



AN ORDINANCE AMENDING THE SECTIONS OF ALBANY MUNICIPAL CODE TITLE 2, ADMINISTRATION AND PERSONNEL, THAT RELATE TO THE CITY'S LANDMARKS ADVISORY COMMISSION, MODIFYING THE DECISION-MAKING AUTHORITY

WHEREAS, Section 2.76.050 of the Albany Municipal Code (AMC) states that the Landmarks Advisory Commission has the authority to do those things that are set forth in the ORS 358.315 (which refers to general authority of cities regarding public museums), and serve in an advisory capacity concerning historic districts, conservation districts, buildings, and sites to City Council and Albany Planning Commission; and

WHEREAS, Article 1 and Article 7 of the Albany Development Code (ADC) state that the Landmarks Advisory Commission is a decision-maker in quasi-judicial Type III land use applications, and an advisory body in Type IV applications requiring Historic Review permit decisions; and

WHEREAS, the City Council reviewed the conflicting language in the AMC and ADC regarding the decision-making authority of the Landmarks Advisory Commission in quasi-judicial decisions at the March 11, March 25, and June 24, 2019, City Council meetings; and

WHEREAS, the City Council desires the Landmarks Advisory Commission to act as a quasi-judicial decision-maker when reviewing quasi-judicial Type III land use applications, and as an advisory body in Type IV applications requiring Historic Review permit decisions.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Albany Municipal Code (AMC) Chapter 2.76, Landmarks Advisory Commission, Sections 2.76.010, Created; 2.76.020, Members – Appointment; 2.76.030, Members – Terms; 2.76.040, Officers; and 2.76.050, Authority are amended as follows:

2.76.010 Created.

There is created the Albany Landmarks ~~Advisory~~ Commission.

(1) Purpose and Intent. It is declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. The purpose of this section is to:

- (a) Effect and accomplish the protection, enhancement, and perpetuation of such improvements and districts which represent or reflect elements of the City's cultural, social, economic, political and architectural history;
- (b) Safeguard the City's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;
- (c) Stabilize and improve property values;
- (d) Foster civic pride in the beauty and noble accomplishments of the past;

- (e) Protect and enhance the City's attraction to residents, tourists, and visitors and serve as a support and stimulus to business and industry;
- (f) Strengthen the economy of the City;
- (g) Promote the use of historic districts ~~and~~ landmarks, ~~and museums~~ for the education, pleasure and welfare of the people of the City;
- (h) Work for the continuing education of the citizens of Albany concerning the historic heritage of this City and its landmarks, sites, and objects.

2.76.020 Members – Appointment.

The Landmarks ~~Advisory~~ Commission shall consist of seven members, each having their principal place of residence within the jurisdictional limits of the city of Albany. Each Council member shall have one counterpart, with nominations to be ratified by the Council. Members appointed previously under the provisions of Chapter 2.76 shall continue in office until the expiration of their terms of office. Appointments made to replace those whose terms of office have expired or been vacated shall conform to the intent of Chapter 2.76 and current Council policy. Each member shall have demonstrable knowledge, interest, or competence in historic preservation and additionally in one of the following fields: architecture, landscape architecture, history, art history, education, construction, real estate, development, urban planning, archaeology, law, finance, cultural geography, cultural anthropology, local history, or related disciplines. Commission members shall serve without compensation. Persons appointed to membership on the Landmarks ~~Advisory~~ ^{Advisory} Commission shall serve at the pleasure of the Council and may be removed therefrom without cause by a majority vote of the Council.

2.76.030 Members – Terms.

Two of the first members of the Landmarks ~~Advisory~~ Commission shall be appointed for one year, two members shall be appointed for two years and three members shall be appointed for three years. Except for the first members and appointments to fill vacancies, the terms of members of the Landmarks ~~Advisory~~ Commission shall be three years and until their successors are appointed and qualified.

2.76.040 Officers.

~~The Commission members shall elect a chairperson and a secretary until the next succeeding first Monday in January and until their successors are elected. The secretary shall be charged with keeping a permanent and complete record of the proceedings of the Commission. The Commission shall adopt rules governing the transaction of its business and shall prepare and submit an annual budget and an annual report to the City Council.~~

The Landmarks Commission shall, at its first meeting in January of each year, elect one of its members to serve as chairperson and another to serve as vice chairperson. The Community Development Director of the City, or his/her designee shall serve as secretary to the Landmarks Commission and shall keep accurate, permanent and complete records of all proceedings held before the Landmarks

Commission. The chairperson or the presiding officer of the Landmarks Commission shall be entitled to vote on all questions that are before the Commission. The Commission may adopt rules governing the transaction of its business which are consistent with the provisions of this chapter.

2.76.050 Authority.

~~The Commission shall, acting through the City Council, have the authority to do those things that are set forth in ORS 358.315, and, further, the Landmarks Advisory Commission shall serve in an advisory capacity and make recommendations concerning historic districts, conservation districts, buildings, and sites to the City Council, and Albany Planning Commission, and through the City Council to other public or private agencies on matters relating to the preservation of such districts, buildings, and sites. Their authority shall be as follows:~~

The Landmarks Commission shall have and may exercise the following duties, powers, and responsibilities:

1. The Landmarks Commission shall be a quasi-judicial decision-maker for matters that include the following:
 - a. Decisions regarding the application or removal of Historic Overlay District in cases where a public hearing is required by the Albany Development Code, Article 7;
 - b. Type III Historic Review Permit decisions; and
 - c. Appeals of Director-level Historic Review Permit decisions.
2. The Landmarks Commission shall advise and assist the Council, Planning Commission, and the Community Development Director in matters pertaining to historic and cultural resource preservation. Such matters shall include:
 - a. Recommendations concerning amendments to sections of the Albany Development Code pertaining to historic preservation.
 - b. Recommendations concerning the nominations of sites or structures for the National Register of Historic Places.
 - c. Recommendations concerning additional inventories and/or surveys of Albany's historic sites and structures.
 - d. Recommendations concerning the application for and expenditure of grant funds pertaining to historic preservation programs and activities.
 - e. Coordination of public information or educational programs pertaining to historic and cultural resources.
 - f. Coordination of historical preservation programs of the City, county, state, and federal governments as they relate to property within the City.

~~(1) The Commission may recommend for adoption such rules and regulations as it finds necessary or appropriate to carry out the intent of this article.~~

~~(2) The Commission shall compile and maintain a current list of all historic buildings and sites and objects which have been so designated pursuant to this article with a brief description of such building or site and the special reasons for its inclusion on such list.~~

~~(3) The Commission shall receive requests by any citizen, by owners of buildings or sites, or may on its own motion make recommendations concerning the designation of particular buildings and sites as historic buildings or historic sites.~~

~~(4) The Commission shall recommend removal from any list of designated historic buildings and sites such property as it finds no longer worthy of such designation.~~

~~(5) Conduct an educational program on historic properties within its jurisdiction.~~

~~(6) The Commission shall have authority to coordinate historical preservation programs of the City, county, state, and federal governments as they relate to property within the City.~~

~~(7) The Commission may recommend to the City Council or, if authorized by the City Council, to the Legislature of the State of Oregon any changes of law which it finds appropriate or needed.~~

~~(8) The Commission shall perform such other duties relating to historic landmarks and historical buildings, and sites as the City Council or the Mayor may request.~~

Passed by the Council: July 24, 2019

Approved by the Mayor: July 24, 2019

Effective Date: August 23, 2019



ATTEST:

Mary A. Ribble
City Clerk

[Signature]
Mayor