



COMMUNITY DEVELOPMENT

DESCHUTES COUNTY HISTORIC LANDMARKS COMMISSION

5:30 PM, MONDAY, AUGUST 05, 2024

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St – Bend

(541) 388-6575 | www.deschutes.org

AGENDA

MEETING FORMAT

The Historic Landmarks Commission will conduct this meeting electronically, by phone, in person, and using Zoom.

Members of the public may view this meeting in real time via the Public Meeting Portal at www.deschutes.org/meetings.

Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link:

<https://us02web.zoom.us/j/87045040221?pwd=00QeKdozKubTOLR8bQSEQBUtVPOu26.1>

Passcode: 878294

Using this option may require you to download the Zoom app to your device.

Members of the public can access the meeting via telephone, dial: 1-312-626-6799. When prompted, enter the following Webinar ID: 870 4504 0221 and Passcode: 878294. Written comments can also be provided for the public comment section to planning@deschutes.org by 5:00 PM on August 5. They will be entered into the record.

I. CALL TO ORDER

II. APPROVAL OF MINUTES - May 6

III. PUBLIC COMMENT

IV. ACTION ITEMS

1. Commission Subcommittees
- [2. Goal 5 Cultural Areas Rulemaking Update](#)
3. Certified Local Government (CLG) Grant Update

V. HISTORIC LANDMARKS COMMISSION AND STAFF COMMENTS

VI. ADJOURN



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 617-4747.



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 a 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.

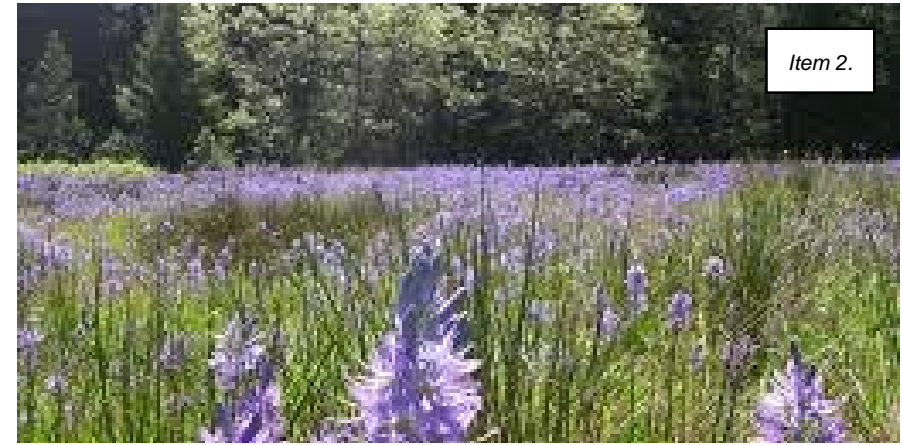
V. Staff and Commissioner Comments

VI. Adjourn

Attachments

1. DLCD Goal 5 Cultural Areas Rulemaking webinar presentation

Goal 5 Cultural Areas Rulemaking



Item 2.



July 9, 2024

League of Oregon Cities Webinar on Rulemaking Process

Amanda Punton, Natural Resource Specialist

Kirstin Greene, Deputy Director and Tribal Liasson

Lianne Thompson, Clatsop County Commissioner, LCDC Liaison

Why this Rule?

To protect natural resources and conserve scenic and historic areas and open space

- ✓ Corrects a gap in Oregon's comprehensive planning framework
- ✓ Completes a 1995 opportunity to develop a rule specific to cultural areas
- ✓ Increases understanding of state archaeological resource protection – developers, local governments
- ✓ Increases notice and information available – Tribes, property owners, local governments
- ✓ Enriches Oregon's cultural understanding – current and future generations



Charge, Abbreviated

- Use development permits to increase understanding of state laws
- Provide information on state laws to protect archaeological objects and sites of archaeological significance
- Define and establish Goal 5 processes for areas of cultural significance
- Provide direction for keeping sites confidential

Cultural Areas Project Update Guiding Principles

October 19, 2023

Item 2.

Respect for the importance of development permitting timelines established in Oregon law

Native American artifacts, human remains and associated funerary objects are treated lawfully and with respect

Consistency with Governor Kotek's housing and associated development objectives

Data on known and suspected archeological sites maintained by the State Historic Preservation Office is used to avoid disturbance from locally permitted development activities, while maintaining appropriate confidentiality measures

Landowners and developers are informed, through the local permitting process, of existing state and federal law pertaining to unintended disturbance of archeological sites



Oregon Land Use Planning Goal 5:
Cultural Areas Project Update

October 19, 2023

Oregon administrative rules for [Statewide Land Use Planning Goal 5](#) address Natural Resources, Scenic and Historic Areas and Open Spaces. Administrative rules to implement Goal 5 were first adopted in 1981 as [Oregon Administrative Rules Chapter 660, Division 16](#). In a review of Goal 5 in the mid-1990s, the Department of Land Conservation and Development (DLCD) convened a working group to recommend revisions to these rules. In 1996, the Land Conservation and Development Commission (LCDC) adopted revisions to Goal 5 and a new set of rules, Division 23 for inventory and protection of other Goal 5 resources. While the more generic rules in Division 16 continue to apply, the working group at the time recommended postponing development of specific rules for Cultural Areas until Government-to-Government relationships between the state and Oregon's nine federally recognized Tribal Nations (Tribes) were better established.

While "Cultural Areas" are listed in Land Use Planning Goal 5, the term remains undefined in the goal or Division 23. Cultural areas are understood to include archeological sites, and sites without an archaeological component, as well as Native American human remains and associated funerary objects, artifacts, places and sites important to culturally specific communities including but not limited to Tribes. Without a current working definition, implementation has varied. To inform a policy agenda item on this topic, DLCD staff have been in discussion with representatives of Oregon Tribes and other culturally specific organizations to explore how a new administrative rule for Goal 5 Cultural Areas could improve protections for areas and items that are important to one or more Tribe or communities.

To help understand practices at the local government level, DLCD staff developed a survey of local governments regarding cultural area protection and relationship with Oregon Tribes in 2022. Staff from 57 cities and counties responded. Just over half, (55%) indicated that they are not aware of any process their jurisdiction has for engaging with Tribes on cultural resources issues. Just under a quarter (24%) said that they are not aware of Oregon's statutes and rules regarding protection of significant archaeological sites.

By way of additional historical context, six of Oregon Tribes had not regained federal recognition status after the Western Oregon Indian Termination Act of 1954 until the late 1970s into the mid-1980s. Accordingly, Tribal representatives were not in a position to formally participate in the early comprehensive planning processes at the city and county level.

DLCD staff also are acutely aware of the real constraints on local governments planning staff today. Staff would strive to ensure ease of implementation of practices designed to improve protection of significant cultural areas.

Some of DLCD's guiding principles for this rulemaking include:

- Respect for the importance of development permitting timelines established in Oregon law.
- Native American artifacts, human remains and associated funerary objects are treated lawfully and with respect.
- Consistency with Governor Kotek's housing and associated development objectives.



Next Steps

Sign up for Gov Delivery email notices!

- Draft rule available at DLCD’s Rulemaking web page for cultural areas
<https://www.oregon.gov/lcd/LAR/Pages/Goal5.aspx>
- Secretary of State Notice
September 1, 2024
- First hearing at LCDC
September 26-27, 2024
- Comment period open through October 15, 2024
- Adoption considered at LCDC
December 5-6, 2024
- Program implementation ongoing: technical assistance, guidance documents

Goal 5 Cultural Areas Rulemaking Advisory Committee Membership

Updated March 29, 2024

Item 2.

Government/Agency/Interest	Name of Representative
City planner, Portland	Nick Starin
City planner, Salem	Kimberli Fitzgerald
Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians	Courtney Krossman
Confederated Tribes of Grand Ronde	Briecce Edwards
Confederated Tribes of Siletz Indians	Peter Hatch
Confederated Tribes of the Umatilla Indian Reservation	Carey Miller
Confederated Tribes of the Warm Springs Reservation of Oregon	Raymond Tsumpti
Coquille Indian Tribe	Sara Palmer
County planner, Association of Oregon Counties designee	Inga Williams
County planner, Coos County	Jill Rolfe
Cow Creek Band of Umpqua Tribe of Indians	Brandi Knutzen
DLCD Citizen Involvement Advisory Committee	Jennifer Eisele
Equity Manager, Lane County	Latiffe Amado
Gorge area planner	Kelly Howsley-Glover
Japanese American Museum of Oregon	Hanako Wakatsuki-Chong
Klamath Tribes	Les Anderson
League of Oregon Cities	Ariel Nelson
Oregon Department of Transportation	Kassandra Rippee
Oregon Legislative Commission on Indian Services	Elissa Bullion
Private developer	Keenan Ordon-Bakalian
Representative of land use advocacy organization	Ed Sullivan
Representatives of property rights organization	Dave Hunnicutt
State Historic Preservation Office, Outreach Coordinator	Kuri Gill
State Historic Preservation Office, State Archaeologist	John Pouley

Statewide Land Use Goal 5

To protect natural resources and conserve scenic and historic areas and open space

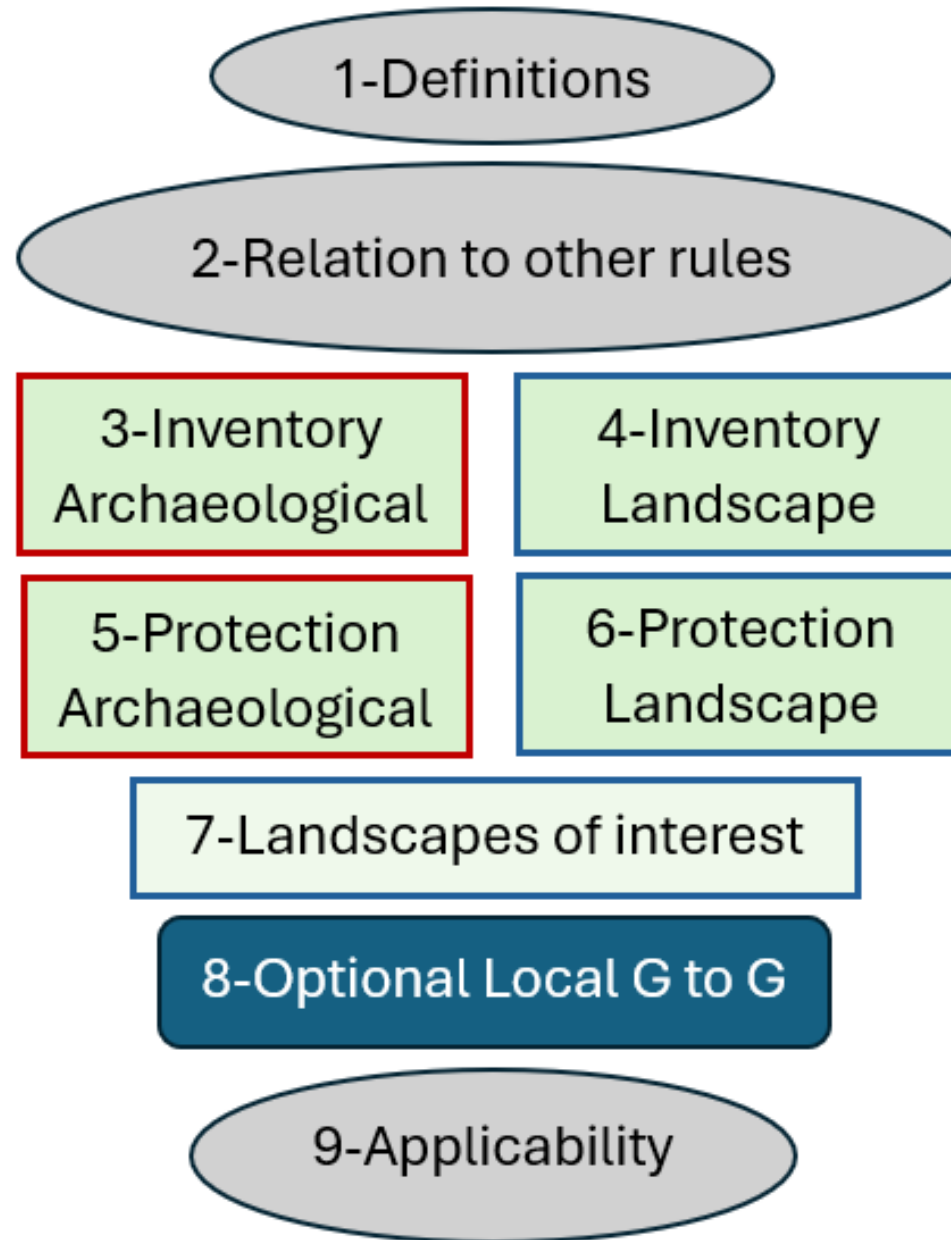
Shall be inventoried:

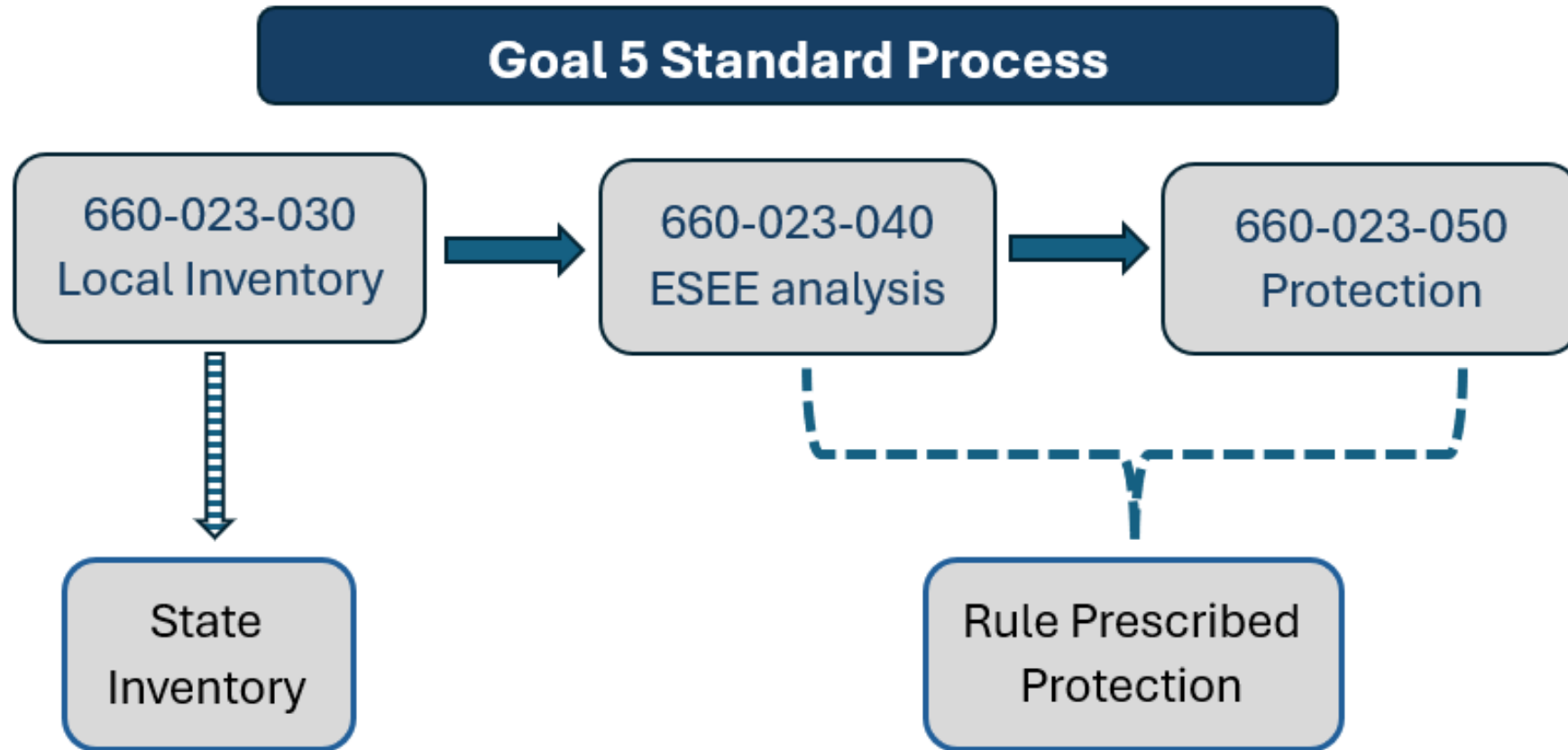
- Riparian Resources
- Wetlands
- Wildlife Habitat (including sage grouse)
- Wild & Scenic Rivers
- State Scenic Waterways
- Groundwater Resources
- Approved Oregon Recreation Trails
- Natural Areas
- Wilderness Areas
- Mineral & Aggregate Resources
- Energy Sources
- Cultural Areas***

Inventories are encouraged:

- Historic Resources
- Open Space
- Scenic Views & Sites

Draft Rule Structure





Standard Process and Modifications from Resource-Specific Rules

Key Elements of the Draft Rule

- **Information about State Historic Preservation Office Rules**
 - For landowners and developers

- **Notice to Tribes**
 - Applications requiring quasi-judicial review that will result in ground disturbance
 - Clarifies pathways for applying Goal 5 to potentially significant landscape features in UGB amendments

- **Information for Planning Commission, City Council, and County Commission Decision**
 - Factoring cultural areas into long range planning decisions

The Draft Rule, Continued

- **Define and protect landscape areas of cultural significance**
- **Provide direction for keeping information confidential archaeological sites**
Supports awareness of and compliance with existing state archaeological laws
- **Landscape areas of cultural significance**
For Goal 5 significant resources, local protection measures based on an analysis of the economic, social, environmental, and energy (ESEE) analysis of a decision to allow, limit, or prohibit conflicting uses

Draft Rule, Continued

- **Optional local government to government consultation programs**
- **Sections of the rule apply directly**
 - Provide information on local application forms
 - Notice to interested Tribes
 - Reflect response to information provided



Questions
Discussion