



Oregon

Theodore R. Kulongoski, 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

01/07/2009

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Albany Plan Amendment
DLCD File Number 003-08

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: Monday, January 26, 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).

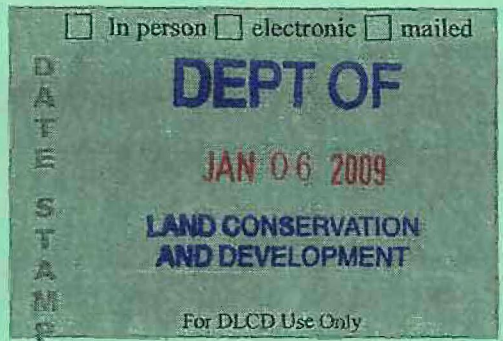
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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: Anne Catlin, City of Albany
Gloria Gardiner, DLCD Urban Planning Specialist
Amanda Punton, DLCD Regional Representative
Ed Moore, DLCD Regional Representative

<pa> YA

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

Jurisdiction: **Albany**

Local file number: **DC-03-08**

Date of Adoption: **12/17/2008**

Date Mailed: **1/5/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **10/16/2008**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Development Code Amendment**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The Albany Development Code Historic Overlay Ordinance, Article 7, was amended to expand the Monteith National Register District boundaries include 78 resources. A new map was approved, Figure 7-1.

Does the Adoption differ from proposal? Please select one

No

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 #003-08 (17199)

DLCD file No. _____

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

State Historic Preservation Office

Local Contact: **Anne Catlin**

Phone: (541) 917-7560 Extension:

Address: PO Box 490

Fax Number: 541-917-7598

City: Albany, OR

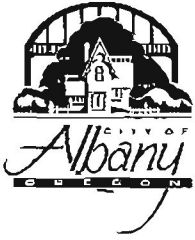
Zip: 97321-

E-mail Address: anne.catlin@cityofalbany.net

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.



TO: DLCD Plan Amendment Specialist
FROM: Anne Catlin, Planner *Anne*
DATE: January 5, 2009
SUBJECT: Adoption of Amendments

Enclosed are two copies of a Development Code amendment to change the boundaries of one of Albany's National Register Historic Districts, the Monteith District, by adding 78 resources to the District. These properties were listed in the National Register of Historic Places in November, 2008.

There was no testimony at the first hearing (Landmarks Advisory Commission) or at the second hearing with the City Council.

I am sorry this was not mailed within the five day deadline from the date of adoption. The snow, holiday schedules, and other items caused me to completely forget to track down the signed ordinance and send this form in. In case it helps - no one has standing to appeal the decision. I have also been working closely with the State Historic Preservation Office regarding the National Register nomination.

Let me know if this can still be accepted. (541-917-7560, anne.catlin@cityofalbany.net)

alc
Attachment

ORDINANCE NO. 5707

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND ZONING MAP BY AMENDING THE DEVELOPMENT CODE TEXT RELATING TO THE HISTORIC DISTRICT BOUNDARY MAPS (FILE DC-03-08).

WHEREAS, from time to time it is appropriate to amend the Albany Development Code based on changing conditions; and

WHEREAS, Albany is fortunate to have a tremendous wealth of historic buildings that are a unique asset to the citizens of Albany and Oregon; and

WHEREAS, Albany has four National Register Historic Districts; and

WHEREAS, Albany's first district to be listed on the National Register of Historic Places was the Monteith District in February, 1980; and

WHEREAS, historic property residents have expressed interest in their properties being put on the National Register of Historic Places; and

WHEREAS, the City received grant money from the State Historic Preservation Office to survey historic properties outside of the districts between 2001 and 2004 to assess the health and potential of these historic resources; and

WHEREAS, in April, 2006, the City held a neighborhood meeting with property owners in areas adjacent to the Monteith Historic District to find out if there was interest in determining whether or not these areas had potential for being included in the Monteith Historic District or become a new district; and

WHEREAS, there was support to pursue State grant funds to hire a consultant to evaluate an expansion to the Monteith National Register District; and

WHEREAS, the consultant worked with City and State Historic Preservation Office staff to evaluate properties and determine an expansion area to the Monteith District that reflects the existing District in architectural character and development patterns; and

WHEREAS, the City Council and the Landmarks Advisory Commission held a joint meeting November 7, 2007, to present findings and a draft of the nomination to expand the Monteith District; hear from property owners; and make a decision on whether or not to submit the nomination to the State Historic Preservation Office; and

WHEREAS, there was no objection to pursuing the National Register nomination to expand the Monteith District, the nomination was submitted to the State and reviewed by the State Advisory Committee for Historic Preservation at their February and June, 2008, meetings and approved; and

WHEREAS, the nomination to expand the Monteith District by 78 resources to the southwest corner of the original District was submitted to the National Register of Historic Places and was officially listed in the National Register November 13, 2008; and

WHEREAS, the Development Code needs to be amended to include the Monteith District expansion areas and accept these building on the Local Historic Inventory; and

WHEREAS, on December 3, 2008, the Landmarks Commission held a public hearing on the proposed amendments and then recommended these changes to the City Council, based on their deliberation and findings in the staff report; and

WHEREAS, on December 17, 2008, the Albany City Council held a public hearing on the proposed amendments, reviewed the amendments recommended by the Landmarks Advisory Commission and any testimony presented at the public hearing and then deliberated; and

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

Section 1: The Albany Development Code text is hereby amended as shown in the attached Exhibit A for sections listed below:

Exhibit A

ADC Article 7: Replace the current Figure 7-1 Historic Districts Map with a new Figure 7-1 showing the Monteith District expansion area.

Exhibit A, upon the effective date of this Ordinance, shall supercede the corresponding sections of the Development Code. The Figure 7-1 shown in Exhibit A shown as having been struck is removed from the Development Code, and the new Figure 7-1 is added to the Code.

Section 2: The Findings and Conclusions are attached as Exhibit B and are hereby adopted in support of this decision.

Section 3: Inasmuch as this Ordinance is necessary for the immediate preservation of the peace, health and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effective immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council: December 17, 2008

Approved by the Mayor: December 17, 2008

Effective Date: December 17, 2008



Mayor

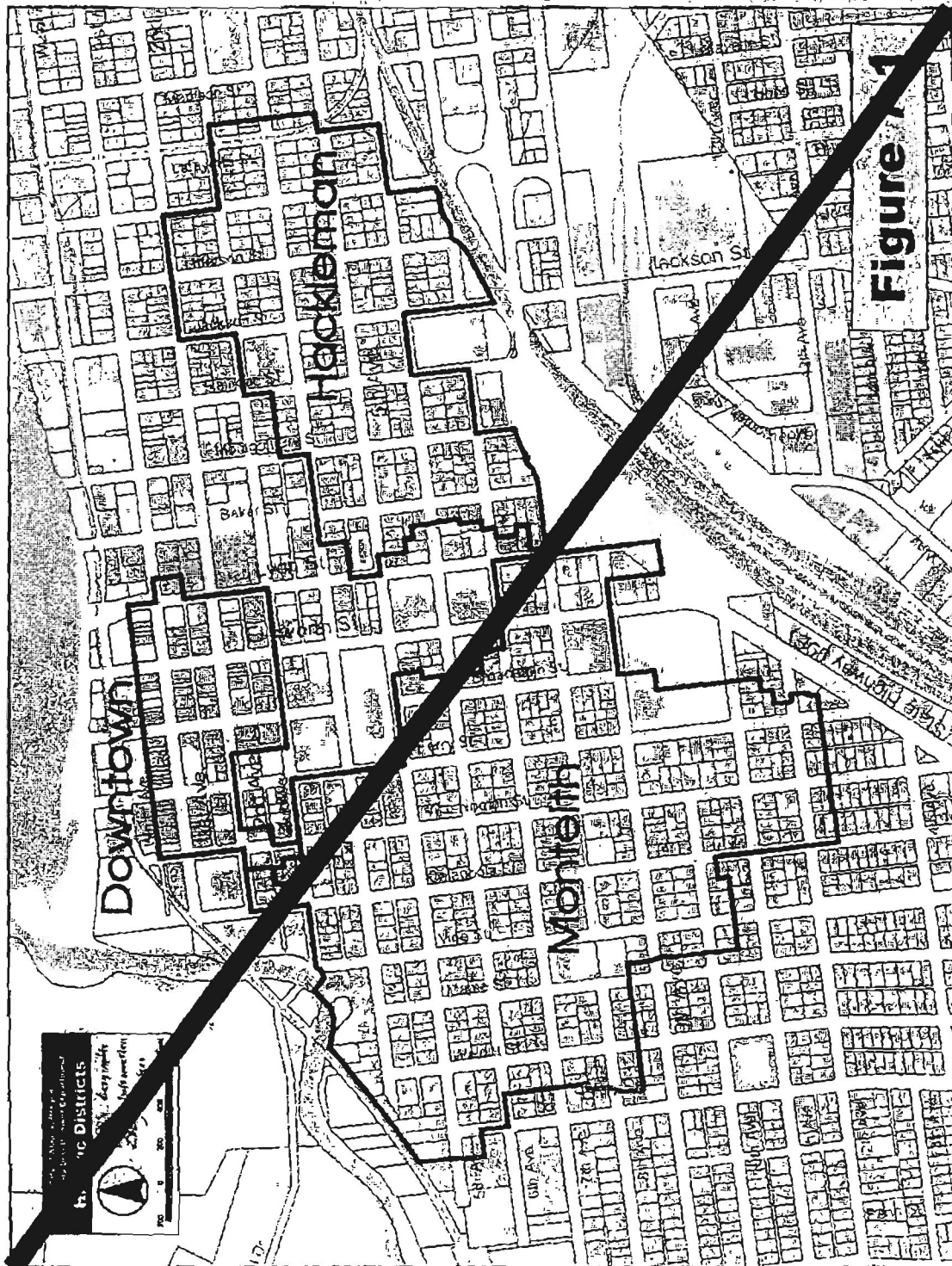
ATTEST:



City Clerk

Albany Development Code amendment to replace the existing Figure 7-1 in Article 7, Historic Overlay District, with a new Figure 7-1 that reflects the Monteith National Register Historic District expansion area.

REPLACE THIS FIGURE 7-1 WITH THE ONE ON THE NEXT PAGE



Albany's Central Area National Register Historic Districts

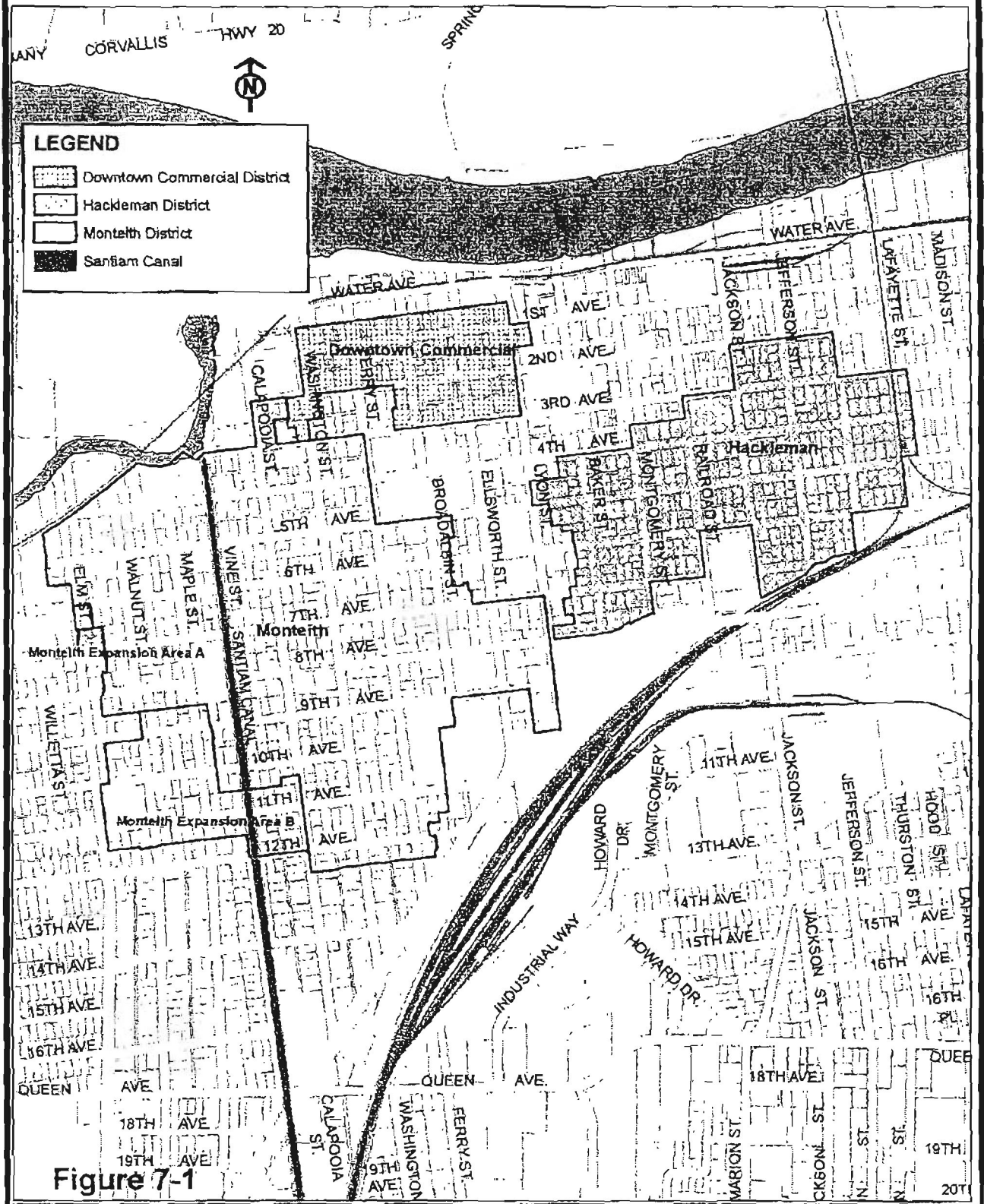


Figure 7-1

FINDINGS AND CONCLUSIONS

Files DC-03-08 and HI-11-08

Recommended by the Landmarks Advisory Commission on December 3, 2008

Adopted by the Albany City Council on December 17, 2008

The proposed Development Code amendments are found in Exhibit A to the attached Ordinance. The findings and conclusions supporting the changes are Exhibit B to the Ordinance.

APPROVAL STANDARDS FOR THIS REQUEST

The Albany Development Code (ADC) contains the following review criteria that must be met for this Development Code amendment to be approved. Code criteria are written in *bold italics* and are followed by Findings and Conclusions.

A. Designation of Historic Landmark Review Criteria (*Albany Development Code 7.070*)

In addition to a majority of the properties being at least fifty years of age, the review body must find that one of the following criteria has been met in order to approve a proposed historic landmark or district:

(1) The proposed Landmark or District has historic significance because:

- (a) There is an association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state, or nation;
- (b) There is an association with an event that has made a significant contribution to the city, county, state, or nation;
- (c) There is an association with broad patterns of political, economic, or industrial history in the city, county, state, or nation;
- (d) Existing land use surrounding the resource contributes to the integrity of the historic period represented; or
- (e) The resource contributes to the continuity or historic character of the street, neighborhood, and/or community.

(2) The proposed Landmark or District has architectural significance because:

- (a) It is an example of a particular architectural style, building type and/or convention;
- (b) It has a high quality of composition, detailing and/or craftsmanship;
- (c) It is an example of a particular material and/or method of construction;
- (d) The resource retains its original design features, materials and/or character;
- (e) It is the only remaining, or one of a few remaining resources of a particular style, building type, design, material, or method of construction; or
- (f) It is a visual landmark.

*(3) The proposed Landmark or District is listed on the National Register of Historic Places.*FINDINGS

- A1. The original Monteith National Register historic district was listed in 1980 and represented architectural styles and development in Albany between 1849 and 1915. The Monteith District boundaries are irregular and in many areas do not follow streets, blocks, or plat maps. The District expansion area may have been excluded from the original Monteith District boundaries because the original time period of significance for the district went to 1915.
- A2. In 2000, the time period of significance for the Monteith District was expanded to 1945 to recognize the architectural styles built from 1915 through 1945 positively contribute to the architectural character and

EXHIBIT B

quality found in the Monteith District. The original Monteith District boundaries and the expansion area to the District both contain a significant collection of architectural styles constructed after 1900 including the Bungalow, Craftsman, Minimal Traditional, Depression/World War II-Era Cottage, and Ranch styles.

<u>Original Monteith District Construction Statistics</u>		<u>Monteith Expansion Area Construction Statistics</u>	
1849 to 1900	29%	Pre-1900	1%
1900 to 1920	31%	1900 to 1920	25%
1920 to 1940	25%	1920 to 1940	24%
1950 - Current	13%	1940 to 1945	23%
Vacant/Other	3%	1946 to 1960	21%
		Vacant/Other	3%

- A3. This Monteith expansion area includes 78 resources abutting the south and west edges of original Monteith National Register district that developed during this period and share a similar historic association and feeling in both architecture and street patterns. Fifty-nine percent of these resources contribute to the area's historic character.

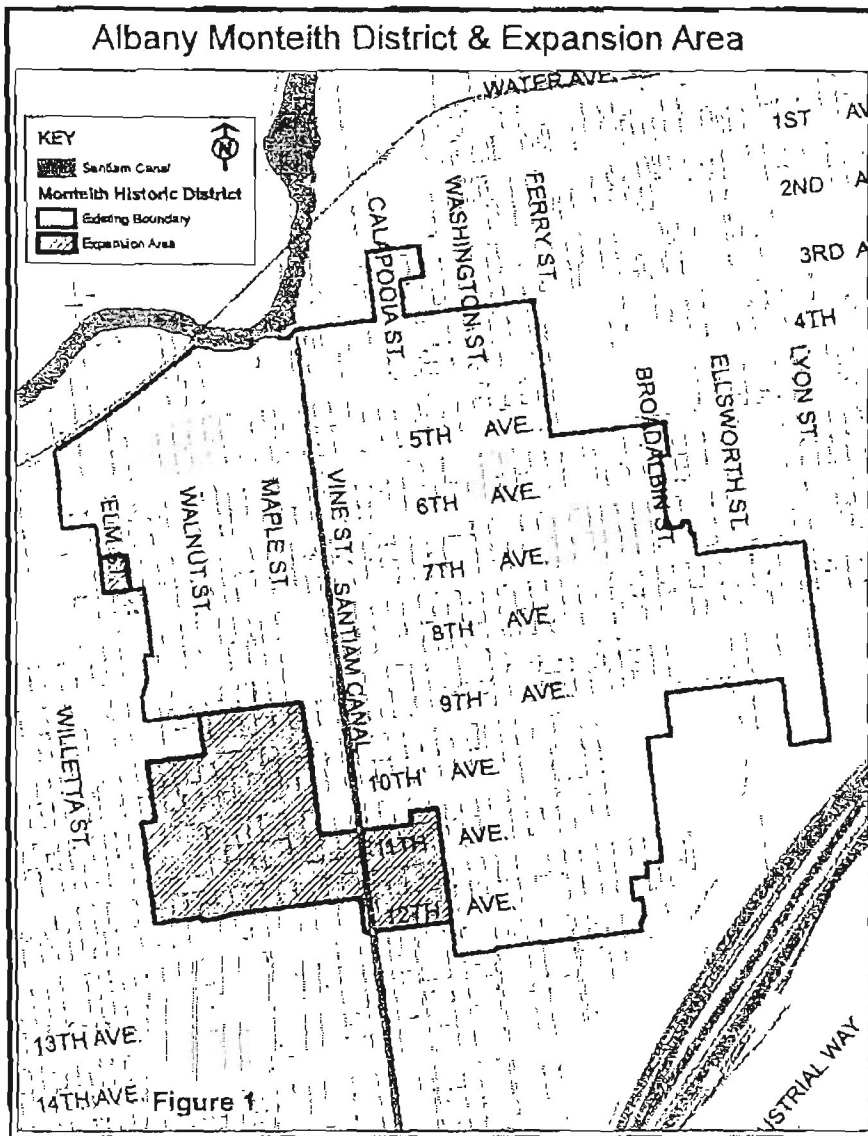


EXHIBIT B

- A4. The expansion area was eligible for the National Register for local significance in the area of community planning and development, and for its association with the growth and development of Albany in the early-twentieth century. In addition, the expansion area is locally significant for architecture because of its cohesive and largely intact collection of early-twentieth century residential buildings.
- A5. The proposed Monteith District expansion area was listed in the National Register of historic places November 13, 2008.

CONCLUSION

- A1. The proposed expansion of the Monteith National Register Historic District meets the review criteria.
- B. Development Code Amendment Review Criteria. The Albany Development Code (ADC) contains the following review criteria which must be met for this Development Code amendment to be approved (*Albany Development Code 2.290*).

(1) The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.

The following Comprehensive plan goals and policies relate to this application (from Chapter 2).

GOAL: Protect Albany's historic resources and utilize and enhance those resources for Albany residents and visitors.

APPLICABLE POLICIES:

1. Support the identification, recognition, development, and promotion of Albany's historic buildings and districts through City programs or other organizations.
2. Maintain survey information which accurately reflects the historic characteristics and quality of each of Albany's historic structures.

APPLICABLE IMPLEMENTATION METHODS:

10. For significant primary structures, create a "landmark district" overlay zone designation which would provide for the protection of significant historic sites and buildings from incompatible development of surrounding properties.

FINDINGS

- B1.1 The City of Albany has surveyed hundreds of historic properties to identify areas with significant concentrations of historic buildings with high integrity (largely unaltered).
- B1.2 Expanding the boundary of the Monteith National Register Historic District by 78 resources will help to protect the historic integrity of these resources. The proposed Development Code amendment will modify the existing Historic Landmark District overlay zone to include these properties.
- B1.3 Exterior alterations to and demolition of buildings on the National Register require historic review and approval. New construction in the historic districts also requires historic review and approval.
- B1.4 Properties on the National Register are eligible for state financial incentives, which encourage restoration, rehabilitation and routine maintenance of historic resources.

CONCLUSION

- B1.1 The proposed Development Code Amendment to expand the historic overlay boundary meets the goals and policies in the Albany Comprehensive Plan.
- (2) *The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.*

FINDINGS

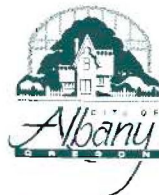
- B2.1 The proposed amendment will replace existing Figure 7-1 that shows the boundaries of the Central Albany Area National Register Historic Districts with a new Figure 7-1 that includes the Monteith District expansion area.
- B2.2 Relevant purposes of the Development Code state the Code should:
- Serve as the principal vehicle for implementing the City's Comprehensive Plan;
 - Satisfy relevant requirements of federal law, state law, statewide goals, and administrative rules; and
 - Protect and enhance the city's aesthetic beauty and character.
- B2.3 The proposed amendment would help protect and enhance the city's unique historic character by adding 78 resources to the City's Local Historic Inventory (and National Register of Historic Places). Recognition and protection of historical landmarks helps preserve a part of the heritage of the City.
- B2.4 The historic review criteria and process outlined in Article 7 of the Code are intended to maintain and restore integrity to Albany's historic resources and support the goals and policies in the Comprehensive Plan.
- B2.5 Most of the Monteith District and the expansion area are located in the Hackleman Monteith (HM) zoning district. The purpose of this zone is primarily to preserve the existing single-family residential character of the Monteith and Hackleman National Register Historic Districts. Adding more resources to the Local Historic Inventory will help preserve the character of the HM zoning district.
- B2.6 Statewide Planning Goal 5 requires that programs be in place to inventory and preserve historic resources. Increasing the boundary of the Monteith District will help meet this statewide planning goal.

CONCLUSION

- B2.1 The proposal to replace the historic overlay map with one that includes a 78-building expansion of the Monteith National Register Historic District meets the goals and policies of Albany's Comprehensive Plan and of Oregon's statewide planning goals.

U:\Community Development\Planning\Current\2008\08dc03.exhibitb.findings.docx

FIRST CLASS



CITY OF ALBANY

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
333 Broadalbin SW
P.O. Box 49D
Albany, OR 97321-0144

RETURN SERVICE REQUESTED

Plan Amendment Specialist
DLCD
635 Capitol Street NE
Suite 150
Salem, OR 97301-2540