



**City of McMinnville**  
**Planning Department**  
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McMinnville, OR 97128  
(503) 434-7311

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## **EXHIBIT 3 - STAFF REPORT**

**DATE:** July 20, 2017  
**TO:** McMinnville Planning Commission  
**FROM:** Chuck Darnell, Associate Planner  
**SUBJECT:** G 3-17: Historic Preservation and Downtown Design Zoning Text Amendments

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### **Report in Brief:**

This is a public hearing to review and consider proposed amendments to the McMinnville Zoning Ordinance (Ordinance 3380) specific to Historic Preservation (proposed Chapter 17.65) and Downtown Design Standards and Guidelines (Chapter 17.59). The existing Historic Preservation Ordinance (Ordinance 4401) is proposed to be repealed, and the language instead adopted into the Zoning Ordinance as a new chapter on Historic Preservation (proposed Chapter 17.65).

### **Background:**

Recent 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, have created the need for updates to local historic preservation ordinances to ensure that they are consistent with the state rules. 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 (LCDC). 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 Oregon Governor's office directed a Rulemaking Advisory Committee to form, which met through a series of meetings in 2016 and recommended a draft of proposed amendments to OAR 660-023-0200 in December of 2016. On January 27, 2017, those amendments were adopted by LCDC. The adoption of the amended OAR 660-023-0200 results in the need for local governments to review their existing regulations and programs to ensure that they are consistent with the new state requirements. This process is undertaken continually by local governments as Oregon Administrative Rules (OAR) and Oregon Revised Statutes (ORS) are amended and adopted by the state.

The Historic Landmarks Committee reviewed the adopted amendments to OAR 660-023-0200 at a series of previous meetings, and staff has used feedback from those meetings to draft amendments to the City of McMinnville's Historic Preservation ordinance. An update on the potential for these amendments was provided to the Planning Commission during a work session on May 18, 2017. Since that meeting, staff finalized proposed amendments to the Historic Preservation ordinance, as well as the Downtown Design Standards and Guidelines chapter of the Zoning Ordinance. The proposed

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### **Attachments:**

*Decision, Findings of Fact and Conclusionary Findings for Approval of G 3-17*

*Proposed Amendments to Chapter 17.59, Chapter 17.65 and Chapter 17.72*

*Proposed Historic Preservation Amendments (Chapter 17.65) Showing Differences from Ordinance 4401 Language*

amendments were presented to the Historic Landmarks Committee at their June 28, 2017 regular meeting. The Historic Landmarks Committee recommended that the proposed amendments be approved, and that they be brought forward for Planning Commission and City Council review.

## Discussion:

### Updates to Historic Preservation Ordinance

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.

Draft amendments to the Historic Preservation Ordinance are attached to this staff report. A summary of each of the main changes to the local historic preservation ordinance is provided below.

- 1) The repealing of the existing Historic Preservation Ordinance (Ordinance 4401) to allow for a Historic Preservation chapter to be adopted into the McMinnville Zoning Ordinance, rather than existing as a stand-alone ordinance.

Reasoning for Amendment: As part of the process of updating the Historic Preservation regulations, staff is proposing to incorporate the regulations directly into the McMinnville Zoning Ordinance. The regulations currently exist within a stand-alone, separate ordinance (Ordinance 4401), which creates difficulty for staff in administering the regulations and difficulty for community members and property owners in understanding the regulations. Staff believes that the inclusion in the Zoning Ordinance will improve organization and consistency. A similar practice will be employed as the Planning Department begins to update other stand-alone land use ordinances that exist in McMinnville's land use planning program.

It is important to note that staff is proposing to preserve much of the existing Historic Preservation Ordinance (Ordinance 4401). Major components of the existing Historic Preservation Ordinance will not be deleted, but are proposed to be copied over into the draft amendments to the Zoning Ordinance. The formatting has been updated to be consistent with other chapters in Title 17 of the McMinnville City Code, which is the Zoning Ordinance. For this reason, and to identify which text is remaining and which is being deleted, a version of the proposed amendments showing text proposed to be removed in ~~strike through~~ and text proposed to be added in **bold and underline** is attached for your reference. The language that is included in the decision document and future ordinance for City Council consideration does not show the existing text, and only shows the language proposed to be adopted into the Zoning Ordinance.

- 2) Updated review criteria to be considered in the designation of a historic resource.

Sections Amended: Section 17.65.030(C); Section 17.65.030(F)

Reasoning for Amendment: OAR 660-023-0200(5)(a) requires that local governments use the National Register Criteria for Evaluation when determining the significance of a potential historic resource. For that reason, the National Register Criteria have been added to the review criteria that the Historic Landmarks Committee will use in making decisions on additions or changes to the Historic Resources Inventory. However, the OARs give local governments the ability to use other criteria in addition to the National Register Criteria. Therefore, staff is proposing to keep the original review criteria that the Historic Landmarks Committee used to create the existing Historic Resources Inventory. Existing

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historic resources were scored and evaluated based on those original criteria, so staff believes it would be beneficial to still have the ability to refer to those criteria during any consideration of a change to the level of significance of an existing historic resource.

OAR 660-023-0200(9) requires different review criteria to be used in considering deletions from the Historic Resources Inventory. Those criteria have been added as Section 17.65.030(F).

- 3) Inclusion of owner consent definitions and processes to be consistent with the new rules and the ruling of *Lake Oswego Preservation Society v. City of Lake Oswego*.

Sections Amended: Section 17.65.020(I); Section 17.65.030(D); Section 17.65.030(E)

Reasoning for Amendment: OAR 660-023-0200(6)(b) requires that local governments allow for owners of historic resources to refuse designation at any point during the designation process. Also, it establishes a process by which a property owner can request that a historic resource be removed from a local inventory. This language and the process, including the criteria that an owner must meet to request and be granted removal from the Historic Resources Inventory, have been added to Section 17.65.030(D) and Section 17.65.030(E). Also, the definition of “owner” has been added to our definitions list in Section 17.65.020(I), and refers to the same definition of “owner” that is used in the OARs.

- 4) The inclusion of the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation as review criteria for the consideration of the alteration of any historic landmark.

Sections Amended: Section 17.65.020(F); 17.65.060(B)(2)

Reasoning for Amendment: OAR 660-023-0200(7) requires that locally significant historic resources included on the Historic Resources Inventory be protected. Specifically, the OARs state that the protection of locally significant historic resources should be consistent with the Standards and Guidelines for Archeology and Historic Preservation published by the U.S. Secretary of the Interior, produced by the National Park Service. Therefore, staff has added these Secretary of the Interior Standards and Guidelines as review criteria for the consideration of an alteration of a historic landmark.

It is important to note that, as drafted, the proposed amendments result in the Secretary of the Interior Standards and Guidelines applying only to alterations to historic landmarks, which are those historic resources that are classified as “Distinctive” or “Significant” on the Historic Resources Inventory. Staff sought clarification from the State Historic Preservation Office (SHPO) as to whether the City had the ability to only apply the Secretary of the Interior Standards and Guidelines to historic landmarks, or whether those Standards and Guidelines were required to apply to all historic resources included on our Historic Resources Inventory. SHPO clarified that the Secretary of the Interior Standards only need to apply to resources that the local government determines to be Goal 5 resources – or those resources that are “locally significant historic resources”. Therefore, staff is proposing to amend the definition of “Historic Landmark” to include the following statement:

Historic Landmark: Any historic resource which is classified as “Distinctive” or “Significant” on the McMinnville Historic Resources Inventory. **Historic landmarks are also locally significant historic resources as defined by OAR 660-023-0200(1)(j).**

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This will ensure that only historic landmarks are subject to the Secretary of the Interior Standards and Guidelines. This is consistent with the City of McMinnville's existing treatment of resources that are included on the Historic Resources Inventory. Currently, only "Distinctive" and "Significant" historic resources are subject to a review process and subject to design standards and guidelines. Resources that are designated as "Contributory" or "Environmental" have never been subject to a review process or the design standards and guidelines, and the proposed amendments would not change that.

- 5) Inclusion of all National Register for Historic Places as protected resources, and the exclusion of accessory structures and non-contributing resources within a National Register nomination from the review and protection requirements.

Sections Amended: Section 17.65.040(A)

Reasoning for Amendment: OAR 660-023-0200(8) requires that local governments protect National Register resources. There are a number of National Register resources in the city, particularly within the Historic Downtown District. While most all of the National Register resources in the city are included on the Historic Resources Inventory, some sites within the Historic Downtown District are not or are designated as "Contributory" or "Environmental" historic resources. As described above, those types of resources would not be subject to our local review process and the design standards and guidelines.

To be consistent with the OARs and ensure that all National Register resources are protected, resources that are listed on the National Register have been included specifically as a type of resource that is subject to the Certificate of Approval review process (the Certificate of Approval review process is another proposed amendment, which is discussed in more detail below).

The OARs do give local governments the ability to decide whether non-contributing resources and accessory structures within a National Register nomination should be excluded from the local protection process. Based on feedback from the Historic Landmarks Committee at previous meetings, the draft amendments proposed by staff include this exclusion of accessory structures and non-contributing resources within a National Register nomination. The Historic Landmarks Committee did not believe that it would be reasonable to subject those types of resources and accessory structures to design standards and guidelines, as they likely were not constructed during any period of significance and may not include any historical architectural characteristics.

- 6) The establishment of a public hearing process for the demolition or moving of National Register resources, as well as a review process and criteria for the consideration of the demolition or moving of National Register resources.

Sections Amended: Section 17.65.050; Section 17.65.050(D)

Reasoning for Amendment: As discussed above, OAR 660-023-0200(8) requires that National Register resources be protected by local review processes. By specifically including National Register resources as a type of resource that will be subject to the Certificate of Approval review process, any request for a demolition or moving of a National Register resource must meet specific review criteria in Section 17.65.050(B). OAR 660-023-0200(8)(a) required that these types of requests be considered against a number of factors including the historic resource's 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. Staff believes that the existing review criteria for the demolition or moving of historic resources, which

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will now also apply to National Register resources, were consistent with the types of factors that the OARs required to be considered, so no amendments are proposed to those review criteria in Section 17.65.050(B).

OAR 660-023-0200(8)(a) does also require that demolition or moving requests for National Register resources be considered by the Historic Landmarks Committee during a public hearing. Therefore, staff is proposing to add this requirement to our local process in Section 17.65.050(D). That amendment would require the public hearing, and would allow for the City to process it subject to the procedures in Section 17.72.120 of the McMinnville Zoning Ordinance. This section of the zoning ordinance includes the notification processes, including notification in the News Register and to surrounding property owners, and timeframes for which the public hearing would be held.

- 7) Creation of a Certificate of Approval process to replace the existing Building Permit Clearance review process. Currently, only alterations that require a building permit are subject to the historic preservation standards and review process. The Certificate of Approval process will apply in more situations.

Sections Amended: Section 17.65.020(A); Section 17.65.040; Section 17.65.060

Reasoning for Amendment: The Historic Landmarks Committee, in discussion at previous meetings, expressed concern with the fact that some alterations of historic resources were not subject to review against the relevant review criteria. The review criteria for the alteration of historic resources include standards such as the retention of exterior building materials, colors, and original architectural features. However, some types of alterations could be completed to drastically alter the exterior appearance of a resource without a building permit, which would not trigger a review process to ensure that the alteration met the relevant design standards.

This discrepancy in the code was realized recently, when a property owner proposed to replace windows and change the exterior building materials on an entire building façade. Neither of those types of construction required a building permit, so the Historic Landmarks Committee had no authority to require any changes to the proposed alterations to ensure that the design standards were being met. Based on those discrepancies, staff is proposing to remove the Building Permit Clearance process currently included in the Historic Preservation Ordinance, and instead adopt a Certificate of Approval process that would apply in more situations.

The Certificate of Approval process would apply to any exterior alteration, and would not be triggered by a building permit. Rather, the definition of “alteration” is proposed to be updated as follows:

**Alteration:** The addition to, removal of, removal from, or physical modification and/or repair of any exterior part or portion of an historic landmark 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.

There is still some subjectivity in determining when an alteration results in a change in design, materials, or appearance, and when general repairs are not considered alterations. Therefore, staff is proposing to also include, in Section 17.65.060 (review process for exterior alterations), the ability for the Planning Director to determine whether any proposed activity or exterior alteration meets the definition of an alteration. In other words, the Planning Director has the ability to determine whether a proposed activity results in a change to a historic resource’s design, materials, or appearance.

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Also, as discussed above, the Certificate of Approval process for exterior alterations would only apply to historic landmarks, or those resources designated as “Distinctive” or “Significant” on the Historic Resources Inventory. A Certificate of Approval would also be the type of approval required for the demolition or moving of a historic resource or any resource listed on the National Register.

- 8) Relocation of the Historic Landmarks Committee bylaws.

**Sections Amended:** Sections 3, 4, and 5 from Ordinance 4401 will be removed and will not be included in the proposed Chapter 17.65 of the Zoning Ordinance

**Reasoning for Amendment:** The Planning Department is working through a process to better organize and consolidate the language throughout the city’s land use planning program related to committees and commissions. Staff is proposing to adopt language into a section of the City Code related to the establishment and bylaws for the Historic Landmarks Committee. A similar process and consolidation was just completed for the City’s Landscape Review Committee.

The Historic Landmarks Committee processes would largely remain the same, with roles, terms, number of committee members, and meeting processes unchanged. Some new language will be added for consistency with other committee and commission processes.

### **Updates to Downtown Design Standards and Guidelines**

In addition to making updates to the Historic Preservation Ordinance, staff is proposing that an update be made to the Downtown Design Standards and Guidelines chapter of the McMinnville Zoning Ordinance (Chapter 17.59). The amendments are driven by another discussion at a previous Historic Landmarks Committee meeting, and are very much related to the reasoning for the creation of the Certificate of Approval process described above. Currently, the Downtown Design Standards and Guidelines apply only to exterior building alterations that require a building permit. This creates a difficulty in allowing the City to ensure that proposed alterations actually meet the Downtown Design Standards and Guidelines.

Some of the Downtown Design Standards and Guidelines deal with aspects of a structure that normally don’t require a building permit. This is particularly true for the use of exterior building materials, in terms of the types of building materials being used, changes in exterior building materials, and colors proposed for exterior building materials. Also, alterations that are subject to the Downtown Design Standards and Guidelines must be consistent with the City’s Historic Preservation Ordinance, as stated in Section 17.59.040(A)(1). As discussed in more detail above, many of the Historic Preservation standards and guidelines deal with exterior building materials whose alteration may not require a building permit.

For that reason, staff is proposing to amend the applicability section (Section 17.59.020(B)) of the Downtown Design Standards and Guidelines as follows:

- A. The provisions of this ordinance shall apply to the following activities conducted within the above described area:
  1. All new building construction;
  2. Any exterior building or site **alteration** ~~modification that requires a building permit;~~ and,
  3. All new signage.

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This amendment would allow for the Downtown Design Standards and Guidelines to apply whenever an alteration is proposed. The applicability section of this chapter, in Section 17.59.020(C), also goes on to state that the Downtown Design Standards and Guidelines do not apply to the:

Maintenance of the exterior of an existing structure, such as re-roofing, re-siding, or repainting where similar materials and colors are used that comply with this ordinance.

As with the Certificate of Approval process, there is still some subjectivity as to whether an alteration complies with the Downtown Design Standards and Guidelines. Therefore, staff is proposing to add an additional provision to the applicability section to give the Planning Director the ability to determine whether any proposed maintenance activity is subject to the Downtown Design Standards and Guidelines review process. The proposed provision is as follows:

- D. The Planning Director shall determine whether any proposed maintenance activity complies with this ordinance and whether the proposed activity is subject to the review procedures contained in this chapter.**

As amendments to the Downtown Design Standards and Guidelines chapter are being considered, staff is also proposing that some additional language and updates be made to the Review Process in Section 17.59.030(C) and the Review Criteria in Section 17.59.040(A)(2). Staff is proposing to include amendments that give the Planning Department the ability to review an application for completeness, that provide notification for the review of certain applications, and that update the timeframes to complete the review to be more consistent with other land use planning review processes completed by the City.

Also, staff is proposing that the Planning Director have the ability to review minor alterations, and that only applications for major alterations or new construction would go before the Historic Landmarks Committee for review. This is consistent with the current review process, as the Planning Director has the ability to approve applications that are consistent with the Design Standards and Guidelines. The Planning Director would have the ability to determine whether a proposed alteration is minor or major.

In terms of the amendments to the review criteria, one of the current criteria is that any application would be subject to the City's Historic Preservation Ordinance and the design standards and guidelines contained in that ordinance. Staff is proposing to keep that reference to the Historic Preservation Ordinance in the Downtown Design Standards and Guidelines review criteria, but update it to reference Chapter 17.65 (the new Zoning Ordinance chapter that would replace Ordinance 4401) and only have the criteria apply to those types of structures that would normally be subject to the Historic Preservation review criteria (historic landmarks and structures listed on the National Register).

### **Updates to Chapter 17.72 - Applications and Review Process**

The amendments to the Review Process in Section 17.59.030(C) and the Review Criteria in Section 17.59.040(A)(2) of the Downtown Design Standards and Guidelines, as described in more detail above, result in the need to make minor updates to the Applications and Review Process chapter of the Zoning Ordinance to maintain consistency with the other sections of the Zoning Ordinance. In addition, a request to demolish a National Register of Historic Places structure has been added as a type of application that would be considered during a public hearing by the Historic Landmarks Committee, again to maintain consistency with other chapters of the Zoning Ordinance.

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**Fiscal Impact:**

None.

**Commission Options:**

- 1) Close the public hearing and recommend that the City Council **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

**Recommendation/Suggested Motion:**

The Planning Department recommends that the Commission make the following motion recommending approval of G 3-17 to the City Council:

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE CITY OF McMinnville, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE G 3-17 AND THE ZONING TEXT AMMENDMENTS AS RECOMMENDED BY STAFF.**

CD:sjs

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**DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO CHAPTER 17.59 (DOWNTOWN DESIGN STANDARDS AND GUIDELINES), CHAPTER 17.65 (HISTORIC PRESERVATION) AND CHAPTER 17.72 (APPLICATION AND REVIEW PROCESS).**

**DOCKET:** G 3-17

**REQUEST:** The City of McMinnville is proposing to amend Chapter 17.59 (Downtown Design Standards and Guidelines), Chapter 17.65 (Historic Preservation) and Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance to update provisions related to the protection of historic resources in the city. The amendments will ensure consistency with recently adopted Oregon Administrative Rules related to compliance with Oregon Statewide Planning Goal 5, which provides the framework for local governments to follow in protecting historic resources. Other amendments include updates to review processes for both historic resources and properties in the Historic Downtown District.

**LOCATION:** N/A

**ZONING:** N/A

**APPLICANT:** City of McMinnville

**STAFF:** Chuck Darnell, Associate Planner

**HEARINGS BODY:** McMinnville Planning Commission

**DATE & TIME:** July 20, 2017. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**DECISION MAKING BODY:** McMinnville City Council

**DATE & TIME:** August 8, 2017. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**COMMENTS:** This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development. No comments in opposition have been provided.

**DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the legislative zoning text amendments (G 3-17) to the McMinnville City Council.

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**DECISION: APPROVAL**  
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City Council: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

Date: \_\_\_\_\_

Planning Commission: \_\_\_\_\_  
Roger Hall, Chair of the McMinnville Planning Commission

Date: \_\_\_\_\_

Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: \_\_\_\_\_

## **Application Summary:**

The City of McMinnville is proposing to amend Chapter 17.59 (Downtown Design Standards and Guidelines), Chapter 17.65 (Historic Preservation) and Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance to update provisions related to the protection of historic resources in the city. The amendments will ensure consistency with recently adopted Oregon Administrative Rules related to compliance with Oregon Statewide Planning Goal 5, which provides the framework for local governments to follow in protecting historic resources. Other amendments include updates to review processes for both historic resources and properties in the Historic Downtown District.

The Historic Landmarks Committee reviewed the adopted amendments to OAR 660-023-0200 at a series of previous meetings, and staff has used feedback from those meetings to draft amendments to the City of McMinnville's Historic Preservation ordinance. An update on the potential for these amendments was provided to the Planning Commission during a work session on May 18, 2017. Since that meeting, staff finalized proposed amendments to the Historic Preservation ordinance, as well as the Downtown Design Standards and Guidelines chapter of the Zoning Ordinance. The proposed amendments were presented to the Historic Landmarks Committee at their June 28, 2017 regular meeting. The Historic Landmarks Committee recommended that the proposed amendments be approved, and that they be brought forward for Planning Commission and City Council review.

The Planning Commission reviewed and considered the amendments during a public hearing at their July 20, 2017 regular meeting.

## **CONDITIONS OF APPROVAL**

None.

## **ATTACHMENTS**

1. Amendments to Chapter 17.59 – Downtown Design Standards and Guidelines (Attachment 1)
2. Amendments to Chapter 17.65 – Historic Preservation (Attachment 2)
3. Amendments to Chapter 17.72 – Applications and Review Process (Attachment 3)

## **COMMENTS**

This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development. No comments in opposition were received.

## **FINDINGS OF FACT**

1. The City of McMinnville is proposing to amend Chapter 17.59 (Downtown Design Standards and Guidelines), Chapter 17.65 (Historic Preservation) and Chapter 17.72 (Applications and Review Process) of the McMinnville Zoning Ordinance to update provisions related to the protection of historic resources in the city. The amendments will ensure consistency with recently adopted Oregon Administrative Rules related to compliance with Oregon Statewide Planning Goal 5, which provides the framework for local governments to follow in protecting historic resources. Other amendments include updates to review processes for both historic resources and properties in the Historic Downtown District.

2. The McMinnville Historic Landmarks Committee began reviewing and discussing the Oregon Administrative Rules, the Historic Preservation Ordinance (Ordinance 4401), and existing Downtown Design Standards and Guidelines chapter of the McMinnville Zoning Ordinance in 2016, and then began to consider amendments at their February 22, 2017, April 25, 2017, May 24, 2017 regular meetings. Based on conversations and recommendations from those meetings, staff developed draft zoning text amendments, and the Historic Landmarks Committee reviewed those at their June 28, 2017 regular meeting. The Historic Landmarks Committee, after final discussion, recommended that those proposed zoning text amendments, being fully endorsed by the Historic Landmarks Committee, be brought forward for review and consideration by the Planning Commission.
3. This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development. No comments in opposition have been provided.
4. Public notification of the public hearing held by the Planning Commission was published in the July 11, 2017 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing.

### **CONCLUSIONARY FINDINGS**

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

**GOAL III 2:** TO PRESERVE AND PROTECT SITES, STRUCTURES, AREAS, AND OBJECTS OF HISTORICAL, CULTURAL, ARCHITECTURAL, OR ARCHAEOLOGICAL SIGNIFICANCE TO THE CITY OF McMINNVILLE.

*Policy 15.00: The City of McMinnville shall establish a program for the identification and preservation of significant sites, structures, objects, and areas.*

*Policy 39.00: The City of McMinnville will, by the time of the first plan update (1985), conduct a thorough study (consistent with the requirements of Statewide Planning Goal #5) of the 515 resources included in the 1980 Historical Survey and the properties listed on the 1976 Inventory of Historical Sites (Figure III-1, Volume I, McMinnville Comprehensive Plan) and place those structures and sites which are found to warrant preservation on a list of historic buildings and places. The City shall also study other buildings and sites which were not included on the 1976 and 1980 inventories and place those so warranted on the list of historic buildings and places. The City shall then adopt an historic preservation ordinance which is consistent with the requirements of Statewide Planning Goal #5 and which protects the structures and sites included on the list.*

Finding: Goal III 2, Policy 15.00 and Policy 39.00 are satisfied in that the amendments to the City of McMinnville's historic preservation program will keep in place the established program, the Historic Resources Inventory, for the identification, preservation, and protection of historic resources in the city. The amendments will also ensure that the historic preservation regulations are consistent with the requirements of Statewide Planning Goal #5, as recently amended by Oregon Administrative Rule 660-023-0200.

GOAL IV 4: TO PROMOTE THE DOWNTOWN AS A CULTURAL, ADMINISTRATIVE, SERVICE, AND RETAIL CENTER OF McMINNVILLE.

*Policy 38.00: The City of McMinnville shall encourage the renovation and rehabilitation of buildings in the downtown area, especially those of historical significance or unique design.*

Finding: Goal IV 4 and Policy 38.00 are satisfied in that the amendments to the Downtown Design Standards and Guidelines chapter of the McMinnville Zoning Ordinance will allow for the City to ensure that buildings are renovated and rehabilitated to meet the already adopted standards. The historic character of the downtown area is one of the reasons that the downtown area is a cultural center of McMinnville. Having a thorough review process in place will ensure that alterations to buildings in the downtown area will meet design standards and continue to contribute to the cultural and historical character of the downtown area.

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

*Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

CD:sjs

Chapter 17.59DOWNTOWN DESIGN STANDARDS AND GUIDELINES

(as adopted Ord. 4797, Oct. 23, 2003)

Sections:

- 17.59.010 Purpose
- 17.59.020 Applicability
- 17.59.030 Review Process
- 17.59.040 Review Criteria
- 17.59.050 Building and Site Design
- 17.59.060 Surface Parking Lots
- 17.59.070 Awnings
- 17.59.080 Signs

17.59.010 Purpose. To provide for the protection, enhancement and preservation of buildings, structures, and other elements in the downtown core which contribute to its special historic and cultural value. Further, it is not the purpose of this ordinance to create a “themed” or artificial downtown environment. Rather, its purpose is to build on the “main street” qualities that currently exist within the downtown and to foster an organized, coordinated, and cohesive historic district that reflects the “sense of place,” economic base, and history unique to McMinnville and the downtown core. (Ord. 4797 §1, 2003).

17.59.020 Applicability.

- A. The provisions of this Chapter shall apply to all lands located within the area bounded to the west by Adams Street, to the north by 4<sup>th</sup> Street, to the east by Kirby Street, and to the south by 1<sup>st</sup> Street. Lands immediately adjacent to the west of Adams Street, from 1<sup>st</sup> Street to 4<sup>th</sup> Street, are also subject to the provisions of this Chapter.
- B. The provisions of this ordinance shall apply to the following activities conducted within the above described area:
  - 1. All new building construction;
  - 2. Any exterior building or site alteration ~~modification that requires a building permit~~; and,
  - 3. All new signage.
- C. This ordinance shall not apply to the following activities or uses:
  - 1. Maintenance of the exterior of an existing structure, such as re-roofing, re-siding, or repainting where similar materials and colors are used that comply with this ordinance;
  - 2. Interior remodeling; and,
  - 3. Single-family detached housing.
- D. The Planning Director shall determine whether any proposed maintenance activity complies with this ordinance and whether the

**proposed activity is subject to the review procedures contained in this chapter.**

- E. This ordinance shall apply only to those portions of a building or sign that are proposed for construction or modification and shall not extend to other elements of the building or sign that may be out of compliance with the requirements of this ordinance (i.e., a permit to replace a single window shall not require that all other windows on the building that may be out of compliance with this ordinance to be replaced, unless such action is initiated by the property owner). However, if a building should be destroyed due to fire, accident, or an act of God, the new or replacement structure shall be rebuilt to conform to the requirements of this ordinance. (Ord. 4797 §1, 2003).

**17.59.030 Review Process.**

- A. An application for a ~~building permit for an~~ **any** activity subject to the provisions of this ordinance shall be submitted to the Planning Department and shall be subject to the procedures listed in (B) through (E) below.
- B. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040. The application shall include the following information:
1. The applicant shall submit two (2) copies of the following information:
    - a. A site plan (for new construction or for structural modifications).
    - b. Building and construction drawings.
    - c. Building elevations of all visible sides.
  2. The site plan shall include the following information:
    - a. Existing conditions on the site including topography, streetscape, curbcuts, and building condition.
    - b. Details of proposed construction or modification to the existing structure.
    - c. Exterior building elevations for the proposed structure, and also for the adjacent structures.
  3. A narrative describing the architectural features that will be constructed and how they fit into the context of the Downtown Historic District.
  4. Photographs of the subject site and adjacent property.
  5. Other information deemed necessary by the Planning Director, or his/her designee, to allow review of the applicant's proposal. The Planning Director, or his/her designee, may also waive the submittal of certain information based upon the character and complexity (or simplicity) of the proposal.
- C. Review Process
1. Applications shall be ~~reviewed~~ **submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040. The Planning Director shall review the application and determine whether the proposed activity is in compliance with the requirements of this ordinance.** ~~and notification shall be provided subject to the provisions of Section 17.72.110. If the Planning Director finds the proposed activity to be in compliance with the requirements of~~

~~this ordinance, a permit clearance form shall be submitted to the Building Department, which will indicate that the requirements of this ordinance have been satisfied.~~

2. ~~If the Planning Director finds the proposed activity to be in noncompliance with the requirements of this ordinance, he shall immediately issue a "notice of delay" to the Building Official and call for a meeting of the Historic Landmarks Committee to review the application.~~ **The Planning Director may review applications for minor alterations subject to the review criteria stated in Section 17.59.040. The Historic Landmarks Committee shall review applications for major alterations and new construction, subject to the review criteria stated in Section 17.59.040. It shall be the Planning Director's decision as to whether an alteration is minor or major.**
  3. **Notification shall be provided for the review of applications for major alterations and new construction, subject to the provisions of Section 17.72.110.**
    - a. The Historic Landmarks Committee shall meet within **30 (thirty)**~~25 (twenty-five)~~ days of the date the ~~completed~~ application was submitted to **deemed complete by** the Planning Department. The applicant shall be notified of the time and place of the review and is encouraged to be present, although their presence shall not be necessary for action on the plans. A failure **by the Planning Director or Historic Landmarks Committee, as applicable,** to review within **30 (thirty)**~~25 (twenty-five)~~ days shall be considered an approval of the application.
    - b. If the **Planning Director or** Historic Landmarks Committee, **as applicable,** finds the proposed activity to be in compliance with the provisions of this ordinance, they shall **approve the application** ~~the Planning Director, or his/her designee, to submit to the Building Department a permit clearance form.~~
    - c. If the **Planning Director or** Historic Landmarks Committee, **as applicable,** finds the proposed activity in noncompliance with the provisions of this ordinance, they may deny the application, or approve it with conditions as may be necessary to bring the activity into compliance with this ordinance.
- D. Waiver Process  
A guideline or standard contained in this ordinance may be waived as part of the design review process when it can be demonstrated that the proposed design satisfies or exceeds the downtown design goals and objectives of this ordinance. If a waiver is requested, the applicant must explain in their application how the proposed design satisfies or exceeds these goals and objectives. A request for a waiver to the standards of this ordinance shall be reviewed by the McMinnville Historic Landmarks Committee, as described in Section 17.59.030(C)(2).
- E. Appeal  
An appeal of a decision by the Planning Director or Historic Landmarks Committee, including an appeal of conditions placed on the permit by the



committee, may be made to the Planning Commission as outlined in Section 17.72.170. (Ord. 4920, §4, 2010; Ord. 4797 §1, 2003).

17.59.040 Review Criteria

- A. In addition to the guidelines and standards contained in this ordinance, the review body shall base their decision to approve, approve with conditions, or deny the application, on the following criteria:
1. The City's historic preservation policies set forth in the Comprehensive Plan;
  2. **If a structure is designated as a historic landmark on the City's Historic Resources Inventory or is listed on the National Register for Historic Places, The the City's historic preservation regulations in Chapter 17.65 ordinance (no. 4401), and in particular, the standards and guidelines** criteria contained in **Section 17.65.060(2)**~~Section 10~~; and
  3. If applicable (waiver request), that all of the following circumstances are found to exist:
    - a. There is a demonstrable difficulty in meeting the specific requirements of this Chapter due to a unique or unusual aspect of the site, an existing structure, or proposed use of the site;
    - b. There is demonstrable evidence that the alternative design accomplishes the purpose of this Chapter in a manner that is equal or superior to a project designed consistent with the standards contained herein; and
    - c. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this Chapter. (Ord. 4797 §1, 2003).

[...]

Chapter 17.65HISTORIC PRESERVATIONSections:

- 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, Moving, or New Construction
- 17.65.060 Exterior Alteration or Remodeling
- 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. The following terms shall mean:

- A. 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.
- B. 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.
- C. Demolition: To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin to an historic resource.
- D. Exterior: Any portion of the outside of an historic resource.
- E. 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.
- F. Historic Landmark: Any historic resource which is classified as “Distinctive” or “Significant” on the McMinnville Historic Resources Inventory. Historic landmarks are also locally significant historic resources as defined by OAR 660-023-0200(1)(j).
  - G. Historic Resources: Any site, structure, building, district, or object that is included on the Historic Resources Inventory.
  - H. Historic Resources inventory: The product of the 1983/84 Historic Resources Survey. 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:
    - 1. Distinctive: Resources outstanding for architectural or historic reasons and potentially worthy of nomination to the National Register of Historic Places;
    - 2. Significant: Resources of recognized importance to the City due to historical association or architectural integrity, uniqueness, or quality;
    - 3. Contributory: 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
    - 4. Environmental: This category includes all resources surveyed that were not classified as distinctive, significant, or contributory. The resources comprise an historic context within the community.
  - I. Owner: As defined by OAR 660-023-0200(1)(h).

17.65.030 Historic Resources Inventory. The McMinnville Historic Resources Inventory, compiled in 1983/84, 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.

- 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. 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 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. 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.

- 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 include a site, structure, building, or object on the inventory if the owner objects to its designation on the public record. The Historic Landmarks Committee is not required to remove a historic resource from the inventory because an owner refuses to consent to designation.
- E. 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; and
  3. Was not provided an opportunity to object to the designation; or
  4. Requests that the Historic Landmarks Committee remove the resource from the inventory.
- F. 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 of any historic resource.

17.65.050 Demolition, Moving, or New Construction. The property owner shall submit an application for a Certificate of Approval for the demolition or moving of an historic resource, any resource that is listed on the National Register for Historic Places, or for new construction on historical sites on which no structure exists. 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 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.

- 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 economic use of the historic resource and the reasonableness of

- the proposed action and their relationship to the historic resource preservation or renovation;
3. The value and significance of the historic resource;
  4. The physical condition of the historic resource;
  5. Whether the historic resource constitutes a hazard to the safety of the public or its occupants;
  6. Whether the historic 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 of the historic resource would cause financial hardship to the owner not outweighed by the public interest in the resource's preservation; and
  8. Whether retention of the historic 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.
- C. If the structure for which a demolition permit request has been filed has been damaged in excess of seventy percent (70%) 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.
- D. The Historic Landmarks Committee shall hold a public hearing to consider applications for the demolition or moving of any resource listed on National Register consistent with the procedures in Section 17.72.120 of the McMinnville Zoning Ordinance.
- E. 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 twenty (20) black and white photographs with negatives or twenty (20) color slide photographs. 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.
- F. If any proposed new construction is located in the downtown core as defined by Section 17.59.020 (A) of the McMinnville Zoning Ordinance, the new construction shall also comply with the requirements of Chapter 17.59 (Downtown Design Standards and Guidelines).

17.65.060 Exterior Alteration or Remodeling. The property owner shall submit an application for a Certificate of Approval for any exterior alteration to an historic landmark or any resource that is listed on the National Register for Historic Places. 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) black and white photographs with negatives or twenty (20) color slide photographs. 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).

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).**

Chapter 17.72

APPLICATIONS AND REVIEW PROCESS

[...]

17.72.090 Application Review Summary Table. The following table offers an overview of land use applications and corresponding review body. Additional information regarding the notification and approval criteria for specific land use applications can be found by referring to the procedural reference section in the right-hand column of the table. Information regarding the hearing body and the hearing procedure can be found in this chapter. (Ord. 4984 §1, 2014).

<u>Review Process</u>	<u>Land Use Application</u>	<u>Zoning Ordinance Reference</u>
<b>Applications and Permits-Director’s Review Without Notification</b>	Home Occupation Permit	17.67
	Large Format Commercial Design Review (standard)	17.56.040
	Manufactured Home Park Permit	Ord. No.4220
	Model Home Permit	17.54.060
	Property Line Adjustment	17.53.050
	Recreational Vehicle Park Permit	Ord. No.4220-Section 12
	Temporary Living Unit Permit	17.54.070
	<u>Downtown Design Review (minor alterations)</u>	<u>17.59.030-040</u>
<b>Applications-Director’s Review with Notification</b>	Administrative Variance	17.74.080-090
	Bed and Breakfast	17.12.010(N)
	Classification of an Unlisted Use	17.54.010
	Large Format Commercial Design Review (variation to prescribed standards)	17.56.040
	Partition	17.53.060
	Subdivision-up to 10 lots	17.53.070
	Three Mile Lane Design Review	Ord. Nos. 4131, 4572
	Transitional Parking Permit	17.60.130
	Vacation Home Rental	17.12.010(O)
	<u>Downtown Design Review (major alterations or waivers, reviewed by Historic Landmarks Committee)</u>	<u>17.59.030-040</u>
<b>Applications Public Hearing-Planning Commission</b>	Annexations* **	Ord. No. 4357
	Appeal of Director’s Decision	17.72.170
	Application (Director’s Decision) for which a Public Hearing is Requested	17.72.120
	Comprehensive Plan Map or Text Amendment*	17.74.020
	Conditional Use Permit	17.74.030-060
	Planned Development Amendment*	17.74.070

	Legislative Amendment *	17.72.120
	Subdivision (more than 10 lots)	17.53.070
	Variance	17.74.100-130
	Zone Change*	17.74.020
<b>Public Hearing- City Council</b>	Appeal of Planning Commission's Decision	17.72.180
	Hearings Initiated by City Council	17.72.130
<b>MUAMC***</b>	Urban Growth Boundary (UGB) Amendment	Ord. Nos. 4130,4146
<b><u>Public Hearing - Historic Landmarks Committee</u></b>	<b><u>Demolition of National Register of Historic Places Structure</u></b>	<b><u>17.65.050 (D)</u></b>

\* Following Public Hearing, Planning Commission makes recommendation to City Council

\*\* Following City Council recommendation, Annexation requests are subject to voter approval

\*\*\* McMinnville Urban Area Management Commission

**17.72.100 Applications and Permits – Director's Review without Notification.**

The following applications are subject to the Planning Director's review for which a decision shall be made within 20 (twenty) working days from the date that a complete application is received. Applications shall be submitted as required in Section 17.72.020.

▪ **Downtown Design Review (minor alterations)**

- Home Occupation Permit
- Large Format Commercial Development (not involving a variation to standards)
- Mobile Home Park Permit
- Model Home Permit
- Property Line Adjustment
- Recreational Vehicle Permit
- Temporary Living Unit Permit

Notice to neighboring property owners for the above land use applications and permits is not provided. Prior to a decision, the Director may forward the application to other City departments for review and comment. The Planning Department shall provide written notice of the decision to all parties who participated and, in the case of a Temporary Living Unit permit, to the abutting property owners.

**17.72.110 Applications – Director's Review with Notification.** The following applications shall be submitted as stated above in Section 17.72.020 and shall be reviewed by the Planning Director or designee.

- Administrative Variance
- Bed and Breakfast (Less than three (3) guest sleeping rooms)
- Classification of an Unlisted Use
- Downtown Design Review (**major alterations or waivers, reviewed by Historic Landmarks Committee**)
- Large Format Commercial Development (variation to standard)
- Tentative Partition
- Tentative Subdivision (up to 10 lots)

- Three Mile Lane Design Review
- Transitional Parking Permit
- Vacation Home Rental
  - A. Notice of the request shall be provided to owners of property within 100 feet of the site for which the application is made. For applications involving classification of an unlisted use, the only notification provided shall be that published in a newspaper of general circulation a minimum of 14 (fourteen) days prior to a decision being rendered. Notices for applications listed in Section 17.72.110 shall:
    1. Provide a 14 (fourteen) day period for submission of written comments prior to the decision;
    2. State that issues which may provide the basis for an appeal to the Land Use Board of appeals (LUBA) shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;
    3. List, by commonly used citation, the applicable criteria for the decision;
    4. Set forth the street address or other easily understood geographical reference to the subject property;
    5. State the place, date and time that comments are due;
    6. State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
    7. Include the name and phone number of a local government contact person;
    8. Provide notice of the decision to the applicant and any person who submits comments under subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal rights; and
    9. Briefly summarize the local decision making process for the land use decision being made.
  - B. During the 14 (fourteen) day comment period, a person who has received notice may request a public hearing following the procedure as outlined in Section 17.72.120.
  - C. The Director or designee shall make a decision for the above applications within 30 (thirty) days following the close of the 14 (fourteen) day comment period. The Director's decision may be appealed as outlined in Section 17.72.170. (Ord. 4984 §1, 2014).

17.72.120 Applications – Public Hearings. The Planning Commission shall hold at least one public hearing on the following land use applications.

- Annexation
- Appeal of a Planning Director's Decision
- Application with Director's decision for which a public hearing is requested
- Comprehensive Plan Map Amendment
- Comprehensive Plan Text Amendment
- Conditional Use Permit
- **Demolition of National Register of Historic Places Structure (Public hearing held by the Historic Landmarks Committee)**
- Planned Development

- Planned Development Amendment
- Tentative Subdivision (more than 10 lots)
- Urban Growth Boundary Amendment
- Variance
- Zone Change
- Zoning Ordinance Text Amendment
- Any application listed in Section 17.72.110 for which a public hearing is requested.

The above applications are subject to the following submittal, notice, and hearing requirements:

- A. Applications must be filed not less than 35 (thirty-five) days prior to the date of the public hearing. Applications other than those involving text amendments or other legislative matters shall be reviewed for completeness as outlined above in Section 17.72.040.
- B. The Director shall send a copy of the proposal to any agency or City department identified by the Director as having interest in the proposal including those agencies and departments responsible for determining compliance with state and federal requirements. The notified agency may provide written comment regarding the proposal.
- C. An application to amend the comprehensive plan map, zoning ordinance text, comprehensive plan text or other application requiring notice to the Department of Land Conservation (DLC) and Development Commission as a “post acknowledgment plan amendment” shall be submitted to the Planning Department a minimum of 55 (fifty-five) days prior to the date of the public hearing so that notice of the application can be provided to the DLC.
- D. Notice of the public hearing shall be published in a newspaper of general circulation in the City, not less than five (5) days nor more than 15 (fifteen) days prior to the date of the public hearing.
- E. Written notice of a variance request shall be mailed to the applicant and all property owners within 100 feet of the exterior boundary of the subject property, and within 200 feet of the exterior boundary of the subject property for an application for a conditional use permit not fewer than 20 (twenty) nor more than 30 (thirty) days prior to the date of the public hearing.
- F. Written notice of a request for applications other than those involving text amendments or other legislative matters shall be mailed to the applicant and all property owners within 300 feet of the exterior boundary of the subject property, not fewer than 20 (twenty) nor more than 30 (thirty) days prior to the date of the public hearing.

Written notice of an application to change a zone for all or part of a mobile home park shall be provided for the tenants of a mobile home park at least 20 (twenty) days but not more than 40 (forty) days before the date of the first public hearing on the applications. (Ord. 4984 §1, 2014).

[...]

## Chapter 17.65

HISTORIC PRESERVATIONSections:

17.65.010	Purpose
17.65.020	Definitions
17.65.030	Historic Resources Inventory
17.65.040	Certificate of Approval Process
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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. The following terms shall mean:

- A. 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.** historical landmark.
- B. **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.**
- C. Demolition: To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin to an historic resource.
- D. Exterior: Any portion of the outside of an historic resource.
- E. 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.

- F. Historic Landmark: Any historic resource which is classified as “Distinctive” or “Significant” on the McMinnville Historic Resources Inventory. **Historic landmarks are also locally significant historic resources as defined by OAR 660-023-0200(1)(j).**
- G. Historic Resources: Any site, structure, building, district, or object that is included on the Historic Resources Inventory.
- H. Historic Resources inventory: The product of the 1983/84 Historic Resources Survey. 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 **17.65.0306** of this ~~chapter~~ ordinance. The resources included in the inventory are classified as follows:
  - 1. Distinctive: Resources outstanding for architectural or historic reasons and potentially worthy of nomination to the National Register of Historic Places;
  - 2. Significant: Resources of recognized importance to the City due to historical association or architectural integrity, uniqueness, or quality;
  - 3. Contributory: 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
  - 4. Environmental: This category includes all resources surveyed that were not classified as distinctive, significant, or contributory. The resources comprise an historic context within the community.
- ~~I. Notice of Delay: A notice submitted to the Building Department by the Planning Director which indicates that an application does not conform with the requirements of the Historic Landmarks Ordinance and sets forth delay periods on the issuance of a building permit, a demolition permit, or a moving permit for an historic landmark.~~
- ~~J. Permit Clearance: indication that an application conforms with the requirements of the Historic Landmarks Ordinance and which must be submitted to the Building Department by the Planning Director prior to any building permit, demolition permit, or moving permit being issued for an historic landmark.~~
- I. Owner: As defined by OAR 660-023-0200(1)(h).**

**17.65.030 Historic Resources Inventory.** The McMinnville Historic Resources Inventory, compiled in 1983/84, 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.

- 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. **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 Historic Landmarks Committee shall act on such an application within **thirty (30) ~~twenty-one (21)~~ days of the date the application was deemed complete by the Planning Department.** ~~days of the date of the application.~~ 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. 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.
- C. The Historic Landmarks Committee shall base each decision regarding additions, ~~deletions,~~ 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 include a site, structure, building, or object on the inventory if the owner objects to its designation on the public record. The Historic Landmarks Committee is not required to remove a historic resource from the inventory because an owner refuses to consent to designation.

- E. 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; and**
  - 3. Was not provided an opportunity to object to the designation; or**
  - 4. Requests that the Historic Landmarks Committee remove the resource from the inventory.**
- F. 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 Permit Application Certificate of Approval Process.** An application for a building permit, moving permit, or a demolition permit for an building, structure, site, or object shall be submitted to the Building Official and shall be subject to procedures listed in (a), (b), and (c) below and in Sections 8 and 9. **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 of any historic resource.**
- (a) —“Environmental” Resources. The permit application process shall proceed as usual and no additional procedures shall apply to any resource classified as “environmental” on the Historic Resource Inventory.
- (b) —“Contributory” Resources. Upon receipt of an application or an inquiry regarding a building permit, moving permit, or demolition permit for any historic resource classified as “contributory” on the Historic Resources Inventory, the Building Official shall provide the property owner with information about the City’s

historic preservation program. The permit application process shall then proceed as usual.

(c) —“Historic Landmarks.” The following procedures apply:

(1) — Upon receipt of an inquiry regarding an application for the moving, alteration, or demolition of an historic landmark, the Building Official shall inform the Planning Director who shall direct the potential applicant to make application with the Historic Landmarks Committee.

(2) — Application for a building permit, moving permit, or demolition permit for an historic landmark must include an application for permit clearance. Any application to the Historic Landmarks Committee for alteration or demolition of an historic landmark shall be processed as an application for permit clearance. The application for permit clearance shall be in such form and detail as the Historic Landmarks Committee and Planning Director prescribe, and this may require the following: written description of proposal, legal description of property, site plan, minimum of five (5) exterior photographs, materials list, and architectural drawings of any proposed alterations.

17.65.050 Demolition, Moving, or New Construction. The Building Official shall submit all requests The property owner shall submit an application for a Certificate of Approval for the demolition or moving of an historic resource, any resource that is listed on the National Register for Historic Places, landmark and or for new construction on historical sites (landmarks) on which no structure exists, to the Planning Director who shall, within twenty-one (21) days, schedule a meeting of the 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 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) twenty-one (21) days shall be considered as an approval of the application.

- A. The Historic Landmarks Committee may approve, approve with conditions, or deny the application. delay the issuance of a demolition permit, moving permit, or building permit. The Historic Landmarks Committee may delay a permit for up to one hundred twenty (120) days from the date the request is received by the Building Department during which time they will provide the owner of the structure with possible alternatives for demolition, including information concerning local, state, and federal preservation programs. If the permit request affects a “distinctive” resource, the delay period may be extended an additional sixty (60) days.
- 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 economic use of the historic resource landmark and the reasonableness of the proposed action and their relationship to the historic resource landmark’s preservation or renovation;
  3. The value and significance of the historic resource landmark:

4. The physical condition of the historic resourcelandmark;
  5. Whether the historic resourcelandmark constitutes a hazard to the safety of the public or its occupants;
  6. Whether the historic resourcelandmark is a deterrent to an improvement program of substantial benefit to the City which overrides the public interest in its preservation;
  7. Whether retention of the historic resourcelandmark would cause financial hardship to the owner not outweighed by the public interest in the resourcelandmark's preservation; and
  8. Whether retention of the historic resourcelandmark 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 resourcelandmark 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.
- C. If the structure for which a demolition permit request has been filed has been damaged in excess of seventy percent (70%) of its assessed value due to fire, flood, wind, or other natural disaster, ~~permit clearance may be given by the Planning Director~~ **may approve the application** without processing the request through the Historic Landmarks Committee.
- D. **The Historic Landmarks Committee shall hold a public hearing to consider applications for the demolition or moving of any resource listed on National Register consistent with the procedures in Section 17.72.120 of the McMinnville Zoning Ordinance.**
- E. Any ~~permit~~**approval** may be conditioned by the Planning Director or the Historic Landmarks Committee to secure interior and/or exterior documentation of the resourcelandmark prior to the proposed action. Required documentation shall consist of no less than twenty (20) black and white photographs with negatives or twenty (20) color slide photographs. Any ~~permit~~**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.
- F. **If any proposed new construction is located in the downtown core as defined by Section 17.59.020 (A) of the McMinnville Zoning Ordinance, the new construction shall also comply with the requirements of Chapter 17.59 (Downtown Design Standards and Guidelines).**

17.65.060 Exterior Alteration or Remodeling. ~~The Building Official shall submit to the Planning Director all building permit requests~~ **The property owner shall submit an application for a Certificate of Approval for any exterior alteration to an historic historical landmark or any resource that is listed on the National Register for Historic Places. 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 Planning Director shall, within five (5) working days, review the permit~~

application for compliance with the requirements as set out in Section 10 of this ordinance. **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. If the Planning Director finds the proposed alterations to be in compliance with Section 10, he shall submit to the Building Department a permit clearance form which will indicate that the requirements of this chapter have been satisfied by the request. **The Historic Landmarks Committee may approve, approve with conditions, or deny the application.**
- B. If the Planning Director finds the proposed alteration to be in noncompliance with the requirements of Section 10, he shall immediately issue a “notice of delay” to the Building Official and call for a meeting of the Historic Landmarks Committee to review the application. **The Historic Landmarks Committee shall base its decision on the following criteria:**
  1. The Historic Landmarks Committee shall meet within twenty-one (21) days of the date the completed permit application was submitted to the Building Department. The applicant shall be notified of the time and place of the review and is encouraged to be present, although his/her presence shall not be necessary for action on the plans. A failure to review within twenty-one (21) days shall be considered an approval of the application. **The City’s historic policies set forth in the comprehensive plan and the purpose of this ordinance;**
  2. If the Historic Landmarks Committee finds the proposed alterations to be in compliance with Section 10, they shall direct the Planning Director to submit to the Building Department a permit clearance form. **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. ~~If the Historic Landmarks Committee finds the proposed alterations to be in noncompliance with Section 10, they must:~~
- a. ~~Approve the application subject to compliance with conditions which will bring the application into conformance with Section 10. Permit clearance will be subject to said conditions; or~~
  - b. ~~Direct the Planning Director to issue a notice of delay which places up to a sixty-day (60) delay from the date of the committee action on issuance of a building permit for the proposed alteration and provide the applicant with information concerning local, state, and federal preservation programs. If the proposed alteration affects a "distinctive" resource, the delay period may be extended an additional sixty (60) days.~~
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 ~~permit~~**approval** may be conditioned by the ~~Planning Director or the Historic Landmarks Committee~~ to secure interior and/or exterior documentation of the ~~resource~~**landmark** prior to the proposed action. Required documentation shall consist of no less than twenty (20) black and white photographs with negatives or twenty (20) color slide photographs. Any ~~permit~~**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).

~~Old Section 10 of Ord. No. 4401 Standards and Guidelines for the Exterior Alteration of an Historic Landmark. Generally, an application for exterior alteration of an historic landmark shall be approved if the change or the treatment proposed is determined to be harmonious and compatible with the appearance and character of the historical building and shall generally be disapproved if found detrimental to or otherwise adversely affecting the architectural significance, the integrity of historical appearance, and the educational and historical value of the building.~~

~~A. The following guidelines apply to exterior alterations to historical buildings:~~

- ~~1. Retention of original construction. So far as possible, all original exterior materials and details shall be preserved or replaced to match the original.~~
- ~~2. Height. Additional stories may be added to historic buildings provided that:
  - ~~a. (aa) The added height complies with requirements of the building and zoning codes;~~
  - ~~b. (bb) The added height does not exceed that which was traditional for the style of the building;~~
  - ~~c. (cc) The added height does not alter the traditional scale and proportions of the building style; and~~
  - ~~d. (dd) The added height is visually compatible with adjacent historic buildings;~~~~
- ~~3. Bulk. Horizontal additions may be added to historic buildings provided that:
  - ~~a. (aa) The bulk of the addition does not exceed that which was traditional for the building style;~~
  - ~~b. (bb) The addition maintains the traditional scale and proportion of the building; and~~
  - ~~c. (cc) The addition is visually compatible with adjacent historic buildings.~~~~
- ~~4. Visual Integrity of Structure. The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.~~
- ~~5. Scale and Proportion. The scale and proportion of altered or added building elements, the relationship of voids to solid (windows to wall) shall be visually compatible with the traditional architectural character of the historic building.~~
- ~~6. Materials, Color, and Texture. The materials, colors, and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic building.~~
- ~~7. Lighting and Other Appurtenances. Exterior lighting and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually compatible with the traditional architectural character of the historic building.~~

~~A. The Historic Landmarks Committee shall base their decision on the following criteria:~~

- ~~1. Compliance with the guidelines in Section 10(a);~~
- ~~2. The City's historic preservation policies set forth in the Comprehensive Plan and the purpose statement of this ordinance;~~
- ~~3. The economic use of the historic landmark and the reasonableness of the proposed alteration and their relationship to the public interest in the historic~~

landmark's preservation or renovation;

4. The value and significance of the historic landmark;
5. The physical condition of the historical landmark; and
6. The general compatibility and aesthetics of exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used with the existing landmark.

17.65.070 Public Notice. Public notice requirements shall be as follows:

- 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 an **Certificate of Approval** application for a **historic resource or landmark** building permit, moving permit, or demolition permit shall comply with subsection (c) **of this section.**
- C. Prior to the meeting, the owners of historic landmarks **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 a permit **the approval of a Certificate of Approval** by the committee, may be made to the City Planning Commission within **fifteen (15)** ten (10) days of the **date the written notice of the decision is mailed.** Historic Landmarks Committee's decision.
- 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 at their next regularly scheduled meeting **consistent with the procedures in Section 17.72.120 of the McMinnville Zoning Ordinance.** Public notice of an appeal shall be made according to Section 11(c) of this 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).**
- A. A uniform complaint, or citation to appear, may be issued to the owner or occupier of property being used or altered in violation of the Historic Landmarks Ordinance, requiring said owner or occupier to appear in court regarding a violation of the Historic Landmarks Ordinance.

- ~~B. A trial shall be heard before the judge without a jury. No appeal from the decision may be taken. The standard of proof required shall be by a preponderance of the evidence.~~
- ~~C. A person convicted of violating a provision of the Historic Landmarks Ordinance shall, upon conviction, be punished by a fine of not more than five hundred (500) dollars except for demolition of a structure which shall be as provided for in Section 11(d) below.~~
- ~~D. A person convicted of demolishing an historic landmark without first securing a demolition permit shall, upon conviction, be punished by a fine of not more than fifteen hundred (\$1,500) dollars.~~
- ~~E. In the event of the owner/occupier fails to pay a fine imposed upon conviction of a violation, the court may issue a Show Cause Order to the individual so charged and require his/her presence in court to set forth the reasons for said failure to pay. If good and sufficient reasons do not exist, the court may request the Council to adopt an ordinance making the amount a lien against the property.~~

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