



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

May 19, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of St. Helens Plan Amendment
DLCD File Number 007-07



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: May 30, 2008

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Amanda Punton, DLCD Natural Resource Specialist
Jacob A. Graichen, City of St. Helens

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MAY 12 2008

LAND CONSERVATION AND DEVELOPMENT

Notice of Adoption

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

For DLCDD Use Only

Jurisdiction: **City of St. Helens**

Local file number: **ZA.4.07**

Date of Adoption: **5/7/2008**

Date Mailed: **5/9/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCDD? **Yes** Date: **12/7/2007**

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".

The proposal includes additional regulations regarding historic resources in the City. It will expand existing regulations. Generally, the proposed amendments will set guidelines to form a Historic Landmark Commission (citizen committee), add a new list of historic resources (i.e. Designated Landmarks Register) and set criteria for the alteration, relocation and/or demolition of that listed on the Designated Landmarks Register and on the National Register of Historic Places.

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

Text/content has been modified from original proposal.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **City-wide**

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCDD 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

DLCDD # 007-07 (16578)

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

SHPO; NPS

Local Contact: **Jacob A. Graichen**

Phone: (503) 397-6272 Extension:

Address: **PO Box 278**

Fax Number: **503-397-4016**

City: **St. Helens**

Zip: **97051**

E-mail Address: **jacobg@ci.st-helens.or.us**

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. 3084

AN ORDINANCE AMENDING THE ST. HELENS MUNICIPAL CODE, CHAPTERS 17.08, 17.24 AND 17.36, TO AMEND THE HISTORIC SITES AND OVERLAY DISTRICT CHAPTER AND OTHER SECTIONS ACCORDINGLY

WHEREAS, pursuant to SHMC 17.20.20(1)(a) the St. Helens City Council initiated a legislative change to the St. Helens Municipal Code, Title 17 (Community Development Code) to make amendments pertaining to historic preservation land use regulations; and

WHEREAS, pursuant to the SHMC and Oregon Revised Statutes, the City has provided notice to: the Oregon Department of Land Conservation and Development on December 7, 2007, all property owners within the St. Helens Urban Growth Boundary listed in the Columbia County Tax Assessor records on January 11, 2008, and the local newspaper of record on January 23, 2008; and

WHEREAS, the St. Helens Planning Commission has conducted public hearings on February 12, 2008 and March 11, 2008 and, following deliberation, made a recommendation of approval to the City Council; and

WHEREAS, the St. Helens City Council has conducted a public hearing on April 2, 2008 and having the responsibility to approve, approve with modifications or deny an application for a legislative change, has deliberated and found that based on the information in the record and the applicable criteria in the SHMC that the proposed amendments be approved.

NOW, THEREFORE, THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:

Section 1. The above recitations are true and correct and are incorporated herein by reference.

Section 2. Certain sections of the St. Helens Municipal Code, Title 17, are hereby replaced, attached hereto as Attachment A and made part of this reference.

Section 3. Chapter 17.36 Historic Sites and Overlay District, of the St. Helens Municipal Code is hereby replaced, attached hereto as Attachment B and made part of this reference.

Section 4. In support of the code amendments described herein, the Council hereby adopts the Findings of Fact and Conclusions of Law, attached hereto as Attachment C and made part of this reference.


Section 5. If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be servable.

Section 6. Provisions of this Ordinance shall be incorporated in the St. Helens Municipal Code and the word "ordinance" may be changed to "code," "article," "section," or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that Whereas clauses and boilerplate provisions need not be codified.

Section 7. The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

Read the first time: April 16, 2008
Read the second time: May 7, 2008

APPROVED AND ADOPTED this 7th day of May, 2008.



Randy Peterson, Mayor

ATTEST:



Chad Olsen, City Recorder

SHMC 17.08.030(2) is replaced with the following:

(2) The planning commission or historic landmark commission, as applicable, shall make a recommendation to the council on an application for a comprehensive plan amendment; and

The sections index reference for 17.24.130 at the beginning of Chapter 17.24 is replaced with the following:

17.24.130 Notice of planning commission, historic landmark commission and city council proceedings.

SHMC 17.24.090(5) is replaced with the following:

(5) The historic landmark commission shall approve, approve with conditions, or deny any application filed under the provisions of this chapter. The historic landmark commission shall apply the standards herein set forth in this chapter.

(a) The historic landmark commission shall be composed of three members pursuant to SHMC 17.36.20; and

(b) Decisions of the historic landmark commission shall be made in a public meeting; notice shall be published at least 10 days prior to the meeting.

The title for SHMC 17.24.130 is replaced with the following:

17.24.130 Notice of planning commission, historic landmark commission and city council proceedings.

SHMC 17.24.260(1)(d) is replaced with the following:

(d) Formally adopted by the historic landmark commission and signed by the chair and filed with the director within 10 calendar days of the formal adoption of the decision.

SHMC 17.24.290(3) and SHMC 17.24.290(3)(a) is replaced with the following:

(3) In the case of a decision by the historic landmark commission, except for a decision on an appeal of the director's decision, any person shall be considered a party to a matter, thus having standing to appeal, provided:

(a) The person appeared before the historic landmark commission orally or in writing and:

SHMC 17.24.300(1) is replaced with the following:

(1) In computing the length of the appeal period of any approval authority and the effective date for a director's decision, the day the notice is mailed shall be excluded and the last day for filing the appeal, and the effective date shall be included unless the last day falls on a legal holiday for the city or on a Saturday, in which the last day shall be the next business day. The director may extend the appeal period and the effective date to the day following a planning commission or city council meeting when the computed appeal period would not otherwise provide an opportunity for the planning commission or city council to be notified regarding the decision. The appeal period thus computed shall not be less than seven nor greater than 20 days. Unless an extension is granted, decisions of the director shall normally be 10 calendar days; decisions of the planning commission and historic landmark commission shall normally be 14 calendar days (unless required to be longer by law).

SHMC 17.24.310(3) is replaced with the following:

(3) Final decision made by the historic landmark commission may be reviewed by the city council.

SHMC 17.24.390(4) is replaced with the following:

(4) Revocations of approval made by the historic landmark commission may be appealed to the city council as provided by SHMC 17.24.290 and other applicable portions of this chapter.

SHMC 17.24.400 Table A is replaced with the following (only portion of table changed shown):

HISTORIC LANDMARK COMMISSION Public hearing	CITY COUNCIL Public hearing
Recommendation on historic sites pursuant to Chapter <u>17.36</u> SHMC	Final decisions
Approval for alterations and demolitions to historic sites pursuant to Chapter <u>17.36</u> SHMC	Appeals only

Chapter 17.36 is replaced with the following:

Chapter 17.36

HISTORIC SITES AND OVERLAY DISTRICT

Sections:

- 17.36.005 Purpose.
- 17.36.010 Definitions.
- 17.36.015 Applicability of provisions and initiation.
- 17.36.020 Historic Landmark Commission.
- 17.36.025 Inventory of Historic Resources.
- 17.36.030 Designated Landmarks Register.
- 17.36.035 General administration and approval process.
- 17.36.040 Criteria for alteration.
- 17.36.050 Additional criteria and conditions for relocation or demolition.
- 17.36.055 Prevention of demolition by neglect.
- 17.36.060 Application submission requirements.
- 17.36.070 The site plan.
- 17.36.080 Architectural drawings.
- 17.36.090 Landscape plan.
- 17.36.100 Sign drawings.
- 17.36.110 Additional information required and waiver of requirements.
- 17.36.120 Exceptions to nonconforming situations.

17.36.005 Purpose.

The purpose of this chapter is to implement the comprehensive plan. Implementation may be accomplished as follows:

- (1) Effect and accomplish the protection, enhancement, and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political, and architectural history;
- (2) Safeguard the city's historic, aesthetic, and cultural heritage as embodied and reflected in such improvements and districts;
- (3) Complement any registered historic or cultural areas designated in the city;
- (4) Stabilize and improve property values in such districts;
- (5) Foster civic pride in the beauty and noble accomplishments of the past;
- (6) Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- (7) Strengthen the economy of the city; and
- (8) Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing, and public welfare of the city. (Ord. 2875 § 1.090.010, 2003)

17.36.010 Definitions.

The following definitions apply to terms used in this chapter and supplement the definitions in Chapter 17.16 SHMC. In the event of conflict the definitions in this chapter shall control.

"Alteration" means an addition, removal, or reconfiguration which significantly changes the character of a historic resource. Painting is not an alteration.

“Demolition” means the razing, destruction, or dismantling of a historic resource to the degree that its historic character is substantially obliterated.

“Demolition by neglect” means a situation in which the owner or other person(s) or entities who may have legal possession, custody and control of a building, structure or object allows the condition of the building, structure or object to suffer such deterioration, potentially beyond the point of repair, as to threaten the structural integrity of the building, structure or object or its relevant architectural detail such that the building, structure or object and its character may be lost to current and future generations.

“Designated landmark” means a historic resource officially recognized by the City of St. Helens as important in its history.

“Designated landmarks register” means the list of and record of information about, historic resources, designated landmarks specifically, officially recognized by the City of St. Helens as important in its history.

“Extraordinary historic importance” means the quality of historic significance achieved outside the usual norms of age, association, or rarity.

“Historic integrity” means the quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.

“Historic resource” means a building, structure, object, site, or district that is or has the potential to be, pursuant to the provisions of this chapter, a designated landmark for inclusion onto the designated landmarks register. Historic resource types are further described as follows:

“Building” - A construction made for purposes of shelter or habitation (e.g. house, barn, store, theater, train station, garage, school, etc.).

“Structure” - A construction made for functions other than shelter or habitation (e.g. bridge, windmill, dam, highway, boat, kiln, etc.).

“Object” - A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure (e.g. statue, fountain, milepost, monument, sign, etc.).

“Site” - The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features (e.g. battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.).

“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, military reservation, ranch complex, etc.).

“Historic resources of statewide significance” means specific buildings, structures, objects and sites which are listed on the National Register of Historic Places.

“Inventory of historic resources” means the record of information about historic resources potentially significant in the history of the City of St. Helens.

“Relocation” means the removal of a historic resource from its historic context.

17.36.015 Applicability of provisions and initiation.

(1) Historic sites and overlay district shall apply to the following:

(a) Historic resources listed in the comprehensive plan and/or included in the designated landmarks register; and

(b) Cultural resources listed in the comprehensive plan and/or included in the designated landmarks register.

- (2) The provisions of this chapter apply to:
- (a) The alteration of designated landmarks and historic resources of statewide significance; and
 - (b) The demolition of designated landmarks and historic resources of statewide significance.

17.36.020 Historic Landmark Commission.

(1) The Mayor with Council concurrence shall appoint a Historic Landmark Commission, hereinafter the Commission, of three members with a demonstrated positive interest, knowledge, or competence in historic preservation to carry out the provisions of this chapter. A majority of the members shall reside within the corporate boundaries of the City of St. Helens. Members shall serve without compensation, but are eligible for reimbursement of expenses related to their service.

(2) Initial appointments to the Commission shall be for terms of one, two, and three years. Subsequent terms of appointment shall be for three years, or in the case of a replacement, for the remainder of the unexpired term. Members shall be eligible for reappointment.

(3) A simple majority of the seated members shall constitute a quorum to conduct official business.

(4) A Chair and Vice-Chair shall be elected annually by and from the seated membership. Officers are eligible for reelection.

(5) The Commission shall meet at least twice a year, and as required to conduct business in a timely fashion. Notice of the meetings shall be in accordance with applicable state law. Minutes, applications, staff reports, findings, and decisions of the Commission shall be maintained as public records in accordance with applicable state law.

(6) The Commission has the following powers and duties:

(a) The Commission may adopt and amend by-laws, subject to approval by the City of St. Helens Council, to regulate its internal operations.

(b) For purposes consistent with this chapter and subject to the approval of the City Council, the Commission may seek, accept, and expend public appropriations; seek, accept, and expend grant and gift funds; cooperate with public and private entities; and employ clerical and expert assistance.

(c) The Commission may undertake to inform the citizens of, and visitors to the City of St. Helens regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of historic resources; provide information on state and federal preservation programs; document historic resources prior to their alteration, demolition, or relocation and archive that documentation; assist the owners of historic resources in securing funding for the preservation of their properties; and recommend public incentives and code amendments to the City Council.

(d) The Commission may develop and publish, or adopt, written and graphic guideline and example materials to clarify the criteria in this chapter and to assist applicants in developing complete and viable applications.

(e) Employing the procedures and criteria in SHMC 17.36.025, the Commission shall periodically identify and evaluate the historic resources of the City of St. Helens and maintain an Inventory of Historic Resources. At such time as surveys are being conducted, owners of the subject properties shall be notified and invited to provide comment and input.

(f) Employing the procedures and criteria in SHMC 17.36.030, the Commission

shall recommend to the City Council revisions (i.e. adding or deleting properties) to the Designated Landmarks Register and/or comprehensive plan as needed.

(g) Employing the applicable procedures and criteria of this chapter, the Commission shall review and act upon applications for the alteration, relocation, or demolition of Designated Landmarks and Historic Resources of Statewide Significance.

(h) The Commission shall advise and make policy recommendations to the City Council and the Planning Commission on matters relating to historic preservation; and shall make an annual report, in writing, to the City Council on its activities and expenditures during the preceding twelve months, and its projected activities and expenditures for the following twelve months.

17.36.025 Inventory of Historic Resources

(1) The Commission shall determine and periodically revise priorities for the identification and evaluation of historic resources.

(2) Unless the Commission finds "extraordinary historic importance" (as defined by SHMC 17.36.010), only properties over fifty years of age shall be considered for inclusion in the Inventory of Historic Resources.

(3) The Commission shall develop or adopt a system, based on historic integrity and significance, for evaluating historic resources. The system shall rank surveyed historic resources as eligible, potentially eligible, or ineligible for listing on the Designated Landmarks Register. Owners of surveyed properties shall be notified of these findings.

(4) Documentation of properties in the Inventory of Historic Resources shall be on forms compatible with the Statewide Inventory of Historic Properties, and upon completion, copies of the forms shall be supplied to the State Historic Preservation Office.

(5) Records concerning archaeological sites shall not be made available to the public.

17.36.030 Designated Landmarks Register

(1) Properties listed on the National Register of Historic Places, including all properties within National Register Historic District boundaries, are eligible for automatic listing on the Designated Landmarks Register. However, only properties listed on the Designated Landmarks Register shall be eligible for public incentives and code considerations pursuant to this chapter.

(2) Any individual or group, including the Commission acting on its own initiative, may nominate a historic resource for inclusion on or removal from the Designated Landmarks Register by submitting a complete application to the Planning Director. The burden of proof lies with the applicant. No property shall be so designated without the written consent of the owner or in the case of multiple ownership, all of the owners.

(3) The Planning Director shall establish standards for a complete application. Upon acceptance of a complete application the Planning Director shall schedule a public hearing pursuant to the applicable state laws and provisions of the St. Helens Development Code.

(4) In order to be included or maintained on the Designated Landmarks Register the City Council (based on recommendation of the Commission), pursuant to comprehensive plan amendment procedures, must find that the historic resource is over fifty years of age or of "extraordinary historic importance" (as defined by SHMC 17.36.010), and possesses sufficient "historic integrity" (as defined by SHMC 17.36.010), and:

(a) is associated with events that have made a significant contribution to the

broad patterns of local, state, or national history; or

(b) is associated with the lives of persons, or groups of people, significant in local, state, or national history; or

(c) embodies the distinctive characteristics of an architectural type, style, period, or method of construction or that represents the work of a master (e.g. builder, designer or architect), or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

(d) has yielded or is likely to yield information which is important in local, state, or national history.

(5) The Commission and City Council shall develop findings to support their decisions. These findings shall indicate those elements of a property, including archaeological features that are included in the designation and subject to regulation under the provisions of this chapter.

(6) The age of a specific building or structure is not sufficient in itself to warrant listing on the Designated Landmarks Register.

(7) Procedure for removal from the Designated Landmarks Register shall be the same as inclusion to the register and may also include the following as a basis for the decision:

(a) Inclusion on the Designated Landmarks Register was done in error; or

(b) Inclusion on the Designated Landmarks Register is causing the property owner to bear an unfair economic burden to maintain the property as an historic resource or cultural resource.

(8) Any historic resource or cultural resource listed in the comprehensive plan shall be included in the Designated Landmarks Register. Addition or removal of historic resources or cultural resources in the comprehensive plan shall be based on the same criteria and procedure as the Designated Landmarks Register.

17.36.035 General administration and approval process.

(1) The application for an historic site or overlay district designation shall be as provided by SHMC 17.24.020; however, application for a demolition permit, or for new construction, or for alteration shall be submitted by the record owner of the property or an agent authorized in writing by the owner.

(2) A preapplication conference with city staff is required. (See SHMC 17.24.040.)

(3) Due to possible changes in state statutes, or regional or local policy, information given by staff to the applicant during the preapplication conference is valid not more than six months:

(a) Another preapplication conference is required if any application is submitted more than six months after the preapplication conference; and

(b) Failure of the director to provide any of the information required by this chapter shall not constitute a waiver of the standards, criteria or requirements of the applications.

(4) The historic landmark commission shall approve, approve with conditions, or deny any application filed under the provisions of this chapter. The historic landmark commission shall apply the standards herein set forth in this chapter.

(a) Decisions of the historic landmark commission shall be made in a public meeting, notice of which has been posted in a conspicuous place on, at or near the affected historic resource or cultural resource at least five days prior to the meeting.

(5) The decision of the historic landmark commission may be reviewed by the city council in accordance with SHMC 17.24.310(2).

(6) The director shall mail notice of any application to the persons who have a right to receive notice of a hearing before the historic landmark commission in accordance with SHMC 17.24.130. (Ord. 2875 § 1.090.020, 2003).

17.36.040 Criteria for alteration

(1) Except as provided elsewhere in this chapter, no exterior alteration, relocation, or demolition of a Designated Landmark or Historic Resource of Statewide Significance shall be allowed without a permit issued pursuant to this chapter.

(2) Exterior remodeling, as governed by this chapter, shall include any change or alteration in design or other exterior treatment excluding painting.

(3) In order to approve an application for the alteration of a Designated Landmark or Historic Resource of Statewide Significance, the Commission must find that the proposal meets the following standards:

(a) The purpose of the historic overlay district as set forth in SHMC 17.36.010.

(b) The provisions of the comprehensive plan.

(c) A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

(d) The historic character of a property shall be retained and preserved. The removal or relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.

(e) A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.

(f) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

(g) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(h) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible (including environmental considerations), materials. Replacement of missing features shall be substantiated by documentary and physical evidence.

(i) Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

(j) Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

(k) New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible in appearance with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

(l) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(4) If alteration of the historic resource is intended, a condition of approval shall be that, insofar as feasible and as funds are available, the Columbia County Museum shall obtain:

(a) A pictorial and graphic history of the resource; and

(b) Artifacts from the resource it deems worthy of preservation.

(5) Nothing in this chapter shall be construed to prevent the ordinary repair or maintenance of a Designated Landmark or Historic Resource of Statewide Significance, when such action does not involve a change in design, materials, or appearance.

(6) Nothing in this chapter shall be construed to prevent the alteration, demolition, or relocation of a Designated Landmark or Historic Resource of Statewide Significance, when the Building Official certifies that such action is required for the public safety because of its unsafe or dangerous condition.

17.36.050 Additional criteria and conditions for relocation or demolition.

(1) In addition to the criteria of SHMC 17.36.040, in order to approve an application for the relocation or demolition of a Designated Landmark or Historic Resource of Statewide Significance, the Commission must find that:

(a) No prudent and feasible alternative exists, or

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

(c) The value to the community of the proposed use of the property outweighs the value of retaining the Designated Landmark or Historic Resource of Statewide Significance.

(2) When considering an application involving relocation or demolition, the Commission may also consider whether denial of the permit will subject the city to potential liability, involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this code.

(3) In approving an application for the demolition of a Designated Landmark or Historic Resource of Statewide Significance, the Commission may impose the following conditions:

(a) Photographic, video, or drawn recordation of the property to be demolished, and/or

(b) Salvage and curation of significant elements, and/or

(c) Other reasonable mitigation measures.

17.36.055 Prevention of demolition by neglect.

(1) All Designated Landmarks and Historic Resources of Statewide Significance shall be preserved against decay and deterioration, and kept free of structural defects by the owner or other person(s) or entities who may have legal possession, custody and control thereof.

(2) Demolition by neglect shall be prohibited.

17.36.060 Application submission requirements.

(1) All applications shall be made on forms provided by the director and shall be accompanied by:

(a) Five copies of the historic overlay district, exterior alteration, new construction or demolition site plan(s) and necessary data or narrative which explains how the proposal conforms to the standards:

(i) Sheet size for the proposed site plan and required drawings shall preferably not exceed 18 inches by 24 inches; and

(ii) The scale of the site plan shall be an engineering scale; and

(iii) All drawings of structure elevations shall be a standard architectural scale, being one-fourth-inch or one-eighth-inch; and

(b) The required fee.

(2) The required information may be combined and does not have to be placed on separate maps.

17.36.070 The site plan.

The proposed historic site or overlay district plan shall include the following information:

- (1) The proposed site and surrounding properties;
- (2) The location, dimensions, and names of all existing streets;
- (3) The location and dimension of:
 - (a) Entrances and exits on the site;
 - (b) Parking and circulation areas;
 - (c) Loading and services areas;
 - (d) Pedestrian and bicycle circulation;
 - (e) Outdoor common areas;
 - (f) Above ground utilities; and
 - (g) Existing landscaping;
- (4) The location, dimensions, and setback distances of all:
 - (a) Existing structures, improvements, and utilities which are located within 25 feet of the sites and are on adjoining property; and
 - (b) Proposed structures, improvements, landscaping and utilities on the site.

17.36.080 Architectural drawings.

The historic site or overlay district plan proposal shall include:

- (1) Floor plans indicating the square footage of all structures existing and proposed for use on site; and
- (2) Elevation drawings of each proposed structure and elevation drawings or photographs of each existing structure.

17.36.090 Landscape plan.

The landscape plan shall be drawn at the same scale as the site plan or a larger scale if necessary and shall indicate:

- (1) Location and height of fences, buffers, and screenings;
- (2) Location of terraces, decks, shelters, and common open spaces; and
- (3) Location, type, size and species of existing and proposed plant materials.

17.36.100 Sign drawings.

Sign drawings shall be submitted in accordance with Chapter 17.88 SHMC.

17.36.110 Additional information required and waiver of requirements.

(1) The director may require information in addition to that required by this chapter in accordance with SHMC 17.24.080(1).

(2) The director may waive a specific requirement for information in accordance with SHMC 17.24.080(2) and (3).

17.36.120 Exceptions to nonconforming situations.

Notwithstanding SHMC Chapter 17.104, if a designated landmark is a lawfully existing nonconforming building or structure which could not be built under the terms of this code by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot, or other requirements concerning the building or structure, and that building or structure is destroyed by fire or natural disaster, whether partially or wholly, it

may be rebuilt provided that:

(1) The building or structure will be identical in appearance of the original building or structure as much as possible as approved by the Commission; and

(2) The building or structure is built on the same size or smaller footprint as the original, except right-of-way encroachment shall not be allowed; and

(3) A permit from the City is obtained for the replacement building or structure within six months from the date of damage or destruction; and

(4) The replacement building or structure remains on the Designated Landmarks Register as if the damage/destruction had not occurred.

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Code text Amendment ZA.4.07**

APPLICANT: City of St. Helens

OWNER: n/a

ZONING: n/a

LOCATION: n/a

PROPOSAL: Amendments to SHMC 17.36 Historic Sites & Overlay District

SITE INFORMATION

There is no specific site. Code amendments would apply city-wide.

The City Council has decided to become a Certified Local Government (CLG) in accordance with the requirements of Oregon State Historic Preservation Office (SHPO) and the National Historic Preservation Act of 1966.

In order to meet one of the requirements, the City must adopt an ordinance to protect and preserve Historic Landmarks. This proposal amends the City's Development Code based on an ordinance recommended by SHPO for compliance with CLG rules.

The Planning Commission recommended, to the City Council, approval of the code amendments herein at their March 11, 2008 meeting.

PUBLIC HEARING & NOTICE

Hearing dates are as follows:

February 12, 2008, continued to March 11, 2008 before the Planning Commission
April 2, 2008 before the City Council

Notice (measure 56) of this proposal was sent to all property owners within the City of St Helens Urban Growth Boundary on January 11, 2008 via first class mail (blue postcards). Notice was published in the Spotlight on January 23, 2008. Notice was sent to the Oregon Department of Land Conservation and Development on December 7, 2007. For the April 2, 2008 City Council hearing: notice was sent to citizens who attended previous Planning Commission hearings via first class mail on March 14, 2008 and notice was published in the Chronicle on March 19, 2008.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, no agency referrals have been received that would affect the outcome of the decision of this application.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

~~Deleted text is strikethrough~~
Added text is italicized

*** proposed amendments – beginning ***

Chapter 17.08

AMENDMENTS TO THE CODE AND ZONING MAPS

17.08.030 Quasi-judicial amendments and procedures.

Quasi-judicial amendments to this code and to the zoning map shall be in accordance with the procedures set forth in this code and the following:

(2) The planning commission *or historic landmark commission, as applicable*, shall make a recommendation to the council on an application for a comprehensive plan amendment; and

Chapter 17.24

PROCEDURES FOR DECISION-MAKING – QUASI-JUDICIAL

Sections:

17.24.130 Notice of planning commission, ~~historic sites and districts committee~~ *historic landmark commission* and city council proceedings.

17.24.090 Approval authority responsibilities.

(5) ~~The historic sites and districts committee~~ *historic landmark commission* shall approve, approve with conditions, or deny any application filed under the provisions of this chapter. ~~The historic sites and districts committee~~ *historic landmark commission* shall apply the standards herein set forth in this chapter.

(a) ~~The historic sites and districts committee~~ *historic landmark commission* shall consist of ~~one city councilor, one commission member and one planning staff member,~~ and be appointed by the city council each time service is required *be composed of three members pursuant to SHMC 17.36.20*; and

(b) Decisions of the ~~historic sites and districts committee~~ *historic landmark commission* shall be made in a public meeting; notice shall be published at least 10 days prior to the meeting.

17.24.130 Notice of planning commission, ~~historic sites and districts committee~~ historic landmark commission and city council proceedings.

17.24.260 The form of the final decision.

(1) The final decision shall be a decision which is in writing and which has been:

(d) Formally adopted by the ~~historic sites and districts committee~~ historic landmark commission and signed by the chair and filed with the director within 10 calendar days of the formal adoption of the decision.

17.24.290 Standing to appeal.

(3) In the case of a decision by the ~~historic sites and districts committee~~ historic landmark commission, except for a decision on an appeal of the director's decision, any person shall be considered a party to a matter, thus having standing to appeal, provided:

(a) The person appeared before the ~~planning~~ historic landmark commission orally or in writing and:

17.24.300 Computation of appeal period from a director's decision and effective date of the decision.

(1) In computing the length of the appeal period of any approval authority and the effective date for a director's decision, the day the notice is mailed shall be excluded and the last day for filing the appeal, and the effective date shall be included unless the last day falls on a legal holiday for the city or on a Saturday, in which the last day shall be the next business day. The director may extend the appeal period and the effective date to the day following a planning commission or city council meeting when the computed appeal period would not otherwise provide an opportunity for the planning commission or city council to be notified regarding the decision. The appeal period thus computed shall not be less than seven nor greater than 20 days. Unless an extension is granted, decisions of the director shall normally be 10 calendar days; decisions of the planning commission and ~~historic sites and districts committee~~ historic landmark commission shall normally be 14 calendar days (unless required to be longer by law).

17.24.310 Determination of appropriate reviewing body.

(3) Final decision made by the ~~historic sites and districts committee~~ historic landmark commission may be reviewed by the city council.

17.24.390 Revocation of approvals.

(4) Revocations of approval made by the ~~historic sites and districts committee~~ historic landmark commission may be appealed to the city council as provided by SHMC 17.24.290 and other applicable portions of this chapter.

17.24.400 Table A.

HISTORIC SITES AND OVERLAY DISTRICT COMMITTEE HISTORIC LANDMARK COMMISSION Public hearing	CITY COUNCIL Public hearing
---------------------------------------------------------------------------------------------------------	--------------------------------

Recommendation on historic sites pursuant to Chapter <u>17.36</u> SHMC	Final decisions
Approval for exterior changes <i>alterations and demolitions</i> to historic sites pursuant to Chapter <u>17.36</u> SHMC	Appeals only

Chapter 17.36

HISTORIC SITES AND OVERLAY DISTRICT

Sections:

~~17.36.01005~~ Purpose.

~~17.36.010~~ Definitions.

~~17.36.015~~ Applicability of provisions and initiation.

~~17.36.020~~ Historic Landmark Commission.

~~17.36.025~~ Inventory of Historic Resources.

~~17.36.030~~ Designated Landmarks Register.

~~17.36.02035~~ General Administration and approval process — Application for district — Demolition of structure.

~~17.36.030~~ Criteria for historic overlay district designation.

~~17.36.035~~ Criteria for removal of historic site or overlay district designation.

~~17.36.040~~ Criteria for exterior alteration and new construction criteria.

~~17.36.050~~ Additional criteria and conditions for relocation or demolition.

~~17.36.055~~ Prevention of demolition by neglect.

~~17.36.060~~ Application submission requirements.

~~17.36.070~~ The site plan.

~~17.36.080~~ Architectural drawings.

~~17.36.090~~ Landscape plan.

~~17.36.100~~ Sign drawings.

~~17.36.110~~ Additional information required and waiver of requirements.

~~17.36.120~~ Exceptions to nonconforming situations.

17.36.01005 Purpose.

The purpose of this chapter is to implement the comprehensive plan. Implementation may be accomplished as follows:

- (1) Effect and accomplish the protection, enhancement, and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political, and architectural history;
- (2) Safeguard the city's historic, aesthetic, and cultural heritage as embodied and reflected in such improvements and districts;
- (3) Complement any registered historic or cultural areas designated in the city;
- (4) Stabilize and improve property values in such districts;
- (5) Foster civic pride in the beauty and noble accomplishments of the past;

- (6) Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- (7) Strengthen the economy of the city; and
- (8) Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing, and public welfare of the city. (Ord. 2875 § 1.090.010, 2003)

17.36.010 Definitions.

The following definitions apply to terms used in this chapter and supplement the definitions in Chapter 17.16 SHMC. In the event of conflict the definitions in this chapter shall control.

"Alteration" means an addition, removal, or reconfiguration which significantly changes the character of a historic resource. Painting is not an alteration.

"Demolition" means the razing, destruction, or dismantling of a historic resource to the degree that its historic character is substantially obliterated.

"Demolition by neglect" means a situation in which the owner or other person(s) or entities who may have legal possession, custody and control of a building, structure or object allows the condition of the building, structure or object to suffer such deterioration, potentially beyond the point of repair, as to threaten the structural integrity of the building, structure or object or its relevant architectural detail such that the building, structure or object and its character may be lost to current and future generations.

"Designated landmark" means a historic resource officially recognized by the City of St. Helens as important in its history.

"Designated landmarks register" means the list of and record of information about, historic resources, designated landmarks specifically, officially recognized by the City of St. Helens as important in its history.

"Extraordinary historic importance" means the quality of historic significance achieved outside the usual norms of age, association, or rarity.

"Historic integrity" means the quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.

"Historic resource" means a building, structure, object, site, or district that is or has the potential to be, pursuant to the provisions of this chapter, a designated landmark for inclusion onto the designated landmarks register. Historic resource types are further described as follows:

"Building" - A construction made for purposes of shelter or habitation (e.g. house, barn, store, theater, train station, garage, school, etc.).

"Structure" - A construction made for functions other than shelter or habitation (e.g. bridge, windmill, dam, highway, boat, kiln, etc.).

"Object" - A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure (e.g. statue, fountain, milepost, monument, sign, etc.).

"Site" - The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features (e.g. battlefield,

shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.).

"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, military reservation, ranch complex, etc.).

"Historic resources of statewide significance" means specific buildings, structures, objects and sites which are listed on the National Register of Historic Places.

"Inventory of historic resources" means the record of information about historic resources potentially significant in the history of the City of St. Helens.

"Relocation" means the removal of a historic resource from its historic context.

17.36.015 Applicability of provisions and initiation.

(1) Historic sites and overlay district shall apply to the following:

(a) ~~Historic sites and areas resources (listed in the comprehensive plan) and/or included in the designated landmarks register, and~~

(b) ~~Cultural sites and areas resources (listed in the comprehensive plan) and/or included in the designated landmarks register.; and~~

(c) ~~Landmarks (listed in the comprehensive plan).~~

(2) The provisions of this chapter apply to:

(a) ~~The demolition of structures within an historic overlay zone area alteration of designated landmarks and historic resources of statewide significance; and~~

(b) ~~The exterior alteration or new construction within the historic overlay zone area demolition of designated landmarks and historic resources of statewide significance.~~

17.36.020 Historic Landmark Commission.

(1) *The Mayor with Council concurrence shall appoint a Historic Landmark Commission, hereinafter the Commission, of three members with a demonstrated positive interest, knowledge, or competence in historic preservation to carry out the provisions of this chapter. A majority of the members shall reside within the corporate boundaries of the City of St. Helens. Members shall serve without compensation, but are eligible for reimbursement of expenses related to their service.*

(2) *Initial appointments to the Commission shall be for terms of one, two, and three years. Subsequent terms of appointment shall be for three years, or in the case of a replacement, for the remainder of the unexpired term. Members shall be eligible for reappointment.*

(3) *A simple majority of the seated members shall constitute a quorum to conduct official business.*

(4) *A Chair and Vice-Chair shall be elected annually by and from the seated membership. Officers are eligible for reelection.*

(5) *The Commission shall meet at least twice a year, and as required to conduct business in a timely fashion. Notice of the meetings shall be in accordance with applicable state law. Minutes, applications, staff reports, findings, and decisions of the Commission shall be maintained as public records in accordance with applicable state law.*

(6) *The Commission has the following powers and duties:*

(a) The Commission may adopt and amend by-laws, subject to approval by the City of St. Helens Council, to regulate its internal operations.

(b) For purposes consistent with this chapter and subject to the approval of the City Council, the Commission may seek, accept, and expend public appropriations; seek, accept, and expend grant and gift funds; cooperate with public and private entities; and employ clerical and expert assistance.

(c) The Commission may undertake to inform the citizens of, and visitors to the City of St. Helens regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of historic resources; provide information on state and federal preservation programs; document historic resources prior to their alteration, demolition, or relocation and archive that documentation; assist the owners of historic resources in securing funding for the preservation of their properties; and recommend public incentives and code amendments to the City Council.

(d) The Commission may develop and publish, or adopt, written and graphic guideline and example materials to clarify the criteria in this chapter and to assist applicants in developing complete and viable applications.

(e) Employing the procedures and criteria in SHMC 17.36.025, the Commission shall periodically identify and evaluate the historic resources of the City of St. Helens and maintain an Inventory of Historic Resources. At such time as surveys are being conducted, owners of the subject properties shall be notified and invited to provide comment and input.

(f) Employing the procedures and criteria in SHMC 17.36.030, the Commission shall recommend to the City Council revisions (i.e. adding or deleting properties) to the Designated Landmarks Register and/or comprehensive plan as needed.

(g) Employing the applicable procedures and criteria of this chapter, the Commission shall review and act upon applications for the alteration, relocation, or demolition of Designated Landmarks and Historic Resources of Statewide Significance.

(h) The Commission shall advise and make policy recommendations to the City Council and the Planning Commission on matters relating to historic preservation; and shall make an annual report, in writing, to the City Council on its activities and expenditures during the preceding twelve months, and its projected activities and expenditures for the following twelve months.

17.36.025 Inventory of Historic Resources

(1) The Commission shall determine and periodically revise priorities for the identification and evaluation of historic resources.

(2) Unless the Commission finds "extraordinary historic importance" (as defined by SHMC 17.36.010), only properties over fifty years of age shall be considered for inclusion in the Inventory of Historic Resources.

(3) The Commission shall develop or adopt a system, based on historic integrity and significance, for evaluating historic resources. The system shall rank surveyed historic resources as eligible, potentially eligible, or ineligible for listing on the Designated Landmarks Register. Owners of surveyed properties shall be notified of these findings.

(4) Documentation of properties in the Inventory of Historic Resources shall be on forms compatible with the Statewide Inventory of Historic Properties, and upon

completion, copies of the forms shall be supplied to the State Historic Preservation Office.

(5) Records concerning archaeological sites shall not be made available to the public.

17.36.030 Designated Landmarks Register

(1) Properties listed on the National Register of Historic Places, including all properties within National Register Historic District boundaries, are eligible for automatic listing on the Designated Landmarks Register. However, only properties listed on the Designated Landmarks Register shall be eligible for public incentives and code considerations pursuant to this chapter.

(2) Any individual or group, including the Commission acting on its own initiative, may nominate a historic resource for inclusion on or removal from the Designated Landmarks Register by submitting a complete application to the Planning Director. The burden of proof lies with the applicant. No property shall be so designated without the written consent of the owner or in the case of multiple ownership, all of the owners.

(3) The Planning Director shall establish standards for a complete application. Upon acceptance of a complete application the Planning Director shall schedule a public hearing pursuant to the applicable state laws and provisions of the St. Helens Development Code.

(4) In order to be included or maintained on the Designated Landmarks Register the City Council (based on recommendation of the Commission), pursuant to comprehensive plan amendment procedures, must find that the historic resource is over fifty years of age or of "extraordinary historic importance" (as defined by SHMC 17.36.010), and possesses sufficient "historic integrity" (as defined by SHMC 17.36.010), and:

(a) is associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or

(b) is associated with the lives of persons, or groups of people, significant in local, state, or national history; or

(c) embodies the distinctive characteristics of an architectural type, style, period, or method of construction or that represents the work of a master (e.g. builder, designer or architect), or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

(d) has yielded or is likely to yield information which is important in local, state, or national history.

(5) The Commission and City Council shall develop findings to support their decisions. These findings shall indicate those elements of a property, including archaeological features that are included in the designation and subject to regulation under the provisions of this chapter.

(6) The age of a specific building or structure is not sufficient in itself to warrant listing on the Designated Landmarks Register.

(7) Procedure for removal from the Designated Landmarks Register shall be the same as inclusion to the register and may also include the following as a basis for the decision:

(a) Inclusion on the Designated Landmarks Register was done in error; or

(b) Inclusion on the Designated Landmarks Register is causing the property owner to bear an unfair economic burden to maintain the property as an historic resource or cultural resource.

(8) Any historic resource or cultural resource listed in the comprehensive plan shall be included in the Designated Landmarks Register. Addition or removal of historic resources or cultural resources in the comprehensive plan shall be based on the same criteria and procedure as the Designated Landmarks Register.

17.36.02035 General Administration and approval process —Application for district—Demolition of structure.

(1) The application for an historic site or overlay district designation shall be as provided by SHMC 17.24.020; however, application for a demolition permit, or for new construction, or for alteration to an existing structure shall be submitted by the record owner of the property or an agent authorized in writing by the owner.

(2) A preapplication conference with city staff is required. (See SHMC 17.24.040.)

(3) Due to possible changes in state statutes, or regional or local policy, information given by staff to the applicant during the preapplication conference is valid not more than six months:

(a) Another preapplication conference is required if any application is submitted more than six months after the preapplication conference; and

(b) Failure of the director to provide any of the information required by this chapter shall not constitute a waiver of the standards, criteria or requirements of the applications.

(4) The ~~historic sites and districts committee~~ *historic landmark commission* shall approve, approve with conditions, or deny any application filed under the provisions of this chapter. The ~~historic sites and districts committee~~ *historic landmark commission* shall apply the standards herein set forth in this chapter.

(a) The ~~historic sites and districts committee~~ shall consist of one city councilor, one commission member and one planning staff member, and be appointed by city council each time service is required; and

(b) Decisions of the ~~historic sites and districts committee~~ *historic landmark commission* shall be made in a public meeting, notice of which has been posted in a conspicuous place on, at or near the affected historic resource or cultural resource at least five days prior to the meeting.

(5) The decision of the ~~historic sites and districts committee~~ *historic landmark commission* may be reviewed by the city council in accordance with SHMC 17.24.310(2).

(6) The director shall mail notice of any application to the persons who have a right to receive notice of a hearing before the ~~historic sites and districts committee~~ *historic landmark commission* in accordance with SHMC 17.24.130. (Ord. 2875 § 1.090.020, 2003).

~~17.36.030 Criteria for historic overlay district designation.~~

(1) Recommendation for approval of an historic site or overlay district designation shall be made when the ~~historic sites and districts committee~~ finds that any of the following criteria have been met:

- (a) ~~The proposed district or landmark would serve the purpose of the historic overlay district as stated in SHMC 17.36.010, Purpose;~~
 - (b) ~~The site or area proposed for the designation reflects the broad cultural or natural history of the community, state, or nation;~~
 - (c) ~~The site or area is identified with historic personages, or with important events in national, state, or local history;~~
 - (d) ~~The site or area proposed for the designation embodies the distinguishing characteristics of an architectural specimen inherently valuable for a study of a period, style, or method of construction; or~~
 - (e) ~~The proposed site or area is a notable work of a master builder, designer, or architect.~~
- (2) ~~The age of a specific building is not sufficient in itself to warrant designation as historic. (Ord. 2875 § 1.090.030, 2003)~~

~~17.36.035 Criteria for removal of historic site or overlay district designation.~~

~~Removal of an historic site or overlay district designation shall be made when the city council finds that any of the following criteria have been met:~~

- (1) ~~The original historic site or overlay district designation was placed on the site in error;~~
- (2) ~~The resource designated with the historic site or overlay district designation has ceased to exist;~~
- (3) ~~The resource designated with the historic site or overlay district designation is no longer of significance to the public; or~~
- (4) ~~The historic site or overlay district designation is causing the property owner to bear an unfair economic burden to maintain the property as an historic or cultural resource. (Ord. 2875 § 1.090.035, 2003)~~

~~17.36.040 Criteria for exterior alteration and new construction criteria.~~

(1) ~~Except as provided herein, no person shall alter any structure with a historic site designation or any structure located in an historic overlay district in a manner as to affect its exterior appearance, including signs on the structure, nor may any new structure be constructed in an historic district unless approved by the historic sites and districts committee.~~

(2) ~~Exterior remodeling, as governed by this chapter, shall include any change or alteration in design or other exterior treatment excluding painting.~~

(3) ~~For exterior alterations of structures designated as historic sites or which are located in an historic overlay district, the criteria to be used by the historic sites and districts committee in reaching the decision shall include the following:~~

- (a) ~~The purpose of the historic overlay district as set forth in SHMC 17.36.010;~~
- (b) ~~The provisions of the St. Helens comprehensive plan;~~
- (c) ~~The economic use of the structure as a historic site or located in a historic overlay district and the reasonableness of the proposed alteration and their relationship to the public interest in the structure's or landmark's preservation or renovation;~~
- (d) ~~The value and significance of the structure or landmark as a historic site or located in an historic overlay district;~~
- (e) ~~The physical condition of the structure or landmark as a historic site or located in an historic overlay district;~~

~~(f) The general compatibility of exterior design, arrangement, proportion, detail, scale, color, texture, and materials proposed to be used with an existing structure in an historic overlay district;~~

~~(g) Pertinent aesthetic factors as designated by the planning commission; and~~

~~(h) Economic, social, environmental, and energy consequences related to Statewide Land Use Planning Goal No. 5.~~

~~(4) If alteration of the historic resource is intended, a condition of approval shall be that, insofar as feasible and as funds are available, the Columbia County Museum shall obtain:~~

~~(a) A pictorial and graphic history of the resource; and~~

~~(b) Artifacts from the resource it deems worthy of preservation.~~

~~(5) For construction of new structures in an historic overlay district, the criteria to be used by the historic sites and districts committee in reaching the decision shall include the following:~~

~~(a) The purpose of the historic overlay district as set forth in this chapter;~~

~~(b) The provisions of the St. Helens comprehensive plan;~~

~~(c) The economic effect of the new structure on the historic value of the district;~~

~~(d) The visual effect of the proposed new structure on the architectural character of the district;~~

~~(e) The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture, and materials proposed to be used in the construction of the new building or structure; and~~

~~(f) Economic, social, environmental, and energy consequences related to Statewide Land Use Planning Goal No. 5.~~

~~(6) Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any architectural features which do not involve a change in design, material or the outward appearance of such feature which the building official shall certify is required for the public safety because of its unsafe or dangerous condition. (Ord. 2875 § 1.090.040, 2003)~~

17.36.050 Criteria for demolition.

~~(1) No person shall demolish a structure designated as a site or located within an historic overlay district unless it is approved under the provisions of this chapter.~~

~~(2) In determining the decision regarding a requested demolition permit, the historic sites and districts committee shall consider the following criteria:~~

~~(a) The St. Helens comprehensive plan;~~

~~(b) The purpose of this chapter as set forth in SHMC 17.36.010;~~

~~(c) The criteria used in the original designation of the site or of the district in which the property under consideration is situated;~~

~~(d) The historical and architectural style, the general design, arrangement, materials of the structure in question, or its appurtenant fixtures; the relationship of such features to similar features of the other buildings within the district, and the position of the building or structure in relation to public rights-of-way, and to other buildings and structures in the area;~~

~~(e) The effects of the proposed work upon the protection, enhancement, perpetuation, and use of the district which cause it to possess a special character or special historical or aesthetic interest or value;~~

~~(f) Whether denial of the permit will subject the city to potential liability, involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this code; and~~

~~(g) The economic, social, environmental and energy consequences related to Statewide Land Use Planning Goal No. 5.~~

~~(3) If demolition of the historic resource is intended, a condition of approval shall be that, insofar as feasible and as funds are available, the Columbia County Museum shall obtain:~~

~~(a) A pictorial and graphic history of the resource; and~~

~~(b) Artifacts from the resource it deems worthy of preservation. (Ord. 2875 § 1.090.050, 2003)~~

17.36.040 Criteria for alteration

(1) Except as provided elsewhere in this chapter, no exterior alteration, relocation, or demolition of a Designated Landmark or Historic Resource of Statewide Significance shall be allowed without a permit issued pursuant to this chapter.

(2) Exterior remodeling, as governed by this chapter, shall include any change or alteration in design or other exterior treatment excluding painting.

(3) In order to approve an application for the alteration of a Designated Landmark or Historic Resource of Statewide Significance, the Commission must find that the proposal meets the following standards:

(a) The purpose of the historic overlay district as set forth in SHMC 17.36.010.

(b) The provisions of the comprehensive plan.

(c) A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

(d) The historic character of a property shall be retained and preserved. The removal or relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.

(e) A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.

(f) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

(g) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(h) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible (including environmental considerations), materials. Replacement of missing features shall be substantiated by documentary and physical evidence.

(i) Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

(j) Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

(k) New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible in appearance with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

(l) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(4) If alteration of the historic resource is intended, a condition of approval shall be that, insofar as feasible and as funds are available, the Columbia County Museum shall obtain:

(a) A pictorial and graphic history of the resource; and

(b) Artifacts from the resource it deems worthy of preservation.

(5) Nothing in this chapter shall be construed to prevent the ordinary repair or maintenance of a Designated Landmark or Historic Resource of Statewide Significance, when such action does not involve a change in design, materials, or appearance.

(6) Nothing in this chapter shall be construed to prevent the alteration, demolition, or relocation of a Designated Landmark or Historic Resource of Statewide Significance, when the Building Official certifies that such action is required for the public safety because of its unsafe or dangerous condition.

17.36.050 Additional criteria and conditions for relocation or demolition.

(1) In addition to the criteria of SHMC 17.36.040, in order to approve an application for the relocation or demolition of a Designated Landmark or Historic Resource of Statewide Significance, the Commission must find that:

(a) No prudent and feasible alternative exists, or

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

(c) The value to the community of the proposed use of the property outweighs the value of retaining the Designated Landmark or Historic Resource of Statewide Significance.

(2) When considering an application involving relocation or demolition, the Commission may also consider whether denial of the permit will subject the city to potential liability, involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this code.

(3) In approving an application for the demolition of a Designated Landmark or Historic Resource of Statewide Significance, the Commission may impose the following conditions:

(a) Photographic, video, or drawn recordation of the property to be demolished, and/or

(b) Salvage and curation of significant elements, and/or

(c) Other reasonable mitigation measures.

17.36.055 Prevention of demolition by neglect.

(1) All Designated Landmarks and Historic Resources of Statewide Significance shall be preserved against decay and deterioration, and kept free of structural defects by the owner or other person(s) or entities who may have legal possession, custody and control thereof.

(2) Demolition by neglect shall be prohibited.

17.36.060 Application submission requirements.

(1) All applications shall be made on forms provided by the director and shall be accompanied by:

(a) Five copies of the historic overlay district, exterior alteration, new construction or demolition site plan(s) and necessary data or narrative which explains how the proposal conforms to the standards:

(i) Sheet size for the proposed site plan and required drawings shall preferably not exceed 18 inches by 24 inches; and

(ii) The scale of the site plan shall be an engineering scale; and

(iii) All drawings of structure elevations shall be a standard architectural scale, being one-fourth-inch or one-eighth-inch; and

(b) The required fee.

(2) The required information may be combined and does not have to be placed on separate maps.

17.36.070 The site plan.

The proposed historic site or overlay district plan shall include the following information:

(1) The proposed site and surrounding properties;

(2) The location, dimensions, and names of all existing streets;

(3) The location and dimension of:

(a) Entrances and exits on the site;

(b) Parking and circulation areas;

(c) Loading and services areas;

(d) Pedestrian and bicycle circulation;

(e) Outdoor common areas;

(f) Above ground utilities; and

(g) Existing landscaping;

(4) The location, dimensions, and setback distances of all:

(a) Existing structures, improvements, and utilities which are located within 25 feet of the sites and are on adjoining property; and

(b) Proposed structures, improvements, landscaping and utilities on the site.

17.36.080 Architectural drawings.

The historic site or overlay district plan proposal shall include:

(1) Floor plans indicating the square footage of all structures existing and proposed for use on site; and

(2) Elevation drawings of each proposed structure and elevation drawings or photographs of each existing structure.

17.36.090 Landscape plan.

The landscape plan shall be drawn at the same scale as the site plan or a larger scale if necessary and shall indicate:

- (1) Location and height of fences, buffers, and screenings;
- (2) Location of terraces, decks, shelters, and common open spaces; and
- (3) Location, type, size and species of existing and proposed plant materials.

17.36.100 Sign drawings.

Sign drawings shall be submitted in accordance with Chapter 17.88 SHMC.

17.36.110 Additional information required and waiver of requirements.

(1) The director may require information in addition to that required by this chapter in accordance with SHMC 17.24.080(1).

(2) The director may waive a specific requirement for information in accordance with SHMC 17.24.080(2) and (3).

17.36.120 Exceptions to nonconforming situations.

Notwithstanding SHMC Chapter 17.104, if a designated landmark is a lawfully existing nonconforming building or structure which could not be built under the terms of this code by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot, or other requirements concerning the building or structure, and that building or structure is destroyed by fire or natural disaster, whether partially or wholly, it may be rebuilt provided that:

(1) The building or structure will be identical in appearance of the original building or structure as much as possible as approved by the Commission; and

(2) The building or structure is built on the same size or smaller footprint as the original, except right-of-way encroachment shall not be allowed; and

(3) A permit from the City is obtained for the replacement building or structure within six months from the date of damage or destruction; and

(4) The replacement building or structure remains on the Designated Landmarks Register as if the damage/destruction had not occurred.

*** proposed amendments – end ***

Note: the SHMC index may need to be updated as well.

SHMC 17.08.040 – Quasi-Judicial Amendments & Standards

- (1) Quasi-Judicial Amendments and Standards for Making Decisions.
 - (a) A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:
 - (i) The applicable comprehensive plan policies and map designation; and that the change will not adversely affect the health, safety, and welfare of the community; and
 - (ii) The applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197, until acknowledgment of the comprehensive plan and ordinances; and
 - (iii) The standards applicable of any provision of this code or other applicable implementing ordinance.

Discussion: The comprehensive plan has policies promoting historic preservation and includes a list of historic resources. The proposed amendments maintain provisions for historic preservation as well as ensuring protection of existing historic resources.

The proposed revisions are for the general purpose of public health, safety and welfare and there is specific language to ensure this:

Nothing in this chapter shall be construed to prevent the alteration, demolition, or relocation of a Designated Landmark or Historic Resource of Statewide Significance, when the Building Official certifies that such action is required for the public safety because of its unsafe or dangerous condition.

As the City has a comprehensive plan recognized by the State, the applicable Oregon Statewide Planning Goals needn't be analyzed.

There are no other applicable provisions of this code or other applicable implementing ordinance.

Finding: The approval criteria are met.

CONCLUSION & DECISION

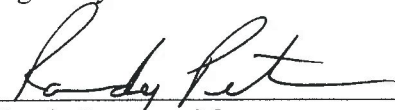
Based upon the facts and findings herein, the City Council approves this code text amendment.

Attested by:



Chad Olsen, City Administrator

Signed by:



Randy Peterson, Mayor

City of St. Helens
P.O. Box 278
Helens, OR 97051



Attn: Plan Amendment Specialist
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Salem, OR 97301-2540