



City of McMinnville
Planning Department
 231 NE Fifth Street
 McMinnville, OR 97128
 (503) 434-7311

www.mcminnvilleoregon.gov

Historic Landmarks Committee
Community Development Center, 231 NE 5th Street
February 22, 2017 3:00 PM

Committee Members	Agenda Items
Joan Drabkin Chair Rebecca Quandt Vice-Chair John Mead Mary Beth Branch Cory Schott	<ol style="list-style-type: none"> 1. Call to Order 2. Citizen Comments 3. Approval of Minutes <ol style="list-style-type: none"> A. January 23, 2017 Regular Meeting (Exhibit 1) 4. Action Items 5. Discussion Items <ol style="list-style-type: none"> A. SoDAN Partnership (Exhibit 2) B. Goal 5 Rulemaking & Updates (Exhibit 3) 6. Old/New Business 7. Committee Member Comments 8. Staff Comments 9. Adjournment

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EXHIBIT 1 - MINUTES

January 23, 2017
Historic Landmarks Committee
Regular Meeting

3:00 pm
Community Development Center
McMinnville, Oregon

Members Present: Mary Beth Branch, Joan Drabkin, John Mead, Rebecca Quandt, and Cory Schott

Members Absent: None

Staff Present: Chuck Darnell - Associate Planner and Heather Richards - Planning Director

Others Present Nathan Coopridier, Brian Shea, Erin Stephenson, and Rob Stephenson

1. Call to Order

The meeting was called to order at 3:00 pm. Everyone in attendance introduced themselves.

A. Election of Chair & Vice Chair

Committee Member Quandt nominated Joan Drabkin for Chair. The nomination was approved unanimously.

Committee Member Schott nominated Rebecca Quandt for Vice Chair. The nomination was approved unanimously.

2. Citizen Comments

None.

3. Approval of Minutes

A. November 30, 2016 Regular Meeting

Chair Drabkin thought the time the meeting adjourned was incorrect. She thought it was later. Associate Planner Darnell said the meeting started earlier that day at 2 pm.

Committee Member Quandt made a motion to approve the minutes as written. The motion was approved unanimously.

4. Action Items

A. Downtown Design Review & Waiver Request – Southwest Corner of NE 4th Street and NE Ford Street

Associate Planner Darnell presented the staff report. This project was on the southwest corner of NE 4th Street and NE Ford Street which was in the area governed by the downtown design standards. The proposed building was going to have zero setbacks, and would be built right up to the sidewalk. The building would be rectangular in shape, which was similar to the surrounding buildings in the historic downtown. The building façade would be stucco with stucco reveal joints on the north elevation which would create some bays and separation in the façade. There were a number of architectural features to meet the storefront design standards included in this application except for the glazing, which was the purpose of the waiver request. The roof line was similar to other buildings and blended in with the surrounding area. The primary entrance and upper floor windows were recessed. There would be wood flower boxes on some of the windows to provide more interest on those elevations. This was a classic, repetitive style. The building would have a six inch concrete base along the perimeter, which was similar to other buildings in the area. Stucco was an allowed material, and the colors proposed would be navy on the bottom level and tan or white on the upper level. All four sides were visible from the street, and the applicant proposed to have the same architectural styling and design around the entire building. A parking lot was proposed on the south side of the building. There would be nine parking stalls with a landscaped area around them. The landscaping would screen the parking lot. Staff proposed the landscaping be reviewed by the Landscape Review Committee during the building permit process. Awnings were proposed for three of the four elevations and would be placed above doorways. They would be a gray color and made of soft canvas fabric. There would be conditions stating that the final awning materials and stucco color could be approved by the Planning Director as long as they were generally consistent with what was shown in the renderings submitted. The signage being proposed was painted signage above the main entry door on Ford Street and on the west elevation. There would be a condition that the final design of the signage could be approved by the Planning Director.

Nathan Coopridner, architect, said the goal was to fit in with the downtown. The applicants saw the downtown as the reason for the business in this location. Simplicity was also a goal, and they wanted to be classically proportioned but not overly ornate. It had taken time to get the proportion of the windows, spacing, and tenant requirements. They had two more color renderings that he could email later to be included as part of the application.

Committee Member Branch liked the navy and tan/white combination, but thought it was worthy to have more discussion on the colors as it was a higher intensity combination.

Mr. Coopridier replied with a four story building, the base was the entire ground floor and the two colors was a nice way to divide the building. The darker color would emphasize the base and anchor the building, and the lighter color would be cheerful and bounce light. He thought the navy was a subtle color. They could also take a look at the white and match the Oddfellows building, which fronted 3rd on the same block.

Committee Member Quandt clarified the colors in the rendering were not necessarily reflective of the swatches the applicant was considering. It was more a dark navy or navy gray. It would not be jarring, but would be subtle and fit in with the downtown.

Committee Member Quandt said they were only proposing nine parking spaces for 36 rooms. They would be bringing in more cars than they had spaces to accommodate. How were they going to mitigate the impact to nearby businesses?

Erin Stephenson, applicant, said this was an existing private parking lot that currently did not provide parking for surrounding businesses. Once the hotel is open, she thought they would be able to have 18 cars parked there as it will function as valet parking and they would lease additional parking off site that valet staff would run additional cars to. The current parking lot was under-utilized and was private and not open to the public. A customer going downtown and an overnight guest were seeking out different parking needs. Due to the parking enforcement program, the overnight guest would not be able to park on 3rd Street or on a side street.

Rob Stephenson, applicant, said they had found that guests did not mind leaving their cars and walking around downtown. On a daily average, all 36 rooms would not be occupied and not every guest had a car. Staff would most likely use the nearby parking structure or use the off-site parking area and get shuttled in.

Committee Member Mead arrived at 3:30 pm.

Planning Director Richards said most cities did not require onsite parking as part of a high density development. A parking study was being done for downtown over the next six months. It will look at capacity issues, take into account new development coming online, take into account future development opportunities, and identify locations that could be used to bring more public parking to support businesses downtown.

Associate Planner Darnell discussed the waiver. There was a requirement for 70% of the façade to be glazing. The request was to allow the east façade to be 30% glazing which fronted 4th and the north facade to be 26% glazing. There needed to be a demonstrable difficulty in meeting this requirement due to a unique or unusual aspect of the site. The applicants argued that the design of the building as a hotel was different than a traditional storefront that the standard attempted to create. The site of the hotel was unique as it was one block north from 3rd Street. The applicants provided elevations from surrounding buildings in Exhibit A which had similar glazing and showed how the new building would blend in to the surrounding environment. There also needed to be evidence that the alternative design accomplished the purpose of the chapter, which was that the design of

the building was coordinated, cohesive, and fostering the design in the historic downtown area.

Committee Member Branch asked what the entrance on Ford would look like. Associate Planner Darnell said it included a door and recesses in the wall, which would be considered glazing.

Associate Planner Darnell said the last requirement was the waiver requested the minimum necessary to alleviate the difficulty. The applicants argued that the percentage proposed was consistent with the surrounding area. It was not directly located on 3rd Street and was a unique use. The request worked with their design, was consistent with the surrounding area, and was a minimum change. Staff recommended approval of the design and waiver with the conditions in the staff report. He then reviewed the conditions of approval.

Committee Member Schott asked if they had attempted to meet the glazing requirement in any of the renderings. Mr. Coopriider said they did do a diagram of what it would like with 70% glazing. They found it was not feasible as half of the ground floor façade on 4th Street was kitchen and back of house functions and as a wood structure they needed portions of the wall to support the building during an earthquake. The intent of the standard was to reflect the historic character of the neighborhood. A hotel required more privacy and was not for window shopping, and it was not on 3rd Street where the buildings had 70% glazing.

Chair Drabkin made a motion to approve the downtown design review and waiver request for the southwest corner of NE 4th Street and NE Ford Street with the conditions of approval as proposed by staff, seconded by Committee Member Quandt. The motion was approved unanimously.

Ms. Stephenson said they would be submitting for a building permit shortly and had a scheduled May groundbreaking. Construction should be completed in February 2018. They had a signed lease with a restaurant tenant who would also be doing the room service for the hotel.

5. Discussion Items

A. Draft Certified Local Government Application (Exhibit 4)

Associate Planner Darnell said the deadline for the next Certified Local Government Grant cycle application was February 24. The Planning Department set aside \$12,000 in the budget to serve as matching funds for the program. The grants would be awarded in April, and the funding ran through August 2018. Staff pulled out items from the recently adopted work plan that would be eligible for the grant. The three staff proposed were: development of a Historic Preservation Plan for the City, completion of intensive level surveys of properties that were included in the last reconnaissance level survey, and public education. He was working through the list of properties identified for the intensive level survey. He would be putting them on a map to see if there were areas of concentration for possible neighborhood nominations or creation of a historic residential district.

There was discussion regarding what was included in the intensive level surveys and how the results would be used.

Associate Planner Darnell suggested using an RFP process for a consultant to do both the intensive level survey and the Historic Preservation Plan. He explained the goals and major tasks for the Plan. The public education could include promotional materials, annual Historic Preservation Award program, producing historic walking tour brochures, and compiling resources on the City's website.

6. Old/New Business

None.

7. Committee/Commissioner Comments

None.

8. Staff Comments

None.

9. Adjournment

A. Adjourn for Historic Walking Tour of Downtown Area

Chair Drabkin adjourned the meeting at 4:14 pm.

Discussion:

Ellie Gunn, a home owner and representative of SoDAN, reached out to Planning Department staff to share some ideas for projects that members of SoDAN had been recently considering. Staff believes that there may be some commonalities between the projects being considered by SoDAN and the activities that the Historic Landmarks Committee has included in their 2017 work plan.

One idea that was discussed with staff was the development of a walking tour highlighting historic homes. This is consistent with a goal on the Historic Landmarks Committee's 2017 work plan, which is to increase awareness and appreciation of McMinnville's historic resources. A specific action on the 2017 work plan was to develop and promote walking tours of historic areas, and specifically, particular areas that were discussed in previous meetings were the historic residential neighborhoods in close proximity to downtown.

Ellie Gunn will be present to represent SoDAN, and other members may attend the meeting as well depending on availability. Staff will lead a discussion and dialogue with the SoDAN representatives and the Historic Landmarks Committee, with a goal of identifying potential projects that the two groups could partner on.

Fiscal Impact:

None.

Recommendation/Suggested Motion:

No motion required. The Historic Landmarks Committee may provide guidance to staff on potential partnerships to further investigate with SoDAN.

McMinnville Historic Landmarks Committee - 2017 Work Plan

GOAL : Preserve McMinnville’s Historic Resources

Strategy	Action	Priority	Timeframe	Cost	Responsibility
Create and Adopt Historic Preservation Plan	Develop RFP and Scope of Work for Plan Development (Also Include Intensive Level Survey Work)	High	2/28/17	Staff	City of McMinnville (City)/ Historic Landmarks Committee (HLC)
	Oversee the Development of Historic Preservation Plan and Adopt Final Plan	High	6/30/18	\$	City/HLC/Consultant
Explore Viability of National Register Historic Districts	Consider Residential Historic Districts Using Findings from ILS	Medium	12/31/18	Staff	City/HLC

GOAL: Evaluate and Improve the Protection of McMinnville’s Historic Resources

Strategy	Action	Priority	Timeframe	Cost	Responsibility
Complete an Intensive Level Survey (ILS) of Properties from Former City Surveys	Revisit Reconnaissance Level Survey and Identify Areas to Conduct ILS	High	4/30/17	Staff	City/HLC
	Oversee the Completion of ILS	High	6/30/18	\$	City/HLC/Consultant
Revisit and Update the Historic Preservation Ordinance	Update any Necessary Provisions in Ordinance 4401 and Develop Certificate of Approval Process	High	2/28/17	Staff	City/HLC

GOAL: Increase Awareness and Appreciation of McMinnville’s Historic Resources

Strategy	Action	Priority	Timeframe	Cost	Responsibility
Educate Community on Historic Resources and Historic Preservation	Actively Promote National Preservation Month (May) by Participating in “This Place Matters” and Other Events	High	4/30/17	\$	City/HLC
	Partner with School or College to Develop Plaques for Historic Properties	Medium	12/31/17	\$	City/HLC
	Develop and Promote Walking Tours of Historic Areas	Medium	4/30/17	\$	City/HLC
Acknowledge Property Owners that Preserve Historical Resources	Reestablish an Annual Historic Preservation Award Program	High	2/28/17	\$	City/HLC/City Council
	Present Awards at City Council Meeting in May	High	5/23/17	Staff	City/HLC/City Council
Make Information on McMinnville’s Historic Resources Readily Available	Create One-Stop Shop on City Website for Historical Resources Information	Medium	9/30/17	Staff	City



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EXHIBIT 3 - STAFF REPORT

DATE: February 22, 2017
TO: Historic Landmarks Committee Members
FROM: Chuck Darnell, Associate Planner
SUBJECT: Goal 5 Rulemaking and Updates

Report in Brief:

The purpose of this discussion item is to share the recently adopted amendments to Oregon Administrative Rule (OAR) 660-023-0200, also known as the Historic Resources rules for complying with Goal 5 of the Statewide Planning Program, and also to discuss the impacts that the new amendments will have on the City of McMinnville's local historic preservation program.

Background:

The Oregon Statewide Planning Goals are a set of 19 goals related to a statewide land use planning program that is administered by the state's Land Conservation and Development Commission (DLCD). Goal 5 of the Statewide Planning Goals is related to Natural Resources, Scenic and Historic Areas, and Open Spaces. The preservation of historic resources is included in the rules associated with Goal 5, and provides the framework that local governments must follow in designating and protecting significant historic resources.

The amendments to the Goal 5 rules were triggered by a request from the Governor's office to clarify long-standing inconsistencies regarding the administration of local historic resource programs, protection of properties listed in the National Register of Historic Places, and application of Oregon's owner consent law. A Rulemaking Advisory Committee met through a series of meetings, culminating with a draft of proposed amendments to OAR 660-023-0200 in December of 2016. On January 27, 2017, those amendments were adopted by DLCD.

Discussion:

The amendments to the Goal 5 rules will result in changes to local government historic preservation programs. The updated rules do come at a convenient time, as the McMinnville Historic Landmarks Committee (HLC) has already been discussing and considering updates to the City's existing historic preservation ordinance (Ordinance 4401), which was adopted in 1987. Due to the age of the ordinance, the HLC is evaluating it for consistency with the city's current historic preservation program and state land-use goals relative to historic preservation. The amendments to the Goal 5 rules should be considered and incorporated into any updates that the Historic Landmarks Committee develops and recommends to the Planning Commission or City Council.

Attachments: Adopted Amendments to OAR 660-023-0200

A copy of the adopted amendments to OAR 660-023-0200 are attached for your reference. These amendments are still in a 60 day appeal period, so DLCD is recommending that local governments wait to amend local regulations until the appeal period is complete. Some of the more important aspects of the amendments that will impact McMinnville's local historic preservation program are as follows:

Section 1 (h): Provides a definition of owner. This is important in terms of the application of the owner consent law (ORS 197.772), which applies to an owner consenting to the designation of their property to a local inventory of significant historic resources. There was a recent Oregon Supreme Court case based out of Lake Oswego (*Lake Oswego Preservation Society v. City of Lake Oswego*) related to owner consent, and the new rules are consistent with the ruling from that case.

Section 2 (b): States that the requirements of the new rules apply when local governments choose to amend acknowledged historic preservation plans and regulations. The updates to the City's historic preservation ordinance being considered by the Historic Landmarks Committee would trigger this process, and would require the local regulations to come into compliance with the Goal 5 rules.

Section 3: States that local governments should follow the recommendations in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. Those standards and guidelines are slightly stricter than the City's existing guidelines, and would apply to any historic resource alteration being reviewed by the City. This section also states that local governments should adopt a historic preservation plan, which the City is planning to complete during the upcoming CLG grant cycle.

Section 5 (a): Provides updated criteria to consider when evaluating a resource and determining whether it should be designated on the local inventory of significant historic resources.

Section 6: Provides opportunity for owners to refuse historic resource designation, consistent with the ruling from *Lake Oswego Preservation Society v. City of Lake Oswego*. This section goes on to state that a local government is not required to remove a historic resource from an inventory because an owner refuses to consent to designation. Therefore, the new rule will not require any specific amendments or removals of resources from our local Historic Resources Inventory.

Section 7: States that local governments must protect locally significant historic resources that are designated by the City through local land use regulations. The protection of historic resources through land use regulations must be consistent with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. It is unclear whether this will apply to all resources on our Historic Resources Inventory, or just those that are considered "historic landmarks" (those resources that are classified as "distinctive" or "significant"). Staff will be investigating this further.

Section 8: States that historic resources listed on the National Register of Historic Places are automatically treated as significant historic resources and must be protected regardless of whether local land use regulations protect them. Staff will be reviewing each property listed on the National Register and determining whether it is also designated on our local Historic Resources Inventory. If so, it would already be protected by our local land use regulations. This section also establishes that a public hearing is required to be held if any National Register historic resource is proposed to be demolished or moved, and establishes criteria to use in evaluating those types of requests.

Section 9: Establishes criteria for removing a historic resource from a local designation list, and also describes the criteria an owner must meet to request a property to be removed from a local designation list. The criteria in this section are consistent with the ruling from *Lake Oswego Preservation Society v. City of Lake Oswego*.

Takeaways and Impacts on Local Historic Preservation Program

The City of McMinnville already meets many of the requirements and rules for complying with Goal 5 of the statewide planning program. Historic resources in McMinnville are protected through the existence of historic preservation policies in our Comprehensive Plan, the existence of the Historic Landmarks Committee, as well as the historic preservation ordinance (Ordinance 4401). However, some updates will be required to our existing historic preservation ordinance and local historic preservation program based on the new rules:

- A historic preservation plan should be adopted by the City. The Historic Landmarks Committee was already planning on developing a historic preservation plan, and this was included as a primary activity on the committee's 2017 work plan.
- Any alteration to a historic resource will need to be reviewed by the City and will need to comply with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. Those standards and guidelines are stricter than the City's existing guidelines in the historic preservation ordinance (Ordinance 4401).
- It is unclear whether the Secretary of the Interior standards will apply to all resources on our Historic Resources Inventory, or just those that are considered "historic landmarks" (those resources that are classified as "distinctive" or "significant"). Staff will be investigating this further.
- Ensure that resources listed on the National Register are protected by local land use regulations. The new rules allow for a local government to exclude accessory structures and non-contributing resources within a National Register nomination from the requirements of the new rules. The Historic Landmarks Committee should decide whether the City should exclude those when making updates to the existing historic preservation ordinance (Ordinance 4401).
- Criteria to be considered in the designation of a historic resource will need to be updated to be consistent with the new rules.
- The review process and criteria for evaluation of the demolition or moving of National Register resources will need to be updated to be consistent with the new rules.
- A public hearing process will need to be established for the demolition or moving of National Register resources. The Historic Landmarks Committee could also decide to adopt a public hearing process for the review of any historic resource alteration, but that is not required by the new rules.
- Owner consent definitions and processes should be added to our local designation process to be consistent with the new rules and the ruling of *Lake Oswego Preservation Society v. City of Lake Oswego*.

Impacts to Other Ordinance Updates Being Considered

- The Certificate of Approval process that had been discussed previously by the Historic Landmarks Committee would be consistent with the new rules, which would require that any proposed demolition, moving, or alteration of a historic resource (or landmark) be reviewed and approved by the Historic Landmarks Committee.
- Establishing the Certificate of Approval process will establish a land use decision process that would be decided upon by the Historic Landmarks Committee. However, the current bylaws of the committee do not allow for the body to make quasi-judicial land use decisions. Staff will be investigating updated committee language, which would be inserted directly into the City Code. The City Code language would re-establish the existing committee as a commission that would have the ability to hold public hearings and make land use decisions on Certificate of Approval applications. This would allow the commission to complete all of the necessary reviews required by the new rules as well.

Staff will provide an overview of the recently adopted amendments to OAR 660-023-0200 at the Historic Landmarks Committee, and will facilitate a discussion on how the new rules will need to be incorporated into the City's local historic preservation regulations.

Fiscal Impact:

None.

Recommendation/Suggested Motion:

No motion required. The Historic Landmarks Committee may provide guidance to staff on potential updates to the City's historic preservation regulations based on the new rules.

DIVISION 23

PROCEDURES AND REQUIREMENTS FOR COMPLYING WITH GOAL 5

660-023-0200

Historic Resources

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

(a) “Demolition” means any act that destroys, removes, or relocates, in whole or part, a significant historic resource such that its historic, cultural, or architectural character and significance is lost. This definition applies directly to local land use decisions regarding a National Register Resource. This definition applies directly to other local land use decisions regarding a historic resource unless the local comprehensive plan or land use regulations contain a different definition.

(b) “Designation” is a decision by a local government to include a significant resource on the resource list.

(c) “Historic context statement” is an element of a comprehensive plan that describes the important broad patterns of historical development in a community and its region during a specified time period. It also identifies historic resources that are representative of the important broad patterns of historical development.

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

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

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

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

(h) “Owner”:

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

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

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

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

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

(F) Means, for National Register Resources, the same as defined in 36 CFR 60.3(k).

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

(j) “Significant historic resource” means a locally significant historic resource or a National Register Resource.

(2) Relationship of Historic Resource Protection to the Standard Goal 5 Process.

(a) Local governments are not required to amend acknowledged plans or land use regulations in order to provide new or amended inventories, resource lists or programs regarding historic resources, except as specified in section (8). Local governments are encouraged to inventory and designate historic resources and must adopt historic preservation regulations to protect significant historic resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Local governments must allow owners of inventoried historic resources to refuse historic resource designation at any time during the designation process in subsection (a) and must not include a site on a resource list if the owner of the property objects to its designation on the

public record. A local government is not required to remove a historic resource from an inventory because an owner refuses to consent to designation.

(7) Historic Resource Protection Ordinances. Local governments must adopt land use regulations to protect locally significant historic resources designated under section (6). This section replaces OAR 660-023-0050. Historic protection ordinances should be consistent with standards and guidelines recommended in the Standards and Guidelines for Archeology and Historic Preservation published by the U.S. Secretary of the Interior, produced by the National Park Service.

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

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

(b) May apply additional protection measures. For a National Register Resource listed in the National Register of Historic Places after the effective date of this rule, additional protection measures may be applied only upon considering, at a public hearing, the historic characteristics identified in the National Register nomination; the historic significance of the resource; the relationship to the historic context statement and historic preservation plan contained in the comprehensive plan, if they exist; the goals and policies in the comprehensive plan; and the effects of the additional protection measures on the ability of property owners to maintain and modify features of their property. Protection measures applied by a local government to a National Register resource listed before the effective date of this rule continue to apply until the local government amends or removes them; and

(c) Must amend its land use regulations to protect National Register Resources in conformity with subsections (a) and (b). Until such regulations are adopted, subsections (a) and (b) shall apply directly to National Register Resources.

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

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

(A) Has retained ownership since the time of the designation, and

(B) Can demonstrate that the owner objected to the designation on the public record, or

(C) Was not provided an opportunity to object to the designation, and

(D) Requests that the local government remove the property from the resource list.

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

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

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

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

(10) A local government shall not issue a permit for demolition or modification of a locally significant historic resource for at least 120 days from:

(a) The date of the property owner's refusal to consent to the historic resource designation, or

(b) The date of an application to demolish or modify the resource.

(11) OAR 660-023-0200(1)(a) and (1)(h) are effective upon filing of the rule with the Secretary of State.

(12) OAR 660-023-0200(8) is effective upon filing of the rule with the Secretary of State and applies directly to local government permit decisions until the local government has amended its land use regulations as required by OAR 660-023-0200(8)(c).

(13) OAR 660-023-0200(9) is effective upon filing of the rule with the Secretary of State and applies directly to local government decisions until the local government has amended its land use regulations to conform with the rule.

(14) OAR 660-023-0200(10) is effective upon filing of the rule with the Secretary of State and applies directly to local government permit decisions.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.040, ORS 197.225 - ORS 197.245, and ORS 197.772