

ORDINANCE NO. 5034

AN ORDINANCE AMENDING THE MCMINNVILLE ZONING ORDINANCE SPECIFIC TO CHAPTER 17.06 (DEFINITIONS), CHAPTER 17.59 (DOWNTOWN DESIGN STANDARDS AND GUIDELINES), CHAPTER 17.65 (HISTORIC PRESERVATION) AND CHAPTER 17.72 (APPLICATIONS AND REVIEW PROCESS) FOR THE PRESERVATION OF HISTORIC RESOURCES IN MCMINNVILLE.

RECITALS:

The State of Oregon requires all cities and counties to address State Land Use Planning Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources; and

The City of McMinnville has adopted a Comprehensive Plan Goal "To preserve and protect sites, structures, areas, and objects of historical, cultural, architectural, or archaeological significance to the City of McMinnville"; and

The City of McMinnville ordinance governing the preservation and protection of historic resources was last updated in 1987, and is outdated; and

Over the course of six meetings in 2016 and 2017, the McMinnville Historic Landmarks Committee discussed and reviewed the existing zoning ordinance language related to historic preservation and downtown design standards. The Historic Landmarks Committee's intent was to ensure that the language was consistent with the recently adopted amendments to Oregon Administrative Rule (OAR) 660-023-0200, also known as the Historic Resources rules for complying with Goal 5 of the Statewide Planning Program; and

In concert with the McMinnville Historic Landmarks Committee, staff drafted proposed amendments (G 3-17) to McMinnville Zoning Ordinance (Ordinance 3380) specific to Chapter 17.06 (Definitions), Chapter 17.59 (Downtown Design Standards and Guidelines), Chapter 17.65 (Historic Preservation), and Chapter 17.72 (Applications and Review Process). The amendments were reviewed over a series of Historic Landmarks Committee public meetings, and at their June 28, 2017 meeting the Historic Landmarks Committee recommended the amendments be advanced for consideration by the McMinnville Planning Commission and the McMinnville City Council; and

A public hearing before the McMinnville Planning Commission was held on July 20, 2017, after due notice had been provided in the local newspaper on Tuesday, July 11, 2017. At the July 20, 2017, Planning Commission public hearing, the application materials and a staff report were presented and no testimony was received. The Planning Commission then closed the public hearing, deliberated, and voted unanimously to recommend approval of G 3-17 to the City Council, with some minor amendments; and

The City Council, being fully informed about said request, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the comprehensive plan text amendment criteria listed in Section 17.72.020 of the McMinnville Zoning Ordinance based on the material submitted and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The City Council having received the Planning Commission recommendation and staff report, and

having deliberated;

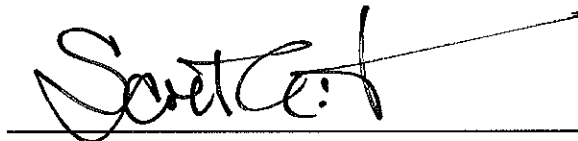
NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. That the Council adopts the Findings of Fact, Conclusionary Findings, and Decision as documented in Exhibit A for G 3-17; and
2. That Chapter 17.06 (Definitions), Chapter 17.59 (Downtown Design Standards and Guidelines), Chapter 17.65 (Historic Preservation) and Chapter 17.72 (Applications and Review Process) are amended as provided in Exhibit B, Exhibit C, Exhibit D, and Exhibit E. Text that is added is shown in **bold underlined** font while text that is removed is shown in ~~strikeout~~ font.
3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 8th day of August 2017, by the following votes:

Ayes: Drabkin, Garvin, Ruden, Stassens, Menke

Nays: _____



MAYOR

Attest:

Approved as to form:

Melissa Grace
CITY RECORDER

Dan
CITY ATTORNEY

**CITY OF MCMINNVILLE
PLANNING DEPARTMENT
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DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO CHAPTER 17.06 (DEFINITIONS), 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 17.06 (Definitions), 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 2nd Street, McMinnville, Oregon.

DECISION MAKING BODY: McMinnville City Council

DATE & TIME: August 8, 2017. Meeting held at the Civic Hall, 200 NE 2nd 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.

Application Summary:

The City of McMinnville is proposing to amend Chapter 17.06 (Definitions), 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 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. After holding the public hearing, the Planning Commission voted unanimously to recommend approval of the zoning text amendments, subject to a few minor amendments.

CONDITIONS OF APPROVAL

None.

ATTACHMENTS

1. Amendments to Chapter 17.06 – Definitions (Exhibit B)
2. Amendments to Chapter 17.59 – Downtown Design Standards and Guidelines (Exhibit C)
3. Amendments to Chapter 17.65 – Historic Preservation (Exhibit D)
4. Amendments to Chapter 17.72 – Applications and Review Process (Exhibit E)

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 17.06 (Definitions), 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.
5. The Planning Commission opened and closed the public hearing on July 20, 2017, deliberated, and then voted unanimously to recommend approval of G 3-17 to the City Council.

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 17.06

DEFINITIONS

(as adopted by Ord. 4952, March 13, 2012)

Sections:

- 17.06.010 Generally.
- 17.06.015 General Definitions.
- 17.06.020 Special Definitions.
- 17.06.025 Airport Overlay Zone Regulated Definitions.
- 17.06.030 Flood Area Zone Related Definitions.
- 17.06.035 Landscaping Related Definitions.
- 17.06.036 Marijuana Activity Related Definitions.
- 17.06.040 Sign Related Definitions.
- 17.06.045 Tree Related Definitions.
- 17.06.050 Wireless Communication Facilities Related Definitions.
- 17.06.060 Historic Preservation Related Definitions.**

17.06.010 Generally. For the purposes of this title, the following terms shall be defined as set forth in this chapter, which is divided into two sections. The first section contains “general definitions” (17.06.015), which are those universal to all areas of zoning and development. The second section contains “special definitions” (17.06.020) and includes definitions that are specific to unique areas of development or land use activities. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

[...]

17.06.060 Historic Preservation Related Definitions. For the purpose of Historic Preservation (Chapter 17.65), the following definitions shall apply.

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

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

Demolition - To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin to an historic resource.

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

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

Historic 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)(i).

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

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

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.

Owner - As defined by OAR 660-023-0200(1)(h).

[...]

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 4th Street, to the east by Kirby Street, and to the south by 1st Street. Lands immediately adjacent to the west of Adams Street, from 1st Street to 4th 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 40; 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. For the purposes of this section, refer to Section 17.06.060 for Historic Preservation related definitions.

17.65.030 Historic Resources Inventory. The McMinnville Historic Resources Inventory, compiled in 1983/84 and as subsequently updated, is hereby adopted and shall be maintained and updated as required. The inventory shall be used to identify historic districts, buildings, structures, sites, and objects for the purposes of this ordinance.

- 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; or
 - 3. Was not provided an opportunity to object to the designation; and
 - 4. Requests that the Historic Landmarks Committee remove the resource from the inventory.
- 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 a historic resource, or 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. The Historic Landmarks Committee may require documentation in another format or medium that is more suitable for the historic resource in question and the technology available at the time. Any approval may also be conditioned to preserve site landscaping such as individual plants or trees or to preserve selected architectural features such as doors, windows, brackets, mouldings or other details.**
- 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 a 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. The Historic Landmarks Committee may require documentation in another format or medium that is more suitable for the historic resource in question and the technology available at the time. Any approval may also be conditioned to preserve site landscaping such as individual plants or trees or to preserve selected architectural features such as doors, windows, brackets, mouldings, or other details.
 - D. If the historic landmark is located in the downtown core as defined by Section 17.59.020 (A) of the McMinnville Zoning Ordinance, the exterior alteration shall also comply with the requirements of Chapter 17.59 (Downtown Design Standards and Guidelines).

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>
Applications and Permits- Director’s Review Without Notification	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>	17.59.030-040
Applications- Director’s Review with Notification	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>	17.59.030-040
Applications Public Hearing- Planning Commission	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
Public Hearing- City Council	Appeal of Planning Commission's Decision	17.72.180
	Hearings Initiated by City Council	17.72.130
MUAMC***	Urban Growth Boundary (UGB) Amendment	Ord. Nos. 4130,4146
<u>Public Hearing - Historic Landmarks Committee</u>	<u>Demolition of National Register of Historic Places Structure</u>	<u>17.65.050 (D)</u>

* 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 (DLCD) 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 DLCD.
- 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).

[...]