

89-226

FILED
YAMHILL COUNTY, OREGON
1989 APR -6 AM 11:43
CHARLES STERN
BUSINESS CLERK

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Amending the)
Historic Landmark Preservation)
Ordinance of Yamhill County,)
No. 466, to Require Owner Con-) ORDINANCE NO. 479
sent to Designation of Land-)
marks, and Declaring an Emer-)
gency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in regular session on April 5, 1989, Commissioners Ted Lopuszynski, David E. Bishop, and Dennis L. Goecks being present.

WHEREAS, the Historic Landmark Preservation Ordinance of Yamhill County, No. 466 does not require consent of the owner to designation of a site, object, or structure as a landmark; and

WHEREAS, the landmark designation burdens the owner by requiring that additional regulatory steps be taken prior to significant modification of the exterior or destruction of the structure, and does not confer significant benefits or incentives; and

WHEREAS, landmark designation should properly be contingent upon the owner's consent to submit to additional regulations; and

WHEREAS, the Board has determined that adoption of the ordinance provisions in the attached Exhibit "A" would be in the best interests of the citizens of Yamhill County; Now, Therefore,

IT IS HEREBY ORDAINED BY THE BOARD as follows:

Section 1. Sections 3 and 5 of the Historic Landmark Preservation Ordinance of Yamhill County, No. 466, are amended as shown in the attached Exhibit "A", which is made a part of this ordinance by reference. Language contained in brackets is deleted from Ordinance 466 and underlined language is added to the ordinance.

Section 2. Materials contained in the attached Exhibit "A" shall be added to a compiled version of the Historic Landmarks Ordinance with proper reference to this ordinance and the effective date of this ordinance.

Section 3. If any section or subsection contained in the attached Exhibit "A" of this ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall continue in full force and effect unless those parts, standing alone, are incapable of being executed in accordance with legislative intent. If this ordinance is found to be invalid as stated herein, Ordinance 466 shall continue in full force and effect as it was prior to amendment by this ordinance. A landmark designation that has been rescinded or denied pursuant to the amendments made by this ordinance shall be subject to further review by the Landmarks Commission and the Board of Commissioners in conformance with Ordinance 466, if this ordinance is found to be invalid as stated herein.

Section 4. Within 5 working days of the effective date of this ordinance, the Department of Planning and Development shall provide notice of the adoption of this ordinance to the owners of all designated landmarks. Notice shall be provided by regular mail to the person(s) holding legal title to the property and any contract purchaser(s), as shown by county assessment records.

Section 5. This ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall become effective upon passage.

DONE at McMinnville, Oregon this 19th day of April, 1989.

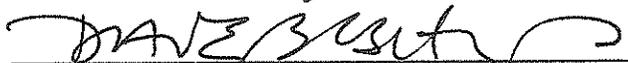
ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS


CHARLES J. STERN
County Clerk
By 
Deputy CAROL ANN WHITE
FORM APPROVED BY:

TIMOTHY B. SADLO
Assistant County
Counsel


Chairman TED LOPUSZYNSKI


Commissioner DAVID E. BISHOP


Commissioner DENNIS L. GOECKS

EXHIBIT "A"

AMENDMENTS TO HISTORIC LANDMARK PRESERVATION ORDINANCE

Section 3. Definitions. As used in this ordinance, unless the context requires otherwise:

- (1) "Alteration" means a change, addition, or modification to the exterior of a building.
- (2) "Board" means the Yamhill County Board of Commissioners, or the city council in any city where an intergovernmental agreement has been established to apply this ordinance.
- (3) "Commission" means the Yamhill County Landmarks Commission.
- (4) "County" means Yamhill County, Oregon, or any city where an intergovernmental agreement has been established to apply this ordinance.
- (5) "Cultural Resource Inventory" or the "Inventory" means the product of the 1984/85 County Cultural Resource Survey or any city inventories identified by intergovernmental agreement and any future updates.
- (6) "Demolish" means to raze, destroy, dismantle, deface or in any other manner cause partial or total destruction of a landmark or any building within an historic district.
- (7) "Department" means the Yamhill County Department of Planning and Development.
- (8) "Director" means Director of the Yamhill County Department of Planning and Development, the director's designee, or an official with similar responsibilities in any city where an intergovernmental agreement has been established to apply this ordinance.
- (9) "Historic District" means a geographically definable area, the boundaries of which have been adopted by the Board under Section 5 of this ordinance.
- (10) "Landmark" means any site, object, building, or structure designated by the Board under Section 5 of this ordinance.
- (11) "Major Public Improvement" means the expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of property

within a district or on a landmark site, except for the repair or maintenance of existing public improvements.

- (12) "Owner" means the person(s) or other entity(ies) holding legal title to the property, and contract purchaser(s), if any.

Section 5. Landmark and District Designation.

- (1) The process for designating a landmark or historic district may be initiated by the Board, the Commission, or by any interested person who submits an application for designation to the director. At the time of application the director shall provide the property owner and applicant with information regarding the benefits and restrictions of designation.
- (2) The following information shall be required in an application:
- (a) The applicant's name and address;
 - (b) The owner's name and address, if different from the applicant;
 - (c) A written description of the boundaries of the proposed district or the location of the proposed landmark;
 - (d) A map illustrating the boundaries of the proposed district or the location of the proposed landmark;
 - (e) A statement explaining the following:
 - (A) The reason(s) why the proposed district or landmark should be designated.
 - (B) The reason(s) why the boundaries of the proposed district are appropriate for designation;
 - (C) The potential impact, if any, which designation of the proposed district or landmark would have on the residents or other property owners in the area.
 - (f) If landmark designation is requested, a statement signed by the owner, consenting to the designation; and
 - [(f)]
 - (g) Any other information deemed necessary by the director.

- (3) Within seven days of receipt of a complete application, the director shall forward the request to the Commission. The Commission shall hold a public hearing within 45 days of receipt of the application pursuant to Section 8 of this ordinance. The Commission shall make a written record approving, approving with conditions, disapproving, or postponing final action on the request. The Commission shall forward a summary of its action to the Board within 15 days following conclusion of the public hearing.
- (4) The Commission shall consider the following criteria in determining whether to approve a proposed landmark or district:
- (a) Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state, or nation;
 - (b) Association with an event that has made a significant contribution to the city, county, state, or nation;
 - (c) Association with broad patterns of political, economic, or industrial history in the city, county, state, or nation;
 - (d) Significance as an example of a particular architectural style, building type and/or convention;
 - (e) Significance due to quality of composition, detailing, and/or craftsmanship;
 - (f) Significance as an example of a particular material and/or method of construction;
 - (g) Significance because the resource retains its original design features, materials, and/or character;
 - (h) Significance as the only remaining, or one of the few remaining resources of a particular style, building type, design, material, or method of construction;
 - (i) Significance as a visual landmark;
 - (j) Significance because existing land-use surrounding the resource contribute to the integrity of the historic period represented;
 - (k) Significance because the resource contributes to the continuity or historic character of the street, neighborhood, and/or community;

- (l) Significance because the property is 50 years old or older in conjunction with other criteria listed above;
 - (m) The resource is listed on the National Register of Historic Places.
- (5) Within 30 days of receipt of a Commission decision regarding a request for landmark or district designation, the Board may hold a public hearing and shall:
- (a) Designate the proposed landmark or district by a duly enacted board order;
 - (b) Disapprove of designating the proposed landmark or district, or;
 - (c) Remand the matter to the Commission for consideration of additional specified information.
- (6) The Board shall not designate a landmark without the consent of the owner of the landmark.

[(6)]

- (7) Board approval, disapproval, or remand of the request for landmark or district designation shall be in writing and shall be supported by findings.
- (8) The process for removing a landmark or historic district designation shall be as follows:
- (a) Within 60 days of the effective date of Ordinance 479, amending Ordinance 466, any owner of a designated landmark may file with the Board a request for removal of the landmark designation. The request shall include a statement, signed by the owner, objecting to the continued designation. Within 14 days of receipt of a request for removal under this paragraph, the Board shall, by order, remove the landmark designation.
 - (b) A request for removal of a landmark or historic designation not submitted under paragraph (a) above shall be governed by this paragraph. The Board, Commission, or any interested person who submits an application to the Director may initiate removal of a designation. The Board may amend or rescind its designation by following procedures and standards required by this ordinance for designating a landmark, except that consent of the owner shall not be required to continue the designation.

[(7) The process for removing a landmark or historic district designation may be initiated by the Board, the Commission, or by any interested person who submits to the director an application for removal of the designation. The Board may amend or rescind its designation by following procedures required by this ordinance for designating a landmark, including the adoption of appropriate findings.]