MEMORANDUM

DATE: January 27, 2025

TO: Deschutes County Historic Landmarks Commission

FROM: Tanya Saltzman, AICP, Senior Planner

RE: February 3, 2025 - Historic Landmarks Commission Meeting

The Historic Landmarks Commission (HLC) will conduct its regular meeting on February 3, 2025 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 – November 18, 2024, January 6, 2025**

IV.   **Action Items**

1. **DLCD Goal 5 Cultural Areas Rulemaking Update**

On December 5, the Land Conservation and Development Commission (LCDC) held its deliberation session and consideration of adoption of the rulemaking for Goal 5 Cultural Areas following the public hearing that was held in September. LCDC ultimately voted to adopt the proposed rules, effective January 1, 2026.

Some changes were made to the proposed rules between the public hearing and deliberations based on public input, LCDC discussion, and staff analysis. Staff is providing a high level overview of the most relevant changes. These changes do not significantly alter the rules as outlined in the HLC

in previous meetings but primarily provide clarity and consistency. DLCD's redlined version of the code is provided as an attachment.

Changes to the rules came from three sources:

1. Issues discussed at LCDC's September hearing:

   - Relationship of this rule to Eastern Oregon Solar siting: reference removed as solar siting rule is not yet complete

   - Optional local protection for archeology: clarified that a local government may require preconstruction surveys of areas identified as having a high likelihood of containing archaeological sites (indigenous and non-indigenous) in addition to the protection measures in section (5) of the rule. Limitations on development must be supported by an ESEE analysis. Local governments must provide notice to tribes if they pursue this option.

2. Issues raised since LCDC hearing:

   - Requirement to process applications legislatively is removed; can be processed as local government determines is applicable with its procedures (legislative or quasi-judicial)

   - Deference to Section 106 of National Historic Preservation Act: clarifies that that process must be completed before a local government can defer to that decision

   - Recognition of significant quarry sites: protections for landscape features shall not have the effect of limiting mining within the boundaries of a significant aggregate site in which mining is authorized by local government

   - Timeframe for tribes responding to notice is clarified: local government informs applicants of responses received; timely responses are included in first evidentiary hearing; confidentiality is maintained in information on archeological sites

   - Owner consent: Made consistent with ORS 197.772, local governments must allow a property owner to refuse consent to the designation of a landscape feature as a significant cultural area if SHPO has determined that the landscape feature is eligible for listing on the National Register of Historic Places.

3. Other edits:

   - Removed statute definition of significance; added that all archaeological sites are significant Goal 5 resources

   - Landscape features inventory via application (Section 4): A local government may not require consent to process the application, but private property interests considered in ESEE analysis that ultimately determines protections (if any)

   - Housekeeping edits

Timeline

The proposed timeline of assistance from DLCD listed below will inform subsequent activity within CDD to respond to this rulemaking.

Implementation guidance:
- Model language for amending notice procedures: **Spring**
- Model language for information provided to applicants: **Spring**
- Best practices for communicating with Tribes: **Fall**
- Best practices for avoiding impacts to cultural areas: **Fall**

Tribes with an ancestral connection to the land within a city or county:
- Lists for each city and county compiled by Legislative Commission on Indian Services

Staff will update the HLC as implementation moves forward.

2. CLG Grant Discussion

In January, the HLC held a special meeting to discuss potential CLG grant project ideas.[1] Several commissioners as well as the City of Sisters provided ideas. Staff has worked to create a list of priority projects/project areas based on that discussion. In general, the HLC's priorities leaned towards commissioner training (reimbursable costs), with additional support for education and Preservation Month activities (primarily staff time/in-kind match).

As a reminder, CLG parameters are as follows.

- Requests can be made for up to $16,000; awards depend on number of applicants but are anticipated to be between $11,000 and $16,000

- 1:1 match is required, which can be in-kind donations, cash, or volunteer time. Historically, Deschutes County has utilized staff time for most, if not all, of the match.

- Timeline:
    - Application Deadline: February 28 (11:59pm), 2025
    - Notification & Agreements sent: by April 1, 2025
    - Required interim reporting & reimbursement request deadline: July 15, 2025
    - Required interim progress reporting: December 31, 2025
    - Survey (RLS & ILS) 1st draft deadline: February 1, 2026
    - Survey (RLS & ILS) final draft deadline: May 31, 2026
    - Project completion deadline: June 30, 2026 (note: previous cycles ended August 31)
    - Final report deadline: July 15, 2026

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[1] https://www.deschutes.org/bc-hlc/page/historic-landmarks-commission-13

It should be noted that following the January meeting, the City of Sisters further refined its potential project ideas to more realistically reflect the current appetite and capacity for preservation-related projects.

Staff offers the following draft project ideas for discussion.

Grant-funded reimbursable projects:

1. **Training: Oregon Heritage Conference (April 29-May 2, 2026, Woodburn, OR) $9702**
Per person cost estimate:
      Early bird registration: $180
      Hotel (3 nights, $150/night): $450
      Per diem ($68/day plus $51 first and last days): $238
      Mileage (300 miles RT @ $0.70/mile): $210
      Total estimated cost per person: $1078
      Number of attendees: 7 commissioners plus 2 staff (to be verified)

2. **City of Sisters update to walking tour brochure (content updates and printing) $1000**
3. **City of Sisters support for Three Sisters Historical Society/Preservation Month $250**
4. **HLC annual membership - National Alliance of Preservation Commissions (NAPC) $150**

        Reimbursable total: $11,102 (estimate depending on training costs)

Match/in-kind staff time estimates

The CLG grant requires a 1:1 match, which is generally provided as in-kind staff time. Staff will adjust this amount accordingly once the direct reimbursable costs are finalized. Below is an estimate of anticipated staff time tasks and associated costs.

1. **Grant administration (limited to no more than 15% of grant amount) $1665**
2. **City of Sisters staff time for walking tour brochure $250**
3. **Review and compliance: HLC admin, Goal 5 cultural area rulemaking tasks $7000-7500**
4. **Education: StoryMap, website upgrades, Preservation Month assistance $1500-2000**

Once these (or other) grant items are confirmed, staff will finalize the tasks and associated costs and present the application request to the Board of County Commissioners.

3. **Subcommittee Roundup**

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

1. Cultural resource work – Commissioners Hudson and Stemach
2. Wildfire and preservation issues – Commissioners Ashley and Syphers

3. Camp Abbot – Commissioners Hudson and Christopher
4. General public awareness issues/education/Preservation Month: Commissioners Stemach, Ashley, Syphers

V.   Staff and Commissioner Comments

VI.   Adjourn

Attachment
DLCD Goal 5 Cultural Areas Rulemaking Redline Edits