

CHAPTER 9

CULTURAL AND HISTORIC RESOURCES CONSERVATION

SECTION 9.000 Title

This Chapter of the Ordinance shall be known as the Douglas County Cultural and Historical Resources Conservation Program.

SECTION 9.010 Purpose

This Chapter is designed to implement the cultural and historical conservation policies of the Douglas County Comprehensive Plan. These policies in general:

1. Require identification and conservation of cultural and historical resources;
2. Promote Douglas County's history and heritage; and
3. Lend in enhancing the value of historically significant properties.

SECTION 9.020 Historic Resource Review Committee (HRRC)

Douglas County's HRRC, hereinafter referred to as the Committee, is hereby created to advise the Board of Commissioners and participating cities about the County's historic resources.

1. Composition, Members, Terms

The Committee shall consist of seven (7) voting members and two (2) nonvoting ex-officio members. Each participating city may be represented by one additional voting member appointed by the City Council. The County's seven (7) voting members shall be appointed by the Board and shall serve without compensation, but shall be entitled to mileage at the rate given the members of the Planning Commission. Appointments shall be as follows:

- a. The County's appointed members shall serve for four (4) years except the first term, of which two (2) members shall serve for two (2) years; two (2) members shall serve for three (3) years; and three (3) members shall serve for four (4) years. Vacancies on the Committee, excepting the regular expiration of a term, shall be filled by a temporary appointment by the Board for the remainder of the term. All initial members may be reappointed.
- b. The County's voting members shall include: One professional historian or history instructor; a representative of an organized and active Indian tribe; two (2) representatives of historically oriented organizations; and three citizens at large possessing a broad knowledge of architecture, archaeology, law, finance or local history and who have an interest in conserving the County's cultural and historical resources.

In order to balance the Committee's representation, applicants' age, sex, and geographic distribution of residence shall be considered in the selection process.

- c. Nonvoting, ex-officio members shall include the directors of the Douglas County Museum and Planning Department or their respective designees. Other ex-officio members representing Federal or State agencies may be included in the Committee upon the voting member's request and appointment by the Board.
- d. Each Committee member appointed by a participating city shall possess one or more of the attributes listed in subsection 1.b of this section.

2. Resignation and Removal

- a. A member of the HRRC may resign at any time by submitting such resignation to the Board.
- b. Members of the Committee may be removed by the Board for cause, which includes, but is not limited to, neglect or inattention to duty, failure to attend meetings and failure to implement the policy and purpose of this Ordinance.
- c. Procedures for resignation and removal of city appointed members shall be the responsibility of each participating city.

SECTION 9.030 Officers, Meetings, Rules and Procedures

- 1. The County's appointed voting members, by majority vote, shall elect a chair and vice chair for a two year term. The chair shall preside over Committee meetings and retain the right of vote. The vice chair shall officiate during the chair's absence.
- 2. Regular meetings shall be held monthly or at the call of the chair until all nominations from the Cultural and Historical Resource Survey are heard and decided. Thereafter, the Committee shall meet semiannually during the months of May and November or at the chair's call. Meetings at the chair's call shall be held on the first or third Tuesday of the month.
- 3. Four (4) voting members of the Committee shall constitute a quorum for conducting any business.
- 4. The Committee shall abide by Oregon's Public Meeting Law, ORS 192.610 - 192.990.
- 5. Committee hearings shall be conducted pursuant to §2.300 of this Ordinance.
- 6. Committee members representing participating cities may attend and participate in all Committee workshops and hearings, but shall only have voting status for the following matters:

- a. Any action of the Committee affecting historic resources within the city representative's respective jurisdiction (UGB);
 - b. A change to this Chapter; or
 - c. A change of criteria for determining historic significance pursuant to §9.040.1.
7. In those matters for which a city representative is granted a vote, the chair shall not vote except in the event of a tie vote.

SECTION 9.040 Functions, Powers and Duties

1. The Committee shall develop and adopt concise criteria for evaluating structures, sites, objects and districts. This criteria shall be the standard for deciding whether a potential resource possesses qualities of cultural or historic significance and should therefore be listed in the Douglas County Historic Resource Register, and afforded protection through the provisions of §9.070 through 9.090 of this Chapter; possesses qualities of special historic interest and would therefore be eligible for signing or monumenting and is listed as such in the Register; or is of general historical interest and listed as such in the Register.
2. The Committee shall receive nominations of potential cultural and historic resources from Douglas County agencies, public and nonprofit organizations, private citizens or may on its own motion nominate a potential resource to be examined for its historic significance. The Committee shall also receive requests to determine if a resource no longer possesses historic significance or interest to the general public and, therefore, should be removed from the County's Register.
3. Upon identification, the Committee will promote District formation by encouraging informational programs and providing educational materials to assist property owners in establishing and maintaining districts. The Committee shall identify by listing in the Register those candidate areas where historic district formation would be appropriate. Designated historic Districts will be subject to the provisions of State and Federal programs for which they qualify. Only resources subject to the Historic Resource Overlay will be regulated by the County to the extent that the individual resource is governed by the Ordinance.
4. The Committee shall possess the power and authority to seek advice or testimony relating to its purpose from any appropriate agency or person.
5. When a land use action threatens a registered historic resource the Committee shall advise appropriate agencies and recommend mitigation measures. The HRRC shall be sent notice for hearings and administrative actions on parcels subject to the Historic Resources Overlay.
6. The Committee shall develop and adopt concise criteria for review of proposed alterations and new construction of and about historically significant sites, areas and objects.

7. All demolition and alteration permit requests received by the Building and Planning Departments for "significant" resources listed in Douglas County's Historic Resource Register shall be reviewed.
8. Upon request and subject to budget appropriations, the Committee possesses the authority to advise cities and other public agencies in the County on matters involving cultural and historic resources.
9. The Committee possesses the authority to recommend, through Oregon's State Historic Preservation Organization, significant historic resources to the National Register of Historic Places.
10. The Committee shall not make expenditures of money for the County, nor shall it possess the authority to obligate the County for payment of money or for the provision of services without authorization of the Board.
11. The Committee may develop and support programs that conserve historic resources and increase awareness of the County's history and heritage.
12. Should financial assistance through the County become available to property owners for purposes of repair, maintenance or renovation of significant historic resources, the Committee shall receive the assistance request and recommend to the Board which resources should be funded.
13. All decisions of the Committee shall be accompanied by findings of fact for each historic resource.
14. The Committee shall submit an annual report to the Board in January of each year. The chair may delegate the preparation of the report to the vice chair or other voting member.
15. The Committee shall have the authority to suggest changes to this Chapter.
16. In accordance with the Board's request, the Committee may have other functions, authority and duties relating to Douglas County's history and heritage.

SECTION 9.050 Historic Resource Register

Douglas County's Historic Resource Register (Register) is hereby created for the purpose of being the official depository of information about Douglas County's significant historic resources, a reference for educational and recreational pursuits and to recognize resources for tax assistance, pursuant to ORS 308.740 to 308.790. The Register shall also contain information about all of the historic resources in the County's jurisdiction which are listed in the National Register of Historical Places.

SECTION 9.060 Changes to the Historic Resource Register

1. All additions, deletions or other changes to the contents of the Register shall be made only at the direction of, and based upon the findings of, the Committee, or, after a review of a specific Committee decision and pursuant to §2.500,

§2.600 and §2.700 of this Ordinance, the Commission or Board. Standards for additions or deletions of resources shall be those developed and adopted by the Committee pursuant to §9.040.1.

2. Upon the Director's receipt of an application to designate a particular area, site or object as a significant historic resource or to remove a resource from the Register, or at the motion of the Committee to examine the historic qualities of a resource, the Director shall give notice pursuant to §2.065.7 and 2.110 of this Ordinance for the next semiannual Committee meeting.
3. At the hearing the Committee shall determine party status according to §2.200 of this Ordinance. If the subject property is within a Historic District, the tenants and other titleholders in the district may also be parties to the hearing pursuant to §2.200. The Committee may decide to give nonparties audience.
4. If the Committee finds that the subject area, site or object is a significant historic resource, then the Committee shall enter the subject property into the Register.
5. Parties may appeal the Committee's decision or conditions of approval to the Board pursuant to §2.500 of this Ordinance for resources situated outside participating cities' UGBs. Appeals pertaining to historical resources situated inside UGBs of participating cities shall be made pursuant to the land use appeals process of each respective city.

SECTION 9.065 Division of Nonresource Lands Containing Historic Dwelling

A type of land division to assist owners of properties containing dwellings identified in the Register to maintain land uses that will encourage retention and rehabilitation of these dwellings. The purpose of this section is to allow the division of nonresource lands containing a historic dwelling(s) in agricultural or resource transitional areas, to segregate the historic dwelling(s) no longer involved in resource management from parcels devoted to such management and to allow the parcel containing the dwelling(s) to be reduced to rural residential size which would encourage rehabilitation while an additional dwelling, accessory and necessary to the resource use, may be located on the resource parcel.

Land divisions proposed under this Chapter for property zoned FG, FC or FF shall conform to the following criteria, and shall be processed pursuant to §2.060.1:

1. The residential use is compatible with farm use described in ORS 215.203 and will not seriously interfere with the usual and normal farm practices, as defined in ORS 215.203; including hazardous pesticide or herbicide applications, noise, dust, smoke or offensive odors which may occur on adjacent agricultural lands.
2. That the residential use will not materially alter the stability of the land pattern in the area.
3. That the land is not generally suitable for the production of timber, farm crops or livestock, as conducted in that particular area considering the soil, slope, vegetation, size, shape or other physical characteristics.

4. That the site has appropriate physical characteristics such as adequate drainage, proper sanitation and water facilities to accommodate a residence.
5. The size of a new parcel created pursuant to this Chapter shall be as small as practicable, while ensuring that the criteria listed in this Chapter are met.
6. A nonexclusive resource management covenant shall be filed by the property owner with the County Clerk. Such covenant will specify that owners of adjacent land will be allowed to conduct normal resource management practices on their properties and the owner (and subsequent owners) of the subject property waive all rights to object to legal resource management activities.
7. Land division under this provision may be proposed for any historic dwelling listed in the Register. However, the dwelling subject to the application must be a "historic property" as defined in ORS 358.480. Additional action by the applicant may be required to fulfill this requirement. If division is approved, the property owner must record an agreement binding on the owner and future property owners that the dwelling will henceforth be subject to the review process of §9.070 Alterations or Exterior Remodeling and §9.080 Demolition, of this Chapter.
8. A statement from the County Assessor stating the property has been disqualified for valuation at true cash value for farm use under ORS 308.370 shall be submitted if the parcel is zoned as Exclusive Farm Use.

SECTION 9.070 Alterations or Exterior Remodeling

1. Upon receipt of a building permit application to change the exterior of a significant historic structure, the Director shall review the request, make a tentative decision to approve, approve with conditions, deny the request, or schedule a hearing and notify the applicant, the HRRC and affected PAC members of the tentative decision or hearing date subject to the provisions of Section 2.060.1q.

Exterior remodeling as governed by this Chapter includes any change or alteration of a facade, texture, design, material, fixtures or other treatment. Ordinary maintenance including painting, resurfacing the roof and foundation repair would not be subject to review.

All applications shall be accompanied by plans and specifications of the proposed remodeling. The applicant may be requested to provide additional sketches and other information deemed necessary to allow an informed decision.

2. The alteration or remodeling shall be approved if the treatment proposed is found to be harmonious and compatible with the character of the resource with respect to style, scale, texture and construction materials and/or is found to enhance the historical value of the resource. Conditions may be attached to the approval if they are deemed necessary. The request shall be disapproved if the proposal will prove to be unsightly, grotesque or otherwise reduce the resource's value or historic significance.

No recommendations or requirements shall be made except for the purpose of preventing developments obviously out of character with the historic aspects of the historic resource's immediate surroundings.

3. The applicant or any member of the HRRC may request a hearing by the Committee to review the request if they disagree with the tentative decision or consider a hearing necessary.
4. The tentative decision shall become final upon the expiration of twelve days from the date notification was mailed if hearing is not requested.
5. The Committee shall render a decision on requests requiring hearing within 45 days of the Director's receipt of the application unless the applicant waives the 45 day limit in writing at the time of application.
6. This process will not be required for structures on the National Register of Historic Structures and in conformance with Federal standards.
7. Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which does not involve a change in design, the construction, reconstruction, or alteration of such feature which the County Building Inspector shall certify is required by the public safety because of an unsafe condition.

SECTION 9.080 Demolition

1. Upon the receipt of a demolition permit application of a significant historic structure, the Director shall review the application and construct findings addressing the structure's state of repair, the reasonableness of repair, restoration costs, the uniqueness of the resource and the economic, social, environmental and energy consequences of approving or denying the application and recommend that the request be approved or denied.
2. Subject to the provisions of Section 2.060.1.r, the Director shall review the request, make a tentative decision to approve, approve with conditions, deny the request, or schedule a hearing and notify the applicant, the HRRC and affected PAC members of the tentative decision or hearing date.
3. The applicant or any member of the HRRC may request a hearing by the Committee to review the request if they disagree with the tentative decision or consider a hearing necessary.
4. The tentative decision shall become final upon the expiration of twelve days from the date notification was mailed if hearing is not requested.
5. The Committee shall render a decision on requests requiring hearing within 45 days of the Director's receipt of the request unless the applicant waives the 45 day limit in writing at the time of application.

6. If the demolition of a "significant" resource is approved, the Directors of Planning and Museum shall, in cooperation, pictorially, graphically and in writing record the historic resource. To the extent that funds are available, Douglas County shall obtain artifacts from the resource or site which are worthy of preservation. These artifacts may, as an example, include carvings, cast iron work, or other materials of historical significance.
7. The review process shall in no case be exercised so as to impose upon any property owner any peculiar or undue hardship, nor as to prevent the removal or demolition of any structure which cannot be economically maintained or restored, giving due consideration to all potential uses to which the same might reasonably be put upon restoration by a private property owner.

SECTION 9.085 Historic Sites and Monuments

1. Significant historic sites and sites possessing qualities of special historic interest should be identified by sign or monument.
 - a. Those historic sites now monumented should be maintained by the State or other monumenting agency and the responsible agency should be encouraged to retain signing.
 - b. The HRRC should promote programs for identification plaques for those significant historic sites and sites of special historic interest not now signed or monumented.
2. New structures on or adjacent to significant historic sites or near significant monument locations.
 - a. When a sign or monument designates a historic site, a 50' setback from the sign or monument shall be maintained unless the agency which placed the sign or monument indicates that the proposed structure will not obscure the sign or monument.
 - b. Specifically identified historic sites shall be protected by a 50' setback from structural development unless it can be shown that the structure will not obscure the significant site.
3. General Historic Sites: No special provisions apply when the historic site has no defined area.

SECTION 9.090 Signs and Plaques

1. Signs and monuments identifying historic resources for the public outside Urban Growth Boundaries shall be placed, subject to approval of the Director of Public Works, on County road right-of-way adjacent to the resource. Property owners of a resource who do not desire to have their property identified by a sign or monument may request that the sign or monument not be placed, or, if in place at the time of purchase, that it be removed. The Committee, at a regular semiannual meeting, shall hear the request to remove the sign or monument and render a decision.

2. The design of signs and monuments on private lands shall be decided by the Board after consultation with the Committee, Museum, Planning, Parks and Public Works Departments. Historical marker signs in the right-of-way shall be placed in accordance with The Oregon Manual on Uniform Traffic Control Devices for Streets and Highways.
3. Purchase, placement and maintenance costs of signs and monuments to locate resources outside UGBs shall be borne by the County.

SECTION 9.100 Director's Responsibilities to the Committee and for the Douglas County Historic Resource Register

1. The Director shall provide planning and clerical staff and such information that he/she possesses which is necessary to the Committee to perform the functions and duties of this Chapter.
2. The Director shall provide, in each annual budget request to the Board, sufficient financial support to insure adequate funding of the Committee to accomplish the purposes of this Chapter.
3. The Director shall be responsible for keeping the Register, making changes pursuant to §9.060.1 of this Chapter.
4. Upon written request, the Director shall allow a property owner to refuse to consent to any form of historic resource designation at any point during the designation process as provided in ORS 197.772. The Director shall notify the Committee of all such actions.