



City of Portland, Oregon

Historic Landmarks Commission Bylaws

Language in italics is from Portland City Title 33, Planning and Zoning. In instances of conflict, current zoning code language supersedes the Bylaws.

Part I Authority, Powers, and Duties

A. Authority

The Historic Landmarks Commission has all of the powers and duties which are assigned to it by this Title or by City Council. (33.710.060)

B. Purpose

The Historic Landmarks Commission provides leadership and expertise on maintaining and enhancing Portland's historic and architectural heritage. The Commission identifies and protects buildings and other properties that have historic or cultural significance or special architectural merit. The Commission provides advice on historic preservation matters, and coordinates historic preservation programs in the City. The Commission is also actively involved in the development of design guidelines for historic districts. (33.710.060.A)

C. Powers and Duties (33.710.060.D)

The Commission powers and duties include:

- 1. Establishing or removing Historic Landmark and Conservation Landmark designations for specific buildings or sites in quasi-judicial reviews;*
- 2. Recommending the establishment or removal of Historic Landmark and Conservation Landmark designations to the City Council in legislative actions;*
- 3. Recommending the establishment, amendment, or removal of Historic Districts and Conservation Districts to the Planning and Sustainability Commission and the City Council;*
- 4. Recommending and developing design guidelines for Historic Districts and Conservation Districts to the City Council;*
- 5. Reviewing development proposals for Historic Landmarks and Conservation Landmarks and in Historic Districts and Conservation Districts;*
- 6. Reviewing demolition and relocation requests for certain Historic landmarks and buildings in Historic Districts;*
- 7. Providing advice on historic preservation matters to the Hearings Officer, Design Commission, Planning and Sustainability Commission, Portland Development Commission, other City commissions and committees, and City Council; and*
- 8. Initiating and coordinating historic preservation and public outreach programs in the City, including reviewing recommendations for national register status and making recommendations to other governmental agencies regarding historic preservation programs and issues.*

Land Use Reviews

Generally, the Historic Landmarks Commission will consider matters related to historic resources. However, because they primarily involve use issues, historic preservation incentive reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Hearings Officer. The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Historic Landmarks Commission.

- 1. Landmark designations, and the removal of landmark designations; and*
- 2. Historic resource review of Historic and Conservation Landmarks and structures in Historic or Conservation Districts. (33.720.020.D)*

Historic Resource Reviews

Historic resource review ensures the conservation and enhancement of the special characteristics of historic resources. (33.846.060.A) Requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria have been met. (33.846.060.G)

Legislative Land Use Reviews

Design Guidelines in Historic Districts and Conservation Districts are adopted by the Historic Landmarks Commission before being submitted to the City Council for adoption. (33.720.030.B)

Goal, Policy, and Regulation Amendments

The Historic Landmarks Commission may initiate [text] amendments concerning historic districts. Requests for amendments to design guidelines in historic districts are made to the Historic Landmarks Commission. (33.835.020)

Legislative Zoning Map Amendments

The Historic Landmarks Commission may initiate amendments concerning historic districts. (33.855.020.B)

Part II Rules of Procedure

A. Purpose of Rules

The rules of procedure must be in writing and comply with the Oregon Public Meetings law, Statutory land use hearing requirements, and this Title. (33.710.030.C.)

These Rules establish procedures that ensure the Portland Historic Landmarks Commission performs its responsibilities in an efficient, effective, and fair manner. They clarify the Commission's role and orient new members. The Rules incorporate by reference the provisions of the Oregon Public Meetings law and Chapter 33.710 of the Portland zoning code that apply to the Commission.

B. Membership

1. Membership

The Historic Landmarks Commission consists of seven members, none of whom may hold public elective office. The Commission must include a historian with knowledge of local history; an architectural historian; an architect; two members from the following: landscape architecture, real estate, construction, community development, urban planning, archeology, law, finance, cultural geography, cultural anthropology, or related disciplines; and two members at-large. All members must have demonstrated interest, competence, or knowledge of historic preservation. No more than two members of the Commission may be in the business of buying, selling, leasing, or developing real estate for profit, or be officers of such a business. The members are appointed by the Mayor and confirmed by the City Council. (33.710.060.B.)

2. Length of terms

Members of commissions, committees, and boards provided under this chapter may be appointed to terms of not more than 4 years. Initial appointments for newly formed commissions, committees, and boards must include a sufficient number of appointments for less than the maximum 4 year term of office to provide overlap and a continuity of membership. Members of commissions are limited to a maximum of two full terms. Vacancies which may occur must be filled for the unexpired terms. (33.710.030.A.)

3. Pay

All members on a commission, committee, or board serve without pay. (33.710.030.E.)

4. Conflict of interest

A member of any commission, committee, board, or review body except City Council may not participate as a member in deciding any land use action in which the member has a direct or substantial financial interest. A member may not participate if the member's spouse, brother, sister, child, parent, father-in-law, or mother-in-law have a direct or substantial financial interest, or if any business in which the member is then serving or has served within the previous two years or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment, has a direct or substantial financial interest. Any actual or potential interest must be disclosed at the hearing or meeting where the action is scheduled. (33.710.030.I.)

C. Officers

1. Chair

The Commission annually elects one of its members as Chair, to serve a one-year term. The Chair has the following powers and duties:

- a. Preside over all Commission meetings, including deciding all points of order and procedure, subject to these Rules;
- b. Preserve order and decorum;
- c. Establish time limits on testimony by members of the public, as needed;
- d. Appoint special subcommittees necessary to investigate any matters before the Commission;
- e. Assign Commission members to special subcommittees;
- f. Sign documents on behalf of the Commission, or delegate another member to do so; and
- g. Present the Commission's recommendations and decisions to City Council or delegate another member to do so.

2. Vice-Chair

The Commission annually elects one member as Vice-Chair. The Vice-Chair serves as Acting Chair if the Chair is absent or the office of Chair becomes vacant. During such times, the Acting Chair has the same powers and duties as the Chair.

3. Other Officers

The Commission may elect other officers it deems necessary to conduct Commission business, including electing a Commissioner to temporarily act as Chair when both the Chair and Vice-Chair are absent. Such officers are elected by a majority of the Commission members. Election of a temporary Chair shall be done at the beginning of a hearing. The Commission specifies the officer's charge and the duration of the appointment, if any.

4. Elections

The election of officers takes place at the first meeting of each calendar year. (33.710.040.C.1).

If the seats of the Chair and Vice-Chair become vacant before the end of their terms, the Commission immediately holds a special election to fill the vacant seats for the remainder of the current term.

When conducting elections, the sitting Chair first requests nominations from Commission members. If only one member is nominated, the election may be confirmed by unanimous consent. If more than one member is nominated, the Chair announces the names of all members nominated, then conducts a vote on each nominee, in the order nominated, until someone is elected. The favorable vote of a majority of Commission members present is necessary to elect a member as Chair or Vice-Chair. 33.710.030.D.

D. Committees

1. Special Subcommittees

The Historic Landmarks Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members. (33.710.060.C.2.)

- a. Members of such subcommittees are appointed by the Chair. The Commission specifies

each subcommittee's charge, reporting schedule, and its date of termination. The Chair may also appoint a Subcommittee Chair.

- b. The Historic Landmarks Commission may divide its members into subcommittees authorized to act on behalf of the Commission for Design Advice Requests (DAR), briefings or other advisory sessions that do not involve land use decisions.

E. Meetings

Meetings are conducted in accordance with adopted rules of procedure. (33.710.040.C.1.)

1. Public meetings

All meetings, including briefing sessions, must be open to the public and comply with the Oregon Public Meetings law. (33.710.030.F.)

2. Attendance

Commission members are responsible for attending all regular Commission meetings. Should members be unable to attend a meeting in person, they may "attend" a meeting by telephone conference or other available electronic means. Commission members who expects to be absent from a meeting must notify the Bureau of Development Services within 48 hours of the meeting.

If a member fails to attend three consecutive meetings or misses 20 percent or more of the meetings held during a calendar year, the Mayor may declare the position vacant. (33.710.030.B.)

3. Quorum

Four members constitute a quorum at a meeting (33.710.050).

- a. A quorum is necessary for proceedings on land use review applications including but not limited to Historic Resource Reviews.

4. Schedule

- a. Regular Meetings. The Commission will hold meetings on the first and third Mondays of the month at 1:30. Meeting times may be changed by the Bureau of Development Services. Any schedule updates or changes are published at least seven calendar days before the meeting date.
- b. Special Meetings. The Bureau of Development Services may call a special meeting of the Commission at any time and place. Special meetings are subject to the same notification and public meeting requirements as regular meetings.

5. Public Notice

- a. *Mailed notice. At least 20 days before the scheduled hearing, the Director of BDS will mail a notice of the request to the regional transit agency, Metro, the Oregon Department of Transportation, the owner, the applicant if different, all property owners within 400 feet of the site when inside the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 1,000 feet of the lot. (33.730.030.D)*
- b. *Posting notice on the site. The applicant must place a public notice about the request on the site. The posting must meet the standards of 33.730.080.*

6. Agenda

The Bureau of Development Services prepares the Commission agenda. The agenda is distributed to the Design Commission and the public at least 7 days in advance of the hearing.

7. Minutes

The Director of the Bureau of Development Services keeps an accurate record or minutes of all proceedings of the Design Commission. (33.710.030.H)

F. Decisions and Recommendations

Decisions and recommendations by the Commission are made by a vote.

1. Commission recommendation (Type IV, legislative and other)

For Type IV quasi-judicial cases, the Commission will provide a recommendation to City Council. For legislative projects, non-case projects, and National Register nominations, the Commission will provide a recommendation to City Council, City Bureaus, other City review bodies, and/or other government agencies. The Commission shall vote on a recommendation.

2. BDS Recommendation (Type III cases)

For Type III quasi-judicial cases, the Director of BDS will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to the applicant and to all recognized organizations whose boundaries include the site. (33.730.030.E)

3. Appeals to Commission (Type II and IIx cases)

For Type II and IIx quasi-judicial cases, *[t]he Director of BDS will forward the decision report and a copy of the appeal to the review body and make the report and copy of the appeal available to the public at least 7 days prior to the date of the hearing. (33.730.020.I.4; 33.730.025.I.4)*

4. Voting

Cases on the Agenda are decided by vote. Votes are generally taken by roll call ("ayes" and "nays"). *A majority of the members present must vote affirmatively in order to take action. 33.710.030.D.* The Commission's decision on a Type II or IIx case is final. The Commission's decision on a Type III case is final, unless appealed to City Council within 14 days of the decision mail date. If the decision is not appealed, it is recorded with the Multnomah County Recorder.

a. Motion

A Commission action is adopted by vote only after:

- A Commission member makes a proper motion for action;
- Another Commission member seconds the motion;
- The Chair restates the motion (including making any clarifications);
- All Commission members have an opportunity to discuss the motion;
- The Chair restates the motion again and asks for a vote. This step may be eliminated if no discussion has taken place;
- A majority of the members present vote in favor of the motion; and
- The Chair announces the result of the vote (including the vote count).

b. Tentative decisions

If revised findings are needed to address new evidence or modification or reversal of the BDS staff decision or recommendation, the Commission will take a tentative vote and direct that staff return with revised findings at a subsequent public meeting.

- c. **Abstentions**
Each Commission member has a duty to vote on a motion. An abstention from voting is counted as a “no” vote.
- d. A Commissioner who has a conflict of interest on a specific item does not participate as a member of the Commission for that specific item. Therefore, the Commissioner’s presence does not count for purposes of creating a quorum or as a member who is present for voting purposes.
- e. **Record of vote**
The minutes include the results of all votes.
- f. **Order of voting**
In all roll call votes, the Chair votes last. The roll call for Commissioners’ votes, aside from the Chair’s, are in alphabetical order by last name.

5. Decision

The final notice of decision will be mailed within 17 days of the close of the record for Type II and III decisions and within 14 days for Type Ix decisions.

6. Commission Action Required

The Commission must dispose of the item it is considering before it may consider another agenda item. The Commission disposes of an agenda item by taking some action on the item, which may be final or advisory.

7. Continued Hearing

- a. In the event that an applicant requests the record to be held open to a future hearing date and not call a vote, the Chair will state the future hearing date and that the record will remain open until such date.
- b. Prior to the conclusion of the evidentiary hearing, if a member of the public or party other than the applicant requests the record to be held open, the Chair will state the following procedure as required by ORS 197.763(6):
 - Within the first 7 days - new evidence or argument may be submitted by an applicant or any interested party;
 - Within the second 7 days - responses to new evidence may be submitted by an applicant or any interested party;
 - Within the last 7 days - applicant may submit a final rebuttal in support of the application. The last 7 days may be waived by the applicant, which must be stated at the initial evidentiary hearing.

The Chair will announce the date and time certain of the 7-7-7 and the future hearing date and time certain. During the hearing following the 7-7-7 the record will be closed and no new evidence may be submitted or discussed.

G. Communications and Coordination

1. Public Speaking

When a Commission member speaks in other venues, such as with the media or before City Council, the member must:

- Be clear whether the member is speaking on the member’s own behalf or for the Commission;
- Speak for the Commission only when its position is clear, the member is in agreement with the Commission’s position, and the member is authorized by the

- Commission to speak on its behalf; and,
- When speaking for the Commission, support the Commission’s position. The member may describe the Commission’s debate, but may not challenge the legitimacy of the decision.
- When speaking for the Commission, a member may not promote or oppose measures or candidates as proscribed by ORS 260.432.

2. Annual Report

The Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Director of BDS by the first working day of September. The Director of BDS may combine the report with annual reports of other bodies for transmission to City Council. (33.710.050.E.)

3. Coordination with other Commissions

The chairs, or their delegates, of the Planning and Sustainability Commission, Design Commission, and Historic Landmarks Commission meet quarterly to discuss trends and issues relevant to their respective commissions and, as appropriate, to coordinate the Commissions’ programs. The chairs will share a summary of their meeting with their respective Commissions. (33.710.030.J)

4. General Communication

Members are requested to copy both the City Staff Liaison and Supervising Planner on all communication related to Commission business. However, communications must be limited to issues that would not constitute ex-parte contact

5. Public Records

All records of the Commission, including formal documents, discussion drafts, meeting summaries and exhibits, are public records. Communications among members related to the subject matter of the Commission are not confidential and may be subject to public records requests. “Communications” refers to all statements and votes made during meetings, memoranda, work projects, records, documents or materials developed to fulfill the charge, including electronic mail correspondence by and among the members. The personal, private notes of individual members taken at public meetings may be considered public records to the extent they “relate to the conduct of the public’s business,” (ORS 192.410(4)).

H. Orientation and Training

Staff of the Bureau of Development Services meets with new Commission members immediately following their appointment to prepare them to effectively serve on the Commission. Bureau staff provides each new member a copy of this Charter and all applicable Design Guidelines. Each new member also receives a general orientation regarding the relationship between the Commission and staff, duties and responsibilities, procedural rules, and the legal constraints under which the Commission operates.

I. Other Procedural Questions

To resolve procedural questions not addressed by these Rules, the Commission refers to the current edition of Robert’s Rules of Order.

J. Amendments

These bylaws may be amended by a majority vote of the Commission members present, except that portions of the bylaws that are also in Chapter 33.710 of the zoning code (indicated in *italics*) may only be amended if Council amends the provision in the zoning code.

If the portions of Chapter 33.710 of the zoning code that are also in these bylaws are amended through the legislative process, the amendment will automatically be reflected in this charter.

Adopted by the Portland Historic Landmarks Commission on January 22, 2018 (date approved)

Amended by the Portland Historic Landmarks Commission on: _____ (date amended)