

ORDINANCE NO. NS-2506

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE BEND COMPREHENSIVE PLAN TABLE 3-1, INVENTORY OF HISTORIC SITES IN THE BEND URBAN AREA, RELATED TO THE A.J. TUCKER BLACKSMITH SHOP AT 200-202 NW GREENWOOD AVENUE

Recitals

- A. On January 17, 2024, the applicant, Deschutes County, submitted a request to change the designation of the A.J. Tucker Blacksmith Shop in Bend Comprehensive Plan Table 3-1, from the "Historic Structures" category to "Site Designated with Plaques" category. The application (PLHIS20240073) was deemed complete on April 15, 2024.
- B. The City submitted a Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development on April 5, 2024. On April 19, 2024, notice of the Bend Landmarks Commission public hearing was mailed by the Planning Division to all property owners of record and to the addresses based on the City's current addressing record, for properties within 500 feet of the subject site, as well as the representative of the River West Neighborhood Association. On April 25, 2024, a Proposed Development sign was posted by the applicant along the property frontage visible from the abutting right of way.
- C. On May 21, 2024, the Bend Landmarks Commission held a public hearing and accepted testimony on the application to change the designation in the Bend Comprehensive Plan for the A.J. Tucker Blacksmith Shop. The Commission voted to recommend that the City Council approve the requested Comprehensive Plan amendment.
- D. The City provided timely and sufficient notice of the Comprehensive Plan text amendment pursuant to Section 4.1.515 of the Bend Development Code. Notice of the August 21, 2024, City Council public hearing was printed in the Bend Bulletin on July 28, 2024, and mailed and emailed to the River West Neighborhood District on July 24, 2024.
- E. The Bend City Council held a public hearing on August 21, 2024, to accept evidence, receive public testimony, and consider the Landmarks Commission recommendation. The City Council found that the amendment satisfies the criteria for approval contained in Section 4.6.200 of the Bend Development Code as well as Section 10.20.060 of the Historic Preservation Code and voted to approve the text amendment to the Bend Comprehensive Plan.
- F. The City Council adopts the findings contained in the Landmarks Commission's recommendation which demonstrates that the requested Bend Comprehensive Plan text amendment approved by this Ordinance is consistent with all applicable

criteria, including those set forth in Bend Development Code Chapter 4.6.200.B and Section 10.20.070 of the Historic Preservation Code.

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1.** Chapter 3 of the Bend Comprehensive Plan is amended as shown in Exhibit A.
- Section 2.** In addition to the findings set forth above, the City Council adopts and incorporates the findings of the Landmarks Commission in Exhibit B.
- Section 3.** If any provision, section, phrase, or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.
- Section 4.** All other provisions of the Bend Comprehensive Plan remain unchanged by this ordinance and remain in effect.

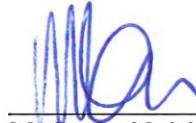
First Reading Date: August 21, 2024

Second Reading and adoption by roll call vote: September 4, 2024

YES:

Mayor Melanie Kebler
Mayor Pro Tem Megan Perkins
Councilor Barb Campbell
Councilor Ariel Méndez
Councilor Anthony Broadman
Councilor Mike Riley
Councilor Megan Norris

NO:



Melanie Kebler, Mayor

ATTEST:

Ashley Bontje for
Morgen Fry, City Recorder

Approved as to form:

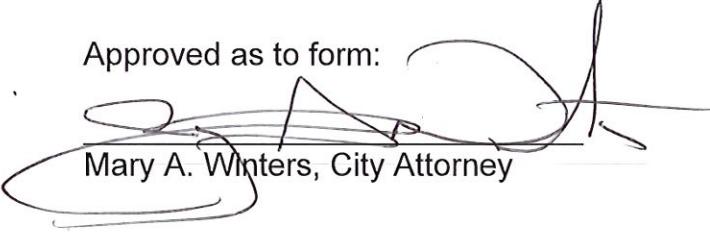

Mary A. Winters, City Attorney

EXHIBIT A

Amendment to Bend Comprehensive Plan Table 3-1, Inventory of Historic Sites in the Bend Urban Area.

Language that is proposed to be inserted is underlined. Text to be removed is ~~struck through~~.

**Table 3-1
Inventory of Historic Sites in the Bend Urban Area**

HISTORIC STRUCTURES	LOCATION
H. E. Allen House	875 Brooks Street
Bend Athletic Club Gymnasium*	520 NW Wall Street
Bend Railroad Depot	1160 NE Division Street
Bend Water & Light Co. Powerhouse/dam	Foot of Vermont Street
Bend Woolen Mill	1854 NE Division Street
Charles Boyd Homestead*	20410 Bend River Mall Drive
Cozy Hotel	327 NW Greenwood Avenue
Deschutes County Library Building*	507 NW Wall Street
Delaware Grocery	845 NW Delaware Avenue
Downing Hotel	1033 NW Bond Street
Trinity Episcopal Church*	469 NW Wall Street
First Presbyterian Church	157 NW Franklin Avenue
A.L. French Home	429 NW Georgia Avenue
Hoover's Universal Garage	124-128 NW Greenwood Avenue
Steidl and Tweet irrigation dam	Division St. near Yale Avenue
Kenwood School	701 NW Newport Avenue
Keyes House	912 NW Riverside Boulevard
Liberty Theatre	849-851 NW Wall Street
Lucas House	42 NW Hawthorne Avenue as further identified as Lot 11 and 12, Block 28 of the Bend Subdivision.
Thomas McCann House*	440 NW Congress Street
Mountain View (Mayne) Hospital	515 NW Kansas Avenue
August Nelson Building	838 NW Bond Street
Niswonger House	44 NW Irving Avenue
O'Donnell Building	921-933 NW Wall Street
Old Clinic	731 NW Franklin Avenue
Old Bend High School Building*	520 NW Wall Street
O'Kane Building*	115 NW Oregon Avenue
George Palmer Putnam House	606 NW Congress Street
Pierson Blacksmith Shop	211 NW Greenwood Avenue
A. J. Tucker Blacksmith Shop	200-202 NW Greenwood Avenue
James E. Reed House	45 NW Greeley Avenue
Reid School*	129 NW Idaho Avenue
Evan A. Sather Home*	7 NW Tumalo Avenue
Sawyer House	434 Drake Road
St. Francis Catholic Church	494 NW Lava Road
Shevlin-Hixon Executive House	545 NW Congress Street
N.P. Smith Pioneer Hardware Building*	935-937 NW Wall Street

Spheir Building	901 NW Bond Street
Stover House*	1 Rocklyn Road
Old U.S. Post Office*	777 NW Wall Street
John I. West Building	130 NW Greenwood Avenue
Wright Hotel*	215 NW Greenwood Avenue
Nels and Lillian Andersen House	63291 Nels Anderson Road
SITES DESIGNATED WITH PLAQUES	
LOCATION	
1813 Rock	129 NW Idaho Street
Bend School Landmark	Drake Park
A.M. Drake Homesite	Drake Park
Foley Landmark	Pilot Butte State Park
Johns Landmark	Drake Park
Oregon Trunk Freight Warehouse Site	Railroad tracks & NW Division
Pilot Butte Inn Site	1133 NW Wall Street
Shevlin-Hixon Mill site	Shevlin Center near dam
Central Oregon Pioneers' Landmark	Pioneer Park
Weist Homesite Landmark	1315 NE Third Street
Brooks Scanlon Craneshed Site	721 SW Industrial Way
<u>A. J. Tucker Blacksmith Shop</u>	<u>202 NW Greenwood Avenue</u>

* Sites on the National Register of Historic Places

The items in Table 3-1 represent the city's official list of historic places compiled by the city and county, and approved by the Oregon Land Conservation and Development Commission. Any land use action or building modification to the historic structures on the approved list must be reviewed and approved by the joint city/county Historical Landmarks Commission, a citizens committee established in 1980.

Additional information and evaluation of historic sites is contained in resource material available at the city and county planning departments, the Des Chutes Historical Center, and in rules adopted by the state Land Conservation and Development Commission.

**BEND LANDMARKS COMMISSION
RECOMMENDATION TO THE CITY COUNCIL**



**COMMUNITY
DEVELOPMENT**

PROJECT NUMBER: PLHIS20240037

DATE SUBMITTED: February 06, 2024

**LANDMARKS PUBLIC
HEARING DATE:** May 21, 2024

DATE MAILED: May 29, 2024

**APPLICANT/
OWNER:** Deschutes County
P.O. Box 6005
Bend OR 97708-6005

CONTACT: Heidi Slaybaugh
COLE
1000 NW Wall Street, Ste 205
Bend, OR 97703

LOCATION: The subject site is at 202 NW Greenwood Avenue and is also identified as Tax Lot 02700 on Deschutes County Tax Assessor Map 17-12-32AC.

REQUEST: The applicant, Deschutes County, requests approval to change the A.J. Tucker Blacksmith Shop, located at 200-202 NW Greenwood Avenue, designation in the City of Bend Comprehensive Plan, Chapter 3 Community Connections, Table 3-1 Inventory of Historic Sites in the Bend Urban Area from the "Historic Structures" to "Site Designated with Plaques" with the address of only 202 NW Greenwood Avenue, Bend, OR 97703. The Bend Landmarks Commission has previously approved the request to remove the A.J. Tucker building from the site (PLHIS20230597).

HISTORIC STATUS: Historic Structure listed locally in Table 3-1 of the Bend Comprehensive Plan.

ZONE: PF – Public Facilities

STAFF REVIEWER: Heidi Kennedy, Senior Planner, 541-617-4524, hkennedy@ci.bend.or.us

I. APPLICABLE REVIEW CRITERIA AND PROCEDURES

The Bend Code Chapter 10.20 Historic Preservation Code
Chapter 4.1; Development Review and Procedures

II. Background and Project Description

The applicant, Deschutes County, requests approval to change the A.J. Tucker Blacksmith Shop, located at 200-202 NW Greenwood Avenue, designation in the City of Bend Comprehensive Plan, Chapter 3 Community Connections, Table 3-1 Inventory of Historic Sites in the Bend Urban Area from the “Historic Structures” to “Site Designated with Plaques” with the address of only 202 NW Greenwood Avenue, Bend, OR 97703.

Under Bend Landmarks's Decision PLHIS2023, 0597, dated November 21, 2023, the Bend Landmarks Commission has previously approved the applicant's request to inventory, dismantle and store the lava rock front façade of the A.J. Tucker building facing NE Greenwood Avenue and demolish the remainder of the building to accommodate the expansion of the Deschutes County Courthouse.

Per the Landmarks Commission Decision PLHIS20230597, a condition of approval was to provide a text amendment application to the Planning Division in order to modify the Bend Comprehensive Plan Table 3-1 to identify the A.J. Tucker building in the “SITE DESIGNATED WITH PLAQUES” section instead of the “HISTORIC STRUCTURES” section of the table.

BUILDING LOCATION:



Figure 1- Google Aerial Image of Bend c.2019



Figure 2- Enlarged Google Aerial Image of A.J. Tucker Building Location, c.2019

A copy of the relevant part of the Bend Area General Plan Table 3.1 Inventory of Historic Sites in the Bend Urban Area which identifies the A.J. Tucker Blacksmith Shop as a locally designated historic structure is provided below.

Table 3-1
Inventory of Historic Sites in the Bend Urban Area

HISTORIC STRUCTURES	LOCATION
A. J. Tucker Blacksmith Shop	200-202 NW Greenwood Avenue
James E. Reed House	45 NW Greeley Avenue
Reid School*	129 NW Idaho Avenue
Evan A. Sather Home*	7 NW Tumalo Avenue
Sawyer House	434 Drake Road
St. Francis Catholic Church	494 NW Lava Road
Shevlin-Hixon Executive House	545 NW Congress Street
N.P. Smith Pioneer Hardware Building*	935-937 NW Wall Street
Spheir Building	901 NW Bond Street
Stover House*	1 Rocklyn Road
Old U.S. Post Office*	777 NW Wall Street
John I. West Building	130 NW Greenwood Avenue
Wright Hotel*	215 NW Greenwood Avenue
Nels and Lillian Andersen House	63160 Nels Anderson Road

Figure 2 - Bend Comprehensive Plan, Table 3-1

HISTORIC PHOTOGRAPHS OF THE BUILDING:

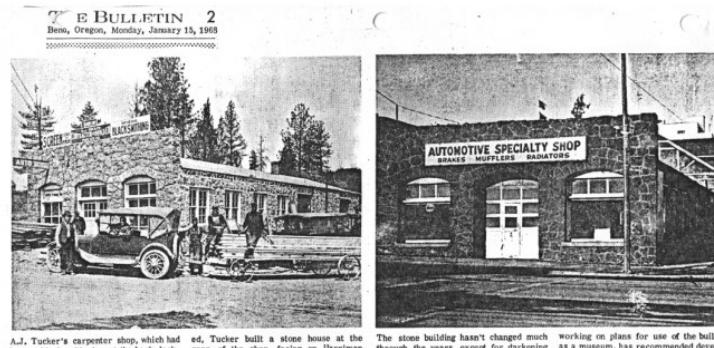


Figure 6 - Historic Photo c.1920 Right c.1950 Left, Bend Bulletin Newspaper Article, 1968, Deschutes County Historic Resource File

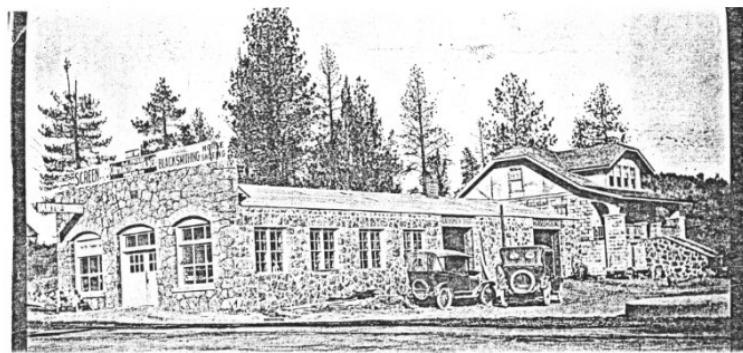


Figure 7 - Historic Photo c.1920, Deschutes County Historic Resource File – Original building from left to first garage door opening, addition to the right with second garage door opening and Tucker house just beyond that.

APPLICATION AND BURDEN OF PROOF: The applicant has submitted the following documents in support of this project:

1. Historic Landmarks Commission Review Application.

2. A.J. Tucker Comprehensive Plan revision narrative including photographs of building.
3. Copy of notice letter sent to the Historical Museum and the State.
4. Copy of Deed.
5. Copy of Final Landmarks Commission Decision PLHIS202300597.
6. Authorization Form.

I. HISTORIC PRESERVATION CODE

10.20.030 Procedures

A. Chapter 4.1 of the Bend Development Code (BDC) provides uniform procedures for reviewing applications. All applications required by this code are subject to the procedural requirements of BDC Chapter 4.1.

...

E. Applications shall be reviewed according to the processes described below:

...

4. The following applications are reviewed through the Type IV process with the Landmarks Commission serving as the advisory body to the City Council:

a. Designation or removal of a historic district.

b. Designation or removal of a historic resource.

FINDING: The applicant, Deschutes County, requests approval to change the A.J. Tucker Blacksmith Shop, located at 200-202 NW Greenwood Avenue, designation in the City of Bend Comprehensive Plan, Chapter 3 Community Connections, Table 3-1 Inventory of Historic Sites in the Bend Urban Area from the "Historic Structures" to "Site Designated with Plaques" with the address of only 202 NW Greenwood Avenue, Bend, OR 97703. The Bend Landmarks Commission has previously approved the request to remove the A.J. Tucker building from the site (PLHIS20230597).

The applicant has applied for a Type IV application review which will require review by the Landmarks Commission for this request. The Landmarks Commission is required to make a recommendation to the Bend City Council. Sections 10.20.060 and 10.20.070 of the Historic Preservation Code are reviewed below.

10.20.060 Designation of Historic Resources.

A. Any individual or organization may apply to designate a building or site as a historic resource with the consent of the property owner. The application shall be processed as a quasi-judicial General Plan amendment with a recommendation from the Landmarks Commission and final decision by the City Council. The criteria for evaluating the request are as follows:

FINDING: The applicant, Deschutes County, has applied to change the designation of the A.J. Tucker Blacksmith Shop in Bend Comprehensive Plan from the “Historic Structures” category to “Site Designated with Plaques” category. An application request was submitted on January 17, 2024 and the application fee was paid on February 6, 2024.

1. The request is consistent with relevant State administrative rules and statutes and with Federal regulations; and

FINDING: The applicant is following the process prescribed by the City’s acknowledged land use regulations to change the designation of the historic resource. As the City’s Development Code, Comprehensive Plan and Preservation Code have been acknowledged by the State to comply with relevant administrative rules and state statute, compliance with the City codes and Comprehensive plan will assure compliance with State law.

2. The request is consistent with relevant General Plan policies; and

FINDING: The Bend Area Comprehensive Plan Chapter 3 includes the following related policies:

Historic sites

- 1. The city shall encourage the preservation, rehabilitation, and reuse of historic structures whenever practical.***
- 2. The city will continue to encourage the identification and preservation of significant historical and cultural sites.***
- 3. The preservation of exterior facades shall be the emphasis of the city’s and county’s encouragement of historic preservation.***
- 4. The city and county will encourage public educational institutions to promote the importance of Bend’s history and historic landmarks.***

Due to the requirements of Deschutes County’s Courthouse expansion project and the inability to reuse the A.J. Tucker Blacksmith shop building as part of the expansion project, under application approval PLHIS20230597 the Bend Landmarks Commission approved the applicant’s request to inventory, dismantle and store the lava rock front façade of the A.J. Tucker building facing NE Greenwood Avenue and demolish the remainder of the building. Redesignating the resource from a building to a site and requiring a plaque at the site location will both provide an opportunity for education about the history of the building and

site and promote the importance of Bend's history and historic landmarks. The Landmarks Commission finds that this proposal is consistent with the relevant policies of the Bend Area Comprehensive Plan.

3. The building or site has architectural or historical significance based upon past use; or the site had a prior use involving the establishment, growth, or particular incidents relating to the history of the City.

FINDING: The A.J. Tucker Blacksmith shop was previously determined to have historical significance as it is listed in the Comprehensive Plan Table 3-1 Inventory of Historic Sites in the Bend Urban Area.

10.20.070 Removal of Historic Resource Designation

A. If any historic resource has been demolished or destroyed, no longer possesses the charter-defining features related to its architectural significance for which it was recognized or an error in documentation occurred, the City Council, upon recommendation of the Landmarks Commission, may remove the historic resource designation from the site.

FINDING: As mentioned above, the Bend Landmarks Commission has previously approved the applicant's request to inventory, dismantle and store the lava rock front façade of the A.J. Tucker building facing NE Greenwood Avenue and demolish the remainder of the building to accommodate the expansion of the Deschutes County Courthouse.

Per the Landmarks Commission Decision PLHIS20230597 dated November 21, 2023, a condition of approval was to provide a text amendment application to the Planning Division in order to modify the Bend Comprehensive Plan Table 3-1 to identify the A.J. Tucker building in the "SITE DESIGNATED WITH PLAQUES" section instead of the "HISTORIC STRUCTURES" section of the table.

This is a request to redesignate the resource and not remove it entirely from the Bend Comprehensive Plan Table 3-1 Inventory of Historic Sites in the Bend Urban Area.

B. If the designation is proposed to be removed from any historic resource, the same process and criteria shall be used upon the designation as a historic resource.

FINDING: As mentioned previously, this is a request to redesignate the resource and not remove it entirely from the Bend Comprehensive Plan Table 3-1 Inventory of Historic Sites in the Bend Urban Area.

C. In accordance with ORS 197.772, a property owner shall be allowed to remove a historic designation imposed on the property by the City.

FINDING: The applicant is not requesting the removal of the A.J. Tucker Blacksmith shop designation entirely.

LANDMARKS COMMISSION RECOMMENDATION TO CITY COUNCIL: The Landmarks Commission recommends the City Council approve the request of the applicant, Deschutes County, to change the A.J. Tucker Blacksmith Shop, located at 200-202 NW Greenwood Avenue, designation in the City of Bend Comprehensive Plan, Chapter 3 Community Connections, Table 3-1 Inventory of Historic Sites in the Bend Urban Area from the "Historic Structures" to "Site Designated with Plaques" with the address of only 202 NW Greenwood Avenue, Bend, OR 97703.

Written by:


Heidi Kennedy AICP, Senior Planner