



MEMORANDUM

DATE: July 29, 2024
TO: Deschutes County Historic Landmarks Commission
FROM: Tanya Saltzman, AICP, Senior Planner
RE: August 5, 2024 - Historic Landmarks Commission Meeting

The Historic Landmarks Commission (HLC) will conduct a meeting on August 5, 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 – May 6, 2024**
- IV. Action Items**

- 1. Commission Subcommittees – Tanya Saltzman**

At the last HLC meeting, commissioners discussed forming subcommittees of two commissioners each (to avoid an de facto public meeting) to discuss topics of interest. These subcommittees would self-coordinate to meet (virtual or in person) in between regular HLC meetings; these meetups would be used to brainstorm, research, discuss, raise questions, etc. on that particular topic, and would report back at the next regular HLC meeting. Those meetings would provide an opportunity to look into items of interest outside of the quarterly HLC meetings and also to get to know fellow commissioners.

Topics raised in the previous meeting for subcommittees:

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

Four commissioners responded with their subcommittee priorities via email; due to some overlap, subcommittee formation will be discussed during this meeting.

Priorities thus far from commissioners:

Commissioner Syphers:

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

Commissioner Ashley:

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

Commissioner Hudson:

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

Commissioner Christopher:

1. Camp Abbott
2. General public awareness issues

Potential subcommittee assignments for discussion:

Wildfire and preservation issues

Commissioner Ashley
Commissioner Syphers

General public awareness issues (choose two)

Commissioner Ashley
Commissioner Syphers
Commissioner Christopher

Camp Abbott

Commissioner Christopher
+ one additional commissioner

Cultural resources

Commissioner Hudson
+ one additional commissioner (perhaps whoever did not join General Public Awareness?)

2. Goal 5 Cultural Areas Rulemaking Update – Tanya Saltzman

As noted in previous meetings, On November 2, 2023, the Land Conservation and Development Commission (LCDC) directed Department of Land Conservation and Development (DLCD) staff to begin rulemaking for Goal 5 cultural areas. While statewide land use planning Goal 5 lists Cultural Areas as important resources in Oregon, Oregon Administrative Rules (OAR) currently do not provide specific direction of how to consider these types of areas in Oregon communities.

Staff is providing a brief summary of the DLCD process and has attached an overview presentation that was provided to the League of Oregon Cities. Additional information can be found on the DLCD website: <https://www.oregon.gov/lcd/lar/pages/goal5.aspx>

Key Dates:

- January 22, 2024: First RAC meeting
- March 15, 2024: Second RAC meeting
- May 9, 2024: Third RAC meeting
- July 9, 2024: Webinar on rulemaking process
- July 18, 2024: Fourth RAC meeting
- September 1, 2024: Draft rules to be 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

Proposed Rules

The aim of the proposed rules is to improve awareness of laws protecting archaeological sites and provide direction on developing local inventories of culturally significant landscape features, while working within the existing Goal 5 framework. Overall, this rule seeks to enhance cultural resource protection within the existing Goal 5 framework while providing flexibility for local implementation.

- New rule to be added as OAR 660-023-0210
- Defines terms related to cultural areas and archaeological sites
- Outlines process for inventorying cultural areas
- Establishes procedures for protecting archaeological sites
- Provides guidance on identifying and protecting culturally significant landscape features
- Allows local governments to adopt consultation programs with tribes
- Clarifies relationship to existing Goal 5 processes and other rules

The proposed rule would be comprised of the following sections:

Section 1 - Definitions: The rule provides critical definitions for terms like "archaeological object," "archaeological site," "cultural areas," and "landscape feature of cultural interest." These definitions are crucial as they set the scope for what resources fall under the rule's purview. The definition of

"cultural areas" is particularly noteworthy as it encompasses both archaeological sites and landscape features of cultural interest, broadening the traditional scope of cultural resource protection.

Section 2 - Relationship to Existing Goal 5 Process: This section clarifies how the new rule integrates with existing Goal 5 processes (OAR 660-023-0030 through 660-023-0050). It's important to note that local governments are not required to assess archaeological sites for significance or apply the ESEE (Economic, Social, Environmental, and Energy) process for sites already protected under ORS 358.905-961. This approach streamlines the process for known archaeological sites.

Section 3 - State Inventory of Archaeological Sites: The rule references the Oregon Archaeological Records Remote Access (OARRA) database maintained by the State Historic Preservation Office. This section outlines how local governments should use this confidential data to inform land use decisions while maintaining site confidentiality. This balancing act between information use and protection is a key aspect of the rule.

Section 4 - Local Inventory of Culturally Significant Landscape Features: This section provides a framework for local governments to inventory culturally significant landscape features. It allows for both comprehensive and partial inventories, which offers flexibility to local jurisdictions. The rule also establishes a process for adding sites to local inventories through Post-Acknowledgement Plan Amendments (PAPAs).

Section 5 - Protection of Significant Archaeological Sites: This section focuses on compliance with existing state laws protecting archaeological sites. It requires local governments to include information about archaeological site protection in land use authorizations, notify tribes of certain development proposals, and consider measures to avoid or minimize impacts to known or suspected archaeological sites. This approach aims to reduce inadvertent discoveries and conflicts.

Section 6 - Protection for Landscape Areas of Cultural Significance: This section outlines the process for protecting landscape areas found to be culturally significant. It requires local governments to complete the Goal 5 process and adopt a program to achieve the goal. The rule provides specific considerations for the ESEE analysis, such as avoidance measures for sites used for gathering or ceremonies, and visual impact considerations for culturally significant vistas.

Section 7 - Consideration of Landscape Areas of Cultural Importance: This section addresses how to handle information about culturally important landscapes during Urban Growth Boundary (UGB) expansions and quasi-judicial reviews on rural lands. It requires notification to tribes and consideration of protective measures.

Section 8 - Local Government-to-Government Consultation Programs: This section allows local governments to adopt their own consultation programs with tribes as an alternative to the baseline protections in the rule. This approach promotes flexibility and encourages direct engagement between local governments and tribes.

Section 9 - Applicability: This section clarifies when and how the rule applies, including provisions for direct application of certain sections and how local government-to-government consultation programs interact with the rule.

Staff encourages those interested—including but not limited to the HLC subcommittee that has expressed interest in this topic—to review the information on the website for further details. If any commissioners seek to ask the Board of County Commissioners to submit comments on the HLC's behalf prior to the public input deadline of October 15, please reach out to Tanya via email. Staff will also consider inviting a DLCD representative to speak about this project at the next scheduled HLC meeting.

3. Certified Local Government (CLG) Grant Update – Tanya Saltzman

Staff continues to move forward with this year's CLG grant, which closes on August 31, and is providing updates on the following:

- City of Sisters Historic Building Hardening: Sisters staff has shared a rough first draft of the historic building hardening guidelines with the State Historic Preservation Office (SHPO), which has in turn provided edits and additional direction on the report. This report will be shared with the HLC at the conclusion of the grant.
- Dial upgrade: Planning staff is working with County IT to add the Downtown Redmond Historic District layer to Dial (Deschutes County Property Database). Staff has received the GIS data from the City of Redmond and has passed it to County IT; staff is currently awaiting follow up with County IT. If for some reason County IT staff finds their workload is unable to accommodate this task, staff can make up the anticipated staff time from other tasks.
- Mailer to historic properties: Commissioners provided feedback on information to include in a mailer to historic properties, reminding property owners of their status and resources available to them, as well as sharing the historic resource StoryMap. This mailer is in progress and is expected to be mailed in the next two weeks.

V. Staff and Commissioner Comments

VI. Adjourn

Attachments

1. DLCD Goal 5 Cultural Areas Rulemaking webinar presentation