

## Chapter 2.6 — Combining Districts

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### **2.6.100 Combining Districts – Purpose & Compliance**

Chapter 2.6 is intended to provide specific guidance for Combining Districts. There are three Combining Districts in the City of Cottage Grove: Airport Overlay District, Historic Preservation Overlay District, and the Willamette River Greenway.

These overlay districts apply standards that are in addition to those found in the base districts (Chapters 2.2 through 2.5). In the event of any conflict between any provisions of these combining districts and the primary zoning districts, the more restrictive provisions shall apply.

## Chapter 2.6.200 – Airport (AO) Overlay District

### 2.6.200 Airport Overlay District – Purpose

The purpose of this overlay district is to encourage and support the continued operation and vitality of the Cottage Grove Airport, a public use airport with only visual approaches, by establishing compatibility and safety standards to promote air navigational safety at the airport and to reduce potential safety hazards for persons living, working or recreating near the airport. The Airport Overlay District includes all lands beneath the “airport imaginary surfaces” of the Cottage Grove Airport.

### 2.6.210 Airport Overlay District – Definitions

**Airport.** The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

**Airport Direct Impact Area.** The area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone and approach surface.

**Airport Elevation.** The highest point of an airport’s usable runway, measured in feet above mean sea level.

**Airport imaginary surfaces.** Imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.

**Airport Noise Impact Boundary.** Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Ldn (or Yearly Day-Night Average Sound Level).

**Airport Secondary Impact Area.** The area located between 5,000 and 10,000 feet from an airport runway.

**Airport Sponsor.** The owner, manager, or other person and entity designated to represent the interests of an airport.

**Approach Surface.** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
  - a. 1,250 feet for a utility runway; or

- b. 1,500 feet for a runway other than a utility runway.
2. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward.
3. The outward width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

**Conical surface.** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

**Department of Aviation.** The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

**FAA.** The Federal Aviation Administration.

**Height.** The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

**Horizontal surface.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which is construed by swinging arcs of five thousand feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 feet.

**Obstruction.** Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.

**Other than Utility Runway.** A runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.

**Primary surface.** A surface longitudinally centered on an airport runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 250 feet for utility runways and 500 feet for other than utility runways.

**Public Assembly Facility.** A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate

for short periods of time such as parking lots or bus stops.

**Runway.** A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**Runway Protection Zone (RPZ).** An area off the runway and used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of: 1,000.

**Significant.** As it relates to bird strike hazards, “significant” means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.

**Structure.** Any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations or overhead transmission lines. Structures do not include paved areas.

**Transitional Surface.** Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.

**Utility runway.** A runway that is constructed for, and intended for used by, propeller driven aircraft of 12,500 pounds maximum gross weight or less.

**Visual runway.** A runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.

**Water impoundment.** Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.

### **2.6.220 Airport Overlay District – Imaginary Surface and Noise Impact Boundary Delineation**

The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface shall be delineated for each airport subject to this overlay zone and shall be made part of the Official Zoning Map. All lands, waters and airspace, or portions thereof, that are located within these boundaries or surfaces shall be subject to the requirements of this overlay zone. [ORS 836.619; OAR 660-013-0040(8); OAR 660-013-0070(1); OAR 660-013-0080(1)]

### **2.6.230 Airport Overlay District – Notice of Land Use and Permit Applications within Overlay Zone Area**

The Department of Aviation shall be notified of all land use applications or limited land use applications in the same manner as notice is provided to property owners in Chapter 4 of this code.

### **2.6.240 Airport Overlay District – Height Limitations on Allowed Uses in Underlying Zone**

All uses permitted by the underlying or base zone shall comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall control.

- A. Except as provided in subsections B and C of this section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.
- B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height.
- C. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation and the FAA. Applications for height variances shall follow Type III Variance application procedures and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA.

### **2.6.250 Airport Overlay District – Procedures**

An applicant seeking a land use or limited land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

- A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Community Development Department shall provide the applicant with

appropriate base maps upon which to locate the property.

- B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.
- C. If a height variance is requested, letters of support from the airport sponsor, the Department of Aviation and the FAA.

### 2.6.260 Airport Overlay District – Land Use Compatibility Requirements

Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of this chapter as provided herein.

- A. **Noise.** Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 Ldn, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.
- B. **Outdoor Lighting.** No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.
- C. **Glare.** No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.
- D. **Industrial Emissions.** No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or stream that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential of safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.
- E. **Communications Facilities and Electrical Interference.** Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval.

**F. Use Prohibitions in the RPZ.** Notwithstanding the underlying zone, the following uses are prohibited in the RPZ.

1. New residential development.
2. Public assembly facilities.

**G. Landfills.** No new sanitary landfills, sewage lagoons, sewage sludge disposal facilities or similar facilities shall be permitted within 5,000 feet from any airport runway used by only piston-type aircraft or within 10,000 feet of any airport runway used by turbojet aircraft. Expansions of existing landfill or sewage treatment or disposal facilities within these distances shall be permitted only upon demonstration that the landfills are designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the airport sponsor, Aviation and the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result.

**2.6.270 Airport Overlay District – Water Impoundments within Approach Surfaces and Airport Direct and Secondary Impact Boundaries**

Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of this section.

- A.** No new or expanded water impoundments of one-quarter acre in size or larger are permitted:
1. Within an approach surface and within 5,000 feet from the end of a runway; or
  2. On land owned by the airport sponsor that is necessary for airport operations.

**2.6.280 Airport Overlay District – Nonconforming Uses**

- A.** These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this overlay zone.
- B.** Notwithstanding subsection A of this section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.
- C.** No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this overlay zone.

**2.6.290 Airport Overlay District – Avigation Easement**

Within this overlay zone, the owners of properties that are the subjects of applications for land use or limited land use decisions, for building permits for new residential, commercial, industrial, institutional or recreational buildings or structures intended for inhabitation or occupancy by humans or animals, or for expansions of such buildings or structures by the lesser of 50% or 1000 square feet, shall, as a condition of obtaining such approval or permits, dedicate an avigation easement to the airport sponsor. The avigation easement shall be in a form acceptable to the airport sponsor and shall be signed and recorded in the deed records of the County. The avigation easement shall allow unobstructed passage for aircraft and ensure safety and use of the airport for the public. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

## Chapter 2.6.300 -- Historic Preservation (HP) Overlay District

### 2.6.300 Historic Preservation Overlay District – Purpose

The Historic Preservation Overlay District is intended to protect and encourage the continued use of historic resources. This overlay district implements the Historic Sites and Structures element of the Comprehensive Plan. It includes criteria and procedures for Historic Landmark designation, development standards for new construction within historic districts or next to historic landmarks, restrictions on demolition of historic buildings, and standards for alterations or additions to historic landmarks.

### 2.6.310 Historic Preservation Overlay District – Applicability

**A. Applicability.** This chapter is applicable to all historic landmarks and properties directly adjacent to historic landmarks.

1. “Historic landmarks” are defined as a “historic resource that has been designated under the procedures described in this chapter and is therefore subject to its rules and regulations.” (See Chapter 1.3 for definitions relating to historic landmarks.) Historic Landmarks may include neighborhoods, buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City or the Keeper of the National Register of Historic Places has designated or listed for their special historic, cultural, archaeological, or architectural merit. Any property listed on the National Register of Historic Places individually or in a district is immediately designated as a historic landmark under this chapter. All properties designated as historic landmarks shall be shown as being part of the HP Historic Preservation Overlay District on the Cottage Grove Zoning Map.
2. Properties directly adjacent to an individually listed historic landmark or listed as “non-contributing” within a designated National Register Historic District are subject to the design review criteria of Sections 2.6.340 Development Standards, 2.6.360 New Construction & Relocation on properties adjacent to historic landmarks, and 2.6.380 Signs only.

**B. Standards Supersede.** The standards and regulations in this chapter are in addition to all base zone district standards and regulations and, in case of any conflicts or for other preservation-related reasons, shall supersede base zone district standards and regulations.

### 2.6.320 Historic Preservation Overlay District – Historic Landmark Designation

**A. Methods of Designation.** There are four ways for a historic resource to become designated by the HP Overlay District as a local historic landmark:

1. When any historic resource within the jurisdiction of the City is officially entered into the National Register of Historic Places, the resource shall automatically become designated

by HP overlay zoning as a local historic landmark; or

2. A group or person may nominate the historic resource for local historic landmark designation through a Type III Historic Preservation application to be processed through the Historic Landmark Commission; or
3. The Historic Landmark Commission may recommend local historic resources for historic landmark designation following the procedures set forth in the Historic Landmark Ordinance; or
4. The Planning Commission may recommend historic resources for local historic landmark designation following the procedures set forth in the Historic Landmark Ordinance.

**B. Requirements for Designation.** To be designated as a local historic landmark under subsection 2 above, the applicant will have to show compliance with the following:

1. Owner Support. Any group or person may nominate a resource for local historic landmark designation; however, all nominations must include written proof that the owner or a majority of the owners of the historic resource support such designation.
2. Review criteria. The applicant must show how the nominated historic resource merits honor and recognition as a historic landmark that has significance to the City under one or more of the following criteria:
  - a. Its association with historic or famous events that have made a significant contribution to the broad patterns of local, state, or national history; or
  - b. Its association with the lives of persons, or groups of people, significant in local, state, or national history; or
  - c. Its architectural design or method of construction, which portrays and/or embodies one or more of the following:
    - 1) Distinctive architectural type, style or character from a period in the past.
    - 2) Architectural merit by reason of its use of materials, design, details, or craftsmanship.
    - 3) The work of a builder or architect whose work has influenced the development of the community.
  - d. Its relationship to the cultural, social, political and/or economic history of the community.
  - e. Its identification as a resource that represents an aesthetic or educational feature of the community.

- f. It is likely to yield important information about pre-history or the historic past of the community.

**C. Duration of Designation.** Once adopted, the HP Historic Preservation Overlay District designation remains for the life of the resource. Demolitions, exterior alterations, additions or new construction on a HP designated site(s) shall be subject to the standards of this chapter.

### 2.6.330 Historic Preservation Overlay District – Allowed Uses

**A. Allowed Uses from Base Zoning District.** Allowed uses within the Historic Preservation Overlay District are based on those permitted by the “base zoning district” (see Chapters 2.2, 2.3, 2.4, and 2.5).

**B. Special HP Conditional Uses.** In cases where the base zoning district does not list a use as permitted for a historic landmark property, the owners or their assigns may apply for a special HP conditional use permit to allow such use under the following standards:

1. The use is such that it will otherwise enable the continued preservation of the landmark by allowing for a more economical return for the property.
2. The use will not interfere with the ability of the landmark to meet the criteria for alterations listed in this Chapter under Section 2.6.350.
3. The use will not adversely affect the character of the neighborhood and functions of other properties in the area.

**C. Nonconforming uses of historic landmarks.** Nonconforming status shall not be a factor for consideration in the nomination or designation of a historic landmark or its subsequent treatment. Any historic landmark that is not in conformance with base zoning district standards and/or regulation shall be exempt from Chapter 5.2 Nonconforming Uses and Developments.

### 2.6.340 Historic Preservation Overlay District – Development Standards

**A. Base Zone standards.** The development standards of the base zone (such as setbacks, lot coverage, building height, off-street parking requirements, etc.) apply to all new construction, additions or alterations within the Historic Preservation Overlay District. They shall not apply to any repair, replacement, reconstruction or restoration of historically significant or accurate features.

**B. Altered standards.** Dimensional development standards may be altered for new construction, additions or alterations upon or adjacent to a historic landmark through a Type III Historic Alteration application process if the approval body finds that the alteration would enable such development to more successfully address the review criteria of this chapter.

**C. Design Guidelines.** At the request of the Historic Landmarks Commission, affected property owners, the Community Development Director or City Council, the Community Development Department may work with property owners within designated historic districts to draft and adopt design guidelines. Design guidelines will provide guidance for compliance with the standards in 2.6.350-2.6.390. Design Guidelines shall be adopted through a Type IV process as an appendix to Chapter 14 Development Code.

### **2.6.350 Historic Preservation Overlay District – Alterations of historic landmarks**

**A. Purpose.** *The Secretary of the Interior’s Standards for the Treatment of Historic Properties* establish minimum requirements for the alteration of historic landmarks. These standards are intended to preserve the distinguishing features of historic resources while allowing needed repairs, alterations and expansions. These requirements, as stated below, may be supplemented by adopted Design Guidelines.

**B. Applicability.** Section 2.6.350 applies to all alterations to historic landmarks.

1. Minor Alterations. Minor alterations such as replacing siding or windows, re-roofing with different materials than existing, remodeling porches, minor additions or exterior alterations, murals, solar panels, etc. shall be processed through a Type II Historic Alteration review;
2. Major Remodels, Additions and New Construction. Type III permits required. Major Remodels, additions or new construction shall be processed through a Type III Historic Alteration review. The Historic Landmark Commission shall process all Type III applications required under Section 2.6.350 following procedures established in Section 4.1.400.
3. Exempt Activities. The following activities are not exclusive but are illustrative of activities exempt from this section: “in-kind” repair/minor replacement of existing features where the material, dimension and finish match (examples include repair of wood siding or wood windows, roof repair, gutter installation, dryrot repair, etc.), painting of previously painted exterior surfaces, interior residential remodels, landscaping, construction of fences under 6’ in height, and construction of accessory buildings exempt from building permits under the current adopted Building Code. Note: Exemption from Section 2.6.350 does not exempt any activity from other Development Code or Building/Specialty Code requirements.
4. The Community Development Director shall determine the application type.

**C. Standards.** All projects that are subject to 2.6.310 shall meet all of the standards in subsections 1-9 below. Adopted Design Guidelines provide guidance for compliance to these standards for all types of alterations to historic landmarks within designated historic districts.

1. The distinguishing historic qualities or character shall not be destroyed. Removal or alteration of historic material, distinctive features and/or spatial relationships shall be

avoided whenever possible.

2. All landmarks shall be recognized as products of their own time. Alterations that have no historic basis and which create a false sense of historical development or add conjectural features or elements shall be avoided.
3. Changes that have acquired historic significance in their own right may be retained and preserved.
4. Distinctive materials, features, finishes and construction techniques or examples of craftsman shall be preserved. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
5. Cleaning and maintenance shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
6. New additions, exterior alterations, and adjacent or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
7. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the landmark and its environment would be unimpaired.
8. Archeological resources shall be protected and preserved in place, or if necessarily disturbed, mitigation measures shall be undertaken.
9. *The Secretary of the Interior's Standards for the Treatment of Historic Properties 1992* shall serve as supplemental guidelines for alteration projects, as appropriate.

**D. State Historic Preservation Office Review.** Review and approval of alteration applications by the City does not substitute or remove requirements for review by the State Historic Preservation Office when the historic landmark is subject to any state or federal programs.

**2.6.360 Historic Preservation Overlay District – New construction and relocations on properties adjacent to historic landmarks**

**A. Purpose.** The design and layout of new construction or relocations on properties adjacent to historic landmarks or on properties adjacent to those identified as conforming within a designated historic district can have a significant impact upon the integrity of the historic resource or district and hence shall be subject to review under this chapter.

- B. Applicability.** All new construction and relocations on properties directly adjacent to historic landmarks or on properties identified as conforming within a designated historic district shall be subject to design review through a Type III Historic Alteration permit.
- C. Standards.** In order to achieve the purpose of this Chapter and honor, respect and support the historic preservation effort of owners of historic landmarks, the following design criteria, in addition to any other applicable design review criteria in Section 2.2.140 or in adopted *Design Guidelines*, shall apply to proposed activities on such properties:
1. New construction or relocations on properties adjacent to historic landmarks shall be compatible with the overall character of the landmark in:
    - a. Appearance of exterior materials, such as roofing and siding;
    - b. Exterior features, such as roof pitch, eaves, window shapes, types and arrangements, doorways, porches, etc.;
    - c. Size, height, bulk, mass, scale, placement, arrangement of spaces and overall proportions.
  2. New construction or relocations within designated historic districts should follow applicable adopted Design Guidelines.

### **2.6.370 Historic Preservation Overlay District – Demolition or Relocation of historic landmarks**

- A. Purpose.** The purpose of this section is to encourage the retention of historic landmarks on their original sites. Demolition or relocation of historic landmarks erodes the historic fabric of the City of Cottage Grove and shall be discouraged unless adverse circumstances require such actions. This standard gives the approval body the ability to delay the demolition or relocation of a building or structure to allow community members or the City time to find an alternative solution to the demolition or relocation of the structure.
- B. Applicability.** Section 2.6.360 applies to all historic landmarks and all features of historic landmarks that contribute to the historic character of the landmark, including historic buildings, historic accessory buildings, and significant historic signage. No demolition permits shall be issued for the removal of any of these features from a contributing historic landmark without approval of a Type III Historic Alteration permit.
- C. Review Criteria.** In order to approve an application for the demolition or relocation of a designated historic landmark or feature thereof, the approval body shall find that:
1. No prudent and feasible alternative exists; or
  2. The designated property is deteriorated beyond repair; or

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

**D. Review Procedure.**

1. The Historic Landmark Commission shall review and make a recommendation to the Planning Commission based on the review criteria above in accordance with the procedures established in the Historic Landmark Ordinance.
2. The Planning Commission shall hold a public hearing on the application in accordance with the Type III application process. Upon the close of the hearing, the Commission may take any combination of the following actions:
  - a. Approve the issuance of a permit, when it is found that the application is in compliance with all other codes, ordinances and policies of the City.
  - b. Stay the issuance of a permit for a period of up to 90 days, when it is found that in the interest of preserving historic values, the landmark should not be demolished.
  - c. Require the photographic, video, or drawn recordation of the property to be demolished.
  - d. Require the salvage and curation of significant elements.
3. At the end of the stay of issuance by the Planning Commission, the City Council may, at the request of the Commission, or on its own motion, continue the stay for an additional period not to exceed 210 days from the date of application, when it finds that:
  - a. There is a program or project underway that could result in public or private acquisition of the landmark for preservation; and
  - b. There are reasonable grounds to believe such program or project will meet with success.
4. A demolition permit shall be issued at the end of a stay of issuance ordered by the City Council when it is found that:
  - a. The preservation project or program has not been successful;
  - b. The application for demolition has not been withdrawn; and
  - c. The application complies with any other relevant codes and ordinances of the City.
5. During any such stay of issuance as listed above, no demolition permit shall be issued and no person shall demolish the designated landmark unless the stay of issuance has

been successfully appealed and a directive to issue a demolition permit has been ordered.

### **2.6.380 Historic Preservation Overlay District – Signs**

- A. Applicability.** Sign permits for historic landmarks shall be required and shall be subject to Community Development Director approval. A Type II application process shall be used for sign permit review for all signs in the Downtown Historic District and/or on a historic landmark property. The Community Development Director may at his discretion process a sign permit for a significant building and/or sign as a Type III application. The Historic Landmark Commission shall comment on all sign permits.
- B. Sign Standards.** All signs placed upon historic landmarks shall conform to the sign regulations of the base zoning district and Chapter 3.8 signs of this title, except that sign type, design and materials shall be compatible with the historical character of the landmark and/or comparable signs that previously existed on the landmark itself during its historic period of significance. All signs shall be applied to the landmark in a manner that minimizes harm to its historic material to the greatest extent possible. *The City of Cottage Grove Downtown Historic Design Guidelines* shall be used to guide the design of signs in the Downtown Historic District.
- C. Historically Significant Signs.** Any sign designated as a historic landmark by virtue of its own merit under one or more of the criteria listed in this Chapter is exempt from any sign and/or nonconforming lot and use regulations of this Title, with the exception of the criteria for alterations listed in this Chapter under Section 2.6.350. The Community Development Department may process and approve, approve with conditions, or deny application for designation of historic signs at the request of the owner under a Type II application process. The Historic Landmark Commission shall comment on all applications for historic sign designation.

### **2.6.390 Historic Preservation Overlay District – Building code considerations**

Alterations that require a building permit shall conform to the requirements of the State Structural Specialty Code, except that, upon review and authorization of the City Building Official, alternative standards, such as those found in the Uniform Code for Building Conservation, may be applied when their application shall:

1. Promote the objectives and standards of the criteria for alterations of this chapter; and
2. Result in conditions that are no more hazardous to life, safety, fire safety and sanitation than those in existence prior to alteration.