



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
April 25, 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 4. Action Items 5. Discussion Items <ol style="list-style-type: none"> A. Historic Preservation Month Activities (Exhibit 1) B. Certified Local Government Grant Award (Exhibit 2) C. Goal 5 Rulemaking and Local Ordinance Updates (Exhibit 3) 6. Old/New Business 7. Committee Member Comments 8. Staff Comments 9. Adjournment

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EXHIBIT 1 - STAFF REPORT

DATE: April 25, 2017
TO: Historic Landmarks Committee Members
FROM: Chuck Darnell, Associate Planner
SUBJECT: Historic Preservation Month Activities

Report in Brief:

The purpose of this discussion item is for the Historic Landmarks Committee to discuss activities to be conducted to promote Historic Preservation Month in McMinnville.

Background:

Historic Preservation Month occurs annually during the month of May. Historic Preservation Month was established in 1973 by the National Trust for Historic Preservation, and is co-sponsored by local preservation groups, State historical societies, and business and civic organizations across the country. During Historic Preservation Month, many events are held nationwide to promote historic places.

Discussion:

The Historic Landmarks Committee, as the appointed body responsible for the City's participation in the Certified Local Government program, can serve as the local sponsor of Historic Preservation Month for the City of McMinnville. The Historic Landmarks Committee, at prior meetings, has discussed Historic Preservation Month and began to brainstorm ideas for activities to promote historic preservation in McMinnville.

At the City Council meeting on April 25th, 2017, Planning Department staff will provide an update on Historic Preservation Month, and the Mayor will read a proclamation officially declaring the month of May as Historic Preservation Month in McMinnville. This will be the first time that the City has officially recognized Historic Preservation Month.

Other activities discussed at the last meeting included:

- 1) Participation in the "This Place Matters" Campaign
 - This campaign is led by the National Trust for Historic Preservation and is focused on celebrating the places that are meaningful and important to communities. The program consists of sharing photos and stories of historic places while holding the "This Place Matters" sign in front of the historic place.
 - The photos and stories are then shared on social media and with the National Trust for Historic Preservation's "This Place Matters" social media pages.

- Staff will bring “This Place Matters” signs to the April meeting for HLC members to use in participating in the campaign.
- 2) McMinnville Planning Department Website and Social Media
- Use the McMinnville Planning Department Website to promote Historic Preservation Month and share stories and photos of historic landmarks in the city throughout the month.
 - Also share stories and photos of historic landmarks in the city on Planning Department’s Facebook page, which is currently under development.
- 3) Events
- Make information available at community events in May, partnering with other groups as necessary.
 - The Historic Landmarks Committee can determine which events are occurring in May and how information could be distributed at those events.

Fiscal Impact:

None.

Recommendation/Suggested Motion:

No motion required. The Historic Landmarks Committee may provide guidance to staff on activities to pursue during Historic Preservation Month.



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EXHIBIT 2 - STAFF REPORT

DATE: April 25, 2017
TO: Historic Landmarks Committee Members
FROM: Chuck Darnell, Associate Planner
SUBJECT: Certified Local Government Grant Award

Report in Brief:

The purpose of this discussion item is to receive an update on the Certified Local Government (CLG) grant award and have a preliminary discussion on the more detailed activities that will be required to complete the work plan items to be funded by the grant.

Background:

The City of McMinnville is an active Certified Local Government (CLG), which is a historic preservation program administered by the State of Oregon's State Historic Preservation Office. The State Historic Preservation Office awards grants to Certified Local Governments for eligible historic preservation activities.

The Planning Department submitted an application for the 2017 CLG grant cycle, and the Planning Department has set aside \$12,000 in its budget to use as the required local match for the grant funds. On April 4, 2017, the City was notified that all projects included in the application were eligible for grant funding. The City was awarded \$12,000 to complete the proposed historic preservation work through the CLG grant.

Discussion:

The Historic Landmarks Committee recently adopted a 2017-2018 Work Plan, which identified activities that the committee would be completing in the upcoming years.

The activities that were included in the CLG grant application are:

- Development of a Historic Preservation Plan for the City of McMinnville
- Completion of an Intensive Level Survey (ILS) of properties previously included in the 2010 Reconnaissance Level Survey (RLS)
- Public Education – Including promotion of preservation month activities, establishment of historic preservation award program, update of the City's website, and development and publishing of historic walking tour brochures

Overall, all CLG grant-funded activities must be completed by August 31, 2018. The preliminary timeframe for each grant funded activity was:

Intensive Level Survey: April 2017 – December 2017

Historic Preservation Plan: January 2018 – July 2018

Public Education Materials: April 2017 – August 2018

Staff will provide an overview of the specific activities that will be required for the completion of each grant-funded work plan item at the April 25, 2017 meeting. Staff will also look for guidance from the Historic Landmarks Committee on when to focus on the development of public education materials. Included in this discussion will be how and when the Historic Landmarks Committee could partner with other groups or community members in the creation of the public education materials. The Committee has already received interest from representatives of the South Downtown Association of Neighbors (SoDAN) on public education projects that could be completed together.

Fiscal Impact:

The Planning Department will provide \$12,000 as local match from the department budget, and in-kind staff support.

Recommendation/Suggested Motion:

No motion required. The Historic Landmarks Committee may provide guidance to staff in the development of detailed activities required to complete the grant-funded work items.



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EXHIBIT 3 - STAFF REPORT

DATE: April 25, 2017
TO: Historic Landmarks Committee Members
FROM: Chuck Darnell, Associate Planner
SUBJECT: Goal 5 Rulemaking and Local Ordinance Updates

Report in Brief:

The purpose of this discussion item is to discuss how 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, will impact the City of McMinnville's existing historic preservation program and ordinance (Ordinance 4401). Also, staff will lead a discussion with the Historic Landmarks Committee on updates to the City's existing ordinance and regulations.

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.

The Historic Landmarks Committee reviewed the adopted amendments to OAR 660-023-0200 at their February 22, 2017 meeting.

Discussion:

At the February 22, 2017 Historic Landmarks Committee meeting, staff provided some takeaways from the adopted amendments to OAR 660-023-0200, as well as some initial determinations of how the amendments would impact our existing historic preservation program and the regulations that are contained in Ordinance 4401.

The City of McMinnville already meets many of the requirements and rules for complying with Goal 5 of the statewide planning program. However, some updates will be required to our existing historic preservation ordinance and local historic preservation program based on the new rules. Updates that are clearly stated in the OARs and will need to be incorporated into the City's regulations are as follows:

- 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.
- 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*.
- Any alteration to a historic resource on a locally adopted inventory 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).

Updates that will be required based on the adopted Goal 5 rules, but that the City will have some discretion on, are as follows:

- 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 has reached out to the State Historic Preservation Office (SHPO) for their determination on this.

Discussion Item: If all historic resources are not required to follow the Secretary of the Interior standards, the Historic Landmarks Committee can decide independently whether all historic resources should be subject to the review process and standards. The requirements in the adopted OARs are minimum requirements, and local regulations can be more protective of historic resources.

- 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.

Discussion Item: The Historic Landmarks Committee should decide whether the City should exclude accessory structures and non-contributing resources within a National Register site or district.

- 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. The adopted OARs do not provide specific

guidance on what needs to be included in local historic preservation plans, other than that the plans should contain goals and policies for historic resource preservation and the processes for creating and amending the local historic preservation program to achieve Goal 5. The specific components of the historic preservation plan can be determined by the local government.

Other Changes to Local Ordinance to Discuss

- Staff is suggesting that the Historic Preservation Ordinance (Ordinance 4401) be repealed and instead incorporated into the McMinnville Zoning Ordinance, rather than existing as a stand-alone ordinance. When making updates to the existing ordinance and regulations, staff will be suggesting that the changes take the form of a chapter within Title 17 of the McMinnville City Code, which is the Zoning Ordinance.
- The Historic Landmarks Committee had previously discussed the creation of a Certificate of Approval process that would require that any proposed demolition, moving, or alteration of a historic resource (or landmark) be reviewed and approved by the Historic Landmarks Committee. This Certificate of Approval process would replace the existing Building Permit Clearance review process, and would also need to be consistent with the new OARs. Currently, only alterations that require a building permit are subject to the historic preservation standards.
- 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 OARs as well.

Draft Amendments to Zoning Ordinance

Staff is in the process of drafting amendments to the McMinnville Zoning Ordinance that would incorporate the updates and changes described above, and would also replace the existing Historic Preservation Ordinance (Ordinance 4401). Major components of the existing Historic Preservation Ordinance (Ordinance 4401) will not be deleted, but will be proposed to be copied over into the draft amendments to the Zoning Ordinance. The amendments will also be reviewed for consistency with the new OARs.

Staff will provide a draft version of these amendments at the April 25, 2017 Historic Landmarks Committee meeting for preliminary review, discussion, and feedback.

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 program and regulations.

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