



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

May 22, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of North Plains Plan Amendment
DLCD File Number 005-07

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: June 10, 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: Doug White, DLCD Community Services Specialist
Amanda Punton, DLCD Natural Resource Specialist
Don Otterman, City of North Plains

<paa> ya

MAY 21 2008

LAND CONSERVATION AND DEVELOPMENT

FORM 2

D L C D NOTICE OF ADOPTION

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

(See reverse side for submittal requirements)

Jurisdiction: CITY OF NORTH PLAINS Local File No.: 2C-07-0018 (If no number, use none)

Date of Adoption: MAY 19, 2008 (Must be filed in) Date Mailed: MAY 19, 2008 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: DECEMBER 6, 2007

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
[X] Land Use Regulation Amendment
Zoning Map Amendment
New Land Use Regulation
Other: (Please Specify Type of Action)

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

AMEND DEVELOPMENT REGULATIONS OF THE HISTORIC OVERLAY DISTRICT.

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: NOT APPLICABLE to

Zone Map Changed from: NOT APPLICABLE to

Location: NOT APPLICABLE Acres Involved:

Specify Density: Previous: NOT APPLICABLE New:

Applicable Statewide Planning Goals: GOAL 5

Was an Exception Adopted? Yes: No: X

DLCD File No.: 005-07 (16573)

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: WASHINGTON

COUNTY HISTORICAL SOCIETY

Local Contact: DON OTTERMAN Area Code + Phone Number: (503) 647-5555

Address: 31360 NW COMMERCIAL STREET City: NORTH PLAINS

Zip Code+4: 97133 Email Address: don@northplains.org

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** the adopted material, if copies are bounded 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 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 copy this form on to 8-1/2x11 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 Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 370

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON AMENDING CHAPTER 16.15 OF THE NORTH PLAINS ZONING AND DEVELOPMENT ORDINANCE.

WHEREAS, the Planning Commission of the City of North Plains has recommended various changes be made to the Historic Overlay District requirements of the Zoning and Development Ordinance; and

WHEREAS, the City Council wishes to amend the Zoning and Development Ordinance as recommended by the Planning Commission.

NOW THEREFORE, the City Council of the City of North Plains ordains as follows:

- Section 1. The Zoning and Development Ordinance of the City of North Plains is amended as shown in Exhibit A attached to this Ordinance.
- Section 2. The City Recorder is directed to send this Ordinance and Exhibit to the Department of Land Conservation and Development as required by State law.

INTRODUCED on the 21st day of April, 2008, **AND ADOPTED** this 19th day of May, 2008.

CITY OF NORTH PLAINS, OREGON

BY: Cheri Olson
Cheri Olson, Mayor

ATTEST:

BY: Lisa J. Gibson
Lisa J. Gibson, City Recorder

Chapter 16.15
HOW LAND MAY BE USED AND DEVELOPED
ZONING DISTRICT (HO)

Sections:

16.15.000	<u>Zoning Districts</u>
16.15.005	<u>Historic Overlay District (HO)</u>
16.15.010	<u>Purpose</u>
16.15.020	<u>Definitions</u>
16.15.030	<u>General Provisions</u>
16.15.040	<u>Exterior Alterations</u>
16.15.050	<u>Demolition</u>

16.15.005 Historic Overlay District (HO)

16.15.010 Purpose

The purpose of the Historic Overlay District is to promote the public health, safety and general welfare by providing for the protection, enhancement, perpetuation and use of designated historic sites and structures in order to:

- A. Safeguard the City's heritage as embodied and reflected in historic resources;
- B. Encourage public knowledge, understanding and appreciation of the City's history and culture;
- C. Foster community pride and sense of identity based on recognition and use of historic resources;
- D. Promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the City;
- E. Preserve architectural styles reflecting the City's history;
- F. Identify and resolve conflicts between the preservation of historic resources and incompatible improvements and uses; and
- G. Carry out the provisions of Land Conservation and Development Commission Goal 5.

16.15.020 **Definitions**

For the purposes of this Section, the following definitions apply:

- A. **Alteration**: The addition to, removal of or from, or physical modification of any exterior part or portion of a landmark, identified building or object in a Historic District.
- B. **Architectural Significance**: The building or district (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/specimen; (3) is the work of an architect or master builder whose individual work has influenced the development of the City; (4) contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.
- C. **Certificate of Appropriateness**: Written authorization granted by the City for exterior alteration of a designated Landmark or designated building in a Historic District.
- D. **Demolish**: To raze, destroy, dismantle, deface, or in any other manner cause partial or total ruin of a designated Landmark or designated building in a Historic District.
- E. **Exterior**: Any portion of the outside of a historic resource.
- F. **Historic Resource(s)**: An individual building site, object or structure of architectural, historic, cultural or archaeological significance as designated in the North Plains Comprehensive Plan.
- G. **Historic Significance**: The building or district (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 and (5) is recognized in the North Plains Comprehensive Plan.

16.15.030 **General Provisions**

A. Area of Application

Sites and structures which are designated in the City of North Plains Comprehensive Plan as historically significant shall be subject to **Chapter 16.15**. Only the specific sites identified in the Comprehensive Plan are subject to the provisions of this Section; other existing structures and uses on the same tax lot are not subject to this section unless specifically designated as historically significant resources. If a resource is relocated, the Overlay District shall apply to the new location and be removed from the old location at the initiation of the City. All sites and structures designated as historically significant shall be identified on the North Plains Zoning Map as being within the Historic Resource Overlay District.

B. Uses Allowed

Uses allowed within the Historic and Overlay District shall be the same as those allowed in the primary district if consistent with all provisions of this section.

C. Ordinary Maintenance and Repair

Nothing in this Section shall be construed to prevent the ordinary maintenance or repair in or on any resource designated by this Section that does not involve a change in design, material or external appearance thereof.

D. Compliance

No structure or site shall hereafter be altered or demolished without full compliance with the terms of this ordinance and other applicable regulations.

16.15.040 **Exterior Alterations**

Except as provided within this Section, no person may alter any designated historic resource in such a manner as to affect the exterior appearance unless a Certificate of Appropriateness has been issued by the City.

A. Application for a Certificate of Appropriateness

The application shall be submitted to the City Planner along with the required filing fee, and shall be referred to the Planning Commission. The Application shall include a detailed description of the request and compliance with the review criteria in **Chapter 16.15.030 (D)**.

B. Coordination with County Museum

Prior to action on any Historic Resource issue, the City shall notify the Washington County Museum and, in concert with the museum staff, may conduct a study of the proposed action, prepare documentation as may be appropriate and make a recommendation in the form of a staff report to the Planning Commission as to the appropriateness of the proposed action.

C. ~~Planning Commission~~ City Planner Review

The City Planner shall review the application pursuant to Chapter 16.86 Administrative Review by City Planner. Notice of the application shall be given pursuant to Section 16.80.020 A. and shall also be posted in three locations in the city seven days before action by the City Planner. The ~~Planning Commission~~ City Planner shall approve, approve with conditions or disapprove issuance of the Certificate of Appropriateness for exterior alterations. The decision of the ~~Planning Commission~~ City Planner shall include findings of fact. Decisions of the ~~Planning Commission~~ City Planner may be appealed to the ~~City Council~~ Planning Commission according to **Chapter 16.84 Appeal Provisions** and notice of the ~~Planning Commission~~ hearing shall be given in accordance with **Section 16.80.020 A** and shall be posted in three locations in the city seven days before action by the Planning Commission.

D. Review Criteria

The ~~Planning Commission~~ City Planner shall consider the following criteria in reviewing proposed exterior alterations to historic resources.

1. **Retention of original construction:** All original exterior materials and details shall be preserved to the maximum extent feasible.
2. **Height:** Additional stories may be added to historic buildings provided:
 - a. The added height complies with requirements of the Building and

Development Codes;

- b. The added height does not exceed that which was traditional for the style of the building;
 - c. The added height is visually compatible with adjacent historic buildings.
3. **Bulk**: Horizontal additions may be added to historic buildings provided:
- a. The bulk of the addition does not exceed that which was traditional for the building style;
 - b. The addition maintains the traditional scale and proportion of the building style, particularly as viewed from the sides of the building which front on public rights-of-way;
 - c. The addition is visually compatible with adjacent historic buildings.
4. **Visual integrity of structure**: The lines of columns, piers, spandrels, or other primary structural elements shall be maintained so far as is practicable.
5. **Scale and proportion**: The scale and proportion of altered or added building elements and the relationship of windows to walls shall be visually compatible with the traditional architectural character of the historic building.
6. **Material, color and texture**: The materials, colors and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic building and matches existing materials, colors and textures to the maximum extent feasible. Original masonry and mortar, without the application of any surface treatment, shall be retained whenever possible.
7. **Signs, Lighting**: Signs, lighting and other appurtenances, such as walls, fences, and awnings shall be visually compatible with the traditional architectural character of the historic building. Trees larger than 18" in diameter at breast height shall be retained whenever possible.
8. **Preservation, Cleaning and Repair**: Preservation, cleaning, repair,

and other treatment of original materials shall be in accord with the Secretary of Interiors Standards of Rehabilitation and Guidelines for Rehabilitation of Historic Buildings.

16.15.050 **Demolition**

A. Application for Demolition Permit

If an application for a permit to demolish a designated Landmark or any building within a designated Historic District is received, the Building Official shall, within seven (7) days, transmit to the City Planner and Planning Commission a copy of said transaction, unless the Building Official has found that the building does not comply with the Uniform Code for Abatement of Dangerous Buildings and has ordered the removal or demolition of such building on the basis of a danger to life, health or property.

B. Planning Commission Review

Applications for demolition of historic resources shall be subject to the public notice requirements of **Chapter 16.80 Public Notice Requirements** and the public hearing requirements of **Chapter 16.82 Public Hearing before Planning Commission**. Prior to the issuance of a permit for the demolition of any designated landmark, the Planning Commission shall review the request to determine to their satisfaction that the applicant has met the following conditions:

1. The applicant has advertised such building for sale or removal from the site, with such advertisement to run two consecutive weeks (no less than seven days apart) in a newspaper of general circulation in the North Plains area.
2. The applicant has not rejected the highest bona fide offer for sale and removal of the building.

C. Approval of Request and Appeal Period

The Planning Commission may approve or deny the demolition request. If the request is granted and no appeal is filed within the time frames set forth in **Chapter 16.84 Appeal Provisions** of this Ordinance, the Building Official shall issue the permit after determining that the permit is in compliance with all other codes and ordinances of the City.

D. Denial of Request and Temporary Stay of Demolition

Should the Commission reject the application to demolish, issuance of the permit shall be suspended for a period of up to 90 days so that alternative disposition of the property may be considered. During such period of suspension, no permit shall be issued for such demolition nor shall any person demolish the building or structure. If all programs or projects to save the building from demolition are demonstrated to the Planning Commission to be unsuccessful and the applicant has not withdrawn the application for demolition, the Planning Commission shall authorize the Building Inspector to issue such permit if the application otherwise complies with the codes and ordinances of the City.



CITY OF NORTH PLAINS
31360 NW Commercial Street
North Plains Oregon 97133
503-647-5555

City to the Sunset



★ ★ ★
156
6202 #01.680
6405 NORTH PLAINS OR

PB8570855
MAY 20 08
97133

ATTENTION: Plan Amendment Specialist
Department of Land Conservation and
Development
635 Capitol Street, NE, Suite 150
Salem, OR 97301-2540