City of Yamhill

A small taste of Oregon

Planning Commission Meeting Packet

November 12, 2026

6:30 p.m.

STAFF MEMORANDUM

TO: Yamhill City Council

FROM: Walt Wendolowski, Contract City Planner

SUBJECT: Certified Local Government Historic District
Work Session

DATE: November 9, 2026

I. BACKGROUND

Last May, the City Council considered the adoption of a Historic Preservation Ordinance and directed staff to proceed with the adoption process. This is part of the Certified Local Program operated by the State Historical Preservation Office.

Based on input from the Planning Commission and the State Historic Preservation Office (SHPO), staff prepared a draft ordinance document for the Commission to consider. After much consideration, and to ensure compliance with SHPO requirements creating a Certified Local Government Historic District, the staff suggests placing the material in a separate Title – Title 14 – instead of the Development Code, Title 10. However, the document occasionally references Title 10 to address such matters as applications and public hearings.

II. REVIEW

The document contains 18 sections. The following reviews each section, or groups of similar sections.

A. Sections 1 to 6. These are the introductory provisions and include the title, policy provisions, purpose statement, applicability, severability clause, and addresses conflicting ordinances.

B. Section 7 – Definitions. Section 7 contains all definitions unique to the Ordinance.

C. Section 8 – Historic Preservation Committee. This Section establishes the Historic Preservation Commission (HPC). The Mayor (with Council approval) appoints both an Historic Preservation Officer (HPO) to administer the program and five members to serve on the committee. This Section also spells out expected qualifications of the committee members. Initially, these are staggered appointments to avoid the need to re-appoint the entire HPC every two years. The Section also includes quorum and minimum meeting requirements.

D. Section 9 - Commission Duties. As the title suggests, this Section identifies the duties of the Commission. The Ordinance requires the HPC to identify and

evaluate historic resources in the City and maintain a historic inventory consistent with state requirements. The HPC reviews applications, coordinates with SHPO, may adopt specific guidelines, makes recommendations to Council regarding rules, budgets, grants, and comments on pending state legislation. In short, the HPC, along with the HPO, are responsible for all things historic in the City of Yamhill.

E. Section 10 – Inventorying, Evaluation, and Determining Significance of Historic Resources. This Section outlines procedures to evaluate historic resources. Please note, consistent with state law, a property owner cannot object to such an evaluation (10.f). However, as noted below, there is a difference between identifying historic properties and listing them as a significant historic resource.

F. Section 11 – Designation Historic Resources to the Resource List. The City Comprehensive Plan includes a Resource List of significant Historic Resources. Section 11 outlines the procedure to designate additional resources to the list. The HPC makes the recommendation to the Planning Commission based on specific evaluation criteria. Note that individuals and groups may nominate resources for the HPC to consider for the Resource List. The review process follows the requirements in Title 10, Section 10.128 which sets regulations for public hearings before the Planning Commission.

A building's owner may not object to placement on the Historic Resource Inventory but may object to placement on the designated Resource List. This is an important distinction. The Resource Inventory simply identifies properties that are historic in character but may or may not be historically significant. This is simply a list of potential historic resources; placement on the inventory itself does not determine whether it is significant.

Finally, the Section identifies HPO responsibilities to assist the HPC in processing requests and sharing the information with SHPO. Key here is a Record of Designation identifying specific features of an historic building that an owner cannot alter without prior approval.

G. Section 12 – Design Review for Locally Significant Historic Resources Designated to the Resource List. This Section governs proposed changes of a building or site that is on the Resource List. Changes to features identified on the Record of Designation require prior approval. Note, this excludes interior and exterior painting, landscaping, and removal of trees.

If the owner wishes to alter the structure, the HPC must approve the modification. Subsection "i." identifies a list of 10 items that the HPC must consider before approval, with additional design considerations in subsection "j." There is some flexibility afforded by the HPO for minor changes. For example, installation of a fence that complies with City regulations, or demotion of an outbuilding that is not part of the Record of Designation. Regardless, the HPO decision is appealable to

the HPC.

H. Section 13 – Additional Protections for National Register Resources. The City may adopt additional protection provisions for sites listed on the National Register. Individuals or groups may suggest additional protections for the HPC to consider.

I. Section 14 - Demolition and Relocation of Significant Historic Resources. Prior Sections addressed repairs or alterations to existing structures. This Section addresses requests to demolish or move a structure on the Resource List, which requires a similar HPC review, with the process following guidelines noted in Section 11. The HPC has latitude regarding preservation efforts, such as relocating a structure proposed for demolition. Relocation is usually not an issue as it preserves the building. Demolition is limited to structures that cannot be feasibly repaired or maintained. This Section encourages that, as a minimum, the HPC obtain and preserve photographic, or video evidence of the structure before demolition, including any important artifacts.

J. Section 15 – Preservation of Archeological Resources. This Section requires the City to comply with state statutes preserving archeological sites.

K. Section 16 – Removal of Significant Historic Resources from the Resource List. This Section uses the same process as adding a building to the Resource List. However, in this instance, the owner must show that the structure no longer possess the attributes which originally placed it on the List.

L. Section 17 – Removal of a Previous Application. This section notes decisions on a certificate of application (e.g., modifying a building) are appealable to the Planning Commission.

M. Section 18 – Enforcement. Violations are subject to provisions in the Yamhill Municipal Code, Title 5.

III. DISCUSSION

On the surface, this proposed ordinance looks complicated. However, after reviewing the material further, there is a logical progression. The City:

- Adopts the Historical Preservation Ordinance.
- The Ordinance includes administrative features along with specific definitions.
- Establishes the Historical Preservation Committee.
- Appoints an Historical Preservation Officer.
- Conducts a Historic Resource Inventory, identifying properties with the potential for placement on the Significant Resource List.
- Through hearings with the HPO, moves historical properties judged significant to the Resource List.
- Compliance with certain guidelines allows modification to those on the Resource

List.
- Circumstances allow the destruction or relocation of structures on the Resource List
- The HPC may remove structures on the Resource List due to loss of historical significance.
- All actions are subject to a defined process with right of appeal.

Kuri Gill at SHPO reviewed the proposed ordinance and did not see any issues. I voiced concern as to the possible complexity, but Ms. Gill noted most of the work for staff happens when there is a designation of a local landmark. Until that time the only review is for demo or relocation of a listed property. In fact, there may never be a local designation.

IV. SUMMARY

This is a work session to review the material. If found satisfactory, the City will likely set a public hearing before the Planning Commission in January. As a final note, Development Code Sections 10.48.090 (Review of Historic Sites) and 10.48.100 (Demolition of Historic Sites) would be eliminated as Title 14 covers this material in greater detail.

Attachments: Draft Historic Preservation Ordinance – Title 14

DRAFT
Title 14: City of Yamhill Historic Preservation Ordinance

14.01.010 Title. The City of Yamhill Historic Preservation Ordinance.

14.01.020 Policy. It is hereby declared to be the policy of the City of Yamhill in carrying out the historic sites and structures goal and policy of the City of Yamhill Comprehensive Plan to identify Significant Historic Resources and to encourage and promote their restoration and preservation.

14.01.030 Purpose. The City of Yamhill adopts this Historic Preservation Ordinance to identify, designate, and preserve Significant Historic Resources associated with the community's history and prehistory; encourage the rehabilitation and ongoing viability of designated Significant Historic Resources, archaeological objects, sites, and sites of archaeological significance; strengthen public support for historic preservation efforts within the community; foster civic pride; and encourage cultural heritage tourism.

14.01.040 Applicability. These regulations are applicable in the following manner:

(A) These regulations must apply to all Locally Significant Historic Resources.

(B) Sections 14.01.130, 14.01.140, 14.01.150, and 14.01.160 of these regulations must apply to National Register Resources listed after February 23, 2017.

(C) Regulations adopted prior to February 23, 2017 regarding the preservation, restoration, rehabilitation, reconstruction, alteration, relocation, and demolition of a National Register Resource apply until removed or amended by the City of Yamhill.

(D) No provision of these regulations must be construed to prevent the ordinary maintenance of a Significant Historic Resource when such action does not change the design, materials, or appearance.

14.01.050 Severability. If any portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion must be deemed a separate, distinct, and independent provision and such holding must not affect the validity of the remaining portions of these regulations that must remain in force and effect.

14.01.060 Conflicts with Other Laws. If the provisions of these regulations are found to be in conflict with federal or state laws the federal or state law must prevail. In cases of conflict with other city ordinances or regulations the previously established statute must take precedence.

14.01.070 Definitions. The following words, terms and phrases, when used in this chapter, must have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Alteration means a physical modification of the exterior of a Significant Historic Resource and the interior of a Significant Historic Resource owned by the City identified as significant

in the record of Designation. Alterations do not include painting, color selection, or ordinary maintenance or repair of a Significant Historic Resource unless such activity alters a character-defining feature.

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

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

Building: means a house, barn, church, hotel, or similar construction created principally to shelter any form of human activity.

Certificate of Appropriateness means a document issued by the Historic Preservation Officer indicating that the applicant satisfactorily met the provisions of this regulation for the preservation, rehabilitation, reconstruction, alteration, relocation, or demolition of a Significant Historic Resource, or new construction within the designated boundary of a Significant Historic Resource.

Character-Defining Feature(s) means the visual and physical aspect(s)s of a Locally Significant Historic Resource that convey its historic integrity and historic significance.

Demolition means any act that destroys, removes, or relocates, in whole or part, a significant historic resource such that its historic, cultural, or architectural character and significance is lost.

District means a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Eligible/Contributing means a historic resource in existence within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district.

Eligible/Significant means a historic resource in existence within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district, and are likely individually eligible for designation to the Resource List.

Exceptional Significance means the quality of historic significance achieved outside the usual norms of age, association, or rarity.

Historic Context Statement means an element of the City of Yamhill comprehensive plan that describes the important broad patterns of historical development in the City and the region and identifies historic resources representative of the important broad patterns of historic development The Historic Context Statement also identifies Historic Resources that are representative of the important broad patterns of historical development.

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

Historic Preservation Officer means the appointed official responsible for the administration of this regulation.

Historic Preservation Plan means an element of the City of Yamhill comprehensive plan that contains City's goals and policies for historic resource preservation and the processes for creating and amending the program to protect Significant Historic Resources.

Historic Resources means those buildings, structures, objects, sites, or districts that potentially have a significant relationship to events or conditions of the human past.

Historic Resource Inventory means the record of buildings, structures, objects, sites, and districts recorded by the City of Yamhill used to identify historic resources that may be determined significant and designated to the Resource List.

Historic Significance: means the physical association of a building, structure, site, object, or district with historic events, trends, persons, architecture, method of construction, or that have yielded or may yield important information in prehistory or history.

Locally Significant Historic Resource means a building, structure, site, object, or district designated to the City of Yamhill Resource List.

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

Non-Contributing means a historic resource in existence within the applicable period of significance that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition.

Not in Period means a building, structure, object, or site that was originally constructed outside the applicable period of significance.

Object means a construction that is largely artistic in nature or is relatively small in scale and simply constructed in comparison to buildings or structures, including a fountain, sculpture, monument, milepost, etc.

Owner

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

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

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

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

(e) Means, for a historic resource with multiple owners, including a district, a simple majority of owners as defined in (a)-(d).

(f) Means, for National Register Resources, those individuals, partnerships, corporations or public agencies holding fee simple title to property. Owner or owners does not include individuals, partnerships, corporations or public agencies holding easements or less than fee interests (including leaseholds) of any nature.

Period of Significance means the time period, from one to several years or decades, during which a Significant Historic Resource was associated with an important historic event(s), trend(s), person(s), architecture, or method(s) of construction.

Preservation means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a Significant Historic Resource.

Record of Designation means the official document that describes how a Locally Significant Historic Resource meets the criteria for designation to the Resource List.

Reconstruction means the act or process of depicting, by means of new construction, the form, features, or detailing of a non-surviving building, or structure for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation means the process of returning a Significant Historic Resource to a state of utility through repair or alteration, which makes possible an use while preserving those portions and features of the Significant Historic Resource and its site that convey its historic significance.

Relocation means moving of a Significant Historic Resource from its original location described in the Record of Designation.

Restoration means the act or process of accurately depicting the form, features, and character of a historic-contributing resource or historic-non-contributing resource as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Resource List means the list of Locally Significant Historic Resources adopted by City of Yamhill in its comprehensive plan as important to its history and afforded the protection under this regulation.

Significant Historic Resource means a Locally Significant Historic Resource and/or a National Register Resource.

Site means the location of a significant event, prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of any existing building, structure, or object.

Structure means a functional construction made usually for purposes other than creating human shelter, such as an aircraft, bridge, fence, dam, tunnel, etc.

Streetscape means the physical parts and aesthetic qualities of a public right-of-way, including the roadway, gutter, tree lawn, sidewalk, retaining walls, landscaping and building setback.

14.01.080 Historic Preservation Commission. The City of Yamhill Historic Preservation Commission is hereby established with the following provisions:

(A) The Mayor and City Council must appoint a Historic Preservation Officer to serve as staff to the Historic Preservation Commission and to carry out the administrative provisions of this regulation. The Historic Preservation Officer may appoint a designee(s) to carry out responsibilities under this regulation.

(B) The Mayor, subject to City Council approval, must appoint a Historic Landmark Commission, hereinafter referred to as the "Commission," of five members with a demonstrated positive interest in and knowledge or competence in historic preservation. All reasonable efforts must be made to appoint those with professional experience in the fields of preservation, architecture, archaeology, community history, building trades, real estate, or related specialties. The members must not be officials or employees of the City, not more than two of which may be nonresidents of the City. Nonresidents must live within Yamhill County. The Mayor and City Council shall not be entitled to sit with the Commission and take part in its discussions and shall not have the right to vote. Members

must serve without compensation, but are eligible for reimbursement of approved expenses related to their service.

(C) Initial appointments to the Commission must be for terms of two years from the first calendar day of the year, except that initial appointments of some members shall be for other specified terms in order to establish an approximately equal expiration of terms each year. Subsequent terms of appointment must be for two years, or in the case of a replacement, for the remainder of the unexpired term. Members must be eligible for reappointment.

(D) Three members must be present to establish quorum to conduct official business. The concurring vote of the members present must be required for approval or disapproval of any motion or other action of the Commission.

(E) A Chair and Vice-Chair must be elected annually by and from the seated membership. Officers are eligible for reelection.

(F) The Commission must meet at least four times a year, and as required to conduct business in a timely fashion.

(G) The Historic Preservation Officer must request that the City Council consider declaring the position vacant of any member who is absent from three meetings in a single calendar year without being excused prior to the meeting by the Chair of the Commission.

14.01.090 Commission Duties. The Commission must have the following duties:

(A) Employing the procedures and criteria in these regulations, the Commission must identify and evaluate Historic Resources in the City of Yamhill, determine the historic integrity and historic significance of Historic Resources and maintain a Historic Resource Inventory consistent with the standards of the Oregon State Historic Preservation Office.

(B) Employing the procedures and criteria in Section 14.01.110, the Commission must recommend to the City Council Historic Resources for designation to the Resource List.

(C) Employing the procedures and criteria in these regulations, the Commission must review and act upon applications for the preservation, rehabilitation, reconstruction, alteration, relocation, or demolition of Significant Historic Resources, and new construction within the designated boundary of a Significant Historic Resource as described in this regulation.

(D) The Commission must support the enforcement of all federal and state laws relating to the protection of National Register Resources, Archaeological Sites, and Archaeological Objects regardless if they are designated to the Resource List.

(E) Upon request, the Commission must provide the Oregon State Historic Preservation Office written comments on or before the stated deadline regarding the eligibility of historic resources for listing in the National Register of Historic Places. The Commission

must hold a noticed, public hearing as part of their deliberations and take into account public testimony when writing comments.

(F) The Commission must perform any other functions that may be designated by resolution or motion of the City Council.

(G) The Commission may assume responsibility for functions of the Oregon State Historic Preservation Office under state and federal law as delegated by the Oregon State Historic Preservation Office.

(H) The Commission may adopt and publish and adopt written and graphic guidelines and example materials to clarify the standards in this regulation and to assist applicants in developing complete and viable applications to preserve, rehabilitate, reconstruct, alter, relocate and demolish a Significant Historic Resource, and or erect new construction within the designated boundary of a Significant Historic Resource.

(I) The Commission must undertake to inform the citizens of, and visitors to the City of Yamhill, regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of historic resources provide information on state and federal preservation programs and incentives; and document historic resources prior to their alteration, demolition, or relocation and archive that documentation.

(J) The Commission may recommend to the City Council to seek, accept, and expend public appropriations; seek, accept, and expend grant and gift funds; cooperate with public and private entities; and assist the owners of Significant Historic Resources in securing funding for the preservation of their properties.

(K) The Commission may recommend incentives and code amendments to the City Council to promote historic preservation in the community.

(L) The Commission may comment on local, state, or federal issues, laws, and requests relating to historic preservation.

14.01.100 <u>Inventorying, Evaluating, and Determining Significance of Historic Resources</u>. The following procedures must be used to identify Historic Resources that may be considered for designation as a Locally Significant Historic Resource on the Resource List.

(A) The Historic Resource Inventory and Resource List must be maintained as a public record with the exception of archaeological sites, the publication of which is prohibited by state law.

(B) The Commission must determine and periodically revise priorities for the Historic Resource Inventory based on the community’s needs and interests, goals established in the City of Yamhill Historic Preservation Plan, and Historic Context, if these documents are adopted.

(C) The Commission may take photographs and create physical descriptions based on on-site observations, or obtain information concerning Historic Resources through archival research, oral histories, or any other appropriate method allowed by law.

(D) Historic Resources must be evaluated for their historic integrity and significance and recorded in the Historic Resource Inventory as Eligible/Significant (ES), Eligible/Contributing (EC), Non-Contributing (NC), or Not in Period (NP). Evaluation and documentation of properties in the Historic Resource Inventory must follow the document "Guidelines for Historic Resource Surveys in Oregon, 2010" or most recent guidance for such efforts published by the Oregon State Historic Preservation Office and be supplied to the agency within six (6) months of the completion of the study.

(E) Historic Properties added to the Historic Resource Inventory are not subject to the regulations described in Sections 14.01.120, 14.01.130, 14.01.140, 14.01.160, 14.01.170, and 14.01.180.

(F) The objection of an owner must not prevent a property being inventoried, evaluated, or determined significant for placement on the Historic Resource Inventory.

14.01.110 Designation Historic Resources to the Resource List. Historic Resources, including buildings, structures, sites, objects, and historic districts may be designated to the Resource List as provided in this Section.

(A) A Historic Resource need not be recorded in the Historic Resource Inventory before designation to the Resource List.

(B) The Commission may recommend that the Planning Commission designate a Historic Resource to the Resource List at a public meeting as a land-use action to provide recognition of its significance.

(C) The Commission may recommend additional protections to supplement the regulations in this Historic Preservation Ordinance to the Planning Commission as part of the designation process necessary for the protection of a Historic Resource recommended for designation to the Resource List.

(D) The Historic Preservation Commission must evaluate and determine that a historic resource has sufficient historic integrity and historic significance to merit designation to the Resource List as a Locally Significant Historic Resource using the following criteria:

(1) The Historic Resource is located within the boundaries of the City of Yamhill.

(2) The Historic Resource is over fifty (50) years of age or is of exceptional significance, or in the case of a district, the majority of the properties are over fifty (50) years old or have exceptional significance.

(3) The Historic Resource possesses sufficient historic integrity to convey its significant relationship to events or conditions of the human past.

(4) The Historic Resource has historic significance as demonstrated by meeting at least one of the following criteria:

(a) Association with events that have made a significant contribution to the broad patterns of local, regional, state, or national history; and/or

(b) Association with the lives of persons significant to local, regional, state, or national history; and/or

(c) 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;

(d) Yielding, or being likely to yield information important in prehistory or history; or

(e) Relevance within the local Historic Context and priorities described in the Historic Preservation Plan when such documents exist.

(g) The Commission must consider the factors described in Section 14.01.130(D)(2)(a-f) when considering designating a National Register Resource to the Resource List.

(5) Designation Procedure. The City of Yamhill and any person, group, or government agency may nominate a Historic Resource for designation to the Resource List, provided the proposed Historic Resource is not the subject of a pending application for alteration, relocation, or demolition. Designation of a Historic Resource to the Resource List must be processed as a Type III application before the Historic Preservation Commission per Title 10, Section 10.128.030.The designation procedures are as follows:

(a) The proposed designation of a Historic Resource to the Resource List must include a description of the boundaries of the proposed nominated area and the buildings, structures, objects, sites, and districts contained therein; a description of the historic resource(s)' Character-Defining Features and how these reflect the Historic Resource(s)' Historic Significance and Historic Integrity; a statement explaining how the historic resource(s) meet(s) the criteria under provisions of this Section; photos, maps, drawings, and other appendices to support the assertions made in the submitted documentation. The Historic Preservation Officer may establish additional standards for a complete application.

(b) Upon acceptance of a complete application, notice shall comply with provisions in Section 10.128.030 of Title 10. The owner(s) must be notified in writing of the designation process and their right to support or object to the designation of the Historic Resource to the Resource List under the provisions of ORS 197.772.

i. An owner may object to the designation of the Historic Resource to the Resource List at or prior to the scheduled public hearing before the Historic Commission. Such a refusal to consent must be submitted on the public record and must remove the Historic Resource from any consideration for designation to the Resource List.

ii. An owner's objection to the designation of a Historic Resource to the Resource List does not remove the Historic Resource from the Historic Resource Inventory.

iii. A permit to demolish or modify a Historic Resource under consideration for designation to the Resource List must not be issued for 120 days from the date of the owner's refusal to consent to designation or the application to alter, relocate, or demolish the Historic Resource, whichever occurs first.

(c) Following the Historic Preservation Officer must prepare a Record of Designation that includes a description of the boundaries of the proposed nominated area and the buildings, structures, objects, sites, and districts contained therein; a description of the historic resource(s)' Character-Defining Features and how these reflect the Historic Resource(s)' Historic Significance and Historic Integrity; a statement explaining how the historic resource(s) meet(s) the criteria under provisions of this Section; photos, maps, drawings, and other appendices to support the assertions made in the submitted documentation.

(d) Applications recommended for approval or denial by the Commission must be forwarded to the Planning Commission who will vote on the proposed designation, and any related processes, and provide a recommendation to the City Council with the Record of Designation.

(6) The City of Yamhill and any person, group, or government agency may amend a Record of Designation for a Significant Historic Resource on the Resource List, provided the proposed Significant Historic Resource is not the subject of a pending application for alteration, relocation, or demolition. The Commission may establish standards for a complete amendment application. An amendment to a Record of Designation must be processed as a Type IV application per Title 10, Chapter 10.132., and processed as described in Section 14.01.110(A-D). The Commission must find that the amendment meets the Criteria described in

Section 11(E). An owner(s)' objection must not prevent an amendment to a Record of Designation.

14.01.120 Design Review for Locally Significant Historic Resources Designated to the Resource List. No exterior portion of a Locally Significant Historic Resource or Non-Contributing or Not in Period resource; new construction within the boundary of a Locally Significant Historic Resource; or interior of a Locally Significant Historic Resource owned by the City of Yamhill identified as significant in the Record of Designation must be constructed, preserved, rehabilitated, or altered without a Certificate of Appropriateness signed by the Historic Preservation Officer as provided in this Section. Certificates must be presented to the designated Building Official before a permit may be issued.

(A) In approving a permit for the preservation, restoration, rehabilitation, reconstruction, or rehabilitation of a Significant Historic Resource the designated Building Official may find that under state law that the Significant Historic Resource does not meet current building code but is not dangerous and approve the land use action.

(B) Activities not subject to the provisions of this Section when not specifically noted in the Record of Designation as a Character-Defining Feature.

(1) Alterations to building interiors, except those that are owned by The City of Yamhill and noted as significant in the Record of Designation as a character-defining feature.

(2) Application of exterior or interior paint.

(3) Alterations to vegetative landscape features, including tree removal.

(C) The Historic Preservation Officer must prepare a staff report that summarizes the proposed project, notes the criteria specified in these regulations under which the application must be considered, and make a recommendation to the Commission to approve, approve with conditions, or deny the application for a Certificate of Appropriateness. Materials that may be used in the preparation of the staff report include the Record of Designation; and/or National Register nomination document; and/or other archival photos, maps; and/or other documentary evidence specific to the subject property; and/or observations from on-site inspections to document its historic appearance or alteration over time; and/or documents and publications of the National Park Service or Oregon State Historic Preservation Office.

(D) The Historic Preservation Commission must review and act upon applications for the alteration, relocation, and demolition of a Locally Significant Historic Resource. Applications for the alteration of a Locally Significant Historic Resource may be approved, approved with conditions, or denied. Applications for the relocation or demolition of a Locally Significant Historic Resource may be approved, approved with conditions, or delayed for up to 120 days. The Commission must develop written findings to support its

decisions. The Historic Preservation Officer must include any conditions imposed by the Commission in the Certificate of Appropriateness pursuant to this Section.

(E) A Certificate of Appropriateness issued for the alteration of a Locally Significant Historic Resource must be effective for a period of 180 days from the date of its issuance. The Historical Preservation Officer may grant a one-time extension to a Certificate of Appropriateness an additional 90 days with good cause. (Note: the demo/relocation material is in Section 14.01.140.)

(F) A Significant Historic Resource may be altered, relocated, or demolished without a Certificate of Appropriateness when the designated Building Official finds that the condition of a Significant Historic Resource poses a clear and immediate hazard to public safety. The written comments of the designated Building Official must be provided by the Historic Preservation Officer to the Commission at their next regular meeting.

(G) The Historic Preservation Officer may issue a Certificate of Appropriateness for the alteration of a Locally Significant History Resource when the proposed alteration will not significantly change the qualities that merited the designation of the Locally Significant Historic Resource to the Resource List. A completed Certificate of Appropriateness must be presented to the (Building Official) before a permit is issued. The Historic Preservation Officer must make a list of certificates issued in this manner available to the Commission at each regular meeting. Decisions of the Historic Preservation Officer are appealable to the Commission. The historic preservation officer may choose to refer any application for a Certificate of Appropriateness to the Commission. Activities eligible for a Certificate of Appropriateness issued as described in this provision include the following:

(1) Construction of a fence that meets Title 10 Chapter 10.60.

(2) Demolition of a Not-In-Period or Non-contributing outbuilding within the designated boundary of a Locally Significant Historic Resource specifically noted as not historically significant in its Record of Designation. Demolition may be subject to the appropriate building permit.

(3) Replacement of historic materials when the replacement material exactly matches the material type, dimension(s); color(s), shape(s), texture(s). No more than 20% of exterior siding, details, or the total number of windows may be replaced under this provision in a two-year time period.

(4) It is recommended that an applicant receive approval of the Historic Preservation Officer approval prior to obtaining a building permit for the above noted alterations. This may occur through direct contact or with a pre-application meeting.

(H) A public hearing before the Historic Preservation Commission and a signed Certificate of Appropriateness must be required for activities not exempted in provisions of this Section.

(I) To approve an application for the alteration of a Locally Significant Historic Resource the Historic Preservation Commission must find that the proposal meets the following standards:

(1) A property must be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships; and

(2) The historic integrity of a property must be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property must be avoided; and

(3) A property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, must not be undertaken; and

(4) Changes to a property that have acquired historic significance in their own right must be retained and preserved; and

(5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved; and

(6) Deteriorated historic features must be repaired rather than replaced. The severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, color, texture, and, where possible, materials. Replacement of missing features must be substantiated by documentary and physical evidence; and

(7) Chemical and physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials must not be used; and

(8) Archeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken; and

(9) New additions, exterior alterations, or related new construction must not destroy historic materials, features, and spatial relationships that characterize the property. The new work must be differentiated from the old and must be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment; and

(10) New additions and adjacent or related new construction must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(J) In addition to meeting the applicable guidelines in 11(I)(1-10) of this Section, to approve an application for the alteration of a Locally Significant Historic Resource the Commission must find that the proposal meets the following design standards as applicable:

(1) Vacant buildings must be weather- and vandal-proof in order to minimize further deterioration and the threat to public safety; and

(2) New additions must be subordinate to the original building, meaning lower in height, attached to the rear or set back along the side, smaller in scale, and have less architectural detail; and

(3) Height, width, setback, roof shape, and the overall scale and massing of new buildings within historic districts and on lots with existing Historic Resources, or additions to Historic Resources must be compatible with the existing historic building(s) and, in the case of historic districts, the overall streetscape; and

(4) In historic districts and on lots with existing Locally Significant Historic Resources, materials on at least the primary façade(s) of new buildings must be compatible in size, shape, color, and texture to the original materials on the facades of surrounding historic buildings; and

(5) Architectural details on new construction (including wood or metal trim, porches, cornices, arches, and window and door features, etc.) must be complimentary, but must not replicate historic features on surrounding historic buildings; and/or

(6) Window and door opening should be similar in size and orientation (vertical to horizontal) to openings on historic buildings and should take up a similar percentage of the overall façade as those on surrounding historic buildings; and/or

(7) In historic districts and on lots with existing Locally Significant Historic Resource the relationship of the width to the height of the principal elevations for new buildings and additions to existing Locally Significant Historic Resources must be in scale with the surrounding structures and streetscape. Wider new building can be divided into segments that more closely resemble the façade widths of historic buildings; and/or

(8) In historic districts and on lots with existing Locally Significant Historic Resources, the roof shape of new buildings and additions to existing Locally Significant Historic Resources must be visually compatible with the surrounding structures and streetscape. Unusual roof shapes, materials, and pitches are discouraged; and/or

(9) Any applicable design guidelines adopted by the Commission as part of the body's duties described in Section 14.01.090(H).

14.01.130 <u>Additional Protections for National Register Resources</u>. The Commission may recommend that the Yamhill City Council adopt, amend, or remove additional protections for a

National Register Resource, provided the National Register Resource is not the subject of a pending application for alteration, relocation, or demolition. Application of additional protections to a National Register Resource must be processed as a legislative action per Title 10, Chapter 10.132. A National Register Resource need not be designated to the Resource List for additional protections to be applied.

(A) National Register Resources within the corporate boundaries of the City of Yamhill may be designated to the Resource List using the procedures outlined in Section 14.01.110 and made subject to the regulations of Sections 14.01.120, 14.01.130, 14.01.140, 14.01.150, and 14.01.160 as a means of providing additional protections. Application of additional protections must be processed as a legislative action per Title 10, Chapter 10.132 and subject to the specific provisions of 14.01.130(B-D) of this Section.

(B) Regulations adopted prior to February 23, 2017 (NOTE: the current Municipal Code does not contain any regulations regarding historic buildings or areas.) regarding the alteration, preservation, restoration, rehabilitation, reconstruction, relocation, and/or demolition of a National Register Resource may be amended or removed when the proposed National Register Resource is not the subject of a pending application for alteration or demolition. The action must be processed as a legislative action per Title 10, Chapter 10.132.

(C) Additional protections must be applied to National Register Resources without owner consent under the provisions of OAR 660-023-0200(8)(b).

(D) The City of Yamhill and any person, group, or government agency may propose that a National Register Resource be considered for additional protections. The process for applying additional protections is as follows:

(1) The proposal for adding additional protections to a National Register Resource must include the National Register nomination document and a complete list of the additional protections proposed. The Historic Preservation Officer may establish additional standards for a complete application.

(2) At a public hearing, the Historic Preservation Commission must consider all of the following factors:

(a) The historic characteristics identified in the National Register nomination document; and

(b) The historic significance of the resource; and

(c) The relationship to the historic context statement and historic preservation plan contained in the comprehensive plan, if they exist; and

(d) The goals and policies in the City of Yamhill Comprehensive Plan; and

(e) The effects of the additional protection measures on the ability of Significant Historic Resource owners to maintain and modify features of their Significant Historic Resource; and

(f) Any other relevant factors.

14.01.140 <u>Demolition and Relocation of Significant Historic Resources</u>. The Historic Preservation Commission must approve, approve with conditions, or deny an application to demolish or relocate a Significant Historic Resource. A public hearing before the Commission and a Certificate of Appropriateness signed by the Historic Preservation Officer must be required to demolish or relocate Significant Historic Resource. The Historic Preservation Officer must post a legal notice, per requirements in Title 10, Section 10.128.030 announcing the public hearing to demolition or relocate the historic resource, the criteria under which a decision will be made, and invite the public to provide testimony for consideration by the Commission.

(A) The definition of "demolition" for National Register Resources means any act that destroys, removes, or relocates, in whole or part, National Register Resource such that its historic, cultural, or architectural character and significance is lost.

(B) In addition to the criteria stated in Section 14.01.140(C-E), the Commission must consider the following factors when reviewing an application for the demolition or relocation of a National Register Resource: 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.

(C) The Commission must find the following when approving or approving with conditions the demolition of a Significant Historic Resource:

(1) The applicant completed a replacement plan for the site, including drawings approved by the designated Building Official. If the property is located within a historic district, plans must be submitted for review and approved by the Commission prior to the application to demolish the Significant Historic Resource pursuant to these regulations as they relate to new construction; and

(2) The designated Building Official determines and states in writing that the Significant Historic Resource cannot be safely removed from the site; and

(3) The value to the community of the proposed use of the Significant Historic Resource outweighs the value of retaining the Significant Historic Resource. Public testimony must be considered when making this determination.

(D) The Commission must find the following when approving or approving with conditions the relocation of a Significant Historic Resource:

(1) If the Significant Historic Resource is located within a historic district, the owner completed a replacement plan for the site, including drawings approved by the designated Building Official. Plans must be submitted for review and approved by the Commission prior to the application to demolish the Significant Historic Resource pursuant to these regulations as they relate to new construction; and

(2) The value to the community of the proposed use of the Significant Historic Resource outweighs retaining the Significant Historic Resource in its original location; and

(3) The relocated Significant Historic Resource remains within the limits of the City of Yamhill; and

(4) The new site provides a suitable setting and ensures the Significant Historic Resource's long-term preservation; and

(5) The owner has an approved plan for the new site.

(E) In approving an application for the demolition or relocation of a Significant Historic Resource, the Commission may impose the following conditions:

(1) Completion of photographic, video, textual and/or drawn recordation of the subject property in its original location; and

(2) A Significant Historic Resource be relocated to a new site when demolition is proposed, and that, to the extent feasible, the new location is similar to the original site and that the original setback and orientation of the building is replicated on the new lot; and

(3) The owner obtain permission from the National Park Service to move the National Register Resource to retain the property's listing in the National Register of Historic Places and/or assume all responsibility and cost of removing the property from the National Register of Historic Places if permission cannot be obtained; and

(4) Delay the demolition of the Significant Historic Resource in the interest of exploring reasonable alternatives for a maximum of 180 days. The Historical Preservation Officer may grant a one-time extension of an additional 90 days with good cause.

(5) Other reasonable mitigation measures.

(F) Upon issuing a Certificate of Appropriateness for the demolition of a Significant Historic Resource, the Historic Preservation Officer must post a legal notice per Title 10, Section 10.128.030 announcing the demolition.

(1) Relocated Significant Historic Resources must remain designated to the Resource List unless removed from the Resource List under the provisions of this regulation.

(2) Demolished Significant Historic Resources must be removed from the Resource List using the procedures described in this regulation and must not be subject to the provisions of this regulation.

(3) Notice of this relocation or demolition of a Locally Significant Resource or National Register Resource must be provided to the State Historic Preservation Office.

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

(A) Archeological resources must be protected and preserved in place subject to the requirements of federal, state, and local regulations, including the guidelines administered by the Oregon State Historic Preservation Office and ORS 358.905—358.962.

(B) A person may not excavate, injure, destroy or alter an archaeological site or object or remove an archaeological object located on public or private lands unless that activity is authorized by a permit issued under ORS 390.235. A violation of this subsection is a misdemeanor.

14.01.160 Removal of Significant Historic Resources from the Resource List. A public hearing before the Historic Preservation Commission and a Certificate of Appropriateness signed by the Historic Preservation Officer must be required to remove a Significant Historic Resource from the Resource List.

(A) A National Register Resource must first be removed from the National Register of Historic Places before an owner may apply for the National Register Resource to be removed from the Resource List.

(B) An application to remove a Significant Historic Resource from the Resource List must not be considered for one (1) year after the date of decision for the denial of an application for the relocation or demolition of the same Locally Significant Historic Resource under Section 14.01.140.

(C) Any individual or group, including the Commission acting on its own initiative, may initiate the removal of a Significant Historic Resource by submitting a complete application to the Historic Preservation Officer. The Historic Preservation Officer may establish standards for a complete application.

(D) To approve an application for the removal of a Locally Significant Historic Resource from the Resource List the Commission must find the following:

(1) The Locally Significant Historic Resource has lost the qualities for which it was originally recognized; and

(2) Additional information shows that the Locally Significant Historic Resource no longer satisfies the criteria for recognition or did not satisfy the criteria for recognition at time of listing; and

(3) The designated Building Official declares that the Locally Significant Historic Resource poses a clear and immediate hazard to public safety and must be demolished to abate the unsafe condition.

(4) The designation of the property to the Resource List was imposed on the property at the time of designation, and:

(a) The owner has retained ownership since the time of the designation; and

(b) The owner can demonstrate that the owner objected to the designation on the public record; or

(c) Was not provided an opportunity to object to the designation; and

(d) The owner requests in writing that the local government remove the property from the Resource List.

(5) Significant Historic Resources destroyed by flood, fire, or other natural or accidental act or demolished under the provisions of this regulation and meeting the definition of "demolished" as defined in these regulations may be removed from the Resource List by the Historic Preservation Officer. Notice of this action and written and photographic evidence documenting the demolition of the Significant Historic Resource must be provided to the Commission at the next regular meeting. This same documentation must be provided to the State Historic Preservation Office. If a Significant Historic Resource is also listed in the National Register, the Historic Preservation Officer must request that the SHPO remove the property from the National Register if not requiring the owner to do so under the provisions of this regulation.

(6) Upon removing a Significant Historic Resource from the Resource List, the Historic Preservation Officer must post a legal notice, per requirements in Title 10, Section 10.128.030 announcing the removal, the criteria under which the removal was approved, and the historic significance of the property.

(7) A Significant Historic Resource removed from the Resource List under the provisions of this Section must not be subject to the regulations of this ordinance.

14.01.170 Re-submittal of a Previous Application. An application for a Certificate of Appropriateness may be appealed to the City Planning Commission per, Title 10, Section 10.128.040.B.

14.01.180 Enforcement. Penalties for violations of the provisions of these regulations must be the same as for violation of the City of Yamhill Title 5, Sections 5.04.200 to 5.04.260.