



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT



January 30, 2006

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Sisters Plan Amendment  
DLCD File Number 002-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office. This amendment was submitted without text.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 9, 2006**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist  
Mark Radabaugh, DLCD Regional Representative  
Brian Rankin, City of Sisters

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**FORM 2**

**DEPT OF**

**DLCD NOTICE OF ADOPTION**

JAN 23 2006

This form must be mailed to DLCD within 5 working days after the final decision  
per ORS 197.610, OAR Chapter 660 - Division 18

**LAND CONSERVATION  
AND DEVELOPMENT**

(See reverse side for submittal requirements)

Jurisdiction: City of Sisters Local File No.: Ordinance #361  
(if no number, use none)

Date of Adoption: January 12, 2006 Date Mailed: January 20, 2006  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: Sent to DLCD by Pat Kiewer, City of

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: City Ordinance specific landmarks & Deschutes  
(Please Specify Type of Commission County appointments.)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

The amendment creates new membership appointment responsibilities for the  
Deschutes County Landmarks Commission. Previously, members were appointed by the  
Deschutes County Board of Commissioners. Now, the City's Mayor appoints members &  
The City's representation on the Deschutes County Landmarks Commission does not change.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same.

Plan Map Changed from: N.A. to N.A.

Zone Map Changed from: N.A. to N.A.

Location: N.A. Acres Involved: N.A.

Specify Density: Previous: N.A. New: N.A.

Applicable Statewide Planning Goals: Goal 5

Was an Exception Adopted? Yes:  No:

DLCD File No.: 002-05  
(14613)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: DeL Norte County  
Landmarks Commission

Local Contact: Brian Rankin Area Code + Phone Number: 541-599-6022 x9

Address: P.O. Box 39 City: Sisters OR 97759

Zip Code+4: 97759 Email Address: brankin@ci.sisters.or.us

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

## ORDINANCE NO. 361

### AN ORDINANCE REPEALING PORTIONS OF ORDINANCE NO. 138 AND ESTABLISHING A NEW REPRESENTATION PROCEDURE FOR THE DESCHUTES COUNTY HISTORICAL LANDMARKS COMMISSION AND DECLARING AN EMERGENCY

WHEREAS, the Deschutes County Historical Landmarks Commission (Landmarks Commission) was established on November 1, 1979 by PL-21 and continues to serve the County and the cities of Bend, Redmond and Sisters with nine voting members and an undetermined number of ex-officio members, and

WHEREAS, the Board of County Commissioners (Board) currently appoints all Deschutes County Historical Landmarks Commissioners and the ex-officio Landmarks Commissioners; and

WHEREAS, the Deschutes County Historical Landmarks Commission members and the appointment process were adopted in Deschutes County PL-21, Ordinances 88-008 and Ordinance 95-027 and City of Sisters Ordinance 138, with each city having one representative, the county having four representatives, the Deschutes County Pioneer Association having one representative, and the Deschutes County Historical Society having one representative, and

WHEREAS, the Bend City Council asked the Board to increase the City's representation from one Landmarks Commissioner to four Landmarks Commissioners and asked for authority for the City's mayor to appoint those representatives with City Council approval, and

WHEREAS, it is in the best interest of Redmond and Sisters to have the same authority for appointment of their representatives, and

WHEREAS, it is in the best interest of the citizens of the County that the Commission continue to have nine voting members and to that end the County will reduce its representation from four members to one member, and

WHEREAS, in order to maintain the Landmarks Commission's United States National Park Service Certified Local Government designation, the Board and the cities understand that they must appoint Landmarks Commissioners who meet the following standards: "Members must be drawn from professionals in architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent such professionals are available in the community concerned, and such other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines;"

NOW, THEREFORE, THE CITY OF SISTERS DOES ORDAIN AS FOLLOWS:

**Section 1: AMENDMENT.** CITY ORDINANCE NO. 138 is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

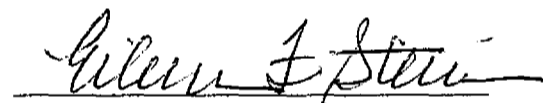
**Section 2: ADDING.** CITY ORDINANCE NO. 138 is amended by the addition of a new Appendix "A", The Federal Requirements of the Certified Local Government, as shown in Exhibit "B," attached hereto and by this reference incorporated herein.

**Section 3: EMERGENCY.** This ordinance being necessary for the immediate preservation of the public peace, health, and safety, an emergency is declared to exist and this ordinance takes effect in its passage.

ADOPTED by the Common Council of the City of Sisters and APPROVED by the Mayor this 12<sup>th</sup> day of January, 2006.

  
M. David Elliott, Mayor

Attest:

  
Eileen Stein, City Manager/Recorder

## Exhibit "A" to Ordinance No. 361

### Section Two:

A. This ordinance shall be administered by the Deschutes County Historical Landmarks Commission (Landmarks Commission). ~~The Landmarks Commission shall be appointed by the Deschutes County Board of Commissioners and the mayors of the cities in accordance with County Ordinance No. 21.~~ The Landmarks Commission and shall act in accordance with County Ordinance No. 21.

B. The Landmarks Commission is composed of nine voting and unnumbered non-voting ex-officio members who have demonstrated expertise in historic preservation related disciplines:

1. The Mayor of Bend, with the advice and consent of City Council, shall appoint four Commissioners to represent the City of Bend;

2. The Mayor of Redmond shall appoint one Commissioner to represent the City of Redmond;

3. The Mayor of Sisters shall appoint one Commissioner to represent the City of Sisters; and

4. The Board of County Commissioners shall appoint one Commissioner to represent the unincorporated portion of the county.

5. The president of the Deschutes County Historical Society shall recommend one Commissioner to represent the Historical Society and the Deschutes County Pioneer Association President shall recommend one Commissioner to represent the Pioneer Association. The Board of County Commissioners shall appoint the Commissioners who represent the Historical Society and the Deschutes County Pioneer Association.

6. The ex-officio members shall be appointed by the Deschutes County Board of Commissioners.

7. Landmarks Commissioners shall be qualified as defined in the National Park Service's Certified Local Government Program requirements Appendix "A" Section 2 (Exhibit B of City of Sisters Ordinance 361). Appendix "A", by this reference, is incorporated herein.

C. Landmarks Commissioners serve four-year terms. Commissioners shall serve without compensation. Any vacancy occurring in a position for any reason other than expiration of a term shall be filled by appointment for the remainder of the term.

D. In addition to the nine official members, there shall be an undetermined number of liaison persons to act as ex officio members to be called in as appropriate to act in an advisory capacity to the landmarks commission. These ex officio members shall not be entitled to vote. These persons shall be representative of organizations including, but not limited to, the United States Forest Service, United States Bureau of Land Management, the County building division, and the American Institute of Architects.

Exhibit "B" to Ordinance No. 361

APPENDIX "A"  
THE FEDERAL REQUIREMENTS  
OF THE CERTIFIED LOCAL GOVERNMENT

(1) Enforce Appropriate State or Local Legislation for the Designation and Protection of Historic Properties. Federal regulations are found in 36 CFR 61.6. For the purpose of the CLG Program, the Act defines:

a. "Designation" as "the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government." Designation includes the identification and registration of resources according to State or local criteria which must be consistent with the Secretary of the Interior's Standards for Identification and Registration. Adoption of the National Register criteria is encouraged.

b. "Protection" as "a local review process under State or local law for proposed demolition of changes to, or other action that may affect historic properties designated pursuant to" a local government becoming a Certified Local Government. The CLG's local protection review process of the Act applies only to properties designated pursuant to State or local laws and procedures. This would not include properties listed on or determined eligible for the National Register of Historic Places unless such properties also were designated under the appropriate State or local process.

c. In its CLG procedures, each State must define what constitutes appropriate State or local legislation for the designation and protection of historic properties and its enforcement. NPS does not require State or local legislation regarding designation and/or protection as a prerequisite for certification. However, if State and/or local legislation is required in the State's certification procedures, that legislation must be consistent with the Act and with the definitions above (for designation and/or protection).

(2) Establish an Adequate and Qualified Historic Preservation Review Commission by State or Local Legislation. "Historic preservation review commission" means a board, council, commission, or other similar collegial body established by State or local legislation. The members must be appointed, unless otherwise provided by State or local legislation, by the chief elected official of the jurisdiction. Members must be drawn from professionals in architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent such professionals are available in the community concerned, and such other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines. NPS regulations regarding commissions are found in 36 CFR 61.6.

a. If no State law exists that allows the establishment of local commissions, the State will require the local government to establish a commission by law or ordinance, or other official action.



b. The State may define "adequate and qualified" within the limits of 36 CFR 61.6, but the requirements set shall not be more stringent or comprehensive than the State's requirements for the State Review Board.

c. A State may specify in its State CLG procedures or incorporate by reference in State CLG procedures, the minimum number and type of professional members that the local government shall appoint to the commission, and indicate how additional expertise may be obtained. A local government may be certified without the minimum number or types of disciplines if it can provide written documentation to the SHPO that it has made a reasonable effort to fill those positions. However, if the SHPO has delegated State Review Board responsibilities to the Certified Local Government for that jurisdiction, the local commission must meet all applicable Review Board requirements, and perform all Review Board responsibilities.

d. When a professional discipline is not represented in the commission membership, the commission shall seek expertise in this area from persons meeting the Secretary of the Interior's Professional Qualification Standards, as appropriate.

3. Maintain a System for the Survey and Inventory of Properties that furthers the Purposes of the Act.

a. The State shall promulgate guidelines for local survey and inventory systems that ensure that such systems and the data produced can be readily integrated into SHPO inventories, the statewide comprehensive historic preservation plan, and other appropriate State and local planning processes. CLG survey data shall be in a format consistent with SHPO inventory requirements and shall not be inconsistent with the Secretary of the Interior's "Standards for Identification and Evaluation." This policy does not apply to survey data produced by local governments before the effective date of CLG certification.

4. Provide for Adequate Public Participation in the Local Historic Preservation Program.

a. The State shall define in writing minimum requirements for public participation in the conduct of overall CLG activities. These minimum requirements must include provision for open meetings (which must include public participation in the National Register Nomination process), minutes that are publicly available, and the publication and dissemination of commission procedures, as well as compliance with local, State, and Federal public participation regulations.

5. Satisfactorily Perform the Responsibilities Delegated to it Under the Act. Each local government must have the legal authority to fulfill the minimum requirements specified by the SHPO in its NPS-approved CLG procedures.