

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FILED
YAMHILL COUNTY, OREGON

92-904

FOR THE COUNTY OF YAMHILL

1992 DEC 16 PM 3:22

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

CHARLES STERN
COUNTY CLERK

| | | |
|------------------------------------|---|-------------------|
| In the Matter of an Ordinance |) | |
| Clarifying that Sites Previously |) | |
| Designated as Historic Landmarks |) | |
| Under Ordinance 466 are Included |) | ORDINANCE NO. 545 |
| on the Comprehensive Plan and |) | |
| Amending Section 5(5) of Ordinance |) | |
| 466; Declaring an Emergency |) | |

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), sat for the transaction of county business in special session on December 16, 1992, Commissioners Ted Lopuszynski, Debi Owens, and Dennis L. Goecks being present.

WHEREAS, on August 3, 1988, the Board adopted Ordinance 466 to establish a process to designate historic landmarks and districts in Yamhill County ("HLPO"). Section 5(5) of the HLPO provided as follows:

"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; ..."

WHEREAS, from August 3, 1988 to December 28, 1988 the Board, by duly enacted board order, designated approximately 102 sites as historic landmarks under the HLPO; and

WHEREAS, on December 28, 1988 the Board adopted Ordinance 471 and a Final Local Periodic Review Order (Board Order 88-807) to comply with certain periodic review requirements relating to Goal 5 contained in LCDC Order 87-RA-306. Section 3 of Ordinance 471 provided as follows:

"The revised final local periodic review order, adopted by the Board on December 28, 1988 (Board Order 807 [sic]), including all findings and inventories listed therein, is adopted as "Background Information" to the Yamhill County Comprehensive Plan. To the extent that findings or other information included in the Local Periodic Review Order are required by state law to be a part of Yamhill County's Comprehensive Land Use Plan, those findings and information are by this reference made a part of the Plan."

WHEREAS, Oregon Administrative Rule 660-16-000 provides in Section 5(c) as follows:

"When information is available on location, quality, and quantity, and the local government has determined the site to be significant or important as a result of the data collection and analysis process, the local government must include the site on its plan inventory and indicate the location, quality, and quantity of the resource site (see above). Items included on this inventory must proceed through the remainder of the Goal 5 process."

WHEREAS, on October 28, 1991, LCDC adopted its Order 91-RA-792 which required the county to (a) amend its comprehensive plan to clarify that the sites designated as historic landmarks by board orders adopted under Ordinance 466 constituted part of the comprehensive plan historic resources inventory and to (b) amend Section 5(5) of the HLPO to require that sites designated as historic landmarks be so designated by plan amendment, by ordinance; and

WHEREAS, Section 5(7) of the HLPO provides as follows:

"The process for removing a landmark or historic district designation may be initiated by the board, the commission, or 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."

WHEREAS, this ordinance is intended to comply with LCDC Order 91-RA-792 while still allowing the Board, the Landmarks Commission or any interested person to initiate a process to remove the historic designation on sites previously identified as historic under the HLPO; and

WHEREAS, required notice of this ordinance has been provided to the Department of Land Conservation and Development and all interested parties who participated in the periodic review process; and

WHEREAS, following a public hearing a majority of the Board has determined that this ordinance is in the best interests of the citizens of Yamhill County; NOW, THEREFORE

IT IS HEREBY ORDAINED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

Section 1. Any site designated by the Board as a historic landmark by a Board Order issued under Section 5(5)(a) of the Yamhill County Historic Landmark Preservation Ordinance, No. 466, August 3, 1988, as amended by Ordinance 471, is hereby made part of the Yamhill County Comprehensive Land Use Plan.

Section 2. Section 5(5) of the Yamhill County Historic Landmark Preservation Ordinance, Ordinance 466, August 3, 1988, as amended by Ordinance 471, is hereby amended to read in its entirety as follows:

"Section 5(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 ordinance;
- b) Disapprove of designating the proposed landmark or district; or
- c) Remand the matter to the Commission for consideration of additional specified information."

Section 3. Except as amended by Section 2 of this ordinance, all other provisions of the Yamhill County Historic Landmark Preservation Ordinance, Ordinance 466, August 3, 1988, as amended by Ordinance 471, shall remain in full force and effect.

Section 4. Effective date. The first reading of this ordinance was completed December 2, 1992. The second reading of this ordinance was completed December 16, 1992. This ordinance was approved 2-1 on December 16, 1992 following the second reading. Pursuant to ORS 203.045(9), this ordinance shall become effective on March 16, 1993.

DONE at McMinnville, Oregon this 16th day of December, 1992.

ATTEST
CHARLES STERN
County Clerk

By: Jayne Mitchell
Deputy JAYNE MITCHELL

FORM APPROVED BY:
John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

Ted Zopuszynski
Chairman TED ZOPUSZYNSKI
Date: 12-15-92

Debi Owens
Commissioner DEBI OWENS
Date: 12-16-92

Dennis L. Goecks
Commissioner DENNIS L. GOECKS
Date: 12-16-92

Accepted by Yamhill County Board of Commissioners on 12-16-92 by Board Order # 92-904.