



# 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

March 27, 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 003-12

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: Monday, April 9, 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.

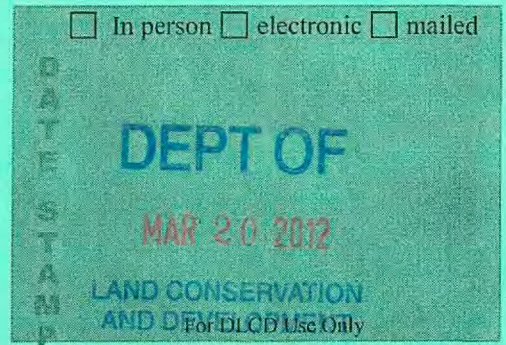
**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

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

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# 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 12-1**

Date of Adoption: **March 14, 2012**

Electronic / Date Mailed: **March 15 / 16 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 clarify the geographic area representative of the historic landmarks commission and correct a typo.

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 clarify the geographic area representative of the historic landmarks commission.

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:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<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.** \_\_\_\_\_

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

**Deschutes County, Oregon Department of Land Conservation and Development**



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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**

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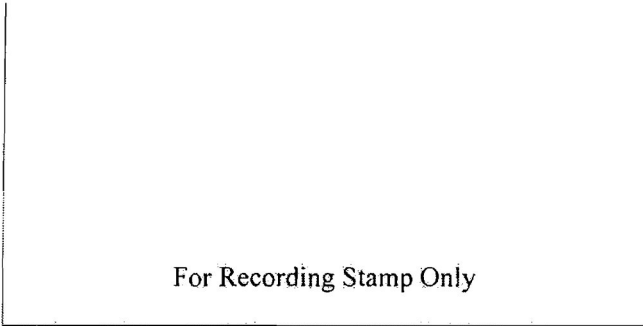
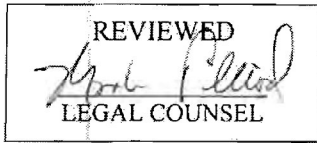
## **ADOPTION SUBMITTAL REQUIREMENTS**

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



BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 2.28 of the Deschutes  
County Code, to Clarify the Geographic Area  
Representative of the Historic Preservation and  
Historical Landmarks Commission, and Declaring an  
Emergency \*

ORDINANCE NO. 2012-003

WHEREAS, The Deschutes County Community Development Department initiated the amendment of the Deschutes County Code ("DCC") Chapter 2.28, Historical Preservation and Historical Landmarks Commission to clarify the geographic area representative of the Historical Landmarks Commission; and

WHEREAS, the Deschutes County Planning Commission held a work session on February 23, 2012 and, on that same date, forwarded to the Deschutes County Board of Commissioners ("Board") a recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on March 14, 2012 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.

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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 on its passage.

Dated this 14<sup>th</sup> of March, 2012

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

- absent -

ANTHONY DEBONE, Chair

Alan Unger

ALAN UNGER, Vice Chair

ATTEST:

Bonnie Baker

Recording Secretary

Tammy Baney

TAMMY BANEY, Commissioner

Date of 1<sup>st</sup> Reading: 14<sup>th</sup> day of March, 2012.

Date of 2<sup>nd</sup> Reading: 14<sup>th</sup> day of March, 2012.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Tammy Baney	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>
Anthony De Bone	<u>—</u>	<u>—</u>	<u>—</u>	<u>✓</u>
Alan Unger	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>

Effective date: 14<sup>th</sup> day of March, 2012.

“\*\*\*\*” Denotes portions of the code not amended by Ordinance 2012-003.

**Chapter 2.28. HISTORICAL PRESERVATION AND HISTORICAL LANDMARKS COMMISSION**

\*\*\*\*

**2.28.020. Definitions.**

\*\*\*\*

"Landmarks Commission" means the Deschutes County Historical Landmarks Commission.

\*\*\*\*

**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 Mayor of Sisters may appoint one Commissioner to represent the City of Sisters or delegate it to Deschutes County.
  - ~~3.4. The Board of County Commissioners shall appoint at least four Landmarks Commissioners, from the unincorporated area of the County,~~
  5. Upon recommendation of the Deschutes County Pioneer Association, the Board shall appoint one representative from the Deschutes County Pioneer Association as one of the four Landmarks Commissioners.
  6. If the City of Sisters delegates their appointment to Deschutes County, the Board shall appoint a fifth Landmarks Commissioner.
  - ~~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~~
  67. 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.
- 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 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.
- 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 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.
- 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.
- 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.
- 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.
- 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.
- N. The commission may recommend to the Board or the State Legislature any changes of law which it finds appropriate.
- 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.
- 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.
- 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.
- R. The Landmarks Commission shall perform such other duties relating to historical matters as the Board of County Commissioners may request.
- S. Commissioners shall serve without compensation.

(Ord. 2012-003 §1; 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 Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005  
(541)388-6575 FAX (541)385-1764  
<http://www.co.deschutes.or.us/cdd/>

### FINDINGS

The Deschutes County Planning Commission held a work session on February 23, 2012 on Ordinance 2012-003 to discuss legislative amendments to Deschutes County Code (DCC) Chapter 2.28, Historic Preservation and Historical Landmarks Commission.

The first evidentiary hearing with the Deschutes County Board of Commissioners occurred on March 14, 2012.<sup>1</sup>

### BACKGROUND

The Community Development Department initiated a program to amend DCC Chapter 2.28, Historical Preservation and Historical Landmarks Commission (HLC). The reason for the amendment is to clarify the geographic area representative of the historic landmarks commission and correct a typo. The HLC directed staff to correct the typo at their January 19, 2012 work session.

### PROPOSED PLAN AMENDMENT

Staff proposes an amendment that further clarifies DCC Chapter 2.28. The proposed amendment is described in the attached exhibits. Deleted language is shown as ~~strikethrough~~.

### REVIEW CRITERIA

Ordinance 2012-003 is proposed for adoption. The reason for the amendment is to clarify the geographic area representative of the historic landmarks commission and correct a typo.

### FINDINGS

#### 1. State Notification Requirements

- ORS 197.610(2),<sup>2</sup> *Post-acknowledgment procedures*, was not initiated because as demonstrated below, the statewide planning goals do not apply to the legislative

<sup>1</sup> A public notice was published in the *Bulletin* on March 3, 2012.



amendments. The amendments to DCC Chapter 2.28 just clarify the geographic area representative of the historic landmarks commission and correct a typo.

- ORS 215.503,<sup>3</sup> *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 an amendment that clarifies the geographic area representative of the historic landmarks commission and corrects a typo.

**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"> <li>a. Support incentives for private landowners to protect and restore historic resources.</li> <li>b. Support the Historic Landmarks Commission to promote educational programs to inform the public of the values of historic preservation.</li> <li>c. Support improved training for the Historic Landmarks Commission.</li> </ul> <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"> <li>a. Maintain Deschutes County as a Certified Local Government.</li> <li>b. Encourage private property owners to coordinate with the State Historic Preservation Office.</li> </ul> <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"> <li>a. Develop and maintain a comprehensive list of sites on the National Register of Historic Places.</li> <li>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.</li> </ul>	<p><b>No Changes</b></p>

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

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

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

Goal and Policies	Amendments
Policy 2.11.4 Goal 5 historic inventories, ESEEs and programs are retained and not repealed, except for the amendment noted in Ordinance 2011-003.	No Changes

**3. Ordinance 2012-003 / DCC Chapter 2.28 Amendments**

Ordinance 2012-003 amends DCC Chapter 2.28, Historic Preservation and Historical Landmarks Commission. The amendment clarifies the geographic area representative of the historic landmarks commission and corrects a typo. The text amendments are shown below:

**Chapter 2.28. HISTORICAL PRESERVATION AND HISTORICAL LANDMARKS COMMISSION**

**2.28.020. Definitions.**

"Landmarks Commission" means the Deschutes County Historical Landmarks Commission.

**2.28.040. Administration.**

- A. The Landmarks Commission is composed of five voting and an undetermined number of ex-officio members.
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  - ~~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.~~



**Community Development Department**

117 NW Lafayette Avenue • Bend, Oregon 97701-1925



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03/19/2012

Mailed From 97701  
US POSTA

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

DEPT OF  
MAR 20 2012  
LAND CONSERVATION  
AND DEVELOPMENT