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**Bureau of
Development
Services** FROM CONCEPT
TO CONSTRUCTION

Adopted Historic Resources Code Improvement Project Zoning Code Amendments

Adopted by City Council: March 6, 2013
Effective Date: May 1, 2013
Ordinance No. 185915



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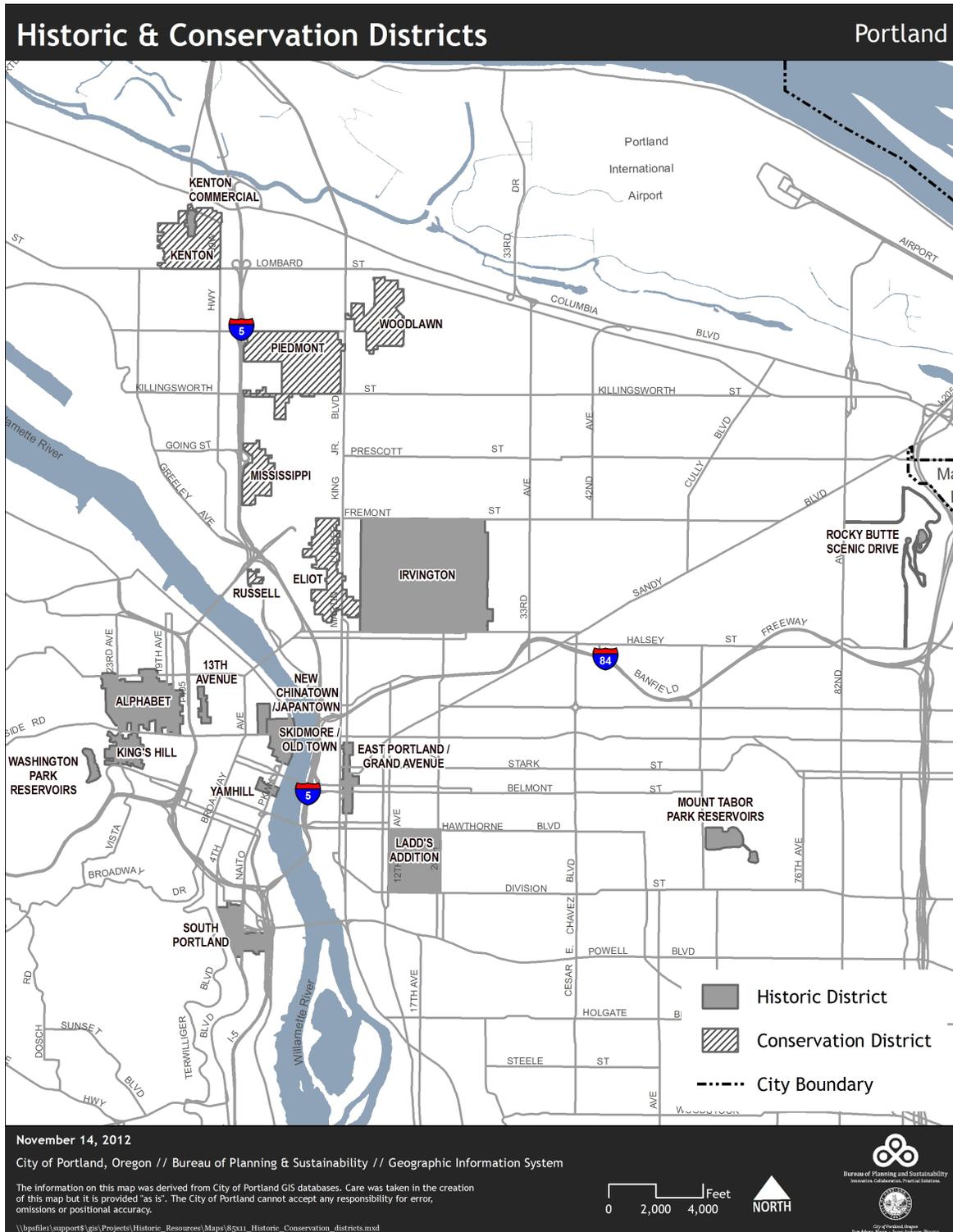
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I. Background and Project Overview

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, the Historic Resources Code Improvement Project (HRCIP) proposed 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. Draft code amendments were the subject of further community discussion at the Historic Landmarks Commission on December 10, 2012. The draft code amendments were further refined for a hearing before the Planning and Sustainability Commission on January 22, 2013 and adopted by the Portland City Council on March 6, 2013. 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 released January 7 for a Planning and Sustainability Commission hearing on January 22 |
| Feb 2013 | Public Hearing | City Council hearing on February 27. Council voted to adopt amendment on March 6 with an effective date of May 1, 2013 |

Background

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

Project Goals

- Improve the historic 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 this project did

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

The following amendments were explored:

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.

Research

City staff conducted research to inform this process by reviewing permit data over an 18 month period and conducting a survey of other cities in the country to help identify best practices. Below is a summary of the information collected. 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 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, radio frequency antennas, and other large scale remodels or new constructions that trigger the Type III Historic Review process). However, the remaining 46 percent do 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, radio frequency facilities | 100 | 53.8% |
| Total | 186* | 100 |

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

Several themes emerged 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.
- 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 the BDS workload could be reduced by clarifying these 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 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.
- 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 resource regulations and ideas for potential code changes. The conversation continued through the fall with the release of the Zoning Code Amendments Discussion Draft. Staff addressed numerous requests and issues and prepared the Zoning Code Amendments Proposed Draft for the January 22 Planning and Sustainability Commission hearing. In addition to numerous individual conversations, staff attended the following meetings to discuss the project scope, identify issues and get feedback on ideas for minor code amendments:

- | | |
|--|----------------------------|
| ▪ Development Review Advisory Committee | 6/12/12, 10/18/12 |
| ▪ Bosco-Milligan Foundation | 6/22/12 |
| ▪ Historic Landmarks Commission | 7/23/12, 10/8/12, 12/10/12 |
| ▪ Planning and Sustainability Commission | 7/24/12, 10/9/12, 1/22/13 |

- Buckman Neighborhood Association 9/13/12
- Irvington Community Association 9/13/12
- SE Uplift Land Use / Transportation Committee 9/17/12
- Irvington Land Use Committee 10/10/12
- Remodelers Association 10/11/12
- Portland Coalition for Historic Resources 10/11/12, 11/16/12, 1/16/13
- Downtown Neighborhood Association 11/19/12
- NE Coalition of Neighborhoods 11/30/12
- Historic Landmarks Commission Leadership 12/14/12

Summary of Community Feedback

General

- Strong support for the goals of the project – mainly to reduce the time and cost associated with historic 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 the project goals.
- Support for considering different treatment (exemptions, review level, etc.) for contributing versus non-contributing structures.
- Support for facades not facing the street having more lenient regulations.
- Concern about potential damage to resources with the discussion draft code amendments that suggested either exempting or a lower level of review for alterations and additions less than 200 square feet.
- The Zoning Code is very hard to understand; a matrix and illustrations would help, or other material that help homeowners interpret the code.
- Concern that many homeowners are unaware that their property is subject to historic resource regulations; there is a desire for better notice procedures when districts are formed and when a home is purchased.

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, new construction, or large scale exterior remodels) should continue to be reviewed as it is today.
- Some things need to be reviewed and thus can’t be exempt, although a lesser review than the typical Type II may be appropriate for some types of activities (basement window replacement, restoration, roof replacement).

New Review Procedure

- Support for a new, quicker procedure.
- Concern about no local level 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 adopted code amendments, included to summarize the intent of the adopted changes. Please refer to the specific code language and associated commentary in Section III for details.

General review categories

One purpose of this project was to reassess when and if historic review is necessary and appropriate. There are three general review categories that are useful 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 help provide clarity to homeowners, remodelers, and neighborhood associations about when historic review is required.

New Type I – Small Projects

The challenge of this project was determining what projects should fall into this new review procedure. For example, a restoration project requires some level of review by City staff to ensure that the work is consistent with the period of significance, but it is also an activity that the City would like to encourage through a lower review threshold. Additionally, smaller projects of less than 150 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. The adopted amendments include 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 for a comparison of procedures.

Type II or III – Large Projects

No change was proposed for 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 and proportionate for these types of projects.

Adopted Changes to Historic Review Triggers

Table 3 outlines the general adopted changes to activities subject to historic review and the associated procedure type; Table 4 describes the range of procedure types and the revised review procedure type adopted as part of this project.

Table 3: Summary Table of Adopted Zoning Code Amendments

| Activity | Review Type | | Change from Current Regulations (% of historic reviews) |
|--|---|---|---|
| Basement Windows Exempt on non-street facing facades. Includes egress window replacements. | Exempt | | New exemption (2.2% of reviews) |
| Storm and Screen Windows/Doors Includes both removal and addition of storm and screen windows/doors. | Exempt | | New exemption (<1% of reviews) |
| Accessibility Structures (e.g. wheelchair ramps) Exempt if the structure can be removed without destroying existing materials. | Exempt | | New exemption (<1% of reviews) |
| Light Wells Exempt if light well is completely contained within a building. | Exempt | | New exemption (<1% of reviews) |
| Skylights and Roof Hatches Exempt if on flat roofs or non-street facing pitched roofs. | Exempt | | New exemption (<1% of reviews) |
| Fire Escapes Exempt if removal is required by Fire Marshal. | Exempt | | New exemption (<1% of reviews) |
| Accessory structures (e.g. detached garages, gazebo) In RH through RF zones. | Exempt < 200 sq ft New Type I > 200 sq ft | | Reduced exemption from 300 to 200 sq ft (1.6% of reviews) |
| Restoration A lower level of review to encourage activities that accurately restore historic features in RH through RF zones. | New Type I | | New definition and procedure (1.6% of reviews) |
| Alterations (e.g. replacement of windows, doors, porch, siding, exterior trim, or other features) Creates a lower level of review for smaller projects in RH through RF zones. | Contributing | Non-contributing | Currently all alterations and additions go through a Type II procedure (38% of reviews) |
| | New Type I <150 sq ft Type II > 150 sq ft | Street Facing New Type I < 150 sq ft Type II > 150 sq ft | |
| Additions (e.g. dormer, porch) Additions are considered alterations in the Zoning Code. | Non-street Facing Exempt < 150 sq ft Type II > 150 sq ft | | |
| Notes: 1. In addition to the actions listed in this table, the following actions will continue to remain exempt under certain circumstances: retaining walls, fences, decks, rooftop mechanical equipment and solar panels. 2. Definitions for maintenance, repair and restoration are adopted to clarify when review is required. 3. RH through RF Zones include the following zones: RH, R1, R2, R2.5, R3, R5, R7, R10, R20, and RF. | | | |

Table 4: Current and Adopted Procedure Types

| Procedure Type | Decision Maker | Days to Decision | Notice | Appealable at local level | Appealable to LUBA | Historic Review Examples |
|--|---|------------------|---|---------------------------|--------------------|--|
| Type I (existing procedure type, adopted to be renamed “Type Ix”) | Staff | 30-45 | Property owners within 100 ft of site and Associations | No | Yes | Signs < 150 sq ft |
| Type I (revised procedure type for Type I reviews in RH through 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 150 sq ft |
| Type II | Staff | 56 | Property owners within 150 ft of site and Associations within 400 ft of site | Yes | Yes | Exterior alterations > 150 sq ft and < \$396,200 to a structure that is not an individual landmark |
| Type III | Local review body (e.g. Landmarks Commission) | 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 an individual landmark |

Notes:

1. The vast majority of historic reviews are currently processed through a Type II review.
2. RH through RF Zones include the following zones: RH, R1, R2, R2.5, R3, R5, R7, R10, R20, and RF.

Why 150 square feet?

The discussion draft released in November 2012 proposed a 200 sf review threshold for alterations and additions, but community members expressed concern about the amount of damage to historic resources that could be done within a 200 sf area. To respond to those concerns, staff lowered the adopted threshold to 150 sf and limited the exemption to work on non street-facing facades of non-contributing structures. All other work will still receive some level of review. See alterations and additions in Table 3 for more information.

150 sf is a reasonable threshold between a small and large project for the purposes of historic review. 150 sf allows a homeowner to add a small dormer, a new back porch or replace several windows. These projects are fairly simple and reducing the review threshold, or exempting the project in some instances, was identified as 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 “contributing status” as a distinction that could be used to allow a quicker and less expensive review process for projects that have less impact on the historic significance of resources. This information is readily available to homeowners and staff and would be easy to implement, but would potentially allow actions to non-contributing structures that impact the overall character of a district.

Another approach is to distinguish between street-facing and non street-facing facades. 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 were applied in the code amendments in this package – minor alterations and additions to non-contributing, non street-facing facades are exempt; all others go through some level of review. Refer to the diagram below for an illustration.



Other minor changes

The current terminology in chapters 33.445 and 33.846 uses 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 adopted 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 to be replaced throughout *Title 4, Original Art Murals, Title 32, Signs* and *Title 33, Planning and Zoning*:

- Change *Historic Design Review* to *Historic Resource Review*
- Change *Historic Reviews* to *Historic Resource Reviews*
- Change *Historic Resource Protection Overlay Zone* to *Historic Resource Overlay Zone*
- Change *historic design districts* to *historic districts*

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III. Code Amendments

How to read this document

The following pages show adopted 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 adopted changes.

Commentary

Chapter Title. The term "Protection" is proposed for deletion from the title of the chapter for simplicity and consistency with other overlay zone chapter titles.

**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 type (e.g. restoration, rehabilitation). Changing the title of historic design review to historic resource 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 review, which is required for some alterations to historic resources. Historic ~~design~~ resource 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 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 review process. Modifications made as part of historic ~~design~~ resource 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 Review. Modifications to all other standards are subject to the adjustment process. Modifications that are denied through historic ~~design~~ resource review may be requested through the adjustment process.

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

Commentary

The amendments on pages 18-28 apply to historic and conservation landmarks. Amendments to historic and conservation districts begin on page 30.

33.445.120 Historic Preservation Incentives for Historic Landmarks
Consolidated text.

33.445.130 Relocation of a Historic Landmark
Broke text into discrete subsections for readability.

33.445.140 Alterations to a Historic Landmark

A.1. Paragraph A.1. requires historic resource review for all "Exterior Alterations" (a series of exemptions in 33.445.140.B then limits the applicability of this requirement).
A.2. added alterations to other elements such as accessory structures, landscape elements or other historic features. However this language is redundant. Exterior Alteration as defined in 33.910 already includes:

A physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior alteration does include the following:

- *Changes to the facade of a building;*
- *Increases or decreases in floor area that result in changes to the exterior of a building;*
- *Changes to other structures on the site or the development of new structures;*
- *Changes to exterior improvements;*
- *Changes to landscaping; and*
- *Changes in the topography of the site.*

A.2. 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 of *exterior* color when...".

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 and preservation agreements. 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 following apply:

- A.** The receiving site is subject to Section 33.846.060, Historic ~~Design~~ Resource 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.
- B.** The Historic Landmark designation is automatically removed from the sending site; see Section 33.855.075, Automatic Map Amendments For Historic resources.
- C.** 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 review to ensure the landmark's historic value is considered prior to or during the development process.

A. When historic ~~design~~ resource review for a Historic Landmark is required.

Unless exempted by Subsection B, below, the following proposals are subject to historic ~~design~~ resource review. Some modifications to site-related development standards may be reviewed as part of the historic ~~design~~ resource 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 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;~~
- 23. Change of exterior color when:
 - a. ~~Facade~~ Exterior color or material 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; or
 - b. Other proposed alterations to the landmark require review and the proposed alterations include a change of ~~facade~~ exterior color; or
 - c. ~~Facade~~ Exterior color has been specifically ~~approved~~ required through ~~historic design~~ a land use review.

Commentary

33.445.140 Alterations to a Historic Landmark

A.3. Added verb for code construction consistency. Note that historic resource review would not be required for changes to sign copy, as specified in Subsection 32.38.010.C of the Sign Code:

"Content-Neutral Administration of Land Use Reviews. Notwithstanding any other provision of this Title or of related standards referenced in this Title, applications for adjustments, design review, and historic ~~design~~ resource review for signs will be reviewed only with respect to sign structure or placement, or with reference to copy only to the extent of color or typeface and excluding any reference to message, category, subject, topic, or viewpoint."

33.445.140.B. Exempt from historic resource 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 for historic resources, and is consistent with the requirement to obtain a building or demolition 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 and protects other historic features beyond colors and materials, when they have been specifically identified in the nominating documentation. Alterations are currently defined in 33.910.

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

B.5 and B.6. The following definitions for repair and maintenance are being proposed in 33.910 as part of this project:

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

Maintenance - Actions, such as painting a previously painted surface or re-roofing using the same type of materials, performed to prevent a structure, or one of its constituent systems, 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 not be exempt, and would be reviewed with the new building.

34. Installation or alteration of eExterior signs;
45. Alteration of an interior space when that interior space is designated as a Historic Landmark;
56. Proposals using any of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080; and
67. 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 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 the exterior ~~features~~material or color of a resource having ~~exterior materials or color~~ such features specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as ~~an~~ attributes that contributes to the resource's historic value;
3. ~~Changes~~ Alterations in landscaping unless the landscaping is identified 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 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

33.445.140.B. Exempt from historic 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. This proposed exemption allows modifications to accommodate persons with disabilities provided such modifications will not irreparably destroy building materials and conform to the requirements of the Oregon Structural Specialty Code. More extensive modifications may also be allowed, but would be subject to 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 from the exterior of the historic resource.



B.11 and B.12. Storm and screen windows/doors are removable features that are distinct from windows and doors. Wood storm and screen windows/doors typically fit neatly into the existing frame and have little or no impact on the historic resource. Metal storm windows/doors typically extrude from the frame and are attached to the resource. In both cases, storm and screen windows/doors are not permanent and can be readily removed by the next owner.

33.445.1450.C. Exempt from demolition review and demolition delay review.

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.

- 87. Public Art as defined in Chapter 5.74;
- 9. Exterior alterations to accommodate persons with disabilities in accordance with Chapter 11 of the Oregon Structural Specialty Code, when such alterations can be installed and removed without destroying existing materials.
- 10. Light wells when fully surrounded by the existing walls of the building;
- 11. Installation or removal of storm windows and doors; and
- 12. Installation or removal of screen windows and doors.

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 ~~300~~ 200 square feet, unless the accessory structure is identified 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;

Commentary

33.445.220 Historic Preservation Incentives for Conservation Landmarks

Corrected an inadvertent omission of a section reference, and made consistent with language for Historic Landmarks (33.445.120).

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 review for a Conservation Landmark is required.

A.1. Paragraph A.1. requires historic resource review for all "Exterior Alterations" (a series of exemptions in 33.445.140.B then limits the applicability of this requirement).

A.2. added alterations to other elements such as accessory structures, landscape elements or other historic features. However this language is redundant. Exterior Alteration as defined in 33.910 already includes:

A physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior alteration does include the following:

- Changes to the facade of a building;
- Increases or decreases in floor area that result in changes to the exterior of a building;
- Changes to other structures on the site or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

A.2. 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 of exterior color when...".

A.3. Added verb for code construction consistency. Note that historic review would not be required for changes to sign copy, as specified in Subsection 32.38.010.C of the Sign Code:

"Content-Neutral Administration of Land Use Reviews. Notwithstanding any other provision of this Title or of related standards referenced in this Title, applications for adjustments, design review, and historic ~~design~~ resource review for signs will be reviewed only with respect to sign structure or placement, or with reference to copy only to the extent of color or typeface and excluding any reference to message, category, subject, topic, or viewpoint."

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 and preservation agreements. See Sections 33.445.600 through .610.

33.445.225 Relocation of a Conservation Landmark

When a Conservation Landmark is relocated, the following apply:

- A. The receiving site is subject to Section 33.846.060, Historic Resource 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.
- B. The Conservation Landmark designation is automatically removed from the sending site; see Section 33.855.075, Automatic Creation or Removal of Historic Resource Designation.
- C. 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~~ resource review to ensure the landmark's historic value is considered prior to or during the development process.

A. When historic ~~design~~ resource review for a Conservation Landmark is required.

Unless exempted by Subsection B, below, the following proposals are subject to historic ~~design~~ resource 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 in the Historic Resource Inventory or Conservation Landmark nomination as an attribute that contributes to the historic value of the Conservation Landmark;~~
- 2. Change of exterior color when:
 - a. Exterior color or material is a character defining features that is specifically listed in the Historic Resource Inventory, Conservation Landmark nomination, or National Register nomination; or
 - 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 required through a land use review.
- 3. Installation or alteration of ~~e~~ Exterior signs;

Commentary

33.445.230.B. Exempt from historic resource 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 or demolition 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 and protects other historic features beyond colors and materials, when they have been specifically identified in the nominating documentation. Alterations are currently defined in 33.910. Exemptions for landscape alterations (B.3.) was added for greater consistency with provisions for Historic Landmarks.

B.5 and B.6. The following definitions for repair and maintenance are being proposed in 33.910 as part of this project:

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

Maintenance - Actions, such as painting a previously painted surface or re-roofing using the same type of materials, performed to prevent a structure 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.

4. Alteration of an interior space when that interior space is designated as a Conservation Landmark;
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 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 the exterior ~~features, material or color~~ of a resource having ~~exterior materials or color~~ such features 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 in the Historic Resource Inventory, Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of a Conservation Landmark;
4. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence;
- ~~53.~~ 5. ~~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.~~ 7. 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 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.~~ 8. Public Art as defined in Chapter 5.74.

Commentary

33.445.230.B Exempt from historic 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. This proposed exemption allows modifications to accommodate persons with disabilities provided such modifications will not irreparably destroy building materials and conform to the requirements of the Oregon Structural Specialty Code. More extensive modifications may also be allowed, but would be subject to 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 and B.12. Storm and screen windows/doors are removable features that are distinct from windows and doors. Wood storm and screen windows/doors typically fit neatly into the existing frame and have little or no impact on the historic resource. Metal storm windows/doors typically extrude from the frame and are attached to the resource. In both cases, storm and screen windows/doors 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. Exterior alterations to accommodate persons with disabilities in accordance with Chapter 11 of the Oregon Structural Specialty Code, when such alterations can be installed and removed without destroying existing materials;
10. Light wells when fully surrounded by the existing walls of the building;
11. Installation or removal of storm windows and doors; and
12. Installation or removal or screen windows and doors.

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 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.

Commentary

33.445.320. A. When historic resource 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 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. Note that historic review would not be required for changes to sign copy, as specified in Subsection 32.38.010.C of the Sign Code:

"Content-Neutral Administration of Land Use Reviews. Notwithstanding any other provision of this Title or of related standards referenced in this Title, applications for adjustments, design review, and historic ~~design~~ resource review for signs will be reviewed only with respect to sign structure or placement, or with reference to copy only to the extent of color or typeface and excluding any reference to message, category, subject, topic, or viewpoint."

33.445.320.B. Exempt from historic resource 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 and protects other historic features beyond colors and materials, when they have been specifically identified in the nominating documentation. Alterations are currently defined in 33.910.

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~~ review. ~~Historic design review~~ to ensures the resource's historic value is considered prior to or during the development process.

A. When historic ~~design resource~~ 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~~ review:

1. Exterior alterations ~~of a primary structure~~;
2. Building a new structure;
3. Installation or alteration of ~~e~~Exterior 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~~ review.

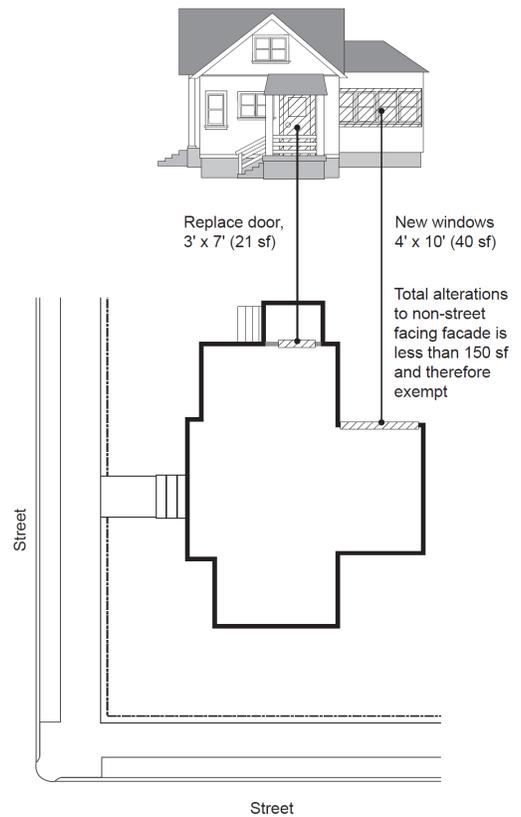
1. Construction of a detached accessory structure with ~~300~~ 200 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line and, if on a corner lot, at least 25 feet from a side street lot line;
2. ~~Changes~~ Alterations that do not require a building, site, zoning, or sign permit from the City, and that will not alter the exterior features ~~material or color~~ of a resource having ~~exterior materials or color~~ such features specifically listed in the Historic Resource Inventory, ~~Historic~~ Landmark nomination, or National Register nomination as ~~an~~ attributes that contributes to the resource's historic value;

Commentary

33.445.320.B. Exempt from historic resource review

B.3. Multiple alterations may be proposed on any number of facades, provided the structure is not identified as contributing to the Historic District, and the alterations do not affect the street-facing elevation. The sum total of those alterations must be less than 150 sf (to help distinguish from a linear measurement). For example, replacing a back door that is 3 feet x 7 feet (21 sf) and adding new windows (40 sf) would affect 61 square feet of the area of the facades. New facade area created by dormers also contributes to the total allowed impact area. As part of this project, contributing resource will be defined in 33.910 as:

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. This exemption allows replacement of existing basement windows and limited changes to window sizes (to facilitate egress window installation when converting basements to habitable space). Changing the size of the window opening on a non street facing façade, requiring that at least 50% of the window area is below grade, and stipulating that the window glass be recessed from the wall will have minimal impacts on the significance of the historic resource.

Added **Figure 445-1 Basement Windows Replacement** to illustrate new exemption in historic and conservation districts related to basement window alterations on non street-facing facades. See 33.445.320.B.4.

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

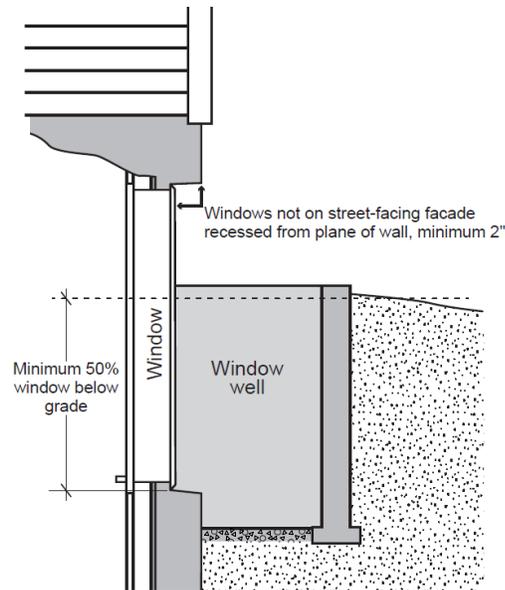
The following definitions for repair and maintenance are being proposed in 33.910 as part of this project:

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

Maintenance - Actions, such as painting a previously painted surface or re-roofing using the same type of materials, performed to prevent a structure, or one of its constituent systems, from falling into a deteriorated condition.

3. Alterations to noncontributing resources where the alterations:
 - a. Affect only non-street-facing facades; and
 - b. The total area altered on all facades is up to 150 square feet. Calculation of the area of the facades affected includes the sum of the area of each alteration.
4. Alterations to existing basement windows, where the alterations:
 - a. Affect only non-street-facing facades; and
 - b. Are limited to any combination of the following:
 - (1) Replacement of windows in the same size opening, provided the window glass is recessed at least 2 inches from the outside edge of the exterior wall;
 - (2) Replacement of windows in a larger or smaller opening, provided that at least half of the area of the new window opening is below grade and the window glass is recessed at least 2 inches from the outside edge of the exterior wall. See Figure 445-1.

Figure 445-1
Basement Windows Replacement



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;

Commentary

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

B.10. 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.

B.10. Extended vent exemption to include all residential structures with up to 3 dwelling units in zones other than RF-R1 to address single family, duplex and triplexes in Historic Districts that are in Commercial or Employment zones.

B.10.a(2). Increased the exemption from 6 to 12 inches increases flexibility for venting new types of high-efficiency furnaces.

B.11. Renumbered exemption for solar energy systems. Full text included for context and to reflect terminology change from "Historic Design Review" to "Historic Resource Review"

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.1011, Vents.
- a. The area where the equipment will be installed ~~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.

1011. Vents. On all residential structures in the RF through R1 zones and residential structures with up to three dwelling units in other zones, vents that meet all of the following:

- a. Wall vents. ~~Proposed v~~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 ~~6-12~~ 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 v~~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 review, the solar energy systems is not exempt:

Commentary

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

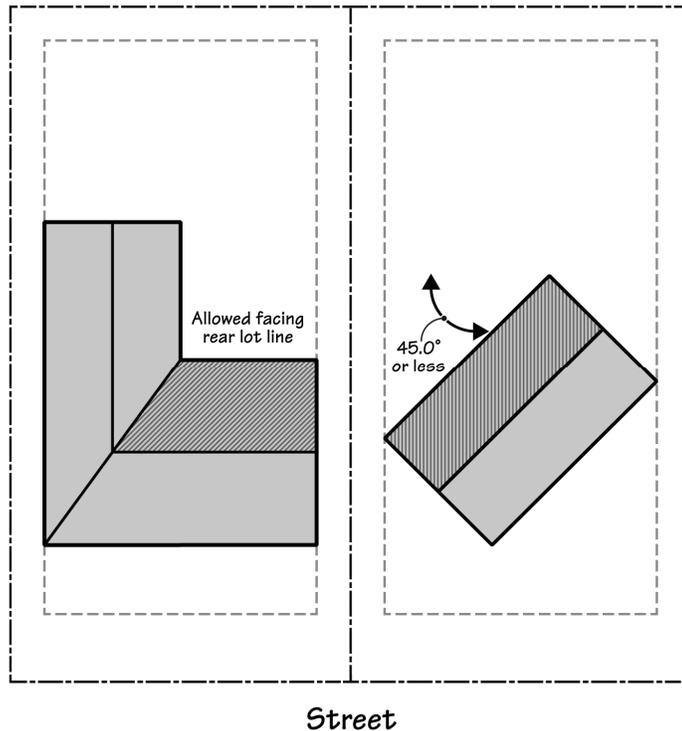
B.12. Added an exemption for skylights and roof hatches. These do not typically affect the significance of the resource when adequately screened.

- 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.
- 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-~~21~~ 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-~~32~~.

12. Skylights or roof hatches that meet the following requirements:

- a. The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
- b. The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 45 degrees of the rear lot line, see Figure 445-2.

Figure 445- 12
Solar Energy System, Skylight and Roof Hatch Location on Rooftop



Commentary

B.13. Added exemption for radon mitigation systems. These systems include a small mechanical fan unit and vent pipe that removes hazardous radon gas from basements. This is particularly important for historic and conservation districts in north and northeast Portland, where high radon levels pose a health risk.

B14. 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.17. To facilitate compliance with the Americans with Disabilities Act (ADA), local governments may need to make reasonable modifications to existing policies or practices. This proposed exemption allows modifications to accommodate persons with disabilities provided such modifications will not irreparably destroy building materials and conform to the requirements of the Oregon Structural Specialty Code. More extensive modifications may also be allowed, but would be subject to review.

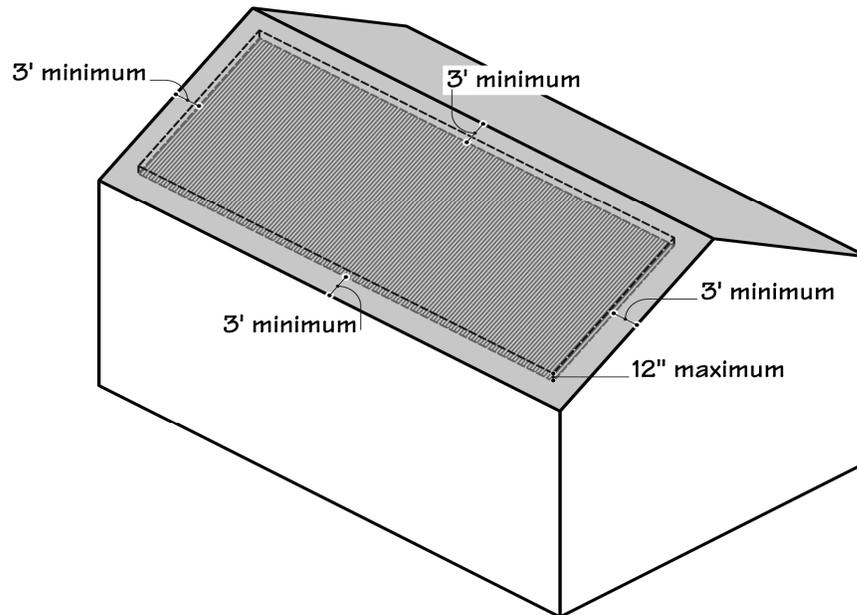
B.18. Light wells are typically open air, exterior facades of a building that do not face a street and/or are not visible from the right of way because of the building floor plan configuration. They also often serve a utilitarian function for venting mechanical equipment and other building systems uses. 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.19 and B.20. Storm and screen windows/doors are removable features that are distinct from windows and doors. Wood storm and screen windows/doors typically fit neatly into the existing frame and have little or no impact on the historic resource. Metal storm windows/doors typically extrude from the frame and are attached to the resource. In both cases, storm and screen windows/doors are not permanent and can be removed by the next owner.

B.21. Section 33.445.320.A.1, When historic 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.22. 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.

Figure 445- 23
Solar Energy Systems on a Pitched Roof



13. Radon mitigation systems on non-street facing facades;

149. 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 review, the eco-roofs are not exempt. Plants must be species that do not characteristically exceed 12 inches in height at mature growth.

157. Public Art as defined in Chapter 5.74; and

1640. 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;

17. Exterior alterations to accommodate persons with disabilities in accordance with Chapter 11 of the Oregon Structural Specialty Code, when such alterations can be installed and removed without destroying existing materials.

18. Alterations to light wells when fully surrounded by the existing walls of the building;

19. Installation or removal of storm windows and doors;

20. Installation or removal of screen windows and doors;

21. Fences, retaining walls, and decks that meet the standards of this Title; and

22. Removal of fire escapes when required by the Fire Marshal.

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

Commentary

33.445.420.A When historic resource 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 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. Note that historic review would not be required for changes to sign copy, as specified in Subsection 32.38.010.C of the Sign Code:

"Content-Neutral Administration of Land Use Reviews. Notwithstanding any other provision of this Title or of related standards referenced in this Title, applications for adjustments, design review, and historic ~~design~~ resource review for signs will be reviewed only with respect to sign structure or placement, or with reference to copy only to the extent of color or typeface and excluding any reference to message, category, subject, topic, or viewpoint."

33.445.420.B. Exempt from historic resource 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 and protects other historic features beyond colors and materials, when they have been specifically identified in the nominating documentation. Alterations are currently defined in 33.910.

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~~ review. ~~Historic design review~~ ensures the resource's historic value is considered prior to or during the development process.

A. When historic ~~design resource~~ 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~~ 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 alteration 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~~ review.

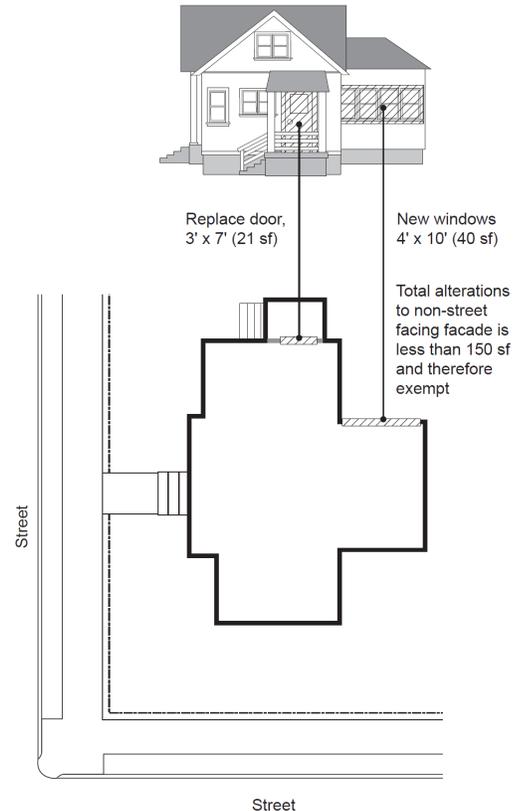
1. Construction of a detached accessory structure with ~~300~~ 200 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line and, if on a corner lot, 25 feet from a side street property line;
2. ~~Changes~~ Alterations that do not require a building, site, zoning, or sign permit from the City, and that will not alter the exterior features ~~material or color~~ of a resource having ~~exterior materials or color~~ such features 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;

Commentary

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

B.3. Multiple alterations may be proposed on any number of facades, provided the structure is not identified as contributing to the Conservation District, and the alterations do not affect the street-facing elevation. The sum total of those alterations must be less than 150 sf (to help distinguish from a linear measurement). For example, replacing a back door that is 3 feet x 7 feet (21 sf) and adding new windows (40 sf) would affect 61 square feet of the area of the facades. New facade area created by dormers also contributes to the total allowed impact area. As part of this project, contributing resource will be defined in 33.910 as:

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. This exemption allows replacement of existing basement windows and limited changes to window sizes (to facilitate egress window installation when converting basements to habitable space). Changing the size of the window opening on a non street-facing façade, requiring that at least 50% of the window area is below grade, and stipulating that the window glass be recessed from the wall will have minimal impacts on the significance of the historic resource.

B.6 and B.7. The following definitions for repair and maintenance are being proposed in 33.910 as part of this project:

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

Maintenance - Actions, such as painting a previously painted surface or re-roofing using the same type of materials, performed to prevent a structure, or one of its constituent systems, from falling into a deteriorated condition.

3. Alterations to noncontributing resources where the alterations:

- a. Affect only non-street-facing facades; and
- b. The total area altered on all facades is up to 150 square feet. Calculation of the area of the facades affected includes the sum of the area of each alteration.

4. Alterations to existing basement windows, where the alterations:

- a. Affect only non-street-facing facades; and
- b. Are limited to any combination of the following exclusive of any other exempt alterations:
 - (1) Replacement of windows in the same size opening, provided the window glass is recessed at least 2 inches from the outside edge of the exterior wall;
 - (2) Replacement of windows in a larger or smaller opening, provided that at least half of the area of the new window opening is below grade and the window glass is recessed at least 2 inches from the outside edge of the exterior wall. See Figure 445-1.

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;

Commentary

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

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, added reference to newly added provisions for vents (see 33.445.420 B.10)

B.10. Added an exemption for vents in Conservation Districts to create consistency between the regulations applied in Historic Districts and Conservation Districts. Also, the vent exemption is extended to include all residential structures with up to 3 dwelling units in zones other than RF-R1 to address single family, duplex and triplexes in Conservation Districts that are in Commercial or Employment zones.

B.10.a(2). Note that in Historic Districts, the exemption was increased from 6 to 12 inches to allow greater flexibility for venting new types of high-efficiency furnaces.

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.11, Vents.
- a. The area where the equipment will be installed 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.
10. Vents. On all residential structures in the RF through R1 zones and residential structures with up to three dwelling units in other zones, vents that meet all of the following:
- a. Wall vents. 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 12 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. 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.

Commentary

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

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. Any proposal that must be reviewed against the community design standards is subject to an additional review fee. This proposed exemption mirrors the community design standards for historic resources, removing the need for this additional fee, when the only alteration is the addition of solar. The exemption for Conservation Districts differs from the exemption in Historic Districts as the regulations pertaining to Conservation Districts are prescribed by state law (HB#3516).

B.13. Added exemption for radon mitigation systems. These systems include a small mechanical fan unit and vent pipe that removes hazardous radon gas from basements. This is particularly important for historic and conservation districts in north and northeast Portland, where high radon levels pose a health risk.

B.17. To facilitate compliance with the Americans with Disabilities Act (ADA), local governments may need to make reasonable modifications to existing policies or practices. This proposed exemption allows modifications to accommodate persons with disabilities provided such modifications will not irreparably destroy building materials and conform to the requirements of the Oregon Structural Specialty Code. More extensive modifications may also be allowed, but would be subject to review.

B.18. 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.19 and B.20. Storm and screen windows/doors are removable features that are distinct from windows and doors. Wood storm and screen windows/doors typically fit neatly into the existing frame and have little or no impact on the historic resource. Metal storm windows/doors typically extrude from the frame and are attached to the resource. In both cases, storm and screen windows/doors are not permanent and can be removed by the next owner.

B.21. Section 33.445.420.A.1, When historic resource review is required in a Conservation District has been amended to expand the scope of historic design review to include all structures. This exemption continues the practice of allowing alterations to fences, decks and retaining walls without requiring review.

B.22. 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.

11. Solar energy systems added to an existing building that is neither a Conservation Landmark or Historic Landmark that meet the following requirements:
 - 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.
12. Skylights or roof hatches that meet the following requirements:
 - a. The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - b. The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 45 degrees of the rear lot line, see Figure 445-2.
- ~~139.~~ Radon mitigation systems on non-street facing facades;
14. 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 ~~design resource~~ review are proposed. Plants must be species that do not characteristically exceed 12-inches in height at mature growth.
- ~~157.~~ Public Art as defined in Chapter 5.74; and
- ~~168.~~ 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;
17. Exterior alterations to accommodate persons with disabilities in accordance with Chapter 11 of the Oregon Structural Specialty Code, when such alterations can be installed and removed without destroying existing materials.
18. Alterations to light wells when fully surrounded by the existing walls of the building;
19. Installation or removal of storm windows and doors;
20. Installation or removal of screen windows and doors;
21. Fences, retaining walls, and decks that meet the standards of this Title; and
22. Removal of fire escapes when required by the Fire Marshal.

33.445.430 Demolition of Historic Resources in a Conservation District – [no change]
[Remainder of Chapter 33.445 is unchanged, except for replacing the following terms:
"Historic Design Review" with "Historic Resource Review";
"33.846, Historic Review" with "33.846, Historic Resource Review"

Commentary

The City uses a variety of review procedures to distinguish between differing levels of case complexity. Each of these procedures has distinct timelines for providing notice to neighborhoods, issuing a decision, and for certain procedures allowing adequate time to file an appeal. Type I, II, IIx, and III are the four primary methods of processing land use review applications. Type I is the least involved and often the shortest process, while a Type III is longer and more involved. After the application is submitted, staff has 14 days to determine if a Type II application is complete, and 21 days to determine if a Type I, Type IIx or Type III application is complete, or request more information. In all procedures, applicants are required to respond to specific approval criteria.

For historic reviews, depending on the significance of the resource, and the extent of the proposal, the case may be reviewed pursuant to a Type I, II or III; demolitions are processed through a Type IV procedure. Most historic resource reviews are processed through a Type II that takes on average 6-8 weeks. This timeline (and associated cost) can be a disincentive for owners wishing to pursue relatively minor projects or would be otherwise beneficial to the historic resource or district, such as restoration of lost historic features. Consequently, some property owners may make improvements without a required review, while others may opt to not make any improvements. A new procedure is being proposed as part of this project, and is described on subsequent pages.

Summary of Review Types

| Review Type | Decision Maker | Days to Decision from complete application | Notice | Local Appeal | LUBA Appeal | Historic Resource Review Examples |
|------------------------------------|------------------------------------|--|---|--------------|-------------|--|
| "New" Type I (for Historic Review) | Staff | 26 | Property owners within 100 ft of site and Associations | No | Yes | Restoration; accessory structures, and exterior alterations of less than 150 sq ft |
| "old" Type I (to become "Type Ix") | Staff | 50 | Property owners within 100 ft of site and Associations | No | Yes | Signs < 150 sq ft |
| Type II | Staff | 49 | Property owners within 150 ft of site; Associations within 400 ft of site | Yes | Yes | Exterior alterations > 150 sq ft and < \$396,200 to a structure that is not a landmark |
| Type Ix | Staff | 61 | Property owners within 150 ft of site; Associations within 400 ft of site | Yes | Yes | N/A – applies to land division reviews only |
| Type III | Local review body (e.g. landmarks) | 82 | 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

33.730.014 Type I Procedure33.730.015 Type Ix 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 and Ix procedures are-is ~~an~~ administrative procedures.

The Type I and Ix procedures, or limited land use review, allow local decisions to be made administratively for such reviews as minor design and historic resource 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

Modifications to the timelines for some Type I procedures were proposed for Historic Resource Reviews in the RF to RH residential zones (includes all residential zones from the Residential Farm / Forest zone to the High Density Residential zone, but excludes Central Residential Zones found downtown and Institutional Residential Zones found around medical and college campuses). This new procedure is limited to activities such as historic restoration, accessory structures larger than 200 square feet (smaller structures are exempt), alterations involving less than 150 square feet of a façade, and additions that create less than 150 square feet of new floor area.

33.730.014 Type I Procedure

D. Processing Time.

To address concerns expressed about the time required to process applications for minor historic treatments, a new procedure type was created (by modifying the current Type I procedure). The "new" Type I adheres to Oregon state law prescribed minimum timelines for limited land use decisions, by reducing the notification timeline from 30 to 14 days, and allowing a decision to be rendered as soon as 7 days after the 14 day notification period. This means that after the City accepts the application as complete, a decision may be rendered and final within 21 days, a significant reduction from the minimum 45 days the current Type I procedure requires. In addition, since there is no local appeal, the timeline is further reduced since there is not a 14-day appeal period before the decision becomes final. It is important to note that the decision may still be appealed to the Land Use Board of Appeals.

Retaining the current Type I (to be renamed the Type Ix) procedure is still necessary for other reviews that require other City service bureaus to review an application for adequacy of services, and where the issues may be more complex. The minor historic reviews that will fall under the "new" Type I do NOT require review by these other bureaus and are more limited in scope, therefore the shorter timeframe is reasonable to process these applications.

There are no other differences between the "new" Type I and the current Type I, apart from the aforementioned notification and decision timelines. All Historic Resource Reviews will require the applicant to meet all the applicable approval criteria and notices to neighbors and associations will provide the same level of information.

By utilizing the "new" Type I review for these more minor historic cases, the timeline for the applicants is significantly reduced, and costs to process the application are likewise reduced since there are no associated costs for responding to an appeal (additional notice, staff preparation, time at the Historic Landmarks Commission, etc).

33.730.014 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 not required.
- 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 historic resource 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 and Type Ix 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. The director of BDS will not make the decision until at least 14 days after the notice required by Subsection C is mailed; and
 2. 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.
- 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.
- 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, Type Ix, and Type IV 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.

Commentary

33.730.014 Type I Procedure

D. Processing Time.

(continued)

Examples of projects intended for the "new" Type I review procedure:

Historic Restoration: Presently, these are reviewed through a Type II procedure. the City wants to encourage homeowners to restore historic features to strengthen the vitality of historic resources. Exempting this type of activity was not preferable 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 review.

Accessory structures (e.g. detached garages, gazebos, sheds): currently all accessory structures are exempt from historic review. Changes proposed in Chapter 33.445 would limit this to accessory structures of 200 square feet or less. Structures larger than 200 square feet will now be subject to review, but through the quicker and potentially less expensive process.

Small alterations and additions (e.g. porches, bay windows, replacement of doors, windows, or siding totaling less than 150 square feet of façade area). Similar to restoration, these small projects allow homeowners to make small scale improvements in a quicker and potentially less expensive process. More extensive projects would be reviewed through a Type II or Type III process, depending on the project value.

33.730.015 Type Ix Procedure

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

- A. Pre-application conferences.** A pre-application conference is not required.
- 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 Ix procedures are intended for such reviews as minor design 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 and Type Ix 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. 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. 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.
- 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, Type Ix, and Type IV 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.

Commentary

The changes on this page include the addition of the "new" Type I and renamed Type Ix.

33.730.042. Concurrent Reviews

Establishes that the Type Ix procedure has a higher hierarchy than the Type I. In practice this would mean that a case involving both a Type Ix and a Type I procedure would follow the procedures for Type Ix (e.g. longer timelines).

33.730.060 Application Requirements

The completeness period for the new Type I procedure is 14 days.

33.730.020 through 33.730.040 [no change]**33.730.042 Concurrent Reviews**

The following regulations apply to applications for more than one land use review on a site:

- A. [no change]
- B. When more than one review is requested and the reviews have different procedures, the overall application is processed using the highest procedure type. A Type III procedure is the highest, followed by Type IIx, Type II, Type Ix and then Type I;
- C. [no change]

33.730.050 [no change]**33.730.060 Application Requirements****A. Check for complete application.**

1. Initial check. An applicant must submit a request for a land use review on the appropriate forms supplied by the Director of BDS. The Director of BDS will review the application for completeness.
2. Incomplete applications. If the Director of BDS finds that the application is not complete, the following procedures apply:
 - a. The Director of BDS must notify the applicant of any missing information or materials within 14 days from the date of original submittal for Type I and Type II land use review procedures, and within 21 days from the date of original submittal for all other land use review procedures;
 - b. The applicant has 180 days from the date of original submittal to provide the missing information or material;
 - c. The application will be determined complete on the date the Director of BDS receives one of the following responses from the applicant:
 - (1) All of the missing information;
 - (2) Some of the missing information and written notice from the applicant that no other information will be provided; or
 - (3) Written notice from the applicant that none of the missing information will be provided.
 - d. If none of the responses listed above in A.2.c are received within 180 days of the date of the original submittal, the application will be voided on the 181st day. The City will not refund the filing fee.
3. The 120 day limit. The 120 day processing time limit required by ORS 227.178 will begin on the day the application is determined to be complete.

[No changes to the remainder of 33.730.060]

Commentary

33.730.070. Written Notice Requirements

Includes the required content for mailed notice. Type I and Type Ix are intended to include the same level of information, so they are combined in the same section (similar to the Type II and Type IIX notice section). This section included timelines for submitting comments, which are more appropriately contained in 33.730.014 and 015 where the procedure timelines are described, so they have been deleted from this section.

33.730.070 Written Notice Requirements

A. General information on notices. [no change]

B. Type I and Type Ix notice of request. The notice of request, when processed through a Type I or Type Ix procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal which could be authorized;
- An explanation of the local decision-making process for the decision being made;
- A list, by commonly used citation, of the applicable criteria for the decision;
- An invitation to comment, in writing, on the proposal and the place, date and time that comments are due. ~~This date and time will be at least 30 days from the mailing date of the notice, and at least 5 days before the decision must be rendered;~~
- A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised prior to expiration of the comment period;
- A statement that issues must be raised with sufficient specificity to afford the Director of BDS an opportunity to respond to the issues;
- A statement that copies of all evidence submitted by the applicant is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

C. through E. [No change]

F. Type I, Type Ix and Type IV notice of decision. The notice of decision must include the following:

[no changes to remainder of this subsection]

33.730.080 through 33.730.140 [No change]

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 resource review will help clarify the distinction between these two types of reviews.

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

**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 Review
- 33.846.070 Modifications Considered During Historic ~~Design~~ Resource 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 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 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.

The existing Type I review is being renamed to Type Ix as they take longer than the proposed new Type I review procedure (described below). Naming the longer review type as Type "Ix" mirrors the distinction made between Type II and the longer Type IIX procedures.

33.846.060.B.2

In zones RF through RH, the following proposals will be processed through a new Type I procedure that will apply to certain proposals subject to historic resource review, per the recommended changes in 33.730.015 (Zones RF through RH includes the following zones: RH, R1, R2, R2.5, R3, R5, R7, R10, R20 and RF):

- Historic restoration

The new Type I procedure essentially reduces the time the City takes to issue its decision from 45 days to 21 days. The current Type I (to be named Type Ix) procedure will continue to be used for projects that are more complicated or require additional city service bureau review.

The intent is that the new Type I will have a reduced fee structure, and with the shorter review time, property owners may be more inclined to adjust their proposals toward these activities that have less impact on the historic resources.

33.846.060 Historic Design Resource Review

- A. Purpose.** Historic design resource review ensures the conservation and enhancement of the special characteristics of historic resources.
- B. Review procedure.** Certain proposals specified in B.1 are subject to neighborhood contact requirements. Procedures for historic design resource reviews are shown in Tables 846-1 through 846-4, as follows:
1. Neighborhood Contact. [No change]
 2. For Historic Landmarks, including those in Historic Districts or Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.140.B, the review procedure is determined by Table 846-1, below:

[Add new table 846-1]

| Proposal | Zone | Threshold | Procedure |
|---|-------------|------------------------------------|---------------------|
| Alterations of a landmark-designated interior public space | All | Project value > \$407,700 | Type III |
| | | Project value < \$407,700 | Type II |
| Mechanical equipment | All | Exterior | Type I x |
| Awnings | All | New or replacement | Type I x |
| Signs | C, E, I, RX | Sign area < 150 sq. ft. | Type I x |
| Alteration to the exterior of a structure | C, E, I, RX | Affected façade area < 500 sq. ft. | Type I x |
| Historic restoration | RF-RH | | Type I |
| Any other non-exempt exterior alteration or historic restoration proposal | All | Project value > \$407,700 | Type III |
| | | Project value < \$407,700 | Type 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

The existing Type I review is being renamed to Type Ix as they take longer than the proposed new Type I review procedure (described below). Naming the longer review type as Type "Ix" mirrors the distinction made between Type II and the longer Type IIX procedures.

In zones RF through RH, the following proposals will be processed through a new Type I procedure that will apply to certain proposals subject to Historic Resource review, per the recommended changes in 33.730.015 (Zones RF through RH includes the following zones: RH, R1, R2, R2.5, R3, R5, R7, R10, R20 and RF):

- Historic restoration

The primary difference between the current Type I review procedure and the new 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, when proposals are not exempt from review as specified in Subsection 33.445.230.B, the review procedure is determined by Table 846-2, below:

[Add new table 846-2]

| Table 846-2 | | | |
|---|-------------|------------------------------------|----------------------------|
| Procedure Types for proposals affecting Conservation Landmarks | | | |
| Proposal | Zone | Threshold | Procedure |
| Signs | C, E, I, RX | Sign area < 150 sq. ft. | Type I <u>X</u> |
| Alteration to the exterior of a structure | C, E, I, RX | Affected façade area < 500 sq. ft. | Type I <u>X</u> |
| Historic restoration | RF-RH | | Type I |
| Any other non-exempt exterior alteration or historic restoration proposal | All | | Type 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

The existing Type I review is being renamed to Type Ix as they take longer than the proposed new Type I review procedure (described below). Naming the longer review type as Type "Ix" mirrors the distinction made between Type II and the longer Type IIX procedures.

In zones RF through RH the following proposals will be processed through a new Type I procedure that will apply to certain proposals subject to historic resource review, per the recommended changes in 33.730.015 (Zones RF through RH includes the following zones: RH, R1, R2, R2.5, R3, R5, R7, R10, R20 and RF):

- New accessory structures;
- Proposals for exterior alterations that are less than 150 square feet of facade area; and
- Historic 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, when proposals are not exempt from review as specified in Subsection 33.445.320.B, the review procedure 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 | Project value > \$407,700 | Type III |
| | | Project value < \$407,700 | Type II |
| New accessory structure | RF - RH | | Type I |
| Signs | C, E, I, RX | Sign area < 150 sq. ft. | Type I x |
| Alteration to the exterior of a structure | C, E, I, RX | Affected façade area < 500 sq. ft. | Type I x |
| Alteration to the exterior of a structure | RF -RH | Affected façade area < 150 sq. ft. | Type I |
| Historic restoration | RF-RH | | Type I |
| Any other non-exempt exterior alteration or historic restoration proposal | All | Project value > \$407,700 | Type III |
| | | Project value < \$407,700 | Type 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

The existing Type I review is being renamed to Type Ix as they take longer than the proposed new Type I review procedure (described below). Naming the longer review type as Type "Ix" mirrors the distinction made between Type II and the longer Type IIX procedures.

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 review, per the recommended changes in 33.730.015 (Zones RF through RH includes the following zones: RH, R1, R2, R2.5, R3, R5, R7, R10, R20 and RF):

- New accessory structures;
- Proposals for exterior alterations that are less than 150 square feet of facade area; and
- Historic 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 Review"

5. For Conservation Districts, excluding Historic or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.420.B, the review procedure is determined by Table 846-4, below:

[Add Table 846-4]

| Table 846-4 | | | |
|---|-------------|------------------------------------|---------------------|
| Review procedures for proposals within Conservation Districts | | | |
| Proposal | Zone | Threshold | Review Type |
| New structure | All | | Type II |
| New accessory structure | RF - RH | | Type I |
| Signs | C, E, I, RX | Sign area < 150 sq. ft. | Type I x |
| Alteration to the exterior of a structure | C, E, I, RX | Affected façade area < 500 sq. ft. | Type I x |
| Alteration to the exterior of a structure | RF-RH | Affected façade area < 150 sq. ft. | Type I |
| Historic restoration | RF-RH | | Type I |
| Any other non-exempt exterior alteration or historic restoration proposal | All | | Type II |

- a. ~~Except as specified in B.5.eb, 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 Review".]

Commentary

33.900 includes a reference index of the terms that are included and defined in 33.910 Definitions. Changes adopted to 33.910 to add, delete, or modify the location of certain terms are reflected in the reference index as shown on the next page. Note that this does not include the full index of terms, only those to be modified and those already listed under the "Historic Resource-Related Definitions".

**CHAPTER 33.900
LIST OF TERMS**

33.900.010 List of Terms

The following terms are defined in Chapter 33.910, Definitions, unless indicated otherwise.

[terms that are not included below are unchanged]

Contributing Resource
See Historic Resource-Related Definitions

~~ESEE Analysis~~ *See Historic Resource-Related Definitions*

~~Historic Context~~ *See Historic Resource-Related Definitions*

~~Historic Ensemble~~ *See Historic Resource-Related Definitions*

Historic Resource-Related Definitions

- Conservation Landmark
- Contributing Resource
- ~~ESEE Analysis~~
- ~~Historic Context~~
- ~~Historic Ensemble~~
- Historic Landmark
- Historic Resource
- Historic Resource Inventory
- Historic Restoration
- Historic Value
- Replacement
- ~~Renovation Plan~~

Historic Resources Inventory *See Historic Resource-Related Definitions*

Historic Restoration *See Historic Resource-Related Definitions*

Maintenance

Repair

Replacement *See Historic Resource-Related Definitions*

~~Landmark~~ *See Historic Resource-Related Definitions*

Renovation Plan *See Historic Resource-Related Definitions*

Commentary

Contributing Resource. This definition was 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 moved out of the Historic Resource-Related Definitions section 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. The definition was retained as it continues to apply to natural, scenic, and open space resources.

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

**CHAPTER 33.910
DEFINITIONS**

[terms that are not included below are unchanged]

Contributing Resource. See Historic Resource-Related Definitions.

ESEE Analysis. ~~See Historic Resource-Related Definitions.~~ A type of analysis which is used to help determine if a particular resource should be protected in accordance with Statewide Planning Goal 5. 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.

~~**Historic Context.** See Historic Resource-Related Definitions.~~

~~**Historic Ensemble.** See Historic Resource-Related Definitions.~~

Historic Resource-Related Definitions

- **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.
- ~~**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.~~

Commentary

Historic Resource. Added "place" to be inclusive of neighborhoods which are neither structures nor objects.

Historic 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 recover the staff costs of doing the necessary research to ensure the restoration is conducted 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. Adding this definition helps make it more clear to homeowners what types of activities are considered restoration, and therefore fall under the shortened review applied to restoration.

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.

Renovation Plan. Removes an obsolete term that is not used elsewhere in the Zoning Code. Also, renovation is no longer an accurate term for historic preservation practices

Landmark. This outdated reference is being deleted as "Historic Landmark" and "Conservation Landmark" had already replaced the general term "Landmark".

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. Additional examples of maintenance and repair will be created by the Bureau of Development Services as a follow up to this project.

- **Historic Resource.** A place, 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~~ A documentation and preliminary evaluation of the significance of historic resources. Information for each resource may 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~~ of significance.
- **Historic Restoration.** Actions undertaken to accurately depict the form, features, and character of a historic resource as it appeared at a particular period of time. This is done by removing features not from that particular period, and reconstructing missing features from that particular 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.~~
- **Replacement.** Actions to substitute one material or system for another.

Historic Restoration. See Historic Resource-Related Definitions.

~~**Landmark.** See Historic Resource-Related Definitions.~~

Maintenance. Actions, such as painting a previously painted surface or re-roofing using the same type of materials, performed to prevent a structure, or one of its constituent systems, from falling into a deteriorated condition.

~~**Renovation Plan.** See Historic Resource-Related Definitions.~~

Repair. Actions to fix or mend a damaged or deteriorated structure, or one of its constituent systems, with similar material while retaining sound parts or elements.

Replacement. See Historic Resource-Related Definitions.

Commentary

Changes to Terminology used throughout City Code Titles

The amendments in the following pages reflect the changes in terminology adopted throughout the City Code. These changes affect Title 4, Original Art Murals, Title 32, Signs and Title 33 Planning and Zoning. The same changes in terminology were adopted for chapters 33.445, 33.730, 33.846, and 33.910; however those amendments are included with other adopted changes to those chapters, and are not repeated here.

- **Change "Historic Design Review" to "Historic Resource Review"**
- **Change "Historic Reviews" to "Historic Resource Reviews"**
- **Change "Historic Resource Protection Overlay Zone" to "Historic Resource Overlay Zone"**
- **Change "historic design districts" to "historic districts"**
- **Change current occurrences of "Type I" to "Type Ix" in order to distinguish from a new Type I procedure that is proposed for some historic resource reviews.**
- **Change an erroneous reference in the list of sections in 33.855 to reflect the current name for section 33.855.075.**

NOTE: The changes shown in the following pages are for reference only. The full context of existing code language that precedes and follows these distinct changes is not reflected. Also, to reduce the size of the amendment package, this commentary is not repeated on each subsequent page.

Title 4, Original Art Murals

4.20.010 Allowed Original Art Murals.

Original Art Murals that meet all of the following criteria and which are not prohibited will be allowed upon satisfaction of the applicable permit requirements:

A. through D. [No change]

E. In the Historic Resource ~~Protection~~-Overlay Zones, murals may be allowed on buildings that have been identified as non-contributing structures within Historic and Conservation Districts. These murals shall meet all of the additional, objective Design Standards for Original Art Murals, as established in the Bureau of Development Services Administrative Rules.

Title 32, Signs

32.10.050 Relationship to Approved Land Use Reviews.

The sign-related provisions of any approved land use review that applies to the site supersede the standards of this code. Examples of land use reviews include Master Plans, Impact Mitigation Plans, Conditional Uses, Adjustments, Design and Historic ~~Design~~ Resource Reviews.

32.32.030 Additional Standards in All Zones.

D. Changing image sign features.

1 through 3 [no change]

4. Modifications or adjustments to the size standard. Modifications through design review or historic ~~design~~ resource review or adjustments to this regulation are prohibited, except as stated in paragraphs 4.b. through 4.d., below:

[Remainder is unchanged]

32.34.020 Additional Standards in Overlay Zones.

C. Historic Resource ~~Protection~~ Overlay Zone

1. Where these regulations apply. The regulations of this subsection apply to signs on sites with the historic resource ~~protection~~ overlay zone. However, signs are not required to go through historic ~~design~~ resource review if they meet one of the following standards:

a. The sign is a portable sign, lawn sign, or temporary sign; or

b. The sign is exempt from historic ~~design~~ resource review under Sections 33.445.140, Alterations to a Historic Landmark; 33.445.230, Alterations to a Conservation Landmark; 33.445.320, Development and Alterations in a Historic District; or 33.445.420, Development and Alterations in a Conservation District.

2. Regulations.

a. Generally. Signs must either meet the Community Design Standards in Subparagraph C.2.c., below, or go through ~~H~~historic ~~Design~~ resource ~~R~~review, as described in this paragraph. The Community Design Standards provide an alternative process to historic ~~design~~ resource review for some proposals. Where a proposal is eligible to use the Community Design Standards, the applicant may

choose to go through the discretionary historic ~~design resource~~ review process set out in Chapter 33.846, Historic ~~Design Resource~~ Reviews, or to meet the objective standards of Subparagraph C.2.c. If the proposal meets the Community Design Standards, no historic ~~design resource~~ review is required. Proposals that are not eligible to use the Community Design Standards, that do not meet the Community Design Standards, or where the applicant prefers more flexibility, must go through the historic ~~design resource~~ review process.

- b. When Community Design Standards may be used. See Chapter 33.445, Historic Resource ~~Protection~~ Overlay Zone.
- c. Community Design Standard for signs. In the C, E, and I zones, signs must meet the sign regulations of the CM zone. Signs with a sign face area of over 32 square feet may not face an abutting regional trafficway or any Environmental Protection Overlay Zone, Environmental Conservation Overlay Zone, or River Natural Greenway Overlay Zone that is within 1,000 feet of the proposed site.

[Remainder is unchanged]

Chapter 32.38 Land Use Reviews

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- 32.38.010 General.
- 32.38.020 Design Review and Historic ~~Design Resource~~ Review.
- 32.38.030 Adjustment Review.
- 32.38.040 Determination of Nonconforming Sign Status Review.

32.38.010 General.

- A.** Procedures. [no change]
- B.** Adjustments and Modifications. Requests for adjustments from the regulations of Chapters 32.30 through 32.38 are reviewed under Section 32.38.030, Adjustments. Modifications from the regulations of Chapters 32.30 through 32.38 through Design Review or Historic ~~Design Resource~~ Review are reviewed as specified in Chapters 33.825 and 33.846 of the Zoning Code. When the provisions of this Title prohibit adjustments, applications for adjustments will not be accepted.
- C.** Content-Neutral Administration of Land Use Reviews. Notwithstanding any other provision of this Title or of related standards referenced in this Title, applications for adjustments, design review, and historic ~~design resource~~ review for signs will be reviewed only with respect to sign structure or placement, or with reference to copy only to the extent of color or typeface and excluding any reference to message, category, subject, topic, or viewpoint.

32.38.020 Design Review and Historic ~~Design Resource~~ Review.

Where design review or historic ~~design resource~~ review is required by this Title, the awning or sign will be reviewed in accordance with the provisions of either Zoning Code Chapter 33.825, Design Review or Chapter 33.846, Historic ~~Resource~~ Review.

Title 33, Planning and Zoning

LIST OF CHAPTERS

445 Historic Resource ~~Protection~~ Overlay Zone

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| 846 Historic <u>Resource</u> Reviews..... | 846-1 |

33.100.210 Demolitions

The demolition of historic resources is regulated by Chapter 33.445, Historic Resource ~~Protection~~ Overlay Zone.

33.110.260 Demolitions

The demolition of historic resources is regulated by Chapter 33.445, Historic Resource ~~Protection~~ Overlay Zone.

33.120.290 Demolitions

The demolition of historic resources is regulated by Chapter 33.445, Historic Resource ~~Protection~~ Overlay Zone.

33.130.275 Demolitions

A. Demolition delay. Demolitions of all structures must comply with Chapter 33.445, Historic Resource ~~Protection~~ Overlay Zone

33.140.280 Demolitions

Demolitions of all structures must comply with Chapter 33.445, Historic Resource ~~Protection~~ Overlay Zone.

33.218.010 Purpose

Design review and historic ~~design~~ resource review ensure that development conserves and enhances the recognized special design values of a site or area, and promote the conservation, enhancement, and continued vitality of special areas of the City.

The Community Design Standards provide an alternative process to design review and historic ~~design~~ resource review for some proposals. Where a proposal is eligible to use this chapter, the applicant may choose to go through the discretionary design review process set out in Chapter 33.825, Design Review, and Chapter 33.846, Historic Resource Reviews, or to meet the objective standards of this chapter. If the applicant chooses to meet the objective standards of this chapter, no discretionary review process is required.

The purpose of these standards is to:

A. through D. [No change]

E. Offer developers the opportunity to comply with specific objective standards as a more timely, cost effective, and more certain alternative to the design review and historic ~~design~~ resource review process.

33.218.015 Procedure

A. Generally. This chapter provides an alternative to the design review process or historic design resource review process for some proposals. Where a proposal is eligible to use this chapter, the applicant may choose to go through either the discretionary design review process set out in Chapter 33.825, Design Review, and Chapter 33.846, Historic Resource Reviews, or to meet the objective standards of this chapter. If the proposal meets the standards of this chapter, no design review or historic design resource review is required. The standards determining which proposals are eligible to use this chapter are in Chapter 33.405, Alternative Design Density Overlay Zone; Chapter 33.420, Design Overlay Zone; Chapter 33.445, Historic Resources ~~Protection~~ Overlay Zone; and Chapter 33.505, Albina Community Plan District.

The standards of this chapter do not apply to proposals reviewed through the discretionary design review processes set out in Chapter 33.825, Design Review, and Chapter 33.846, Historic Resource Reviews. Where a proposal is for an alteration or addition to existing development, the standards of this chapter apply only to the portion being altered or added.

33.274.050 Procedures for Conditional Use Review

A. Type Ix procedure. In all zones, requests for equipment cabinets or shelters located on private property associated with Radio Transmission Facilities mounted in a right-of-way are processed through a Type Ix procedure.

400s - OVERLAY ZONES (Title Page)

33.445 Historic Resource ~~Protection~~ Overlay Zone

33.405.050 Bonus Density for Design Review

B. Where the bonus may apply. The bonus density for design review is applicable in areas within the ADD zone that are zoned R3, R2, or R1. It is not, however, allowed on sites in design or historic design resource zones.

33.405.060 Attached Houses on Vacant Lots in the R5 Zone.

B.5.b. Exception. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic design resource review as set out in Chapter 33.445, Historic Resource ~~Protection~~ Overlay Zone.

33.405.070 Alternative Development Options in the R2 and R2.5 Zones

D.2. Exception. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic design resource review as set out in Chapter 33.445, Historic Resource ~~Protection~~ Overlay Zone.

33.405.080 Nonconforming Multi-Dwelling Housing

C.2. Exception. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic design resource review as set out in Chapter 33.445, Historic Resource ~~Protection~~ Overlay Zone.

33.420.045 Exempt From Design Review

The following items are exempt from design review:

A. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is instead subject to the regulations for historic design resource review as set out in Chapter 33.445, Historic Resource ~~Protection~~ Overlay Zone;

33.430.230 Procedure

A. Property Line Adjustments, resource enhancement activities, public recreational trails, rest points, view points, and interpretative facilities are processed through the Type Ix procedure.

Chapter 33.445 – [changes are addressed elsewhere]

33.465.230 Procedure

- A. Resource enhancement activities are processed through the Type Ix procedure.

33.505.220 Parking Requirement Reduction

- C.4.b. **Exception.** If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic ~~design~~ resource review as set out in Chapter 33.445, Historic Resource ~~Protection~~ Overlay Zone.

33.505.230 Attached Residential Infill on Vacant Lots in R5 Zoned Areas

- B.5.b. **Exception.** If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic ~~design~~ resource review as set out in Chapter 33.445, Historic Resource ~~Protection~~ Overlay Zone.

33.510.263 Parking in the Core Area

- G.5.d. If the site is within a historic ~~design~~ district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.

33.510.264 Parking in Lloyd District

- F.5.a. If the site is within a historic ~~design~~ district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.

33.510.265 Parking in the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict , and River District Sectors 1 and 2.

- F.5.a. If the site is within a historic ~~design~~ districts, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.

33.510.267 Parking in the South Waterfront Subdistrict.

- F.5.b. (1) If the site is within a historic ~~design~~ districts, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.

33.660.110 Review Procedures

B. Type Ix.

- 4. The proposal includes a concurrent land use review assigned to a Type I, Type Ix, Type II, or Type Iix procedure except environmental review. If environmental review is required, then the application is processed through a Type III procedure.

- C. **Type Ix.** All land divisions not assigned to a Type Iix or Type III, are processed through a Type Ix procedure.

33.660.310 Review Procedures

- A. **Type Ix.** Changes not listed in Subsections B or C, below, are processed through a Type Ix procedure.

33.662.110 Review Procedures

B. Type Ix.

4. The proposal includes a concurrent land use review assigned to a Type I, Type Ix, Type II, or Type Ix procedure except environmental review. If environmental review is required, then the application is processed through a Type III procedure.

- C. Type Ix.** All land divisions not assigned to a Type Ix or Type III in Sections A and B above, are processed through a Type Ix procedure.

33.662.310 Review Procedures

- A. Type Ix.** Changes not listed in Subsections B or C, below, are processed through a Type Ix procedure.

33.664.210 Review Procedure

Final Plats are reviewed through a Type Ix procedure.

33.670.110 Review Procedures

Review of Preliminary Plans is processed through a Type Ix procedure.

33.670.300 Review Procedure

Changes to an approved Preliminary Plan are reviewed through a Type Ix procedure. The decision of the Director of BDS is final.

33.675.100 Review Procedure

- A. Generally.** Lot consolidations are reviewed through Type Ix procedure.

33.700.025 Neighborhood Contact

- A. Purpose.** The Neighborhood Contact process provides a setting for an applicant and neighborhood residents to discuss a proposal in an informal manner. By sharing information and concerns early in the quasi-judicial or permit process, all involved have the opportunity to identify ways to improve a proposal, and to resolve conflicts before the proposal has progressed far into the quasi-judicial or permit process.

Where the proposal is for a land division, the focus of the meeting should be on the proposed configuration of lots, tracts, and streets. Where the proposal involves design review or historic ~~design resource~~ review, the focus of the meeting should be the design of the proposal and not whether the proposal will be built. Where the proposal is for a use or development that is allowed by the zoning, the focus of the meeting should be on the proposal and not on whether it will be built. The discussion at the meeting is advisory only and is not binding on the applicant.

33.710.060 Historic Landmarks Commission

- A. Purpose.** The Historic Landmarks Commission provides leadership and expertise on maintaining and enhancing Portland's historic and architectural heritage. The Commission identifies and protects buildings and other properties that have historic or cultural significance or special architectural merit. The Commission provides advice on historic preservation matters, and coordinates historic preservation programs in the City. The Commission is also actively involved in the development of design guidelines for historic ~~design~~ districts.

33.720.020 Quasi-Judicial Land Use Reviews

Quasi-judicial land use reviews are assigned to the review bodies stated below.

C. Design Commission.

2. Adjustments in a Design zone, except historic ~~design~~ districts and historic landmarks;

D. Historic Landmarks Commission.

2. ~~Design-Historic resource~~ review of Historic and Conservation Landmarks and structures in Historic or Conservation Districts.

Chapter 33.730 – [changes are addressed elsewhere]**800s - LAND USE REVIEWS (Title Page)**

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33.846 Historic Resource Reviews

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33.809.040 Procedure

A Comprehensive Natural Resource Plan is processed through a Type III procedure. Some proposals in a Comprehensive Natural Resource Plan may be identified as tentatively approved, and subject to an additional Type ~~II~~Ix procedure at a later date. The additional review will evaluate more detailed proposals and ensure conformance with the plan.

33.825.025 Review Procedures**A. Procedures for design review.**

3. Type Ix. The following proposals are processed through a Type Ix procedure: Proposals within an IR zone where the site has an approved impact mitigation plan (IMP), and where the IMP includes quantitative or objective design review guidelines. Proposals exempted from design review by the institution's approved IMP are exempt.

33.835.020 Initiating a Text Amendment

Text amendments may be initiated by the Planning Director, the Planning Commission, or by the City Council. The Historical Landmarks Commission may initiate amendments concerning historic ~~design~~ districts, and the Design Commission may initiate amendments concerning design districts. Others may make a request to the Planning Commission to consider a text amendment initiation, except for design guidelines. Requests for amendments to design guidelines in historic ~~design~~ districts are made to the Historical Landmarks Commission and to the Design Commission for design guideline amendments in other design districts. Initiations by a review body are made without prejudice towards the final outcome.

Chapter 33.846 – [changes are addressed elsewhere]**33.848.070 Impact Mitigation Plan Requirements****K. Design compatibility.**

1. A set of design review guidelines and procedural thresholds to mitigate the potential aesthetic impacts of large scale institutional development upon surrounding non-institutional development and public right-of-ways. For each specific development project located near the campus boundaries or abutting a right-of-way, the applicant must demonstrate compliance with these design guidelines prior to the granting of a building permit. This will be processed through a Type II or a Type Ix design review procedure at the completion of schematic design. A Type II procedure must be followed if the impact mitigation plan's design guidelines take the form of subjective or qualitative statements. The institution may choose a Type Ix procedure if the design guidelines are objective standards;

33.849.100 Procedure

- A. Type A.** Type A Marquam Hill Parking Reviews are processed through a Type Ix procedure.

Chapter 33.855, Zoning Map Amendments

Sections:

33.855.010 Purpose

33.855.020 Initiating a Zoning Map Amendment

33.855.030 When a Comprehensive Plan Map Amendment Is also Required

33.855.040 Procedure

33.855.050 Approval Criteria for Base Zone Changes

33.855.060 Approval Criteria for Other Changes

33.855.070 Corrections to the Official Zoning Maps

33.855.075 Automatic Map Amendments For Creation or Removal of Historic Resources Designations

33.855.080 Recently Annexed Areas

33.855.020 Initiating a Zoning Map Amendment

A. Quasi-Judicial. Requests for a zoning map amendment which are quasi-judicial may be initiated by an individual, a representative of the owner, the Planning Commission, or the City Council. The Historical Landmarks Commission may initiate amendments concerning historic ~~design~~ districts, and the Design Commission may initiate amendments concerning design districts. The Director of BDS may request amendments for initiation by the Planning Commission. Initiations by a review body are made without prejudice towards the outcome.

B. Legislative. Requests for zoning map amendments which are legislative may be initiated by the Planning Commission or the City Council. The Historical Landmarks Commission may initiate amendments concerning historic ~~design~~ districts, and the Design Commission may initiate amendments concerning design districts. Others may request to the Planning Commission to initiate a legislative zoning map amendment. The Planning Commission will review these amendment requests against adopted initiation criteria. Initiations by a review body are made without prejudice towards the outcome.

33.855.060 Approval Criteria for Other Changes

In addition to the base zones and Comprehensive Plan designations, the Official Zoning Maps also show overlay zones, plan districts, and other items such as special setback lines, recreational trails, scenic viewpoints, and historic resources. Amendments to all of these except historic resources and the creation of plan districts are reviewed against the approval criteria stated in this section. Historic resources are reviewed as stated in Chapter 33.846, Historic Resource Reviews. The creation of a new plan district is subject to the approval criteria stated in 33.500.050. An amendment will be approved (either quasi-judicial or legislative) if the review body finds that all of the following approval criteria are met:

[end of adopted amendments]