



MEMORANDUM

DATE: November 20, 2023

TO: Deschutes County Board of Commissioners

FROM: Tanya Saltzman, AICP, Senior Planner

RE: Consideration of First and Second Reading: Historic Landmarks Commission Amendments

On November 29, 2023, staff will present Ordinance No. 2023-023 to the Board of County Commissioners (Board) for consideration of first and second reading (emergency adoption). The Board of County Commissioners conducted a public hearing on November 1, 2023.¹ 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, 2023.² A work session was held with the Board of County Commissioners on October 25, 2023.³

The primary purpose of the amendments is to remove a reference to the Deschutes County Pioneer Association in language concerning the composition of the Historic Landmarks Commission. The Deschutes County Pioneer Association is no longer a stand-alone not-for-profit Oregon entity and as such the requirement to have specific representation is no longer applicable.

Originally, the amendments under consideration also included language that would allow the Board to suspend the Historic Landmarks Commission when deemed necessary; however, that portion of the amendments has been removed.

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

¹ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-138>

² <https://www.deschutes.org/bc-pc/page/planning-commission-41>

³ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-133>

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.

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. Adoption by Emergency

As noted above, Ordinance No. 2023-023 removes DCC 2.28(A)(5), which refers to the selection of a commissioner representing the Deschutes County Pioneer Association. The Pioneer Association is no longer a separate not-for-profit Oregon entity and as such this provision is no longer applicable.

During the public hearing, draft amendments were presented that provided an option for the Board to suspend the Historic Landmarks Commission in times when participation on the Commission was low. However, given the public input received, the Board directed staff to strike that portion of the amendments and to initiate recruitment for the HLC once again. This recruitment is open until December 1.

Emergency adoption of Ordinance No. 2023-023 allows for the recruitment process to be cleaner by removing the outdated reference to the Pioneer Association prior to the selection of new commissioners. Non-emergency adoption would result in a recruitment process that technically would be obligated to fill a position from an organization that no longer exists in its original form.

C. Next Steps

As noted above, staff recommends that the Board vote on and adopt the ordinance by emergency, with an immediate effective date. This proposed action requires a unanimous vote. Alternatively, if the vote is not unanimous, the Board will hold first and second readings at least 14 days apart, and then the ordinance will be effective 90 days after second reading.

Attachments:

Ordinance No. 2023-023 and Corresponding Exhibits

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

Exhibit B – Findings