

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 Adoption of the Yamhill County)
Historic and Archeological Preservation Ordinance;)
Docket G-02-95; Repealing Ordinance 466, as amended;) ORDINANCE 598
and Declaring an Emergency; Effective)
September 9, 1995.)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on August 23, 1995 Commissioners Dennis L. Goecks, Robert Johnstone, and Thomas E.E. Bunn being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

1. The Yamhill County Department of Planning and Development proposed that the Yamhill County Historic Preservation Ordinance 466, as amended, be repealed and in lieu thereof a new ordinance be adopted to be known as the "Yamhill County Historic and Archeological Preservation Ordinance", for the primary purpose of making the historic landmark ordinance easier to understand and administer.
2. On June 7, 1995 a public meeting on the matter was held by the Yamhill County Landmarks Commission, which voted unanimously in favor of recommending that the proposed ordinance be approved.
3. On July 6, 1995 a public hearing on the matter was held by the Yamhill County Planning Commission, and following the close of hearing and close of the record, the Commission deliberated and voted unanimously to recommend that the proposed ordinance be referred to the Board of Commissioners with the recommendation that the Board should do as the Landmarks Commission recommended.
4. On August 9, 1995 a public hearing on the matter was held by the Board of Commissioners, at which testimony and evidence was received, and following the close of the public hearing the Board directed staff to prepare a form of ordinance and continued the matter until August 23, 1995, at which time the Board considered the ordinance prepared by staff, deliberated and voted unanimously to approve the new ordinance; Now therefore,

THE BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. The Yamhill County Historic and Archaeological Preservation Ordinance, attached hereto and incorporated herein as Exhibit "A", is adopted.

Section 2. SEVERABILITY. If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

Section 3. 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, shall become effective September 9, 1995.

Section 4. REPEAL OF ORDINANCE 466, AS AMENDED. Ordinance 466, as amended by Ordinances 471 and 592, is hereby repealed.

DONE at McMinnville, Oregon this 23rd day of August, 1995.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk

Dennis L. Goecks

Chairman DENNIS L. GOECKS

By *Carroll Ann White*
Deputy County Clerk

Robert Johnstone
Commissioner ROBERT JOHNSTONE

FORM APPROVED BY:
STATE OF OREGON

Thomas E. E. Bunn

JOHN C. PINKSTAFF
Assistant County Counsel

Commissioner THOMAS E. E. BUNN

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EXHIBIT "A"

ORDINANCE 598

YAMHILL COUNTY
HISTORIC AND ARCHAEOLOGICAL PRESERVATION ORDINANCE

100.01 PURPOSE AND TITLE.

A. **Purpose and Intent.** The purpose and intent of this Ordinance shall be to promote the historic, educational, cultural, economic and general welfare of the public through the preservation, restoration and protection of buildings, structures and appurtenances, sites, places and elements of historic and archaeological value and interest within Yamhill County.

B. **Title.** This ordinance shall be known as the Yamhill County Historic and Archaeological Preservation Ordinance.

C. **Application.** The provisions of this ordinance shall apply to significant historic landmarks and archaeologically, sensitive areas designated in the adopted inventory and identified on the Significant Resource Areas (SRA) Map.

100.02 OWNER CONSENT.

Pursuant to Chapter 693, Oregon Laws 1995:

A. Notwithstanding any other provision of law, the county shall allow a property owner to refuse to consent to any form of historic property designation at any point during the designation process. Such refusal to consent shall remove the property from any form of consideration for historic property designation under ORS 358.475 to 358.545, former Yamhill County Ordinance 466 as amended, this ordinance, or other law except for consideration or nomination to the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470 et seq.).

B. No permit for demolition or modification of property removed from consideration for historic property designation under subsection A of this section shall be issued during the 120-day period following the date of the property owner's refusal to consent.

C. The county shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the County.

100.03 DEFINITIONS.

As used in Sections 100.01 to 100.07 of this Ordinance, unless the context or subject matter requires otherwise:

- A. **"Board"** means the Yamhill County Board of Commissioners.
- B. **"Commission"** means the Yamhill County Landmarks Commission.
- C. **"Director"** means the Yamhill County Planning Director.
- D. **"Exterior Alterations"** means a material addition to, removal of, or remodeling of, any exterior portion of an historic landmark. Exterior alteration does not include painting, roofing, siding, routine exterior maintenance or other repair activities which do not adversely affect the historic integrity of the landmark.
- E. **"Demolition"** means the demolition, removal or relocation, in its entirety, of an historic building.
- F. **"Inventory"** means the inventory of historic sites identified in the Yamhill County Comprehensive Plan, and any subsequent additions added under the criteria in Section 100.04 of this ordinance.
- G. **"Landmark"** means any historic site, object, building, or structure designated by the Board under this Ordinance.
- H. **"SHPO"** means the State Historic Preservation Office.
- I. **"Significant historical landmark"** means resources which, based on information regarding location, quality and quantity, are considered to be significant and identified on the County's Significant Resource Areas (SRA) Map.

100.04 DESIGNATION OF HISTORIC LANDMARKS.

- A. The process for designating a historic landmark for the purpose of administering this Ordinance, may be initiated by the Board, the Commission, or by any interested person who submits an application for designation to the Director. Following the receipt of an application the Department of Planning and Development shall provide the property owner of the proposed landmark with written information regarding the benefits and restrictions of such designation.
- B. The following written information shall be required in an application:
 - 1. Names and addresses of applicant and owner(s);
 - 2. A written description and map indicating the location of the proposed historic landmark;
 - 3. A statement explaining the following:

a) Reasons why the proposed resource should be designated significant based on the criteria set forth under Section 100.04(D).

b) The potential impact, if any, which designation of the resource would have on the residents or other property owners in the area.

C. Within fifteen (15) days of receipt of a complete application, the Director shall forward the request to the Commission, SHPO, and all property owners within 500 feet, in resource zoning districts, and 250 feet, in rural residential districts, of the parcel upon which the proposed historic landmark is located. The Commission shall hold a public hearing within 45 days of receipt of the application. The Commission shall make its recommendation in writing to the Board within 15 days following conclusion of the public hearing.

D. The Commission shall determine if the resource should be designated a significant landmark, based on the following criteria:

1. Is included in the National Register of Historic Places; or

2. Retains physical integrity in original design, condition and setting; and, is characterized by at least one of the following:

a) Exemplifies or reflects special elements of the county's cultural, social, economic, political, architectural history;

b) Is identified with persons or events significant in local, State or national history;

c) Is among the best examples, within Yamhill County, of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;

d) Is representative of the notable work of a builder, designer or architect.

3. Owner's consent pursuant to Chapter 693, Oregon Laws 1995, as required under section 100.02 of this ordinance.

E. Within 45 days of receipt of a Commission decision regarding a request for designation as a historic landmark, the Board shall hold a public hearing and:

1. Designate the proposed resource by order;

2. Deny the designation; or

3. Return the matter to the Commission for consideration of additional specified information.

F. Board approval, denial, or remand of the request for designation as a historic landmark shall be in writing and supported by findings which address the criteria set forth under Section 100.04(D) and other pertinent goals, policies and provisions of the Comprehensive Plan and Zoning Ordinance.

100.05 REMOVAL OF A RESOURCE FROM INVENTORY OF SIGNIFICANT LANDMARKS.

A. The process for removing a historic landmark from the County inventory of significant historic landmarks, may be initiated by the Board, the Commission, or by any interested person.

B. The following written information shall be required in an application:

1. Names and addresses of applicant and owner(s);
2. A written description and map indicating the location of the historic landmark;
3. A statement explaining the following:
 - a) Reasons why the proposed resource should not remain on the Inventory of Historic landmarks, based on the criteria set forth under Section 100.05(D).
 - b) The potential impact, if any, removal of the resource from the inventory would have on the residents or other property owners in the area.

C. Within ten (10) days of receipt of a complete application, the Director shall forward the request to the Commission, SHPO, and all property owners within 500 feet, in resource zoning districts, and 250 feet, in rural residential districts, of the parcel upon which the proposed historic landmark is located. The Commission shall hold a public hearing within 45 days of receipt of the application. The Commission shall make its recommendation in writing to the Board within 15 days following conclusion of the public hearing.

D. The Commission shall determine if the landmark should be removed from the inventory, based on the following criteria:

1. The landmark is not included in the National Register of Historic Places;
or
2. The landmark does not retain physical integrity in original design, condition and setting; and, is not characterized by any one of the following:

a) Exemplifies or reflects special elements of the County's cultural, social, economic, political, architectural history;

b) Is identified with persons or events significant in local, State or national history;

c) Is among the best examples, within Yamhill County, of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;

d) Is representative of the notable work of a builder, designer or architect.

3. Owner's consent pursuant to Chapter 693, Oregon Laws 1995, as required under section 100.02 of this ordinance.

E. Within 45 days of receipt of a Commission decision regarding a request for removal of a landmark from the Inventory of Historic Landmarks, the Board shall hold a public hearing and:

1. Remove the landmark from the Inventory by a duly enacted County order;

2. Deny the request for removal; or

3. Return the matter to the Commission for consideration of additional specified information.

F. Board approval, denial, or return of the request for removal of the historic landmark from the Inventory shall be in writing and supported by findings which address the criteria set forth under Section 100.05(D) and other pertinent goals, policies and provisions of the Comprehensive Plan and Zoning Ordinance.

100.06 HISTORIC LANDMARKS.

A. Exterior Alteration of Historic Buildings, Sites or Objects.

The Building Official shall submit to the Director or his designee all building permit requests for exterior alteration of a historic landmark. The Director, within five (5) days, shall submit the request to the Commission for review under the criteria set out in Section 100.06(B). Within 45 days of receipt of a complete application, the Commission shall hold a public hearing regarding the matter and prepare findings to support their action. At least twenty (20) days prior to the hearing, the Director shall mail a written notice of the hearing and nature of the application to the property owner, all property owners within 500 feet, in resource zoning districts, and 250 feet, in rural residential districts, of the parcel upon which the landmark is located and SHPO.

1. If the Commission finds the proposed alterations to be in compliance with Section 100.06(B), they shall submit to the Building Official a "clearance for permit" which will indicate that the requirements of this ordinance have been satisfied by the request.

2. If the Commission finds the proposed alterations do not comply with standards under Section B, they must either: 1) approve the application subject to compliance with conditions which will bring the application into conformance with applicable standards listed in Section 100.06(B) or, 2) deny the request. Decisions of the Commission may be appealed to the Board.

B. Standards for Exterior Alteration of an Historic Building.

Subject to section 100.02 of this ordinance, the Commission shall approve an application for exterior alteration of a historic landmark if the proposed change is determined to be harmonious and compatible with the appearance and character of the landmark and shall deny an application if the proposed alteration would adversely affect the architectural significance or the integrity of historical appearance of the building. In determining whether to approve or deny an application, the Commission shall apply the following standards:

1. **Retention of Original Construction.** So far as practicable, all original exterior materials and details shall be preserved.

2. **Height.** Additional stories may be added to historic buildings provided that:

a) The additional height complies with requirements of the building and zoning codes;

b) The additional height does not exceed that which was traditional for the style of the building;

c) The additional height does not alter the traditional scale and proportions of the building style; and

d) The additional height is compatible with adjacent historic buildings.

3. **Bulk.** Horizontal additions may be added to historic buildings provided that:

a) The bulk of the addition does not exceed that which was traditional for the building style;

b) The addition maintains the traditional scale and proportion of the building style; and

- c) The addition is visually compatible with adjacent historic buildings.
- 4. **Visual Integrity of Structure.** The lines of columns, piers, spandrels and other primary structural elements shall be maintained so far as practicable.
- 5. **Scale and Proportion.** The scale and proportion of altered or added building elements, the relationship of voids to solids (windows to wall) shall be visually compatible to the extent possible with the traditional architectural character of the historic building.
- 6. **Materials and Texture.** The materials and textures used in the alteration of addition shall be visually compatible to the extent possible with the traditional architectural character of the historic building.
- 7. **Signs, Lighting and Other Appurtenances.** Signs, exterior lighting, and other appurtenances, such as walls, fences, awnings and landscaping shall be visually compatible with the traditional architectural character of the historic building.

C. **Demolition.** The Building Official shall submit to the Director or his designee all building permit requests for demolition of a historic landmark. The Director, within five (5) days, shall submit the request to the Commission for review under the criteria set out in Section 100.06(C)(2). Within 45 days of receipt of the application, the Commission shall hold a public hearing regarding the matter and prepare findings to support their actions, based the criteria under Section 100.06(C)(1).

- 1. All requests for demolition of a historic building or new development on historic sites shall be reviewed by the Commission. Subject to section 100.02 of this ordinance, the Commission may approve, approve with conditions or deny the request, based on the following criteria:
 - a) Is the building or structure of such interest or significance that it could be listed on the National Register of Historic Places?
 - b) Is the building of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or reproduced only with great difficulty and/or expense?
 - c) Would retention of the building or structure help preserve and protect a historically significant place or area of the community?
 - d) Is the building or portion thereof in such condition that it is unfeasible to preserve or restore it, taking into consideration the economic feasibility of alternatives to the proposal?

2. **Postponement of Final Action.** The Commission may postpone taking final action on a request for issuance of a demolition for a period fixed by the Commission as follows:

a) No more than 60 days following the date of the public hearing. Further postponements may be made for a period not to exceed a total of 30 days, if the Commission makes the following findings:

1) There is a program or project underway that could result in public or private acquisition and subsequent preservation of the landmark; and

2) There is reasonable grounds for believing the program or project may be successful.

b) During a period of postponement, the Commission may require the property owner to:

1) List the landmark for sale with a real estate agent. The real estate agent shall advertise the landmark in local and state newspapers of general circulation in the areas for a minimum of 10 days over a 5 week period.

2) Give public notice by posting the hearing notice on-site in addition to a "For Sale" sign which shall read: HISTORIC LANDMARK TO BE DEMOLISHED - FOR SALE. Lettering on the sign shall be at least one foot in height. The sign shall be provided by the applicant and posted in a prominent and conspicuous place within 10 feet of a public street abutting the premises on which the landmark is located. The applicant is responsible for assuring the sign is posted for the period during which the property is listed as provided under (1) above.

3) Prepare and provide to the Director any information related to the history and sale of the property. The Director shall make available such information to all individuals, organizations and agencies who inquire.

If the Commission finds an owner has failed to substantially comply with required provisions under this subsection, the request for demolition shall be denied.

3. After granting a further postponement, the Commission shall order the Director, in writing, to issue the permit, subject to section 100.02 of this ordinance, if it finds:

- a) All programs or projects to save the resource have been unsuccessful;
- b) The application for demolition has not been withdrawn; and
- c) The application otherwise complies with County ordinances and State law.

4. **Press Release.** Prior to issuance of a demolition permit, the Director shall issue a press release to local and state newspapers of general circulation in the County. The press release shall include, but not be limited to, a description of the significance of the resource, the reasons for the proposed demolition and possible options for preserving the resource. The demolition permit shall not be issued less than 30 days from the date on which the press release was submitted.

5. **Exception.** If the structure for which the demolition permit request has been filed has been damaged in excess of 70 percent of its assessed value due to fire, flood, wind or other natural or man-caused disaster, a demolition permit may be approved by the Building Official without processing the request as set forth in this ordinance.

6. **Appeals.** A decision by the Commission to approve, deny or postpone issuance of a demolition permit or to grant a further postponement may be appealed to the Board by any aggrieved party who appeared orally or in writing, in person or through an agent at the Commission hearing and presented or submitted testimony related to the request. An appeal shall be filed with the Director within 10 days from the date of the public hearing regarding the matter on forms provided by the Director.

7. **Board-Ordered Demolition.** This Ordinance shall not be construed to make it unlawful for any person to comply with an order by the Board to remove or demolish any landmark determined by the Board to be dangerous to life, health or property.

100.07 ARCHAEOLOGICAL RESOURCES.

A. When an application is submitted for a land use change or building permit within an archaeologically sensitive area indicated on the SRA Map, the Director shall be notified.

B. In the event that archaeological resources are unearthed or discovered during construction activities, notification shall be made to the Director, SHPO, and the Grande Ronde Indian Tribe and construction shall be halted, for a period of time not to exceed 30 days, until a determination is made as to the location, quantity, quality and significance of the resource per OAR 660-16-000.