



You are receiving this notice because a demolition is proposed at and this property is in the fallout zone for hazardous materials.

Know Your Rights

Once an application for demolition or major renovation is submitted to Portland Bureau of Development Services (BDS) there is an automatic 35-day delay before a permit is issued. If you are within 150 feet of the demolition site, you should get a notification letter from BDS within 5 to 7 days after the application date. For major renovations: If your property abuts or lies directly across the street, you should get a door hanger notification from the owner at least 35 days before permit issuance by BDS. If proper notification doesn't occur, call **BDS (503-823-7300)** and record a complaint of noncompliance. For information on permits issued on properties visit <http://www.portlandmaps.com> and click the Permits/Cases tab. Always refer to the permit number and lot address when discussing issues with agencies.

During the 35-day delay: Asbestos and lead surveys

The demolition or major renovation contractor must perform asbestos and lead-based paint surveys. Ask the contractor to show you the results of the surveys. If results are not made available to you, call BDS and file a complaint. Also contact **OSHA (503-229-5910)** and **Construction Contractors Board (CCB) (1-503-934-2229)** and ask for immediate resolution of noncompliance and that surveys be completed and made available. (OSHA is responsible for worker safety at demolition sites and CCB for contractor education/training.)

If surveys show presence of either lead or asbestos, ask for the abatement plans. If the owner/contractor does not comply, follow same path as for surveys, including calling OSHA and CCB. Also contact **Department of Environmental Quality (DEQ) (503-229-5982)** for confirmation of asbestos abatement notice and **Oregon Health Authority (OHA) (971-673-0440)** for confirmation of lead abatement notices. If abatement is not registered at either agency, ask for an immediate hold on permit issuance by BDS until hazardous materials issues are resolved.

During actual demolition

You should get a notice at least 5 days before any demolition activity. Notify BDS if this did not occur.

Cover all vegetable gardens and children's play equipment with plastic and close all windows and doors within 300 feet of the site.

If demolition workers are not wearing protective masks and garments, immediately call OSHA and CCB and request a stop work order.

If the structure and debris are not kept wet by the contractor to minimize dust, call CCB and complain that proper steps are not being taken to protect neighbors and request a stop work order. Also call DEQ and OHA and record complaint and ask for site inspection of conditions and tests for presence of lead or asbestos on neighboring exterior surfaces. (Note: Even with abatement, hazardous materials can still be present; only full, responsible deconstruction can approach elimination of risk.)

The city and state do not effectively inspect or enforce asbestos and lead abatement during demolitions. **Public watchdog actions are the primary means of protecting public health.** Therefore, until agencies can demonstrate responsible oversight, **you are on the front line** and need to hold developers accountable every step of the way. To contact your neighborhood association visit <http://www.portlandoregon.gov/oni>.

Information provided by United Neighborhoods for Reform (UNR) as a public service,
<http://unitedneighborhoodsforreform.blogspot.com/>.

August 31, 2016

City Council

My name is Meg Hanson. My colleague Kyra Goodhart and I are here representing the Close the Loophole Coalition and we'd like to speak to you about two urgent and related issues – the de-listing of Historic Resource Inventory properties and the subsequent illegal approval of demolition permits without a 120-day delay. We'd like to combine our time today, so I'll speak for the majority and then Kyra will say a few words before our time is up.

I was here in July speaking on the same subject – requesting immediate action and asserting our position that the BDS has been issuing demo permits illegally for over 13 years by not enforcing the 120-day delay. I won't repeat myself today but I've included that information in your packets. This is not the first, or the second, or even the third time that this Council has heard these assertions or urgent requests.

In November of last year, you heard extensive testimony from members of the Historic Landmarks Commission, Restore Oregon, the Architectural Heritage Committee, and others. I've included the minutes from those meetings as well. There was quite a lot of focus on the HRI and the demo delay loophole as well as the pending decision before the Oregon Supreme Court regarding owner consent and de-listing. The HLC used words like 'shocking' and 'alarming' at the realization that the 120-day demolition delay was not being enforced for HRI removals and the ease with which developers could purchase, immediately de-list, and receive demo permit approval. Restore Oregon had previously stated that the practice was a violation of state law and that it circumvented the City's long-established Historic Resource demolition delay provisions. Immediate action was requested to close the loophole and a very quick and easy pathway to compliance with State law was recommended.

In addition, a request was made at that time to prohibit all de-listings pending the Oregon Supreme Court decision, stating that failure to take immediate interim action would result in irrevocable public harm.

Regarding the 120-day delay, Council member Fish said at that time "We could tackle that very quickly and put something in place." Council did not act, and indeed, our historic heritage has suffered more irreplaceable losses since then. Here we are just a few months shy of a year later and we're still having the same conversation and making the same urgent requests even after the Supreme Court has ruled that de-listing is not an option for subsequent property owners.

The preservation community has been eagerly awaiting an official statement from the City Attorney since the Supreme Court decision was announced a few weeks ago. The question on everyone's mind is will the City continue to allow HRI de-listings and expedited demolition or will they act in harmony with the ruling. The City Attorney has not issued an official decision. Informally, they've indicated their opinion is that the ruling does not apply to HRI properties because they are not official 'designations', that it only applies to Historic Landmarks.

The State definition of 'designation' and the context in which 'designate' is used is broad and not limited to Historic Landmarks. This splitting of hairs over the word 'designate' in order to justify the continued fast-tracking of HRI demolitions is absolutely contrary to both the spirit and the letter of the Law.

Prior to 1996 owner consent regulations, a demolition permit application for any HRI property, ranked or unranked, would automatically trigger a Historic Landmark Review concurrent to a 150-day demolition delay. At that time, the history and significance was revisited and there was an opportunity to designate it as a Historic Landmark and even potentially pursue a public purchase. Once owner consent regulations came into place, there was no longer a process to review those 'potential historic landmarks'. They were forever stuck in that demoted status of historic will a little h.

HRI properties listed as 'eligible' and 'contributing' meant something then, and it means something now. If HRI properties are deemed 'unworthy' of applying the Supreme Court's ruling that would be in direct contravention of the Court's intent, and would further dismantle the framework of Goal 5 historic resource protections, which the Legislature did not intend.

Members of Council, we want to repeat, yet again, a request for immediately complying with State law by closing the HRI demo delay loophole once and for all, give HRI properties back the 120-day demolition delay whether you continue to allow them to be de-listed or not. This you can do immediately, regardless of the absurd semantic dispute and hair-splitting over the word 'designate'. And we urge to you and the City Attorney to extend the Supreme Court ruling to HRI properties. Failing to act immediately will only continue the erosion of public trust and perpetuate the practice of surreptitious deregulation - which we will then challenge and subject to judicial review before LUBA. We urge you to err on the side of caution and careful consideration rather than continuing to err on the side of irrevocable harm and regret.

Thank you.

Kyra: Thank you to the Council members and to everyone who came here today to show their support. The heart of the Sunnyside district at 34th and Belmont near where I live is currently under threat of demolition. All of the buildings that make up our historic streetcar-era Mainstreet were on the Historic Resources Inventory until earlier this year when two of them were de-listed, and now there is a demolition permit issued for 3334 SE Belmont – it will be the first domino to fall in one of Portland's last intact historic Main Streets. I became actively involved because I love this city and the historic texture that drew me and so many others here in the first place. I'm here to support CLCs request for an immediate 120-day demolition delay for all HRI properties so that there is at the very least an opportunity for public comment or a conversation before any more of our community treasures are de-listed and demolished.

"If ORS 197.772 applied to subsequent property owners, such a result would effectively dismantle the established statutory and Regulatory framework for the Goal 5 protection of historic properties, which the Legislature would not have intended"....

Could also be rephrased as: "For over a decade, ORS 197.772 was applied to subsequent property owners, resulting in the effective dismantling of the established statutory and regulatory framework for the Goal 5 protection of historic properties, which the Legislature did not intend"...

1) The Supreme Court did not narrow the definition of 'any form of historic **designation**' with regard to properties removed under 197.772(3) and the statutory requirements accompanying that 'designation'. They only narrowed the scope of 'property owner' in the context of the time of designation.

2) In the SC's summary of its decision, it makes no mention of limiting the application of removals under 197.772 only to certain 'higher' status listings. One would assume that those summaries are written with great intention so as to be broadly inclusive or narrowly exclusive.

3) Owner consent and demolition delay are inexorably fused.

As HRI listings are subject to statutory 120-day demolition delays, and decades of circumventing those delays was the result of delisting under authority of 197.772, inclusion under the statutes which require 120-day delay also demands inclusion under the SC ruling... can't have one without the other.

4) Several items of contextual importance regarding regulatory intent through the years:

a) intent to **combine** delay protections of higher status resources with all properties in the HRI. Use of the word combine has a different connotation than the word extend and implies integration rather application.

1991 City Zoning code notations for Title 33 chapter 222 (Demolitions) reads, in part:

"This chapter is new. It takes the demolition delay requirements for historical landmarks and historic design districts in the present code and combines it with new provisions which protect all properties on the Portland Historic Resources Inventory."

b) Properties remaining in the HRI were considered a potential designation and also explicitly subject to owner consent.

1996 Title 33 Historic Resource Protection Amendments adopted (Ordinance 169987):

- Historic Resource Inventory added to 33.910 definition of "Historic Resource"
- 33.445.140 created and included the following sentence: "Inventoried properties will either be designated or removed from the Inventory."
- Background report stated the following: "Add language to the definition of Historic Resources Inventory that reflects the state requirement allowing an owner who did not consent to inclusion in the inventory to have their property removed from the inventory but also reflecting the state's 120 day demolition delay requirement following the property's removal from the inventory."

(also see OAR 660-023-0200(1) definitions)

5) The purpose of the HRI surveys, scoring, ranking, etc. were to determine which Historic Resources would likely meet National Register criteria. Subsequent evaluations were conducted and decisions made as to which of those eligible individual or multiple properties would actually be nominated for National Register Status. The 1984 HRI list was the foundation for the more intensive 1988 Cultural Resources Survey and Inventory. During



SAVING HISTORIC PLACES

Code Loophole Undermines City's Historic Resource Protections, Violates State Law

On November 5, the Bureau of Development Services removed two historically significant downtown buildings from Portland's Historic Resource Inventory. Their removal from the Inventory—approved on the day the requests were made and without notice or public hearing—was a prima facie violation of state statute and circumvented the City's long-established demolition delay provision for historic resources.

Restore Oregon urges City Council to fast track adoption of an ordinance restoring demolition delay provisions to Historic Resource Inventory properties to 1) comply with state law and 2) provide meaningful opportunities for the preservation community to advance alternatives when the demolition of a historic resource is proposed.

An ordinance eliminating subsection 33.445.510(B) from the City's zoning code would close this loophole.



APPLICABLE CODES AND STATUTES

The Historic Resource Inventory is an official resource of the Portland Historic Landmarks Commission, accepted and adopted by the Commission on October 10, 1984. Comprised of approximately 5,000 structures and objects, properties listed in the Inventory are defined as Historic Resources by the Zoning Code (PCC 33.910).

The Zoning Code explicitly requires a 120-day delay for applications to demolish properties listed in the Historic Resource Inventory. According to PCC 33.445.810, "demolition delay allows time for consideration of alternatives to demolition, such as restoration, relocation, or architectural salvage."



The Ancient Order of United Workmen Temple (top) and Hotel Albion (bottom) were removed from the Historic Resource Inventory November 5 to make way for demolition.

A provision of Oregon's 1995 "owner consent" law (ORS 197.772) states that "No permit for the demolition or modification of property removed from consideration for historic property designation ... shall be issued during the 120-day period following the date of the property owners refusal to consent."

Despite clear language in the code and in statute, a package of code amendments adopted in 2002 contained a provision that allows owners of Historic Resource Inventory properties to request same-day removal from the Inventory. This provision is in direct conflict with the statute and Portland's demolition delay requirement.

In 2015, 11 properties have been removed from the Historic Resource Inventory without the required delay.



The John Bridges House, 1423 SW Columbia, was removed from the Inventory and demolished in 2014

REQUESTED COUNCIL ACTION

Restore Oregon urges adoption of an ordinance that strikes the following from Title 33:

33.445.510 Removal of Historic Resource Inventory Listing

- A. Automatic removal of listing in the Historic Resource Inventory. When a resource listed in the City's Historic Resource Inventory is demolished or destroyed by causes beyond the control of the owner, its listing in the Inventory is automatically removed.
- B. ~~Requests for removal. A resource listed in the City's Historic Resource Inventory will be removed from the Inventory if the owner sends a written request to the Bureau of Development Services. The resource will be removed from the Inventory on the date that the Bureau of Development Services receives the request.~~
- C. Removal after demolition. When a resource listed in the City's Historic Resource Inventory is demolished, after either approval of demolition through demolition review or after demolition delay, its listing in the Inventory is automatically removed.



Request to Prohibit Delisting of Local Historic Resources Pending Supreme Court Case That Affects 3,000 Portland Properties

On April 24, 2015, the Oregon State Supreme Court agreed to review *Lake Oswego Preservation Society v. City of Lake Oswego*. The case concerns ORS 197.772, a statute that allows property owners the right to object to historic resource designation and, in limited instances, seek retroactive removal from historic resource listing. On May 20, the Portland City Council supported Resolution 37124, authorizing the City Attorney to participate in the case on the side of retaining existing historic resource designations. Because the outcome of the case has a direct bearing on Portland's historic preservation program, Restore Oregon requests the City take no further action to delist historic resources until the Supreme Court has issued their decision.

STATUTORY REQUIREMENTS

In 1995, the Oregon Legislature passed ORS 197.772, a statute that to this day makes Oregon the only state in the nation to require owner consent for local historic resource designation. ORS 197.772 also provides a clause for retroactive removal of designations that were imposed on a property. The statute requires a 120-day delay before issuance of any "permit for the demolition or modification of property removed from consideration for historic property designation." Properties on the National Register of Historic Places are not subject to ORS 197.772.

HISTORIC RESOURCES AFFECTED

Lake Oswego Preservation Society v. City of Lake Oswego specifically concerns requests to delist local historic resources in instances where the property has changed ownership since the time of listing. It is estimated that there are 3,000 historic resources in Portland that could be affected by the Supreme Court's decision. Defined in Zoning Code Chapter 33.910, these resources are:

- Local Landmarks;
- Conservation Landmarks;
- Properties identified as contributing to the historic significance of a Conservation District; and,
- Structures or objects that are included in the Historic Resources Inventory.

Zoning Code Chapter 33.445.520 specifies that a 120-day delay is required for applications to demolish any of the above historic resources. According to the Code, "Demolition delay allows time for consideration of alternatives to demolition, such as restoration, relocation, or architectural salvage."

A 2002 package of Historic Resource Code Amendments contained a provision that grants owners of Historic Resource Inventory properties the ability to request same-day removal from the Inventory (Portland Zoning Code Subsection 33.445.510.B). The rationale for this provision is not apparent in the Planning Commission Report and Recommendations that accompanied the amendments. Providing same-day removal of Historic Resource Inventory status contradicts the mandatory 120-day delays prescribed by both the Zoning Code and ORS 197.772.

In the interest of upholding the intent of Zoning Code historic resource protections, adhering to the statutory 120-day delay requirement, and providing the community with adequate opportunity to seek alternatives to demolition of historic resources, Restore Oregon requests the City of Portland stay all requests to remove historic resource designation until the State Supreme Court issues a decision on *Lake Oswego Preservation Society v. City of Lake Oswego*.

OPTIONS FOR STAYING REQUESTS TO DELIST HISTORIC RESOURCES

Two options exist for temporarily staying applications to delist local historic resources:

1. Directive from the City Attorney to the Bureau of Development Services. Such directives were recently issued in Pendleton and Deschutes County to provide relief to local historic resources until the Supreme Court issues a decision.
2. Adoption of a moratorium on demolition of locally designated historic resources. The procedure for enacting a moratorium is defined by ORS 197.520. The potential loss of historic resources due to owner objection requests qualifies as an irrevocable public harm that outweighs the adverse effects on owners who may be delayed in redeveloping their properties for the duration of Supreme Court consideration of the issue.

Additionally, and importantly, we urge the City Council to pass an ordinance extending the 120-day demolition delay to Historic Resource Inventory properties. This could be accomplished by the removal of unnecessary Zoning Code Subsection 33.445.510.B.

EXAMPLES OF PROPERTIES RECENTLY REMOVED FROM THE HISTORIC RESOURCE INVENTORY



John Bridges House, 1423 SW Columbia Street. Built in 1884 by noted Portland architect Justus Krumbein, Goose Hollow's Bridges House was listed on Portland's Historic Resource Inventory in 1984. Described as a prime example of the Eastlake Style in *Classic Houses of Portland*, the property was eligible for listing in the National Register of Historic Places. It was removed from the Inventory the day the Bureau of Development Services received the owner's application and was demolished shortly after in the spring of 2014.



St. Paul's Church, 801 NE Failing Street. Built in 1904 by Volga German immigrants, St. Paul's Evangelical and Reformed Church was listed on Portland's Historic Resource Inventory in 1984. Following its sale to a Wilsonville developer, on March 31, 2015, the new owner submitted both a request for removal from the Inventory and a demolition application. The request for delisting was automatically approved and the church was demolished less than one month later. An online petition to save the building generated 2,136 signatures, but in the absence of a delay period there was no opportunity to negotiate a solution.



5134 SE Division Street. Built in 1902, this 2,085 square foot home was listed in the Historic Resource Inventory for its Queen Anne vernacular style and high level of architectural integrity. The house was removed from the Inventory on the same day the de-listing application was received, April 15. Although a demolition permit is active, a 120-day delay could have provided an opportunity to relocate the property while still accommodating the proposed apartment building. A comparable property at 2604 SE Division was saved by relocation in 2005 due to a delay that allowed that inventoried building (the "Clay Rabbit") to be relocated prior to the construction of the condominium building that occupies the site today.

Portland City Council Meeting

July 20, 2016
presented by 120DayDelay.org

PURPOSE:

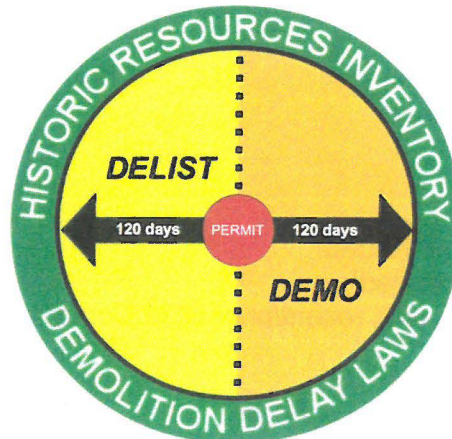
The purpose of this document is to provide an overview of our detailed investigation into demolition permits issued illegally for Historic Resource Inventory (HRI) properties and to issue a request for immediate remedy.

BACKGROUND:

There has been much recent controversy and debate regarding Oregon's unique 'owner consent' regulations which allow a property owner to request removal of local historic designations. There are two portions of regulations governing HRI property demolitions: the first requires a 120 day delay if a property is delisted; the second requires a 120 day delay if a property remains on the list.

In 2003, a city zoning code amendments package allowed for same-day removal from the HRI and decoupled that removal from demolition delay review requirements. This effectively created a conflict within the code and a loophole which, after it became standard procedure at Portland Bureau of Development Services (BDS), resulted in the **complete elimination of demolition delay reviews for HRI properties since that time**. This practice administratively delisted all HRI properties before or at the same time that demolition permits were issued – no longer subjecting them to the 120 day demolition delay review requirements for Historic Properties.

In addition to circumventing the administrative responsibilities of conducting demolition delay review proceedings, **the BDS violated State law** by failing to enforce the regulation which requires a 120 day delay after HRI removal before issuing a demolition permit. In other words, **the BDS failed to enforce the entirety of HRI demolition delay regulations for over 13 years**.



OAR 660-023-0200 (9) specifically states: A local government **shall not issue a permit for demolition or modification of a historic resource** described under subsection (6) of this rule **for at least 120 days from the date a property owner requests removal of historic resource designation** from the property.

So with that, we set out to analyze the extent to which the City of Portland complied with or violated State law. Consolidated HRI removal data is not readily available to the public and, to our knowledge, has not been extensively cross-referenced with relevant information from disparate sources until now.

RESEARCH METHODS:

The goal of our research was to assemble and analyze related data from a variety of sources so that we could analyze and interpret it from a consolidated vantage point where we were able to not only see prevailing patterns, but to draw more meaningful and informed conclusions.

First, we gathered a list of all HRI removals since 2012. Then that information was cross-referenced with BDS demolition, land-use intakes, lot splits, and other permit data . We also cross referenced with the tax assessor sales records to include sale dates, amounts, owner, contractor, builder, and replacement structure sale data if available. In some cases we also included ownership information for LLCs by querying the Secretary of State business registry. We also reviewed and downloaded BDS permit documents, HRI Inventory forms, and other relevant documentation – assembling a library of over 140 files thus-far. We also included ancillary research information from NextPortland.com, Business Journal reports, and other search results that might provide additional insight and context.

FACTS:

Total HRI removal requests (2012 – July 2016):

71

Outside scope of this study:

16

[duplicates (2): secondary removal requests long after the first; Administrative (1): update of HRI for property demolished prior to 1996 but not removed; alterations (7): permits on or around the time of de-listing for renovations, alterations, or pertaining to other structures on-site; facilities (6): de-listing pertains to demo or renovation of outbuildings at public schools, utility, or ancillary structures at the zoo, etc.]

Relevant records:

55

Purpose of Removal:

Demolition Permit Issued:	<u>31</u>	
violations	29	94%
no violations	2	
Delisted but no Permit Issued:		
Demolition Intended ¹ :	<u>15</u>	
delisted with recent/prior BDS Contact:	15	100%
Demolition Likely ² :	7	
Demolition Less Certain ³ :	2	

¹ de-listed with stated and/or documented intent to demolish (Early Assistance Design and Land Use intakes, etc.)

² close proximity to significant development pressure

³ less immediate development pressure but contributing factors indicate the possibility of future development and/or expansion under existing ownership

Recent sales (within 1 year of HRI removal):	<u>34</u>	<u>63%</u>
< 3 months:	25	74%
3 – 6 months:	6	18%
> 6 months:	3	9%

FINDINGS:

Demolition Permitting:

Our research did not discover a single instance of the BDS enforcing the 120 day HRI demolition delay.

94% (29) of the demolition permits we analyzed were **issued illegally** less than 120 days from HRI removal.

Of those 29 illegal permits, 2 were issued before removal from the HRI and 1 was issued for a property that was never removed. Of the remaining 26 permit violations, 85% were issued less than a month from delisting – a large percent issued on the same day.

There were 2 permits issued legally - the delay was not a result of BDS enforcement but, rather, the property owner submitting an application for permit after 120 days had passed from the time of delisting.

The vast majority of these HRI removals and demolition permits were requested within days or weeks of a recent sale to a real estate developer.

Delisting Patterns:

The prevailing pattern of issuing demolition permits shortly after delisting remained consistent and relatively predictable from the beginning of our study sample (2012) up until January of 2016. However, Beginning in 2016, we observed a dramatic and abrupt change in pattern across all types of removal requests. The overwhelming majority of 2016 HRI removals are uncharacteristically 'lingering' without a demolition permit issued. Several sit in 'under review' status, 'approved to issue', or there has been no application made.

In order to find a common denominator to explain this shift, we further cross referenced those properties with any activities that would place the owner, architect, or prospective developer into formal contact with the BDS. **100% of those cases where intent to demolish was established, removal from the HRI was preceded by recent contact with the BDS.**

This established a compelling pattern of contact and circumstances to infer that the property owners/developers had been advised to request HRI removal at first contact and also to suggest that the permits requests and/or approvals were being intentionally held back.

Because **HRI removals are not published as a part of the public record**, the community and Neighborhood Associations are not notified of pending demolitions until the permit is filed. This new delisting pattern heavily suggests that the BDS partnered with these developers (therefore making them **complicit**) in de-listing and “running out the clock” **in secret** before applying for demolition permits. It gives the **appearance of compliance in retrospect but conceals the intent from the public in the present** – resulting in **intentionally depriving the community of the time and opportunity afforded by law to explore alternatives to demolition.**

In addition to a long history of violating State laws, these BDS practices continue to cause **irreparable harm and betray the public trust** by eliminating the requisite transparency, oversight, and public discussion explicitly intended by both the letter and spirit of the law.

REQUESTED ACTION:

1. We request immediate State and City investigations into the 29 demolition permits issued illegally since 2012 as well as all demolition permits for HRI removals issued since 2003.
2. We request that the Portland City Attorney issue an immediate directive to the BDS to temporarily halt all de-listing of local Historic Resource Inventory properties until both the conclusion of a formal investigation and until the Supreme Court issues a decision in the case of Lake Oswego Preservation Society v. City of Lake Oswego.
3. We request that the City enact an immediate moratorium, as defined by ORS 197.520, on the demolition of locally designated Historic Resource Inventory properties until both the conclusion of a formal investigation and until the Supreme Court issues a decision with regard to 'owner consent' issues raised in Lake Oswego Preservation Society v. City of Lake Oswego. The potential loss of historic resources qualifies as an irrevocable public harm that outweighs the adverse effects on owners who may be delayed in redeveloping their properties.
4. We request that the BDS immediately comply with the 120 day delay period following HRI removal as required by State law and clarified by the Oregon Administrative Rules OAR 660-023-0200 (9). There is no grey area.
5. We request that all Historic Resource Inventory removals be made public and included in the the weekly Metro Reports as well as notifying the relevant Neighborhood Associations.

CONCLUSION:

The evidence is clear that the express intent of the owner consent laws are being exploited and circumvented for the purpose of expedited demolition while at the same time **illegally depriving the community of its right to discussion and delay**. The BDS circumvented the requirement to conduct demolition delay reviews for HRI properties by virtue of de-listing, and also violated the law by illegally issuing demolition permits after failing to enforce the 120 day delisting delay. Our research is clear, compelling, and very well documented. It opens the door for City, State, and Federal investigations as well as civil class action lawsuits.

We have published and distributed our research online and made it available for download - the raw data, consolidated tracking spreadsheet, and all supporting documentation - inviting anyone with an interest to take a look.

Members of the Portland City Council, we urge you to bring these Historic de-listings out into the light of day where they belong and where we can talk about them and explore alternatives to demolition. **It is our right and it is your obligation.**

Thank you for your time.

Historic Resources

(1) For purposes of this rule, the following definitions apply:

(a) "Designation" is a decision by a local government declaring that a historic resource is "significant" and including the resource on the list of significant historic resources.

(b) "Historic areas" are lands with buildings, structures, objects, sites, or districts that have local, regional, statewide, or national historic significance.

(c) "Historic resources" are those buildings, structures, objects, sites, or districts that have a relationship to events or conditions of the human past.

(d) "Historic resources of statewide significance" are buildings, structures, objects, sites, or districts listed in the National Register of Historic Places, and within approved national register historic districts pursuant to the National Historic Preservation Act of 1966 (PL 89-665; 16 U.S.C. 470).

(e) "Protect" means to require local government review of applications for demolition, removal, or major exterior alteration of a historic resource.

(2) Local governments are not required to amend acknowledged plans or land use regulations in order to provide new or amended inventories or programs regarding historic resources, except as specified in this rule. The requirements of the standard Goal 5 process (see OAR 660-023-0030 through 660-023-0050) in conjunction with the requirements of this rule apply when local governments choose to amend acknowledged historic preservation plans and regulations. However, the sequence of steps in the standard process is not recommended, as per section (3) of this rule. The provisions in section (3) of this rule are advisory only. Sections (4) through (9) of this rule are mandatory for all local governments, except where the rule provides recommended or optional criteria.

(3) Local comprehensive plans should foster and encourage the preservation, management, and enhancement of structures, resources, and objects of historic significance within the jurisdiction in a manner conforming with, but not limited by, the provisions of [ORS 358.605](#). In developing local historic preservation programs, local governments should follow the recommendations in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. Where possible, local governments should develop a local historic context statement and adopt a historic preservation plan and a historic preservation ordinance before commencement of local historic inventories.

(4) Local governments shall provide broad public notice prior to the collection of information about historic resources. Local governments shall notify landowners about opportunities to participate in the inventory process. Local governments may delegate the determination of significant historic sites to a local planning commission or historic resources commission. The determination of significance should be based on the National Register Criteria for Evaluation or the Secretary of the Interior's Standards for Evaluation.

(5) Local governments shall adopt or amend the list of significant historic resource sites (i.e., "designate" such sites) as a land use regulation. Local governments shall allow owners of inventoried historic resources to refuse historic resource designation at any time prior to adoption of the designation and shall not include a site on a list of significant historic resources if the owner of the property objects to its designation.

(6) The local government shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government.

(7) Local governments are not required to apply the ESEE process in order to determine a program to protect historic resources. Rather, local governments are encouraged to adopt historic preservation regulations regarding the demolition, removal, or major exterior alteration of all designated historic resources. Historic protection ordinances should be consistent with standards and guidelines recommended in the Standards and Guidelines for Archeology and Historic Preservation published by the U.S. Secretary of the Interior.

(8) Local governments shall protect all historic resources of statewide significance through local historic protection regulations, regardless of whether these resources are "designated" in the local plan.

(9) A local government shall not issue a permit for demolition or modification of a historic resource described under subsection (6) of this rule for at least 120 days from the date a property owner requests removal of historic resource designation from the property.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDRC 2-1996, f. 8-30-96, cert. ef. 9-1-96

33.445.520 Demolition of Resources Listed in the Historic Resource Inventory

Portland's Historic Resource Inventory was adopted by the Historic Landmarks Commission on October 10, 1984, as a "resource to be used by the Commission in evaluating applications for landmark designation or other recognition." The Inventory consists of two classifications of properties: unranked and ranked (the three ranks are I, II, and III, with Rank I being the most significant). In 1991, the City Council adopted a 150-day demolition delay requirement for proposals to demolish ranked and unranked properties on the Inventory. Following a change in state law, in 1996 the zoning code was amended to reduce the delay period to 120 days, applied only to ranked properties on the Inventory. The 1996 code changes also provided a path for owners to request removal from the Inventory based on the recently-passed "owner consent" law (ORS 197.772).

In 2002, the Historic Resources Code Amendment project inadvertently provided a path to demolish ranked Inventory properties within the 120-day period following an owner's request to remove a property from the Inventory. This change has resulted in the removal of approximately 100 ranked Inventory properties without notice or demolition delay, many of which have been demolished.

33.445.820 Historic Resource Inventory Removal Delay Review

The creation of a 120-day Historic Resource Inventory Removal Review ensures adequate opportunity for the public to explore preservation opportunities before ranked Historic Resource Inventory properties are removed from the Inventory and/or demolished.

November 18, 2015

Emerick: I think that's all we have.

Hales: Thank you both. Questions? We really appreciate your work that is lot of work as volunteers. You've been on the commission for eight years or less it's still a lot of work. It's really important. As you said, it's probably never been more important given the pace of change now and we'll be dealing with it as far as we can see. It's pretty important that we get it right.

Emerick: Yeah.

Ranzetta: Thank you.

Hales: Thank you, appreciate it.

Hales: I think we probably have a sign-up sheet for others who want to speak to this report.

Moore-Love: We have 13 people signed up. The first three please come on up. [names being read]

Hales: How are you? Good afternoon.

****: Hello, good afternoon.

Hales: She'll probably need a little help from Karla with our arcane system.

****: That'll come up in the last point.

****: Go ahead, please.

Peggy Moretti: Good afternoon, I'm Peggy Moretti, executive director of restore Oregon. We're a nonprofit that working statewide to preserve and pass forward Oregon's historic resources and promote livable communities. I'm here on behalf of my organization to endorse the report given by the landmarks commission, and reiterate the need for an updated historic resources inventory because we certainly cannot manage assets -- and these are assets -- if you don't know what you have and where it is. So it speaks for itself. I have some additional comments and observations and recommendations to share today. I think it's important we note some of the positive things going on he and really good projects that enrich our city culturally and economically. They include the restoration of the 511 building as the new headquarters for pnca. The transformation of Washington high school as office space and an event venue. And the hotel, mixed income housing in old town, all of these illustrate preservation at its best. They received an award from restore Oregon just this last Friday. Other projects in the skidmore district that we're very heartened by are the society hotel and the proposed infill project next to the new markets theater. They are looking at reincorporating some of the historic cast iron. That's really, really good news. We had listed it as an endangered place and we have good indicators that that district is on the rise and we're really glad for that. However, on the negative side we do remain as brian said in the midst of a demolition epidemic. Our phones are ringing off the hook about that. It's chewing away at the character of many older Portland neighborhoods. Restore Oregon reviews copies of all the demolition requests. We're on pace to lose 400 single-family homes this year and only 9% are having impact on increasing density. There's stuff going on that isn't necessarily achieving bigger goals. We do think some small steps of progress have been made in that arena, defining definitions, but we need a lot more. The market has created financial incentives for demolition so we need to balance that out a bit with some disincentives. A demolition epidemic is as we were seeing in the closing slides from the landmarks commission, this is now spreading to downtown. The pending application to demolish the lotus cafe building and the workman's temple. It's absurd that these buildings could come down without so much as one bit of public comment or conversation about that. My colleague brandon spencer-hartle is going to speak to the contradictory loophole in our code that's

November 18, 2015

allowing that to happen. But what a loss this would be to the historic fabric of our city. We should not be rewarding property owners who have let their buildings sit and disintegrate for decades and then they claim it can't be saved. This is I think a case of demolition by neglect. I don't think people should be profiting from that. I think we would be in a better position to see buildings like the workman's temple restored and repurposed. If a few more things were in place in the areas of carrots and sticks. We do need financial incentives for seismic retrofitting and the flexibility to do upgrades in phases. You probably remember that we have been proposing a state historic rap incentives in the last session that received the city support, thank you very much for that. We couldn't find fund for it there in the capitol. I'm hoping you will join with us in keeping the pressure on for that. That still needs to happen. And as proposed I assume it would be similar to what would come forward in the future, a 20% rebate for historic rehabilitation. And that's particularly important for the smaller historic buildings that don't attract deep-pocketed developers to do the work.

Hales: I need to get to you wrap up, we're running out of time.

Moretti: Oh, sorry.

Moretti: I think other ideas we need to consider is an ordinance that prohibits demolition by neglect. There are a lot of cities that have that, and that's an idea we should explore. I appreciate the idea of a tax on demolition. We need to make sure that we do enforce meaningful demolition delay periods that allow conversations about alternatives to demolition. And we definitely need those design guidelines in the residential infill arena, in the skidmore district, Japan town, Chinatown, making it easier for the historic projects to happen and the compatible infill to happen. We thank you very much for allowing our input into so many commissions and task forces over the past year. We look forward to contributing more good ideas as we also build for the future.

Hales: Thank you, please keep those coming.

Novick: Could I ask a question? The term demolition epidemic, I'd like to get a sense of what you expect to be a normal and acceptable amount of demolition. You don't expect for the average house to last for 1000 years so if one tenth of 1% of all houses are coming down every year that to me would seem abnormal. You expect houses to last more than 10 years and 10% of houses were being torn down, obviously that would be an epidemic. What do you think is a normal level? What's a demolition disease and what rises to an epidemic?

Moretti: Well, we clearly have a rapidly increased number of demolitions. And so many of those demolitions are on houses and structures that have a lot of good life left in them. It's one thing if it's something that's just, like I say, has run its course and doesn't have much value left in it. And there are some of those. Certainly not every one of these house comes down should have been kept. But there's an awful lot of good use left in places that are being demolished. To me that's what's out of whack here, out of balance.

Novick: But what's a lot? What percentage of the housing stock would you think of as a lot? If 10 good houses are being torn down, is that an epidemic, even though it's a small number?

Moretti: Well, I don't know what the right percentage should be. To me I think there is something of a value judgment in that. But the acceleration that we have seen, I don't think is average at all. He and I think it's probably tripled is what we've seen. Every single day we receive demolition applications in our mail, Two to four every single day. That seems lot like a lot to me.

Hales: One way to look at it, it's a fair question, Steve.

November 18, 2015

Hales: If you believe that a well-constructed wood frame house can last 300 years, and since my parents-in-law live in a 250-year-old wood frame house in new Hampshire that looks like it's going to be around for at least another hundred years, then maybe 400 house as year statistically is the right rate. But we don't have any 250-year-old houses in Portland. We're tearing down houses that are 100 years old and in the first third of their useful life even on a statistical basis. We're at that replacement rate 200 years early.

Moretti: The average age of the demolished house if i'm not mistaken is circa 1920. It's historic, has really good materials in it and I would say in many of the cases it had a lot more life to it.

Brandon Spencer-Hartle: Mayor hales, commissioners, i'm here to talk about what it is to be a historic resource. I work around the state with the 70-some communities that have landmarks commissions and what we have here is a treasure. The city of Portland recognizes four categories, national register projects properties, local landmark properties, and historic resource vantage point props. The inventory was adopted in 1984, it includes approximately 5,000 properties. Unfortunately, since 2002 properties on the historic resource inventory have been able to be demolished without any protection or delay period as prescribed by the zoning code. This provision of the code title 33.445.510 subsection b was inserted in 2002 as part of a larger package of amendments altering the zoning code. Owners of historic resource properties like the one on the screen in a second, to be removed on the same day their owners request removal. Properties are included in the zoning code as a type of historic resource and subject to a 120-day demolition day this code loophole allows those property owners to come off the inventory. Over 170 prompts have come off the inventory in this way. Most of those are small single-family houses, the kinds of things not noticed until after they are gone. Two properties you can see from the front door the city hall have been removed from the inventory. Because of our state's unique owner consent law there is no opportunity to designate the resources or protect them with the type of expertise the landmarks commission can offer. Once a property is off of the inventory it's not subject to documentation and salvage requirements otherwise expected for a property on the inventory. In our estimation allowing prompts to come off the inventory without any notice, hearing or delay cripples the ability of the historic landmarks committee to find alternatives to demolition. The removal of the united workman's temple and the lotus cafe represent the most egregious just is use of this since 2002. I'll stop there.

Fritz: Does stay law not require to us take a property off if the owner asks?

Spencer-Hartle: The state owner consent law requires for local designations the owner to provide their consent for that local designation. Law goes on to explain that any owner who refuses consent is required to wait 120 days before modifying or demolishing that structure.

Fritz: that's to put it on, those. What's the rules for taking a designation off?

Spencer-Hartle: That is an item that we've been engaging with at the state supreme court and actually this commission has included the city attorney here in that discussion because there is still a legal question as to which owners can request removal from historic designation. In the past it was assumed only that owner designation imposed on them could request removal. It was broadened to potentially any owner to request removal. That was a week ago yesterday, that question of who can come off.

Fritz: I'll be interested from our city attorneys later to know if there's something in the interim while this court case is pending that we could do to protect those two resources that you've noted.

November 18, 2015

Spencer-Hartle: I'll say one more thing.

Moretti: 120-day delay should still apply.

Spencer-Hartle: That 120 days for an organization like ours, while it might not save every building provides an opportunity to provide a feasibility and dialogue. If the code allowed for that 120 days we could be engaging in discussions rather than here reacting to something.

Fish: You have on the back of your testimony a proposed council action. You propose that we strike sub b of 3.445.510. Would that have the effect of then providing a 120-day clock before it can be taken off?

Spencer-Hartle: It would. And that would be in our estimation the right response to state law and the remainder of zoning code which does specifically say historic inventory resource properties are subject to a 120-day delay.

Fish: If the council was persuaded to do that, we could not apply the retroactively to any property that has been delisted, correct?

Spencer-Hartle: I wouldn't imagine so in a legislative action. But carey richter will follow up my testimony.

Fish: Just guessing, that sounds like something we can't do. But we could entertain whether we want to make this change going forward and perhaps even have a hearing on it.

Spencer-Hartle: That would be great.

Moretti: Please.

Fish: By the way, you said it was part of a package that we adopted in 2002. My memory isn't that good. Actually I wasn't actually on the council then.

Fish: It's worse than I thought [laughter] Was this an issue in the package that was clearly framed for council's consideration? Was this a considered action or part of an omnibus action that did not get the attention you think it deserves?

Spencer-Hartle: That's a good question and I probably have less reference I had my learner's permit at the time, it was a long time ago. From the records from those deliberations, there's no -- in the official records from the stakeholder advisory committee and the discussions around the broader package of code changes, I can't find any language explaining why that subsection was added other than to assume it was a response to the 1995 owner consent law that may be only read part of that law. The rest of those code changes are full of change notes from commission members and city staff.

Moretti: It's certainly contradicting the clear intent of putting in the 120-day delay. Why would you have that if you could instantly remove it? It doesn't make sense.

Hales: You've called this to our attention in a very useful way.

Carrie Richter: My name is Carrie Richter, I am an attorney at the law firm garvey baer. I served an eight-year term at the landmarks commission. I want to myself congratulate the chair for leading the commission in a masterful way upon my retirement. And I am so grateful to them for all the work they have done in taking on the policy charges in a lot of ways I think as a commission we were not able to do in terms of being involved proactively in the new comprehensive plan. The quadrant planning. And this unreinforced masonry work I think is wonderful. That's my first point. My second point is I was the attorney representing restore Oregon and the city of Portland on the Carmen house case, the lake oswego case that has to do with the owner consent law. I think we are all encouraged that that is going turn out to be something that the Supreme Court understands the owner consent law was only intended to apply to the owner at the time the designation was imposed and not intended to carry forward. We've identified about

November 18, 2015

1700 designated resources in Portland that are at risk of delisting by subsequent owners. If the Supreme Court rules the way the court of appeals does. Third point, I want to just follow up on the demolition code revision issue that restore Oregon has raised. I want to point out that there is ambiguity within your code already. Commissioner Fish pointed out the provision that restore Oregon wants removed. There is another provision, a little further down in the code, 33.445.520a2 that says: Issuance of a demolition perm after demolition review -- this is for hri resources -- requires 120-day delay. And in the case of the ancient united workmen temple and the hotel albion, design review advice has happened to take down these buildings already. City staff knew the intent with as to demolish the buildings. If we know the intent is to demolish, it seems the appropriate review standard would have been this one I just read to you that would have subjected this resource to a 120-day delay. It's not as though the city didn't know these buildings were going to come down. That's a real problem that first of all, necessities amending the code. And second of all, being more rigorous until the code is amended when these applications come in. It is not as those fees folks are just wanting to come off. Thank you.

Hales: Thank you very much, Carrie. Thank you all. The next three folks, please.
[names being read]

Hales: Good afternoon, why don't you get started?

Maryhelen Kincaid: Last time I was here commissioner novick had a great quote and george brett said go royals they went and now they are world champions. I hope we score a world series here. A common issue, I sit on drac and a common issue, demolition task force, information shared with city council and their staff, there are houses and neighborhoods that are significant. Not necessarily historic but significant and some have the potential to be saved but neighborhoods don't have the capacity to deal with the process in place. There are no tools to do that. The tools we've been trying to use are not adequate. Neighborhoods are frustrated. We do not have the right tools to identify what's significant. My last testimony I said I had a plan. And we have -- and i've discovered a tool to assist neighborhoods and save some houses from demolition. It identifies houses that are significant and targets houses because of their lack of configuration or historic nature or significance. One is the hri, we have heard and know the hri is in need of great revision. The work of the demolition task force and how it addresses the issues of demolition, notification and appeals process, and urges continued funding to support of compliance. While compliance is good it's not going to stop demolitions. Six appeals have been files, no houses have been saved. A group of concerned neighborhood land use activists including restore Oregon who headed the effort, included have created a toolkit for best practices and extending the delay to 95 days. To appeal at this stage when the developer has invested a lot of money is not the best time. By all accounts it is outdated and some of those are not so good tools. I agree hri needs to have the start-over button hit. It would enhance the work of any future efforts of hri. A revised historic resources inventory would bring the city's interests in maintaining neighborhood livability to the forefront and allow neighborhoods to explore their historic identity has to a grass roots and well planned inventory effort. We're there now, we just need to help the neighborhoods in their efforts. We've presented this project to paul scarlet, director of bds, commissioner saltzman's staff. Susan Anderson and Joe Zehnder, bps. We think it would augment the new position for the historic preservation planner. That will focus solely on historic. While this is about hri, hour project will enhance those efforts towards neighborhood livability and significance. Developers and

November 18, 2015

landowners would have the tools to start the conversation before demolition is filed. It'll preemptive and restore neighborhood character. It'll lay groundwork for future work to preserve historic residential structures we don't even know about. Quote: Good management is the art of making problems so interesting and the solution to constructive that everyone want to get to work and deal with them. You'll hear testimony a little later from Mark Molinaro about this project.

Hales: Thank you.

Denise McGriff: I'm Denise McGriff and I have the privilege of working with the national trust for preserve sayings. I'm representing. [audio not understandable] the committee strongly supports the recognition and resource Oregon have recommended to you regarding removal of the zoning code section that allows property owners to remove their hri designation. I'd like to give you a little personal observation. Last year I attended the historic preservation programs awards. You all know about George Mcmath and his history in starting our historic preservation program. Leo g. Williams was the recipient of the award. During Leo's presentation and discussion about the work done with George to start that program, I was disturbingly reminded of how far we have not gone in the city of Portland to do all the work that I think George envisioned, Leo envisioned, and our late friends envisioned. I really urge you to seriously implement all of the recommendations that the landmarks commission has proposed to you, because they are the foundation of this city's program. And we have so much to be thankful for in terms of the resources of this city. The national trust was hosted in the stiff Portland. I just came back from d.c. And they are still talking about the Portland conference, which is great. That said something real good about what we did. I really urge you to not only talk the talk about our preservation program here in the city of Portland but to walk the walk and implement these changes. Thank you.

Hales: Thank you.

Cath Galbraith: [inaudible] we own and operate the architectural heritage center at 701 southeast grand avenue, the oldest building integrand avenue east Portland district. We're well aware of the threatened developments in our environment. In addition to commenting on the report for the history landmarks commission seventh annual report i'm here to focus on the emergency happening where our vintage buildings are being deliberately erased at a rate never before seen in the city of Portland. We were building new buildings and not demolishing what was old. We support recommendations and the comments in the report about design guidelines for skidmore old town, and seismic upgrades for historic buildings. But the epidemic of demolitions that continues to rage through the city, unfortunately the conclusion reached by bds is that the city is balancing the concerns of the various stakeholders and we disagree with that. Only demolitions in low density residential zones are subject to the review and we receive all of those notices. We know the magnitude of those. We're also paying attention to the demolition applications and there are at least at many demolitions happening of building not in low density residential zones. We're losing a tremendous number of vintage and historic buildings without any delay or review. We've heard a lot of discussion about the status of Portland's historic resources inventory and all the flawed issues around it lack of formal evaluation and adoption when it was finished. And I don't need to go into that. But we have a process that's essentially voluntary for the city the caliber of Portland to be the single city with this weak and ineffective process, it's really a national embarrassment when I deal with my colleagues around the country. They just cannot believe our program is as weak and ineffective as it is given Portland's reputation on a number of other fronts.

November 18, 2015

There's a particular concern I want to bring to your attention today. My organization was chosen to update the cornerstones african-american documentation project which we started in 1993. It was to be used in work on the north-northeast quadrant plan to protect african-american resources but nothing was done as we provided the update. 10 of the original 1284 standing buildings that we had identified had been demolished between 1998 and 2010, over a 12-year period. More recently we've been looking at all of the demolition applications and the impact on our inventory. We've done a very preliminary review which shows at least 12 of the african-american historic resources have been demolished between 2010 and august of 2015 with a startling acceleration in 2015 and of course none of these buildings are subject to any delay and there's no protection for them. So we have our work cut out for us. And I know all of you, you have incredible tolerance to sit here and listen to us go on and on and on about our favorite subject. This is one of thousands of issues that you're obligated to deal with. You have tremendous tolerance. Try to come down here as little and possible and bother you about things. But Portland's beloved reputation, character, quality of life, its place that everybody wants to be is in large part based on what the city feels like. It's based on what it looks like and in large part on its natural character and building character. We can't afford to risk squandering that building character but not paying enough attention to the resources that my profession cares about. And I know you do, too.

Fish: Cathy, first of all, we never tire of hearing from you.

Galbraith: Thank you.

Fish: I've lived in cities that created egregious acts of vandalism and they look back and the in to regret what was demolished or neglected or whatever. Because we have so much coming at us, it does strike me when we identify one or two or three discrete things that we're asked to do, it's more likely that we'll do it. Earlier we heard a particular statutory problem about the 120-day clock and we have a proposed remedy. We could tackle that very quickly and put something in place. And there are some other things here that seem very targeted. So my sense is the more we identify and specific problems and outcomes and we're clear the more likely we'll be able to address it in an expeditious manner.

Hales: Thank you very much, thank you all. A few more folks that want to testify and then there are a lot of people here for the next item. We have five or six more people signed up to speak. We'll hear them and move on. [inaudible].

Moore-Love: We have a comp plan hearing tomorrow night. [names being read]

William Willingham: My name is bill Willingham, I'm a consulting historian. I'd like to speak to you today about the need to update the historic resources inventory. I bring to that some special knowledge in that I was the historian, along with the architect, who did the research that created the very first inventory back in the early eighties. What you all know but we probably need to think about it again, is the fact that Portland is blessed with a built environment that reflects 150 years of virtually every architectural style as buildings reflect those. They are important not only for architecture but also for their association with culture, with commerce, with ethnic diversity. So what is really key is that we build our knowledge base so that we know what out of that 150 years' worth of built environment we need to preserve. So the inventory is only the first step of that. Then you have to evaluate those properties according to appropriate standards so you can rank or determine significance. When you come to the issues of demolition that present a building in a microcosm, you know where it fits in that larger universe so that you can make rational decisions. I would just encourage that you as quickly as possible find the

November 18, 2015

resources to update that inventory because as others have pointed out, the city of Portland has grown and we have marched 30 years ahead so that we're now able to evaluate buildings from the fifties and sixties according to the 50 year standards as the cutoff date. If we don't get the inventory updated we can't deal with the new resources that need to be effective. I won't take any more time to repeat what others have said. I think the focus needs to be on updating that inventory. I'd like to see my work carried on. Thank you.

Hales: Thank you very much, we would, too. Good afternoon, mike.

Michael Molinaro: I'm michael molinaro, approximate I want to thank maryhelen for her referring to me as a tool. I think it's the first time it's ever happened.

Hales: She didn't mean it that way. Present. [laughter]

Molinaro: One of the reason jane and I moved to Portland so many years ago having renovated and restored over 500,000 square feet of local and national landmark buildings, I was attracted here by the major landmarks we all know but to the historic character of Portland's neighborhoods. They are named after a mountain, a creek or even a waterfall. But we moved into one named for an idea: Sunnyside. I soon discovered a gap in the recognition of historic Sunnyside structures since the hri was completed in the eighties. I could not find an updated account of this these 133 properties. I set off to examine them myself. By looking at every single residential property I documented not only the hri but over 300 additional residences that I feel could be considered as an asset to that historic resource. Dropped into a database I could now search and group them using over 50 different categories. In my opinion these are the properties that make up the residential fabric of Sunnyside. Many of these are also the properties most vulnerable to demolition. No tax, fee or appeal process can ever bring them back once they are gone. So in addition to my own historical survey, I have added to this database underlying lot line information. Now by combining the two, and with current data on market values, I can predict which of these properties is most likely to be demolished. This study, called inventory of significant residential properties, has been presented to city staff with two more presentations scheduled. If our pilot project is funded it will be expanded to four other neighborhoods and can be utilized by all parties, owners, neighborhood associations and developers to potentially chart a course other than demolition and help maintain the affordability of housing. Thank you.

Hales: Thank you. Good afternoon.

Alyson Clair: Good afternoon, I'm Alyson Clair, I'm a small clothing maker in town and an apparel consultant. I've lived in Portland for the last 15 years and i'm here on behalf of ancient order of workmen temple. I rode the 12 bus for over an hour to come and visit it. I would visit it when I was walking which is kind of silly. I was crushed when I saw this happen with the hotel and this building potentially slated for demolition. It may be the straw that breaks the camel's back for staying in this city. The character is what draws me and everyone that comes here and that loves it. It's sort of a plea to keep these extremely historic buildings. It's beautiful and breathtaking and I was almost in tears when I saw the plans for raising it. The building shows the current structure with the building around it and the plans have been outdated. Just here to voice my concern and thank you for your time.

Hales: Thank you, thank you very much. Thank you all.

Moore: The last three who signed up. [names being read]

Hales: Come on up.

Therese Dupay: My husband is not going to speak today.

November 18, 2015

Hales: Welcome.

Dupay: Hi.

Hales: You can go ahead.

Dupay: My name is Therese Kennedy Dupay and I'm a local writer here in Portland. One is a crime history book on organized crime here in Portland. I'm coauthoring that book with J. D. Chandler and it's a history book. It's my love of history that brings me here today. I was born and raised here, I've lived here my whole lifetime. I have two favorite buildings in downtown Portland, the Lotus Hotel, formerly the Albion Hotel. And the Ancient Order of the Workmen Temple. I was able to do a tour through the upper portion of the Lotus Hotel. I took over 100 photographs and did a video and wrote an eight-page paper I was going to submit to local places around town and I could never get my head around how to do that. The paper details the significance of the Lotus Hotel, the 1978 murder that happened in the bar of the Lotus Hotel, the ghost that lives in the basement and the upper portion of the hotel and all the history that goes with it. It was a wonderful experience, and as a writer I benefited greatly because I learned about the history of Portland in a way that I hadn't really known before. I always wondered about the possibility that the Lotus might be demolished, and it's very distressing to me because the appeal of Portland, Oregon is so tied to our architectural history, and the character of downtown Portland is suffering with these consistent demolitions of old buildings. I want to state that it's not impossible to restore these old buildings. The Cornelius suffered a catastrophic fire in 1988, it's been restored. The Harlow Block 82 on Northwest Glisan Street is being restored. There's no reason why the Lotus Hotel cannot also be restored. But I also just want to state much like the woman who spoke before, I was almost -- I was baffled when I saw that the Ancient Order of the United Workman Temple was designated for demolition. I am shocked, I'm horrified, I'm outraged that this could even be considered. It is so priceless a building. We have to do what we can to save the Ancient Order of the United Workman Temple and the Lotus Hotel. That's my statement.

Hales: One more nugget of information for your history which I think I should disclose now that Commissioner Novick is in charge of the transportation bureau. It's been the afterhour's hangout for there for many years. I can now reveal that the one of the named city engineers at the time, Vick Rhodes and I drew the street plan on a bar napkin at the Lotus. Unfortunately we didn't keep the bar napkin but we drew the street plan.

Dupay: It's booming, yeah.

Hales: Thank you very much. Good afternoon.

Sarah Stevenson: I'm Sarah Stevenson, I'm here today as cochair of the Old Town China Town Land Use and Design Committee. We want to thank the members of the 69 Landmarks Commission for their work in our city and their 2015 priorities and goals, specifically the development of historic design guidelines. I'd like to speak about two that sit within Old Town Chinatown, the Skidmore and New Chinatown/Japantown Historic District. The Skidmore needs to be updated, sound like they are done and will be in front of you very soon. We'd like to thank Planning and Landmarks for that work and encourage you to approve them as soon as you can. We've never had design guidelines in New Chinatown and Japantown. They are facing development pressures and desperately need those plan guidelines. They are important not only to preserve our historic fabric but also to give developers what they can do in the neighborhood and how to proceed. We thank the city for listening to our earlier requests and taking steps to move these guidelines forward. We urge all parties involved to prioritize their development as we would very much like to see guidelines in New Chinatown and Japantown for 2016. We think 2017 is a little bit

November 18, 2015

late. Insuring compatibility with new development and preserving the aesthetics of historic districts is important work. Sometimes people ask why, it's just an old building. Sometimes it's not even a very pretty old building. These physical places preserve a space for us to tell stories about the people who built our communities. Sometimes the stories are inspiring sometimes they are ugly. But it's important for us to know and remember our own history so we can continue to create the community that we want Portland to be. Thank you.

Hales: Thank you very much. Thank you all. Okay. Commissioner Saltzman, I think a motion may be in order.

Saltzman: I would move to accept the report.

Fritz: Second

Hales: Discussion? Let's take a roll call vote on that subject.

Novick: I'm continually amazed at the amount of hard work from our volunteer commissions. Thank you very much he very, very much for your work. Aye.

Fritz: I second that, after eight years of dedicated service, I want to echo commissioner Fish's kudos for your handling of the mount tabor reservoirs and the Mount Washington reservoirs. You get to look at all kind of different issues. I smiled when somebody said the skidmore design guidelines will be coming to council soon. I've heard that every year for the last seven. I'm looking forward to you bringing home right after the New Year, mayor. And also the new chinatown and japantown guidelines. I'm shocked about the two buildings slated for demolition and horrified to think they could be replaced by some out of the box hotel some out-of-town developer thinks is in keeping with our city there are so many beautiful buildings in downtown Portland that make me proud to be a Portlander and contribute to the character of our city in a way that a standard box hotel is not going to. Mayor, I hope you'll be able to intervene in that. I need to tell my own lotus hotel story or at least a restaurant story. I go there at least once a month whenever I want to have a private conversation. The acoustics in that beautiful wood bar are such that if you go at noon it's very noisy, you can perfectly hear your companion talking even if you try you can't eavesdrop on the next table. But it's the perfect place to go and have a secret conversation right in the public. It's really quite nice. Thank you very much for the report and for all the work that you do. Aye.

Hales: The reporter's here so you've probably had your cover blown.

Fritz: Try it, it's possible.

Fish: Thanks very much for this report. Each year when we get this presentation I find it inspiring and sobering. There's a number of things on your action list which I think we should prioritize, quite frankly. One is taking a quick look at title 33 and saying if we can make a discrete change. That's something we'll be discussing with dan of bds. The second is having a full-time preservation person in the bureau, a senior person, senior planning position. This is a tough budget cycle, the mayor has given guidance every bureau has to identify a 5% cut package as a fallback. I'd like to know more about the staffing around this, it seems like a reasonable request. I, too, am looking forward to the skidmore old town stuff coming back to us. The last time we took it up, Commissioner Fritz, was four years ago? And as to the general sentiment about the kind of soul of our city as reflected in historic structures, I could not agree more. In fact, cities that have been far-sight bad this have protected buildings and districts and they have turned out to be high-rent areas also and people whose to live in areas that have historical roots so. Thank you for your good work. I'm pleased to vote aye.

November 18, 2015

Saltzman: Thank you, commission members for your hard work and past and present members, as well. I also want to acknowledge the role of staff, tim heron has staffed this commission well. I think the testimony as well as the commission members have raised some good issues we need to take a close look at like this 120 -- lifting of the 120-day delay. That's something I will look at as commissioner Fish says and see if we can't bring something bad for remedy that. Thank you very much, aye.

Hales: Some of you who may be here today and not here often may not know this but we get these reports every year from both the design commission and landmarks commission. They are an excellent way for us to check in on what's working. You've shown us some things that are, like how much better the block 81 development was after your review than it started before. It's good to hear about what's working. But frankly I don't think there's been a report at a time more important than right now that calls out what's not working. You have really given us a call to action just in time to save some buildings that are otherwise going to be lost. I really appreciate as has been set by other members of the count, the clarity and call to action. You've got my commitment and I think you've heard others here on the council as well, committed to moving swiftly to make improvements that will avoid the losses that you have flagged. We really don't have an excuse not to act if you've given us this much clarity. We all can look around and see the rate of change that's underway. We have a short time in the work we begin tomorrow afternoon in our first public hearing on the comprehensive plan, and in the specific issues you've called out here today. We have a little bit of time to keep Portland, Portland when we're forecast to accommodate 250,000 more people and 140,000 more jobs over the next 20 years. It's really important work. Thank you very much for what you've brought us here today and we look forward to having you back in the council chambers very soon for changes in our code. Aye. [gavel pounded] thank you all very much. Let's move on to our second item this afternoon, item 1208.

Item 1208.

Moore: Add code removing barriers to employment to establish procedures for the use of criminal history information by employers within the city.

Hales: Thank you. Let me set this discussion up and then we have some invited testimony and staff presentations on this proposal this afternoon. The best way to break the cycle of imprisonment is a job. We hear that again and again from people that do this work, from people who have been in the criminal justice system. In fact, the city club heard it last week when arthur davis so poignantly talked about how his future was determine beside his father's gang involvement and his own choices. And then right there at the city club pointed out that he could use a job. We hear that story way too often. And in fact we formed this amazing effort in Portland along with other cities around the country called the blackmail achievement initiative. There are people who work on that wonderful effort. I got to know a couple of young men who visited with us as we did the work, stephan fowler and robert white. At the time I met them, they were both in the criminal justice system serving time in an Oregon prison. Robert has since been released and is doing well. Stephan is still in the system. If you have ever had the chance to be inspired by a young person, I can tell what you that was like. I was so inspired by them. I wanted to hire both of these young men on the spot with you I know how difficult it'll be for them to get through the interview process and get a job. That's why we're here. Meanwhile, i'm the police commissioner and we're having the worst year ever for gang violence. We've had 171 gang violence incidents in our city, we've had 163 shootings, 65 people hit nearly a thousand shell casings recovered and 12 people killed. Some of the people that have

Historic Resource Inventory (HRI) HRI Removal and Demolition Delay Timeline

- 8/22/1979: Portland Historic Landmarks Commission approves objectives for the Historic Resource Inventory project. One objective is "Comply with State Land Conservation and Development Goal #5 requiring an inventorying of city resources."
- 10/10/1984: Portland Historic Landmarks Commission "accepted and adopted" the Historic Resource Inventory as a "resource to be used by the Commission in evaluating applications for landmark designation or other recognition."
- 1/1/1991: City's new Zoning Code applies 150-day demolition delay to "Rank I, II, III, and unranked properties identified in the Portland Historic Resources Inventory"

Zoning Code Rewrite

Recommended Draft, April 1990

163608

lot and the project as a whole will be able to comply with all of the rules, and that prospective buyers will know in advance where development is allowed.

Chapter 33.219 Convenience Stores

This chapter incorporates the convenience store regulations of the present code and codifies the "Good Neighbor Plan", which is only referred to in the present code. Placing all of the convenience store regulations in one location clarifies the requirements and reduces confusion. Generally, the regulations are very similar to those of the present code. One major change has been the removal of the requirement that existing convenience stores may be required to go through all or part of the convenience store review process. The regulations of the recommended draft only apply to new convenience stores. There was concern over the legality of applying those regulations to existing stores. Existing convenience stores must still meet the off-site impacts and nuisance requirements of the recommended draft, which should address many of the concerns of the nearby properties and the neighborhood association. Another difference between the recommended draft and the present code is that there is no longer a sunset provision in the recommended draft. The regulations of the present code become void when the recommended draft is adopted.

All of the objectives and requirements from the present code are covered in the recommended draft. The other requirements are very similar to those in the "Convenience Store Review Process" document. The major difference is that the requirements have been stated in more regulatory language, using "must" and "are required" instead of "may". Another difference is that the applicant must document in advance that the convenience store meets the glare standards of Chapter 33.262, Off-Site Impacts. Other minor differences are that the regulations now more clearly state the Police Bureau's role and their requirements, and the Good Neighbor Plan now requires an acknowledgement of the landscape maintenance provisions of the zoning code.

33.222 Demolitions

This chapter is new. It takes the demolition delay requirements for historical landmarks and historic design districts in the present code and combine it with new provisions which protect all properties on the Portland Historic Resources Inventory. It incorporates some of the recommendations of the Periodic Review Housing Task Force concerning the demolition of residential structures which have a residential Comprehensive Plan designation. Generally, the new regulations provide a 150 day demolition delay, during which the Historical Landmarks Commission determines whether the site should be a landmark, and then notifies the owner of potential renovation programs and benefits. The Commission may also pursue the public or private acquisition and renovation of the property.

8/4/2016: Supreme Court of the State of Oregon
Lake Oswego Preservation Society et al. v. City of Lake Oswego et al. (LUBA No. 2014-009) (CA A157619) (SC S063048)

The Court ruled that the owner of a property designated as historic by a local government cannot require removal of that designation if the owner acquired the property after the designation had been imposed.

"..the right to remove an historic designation under ORS 197.772(3) applies only to those owners who held title when a local historic designation was first imposed and not to those whose property was already designated at the time they acquired it. "

www.ojd.state.or.us/SCA/WebMediaRel.nsf/Files/2016_08_04_Media_Release_final.pdf/\$File/2016_08_0...

Apps Gmail g d dg ny reuters / bb LTW W wiki dealmac V a a Othe

2016_08_04_Media_Release_final.pdf 2 / 7

In a unanimous opinion by Chief Justice Thomas A. Balmer, the Supreme Court reversed the Court of Appeals decision. The Court held that the right to remove an historic designation under ORS 197.772(3) applies only to those owners who held title to the property when a local historic designation was first imposed and not to those whose property was already designated at the time they acquired it. The Court examined the text, context, and legislative history of ORS 197.772, which was passed in 1995. Under Oregon's land use planning and development laws, dating back to 1973, local governments were required under Goal 5 to identify and designate historically significant properties and, where appropriate, protect those properties by regulating their use and development. In the early 1990s, responding to property rights concerns and the argument that local governments should not be able to designate properties as historic -- and thus limit demolition or alteration of designated buildings -- over the objections of the owners, the legislature enacted ORS 197.772. That law provided, in ORS 197.772(1), that a local government must allow a property owner to "refuse to consent to any form of historic property designation at any point in the designation process." The law also contained a separate provision, ORS 197.772(3), providing that a local government must allow "a property owner" to remove a historic designation from the property. The Trust argued the phrase "a property owner" means "any" property owner, even if that owner acquired the property after the historic designation. The Lake Oswego Historical Society argued that the removal right under ORS 197.772(3) applied narrowly to the same group of property owners who had the right to refuse consent -- those who owned the property at the time the local government designated it as historic. The Supreme Court noted that the term "a property owner" was ambiguous, and could be interpreted to include any property owner, including subsequent owners, or could be interpreted in the same way the term was used in the "consent" provision of ORS 197.772(1), as applying only to the owner at the time of designation. Considering the context of the statute -- in light of the comprehensive regulatory authority of local government over land use and development -- the Court concluded that the statutory context supported that narrower interpretation. The Court also noted that, under the Trust's interpretation, the historic preservation interests of Goal 5 would always be at risk, because any designated property could be sold and the historic designation subject to removal. That would be contrary to the overall scheme of the historic preservation laws. Reviewing the legislative history of the 1995 statute, the Court viewed the legislature as striking a new and careful balance between protecting historic resources and giving property owners a role in determining whether their property would be subject to regulatory requirements. The Court concluded that the Trust, having acquired the property after the designation had been imposed, was not entitled to have that designation removed.

CHAPTER 33.222 DEMOLITIONS

Sections:

- 33.222.010 Purpose
- 33.222.020 Demolition Delay
- 33.222.030 Notification by Bureau of Buildings
- 33.222.040 Historical Landmarks and Buildings in Historic Design Districts
- 33.222.050 Rank I, II, III, and Unranked Properties
- 33.222.060 Relationship to Other Demolition Delay Provisions

33.222.010 Purpose

The requirements of this chapter are designed to:

- Review building permits for demolition of properties on the Portland Historic Resources Inventory, to determine whether they should be designated a historical landmark;
- Review building permits for demolition of historical landmarks and buildings in historic design districts to determine the feasibility of restoration;
- Provide the City with sufficient time to educate the owner of all potential rehabilitation programs and benefits, and pursue public or private acquisition and restoration of the landmark; and
- Provide undesignated properties on the Portland Historic Resources Inventory with a similar level of protection as they would receive under the demolition delay requirements of Title 24.

33.222.020 Demolition Delay

An automatic 150 day demolition delay period will be invoked by the Bureau of Buildings for all building permits for the demolition of:

- A . City designated historical landmarks;
- B . Buildings in City designated historic design districts; or
- C . Rank I, II, III, and unranked properties identified in the Portland Historic Resources Inventory.

33.222.030 Notification by Bureau of Buildings

The Bureau of Buildings will notify the Bureau of Planning of all building permits for demolitions identified in Section 33.222.020 within 3 days of receiving the application.

33.222.040 Historical Landmarks and Buildings in Historic Design Districts

- A . **Initiate review.** For historical landmarks and buildings in a historic design district, the Planning Director will initiate a demolition review.
- B . **Procedure.** The demolition review will be processed through a Type III procedure.

- C. **Approval criteria.** The Historical Landmarks Commission will review the site to determine whether it is desirable and economically feasible to pursue the renovation of the site. In making this determination, the Commission will weigh the landmark's historical value, current condition, and the costs of restoration or repair.
- D. **Actions.**
 - 1. If the Historical Landmarks Commission decides to pursue renovation, it will notify the Portland Development Commission of the decision. The Historical Landmarks Commission and the Portland Development Commission will notify the owner of all potential rehabilitation programs and benefits, and may choose to pursue public or private acquisition and restoration.
 - 2. If the Historical Landmarks Commission decides not to pursue renovation and the decision is final, it will notify the Bureau of Buildings of its decision. Upon receiving the decision, the Bureau of Buildings may issue the permit.
- E. **Demolition delay extension.** Prior to the 150 day period elapsing, City Council may extend the demolition delay period up to an additional 90 days if an extension is necessary to complete efforts to preserve the site.

33.222.050 Rank I, II, III, and Unranked Properties

- A. **Initiate review.** For Rank I, II, III, and unranked properties identified in the Portland Historic Resources Inventory, the Planning Director will initiate a historical landmark designation review and a demolition review concurrently. The historical landmark review regulations are stated in Chapter 33.845.
- B. **Demolition Delay Process.** The demolition delay process and requirements will depend upon whether the site has a residential structure with a residential Comprehensive Plan designation, and whether the site is designated a historical landmark. See Subsections C. and D. below.
- C. **Rank I, II, III, and unranked properties which are residential structures with a residential Comprehensive Plan designation.** Rank I, II, III, and unranked properties which are residential structures with a residential Comprehensive Plan designation are subject to the following process:
 - 1. **Designated a historical landmark.** If the review body's final decision is to designate the structure as a historical landmark, the demolition delay process is as stated in 33.222.040 D.1 and E. above. The process identified in this subsection would not apply.
 - 2. **Not designated a historical landmark.** If the review body's final decision is to not designate the site a historical landmark, the demolition delay process is as follows:
 - a. If the Bureau of Buildings has posted the site for removal of the structure because of a public hazard, nuisance, or liability, or if no testimony was received at the hearing indicating that the structure is worth preserving, the demolition delay period will expire upon receiving notice of the review body's final decision. The Bureau of Buildings may then issue the permit.

- b. If Paragraph a. does not apply and if testimony was received at the hearing indicating that the structure is worth preserving, the demolition delay period will continue until the end of the 150 day period. If the applicant submits a copy of a written salvage contract to the Bureau of Planning, the demolition delay period will be reduced by 30 days. The salvage contract must be with a licensed contractor. At the end of the demolition delay period, the Bureau of Buildings may issue the permit.

D. Other Rank I, II, III, and unranked properties. Other Rank I, II, III, and unranked properties are subject to the following process:

1. Designated a historical landmark. If the review body's final decision is to designate the structure as a historical landmark, the demolition delay process is as stated in 33.222.040 D.1 and E. above. The process identified in this subsection would not apply.
2. Not designated a historical landmark. The Planning Director will notify the Bureau of Buildings of the review body's final decision to not designate the site a historical landmark. Upon receipt of the decision, the demolition delay period will expire, and the Bureau of Buildings may issue the permit.

E. Concurrent notification information. The notice sent out for the concurrent historical landmark designation review and demolition delay review must state that the public hearing is the opportunity for testimony to be received regarding whether the property should be designated a historical landmark, and also for testimony on whether renovation of the structure is feasible. This information is important for residential properties with a residential Comprehensive Plan designation, because it replaces similar demolition delay provisions in Title 24, Building Regulations.

33.222.060 Relationship to Other Demolition Delay Provisions

The demolition delay requirements of this chapter supercede any other demolition requirements of this Title or Title 24.

Recommended Code Changes

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 Creation or Removal of Historic Resource Designations
- 33.855.080 Recently Annexed Areas

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, and ~~historical landmarks~~ historic resources. Amendments to all of these except ~~historical landmarks~~ historic resources and the creation of plan districts are reviewed against the approval criteria stated in this section. ~~Historical landmarks~~ Historic resources are reviewed as stated in Chapter 33.845, ~~Historical Landmarks~~ Chapter 33.846, Historic 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:

33.855.075 Automatic Creation or Removal of Historic Resource Designations

The Official Zoning Maps will be amended automatically to add or remove historic resource designations as follows:

- A. Individual resources listed on the National Register of Historic Places.**
Individual historic resources listed on the National Register of Historic Places automatically receive Historic Landmark designation on the date the property is listed.
- B. Districts listed on the National Register of Historic Places.** Historic Districts listed on the National Register of Historic Places automatically receive Historic District designation on the date the district is listed. A Conservation District that is placed on the National Register of Historic Places is automatically redesignated a Historic District on the date of the district's listing.
- C. Historic resources demolished or destroyed.** When a resource designated as a landmark is demolished or destroyed by fire or a natural event, the landmark designation for the resource is automatically removed.

688

3

Moore-Love, Karla

From: Meg Hanson <meg.k.hanson@gmail.com>
Sent: Friday, August 12, 2016 1:16 PM
To: Council Clerk – Testimony
Cc: Moore-Love, Karla
Subject: Request to speak at City Council meeting on August 31st.

I'm writing to request to speak at the City Council Meeting on August 31st.

Name: Meg Hanson

Regarding: Action on Historic Resource Inventory removals and demolition delay in light of 8/4/16 Supreme Court decision

Thank you,

M. Hanson
503-887-4748

PLACED ON FILE

MARY HULL CABALLERO
Auditor of the City of Portland

By [Signature] Deputy

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
1. Fritz		
2. Fish		
3. Saltzman		
4. Novick		
Hales		