



MEMORANDUM

DATE: November 12, 2024
TO: Deschutes County Historic Landmarks Commission
FROM: Tanya Saltzman, AICP, Senior Planner
RE: November 18, 2024 - Historic Landmarks Commission Meeting

The Historic Landmarks Commission (HLC) will conduct a meeting on November 18, 2024 at 5:30 p.m. in the Deschutes Services Center, Barnes and Sawyer rooms, in-person, electronically and by phone. This memorandum will serve as an outline of all agenda items.

Please note: the Deschutes County Meeting Portal is located at the below link. All meeting materials as well as live video may be found there:

<https://www.deschutes.org/meetings>

- I. **Call to Order**
- II. **Public Comment**
- III. **Approval of Minutes – August 5, 2024**
- IV. **Action Items**

1. **State Historic Preservation Office Presentation – Kuri Gill, SHPO**

Kuri Gill, Grants and Outreach Coordinator, Oregon State Historic Preservation (SHPO), will present an overview of Oregon’s preservation program and the Certified Local Government program.

2. **Guidelines and Recommendations for Wildfire Resiliency of Historic Resources in Sisters – Emelia Shoup, City of Sisters**

The primary task of the most recent cycle of CLG grant was the creation of the report, “Guidelines & Recommendations for Wildfire Resiliency of Historic Resources in Sisters.” This task was

undertaken by a consultant, BUILD LLC, along with planning staff. Emilia Shoup, Associate Planner, will present a summary of the report. The report is included as an attachment in this meeting packet.

3. Goal 5 Cultural Areas Rulemaking Update – Tanya Saltzman

Staff is providing the Historic Landmarks Commission with an update to the DLCD Goal 5 Cultural Areas rulemaking process. Since staff's general overview of the process and content at the previous HLC meeting,¹ the Department of Land Conservation and Development held its first public hearing and hosted additional webinars. Both events presented additional details on the rulemaking process, some of which are shared here. No comments were provided to DLCD by either the Board of County Commissioners or members of the HLC.

As a reminder, the timeline is as follows:

- September 1, 2024: Draft rules noticed with Secretary of State
- September 26-27, 2024: First LCDC hearing planned
- October 15, 2024: Public comment period ends
- Early October 2024: Final RAC meeting planned
- December 5-6, 2024: Second/final LCDC hearing planned

A recording of the first hearing is available at approximately the 4:14 timestamp at the following link: <https://www.youtube.com/live/q2fPAcOGB9U>

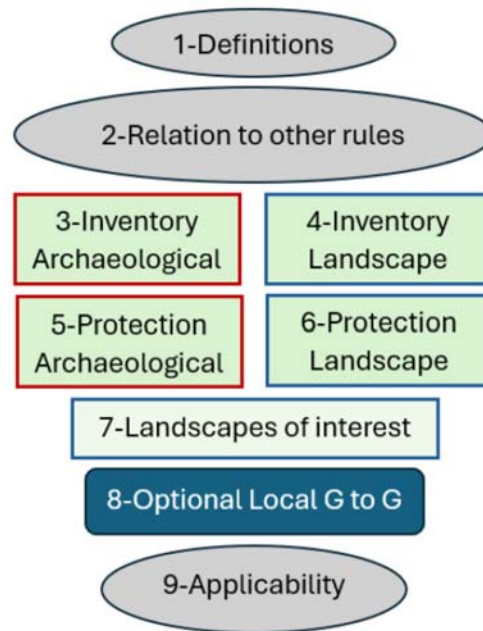
Overview/concepts

As noted previously, the guiding principles of the rulemaking include improving awareness of and reducing impacts to culturally important areas, while also respecting permitting timelines that are part of Oregon law and supporting the Governor's housing production guidelines.

These rules also intended to be restorative: when the initial Goal 5 rules were put in place, many tribes had already been officially terminated via the 1954 Western Oregon Indian Termination Act, which terminated federal services promised to tribal nations, closed reservations, and erased the legal status of 61 tribes. Without those tribes, there could be little to no recognition of culturally important areas. This rule provides a mechanism for communication and recognition of areas that were previously undocumented.

DLCD created the following diagram of the rule structure, which illustrates the various sections of the rule. Staff provided an overview of the various sections at the last HLC meeting and is highlighting additional points below.

¹ <https://mccmeetingspublic.blob.core.usgovcloudapi.net/deschutes-meet-7fdd5d509e94459b8a3e0a14c42078a8/ITEM-Attachment-001-520b7cab6124c30b4f819e3114af927.pdf>



Of the most importance is the identification of two tracks: one for archeological resources, and the other for landscape features of cultural interest. As per the general Goal 5 process, the first step is to inventory the potential resource(s); the second is to determine the program to protect the resource. The proposed rulemaking outlines two different paths for these processes for archeological resources and for landscape features.

Archeological resources

- **Inventories** are generally already identified at the state level and are managed in a SHPO database.
- **Protections** are based on existing state statutes (ORS 97.740, ORS 358.905-358.961, ORS 390.235, OAR 736-051-0090); new rulemaking states that “Local governments shall support awareness and compliance with these state laws and rules.”
- **Permit applications** will include language stating that it is unlawful to alter archeological sites without a permit
- **Notice** will be provided to tribes of applications involving ground disturbance that are reviewed through a public process (tribes will identify what locations/types of applications they will want to receive)

Landscape features

- **Inventories** are essentially a new category of cultural resource that can be (but are not required to be) inventoried by local governments and will live in the local government comprehensive plan, like most other Goal 5 resources. These are expected to grow in number over time as local governments identify these areas.

- **Protections** would follow the standard Goal 5 process, utilizing an ESEE (economic, social, environmental, and energy) analysis to determine applicable protections.
- **Notice** will be provided (once resources are inventoried) to tribes of applications occurring on rural lands: notice of initial application and subsequent notice once application is deemed complete. This notice is intended to provide applicants the opportunity to change their application to avoid/minimize disturbance.

Other items of note

- The proposed rule would become effective January 1, 2026. This would give time for implementation guidance, including model code, model language to include in application documents, sample notices, and so on. This date will also give time for consultation between the tribes and the Legislative Commission on Indian Services to determine which tribes would like to receive notice from which areas.
- There may be some potential for funds and technical assistance for counties to update their Goal 5 cultural inventories; however, this rule does not require a comprehensive cultural inventory to be created.
- DLCDC is still considering how to address cultural significance for non-tribal areas. For instance, a Chinatown area or the Across the Bridge community in Eugene, a predominantly Black neighborhood that was demolished to make way for a new bridge. How would a government determine what is significant to different non-tribal groups? Currently, DLCDC noted that there appears to be more support for including more culturally identified groups rather than excluding those groups.
- If other government-to-government (or tribe) agreements are already in place, these can potentially take the place of the notification measures in the rule.

Next Steps

DLCDC will be reviewing public comments received and will make staff recommendations to LCDC, which will conduct its next hearing on December 5-6.

4. Subcommittee Roundup

Subcommittees have the opportunity to provide updates on their activities since the last meeting. Those committees are as follows:

1. Cultural resource work
2. Wildfire and preservation issues
3. Camp Abbot
4. General public awareness issues

5. 2025-6 CLG Grant – Preliminary Discussion

It is never too early to begin thinking about the next cycle of CLG grants. The application deadline for the 2025 grant is expected to be in late February 2025. Staff asks commissioners to begin brainstorming potential projects for the grant, which generally requires a 1:1 match and historically has been up to approximately \$15,000, depending on the number of applicants.

The HLC will have an opportunity to discuss in detail at its early February meeting before staff finalizes the application and meets with the Board of County Commissioners for final approval. It is possible staff will schedule a special January meeting if more discussion is warranted.

SHPO's general eligibility language is as follows:

PROJECTS:

These grants support projects that support the preservation of historic properties and archaeological sites.

- Survey – the documentation of historic properties and archaeological sites
- Designation – Designating a historic property or archaeological site to the local landmarks list or National Register of Historic Places.
- Pre-Development – Building preservation plans, structural reports, designs, etc. for historic properties.
- Development – Rehabilitation of properties listed on the National Register of Historic Places.
- Planning – Community preservation plans, archaeology studies, etc.
- Review and compliance – Management of the CLG's preservation program, processing design review applications, design guidelines, etc. This should generally be matching source, this grant is not intended to fund the operation of the preservation program.
- Public Education – Preservation month activities, speakers and trainings, historic property walking tours, mobile device tours, scanning of historic property photos, maps, etc. Signs and interpretive panels are NOT eligible for funding.
- Other activities – Trainings and conferences for staff and commissioners, membership in preservation organizations to access resources, training materials, etc. National Alliance of Preservation Commissions membership and trainings are highly recommended.

In recent years, Deschutes County's grant projects have been primarily centered on public education and planning—whether websites, Preservation Month, reports, or similar. After the preliminary discussion this evening, staff will follow up by requesting additional information from commissioners or by proceeding with further project scope development as needed.

V. Staff and Commissioner Comments

VI. Adjourn

Attachment

1. Guidelines & Recommendations for Wildfire Resiliency of Historic Resources in Sisters