



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

08/26/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Astoria Plan Amendment
DLCD File Number 004-13

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: Wednesday, September 11, 2013

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

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

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Rosemary Johnson, City of Astoria
Gordon Howard, DLCD Urban Planning Specialist
Patrick Wingard, DLCD Regional Representative
Amanda Punton, DLCD Natural Resources Specialist

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

AUG 22 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Astoria**

Local file number: A13-03

Date of Adoption: 8-19-13

Date Mailed: 8-21-13

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 5-31-13

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"

Amend Development Code, Historic Property Ordinance Article 6 to include new State classification terms for historic properties; establish Type I, II, and III permit levels of review to allow more administrative review; and other minor housekeeping updates.

Does the Adoption differ from proposal? Please select one

Added new definitions to coincide with amendment language. Established criteria for historic landmark establishment in Section 6.040; renumbered Section 6.050.C.2 items; added construction of stairs not attached to building as Type I; limited Type II review to 10% increase in deck reconfiguration; added to Type II review for chimney removal, solid waste disposal area, and stairs attached to building.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **City wide**

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

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

Local Contact: **Rosemary Johnson**

Phone: (503) 338-5183 Extension: 2413

Address: **1095 Duane Street**

Fax Number: 503-338-6538

City: **Astoria**

Zip: **97103**

E-mail Address: **rjohnson@astoria.or.us**

DLCD file No. 004-13 (19869) [17583]

ORDINANCE NO. 13-08

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE ARTICLE 6 CONCERNING HISTORIC PROPERTIES, AND ARTICLE 1 CONCERNING DEFINITIONS

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Development Code Article 6 pertaining to Historic Properties is hereby deleted and replaced to read as follows:

Complete Article 6, Historic Properties Ordinance attached to this document.

Section 2. Astoria Development Code Article 1, Section 1.400 pertaining to Definitions is amended with the addition to read as follows:

“BUILDING ENVELOPE: The outer bounds, both vertically and horizontally, of an enclosed structure.

BUILDING MASS: The height, width, and depth of a structure including non-enclosed features such as stairs and decks.

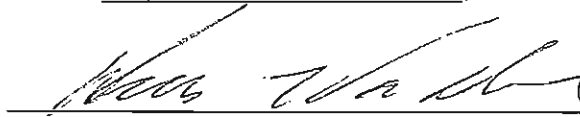
CONSISTENT: For the purpose of Article 6, Historic Properties Ordinance, consistent shall mean to be similar to the original historic feature in design, size, and/or material, or would meet the commonly acceptable intent of an original feature.

FOOTPRINT: The outer bounds, horizontally, of all features of a structure including decks, stairs, and other non-enclosed features that are attached to the structure and are constructed 12” or more above grade.”

Section 3. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS 19th DAY OF August, 2013.

APPROVED BY THE MAYOR THIS 19th DAY OF August, 2013.


Mayor

ATTEST:


Paul Benoit, City Manager

ROLL CALL ON ADOPTION: YEA NAY ABSENT

Commissioner	LaMear	X		
	Herzig	X		
	Mellin	X		
	Warr	X		
Mayor	Van Dusen	X		

ARTICLE 6

HISTORIC PROPERTIES

6.010. PURPOSE.

It is the purpose of the City to promote and encourage the preservation, restoration, rehabilitation, and adaptive use of buildings, structures, appurtenances, objects, sites, and districts that are indicative of Astoria's historical heritage; to carry out certain provisions of the Land Conservation and Development Commission Goal 5 "Open Spaces, Scenic and Historic Areas, and Natural Resources"; to establish a historic design review process for historic structures, and to assist in providing the means by which property owners may qualify for Federal and State financial assistance programs assisting historical properties.

6.020. SPECIAL PROVISIONS.

A. Signs.

1. Signs or plaques denoting a historic District, building or site will be permitted in accordance with the sign regulations for the zone in which it is located. Such signs will be of dignified design and positioned in a manner that is compatible with the building or site.
2. Any signs constructed or placed on or in association with a historic building will be reviewed by the Historic Preservation Officer to ensure that they are in scale and relate well to the architectural style of the building.
3. Restoration or reconstruction of historic signs are encouraged and will be reviewed by the Historic Preservation Officer to verify that they are a historic restoration or reconstruction. Any change in design and/or wording is not considered to be a historic sign restoration/reconstruction and would be subject to the Sign Ordinance regulations.

6.030. HISTORIC DISTRICT ESTABLISHMENT.

- A. The Historic Landmarks Commission, the City Council, or the owners of at least one-third of the privately owned property within a proposed District may initiate the proceedings for designation of a Historic District. If there is multiple ownership in a property, each consenting owner shall be counted as a fraction equal to the interest the owner holds in that property.

A request that an area be designated as a Historic District will be considered by the Historic Landmarks Commission following receipt of a complete application by the

Historic Preservation Officer. The Historic Landmarks Commission will transmit its recommendation of the area as a Historic District to the City Council. The City Council shall hold a public hearing in accordance with the procedures set forth in 9.010 through 9.100 except that notices of the hearing date will be mailed only to owners of property lying on or within the boundaries of the proposed District.

Upon receipt of the Historic Landmark Commission's recommendation, the City Council may authorize submittal of a nomination for Historic District status to the State Advisory Committee on Historic Preservation.

6.040. HISTORIC LANDMARK ESTABLISHMENT.

A. Application.

The Historic Landmarks Commission, City Council or a property owner may initiate the proceedings for designation of a Historic Landmark.

The application should include the following information as applicable: history of the structure; tenants both residential and commercial; exterior features and materials; alterations to the structure; architect; date of construction; outbuildings; photographs, both historic and current; and any other information available.

B. Existing Listings on the National Register of Historic Places.

For the purposes of Historic Landmark designation, buildings, structures, appurtenances, objects, signs, sites and districts which are listed on the National Register of Historic Places shall be automatically considered a Historic Landmark.

C. Primary, Secondary, Eligible/Significant, and Eligible/Contributing Classifications.

For the purposes of Historic Landmark designation, buildings, structures, appurtenances, objects, signs, sites and districts which are classified as Primary, Secondary, Eligible/Significant, or Eligible/Contributing shall be automatically considered a Historic Landmark.

D. Procedures.

Upon receipt of a complete application requesting that a building, structure, appurtenance, object, sign, or site be designated historic, the Historic Landmarks Commission shall consider the request. The Historic Landmarks Commission shall hold a public hearing on the request in accordance with the procedures set forth in Article 9.

The Historic Landmarks Commission may approve, modify or reject such request in accordance with Section 9.030 based on the criteria in Section 6.040.E.

E. Criteria for Historic Landmark Designation.

The Historic Landmarks Commission shall consider and weigh the following criteria in making a determination of potential historic significance:

1. Physical Integrity.

Property is essentially as constructed on original site. Sufficient original workmanship and material remain to serve as instruction in period fabrication.

2. Architectural Significance.

Rarity of type and/or style. Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last examples surviving in the City. Property is a prototype or significant work of an architect, builder, or engineer noted in the history of architecture and construction.

3. Historical Significance.

Property is associated with significant past events, personages, trends or values and has the capacity to evoke one or more of the dominant themes of national or local history.

4. Importance to Neighborhood.

Property's presence contributes and provides continuity in the historical and cultural development of the area.

5. Symbolic Value.

Through public notice, interest, sentiment, uniqueness or other factors, property has come to connote an ideal, institution, political entity or period.

6. Chronology.

Property was developed early in the relative scale of local history or was early expression of type/style. The age of the building, structure, site, or object should be at least 50 years, unless determined to be of exceptional significance.

7. The request shall be consistent with the applicable goals and policies of the Comprehensive Plan.

6.050. EXTERIOR ALTERATION.

A. Exemptions.

Nothing in this Section shall be construed to prevent ordinary maintenance of a structure listed or identified as a Historic Landmark as described in Section 6.040. The following are considered to be normal maintenance and repair and are not subject to this Section including, but not limited to:

1. Replacement of gutters and downspouts, or the addition of gutters and downspouts, using materials that match those that were typically used on similar style buildings.
2. Repairing, or providing a new foundation that does not result in raising or lowering the building elevation more than one foot unless the foundation materials and/or craftsmanship contribute to the historical and architectural significance of the landmark.
3. Replacement of wood siding, when required due to deterioration of material, with wood material that matches the original siding in size, dimension, and material.
4. Repair and/or replacement of roof materials with the same kind of roof materials existing, or with materials which are in character with those of the original roof.
5. Application of storm windows made with wood, bronze or flat finished anodized aluminum, or baked enamel frames which complement or match the color detail and proportions of the building.
6. Replacement of existing sashes with new sashes, when using material which is consistent with the original historic material, dimensions, and appearance.
7. Painting and related preparation.
8. Installation of decorative stained and/or leaded glass in existing windows.
9. Fences, retaining walls, and/or landscaping features unless the existing features are noted in the historic designation as contributing features to the historic property.

B. Certificate of Appropriateness.

Unless otherwise exempted, no person, corporation, or other entity shall change, add to, or modify a building, structure, appurtenance, object, sign, or site in such a way as to affect its exterior appearance, if such structure is listed or identified as a Historic

Landmark as described in Section 6.040 without first obtaining a Certificate of Appropriateness.

In obtaining a Certificate of Appropriateness, the applicant shall file an application on a form furnished for that purpose with the Community Development Department.

C. Type I Certificate of Appropriateness - Immediate Approval.

Projects that are limited in scope or minor alterations that meet the criteria listed below are classified as Type I Certificate of Appropriateness permits. Historic Design review performed by the Historic Preservation Officer or designee shall be administrative and shall not require public hearing nor public notice.

1. The Historic Preservation Officer shall review and approve the following Type I permit requests:
 - a. There is no change in historic character, appearance or material composition from the existing structure or feature; or
 - b. The proposed alteration duplicates the affected building features as determined from a photograph taken during either the Primary or Secondary development periods, original building plans, or other evidence of original building features; or
 - c. The proposed alteration is required for the public safety due to an unsafe or dangerous condition; or
 - d. The proposed alteration relates to signage in scale to the architectural style of the building.
2. In addition to the Type I permit reviews listed in Section 1 above, the Historic Preservation Officer shall review and approve the following Type I permit requests if it meets the following:
 - a. Criteria.
 - 1) Located on the rear or interior side yard, not adjacent to a public right-of-way, except as noted below; and/or
 - 2) Reconstruction and/or replacement of porch and/or stairs on any elevation; and/or
 - 3) Will not result in an increase in building footprint or envelope except for mechanical venting.
 - b. Type I Permit Requests:

- 1) Installation of mechanical equipment and venting located on other than the primary facade or street scape, or of less than one square foot if located on a non-primary facade street side. Ground mounted equipment shall be screened from view to the maximum extent practicable if visible from a City right-of-way.
- 2) Installation of contemporary composite material on the flat decking area of porches, decks, and/or stair treads.
- 3) Replacement of roofing material as follows:
 - a) With similar material and/or composition shingles.
 - b) Flat roofing not visible from the street scape may be a contemporary material.
 - c) Original roof wood shingle or shakes, should be maintained in place whenever possible. Composition roofing is allowed as a substitute for wood shingles in a complete replacement.
 - d) Original roof tile, slate, or rolled composition roofing should be maintained in place whenever possible. Imitation slate and wood are allowed as a substitute for original materials in a complete replacement.
- 4) Removal of an utilitarian chimney that is not a character defining feature.
- 5) Replacement of skirting material with fiber cement material or other compatible contemporary material.
- 6) Installation of roof and/or soffit vents.
- 7) Replacement of existing columns with similar design and dimension of contemporary material other than vinyl material.
- 8) Installation of television microwave receiving dish.
- 9) Construction of stairs and railings on any elevation that are not attached to a building.

D. Type II Certificate of Appropriateness - Administrative Review.

Projects that are limited in scope or minor alterations that meet the criteria below are

classified as Type II Certificate of Appropriateness permits. Historic Design review performed by the Historic Preservation Officer or designee shall be administrative and shall not require public hearing before the Historic Landmarks Commission. These reviews shall be considered as a limited land use decision and shall require a public notice and opportunity for appeal in accordance with Article 9 of the Astoria Development Code.

The Historic Preservation Officer shall review and approve the following Type II permit requests if it meets the following:

1. Criteria.
 - a. Located on the rear or interior side yard, not adjacent to a public right-of-way, except as noted below; and/or
 - b. Reconstruction and/or replacement of porch and/or stairs on any elevation; and/or
 - c. May result in an increase in building footprint of no more than 10%, and will not result in an increase in building envelope except for mechanical venting.
2. Type II Permit Requests:
 - a. Construction of outbuildings or enclosures (less than 200 square feet).
 - b. Awnings on residential property.
 - c. Awnings on any elevation of a commercial property.
 - d. Handicap accessible ramps on any elevation.
 - e. Reconfiguration with not more than 10% increase in footprint, and/or reconstruction of existing decks or porches with similar materials and/or with a change in materials.
 - f. Reconstruction of existing stairs and balustrades with a historic design.
 - g. Replacement and/or reconfiguration of basement windows on any elevation.
 - h. Installation of flat mounted skylight located on other than the primary facade or street scape.

City of Astoria
Development Code

6.090

- i. Changes to fences, retaining walls, and/or landscaping features that are noted in the historic designation as contributing features to the historic property.
- j. Replacement of non-historic features such as aluminum or vinyl windows or siding, steel or fiberglass doors, etc. with a design, size, and material that is consistent with the existing historic features of the structure.
- k. Removal of a chimney that is considered as a character defining feature as noted in the historic designation.
- l. Solid waste disposal area enclosure.
- m. Construction of stairs and railings on any elevation that are attached to a building.

E. Type III Certificate of Appropriateness – Historic Landmarks Commission Review.

Projects that do not meet the criteria for a Type I or Type II review are classified as Type III Certificate of Appropriateness permits. Historic Design review performed by the Historic Landmarks Commission based upon the standards in the Development Code shall be considered discretionary and shall require a public hearing, notice, and opportunity for appeal in accordance with Article 9 of the Astoria Development Code.

F. Historic Design Review Criteria.

Type II and Type III Certificate of Appropriateness exterior alteration requests shall be reviewed by the Historic Landmarks Commission or Historic Preservation Officer as indicated in Section 6.050 following receipt of a complete application.

The following standards, in compliance with the Secretary of the Interior's Standards for Historic Preservation, shall be used to review Type II and Type III exterior alteration requests. The standards summarized below involve the balancing of competing and conflicting interests. The standards are intended to be used as a guide in the Historic Landmark Commission's deliberations and/or the Historic Preservation Officer's decision.

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

City of Astoria
Development Code

6.090

3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and addition do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

6.070. NEW CONSTRUCTION.

A. Certificate of Appropriateness.

No person, corporation, or other entity shall construct a new structure adjacent to or across a public right-of-way from a Historic Landmark as described in Section 6.040, without first obtaining a Certificate of Appropriateness from the Historic Landmarks Commission.

In obtaining a Certificate of Appropriateness as required above, the applicant shall file an application on a form furnished for that purpose with the Community Development Department.

B. Historic Landmarks Commission Historic Design Review Criteria.

A request to construct a new structure shall be reviewed by the Historic Landmarks Commission following receipt of the request. In reviewing the request, the Historic Landmarks Commission shall consider and weigh the following criteria:

1. The design of the proposed structure is compatible with the design of adjacent historic structures considering scale, style, height, architectural detail and materials.
2. The location and orientation of the new structure on the site is consistent with the typical location and orientation of adjacent structures considering setbacks, distances between structures, location of entrances and similar siting considerations.

6.080. DEMOLITION AND MOVING.

A. Certificate of Appropriateness.

No person, firm, or corporation shall move, demolish, or cause to be demolished any structure listed or identified as a Historic Landmark as described in Section 6.040 without first obtaining a Certificate of Appropriateness.

In obtaining a Certificate of Appropriateness, the applicant shall file an application on a form provided for that purpose with the Community Development Department.

B. Criteria for Immediate Approval.

The Historic Preservation Officer shall issue a Certificate of Appropriateness for moving or demolition if any of the following conditions exist:

1. The structure has been damaged in excess of 70% of its assessed value by fire, flood, wind, or other natural disaster or by vandalism; or
2. The Building Official finds the structure to be an immediate and real threat to the public health, safety and welfare.

All other requests will be reviewed by the Historic Landmarks Commission.

C. Historic Landmarks Commission Review Criteria.

Those demolition/moving requests not meeting the conditions for immediate approval shall be reviewed by the Historic Landmarks Commission following receipt of an applicant's request. In reviewing the request, the Historic Landmarks Commission shall consider and weigh all of the following criteria:

1. The structure cannot be economically rehabilitated on the site to provide a reasonable income or residential environment compared to structures in the general area.
2. There is demonstrated public need for a new use, if any is proposed, which outweighs the benefit which might be served by preserving the subject building(s) on the site due to the building's contribution to the overall integrity and viability of the historic district.
3. The proposed development, if any, is compatible with the surrounding area considering such factors as location, use, bulk, landscaping, and exterior design.
4. If the building is proposed to be moved, the new site and surrounding area will benefit from the move.

Any review shall be completed and a decision rendered within 75 days of the date the City received a complete application. Failure of the Historic Landmarks Commission to meet the time lines set forth above shall cause the request to be referred to the City Council for review. All actions of the Historic Landmarks Commission can be appealed to the City Council. The Historic Landmarks Commission will follow the procedural requirements set forth in Article 9.

D. Conditions for Demolition Approval.

As a condition for approval of a demolition permit, the Historic Landmarks Commission may:

1. Require photographic documentation, and other graphic data or history as it deems necessary to preserve an accurate record of the resource. The historical documentation materials shall be the property of the City or other party determined appropriated by the Commission.
2. Require that the property owner document that the Historic Preservation League of Oregon or other local preservation group has given the opportunity to salvage and record the resource within 90 days.

E. Appeal - Extension of Review Period.

On appeal or referral, the City Council may extend the review period for demolition/moving requests a maximum of an additional 120 days from the date of receipt of an application upon a finding that one of the following conditions exists:

1. The applicant has not submitted sufficient information to determine if an immediate demolition or moving should be allowed.
2. There has been little or no activity, within a reasonable amount of time, by the permit applicant to explore other viable alternatives.
3. There is a project under way which could result in public or private acquisition of the historic building or site and the preservation or restoration of such building or site, and that there is reasonable grounds to believe that the program or project may be successful.

If, at the end of an extended review period, any program or project is demonstrated to the City Council to be unsuccessful and the applicant has not withdrawn his/her application for a moving or demolition permit, the Community Development Director shall issue the permit if the application otherwise complies with the code and ordinances of the City.

F. Exception.

In any case where the City Council has ordered the removal or demolition of any structure determined to be dangerous, nothing contained in this chapter shall be construed as making it unlawful for any person without prior approval of the Historic Landmarks Commission, pursuant to this chapter, to comply with such order.

6.090. ADMINISTRATIVE PROCEDURES.

- A. The Historic Landmarks Commission and/or Historic Preservation Officer will follow the procedural requirements set forth in Article 9 with regard to application, public notice, quasi-judicial public hearing procedure, appeals, action on applications, filing fees, and additional costs.
- B. In the consideration of an exterior alteration, demolition or moving request, the Historic Landmarks Commission and/or Historic Preservation Officer will approve or deny the request or recommend changes in the proposal which would enable it to be approved. The property owner will be notified of the Historic Landmarks Commission's and/or Historic Preservation Officer's decision within 10 working days of the date of action. The applicant may resubmit proposals for which changes have been recommended by the Historic Landmarks Commission.
- C. In approving an exterior alteration, demolition or moving request, the Historic Landmarks Commission and/or Historic Preservation Officer may attach conditions

which are appropriate for the promotion and/or preservation of the historic or architectural integrity of the structure, appurtenance, object, site, or district. All decisions to approve, approve with conditions, or deny shall specify the basis of the decision. A decision of the Historic Preservation Officer may be appealed to the Historic Landmarks Commission. A decision of the Historic Landmarks Commission may be appealed to the City Council.

BEFORE THE ASTORIA CITY COUNCIL
OF THE CITY OF ASTORIA

IN THE MATTER OF AN AMENDMENT REQUEST)
)
FOR THE FOLLOWING PROPERTY:)
CITY WIDE)
ASTORIA, OREGON 97103) ORDER NO. A13-03
)
APPLICANT: BRETT ESTES, COMMUNITY DEVELOPMENT)
DIRECTOR, CITY OF ASTORIA, 1095 DUANE STREET)
ASTORIA OR 97103)

The above named applicant filed a request to amend Development Code Article 6, Historic Properties, to include the new State classification terms for historic properties; to establish Type I, II, and III permit levels of review to allow more administrative review within the City limits of Astoria, Oregon.

A public hearing on the above entitled matter was held before the Historic Landmarks Commission on July 16, 2013; and the Historic Landmarks Commission closed the public hearing and rendered a decision at the July 16, 2013 meeting. The Historic Landmarks Commission found the proposed amendment to be necessary and recommends to the Astoria City Council that the proposed amendment be approved.

A public hearing on the above entitled matter was held before the Astoria City Council and the public hearing was closed at the August 5, 2013 meeting; the Astoria City Council rendered a decision at the August 19, 2013 meeting.

The City Council found the proposed amendment to be necessary and orders that this application for an Amendment A13-03 is approved and adopts the findings and conclusions of law attached hereto. A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.


The effective date of this approval is the date of the signing of this Order.

This decision may be appealed to the Land Use Board of Appeals (LUBA) by the Applicant, party to the hearing, or a party who responded in writing, by filing a Notice of Intent to Appeal with LUBA within 21 days of the date this Order is signed.

DATE SIGNED: AUGUST 19, 2013

DATE MAILED:

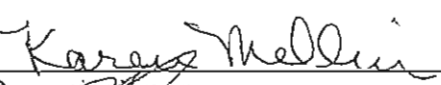
ASTORIA CITY COUNCIL



Mayor



Commissioner



Commissioner

Commissioner



Commissioner



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

August 6, 2013

TO: MAYOR AND ASTORIA CITY COUNCIL

FROM: PAUL BENOIT, CITY MANAGER

SUBJECT: AMENDMENT REQUEST (A13-03) ON HISTORIC PROPERTIES ORDINANCE

BACKGROUND

The Historic Properties Ordinance, Article 6 of the Astoria Development Code, was last updated in 1992. This Ordinance establishes how historic properties are designated, the process for review of exterior alterations, new construction, demolition, appeals, and lists exceptions to the review process. Within the last few years, the State and National terms used for historic properties has changed, and therefore, the City Historic Properties Ordinance needs to be amended to reflect the new terminology. Staff took the opportunity to improve and clarify the code at the same time to streamline the process for historic reviews. The proposed amendments would provide for three levels of review for historic properties (Types I, II, and III) rather than all requests being reviewed by the Historic Landmarks Commission. The intent of these amendments is to make the process easier for the public and reduce the amount of time required for review. The proposed Code amendments would add the new State historic property classifications and references and would provide code provisions to improve the review process as outlined below.

Type I reviews would be approved by staff, the Historic Preservation Officer (HPO), as “over-the-counter” reviews and would be limited to minor alterations that do not impact the historic character of the building. These items would include reroofing, mechanical vents on non-primary elevations, foundation and skirting materials, roof and soffit vents, and placement of microwave receiving dishes on non-primary facades. These reviews would not require public notification or comment and would allow for a quick turnaround for routine building permit items.

Type II reviews would be approved by the Historic Preservation Officer after public notice and a Findings of Fact report has been completed. These would provide the public with opportunity for comment and would include minor alterations to non-primary facades such as construction of outbuildings of less than 200 square feet; reconstruction of decks, stairs, and balustrades; handicap ramps, awnings, skylights, and replacement of non-historic features with a design or material that is more compatible with the historic features.

All other requests would be reviewed by the Historic Landmarks Commission as a Type III review under the same procedures as currently used by the HLC. The intent of these changes is to allow simple reviews and to ease the burden of reviewing simple projects at the HLC level. This would result in an easier, quicker permit review for applicants making historic preservation

less burdensome to property owners and contractors. These Code amendments were identified in the Historic Preservation Plan adopted by the City Council in January 2008.

At its July 16, 2013 meeting, the Historic Landmarks Commission held a public hearing and unanimously recommended that the City Council adopt the proposed amendment. A copy of the Staff Report and Findings of Fact as adopted by the Historic Landmarks Commission is attached. Also attached to this memo is the proposed ordinance. A public hearing and first reading of the Amendment was held at the August 5, 2013 City Council meeting.

RECOMMENDATION

If the Council is in agreement, it would be in order for Council to hold a second reading and adoption of the Ordinance.

The following is sample language for a motion for adoption of the Findings of Fact and Ordinance:

"I move that the Astoria City Council adopt the findings and conclusions contained in the staff report, and adopt the Ordinance amending the Astoria Development Code."

By: _____
Rosemary Johnson, Planner

Through: _____
Brett Estes, Community Development Director



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

July 9, 2013

TO: HISTORIC LANDMARKS COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: AMENDMENT REQUEST (A13-03) ON HISTORIC PROPERTIES ORDINANCE

I. BACKGROUND SUMMARY

- A. Applicant: Brett Estes
Community Development Director
City of Astoria
1095 Duane Street
Astoria OR 97103
- B. Request: Amend the Astoria Development Code Article 6, Historic Properties, to include new State classification terms for historic properties, establish Type I, II, and III permit levels of review to allow more administrative review
- C. Location: City-wide

II. BACKGROUND

The Historic Properties Ordinance, Article 6 of the Astoria Development Code, was last updated in 1992. This Ordinance establishes how historic properties are designated, the process for review of exterior alterations, new construction, demolition, appeals, and lists exceptions to the review process. In January 2008, the City adopted a Historic Preservation Plan 2008-2012 which identified suggested amendments to the Ordinance and proposed projects to support historic preservation. The various elements of the Plan were prioritized as follows:

- Priority 1: Improve and Clarify the Code
- Priority 2: Survey and Inventory Program
- Priority 3: Economic Incentive Program
- Priority 4: Public Education Program

There were specific goals within each of these preservation programs, many of which have been completed. The Code amendments were a high priority but have not yet been completed. The proposed Code amendments would add the new State historic property classifications and references, and would provide for three levels of review for historic properties rather than all requests being reviewed by the Historic Landmarks Commission.

Type I reviews would be approved by staff, the Historic Preservation Officer (HPO), as “over-the-counter” reviews and would be limited to minor alterations that do not impact the historic character of the building. Most of these request are currently reviewed and approved by the HPO for items such as reroofing, mechanical vents on non-primary elevations, foundation and skirting materials, roof and soffit vents, and placement of microwave receiving dishes on non-primary facades. These reviews would not require public notification or comment. Type II reviews would be approved by the Historic Preservation Officer after public notice and a Findings of Fact report has been completed. These would provide the public with opportunity for comment and would include minor alterations to non-primary facades such as construction of outbuildings of less than 200 square feet; reconstruction of decks, stairs, and balustrades; handicap ramps, awnings, skylights, and replacement of non-historic features with a design or material that is more compatible with the historic features. All other requests would be reviewed by the Historic Landmarks Commission as a Type III review under the same procedures as currently used by the HLC. The intent of these changes is to codify some of the simple reviews that are already handled administratively and to ease the burden of reviewing simple projects at the HLC level. This would result in an easier, quicker permit review for applicants making historic preservation less burdensome to property owners and contractors.

The draft amendments were provided to the HLC for discussion and recommendations at the June 18, 2013 meeting. The final draft is scheduled for public hearing before the HLC at its July 16, 2013 meeting with the HLC’s recommendation going to the City Council for a public hearing at their meeting on August 5, 2013 with second reading and potential adoption at their August 19, 2013 meeting.

Other code amendments suggested in the Historic Preservation Plan will be submitted separately. Staff is currently working on a list of historic preservation guidelines that would not be included in the code but would be in a document that would provide applicants with a clear understanding of what types of design and/or materials are expected when working on a historic property. It is hoped that these guidelines will be ready for review by the end of the year.

III. PUBLIC REVIEW AND COMMENT

A. Historic Landmarks Commission

A public notice was mailed to Neighborhood Associations and various agencies on June 21, 2013. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on July 9, 2013. The proposed amendment is legislative as it applies City-wide. Any comments received will be made available at the Historic Landmarks Commission meeting.

B. City Council

A public notice will be mailed to Neighborhood Associations and various agencies on July 12, 2013. In accordance with Section 9.020, a notice of public hearing will be published in the Daily Astorian on July 29, 2013. Any comments received will be made available at the City Council meeting.

IV. FINDINGS OF FACT

- A. Development Code Section 10.020(A) states that *“an amendment to the text of the Development Code or the Comprehensive Plan may be initiated by the City Council, Planning Commission, the Community Development Director, a person owning property in the City, or a City resident.”*

Finding: The proposed amendment to the Development Code is being initiated by the Community Development Director.

- B. Section 10.050(A) states that *“The following amendment actions are considered legislative under this Code:*

1. *An amendment to the text of the Development Code or Comprehensive Plan. . .”*

Finding: The proposed amendment is to amend the text of the Astoria Development Code Article 6 concerning Historic Properties. The Code is applicable City-wide. Processing as a legislative action is appropriate.

- C. Section 10.070(A)(1) requires that *“The amendment is consistent with the Comprehensive Plan.”*

1. CP.005(5) concerning General Plan Philosophy and Policy Statement states that local comprehensive plans *“Shall be regularly reviewed, and, if necessary, revised to keep them consistent with the changing needs and desires of the public they are designed to serve.”*

Finding: The Historic Properties Ordinance was last updated in 1992. The proposed amendments were included as action items in the Historic Preservation Plan 2008-2012 adopted in January 2008.

2. CP.250(1) concerning Historic Preservation Goals states that *“The City will Promote and encourage, by voluntary means whenever possible, the preservation, restoration and adaptive use of sites, areas, buildings, structures, appurtenances, places and elements that are indicative of Astoria's historical heritage.”*

CP.250(3) concerning Historic Preservation Goals states that *“The City will Encourage the application of historical considerations in the beautification of Astoria's Columbia River waterfront.*

CP.250(4) concerning Historic Preservation Goals states that *“The City will Actively involve Astoria's citizens in Astoria's historic preservation effort, including the development of a public information and education program.*

CP.255(1) concerning Historic Preservation Policies states that *“The City will use its Historic Properties Section of the Zoning Ordinance, an educational and technical assistance program, the tax incentives available*

at the Federal, State, and local levels, and the cooperative efforts of local organizations as the means to protect identified historic buildings and sites."

CP.255(2) concerning Historic Preservation Policies states that *"The City will establish procedures for regular financing of historic projects through public and private sources of funds."*

CP.255(6) concerning Historic Preservation Policies states that *"The City will make available to property owners information and technical advice on ways of protecting and restoring historical values of private property."*

Finding: The proposed amendment will adopt changes recommended in the Historic Preservation Plan that supports the intention of the Comprehensive Plan (CP) to foster historic preservation through clear Code language, update of the Development Code to improve the historic review process, and provide education to citizens and historic property owners on the preservation program and its benefits. The proposed changes would also implement the new State classifications of historic properties that were recently used in the Adair-Uppertown Historic Inventory. The previous classifications would remain since there are several other adopted inventories that still use those classifications. The Historic Preservation Plan recommends amendments to the Development Code to implement the various aspects of the Plan. Additional recommended amendments in the Plan will be considered separately in the future.

3. CP.200(6) concerning Economic Development Goals states that the City will *"Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry."*

CP.205(5) concerning Economic Development Policies states that *"The City encourages the growth of tourism as a part of the economy. Zoning standards which improve the attractiveness of the city shall be considered including designation of historic districts, stronger landscaping requirements for new construction, and Design Review requirements."*

CP.020(6) concerning Community Growth - Plan Strategy states that *"The City encourages historic preservation generally, the restoration or reuse of existing buildings. However, these structures must be improved in a timely manner."*

Finding: The Plan recommends Code amendments to provide a simple, quicker process for historic review thereby encouraging historic preservation. It also recommends historic design review that helps maintain the character of Astoria. Design review standards are being drafted under a separate document to allow more flexibility in the future. The Code recognizes the importance of tourism and the impact of inappropriate development within the community.

Finding: The request is consistent with the Comprehensive Plan.

- D. Section 10.070(A)(2) requires that *“The amendment will not adversely affect the ability of the City to satisfy land and water use needs.”*

Finding: The proposed amendment will satisfy land use needs in that it will codify policies established through the Historic Preservation Plan for the preservation of historic properties that will be a benefit to the community’s character and economy. The revised Code sections will allow for three levels of historic review providing more administrative permit review that will shorten the time of the review. The opportunity for public input would be preserved in Type II & Type III review with specific parameters for Type I administrative reviews. The proposed amendment will not adversely affect the ability of the City to satisfy land and water use needs.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code. Staff recommends that the Historic Landmarks Commission forward the proposed amendment to the City Council for adoption.

ORDINANCE NO. 13-____

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE ARTICLE 6 CONCERNING HISTORIC PROPERTIES, AND ARTICLE 1 CONCERNING DEFINITIONS

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Development Code Article 6 pertaining to Historic Properties is hereby deleted and replaced to read as follows:

Complete Article 6, Historic Properties Ordinance attached to this document.

Section 2. Astoria Development Code Article 1, Section 1.400 pertaining to Definitions is amended with the addition to read as follows:

“BUILDING ENVELOPE: The outer bounds, both vertically and horizontally, of an enclosed structure.

BUILDING MASS: The height, width, and depth of a structure including non-enclosed features such as stairs and decks.

CONSISTENT: For the purpose of Article 6, Historic Properties Ordinance, consistent shall mean to be similar to the original historic feature in design, size, and/or material, or would meet the commonly acceptable intent of an original feature.

FOOTPRINT: The outer bounds, horizontally, of all features of a structure including decks, stairs, and other non-enclosed features that are attached to the structure and are constructed 12” or more above grade.”

Section 3. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS ____ DAY OF _____, 2013.

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2013.

ATTEST:

Mayor

Paul Benoit, City Manager

ROLL CALL ON ADOPTION: YEA NAY ABSENT

Commissioner LaMear
 Herzig
 Mellin
 Warr

Mayor Van Dusen

ARTICLE 6

HISTORIC PROPERTIES

6.010. PURPOSE.

It is the purpose of the City to promote and encourage the preservation, restoration, rehabilitation, and adaptive use of buildings, structures, appurtenances, objects, sites, and districts that are indicative of Astoria's historical heritage; to carry out certain provisions of the Land Conservation and Development Commission Goal 5 "Open Spaces, Scenic and Historic Areas, and Natural Resources"; to establish a ~~design review~~historic design review process for historic structures, and to assist in providing the means by which property owners may qualify for Federal and State financial assistance programs assisting historical properties.

6.020. SPECIAL PROVISIONS.

A. Signs.

1. Signs or plaques denoting a historic District, building or site will be permitted in accordance with the sign regulations for the zone in which it is located. Such signs will be of dignified design and positioned in a manner that is compatible with the building or site.
2. Any signs constructed or placed on or in association with a historic building will be reviewed by the Historic Preservation Officer to ensure that they are in scale and relate well to the architectural style of the building.
3. Restoration or reconstruction of historic signs are encouraged and will be reviewed by the Historic Preservation Officer to verify that they are a historic restoration or reconstruction. Any change in design and/or wording is not considered to be a historic sign restoration/reconstruction and would be subject to the Sign Ordinance regulations.

6.030. HISTORIC DISTRICT ESTABLISHMENT.

- A. The Historic Landmarks Commission, the City Council, or the owners of at least one-third of the privately owned property within a proposed District may initiate the proceedings for designation of a Historic District. If there is multiple ownership in a property, each consenting owner shall be counted as a fraction equal to the interest the owner holds in that property.

A request that an area be designated as a Historic District will be considered by the Historic Landmarks Commission following receipt of a complete application by the Historic Preservation Officer. The Historic Landmarks Commission will transmit its recommendation of the area as a Historic District to the City Council. The City Council shall hold a public hearing in accordance with the procedures set forth in 9.010 through 9.100 except that notices of the hearing date will be mailed only to owners of property lying on or within the boundaries of the proposed District.

Upon receipt of the Historic Landmark Commission's recommendation, the City Council may authorize submittal of a nomination for Historic District status to the State Advisory Committee on Historic Preservation.

6.040. HISTORIC LANDMARK ESTABLISHMENT.

A. Application Procedure.

~~The Historic Landmarks Commission, City Council or a property owner may initiate the proceedings for designation of a Historic Landmark. Upon receipt of a complete application requesting that a building or site be designated historic, the Historic Landmarks Commission shall consider the request. The Historic Landmarks Commission shall hold a public hearing on the request in accordance with the procedures set forth in Article 9.~~

~~The Historic Landmarks Commission may approve, modify or reject such request in accordance with Section 9.030.~~

The application should include the following information as applicable: history of the structure; tenants both residential and commercial; exterior features and materials; alterations to the structure; architect; date of construction; outbuildings; photographs, both historic and current; and any other information available.

B. Existing Listings on the National Register of Historic Places.

For the purposes of Historic Landmark designation, buildings, structures, appurtenances, objects, signs, sites and districts which are listed on the National Register of Historic Places shall be automatically considered a Historic Landmark.

C. Primary, ~~and~~ Secondary, Eligible/Significant, and Eligible/Contributing Classifications.

For the purposes of Historic Landmark designation, buildings, structures, appurtenances, objects, signs, sites and districts which are classified as Primary, ~~or~~ Secondary, Eligible/Significant, or Eligible/Contributing shall be automatically considered a Historic Landmark.

D. Procedures.

Upon receipt of a complete application requesting that a building, structure, appurtenance, object, sign, or site be designated historic, the Historic Landmarks Commission shall consider the request. The Historic Landmarks Commission shall hold a public hearing on the request in accordance with the procedures set forth in Article 9.

The Historic Landmarks Commission may approve, modify or reject such request in accordance with Section 9.030 based on the criteria in Section 6.040.E.

E. Criteria for Historic Landmark Designation.

The Historic Landmarks Commission shall consider and weigh the following criteria in making a determination of potential historic significance:

1. Physical Integrity.

Property is essentially as constructed on original site. Sufficient original workmanship and material remain to serve as instruction in period fabrication.

2. Architectural Significance.

Rarity of type and/or style. Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last examples surviving in the City. Property is a prototype or significant work of an architect, builder, or engineer noted in the history of architecture and construction.

3. Historical Significance.

Property is associated with significant past events, personages, trends or values and has the capacity to evoke one or more of the dominant themes of national or local history.

4. Importance to Neighborhood.

Property's presence contributes and provides continuity in the historical and cultural development of the area.

5. Symbolic Value.

Through public notice, interest, sentiment, uniqueness or other factors, property has come to connote an ideal, institution, political entity or period.

6. Chronology.

Property was developed early in the relative scale of local history or was early expression of type/style. The age of the building, structure, site, or object should be at least 50 years, unless determined to be of exceptional significance.

7. The request shall be consistent with the applicable goals and policies of the Comprehensive Plan.

6.050. EXTERIOR ALTERATION.

A. Exemptions.

Nothing in this Section shall be construed to prevent ordinary maintenance of a structure listed or identified as a Historic Landmark ~~or as Primary or Secondary as described in Section 6.040.~~ The following are considered to be normal maintenance and repair and are not subject to this Section including, but not limited to:

1. Replacement of gutters and downspouts, or the addition of gutters and downspouts, using materials that match those that were typically used on similar style buildings.;
2. Repairing, or providing a new foundation that does not result in raising or lowering the building elevation more than one foot unless the foundation materials and/or craftsmanship contribute to the historical and architectural significance of the landmark.;
3. Replacement of wood siding, when required due to deterioration of material, with wood material that matches the original siding in size, dimension, and material.;
4. Repair and/or replacement of roof materials with the same kind of roof materials existing, or with materials which are in character with those of the original roof.;
5. Application of storm windows made with wood, bronze or flat finished anodized aluminum, or baked enamel frames which complement or match the color detail and proportions of the building.;
6. Replacement of existing sashes with new sashes, when using material which is consistent with the original historic material, dimensions, and appearance.;
7. Painting and related preparation.

8. Installation of decorative stained and/or leaded glass in existing windows.

9. Fences, retaining walls, and/or landscaping features unless the existing features are noted in the historic designation as contributing features to the historic property.

B. Certificate of Appropriateness.

Unless otherwise exempted, no person, corporation, or other entity shall change, add to, or modify a building, structure, appurtenance, object, sign, or site structure or site in such a way as to affect its exterior appearance, if such structure is listed or identified as a Historic Landmark ~~or as Primary or Secondary~~ as described in Section 6.040 without first obtaining a Certificate of Appropriateness.

In obtaining a Certificate of Appropriateness, the applicant shall file an application on a form furnished for that purpose with the Community Development Department.

C. Type I Certificate of Appropriateness - ~~Criteria for Immediate Approval.~~

Projects that are limited in scope or minor alterations that meet the criteria listed below are classified as Type I Certificate of Appropriateness permits. Historic Design review performed by the Historic Preservation Officer or designee shall be administrative and shall not require public hearing nor public notice.

1. The Historic Preservation Officer shall review and approve the following Type I permit ~~exterior alteration requests if:~~

a. There is no change in historic character, appearance or material composition from the existing structure or feature; or

b. The proposed alteration duplicates the affected building features as determined from a photograph taken during either the Primary or Secondary development periods, original building plans, or other evidence of original building features; or

c. The proposed alteration is required for the public safety due to an unsafe or dangerous condition; or

d. The proposed alteration relates to signage in scale to the architectural style of the building.

2. In addition to the Type I permit reviews listed in Section 1 above, the Historic Preservation Officer shall review and approve the following Type I permit requests if it meets the following:

a. Criteria.

- 1) Located on the rear or interior side yard, not adjacent to a public right-of-way, except as noted below; and/or
- 2) Reconstruction and/or replacement of porch and/or stairs on any elevation; and/or
- 3) Will not result in an increase in building footprint or envelope except for mechanical venting.

b. Type I Permit Requests:

- 1) Installation of mechanical equipment and venting located on other than the primary facade or street scape, or of less than one square foot if located on a non-primary facade street side. Ground mounted equipment shall be screened from view to the maximum extent practicable if visible from a City right-of-way.
- 2) Installation of contemporary composite material on the flat decking area of porches, decks, and/or stair treads.
- 3) Replacement of roofing material as follows:
 - a) With similar material and/or composition shingles.
 - b) Flat roofing not visible from the street scape may be a contemporary material.
 - c) Original roof wood shingle or shakes, should be maintained in place whenever possible. Composition roofing is allowed as a substitute for wood shingles in a complete replacement.
 - d) Original roof tile, slate, or rolled composition roofing should be maintained in place whenever possible. Imitation slate and wood are allowed as a substitute for original materials in a complete replacement.
- 4) Removal of an utilitarian chimney that is not a character defining feature.
- 5) Replacement of skirting material with fiber cement material or other compatible contemporary material.

6) Installation of roof and/or soffit vents.

7) Replacement of existing columns with similar design and dimension of contemporary material other than vinyl material.

8) Installation of television microwave receiving dish.

9) Construction of stairs and railings on any elevation that are not attached to a building.

~~All other requests shall be reviewed by the Historic Landmarks Commission.~~

D. Type II Certificate of Appropriateness - Administrative Review

Projects that are limited in scope or minor alterations that meet the criteria below are classified as Type II Certificate of Appropriateness permits. Historic Design review performed by the Historic Preservation Officer or designee shall be administrative and shall not require public hearing before the Historic Landmarks Commission. These reviews shall be considered as a limited land use decision and shall require a public notice and opportunity for appeal in accordance with Article 9 of the Astoria Development Code.

The Historic Preservation Officer shall review and approve the following Type II permit requests if it meets the following:

1. Criteria.

a. Located on the rear or interior side yard, not adjacent to a public right-of-way, except as noted below; and/or

b. Reconstruction and/or replacement of porch and/or stairs on any elevation; and/or

c. May result in an increase in building footprint of no more than 10%, and will not result in an increase in building envelope except for mechanical venting.

2. Type II Permit Requests:

a. Construction of outbuildings or enclosures (less than 200 square feet).

b. Awnings on residential property.

c. Awnings on any elevation of a commercial property.

- d. Handicap accessible ramps on any elevation.
- e. Reconfiguration with not more than 10% increase in footprint, and/or reconstruction of existing decks or porches with similar materials and/or with a change in materials.
- f. Reconstruction of existing stairs and balustrades with a historic design.
- g. Replacement and/or reconfiguration of basement windows on any elevation.
- h. Installation of flat mounted skylight located on other than the primary facade or street scape.
- i. Changes to fences, retaining walls, and/or landscaping features that are noted in the historic designation as contributing features to the historic property.
- j. Replacement of non-historic features such as aluminum or vinyl windows or siding, steel or fiberglass doors, etc. with a design, size, and material that is consistent with the existing historic features of the structure.
- k. Removal of a chimney that is considered as a character defining feature as noted in the historic designation.
- l. Solid waste disposal area enclosure.
- m. Construction of stairs and railings on any elevation that are attached to a building.

E. Type III Certificate of Appropriateness – Historic Landmarks Commission Review

Projects that do not meet the criteria for a Type I or Type II review are classified as Type III Certificate of Appropriateness permits. Historic Design review performed by the Historic Landmarks Commission based upon the standards in the Development Code shall be considered discretionary and shall require a public hearing, notice, and opportunity for appeal in accordance with Article 9 of the Astoria Development Code.

F. ~~Historic Landmarks Commission~~Historic -Design Review Criteria.

Type II and Type III Certificate of Appropriateness ~~These~~ exterior alteration requests ~~not meeting the conditions for immediate approval~~ shall be reviewed by the Historic Landmarks Commission or Historic Preservation Officer as indicated in Section 6.050 following receipt of a complete application.

The following standards, in compliance with the Secretary of the Interior's Standards for Historic Preservation, shall be used to review Type II and Type III exterior alteration requests. The standards summarized below involve the balancing of competing and conflicting interests. The standards are ~~not intended to be an exclusive list, but are to~~ be used as a guide in the Historic Landmark Commission's deliberations and/or the Historic Preservation Officer's decision.

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and addition do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

6.070. NEW CONSTRUCTION.

A. Certificate of Appropriateness.

No person, corporation, or other entity shall construct a new structure adjacent to or across a public right-of-way from a Historic Landmark ~~or a structure identified as Primary or Secondary~~ as described in Section 6.040, without first obtaining a Certificate of Appropriateness from the Historic Landmarks Commission.

In obtaining a Certificate of Appropriateness as required above, the applicant shall file an application on a form furnished for that purpose with the Community Development Department.

B. Historic Landmarks Commission Historic Design Review Criteria.

A request to construct a new structure shall be reviewed by the Historic Landmarks Commission following receipt of the request. In reviewing the request, the Historic Landmarks Commission shall consider and weigh the following criteria:

1. The design of the proposed structure is compatible with the design of adjacent historic structures considering scale, style, height, architectural detail and materials.
2. The location and orientation of the new structure on the site is consistent with the typical location and orientation of adjacent structures considering setbacks, distances between structures, location of entrances and similar siting considerations.

6.080. DEMOLITION AND MOVING.

A. Certificate of Appropriateness.

No person, firm, or corporation shall move, demolish, or cause to be demolished any structure listed or identified as a Historic Landmark ~~or as a Primary or Secondary~~ as described in Section 6.040 without first obtaining a Certificate of Appropriateness.

In obtaining a Certificate of Appropriateness, the applicant shall file an application on a form provided for that purpose with the Community Development Department.

B. Criteria for Immediate Approval.

The Historic Preservation Officer shall issue a Certificate of Appropriateness for moving or demolition if any of the following conditions exist:

1. The structure has been damaged in excess of 70% of its assessed value by fire, flood, wind, or other natural disaster or by vandalism; or
2. The Building Official finds the structure to be an immediate and real threat to the public health, safety and welfare.

All other requests will be reviewed by the Historic Landmarks Commission.

C. Historic Landmarks Commission Review Criteria.

Those demolition/moving requests not meeting the conditions for immediate approval shall be reviewed by the Historic Landmarks Commission following receipt of an applicant's request. In reviewing the request, the Historic Landmarks Commission shall consider and weigh all of the following criteria:

1. The structure cannot be economically rehabilitated on the site to provide a reasonable income or residential environment compared to structures in the general area.
2. There is demonstrated public need for a new use, if any is proposed, which outweighs the benefit which might be served by preserving the subject building(s) on the site due to the building's contribution to the overall integrity and viability of the historic district.
3. The proposed development, if any, is compatible with the surrounding area considering such factors as location, use, bulk, landscaping, and exterior design.
4. If the building is proposed to be moved, the new site and surrounding area will benefit from the move.

Any review shall be completed and a decision rendered within 75 days of the date the City received a complete application. Failure of the Historic Landmarks Commission to meet the time lines set forth above shall cause the request to be referred to the City Council for review. All actions of the Historic Landmarks Commission can be appealed

to the City Council. The Historic Landmarks Commission will follow the procedural requirements set forth in Article 9.

D. Conditions for Demolition Approval.

As a condition for approval of a demolition permit, the Historic Landmarks Commission may:

1. Require photographic documentation, and other graphic data or history as it deems necessary to preserve an accurate record of the resource. The historical documentation materials shall be the property of the City or other party determined appropriated by the Commission.
2. Require that the property owner document that the Historic Preservation League of Oregon or other local preservation group has given the opportunity to salvage and record the resource within 90 days.

E. Appeal - Extension of Review Period.

On appeal or referral, the City Council may extend the review period for demolition/moving requests a maximum of an additional 120 days from the date of receipt of an application upon a finding that one of the following conditions exists:

1. The applicant has not submitted sufficient information to determine if an immediate demolition or moving should be allowed.
2. There has been little or no activity, within a reasonable amount of time, by the permit applicant to explore other viable alternatives.
3. There is a project under way which could result in public or private acquisition of the historic building or site and the preservation or restoration of such building or site, and that there is reasonable grounds to believe that the program or project may be successful.

If, at the end of an extended review period, any program or project is demonstrated to the City Council to be unsuccessful and the applicant has not withdrawn his/her application for a moving or demolition permit, the Community Development Director shall issue the permit if the application otherwise complies with the code and ordinances of the City.

F. Exception.

In any case where the City Council has ordered the removal or demolition of any structure determined to be dangerous, nothing contained in this chapter shall be

construed as making it unlawful for any person without prior approval of the Historic Landmarks Commission, pursuant to this chapter, to comply with such order.

6.090. ADMINISTRATIVE PROCEDURES.

- A. The Historic Landmarks Commission and/or Historic Preservation Officer will follow the procedural requirements set forth in Article 9 with regard to application, public notice, quasi-judicial public hearing procedure, appeals, action on applications, filing fees, and additional costs.
- B. In the consideration of an exterior alteration, demolition or moving request, the Historic Landmarks Commission and/or Historic Preservation Officer will approve or deny the request or recommend changes in the proposal which would enable it to be approved. -The property owner will be notified of the Historic Landmarks Commission's and/or Historic Preservation Officer's decision within 10 working days of the date of action. The applicant may resubmit proposals for which changes have been recommended by the Historic Landmarks Commission.
- C. In approving an exterior alteration, demolition or moving request, the Historic Landmarks Commission and/or Historic Preservation Officer may attach conditions which are appropriate for the promotion and/or preservation of the historic or architectural integrity of the structure, appurtenance, object, site, or district. All decisions to approve, approve with conditions, or deny shall specify the basis of the decision. A decision of the Historic Preservation Officer may be appealed to the Historic Landmarks Commission. As such decisions of the Historic Landmarks Commission may be appealed to the City Council.

Community Development Dept
Storia
Lane Street
OR 97103

FIRST CLASS

FIRST-CLASS  US POSTAGE \$01.72
 AUG 21 2013
ZIP 97103
0801 1062811

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

DEPT OF
AUG 22 2013
LAND CONSERVATION
AND DEVELOPMENT

