

Chapter 2.28. HISTORICAL PRESERVATION AND HISTORICAL LANDMARKS COMMISSION

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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.

"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.

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

"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.
- I. 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
(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)