



MEMORANDUM

DATE: October 25, 2023
TO: Deschutes County Board of Commissioners
FROM: Tanya Saltzman, AICP, Senior Planner
RE: Public Hearing: Historic Landmarks Commission Amendments

The Board of County Commissioners will conduct a public hearing on November 1 for Ordinance No. 2023-023, legislative text amendments to Deschutes County Code (DCC), Title 2, Administration, Chapter 2.28, Historic Preservation and Historic Landmarks Commission and to Chapter 2 of the Deschutes County Comprehensive Plan. The primary purpose of the amendments is to provide the option to suspend the Historic Landmarks Commission (HLC) upon Board order, and for review authority as described in DCC 2.28 to be vested in the Planning Divisions of Deschutes County or the City of Sisters as applicable. The amendments retain the ability for the Historic Landmarks Commission to be reinstated at any time by the Board of County Commissioners (Board).

As detailed below, the Historic Landmarks Commission has been experiencing a slowdown in activity and currently lacks a quorum. Staff provided an update to the Board and received direction to proceed on August 30, 2023. 35-day Post-Acknowledgement Plan Amendment (PAPA) notice was provided to the Department of Land Conservation and Development (DLCD) on September 27, 2023. A work session was held with the Planning Commission on October 12, 2023.¹ A work session was held with the Board of County Commissioners on October 25, 2023.²

A. Historic Preservation and County Code

Historic resources are recognized by Statewide Planning Goal 5, Natural Resources, Scenic Views and Historic Areas and Open Spaces, and Oregon Administrative Rule (OAR) 660-023-0200. The Statewide Goal and OAR require basic protections for sites listed on the National Register of Historic Places and recommend the County to inventory and protect other historic or cultural sites.

¹ <https://www.deschutes.org/bc-pc/page/planning-commission-41>

² <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-133>

The Board of County Commissioners (Board) adopted Ordinance PL-21 on September 17, 1980 to establish the Deschutes County Historic Landmarks Commission and create a process to evaluate, designate and regulate historic resources throughout the rural county. The resulting local inventory of historical resources and National Register of Historic Places can be found in the County Comprehensive Plan. Deschutes County Code (DCC) Chapter 2.28 – Historic Preservation and Historic Landmarks Commission – provides procedures for protecting designated local and National Register historic resources. Chapter 2.28 also provides the basis for the establishment and duties of the Historic Landmarks Commission.

B. HLC Overview

Since 2011, the HLC has served as an advisory body for issues concerning historic and cultural resources for unincorporated Deschutes County and the City of Sisters and reviews development applications for alterations to designated historic sites and structures. The cities of Redmond and Bend have independent historic preservation review bodies. The Deschutes County Comprehensive Plan Section 2.11 Cultural and Historic Resources and Deschutes County Code (DCC) Chapter 2.28, Historic Preservation and Historic Landmarks Commission, establish the legal basis for the HLC.

Deschutes County, together with Sisters, is a Certified Local Government (CLG). The Certified Local Government program is designed to promote historic preservation at the local level. It is a federal program (National Park Service) that is administered by the Oregon State Historic Preservation Office (SHPO). Local governments must meet certain qualifications to become "certified" and thereby qualify to receive federal grants through SHPO and additional technical assistance. These requirements include:

- Establish a historic preservation commission;
- Pass a preservation ordinance that outlines how the local government will address historic preservation issues;
- Agree to participate in updating and expanding the state's historic building inventory program;
- Agree to review and comment on any National Register of Historic Places nominations of properties within the local government boundaries.

CLGs are eligible for non-competitive grants that fund work that supports the promotion of historic preservation including surveys, nominations to the National Register of Historic Places, public education, training, etc. The grants, which require a 50/50 in-kind match, have typically been in the \$5,000-\$15,000 range in recent years. Deschutes County has applied for and received CLG grants since 2009. Most recently, Deschutes County HLC applied and was approved for a smaller grant amount (\$5,500) owing to capacity issues and lack of projects that fit the grant funding parameters.

Until recently, the HLC had five voting members and one ex-officio member. In spring of 2023, two committee members—including the then-Chair—resigned and another, longtime Commissioner Sharon Leighty, passed away. Staff initiated recruitments for all three positions to coincide with May Preservation Month. Low interest caused staff to extend the recruitment one month until the end of June, and then again until August 15. Recruitments were posted on the HLC website and social

media, the CDD e-newsletter, and promoted via staff's professional networks. Ultimately only two applications were submitted for the three open positions.

It has become increasingly apparent that there is not currently robust interest in the HLC to keep it sustainable. This is not for a lack of residents' appreciation of the rich history of Deschutes County or a lack of historic resources; however, the structure and role of the HLC does have some inherent limitations. County historic sites are generally spread out, often more difficult to access, and lack the "critical mass" of historic sites that cities can offer, an example being a downtown historic district. Most historic sites are private property and require owner consent to either nominate, rehabilitate, or provide access. As such, Deschutes County has not reviewed a property for the nomination of a local historic resource in several decades.³

Recently, the HLC has focused on being a "connector," directing people to sources of potential grant funds, education, processes, or local resources, since the HLC lacks the ability to directly participate in (or fund) physical rehabilitation. CLG grant funds have recently been used either directly by the City of Sisters (last year's primary project was to update its StoryMap of historic resources, for instance) or for staff time in developing guiding documents such as the Strategic Plan and the Policies and Procedures Manual. Participation in May Preservation Month has been limited for various reasons, with the brunt of the planning being undertaken by local groups such as the Deschutes County Historical Society and Three Sisters Historical Society & Museum, both of which have reputations for lively and informative events, workshops, and tours.

C. Legislative Proposal

Given this trajectory and the constraints noted above, staff offered the following path for Board consideration at a work session on August 30, 2023. The Board supported moving forward through a public process for proposed legislative amendments, which include the following:

- Suspend the Historic Landmarks Commission as it currently exists.
- Amend DCC Chapter 2.28 to allow suspension of the HLC by Board order. In this scenario, review of alterations to historic resources or nominations of local significance is vested in the Planning Division. Review of alterations of historic sites or structures would be processed as a land use decision; local nominations of historic sites would be processed legislatively, starting with the Planning Commission.
- DCC Chapter 2.28 retains its references to the HLC with an amendment acknowledging that if the HLC is not appointed, review authority rests with the Planning Division.
- Deschutes County/Sisters would no longer be a CLG and therefore would not be eligible for CLG funding. For this grant cycle, no funding has yet been spent and staff would coordinate with SHPO to ensure compliance.

³ Since 2011, there have been three successful nominations to the National Register of Historic Places: Deedon Homestead, Pilot Butte Canal Historic District, and Central Oregon Canal Historic District.

- Amend Policy 2.11 of the current Comprehensive Plan to acknowledge this path. In addition, staff recognizes that the new draft Comprehensive Plan, which is scheduled for its first hearing before the Planning Commission on October 26, may require additional amendments to align with the proposed changes of this proposal.
- Going forward, the City of Sisters would need to address their own responsibilities as it pertains to their historic structures.
- In the future, if the community galvanizes and expresses support for appointing an HLC, staff can coordinate with the Board during CDD's annual workplan to discuss the opportunity.
- In a separate section, the amendments remove DCC 2.28(new B)(5) that refers to the selection of a commissioner representing the Pioneer Association. The Pioneer Association is no longer a separate not-for-profit Oregon entity and as such this provision is no longer applicable.

D. Next Steps

At the conclusion of the public hearing, the Board may:

- Continue the hearing to a date certain;
- Close the hearing and leave the written record open to a date certain; or
- Close the hearing and commence deliberations.

Attachments:

Ordinance No. 2023-023

Exhibit A – DCC 23.01, Comprehensive Plan

Exhibit B – Comprehensive Plan Section 2.11, Cultural and Historic Resources Policies

Exhibit C – Comprehensive Plan Section 5.12, Legislative History

Exhibit D – DCC 2.28, Historic Preservation and Historic Landmarks Commission

Exhibit E – Findings