



Oregon

Theodore R. Kulbowski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/29/2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of St. Paul Plan Amendment
DLCD File Number 002-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, January 09, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Jim Jacks, City of St. Paul
Doug White, DLCD Community Services Specialist
Steve Oulman, DLCD Regional Representative
Amanda Punton, DLCD Regional Representative

<paa> YA/

FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE STAMP

DEPT OF

DEC 19 2008

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **St. Paul**

Local file number: **TA 08-02**

Date of Adoption: **10/13/2008**

Date Mailed: **12/19/08**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 7/18/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Language was added to provide for review of actions related to historic structures.

Does the Adoption differ from proposal? Yes, Please explain below:

The format and organization of the language was changed. The language itself was not changed.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. DLCD #002-08 (17024) [15325]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

State Historic Preservation Office.

Local Contact: **Jim Jacks**

Phone: (503) 593-6856 Extension:

Address: **7165 SW Fir Loop, Ste 204**

Fax Number: - -

City: **Tigard, OR**

Zip: **97223-**

E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 2008 – 198

A BILL FOR AN ORDINANCE

AMENDING THE ST. PAUL ZONING AND DEVELOPMENT ORDINANCE
REGARDING HISTORIC RESOURCES

WHEREAS, about 88.6 acres in the City of St. Paul are in the St. Paul National Historic District and were placed on the National Historic Register by the Department of Interior on May 15, 1982; and

WHEREAS, on December 8, 2003 the St. Paul City Council passed Ordinance 2003 – 190 adopting the Zoning and Development Ordinance and repealing Ordinance No. 1994 – 158 which was the previous Zoning and Development Ordinance; and

WHEREAS, the City of St. Paul Planning Commission conducted a public hearing on September 2, 2008 and unanimously passed a motion recommending the City Council approve the Home Occupation amendments; and

WHEREAS, the City Council conducted a public hearing September 8, 2008 and continued it to October 13 when the City Council adopted the findings in Exhibit "A."

NOW THEREFORE, the City of St. Paul ordains as follows:

Section 1. FINDINGS. The City of St. Paul hereby adopts the staff report dated September 8, 2008 set forth in Exhibit "A" attached hereto and by this reference incorporated herein.

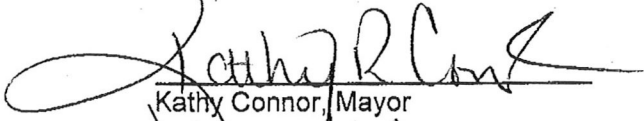
Section 2. ADOPTION OF THE AMENDMENTS. The City of St. Paul hereby adopts the Historic Resources amendments to the St. Paul Zoning and Development Ordinance as set forth in Exhibit "B" attached hereto, and by this reference incorporated herein.

Section 3. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after its passage.

PASSED this 13 day of October, 2008.

SIGNED this 13 day of October, 2008.

ATTEST:


Kathy Connor, Mayor

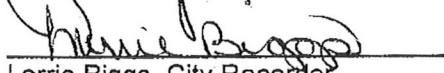

Lorrie Biggs, City Recorder

EXHIBIT "A"

TO: CITY OF ST. PAUL CITY COUNCIL

FROM: JIM JACKS, CITY PLANNER

SUBJ: PLAN TEXT AMENDMENT 08-02, AMENDING THE ZONING AND
DEVELOPMENT REGULATIONS REGARDING HISTORIC
RESOURCES

DATE: SEPTEMBER 8, 2008

BACKGROUND

Properties comprising 88 acres in St. Paul were placed on the National Historic Register by the Department of the Interior on May 15, 1982. The City has relied on its previously adopted regulations related to the National program. The proposed amendments add to those regulations to address issues that are not covered by the National program.

The St. Paul Planning Commission has coordinated with the State Historic Preservation Office over a long period of time and has reviewed the provisions of other cities to prepare the proposed amendments. Changes to the proposed language may occur during the Planning Commission and City Council public hearing and adoption phase of the amendments.

PROPOSED AMENDMENTS

The following is a summary of the proposed amendments.

The City Council prefers to not act as the Historic Resources Board and a new separate Board is to be created.

Some new definitions are added (4.103).

Add language about the contribution of the open spaces around the City to the City's historic character (4.104).

Add language about the State statutes and OAR regarding archeological sites (4.105).

Add language about the procedure for review of a proposed change to a historic resource to reflect the new Board as the decision maker (4.106).

Add language about how the District could be changed per State Office of Historic Preservation (4.107).

Add language about appeals of historic decisions (4.108).

Add language about notice of the Board's reviews and decisions (4.109).

PLANNING COMMISSION RECOMMENDATION

The Planning Commission hearing was September 2 which was after this report was prepared. Their recommendation will be available to the City Council on September 8.

PROPOSED CHANGES

All of the following proposed amendments are new language, thus there is no language to be deleted and shown in ~~strikeout~~. Because all the following is new language it is not shown in *bold italic*, instead it is shown in normal font.

Chapter 4.1 Historic Resources

4.101 HISTORY

A. The City of St. Paul recognizes that certain historic resources located within its boundaries contribute to the unique character of the community and are irreplaceable, and as such, merit preservation.

One approaches St. Paul from any compass point through well-maintained farm lands. Many fine examples of late nineteenth century architecture are evident on the prairie surrounding the town, reflecting a pace of life which is serene, straight forward, and unanxious to participate in the growth which is evident outside of the Prairie region. Mature trees, orchards, and open cultivated farmland can be seen from the roads leading into St. Paul. No abrupt transition from this landscape is evident as one enters the town. Street lighting is minimal; there are few sidewalks and only one traffic signal. Ample open space, including farmland, is contained within the proposed district boundaries. With few exceptions, there is a cohesiveness of scale to the town's architecture. Buildings are rarely taller than two stories. The church steeple is the tallest man-made object. It dominates the landscape and can be seen from all compass points. St. Paul's largest structure is the St. Paul Rodeo Stadium, which occupies portions of four blocks at the southeast corner of the town, but is constructed such that its scale does not detract from the surrounding architecture.

[Section 7. Description from St. Paul's Nomination Form to the National Register of Historic Places]

B. The City took the major step of protecting its important historic heritage by having the majority of the City declared a National Historic District. Inclusion on the National Historic Register was approved by the Department of the Interior on May 15, 1982.

C. The 88.6 acres of the Historic District includes the following area:

Roughly bounded by new St. Paul Cemetery and Bernard Street on the east and west, and by Wilson Avenue and Block 61 of the Plat of St. Paul on the north and south, respectively.

4.102 INTRODUCTION

A. The City has chosen to adopt only those ordinances that implement the Federal and State procedures regarding land use and development actions within the National Register District. Thus the city has not adopted any local regulations that are subject to Oregon Revised Statutes and Administrative Rules which pertain to property owners' rights to demand removal of the city's historic designation.

B. The official record of the Historic District is on file in the St. Paul City Hall. Within this record is an inventory of all historic resources within the district. Historic resources within the inventory are designated as significant or contributing are those that have documented histories of significance to St. Paul.

C. This ordinance applies to all historic resources on the National Register of Historic Places Inventory for the St. Paul Historic District, since they all have contributed to either the story or the small farming town atmosphere of St. Paul.

D. The City of St. Paul Historic Resources Ordinance provides the necessary process and standards to closely regulate changes to historic resources within the Historic District. The ordinance assures that every proposed change in a resource is reviewed by the City's Historic Resources Board, and that the Board determines the potential degradation of the resource from the proposed change. The Board can deny the application, approve the application, or amend the application and approve it. Before destruction or removal of a resource within the historic district is allowed, every reasonable avenue is to be explored to assure that there are no realistic alternatives.

E. Nothing in this article shall be construed to prevent ordinary maintenance and repair of any exterior architectural feature on any property covered by this ordinance that does not involve a change to design, material, or external appearance thereof.

4.103 DEFINITIONS

Alteration

An addition, removal or reconfiguration which significantly changes the character of a historic resource

Archaeological Resources

Those sites, structures and artifacts which possess material evidence of human life and culture of the prehistoric and historic past.

Architectural Feature

Distinctive parts of the structure's construction.

Demolition

The razing, destruction or dismantling of a resource to the degree that its historic character is subsequently obliterated

District

A geographically defined area possessing a significant concentration of buildings, structures, objects and/or sites which are unified historically by plan or physical development, e.g. downtown, residential neighborhood, etc.

Historic Integrity

The quality of wholeness of an historic location, design, setting, materials, workmanship, feeling and/or association of a resource, as opposed to its physical condition

Historic Resource

All properties on the National Register of Historic Places Inventory for the St. Paul Historic District, since they all have contributed to either the story or the small farming town atmosphere of St. Paul.

National Register of Historical Places Inventory

The record of information about resources within the St. Paul Historic District

Object

An artifact or constructed item which is primarily artistic or commemorative in nature and not normally movable or part of a structure, e.g. statue, fountain, milepost, monument, sign, etc.

Relocation

The removal of a resource from its historic context

Structure

A construction made for either the purpose of shelter or habitation (e.g. house, barn, store, garage, school) or functions other than shelter or habitation (e.g. bridge, windmill, dam, highway, etc).

Site

The location of a significant event, use or occupation which may include associated standing, ruin or underground features, e.g. battlefield, campsite, cemetery, natural feature, garden, food-gathering area, etc.

4.104 OPEN SPACES

4.104.01 Purpose

A. Though all of the following are not within the boundaries of the St. Paul Historic District, they contribute to the values mentioned in History and the uninterrupted transition from the farmland to the city. The open spaces of St. Paul offer histories, social, environmental, spiritual and monetary values to the community. The community regards them as integral to the rural, small town flavor of St. Paul.

B This ordinance cannot set standards to protect these open spaces, but does strongly encourage conservation of the expansive vistas they contribute to the small farm town atmosphere of St. Paul.

4.104.02 Historic District Open Spaces

A. The homes in St. Paul sit on large lots giving the city a more spacious feel as the farm fields touch it on every boundary.

- B. Two cemeteries sit within the District; with the St. Paul Pioneer Cemetery bordering the 1836 Log Church archaeological site.
- C. An open baseball field is between the schools on the Marie de Wallamette archaeological site.
- D. The City Park along Main Street is the site of the 1930s Rodeo Inn Tavern.
- E. The Rodeo Grounds and the other City Park encompass four city blocks with an adjoining twenty acres that add to the openness of St. Paul.

4.104.03 Adjoining Open Spaces

- A. The Willamette River and its multiple resources include scenic and recreational uses with river access at the San Salvador Oregon State Park.
- B. The three mile circle of designated farm market road bordered by Main Street, Blanchet Avenue, Riverside Drive and Mission Road completes a circle perfect for walking, jogging and cycling along picturesque farm land.
- C. Mission Creek forms the southeast City Limit and Urban Growth Boundary line. This creek has both natural and manmade characteristics that make it significant to the community. It is a significant part of the physical character of the city, providing open space and recreational opportunities. The degradation of the creek or its associated wetland area would negatively the area's contribution to the social and historical factors of St. Paul.

4.105 ARCHAEOLOGICAL SITES AND CEMETERIES

- A. The City of St. Paul is located within one of the earliest and most significant Euro-American settlements within the State of Oregon. Located along the Willamette River the area has long attracted people to the Willamette Valley due to its abundant indigenous resources, ability to grow a wide variety of crops and use of the Willamette River as a major transportation corridor. As such, the St. Paul area has the potential to contain abundant prehistoric and historic archaeological resources. This likelihood is reflected in the listing to the National Register of Historic Places of the St. Paul Historic District, including three archaeological sites as being of Primary Significance.
 1. St. Joseph's College 1841 (No. 29)
 2. Log Church 1836 (No. 35)
 3. Ste. Marie de Wallamette Convent and Girls' School begun 1844 (No. 87)

The Inventory also noted both of St. Paul's Cemeteries as being of Primary Significance.

1. "New" Cemetery 1875 (No. 1)
2. St. Paul Pioneer Cemetery 1839 (No. 36)

These sites and others that are yet to be documented are of fundamental importance to the history of the French Prairie area and the story of St. Paul.

- B. The State of Oregon recognizes the importance of both historic and prehistoric archaeological sites to our local and statewide history (e.g. ORS 973.740-760, ORS 358.905-960, ORS 395.235). The protection of archaeological resources is also highlighted in Federal preservation law in that Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be

undertaken. St. Paul affirms such importance and actively seeks to evaluate and preserve any significant archaeological sites found within our community.

C. Pursuant to statutory and administrative rules that are parameters for the protection of National Historic Properties and archaeological sites of local, state and National significance the City of St. Paul seeks to protect such properties pursuant to Statewide Planning Goal 5. As such, the St. Joseph College site within the City Limits is zoned residential and has been developed as such. The Log Church site is zoned Public/Semi-Public and is owned by the St. Paul School District. The Ste. Marie de Wallamette site is also zoned Public/Semi-Public and is owned by the St. Paul Parish. Both cemeteries are zoned Public/Semi-Public and owned by St. Paul Cemetery Association.

D. Other Oregon Statutes (ORS 97.740-760, ORS 358.905-960, ORS 395.235) and Administrative Rules (OAR 736.051.0080-0090) delineate the responsibility to protect significant Archaeological Sites on both public and private land. Property owners need to be aware of State laws and the reasons for the protection of archaeological sites. All individuals should contact a professional archaeologist upon the discovery of an archaeological site in order to evaluate its potential significance to local, statewide and National history. All sites found to be significant will be protected unless proposed development can not avoid impacting such sites and appropriate mitigation measures are followed prior to disturbance. Extreme care shall be taken by both private individuals and public entities whenever any kind of development or land disturbance is contemplated for an area within St. Paul, particularly when such activities will occur near a known archaeological or cemetery site. It is illegal to excavate, injure, destroy or alter an archaeological site or object without having first obtained an archaeological permit and gaining approval of such activities as outlined under state law (ORS 390.235).

4.106 PROCEDURE FOR REVIEW OF PROPOSED CHANGE TO A HISTORIC RESOURCE

4.106.01 Land Use Action Impacts On Historic Resources

A. Any land use application or Zoning and Development Ordinance revision affecting property within the Historic District must be submitted to the Board for a review and recommendation prior to a hearing by the Planning Commission. In these cases only, the Board's recommendation will go to the Planning Commission.

B. Since historic resources may be impacted by inappropriate development on adjacent properties, protection of the historic resource and context of the site are considerations when new construction or land use actions, such as zone changes, variances, or conditional uses, are considered on nearby properties.

C. This may necessitate special designs to protect the historic resource or denial of uses when the impact is judged to be unacceptable in relation to the protected resources.

D. Review and recommendation shall be based on the character of the neighborhood.

4.106.02 Independently Designated National Register Properties

A. Some property owners have independently had their property designated on the National Register of Historic Places.

B. As such, if these properties are taking advantage of the Federal Tax Credit for income-producing buildings or Oregon's Special Assessment program that offers a 15-year "freeze" of a property's assessed value for buildings that will be significantly but appropriately rehabilitated and maintained, the properties must go through an additional review process with the Oregon State Historic Preservation Office for approval of any structural changes.

4.106.03 Work Affecting The Exterior Of Historic District Resources

A. Property owners are encouraged to ask the Board for an informal review of plans for their property prior to submittal of a formal application.

B. Prior to the commencement of work on the exterior of a structure which work consists of repairs, maintenance, alteration, improvements, reconstruction and/or expansion affecting the exterior appearance of the structure, an application for review, using forms furnished by the City Recorder, shall be submitted by the property owner or an authorized agent to the Board for review. This application shall be accompanied by plans and specifications describing proposed materials and methods in sufficient detail to visualize the finished results. The proposal shall be reviewed according to the following:

(1) Where the proposed work is of such nature that a building permit is not required, the Board shall review the materials submitted to determine whether the proposed work would result in visual changes in the exterior appearance of the structure. However, replacement of deteriorated materials in kind, installation of gutters and leaders and installation of removable storm windows shall be considered allowable without assessment of visual impact by the Board.

(a) Where review of the materials submitted results in a determination that the work would not result in visual change, the Board shall provide the applicant with written approval for the work to proceed.

(b) Where review of the materials submitted results in a determination that the work would result in visual change, the Board will determine if the proposal is permissible under section (4) below.

(2) Where the proposed work is of such nature that a building permit is required, the application for a building permit shall be withheld until the Board reviews the plans. For its review, the Board may require that additional plans and application materials beyond those required for issuance of a building permit be prepared and submitted by the applicant.

(3) After providing a 14-day comment period to owners of property within 100 feet of the subject property and reviewing plans and materials submitted, the Board shall approve, or approve with conditions, or reject the application. The Board may also postpone, to a designated time, final action on an application when it is determined that additional information is needed. However, the City staff shall take initial action on an application submitted pursuant to this section within thirty days to determine completeness of an application, and the Board shall take final action within sixty days of submittal of a complete application. If the City staff fails to take initial action to determine completeness of an application within thirty days of the application submission, or the Board fails to take final action within sixty days of submittal of a complete application, the application shall be considered approved by the Board.

(4) In acting on an application submitted pursuant to section (1) or (2) for exterior work on a structure within the Historic District, the Board shall approve the application if findings are made demonstrating compliance with all of the following standards:

(a) Every reasonable effort shall be made in the application to provide a compatible use for the property which requires minimal alteration of the structure, or to use the property for its originally intended purpose.

(b) The distinguishing original qualities or character of the structure or site and its environment shall not be destroyed. The removal or alteration of historic material or distinctive architectural features shall be avoided when possible.

(c) All structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(d) Changes which may have taken place in the course of time are evidence of the history and development of a structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(e) Distinctive stylistic features or examples of skilled craftsmanship which characterize the structure or sites shall be treated with sensibility.

(f) Deteriorated architectural features shall be repaired if practicable; if not, they should be replaced in kind. Where replacement of features is proposed or necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(g) Proposed surface cleaning, if any, of structures shall be undertaken with the least damaging means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(h) Every reasonable effort shall be made to protect and preserve archeological sites affected by, or adjacent to, the structure.

(i) A design which may be proposed for alterations and additions to the structure shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood, and environment.

(j) Wherever possible, new additions or alterations to any structure shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(5) The action of the Board shall be accompanied by specific findings of fact indicating how each of the standards in section (4) are satisfied or, if the Board acts to

deny the application, indicating how the application fails to satisfy one or more of the standards. Written notice of the action taken by the Board shall be mailed to the applicant, those who commented during the 14-day comment period, and all other individuals who requested such notice, by the City Recorder within seven days of such action.

4.106.04 Demolition Or Relocation Of Historic Structure

A. Prior to the demolition or relocation, in whole or in part, of any structure subject to this ordinance, plans for such demolition or relocation shall be submitted to the Board on forms furnished by the City Recorder for review and action by the Board. The City staff's review for completeness of an application for demolition or relocation shall take place within thirty days from the date such an application is submitted to the Board. Final action by the Board shall occur within sixty days of submittal of a complete application. If the City staff fails to take initial action on an application's completeness within thirty days of the application submission, or the Board fails to take final action within sixty days of submittal of a complete application, the application shall be considered approved by the Board.

B. In order to approve an application for the relocation or demolition of a structure within the Historic District, the Board must find:

- (1) No prudent and feasible alternative exists, or
- (2) The designated property is deteriorated beyond repair, or
- (3) The value to the community of the proposed use of the property outweighs the value of retaining the structure.

C. In approving an application for the demolition of a structure within the Historic District, the Board may impose the following conditions:

- (1) Photographic, video, or drawn depiction of all architectural elements of the property and its relationship to the neighborhood by the Board.
- (2) Salvage and curation shall be done.
- (3) Other reasonable mitigation measures.

D. In approving an application for the relocation of a structure within or outside of the Historic District, the Board may require photographic, video, or drawn depiction of the property and its relationship to the existing neighborhood by the Board.

4.107 UPDATE, EXPANSION OR DELETION TO THE NATIONAL REGISTER HISTORIC DISTRICT

The Board shall advise the City Council if and when an update, expansion or deletion to the National Register of Historic Places Inventory for the St. Paul Historic District is appropriate. The City Council will make the final decision for a request to the State Historic Preservation Office for an update, expansion or deletion to the inventory. This process will follow all the Federal government regulations required for an update,

expansion or deletion from a National Register Historic District pursuant to the National Historic Preservation Act of 1966, as amended.

4.108 APPEALS

- A. An action of the Board may be appealed to the City Council if such an appeal is submitted in writing to the City Council within 15 days of the date the decision was mailed or unless the City Council, on its own motion, orders review within 15 days of the Board's action. The appropriate fee shall accompany an appeal. The fee shall be set forth by Resolution by the City Council. Fees are not refundable unless the appeal to the City Council is withdrawn prior to the mailing and posting of notification of the appeal hearing date.
- B. The City Council shall conduct a public hearing on the record to consider an appeal of any action taken by the Board within thirty days of receiving the appeal. Notification of the public hearing shall be sent to those parties that established standing at the Board and posted 14 days prior to the appeals hearing date.
- C. Written notice of the action taken by the City Council shall be mailed to the applicant and all individuals who requested notice by the City Recorder within 7 days of such action.
- D. An action taken by the City Council may be appealed to the State Land Use Board of Appeals.

4.109 PUBLIC NOTICE

- A. Notice of a 14-day comment period shall be mailed to property owners within 100 feet of the subject property and the applicant, and posted at least 14 days prior to the Board's review of an application.
- B. Notice of the Board's decision shall be mailed to the applicant and owners of property within 100 feet of the subject property within 14 days of the Board's decision.
- C. At least 14 days prior to the City Council Public Hearing on the record, notice of the appeal hearing shall be posted and mailed to those parties that established standing at the Board and to the applicant.
- D. Notices of a land use application and/or Zoning and Development Ordinance revision affecting property within the Historic District shall follow the appropriate notice requirements set forth in the Zoning and Development Ordinance.

End of proposed amendments.

EXHIBIT "B"

Chapter 4.1 Historic Resources

4.101 HISTORY

A. The City of St. Paul recognizes that certain historic resources located within its boundaries contribute to the unique character of the community and are irreplaceable, and as such, merit preservation.

One approaches St. Paul from any compass point through well-maintained farm lands. Many fine examples of late nineteenth century architecture are evident on the prairie surrounding the town, reflecting a pace of life which is serene, straight forward, and unanxious to participate in the growth which is evident outside of the Prairie region. Mature trees, orchards, and open cultivated farmland can be seen from the roads leading into St. Paul. No abrupt transition from this landscape is evident as one enters the town. Street lighting is minimal; there are few sidewalks and only one traffic signal. Ample open space, including farmland, is contained within the proposed district boundaries. With few exceptions, there is a cohesiveness of scale to the town's architecture. Buildings are rarely taller than two stories. The church steeple is the tallest man-made object. It dominates the landscape and can be seen from all compass points. St. Paul's largest structure is the St. Paul Rodeo Stadium, which occupies portions of four blocks at the southeast corner of the town, but is constructed such that its scale does not detract from the surrounding architecture. (Description from St. Paul's Nomination Form to the National Register of Historic Places, Section 7.)

B. The City took the major step of protecting its important historic heritage by having the majority of the City declared a National Historic District. Inclusion on the National Historic Register was approved by the Department of the Interior on May 15, 1982.

C. The 88.6 acres of the Historic District includes the following area:

Roughly bounded by new St. Paul Cemetery and Bernard Street on the east and west, and by Wilson Avenue and Block 61 of the Plat of St. Paul on the north and south, respectively.

4.102 INTRODUCTION

A. The City has chosen to adopt only those ordinances that implement the Federal and State procedures regarding land use and development actions within the National Register District. Thus the city has not adopted any local regulations that are subject to Oregon Revised Statutes and Administrative Rules which pertain to property owners' rights to demand removal of the city's historic designation.

B. The official record of the Historic District is on file in the St. Paul City Hall. Within this record is an inventory of all historic resources within the district. Historic resources within the inventory are designated as significant or contributing are those that have documented histories of significance to St. Paul.

C. This ordinance applies to all historic resources on the National Register of Historic Places Inventory for the St. Paul Historic District, since they all have contributed to either the story or the small farming town atmosphere of St. Paul.

D. The City of St. Paul Historic Resources Ordinance provides the necessary process and standards to closely regulate changes to historic resources within the Historic District. The ordinance assures that every proposed change in a resource is reviewed by the City's Historic Resources Board, and that the Board determines the potential degradation of the resource from the proposed change. The Board can deny the application, approve the application, or amend the application and approve it. Before destruction or removal of a resource within the historic district is allowed, every reasonable avenue is to be explored to assure that there are no realistic alternatives.

E. Nothing in this article shall be construed to prevent ordinary maintenance and repair of any exterior architectural feature on any property covered by this ordinance that does not involve a change to design, material, or external appearance thereof.

4.103 DEFINITIONS

Alteration

An addition, removal or reconfiguration which significantly changes the character of a historic resource

Archaeological Resources

Those sites, structures and artifacts which possess material evidence of human life and culture of the prehistoric and historic past.

Architectural Feature

Distinctive parts of the structure's construction.

Demolition

The razing, destruction or dismantling of a resource to the degree that its historic character is subsequently obliterated

District

A geographically defined area possessing a significant concentration of buildings, structures, objects and/or sites which are unified historically by plan or physical development, e.g. downtown, residential neighborhood, etc.

Historic Integrity

The quality of wholeness of an historic location, design, setting, materials, workmanship, feeling and/or association of a resource, as opposed to its physical condition

Historic Resource

All properties on the National Register of Historic Places Inventory for the St. Paul Historic District, since they all have contributed to either the story or the small farming town atmosphere of St. Paul.

National Register of Historical Places Inventory

The record of information about resources within the St. Paul Historic District

Object

An artifice or constructed item which is primarily artistic or commemorative in nature and not normally movable or part of a structure, e.g. statue, fountain, milepost, monument, sign, etc.

Relocation

The removal of a resource from its historic context

Structure

A construction made for either the purpose of shelter or habitation (e.g. house, barn, store, garage, school) or functions other than shelter or habitation (e.g. bridge, windmill, dam, highway, etc).

Site

The location of a significant event, use or occupation which may include associated standing, ruin or underground features, e.g. battlefield, campsite, cemetery, natural feature, garden, food-gathering area, etc.

4.104 OPEN SPACES

4.104.01 Purpose

A. Though all of the following are not within the boundaries of the St. Paul Historic District, they contribute to the values mentioned in History and the uninterrupted transition from the farmland to the city. The open spaces of St. Paul offer histories, social, environmental, spiritual and monetary values to the community. The community regards them as integral to the rural, small town flavor of St. Paul.

B. This ordinance cannot set standards to protect these open spaces, but does strongly encourage conservation of the expansive vistas they contribute to the small farm town atmosphere of St. Paul.

4.104.02 Historic District Open Spaces

A. The homes in St. Paul sit on large lots giving the city a more spacious feel as the farm fields touch it on every boundary.

B. Two cemeteries sit within the District; with the St. Paul Pioneer Cemetery bordering the 1836 Log Church archaeological site.

C. An open baseball field is between the schools on the Marie de Wallamette archaeological site.

D. The City Park along Main Street is the site of the 1930s Rodeo Inn Tavern.

E. The Rodeo Grounds and the other City Park encompass four city blocks with an adjoining twenty acres that add to the openness of St. Paul.

4.104.03 Adjoining Open Spaces

A. The Willamette River and its multiple resources include scenic and recreational uses with river access at the San Salvador Oregon State Park.

B. The three mile circle of designated farm market road bordered by Main Street, Blanchet Avenue, Riverside Drive and Mission Road completes a circle perfect for walking, jogging and cycling along picturesque farm land.

C. Mission Creek forms the southeast City Limit and Urban Growth Boundary line. This creek has both natural and manmade characteristics that make it significant to the community. It is a significant part of the physical character of the city, providing open

space and recreational opportunities. The degradation of the creek or its associated wetland area would negatively the area's contribution to the social and historical factors of St. Paul.

4.105 ARCHAEOLOGICAL SITES AND CEMETERIES

A. The City of St. Paul is located within one of the earliest and most significant Euro-American settlements within the State of Oregon. Located along the Willamette River the area has long attracted people to the Willamette Valley due to its abundant indigenous resources, ability to grow a wide variety of crops and use of the Willamette River as a major transportation corridor. As such, the St. Paul area has the potential to contain abundant prehistoric and historic archaeological resources. This likelihood is reflected in the listing to the National Register of Historic Places of the St. Paul Historic District, including three archaeological sites as being of Primary Significance.

1. St. Joseph's College 1841 (No. 29)
2. Log Church 1836 (No. 35)
3. Ste. Marie de Wallamette Convent and Girls' School begun 1844 (No. 87)

The Inventory also noted both of St. Paul's Cemeteries as being of Primary Significance.

1. "New" Cemetery 1875 (No. 1)
2. St. Paul Pioneer Cemetery 1839 (No. 36)

These sites and others that are yet to be documented are of fundamental importance to the history of the French Prairie area and the story of St. Paul.

B. The State of Oregon recognizes the importance of both historic and prehistoric archaeological sites to our local and statewide history (e.g. ORS 973.740-760, ORS 358.905-960, ORS 395.235). The protection of archaeological resources is also highlighted in Federal preservation law in that Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken. St. Paul affirms such importance and actively seeks to evaluate and preserve any significant archaeological sites found within our community.

C. Pursuant to statutory and administrative rules that are parameters for the protection of National Historic Properties and archaeological sites of local, state and National significance the City of St. Paul seeks to protect such properties pursuant to Statewide Planning Goal 5. As such, the St. Joseph College site within the City Limits is zoned residential and has been developed as such. The Log Church site is zoned Public/Semi-Public and is owned by the St. Paul School District. The Ste. Marie de Wallamette site is also zoned Public/Semi-Public and is owned by the St. Paul Parish. Both cemeteries are zoned Public/Semi-Public and owned by St. Paul Cemetery Association.

D. Other Oregon Statutes (ORS 97.740-760, ORS 358.905-960, ORS 395.235) and Administrative Rules (OAR 736.051.0080-0090) delineate the responsibility to protect significant Archaeological Sites on both public and private land. Property owners need to be aware of State laws and the reasons for the protection of archaeological sites. All individuals should contact a professional archaeologist upon the discovery of an archaeological site in order to evaluate its potential significance to local, statewide and National history. All sites found to be significant will be protected unless proposed development can not avoid impacting such sites and appropriate mitigation measures are followed prior to disturbance. Extreme care shall be taken by both private individuals and public entities whenever any kind of development or land disturbance is contemplated for an area within St. Paul, particularly when such activities will occur near a known archaeological or cemetery site. It is illegal to excavate, injure, destroy or alter an

archaeological site or object without having first obtained an archaeological permit and gaining approval of such activities as outlined under state law (ORS 390.235).

4.106 PROCEDURE FOR REVIEW OF PROPOSED CHANGE TO A HISTORIC RESOURCE

4.106.01 Land Use Action Impacts On Historic Resources

- A. Any land use application or Zoning and Development Ordinance revision affecting property within the Historic District must be submitted to the Board for a review and recommendation prior to a hearing by the Planning Commission. In these cases only, the Board's recommendation will go to the Planning Commission.
- B. Since historic resources may be impacted by inappropriate development on adjacent properties, protection of the historic resource and context of the site are considerations when new construction or land use actions, such as zone changes, variances, or conditional uses, are considered on nearby properties.
- C. This may necessitate special designs to protect the historic resource or denial of uses when the impact is judged to be unacceptable in relation to the protected resources.
- D. Review and recommendation shall be based on the character of the neighborhood.

4.106.02 Independently Designated National Register Properties

- A. Some property owners have independently had their property designated on the National Register of Historic Places.
- B. As such, if these properties are taking advantage of the Federal Tax Credit for income-producing buildings or Oregon's Special Assessment program that offers a 15-year "freeze" of a property's assessed value for buildings that will be significantly but appropriately rehabilitated and maintained, the properties must go through an additional review process with the Oregon State Historic Preservation Office for approval of any structural changes.

4.106.03 Work Affecting The Exterior Of Historic District Resources

- A. Property owners are encouraged to ask the Board for an informal review of plans for their property prior to submittal of a formal application.
- B. Prior to the commencement of work on the exterior of a structure which work consists of repairs, maintenance, alteration, improvements, reconstruction and/or expansion affecting the exterior appearance of the structure, an application for review, using forms furnished by the City Recorder, shall be submitted by the property owner or an authorized agent to the Board for review. This application shall be accompanied by plans and specifications describing proposed materials and methods in sufficient detail to visualize the finished results. The proposal shall be reviewed according to the following:
 - (1) Where the proposed work is of such nature that a building permit is not required, the Board shall review the materials submitted to determine whether the proposed work would result in visual changes in the exterior appearance of the structure. However, replacement of deteriorated materials in kind, installation of gutters and leaders and

installation of removable storm windows shall be considered allowable without assessment of visual impact by the Board.

(a) Where review of the materials submitted results in a determination that the work would not result in visual change, the Board shall provide the applicant with written approval for the work to proceed.

(b) Where review of the materials submitted results in a determination that the work would result in visual change, the Board will determine if the proposal is permissible under section (4) below.

(2) Where the proposed work is of such nature that a building permit is required, the application for a building permit shall be withheld until the Board reviews the plans. For its review, the Board may require that additional plans and application materials beyond those required for issuance of a building permit be prepared and submitted by the applicant.

(3) After providing a 14-day comment period to owners of property within 100 feet of the subject property and reviewing plans and materials submitted, the Board shall approve, or approve with conditions, or reject the application. The Board may also postpone, to a designated time, final action on an application when it is determined that additional information is needed. However, the City staff shall take initial action on an application submitted pursuant to this section within thirty days to determine completeness of an application, and the Board shall take final action within sixty days of submittal of a complete application. If the City staff fails to take initial action to determine completeness of an application within thirty days of the application submission, or the Board fails to take final action within sixty days of submittal of a complete application, the application shall be considered approved by the Board.

(4) In acting on an application submitted pursuant to section (1) or (2) for exterior work on a structure within the Historic District, the Board shall approve the application if findings are made demonstrating compliance with all of the following standards:

(a) Every reasonable effort shall be made in the application to provide a compatible use for the property which requires minimal alteration of the structure, or to use the property for its originally intended purpose.

(b) The distinguishing original qualities or character of the structure or site and its environment shall not be destroyed. The removal or alteration of historic material or distinctive architectural features shall be avoided when possible.

(c) All structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(d) Changes which may have taken place in the course of time are evidence of the history and development of a structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(e) Distinctive stylistic features or examples of skilled craftsmanship which characterize the structure or sites shall be treated with sensibility.

(f) Deteriorated architectural features shall be repaired if practicable; if not, they should be replaced in kind. Where replacement of features is proposed or necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(g) Proposed surface cleaning, if any, of structures shall be undertaken with the least damaging means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(h) Every reasonable effort shall be made to protect and preserve archeological sites affected by, or adjacent to, the structure.

(i) A design which may be proposed for alterations and additions to the structure shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood, and environment.

(j) Wherever possible, new additions or alterations to any structure shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(5) The action of the Board shall be accompanied by specific findings of fact indicating how each of the standards in section (4) are satisfied or, if the Board acts to deny the application, indicating how the application fails to satisfy one or more of the standards. Written notice of the action taken by the Board shall be mailed to the applicant, those who commented during the 14-day comment period, and all other individuals who requested such notice by the City Recorder within seven days of such action.

4.106.04 Demolition Or Relocation Of Historic Structure

A. Prior to the demolition or relocation, in whole or in part, of any structure subject to this ordinance, plans for such demolition or relocation shall be submitted to the Board on forms furnished by the City Recorder for review and action by the Board. The City staff's review for completeness of an application for demolition or relocation shall take place within thirty days from the date such an application is submitted to the Board. Final action by the Board shall occur within sixty days of submittal of a complete application. If the City staff fails to take initial action on an application within thirty days of the application submission, or the Board fails to take final action within sixty days of submittal of a complete application, the application shall be considered approved by the Board.

B. In order to approve an application for the relocation or demolition of a structure within the Historic District, the Board must find:

(1) No prudent and feasible alternative exists, or

(2) The designated property is deteriorated beyond repair, or

(3) The value to the community of the proposed use of the property outweighs the value of retaining the structure.

C. In approving an application for the demolition of a structure within the Historic District, the Board may impose the following conditions:

(1) Photographic, video, or drawn depiction of all architectural elements of the property and its relationship to the neighborhood by the Board.

(2) Salvage and curation shall be done.

(3) Other reasonable mitigation measures.

D. In approving an application for the relocation of a structure within or outside of the Historic District, the Board may require photographic, video, or drawn depiction of the property and its relationship to the existing neighborhood by the Board.

4.107 UPDATE, EXPANSION OR DELETION TO THE NATIONAL REGISTER HISTORIC DISTRICT

The Board shall advise the City Council if and when an update, expansion or deletion to the National Register of Historic Places Inventory for the St. Paul Historic District is appropriate. The City Council will make the final decision for a request to the State Historic Preservation Office for an update, expansion or deletion to the inventory. This process will follow all the Federal government regulations required for an update, expansion or deletion from a National Register Historic District pursuant to the National Historic Preservation Act of 1966, as amended.

4.108 APPEALS

A. An action of the Board may be appealed to the City Council if such an appeal is submitted in writing to the City Council within 15 days of the date the decision was mailed or unless the City Council, on its own motion, orders review within 15 days of the Board's action. The appropriate fee shall accompany an appeal. The fee shall be set forth by Resolution by the City Council. Fees are not refundable unless the appeal to the City Council is withdrawn prior to the mailing and posting of notification of the appeal hearing date.

B. The City Council shall conduct a public hearing on the record to consider an appeal of any action taken by the Board within thirty days of receiving the appeal. Notification of the public hearing shall be sent to those parties that established standing at the Board and posted 14-days prior to the appeals hearing date.

C. Written notice of the action taken by the City Council shall be mailed to the applicant and all individuals who requested notice by the City Recorder within 7 days of such action.

D. An action taken by the City Council may be appealed to the State Land Use Board of Appeals.

4.109 PUBLIC NOTICE

A. Notice of a 14-day comment period shall be mailed to property owners within 100 feet of the subject property and the applicant, and posted at least 14-days prior to the Board's review of an application.

B. Notice of the Board's decision shall be mailed to the applicant and owners of property within 100 feet of the subject property within 14 days of the Board's decision.

C. At least 20 days prior to the City Council Public Hearing on the record, notice of the appeal hearing shall be posted and mailed to those parties that established standing at the Board and to the applicant.

D. Notices of a land use application and/or Zoning and Development Ordinance revision affecting property within the Historic District shall follow the appropriate notice requirements set forth in the Zoning and Development Ordinance.