

### Legislation Details (With Text)

<b>File #:</b>	20-422	<b>Version:</b>	1
<b>Type:</b>	Ordinance Second Reading	<b>Status:</b>	Passed
		<b>In control:</b>	City Council
<b>On agenda:</b>	10/26/2020	<b>Final action:</b>	10/26/2020
<b>Title:</b>	Historic Preservation Plan Update and Historic Code Amendments		

Ward(s): All Wards  
 Councilor(s): All Councilors  
 Neighborhood(s): All Neighborhoods  
 Result Area(s): Welcoming and Livable Community.

**Sponsors:**

## Indexes:

### Code sections:

**Attachments:** 1. Ordinance Bill No.12-20, 2. Exhibit A - Proposed Amendments, 3. Historic Preservation Plan Update: 2020-2030, 4. Resolution 2020-33, 5. HLC Recommendation

Date	Ver.	Action By	Action	Result
10/26/2020	1	City Council	adopted	Pass

**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Norman Wright, Community Development Director

**SUBJECT:**

## Historic Preservation Plan Update and Historic Code Amendments

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Welcoming and Livable Community.

## ISSUE:

Shall the City Council conduct second reading to enact Ordinance Bill No. 12-20 for the purpose of amending the Salem Area Comprehensive Plan (SACP) to include an update of the City's Historic Preservation Plan and update SRC Chapter 230 (Historic Preservation) and other identified chapters of the City's Unified Development Code (UDC) addressing historic preservation?

**RECOMMENDATION:**

Conduct second reading to enact Ordinance Bill No. 12-20 amending the Salem Area Comprehensive Plan (SACP) to include an update of the City's Historic Preservation Plan and update SRC Chapter 230 (Historic Preservation) and other identified chapters of the City's Unified Development Code (UDC) addressing historic preservation.

## **SUMMARY:**

Conducting second reading to enact Ordinance Bill No. 12-20 will:

- a. Update the existing Historic Preservation Plan, a component of Salem's Comprehensive Plan;
- b. Amend SRC Chapter 230 (Historic Preservation), SRC 300 (Procedures for Land Use Applications and Legislative Land Use Proposals); and
- c. Create SRC Chapter 231 (Historic Adaptive Reuse)

The proposed changes update the Salem Historic Preservation Plan and adopt associated code amendments in order to improve and streamline the historic design review standards and processes and to move the historic adaptive reuse provisions into their own chapter.

## **FACTS AND FINDINGS:**

### **Procedural Findings**

- 1) The City Council adopted the 2010-2020 Salem Historic Preservation Plan (Plan) as a support document to the Salem Area Comprehensive Plan in 2010.
- 2) In March 2019, the City received a Certified Local Government (CLG) Grant to complete an update of the Plan.
- 3) In May 2019, the City hired preservation consultant Painter Preservation to complete the update of the Plan. Work on the project began in July 2019.
- 4) The City formed a Stakeholder Advisory Committee (SAC) to advise staff throughout the duration of the project. Additionally, input was provided by the public through online surveys and public open houses.
- 5) The updated 2020-2030 Historic Preservation Plan recommends six goals with 57 actions related to improving public outreach and community education; streamlining historic code; increasing financial support; protecting the cultural landscapes and archaeological resources; encouraging sustainability; and surveying historic resources.
- 6) Implementation of the recommendations in the Historic Preservation Plan require that the zoning code be amended, in order to improve and streamline historic design review standards and processes and to move the historic adaptive reuse provisions into their own chapter.

- 7) A Major Comprehensive Plan Amendment must be initiated by the City Council under SRC 64.025(b)(1) and amendments to the Unified Development Code (UDC) may be initiated by City Council by resolution under SRC 300.1110(a).
- 8) The City Council adopted Resolution No. 2020-33 on July 13, 2020 referring the matter to the Historic Landmarks Commission for public hearing and recommendation pursuant to SRC 300.1110(a)(1).
- 9) ORS 197.610 and OAR 660-018-0020 require that notice be provided to the Director of the Department of Land Conservation and Development no later than 35 days before the first public hearing. Notice to DLCD regarding the public hearing at HLC was provided on July 16, 2020 pursuant to SRC 300.1110(d).
- 10) Public notice regarding the HLC public hearing and proposed amendments was mailed to historic property owners and stakeholders on July 31, 2020 pursuant to SRC 300.1110(e). Notice was also published in the Statesman Journal newspaper on August 5, 2020 and August 13, 2020.
- 11) The HLC held a public hearing on August 20, 2020 where both written and public testimony was received regarding the proposed amendments. The HLC voted unanimously to recommend the City Council accept first reading of an ordinance bill for the purpose of amending the SACP to include an update of the City's Historic Preservation Plan and update SRC Chapter 230 and other identified chapters in the UDC addressing historic preservation, with one minor revision. The HLC directed staff to make minor revisions to SRC 230.005 *Definitions, Significance* to align more closely with the National Park Service/Secretary of the Interior's Standards definition of Significance.
- 12) The City Council conducted first reading of Ordinance Bill 12-20 on October 12, 2020, advancing it to second reading for enactment.

## **Planning Process**

Beginning in June of 2019, the City, assisted by a consultant team, worked with the community to assess Salem's Historic Preservation program and identify and evaluate program successes and needs. Throughout the remainder of 2019 and through February of 2020, extensive public outreach was conducted, including two online surveys, an interactive map survey, two public open houses and three meetings of a Stakeholder Advisory Committee (SAC), which included public participation. The SAC included City Councilors with historic districts in their wards (Councilors Kaser and Anderson), Historic Landmarks Commission members (Commissioners Cottingham, Maglinte-Timbrook and Mulvihill), historic property owners, representatives from Neighborhood Associations, heritage organizations, development and business communities, and other stakeholders.

Additional public outreach and engagement methods included a project website:

<https://www.cityofsalem.net/Pages/salem-historic-preservation-plan-update.aspx>; interviews with

historic property owners and other stakeholders; presentations at meetings of Northeast Est Neighbors (NEN) and South East Salem Neighborhood Association (SESNA), the Confederated Tribes of Grand Ronde, the Confederated Tribes of Siletz, and the Confederated Tribes of Warm Springs and other community organizations; two online surveys with postcards were mailed to all historic property owners; project updates were announced through the City's HLC newsletter and Facebook, E-Blast newsletter; conducted interviews on the KMUZ; and additional outreach videos about the Plan and goals shared with stakeholders. In June 2020, the HLC held a public work session on the Plan update. On July 16, 2020, the HLC held a public work session on the proposed changes to SRC 230 and other associated changes to the UDC related to historic preservation.

On August 20, 2020 the HLC held a public hearing on the proposed historic preservation plan and historic code amendments. Written testimony was received from Jon Christenson, the Fair Housing Council of Oregon and the Morningside Neighborhood Association. Oral testimony in support of the proposed plan and amendments was received from Juliana Inman, Chair of the SAC.

### **Historic Preservation Plan**

The purpose of the Historic Preservation Plan is to further the City's commitment to historic preservation by providing a methodology to implement programs and projects to preserve and highlight Salem's important places. The 2020-2030 Historic Preservation Plan is an update of the 2010-2020 Plan which provides recommendations for:

- Acknowledging and celebrating outstanding historic preservation projects and the preservation of landscapes and archaeological resources
- Expanding interpretation programs, talks and tours about Salem's historic resources
- Improving communication with the public about available resources on historic preservation, the design review process and historic preservation code
- Providing technical assistance and educating property owners and the HLC members about the best practices for rehabilitation of historic properties
- Streamlining and reducing the review time for processing Historic Preservation applications
- Improving the consistency of the enforcement process for those violating the historic design review process
- Improving the design review process for adaptive reuse
- Continuing the residential grant program and seeking additional funding for the program

In addition to the proposed code amendments below, the Plan will provide a framework for staff and the HLC for their work for the next decade. HLC will report on their progress on the individuals actions each year in their annual report to City Council.

### **Proposed Code Amendments**

The proposed amendments to the Salem Revised Code are intended to implement the recommendations of the Plan. The proposed amendments are described below.

#### *1. Clarification Amendments*

Amendments are proposed to clarify some definitions, standards and review processes, as well as to add language that was inadvertently left out in the last round of amendments. Specific

clarifications include:

- Establish definitions for certain terms utilized in SRC Chapter 230;
- Clarify language for new construction in Commercial Historic Districts;
- Providing clarifying examples for energy efficiency and storm windows in Residential Historic Districts;
- Insert missing language relating to the alteration of site features on residential noncontributing buildings;
- Clarify language related to demolition by neglect;
- Improve standards for Signs in Commercial Districts and alterations to Streetscape.

## *2. Streamlining Amendments establishing new process and criterion*

The proposed amendments create an administrative process with clear and objective standards for in-kind replacements, restoration and non-visible minor alterations (Class 1 Minor Historic Design Review).

The proposed amendments establish standards for signs in historic residential districts as well as standards and processes for demolition of historic accessory structures. The existing Historic Adaptive Reuse section is proposed as a new chapter (SRC 231) to align with the structure of the Unified Development Code.

Proposed amendments required as a result of newly adopted Oregon Administrative Rules that implement Goal 5 establish a new process for relocation and demolition of historic structures.

## **Substantive Findings**

**Approval Criterion:** SRC 64.020(f) establishes the approval criteria which must be met for a Comprehensive Plan Amendment and SRC 110.085 establishes the approval criteria which must be met for a code amendment to be approved. The criteria are the same.

1. SRC 64.020(f)(1)(A) and SRC 110.085(b)(1): *The amendment is in the best interest of the public health, safety, and welfare of the City;* and

**Finding:** It is in the public's best interest further the City's commitment to historic preservation by providing a methodology to implement programs and projects to preserve and highlight Salem's important places in compliance with state and federal requirements. The City will continue to improve communication with the public about Salem's historic resources and available resources on historic preservation. The Historic Preservation Plan provides a framework for expanding interpretation programs, talks and tours about Salem's historic resources thus providing a public benefit through increased community awareness about Salem's historic buildings, landscapes and archaeological resources.

It is in the public's best interest to maintain the zoning code, zoning map and historic resources with accuracy and in compliance with state and federal requirements. By clarifying both the historic design review processes and standards, the City will be able to more

effectively continue to maintain a robust historic inventory within our historic districts and individually designated properties thus providing a public benefit by preserving Salem's past for future generations.

2. SRC 64.020(f)(1)(B) and SRC 110.085(b)(2): *The amendment conforms with the Salem Area Comprehensive Plan, applicable Statewide Planning Goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.*

**Finding:** The proposal is consistent with the Salem Area Comprehensive Plan and Statewide Planning Goals as follows.

Goal 1: Citizen Involvement. Opportunity for citizens to be involved in all phases of the planning process.

Beginning in June of 2019, the City, assisted by a consultant team, worked with the community to assess Salem's Historic Preservation program and identify and evaluate program successes and needs. Throughout the remainder of 2019 and through February of 2020, extensive public outreach was conducted, including two online surveys, an interactive map survey, two public open houses and three meetings of a Stakeholder Advisory Committee (SAC), which included public participation. The SAC included City Councilors with historic districts in their wards (Councilors Kaser and Anderson), Historic Landmarks Commission members (Commissioners Cottingham, Maglinte-Timbrook and Mulvihill), historic property owners, representatives from Neighborhood Associations, heritage organizations, development and business communities, and other stakeholders.

Additional public outreach and engagement methods included a project website; interviews with historic property owners and other stakeholders; presentations at meetings of Northeast Est Neighbors (NEN) and South East Salem Neighborhood Association (SESNA), the Confederated Tribes of Grand Ronde, the Confederated Tribes of Siletz, and the Confederated Tribes of Warm Springs and other community organizations; two online surveys with postcards were mailed to all historic property owners; project updates were announced through the City's HLC newsletter and Facebook, E-Blast newsletter; conducted interviews on the KMUZ; and additional outreach videos about the Plan and goals shared with stakeholders. In June 2020, the HLC held a public work session on the Plan update. On July 16, 2020, the HLC held a public work session on the proposed changes to SRC 230 and other associated changes to the UDC related to historic preservation.

On August 20, 2020 the HLC held a public hearing on the proposed historic preservation plan and historic code amendments

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

The City complies with Goal 5 through the its Historic Preservation Program including national and local designated properties, participation in the Certified Local Government program, having qualified professional preservation staff and the adoption and administration of design review criteria. The update of the Historic Preservation Plan and related code amendments furthers the City's Historic Preservation program, and compliance with Goal 5, by identifying

projects and goals for the next ten years and adopting code amendments that continue to protect historic resources.

### Salem Area Comprehensive Plan

The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area. The SACP includes two goals related to historic preservation:

*Natural, Ecological, Historic and Scenic Areas. Identified areas of significant architectural, archaeological, natural, ecological, historic or scenic value, which have been so designated and approved by the appropriate government body, shall be protected for future generations. Where no conflicting uses have been identified, such resources shall be managed to preserve their original character. When conflicting uses are identified resources shall be protected by acquisition or by plans which limit the intensity of development and promote conservation of these resources.*

*Historic Sites and Structures. The historic, cultural and architectural character of structures identified in the National Register of Historic Places and structures designated as historic buildings pursuant to the City's land use shall be preserved. Preservation is achieved by limiting those uses that conflict with the historic resource, identified to be building alteration and demolition. The City's land use regulations establish the process for alteration/demolition review and limitation, as well as the procedure for making additional designations.*

The proposed update to the Salem Historic Preservation Plan is consistent with these two goals relating to historic preservation and is the result of significant public outreach within the community including two online surveys, an interactive map survey, two public open houses and three meetings of a Stakeholder Advisory Committee (SAC), which included public participation. The updated 2020-2030 Historic Preservation Plan recommends six goals with 57 actions related to improving public outreach and community education; streamlining historic code; increasing financial support; protecting the cultural landscapes and archaeological resources; encouraging sustainability; and surveying historic resources. By updating the historic preservation plan with modifying text and proposing clarifying language and improved processes and design review standards will ensure that Salem's designated historic resources are preserved and protected.

## **BACKGROUND:**

The City of Salem is updating Salem's 2010-2020 Historic Preservation Plan. The existing Plan is comprised of five goals related to code improvements, public education, economic and recognition incentives, survey and heritage tourism. Salem's Historic Landmarks Commission has successfully accomplished a majority of the tasks identified in the current Historic Preservation Plan.

Kimberli Fitzgerald, AICP  
Historic Preservation Program Manager

**Attachments:**

1. Ordinance No. 12-20
2. Exhibit A
3. Historic Preservation Plan Update: 2020-2030
4. Resolution No. 2020-33
5. HLC Recommendation