in recognized National Register-listed historic districts. are subject to the regulations in Section 11.E, pursuant to Oregon State Law.
- B. Criteria for Designating Historic Resources to the Local Landmark Register. Any building, structure, object, site, or district may be designated to the Local Landmark Register if it meets all the Criteria of Section 10.A or all of the criteria listed below:
Note: this requires an applicant to meet all of the criteria below. Now, we only require architectural significance and/or historical significance (i.e. associated with an important person – do we want to now require it comply with both?

1. The property is located within the boundaries of the City of Redmond
 2. The property is over fifty (50) years of age or of exceptional importance, or in the case of a **locally designated** district, the majority of the properties are over fifty (50) years old or have exceptional significance.
 3. The property possesses sufficient historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that may destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the form and appearance of the historic resource when viewed from the public right-of-way.
 4. The property has historic significance as demonstrated by meeting at least one of the following criteria:
 - (a) Association with events that have made a significant contribution to the broad patterns of our history; and/or
 - (b) Association with the lives or persons significant in our past; and/or
 - (c) Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and/or
 - (d) Have yielded, or may be likely to yield, information important in prehistory or history.
- C. Nomination Procedure. Any person, group, or government agency may nominate a property for listing in the Local Landmark Register. The nomination procedures are as follows:
1. There is no fee associated with nominating a historic resource to the Landmark Register.
 2. The nomination for a historic resource to the Local Landmark Register must include a description of the boundaries of the proposed nominated area and the structures, objects, and sites contained therein, and a statement explaining how the historic resource(s) meet(s) the criteria under B of this Section. The Historic Preservation Officer may establish additional standards for a complete application.
 3. Prior to setting the proposed nomination on the agenda for the next Commission meeting, the Historic Preservation Officer shall inform property owners in writing of the nomination process pursuant to local and state law. To be listed in the Local Landmark Register, the property's legal owner(s) shall provide to the City a written statement acknowledging that that the owner understands the nomination process and the results of such a designation, and wishes to have their property listed in the Local Landmark Register. Within locally-designated historic districts a boundary may be established, but only those that submit a statement as described above will be listed in the Local Landmark Register. In cases where multiple persons or entities own a single property, a simple majority of the property owners must submit a written

statement. The City of Redmond may not object to the listing of a historic resource in City ownership. This provision does not apply to individual historic resources and historic districts listed in the National Register. – **Not sure what this means and may be a concern for City Council**

4. Upon acceptance of a complete application and receipt of written owner consent, the Historic Preservation Officer shall schedule a public hearing before the Commission pursuant to applicable state and local laws.
 5. The Commission shall review the documentation for completeness, accuracy, and compliance with the “Criteria for Designating Historic Resources to the Local Landmark Register” of this Section. The Commission may make a recommendation to approve, deny, or table the application pending further testimony, or to allow for the petitioner to provide additional information as requested by the Commission. The Commission shall develop written findings to support its decisions.
 6. Applications approved or denied by the Commission shall be **reviewed by the City Council and the Council may make a motion to approve, deny or table the application pending further testimony.**
 7. Upon final approval by the City Council, the Historic Preservation Officer shall prepare a Record of Designation that includes the original nomination materials, and any testimony or additional materials considered during the nomination process that establishes the eligibility of the historic resource for listing in the Local Landmark Register.
 8. Historic Resources designated as Landmarks shall be noted as such in **the Redmond Comprehensive Plan**. The designation shall apply to the entirety of the recognized Landmark as described in the Record of Designation regardless of future property division or ownership.
 9. A Record of Designation may be amended through the process described in this Section. The Historic Preservation Officer may administratively add additional materials gathered under the provisions of Section 9 to keep the record current or elaborate on established facts in the Record of Designation. Notice of such an action shall be provided to the Commission at their next regular meeting.
- D. Results of Listing in Local Landmark Register. Historic resources listed in the Local Landmark Register receive the following benefits:

While not all of these provisions may make sense for every City, It is important to include as many incentives as possible for historic properties to both encourage private property owners to participate in the program and to ensure that historic buildings remain in productive use while maintaining their historic character.

1. All uses and restrictions established by the underlying zoning, existing conditional use permits, and other applicable design standards shall remain in effect unless changed through due process.
2. Landmarks are protected under the provisions of Section 11 through 16.
3. City staff shall consider granting zoning variances and/or conditional use permits in order to encourage the productive use and preservation of Landmarks.

4. The local Building Official shall consider waiving certain code requirements in accordance with the existing state building code.
5. Property owners of Landmarks may seek technical or financial assistance from the Commission in applying for grants or tax incentives for rehabilitating their properties as resources and funds are available.
6. Property owners of Landmarks are eligible to receive City-funded grants and loans to assist with the preservation of their buildings as resources and funds are available.

Section 10.5: **Designation of a Building, Structure, Object or Site of Historical Interest.**

I brought this provision over from the existing code to address the list of buildings that we already have designated as Buildings of Historical Interest.

1. If the City Council finds that a particular site is of historical interest but does not meet the criteria for designation as a historical building or site, the Council may designate said building or site as a Building or Site of Historical Interest.
2. Buildings or sites designated as being of historical interest shall not be required to comply with the requirements of this code except in the event of demolition or of major alteration. In this instance, the owner must notify the City within at least ten (10) days prior to said demolition or major alteration and permit the City to take photographs of the site or building.
3. The City and/or Landmarks Commission may also make recommendations to the owner regarding alternatives to demolition or major alteration which would be detrimental to the building or site designation as being of historical interest.

Section 11: **Alterations, Demolitions, and Relocations of Historic Resources listed in the Local Landmark Register.**

Section 11 establishes the procedures and criteria for alteration, relocation, and demolition of Landmarks. This Section could be made less stringent by removing portions that relate to the regulation of new construction or Non-Contributing or Out-of-Period Historic Resources, or by making the Section advisory only. Establishing separate standards for Contributing, Non-contributing, and Out-of-Period Buildings and new construction will strengthen the document while providing more specific guidance for decision making.

The Landmarks Commission shall use the provisions of this Section to preserve the exterior character-defining features of individual Landmarks; the exterior of individual buildings in **locally designated** Landmark historic districts; and exteriors **and interior** public spaces of city-owned Landmarks.

This passage assumes that any alteration not explicitly exempted will be reviewed by the Commission. In Oregon, City's do have the authority to regulate alterations to historic properties that do not require a building permit. The SHPO suggests that siding, window and door, and roofing replacement be regulated to ensure that a building's historic character is maintained. Items like landscaping and painting and the construction of small auxiliary buildings usually do not impact historic buildings and should be excluded from review. In general, the exemption list should include as many items as possible. In some cases, a city may choose to regulate only work that requires a building permit.

- A. Exclusions. Activities not subject to the provisions of this Section.
1. Alterations to building interiors, exempting those owned by The City of Redmond. **- I'm not sure why we would be concerned about the interior of any building, unless it was specifically identified as part of the original designation.**
 2. Application of exterior paint color when color is not specifically noted in record of designation.
 3. Alterations to landscape features not specifically identified as historically significant in Record of Designation.
- B. Alterations, Relocations, and Demolitions of a Landmark. No Landmark **or exterior landscape or archaeological element** noted as significant in the Record of Designation shall be altered, relocated, or demolished, or a new building or structure constructed within the area defined in the Record of Designation without a Certificate of Appropriateness signed and issued by the Historic Preservation Officer. Certificates must be presented to the Building Official before a building or demolition permit is issued. **The process for applying for a Certificate of Appropriateness is as follows:**

A Certificate of Compliance is an administrative tool that creates a brief (ideally 1 page) record of the staff or commission decision. Requiring a special certificate for historic review insures that permits are not mistakenly issued and that all parties are clear on what is approved/required for the permit.

1. An application for a Certificate of Appropriateness must **be submitted to the City and** include a description of the proposed activity, accompanying maps, photographs, drawings, and other documentation. The Historic Preservation Officer may establish additional standards for a complete application, including defining different criteria for a complete application under provisions C, D, and E of this Section.
2. Upon acceptance of a complete application, the Historic Preservation Officer shall decide within **15 days** if the proposed work is subject to provisions **C, D, or E of this Section.**
3. The Historic Preservation Officer shall prepare a staff report that summarizes the proposed project, notes the criteria specified in this Ordinance under which the application shall be considered, and make a recommendation to the Commission to approve, approve with conditions, or deny the application for a Certificate of Appropriateness.
4. Materials that may be used in the preparation of the staff report include the Record of Designation; and/or National Register nomination; and/or other archival photos, maps; and/or other documentary evidence specific to the subject property; and/or observations from on-site inspections ~~from the public right of way to document its historic appearance or alteration over time; and/or documents and publications of the National Park Service or Oregon State Historic Preservation Office. Documents that are not available from the City at the time of application for a Certificate of Appropriateness shall be made available to the applicant at least ten (10) calendar days before a public hearing is held or administrative decision is made.~~ **Doesn't seem like this is necessary.**
5. The Commission shall review and act upon applications for the alteration, relocation, and demolition of a Landmark. Applications for the alteration of a

Landmark may be approved, approved with conditions, or denied. ~~Applications for the relocation or demolition of a Landmark may be approved, approved with conditions, or the action delayed for up to one year – this is covered elsewhere.~~ The Commission shall develop written findings to support its decisions. The Historic Preservation Officer shall include any conditions imposed by the Commission in the Certificate of Appropriateness pursuant to this Section.

6. A Certificate of Appropriateness issued for the alteration of a Landmark shall be effective for a period of two (2) years from the date of its issuance. A Certificate of Appropriateness issued for the relocation or demolition of a historic resource shall be effective for a period of one (1) year.

*(A Certificate of Appropriateness may/may not be extended – add period and process if extensions are allowed) – **Should we allow extensions to approvals?***

7. A Landmark may be altered, relocated, or demolished without a Certificate of Appropriateness if the Building Official attests in writing that the condition of a Landmark poses a clear and immediate hazard to public safety. The comments of the Building Official with sufficient evidence to support his or her conclusions shall be provided to the Historic Preservation Officer within fifteen (15) days of making his or her decision. The Historic Preservation Officer will make these materials available to the Commission at their next regular meeting. The property owner(s) must submit an application for a Certificate of Appropriateness as required under this Ordinance within thirty (30) days of the Building Official submitting his or her written statement to the Historic Preservation Officer.

C. Certificate of Appropriateness Without a Public Hearing.

This passage allows communities to insert a list of activities that may be reviewed and approved by staff without commission oversight that are not exempted in A 1-3 of this section. This list may be as long or short as required. Three examples of activities that SHPO suggests could be handled by staff are listed here. To avoid legal challenges, the items listed here should have clear and objective criteria that the Preservation Officer or assigned staff person can use to make a decision.

The Historic Preservation Officer may issue a Certificate of Appropriateness for the alteration of a Landmark without a public hearing when the proposed alteration will not significantly change the qualities that merited the listing of the Landmark in the Local Landmark Register. A completed Certificate of Appropriateness must be presented to the Building Official before a permit is issued. The Historic Preservation Officer shall make a list of certificates issued in this manner available to the Commission at each regular meeting. Activities eligible for a Certificate of Appropriateness issued as described in this provision include the following:

1. **Any maintenance, repair, replacements that uses materials identical to the original or existing materials. – This is the minor alteration definition from the Lawrence Kansas code.**
2. Construction of a fence that meets Section _____.
3. Demolition of an outbuilding noted as sharing a lot with a Landmark and specifically noted as not historically significant in its designation.
4. New addition to a Landmark or new construction not visible from the public right-of-way.

D. **Certificate of Appropriateness With a Public Hearing.** A public hearing before the Commission and a signed Certificate of Appropriateness shall be required for activities not exempted in A.1 through A.3. and C.1 through C.3 of this Section.

1. Prior to submitting an application for a permit pursuant to this Section, proponents are encouraged to request a pre-application conference to review concepts and proposals. ~~The Historic Preservation Officer may assign a staff member to perform these duties or contract with other parties to complete the consultation. The Commission may also form ad-hoc committees for this purpose. Commission members participating in pre-application conferences shall disclose their ex parte contact at the time of a public hearing on the proposal. (Reference to local law concerning ex parte contact and conflict of interest here) - I~~ **recommend removing this portion because it doesn't seem to apply here. We can add it back in if you think its necessary.**
2. Upon acceptance of a complete application the Historic Preservation Officer shall schedule a public hearing pursuant to applicable local and state laws.

Provision 3 establishes the general review criteria for a Certificate of Compliance, which is based on the Secretary of the Interior's Standards for Rehabilitation. These "general design standards" provide broad guidance for any project that may be proposed, and SHPO advises adopting the passage as written. Provision 4 is also based on the Standards, but the passage refines the general design standards by addressing specific projects. The list provided in Provision 4 can be made as long or short as necessary; although SHPO does not recommend attempting to make an exhaustive list because of the varied nature of historic resources. Instead, keep the list broad to address the greatest number of projects or consider adopting building- or district-specific guidelines.

3. In order to approve an application for the alteration of a Landmark, the Commission must find that the proposal meets the following guidelines as applicable:
 - a. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships; and/or
 - b. The historic integrity of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided; and/or
 - c. A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken; and/or
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved; and/or
 - e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved; and/or
 - f. Deteriorated historic features shall be repaired rather than replaced. If the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where

- possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence; and/or
- g. Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used; and/or
 - h. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken; and/or
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment; and/or
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
5. In addition to meeting the applicable guidelines in 3(a) through 3(j) of this Section, in order to approve an application for the alteration of a Landmark the Commission must find that the proposal meets the following design standards as applicable:
- a. Vacant buildings shall be weather- and vandal-proofed in order to minimize further deterioration and the threat to public safety; and/or
 - b. Rehabilitation work, especially on the exterior and the principal facades shall preserve the existing historic features or replace them if absolutely necessary with features and materials known to have existed on the building through verifiable evidence such as photographs. Alterations to Landmarks shall not be based on speculation, but instead on documentary evidence; and/or
 - c. New additions shall be subordinate to the original building, meaning lower in height, attached to the rear or set back along the side, smaller in scale, and have less architectural detail; and/or
 - d. Height, width, setback, roof shape, and the overall scale and massing of new buildings within historic districts and on lots with existing Landmarks, or additions to Landmarks shall be compatible with the existing historic building(s) and, in the case of historic districts, the overall streetscape; and/or
 - e. In **locally designated** historic districts and on lots with existing Landmarks, materials on at least the primary façade(s) of new buildings shall be similar in size, shape, color, and texture to the original materials on the facades of surrounding historic buildings; and/or
 - f. Architectural details on new construction (including wood or metal trim, porches, cornices, arches, and window and door features, etc.) shall be complimentary, but shall not replicate historic features on surrounding historic buildings; and/or

- g. Window and door opening should be similar in size and orientation (vertical to horizontal) to openings on historic buildings and shall take up about the same percentage of the overall façade as those on surrounding historic buildings; and/or
- h. In **locally designated** historic districts and on lots with existing Landmarks, the relationship of the width to the height of the principal elevations for new buildings and additions to existing Landmarks shall be in scale with the surrounding structures and streetscape. Wider new building can be divided into segments that more closely resemble the façade widths of historic buildings; and/or
- i. In **locally designated** historic districts and on lots with existing Landmarks, the roof shape of new buildings and additions to existing Landmarks shall be visually compatible with the surrounding structures and streetscape. Unusual roof shapes, materials, and pitches are discouraged; and/or
- j. Moving Landmarks shall be avoided, especially to create artificial groupings; and/or
- k. The demolition of Landmarks shall be avoided whenever possible; and/or
- l. Any applicable design guidelines adopted by the Commission in Section 6.

D. Demolition or Relocation.

*This model ordinance does not prohibit the relocation or demolition of historic resources; although it is discouraged in the specific design standards in 13.D.4(j) and (k). Instead, relocation and demolition are discouraged by requiring the applicant to have an approved re-use plan for the site. The commission may also discourage these activities by delaying the issuance of a Certificate of Compliance for 180 days with the option of an 180-day extension to explore alternatives. If a proposed relocation or demolition goes forward, the commission may impose conditions, including documentation, salvage, and that the applicant assume responsibility for removing the historic resource from Landmark Register. **Jurisdictions that would like stronger provisions to protect historic resources are encouraged to adopt them.***

A public hearing before the Landmark Commission ~~and the Planning Commission~~ and a signed Certificate of Appropriateness shall be required to relocate or demolish a Landmark **or any property listed in the National Register of Historic Places (not sure we want to go there yet)** individually or as part of a **locally designated** historic district.

- 1. In recommending that the Planning Commission approve, approve with conditions, or **deny** an application for the demolition of a Landmark, the Landmark Commission shall find that:
 - a. The applicant has completed a replacement plan for the site, including drawings approved by the Building Official. If the property is located within a **locally designated** historic district, plans must be submitted for review by the Commission pursuant to Section 11.D as it relates to new construction; and **- this is new - do we want to go there?**
 - b. The Building Official determines and states in writing that the building may not be safely removed from the site; and

- c. The value to the community of the proposed use of the property outweighs the value of retaining Landmark at the original location. Public testimony shall be considered when making this determination.
 2. In recommending that the Planning Commission approve, approve with conditions, or deny an application for the relocation of a Landmark, the Landmark Commission must find that:
 - a. The relocated Landmark remains within the corporate limits of Redmond
 - b. The new site provides a suitable setting and ensures the building's long-term preservation.
 - c. The applicant has completed a plan for the new site, including drawings approved by the Building Official.
 3. In approving or denying an application for the relocation or demolition of a Landmark, the Commission may impose the following conditions:
 - a. Photographic, video, or drawn recordation of the Landmark in its original location; and/or
 - b. In the case of demolition, the Landmark be transported to a new site, and that, to the extent possible, the new location is similar to the original site and that the original setback and orientation of the building is replicated on the new lot; and/or
 - c. In the cases of properties listed in the National Register, that the applicant attempt to obtain permission to move the Landmark from the National Park Service in order to retain the property's listing in the National Register and/or assume all responsibility and cost of removing the if permission cannot be obtained; and/or
 - d. Other reasonable mitigation measures.
 4. At the hearing of an application to relocate or demolish a Landmark the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a Certificate of Appropriateness for up to **one hundred eighty (180) calendar days from the date of the hearing**. Not more than sixty (60) and not less than thirty (30) calendar days prior to the expiration of the delay period, the Historic Preservation Officer shall schedule a public hearing pursuant to local and state laws to allow the Commission to consider if there are still reasonable alternatives to explore, and if the group will request in writing that the City Council continue the delay for an additional period of up to one hundred eighty (180) calendar days.
 5. **The Commission may not delay the relocation or demolition of a Landmark for more than three-hundred sixty (360) calendar days** subject to the provisions of this Section. At the end of the waiting period, the Historic Preservation Officer shall issue a Certificate of Appropriateness for the relocation or demolition of the Landmark.
 6. Upon issuing a Certificate of Appropriateness for the demolition of a Landmark, the Historic Preservation Officer shall post a legal notice in a local newspaper of general circulation announcing the demolition, the criteria under which the demolition was approved, the historic significance of the property, and invite the public to provide alternatives to the demolition for consideration by the Commission.

7. Relocated Landmarks shall remain listed in the Local Landmark Register unless removed under Section 12.
8. Demolished Landmarks shall be removed from the Local Landmark Register using the procedures described in Section 12.

Section 12 provides for the removal of Landmark from the Landmark Register only if the property no longer retains its historic appearance or if the property owner at the time of the designation did not have an opportunity to object to the listing. It does not allow for the removal of a Landmark for any other reason, including at the request of the current owner. This provision is based on the Oregon Land Use Board of Appeals (LUBA) case 2000-160, Kay Demlow vs. City of Hillsboro.

Section 12:

Removal of Landmarks from the Local Landmark Register.

A public hearing before the Commission and a signed Certificate of Appropriateness shall be required to remove a Landmark from the Local Landmark Register.

- A. An application to remove a Landmark from the Local Landmark Register shall not be considered for one (1) year after the date of decision for the denial of an application for the relocation or demolition of the same Landmark under Section 12.E.
- B. Landmarks concurrently listed in the Local Landmark Register and National Register will be considered for removal from the Local Landmark Register only after the Landmark is removed from the National Register and the SHPO has provided written evidence of the removal to the Historic Preservation Officer.
- C. Any individual or group, including the Commission acting on its own initiative, may initiate the removal of a Landmark or individual property within a historic district from the Local Landmark Register by submitting a complete application to the Historic Preservation Officer.
- D. The Historic Preservation Officer shall establish standards for a complete application for the removal of a Landmark from the Local Landmark Register. Upon acceptance of a complete application, the Historic Preservation Officer shall schedule a public hearing pursuant to applicable local and state laws.
- E. In order to approve an application for the removal of a Landmark from the Local Landmark Register the Commission must find the following:
 1. The Landmark has ceased to meet the criteria for listing in the Local Landmark Register because the qualities which caused it to be originally listed have been lost or destroyed; and/or
 2. The property owner at the time the property was added to the Local Landmark Register did not provide written permission for such action as required under Section 10.

Note: the existing code does not really limit the reasons for removing a landmark, while the above criteria does limit the reasons. We should discuss the ramifications of both.

- F. Landmarks accidentally destroyed by flood, fire, or other natural or accidental act or demolished under the provisions of Section 11 and meeting the definition of

“demolished” as defined in this Ordinance may be removed administratively from the Local Landmark Register by the Historic Preservation Officer. Notice of this action and written evidence documenting the demolition of the Landmark shall be provided to the Commission at their next regular meeting. This same documentation shall be provided to the SHPO. If a Landmark is also listed in the National Register, the Commission shall request that the SHPO remove the property from the National Register if not requiring the owner to do so under Section 11.E.3.

- G. Upon removing a Landmark from the Local Landmark Register, the Historic Preservation Officer shall post a legal notice in a local newspaper of general circulation (*Insert alternative notification process if desired*) announcing the removal, the criteria under which the removal was approved, and the historic significance of the property.

If there are already procedures in place for economic hardship, appeals, resubmission and enforcement, consider using these procedures in place of what is provided below; however, in some cases it may be appropriate to develop separate processes.

Section 13: Economic Hardship. The Landmarks Commission shall grant a Certificate of Appropriateness for a relocation, demolition, or, at the Commission’s discretion, modify or exempt a property from the requirements of Section 11 if the applicant can demonstrate that complying with the provisions of this Ordinance creates an economic hardship that prevents the profitable use of the subject property.

- A. Economic Hardship may only be considered in a separate hearing after an application for a Certificate of Appropriateness for the alteration, relocation, or demolition of a Landmark has been issued or denied and all pending appeals to the Land Use Board of Appeals, the Land Conservation and Development Commission, and local, state, and federal courts are resolved.
- B. Separate standards for demonstrating an economic hardship are established for investment or income-producing and non-income-producing properties:
1. Economic hardship for an income-producing property shall be found when the property owner demonstrates that a reasonable rate of return cannot be obtained from the Landmark if it retains its historic features, buildings, or structures in either its present condition or if it is rehabilitated.
 2. Economic hardship for a non-income-producing property shall be found when the property owner demonstrates that the Landmark has no beneficial use as a single-family dwelling or for an institutional use in its present condition or if rehabilitated.
- C. Property owners seeking a Certificate of Appropriateness for economic hardship must provide sufficient information, as determined by the Historic Preservation Officer, to support the application for the Certificate. Demonstration of an economic hardship shall not be based on or include any of the following circumstances:
1. Willful or negligent acts by the owner; and/or
 2. Purchase of the property for substantially more than market value; and/or
 3. Failure to perform normal maintenance and repairs; and/or

4. Failure to diligently solicit and retain tenants; and/or
5. Failure to provide normal tenant improvements.

To participate in the CLG program all decisions of the Commission or decision-making body must be appealable. If your jurisdiction has a specific process for appeals it should be stated or referenced in the ordinance.

Section 14: Appeals. ~~Decisions of the Commission are appealable to the City Council. Decisions of City Council are appealable to the Oregon State Land Use Board of Appeals.~~

Appeals from actions of the Landmarks Commission shall be to the Redmond City Council and may be filed by the applicant, the owner, occupant of the site or district concerned, or by any other person who participated in the initial hearing. Appeals must be filed within fifteen (15) days from the date of action by the Landmarks Commission, shall be filed on a form provided by the Planning Department, and shall be accompanied by a fee. Decisions by the Redmond City Council may be appealed to the Oregon State Land Use Board of Appeals in accordance with rules and procedures established by state law and that board. **- I took this from the existing code.**

Section 15: Re-submittal of an Application Previously Denied. An application for a Certificate of Appropriateness which has been denied or an application which was denied and which on appeal has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission, or the courts, may not be resubmitted for the same or a substantially similar proposal or for the same or substantially similar action for a period of at least two (2) years from the date the final city action is made denying the application unless there is a substantial change in the facts or a change in city policy which would change the outcome. **Staff comment: is this really necessary? In my experience, this hasn't been a problem and it's not in our existing code.**

Penalties are an unfortunate, but necessary part of any ordinance. Without penalties, compliance is voluntary and unenforceable.

Section 16: Enforcement of the Provisions of this Ordinance. Penalties for violations of the provisions of this Ordinance shall be the same as for violation of the City of Redmond Planning Code.

There are, of course, many other provisions that could be added to this ordinance other than those already suggested. Including:

- *Separate guidelines for new construction; non-contributing resources; or historic signage*
- *A demolition by neglect ordinance – such a provision will greatly reduce number of demolitions and relocations and challenges under the Economic Hardship Clause.*
- *A separate non-regulatory designation. Some communities have provisions that allow them to recognize historic properties, but that do not require any form of review. See notes in the text. – **Buildings and Sites of Historical Interest are a tool used in the existing code and I included them in this draft of the code.***
- *Provisions addressing the preservation of archaeological resources.*