



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

11/23/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Monmouth Plan Amendment
DLCD File Number 002-11

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: Thursday, December 08, 2011

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Mark Fancey, City of Monmouth
Angela Lazarean, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

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DEPT OF

NOV 18 2011

LAND CONSERVATION AND DEVELOPMENT

NOTICE OF ADOPTION

Must be filed within 5 working days
See OAR 660-18-040

Jurisdiction: City of Monmouth

Local File Number: LA 11-01

Date of Adoption: November 15, 2011

Date Mailed: November 17, 2011

Date Proposal was Provided to DLCD: August 12, 2011

Type of Adopted Action: (Check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____
<small>(Please Specify Type of Action)</small> |

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

The amendment would add Chapter 100: Historic Buildings and Sites to the Monmouth Zoning and Development Ordinance.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: NA to NA

Zone Map Changed from: NA to NA

Location: NA

Acres Involved: NA

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: 1,5

Was an Exception Adopted? Yes: No:

DLCD File Number: 002-11 (18933) [16835]

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment

FORTY FIVE (45) days prior to the first evidentiary hearing.

Yes: No:

If no, do the Statewide Planning Goals apply.

Yes: No:

If no, did the Emergency Circumstances Require immediate adoption. Yes:

No:

Affected State or Federal Agencies, Local Governments or Special Districts: None

Local Contact: Mark Fancey Area Code + Phone Number: (503) 751-0147

Address: 151 Main Street W

City: Monmouth Zip Code+4: 97361

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 (2) Copies** 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. Submit **TWO (2) copies** of the adopted material, if copies are bound please submit **TWO (2) complete copies** of documents and maps.
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 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 copy this form onto 8 1/2 x11 green paper only; or call the DLCD office at (503) 373-0050; or fax your request to: (503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF MONMOUTH, COUNTY OF POLK

STATE OF OREGON

An Ordinance Amending the Monmouth)
Zoning and Development Ordinance)
Regarding Historic Buildings and Sites)

ORDINANCE NO. 1299

WHEREAS, the City of Monmouth has deemed it necessary to develop amendments to the Monmouth Zoning and Development Ordinance regarding to Monmouth's historic buildings and sites; and

WHEREAS, the City duly notified the Oregon Department of Land Conservation and Development of the proposed Comprehensive Plan amendments not less than 45 days prior to the first evidentiary hearing and the Department did not object to the proposed changes; and

WHEREAS, the Planning Commission held a public hearing on said amendments on October 5, 2011, at which time the public was given full opportunity to be present and heard on the matter; and

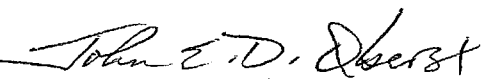
WHEREAS, the City Council held a public hearing on said amendments on October 18, 2011, at which time the public was given full opportunity to be present and heard on the matter.
NOW, THEREFORE,

THE CITY OF MONMOUTH DOES ORDAIN AS FOLLOWS:

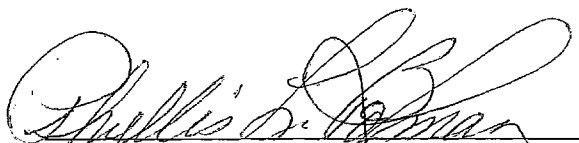
Section 1. The City Council of the City of Monmouth does hereby amend the Monmouth Zoning and Development Ordinance as set forth in Exhibit A.

Read for the first time: November 1, 2011
Read for the second time: November 15, 2011
Adopted by the City Council: November 15, 2011
Approved by the Mayor: November 15, 2011

ATTEST:



John E.D. Oberst, Mayor



Phyllis L. Bolman, City Recorder

Exhibit A

New language is shown bold and underlined

CHAPTER 100: HISTORIC BUILDINGS AND SITES

Historic Buildings and Sites

100.005 Purpose. For the purpose of promoting the historic, educational, cultural, economic and general welfare of the public through the preservation, restoration and protection of buildings, structures and appurtenances; sites, places, and elements of historic interest within the city of Monmouth.

100.010. Definitions. In addition to the definitions set forth in Section 90.905 of the Monmouth Zoning Ordinance, for the purposes of carrying out the intent and purposes of this chapter, words, phrases and terms, as used herein, shall be deemed to have meaning ascribed to them in this section. To the extent that the definition of a word or phrase in this section differs from the definition of the same or a similar word or phrase in Section 90.905, the definition set forth in this section shall control for the purpose of carrying out and applying the terms and provisions of this chapter.

A. "Alteration" shall mean the significant or material addition to, removal of or from, or physical modification or defacing of any exterior part or portion of a historic landmark, identified building or object.

B. "Archeological Significance" shall mean a site that has potential to yield information significant in pre-history or history.

C. "Architectural Significance" shall mean that the building:

1. portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;

2. embodies those distinguishing characteristics of an architectural type or specimen;

3. is the work of an architect or master builder whose individual work has influenced the development of the city; or

4. contains elements of architectural design, detail materials or craftsmanship which represent a significant innovation.

D. "Historic Alteration Permit" shall mean written authority granted by the City for exterior alteration of a historic landmark.

E. "Commission" shall mean the Monmouth Historic Commission.

F. "Cultural Significance" shall mean associated with and illustrative of broad patterns of the development of music, literature, civilization, the arts in the community, state or nation.

G. "Demolish" shall mean to raze, destroy, dismantle, or in any other manner cause ruin of a designated landmark.

H. "Exterior" shall mean any portion of the outside of a historic landmark.

I. "Historic Landmark" shall mean a building, structure, object, or site of historic, architectural, archeological, or cultural significance as shall be designated by the Commission.

J. "Historic Resource(s)" shall mean a building, site, object or structure of architectural, historic, cultural or archeological significance.

K. "Historic Significance" shall mean that the building is at least 50 years old and:

1. Has character, interest or value as part of the development, heritage or cultural characteristics of the City, State or Nation;

2. Is the site of a historic event with an effect upon society;

3. Is identified with a person or group of persons who had some influence on society; or

4. Exemplifies the cultural, political, economic, social or historic heritage of the community.

100.015. Designation of Historic Landmarks.

A. Proceedings for designation of a historic landmark within the city may be initiated by the Commission or owner of the property on which the historic landmark is located. Applications for designation shall be upon a form provided by the city and shall be filed with the City Planner. No historic resource shall be designated as a historic landmark without the written consent of the owner, or in the case of multiple ownership, a majority of the owners.

B. Designation of a historic landmark is a Type II procedure as set forth in Sections 90.205 to 90.260 of this Ordinance, "Land-Use Actions."

C. A historic landmark may be designated if it meets one of the definitions set forth for Archeological Significance, Architectural Significance, Historic Resource(s), or Historic Significance in Section 100.005, above, and the Commission finds that the historic resource is 70 percent or more architecturally the same or essentially the same as originally constructed.

100.020. Maintenance and Repair of Architectural Features. Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features of a historic landmark which do not involve a material change in design, material or the outward appearance thereof, nor to prevent the construction, reconstruction, alteration or demolition of such feature which the City's Building Official may certify as required by the public safety, nor exterior painting.

100.030. Historic Alteration Permit.

A. No person may significantly or materially alter the exterior of any structure designated as a historic landmark in such a manner as to significantly affect its exterior appearance without issuance of a historic alteration permit. No building or other permit shall be granted for any such purpose until a historic alteration permit has been issued.

B. Application for a historic alteration permit shall be filed with the City Planner. Upon receipt of an application, the City Planner shall forward a copy to the Building Official. The Planner shall approve a historic alteration permit if the Planner determines that there will be no significant effect to the exterior appearance of the existing building.

C. If the City Planner determines that there will be a significant effect to the appearance of the building, the Planner shall refer the matter to the Commission for their review as a Type I action procedure as set forth in Sections 90.205 to 90.260 of this Ordinance, "Land-Use Actions."

D. An application for a historic alteration permit referred by the Planner shall be considered by the Commission at the Commission's next regularly scheduled meeting. Failure of the Commission to reach a decision within sixty days from the date the application is filed with the Planner shall result in automatic approval of the application unless the lapse of the 60-day period is caused by the failure or refusal of the applicant to provide requested information to the Planner or the Commission.

E. The Commission shall, in reviewing an application for a historic alteration permit, consider the following guidelines:

1. The removal or alteration of any historic material or distinctive architectural feature should be avoided.

2. Alterations that have no historical basis, or which seek to create an earlier or later appearance inconsistent with the age or type of the structure sought to be altered, should be discouraged.

3. Changes in a structure which have taken place over time and which have acquired significance in their own right within the meaning of Section 100.010 K., should be protected.

4. Deteriorated architectural features should be repaired rather than replaced. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities.

5. Repair or replacement of missing architectural features should be based on accurate duplication of the feature, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of architectural elements from other structures.

6. Contemporary design for alterations or additions to existing properties should be discouraged unless such alteration and additions will 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 or environment.

7. New additions or alterations should be done in such manner that if the additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

8. Alterations or additions should not significantly alter the character of the site or potential archaeological resource.

F. A decision by the Commission to approve, approve with conditions, or deny an application for an historic alteration permit shall be based upon the following criteria:

1. The extent to which the state of repair of the structure creates a need for the alterations. An alteration required because of a defect or deterioration in the structural or environmental systems of the historic resource shall be given greater deference than an alteration for cosmetic purposes;

2. The cost of complying with the guidelines in Section 100.030 E. as compared to the cost of the alteration as proposed by the applicant shall not cause an undue hardship on the applicant; and

3. The significance and integrity of the historic resource, and the degree of impact of the proposed alteration.

G. The Commission may attach conditions to the approval of a historic alteration permit in order to mitigate the impact of an alteration on an historic resource. Conditions may address, but shall not be limited to:

1. Design;

2. Material;

3. Location;

4. Scale;

5. Size; and

6. Style.

H. Nothing in this section prevents the construction, reconstruction, alteration, restoration, demolition, or removal of any exterior architectural feature or any property designated a historic landmark when the Building Official, State Fire Marshall, or the Polk County Fire District # 1 Fire Chief determines that such emergency action is required for the public safety due to unsafe or dangerous conditions. Prior to such emergency action, the City Planner shall be notified.

100.040. Withdrawal of Landmark Designation.

A. The Commission or owner of the property on which a historic landmark is situated may initiate proceedings for the withdrawal of a historic landmark designation. Applications for such withdrawal shall be filed with the City Planner.

B. A Commission initiated withdrawal of a historic landmark designation, is a Type II procedure as set forth in Sections 90.205 to 90.260 of this Ordinance, "Land-Use Actions."

C. The Commission may withdraw a historic landmark designation if the Commission finds:

1. The historic landmark no longer meets the definitions set forth for Archeological Significance, Architectural Significance, Historic Resource(s), or Historic Significance in Section 100.050;

2. The historic landmark has been moved or destroyed; or

3. The original landmark designation was clearly in error.

D. If the property owner requests that the historic landmark designation be removed, the City Planner shall withdraw the historic landmark designation and notify the Commission of the request.

100.050. Demolition.

A. No landmark shall be demolished or destroyed, in whole or in part, except for purposes of archeological research, without prior approval, given after notice and public hearing, by the Commission.

B. A request to demolish or destroy a historic landmark is a Type II procedure as set forth in Sections 90.205 to 90.260 of this Ordinance, "Land-Use Actions."

B. The Commission may approve an application for demolition or destruction of a historic landmark only if the Commission finds:

1. That such a historic landmark is, by reason of structural or economic obsolescence or decay, no longer reasonably suited for its original class of use, and the historic landmark cannot economically or reasonably be removed to another site for the purpose of preservation; or

2. The value to the community of the proposed use of the property outweighs the value of retaining the historic landmark.

C. At the hearing of an application to relocate or demolish a historic landmark, the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing.

D. If a historic landmark designation has been removed at the property owner's request as specified in Section 100.040 D., a demolition permit or building permit to alter the

exterior of the building shall not be issued for at least 120 days from the date the property owner requests removal of the historic landmark designation.

Amendments to Section 90.205:

Land Use Actions

90.205 Application Types and Review Procedures.

All development permits and land use actions are processed under the City's administrative procedures. There are four (4) types of actions, each with its own procedures.

A. Type I Action

A Type I action is a ministerial action, reviewed by staff, based on clear and objective standards. Clear and objective conditions may be placed on the decision. The notice of the decision is sent to the applicant and any interested party who requests a copy of the decision. Appeal is to the Planning Commission. The following actions are processed under the Type I procedure:

1. Site Plan Review (review conducted by Site Plan Review Committee)
2. Floodplain Development Permit
3. Lot Line Adjustment
4. Minor Partition
5. Home Occupation
6. Minor Variance

7. Historic Alteration Permit

B. Type II Action

A Type II action is a quasi-judicial review in which the Planning Commission or **Historic Commission** applies a mix of objective and subjective standards that allow considerable discretion. Public notice is provided pursuant to Section 90.225 of this Ordinance. A public hearing is required for Type II actions unless otherwise specified. Appeal of a Type II decision is to the City Council. The following actions are processed under the Type II procedure:

1. Major Variance
2. Conditional Use Permit
3. Planned Unit Development
4. Major Partition
5. Subdivision

6. Expedited Land Division
7. Design Review (conducted by the Planning Commission).
8. Historic Landmark Designation (conducted by the Historic Commission).
- 9. Historic Landmark Demolition Permit (conducted by the Historic Commission).**

Amendments to Section 90.220:

90.220 General Provisions. In order to provide for citizen review of the planning process and the orderly keeping of records of actions relating to this Ordinance, the City shall ensure that the following measures are maintained and available for public review.

E. Quasi-Judicial Actions. This subsection establishes the procedures to be followed in Type II and Type III land use actions.

1. The City Planner shall examine each application to ascertain if the appropriate form has been completed, if the appropriate fee has been paid, and if all required documents and information have been submitted. If the application is found to be complete, the City Planner shall schedule a public hearing before the Planning Commission or Historic Commission.
2. If the application for a land use action is incomplete, the City shall notify the applicant of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt of the missing information.
3. Should the applicant refuse or fail to submit the missing information, the application will be deemed complete, for the purpose of acting on the application, on the 31st day after the original submission. Incompleteness of an application may be grounds for denial.
4. Information submitted to the City after the date the application is deemed complete that results in a substantial change from the original application shall authorize review as a new application. The City shall determine whether a submission constitutes a substantial change from the original application.
5. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
6. Combination of Review Procedures: Applications for more than one quasi-judicial land use action for the same property may, at the applicant's discretion, be combined and heard or reviewed concurrently.
7. Application Review: Type II and Type III, quasi-judicial applications shall be heard by the Planning Commission or Historic Commission at a public hearing

conducted in accordance with the provisions of Section 90.230. Type III actions also require a second public hearing before the City Council.

8. Review Standards: If an application for a quasi-judicial land use action was complete when first submitted, or if the applicant submits the requested additional information within 180 days of the original submittal date, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

9. Written notice for all Type II and Type III decisions shall be sent to the applicant, adjacent property owners within 250 feet of the subject property, and all individuals who have in writing requested notice of the decision. Notice shall specify findings justifying the approval or denial of the request and any applicable conditions of approval.

10. A Type II land use decision of the Planning Commission or Historic Commission may be appealed to the City Council, pursuant to the provisions of Section 90.245. A Type II or Type III decision of the City Council may be appealed to the Land Use Board of Appeals (LUBA).

MONMOUTH
MAIN STREET
H, OR 97361

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AND DEVELOPMENT

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