



LANDMARKS COMMISSION WORK SESSION

AGENDA

Wednesday, July 15, 2026

6:00 p.m.

This meeting includes in-person and virtual participation.

Council Chambers

333 Broadalbin Street SW

Or join the meeting here:

<https://council.albanyoregon.gov/groups/lac/zoom>

Phone: 1 (253) 215-8782 (long distance charges may apply)

Meeting ID: 891-3470-9381 Passcode: 530561

Please help us get Albany's work done.

Be respectful and refer to the rules of conduct posted by the main door to the Chambers and on the website.

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Public Comment
4. Scheduled Business
 - Article 7 Discussion [Pages 2-32]
5. Business from the Commission
6. Staff Updates
7. Next Meeting Date: August 5, 2026
8. Adjournment

This meeting is accessible to the public via video connection. The location for in-person attendance is accessible to people with disabilities. If you have a disability that requires accommodation, please notify city staff at least 48 hours in advance of the meeting at: cdaa@albanyoregon.gov or call 541-917-7550

Testimony provided at the meeting is part of the public record. Meetings are recorded, capturing both in-person and virtual participation, and are posted on the City website.

DEFINITIONS

Staff Notes: Definitions required to conform to Certified Local Government (CLG) program are highlighted in bold blue font. Optional definitions are highlighted in bold green font. Definitions currently located in Article 7 are in black font and not bolded.

As used in this Article, the following words and phrases shall have the following meanings:

Alteration: means a physical modification of the exterior of a Significant Historic Resource and the interior of a Significant Historic Resource owned by the City identified as significant in the record of Designation. Alterations do not include painting, color selection, or ordinary maintenance or repair of a Significant Historic Resource unless such activity alters a character-defining feature.

Archaeological Object: means an object that is at least 75 years old; is part of the physical record of an indigenous or other culture found in the state or waters of the state; and is material remains of past human life or activity that are of archaeological significance including, but not limited to, monuments, symbols, tools, facilities, technological by-products and dietary by-products.

Archaeological Site: means a geographic locality in Oregon, including but not limited to submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects and the contextual associations of the archaeological objects with each other; or biotic or geological remains or deposits. Examples of archaeological sites include but are not limited to shipwrecks, lithic quarries, house pit villages, camps, burials, lithic scatters, homesteads and townsites.

Building: means a house, barn, church, hotel, or similar construction created principally to shelter any form of human activity.

Certificate of Appropriateness: means a document issued by the Historic Preservation Officer indicating that the applicant satisfactorily met the provisions of this regulation for the preservation, rehabilitation, reconstruction, alteration, relocation, or demolition of a Significant Historic Resource, or new construction within the designated boundary of a Significant Historic Resource.

Character-Defining Feature(s): means the visual and physical aspect(s) of a Locally Significant Historic Resource that convey its historic integrity and historic significance.

Demolition: means any act that destroys, removes, or relocates, in whole or part, a National Register Resource such that its historic, cultural, or architectural character and significance is lost. [Currently in Article 7]

District: means a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Eligible/Contributing: means a historic resource in existence within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district.

Eligible/Significant: means a historic resource in existence within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district, and are likely individually eligible for designation to the Resource List.

Exceptional Significance: means the quality of historic significance achieved outside the usual norms of age, association, or rarity.

Exterior Alteration: Any physical changes to the exterior of an existing structure; generally excludes maintenance work such as painting and repairs.

Historic Context Statement: means an element of the Albany comprehensive plan that describes the important broad patterns of historical development in the City of Albany and the region and identifies historic resources representative of the important broad patterns of historic development. The Historic Context Statement also identifies Historic Resources that are representative of the important broad patterns of historical development.

Historic Contributing: A building or structure originally constructed before 1946 that retains and exhibits sufficient integrity (materials, design, and setting) to convey a sense of history. These properties strengthen the historic character of the district. [Ord. 5488, 7/11/01]

Historic Integrity: A measure of authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period in comparison with its unaltered state; for example, a historic building of high integrity has few alterations or ones that can be easily reversed.

Historic Integrity: means the quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a historic resource.

Historic Non-contributing: A building or structure originally constructed before 1946 that retains but does not exhibit sufficient historic features to convey a sense of history.

These properties do not strengthen the historic character of the district in their current condition. [Ord. 5488, 7/11/01]

Historic Preservation Officer: means the appointed official responsible for the administration of this regulation.

Historic Preservation Plan: means an element of the City of Albany comprehensive plan that contains Albany's goals and policies for historic resource preservation and the processes for creating and amending the program to protect Significant Historic Resources.

Historic Resources: means those buildings, structures, objects, sites, or districts that potentially have a significant relationship to events or conditions of the human past.

Historic Resource Inventory: means the record of buildings, structures, objects, sites, and districts recorded by the City of Albany used to identify historic resources that may be determined significant and designated to the Resource List.

Historic Significance: means the physical association of a building, structure, site, object, or district with historic events, trends, persons, architecture, method of construction, or that have yielded or may yield information important in prehistory or history.

Landmark: All designated historic buildings or structures on the Local Historic Inventory are considered landmarks. A landmark is either a historic contributing building, site, structure or object within a historic district, is listed individually on the National Register of Historic Places, or is on the Local Historic Inventory but located outside a historic district.

Landmarks Commission: The Landmarks Commission conducts quasi-judicial public hearings on Type III planning applications affecting historic resources, and acts as an advisory board to the City Council on decisions that could affect historic resources, per Albany Municipal Code, section 2.76.050. [Ord. 5488, 7/11/01, Ord. 5945, 9/25/20]

Local Historic Inventory: A list of historic properties that have been determined significant by the Landmarks Commission and City Council for either their architecture or history based on the criteria of the National Register. It includes properties located within the listed National Register historic districts and buildings, sites, structures, objects, and districts located outside of the listed National Register Districts. [Ord. 5945, 9/25/20]

Locally Significant Historic Resource: means a building, structure, site, object, or district designated to the City of Albany's Resource List.

National Register of Historic Places: The nation's official list of districts, sites,

buildings, structures, and objects significant in American history, architecture, archeology, and culture. In Albany, this includes all properties within the National Register Historic District boundaries and properties listed individually outside of designated historic districts.

National Register Resource: means buildings, structures, objects, sites, or districts listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended (PL 89-665; 16 U.S.C 470). [Currently in Article 7]

Non-Contributing: means a historic resource in existence within the applicable period of significance that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition.

Non-contributing: A building or structure that was originally constructed after 1945, outside the period of significance. [Ord. 5488, 7/11/01]

Not in Period: means a building, structure, object, or site that was originally constructed outside the applicable period of significance.

Object: A construction that is largely artistic in nature or is relatively small in scale and simply constructed in comparison to buildings or structures, including a fountain, sculpture, monument, milepost, etc.

Owner:

- a. Means the owner of fee title to the property as shown in the deed records of the county where the property is located; or
- b. Means the purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or
- c. Means, if the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner; and
- d. Does not include individuals, partnerships, corporations or public agencies holding easements or less than fee interests (including leaseholds) of any nature; or
- e. Means, for a historic resource with multiple owners, including a district, a simple majority of owners as defined in (i)-(iv).
- f. Means, for National Register Resources, those individuals, partnerships, corporations or public agencies holding fee simple title to property. Owner or owners does not include individuals, partnerships, corporations or public

agencies holding easements or less than fee interests (including leaseholds) of any nature.

Period of Significance: means the time period, from one to several years or decades, during which a Significant Historic Resource was associated with an important historic event(s), trend(s), person(s), architecture, or method(s) of construction.

Period of Significance: The span of time when a property or district attained its significance that meets the National Register criteria.

Preservation: means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a Significant Historic Resource.

Record of Designation: means the official document that describes how a Locally Significant Historic Resource meets the criteria for designation to the Resource List.

Reconstruction: means the act or process of depicting, by means of new construction, the form, features, or detailing of a non-surviving building, or structure for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation: means the process of returning a Significant Historic Resource to a state of utility through repair or alteration, which makes possible a use while preserving those portions and features of the Significant Historic Resource and its site that convey its historic significance.

Relocation: means moving of a Significant Historic Resource from its original location described in the Record of Designation.

Restoration: means the act or process of accurately depicting the form, features, and character of a historic-contributing resource or historic-non-contributing resource as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Resource List: The list of Locally Significant Historic Resources adopted by City of Albany in its [comprehensive plan / historic preservation ordinance / other referenced document] as important to its history and afforded the protection under this regulation.

Significant Historic Resource: means a Locally Significant Historic Resource and/or a National Register Resource.

Site: means the location of a significant event, prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of any existing building, structure, or object.

State Historic Preservation Office: Each State has a designated State Historic Preservation Office (SHPO) to help the Federal government administer provisions of the National Historic Preservation Act. The SHPO is aided by a professional staff and review board.

Structure: means a functional construction made usually for purposes other than creating human shelter, such as an aircraft, bridge, fence, dam, tunnel, etc.

Streetscape: means the physical parts and aesthetic qualities of a public right-of-way, including the roadway, gutter, tree lawn, sidewalk, retaining walls, landscaping and building setback.

Substitute Materials: Materials made from different sources than the original materials. For example: If wood were the original material for siding, window or trim, material other than wood would be a substitute material. (Examples of substitute materials are plastic; vinyl; aluminum, and concrete.) [Ord. 5463, 9/13/00]

HISTORIC REVIEW OF DEMOLITIONS OR RELOCATIONS

Staff Notes: Definitions required to conform to Certified Local Government (CLG) program are highlighted in bold blue font. Optional definitions are highlighted in bold green font. Definitions currently located in Article 7 are in black font and not bolded.

- 7.300 Purpose. The purpose of reviewing demolition/relocation requests involving a historic landmark is to explore all possible alternatives for preservation. Demolition of historic landmarks is an extreme and final measure. [Ord. 5463, 9/13/00]
- 7.310 Procedure. Demolition/Moving permits will be processed in accordance with the following:
- (1) The Building Official shall issue a permit for relocation or demolition if any of the following conditions exist:
 - (a) The building or structure is designated non-contributing within a National Register nomination.
 - (b) The building or structure is not a designated contributing National Register Resource, and it has been damaged in excess of 70 percent of its previous value in a fire, flood, wind, or other Act of God, or vandalism.
 - (2) Those requests not meeting Building Official approval conditions shall be reviewed by the Landmarks Commission. The application shall be submitted at least 35 days in advance of the next regularly scheduled public hearing/meeting of the Landmarks Commission, unless waived by the Director when adequate notice can otherwise be achieved. [Ord. 5463, 9/13/00, Ord. 5945, 9/25/20]
- 7.320 Application Contents. An application for the demolition or relocation of a rated structure must contain the following information:
- (1) A description of the previous and existing uses of the structure and the intended future use of the property.
 - (2) A drawing showing the location of the building on the property and any other buildings on the property.
 - (3) The overall height of the building and the general type of construction.
 - (4) A written statement addressing the review criteria and providing findings of fact in support of the request. [Ord. 5463, 9/13/00]
- 7.330 Review Criteria. The Landmarks Commission must find that the demolition or relocation request meets the following applicable criteria:
- (1) No prudent or feasible alternative exists, or

- (2) The building or structure is deteriorated beyond repair and cannot be economically rehabilitated on the site to provide a reasonable income or residential environment compared to other structures in the general area, or
- (3) There is a demonstrated public need for the new use that outweighs any public benefit that might be gained by preserving the subject buildings on the site.
- (4) The proposed development, if any, is compatible with the surrounding area considering such factors as location, use, bulk, landscaping, and exterior design.
- (5) If the building or structure is proposed to be moved, moving to a site within the same historic district is preferred to moving it outside the district.
- (6) **The request is consistent with Oregon Administrative Rules 660-023-0200(8)(a) and considers the following factors: condition, historic integrity, age, historic significance, value to the community, economic consequences, design or construction rarity, and consistency with and consideration of other policy objectives in the Comprehensive Plan.** [Ord. 5463, 9/13/00, Ord. 5945, 9/25/20]
[Currently in Article 7]

7.340 In approving an application for the demolition of a Landmark on the Local Historic Inventory, the Commission may impose the following conditions:

- (1) Photographic, video or drawn recordation of the property to be demolished be submitted to the City, and/or
- (2) Salvage and curation of significant elements, and/or
- (3) Other reasonable mitigation measures. [Ord. 5463, 9/13/00]

7.350 No provision in this ordinance shall be construed to prevent the alteration, demolition, or relocation of all or part of a locally significant historic resource if the Building Official certifies that such action is required for public safety. [Ord. 5463, 9/13/00, Ord. 5945, 9/25/20]

7.360 Decisions/Appeals. Following a public hearing, the Landmarks Commission may approve, approve with conditions, invoke a stay to the demolition, or deny the application. During the stay, the Landmarks Commission will notify the owner of potential rehabilitation programs and benefits and encourage public or private acquisition and restoration of the landmark. The length of the stay will be no more than 365 days from the date a complete application was received by the City. All decisions to approve, approve with conditions, stay to the demolition, or denial shall specify the basis for the decision. Decisions of the Landmarks Commission can be appealed to the City Council. [Ord. 5463, 9/13/00, Ord. 5945, 9/25/20]

- 7.370 **Issuance of Demolition Permit After Demolition Review.** If the review body approves demolition of the resource, a permit for demolition shall not be issued until the demolition review decision is final and appeals in accordance with ADC 1.520 have been exhausted or waived. [Ord. 5945, 9/25/20]

Staff Notes: Below is some optional language from the Model Code for your review and consideration. If you want to include this provision, consider the following suggested language: "Accessory structures and buildings and non-contributing buildings, structures, objects and sites included within the boundary of a designated National Register Resource shall be excluded from review under these regulations." This language may be added here as provisions "c."

a. The Commission must find the following when approving or approving with conditions the demolition of a Significant Historic Resource:

- i. **The applicant completed a replacement plan for the site, including drawings approved by the [Building Official]. If the property is located within a historic district, plans must be submitted for review and approved by the Commission prior to the application to demolish the Significant Historic Resource pursuant to these regulations as they relate to new construction; and**
- ii. **The [Building Official] determines and states in writing that the Significant Historic Resource cannot be safely removed from the site; and**
- iii. **The value to the community of the proposed use of the Significant Historic Resource outweighs the value of retaining the Significant Historic Resource. Public testimony must be considered when making this determination.**

b. The Commission must find the following when approving or approving with conditions the relocation of a Significant Historic Resource:

- i. **If the Significant Historic Resource is located within a historic district, the owner completed a replacement plan for the site, including drawings approved by the [Building Official]. Plans must be submitted for review and approved by the Commission prior to the application to demolish the Significant Historic Resource pursuant to these regulations as they relate to new construction; and**
- ii. **The value to the community of the proposed use of the Significant Historic Resource outweighs retaining the Significant Historic Resource in its original location; and**
- iii. **The relocated Significant Historic Resource remains within the limits of [Enter name of local jurisdiction]; and**

- iv. The new site provides a suitable setting and ensures the Significant Historic Resource's long term preservation; and
 - v. The owner has an approved plan for the new site.
- c. In approving an application for the demolition or relocation of a Significant Historic Resource, the Commission may impose the following conditions:
- i. Completion of photographic, video, textual and/or drawn recordation of the subject property in its original location; and/or
 - ii. A Significant Historic Resource be relocated to a new site when demolition is proposed, and that, to the extent feasible, the new location is similar to the original site and that the original setback and orientation of the building is replicated on the new lot; and/or
 - iii. The owner obtain permission from the National Park Service to move the National Register Resource in order to retain the property's listing in the National Register of Historic Places and/or assume all responsibility and cost of removing the property from the National Register of Historic Places if permission cannot be obtained; and/or
 - iv. Delay the demolition of the Significant Historic Resource in the interest of exploring reasonable alternatives. **[Revise as necessary to specify number of days for a delay or other needed processes].**
 - v. Other reasonable mitigation measures.
- d. Upon issuing a Certificate of Appropriateness for the demolition of a Significant Historic Resource, the Historic Preservation Officer must post a legal notice **[insert notification process]** announcing the demolition, the criteria under which the demolition was approved, the historic significance of the property, and invite the public to provide alternatives to the demolition for consideration by the Commission.
- e. Relocated Significant Historic Resources must remain designated to the Resource List unless removed from the Resource List under the provisions of this regulation.
- f. Demolished Significant Historic Resources must be removed from the Resource List using the procedures described in this regulation and must not be subject to the provisions of this regulation.

- g. Notice of this relocation or demolition of a Locally Significant Resource or National Register Resource must be provided to the State Historic Preservation Office.**

DESIGNATION, RE-RATING OR REMOVAL OF HISTORIC LANDMARKS AND DISTRICTS

Staff Notes: Definitions required to conform to Certified Local Government (CLG) program are highlighted in bold blue font. Optional definitions are highlighted in bold green font. Definitions currently located in Article 7 are in black font and not bolded.

7.030 Purpose. The designation of historic landmarks allows the City to formally recognize, rate, and protect its historic and architectural resources. The Local Historic Inventory identifies buildings, sites, structures, objects, and districts of historical importance or architectural significance that are considered exemplary of their time and style. The regulation of designated and rated historic landmarks provides a means to review proposed changes and encourage the preservation of historical or architectural values. Periodically it may be necessary to re-rate or remove the designation of a historic landmark to reflect changing conditions, community values or needs. [Ord. 5463, 9/13/00, Ord. 5945, 9/25/20]

7.035 Initiation. The process for designating or removing a landmark or historic district may be initiated by the City Council, the Landmarks Commission, or by any other interested person. Initiations by the Landmarks Commission are made without prejudice towards the outcome. At the time of initiation, the Community Development Director shall provide the property owner and applicant with information regarding the benefits and obligations of designation.

No historic resource shall be designated as a landmark without the written consent of the owner, or in the case of multiple ownership, a majority of the owners. Removal of properties from the National Register of Historic Places requires review and approval by the State Historic Preservation Office and State Advisory Committee. [Ord. 5463, 9/13/00, Ord. 5945, 9/25/20]

An owner may object to the designation of the Historic Resource to the Resource List. Such a refusal to consent must be submitted on the public record and must remove the Historic Resource from any consideration for designation to the Resource List.

An owner's objection to the designation of a Historic Resource to the Resource List does not remove the Historic Resource from the Historic Resource Inventory.

7.040 Procedure.

- (1) Designation. Requests for designations of historic landmarks and districts are reviewed through the Type IV legislative or quasi-judicial procedure. The process is legislative when it affects a large number of persons or properties. The Landmarks Commission replaces the Planning Commission as the initial review body. The City Council makes the final determination of historic designation.

A permit to demolish or modify a Historic Resource under consideration for designation to the Resource List must not be issued for 120 days from the date of the owner's refusal to consent to designation or the application to alter, relocate, or demolish the Historic Resource, whichever occurs first.

- (2) Amendment to Existing Historic Districts. Changes or additions to the period of significance statement, property rating structure, or boundaries of an existing historic district shall be reviewed under the Type IV legislative process. The Landmarks Commission replaces the Planning Commission as the initial review body. The City Council reviews and adopts any amendments to the historic districts.
- (3) Local Historic Inventory Removal. Only landmarks outside the National Register Historic Districts that are not listed on the National Register of Historic Places individually are eligible for removal from the Local Historic Inventory. The Director may delete any demolished or removed historic structure outside the historic districts from the Local Historic Inventory through the Type I procedure. In the event a National Register building or structure is demolished or moved, an application shall be made to the State Historic Preservation Office to remove and/or redesignate the property from the National Register.
- (4) Individual Property Re-Rating. The Landmarks Commission shall review requests for re-rating of individual properties. [Ord. 5463, 9/13/00, Ord. 5945, 9/25/20]

The following procedures must be used to identify Historic Resources that may be considered for designation as a Locally Significant Historic Resource on the Resource List.

- a. **The Historic Resource Inventory and Resource List must be maintained as a public record with the exception of archaeological sites, the publication of which is prohibited by state law.**

- b. The Commission must determine and periodically revise priorities for the Historic Resource Inventory based on the community's needs and interests, goals established in the City of Albany Historic Preservation Plan, and Historic Context, if these documents are adopted.**
- c. The Commission may take photographs and create physical descriptions based on on-site observations, or obtain information concerning Historic Resources through archival research, oral histories, or any other appropriate method allowed by law.**
- d. Historic Resources must be evaluated for their historic integrity and significance and recorded in the Historic Resource Inventory as Eligible/Significant (ES), Eligible/Contributing (EC), Non-Contributing (NC), or Not in Period (NP). Evaluation and documentation of properties in the Historic Resource Inventory must follow the document "Guidelines for Historic Resource Surveys in Oregon, 2010" or most recent guidance for such efforts published by the Oregon State Historic Preservation Office and be supplied to the agency within six (6) months of the completion of the study.**
- e. Historic Properties added to the Historic Resource Inventory are not subject to the regulations described in Sections 12, 13, 14, 16, 17, and 18 [of the SHPO Model Code].**
- f. The objection of an owner must not prevent a property being inventoried, evaluated, or determined significant for placement on the Historic Resource Inventory.**

7.050 Application Contents. An application for designation of a landmark must include the following information:

- (1) A written description of the boundaries of the proposed district or the location of the proposed landmark or property to be evaluated.
- (2) A map illustrating the boundaries of the proposed district or the location of the proposed landmark or the property to be evaluated.
- (3) A statement explaining the following:
 - (a) The reason(s) why the proposed district, landmark, or property should be designated.
 - (b) The reason(s) why the proposed boundaries of the proposed district are appropriate for designation.
 - (c) The potential impact, if any, that designation of the proposed district or

landmark would have on the owners, surrounding residents, or other property owners in the area.

- 7.060 Submission of Application. Applications must be submitted at least 35 days in advance of the next regularly scheduled public meeting of the Landmarks Commission unless waived by the Director when legal notice can otherwise be achieved. All documents or evidence relied upon by the applicant shall be submitted to the Planning Division and made available to the public at least 20 days prior to the public hearing (10 days before the first evidentiary hearing if two or more evidentiary hearings are required).

If additional documents, evidence or written materials are provided in support of a quasi-judicial application less than 20 days (10 days before the first evidentiary hearing if two or more evidentiary hearings are required) prior to the public hearing, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the limitations of ORS 227.178. [Ord. 5945, 9/25/20]

- 7.070 Designation Review Criteria. In addition to being at least fifty years of age, the review bodies must find that one of the following criteria has been met in order to approve a proposed landmark or district:

(1) The proposed landmark or district has historic significance because:

- (a) There is an association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state, or nation;
- (b) There is an association with an event that has made a significant contribution to the city, county, state, or nation;
- (c) There is an association with broad patterns of political, economic, or industrial history in the city, county, state, or nation;
- (d) Existing land use surrounding the resource contributes to the integrity of the historic period represented; or
- (e) The resource contributes to the continuity or historic character of the street, neighborhood, and/or community.

(2) The proposed landmark or district has architectural significance because:

- (a) It is an example of a particular architectural style, building type and/or convention;
- (b) It has a high quality of composition, detailing and/or craftsmanship;
- (c) It is an example of a particular material and/or method of construction;
- (d) The resource retains its original design features, materials and/or character;

- (e) It is the only remaining, or one of a few remaining resources of a particular style, building type, design, material, or method of construction; or
- (f) It is a visual landmark.

- (3) The proposed landmark or district is listed on the National Register of Historic Places.

[Ord. 5463, 9/13/00]

7.080 Re-Rating or Removal Review Criteria. The review body must find that one of the following criteria is met in order to approve a re-rating or remove a landmark from the Local Historic Inventory:

- (1) The inventory was in error.
- (2) Additional research has uncovered an association with a person, group, organization, institution or events that have made a significant contribution to the city, county, state or nation or additional research has been compiled regarding the architectural significance of a structure or style.
- (3) Alterations to the structure have caused it to more closely approximate the historical character, appearance, or material composition of the original structure.
- (4) Alterations to the structure have removed distinguishing features or otherwise altered the exterior such that the existing rating is no longer justified.
- (5) The reasons for designating the historic landmark no longer apply. [Ord. 5463, 9/13/00]

A public hearing before the Commission and a Certificate of Appropriateness signed by the Historic Preservation Officer must be required to remove a Significant Historic Resource from the Resource List.

- a. **A National Register Resource must first be removed from the National Register of Historic Places before an owner may apply for the National Register Resource to be removed from the Resource List.**
- b. **An application to remove a Significant Historic Resource from the Resource List must not be considered for a one (1) year period after the date of decision for the denial of an application for the relocation or demolition of the same Locally Significant Historic Resource.**
- c. **Any individual or group, including the Commission acting on its own initiative, may initiate the removal of a Significant Historic Resource by submitting a complete application to the Historic Preservation Officer. The Historic**

Preservation Officer may establish standards for a complete application.

In order to approve an application for the removal of a Locally Significant Historic Resource from the Resource List the Commission must find the following:

- i. The Locally Significant Historic Resource has lost the qualities for which it was originally recognized; and/or**
- ii. Additional information shows that the Locally Significant Historic Resource no longer satisfies the criteria for recognition or did not satisfy the criteria for recognition at time of listing; and/or**
- iii. The (Building Official) declares that the Locally Significant Historic Resource poses a clear and immediate hazard to public safety and must be demolished to abate the unsafe condition.**
- iv. The designation of the property to the Resource List was imposed on the property at the time of designation and:**
 - 1. The owner has retained ownership since the time of the designation; and**
 - 2. The owner can demonstrate that the owner objected to the designation on the public record; or**
 - 3. Was not provided an opportunity to object to the designation; and**
 - 4. The owner requests in writing that the local government remove the property from the Resource List.**

Significant Historic Resources destroyed by flood, fire, or other natural or accidental act or demolished under the provisions of this regulation and meeting the definition of “demolished” as defined in these regulations may be removed from the Resource List by the Historic Preservation Officer. Notice of this action and written and photographic evidence documenting the demolition of the Significant Historic Resource must be provided to the Commission at the next regular meeting. This same documentation must be provided to the State Historic Preservation Office. If a Significant Historic Resource is also listed in the National Register, the Historic Preservation Officer must request that the SHPO remove the property from the National Register if not requiring the owner to do so under the provisions of this regulation.

Upon removing a Significant Historic Resource from the Resource List, the Historic Preservation Officer must [Insert notification method] announcing the removal, the criteria under which the removal was approved, and the historic significance of the property.

A Significant Historic Resource removed from the Resource List under the provisions of this Section must not be subject to the regulations of this ordinance.

- 7.090 Decision. All decisions, whether to approve or deny the request, must specify the basis for the decision.

[Ord. 5463, 9/13/00]

HISTORIC REVIEW OF EXTERIOR ALTERATIONS GENERALLY

Staff Notes: The model Code has nearly identical language that comes from the Secretary of the Interior's Standards for Rehabilitation. Should we change the name of "Historic Inventory" to "Locally Significant Historic Resource?" Same with "Certificate of Appropriateness" and "Record of Designation?"

Purpose. The purpose of reviewing alterations to historic landmarks is to encourage the preservation of characteristics that led to their designation as historic landmarks. Review is required for exterior alterations or additions to buildings or structures classified as historic contributing and historic non-contributing within the historic districts, and to landmarks outside the districts. [Ord. 5463, 9/13/00]

No exterior portion of a Locally Significant Historic Resource or Non-Contributing or Not in Period resource; new construction within the boundary of a Locally Significant Historic Resource; or interior of a Locally Significant Historic Resource owned by the City of Albany identified as significant in the Record of Designation must be constructed, preserved, rehabilitated, or altered without a Certificate of Appropriateness signed by the Historic Preservation Officer as provided in this Section. Certificates must be presented to the [Building Official] before a permit may be issued.

In approving a permit for the preservation, restoration, rehabilitation, reconstruction, or rehabilitation of a Significant Historic Resource the [Building Official] may find that under state law that the Significant Historic Resource does not meet current building code but is not dangerous and approve the land use action.

Exemptions from Review. Historic review is not required for buildings or structures originally constructed after 1945 or for changes to paint color to any home or structure. [Ord. 5463, 9/13/00, Ord. 5488, 7/11/01]

Staff Notes: We can rephrase our current exemptions from review or combine them with the following section.

- a. Activities not subject to the provisions of this Section when not specifically noted in the Record of Designation as a Character-Defining Feature. (Add more if appropriate).**
 - i. Alterations to building interiors, except those that are owned by the City of Albany and noted as significant in the Record of Designation as a character-defining feature.**
 - ii. Application of exterior or interior paint.**

iii. Alterations to vegetative landscape features, including tree removal.

Procedure. A request for an exterior alteration is reviewed and processed by either the Community Development Director or the Landmarks Commission. The Landmarks Commission replaces the Hearings Board or Planning Commission as the review body.

Any exterior or interior alteration to buildings participating in Oregon's Special Assessment of Historic Property Program will also require review and approval by the State Historic Preservation Office.

The Director will approve residential alteration requests if one of the following criteria is met:

- (a) There is no change in historic character, appearance, or material composition from the existing structure.
- (b) The proposed alteration materially duplicates the affected exterior building features as determined from an early photograph, original building plans, or other evidence of original building features.
- (c) The proposed alteration is not visible from the street.

Staff notes: The following paragraph is an alternative to the language stated above for consideration.

The Historic Preservation Officer may issue a Certificate of Appropriateness for the alteration of a Locally Significant History Resource when the proposed alteration will not significantly change the qualities that merited the designation of the Locally Significant Historic Resource to the Resource List. A completed Certificate of Appropriateness must be presented to the Building Official before a permit is issued. The Historic Preservation Officer must make a list of certificates issued in this manner available to the Commission at each regular meeting. Decisions of the Historic Preservation Officer are appealable to the Commission. The historic preservation officer may choose to refer any application for a Certificate of Appropriateness to the Commission. Activities eligible for a Certificate of Appropriateness issued as described in this provision include the following:

Construction of a fence that meets [insert code reference or specific guidance].

Demolition of a Not-In-Period or Non-contributing outbuilding within the designated boundary of a Locally Significant Historic Resource specifically

noted as not historically significant in its Record of Designation. [insert code reference or specific guidance].

Replacement of historic materials when the replacement material exactly matches the material type, dimension(s); color(s), shape(s), texture(s). No more than 20% of exterior siding, details, or the total number of windows may be replaced under this provision in a two-year time period.

For all other requests, the Landmarks Commission will review and process the alteration proposal. The applicant and adjoining property owners within 100 feet will receive notification of the Landmarks Commission public hearing on the proposal. The Landmarks Commission will accept written and verbal testimony on the proposal. For buildings on the Special Assessment of Historic Property Program, the Landmarks Commission decision will be forwarded to the State Historic Preservation Office. [Ord. 5463, 9/13/00, Ord. 5945, 9/25/20]

The Historic Preservation Officer must prepare a staff report that summarizes the proposed project, notes the criteria specified in these regulations under which the application must be considered, and make a recommendation to the Commission to approve, approve with conditions, or deny the application for a Certificate of Appropriateness.

Materials that may be used in the preparation of the staff report include the Record of Designation; and/or National Register nomination document; and/or other archival photos, maps; and/or other documentary evidence specific to the subject property; and/or observations from on-site inspections to document its historic appearance or alteration over time; and/or documents and publications of the National Park Service or Oregon State Historic Preservation Office.

The [Landmarks] Commission must review and act upon applications for the alteration, relocation, and demolition of a Locally Significant Historic Resource. Applications for the alteration of a Locally Significant Historic Resource may be approved, approved with conditions, or denied. Applications for the relocation or demolition of a Locally Significant Historic Resource may be approved, approved with conditions, or the action delayed for up to [Insert desired delay period]. The Commission must develop written findings to support its decisions. The Historic Preservation Officer must include any conditions imposed by the Commission in the Certificate of Appropriateness pursuant to this Section.

A Certificate of Appropriateness [Notice of Decision] issued for the alteration of a Locally Significant Historic Resource [is] effective for a period of [Insert appropriate time period in accordance with ADC 1.xxx] from the date of its issuance. A Certificate of Appropriateness issued for the relocation or demolition of a historic resource must be effective for a period [Insert appropriate

time period]. [A two-year extension may be granted by the Review Body by written request provided that there have been no changes in applicable standards and regulations from the date of the original approval.]

Relationship to Other Land Use Reviews. Projects that require historic review may also require other land use reviews. If other reviews are required, the review procedures may be handled concurrently. [Ord. 5463, 9/13/00]

Application Contents. Every application for an exterior alteration approval shall include information (e.g. drawings, photographs) which clearly shows the intended alteration and resulting appearance change of the structure. [Ord. 5463, 9/13/00]

Exterior Alteration Review Criteria. For applications other than for the use of substitute materials, the review body must find that one of the following criteria has been met in order to approve an alteration request:

[Ord. 5488, 7/11/01]

- (1) The proposed alteration will cause the structure to more closely approximate the historical character, appearance or material composition of the original structure than the existing structure, or
- (2) The proposed alteration is compatible with the historic characteristics of the area and with the existing structure in massing, size, scale, materials and architectural features.

The review criteria for the use of substitute siding, windows and trim shall be as found in ADC 7.170-7.225.

[Ord. 5488, 7/11/01]

The review body will use the Secretary of the Interior's Standards of Rehabilitation (listed below) as guidelines in determining whether the proposed alteration meets the review criteria.

[Ord. 5463, 9/13/00]

The Secretary of the Interior's Standards for Rehabilitation. The following standards are to be applied to rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The

removal of historic material or alteration of features and spaces that characterize a property shall be avoided.

- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic material shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. [Ord. 5463, 9/13/00]

In addition to meeting the applicable guidelines in 11(i)(i-x) of this Section, to approve an application for the alteration of a Locally Significant Historic Resource the Commission must find that the proposal meets the following design standards as applicable:

- i. Vacant buildings must be weather- and vandal-proof in order to minimize further deterioration and the threat to public safety; and/or
- ii. New additions must be subordinate to the original building, meaning lower in height, attached to the rear or set back along the side, smaller in scale, and have less architectural detail; and/or
- iii. Height, width, setback, roof shape, and the overall scale and massing of new buildings within historic districts and on lots with existing Historic Resources, or additions to Historic Resources must be compatible with the existing historic building(s) and, in the case of historic districts, the overall streetscape; and/or
- iv. In historic districts and on lots with existing Locally Significant Historic Resources, materials on at least the primary façade(s) of new buildings must be compatible in size, shape, color, and texture to the original materials on the facades of surrounding historic buildings; and/or
- v. Architectural details on new construction (including wood or metal trim, porches, cornices, arches, and window and door features, etc.) must be complimentary, but must not replicate historic features on surrounding historic buildings; and/or
- vi. Window and door opening should be similar in size and orientation (vertical to horizontal) to openings on historic buildings and should take up a similar percentage of the overall façade as those on surrounding historic buildings; and/or
- vii. In historic districts and on lots with existing Locally Significant Historic Resource the relationship of the width to the height of the principal elevations for new buildings and additions to existing Locally Significant Historic Resources must be in scale with the surrounding structures and streetscape. Wider new buildings can be divided into segments that more closely resemble the façade widths of historic buildings; and/or
- viii. In historic districts and on lots with existing Locally Significant Historic Resources, the roof shape of new buildings and additions to existing Locally Significant Historic Resources must be visually compatible with the surrounding structures and streetscape.

**Unusual roof shapes, materials, and pitches are discouraged;
and/or**

**ix. Any applicable design guidelines adopted by the Commission as
part of the body's duties described in Section 9(h).**

Decisions/Appeals. All decisions must specify the basis for the decision.
Landmarks Commission decisions may be appealed to the Albany City Council.
Decisions of the Community Development Director may be appealed to the
Landmarks Commission. [Ord. 5463, 9/13/00, Ord. 5488, 7/11/01, Ord. 5945,
9/25/20]

PUBLIC INPUT

Joint CC/LC Work Session 7/07/25

Solar panels – some streamlining and more staff review. Use NPS technical bulletins to develop standards to make more of these staff-level review. It would cut down on LC work. Solar panels are the new lightning rod. We had a small number of conditions when they are visible from street, but many cases could be reviewed by staff.

Focus Group 11/14/24

Solar panels - Should primarily be concerned with visibility. Allow compromise but maintain homes integrity. Could be a staff review rather than LC as it is a removable fixture that could change with advances in technology and need not be considered an exterior alteration.

Focus Group 11/21/24

Solar panels - LC too subjective in determining approval. Temporary, not structural shouldn't be restricted. Should be staff-level review only if not visible with conditions for consistency.

Property Owner Survey

Solar panels -

HISTORIC REVIEW OF NEW CONSTRUCTION

- 7.230 Purpose. The purpose of reviewing the exterior design of new construction within an historic district is to ensure that new structures over 100 square feet are compatible with the character of that district.
[Ord. 6004, 12/28/22]

- 7.240 Procedure. The Community Development Director will review and decide on applications for new construction. At the Director's discretion, an application may be referred to the Landmarks Commission for a decision.

New construction to buildings participating in Oregon's Special Assessment of Historic Property Program will also require review and approval by the State Historic Preservation Office.

For all requests, the applicant and adjoining property owners within 100 feet will receive notification during the 14-day comment period before the City decision.

[Ord. 5463, 9/13/00, Ord. 5488, 7/11/01, Ord. 5945, 9/25/20; Ord. 6004, 12/28/22]

- 7.250 Relationship to Other Planning Reviews. Projects which require a historic review may also require other land use reviews. If other reviews are required, the review procedures may be handled concurrently.

- 7.260 Application Contents. Any application for new construction design approval must include the following information:

- (1) A site plan showing the location of the structure on the site, setbacks, building dimensions, the location of driveways and landscape areas, and the general location of structures on adjacent lots.
- (2) Elevations sufficient in detail to show the general scale, bulk building materials, and architectural elements of the structure.
[Ord. 5463, 9/13/00]

- 7.270 New Construction Review Criteria. The Community Development Director or the Landmarks Commission must find that the request meets the following applicable criteria in order to approve the new construction request:

- (3) Within the Monteith and Hackleman Districts:
 - (a) The development maintains any unifying development patterns such as sidewalk and street tree location, setbacks, building coverage, and orientation to the street.
 - (b) The structure is of similar size and scale of surrounding buildings, and as much as possible reflects the craftsmanship of those buildings.
 - (c) Building materials are reflective of and complementary to existing buildings within the district.
- (4) Within the Downtown District:
 - (d) The development maintains the horizontal elements of adjacent buildings. (These horizontal elements can include an alignment of window frames, roof lines, facades, and clear distinction between first floors and upper floors.)
 - (e) The development maintains other historic patterns, such as the horizontal/vertical pattern of upper story windows and the pattern of entrances along the street.
 - (f) Building materials are reflective of and complementary to existing historic buildings

within the district.

- (g) Lot coverage, setbacks, and building orientation to the street are consistent with the surrounding development patterns.
- (h) The development maintains the pedestrian scale and orientation of the downtown district.

[Ord. 5463, 9/13/00, Ord. 5945, 9/25/20]

7.280 Decisions/Appeals. All decisions shall specify the basis for the decision. Landmarks Commission decisions may be appealed to the Albany City Council. Decisions of the Community Development Director may be appealed to the Landmarks Commission. [Ord. 5488, 7/11/01, Ord. 5945, 9/25/20]

HISTORIC REVIEW OF SUBSTITUTE MATERIALS USED FOR SIDING, WINDOWS & TRIM

Staff Notes: Interestingly, the Model Code does not contain language pertaining to the review of substitute materials. Perhaps cities have broad latitude in regulating the use of substitute materials.

7.170 Purpose. The purpose of reviewing the use of substitute materials is to encourage the preservation of characteristics and materials of the historic architectural style. Review is required for the application of substitute materials for siding, windows and trim on buildings or structures originally constructed before 1946 and on the Local Historic Inventory. If these sections (7.170-7.225) conflict with other provisions of the Code relative to substitute materials to be used for siding, windows and trim, this section will control. [Ord. 5463, 9/13/00, Ord. 5488, 7/11/01]

7.180 Procedure. Review of a request for the use of substitute materials is reviewed and processed by the Landmarks Commission. The Landmarks Commission replaces the Hearings Board or Planning Commission as the review body.

The applicant and adjoining property owners within 100 feet will receive notification of the Landmarks Commission meeting on the proposal. The Landmarks Commission shall accept written and verbal testimony on the proposal.

The use of substitute materials on buildings participating in Oregon's Special Assessment of Historic Property Program will also require review and approval by the State Historic Preservation Office. The Landmarks Commission decision will be forwarded to the State Historic Preservation Office.

[Ord. 5463, 9/13/00, Ord. 5945, 9/25/20]

7.185 Relationship to Other Land Use Reviews. Projects that require an historic review may also require other land use reviews. If other reviews are required, the review procedures may be handled concurrently.

[Ord. 5463, 9/13/00]

7.190 Application Contents. Applications for the use of substitute materials for historic contributing and historic non-contributing structures and for Landmarks must include information (e.g. photographs) that clearly shows the current condition of the area intended to be altered. The types of substitute materials and proposed dimensions must be described. The application must also include the proposed methods of application of substitute materials and preservation of the original materials and architectural elements. The City may require a pest and dry rot inspection if necessary, and a report made and prepared by an entity whose

primary business is pest and dry rot inspection or repair. The report must assess the condition of the structure. [Ord. 5463, 9/13/00, Ord. 5488, 7/11/01]

7.200 Eligibility for the Use of Substitute Materials. The City of Albany interprets the Secretary of Interior's Standards for Rehabilitation on compatibility to allow substitute siding and windows only under the following conditions:

- (1) The building or structure is rated historic non-contributing OR, in the case of historic contributing buildings or structures, the existing siding, windows or trim is so deteriorated or damaged that it cannot be repaired and finding materials that would match the original siding, windows or trim is cost prohibitive. [Ord. 5488, 7/11/01]

Any application for the use of substitute siding, windows and/or trim will be decided on a case-by-case basis. The prior existence of substitute siding and/or trim on the historic buildings on the Local Historic Inventory will not be considered a factor in determining any application for further use of said materials.

[Ord. 5463, 9/13/00]

7.210 Design and Application Criteria for Substitute Materials. For buildings or structures rated historic contributing or historic non-contributing, the application for the use of substitute materials on siding, windows or trim must follow these guidelines:

- (2) The proposed substitute materials must approximate in placement, profile, size, proportion, and general appearance the existing siding, windows or trim.
- (3) Substitute siding, windows and trim must be installed in a manner that maximizes the ability of a future property owner to remove the substitute materials and restore the structure to its original condition using traditional materials.
- (4) The proposed material must be finished in a color appropriate to the age and style of the house, and the character of both the streetscape and the overall district. The proposed siding or trim must not be grained to resemble wood.
- (5) The proposed siding, windows or trim must not damage, destroy, or otherwise affect decorative or character-defining features of the building. Unusual examples of historic siding, windows and/or trim may not be covered or replaced with substitute materials.
- (6) The covering of existing historic wood window or door trim with substitute trim will not be allowed if the historic trim can be reasonably repaired. Repairs may be made with fiberglass or epoxy materials to bring the surface to the original profile, which can then be finished, like the original material.

- (7) Substitute siding or trim may not be applied over historic brick, stone, stucco, or other masonry surfaces;

For the application of substitute siding and trim only:

- (8) The supporting framing that may be rotted or otherwise found unfit for continued support shall be replaced in kind with new material.
- (9) The interior surface of the exterior wall shall receive a vapor barrier to prevent vapor transmission from the interior spaces.
- (10) Walls to receive the proposed siding shall be insulated and ventilated from the exterior to eliminate any interior condensation that may occur.
- (11) Sheathing of an adequate nature shall be applied to support the proposed siding material with the determination of adequacy to be at the discretion of the planning staff.
- (12) The proposed siding shall be placed in the same direction as the historic siding.
- (13) The new trim shall be applied so as to discourage moisture infiltration and deterioration.
- (14) The distance between the new trim and the new siding shall match the distance between the historic trim and the historic siding.
- (15) A good faith effort shall be made to sell or donate any remaining historic material for architectural salvage to an appropriate business or non-profit organization that has an interest in historic building materials. [Ord. 5463, 9/13/00, Ord. 5488, 7/11/01]

7.220 Conditions of Approval. In approving an alteration request, the Landmarks Commission may attach conditions that are appropriate for the promotion and/or preservation of the historic or architectural integrity of the district, building or site. All conditions must relate to a review criterion.
[Ord. 5463, 9/13/00, Ord. 5945, 9/25/20]

7.225 Decisions/Appeals. All decisions shall specify the basis for the decision. Landmarks Commission decisions may be appealed to the Albany City Council. Decisions of the Community Development Director may be appealed to the Landmarks Commission.
[Ord. 5463, 9/13/00, Ord. 5488, 7/11/01, Ord. 5945, 9/25/20]

PRESERVATION OF ARCHAEOLOGICAL RESOURCES

The following provisions apply to the preservation of archaeological resources under Oregon State law.

- a. Archeological resources must be protected and preserved in place subject to the requirements of federal, state, and local regulations, including the guidelines administered by the Oregon State Historic Preservation Office and ORS 358.905—358.962.**
- b. A person may not excavate, injure, destroy or alter an archaeological site or object or remove an archaeological object located on public or private lands unless that activity is authorized by a permit issued under ORS 390.235. A violation of this subsection is a misdemeanor.**