

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

95-282 FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Adoption of an )  
Ordinance Amending the Yamhill )  
County Historic Preservation )  
Ordinance, No. 466, to Allow )  
Property Owner to Refuse to Consent) ORDINANCE 592  
to Certain Landmark Designation; )  
Declaring an Emergency; and )  
Prescribing Effective Date. )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on MAY 17, 1995 Commissioners Dennis L. Goecks, Robert Johnstone, and Thomas E. E. Bunn being present.

WHEREAS, the Oregon State Legislative Assembly has passed legislation requiring local governments to allow property owners to refuse to consent to certain historic landmark designations, namely A-Engrossed House Bill 2124 (1993), which was vetoed in 1993, was repassed notwithstanding veto, and filed February 24, 1995 with the Secretary of State, and has been assigned "1995 Oregon Laws, Chapter 5", hereinafter referred to as House Bill 2124; and

WHEREAS, on May 4, 1995 the Yamhill County Planning held a duly noticed public hearing on this matter, and voted unanimously to recommend adoption of the attached amendments to the Yamhill County Historic Preservation, No. 466, to allow property owners to refuse to consent to certain landmark designations;

WHEREAS, on May 17, 1995 the Board held a duly notice public hearing on this matter, and

WHEREAS, the Board finds that adoption of this amendment will serve the purposes set forth in House Bill 2124, and thereby promote the welfare of the citizens of Yamhill County; Now, Therefore,

**THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:**

Section 1. Section 5 of Ordinance 466 (as amended by Ordinance 471) is amended as follows [**new language in bold and underline**]:

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 applica-

tion 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) 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.

(A) The reason(s) why the proposed district or landmark should be designated.

(n) Owner's consent, as required by 1995 Oregon Laws, Chapter 5 (A-Engrossed House Bill 2124), as follows:

(A) Notwithstanding any other provision of law except as provided in subsection (B) of this section, the county shall allow a property owner to refuse to consent to any form of historic property designation. Such refusal

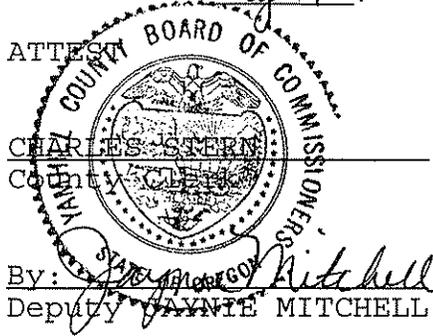
to consent shall remove the property from any form of consideration for historic designation under ORS 358.475 to 358.545 or other law.

(B) Subsection (A) of this section does not apply to property that is classified and assessed as historic property under ORS 358.475 to 358.545 pursuant to application filed before January 1, 1994.

- (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) Board approval, disapproval, or remand of the request for landmark or district designation shall be in writing and shall be supported by findings.
- (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 and applying the criteria required by this ordinance for designating a landmark, including the adoption of appropriate findings.

Section 2. Emergency Clause and Effective Date. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective 90 days after sine die following override of 1995 Oregon Laws, Chapter 5 (the veto of A-Engrossed House Bill 2124) by the Sixty-eighth Legislative Assembly.

DONE May 17, 1995 at McMinnville, Oregon.



YAMHILL COUNTY BOARD OF COMMISSIONERS

Dennis Goecks  
Chairman DENNIS L. GOECKS

Robert Johnstone  
Commissioner ROBERT JOHNSTONE

By: Gayne Mitchell  
Deputy GAYNE MITCHELL

FORM APPROVED BY:

John C. Pinkstaff  
JOHN C. PINKSTAFF  
Assistant County Counsel

Thomas E. E. Bunn  
Commissioner THOMAS E. E. BUNN

H:\ADMIN\PINKSTJ\LU95.094