



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Director's Office Fax (503) 378-5518

Main Fax: (503) 378-6033

Web Address: <http://www.lcd.state.or.us>



NOTICE OF ADOPTED AMENDMENT

January 13, 2012

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment
DLCD File Number 001-12

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.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: Friday, January 27, 2012

NOTE: This amendment was not submitted to DLCD for review prior to adoption because the jurisdiction determined that the statewide planning goals did not apply. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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: Peter Gutowsky, Deschutes County
Jon Jinings, DLCD Community Services Specialist
Karen Swirsky, DLCD Regional Representative

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FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **Deschutes County**

Local file number: **TA 11-5**

Date of Adoption: **January 4, 2012**

Electronic / Date Mailed: **January 5 / 6 2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Date: **No.**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Historical Preservation and
Historical Landmarks Commission**

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

The Board of County Commissioners adopted amendments that restructure the number of appointed Historical Landmarks Commissioners from nine to five and grant the Board the authority to make four of those appointments. The City of Sisters would appoint the fifth. The reason for the amendment stems from the Cities of Redmond, Bend and La Pine establishing their own historical landmarks commissions.

ORS 197.610(2), post-acknowledgment procedures were not initiated because the statewide planning goals do not apply to the legislative amendments. The amendments to Deschutes County Code, Chapter 2.28 just restructure the number of Historical Landmarks Commissioners.

Does the Adoption differ from proposal?

N/A

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-12 (19133) [16888]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Deschutes County, Oregon Department of Land Conservation and Development

Local Contact: **Peter Gutowsky**

Phone: **(541) 385-1709** Extension:

Address: **117 NW Lafayette**

Fax Number: **541-385-1764**

City: **Bend**

Zip: **97701**

E-mail Address: **peterg@co.deschutes.or.us**

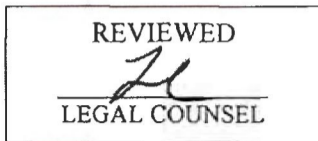
ADOPTION SUBMITTAL REQUIREMENTS

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 Complete Copies (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
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 now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

Updated March 17, 2009



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 2.28 of the Deschutes *
County Code, to Change the Composition of the * ORDINANCE NO. 2012-001
Deschutes County Historical Landmarks Commission *

WHEREAS, at the request of the Deschutes County Board of Commissioners ("Board"), the Community Development Department initiated the amendment of the Deschutes County Code ("DCC") Chapter 2.28, Historical Preservation and Historical Landmarks Commission to remove the cities of Bend and Redmond from representation on the Historical Landmarks Commission and to add the City of La Pine; and

WHEREAS, the Deschutes County Historical Landmarks Commission held a work session on October 20, 2011 and, on that same date forwarded a recommendation to the "Board" for the first evidentiary hearing on December 19, 2011; and

WHEREAS, the Deschutes County Planning Commission held a work session on November 10, 2011 and, on that same date, forwarded to the "Board" a recommendation of approval; and

WHEREAS, the "Board" considered this matter after a duly noticed public hearing on December 19, 2011 and concluded that the public will benefit from changes to "DCC" Chapter 2.28; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC 2.28 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 ~~strikethrough~~.

///


Section 2. FINDINGS. The Board adopts as its findings Exhibit "B," attached and incorporated by reference herein.


Dated this 4th of January, 2012 BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


ANTHONY DEBONE, Chair


ALAN UNGER, Vice Chair

ATTEST:


Recording Secretary


TAMMY BANEY, Commissioner

Date of 1st Reading: 19th day of December, 2011.

Date of 2nd Reading: 4th day of January, 2012.

Commissioner	Record of Adoption Vote:			
	Yes	No	Abstained	Excused
Tammy Baney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony De Bone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alan Unger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 4th day of April, 2012.

“****” Denotes portions of the code not amended by Ordinance 2012-001.

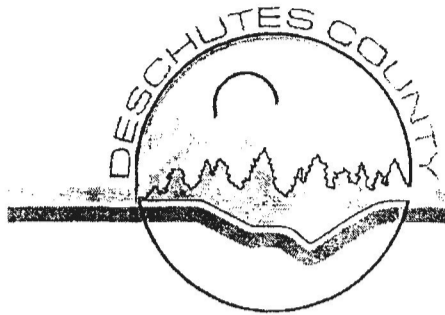
Chapter 2.28. HISTORICAL PRESERVATION AND HISTORICAL LANDMARKS COMMISSION

2.28.040. Administration.

2.28.040. Administration.

- A. The Landmarks Commission is composed of ~~nine~~ five voting and an undetermined number of ~~non-voting~~ ex-officio members, ~~who have demonstrated expertise in historic preservation related disciplines~~
1. The voting members must reside within the County.
 - ~~2.~~ The membership of the Landmarks Commission shall, to the extent possible, be representative of the various geographic areas of the County.
 3. The Board of County Commissioners shall appoint four Landmark Commissioners from the unincorporated area of the County.
 - ~~a~~4. Upon recommendation of the association president, the Board shall appoint one of the four Commissioners to represent the Deschutes County Pioneer Association;
 - ~~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~~5. The Mayor of Sisters shall appoint one Commissioner to represent the City of Sisters; and
 - ~~4.~~ The Board shall appoint one Commissioner to represent the unincorporated portion of the county.
 5. Upon recommendation of the respective association president, the Board shall appoint one Commissioner to represent the Historical Society and one Commissioner to represent the Deschutes County Pioneer Association; and
 6. The ex-officio members shall be appointed by the Deschutes County Board of County Commissioners.
- B. Landmarks Commissioners shall be qualified in accordance with the guidelines as described ~~in the National Parks Service's Certified Local Government Program requirements (Appendix "D", Section 2). Appendix "D", by this reference, is incorporated herein~~ To the extent they are available, at least some of the commission members should meet professional qualifications in the disciplines of history, architecture, architectural history, archaeology, or related fields.
- C. Landmarks Commissioners serve four-year terms. 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. Ex-Officio Members.
1. In addition to the ~~nine~~ five official voting members, there shall be an undetermined number of ~~liaison persons~~ Commissioners to act as called "ex officio members" to be called in as appropriate to who will act in a non-voting, advisory capacity to the Landmarks Commission and County staff.
 2. These ex officio members shall not be entitled to vote and are not required to reside within Deschutes County.
 3. 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, the Confederated Tribes of Warm Springs, Burns Paiute Tribe, and Klamath Tribes.~~
- E. The officers of the Landmarks Commission shall consist of a chairperson, vice-chairperson and secretary, each elected by a majority vote of the Commission.
- F. The regular time, place and manner of notice of meetings shall be fixed by rules of the Landmarks Commission. However, the Landmarks Commission shall meet at least on a quarterly basis.
- G. ~~The Landmarks Commission shall establish and adopt its own rules of procedure.~~ The Landmarks Commission shall submit an annual report to the Board.
- H. Any clerical and staff assistance necessary shall be provided by the County Planning Division staff or as otherwise delegated by the Board when appropriate.
- I. The Landmarks Commission shall serve as a hearings body for matters concerning historic and cultural resources within the County and the ~~e~~Cities of Bend, La Pine, Redmond and Sisters.
- J. ~~The commission may adopt such procedural rules and regulations as it finds necessary or appropriate to carry out DCC 2.28. Such rules and regulations shall be approved by the Board.~~
- ~~K~~J. The commission may act upon requests by any citizen, by owners of buildings or sites or on its own motion concerning the designation of particular districts, buildings and/or structures or sites.
- ~~L~~K. The commission shall have authority to inspect or investigate any district, building and/or structure or site in the County which it is requested to designate, or which it has reason to believe is an architectural and/or historical landmark.
- ~~M~~L. The commission shall review all information which it has and shall hold hearings as prescribed in ~~DCC 22.1224.025028~~ through 22.24.160.
- ~~N~~M. The commission shall have authority to coordinate historical preservation programs of the county, state and federal governments, as they relate to property within the County.
- ~~O~~N. The commission may recommend to the Board or the State Legislature any changes of law which it finds appropriate.
- ~~P~~O. Current List of Historic and Cultural Resources.
1. The commission shall compile and maintain a current list of all historical and cultural resources, the applicable tax lots and addresses, the date of designation, and a brief description of the resource and reasons for inclusion.
 2. Disclosure of the locations and descriptions of designated archaeological sites is subject to appropriate state and federal laws.
- ~~Q~~P. The commission shall notify all property owners of sites recommended for designation of such recommendation. The site will not be approved for a historic designation unless the property owners at the time of designation support the local designation of their property as a historic or cultural resource.
- ~~R~~Q. The commission shall have authority to take such steps as it finds appropriate or necessary to make available to the public information concerning its activities and various districts, buildings and/or structures and sites to be designated pursuant to DCC 2.28.
- ~~S~~R. The Landmarks Commission shall perform such other duties relating to historical matters as the Board of County Commissioners may request.
- ~~T~~S. Commissioners shall serve without compensation.
(Ord. 2012-001 §1; Ord. 2010-019 §1; Ord. 2005-029 §1, 2005; Ord. 95-027 §1, 1995; Ord. 88-008 §3, 1988; Ord. 88-008 §4, 1988; Ord. 88-008 §5, 1988; Ord. PL-21 §2, 1980; Ord. PL-21 §3, 1980)



Community Development Department

Planning Division Building Safety Division Environmental Health Division

117 NW Lafayette Avenue Bend Oregon 97701-1925
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

FINDINGS

The Deschutes County Historical Landmarks Commission (HLC) held a work session on October 20, 2011 on Ordinance 2012-001 to discuss legislative amendments to Deschutes County Code (DCC) Chapter 2.28, Historic Preservation and Historical Landmarks Commission. The Deschutes County Planning Commission held a subsequent work session on November 10, 2011.

The first evidentiary hearing with the Deschutes County Board of Commissioners occurred on December 19, 2011.¹

BACKGROUND

At the request of the Deschutes County Board of Commissioners (Board), the Community Development Department initiated a program to amend DCC Chapter 2.28, Historical Preservation and Historical Landmarks Commission. The reason for the amendment stems from the Cities of Redmond, Bend and La Pine establishing their own historical landmarks commissions.

PROPOSED PLAN AMENDMENT

Staff proposes amendments that further clarify DCC Chapter 2.28. The proposed amendments are described in the attached exhibits. Deleted language is shown as ~~strikethrough~~.

REVIEW CRITERIA

Ordinance 2012-001 is proposed for adoption. The amendments restructure the number of appointed Historical Landmarks Commissioners from nine to five and grant the Board the authority to make four of those appointments. The City of Sisters would appoint the fifth. Nonetheless, because this is a Deschutes County initiated amendment, the County bears the responsibility for justifying that the amendments are consistent with relevant Oregon Revised Statutes (ORS, and the Deschutes County Comprehensive Plan.

¹ A public notice was published in the *Bulletin* on December 9, 2011.

FINDINGS

1. State Notification Requirements

- ORS 197.610(2),² *Post-acknowledgment procedures*, was not initiated because as demonstrated below, the statewide planning goals do not apply to the legislative amendments. The amendments to DCC Chapter 2.28 just restructure the number of appointed Historical Landmarks Commissioners from nine to five and grant the Board with the authority to make four of those appointments. The City of Sisters would appoint the fifth.
- ORS 215.503,³ *Notice to property owners*, was not initiated because the amendments to DCC Chapter 2.28 do not loosen or tighten restriction beyond what exists today.

2. Consistency with Deschutes County Comprehensive Plan

Staff proposes amendments that restructure the number of appointed Historical Landmarks Commissioners from nine to five and grant the Board with the authority to make four of those appointments. The City of Sisters will appoint the fifth.

Table 1 - Cultural and Historic Resource Policies (Section 2.11)

Goal and Policies	Amendments
<p><i>Goal 1</i> Promote the preservation of designated historic and cultural resources through education, incentives and voluntary programs</p> <p><i>Policy 2.11.1</i> The Historic Landmarks Commission shall take the lead in promoting historic and cultural resource preservation as defined in DCC 2.28.</p> <ul style="list-style-type: none"> a. Support incentives for private landowners to protect and restore historic resources. b. Support the Historic Landmarks Commission to promote educational programs to inform the public of the values of historic preservation. c. Support improved training for the Historic Landmarks Commission. <p><i>Policy 2.11.2</i> Coordinate cultural and historic preservation with the Oregon State Historic Preservation Office.</p> <ul style="list-style-type: none"> a. Maintain Deschutes County as a Certified Local Government. b. Encourage private property owners to coordinate with the State Historic Preservation Office. 	<p>No Changes</p>

² <http://www.leg.state.or.us/ors/197.html>

³ <http://www.leg.state.or.us/ors/215.html>

Table 1 - Cultural and Historic Resource Policies (Section 2.11)

Goal and Policies	Amendments
<p><i>Policy 2.11.3</i> Encourage the preservation of lands with significant historic or cultural resources.</p> <ul style="list-style-type: none"> a. Develop and maintain a comprehensive list of sites on the National Register of Historic Places. b. Review County Code and revise as needed to provide incentives and adequate regulations to preserve sites listed on the Statewide Goal 5 historic and cultural inventory. <p><i>Policy 2.11.4</i> Goal 5 historic inventories, ESEEs and programs are retained and not repealed, except for the amendment noted in Ordinance 2011-003.</p>	<p>No Changes</p>

Although Policy 2.11.1 recognizes the HLC as the lead entity to promote historic and cultural resource preservation, the cities of Bend, Redmond, and La Pine are forming their own because they determined that their historic preservation issues are unique within their own boundaries. Additionally, more state funding for the preservation of historical landmarks and archeological sites may be possible if the three cities each form their own Certified Local Government Organization under the state historic preservation laws. As a result, while the break-off of those three cities does not meet with the policy of having one commission for all jurisdictions within the county, it does meet the policy (Policy 2.11.3) of encouraging greater preservation of historic and cultural sites. Therefore, the restructuring of the County's commission is in compliance with County's Comprehensive Plan.

3. Ordinance 2012-001 / DCC Chapter 2.28 Amendments

Ordinance 2012-001 amends DCC Chapter 2.28, Historic Preservation and Historical Landmarks Commission. The amendments restructure the number of appointed Historical Landmarks Commissioners from nine to five and grant the Board with the authority to make four of those appointments. The City of Sisters will appoint the fifth. The text amendments are summarized below:

2.28.040. Administration.

- A. *The Landmarks Commission is composed of five voting and an undetermined number of ex-officio members.*
 - 1. *The voting members must reside within the County.*
 - 2. *The membership of the Landmarks Commission shall, to the extent possible, be representative of the various geographic areas of the County.*
 - 3. *The Board of County Commissioners shall appoint four Landmark Commissioners from the unincorporated area of the County.*

4. *Upon recommendation of the association president, the Board shall appoint one of the four Commissioners to represent the Deschutes County Pioneer Association;*
 5. *The Mayor of Sisters shall appoint one Commissioner to represent the City of Sisters; and*
 6. *The ex-officio members shall be appointed by the Board.*
- B. *Landmarks Commissioners: To the extent they are available, at least some of the commission members should meet professional qualifications in the disciplines of history, architecture, architectural history, archaeology, or related fields.*
- D. *Ex-Officio Members.*
1. *In addition to the five voting members, there shall be an undetermined number of Commissioners called "ex officio members" who will act in a non-voting, advisory capacity to the Landmarks Commission and County staff.*
 2. *These ex officio members shall not be entitled to vote and are not required to reside within Deschutes County.*
 3. *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, the American Institute of Architects, the Confederated Tribes of Warm Springs, Burns Paiute Tribe, and Klamath Tribes.*
- E. *The officers of the Landmarks Commission shall consist of a chairperson, vice chairperson and secretary, each elected by a majority vote of the Commission.*
- G. *The Landmarks Commission shall submit an annual report to the Board.*
- H. *Any clerical and staff assistance necessary shall be provided by the County Planning Division staff or as otherwise delegated by the Board.*
- I. *The Landmarks Commission shall serve as a hearings body for matters concerning historic and cultural resources within the County and the City of Sisters.*
- L. *The commission shall review all information which it has and shall hold hearings as prescribed in DCC 22.24.050 through 22.24.160.*



Community Development Department

117 NW Lafayette Avenue • Bend, Oregon 97701-1925

RETURN SERVICE REQUESTED

PRE-SORTED
FIRST CLASS



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01/06/2012

Mailed From 97701
US POSTAGE

*Attention: Plan Amendment Specialist
Department of Land Conservation & Development
635 Capital Street NE, Suite 150
Salem, Oregon
97301-2540*

DEPT OF

JAN 09 2012

KABMP5B 97301

