



City of McMinnville

PLANNING

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

www.mcminnvilleoregon.gov

**Historic Landmarks Committee
Hybrid In-Person & ZOOM Online Meeting
Thursday, December 11 - 3:00 PM
Kent Taylor Civic Hall, 200 NE 2nd Street**

Please note that this meeting will take place in person and simultaneously be conducted via ZOOM meeting software if you are unable or choose not to attend in person

**Join Zoom Meeting
Meeting ID: 876 3249 3472
Passcode: 456456**

<https://mcminnvilleoregon.zoom.us/j/87632493472?pwd=3JUUqdvkxXwuph2MQaQnmrtjUgwJqB.1>

Or join ZOOM Meeting by phone via the following number: 1-253-215-8782

Committee Members	Agenda Items
Mary Beth Branch, Chair	1) Call to Order
Katherine Huit, Vice Chair	2) Citizen Comments
Mark Cooley	3) Discussion Items
Christoper Knapp	• Work Session - continued
Lisa Allen	○ Demolition Code Discussion (<i>Exhibit 1</i>)
City Council Liaison: Scott Cunningham	4) Committee Member Comments
	5) Staff Comments
	6) Adjournment

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

*Please note that these documents are also on the City's website, www.mcminnvilleoregon.gov. You may also request a copy from the Planning Department.

EXHIBIT 1 - STAFF REPORT

DATE: December 11, 2025
TO: Historic Landmark Committee Members
FROM: Matthew Deppe, Associate Planner
SUBJECT: Discussion on Demolition Code Review - continued

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

The purpose of this discussion item is for the Historic Landmarks Committee to continue its discussion on the City's code related to demolitions of historic resources.

This is a continuation of the discussion that occurred on August 28, 2025 and on November 20, 2025.

Background:

The City of McMinnville has adopted a historic preservation program that seeks to preserve and protect historic resources, and also to educate the community on historic preservation and promote the benefits that historic preservation has in the community. This historic preservation program is more specifically implemented by the Planning Department and the Historic Landmarks Committee. One component of the historic preservation program is the Certificate of Approval review process that is required to be completed by any property owner that wishes to request the demolition of any designated historic resource.

The Certificate of Approval for Demolition process is described in more detail in McMinnville Municipal Code (MMC) Section 17.65.050. Over the past few years, the Historic Landmarks Committee has reviewed numerous Certificate of Approval for Demolition applications. During the review of those applications there have been some components of the process that have been difficult for applicants to understand, and some aspects of the applicable review criteria that have been difficult for the Historic Landmarks Committee to consistently consider and apply to individual requests based on the information that is provided in the applications.

The Planning Department had the ability to bring on a consultant to provide a professional assessment and opinion on the City's current application review process and code related to the demolition of historic resources within the 2020-2021 fiscal year budget.

The consultant presented to the Historic Landmarks Committee at their meeting on May 27th, 2021. However, the material was still confusing and too tied to the application process and not the actual code. Today's presentation seeks to rectify that by comparing the City of McMinnville's code for the demolition process to that of other relevant cities in Oregon.

City of McMinnville's Demolition Code Criteria. Three issues to address:

- 1) Compliance with OAR 660-023-0200 relative to making decisions about alterations (including demolitions) for properties on the National Register of Historic Places.
- 2) Clarity on the criteria that the Historic Landmarks Committee uses for making decisions to approve or deny requests for demolitions.
- 3) Remedies for non-compliance with demolition and demolition by neglect.

Discussion:

The Historic Landmarks Committee has reviewed the suggested consultant amendments in seven work session meetings: May 27, 2021; December 16, 2021; January 27, 2022; February 23, 2022; March 23, 2022; June 23, 2022, August 28, 2025, and November 20, 2025.

The attached proposed code amendments include all of the changes that were directed by committee members at the June 23, 2022, HLC meeting. At that time, the HLC felt that they wanted to see the amendments one more time prior to submitting them to the Planning Commission for review and adoption.

Soon after the June 2022 work session, the City received a land use application for a Certificate of Approval for the demolition of three historic landmarks, and elected to focus on putting the demolition code review on hold as the committee and community focused on the proposed historic landmarks demolition request. What was commonly known as the Gwendolyn Hotel project became an engaged community-wide discussion regarding the decision-making process of the value of preserving three historic projects versus the value of a new investment in the community. The HLC denied the applications for demolition. The Planning Commission approved them on appeal. And the City Council denied them on appeal. The vote was fairly even distributed at each level of decision-making, demonstrating just how difficult it is to either make that decision of value (preservation versus replacement project) and how well the code criteria helps or does not help the community in making that decision.

Now is the opportunity to revisit the proposed demolition code amendments developed in 2021/2022, review them with a new lens and evaluate whether they serve the community based on the lessons learned with the request for the demolition of three historic landmarks in 2022/2023. What worked and what didn't work.

The HLC started this re-evaluation at their meeting on August 28, 2025, continued it on November 20, 2025 and this is a continuation of that discussion.

Attachments:

- Proposed Text Amendments, 17.65
 - Memorandum from Northwest Vernacular, McMinnville Demolition Ordinance Review, dated June 28, 2021
-

Proposed Amendments to Section 17.65

Historic Preservation

Proposed deletions are indicated with ~~strike through font~~ and proposed additions are indicated by red underline font.

Sections:

17.65.010	Purpose
17.65.020	Definitions
17.65.030	Historic Resources Inventory
17.65.040	Certificate of Approval Process
17.65.050	Demolition <u>and Relocation</u> , Moving, or New Construction
17.65.060	Exterior Alteration or Remodeling
<u>17.65.065</u>	<u>Preservation of Archaeological Resources</u>
17.65.070	Public Notice
17.65.080	Appeals
17.65.090	Violation, Procedure, and Penalty

17.65.010 Purpose. Districts, buildings, objects, structures, and sites in the City having special historical, architectural, or cultural significance should be preserved as a part of the City's heritage. To this end, regulatory controls and administrative procedures are necessary for the following reasons:

- A. Stabilize and improve property values through restoration efforts;
- B. Promote the education of local citizens on the benefits associated with an active historic preservation program;
- C. Foster civic pride in the beauty and noble accomplishments of the past;
- D. Protect and enhance the City's attractions for tourists and visitors; and
- E. Strengthen the economy of the City.

Historic districts may have a separate set of regulatory controls and administrative procedures which take priority over this ordinance.

17.65.020 Definitions. For the purpose of this ordinance, certain terms and words are defined as follows: words in the present tense include the future, the singular tense include the plural and vice-versa; the word "shall" is mandatory; the word "may" is discretionary; and the masculine gender includes the feminine gender.

For the purpose of Historic Preservation, the following definitions shall apply.

Alteration - The addition to, removal of, removal from, or physical modification and/or repair of any exterior part or portion of an historic resource that results in a change in design, materials or appearance. Painting, reroofing, and general repairs are not alterations when the new materials and/or colors match those already in use.

Archaeological Object: An object that is at least 75 years old; is part of the physical record of an indigenous or other culture found in the state or waters of the state; and is material remains of past human life or activity that are of archaeological significance including, but not limited to, monuments, symbols, tools, facilities, technological by-products and dietary by-products, as defined by OAR 358.905.

Archaeological Site: A geographic locality in Oregon, including but not limited to submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects and the contextual associations of the archaeological objects with each other; or biotic or geological remains or deposits. Examples of archaeological sites include but are not limited to shipwrecks, lithic quarries, house pit villages, camps, burials, lithic scatters, homesteads and townsites, as defined by OAR 358.905.

Certificate of Approval - A decision issued by the Planning Director or Historic Landmarks Committee, as applicable, to approve the alteration, demolition, or moving of a historic resource or landmark.

Demolition - To raze, destroy, dismantle, deface, remove or relocate, in whole or part, or in any other manner cause partial or total ruin to a historic resource.

Designation. Decision to include a property or site on the Historic Resources Inventory.

Exterior - Any portion of the outside of an historic resource.

Historic District - A geographical definable area of local, state, or national historical significance, the boundaries of which have specifically been adopted by the City Council.

Historic Integrity. The quality of wholeness of historic location, design, setting, materials, workmanship, feeling and/or association of a historic resource.

Historic Landmark - Any historic resource which is classified as "Distinctive" or "Significant" on the McMinnville Historic Resources Inventory or is listed on the National Register of Historic Places (only contributing properties of a National Register of Historic Places Historic District are considered a Historic Landmark). Historic landmarks are also significant historic resources as defined by OAR 660-023-0200(1)(j).

Historic Resources - Any site, structure, building, district, or object that is included on the Historic Resources Inventory.

Historic Resources inventory - The initial inventory includes the resources which were evaluated and ranked by the McMinnville Historic Landmarks Committee. The inventory incorporates the surveys and inventories conducted in 1976, 1980, and 1983/84 and resources which may be included by action of the Historic Landmarks Committee under the provision of Section 17.65.030 of this chapter. The resources included in the inventory are classified as follows:

A. Distinctive "A": Resources outstanding for architectural or historic reasons

and potentially worthy of nomination to the National Register of Historic Places;

- B. Significant "B": Resources of recognized importance to the City due to historical association or architectural integrity, uniqueness, or quality;
- C. Contributory "C": Resources not in themselves of major significance, but which enhance the overall historic character of the neighborhood or City. Removal or alteration would have a deleterious effect on the quality of historic continuity experienced in the community; or
- D. Environmental "D": This category includes all resources surveyed that were not classified as distinctive, significant, or contributory. The resources comprise a historic context within the community.

Owner - As defined by OAR 660-023-0200(1)(h). (Ord. 5034 §2, 2017).

(Definitions, Relocated from 17.06.060)

17.65.030 Historic Resources Inventory. The McMinnville Historic Resources Inventory, compiled in 1983/84 and as subsequently updated, is hereby adopted and shall be maintained and updated as required. The inventory shall be used to identify historic districts, buildings, structures, sites, and objects for the purposes of this ordinance, and will be retained as a public resource with the exception of archaeological sites, the publication of which is prohibited by state law.

- A. The Historic Landmarks Committee shall be authorized to make all additions, deletions, and changes to the inventory. Any addition, deletion or change, including a reevaluation of the significance of any resource, shall conform to the requirements of this section.
- B. Any person may file an application with the Planning Director to amend the inventory by adding or deleting a resource or changing the level of significance of a resource.
 - 1. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040 of the McMinnville Zoning Ordinance. Applications must include:
 - a. A description of the boundaries of the proposed nomination area and the buildings, structures, objects, sties and districts contained therein;
 - b. A description of the historic resource character defining features.
 - c. A statement explaining how the historic resource meets the criteria under provisions of Section 17.65.030(C).
 - d. Photos, maps, drawings, and other supporting materials as necessary.
 - 2. The Historic Landmarks Committee shall act on such an application within thirty (30) days of the date the application was deemed complete by the Planning Department. The Committee may delay action on an application for up to thirty (30) days from the date of their meeting so that additional information needed for a decision can be obtained.
 - 3. The owner of the site which is under consideration and the applicant (if different) shall be notified of the time and place of the Historic Landmarks Committee review, although their presence shall not be necessary for action to be taken on the application.

4. Designation must occur at a public meeting and is considered a land-use action.
- C. The Historic Landmarks Committee shall base each decision regarding additions or changes to the inventory on the following criteria:
1. History. The resource is associated with significant past events, persons, organizations, trends, or values which were important at the city, county, state, or national level. The age of the resource relative to other local development contributes to its historic significance;
 2. Style/Design. The resource is representative of a particular style or a type of construction. The uniqueness of the resource or its quality of composition, detailing, or craftsmanship contribute to its design significance. The resource was designated or constructed by a craftsman, contractor, designer, or architect of local, state, or national importance;
 3. Integrity. The resource retains original design elements, materials, and character with relatively minor alterations, if any; and
 4. Environment. The resource contributes to the character or continuity of the street or neighborhood.
 5. Consistency with the National Register Criteria for Evaluation as follows:
 - a. The resource is associated with events that have made a significant contribution to the broad patterns of our history; or
 - b. The resource is associated with lives of significant persons in our past; or
 - c. The resource embodies the 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; or
 - d. The resource has yielded or may be likely to yield, information important in history or prehistory; and
 6. The designation of the resource is consistent with the priorities described in the historic preservation plan.
- D. The Historic Landmarks Committee shall allow owners of property to refuse addition to the inventory at any time during the designation process in Section 17.65.030. The Historic Landmarks Committee shall not designate a site, structure, building, or object on the inventory if the owner objects to its designation on the public record. However, the objection of a property owner must not prevent a property being inventoried, evaluated, or determined significant for placement on the Historic Resources Inventory.
- E. A permit to demolish or modify a Historic Resource under consideration for designation to the Historic Resources Inventory must not be issued for 120 days from the date of the owner's refusal to consent to designation or the application to alter, relocate, or demolish the Historic Resource, whichever occurs first.
- F. The Historic Landmarks Committee is not required to remove a historic resource already on the inventory because an owner refuses to consent to designation. However, the Historic Landmarks Committee must remove a historic resource from the inventory if the designation was imposed on the property and the owner at the time of designation:

1. Has retained ownership since the time of designation; and
 2. Can demonstrate that the owner objected to the designation on the public record; or
 3. Was not provided an opportunity to object to the designation; and
 4. Requests that the Historic Landmarks Committee remove the resource from the inventory.
- G. Except as provided in Section 17.65.030 (E), the Historic Landmarks Committee shall base each decision regarding deletions from the inventory on the following criteria:
1. The resource has lost the qualities for which it was originally recognized; or
 2. 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; or
 3. The Building Official declares that the resource poses a clear and immediate hazard to public safety and must be demolished to abate the unsafe condition.

17.65.040 Certificate of Approval Process. A property owner shall obtain a Certificate of Approval from the Historic Landmarks Committee, subject to the procedures listed in Section 17.65.050 and Section 17.65.060 of this chapter, prior to any of the following activities:

- A. The alteration ~~demolition, or moving~~ of any historic landmark, or any resource that is listed on the National Register for Historic Places;
 1. Accessory structures and non-contributing resources within a National Register for Historic Places nomination are excluded from the Certificate of Approval process.
- B. New construction on historical sites on which no structure exists;
- C. The demolition or ~~moving~~ relocation of any historic resource.

Section 17.65.050. Demolition and Relocation of Historic Resources, ~~or Moving, or New Construction~~. The property owner shall submit an application for a Certificate of Approval for the demolition or relocation of a historic resource, or any resource that is listed on the National Register for Historic Places, either individually or as a contributing resource in a historic district, ~~or for new construction on historic sites~~. Applications shall be submitted to the planning department for initial review for completeness as stated in MMC 17.72.040. The Historic Landmarks Committee shall meet within 30 days of the date the application was deemed complete by the planning department to review the request. A failure to review within 30 days shall be considered as an approval of the application.

- A. The Historic Landmarks Committee may approve, approve with conditions, or deny the application.
 1. The Committee must find the following when approving or approving with conditions the demolition of a Historic Resource.

- a. The applicant completed a replacement plan for the site, including drawings approved by the Committee; and
 - b. The Committee determines that the Historic Landmark cannot be safely relocated from the site; and
 - c. The value to the community of the proposed replacement plan outweighs the value of retaining the Historic Resource.
 1. The factors in Section 17.65.050(C) must be considered when making this determination.
 2. Public testimony must be considered when making this determination.
 2. The Committee must find the following when approving or approving with conditions the relocation of a Historic Landmark.
 - a. The applicant completed a replacement plan for the site, including drawings approved by the Committee.; and
 - b. The value to the community of the proposed replacement plan outweighs the value of retaining the Historic Resource.
 1. The factors in Section 17.65.050(C) must be considered when making this determination.
 2. Public testimony must be considered when making this determination.
- B. Application Requirements. The applicant shall provide the following information as part of the certificate of approval application for demolition or relocation. This is not an exclusive list, the City can determine that more information is needed to be able to render a decision:
1. Property information.
 - a. address
 - b. date of construction
 - c. historic significance.
 - d. copy of McMinnville Historic Resources survey sheet
 2. Property owner information (for all property owners regardless of type of ownership with appropriate documentation). If a property owner was part of a previous ownership entity of the property that needs to be disclosed as well.
 - a. when did the property owner purchase the property (if less than one year, please provide information about prior property ownership);
 - b. what types of alterations did the current and previous property owner (if current property ownership is less than one year) make during their ownership; the dates of the alteration and whether or not the alteration(s) were approved by the Historic Landmarks Committee.
 - c. a list of maintenance investments made by the current and previous property owner (if current property ownership is less than one year);
 3. Relocation Evaluation. The applicant must demonstrate that they have evaluated and pursued appropriately the relocation of the historic

resource prior to the request for demolition. This evaluation can consist of written analysis from a building relocation contractor with demonstrated experience or the jurisdictional Building Official indicating that it can or cannot be relocated from its site. If it can be relocated and the applicant is requesting demolition, the applicant needs to indicate why they are not relocating the resource.

4. Replacement Plan. The replacement plan should include site plans, floor plans, exterior elevations, exterior renderings, schedule of exterior features and finishes, building materials (colors and features), section of exterior, construction documents that are ready for building permit issuance and other documents that may be necessary as determined by the Planning Director. If the property is within a special overlay district that requires design review approval, the replacement plan must include the design review approval or be submitted concurrently with the application.

5. Findings for Factors in Section 17.65.050(C). The applicant will need to provide findings for each factor. If the factor does not apply, the applicant must state why.

C. The Historic Landmarks Committee shall base its decision on the following factors.

1. **Local Historic Preservation Policies.** The City's historic preservation policies set forth in the comprehensive plan (Chapter III: Cultural, Historic, and Educational Resources), historic preservation plan, and the purpose of this ordinance;

2. **Financial Hardship.** Whether retention of the historic and/or National Register-listed resource would cause financial hardship to the owner not outweighed by the public interest in the resource's preservation with the applicant providing documentation of economic hardship demonstrating the property is incapable of generating a reasonable economic return, including but not limited to:

a. The purchase price of the property;

b. The property tax statement showing the assessed value, real market value and property taxes for the past two years.

c. For commercial properties (defined as properties with a commercial or industrial use, or three or more dwelling units), current fair market value of building or resource as determined by an appraisal in the past twelve months;

d. A profit and loss statement and balance sheet for commercial properties (defined as properties with a commercial or industrial use, or three or more dwelling units) and income-producing residential properties for the past two years. (This will be deemed confidential and not be part of the public record).

e. Any expenditures associated with the property during the two years immediately preceding the application;

- f. For commercial properties (defined as properties with a commercial or industrial use, or three or more dwelling units) and residential Historic Landmarks, report from structural engineer on the condition of the historic and/or National Register-listed resource when that resource is a building(s) or structure(s);
 - g. Estimate of cost for rehabilitation of the historic and/or National Register-listed resource with an existing use from a third-party licensed contractor;
 - h. For commercial properties (defined as properties with a commercial or industrial use, or three or more dwelling units) report from real estate or other market professional identifying potential alternative uses allowed for development of the historic and/or National Register-listed resource with existing zoning. The report should include a market analysis evaluating need for alternative uses as well as the number of existing alternative uses already present within the zone;
 - i. For commercial properties (defined as properties with a commercial or industrial use, or three or more dwelling units) estimate of cost for rehabilitation of the historic and/or National Register-listed resource for at least two other identified uses from a third-party licensed contractor; and
 - j. Report identifying available economic incentives for adaptive reuse of the historic and/or National Register-listed resource, including any federal tax credits available for rehabilitation of National Register-listed resources;
3. **Value to the Community.** The community value (i.e., historic, cultural, social) and significance of the historic resource;
- a. Design or construction rarity. Are there other similar historic resources in the community architecturally;
 - b. Historic _____ significance.
 - 1. Are there other historic resources of the same age in the community..
 - 2. Are there other historic resources that portray the historic era of this resource in the community's history;
 - 3. If the historic significance is association with a person(s), are there other historic resources within the city limits associated with that person(s).
4. **Condition of the Historic Resource.** The physical condition of the historic and/or National Register-listed resource. The applicant provided professionally recognized documentation (structural engineer's or Building Official's report recommending condemnation) that the historic resource constitutes a hazard to the safety of the public or its occupants;

5. The applicant completed a replacement plan for the site that is deemed to be more valuable to the community than the retention of the resource.
 6. Whether the historic and/or National Register-listed resource is a deterrent to an improvement program of substantial benefit to the city which overrides the public interest in its preservation;
 7. Whether retention, either by restoration, rehabilitation, or relocation, of the historic and/or National Register-listed resource would be in the best interests of a majority of the citizens of the city, as determined by the Historic Landmarks Committee, and, if not, whether the historic resource may be preserved by an alternative means (such as through photography, item removal, written description, measured drawings, sound retention or other means of limited or special preservation) or offset the community loss through a donation to a heritage organization or fee payment to the city's Historic Preservation Fund to support grants for the preservation of other historic resources.
- D. If the structure for which a demolition permit request has been filed has been damaged in excess of 70 percent of its assessed value due to fire, flood, wind, or other natural disaster, the planning director may approve the application without processing the request through the Historic Landmarks Committee.
- E. The Historic Landmarks Committee shall hold a public hearing to consider applications for the demolition or moving of **property** listed on the National Register of Historic Places consistent with the procedures in MMC [17.72.120](#).
- F. In approving or denying an application for the demolition of a historic resource, the Historic Landmarks Committee may impose the following conditions:
1. The Historic Landmarks Committee may delay a demolition permit for up to one hundred twenty (120) days in the interest of exploring reasonable alternatives. If the permit request affects a historic landmark, and/or a property on the National Register of Historic Places, the delay period may be extended an additional sixty (60) days. The applicant can be required to post the property regarding the pending demolition during the delay period to seek community engagement about reasonable alternatives. During the delay period, the applicant will be provided with any resources for federal and state programs to incentivize restoration of the resource.
 2. That the relocation of the historic resource be considered. The applicant can be required to pay for the relocation costs, public notices, funds paid to a potential buyer who will relocate the building equal to or more than the costs of demolishing the structure.
 3. Photographic, video, or drawn recordation of the historic resource in its original location.
 4. Fee payment to a city-wide preservation fund or to the Facade Improvement Grant Program to support grants for the preservation of historic resources. Fee amounts to be graduated and based on the listing/HRI status as a means of communicating relative community

impact with National Register-listed resources as the highest and descending with Environmental as the least. Fee payment to be calculated based on the assessed value of the structure to be demolished.

5. Other reasonable mitigation measures, including, but not limited to:

- a. Donation to a preservation or heritage-related organization;
- b. Interpretive panel, plaque, and/or marker created on site and included in the redevelopment that commemorates the original historic building;
- c. Property or building survey;
- d. Offering architectural features for donation and/or reuse and working with an established company to appropriately salvage.

G. Any approval may be conditioned by the planning director or the Historic Landmarks Committee to secure interior and/or exterior documentation of the resource prior to the proposed action. Required documentation shall consist of no less than 20 high resolution color photographs and electronic files~~black and white photographs with negatives or 20 color slide photographs~~. The Historic Landmarks Committee may require documentation in another format or medium that is more suitable for the historic resource in question and the technology available at the time. Any approval may also be conditioned to preserve site landscaping such as individual plants or trees or to preserve selected architectural features such as doors, windows, brackets, moldings or other details.

H. If any proposed new construction is located in the downtown core as defined by MMC 17.59.020(A) of the McMinnville Zoning Ordinance, the new construction shall also comply with the requirements of Chapter 17.59 MMC (Downtown Design Standards and Guidelines).

I. Demolition by neglect. No historic resource shall be allowed to deteriorate due to neglect by the owner which would result in violation of the intent of this Section. Demolition by neglect shall include any one or more of the following courses of inaction or action:

- 1. Deterioration of the exterior of the building to the extent that it creates or permits a hazardous or unsafe condition.
- 2. Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick, plaster, or mortar to the extent that it adversely affects the character of the historic resource or could reasonably lead to irreversible damage to the structure.

J. It shall be unlawful to knowingly or negligently demolish a historic resource without first obtaining a historic resource demolition permit under MMC 17.72.040. This includes demolition by neglect as outlined in 17.65.050.H.

- 1. A violation of this section will be pursued following the procedures outlined in MMC 2.50 "Code Compliance."

2. Penalty for violating this section will require a fee paid into the city preservation fund, in addition to following other penalties for code violations per MMC 2.50
 - a. Citations up to \$3,000 or 0.1% of the real market value of the most recent assessor's statement for both the structure and the land whichever is greater per day for demolition by neglect.
 - b. Penalty equal to the real market value of the most recent assessor's statement for both the structure and the land if demolition occurs without approval.
- K. Demolished resources shall be automatically removed from the McMinnville Historic Resource Inventory.
- L. Notice of a demolished or relocated National Register resource must be provided to the State Historic Preservation Office.

17.65.060 Exterior Alteration or Remodeling. The property owner shall submit an application for a Certificate of Approval for any exterior alteration to a historic landmark, or any resource that is listed on the National Register for Historic Places (accessory structures and non-contributing resources within a National Register for Historic Places nomination are excluded from the Certificate of Approval process). Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040 of the McMinnville Zoning Ordinance. The Planning Director shall determine whether the proposed activities constitute an alteration as defined in Section 17.65.020-(A) of this chapter. The Historic Landmarks Committee shall meet within thirty (30) days of the date the application was deemed complete by the Planning Department to review the request. A failure to review within thirty (30) days shall be considered as an approval of the application. Within five (5) working days after a decision has been rendered, the Planning Department shall provide written notice of the decision to all parties who participated.

- A. The Historic Landmarks Committee may approve, approve with conditions, or deny the application.
- B. The Historic Landmarks Committee shall base its decision on the following criteria:
 1. The City's historic policies set forth in the comprehensive plan and the purpose of this ordinance;
 2. The following standards and guidelines:
 - a. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
 - b. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
 - c. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve

existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

- d. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
 - e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
 - f. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
 - g. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 - h. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
 - i. The Guidelines for Historic Preservation as published by the United States Secretary of the Interior.
3. The economic use of the historic resource and the reasonableness of the proposed alteration and their relationship to the public interest in the historic resource's preservation or renovation;
 4. The value and significance of the historic resource; and
 5. The physical condition of the historical resource.
- C. Any approval may be conditioned by the Historic Landmarks Committee to secure interior and/or exterior documentation of the resource prior to the proposed action. Required documentation shall consist of no less than twenty (20) 20 high resolution color photographs and electronic files ~~black and white photographs with negatives or 20 color slide photographs~~. The Historic Landmarks Committee may require documentation in another format or medium that is more suitable for the historic resource in question and the technology available at the time. Any approval may also be conditioned to preserve site landscaping such as individual plants or trees or to preserve selected architectural features such as doors, windows, brackets, mouldings, or other details.
- D. If the historic landmark is located in the downtown core as defined by Section 17.59.020 (A) of the McMinnville Zoning Ordinance, the exterior alteration shall also comply with the requirements of Chapter 17.59 (Downtown Design Standards and Guidelines).
- E. If the alteration removes any historic integrity from a contributing property on the National Register of Historic Places, the Historic Landmarks Committee shall hold a public hearing to consider applications for the demolition or moving of property listed on the National Register of Historic Places consistent with the procedures in MMC 17.72.120.

17.65.065 Preservation of Archaeological Resources. The following provisions apply to the preservation of archaeological resources under Oregon State law.

- A. Archeological resources must be protected and preserved in place subject to the requirements of federal, state, and local regulations, including the guidelines administered by the Oregon State Historic Preservation Office and ORS 358.905—358.962.
- B. A person may not excavate, injure, destroy or alter an archaeological site or object or remove an archaeological object located on public or private lands unless that activity is authorized by a permit issued under ORS 390.235. A violation of this subsection is a misdemeanor.

17.65.070 Public Notice.

- A. After the adoption of the initial inventory, all new additions, deletions, or changes to the inventory shall comply with subsection (c) of this section.
- B. Any Historic Landmark Committee review of a Certificate of Approval application for a historic resource or landmark shall comply with subsection (c) of this section.
- C. Prior to the meeting, owners of property located within 300 feet of the historic resource under consideration shall be notified of the time and place of the Historic Landmarks Committee meeting and the purpose of the meeting. If reasonable effort has been made to notify an owner, failure of the owner to receive notice shall not impair the validity of the proceedings.

17.65.080 Appeals.

- A. Any appeal of a decision by the Historic Landmarks Committee, including an appeal of conditions placed on the approval of a Certificate of Approval by the committee, may be made to the City Planning Commission within fifteen (15) days of the date the written notice of the decision is mailed.
- B. If the appeal is filed, the Planning Commission shall receive a report and a recommendation from the Historic Landmarks Committee and shall hold a public hearing on the appeal consistent with the procedures in Section 17.72.120 of the McMinnville Zoning Ordinance. Any permit shall be invalid and no work shall be undertaken during the appeal process.

17.65.090 Violation, Procedure, and Penalty.

- A. All historic resources shall be preserved against decay and deterioration, and kept free of structural defects by the owner or other person(s) or entities who may have legal possession, custody and control thereof. ~~Demolition by neglect shall be prohibited.~~
- B. Violations of the provisions of this chapter or other applicable provisions of this code are subject to the provisions of Chapter 17.03 (General Provisions)

DRAFT