

DIVISION 23

PROCEDURES AND REQUIREMENTS FOR COMPLYING WITH GOAL 5

**660-023-0200
Historic Resources**

1 (1) For purposes of this rule, the following definitions apply:
2

3 (a) “Demolition” means any act that destroys, removes, or relocates, in whole or part, a
4 historic resource such that its historic, cultural, or architectural character and significance
5 is lost. If a local government’s land use regulations include a definition at least equally
6 encompassing of loss of historic character and significance, the local definition will
7 replace this definition.
8

9 (b) “Designation” is a decision by a local government declaring that a historic resource is
10 “significant” and including the resource on the list of significant historic resources.
11

12 (c) “Historic context statement” is an element of a comprehensive plan that describes the
13 important, broad economic, social, and cultural patterns impacting the physical
14 development in a defined geographic area and identifies historic resources representative
15 of the identified broad patterns. The document can serve as the foundation for local
16 decisions about the significance of historic resources.
17

18 (d) “Historic preservation plan” is an element of a comprehensive plan that contains the
19 local government’s goals and policies for historic resource preservation and the processes
20 for creating and amending the program to achieve the goal.
21

22 (e) “Historic resources” are those buildings, structures, objects, sites, or districts that
23 potentially have a significant relationship to events or conditions of the human past.
24

25 (f) “Locally significant historic resource” means a building, structure, object, site, or
26 district deemed by a local government to be a significant resource according to the
27 requirements of this division and criteria in the comprehensive plan.
28

29 (g) “National Register Resource” means buildings, structures, objects, sites, or districts
30 listed in the National Register of Historic Places pursuant to the National Historic
31 Preservation Act of 1966 ([PL 89-665; 16 U.S.C. 470](#)).
32

1 (h) "Owner":
2

3 (A) Means the owner of fee title to the property as shown in the deed records of
4 the county where the property is located; or
5

6 (B) Means the purchaser under a land sale contract, if there is a recorded land sale
7 contract in force for the property; or
8

9 (C) Means, if the property is owned by the trustee of a revocable trust, the settlor
10 of a revocable trust, except that when the trust becomes irrevocable only the
11 trustee is the owner; and

12 (D) Does not include individuals, partnerships, corporations or public agencies
13 holding easements or less than fee interests (including leaseholds) of any nature;
14 or
15

16 (E) Means, for a locally significant historic resource with multiple owners,
17 including a district, a simple majority of owners as defined in (A)-(D).
18

19 (F) Means, for National Register Resources, the same as defined in [36 CFR](#)
20 [60.3\(k\)](#).
21

22 (i) "Protect" means to require local government review of applications for demolition,
23 relocation, or major exterior alteration of a historic resource, or to delay approval of, or
24 deny, permits for these actions in order to provide opportunities for continued
25 preservation.
26

27 (j) "Significant historic resource" means a locally significant historic resource or a
28 National Register Resource.
29

30 (2) Relationship of Historic Resource Protection to the Standard Goal 5 Process.
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32 (a) Local governments are not required to amend acknowledged plans or land use
33 regulations in order to provide new or amended inventories, resource lists or programs
34 regarding historic resources, except as specified in section (8). Local governments are
35 encouraged to inventory and designate historic resources and must adopt historic
36 preservation regulations to protect significant historic resources.
37

38 (b) The requirements of the standard Goal 5 process in [OAR 660-023-0030 through 660-](#)
39 [023-0050](#), in conjunction with the requirements of this rule, apply when local
40 governments choose to amend acknowledged historic preservation plans and regulations.
41

42 (c) Local governments are not required to apply the ESEE process pursuant to OAR [660-](#)
43 [023-0040](#) in order to determine a program to protect historic resources.
44
45

1 (3) Comprehensive Plan Contents. Local comprehensive plans should foster and encourage the
2 preservation, management, and enhancement of significant historic resources within the
3 jurisdiction in a manner conforming with, but not limited by, the provisions of [ORS 358.605](#). In
4 developing local historic preservation programs, local governments should follow the
5 recommendations in the Secretary of the Interior’s Standards and Guidelines for Archeology and
6 Historic Preservation, produced by the National Park Service. Local governments should develop
7 a local historic context statement and adopt a historic preservation plan and a historic
8 preservation ordinance in conjunction with local historic inventories.

9
10 (4) Inventorying Historic Resources. When a local government chooses to inventory historic
11 resources, it must do so pursuant to [OAR 660-023-0030](#), this section, and sections (5) through
12 (7). Local governments are encouraged to provide opportunities for community-wide
13 participation as part of the inventory process. Local governments are encouraged to complete the
14 inventory in a manner that satisfies the requirements for such studies published by the Oregon
15 State Historic Preservation Office and that the inventory be provided to that office in a format
16 compatible with the Oregon Historic Sites Database.

17
18 (5) Evaluating and Determining Significance. After a local government completes an inventory
19 of historic resources, it should evaluate which resources on the inventory are significant pursuant
20 to [OAR 660-023-0030\(4\)](#) and this section.

21
22 (a) The evaluation of significance should be based on the National Register Criteria for
23 Evaluation, historic context statement and historic preservation plan. Criteria may
24 include, but are not limited to, consideration of whether the resource has:

25
26 (A) Significant association with events that have made a significant contribution
27 to the broad patterns of local, regional, state, or national history;

28
29 (B) Significant association with the lives of persons significant to local, regional,
30 state, or national history;

31
32 (C) Distinctive characteristics of a type, period, or method of construction, or
33 represents the work of a master, or possesses high artistic values, or represents a
34 significant and distinguishable entity whose components may lack individual
35 distinction;

36
37 (D) A high likelihood that, if preserved, would yield information important in
38 prehistory or history; or

39
40 (E) Relevance within the local historic context and priorities described in the
41 historic preservation plan.

42
43 (b) Local governments may delegate the determination of locally significant historic
44 resources to a local planning commission or historic resources commission.

1 (6) Designating Historic Resources. After inventorying and evaluating the significance of
2 historic resources, if a local government chooses to protect a historic resource, it must adopt or
3 amend a resource list (i.e., “designate” such resources) pursuant to [OAR 660-023-0030\(5\)](#) and
4 this section.

5
6 (a) The resource list must be adopted or amended as a land use decision.

7
8 (b) Local governments must allow owners of inventoried historic resources to refuse
9 historic resource designation at any time during the designation process in subsection (a)
10 and must not include a site on a resource list if the owner of the property objects to its
11 designation on the public record. A local government is not required to remove a historic
12 resource from an inventory because an owner refuses to consent to designation.

13
14 (7) Historic Resource Protection Ordinances. Local governments must adopt land use regulations
15 to protect locally significant historic resources designated under section (6). Historic protection
16 ordinances should be consistent with standards and guidelines recommended in the Standards
17 and Guidelines for Archeology and Historic Preservation published by the U.S. Secretary of the
18 Interior.

19
20 (8) National Register Resources are significant historic resources. For these resources, local
21 governments are not required to follow the process described in [OAR 660-023-0030 through](#)
22 [660-023-0050](#) or sections (4) through (6). Instead, a local government:

23
24 (a) Must protect National Register Resources, regardless of whether the resources are
25 designated in the local plan or land use regulations, by review of demolition or relocation
26 that includes, at minimum, a public hearing process that results in approval, approval
27 with conditions, or denial and considers the following factors: condition, historic
28 integrity, age, historic significance, value to the community, economic consequences,
29 design or construction rarity, and consistency with the acknowledged comprehensive
30 plan. Local jurisdictions may exclude accessory structures and non-contributing resources
31 within a National Register nomination;

32
33 (b) Must amend its land use regulations to protect National Register Resources in
34 conformity with subsection (a). Until such regulations are adopted, subsection (a) shall
35 apply directly to National Register Resources; and

36
37 (c) May apply additional protection measures. For a National Register Resource listed
38 after the effective date of this rule, additional protection measures may be applied only
39 upon considering, at a public hearing, the historic characteristics identified in the
40 National Register nomination; the historic significance of the resource; the relationship to
41 the historic context statement and historic preservation plan contained in the
42 comprehensive plan, if they exist; the goals and policies in the comprehensive plan; and
43 the effects of the additional protection measures on the ability of property owners to
44 maintain and modify features of their property.

1 (9) Removal of a historic resource from a resource list by a local government is a land use
2 decision and is subject to this section.

3
4 (a) A local government must remove a property from the resource list if the designation
5 was imposed on the property by the local government and the owner at the time of
6 designation:

7
8 (A) Can demonstrate that they objected to the designation on the public record, or

9
10 (B) Were not provided an opportunity to object to the designation, and

11
12 (C) Requests that the local government remove the property from the list.

13
14 (b) Except as provided in (a), a local government may only remove a resource from the
15 resource list if the circumstances in (A), (B), or (C) exist.

16
17 (A) The resource has lost the qualities for which it was originally recognized;

18
19 (B) Additional information shows that the resource no longer satisfies the criteria
20 for recognition as a historic resource or did not satisfy the criteria for recognition
21 as a historic resource at time of listing;

22
23 (C) The local building official declares that the resource poses a clear and
24 immediate hazard to public safety and must be demolished to abate the unsafe
25 condition.

26
27 (10) A local government shall not issue a permit for demolition or modification of a historic
28 resource described under subsection (6)(b) of this rule for at least 120 days from the date of the
29 property owner's refusal to consent to the historic resource designation.

30
31 (11) [OAR 660-023-0200](#)(1) through (10) are effective [upon filing of the rule with the Secretary
32 of State] *or* [on a specific date] and apply directly to local government land use and permit
33 decisions.