

TO: Historic Landmarks Commission
**THROUGH: Lisa Anderson-Ogilvie, AICP, Deputy Community
Development Director and Planning Administrator**
**FROM: Kimberli Fitzgerald, AICP
Historic Preservation Program Manager**
SUBJECT: Historic Compliance Advisory Committee

ISSUE:

Staff established a Historic Compliance advisory committee in 2021 to provide input and guidance during the staff update of the existing historic enforcement policy. The advisory committee has completed their recommendations for updated historic enforcement policy which staff has accepted.

ACTION:

Information only.

SUMMARY AND BACKGROUND:

The City of Salem, a Certified Local Government (CLG) adopted Salem's 2020-2030 Historic Preservation Plan in 2020. The existing Plan is comprised of six goals related to historic code and enforcement improvements, public education, encouragement of sustainable practices, economic and recognition incentives, survey and designation, and protection of cultural landscapes and archaeological resources.

Salem's Historic Landmarks Commission (HLC) adopted a work plan for 2021 which specifically included an action to coordinate regularly with Neighborhood Associations to review and update the existing 2011 historic enforcement policy and implementation.

City staff formed an advisory committee in 2021 to provide guidance and advise staff during the update of our existing historic enforcement policy and development of revised strategies and implementation procedures. In April 2021, the HLC appointed HLC member Steven Ponce to the advisory committee. This project will help guide Salem's historic preservation and compliance staff to effectively respond to violations of SRC 230 and improve the management of Salem's historic resources. The advisory committee included City staff, a Historic Landmarks Commission member, Neighborhood Association representatives, and other stakeholders. It provided guidance throughout the update of our historic enforcement policy and procedures and their work was completed by the end of December 2021. During that time, the committee meet four times.

FACTS AND FINDINGS:

1. In October 2020, the City of Salem adopted an update of Salem's Historic Preservation Plan, a component of Salem's Comprehensive Plan.
2. In January 2021, the Salem Historic Landmarks Commission adopted its 2021 work plan which included: Goal 2: Streamline Historic Code: Criteria & Enforcement; Strategy One: Improve Enforcement Policy; ACTION #27: Coordinate regularly with Neighborhood Associations (ie. CANDO, NEN and SCAN) to review and update existing historic enforcement policy and implementation
3. In April 2021, the City is formed an advisory committee, which included fifteen members. The committee included representatives from neighborhood associations with historic districts in their wards (NEN, SCAN and CANDO), one active Historic Landmarks Commission member and two former HLC members, and one historic property owner.
4. The advisory committee met on June 29, August 31, October 26 and December 14, 2021. In addition committee members participated in three online surveys to help finalize the recommended goals and implementation strategies.
5. On December 14, 2021 the advisory committee finalized their draft recommended goals, policies and implementation strategies which include three Goals relating to education, proactive monitoring of historic properties and consequences.
6. On January 11, 2022, Community Development Staff met internally and accepted the recommended goals and implementation strategies.



Kimberli Fitzgerald, AICP, RPA
Historic Preservation Officer

Attachments:

- A. 2021 HLC Workplan
- B. 2011 Historic Compliance Policy & Strategies
- C. 2022 Historic Enforcement Goals and Implementation Strategies

Salem Historic Landmarks Commission – 2021 Work Plan

Goal 1: Improve Public Outreach & Community Education

STRATEGY ONE: *Improve community engagement and acknowledgement of excellence in historic preservation*

ACTION: Continue to celebrate Historic Preservation Month in May with awards and educational programming (#22)

ACTION: Continue photo contest with awards (#23)

ACTION: Celebrate Archaeology Month annually in October (#56)

STRATEGY TWO: *Develop interpretation and coordinate educational programming about Salem's diverse local history*

ACTION: Organize history talks and walking tours featuring Salem's history and historic resources in partnership with Travel Salem and local non-profits. Including school groups (#1)

ACTION: Develop interpretive signage (i.e. vinyl utility box wraps and sign toppers) for listed historic districts, Heritage Neighborhoods, and other historic resources (#26)

STRATEGY THREE: *Improve historic program's web and social media presence*

ACTION: Use social media to regularly share the HLC newsletter, information about the Historic Preservation program and Salem's Local History (#4)

ACTION: Improve education about how to access the city website landing page where information and resources for historic property owners are located (#25)

ACTION: Share information about Salem's underrepresented history and communities through social media (#57)

STRATEGY FOUR: *Provide technical training*

ACTION: Coordinate homeowner FORUM meetings, so owners can share experiences, information (#5)

STRATEGY FIVE: *Provide Training about the Design Review Process and Code*

ACTION: Develop a "Welcome" packet to provide to new historic property owners and real estate agents with brochures and information about owning a historic property (#24)

Goal 2: Streamline Historic Code: Criteria, Process & Enforcement

STRATEGY ONE: *Improve Enforcement Policy*

ACTION: Coordinate regularly with Neighborhood Associations (ie. CANDU, NEN and SCAN) to review and update existing historic enforcement policy and implementation (#27)

STRATEGY TWO: *Improve and clarify education about design review process and criteria*

ACTION: Monthly HLC Meeting Public Hearings and Roundtable (#6)

Goal 3: Increase Financial Support

STRATEGY TWO: Improve financial support for historic property owners

ACTION: Continue to fund and offer the annual Historic Residential Toolbox grant (#28)

Goal 4: Protect Cultural Landscapes & Archaeological Resources

STRATEGY ONE: Encourage the preservation of archaeological resources

ACTION: Support development of a Memorandum of Understanding (MOU) with the Confederated Tribes of Siletz and the Confederated Tribes of the Warm Springs, similar to the MOU with the Confederated Tribes of Grand Ronde (#31)

ACTION: Hold monthly Historic and Cultural Resource Compliance Coordination Meetings (#14)

ACTION: Celebrate Archaeology Month annually in October (#56)

STRATEGY TWO: Encourage preservation of cultural landscapes

ACTION: Celebrate Historic Landscape Architecture Month annually in April (#29)

ACTION: Develop and offer a “Cultural Landscape Award” acknowledging maintenance/restoration of a historic or cultural landscape (#30)

Goal 5: Encourage Sustainable Practices

STRATEGY TWO: Establish Financial Incentives and Educational Opportunities to encourage sustainable practices in the rehabilitation and redevelopment of historic structures.

ACTION: Establish and offer a Historic Preservation Green Fund Grant to provide grants for window restoration, energy efficiency improvements and solar panel installation (#32)

Goal 6: Survey and Designate Historic Resources

STRATEGY ONE: Work with Neighborhoods to identify, survey and designate archaeological sites, historic structures, sites and landscapes that are significant and meaningful.

ACTION: Spotlight key surveyed resources or buildings featured within the Salem Heritage Neighborhood Architectural Guide through the HLC newsletter and social media outlets (#21)

Historic Enforcement Policies

Policy Statement

It is the intent of the Community Development Department and staff to ensure that individually designated historic resources as well as those resources within Salem's National Register Historic Districts are maintained in a manner that does not allow deterioration, dilapidation or decay of any portion of the building or resource (per SRC 230.095 Demolition by Neglect).

Historic resources that have had any alterations or additions that have been completed without appropriate historic design review and which do not appear to meet the criteria in SRC 230 will be handled on a complaint driven basis.

Strategies

1. Monitoring of Deteriorated Structures

Historic preservation program staff will walk each district quarterly and note any resources which appear to be in disrepair or in violation of SRC 230.095. Individually listed resources will be monitored annually. Building and Safety and Neighborhood Enhancement staff will be notified and provided a list of properties that appear to be in violation, including photographs.

- a) Historic preservation program staff will contact the property owners and offer financial assistance through our Residential Toolbox Grant program (residential properties); For Downtown Commercial property owners, Urban Development will be notified and provided a list of properties. Should any Urban Development funds be available, UD will take the lead in contacting the owner.
- b) If voluntary compliance with SRC 230.095 cannot be achieved within 30 days of contact with the owner, and there is no indication that the owner is willing or interested in correcting the violations, the case will be turned over to the appropriate Community Development staff in either Building and Safety or Neighborhood Enhancement.

2. Complaints regarding inappropriate alterations

If a complaint is received by Community Development staff regarding an inappropriate alteration of a historic resource, Building and Safety and Neighborhood Enhancement staff will notify the historic preservation staff, and give them an opportunity to gain voluntary compliance prior to taking any formal enforcement action. The HLC may also direct historic preservation staff to follow up on any inappropriate alterations on a case by case basis.

- a) Time limit. The inappropriate alteration must have been completed no more than one year ago. Any alterations completed by a previous owner will not be pursued. Inappropriate alterations completed more than a year ago will receive a warning letter only.

- a) Compliance. For inappropriate alterations completed less than a year ago, historic preservation staff will contact the property owner and give them an opportunity to gain voluntary compliance prior to taking any formal enforcement action. If voluntary compliance with SRC 230 cannot be achieved within 30 days of contact with the owner, and there is no indication that the owner is willing or interested in correcting the violations, the case will be turned over to the appropriate Community Development staff in either Building and Safety or Neighborhood Enhancement.

Building and Safety staff will be notified and provided a list of properties that appear to be in violation, including photographs and the compliance will be investigation and handled by Building & Safety staff to ensure that the subject property meets minimum code requirements per the State Building Codes.

Salem Historic Enforcement Goals & Implementation Strategies

Goal 1: Education of Historic Property Owners & Financial Incentives

Priority #1: Develop “The Benefits & Responsibilities of Owning Historic Property in Salem” Flier

Priority #2: Engage Real Estate Agencies/Future Owners prior to purchase about benefits and responsibilities of owning historic properties

Priority #3: Development of Welcome Packet for New Historic Property Owners

Goal 2: Proactive Monitoring of Historic Properties

Priority #1: Develop GIS Database with Baseline photos of designated historic resources

Priority #2: Coordinate with representatives from the Neighborhood Associations & Heritage Neighborhoods once a year to identify at risk historic properties

Priority #3: Coordinate with the Enforcement Division- to ensure handling of complaints are aligned with other city compliance efforts.

Salem Historic Enforcement Goals & Implementation Strategies

Goal 3: Develop Consequences

Priority #1: Assign historic enforcement cases to the Enforcement Division (Code Compliance Officer) if historic preservation staff cannot gain voluntary compliance with violator after 30 days.

Priority #2: Charge violators of historic code SRC 230 double permit fees and double historic design review fees.

Priority #3: Deny eligibility to local Salem historic preservation grants (ie. Residential Toolbox grant) for one (1) year after owner has violated the historic code

Salem Historic Enforcement Goals & Implementation Strategies

Implementation

Goal 1: Education of Historic Property Owners & Financial Incentives

Volunteers: Jennifer Maglinte-Timbrook; Kendra Mingo

- Create online general training video to complement the flier; share link and flier with:
Homebuilders (<https://www.homebuildersassociation.org/>);
Salem AIA (<https://www.aiaoregon.org/about-aia-salem>);
CLG/HLC Newsletter recipients; Existing Historic Property Owners;
Contractors on our Historic Contractor list; Neighborhood listservs
- Add the Flier to the potential buyer disclosure letter (currently provided through the City's Lien process)
- Develop welcome packet(available online and hard copy)to include: welcome letter, the Flier, a short history of Salem, the historic design pamphlets and a Homeowners guide to researching the history of their home; Provide to new historic homeowners 2-3 months after they acquire property;

Salem Historic Enforcement Goals & Implementation Strategies

Goal 2: Proactive Monitoring of Historic Properties

Volunteers: Jennifer Maglinte-Timbrook; Juliana Inman

- Historic Preservation Staff to Coordinate with NED staff prior to doing public outreach; also to document and streamline internal process for historic complaints and update & distribute historic 'complaint' process flier as needed.
- City staff to provide input regarding the update of the City Website for the complaint portal
- City staff to work with City IT/GIS to develop ArcGIS/ArcMap Collector project for Historic & provide training for volunteers for Global Day of Service
- Historic Preservation Staff to coordinate with Neighborhood Services Coordinator to schedule annual check in/flier distribution.

Salem Historic Enforcement Goals & Implementation Strategies

Goal 3: Develop Consequences

Volunteers:

- Historic Preservation staff to Coordinate with NED staff to set up historic cases in AMANDA and track the 30 days voluntary compliance period. City staff to provide input regarding the update of the City Website for the complaint portal
- Ensure that Planning/PAC staff are trained to charge double permit fees/double historic design review fees (already authorized by City Council to charge double fees)
- Historic Preservation staff to update the rules for the Residential toolbox grant and ensure they are posted on the city website;
- City staff to ensure that these consequences are clearly spelled out on the flier (under Goal 1)