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## Preservation Ethics by Michelle A. Schmitter

At some point in our career development, students of historic preservation will be confronted with the question of why we chose this profession. The diverse variety of answers on why we preserve, whom we are preserving for, and what do we hope to save are based in a large part on moral judgments. Preservation ethics, in reality, is a blending together of personal beliefs and factual knowledge. There are at least two sides to every preservation intervention story and a balance of the two is often difficult to achieve. Because of this, we will be asked to make relatively difficult decisions regarding historic preservation.

The theoretical background of preservation ethics is full of personal bias. The controversial apostle of preservation, the French architect, Viollet-le-Duc (1814-79), wrote extensively on the restoration of historic architecture. Viollet-le-Duc was often faced with the problem of restoring a structure to its original style or to a specific historic period. He based his decisions on the individual circumstances surrounding the building, taking into account "respect for the original style, archaeological knowledge, and the quality of the addition."

A quite different view on preservation was held by the romantic, John Ruskin, who in 1849 stated in his *Seven Lamps of Architecture* that the greatest glory of a building rests in its age. Ruskin strongly believed that restoration was evil and that buildings should be left to the elements. He asserted: "We have no right whatever to touch them. They are not ours. They belong partly to those that built them, and partly to all the

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## Pete French Round Barn HABS Drawings By David Pinyerd



*From left to right, Rebecca Ossa, Suzanne SanRomani, and Nicole Sabourin measure the exterior of the Pete French round barn near Diamond Oregon.*

Prior to the restoration work on the Pete French Round Barn (1884) as part of this year's Preservation Field School (see previous issue for details), Don Peting, director of the Historic Preservation program, decided it would be a good educational exercise to document the building in an "as is" condition. Before any restoration it is necessary to record the current condition; however, there is rarely time and money to do anything more than photography. This is where students step in — skilled labor at a low price. Armed with a \$600 grant from the State Historic Preservation Office (SHPO), an average group of eight University of Oregon students spent four weekends measuring the structure.

I've always had the greatest respect for Historic American Engineering Record (HAER) people, measuring out the most complex industrial shapes every dreamed up on a drafting board. Therefore, I'd always vowed never to join a HAER team; I like my structures straight and true, or at least not consisting entirely of compound curves. And here we were staring into the center of a 110-year-old round barn consisting of random basalt rock, tapering juniper poles, swayback roof, and cupped siding. Through the wood rat and swallow nests, we tackled the building following Historic American Building Survey (HABS) standards to the letter. With datum lines as numerous as the spider webs, we measured the building to the nearest inch with triangulation making nearly every point triple measured.

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## The President at Large

Partnerships is the buzz word around the Historic Preservation program here at the University of Oregon. I imagine it's an incessant phrase around most programs. Well, partnerships have sprouted here in our program and they are working very well. Starting two years ago with a technical reading list for National Park Service and culminating with a partnership with Oregon State Parks, the State Historic Preservation Office, NPS, the Oregon Historical Society, and U.S. Forest Service in a summer field school, we've been partnering around the clock, thanks in great part to Don Peting, our program director. Measured drawings for the USFS, site assessment and proposals for a stretch of the Historic Columbia River Highway for the Oregon Department of Transportation, an index for the CRM — we've been a busy group over the past year.

The partnerships have given enormous amounts of practical experience on high profile projects to our students — experience unobtainable any other way. All programs should seek out partnerships with government agencies. The government loves to deal with universities to avoid complicated procurement processes and competitive bidding. And with headcount reductions occurring constantly (especially in the National Park Service), government agencies are looking for outside consultants more than ever. Good luck finding them and drop ASHP a line if your HP program has a good partnership story to relate.

Another word that I can't seem to escape is "historic". Never mind if its "an" historic or "a" historic, that's an entirely different problem — I've reached the point where I'm just tired of hearing the word historic. Now you may wonder how I can stay in a program based on a word I can no longer stand. I can't really say I hate the word, I just can't stand its constant usage. From historic potholes in Davis, California, to our own historic Amazon housing controversy, the "historic" label is getting tacked onto everything. I don't think it's the term that's bothering me, it's the reason for the labeling. The "historic" label is being used more and more often merely as a means of reaching a goal. Its use only as a tool is unnerving to me. People who care not a whit for historic preservation hear that it may help their cause, so they grab the term and begin beating on the problem with this preservation stick.

Take for example, the Davis potholes. A couple of months back, twelve residents wanted to repave their alley. One resident did not. This resident liked the potholes because of the "ambience" they created — in other words, the gaping holes kept people from driving down the alley. She wanted to keep a quiet alley, she found out that she could use the "historic resource" label to maintain the quiet, and voilà, we have historic potholes. I haven't heard the outcome, but I imagine she saved the holes, unless the city deemed them a safety hazard. She used preservation as a tool, something that the National Trust advocates, something I've always supported, and now it's something I'm not so sure about.

## Dave Pinyerd

Our Amazon housing controversy was basically the same thing. A group wanted to save their WWII campus housing from the bulldozer. One of the members of the group found out if they were able to tag it "historic", it would be spared from the wrecking ball. They proved quite adequately that it was historic (the last bit of WWII shipyard housing left in Oregon), were able to delay the demolition (not stop it, like they thought), and ended up saving several of the buildings. Their goal was to save their low rent housing and they used preservation as a tool to do it. They ended up losing all of the buildings (the few saved buildings were bought by another group), but they did get to live in them for an extra year. It was an interesting fight that was extremely expensive. It was a great test for local and state preservation ordinances and problems were discovered. But preservation got a big black eye here in Eugene. Many times I heard, "That's historic? That's not historic!" with such incredible conviction it was almost frightening. There is nothing that puts your preservation convictions more to the test than defending the value of a structure someone would rather flatten. I hate to see preservation get a bad rap just because someone found it a convenient tool. Historic preservation is a very tenuous field, its funding one of the first areas to be axed, and its reputation cannot afford to be tarnished. I'm not sure how to react to what I see as a problem that will only get more pronounced as we continue to move into the preservation of post-WWII structures.

## The Editor Notes . . .

Welcome to the spring issue of the ASHP Journal. Another school year is nearly finished, and many of our students will soon graduate and enter the working world of preservation. While many opportunities and choices await those joining preservation, we must recognize those forces that endanger our historic resources and not let our defenses down. Luckily for us, the majority of those forces are readily apparent; i.e. budget cuts, legislation aimed at weakening preservation ordinances and laws, and so on. But in the last few years, I have noticed that a destructive force is eroding the foundation of our historic resources. It is a force that I call "trendy preservation." I call this "trendy preservation" because it is trend borne of ignorance and an urge to jump on the bandwagon with little or no regard for the true tenants of preservation.

Suddenly, preservation has become the hip, trendy thing to do. Like so many things that are distilled by popular culture and then fed to the American public in an adulterated form, preservation is also being distilled, often by those that mean well, but who are grossly uneducated as to what real preservation is. Real preservation is about preserving not only the physical structure, but also the cultural and social structure as well. I see parallels between the superficial aspects of the PoMo movement in architecture and the superficial aspects of trendy preservation, where historic references and ornamentation are applied in a willy nilly fashion with little regard to context.

Examples of trendy preservation are all around us. The incidents that drove me to finally write about this problem happened in Coburg, OR. Coburg is a small town outside of Eugene that has been designated a National Historic district. I am moonlighting on a couple of historic houses in Coburg, undoing what the previous owners had done under the name of "restoration."

## . . . George Bleekman III

Both houses date from 1890, the first a modest example of Gothic revival, and the second a simple example of Greek revival. The first recently suffered a grievous 2-story addition (approved by SHPO!), complete with a craftsman style kitchen window, as well as all original doors and windows being replaced, and the original lath and plaster and wainscoting torn out and replaced with sheet rock. The owners at the time explained that they were restoring the house. The second house recently underwent a "restoration" in which all interior wall were removed (the second floor was held up by a single 4x4 in the middle of the house) because the owners wanted an open plan! The doors and windows were also replaced, and two french doors were added to the exterior.

Just down the street from these two houses is a 1960's ranch style house undergoing a remodel that will turn it into a turn of the century farmhouse. On the other side of town is a new development of badly executed Queen Anne style homes (the massings and proportions are all wrong). As if all this weren't bad enough, another developer is planning a 20 home development that will, according to a quote from the developer, "include porches and gingerbread trim so the houses will mesh with Coburg's designation as a

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generations of mankind who are to follow us."

Each building which is to be restored will have its own unique situation surrounding it. Preservationists need to realize that there are no absolutely correct answers when dealing with ethical issues. In interpreting for restoration purposes the physical evolution of a structure, preservationists should be objective when looking for the major character-defining features of a property. Preservationists should use as a marker the period of the primary significance and the historic evolution of the function of the building will also need to be addressed.

When dealing with the issue of adaptive reuse of a historic structure, preservationists should factor in such community resources as the creation and maintenance of jobs if the structure is commercial property. In order to come up with the most compatible solution, we should begin by prioritizing what we believe is important and by looking closely at all the data concerning the project. Preservationists should not devalue the historical content of a structure and should always try to make this the most important aspect of the restoration project.

The issue of gentrification displacing lower socioeconomic individuals in neighborhood rehabilitation by more affluent groups has recently become more visible. Whatever the circumstances surrounding gentrification, preservationists should try to fuse together the physical and aesthetic conservation of a structure with the well being of the social population involved. Issues of gentrification can be addressed by inviting residents to become involved in the decision making process. We should try to empower the current occupants by having them participate in the maintenance and restoration of the property. More and more preservationists are beginning to focus not only on the historic structure but on what the building contributes to the viability and sustainability of a community.

What we as preservationists are trying to preserve is not only the physical structure but the history and culture associated with it. Lisa Purcham, executive director of the Historic Preservation League of Oregon, asserts that "preservation is not just about old buildings, it is about people." We need to look past the actual aesthetic and historical importance of a fabric to the role that the building played and

will play for posterity. Robert Stipe believes that what is important about preservation is that it is not only about saving buildings but it is about saving lives and cities. He is speaking to all of us when he states, "We have before us an unparalleled opportunity, if we are sufficiently determined, to contribute significantly to the upgrading of the quality of human existence. If we can achieve this, to some extent at least, the architecture and the history will fall into place."

It is imperative for us to bring to light and to discuss the theoretical issues of preservation ethics. We can learn a great deal by reviewing past examples of restoration, adaptive use, and gentrification. In analyzing different situations, we can better understand why certain methods were undertaken and whether those measures seemed effective. Though we will not always agree with previous preservation efforts, we can try to understand the motivations of the people that were involved. As preservationists, we will certainly be faced with opponents to our own thoughts and actions. However, be aware that if the past is any indication of the future, we will need to constantly create new theories of preservation based on a mix of subjective and objective views. Perhaps in opposition, we will be recording history together. Good luck.

*(From Barn, page 1)*

Due to weekend time constraints and a 12-hour roundtrip drive time, we are unable to draft out in the field. Therefore, it's been a routine of sketch, measure, and record, then back to Eugene to draw the underlay drawings. Eventually, once all the underlays have been proofed, the drawings will act as the templates for the ink-on-mylar drawings required by HABS. Due to the extremely methodical way we have approached this project, the underlays are actually turning out true. There is no better feeling than to lay your drawing on top of someone else's and have the columns match up.

For a core team of first time HABS drawers, the round barn has been quite a learning experience. The structure has presented about every technique of measured drawing imaginable. Under the direction of the author, the core team consists of Erin Hanafin, Rebecca Ossa, Chris Ottaway, Suzanne SanRomani, and Michele Tayengco. Some of the shanghaied participants have been Steve and Paige Blashfield, George Bleekman III, Lynn Josse, Nicole Sabourin, and the person who got us all involved with this project, Don Peting.

We have nearly finished the drawings and plan on entering them in this year's Peterson Prize competition, a contest for the best HABS drawings by a student group.

## ASHP Participates in Annual Preservation Week



*Historic preservation student Lynn Josse answers questions at the ASHP information booth during National Historic Preservation Week. The booth was located in the East Skinner Butte historic district in Eugene.*



# Americans with Disabilities Act and Historic Preservation

by Jennifer Barnes

An essential goal of historic preservation is the protection of the physical embodiment of a culture in order to acknowledge and remember that culture. Acknowledging the physical embodiment of diverse cultures elevates the understanding that these groups play a valid, important role in our collective history. In a similar light, if preservationists embrace the Americans with Disabilities Act, and work to achieve its goals rather than work to skirt around its regulations, they will be presenting the message that individuals with disabilities are a vital part of our culture. Accessibility is encouraged as a routine goal of the historic preservation process; preservation should be a discipline of inclusion and not one of exclusion. And, while service to the building is a priority, preservationists have a responsibility to society.

A first step in ensuring that compliance with ADA is integrated into the preservation process is educating preservationists about ADA. Signed into law on July 26, 1990 the Americans with Disabilities Act (42 USCS Sections 12101-12213) is civil rights legislation. The purpose of the Act is to address the major areas of discrimination faced daily by people with disabilities, and to mandate the elimination of such discrimination by providing "clear, strong, consistent, enforceable standards."

According to the ADA, the main areas where discrimination occurs are employment, public services, and public accommodations. This essay, in the context of historic preservation, will focus mostly on Title III - Public Accommodations and Services Operated by Private Entities. Under Title III an individual can not be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation [author's emphasis]. Section 12181(7) categorizes public accommodations into twelve groups, all of which contain potential historic resources. (Some accommodations are exempt: the legislation does not apply to private clubs, establishments exempted

from coverage under Title II of the Civil Rights Act of 1964, or to religious organizations or entities controlled by religious organizations, including places of worship [Section 12187]).

Prohibitive activities that constitute discrimination by public accommodations include: denying the opportunity to participate or benefit from the goods (etc.) of an entity; providing unequal benefit; and providing separate benefit, "unless such action is necessary to provide the individual with a[n]...opportunity that is as effective as that provided to others" (Section 12182(b)(i-iii)). This last phrase illuminates a weakness in the ADA legislation there are various exceptions which will be abused by individuals seeking to skirt around the regulations.

The ADA regulates standards for three major architectural activities: 1) construction, 2) alterations, and 3) removal of barriers. First, new construction (such as reconstructions), first occupied later than January 1993, must be readily accessible to and usable by individuals with disabilities; the exception is when an entity can demonstrate that it is "structurally impracticable" to meet the requirements (Section 12183(a)(1)). Second, alterations (such as restorations) to the "maximum extent feasible" must also be readily accessible to and usable by individuals with disabilities (Section 12183(a)(2)). However, the costs attributed to compliance with the ADA do not have to exceed twenty percent of the total alteration costs. Third, there are three types of barriers that are addressed in the ADA: transportation, architectural, and communication. In the context of historic preservation, historic or antiquated cars are exempt from the removal of transportation barriers. If compliance with Section 12184(b)(2)(c) would "significantly alter the historic or antiquated rail passenger car, or rail station served exclusively by such rail cars... such compliance shall not be required" (Section 12184(c)). Architectural and communication barriers that are structural in nature must be removed when "readily achievable." If not readily achiev-

able then the entity must make the goods, services, facilities, advantages, or accommodations available through "alternative methods if such methods are readily achievable" (Section 12182(b)(2)(v)). The Code of Federal Regulations gives examples of alternative methods such as providing curb service or home delivery, or relocating activities to accessible locations (Section 36.305 of 28 CFR Ch.1 [7-1-92 edition]).

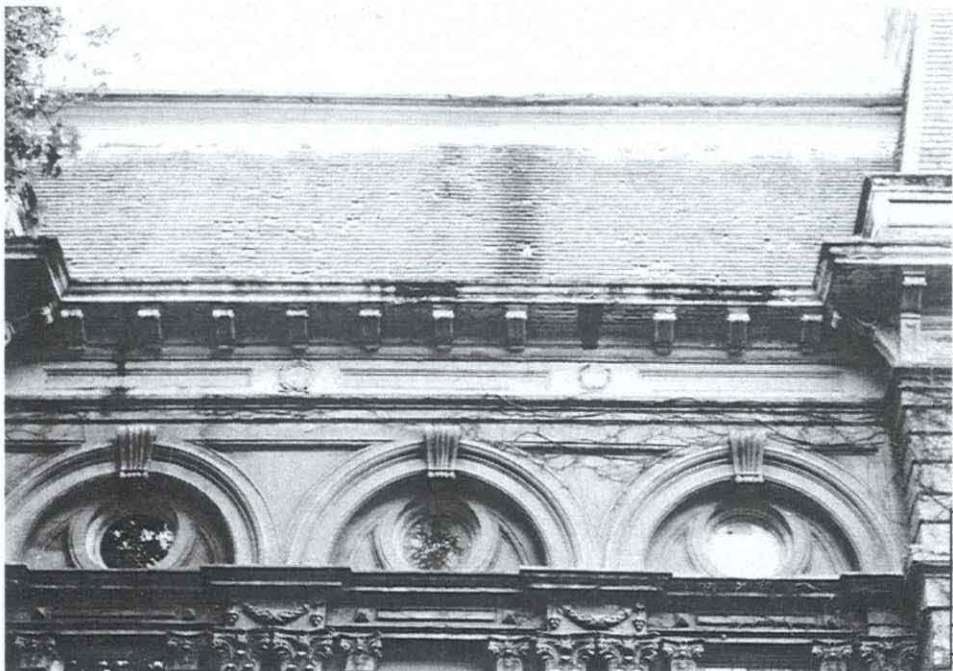
In terms of accessibility requirements, the ADA has specifically addressed qualified historic properties (Section 12204 (c)). The definition of a qualified historic property is a building or facility that is: 1) Listed or eligible for the National Register of Historic Places, or 2) Designated as historic under appropriate state or local law (Section 4.1.7 (1)(b) of 28 CFR Ch.1 [7-1-92 edition]). If the property is subject to Section 106 review (i.e., if there is a federal undertaking) then the determination of whether the historic significance would be threatened or destroyed is made by the State Historic Preservation Officer or the Advisory Council on Historic Preservation. If the alterations are not subject to Section 106 review and the entity undertaking the alterations believes the action would threaten or destroy historic significance, then the entity should consult the State Historic Preservation Office (SHPO). If SHPO concurs, then the alternative requirement standard applies. In both cases, interested parties, such as organizations representing individuals with disabilities, should be invited to participate in the consultations. Also, if the SHPO has delegated its consultation responsibility to a Certified Local Government, then the CLG has the responsibility to carry out the consultations.

Minimum requirements applicable to qualified historic properties are described in Section 4.1.7 (3) of the Code of Federal Regulations. They include the following: at least one accessible route from a site access point to an accessible entrance, the need for only one accessible entry, accessible routes from the accessible entrance to

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## Preservation Crew and Students Working Together



Before restoration photograph of the south facade and south-east tower. Notice the deteriorated woodwork, missing shingles and missing brackets.

stucco behind the entablature are also deteriorating and spalling. While some of this damage to the building can be attributed to age, the majority of the damage to the building could have been prevented with proper maintenance, most notably the presence of a regular painting schedule. Any wooden portions of a building, especially one exposed to the severe wind and rain that we have in Oregon, will fall into rapid decay without protection; i.e. paint, stain or varnish. It is imperative that buildings receive a *regularly* scheduled paint job; even the best paint job will last ten years at best.

The original coating of paint on the woodwork was sand paint, meant to simulate stone. With subsequent layers of paint added by paint crews over the years, the lead paint was approximately 3/32" thick. Because of the intricate nature of the woodwork, the only option for stripping the paint was with heat guns. Although alternate methods such as torch and chemical stripping were considered, they were discounted because of the detrimental effects they would have on the building. Torch stripping was rejected because of the chance of fire, and chemical stripping was eliminated because of environmental hazards as well as the salts left in the woodwork. While heat stripping

with heat guns is very labor intensive, as well as very slow considering the difficulty in removing the sand paint, it is still cost effective when one factors in the end result; intricate woodwork saved and ready for repainting. As long as the proper safety precautions are taken to minimize the risk of lead exposure to workers, i.e. the wearing of full Tyvek body suits, respirators and gloves, the process is still the best for removing lead paint.

Once the paint was stripped from the building, demolition could begin. The terne plate was removed on the parapet and the gutters, exposing the deteriorated structure. The woodwork was also removed and stamped with numbers corresponding to its location on the building. As it was removed, the woodwork was separated into three classes: 1) badly deteriorated and needing to be replaced; 2) damaged but repairable with epoxy fillers and patching; 3) those pieces in good condition. A list was made of those pieces of woodwork needing replacement, and those pieces were subsequently milled and shaped, with stock that matched the grain of the original piece. All milled replacement pieces were first treated with wood preservative, and then primed. The pieces needing repair were cleaned and prepared for consolidation and filling with epoxy

resins. Although these are non reversible processes, the advantages outweigh the drawbacks. The original piece is saved, with the original craftsmanship still intact. If, for some reason, the epoxy fails in the future, the original piece is still there to replicate. Many milled pieces on the building were crudely cut with axes when installed, and by saving them with consolidant and fillers we are able to pass this information on to future generations.

Like all other forms of construction, restoration is a linear process, with work completed in sequence, and the key to a successful restoration is the proper scheduling of these sequences. The rebuilding began with the entablature/lower cornice and gutters since much of the future work depended on having the gutter metal installed. With the gutter, cornice and parapet rebuilt, shingles could be hung and the balustrade could be reintroduced. The balustrade, which runs along the lower cornice of the mansard roof and ties the four towers together by continuing the parapet lines, is broken into three equal segments by two large pedestals. The two pedestals will support large urns, although at this point the original material of the urns is unknown and will require further study in order to replicate them.

Work will continue on the building until the restoration is complete. After the balustrade is finished, the upper cornice of the tower and mansard roof will be completed. The tower will be roofed with s.s. terne plate, and by early June, the building will be ready for paint. The building will receive two coats of an alkyd primer, and then two top coats. The trim will be painted with sand paint, and the shingles a dark grey to simulate slate, exactly like the original paint scheme.

The final touch to the restoration will be the installation of the cast iron cresting around the top of the tower and mansard roof. We will then celebrate the end of a very satisfying and meaningful phase in a lengthy restoration project. Yet the celebration will be short lived because the scaffolding will soon move around the building, signifying the beginning of another phase. It is something we all look forward to, both students and crew alike.



(From ADA, page 4)

all publicly used spaces on at least the level of the accessible entrance, one unisex accessible toilet (if toilets are provided), and displays and written information located where they can be seen by a seated person.

Historic preservation programs are also given special attention in terms of providing access to public services. The definition of a historic preservation program is one "that has the preservation of historic properties as its primary purpose" (Battaglia, 1177). If this program is located in a historic property, and 1) making the property directly accessible would threaten or destroy its historic significance and 2) relocation would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens, the public entity does not have to insure physical access (Section 35.150(a)(1,2) of 28 CFR Ch.1 [7- 1-92 edition]). However, alternative methods for providing program accessibility must be undertaken. The Code of Federal Regulations states that such alternative methods include audio- visual materials, special guides, or other "innovative methods" (Section 35.150 (b)(2)(i-iii)).

Compliance with the ADA is required by law, even for historic resources. Therefore, the issue should be how to sensitively apply the regulations while maintaining the integrity of the building. The ADA should become an integral part of resource management in order to provide access to visitors with disabilities. Any form of preservation necessitates physical manipulation of the resource. Most historic sites have already been altered to accommodate visitors (i.e., parking lots are built, electricity is installed, and offices or other non-historic activities are placed in the resource). What is sought is a balance; a balance between addressing social issues and protecting the integrity of the building.

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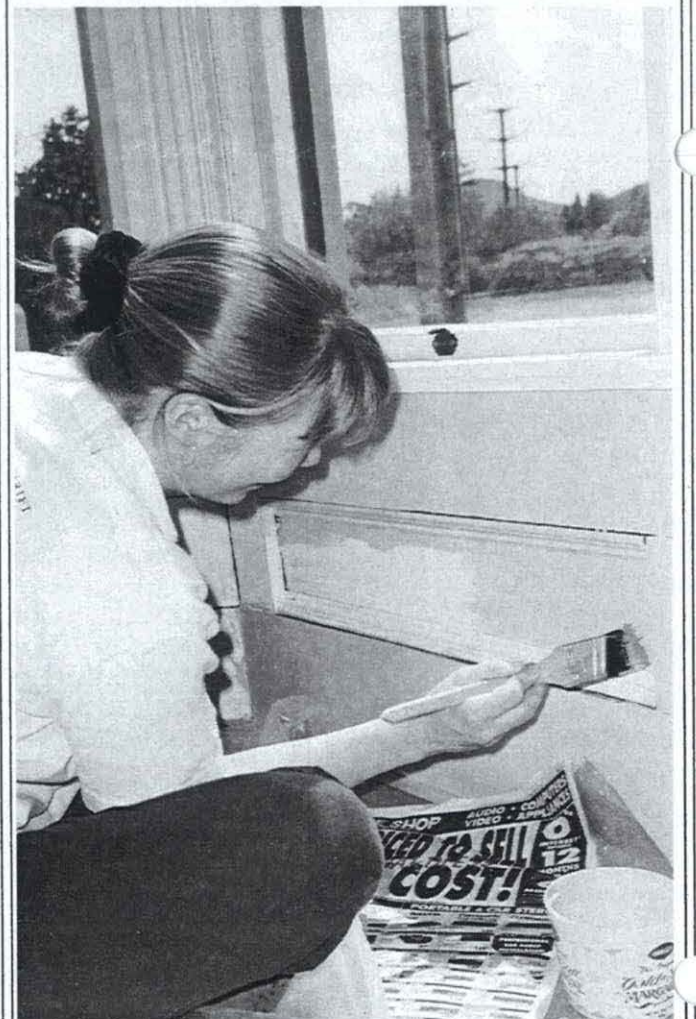
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(From editor, page 2)

national historic district." Meshing with the historic district is necessary, but this should be done within the real context of the district, and not just by throwing "porches and gingerbread trim" on new houses.

We are surrounded by examples such as these and I could certainly go on and on, but I think you get the point. The problem is a lack of education. The homeowners who destroy the historic integrity of a house trying to restore or enlarge it usually don't know any better. The developer who builds in or near a historic district sees an opportunity to make money by jumping on to the preservation bandwagon. If s/he has to throw porches and gingerbread on them to mesh with the district, so be it. But when the plans come before design review, we need to say "this won't work," and then explain why. If they want to build or remodel within the real context of the district, then fine. But we cannot let our historic districts turn into theme parks. My client who recently purchased the two 1890's houses wants to do the right thing, but we will never be able to bring the buildings back to the original condition they were in only a year or two ago. Too much of the original fabric has been lost, and the best we can do is minimize the damage. At least by putting the load bearing walls back into the interior of the Greek revival we were able to keep it from collapsing! We need to keep our guards up and get there and educate!

#### Students Apply Finishes in Historic House



Erin Hanafin applies a base coat for false graining at the McNail-Riley House (1888) in Eugene. Erin and a group of volunteers are using techniques learned in a historic finishes class at the UofO.



# Regulatory Takings and Historic Preservation

by Chris Ottaway

Regulatory takings is one of the major legal areas effecting historic preservation. In this article, I will discuss the issue of regulatory takings, in particular the *Dolan v. City of Tigard* case, and the potential effects this case could have on preservation matters.

"The takings issue is a shorthand reference to the Fifth Amendment to the U.S.

Constitution's prohibition about public use of private property: 'nor shall private property be taken for public use without just compensation'" (Roddewig and Duerkson, 1989). The question which arises from this is whether a regulation can become a taking. The general principle in answer to this is the quite vague comment of Justice Holmes that a regulation becomes a taking when "it goes too far."

Since that time, the courts have hammered out a general set of guidelines regarding regulatory takings, and have concluded that the proper remedy for a regulation which goes too far is not monetary compensation, but invalidation of the regulation. The general principles, taken from *Responding to the Takings Challenge* (Roddewig and Duerkson, 1989) are as follows:

1. All administrative remedies must be exhausted before going to court. For a historic preservation case, if there are local administrative procedures or variances which can be used, these must all be tried before going to court.
2. Normal zoning and planning delays do not create temporary takings.
3. Courts will insist on a high threshold for takings claims. The means that all or virtually all of the value or use of a property must be denied before an unconstitutional taking occurs.
4. The purpose of the regulation remains very important. However, innovation and creativity in zoning and planning to protect historic or environmental resources are still possible.
5. The focus of a takings inquiry continues to be the entire property interest. If a regulation severely impacts part of a property, it is not a taking if the property as a whole is still usable.
6. Courts require a nexus between

legislative purposes and regulatory means to attain them. There must be a clear connection between the purpose of a land-use control and the method used to attain that purpose.

7. When a regulation does go too far, damages for the "temporary" taking may have to be paid.

This seems to be a fairly straightforward set of guidelines. However, the recent case of *Dolan v. City of Tigard* changes the application of these principles slightly. To summarize the case, Dolan applied to the City of Tigard to remove an existing retail plumbing and electrical supply building and construct a new building and to expand the parking lot. As conditions of the permit, the city required that Dolan dedicate a portion of land in the 100-year floodplain for improvement of stormwater drainage. In addition, the city required that Dolan dedicate a 15-foot strip of land adjacent to the floodplain as a pedestrian/bicycle pathway. Dolan challenged these conditions both administratively and then in the Oregon courts. Dolan appealed all the way to the U.S. Supreme Court on the grounds that there was not the required degree of connection between the conditions on the permit and the impact of the development. The U.S. Supreme Court overturned the Oregon Supreme Court and fashioned a more stringent test for the required degree of connection, and in the process "significantly chang(ed) thirty years of state law" (Holloway and Guy, 1994).

The Court concluded that the floodplain easement combined with the pathway would rob Dolan of the "right to exclude others" from her property. The Court found that the floodplain easement provided a recreational benefit to the public, and recreational benefits don't bear any connection to reduction of flooding. Therefore, the City did not show enough of a nexus between the floodplain (recreational) easement and the stated purpose of the regulation reduced flooding. The Court also did not find enough of a connection between the fact that expanding a business increases traffic and the need of

a dedicated pathway. The Court wanted findings that the pathway was likely to offset the increased traffic. Dolan changes the burden of proof that the regulation is constitutional to the city by changing the quality of government fact-finding needed to support the imposition of a regulation.

There are a number of possible effects and implications of this case on historic preservation. Some land use regulations found valid under the previous set of guidelines may not be valid under the more stringent test of Dolan. (This may occur especially when government fact-finding and analysis is generalized and therefore may be insufficient to justify the regulation in a particular application.) It may also apply where government demands some easement or property right in exchange for a benefit, such as a permit. Also, regulation done to support aesthetics or social needs may need to be more factually supported. Preservation experts will have to be prepared to show the required degree of connection between regulatory requirements and the problems that they seek to prevent or correct. The Court is clearly trying to limit the government's power to provide for the public interest through regulation without providing compensation to property owners.

## References

- Roddewig, Richard J. and Christopher J. Duerkson. *Responding to the Takings Challenge*. Chicago, IL: American Planning Association, 1989.
- Holloway, James E. and Donald C. Guy. "The Court Limits Land Use Regulation: the Significance of *Dolan v. City of Tigard* to Landowners and Policy-makers". *Journal of Soil and Water Conservation*, Sept.-Oct. 1994.



# Restoration of Villard Hall Underway with

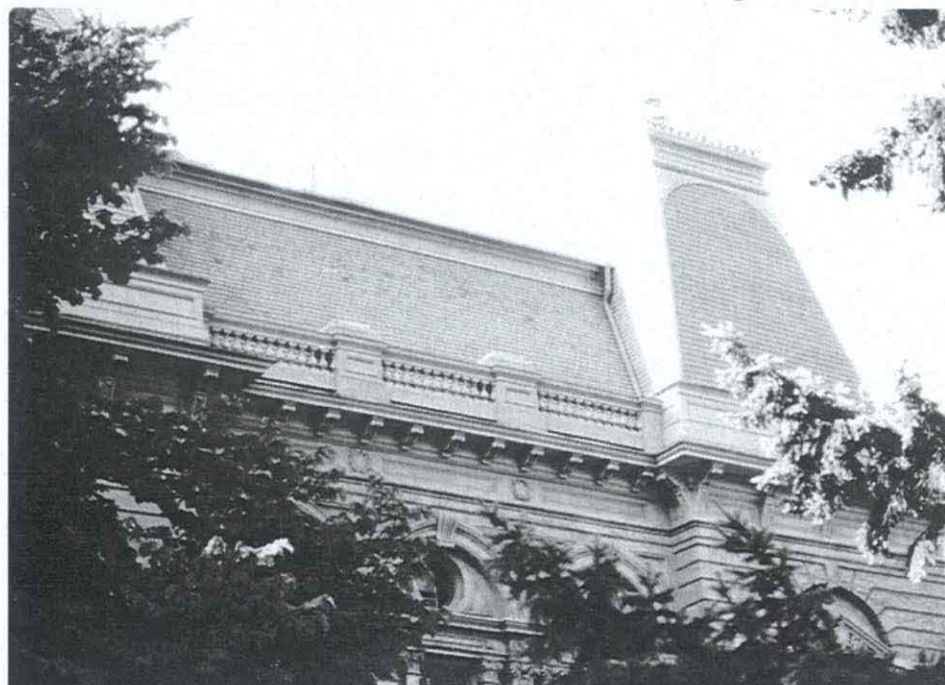
by George Bleekman III

One of the most appealing aspects of a career choice in Historic Preservation is the multifaceted nature of the field. For some, the attraction lies in advocacy, leading the fight to save our historic resources. For others, the fascination is in survey work and the identification of historic resources. But for me, the thrill is in the restoration; putting the life back into a building that many would say should be discarded. Restoration is a tangible endeavor, for one sees the results on a daily basis, and it is immensely gratifying. Good restoration is a combination of detective work, careful analysis, and conscientious craftsmanship, woven throughout the project. I believe it is the most visible aspect of historic preservation, because it is the beautifully restored building that the public sees and appreciates. Those in the preservation field know how important advocacy and "behind the lines" preservation are, but for the general public the end result is all they really know about, or probably even care about.

As project supervisor and lead carpenter on the restoration of Villard Hall, I recognize the enormous responsibility it takes to undertake such a restoration. We, as restoration professionals, bear the responsibility of passing landmarks like Villard Hall on to future generations. This means that our intervention must preserve its historical integrity and craftsmanship, because that is what we are passing on.

Villard Hall, finished in 1886, is one of two National Historic Landmarks on the University of Oregon's campus and was the second building built on campus (Deady Hall, 1876, was the first and is the other NHL). Villard Hall, one of Oregon's finest architectural gems, was designed by noted Oregon architect Warren Heywood Williams and is a late example of the second empire style, one of the few remaining academic buildings of that style left on a western American campus.

Named after Henry Villard, a railroad tycoon and early benefactor of the University, Villard Hall is a rather squat, three story brick building finished with stucco molded to simulate stone, and a wooden mansard roof with tower pavilions on each of the four corners. Although



*The restored north facade of Villard Hall, including the balustrade connecting the two towers. The two pedestals will eventually support large urns when the original material is determined.*

the interior has suffered much alteration, the exterior is intact except for an addition on the west side connecting Villard to the adjacent Robinson Theater, and the removal of the lower cornice balustrade on the east, south and west facades. Ornate wooden carvings, turnings and mouldings decorate the building and are finished in sand paint meant to simulate stone, and the cedar shingles are painted dark grey to simulate slate.

The restoration of Villard began seven years ago in a piecemeal fashion, when restoration contractor Greg Olsen and a group of architecture and historic preservation students restored the east porch. Two years later the restoration continued with Olsen and another group of students restoring the north-east tower, and four years ago the north-west tower was restored. The current phase of restoration began in November of 1994 with the east wall, southeast tower and south wall, and will continue with the southwest tower and west wall. The current restoration team is made up of Project Manager James Wentworth, myself, three Physical Plant restoration carpenters, Steve Parker, J.R. Vanderburgh, and Jeff Urban, and sheet metal worker Art Corliss. In addition to this core restoration team are architecture and historic preservation students

who are able to gain valuable "hands-on" experience under the direction of the restoration team. This experience is made possible by a unique partnership between the P.P. and the UO Historic Preservation Program that allows up to ten students per term to work and learn alongside the restoration team. This unique partnership gives students a rare opportunity to both participate in the restoration of an NHL, as well as to develop restoration skills and principles.

Because of a poor maintenance history on the part of the university, Villard is in a serious state of disrepair. Although the masonry and stucco are for the most part quite stable, it is the wooden portions of the building that have suffered the most damage. Much of the cedar trim and moulding is badly deteriorated, and the original cedar shingles on the mansard roof are in dire need of replacement. In addition, the original terne plate roofing on the gutters, parapet and mansard roof has failed, allowing water to enter the building and accelerating deterioration (the terne-plate had been coated with bituminous roofing tar that contributed to its deterioration and failure). Because of this, the gutters and supporting structure are badly rotted, as well as many of the brackets and mouldings on the entablature. The brick and



## Opportunities

Position is available for candidates with bachelors or masters degrees in archaeology, architecture or historic preservation. Project areas include cultural resource and historic site surveys, historic building renovations and historical and archeological reports, investigations and studies with local, state and federal agencies, and other related tasks. Compensation for the position, offered by the US Army Center for Health Promotion and Preventive Medicine in Aberdeen, Maryland, starts at \$24,000. Applications are accepted and processed on a continuing basis. For additional information, reference project #CHPPM 95-33 when contacting: Postgraduate Internship Program of the USACHPPM, Attn.: Cindy Sheldon, Science/Engineering Education Division, Oak Ridge Institute for Science and Education, P.O. Box 117, Oak Ridge, TN 37831-0117; (615) 576-3456.

The Ohio Historic Preservation Office is seeking applicants for the following positions: Technical Preservation Services Manager, responsible for advising owners of historic structures, reviewing rehabilitation projects for federal tax benefits, conducting paint analysis, and reviewing products for historic preservation fund grants; and Survey/national Register Coordinator, responsible for providing technical assistance for Ohio Archaeological Inventory, Ohio Historic Inventory, and National Register programs, reviewing nomination forms for technical correctness, and responding to public inquiries. Degrees in American history, historic preservation, architecture, architectural history, or related fields, with one year professional experience, are encouraged. Compensation for both positions start around \$23,000. Apply by July 23, 1995, to: Personnel Office, Ohio Historical Society, 1982 Velma Avenue, Columbus, OH 43211-2497. For more information, call (614) 297-2390.

Summer employment is available July 10-August 18, 1995, at a field excavation site in western Pennsylvania. Two positions are available to work at the late 19th/early 20th century coal mining town. The project will involve survey, mapping, excavation, soil sampling, oral histories and archival research. Positions pay from \$250-\$300 per week, depending on experience; housing will be provided. For more information, contact Karen Bescherer Metheny at kmetheny@acs.bu.edu.

The Oklahoma Historical Society, pending approval, anticipates an opening for a Curator 1 with archaeological research and/or collections management experience at the Fort Towson Historic Site in southeastern Oklahoma. Annual salary for this position is \$21,249.00 with full state benefits. Responsibilities include managing archaeological collections from excavations at the site of Fort Towson (1824-1854) and collections resulting from the planned excavation at the nearby town site of Doakville (ca. 1830 to the late 19th century). The Curator will be expected to participate in the excavations at Doakville and to be involved in the research and writing that will result. Other duties will include assistance with the operation of Fort Towson and Doakville sites under supervision of the site manager. Applicants must hold an undergraduate degree in history, anthropology, or a closely related field and one year of curatorial experience in a historical or natural history museum. Please send a letter of interest and a resume to: Laura Hollis, Personnel Officer, Oklahoma Historical Society, 2100 N. Lincoln Blvd., Oklahoma City, OK 73105, Fax: 405-521-2492. For additional information on this position, please contact Dr. William B. Lees at: Oklahoma Historical Society, 2100 N. Lincoln Blvd., Oklahoma City, OK 73105, (405) 522-

5233; ax: 405-521-2492; e-mail: 74072.266@compuserve.com.

A position in Cultural Resources is available in Alexandria, Virginia. Requisites include a M.S. degree or equivalent training as historical registered architect, archeologist, historian (architectural, industrial, military), preservation planner, or master preservation craftsman; demonstrable technical writing ability; working knowledge of field of cultural resources, preferably military related; familiarity with relevant statutes and regulations. Incumbent will plan, organize, lead and control development of the cultural resources program in consonance with the vision and goals of the Conservation Program and Corporation. The program areas will include historic preservation, archaeological resources, and Native American rights. Send resume and names and telephone numbers of three references to: Dr. Richard D. Brown, Program Manager for Conservation, Horne Engineering and Environmental Services, Inc., 4501 Ford Avenue, Suite 1100, Alexandria, VA 22302; (703) 379-5600; Fax: (703) 379-5609. Note: this position was originally posted April 19, 1995.

## Conferences

The 49th National Preservation Conference will be held in Fort Worth, Texas, October 11-15, 1995. Conference activities will showcase the rich history of Texas and Fort Worth. Tours and workshops will explore sites such as Sundance Square, the historic stockyards, museums, and a wealth of livable neighborhoods. The conference will also explore other historic communities in Texas. For additional information, contact the National Trust conference department at: Preservation Conferences, National Trust for Historic Preservation, 1785 Massachusetts Avenue, NW, Washington, DC 20036; 1-800-944-6847; Fax: (202) 673-4223. Livable Oregon's annual conference, to be held in Welches, Oregon, June 15-17, 1995, offers discounted student rates. The conference will address topics such as the role of historic downtowns, community livability, neighborhood development, and how to promote livable communities. For additional information, including how to register at the student rate, call Livable Oregon at (503) 222-2182 or write to them at 921 SW Morrison, Suite 508, Portland, OR 97205.

The American Association for State and Local History will be holding its annual meeting in Saratoga Springs, New York on September 7-9, 1995. The program theme is "Place, Past, Perspective: Local History and Communities." In order to encourage student participation, complimentary registration to the meeting will be provided to student members in exchange for volunteering to work eight hours during the meeting. Students wishing to volunteer must pre-register prior to August 11; after that date, the student registration fee is \$95. For more information about the conference or AASLH, contact Amy Lorek at the Cooperstown Graduate Program in Museum Studies at (607) 547-2586 or Melanie Fajt at the Southwestern Pennsylvania Heritage Preservation Commission at (814) 539-2016.

## Call For Papers

Papers are invited for a Special Technical Publication (STP), to be published by the American Society for Testing and Materials (ASTM). The working title of this publication is "Wood Structures: A Global Forum on the Treatment, Conservation, and Repair of Cultural Heritage." The STP is sponsored by a subcommittee on "Building Preservation and Rehabilitation Technology" in

cooperation with the International Council on Monuments and Sites (ICOMOS) and the Association for Preservation Technology International (APT). The objective of the STP is to present an overview of current treatment, conservation, and repair approaches for heritage wood structures, and to provide a forum for sharing of technical information about wood preservation. For example, the Church of the Transfiguration on Kizhi Island in Karelia, Russia, will be the focal point for one group of papers. Additional groups of papers will address heritage wood buildings in other regions of Europe, North America, and Asia. Papers are invited from architects, engineers, conservators, and others involved in the technical preservation of these structures, as well as other wood structures of historic significance and cultural interest. All submittals must be in English. Prospective authors are asked to submit a title, and a single page abstract, by July 1, 1995 to Stephen J. Kelley, c/o WJE, 29 North Wacker Drive, Chicago, Illinois 60606; (312) 372 0555; Fax: (312) 372 0873; e-mail: suserz@aol.com. Authors will be notified of their paper's acceptance for publication by August 1, 1995.

The Journal of Material Culture, a new interdisciplinary journal concerned with the relationship between artifacts and social relations which aims to systematically explore the linkage between the construction of social identities and the production and use of material culture, issues a call for papers for its premier issue, to be published March 1996. Manuscript length should not exceed 8,000 words. For a detailed 'Notes for Contributors' please contact: Dr. Christopher Tilley, Department of Anthropology, University College London, Gower Street, London WC1E 6BT, UK, Fax: 0171 380 7728. For subscription information, please write to Jonathan Carter at Sage Publications: carter@sageld.co.uk. For a limited time, charter subscriptions are available at a 25% discount.

The Montana Historical Society, which publishes Montana The Magazine of Western History is conducting their annual writing competition of historical essays. Article-length manuscripts written by undergraduate or graduate students enrolled in any college or university on the topic of Montana or western history are welcome. The award, which will given to the best essay demonstrating readability, use of research materials, overall conception, and contribution to the history of Montana and the West, includes publication of the article in the magazine and a cash award. Deadline for manuscripts is July 21, 1995. For detailed information, contact Burlingame-Toole Award, Montana The Magazine of Western History, Montana Historical Society, P.O. Box 201201, 225 North Roberts Street, Helena, MT 59620-1201.

## Other

The National Center for Preservation Technology and Training is now on-line. The Center's gopher can be reached at gopher://gopher.ncptt.nps.gov. The gopher provides centralized access to preservation-related Internet resources such as databases, gophers, libraries, archives and museums. Job openings, grant announcements, and conference announcements also will be posted. The NCPTT newsletter (Notes From the Center), Preservation Briefs, and general information about navigating the Internet also can be found. In addition, searchable archives of several listserv discussion lists are being created. If you would like to submit material for posting to the NCPTT gopher (job, conference, grant, training announcements, etc.) or if you have any comments, contact Mary Carroll at mcarroll@alpha.nps.gov.



# Lost Eugene

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Monday, March 3, 1986 was a sad day for the preservation community in Eugene, when the Mayflower Theater was razed. Located two blocks from the University campus on Eleventh Avenue between Agate and Hilyard, the three-story building was a mixed-use structure incorporating the theater, small stores, and apartments. Built in 1925, the Mayflower was one of the two oldest surviving theaters in Eugene and stood as a symbol of the "suburban" development of the city. Its modest Colonial Revival exterior only hinted at the magnificent interior, which was lavishly decorated in the style of American movie palaces. Unfortunately, the Mayflower had been overlooked as a historic resource when the neighborhood planning document was produced, and nearby Sacred Heart Hospital, using that plan as a guide, acquired the property for its planned expansion. The error was realized only after a demolition permit had been granted, so the Historic Review Board and local preservationists launched a campaign to designate the building as a city landmark. Despite heated controversy, Sacred Heart took matters into its own hands and razed the Mayflower Theater only hours before the Historic Review Board was to decide if the building should be saved.



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