



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

September 2, 2010



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment
DLCD File Number 012-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: Wednesday, September 15, 2010

This amendment was not submitted to DLCD for review prior to adoption because the jurisdiction determined that emergency circumstances required expedited review. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Peter Gutowsky, Deschutes County
Jon Jinings, DLCD Community Services Specialist

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Notice of Adoption



THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: **Deschutes County**

Local file number: **TA 10-4**

Date of Adoption: **August 23, 2010**

Electronic / Date Mailed: **August 24 / 25 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Date: **No.**

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: Historical Preservation and Historical Landmarks Commission

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

The Board of County Commissioners adopted amendments that further clarify DCC Chapter 2.28, Historic Preservation and Historical Landmarks Commission. The amendments do not loosen or tighten restrictions beyond what exists today. New definitions and appendices are now cited to reflect state and federal historic guidelines and requirements.

ORS 197.610(2), post-acknowledgment procedures, were not initiated because the statewide planning goals do not apply to the legislative amendments. The amendments to Deschutes County Code, Chapter 2.28 just clarify and reformat the chapter.

Notices of the Planning Commission and Historical Landmarks Commission public hearings were sent to every property owner in Deschutes County with a Goal 5, historic resource. Throughout the hearings process, **no one** testified against the amendments.

Does the Adoption differ from proposal?

N/A

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

- 1** **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Deschutes County, Oregon Department of Land Conservation and Development

Local Contact: **Peter Gutowsky**

Phone: **(541) 385-1709** Extension:

Address: **117 NW Lafayette**

Fax Number: **541-385-1764**

City: **Bend**

Zip: **97701**

E-mail Address: **peterg@co.deschutes.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

Updated March 17, 2009

REVIEWED
rl
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Chapter 2.28 of the
Deschutes County Code, Historic Preservation and
Historical Landmarks Commission, and Declaring an
Emergency. *

ORDINANCE NO. 2010-019

WHEREAS, at the request of the Deschutes County Board of Commissioners ("Board"), the Community Development Department initiated a six-month program, starting in March 2010 that amends Deschutes County Code ("DCC") Chapter 2.28, Historical Preservation and Historical Landmarks Commission; and

WHEREAS, the Deschutes County Historical Landmarks Commission ("HLC") held two work sessions on May 20 and June 17, 2010 on Ordinance 2010-019 to discuss legislative amendments to DCC Chapter 2.28, and forwarded a recommendation to the Deschutes County Planning Commission for the first evidentiary hearing on July 8; and

WHEREAS, the Deschutes County Planning Commission held a duly noticed public hearing on July 8 and continued the public hearing to July 22, 2010 to receive a recommendation from the HLC; and

WHEREAS, the HLC held a duly noticed public hearing on July 15, 2010 and on that same date, forwarded to the Board a recommendation of approval; and

WHEREAS, the Deschutes County Planning Commission held a public hearing on July 22, 2010 and on that same date, forwarded to the Board a recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on August 11, 2010 and concluded that the public will benefit from changes to DCC Chapter 2.28; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC Chapter 2.28 is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strike through~~.

Section 2. FINDINGS. The Board adopts as its findings Exhibit "B," attached and incorporated by reference herein.

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Section 3. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

Dated this 23rd of August 2010

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Dennis R. Luke
DENNIS R. LUKE, Chair

Alan Unger
ALAN UNGER, Vice Chair

ATTEST:

Bonnie Baker
Recording Secretary

- absent -
TAMMY BANEY, Commissioner

Date of 1st Reading: 23rd day of Aug, 2010.

Date of 2nd Reading: 23rd day of Aug, 2010.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alan Unger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tammy Baney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Effective date: 23rd day of Aug, 2010.

Chapter 2.28. HISTORICAL PRESERVATION AND HISTORICAL LANDMARKS
COMMISSION

- ~~2.28.0101. Purpose of Provisions.~~
~~2.28.0240. Definitions-Historical Significance.~~
~~2.28.005. Definitions.~~
~~2.28.010. Definition-Alteration.~~
~~2.28.015. Definition-Architectural Significance.~~
~~2.28.030. Applicability.~~
~~2.28.0420. Administration-Definition-Board. 2.28.025. Definition-Demolish.~~
~~2.28.050. Criteria-Definition-Landmarks-Commission.~~
~~2.28.0360. Procedures-Definition-Exterior. 2.28.035. Definition-Historical Interest.~~
~~2.28.045. Definition-Landmark.~~
~~2.28.055. Definition-Minor Alteration.~~
~~2.28.060. Definition-Planning Division.~~
~~2.28.070. Historical Landmarks-Commission-Creation, Membership, Term, Vacancy Filling and Expense-Reimbursement.~~
~~2.28.070. Historic and Cultural Resource Survey and Inventory. 2.28.080. Officers, Meetings and Rules of Procedure.~~
~~2.28.090. Functions and Duties.~~
~~2.28.100. Historical Designation Criteria.~~
~~2.28.110. Request for Historical Designation.~~
~~2.28.120. Historical Building or Site Designation Procedure.~~
~~2.28.130. Historical Interest Designation Procedure.~~
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~~2.28.15080. Designation not a Recommendation for Federal Action.~~
~~2.28.16090. Exterior Alteration and New Building Restrictions.~~
~~2.28.17100. Demolition Permits and Condemnation Proceedings.~~
~~2.28.1810. Demolished Historical Buildings-Records and Artifact Preservation.~~
~~2.28.1290. Identification-Signs/Plaques.~~
~~2.28.21300. Redevelopment and Neighborhood Improvement Projects-Review by Commission.~~
~~2.28.140. Enforcement of State Preservation Laws.~~
~~2.28.2150. Appeals from Commission decisions.~~
~~2.28.22160. Violation-Penalties.~~
~~2.28.170. Oregon State Special Assessment of Historic Properties.~~

2.28.0101. Purpose of Provisions.

- A. Districts, buildings, structures and sites in Deschutes County and its cities which have special historic and prehistoric association or significance should be preserved as part of the heritage of the citizens of the County, and for the education, enjoyment and pride of the citizens, as well as for the beautification of the County and enhancement of the value of such property.
- B. To that end, regulatory controls and administrative procedures are necessary.
(Ord. 2010-019 §1; Ord. 88-008 §1, 1988)

2.28.0205. Definitions.

As used in DCC 2.28 the following words and phrases are defined as set forth in DCC 2.28.0210-060.

(Ord. 95-027 §1, 1995; Ord. 88-008 §2, 1988)

~~2.28.010. — Definition-Alteration.~~

~~"Alteration" means the addition to, or removal of, or physical modification of any exterior part, structure and/or portion of a structure and/or building.~~

~~(Ord. 88-008 §2, 1988)~~

~~2.28.015. — Definition-Architectural Significance.~~

~~"Architectural significance" means that the structure and/or building or district:~~

- ~~A. Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;~~
- ~~B. Embodies those distinguishing characteristics of an architectural type~~
- ~~C. Is the work of an architect or master builder whose individual work has influenced the development of the city/county; or~~
- ~~D. Contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.~~

~~(Ord. 88-008 §2, 1988)~~

~~2.28.020. — Definition-Board.~~

~~"Board" means the Deschutes County Board of County Commissioners.~~

~~(Ord. 88-008 §2, 1988)~~

~~2.28.025. — Definition-Demolish.~~

~~"Demolish" means to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a designated historical landmark or structure and/or building, or a designated landmark or structure and/or building in a historical district.~~

~~(Ord. 88-008 §2, 1988)~~

~~2.28.030. — Definition-Exterior.~~

~~"Exterior" means any portion of the outside of a designated historical structure and/or building, or structure and/or building in a designated historical district or any addition thereto.~~

~~(Ord. 88-008 §2, 1988)~~

"Historic" means 50-years old or older.

"Historic Artifacts" means three-dimensional objects including furnishings, art objects, architectural elements, building materials and items of personal property which have historic significance. "Historic artifacts" does not include photographs, paper, electronic media or other media that are classified as public records.

"Historic or Cultural Resource" means a historic or cultural site, building, structure, object, historic district, and their significant settings or any combination of these resources that are listed on the National Register of Historic Places, or are within a historic district that was listed on the National Register of Historic Places, and/or are designated by the Deschutes County Board of Commissioners on the County's Goal 5 list of Historic and Cultural Resources.

~~2.28.035. — Definition-Historical Interest.~~

~~"Historical interest" means that a building, structure or site has:~~

- ~~A. Historical significance;~~
- ~~B. May not be on the original location or may have been moved; or~~

~~C. Architectural significance may have been substantially altered or destroyed.
(Ord. 88-008 §2, 1988)~~

~~**2.28.040. — Definition Historical Significance.**~~

~~"Historical significance" means that the structure and/or building or district:~~

- ~~A. Has character, interest or value as part of the development, heritage or cultural characteristics for the city, county, state or nation;~~
- ~~B. Is the site of a historic event with an effect upon society;~~
- ~~C. Is identified with a person or group of persons who had some influence on society; and/or~~
- ~~D. Exemplifies the cultural, political, economic, social or historic heritage of the community.~~

~~(Ord. 88-008 §2, 1988)~~

"Inventory" is a survey, map, or description of one or more resource sites that is prepared by a local government, state or federal agency, private citizen, or other organization and that includes information about the resource values and features associated with such sites. As a verb, "inventory" means to collect, prepare, compile, or refine information about one or more resource sites.

~~**2.28.045. — Definition Landmark.**~~

~~"Landmark" means an object or structure of special historical interest historical significance which has been designated as a historic or cultural resource ~~and set aside for preservation.~~~~

~~(Ord. 88-008 §2, 1988)~~

~~**2.28.050. — Definition Landmarks Commission.**~~

~~"Landmarks Commission" means the Deschutes County Historical Landmarks Commission. (Ord. 88-008 §2, 1988)~~

~~**2.28.055. Definition Minor Alteration:**
"Minor alteration" means alteration which does not affect the historical or architectural significance of the structure or building. (Ord. 88-008 §2, 1988)~~

"Maintenance" means the process of mitigating the wear and deterioration of a property without altering the historic character of the property, including action taken to protect and repair the condition of the property with the least possible impact on the historic character of the property.

"Major Alteration" means an alteration which could adversely affect the historical or architectural significance of a historic resource. Examples include alterations to the front façade, additions, exterior remodels or alterations to the setting that remove significant historic elements or add features that are incompatible with the historic or prehistoric period, thereby losing interpretive value.

"Minor Alteration" means an alteration which does not affect the historical or architectural significance of a structure.

~~**2.28.060. — Definition Planning Division.**~~

~~"Planning Division" means the Planning Division of the County Community Development Department.~~

~~(Ord. 88-008 §2, 1988)~~

"Object" means to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, moveable, an object is associated with a specific setting or environment.

"Preservation" means the process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property, including but not limited to the ongoing maintenance and repair of historic materials but; not including the extensive replacement of historic materials or new construction.

"Property Owner" means the owner of record or the contract purchaser and does not include a person or organization that holds a security interest.

"Protect" means to require Landmarks Commission review of applications for demolition, removal, or exterior alteration of a historic resource, new construction or signs on the designated property in accordance with the provisions of this ordinance so that the defining characteristics of the building and its site and environment are retained.

"Reconstruction" means the process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

"Rehabilitation" means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values. See Appendix "C" The Secretary of the Interior's Standards for Rehabilitation for the ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

"Replacement" means the process of replacing historic materials and features with new materials when the deterioration of a character-defining material or feature is so extensive that protection, maintenance, or repair is not possible. Replacing severely deteriorated or damaged historic materials with new materials of the same kind as the historic materials and in the same design as the historic element is "replacement."

"Restoration" means the process of accurately depicting the forms, features and character of a property as it appeared at a particular period of time, by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

"Site" means the location of a significant event, prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archaeological value regardless of the value of any existing structure.

"Structure" means anything constructed or built, any edifice or building or any kind, or any pieces of work architecturally built or composed of parts joined together in some definite manner.

(Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §2, 1988)

2.28.030. Applicability.

This code applies to any Historic or Cultural Resource within Deschutes County that was designated as a historic resource by the Deschutes County Board of Commissioners or was listed on the National

Register of Historic Places, or is located within a historic district that was listed on the National Register of Historic Places.

(Ord. 2010-019 §1)

2.28.040. Administration. ~~2.28.070. Historic Landmarks Commission-Creation, Membership, Term, Vacancy Filling and Expense Reimbursement.~~

- A. The Landmarks Commission is composed of nine voting and undetermined number of non-voting ex-officio members who have demonstrated expertise in historic preservation related disciplines:
 - 1. The Mayor of Bend, with the advice and consent of City Council, shall appoint four Commissioners to represent the City of Bend;
 - 2. The Mayor of Redmond shall appoint one Commissioner to represent the City of Redmond;
 - 3. The Mayor of Sisters shall appoint one Commissioner to represent the City of Sisters; and
 - 4. The Board shall appoint one Commissioner to represent the unincorporated portion of the county.
 - 5. Upon recommendation of the respective association president, the Board shall appoint one Commissioner to represent the Historical Society and one Commissioner to represent the Deschutes County Pioneer Association; and
 - 6. The ex-officio members shall be appointed by the Deschutes County Board of Commissioners.
- B. Landmarks Commissioners shall be qualified as defined in the National Park Service's Certified Local Government Program requirements (Appendix "ED" Section 2). Appendix "ED", by this reference, is incorporated herein.
- C. Landmarks Commissioners serve four-year terms. Any vacancy occurring in a position for any reason other than expiration of a term shall be filled by appointment for the remainder of the term.
- D. Ex-Officio Members.
 - 1. In addition to the nine official members, there shall be an undetermined number of liaison persons to act as ex officio members to be called in as appropriate to act in an advisory capacity to the ~~landmarks commission~~Landmarks Commission.
 - 2. These ex officio members shall not be entitled to vote.
 - 3. These persons shall be representative of organizations including, but not limited to, the United States Forest Service, United States Bureau of Land Management, the County building division, and the American Institute of Architects.

~~2.28.080. Officers, Meetings and Rules of Procedure. A.~~

- E. The officers of the ~~landmarks commission~~Landmarks Commission shall consist of a chairperson, vice-chairperson and secretary, each elected by a majority vote.
- B.F. The regular time, place and manner of notice of meetings shall be fixed by rules of the ~~landmarks commission~~Landmarks Commission. However, the ~~landmarks commission~~Landmarks Commission shall meet at least on a quarterly basis.
- C.G. The ~~landmarks commission~~Landmarks Commission shall establish and adopt its own rules of procedure. The ~~landmarks commission~~Landmarks Commission shall submit an annual report to the ~~Board and the city mayors.~~
- D.H. Any clerical and staff assistance necessary shall be provided by the County Planning Division staff ~~and/or pertinent city staff when appropriate.~~

2.28.090. Functions and Duties.

- A.I. The ~~landmarks commission~~Landmarks Commission shall serve as a hearings body for matters concerning ~~historical districts, buildings and/or structures and sites~~ historic and cultural resources within the County and the cities of Bend, La Pine, Redmond and Sisters.
- B.J. The commission may adopt such procedural rules and regulations as it finds necessary or appropriate to carry out DCC 2.28. Such rules and regulations shall be approved by the Board.

~~C.K.~~ The commission may act upon requests by any citizen, by owners of buildings or sites or on its own motion concerning the designation of particular districts, buildings and/or structures or sites. ~~D.L.~~ The commission shall recommend removal from any list of designated historical districts, buildings and/or structures and sites, such property as it finds no longer worthy of such designation.

~~E.L.~~ The commission shall have authority to inspect or investigate any district, building and/or structure or site in the County which it is requested to designate, or which it has reason to believe is an architectural and/or historical landmark.

~~F.M.~~ The commission shall review all information which it has and shall hold hearings as prescribed in DCC 2.28.

~~G.N.~~ The commission shall have authority to coordinate historical preservation programs of the city, county, state and federal governments, as they relate to property within the County.

~~H.O.~~ The commission may recommend to the Board, city councils or the State Legislature any changes of law which it finds appropriate.

~~H.P.~~ Current List of Historic and Cultural Resources.

~~1.~~ The commission shall compile and maintain a current list of all historical districts, buildings and/or structures and sites and cultural resources, the applicable tax lots and addresses, the date of designation, and a brief description of the resource and reasons for inclusion ~~which have been so designated pursuant to DCC 2.28, with a brief description of the district, building and/or structure or site, and the reasons for its inclusion on the list.~~

~~2.~~ Disclosure of the locations and descriptions of designated archaeological sites is subject to appropriate state and federal laws. ~~If lists of archaeological sites are developed, disclosure of such lists is subject to appropriate state and federal laws.~~

~~J.Q.~~ The commission shall notify all property owners of sites recommended for designation of such recommendation. The site will not be approved for a historic designation unless the property owners at the time of designation support the local designation of their property as a historic or cultural resource.

~~K.R.~~ The commission shall have authority to take such steps as it finds appropriate or necessary to make available to the public information concerning its activities and various districts, buildings and/or structures and sites to be designated pursuant to DCC 2.28. ~~L.~~ Adoption of Guidelines.

~~1.~~ The commission shall prepare, review and adopt guidelines, criteria or such other statements of policy, as may be appropriate relating to the designation, development or preservation of historical districts, buildings and/or structures and sites.

~~2.~~ Such guidelines, criteria or policy statements shall not take effect until reviewed and approved by the Board. ~~M.~~ The commission shall assist and coordinate the work of historic district advisory councils with respect to historical districts.

~~S.~~ The Landmarks Commission shall perform such other duties relating to historical matters as the Board of County Commissioners may request.

~~N.T.~~ Commissioners shall serve without compensation.

(Ord. 2010-019 §1; Ord. 2005-029 §1, 2005; Ord. 95-027 §1, 1995; Ord. 88-008 §3, 1988; Ord. 88-008 §4, 1988; Ord. 88-008 §5, 1988; Ord. PL-21 §2, 1980; Ord. PL-21 §3, 1980)

~~2.28.1050.~~ **Historical Designation Criteria.**

A. The evaluation and designation of historical districts, buildings and/or structures and sites shall be based on the following criteria:

1. The factors listed on the County ~~landmarks commission~~ Landmarks Commission rating sheet, a copy of which is set out in Appendix A at the end of DCC 2.28.

2. ~~Economic, social, environmental and energy (ESEE) consequences of designation, as set forth in the rules of the Department of Land Conservation and Development, OAR 660-16, a copy of which is set out in Appendix B at the end of DCC 2.28.~~

(Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §6, 1988)

2.28.060. Procedures

2.28.120. A. Historical Building or Site-Designation Procedure.

- ~~A.1.~~ Upon receipt of a request from the ~~landmarks commission~~ Landmarks Commission to designate a particular building, structure, object or site as an historical or cultural resource ~~building or site within the County or pertinent city, or upon direction by the Board or the pertinent city council, or on its own motion, the Planning Division shall fix a date and time for a public hearing on the ordinance before the Board before the Board on a particular building or site recommended for designation.~~
- ~~B.2.~~ Any request for historical or cultural designation must be filed with the County planning division ~~and/or pertinent city planning department~~ before the date of application for any building permit, or any other application or permit which might be affected by such historical designation.
- ~~C.3.~~ The Planning Division shall notify, in writing, the ~~property owner of the property, the County Planning Commission and landmarks commission~~ Landmarks Commission ~~for pertinent city planning commission, and shall transmit a copy of the request to the landmarks commission of the public hearing before the Board at least 10 days prior to the public hearing unless such a request for historical designation has come from the landmarks commission.~~
- ~~D.4.~~ The ~~landmarks commission~~ Landmarks Commission shall submit its recommendation to the ~~Board and/or pertinent city council~~ at least 10 days prior to the public hearing.
- ~~E.5.~~ At such public hearing, the owner of the property involved, a representative of the ~~landmarks commission~~ Landmarks Commission and all other interested parties shall be entitled to be heard.
- ~~F.6.~~ If the Board determines that a property or properties proposed for designation has significance based upon the criteria in "Appendix A", the Board may designate such districts, sites, buildings, structures or objects as historical or cultural resources ~~If the Board determines that a building or site proposed for designation as an historical building has architectural significance and/or is of historical significance based upon the criteria in DCC 2.28.050, the Board may designate such building or site as an historical building or site.~~
- ~~G.7.~~ If the Board finds that a particular site has ~~historical significance~~ is significant, the Board may designate the same as an historical ~~site~~ resource.
- ~~H.8.~~ If any historical building has been demolished or destroyed, the Board ~~and/or the pertinent city,~~ on its own motion or upon recommendation of the ~~landmarks commission~~ Landmarks Commission, may remove the historical building designation therefrom.
- ~~I.~~ ~~The pertinent city council may make a recommendation to the Board regarding any request to designate a particular building or site within the urban growth boundary as an historical building or site.~~
- ~~J.9.~~ At the time of annexation to a city, all properties with locally designated historical and cultural resources within the annexation area shall retain their resource designations within city jurisdiction unless a public hearing by the applicable City Council is held to remove the resource designation. Listing on the National Register of Historic Places is a federal action and is not affected by annexation ~~all designated historical sites within the annexation area shall automatically revert to within city jurisdiction unless a public hearing is held to remove the site from the historical designation.~~

~~2.28.130-B.~~ Historical Resource-Designation Procedure.

- ~~A.1.~~ If the Board finds that a particular building, structure, object or site does not meet the criteria as outlined in DCC 2.28.050 for historical designation, the Board may designate said building, structure, object or site as a building or site of ~~historical interest~~historical interest.
- ~~B.2.~~ Buildings, structures or sites designated as being of ~~historical interest~~historical interest shall be subject to the requirements of DCC 2.28 only in the event of demolition or major alteration. In such cases, the owner of the building, structure or site must notify the Planning Division not less than 10 days prior to said demolition or major alteration, so that the County may photograph the site or building.
- ~~C.3.~~ The Board and/or ~~landmarks commission~~Landmarks Commission may also make recommendations to the owner regarding alternatives to demolition or major alteration which preclude future designation as would be detrimental to the building, structure or site designation of historical interesthistorical resource. Such recommendations are not binding upon the owner.

~~2.28.140-C.~~ Historical District-Designation Procedure.

- ~~A.1.~~ Upon receipt of an application from a private party or group of people or upon the request from the Landmarks Commission for local designation of a historic district within the unincorporated County or upon direction by the Board or upon its own motion, the Planning Division shall fix a date and time for a public hearing before the Board on a historic district recommended for designation. This section is not applicable to nominations for listing historic districts on the National Register of Historic Places. Upon receipt of a request by the landmarks commission to designate any area as an historical district, or upon direction by the Board or pertinent city, the Planning Division shall fix a date and time for a public hearing before the Board or pertinent city council thereon.
- ~~B.2.~~ The County Planning Division staff shall notify, in writing, owners of record of all properties within the proposed historic district and shall transmit a copy of the request to the Planning Commission and Landmarks Commission~~owners within the proposed historical district and the appropriate planning commission of such hearing, and shall transmit a copy of the request to the landmarks commission unless such request is made by the landmarks commission.~~
- ~~C.3.~~ The ~~landmarks commission~~Landmarks Commission shall submit its recommendation to the Board ~~or pertinent city council~~ at least 10 days prior to the public hearing.
- ~~D.4.~~ At the public hearing, the owners of any property involved, a representative of the ~~landmarks commission~~Landmarks Commission and all other interested parties shall be entitled to be heard.
- ~~E.5.~~ If the Board ~~or pertinent city council~~ determines that an area proposed to be designated as an historical district has historic and/or architectural significance, the Board may designate such area as an historical district.
- ~~F.6.~~ If an area outside the incorporated cities but inside the adopted urban growth boundary is proposed to be designated as an historical district, the pertinent city council may recommend to the Board that such area be designated as an historical district.
- ~~G.7.~~ An area may be designated an historical district even if all sites or buildings within a district are not of historical or architectural significance, provided that the district as a whole is of such significance.
- ~~H.8.~~ If the primary or significant buildings within an historical district have been demolished or destroyed, the ~~board or pertinent city council~~, on its own motion, may remove the local historical district designation. National register listed properties must follow a federal process for removal.
- ~~I.9.~~ If the designation is proposed to be removed from any local historical district for any reason other than that set forth in DCC 2.28.140~~(H)~~060(C)(8), then similar notices, recommendations and hearings shall be held as upon the designation of the historical district in the first instance.

J.10. Any request for historical district designation must be filed with the landmarks ~~commission~~Landmarks Commission before the date of application for any building permit, conditional use permit or other application or permit which might be affected by such historical designation.

K.11. If a designated historical district is within an area to be annexed to a city, at the time of its annexation to the city that historical district shall automatically revert to within city jurisdiction.
(Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §10, 1988; Ord. 88-008 §9, 1988; Ord. 88-008 §8, 1988; Ord. PL-21 §4, 1980; Ord. PL-21 §5, 1980)

2.28.110. Request for Historical Designation.

A. Any person may request that a district building and/or structure or site be designated on the Deschutes County Inventory of Historic Places.

B. A designation request may also be made to the landmarks commission, the or board, or city councils of Bend, Redmond or Sisters.

BC. A request for historical designation shall be in writing and, in all cases, transmitted to the landmarks ~~commission.~~

CD. If the request for historical designation is made by a person other than the owner of the building, site or buildings/sites in a district, a copy of the request shall be sent to the owner to obtain their permission prior to designation as a historic resource.

(Ord. 95-027 §1, 1995; Ord. 88-008 §7, 1988)

2.28.070. Historic and Cultural Resource Survey and Inventory

A. The ~~landmarks commission~~Landmarks Commission shall periodically survey and inventory properties potentially eligible for listing in the Deschutes County Goal 5 Inventory- of Historic and Cultural Resources and/or National Register of Historic Places within unincorporated Deschutes County

1. Survey and inventory documents shall be maintained, periodically updated, and open to the public.
2. Survey and inventory documents and processes shall be compatible with the practices of the Oregon State Historic Preservation Office for maintaining the Oregon Inventory of Historic Sites.
3. Records concerning archeological sites shall not be made available to the public.
4. Properties included in the Cultural Resource Inventory are not subject to the provisions of DCC 2.28.050 and 2.28.060.

(Ord. 2010-019 §1)

2.28.15080. Designation not a Recommendation for Federal Action.

A. Nothing in DCC 2.28 and no designation adopted under DCC 2.28 shall be interpreted as a recommendation by the Board ~~and/or pertinent city council~~ supporting designation of any building or structure as a "Certified Historic Structure" for purposes of section 191(d)(1)(b) or (c) of the Federal Tax Reform Act of 1976.

B. No such recommendation or certification shall be made by any jurisdiction in the County without notice to affected parties and an additional hearing thereon.

(Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §11, 1988; Ord. PL-21 §6, 1980)

2.28.16090. Exterior Alteration and New Building Restrictions.

A. Except as provided in DCC 2.28.16090(IH), no person may demolish or alter any historic or cultural resource in such a manner as to affect its exterior appearance or integrity, nor may any new structure and/or building be constructed in an historical district, unless a certificate of approval has been issued

- by the ~~landmarks commission~~ Landmarks Commission and the County or appropriate city planning director.
- B. Application for a certificate of approval for exterior demolition, alteration or new construction under DCC 2.28.16090 shall be made to the planning division and shall be referred to the ~~landmarks commission~~ Landmarks Commission for review and/or hearing. Quasi-judicial applications shall follow DCC Chapter 22.
- C. All applications for alteration or new construction shall be accompanied by appropriate plans and/or specifications.
- D. Any request for a certificate of approval for demolition, exterior alteration or new construction must be filed prior to or in conjunction with an application for any building or land use permit.
- E. Upon approval by the Chair of the Landmarks Commission, applications for minor alterations may be processed administratively.
- F. Applications for major alterations shall be forwarded to the ~~landmarks commission~~ Landmarks Commission.
- EG. Applications for certificates of approval for exterior alterations to structures and/or buildings in an historical district or to a designated historical structure and/or building shall be evaluated by the ~~landmarks commission~~ Landmarks Commission under the following criteria:
1. ~~Applicable provisions of the County eComprehensive pPlan and/or pertinent city comprehensive plan;~~
 2. Applicable sections of the Secretary of the Interior's Standards and Guidelines for Rehabilitation ~~Where applicable, an evaluation of the economic, social, environmental and energy consequences of the alteration, as set forth in OAR 660-16-000;~~
 3. The reasonableness of the proposed alteration and its relationship to the public interest in the structure's and/or building's preservation or renovation;
 4. The design review guidelines set out in Appendix ~~C~~ B at the end of DCC 2.28;
 5. The physical condition of the structure and/or building;
 6. The general compatibility of proposed exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used on the existing structure and/or building;
 7. Whether the alteration is required to remedy an unsafe or dangerous condition;
 8. Other pertinent aesthetic factors, as appropriate.
- FH. Applications for certificates of approval for new construction of structures and/or buildings in an historical district shall be evaluated by the ~~landmarks commission~~ Landmarks Commission under the following criteria:
1. The purpose of DCC 2.28;
 2. The provisions of the County ~~eComprehensive Pplan and/or pertinent city comprehensive plan;~~
 3. The economic effect of the new structure and/or building on the historical value of the district;
 4. The effect of the proposed new structure and/or building on the historical character of the district;
 5. The general compatibility of the proposed exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new structure and/or building;
 6. The design review guidelines set out in Appendix ~~D~~ B at the end of DCC 2.28 are the criteria for new construction;
 7. ~~Where applicable, an evaluation of the economic, social, environmental and energy consequences of the new construction, as set forth in OAR 660-16-000.~~
- GI. All decisions on certificates of approval shall be in writing.
- HJ. Nothing in DCC 2.28 shall be construed to prevent the ordinary maintenance or repair (e.g., painting) of exterior architectural features of a building or structure which does not involve a change in design or type of materials.

~~K. , unless the County or pertinent city building official can certify that the repair is required for the public safety because the building or structure is in an unsafe or dangerous condition. A change in design or type of materials shall be allowed if the County building official states in writing that the repair is necessary for personal or public safety due to an unsafe or dangerous condition in or on the building or structure.~~

~~IL. All decisions concerning certificates of approval under DCC 2.28.16090 are subject to appeal to the Board and/or pertinent city council, as provided in DCC 2.28.2150.~~

~~(Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §12, 1988; Ord. PL-21 §7, 1980)~~

2.28.1700. Demolition Permits and Condemnation Proceedings.

- A. No demolition of any designated historical structure and/or building, or structure and/or building within an historical district or landmark shall be allowed except with the approval of the ~~landmarks commission~~Landmarks Commission. A demolition or removal permit application shall be transmitted, before action is taken, to the ~~landmarks commission~~Landmarks Commission.
- B. Upon receipt of an application for a permit for demolition or removal, the ~~landmarks commission~~Landmarks Commission shall notify the applicant in writing, and the owner of the property, if the owner is not the applicant.
- C. The ~~landmarks commission~~Landmarks Commission shall hold a public hearing within 30 days of receipt of the application. The applicant, the owner of the property and any interested parties shall be entitled to be heard.
- D. In determining whether to approve the demolition or removal proposed in the application, the ~~landmarks commission~~Landmarks Commission shall consider the following:
1. All plans, drawings and photographs as may be submitted by the applicant;
 2. Information presented at the public hearing;
 3. The County ~~C~~omprehensive ~~p~~lan and/or pertinent city comprehensive plan;
 4. The purpose of DCC 2.28;
 5. The criteria used in the original designation of the historical structure, building or district;
 6. The historical and architectural style, the general design, arrangement, materials of the structure and/or building, its appurtenant fixtures, and the relationship of such features to similar features of other buildings within the County ~~or city~~, and the position of the structure and/or building in relation to public rights-of-way and to other buildings and structures in the area;
 7. The effects of the proposed demolition or removal upon the protection, enhancement, perpetuation and use of the structure and/or building which cause it to possess a special character, or special historical or aesthetic interest or value;
 8. Whether the demolition or removal is proposed to abate a nuisance or a hazardous condition;
 9. Whether delay of the demolition or removal will cause substantial hardship to the applicant ~~10. Economic, social, environmental and energy consequences of the demolition or removal, as set forth in OAR 600-16-000.~~
- E. If the ~~landmarks commission~~Landmarks Commission approves the demolition or removal and if no appeal is filed, the appropriate County ~~or city~~ building official shall issue a demolition or removal permit in accordance with all applicable codes and ordinances of the County ~~or the pertinent city~~.
- F. Postponement.
1. The ~~landmarks commission~~Landmarks Commission may postpone action on an application for a demolition or removal permit if the commission determines that there is a program or project under way which would result in public or private acquisition or relocation of such structure and/or building or site, and that there are reasonable grounds to believe that such program or project may be successful.

2. In such case, the ~~landmarks-commission~~ Landmarks Commission may suspend consideration of the application for a period not to exceed 90 days.
 3. During such period of suspension, no permit shall be issued for such demolition or removal, nor shall any person demolish or remove the structure and/or building.
 4. If any such program or project appears to the ~~landmarks-commission~~ Landmarks Commission to be unsuccessful and the applicant has not withdrawn the application for a demolition or removal permit, the building official shall issue a permit if the permit application otherwise complies with the codes and ordinances of the County and/or ~~pertinent city~~.
- G. Action by the ~~landmarks-commission~~ Landmarks Commission suspending issuance of a permit for demolition or removal may be appealed by the applicant, the owner or the occupant, by filing a notice of appeal as provided in DCC 2.28.2150.
- H. Condemnation.
1. Before any action is taken by a public entity to condemn a structure and/or building designated as a historical building or site or any structure and/or building within a designated historical district, the ~~landmarks-commission~~ Landmarks Commission shall review the report of the County building safety division and/or any other County or ~~city~~ departments relating to the condition of the building and premises and the extent of its danger, deterioration or decay.
 2. The ~~landmarks-commission~~ Landmarks Commission shall report on its review and make a recommendation concerning action to the Board and/or ~~pertinent city council~~ before official action of condemnation is instituted.
- I. The ~~landmarks-commission~~ Landmarks Commission may identify specific structures and/or buildings within a designated historical district which will be exempt from the provisions of DCC 2.28.1070. (Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §13, 1988; Ord. PL-21 §8, 1980)

2.28.1810. Demolished Historical buildings-Records and Artifact Preservation.

- A. If a designated historical building is to be demolished, insofar as practicable and as funds are available, the ~~landmarks-commission~~ Landmarks Commission shall keep a pictorial and graphic history of the historical building or historical site, with any additional data it may obtain.
 - B. To the extent funds are available or the ~~landmarks-commission~~ Landmarks Commission may obtain donations thereof, the ~~landmarks-commission~~ Landmarks Commission shall acquire historic artifacts from the building or site which it deems worthy of preservation.
 - C. Status of Historic Property at New Location
 1. When an historic property is moved to a new location, the historic property status is retained for that property at the new site unless the County, using the process required for designation of a historic property, determines that the historic or cultural resource is no longer appropriate.
 2. If the property retains historic property status at the new site, the County may review and modify the development standards and designation as appropriate, using the process required for designation.
 3. Deschutes County will notify the State Historic Preservation Office documenting the new location.
- (Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §14, 1988; Ord. PL-21 §9, 1980)

2.28.1290. Identification-Signs/Plaques.

The owner of a ~~designated historical building or site~~ historic resource, or the occupant thereof with the consent of the owner, may install an identification plaque or sign indicating the name, date, architect and other appropriate information upon the property, provided that the size, material, design, location and text of such plaque or sign is approved by the ~~Deschutes County Historical Society~~ landmarks commission Landmarks Commission.

- A. No sign or plaque may be displayed on an historic resource except for signs or plaques approved by the Landmarks Commission, in conformance with Deschutes County sign code.
- B. Signs that are freestanding, painted on the windows or glass doors or that are similar to signs shown in historic photographs of the structure are encouraged.
- C. Signs must be attached to the structure in such away as to not cause irreversible damage to the building. New signs will be attached by reusing existing hardware whenever possible. New brackets and bolts on masonry buildings shall be put only in wood or mortar, and not in bricks or rock.
- D. The size of the sign must be in proportion to the size of the historic building.
- E. The placement of the sign shall not obscure significant architectural elements of the building.
- F. The type of the sign, font, design and shape of the sign should be compatible with the historic building and the historic character of the historic district.
- G. The materials of which the sign is made must be compatible with the historic building and the historic character of the historic district.
- H. Back lighted metal-framed plastic signs are discouraged.

(Ord. 2010-019 §1; Ord. 95-027 § 1, 1995; Ord. 88-008 § 15, 1988; Ord. PL-21 § 10, 1980)

2.28.13200. Redevelopment and Neighborhood Improvement Projects-Review by Commission.

- A. In any redevelopment or neighborhood improvement project administered by a department of the city or county, or submitted to the pertinent city or the Board for its review and recommendations, proposed action relating to a designated historical district, building or site shall be submitted to the landmarks commissionLandmarks Commission for its review and recommendation.
- B. A report thereon by the landmarks commissionLandmarks Commission shall be filed with the pertinent city council or the Board, and a copy shall be sent to the appropriate city or County department.

(Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §16, 1988; Ord. PL-21 §11, 1980)

2.28.140. Enforcement of State Preservation Laws.

- A. The Board and Landmarks Commission shall support the enforcement of all state laws relating to historic preservation.
- B. These state laws include but are not limited to ORS 197.772 (Consent for designation for historic property), ORS 358.653 (Conservation Programs, Leases), and ORS 358.475 through 358.541 (Special Assessment).
- C. Applications to alter a cultural resource shall be forwarded to the state archeologist for comment. Deschutes County shall utilize applicable sections of the Secretary of the Interior's Standards and Guidelines for Archeology.

(Ord. 2010-019 §1)

2.28.2150. Appeals from Commission Decisions.

- A. Appeals from actions of the landmarks commissionLandmarks Commission shall be to the Board and/or pertinent city council and may be filed by the applicant, the owner or occupant of the building, structure, site or district concerned, or by any other person who participated in the hearing.
- B. Unless a request for reconsideration has been filed, the notice of appeal and appeal fee must be received at the offices of the Deschutes County Community Development Department no later than 5:00 PM on the twelfth day following mailing of the decision. If a decision has been modified on reconsideration, an appeal must be filed no later than 5:00 PM on the twelfth day following mailing of the decision as modified. Notices of Appeals may not be received by facsimile machineAppeals must be filed within 15 days from the date of final decision by the landmarks commission, shall be filed on a form provided

by the appropriate County or city planning department, and shall be accompanied by the fee set for appeals by the Board or city.

C. The appeal shall be conducted according to the terms of the applicable County or city procedures ordinance.

D. A decision of the Board may be appealed to the land use board of appeals as provided by law.

(Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §17, 1988; Ord. 86-023 §1, 1986; Ord. PL-21 §12, 1980)

2.28.22160. Violation—Penalties.

Violation of DCC 2.28.16090(A), DCC 2.28.1700(A) is a Class A violation. A Class A violation is defined in DCC 1.16.010.

(Ord. 2010-019 §1; Ord. 2003-021 §7, 2003; Ord. 95-027 §1, 1995; Ord. 93-053 §1, 1993; Ord. 91-039 §1, 1991)

2.28.170. Oregon State Special Assessment of Historic Properties.

A. For application for interior or exterior restoration, rehabilitation, alteration, demolition, or new construction of structures located on a property that is listed on the National Register of Historic Places and is benefiting from the Oregon Special Assessment Program, the applicable sections of this code, the Secretary of the Interior's Standards and Guidelines for Rehabilitation and the approved Preservation Plan will be used as criteria to determine the appropriateness and reasonableness of the application.

B. After the application is deemed complete by CDD staff, a copy of the application will be sent to the Oregon State Historic Preservation Office for comment within one week.

(Ord. 2010-019 §1)

~~Chapter 2.32. Repealed by Ord. 96-075, 1996~~

~~Chapter 2.33. Repealed by Ord. 99-006, 1999~~

APPENDIX "A"

DESCHUTES COUNTY LANDMARKS COMMISSION

HISTORIC RESOURCE RATING SHEET

RATING _____
 NAME OF HISTORIC RESOURCE _____
 ADDRESS _____
 MAP AND TAX LOT _____
 EVALUATOR _____
 DATE _____

Scoring on Scale of 1-5 _____
 5 - Excellent _____
 4 - Very Good _____
 3 - Good _____
 2 - Fair _____
 1 - Poor _____
 0 - Non-existent _____

<u>Factors</u>	<u>Relative Importance</u>	<u>Weighted Rating</u>
<u>1. Interpretive Potential: Property is associated with pre-historic or historic events, is related to the broad cultural history of the nation, state or community, or is included on the National Register of Historic Places, or has yielded or is likely to yield information important to prehistory or history.</u>	<u>3.0 x</u>	
<u>2. Rarity of type and/or Style: Property represents a period of history or prehistory or style of architecture or method of construction of extraordinary or unusual design, detail, materials, or craftsmanship; or is identified as the work of an architect, designer or master builder whose work has influenced development in the nation, state or community.</u>	<u>2.0 x</u>	
<u>3. Identification: Property is identified with a person or persons who have significantly contributed to the history of the City or County.</u>	<u>1.5 x</u>	
<u>4. Symbolic Value: Property represents an aesthetic or educational feature of the community, or has contributed to the cultural or economic history of the area.</u>	<u>1.5 x</u>	
<u>5. Chronology: Property was developed early in the relative scale of local history or was an early expression of a type or style of structure or development.</u>	<u>1.0 x</u>	

APPENDIX "B"
DESIGN REVIEW GUIDELINES

A. GENERAL

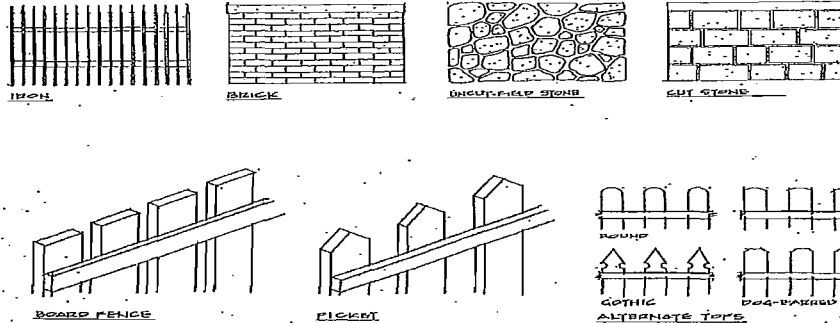
1. New construction shall be compatible in size, form, scale, materials, and texture with adjacent historic buildings and/or with dominant architectural character of the district.
2. Contemporary designs expressing the elements described in (1. Above) are encouraged.
3. Imitating in detail an earlier style of architecture is discouraged.

B. SITING

1. In addition to the zoning requirements, the relationship of new additions to the street and to the open space between buildings shall be compatible with adjacent historic buildings and with the historic character of the surrounding area.
2. New additions shall be sited so that the impact to the primary facades(s) is kept to a minimum. Additions shall generally be located at the rear portions of the property or in such locations where they have the least visual impact from public ways.

C. LANDSCAPE

1. Traditional landscape elements evident in the district - grass, trees, shrubs, picket fences, etc. - should be preserved and are encouraged in site redevelopment.
2. Landscaping such as trees, bushes, foundation plantings, garden beds or brick or paving work shall not be regulated by the Commission with the exception of removal or radical trimming of large established trees or vegetation (potentially 50 years or older), except where necessary for immediate public safety as determined by a certified arborist and the Deschutes County Planning Division.
3. No Commission review is required if any new walls or fencing on a historic resource property complies with all the standard fencing requirements as listed in the Deschutes County Code Chapter 2.28 as well as comply with the following standards.
 - a. Rear Lot fencing shall be a typical board fencing, brick, or native Central Oregon drystack mortared stones.
 - b. Fencing between the front or side walls of a structure abutting a road right of way shall be a typical picket fencing, brick or native Central Oregon drystack mortared stones with the exception of property located within the Drake Park Neighborhood Historic District. All new fencing between the front or side walls of structure abutting a road right of way shall require review and approval by the Commission.



D. BUILDING HEIGHT

1. In addition to the zoning requirements, the height of new additions shall not exceed the height of the historic building, or of historic buildings in the surrounding area. The surrounding area includes either historic building(s) within 250 feet of the subject property or similar style historic buildings within Deschutes County.

E. BUILDING BULK

1. The apparent size of primary elements of new construction shall not exceed that of the largest adjacent historic building and the surrounding area.

2. New additions smaller than the historic building or the historic buildings in the surrounding area are encouraged.

(a) Where new additions must be larger, the new addition shall be articulated in such a manner that no single element is visually larger than the historic building or larger than the surrounding historic buildings.

F. PROPORTION AND SCALE

1. The relationship of height to width of new additions and their sub-elements, such as windows and doors and of alterations, shall be compatible with related elements of the historic building and with the historic character of the surrounding area. Such as the typical historic windows which have an approximate proportion of 2 vertical to 1 horizontal.

2. The relationship of solids to voids (wall to window) shall be compatible with related elements on the historic building and with the historic character of the surrounding area.

3. The relationship of height to width of primary and secondary elements of new construction shall be compatible with the dominant historic character of the district or similar historic buildings within Deschutes County.

G. EXTERIOR FEATURES

1. General

(a) To the extent practicable, original historic architectural elements and materials shall be preserved.

(b) Architectural elements and materials for new additions shall be compatible with related elements of the historic building and with the historic character of the surrounding area.

(c) The preservation, cleaning, repair, and other treatment of original materials shall be in accord with the Secretary of Interior's Standards of Rehabilitation and Guidelines for Rehabilitating Historic Buildings Appendix "C".

(d) Exterior features such as bays, porches, balconies, and other architectural elements that establish the district's historic character are encouraged in new construction.

2. Foundations:

(a) Concrete or masonry foundations to replace deteriorated wood foundations are encouraged. Such new foundations shall be covered with board skirting or similar treatment to match the original appearance and extend to within six to eight inches (6" - 8") of the ground level.

(b) Concrete or masonry foundations for new additions need not be covered with material that stimulates earlier construction.

(c) New foundations shall not significantly alter the historic elevation of the building.

3. Materials:

(a) New construction should employ materials traditional to the district--wood, stone, and brick. Such materials should be employed in their traditional configuration, e.g., drop siding, common brick, standard shingles.

(b) Inappropriate materials such as plywood, plastic and metal sidings, imitation brick and stone, and raw aluminum window frames that are not part of a "clad" window system are discouraged.

4. Roofs:

(a) Roofs on new additions shall be of forms (gabled, hipped, etc.) that are compatible with the historic building and the historic character of the district.

(b) Metal roof material is discouraged.

5. Garages/Carports:

(a) When feasible, garages and carports should be located on the site where they have the minimum visual impact from public ways.

(b) Where garages must face the street front, they should be designed to minimize their bulk and visual impact. Single-car garage doors should be employed.

(c) Detached garages are encouraged.

APPENDIX "C"

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings are intended to provide guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers prior to treatment. As noted, while the treatment Standards are designed to be applied to all historic resource types included in the National Register of Historic Places-- buildings, sites, structures, districts, and objects--the Guidelines apply to specific resource types; in this case, buildings.

For means of this code, the Secretary of the Interior Standards & Guidelines for Rehabilitation are reprinted below. Depending upon the nature of your project, one of the other Standards & Guidelines may apply. Refer to County Staff for the appropriate application method. More information may be found at http://www.nps.gov/hps/tps/standguide/overview/using_standguide.htm.

The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

The Standards (36 CFR Part 67) apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

Rehabilitation projects must meet the following Standards, as interpreted by the National Park Service, to qualify as "certified rehabilitations" eligible for the 20% rehabilitation tax credit.

The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The Guidelines have been prepared to assist in applying the Standards to all project work; consequently, they are not meant to give case-specific advice or address exceptions or rare instances. Therefore, it is recommended that the advice of qualified historic preservation professionals be obtained early in the planning stage of the project. Such professionals may include architects, architectural historians, historians, historical engineers, archeologists, and others who have experience in working with historic buildings.

The Guidelines pertain to both exterior and interior work on historic buildings of all sizes, materials, and types. Those approaches to work treatments and techniques that are consistent with *The Secretary of the Interior's Standards for the Treatment of Historic Properties* are listed in the "Recommended" section; those which are inconsistent with the Standards are listed in the "Not Recommended" section.

MASONRY

(Adobe, Brick, Stone, Terra Cotta, Concrete, Stucco, Mortar)

RECOMMENDED*

Retaining original masonry and mortar, whenever possible, without the application of any surface treatment.

Repointing only those mortar joints where there is evidence of moisture problems or when sufficient mortar is missing to allow water to stand in the mortar joint.

Duplicating old mortar in composition, color, and texture.

Duplicating old mortar in joint size, method of application, and joint profile.

Repairing stucco with a stucco mixture that duplicates the original as closely as possible in appearance and texture.

Cleaning masonry only when necessary to halt deterioration or to remove graffiti and stains, and always with the gentlest method possible, such as low pressure water and soft, natural bristle brushes.

Repairing or replacing, where necessary, deteriorated material with new material that duplicates the old as closely as possible.

Replacing missing significant architectural features, such as cornices, brackets, railings, and shutters.

Retaining the original or early color and texture of masonry surfaces, including early signage wherever possible. Brick or stone surfaces may have been painted or whitewashed for practical and aesthetic reasons.

NOT RECOMMENDED

Applying waterproofing or water repellant coating or surface consolidation treatments unless required to solve a specific technical problem that has been studied and identified. Coatings are frequently unnecessary, expensive, and can accelerate deterioration of the masonry.

Repointing mortar joints that do not need repointing. Using electric saws and hammers to remove mortar can seriously damage the adjacent brick.

Repointing with mortar of high Portland cement content can often create a bond that is stronger than the building material. This can cause deterioration as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.

Repointing with mortar joints of a differing size or joint profile, texture, or color.

Sandblasting, including dry and wet grit and other abrasives, brick, or stone surfaces; this method of cleaning erodes the surface of the material and accelerates deterioration. Using chemical reaction with the masonry materials, i.e., acid on limestone or marble.

Applying new material which is inappropriate or was unavailable when the building was constructed, such as artificial brick siding, artificial cast stone, or brick veneer.

Removing architectural features such as cornices, brackets, railings, shutters, window architraves, and doorway pediments.

Removing paint from masonry surfaces indiscriminately. This may subject the building to damage and change its appearance.

WOOD

(Clapboard, Weatherboard, Shingles, and Other Wooden Siding)

RECOMMENDED

Retaining and preserving significant architectural features wherever possible.

Repairing or replacing, where necessary, deteriorated material that duplicates in size, shape, and texture, the old as closely as possible.

NOT RECOMMENDED

Removing architectural features such as siding, cornices, brackets, window architraves, and doorway pediments. These are, in most cases, an essential part of a building's character and appearance that illustrate the continuity of growth and change.

Resurfacing frame buildings with new material that is inappropriate or was unavailable when the building was constructed, such as artificial stone, brick, veneer, asbestos, or asphalt shingles and plastic or aluminum siding. Such material can also contribute to the deterioration of the structure from moisture and insects.

ARCHITECTURAL METALS

(Cast Iron, Steel, Pressed Tin, Aluminum, and Zinc)

RECOMMENDED

Retaining original material, whenever possible.

Cleaning when necessary with the appropriate method. Metals should be cleaned by methods that do not abrade the surface.

NOT RECOMMENDED

Removing architectural features that are an essential part of a building's character and appearance, illustrating the continuity of growth and change.

Exposing metals which were intended to be protected from the environment. Do not use cleaning methods which alter the color, texture, and tone of the metal.

ROOFS AND ROOFING

RECOMMENDED

Preserving the original roof shape.

Retaining the original material, whenever possible.

Providing adequate roof drainage and ensuring that the roofing materials provide a weathertight covering for the structure.

Preserving or replacing, where necessary, all architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, and weather vanes.

NOT RECOMMENDED

Changing the essential character of the roof by adding inappropriate features such as dormer windows, vents, or skylights.

Applying new roofing material that is inappropriate to the style and period of the building and neighborhood.

Stripping the roof of architectural features important to its character.

WINDOWS AND DOORS

RECOMMENDED**

Retaining and repairing window and door openings, frames, sash, glass, doors, lintels, sills, pediments, architraves, hardware, awnings, and shutters where they contribute to the architectural and historic character of the building.

Improving the thermal performance of existing windows and doors through adding or replacing weatherstripping and adding storm windows and doors which are compatible with the character of the building and which do not damage window or door frames.

Replacing missing or irreparable windows on significant facades with new windows that match the original in material, size, general muntin and mullion proportion and configuration, and reflective qualities of the glass.

Replacing missing or irreparable windows on significant facades with new windows that match the original in material, size, general muntin and mullion proportion and configuration, and reflective qualities of the glass.

NOT RECOMMENDED

Introducing or changing the location or size of windows, doors, and other openings that alter the architectural and historic character of the building.

Replacing window and door features on significant facades with historically and architecturally incompatible materials such as anodized aluminum, mirrored or tinted glass.

Removing window and door features that can be repaired where such features contribute to the historic and architectural character of the building.

Installing on significant facades shutters, screens, blinds, security grills, and awnings which are historically inappropriate and which detract from the character of the building.

Installing new exterior storm windows and doors which are inappropriate in size or color, or which are inoperable, or which require removal of original windows and doors.

Installing interior storm windows that allow moisture to accumulate and damage the window.

Replacing sash which contribute to the character of the building with those that are incompatible in size, configuration, and reflective qualities or which alter the setback relationship between window and wall.

Replacing sash which contribute to the character of the building with those that are incompatible in size, configuration, and reflective qualities or which alter the setback relationship between window and wall.

Installing heating / air conditioning units in the window frames when the sash and frames may be damaged. Window installations should be considered only when all other viable heating / cooling systems would result in significant damage to historic material.

STOREFRONTS

RECOMMENDED

Retaining and repairing existing storefronts, including windows, sash, doors, transoms, signage, and decorative features where such features contribute to the architectural and historic character of the building.

Where original or early storefronts no longer exist or are too deteriorated to save, retaining the commercial character of the building through (1) contemporary design which is compatible with the scale, design, materials, color, and texture of the historic buildings, or (2) an accurate restoration of the storefront based on historical research and physical evidence.

NOT RECOMMENDED

Introducing a storefront or new design element on the ground floor, such as an arcade, which alters the architectural and historic character of the building and its relationship with the street or its setting or which causes destruction of significant historic fabric.

Using materials which detract from the historic or architectural character of the building, such as mirrored glass.

Altering the entrance through a significant storefront.

ENTRANCES, PORCHES, AND STEPS

RECOMMENDED

Retaining porches and steps that are appropriate to the building and its development. Porches or additions reflecting later architectural styles are often important to the building's historical integrity and, wherever possible, should be retained.

Repairing or replacing, where necessary, deteriorated architectural features of wood, iron, cast iron, terra cotta, tile, and brick.

NOT RECOMMENDED

Removing or altering porches and steps that are appropriate to the building's development and style.

Stripping porches and steps of original material and architectural features, such as hand rails, balusters, columns, brackets, and roof decoration of wood, iron, cast iron, terra cotta, tile, and brick.

Enclosing porches and steps in a manner that destroys their intended appearance.

* For more information, consult Preservation Briefs:

1) "The Cleaning and Waterproofing of Masonry Buildings"

2) "Repointing Mortar Joints in Historic Brick Buildings" (Washington, D.C.; Heritage Conservation and Recreation Service, 1975 and 1976). Both are available from the Government Printing Office or State Historic Preservation Officers.

** For more information, consult Preservation Briefs:

3) "Conserving Energy in Historic Buildings" (Washington, D.C.; Heritage Conservation and Recreation Service, 1978). It is available from the Government Printing Office or State Historic Preservation Office.

4) Applicable sections of the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings shall be used as criteria for applications to alter elements in historic resources that were not listed in Appendix B.

APPENDIX "D"

THE FEDERAL REQUIREMENTS

OF THE CERTIFIED LOCAL GOVERNMENT

(1) Enforce Appropriate State or Local Legislation for the Designation and Protection of Historic Properties. Federal regulations are found in 36 CFR 61.6. For the purpose of the CLG Program, the Act defines:

a. "Designation" as "the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government." Designation includes the identification and registration of resources according to State or local criteria which must be consistent with the Secretary of the Interior's Standards for Identification and Registration. Adoption of the National Register criteria is encouraged.

b. "Protection" as "a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic properties designated pursuant to" a local government becoming a Certified Local Government. The CLG's local protection review process of the Act applies only to properties designated pursuant to State or local laws and procedures. This would not include properties listed on or determined eligible for the National Register of Historic Places unless such properties also were designated under the appropriate State or local process.

c. In its CLG procedures, each State must define what constitutes appropriate State or local legislation for the designation and protection of historic properties and its enforcement. NPS does not require State or local legislation regarding designation and/or protection as a prerequisite for certification. However, if State and/or local legislation is required in the State's certification procedures, that legislation must be consistent with the Act and with the definitions above (for designation and/or protection).

(2) Establish an Adequate and Qualified Historic Preservation Review Commission by State or Local Legislation. "Historic preservation review commission" means a board, council, commission, or other similar collegial body established by State or local legislation. The members must be appointed, unless otherwise provided by State or local legislation, by the chief elected official of the jurisdiction. Members must be drawn from professionals in architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent such professionals are available in the community concerned, and such other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines. NPS regulations regarding commissions are found in 36 CFR 61.6.

a. If no State law exists that allows the establishment of local commissions, the State will require the local government to establish a commission by law or ordinance, or other official action.

b. The State may define "adequate and qualified" within the limits of 36 CFR 61.6, but the requirements set shall not be more stringent or comprehensive than the State's requirements for the State Review Board.

c. A State may specify in its State CLG procedures or incorporate by reference in State CLG procedures, the minimum number and type of professional members that the local government shall appoint to the commission, and indicate how additional expertise may be obtained. A local government may be certified without the minimum number or types of disciplines if it can provide written documentation to the SHPO that it has made a reasonable effort to fill those positions. However, if the SHPO has delegated State Review Board responsibilities to the Certified Local Government for that jurisdiction, the local commission must meet all applicable Review Board requirements, and perform all Review Board responsibilities.

d. When a professional discipline is not represented in the commission membership, the commission shall seek expertise in this area from persons meeting the Secretary of the Interior's Professional Qualification Standards, as appropriate.

3. Maintain a System for the Survey and Inventory of Properties that furthers the Purposes of the Act.

a. The State shall promulgate guidelines for local survey and inventory systems that ensure that such systems and the data produced can be readily integrated into SHPO inventories, the statewide comprehensive historic preservation plan, and other appropriate State and local planning processes. CLG survey data shall be in a format consistent with SHPO inventory requirements and shall not be inconsistent with the Secretary of the Interior's "Standards for Identification and Evaluation." This policy does not apply to survey data produced by local governments before the effective date of CLG certification.

4. Provide for Adequate Public Participation in the Local Historic Preservation Program.

a. The State shall define in writing minimum requirements for public participation in the conduct of overall CLG activities. These minimum requirements must include provision for open meetings (which must include public participation in the National Register Nomination process), minutes that are publicly available, and the publication and dissemination of commission procedures, as well as compliance with local, State, and Federal public participation regulations.

5. Satisfactorily Perform the Responsibilities Delegated to it Under the Act. Each local government must have the legal authority to fulfill the minimum requirements specified by the SHPO in its NPS-approved CLG procedures.

**Chapter 2.28. HISTORICAL PRESERVATION AND HISTORICAL LANDMARKS
COMMISSION**

- 2.28.010. Purpose.**
- 2.28.020. Definitions.**
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- 2.28.170. Oregon State Special Assessment of Historic Properties.**

2.28.010. Purpose.

- A. Districts, buildings, structures and sites in Deschutes County which have special historic and prehistoric association or significance should be preserved as part of the heritage of the citizens of the County, and for the education, enjoyment and pride of the citizens, as well as for the beautification of the County and enhancement of the value of such property.
- B. To that end, regulatory controls and administrative procedures are necessary.
(Ord. 2010-019 §1; Ord. 88-008 §1, 1988)

2.28.020. Definitions.

As used in DCC 2.28 the following words and phrases are defined as set forth in DCC 2.28.020.

"Alteration" means the addition to, or removal of, or physical modification of any exterior part, structure or portion of a structure and/or building.

"Architectural significance" means that the structure and/or building or district:

- A. Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
- B. Embodies those distinguishing characteristics of an architectural type
- C. Is the work of an architect or master builder whose individual work has influenced the development of the county; or
- D. Contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.

"Board" means the Deschutes County Board of County Commissioners.

"Demolish" means to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a designated structure.

"Exterior" means any portion of the outside of a designated historical structure and/or building, or structure and/or building in a designated historic district or any addition thereto.

"Historic" means 50-years old or older.

"Historic Artifacts" means three-dimensional objects including furnishings, art objects, architectural elements, building materials and items of personal property which have historic significance. "Historic artifacts" does not include photographs, paper, electronic media or other media that are classified as public records.

"Historic or Cultural Resource" means a historic or cultural site, building, structure, object, historic district, and their significant settings or any combination of these resources that are listed on the National Register of Historic Places, or are within a historic district that was listed on the National Register of Historic Places, and/or are designated by the Deschutes County Board of Commissioners on the County's Goal 5 list of Historic and Cultural Resources.

"Historical Significance" means that the structure and/or building or district:

- A. Has character, interest or value as part of the development, heritage or cultural characteristics for the county, state or nation;
- B. Is the site of a historic event with an effect upon society;
- C. Is identified with a person or group of persons who had some influence on society; and/or
- D. Exemplifies the cultural, political, economic, social or historic heritage of the community.

"Inventory" is a survey, map, or description of one or more resource sites that is prepared by a local government, state or federal agency, private citizen, or other organization and that includes information about the resource values and features associated with such sites. As a verb, "inventory" means to collect, prepare, compile, or refine information about one or more resource sites.

"Landmark" means an object or structure of special historical significance which has been designated as a historic or cultural resource.

"Landmarks Commission" means the Deschutes County Historical Landmarks Commission.

"Maintenance" means the process of mitigating the wear and deterioration of a property without altering the historic character of the property, including action taken to protect and repair the condition of the property with the least possible impact on the historic character of the property.

"Major Alteration" means an alteration which could adversely affect the historical or architectural significance of a historic resource. Examples include alterations to the front façade, additions, exterior remodels or alterations to the setting that remove significant historic elements or add features that are incompatible with the historic or prehistoric period, thereby losing interpretive value.

"Minor Alteration" means an alteration which does not affect the historical or architectural significance of a structure. "Planning Division" means the Planning Division of the County Community Development Department.

"Object" means to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, moveable, an object is associated with a specific setting or environment.

"Preservation" means the process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property, including but not limited to the ongoing maintenance and repair of historic materials but; not including the extensive replacement of historic materials or new construction.

"Property Owner" means the owner of record or the contract purchaser and does not include a person or organization that holds a security interest.

"Protect" means to require Landmarks Commission review of applications for demolition, removal, or exterior alteration of a historic resource, new construction or signs on the designated property in accordance with the provisions of this ordinance so that the defining characteristics of the building and its site and environment are retained.

"Reconstruction" means the process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

"Rehabilitation" means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values. See Appendix "C" The Secretary of the Interior's Standards for Rehabilitation for the ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

"Replacement" means the process of replacing historic materials and features with new materials when the deterioration of a character-defining material or feature is so extensive that protection, maintenance, or repair is not possible. Replacing severely deteriorated or damaged historic materials with new materials of the same kind as the historic materials and in the same design as the historic element is "replacement."

"Restoration" means the process of accurately depicting the forms, features and character of a property as it appeared at a particular period of time, by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

"Site" means the location of a significant event, prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archaeological value regardless of the value of any existing structure.

"Structure" means anything constructed or built, any edifice or building or any kind, or any pieces of work architecturally built or composed of parts joined together in some definite manner.

(Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §2, 1988)

2.28.030. Applicability.

This code applies to any Historic or Cultural Resource within Deschutes County that was designated as a historic resource by the Deschutes County Board of Commissioners or was listed on the National Register of Historic Places, or is located within a historic district that was listed on the National Register of Historic Places.

(Ord. 2010-019 §1)

2.28.040. Administration.

- A. The Landmarks Commission is composed of nine voting and undetermined number of non-voting ex-officio members who have demonstrated expertise in historic preservation related disciplines:
 - 1. The Mayor of Bend, with the advice and consent of City Council, shall appoint four Commissioners to represent the City of Bend;
 - 2. The Mayor of Redmond shall appoint one Commissioner to represent the City of Redmond;
 - 3. The Mayor of Sisters shall appoint one Commissioner to represent the City of Sisters; and
 - 4. The Board shall appoint one Commissioner to represent the unincorporated portion of the county.
 - 5. Upon recommendation of the respective association president, the Board shall appoint one Commissioner to represent the Historical Society and one Commissioner to represent the Deschutes County Pioneer Association; and
 - 6. The ex-officio members shall be appointed by the Deschutes County Board of Commissioners.
- B. Landmarks Commissioners shall be qualified as defined in the National Park Service's Certified Local Government Program requirements (Appendix "D" Section 2). Appendix "D", by this reference, is incorporated herein.
- C. Landmarks Commissioners serve four-year terms. Any vacancy occurring in a position for any reason other than expiration of a term shall be filled by appointment for the remainder of the term.
- D. Ex-Officio Members.
 - 1. In addition to the nine official members, there shall be an undetermined number of liaison persons to act as ex officio members to be called in as appropriate to act in an advisory capacity to the Landmarks Commission.
 - 2. These ex officio members shall not be entitled to vote.
 - 3. These persons shall be representative of organizations including, but not limited to, the United States Forest Service, United States Bureau of Land Management, the County building division, and the American Institute of Architects.
- E. The officers of the Landmarks Commission shall consist of a chairperson, vice-chairperson and secretary, each elected by a majority vote.
- F. The regular time, place and manner of notice of meetings shall be fixed by rules of the Landmarks Commission. However, the Landmarks Commission shall meet at least on a quarterly basis.
- G. The Landmarks Commission shall establish and adopt its own rules of procedure. The Landmarks Commission shall submit an annual report to the Board.
- H. Any clerical and staff assistance necessary shall be provided by the County Planning Division staff when appropriate.
- I. The Landmarks Commission shall serve as a hearings body for matters concerning historic and cultural resources within the County and the cities of Bend, La Pine, Redmond and Sisters.
- J. The commission may adopt such procedural rules and regulations as it finds necessary or appropriate to carry out DCC 2.28. Such rules and regulations shall be approved by the Board.

- K. The commission may act upon requests by any citizen, by owners of buildings or sites or on its own motion concerning the designation of particular districts, buildings and/or structures or sites.
- L. The commission shall have authority to inspect or investigate any district, building and/or structure or site in the County which it is requested to designate, or which it has reason to believe is an architectural and/or historical landmark.
- M. The commission shall review all information which it has and shall hold hearings as prescribed in DCC 2.28.
- N. The commission shall have authority to coordinate historical preservation programs of the county, state and federal governments, as they relate to property within the County.
- O. The commission may recommend to the Board or the State Legislature any changes of law which it finds appropriate.
- P. Current List of Historic and Cultural Resources.
 - 1. The commission shall compile and maintain a current list of all historical and cultural resources, the applicable tax lots and addresses, the date of designation, and a brief description of the resource and reasons for inclusion.
 - 2. Disclosure of the locations and descriptions of designated archaeological sites is subject to appropriate state and federal laws.
- Q. The commission shall notify all property owners of sites recommended for designation of such recommendation. The site will not be approved for a historic designation unless the property owners at the time of designation support the local designation of their property as a historic or cultural resource.
- R. The commission shall have authority to take such steps as it finds appropriate or necessary to make available to the public information concerning its activities and various districts, buildings and/or structures and sites to be designated pursuant to DCC 2.28.
- S. The Landmarks Commission shall perform such other duties relating to historical matters as the Board of County Commissioners may request.
- T. Commissioners shall serve without compensation.
(Ord. 2010-019 §1; Ord. 2005-029 §1, 2005; Ord. 95-027 §1, 1995; Ord. 88-008 §3, 1988; Ord. 88-008 §4, 1988; Ord. 88-008 §5, 1988; Ord. PL-21 §2, 1980; Ord. PL-21 §3, 1980)

2.28.050. Criteria.

- A. The evaluation and designation of historic districts, buildings and/or structures and sites shall be based on the following criteria:
 - 1. The factors listed on the County Landmarks Commission rating sheet, a copy of which is set out in Appendix A at the end of DCC 2.28.
(Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §6, 1988)

2.28.060. Procedures

- A. Historical Building or Site-Designation Procedure.
 - 1. Upon receipt of a request from the Landmarks Commission to designate a particular building, structure, object or site as an historical or cultural resource or upon direction by the Board or on its own motion, the Planning Division shall fix a date and time for a public hearing on the ordinance before the Board.
 - 2. Any request for historical or cultural designation must be filed with the County planning division before the date of application for any building permit, or any other application or permit which might be affected by such historical designation.

3. The Planning Division shall notify, in writing, the property owner, the County Planning Commission and Landmarks Commission , of the public hearing before the Board at least 10 days prior to the public hearing.
 4. The Landmarks Commission shall submit its recommendation to the Board at least 10 days prior to the public hearing.
 5. At such public hearing, the owner of the property involved, a representative of the Landmarks Commission and all other interested parties shall be entitled to be heard.
 6. If the Board determines that a property or properties proposed for designation has significance based upon the criteria in "Appendix A", the Board may designate such districts, sites, buildings, structures or objects as historical or cultural resources.
 7. If the Board finds that a particular site is significant, the Board may designate the same as an historical resource.
 8. If any historical building has been demolished or destroyed, the Board, on its own motion or upon recommendation of the Landmarks Commission, may remove the historical building designation therefrom.
 9. At the time of annexation to a city, all properties with locally designated historical and cultural resources within the annexation area shall retain their resource designations within city jurisdiction unless a public hearing by the applicable City Council is held to remove the resource designation. Listing on the National Register of Historic Places is a federal action and is not affected by annexation.
- B. Historical Resource-Designation Procedure.
1. If the Board finds that a particular building, structure, object or site does not meet the criteria as outlined in DCC 2.28.050 for historical designation, the Board may designate said building, structure, object or site as a building or site of historical interest.
 2. Buildings, structures or sites designated as being of historical interest shall be subject to the requirements of DCC 2.28 only in the event of demolition or major alteration. In such cases, the owner of the building, structure or site must notify the Planning Division not less than 10 days prior to said demolition or major alteration, so that the County may photograph the site or building.
 3. The Board and/or Landmarks Commission may also make recommendations to the owner regarding alternatives to demolition or major alteration which preclude future designation as historical resource. Such recommendations are not binding upon the owner.
- C. Historic District-Designation Procedure.
1. Upon receipt of an application from a private party or group of people or upon the request from the Landmarks Commission for local designation of a historic district within the unincorporated County or upon direction by the Board or upon its own motion, the Planning Division shall fix a date and time for a public hearing before the Board on a historic district recommended for designation. This section is not applicable to nominations for listing historic districts on the National Register of Historic Places..
 2. The County Planning staff shall notify, in writing, owners of record of all properties within the proposed historic district and shall transmit a copy of the request to the Planning Commission and Landmarks Commission.
 3. The Landmarks Commission shall submit its recommendation to the Board at least 10 days prior to the public hearing.
 4. At the public hearing, the owners of any property involved, a representative of the Landmarks Commission and all other interested parties shall be entitled to be heard.
 5. If the Board determines that an area proposed to be designated as an historic district has historic and/or architectural significance, the Board may designate such area as an historic district.

6. If an area outside the incorporated cities but inside the adopted urban growth boundary is proposed to be designated as an historic district, the pertinent city council may recommend to the Board that such area be designated as an historic district.
 7. An area may be designated an historic district even if all sites or buildings within a district are not of historical or architectural significance, provided that the district as a whole is of such significance.
 8. If the primary or significant buildings within an historic district have been demolished or destroyed, the board on its own motion, may remove the local historic district designation. National register listed properties must follow a federal process for removal.
 9. If the designation is proposed to be removed from any local historic district for any reason other than that set forth in DCC 2.28.060(C)(8), then similar notices, recommendations and hearings shall be held as upon the designation of the historic district in the first instance.
 10. Any request for historic district designation must be filed with the Landmarks Commission before the date of application for any building permit, conditional use permit or other application or permit which might be affected by such historic designation.
 11. If a designated historic district is within an area to be annexed to a city, at the time of its annexation to the city that historic district shall automatically revert to within city jurisdiction.
- (Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §10, 1988; Ord. 88-008 §9, 1988; Ord. 88-008 §8, 1988; Ord. PL-21 §4, 1980; Ord. PL-21 §5, 1980)

2.28.070. Historic and Cultural Resource Survey and Inventory

- A. The Landmarks Commission shall periodically survey and inventory properties potentially eligible for listing in the Deschutes County Goal 5 Inventory- of Historic and Cultural Resources and/or National Register of Historic Places within unincorporated Deschutes County
 1. Survey and inventory documents shall be maintained, periodically updated, and open to the public.
 2. Survey and inventory documents and processes shall be compatible with the practices of the Oregon State Historic Preservation Office for maintaining the Oregon Inventory of Historic Sites.
 3. Records concerning archeological sites shall not be made available to the public.
 4. Properties included in the Cultural Resource Inventory are not subject to the provisions of DCC 2.28.050 and 2.28.060.
- (Ord. 2010-019 §1)

2.28.080. Designation not a Recommendation for Federal Action.

- A. Nothing in DCC 2.28 and no designation adopted under DCC 2.28 shall be interpreted as a recommendation by the Board supporting designation of any building or structure as a "Certified Historic Structure" for purposes of section 191(d)(1)(b) or (c) of the Federal Tax Reform Act of 1976.
 - B. No such recommendation or certification shall be made by any jurisdiction in the County without notice to affected parties and an additional hearing thereon.
- (Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §11, 1988; Ord. PL-21 §6, 1980)

2.28.090. Exterior Alteration and New Building Restrictions.

- A. Except as provided in DCC 2.28.090(I), no person may demolish or alter any historic or cultural resource in such a manner as to affect its exterior appearance or integrity, nor may any new structure and/or building be constructed in an historic district, unless a certificate of approval has been issued by the Landmarks Commission and the County.

- B. Application for a certificate of approval for exterior demolition, alteration or new construction under DCC 2.28.090 shall be made to the planning division and shall be referred to the Landmarks Commission for review and/or hearing. Quasi-judicial applications shall follow DCC Chapter 22.
 - C. All applications for alteration or new construction shall be accompanied by appropriate plans and/or specifications.
 - D. Any request for a certificate of approval for demolition, exterior alteration or new construction must be filed prior to or in conjunction with an application for any building or land use permit.
 - E. Upon approval by the Chair of the Landmarks Commission, applications for minor alterations may be processed administratively.
 - F. Applications for major alterations shall be forwarded to the Landmarks Commission.
 - G. Applications for certificates of approval for exterior alterations to structures and/or buildings in an historic district or to a designated historical structure and/or building shall be evaluated by the Landmarks Commission under the following criteria:
 - 1. Applicable provisions of the County Comprehensive Plan;
 - 2. Applicable sections of the Secretary of the Interior's Standards and Guidelines for Rehabilitation;
 - 3. The reasonableness of the proposed alteration and its relationship to the public interest in the structure's and/or building's preservation or renovation;
 - 4. The design review guidelines set out in Appendix B at the end of DCC 2.28;
 - 5. The physical condition of the structure and/or building;
 - 6. The general compatibility of proposed exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used on the existing structure and/or building;
 - 7. Whether the alteration is required to remedy an unsafe or dangerous condition;
 - 8. Other pertinent aesthetic factors, as appropriate.
 - H. Applications for certificates of approval for new construction of structures and/or buildings in an historic district shall be evaluated by the Landmarks Commission under the following criteria:
 - 1. The purpose of DCC 2.28;
 - 2. The provisions of the County Comprehensive Plan;
 - 3. The economic effect of the new structure and/or building on the historical value of the district;
 - 4. The effect of the proposed new structure and/or building on the historical character of the district;
 - 5. The general compatibility of the proposed exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new structure and/or building;
 - 6. The design review guidelines set out in Appendix B at the end of DCC 2.28 are the criteria for new construction;
 - I. All decisions on certificates of approval shall be in writing.
 - J. Nothing in DCC 2.28 shall be construed to prevent the ordinary maintenance or repair (e.g., painting) of exterior architectural features of a building or structure which does not involve a change in design or type of materials.
 - K. A change in design or type of materials shall be allowed if the County building official states in writing that the repair is necessary for personal or public safety due to an unsafe or dangerous condition in or on the building or structure.
 - L. All decisions concerning certificates of approval under DCC 2.28.090 are subject to appeal to the Board, as provided in DCC 2.28.150.
- (Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §12, 1988; Ord. PL-21 §7, 1980)

2.28.100. Demolition Permits and Condemnation Proceedings.

- A. No demolition of any designated historical structure and/or building, or structure and/or building within an historic district or landmark shall be allowed except with the approval of the Landmarks Commission. A demolition or removal permit application shall be transmitted, before action is taken, to the Landmarks Commission.
- B. Upon receipt of an application for a permit for demolition or removal, the Landmarks Commission shall notify the applicant in writing, and the owner of the property, if the owner is not the applicant.
- C. The Landmarks Commission shall hold a public hearing within 30 days of receipt of the application. The applicant, the owner of the property and any interested parties shall be entitled to be heard.
- D. In determining whether to approve the demolition or removal proposed in the application, the Landmarks Commission shall consider the following:
 - 1. All plans, drawings and photographs as may be submitted by the applicant;
 - 2. Information presented at the public hearing;
 - 3. The County Comprehensive Plan;
 - 4. The purpose of DCC 2.28;
 - 5. The criteria used in the original designation of the historical structure, building or district;
 - 6. The historical and architectural style, the general design, arrangement, materials of the structure and/or building, its appurtenant fixtures, and the relationship of such features to similar features of other buildings within the County, and the position of the structure and/or building in relation to public rights-of-way and to other buildings and structures in the area;
 - 7. The effects of the proposed demolition or removal upon the protection, enhancement, perpetuation and use of the structure and/or building which cause it to possess a special character, or special historical or aesthetic interest or value;
 - 8. Whether the demolition or removal is proposed to abate a nuisance or a hazardous condition;
 - 9. Whether delay of the demolition or removal will cause substantial hardship to the applicant.
- E. If the Landmarks Commission approves the demolition or removal and if no appeal is filed, the appropriate County building official shall issue a demolition or removal permit in accordance with all applicable codes and ordinances of the County.
- F. Postponement.
 - 1. The Landmarks Commission may postpone action on an application for a demolition or removal permit if the commission determines that there is a program or project under way which would result in public or private acquisition or relocation of such structure and/or building or site, and that there are reasonable grounds to believe that such program or project may be successful.
 - 2. In such case, the Landmarks Commission may suspend consideration of the application for a period not to exceed 90 days.
 - 3. During such period of suspension, no permit shall be issued for such demolition or removal, nor shall any person demolish or remove the structure and/or building.
 - 4. If any such program or project appears to the Landmarks Commission to be unsuccessful and the applicant has not withdrawn the application for a demolition or removal permit, the building official shall issue a permit if the permit application otherwise complies with the codes and ordinances of the County.
- G. Action by the Landmarks Commission suspending issuance of a permit for demolition or removal may be appealed by the applicant, the owner or the occupant, by filing a notice of appeal as provided in DCC 2.28.150.
- H. Condemnation.
 - 1. Before any action is taken by a public entity to condemn a structure and/or building designated as a historic building or site or any structure and/or building within a designated historic district, the

Landmarks Commission shall review the report of the County building safety division and/or any other County departments relating to the condition of the building and premises and the extent of its danger, deterioration or decay.

2. The Landmarks Commission shall report on its review and make a recommendation concerning action to the Board before official action of condemnation is instituted.
1. The Landmarks Commission may identify specific structures and/or buildings within a designated historic district which will be exempt from the provisions of DCC 2.28.100.
(Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §13, 1988; Ord. PL-21 §8, 1980)

2.28.110. Demolished Historical buildings-Records and Artifact Preservation.

- A. If a designated historical building is to be demolished, insofar as practicable and as funds are available, the Landmarks Commission shall keep a pictorial and graphic history of the historical building or historical site, with any additional data it may obtain.
- B. To the extent funds are available or the Landmarks Commission may obtain donations thereof, the Landmarks Commission shall acquire historic artifacts from the building or site which it deems worthy of preservation.
- C. Status of Historic Property at New Location
 1. When an historic property is moved to a new location, the historic property status is retained for that property at the new site unless the County, using the process required for designation of a historic property, determines that the historic or cultural resource is no longer appropriate.
 2. If the property retains historic property status at the new site, the County may review and modify the development standards and designation as appropriate, using the process required for designation.
 3. Deschutes County will notify the State Historic Preservation Office documenting the new location.

(Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §14, 1988; Ord. PL-21 §9, 1980)

2.28.120. Signs/Plaques.

The owner of a historic resource, or the occupant thereof with the consent of the owner, may install an identification plaque or sign indicating the name, date, architect and other appropriate information upon the property, provided that the size, material, design, location and text of such plaque or sign is approved by the Landmarks Commission.

- A. No sign or plaque may be displayed on an historic resource except for signs or plaques approved by the Landmarks Commission, in conformance with Deschutes County sign code.
- B. Signs that are freestanding, painted on the windows or glass doors or that are similar to signs shown in historic photographs of the structure are encouraged.
- C. Signs must be attached to the structure in such away as to not cause irreversible damage to the building. New signs will be attached by reusing existing hardware whenever possible. New brackets and bolts on masonry buildings shall be put only in wood or mortar, and not in bricks or rock.
- D. The size of the sign must be in proportion to the size of the historic building.
- E. The placement of the sign shall not obscure significant architectural elements of the building.
- F. The type of the sign, font, design and shape of the sign should be compatible with the historic building and the historic character of the historic district.
- G. The materials of which the sign is made must be compatible with the historic building and the historic character of the historic district.
- H. Back lighted metal-framed plastic signs are discouraged.

(Ord. 2010-019 §1; Ord. 95-027 § 1, 1995; Ord. 88-008 § 15, 1988; Ord. PL-21 § 10, 1980)

2.28.130. Redevelopment and Neighborhood Improvement Projects-Review by Commission.

- A. In any redevelopment or neighborhood improvement project administered by a department of county, or submitted to the Board for its review and recommendations, proposed action relating to a designated historic district, building or site shall be submitted to the Landmarks Commission for its review and recommendation.
- B. A report thereon by the Landmarks Commission shall be filed with the Board, and a copy shall be sent to the appropriate County department.

(Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §16, 1988; Ord. PL-21 §11, 1980)

2.28.140. Enforcement of State Preservation Laws.

- A. The Board and Landmarks Commission shall support the enforcement of all state laws relating to historic preservation.
- B. These state laws include but are not limited to ORS 197.772 (Consent for designation for historic property), ORS 358.653 (Conservation Programs, Leases), and ORS 358.475 through 358.541 (Special Assessment).
- C. Applications to alter a cultural resource shall be forwarded to the state archeologist for comment. Deschutes County shall utilize applicable sections of the Secretary of the Interior's Standards and Guidelines for Archeology.

(Ord. 2010-019 §1)

2.28.150. Appeals.

- A. Appeals from actions of the Landmarks Commission shall be to the Board and may be filed by the applicant, the owner or occupant of the building, structure, site or district concerned, or by any other person who participated in the hearing.
- B. Unless a request for reconsideration has been filed, the notice of appeal and appeal fee must be received at the offices of the Deschutes County Community Development Department no later than 5:00 PM on the twelfth day following mailing of the decision. If a decision has been modified on reconsideration, an appeal must be filed no later than 5:00 PM on the twelfth day following mailing of the decision as modified. Notices of Appeals may not be received by facsimile machine.
- C. The appeal shall be conducted according to the terms of the applicable County ordinance.
- D. A decision of the Board may be appealed to the land use board of appeals as provided by law.

(Ord. 2010-019 §1; Ord. 95-027 §1, 1995; Ord. 88-008 §17, 1988; Ord. 86-023 §1, 1986; Ord. PL-21 §12, 1980)

2.28.160. Penalties.

Violation of DCC 2.28.090(A), DCC 2.28.100(A) is a Class A violation. A Class A violation is defined in DCC 1.16.010.

(Ord. 2010-019 §1; Ord. 2003-021 §7, 2003; Ord. 95-027 §1, 1995; Ord. 93-053 §1, 1993; Ord. 91-039 §1, 1991)

2.28.170. Oregon State Special Assessment of Historic Properties.

- A. For application for interior or exterior restoration, rehabilitation, alteration, demolition, or new construction of structures located on a property that is listed on the National Register of Historic Places and is benefiting from the Oregon Special Assessment Program, the applicable sections of this code, the

Secretary of the Interior's Standards and Guidelines for Rehabilitation and the approved Preservation Plan will be used as criteria to determine the appropriateness and reasonableness of the application.

- B. After the application is deemed complete by CDD staff, a copy of the application will be sent to the Oregon State Historic Preservation Office for comment within one week.
- (Ord. 2010-019 §1)

APPENDIX "A"

DESCHUTES COUNTY LANDMARKS COMMISSION

HISTORIC RESOURCE RATING SHEET

RATING _____
 NAME OF HISTORIC RESOURCE _____
 ADDRESS _____
 MAP AND TAX LOT _____
 EVALUATOR _____
 DATE _____

Scoring on Scale of 1-5

- 5 - Excellent
- 4 - Very Good
- 3 - Good
- 2 - Fair
- 1 - Poor
- 0 - Non-existent

Factors	Relative Importance	Weighted Rating
1. Interpretive Potential: Property is associated with pre-historic or historic events, is related to the broad cultural history of the nation, state or community, or is included on the National Register of Historic Places, or has yielded or is likely to yield information important to prehistory or history.	3.0 x	
2. Rarity of type and/or Style: Property represents a period of history or prehistory or style of architecture or method of construction of extraordinary or unusual design, detail, materials, or craftsmanship; or is identified as the work of an architect, designer or master builder whose work has influenced development in the nation, state or community.	2.0 x	
3. Identification: Property is identified with a person or persons who have significantly contributed to the history of the City or County.	1.5 x	
4. Symbolic Value: Property represents an aesthetic or educational feature of the community, or has contributed to the cultural or economic history of the area.	1.5 x	
5. Chronology: Property was developed early in the relative scale of local history or was an early expression of a type or style of structure or development.	1.0 x	

APPENDIX "B"
DESIGN REVIEW GUIDELINES

A. GENERAL

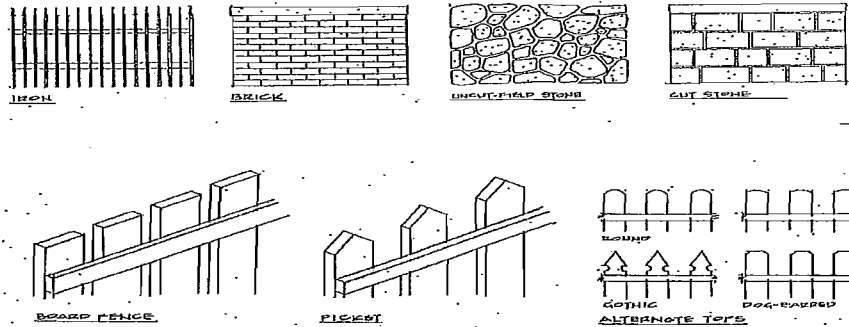
1. New construction shall be compatible in size, form, scale, materials, and texture with adjacent historic buildings and/or with dominant architectural character of the district.
2. Contemporary designs expressing the elements described in (1. Above) are encouraged.
3. Imitating in detail an earlier style of architecture is discouraged.

B. SITING

1. In addition to the zoning requirements, the relationship of new additions to the street and to the open space between buildings shall be compatible with adjacent historic buildings and with the historic character of the surrounding area.
2. New additions shall be sited so that the impact to the primary facades(s) is kept to a minimum. Additions shall generally be located at the rear portions of the property or in such locations where they have the least visual impact from public ways.

C. LANDSCAPE

1. Traditional landscape elements evident in the district - grass, trees, shrubs, picket fences, etc. - should be preserved and are encouraged in site redevelopment.
2. Landscaping such as trees, bushes, foundation plantings, garden beds or brick or paving work shall not be regulated by the Commission with the exception of removal or radical trimming of large established trees or vegetation (potentially 50 years or older), except where necessary for immediate public safety as determined by a certified arborist and the Deschutes County Planning Division.
3. No Commission review is required if any new walls or fencing on a historic resource property complies with all the standard fencing requirements as listed in the Deschutes County Code Chapter 2.28 as well as comply with the following standards.
 - a. Rear Lot fencing shall be a typical board fencing, brick, or native Central Oregon drystack mortared stones.
 - b. Fencing between the front or side walls of a structure abutting a road right of way shall be a typical picket fencing, brick or native Central Oregon drystack mortared stones with the exception of property located within the Drake Park Neighborhood Historic District. All new fencing between the front or side walls of structure abutting a road right of way shall require review and approval by the Commission.



D. BUILDING HEIGHT

1. In addition to the zoning requirements, the height of new additions shall not exceed the height of the historic building, or of historic buildings in the surrounding area. The surrounding area includes either historic building(s) within 250 feet of the subject property or similar style historic buildings within Deschutes County.

E. BUILDING BULK

1. The apparent size of primary elements of new construction shall not exceed that of the largest adjacent historic building and the surrounding area.
2. New additions smaller than the historic building or the historic buildings in the surrounding area are encouraged.
 - (a) Where new additions must be larger, the new addition shall be articulated in such a manner that no single element is visually larger than the historic building or larger than the surrounding historic buildings.

F. PROPORTION AND SCALE

1. The relationship of height to width of new additions and their sub-elements, such as windows and doors and of alterations, shall be compatible with related elements of the historic building and with the historic character of the surrounding area. Such as the typical historic windows which have an approximate proportion of 2 vertical to 1 horizontal.
2. The relationship of solids to voids (wall to window) shall be compatible with related elements on the historic building and with the historic character of the surrounding area.
3. The relationship of height to width of primary and secondary elements of new construction shall be compatible with the dominant historic character of the district or similar historic buildings within Deschutes County.

G. EXTERIOR FEATURES

1. General

- (a) To the extent practicable, original historic architectural elements and materials shall be preserved.
- (b) Architectural elements and materials for new additions shall be compatible with related elements of the historic building and with the historic character of the surrounding area.
- (c) The preservation, cleaning, repair, and other treatment of original materials shall be in accord with the Secretary of Interior's Standards of Rehabilitation and Guidelines for Rehabilitating Historic Buildings Appendix "C".
- (d) Exterior features such as bays, porches, balconies, and other architectural elements that establish the district's historic character are encouraged in new construction.

2. Foundations:

- (a) Concrete or masonry foundations to replace deteriorated wood foundations are encouraged. Such new foundations shall be covered with board skirting or similar treatment to match the original appearance and extend to within six to eight inches (6" - 8") of the ground level.
- (b) Concrete or masonry foundations for new additions need not be covered with material that simulates earlier construction.
- (c) New foundations shall not significantly alter the historic elevation of the building.

3. Materials:

- (a) New construction should employ materials traditional to the district--wood, stone, and brick. Such materials should be employed in their traditional configuration, e.g., drop siding, common brick, standard shingles.
- (b) Inappropriate materials such as plywood, plastic and metal sidings, imitation brick and stone, and raw aluminum window frames that are not part of a "clad" window system are discouraged.

4. Roofs:

- (a) Roofs on new additions shall be of forms (gabled, hipped, etc.) that are compatible with the historic building and the historic character of the district.
- (b) Metal roof material is discouraged.

5. Garages/Carports:

- (a) When feasible, garages and carports should be located on the site where they have the minimum visual impact from public ways.

(b) Where garages must face the street front, they should be designed to minimize their bulk and visual impact. Single-car garage doors should be employed.

(c) Detached garages are encouraged.

APPENDIX "C"

THE SECRETERY OF THE INTERIOR'S STANDARDS
FOR REHABILITATION

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings are intended to provide guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers prior to treatment. As noted, while the treatment Standards are designed to be applied to all historic resource types included in the National Register of Historic Places--buildings, sites, structures, districts, and objects--the Guidelines apply to specific resource types; in this case, buildings.

For means of this code, the Secretary of the Interior Standards & Guidelines for Rehabilitation are reprinted below. Depending upon the nature of your project, one of the other Standards & Guidelines may apply. Refer to County Staff for the appropriate application method. More information may be found at http://www.nps.gov/hps/tps/standguide/overview/using_standguide.htm.

The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

The Standards (36 CFR Part 67) apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

Rehabilitation projects must meet the following Standards, as interpreted by the National Park Service, to qualify as "certified rehabilitations" eligible for the 20% rehabilitation tax credit.

The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The Guidelines have been prepared to assist in applying the Standards to all project work; consequently, they are not meant to give case-specific advice or address exceptions or rare instances. Therefore, it is recommended that the advice of qualified historic preservation professionals be obtained early in the planning stage of the project. Such professionals may include architects, architectural historians, historians, historical engineers, archeologists, and others who have experience in working with historic buildings.

The Guidelines pertain to both exterior and interior work on historic buildings of all sizes, materials, and types. Those approaches to work treatments and techniques that are consistent with *The Secretary of the Interior's Standards for the Treatment of Historic Properties* are listed in the "Recommended" section; those which are inconsistent with the Standards are listed in the "Not Recommended" section.

MASONRY

(Adobe, Brick, Stone, Terra Cotta, Concrete, Stucco, Mortar)

RECOMMENDED*

Retaining original masonry and mortar, whenever possible, without the application of any surface treatment.

Repointing only those mortar joints where there is evidence of moisture problems or when sufficient mortar is missing to allow water to stand in the mortar joint.

Duplicating old mortar in composition, color, and texture.

Duplicating old mortar in joint size, method of application, and joint profile.

Repairing stucco with a stucco mixture that duplicates the original as closely as possible in appearance and texture.

Cleaning masonry only when necessary to halt deterioration or to remove graffiti and stains, and always with the gentlest method possible, such as low pressure water and soft, natural bristle brushes.

Repairing or replacing, where necessary, deteriorated material with new material that duplicates the old as closely as possible.

Replacing missing significant architectural features, such as cornices, brackets, railings, and shutters.

Retaining the original or early color and texture of masonry surfaces, including early signage wherever possible. Brick or stone surfaces may have been painted or whitewashed for practical and aesthetic reasons.

NOT RECOMMENDED

Applying waterproofing or water repellent coating or surface consolidation treatments unless required to solve a specific technical problem that has been studied and identified. Coatings are frequently unnecessary, expensive, and can accelerate deterioration of the masonry.

Repointing mortar joints that do not need repointing. Using electric saws and hammers to remove mortar can seriously damage the adjacent brick.

Repointing with mortar of high Portland cement content can often create a bond that is stronger than the building material. This can cause deterioration as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.

Repointing with mortar joints of a differing size or joint profile, texture, or color.

Sandblasting, including dry and wet grit and other abrasives, brick, or stone surfaces; this method of cleaning erodes the surface of the material and accelerates deterioration. Using chemical reaction with the masonry materials, i.e., acid on limestone or marble.

Applying new material which is inappropriate or was unavailable when the building was constructed, such as artificial brick siding, artificial cast stone, or brick veneer.

Removing architectural features such as cornices, brackets, railings, shutters, window architraves, and doorway pediments.

Removing paint from masonry surfaces indiscriminately. This may subject the building to damage and change its appearance.

WOOD

(Clapboard, Weatherboard, Shingles, and Other Wooden Siding)

RECOMMENDED

Retaining and preserving significant architectural features wherever possible.

Repairing or replacing, where necessary, deteriorated material that duplicates in size, shape, and texture, the old as closely as possible.

NOT RECOMMENDED

Removing architectural features such as siding, cornices, brackets, window architraves, and doorway pediments. These are, in most cases, an essential part of a building's character and appearance that illustrate the continuity of growth and change.

Resurfacing frame buildings with new material that is inappropriate or was unavailable when the building was constructed, such as artificial stone, brick, veneer, asbestos, or asphalt shingles and plastic or aluminum siding. Such material can also contribute to the deterioration of the structure from moisture and insects.

ARCHITECTURAL METALS

(Cast Iron, Steel, Pressed Tin, Aluminum, and Zinc)

RECOMMENDED

Retaining original material, whenever possible.

Cleaning when necessary with the appropriate method. Metals should be cleaned by methods that do not abrade the surface.

NOT RECOMMENDED

Removing architectural features that are an essential part of a building's character and appearance, illustrating the continuity of growth and change.

Exposing metals which were intended to be protected from the environment. Do not use cleaning methods which alter the color, texture, and tone of the metal.

ROOFS AND ROOFING

RECOMMENDED

Preserving the original roof shape.

Retaining the original material, whenever possible.

Providing adequate roof drainage and ensuring that the roofing materials provide a weathertight covering for the structure.

Preserving or replacing, where necessary, all architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, and weather vanes.

NOT RECOMMENDED

Changing the essential character of the roof by adding inappropriate features such as dormer windows, vents, or skylights.

Applying new roofing material that is inappropriate to the style and period of the building and neighborhood.

Stripping the roof of architectural features important to its character.

WINDOWS AND DOORS

RECOMMENDED**

Retaining and repairing window and door openings, frames, sash, glass, doors, lintels, sills, pediments, architraves, hardware, awnings, and shutters where they contribute to the architectural and historic character of the building.

Improving the thermal performance of existing windows and doors through adding or replacing weatherstripping and adding storm windows and doors which are compatible with the character of the building and which do not damage window or door frames.

Replacing missing or irreparable windows on significant facades with new windows that match the original in material, size, general muntin and mullion proportion and configuration, and reflective qualities of the glass.

Replacing missing or irreparable windows on significant facades with new windows that match the original in material, size, general muntin and mullion proportion and configuration, and reflective qualities of the glass.

NOT RECOMMENDED

Introducing or changing the location or size of windows, doors, and other openings that alter the architectural and historic character of the building.

Replacing window and door features on significant facades with historically and architecturally incompatible materials such as anodized aluminum, mirrored or tinted glass.

Removing window and door features that can be repaired where such features contribute to the historic and architectural character of the building.

Installing on significant facades shutters, screens, blinds, security grills, and awnings which are historically inappropriate and which detract from the character of the building.

Installing new exterior storm windows and doors which are inappropriate in size or color, or which are inoperable, or which require removal of original windows and doors.

Installing interior storm windows that allow moisture to accumulate and damage the window.

Replacing sash which contribute to the character of the building with those that are incompatible in size, configuration, and reflective qualities or which alter the setback relationship between window and wall.

Replacing sash which contribute to the character of the building with those that are incompatible in size, configuration, and reflective qualities or which alter the setback relationship between window and wall.

Installing heating / air conditioning units in the window frames when the sash and frames may be damaged. Window installations should be considered only when all other viable heating / cooling systems would result in significant damage to historic material.

STOREFRONTS

RECOMMENDED

Retaining and repairing existing storefronts, including windows, sash, doors, transoms, signage, and decorative features where such features contribute to the architectural and historic character of the building.

Where original or early storefronts no longer exist or are too deteriorated to save, retaining the commercial character of the building through (1) contemporary design which is compatible with the scale, design, materials, color, and texture of the historic buildings, or (2) an accurate restoration of the storefront based on historical research and physical evidence.

NOT RECOMMENDED

Introducing a storefront or new design element on the ground floor, such as an arcade, which alters the architectural and historic character of the building and its relationship with the street or its setting or which causes destruction of significant historic fabric.

Using materials which detract from the historic or architectural character of the building, such as mirrored glass.

Altering the entrance through a significant storefront.

ENTRANCES, PORCHES, AND STEPS

RECOMMENDED

Retaining porches and steps that are appropriate to the building and its development. Porches or additions reflecting later architectural styles are often important to the building's historical integrity and, wherever possible, should be retained.

Repairing or replacing, where necessary, deteriorated architectural features of wood, iron, cast iron, terra cotta, tile, and brick.

NOT RECOMMENDED

Removing or altering porches and steps that are appropriate to the building's development and style.

Stripping porches and steps of original material and architectural features, such as hand rails, balusters, columns, brackets, and roof decoration of wood, iron, cast iron, terra cotta, tile, and brick.

Enclosing porches and steps in a manner that destroys their intended appearance.

* For more information, consult Preservation Briefs:

- 1) "The Cleaning and Waterproofing of Masonry Buildings"
- 2) "Repointing Mortar Joints in Historic Brick Buildings" (Washington, D.C.; Heritage Conservation and Recreation Service, 1975 and 1976). Both are available from the Government Printing Office or State Historic Preservation Officers.

** For more information, consult Preservation Briefs:

- 3) "Conserving Energy in Historic Buildings" (Washington, D.C.; Heritage Conservation and Recreation Service, 1978). It is available from the Government Printing Office or State Historic Preservation Office.
- 4) Applicable sections of the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings shall be used as criteria for applications to alter elements in historic resources that were not listed in Appendix B.

APPENDIX "D"

THE FEDERAL REQUIREMENTS

OF THE CERTIFIED LOCAL GOVERNMENT

(1) Enforce Appropriate State or Local Legislation for the Designation and Protection of Historic Properties. Federal regulations are found in 36 CFR 61.6. For the purpose of the CLG Program, the Act defines:

a. "Designation" as "the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government." Designation includes the identification and registration of resources according to State or local criteria which must be consistent with the Secretary of the Interior's Standards for Identification and Registration. Adoption of the National Register criteria is encouraged.

b. "Protection" as "a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic properties designated pursuant to" a local government becoming a Certified Local Government. The CLG's local protection review process of the Act applies only to properties designated pursuant to State or local laws and procedures. This would not include properties listed on or determined eligible for the National Register of Historic Places unless such properties also were designated under the appropriate State or local process.

c. In its CLG procedures, each State must define what constitutes appropriate State or local legislation for the designation and protection of historic properties and its enforcement. NPS does not require State or local legislation regarding designation and/or protection as a prerequisite for certification. However, if State and/or local legislation is required in the State's certification procedures, that legislation must be consistent with the Act and with the definitions above (for designation and/or protection).

(2) Establish an Adequate and Qualified Historic Preservation Review Commission by State or Local Legislation. "Historic preservation review commission" means a board, council, commission, or other similar collegial body established by State or local legislation. The members must be appointed, unless otherwise provided by State or local legislation, by the chief elected official of the jurisdiction. Members must be drawn from professionals in architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent such professionals are available in the community concerned, and such other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines. NPS regulations regarding commissions are found in 36 CFR 61.6.

a. If no State law exists that allows the establishment of local commissions, the State will require the local government to establish a commission by law or ordinance, or other official action.

b. The State may define "adequate and qualified" within the limits of 36 CFR 61.6, but the requirements set shall not be more stringent or comprehensive than the State's requirements for the State Review Board.

c. A State may specify in its State CLG procedures or incorporate by reference in State CLG procedures, the minimum number and type of professional members that the local government shall appoint to the commission, and indicate how additional expertise may be obtained. A local government may be certified without the minimum number or types of disciplines if it can provide written documentation to the SHPO that it has made a reasonable effort to fill those positions. However, if the SHPO has delegated State Review Board responsibilities to the Certified Local Government for that jurisdiction, the local commission must meet all applicable Review Board requirements, and perform all Review Board responsibilities.

d. When a professional discipline is not represented in the commission membership, the commission shall seek expertise in this area from persons meeting the Secretary of the Interior's Professional Qualification Standards, as appropriate.

3. Maintain a System for the Survey and Inventory of Properties that furthers the Purposes of the Act.

a. The State shall promulgate guidelines for local survey and inventory systems that ensure that such systems and the data produced can be readily integrated into SHPO inventories, the statewide comprehensive historic preservation plan, and other appropriate State and local planning processes. CLG survey data shall be in a format consistent with SHPO inventory requirements and shall not be inconsistent with the Secretary of the Interior's "Standards for Identification and Evaluation." This policy does not apply to survey data produced by local governments before the effective date of CLG certification.

4. Provide for Adequate Public Participation in the Local Historic Preservation Program.

a. The State shall define in writing minimum requirements for public participation in the conduct of overall CLG activities. These minimum requirements must include provision for open meetings (which must include public participation in the National Register Nomination process), minutes that are publicly available, and the publication and dissemination of commission procedures, as well as compliance with local, State, and Federal public participation regulations.

5. Satisfactorily Perform the Responsibilities Delegated to it Under the Act. Each local government must have the legal authority to fulfill the minimum requirements specified by the SHPO in its NPS-approved CLG procedures.

FINDINGS

The Deschutes County Historical Landmarks Commission (HLC) held two work sessions on May 20 and June 17, 2010 on Ordinance 2010-019 to discuss legislative amendments to Deschutes County Code (DCC) Chapter 2.28, Historic Preservation and Historical Landmarks Commission. The first evidentiary hearing to consider testimony on the legislative amendments to DCC 2.28 took place on July 8, before the Deschutes County Planning Commission.¹ The Planning Commission kept the hearing open until July 22 and raised several questions or comments that warranted consideration by the Historical Landmarks Commission (HLC) during their public hearing on July 15. On July 15, the HLC unanimously recommended by a 6-0 vote that the Board of County Commissioners adopt the legislative amendments. The Deschutes County Planning Commission held a public hearing on July 22, 2010 and on that same date, deliberated, and formally endorsed the code amendments. The Board of County Commissioners held their public hearing on August 23, 2010.

BACKGROUND

At the request of the Deschutes County Board of Commissioners (Board), the Community Development Department initiated a six-month program, starting in March that amends DCC Chapter 2.28, Historical Preservation and Historical Landmarks Commission.

Deschutes County received a \$3,000.00 Certified Local Government Grant to update DCC Chapter 2.28 in conjunction with the City of Bend to create one set of regulatory controls and procedures for both jurisdictions. The reason for creating consistent historic preservation ordinances is to establish a consistent, user-friendly set of standards for the HLC. The HLC serves as a hearings body for matters concerning historical districts, buildings and structures and sites within the county and the cities of Bend, La Pine, Redmond and Sisters.

PROPOSED PLAN AMENDMENT

Staff proposes amendments that further clarify DCC Chapter 2.28. The proposed amendments are described in the attached exhibits. Deleted language is shown as ~~strikethrough~~.

HISTORICAL LANDMARKS COMMISSION RECOMMENDATION

The HLC on July 15, held a hearing, deliberated and recommended that the Board adopt the above referenced ordinance, with the following modifications:

1. HLC Responses to Planning Commission Questions

¹ A public notice was published in the *Bulletin* on June 27, 2010. All property owners recognized as having a Goal 5 Historic Resource were notified of the upcoming public hearing on June 25, 2010.

The Planning Commission kept their first evidentiary hearing open until July 22. They raised several questions or comments that warranted consideration by the Historical Landmarks Commission as they prepared for their public hearing on July 15.

Deschutes County Planning Questions	Historical Landmarks Commission Response
<p>Why are 2.28.050(A1) and 2.28.050(C1) worded differently? Shouldn't they be consistent?</p> <p>2.28.050. Procedures</p> <p>A. Historical Building or Site Designation Procedure.</p> <p>1. Upon receipt of a request from the landmarks commission to designate a particular building or site as an historical building or site within the County or upon direction by the Board or on its own motion, the Planning Division shall fix a date and time for a public hearing before the Board on a particular building or site recommended for designation.</p> <p>vs.</p> <p>2.28.050. Procedures</p> <p>C. Historical District Designation Procedure.</p> <p>1. Upon receipt of a request by the landmarks commission to designate any area as an historical district, or upon direction by the Board, the Planning Division shall fix a date and time for a public hearing before the Board.</p>	<p>Yes, they should be consistent. 2.28.050 (C1) should be the same as 2.28.050(A1)</p>
<p>The definitions for "Minor Alteration" and "Major Alteration" need to be reorganized alphabetically.</p>	<p>Agree.</p>
<p>Should the Historical Landmark definition for "Structure" (2.28.020) be the same as Deschutes County's zoning definition (18.04.030)?</p> <p>DCC 2.28.020</p> <p>"Structure" means anything constructed or built, any edifice or building or any kind, or any pieces of work architecturally built or composed of parts joined together in some definite manner.</p> <p>vs.</p> <p>DCC 18.04.030</p> <p>"Structure" means something constructed or built having a fixed base on, or fixed connection to, the ground or another structure.</p>	<p>Use the definition cited in DCC 2.28.020 since it is more comprehensive.</p>
<p>The "definition for Historical Interest," subsection C seems awkwardly worded.</p>	<p>Remove the definition and replace any terms using this language in the legislative amendments to 'Historical Resource</p>
<p>Under 2.28.030, Administration, the following function or duty is recommended for removal. Doesn't the HLC want to keep it?</p> <p>The Commission shall recommend removal of any list of designated historical districts, buildings and/or structures and sites, such property as it finds no longer worthy of such designation.</p>	<p>No.</p>

Deschutes County Planning Questions	Historical Landmarks Commission Response
Shouldn't the Procedures section, 2.28.050 identify or refer to other code sections identifying the approval or denial timelines mandated by the state (120 day period for quasi-judicial decisions taking place in a city; 150 day period for quasi-judicial decisions taking place in a county).	No.
2.28.090(A) is awkward. Should it and/or building be removed? 2.28.090 - Exterior Alteration and New Building Restrictions A. Except as provided in DCC 2.28.090(H), no person may alter any historic or cultural resource in such a manner as to affect its exterior appearance or integrity, nor may any new structure and/or building be constructed in an historical district, unless a certificate of approval has been issued by the landmarks commission and the County.	No.
2.28.090(I) is awkward. Should it be split into two sections? 2.28.090, Exterior Alteration and New Building Restrictions. I. Nothing in DCC 2.28 shall be construed to prevent the ordinary maintenance or repair (e.g., painting) of exterior architectural features of a building or structure which does not involve a change in design or type of materials, unless the County building official can certify that the repair is required for the public safety because the building or structure is in an unsafe or dangerous condition.	Yes, as follows: 2.28.090, Exterior Alteration and New Building Restrictions. I. Nothing in DCC 2.28 shall be construed to prevent the ordinary maintenance or repair (e.g., painting) of exterior architectural features of a building or structure which does not involve a change in design or type of materials. J. The County building official can certify that repair is required for the public safety because the building or structure is in an unsafe or dangerous condition.
Recognizing that Appendix B recognizes masonry work, should the make up of the HLC as noted in 2.28.030(A) and Appendix E consider a professional familiar with the method, materials and construction?	No. Appendix E incorporates federal requirements.

2. HLC Recommended Amendments to DCC Chapter 2.28

A. References

i. City.

Not all of the references to "city" have been removed from the legislative amendments. Undertake another search and replace.

ii. Comprehensive Plan

Capitalize Comprehensive Plan throughout the legislative amendments.

iii. Historical District.

Changes references to historical district as follows:

historical district . . .

iv. Historical Designation.

Add "cultural" to historical designation references throughout the code:

historical and cultural designation . . .

v. Landmarks Commission.

Capitalize Landmarks Commission throughout the legislative amendments.

vi. Secretary of the Interior's Guidelines for Rehabilitation

vii. Changes references to Secretary of the Interior's Guidelines for Rehabilitation as follows:

Secretary of the Interior's Standards and Guidelines for Rehabilitation.

B. Definitions

i. Building Definition.

Add the following definition for Building:

"Building" means a structure which is designated and suitable for the habitation or shelter of human beings or animals or the shelter or storage of property, or for the use and occupation for some purpose of trade or manufacture. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

ii. Historic.

Modify the Historic definition as follows:

"Historic" means 50-years old or older, or of extraordinary historic importance, and possesses sufficient historic integrity.

iii. Historic Resource.

Modify the Historic definition as follows:

"Historic or Cultural Resource" means a building, historic or cultural site, building, structure, object, historic district, and their significant settings or any combination

of these resources that are listed on the National Register of Historic Places and/or are designated by the Deschutes County Board of Commissioners on the County's on a Goal 5 list of Historic and Cultural Resources-list.

iv. Historical Interest.

Remove the '~~Historical Interest~~' definition and replace any terms using this language in the legislative amendments to 'Historical Resource.'

v. Landmark.

Modify the Landmark definition as follows:

"Landmark" means an object or structure of special historical significance resource which that has been designated as a cultural resource and set aside for preservation.

vi. Major Alteration.

Modify the Major Alteration definition as follows:

"Major Alteration" means an alteration which could adversely affects the historical or architectural significance of a historic resource. Examples may include alterations to the front façade, additions, exterior remodels or alterations to the setting that remove significant historic elements or add features that are incompatible with the historic or prehistoric period, thereby losing interpretive value, significant site alterations, or building rehabilitation.

vii. Object.

Add the following definition for Object:

"Object" means to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, moveable, an object is associated with a specific setting or environment.

viii. Primary Resource Definition.

Remove the '~~Primary Resource~~' definition and replace any terms using this language in the legislative amendments to 'Historical Resource.'

ix. Rehabilitation Definition.

Add the following definition for Rehabilitation:

"Rehabilitation" means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant

to its historic, architectural, and cultural values. See Appendix "D" The Secretary of the Interior's Standards for Rehabilitation for the ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

x. Secretary of the Interior's Standards for Rehabilitation Definition.

Add the following definition for Secretary of the Interior's Standards for Rehabilitation:

"Secretary of the Interior's Standards for Rehabilitation" are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs. The Standards are included as Appendix "D", and by this reference is incorporated herein.

C. 2.28.025, Applicability.

Add a Section, DCC 2.28.025, Applicability, and include the following language:

This code applies to any Historic or Cultural Resource within Deschutes County that was designated by the Deschutes County Board of Commissioners or was listed on the National Register of Historic Places, or is located within a historic district that was listed on the National Register of Historic Places.

D. 2.28.030, Administration, Section (I).

Modify 2.28.030 (I) as follows:

- I. The Landmarks Commission shall serve as a hearings body for matters concerning historic and cultural resources within the County and the cities of Bend, La Pine, Redmond and Sisters.

E. 2.28.030, Administration, Section (P).

Modify 2.28.030 (P) as follows:

P. Current List of Historic and Cultural Resources.

1. The commission shall compile and maintain a current list of all historical and cultural resources, the applicable tax lots and addresses, the date of designation, and which have been so designated pursuant to DCC 2.28, with a brief description of the resources district, building and/or structure or site, and the reasons for its inclusion on the list.
2. Disclosure of the locations and descriptions of designated archaeological sites is subject to appropriate state and federal laws. If lists of archaeological sites are developed, disclosure of such lists is subject to appropriate state and federal laws.

F. 2.28.030, Administration, Section (Q).

Modify 2.28.030 (Q) as follows:

- Q. The commission shall notify all property owners of sites recommended for historical or cultural designation ~~of such recommendation.~~ Property owners at the time of designation must support the local designation of their property as a historic or cultural resource.

G. 2.28.050, Procedures, Section (A1).

Modify 2.28.050 (A1) as follows:

- A. Historical Building or Site-Designation Procedure.
1. Upon receipt of a request from the Landmarks Commission to designate a particular building, structure, object or site as an historical or cultural resource ~~building or site within the County~~ or upon direction by the Board or on its own motion, the Planning Division shall fix a date and time for a public hearing on the ordinance before the Board ~~before the Board on a particular building or site recommended for designation.~~

H. 2.28.050, Procedures, Section (A3).

Modify 2.28.050 (A3) as follows:

- A. Historical Building or Site-Designation Procedure.
3. The Planning Division shall notify, in writing, the property owner, the County Planning Commission and Landmarks Commission of the public hearing before the Board at least 10 days prior to the public hearing, ~~unless such a request for historical designation has come from the Landmarks Commission.~~

I. 2.28.050, Procedures, Section (A6).

Modify 2.28.050 (A6) as follows:

- A. Historical Building or Site-Designation Procedure.
6. If the Board determines that a property or properties building or site proposed for designation has significance based upon the criteria in "Appendix A", the Board may designate such districts, sites, buildings, structures or objects as historical or cultural resources as an historical resource has architectural or cultural significance and/or is of historical significance based upon the criteria in DCC 2.28.050, ~~the Board may designate such building or site as an historical building or site.~~

J. 2.28.050, Procedures, Section (A9).

Modify 2.28.050 (A9) as follows:

- A. Historical Building or Site-Designation Procedure.

9. At the time of annexation to a city, all properties with locally designated historical and cultural resources within the annexation area shall retain their resource designations within city jurisdiction unless a public hearing by the applicable city council is held to remove the resource designation. Listing on the National Register of Historic Places is a federal action and is not affected by annexation. ~~locally designated historical sites within the annexation area shall automatically revert to within city jurisdiction unless a public hearing is held to remove the site from the historical designation. National register listed properties must follow a federal process.~~

K. 2.28.050, Procedures, Section (B 1-3).

Modify 2.28.050 (B 1-3) as follows:

B. Historical resource-Designation Procedure.

1. If the Board finds that a particular building, structure, object or site does not meet the criteria as outlined in DCC 2.28.050 for historical designation, the Board may designate said building, structure, object or site as a building or site of historical interest.
2. Buildings, structures or sites designated as being of historical interest shall be subject to the requirements of DCC 2.28 only in the event of demolition or major alteration. In such cases, the owner of the building, structure or site must notify the Planning Division not less than 10 days prior to said demolition or major alteration, so that the County may photograph the site or building.
3. The Board and/or Landmarks Commission may also make recommendations to the owner regarding alternatives to demolition or major alteration which would be detrimental to the building, structure or site designation of historical resource preclude future designation as a historical resource. Such recommendations are not binding upon the owner.

L. 2.28.050, Procedures, Section (C 1-2).

Modify 2.28.050 (C1-3) as follows:

C. Historic District-Designation Procedure.

1. Upon receipt of a request from the Landmarks Commission to designate a particular building or site as an historical building or site within the County or upon direction by the Board or on its own motion, the Planning Division shall fix a date and time for a public hearing before the Board on a particular building or site recommended for designation. Upon receipt of an application from a private party or group of people, the request from the Landmarks Commission for local designation of a historic district within the unincorporated County, direction by the Board or upon its own motion, the Planning Division shall fix a date and time for a public hearing before the Board on a historic district recommended for designation. This section is not

applicable to nominations for listing historic districts on the National Register of Historic Places.

2. County Planning Division staff shall notify, in writing, owners of record of all properties within the proposed historic district and shall transmit a copy of the request to the Planning Commission and Landmarks Commission. The Planning Division shall notify, in writing, owners within the proposed historical district and the appropriate planning commission of such hearing, and shall transmit a copy of the request to the Landmarks Commission unless such request is made by the Landmarks Commission.

M. 2.28.050, Procedures, Section (C8).

Modify 2.28.050 (C8) as follows:

C. Historic District-Designation Procedure.

8. If the primary or significant buildings within an historical district have been demolished or destroyed, the board on its own motion, may remove the local historical district designation. National register listed properties must follow a federal process for removal. ~~This process is not applicable to districts listed on the National Register of Historic Places. Those districts must follow a federal process for removal~~

N. 2.28.060, Request for Historical Designation

Remove this section.

O. 2.28.070, Cultural Resource Survey and Inventory.

Add "Historic":

2.28.070, Historic and Cultural Resource Survey and Inventory.

P. 2.28.070, Historic and Cultural Resources Survey and Inventory, Section (A).

Modify 2.28.070 (A) as follows:

- A. The Landmarks Commission shall periodically survey and inventory properties ~~resources~~ potentially eligible for listing in the Deschutes County Goal 5 Inventory-Historic and Cultural Resources and/or National Register of Historic Places within Unincorporated Deschutes County.

Q. 2.28.090, Exterior Alteration and New Building Restrictions, Sections (A-E)

Modify 2.28.090 (A-E) as follows:

- A. Except as provided in DCC 2.28.090(H), no person may demolish, alter any historic or cultural resource in such a manner as to affect its exterior

appearance or integrity, nor may any new structure and/or building be constructed in an historical district, unless a certificate of approval has been issued by the Landmarks Commission and the County.

- B. Application for a certificate of approval for demolition, exterior alteration or new construction under DCC 2.28.090 shall be made to the planning division and shall be referred to the Landmarks Commission for review and/or hearing. Quasi-judicial applications shall follow DCC Chapter 22.
- C. All applications for alteration or new construction shall be accompanied by appropriate plans and/or specifications.
- D. Any request for a certificate of approval for demolition, exterior alteration or new construction must be filed prior to or in conjunction with an application for any building or land use permit.
- E. Upon approval by the Chair of the Landmarks Commission, applications for minor alterations may be processed administratively. Applications for major alterations shall be forwarded to the Landmarks Commission.

R. 2.28.090, Section (I).

Strikeout the from 2.28.090(I):

Nothing in DCC 2.28 shall be construed to prevent the ordinary maintenance or repair (e.g., painting) of exterior architectural features of a building or structure which does not involve a change in design or type of materials, unless the County building official can certify that the repair is required for the public safety because the building or structure is in an unsafe or dangerous condition

S. 2.28.110, Demolished Historical buildings-Records and Artifact Preservation, Section (C1).

Modify 2.28.110 (C1) as follows:

C. Status of Historic Property at New Location

- 1. When an historic property is moved to a new location, the historic property status is retained for that property at the new site unless the County, using the process required for designation of a historic property, determines that historic and cultural resource landmark designation is no longer appropriate.

T. 2.28.140, Enforcement of State Preservation Laws.

Modify 2.28.140 as follows:

The Board and Landmarks Commission shall support the enforcement of all state laws relating to historic preservation. These include but are not limited to ORS 197.772 (Consent for designation for historic property), ORS 358.653 (Conservation Programs, Leases), and ORS 358.475 through 358.541 (Special Assessment). Applications to alter a cultural resource shall be forwarded to the state archeologist for comment. Deschutes County shall utilize applicable

sections of the Secretary of the Interior's Guidelines for Cultural Resources and
Guidelines for Archeology.

U. 2.28.160, Penalties.

Modify 2.28.160 by elaborating on a Class A Violation.

"Violation of DCC 2.28.090(A), DCC 2.28.100(A) is a Class A violation. Class A violation is defined in DCC 1.16.010.

V. Appendices

Replace the appendices with updated versions recognized by the HLC on July 15, 2010. These appendices were provided to the Planning Commission electronically on July 20 and formally entered into the record on July 22.

W. Roof Form, Appendix A, (G3a).

Remove from Roof Form, the term '~~range of 12/12 to 12/8~~' and replace it with 'same type and style:'

"Primary roofs shall be gabled with pitches in the ~~range of 12/12 to 12/8~~ same type and style to reflect the dominant roof pitches of the district's primary historic buildings."

PLANNING COMMISSION RECOMMENDATION

The Deschutes County Planning Commission on July 22, closed their hearing, deliberated and endorsed the above referenced ordinance and modifications made by the HLC.

REVIEW CRITERIA

Ordinance 2010-019 is proposed for adoption. The amendments do not loosen or tighten restriction beyond what exists today. New definitions and appendices are now cited to reflect state and federal historic requirements. Nonetheless, because this is a Deschutes County initiated amendment, the County bears the responsibility for justifying that the amendments are consistent with relevant Oregon Revised Statutes (ORS), statewide planning goals and the Deschutes County Comprehensive Plan.

FINDINGS

1. State Notification Requirements

- ORS 197.610(2),² *Post-acknowledgment procedures*, was not initiated because, the statewide planning goals do not apply to these legislative amendments. The amendments to DCC Chapter 2.28 just clarify and reformat the chapter.
- ORS 215.503,³ *Notice to property owners*, was not initiated because the amendments to DCC Chapter 2.28 do not loosen or tighten restriction beyond what exists today.

2. Consistency with Deschutes County Comprehensive Plan

Staff proposes amendments that clarify and reformat DCC Chapter 2.28. The amendments remain consistent with Deschutes County's historic and cultural resource policies, DCC Chapter 23.108, because they do not loosen or tighten restrictions beyond what exists today.

Table 1 - Historic and Cultural Resource Policies (23.108.030) 1

Policies	Amendments
<p>1. A joint Cities/County Historical Landmarks Commission shall be created by the incorporated cities and Deschutes County. The joint commission is meant to assure greater coordination in regard to identifying historical and cultural resources, protecting those resources, being fully representative of the various communities serving in an advisory capacity to all local governing bodies and their agents, as well as promoting greater efficiency and better information in protecting the resources. The duties of the commission would be to:</p>	
<p>a. Create a local register and priority value for historic and cultural resources of the County.</p>	No change
<p>b. Review applications for designation of historical sites.</p>	
<p>c. Advise governing bodies on ordinances and permits for demolition or alteration of historic or archeological sites.</p>	
<p>d. Advise and help resolve land use conflicts affecting such resources.</p>	
<p>e. Devise standards for historical markers.</p>	

² <http://www.leg.state.or.us/ors/197.html>

³ <http://www.leg.state.or.us/ors/215.html>

⁴ <http://www.co.deschutes.or.us/dccode/title23/docs/chapter%2023.108.doc>

Table 1 - Historic and Cultural Resource Policies (23.108.030) ⁴

Policies	Amendments
2. Preservation of historic and cultural sites of high priority rating or that have been identified on the Deschutes County Inventory of Historical Places should take precedence over other developmental uses.	No change
3. Emphasis shall be on preservation of the exterior appearance of historic buildings. Interior modifications and exterior changes compatible with the continued maintenance of the historic appearance of the structure shall be approved upon such findings of compatibility by the Historic Landmarks Commission.	No change
4. Plans for the protection of an identified historic or cultural site shall be submitted to the Historic Landmarks Commission for approval with any application for subdivision or development of such site or area.	No change
5. Incentives should be developed to encourage private preservation and utilization of historical resources.	No change
6. Redevelopment, Neighborhood Improvement Projects and other similar mechanisms shall be encouraged for areas of significant historical or architectural interest.	No change
7. If funding is available, the County shall complete the Goal 5 process required for the Tumalo Grange, Terrebonne Grange, Central Oregon Irrigation District (numerous locations), and Rock O' the Range Bridge sites in accordance with OAR 660-16 by the end of the 1994-95 State Historic Preservation Office grant period.	No change

4. Ordinance 2010-019 / DCC Chapter 2.28 Amendments

Ordinance 2010-019 amends DCC Chapter 2.28, Historic Preservation and Historical Landmarks Commission. The amendments clarify and reformat the chapter as follows.

**Table 2 - DCC Chapter 2.28
Historic Preservation and Historical Landmarks Commission**

Code Comparison

Existing Chapter	Amendments
2.28.001. Purpose of Provisions	2.28.010. Purpose.
2.28.005. Definitions	2.28.020. Definitions.
2.28.010. Definition Alteration	2.28.025. Applicability.
2.28.015. Definition Architectural Significance	2.28.030. Administration.
2.28.020. Definition Board	2.28.040. Criteria.

**Table 2 - DCC Chapter 2.28
Historic Preservation and Historical Landmarks Commission**

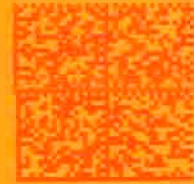
Code Comparison

<u>Existing Chapter</u>	<u>Amendments</u>
2.28.025. Definition-Demolish.	2.28.050. Procedures.
2.28.030. Definition-Exterior.	2.28.060. Cultural Resource Survey and Inventory
2.28.035. Definition-Historical Interest.	2.28.070. Designation not a Recommendation for Federal Action.
2.28.040. Definition-Historical Significance.	2.28.080. Exterior Alteration and New Building Restrictions.
2.28.045. Definition-Landmark.	2.28.090. Demolition Permits and Condemnation Proceedings.
2.28.050. Definition-Landmarks Commission	2.28.100. Demolished Historical Buildings - Records and Artifact Preservation.
2.28.055. Definition-Minor Alteration	2.28.110. Signs/Plaques.
2.28.060. Definition-Planning Division	2.28.120. Redevelopment and Neighborhood Improvement Projects.
2.28.070. Historical Landmarks Commission - Creation, Membership, Term, Vacancy Filling and Expense Reimbursement.	2.28.130. Enforcement of State Preservation Laws.
2.28.080. Officers, Meetings and Rules of Procedure.	2.28.140. Appeals.
2.28.090. Functions and Duties.	2.28.150. Penalties.
2.28.100. Historical Designation Criteria.	2.28.160. Oregon State Special Assessment of Historic Properties
2.28.110. Request for Historical Designation.	
2.28.120. Historical Building or Site-Designation Procedure.	
2.28.130. Historical Interest-Designation Procedure.	
2.28.140. Historical District-Designation Procedure.	
2.28.150. Designation not a Recommendation for Federal Action.	
2.28.160. Exterior Alteration and New Building Restrictions.	
2.28.170. Demolition Permits and Condemnation Proceedings.	
2.28.180. Demolished Historical Buildings-Records and Artifact Preservation	
2.28.190. Identification Signs.	
2.28.200. Redevelopment and Neighborhood Improvement Projects-Review by Commission.	
2.28.210. Appeals from Commission decisions.	
2.28.220. Violation-Penalty.	
Appendix A - Resolution 82-001	Appendix A - Deschutes County Landmarks Commission Historic Resource Rating Sheet
Appendix B - OAR 660-16, Requirements and Application Procedures for Complying with Statewide Goal 5	Appendix B - Design Review Guidelines Alterations / Additions

Table 2 - DCC Chapter 2.28
Historic Preservation and Historical Landmarks Commission

Code Comparison

<u>Existing Chapter</u>	<u>Amendments</u>
Appendix C - Design Review Guidelines Alterations / Additions	Appendix C - Design Review Guidelines New Construction
Appendix D - Design Review Guidelines New Construction	Appendix D - Secretary of Interior's Standards for Rehabilitation
Appendix E - Federal Requirements of the Certified Local Government	Appendix E - Federal Requirements of the Certified Local Government



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