



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

www.mcminnvilleoregon.gov

Historic Landmarks Committee
ZOOM Online Meeting
May 27, 2021 3:00 PM

*Please note that this meeting will be conducted
 Via Zoom meeting software due to the COVID-19 event.*

ZOOM Meeting: You may join online via the following link:

<https://mcminnvilleoregon.zoom.us/j/91899652631?pwd=Wkk2NjBzQUplU3NNZDFpb3U1aDlVUT09>

Zoom Meeting ID: 918 9965 2631

Zoom Meeting Password: 927907

Or you can call in and listen via Zoom: 1-669-900-9128

Committee Members	Agenda Items
Mark Cooley, Vice-Chair	1. Call to Order
Mary Beth Branch	2. Citizen Comments
Joan Drabkin	3. Election of Chair
Hadleigh Heller	4. Approval of Minutes A. August 27, 2020 Meeting Minutes (Exhibit 1)
Christopher Knapp	5. Action Items A. HL 6-20: Certificate of Approval for Demolition (Exhibit 2) 826 SW Gilson Street B. HL 2-21: Certificate of Approval for Demolition (Exhibit 3) 415 & 423 SE College Avenue
John Mead	6. Discussion Items A. Presentation from Northwest Vernacular Historic Preservation on Demolition Code Review (Exhibit 4)
	7. Committee Member Comments
	8. Staff Comments
	9. Adjournment

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

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



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EXHIBIT 1 - MINUTES

August 27, 2020
Historic Landmarks Committee
Regular Meeting

3:00 pm
Zoom Meeting
McMinnville, Oregon

Members Present: Mary Beth Branch, Mark Cooley, Joan Drabkin, Christopher Knapp, and John Mead

Members Absent: None

Staff Present: Chuck Darnell – Senior Planner

Others Present: Spencer Howard

1. Call to Order

Chair Branch called the meeting to order at 3:02 p.m.

2. Citizen Comments

None

3. Approval of Minutes

A. May 28, 2020 Meeting Minutes

Committee Member Drabkin moved to approve the May 28, 2020 minutes. The motion was seconded by Committee Member Mead and passed unanimously.

4. Discussion Items

A. Reconnaissance Level Survey (RLS) Presentation

Spencer Howard, Northwest Vernacular, presented. This project was funded through a CLG grant. As a Certified Local Government (CLG), the City of McMinnville: maintained a historic preservation commission and the Historic Resource Inventory, surveyed local historic properties, enforced state and local preservation laws, and reviewed National Register nominations. This project was for additional survey work, and the project survey areas included commercial and residential areas south of downtown and north of Cozine Creek as well as Chandler's Second Addition. It was a standard reconnaissance level survey. 371 buildings and structures were surveyed (the total included updated forms for demolished buildings and structures). The data sets used were SHPO historic sites database, SHPO GIS layer, and City color-coded maps used in the 1980s survey. The estimated year-built was done through the

limited year-built data from Yamhill County, development patterns, Sanborn Fire Insurance maps georeferenced, and US Geological Survey aerials georeferenced. The field work was conducted on June 10 and 11. It included one form for each primary building which included all secondary buildings, high resolution digital photographs, original use, materials, plan type, comments (alterations, notable aspects), number of contributing and non-contributing resources, and eligibility evaluation. The data entry included updates to the 1980s forms, completed new forms, photographs, updated spatial data for each property, and the database was transmitted to SHPO.

Mr. Howard showed maps that were color coded by the development periods, historic functions, and architectural styles and forms. He showed pictures that were examples of the styles and forms in McMinnville. He discussed the SHPO evaluation that they assigned to the properties. ES was for eligible/significant: over 45 years of age, retained integrity, notable architectural character, high potential for individual National Register eligibility. EC was for eligible/contributing: over 45 years of age, retained integrity and/or some alterations, if there was a historic district the building would likely be contributing. NC was for not eligible/non-contributing: over 45 years of age, but extensively altered. UN was for undetermined, the building was obstructed by vegetation. XD was for demolished, the building no longer existed. He then showed a color coded map with the SHPO evaluation categories. There were 38 eligible/significant properties, 175 eligible/contributing, 88 not eligible/non-contributing, 53 not eligible/out of period, 1 undetermined, and 17 demolished. He showed another map with SHPO evaluation footprints and another with common alterations. The most common alterations were replacement of wood windows with vinyl and aluminum windows, siding replacement with vinyl, fiber cement board, and T1-11, building loss due to demolition from neglect, and additions side and rear, and dormers.

Mr. Howard described that for the Historic Resource Inventory evaluation, they used Section 17.06.060 of McMinnville's Municipal Code. The classifications were: distinctive, resources outstanding for architectural or historic reasons and potentially worthy of nomination to the National Register of Historic Places; significant, resources of recognized importance to the City due to historical association or architectural integrity, uniqueness, or quality; 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; and environmental, resources surveyed that were not classified as distinctive, significant, or contributory, comprise an historic context within the community. The HRI methodology included Appendices 3 and 4 of the 1980 McMinnville Historic Resource Survey and Inventory Phase 1, assigned numbers to newly surveyed buildings starting with 1147, pulled previous ranking data from Appendix 5 of the 1980 survey, and report tables. They updated the scoring based on the 50 year history threshold, gave up to three points for style, up to two points for integrity, and up to two points for environment. The HRI recommendations were for 24 distinctive resources, 97 significant resources, 111 contributory resources, and 69 environmental resources. The HRI common changes from 1980-84 vs. 2020 were: history point increases, history point decreases, style point adjustments, integrity point decreases, integrity point increases, and environmental scoring increases.

Mr. Howard described other recommendations which include an intensive level survey for the eligible/significant buildings and priority areas were identified to support a phased approach. They should evaluate National Register eligibility for these properties and support walking tours and historic district development. The priorities were: SE Baker Street corridor (8 total), SE 1st and SE 2nd Streets (15 total), Chandler's Addition (3 total), and development period buildings

(12 total). There was also a recommendation to create a South Downtown Historic District with 222 total buildings, 156 historic contributing buildings (70%) based on a period of significance from 1870 to 1965. Another recommendation was for preservation education through property owner outreach, window repair and replacement guidance, and cladding repair and replacement guidance. The City should consider grants or other direct financial incentives and coordinating with McMinnville Water & Light to provide energy rebates for the repair and upgrade of existing wood windows and compatible replacements for buildings listed on the McMinnville Historic Inventory.

Senior Planner Darnell asked if the Committee was interested in moving forward with making any updates to the local Historic Resources Inventory based on the recommendations and updated scoring and survey work that was part of the project. There were some that would change categories. He asked about the differences in scoring from the 1980 survey to this one.

Mr. Howard said a lot of it had to do with alterations to windows and cladding. They also tried to make sure the style was identifiable and doing a good job of conveying that style. They tried to follow as closely as they could the 1980 survey scoring.

Committee Member Mead asked if there were legislative hurdles to adding properties to the historic registry that had not been previously listed.

Senior Planner Darnell said this was only survey work, no formal action was being taken. If the Committee was interested in moving forward with updating the local inventory with the new listings suggested, it would require notification to the property owners. There had to be an owner consent process where the owner could object to listing their property on the local inventory. There was also a suggestion to change some of the properties already on the list to a different category. He was still waiting to hear back if that would also require owner consent.

Committee Member Drabkin asked what happened if a listed property changed owners. Did the new owner have any recourse to try to remove the property from the list?

Senior Planner Darnell said no, changes in ownership did not affect the building's listing.

Chair Branch asked about SHPO's categories versus McMinnville's local inventory categories. Were the local categories in line with SHPO's categories for what was eligible and not eligible?

Mr. Howard said the eligible/significant properties aligned with the distinctive category on the local inventory and the significant properties aligned with the eligible contributing SHPO category. The contributory overlapped with eligible contributing. He could pull a summary of the numbers and send it to staff to show a better comparison.

Chair Branch wanted to make sure the language they were using was in line with SHPO's language or if they should make adjustments. She asked if it was typical for cities to have this many categories on their local inventories, and if they had a category that was equivalent to the Environmental category.

Mr. Howard said other cities did not have an environmental category. McMinnville's inventory did double duty as the local register and inventory and a lot of municipalities separated those out. The Distinctive, Significant, and Contributory categories McMinnville had were not that unusual.

Senior Planner Darnell asked if McMinnville had a lot more on their inventory than other cities.

Mr. Howard said it was unique in the comprehensiveness of the inventory. As far as a local register, it compared better with larger metropolitan areas than smaller municipalities. They had significantly more than other cities the same size as McMinnville.

The Committee thanked Mr. Howard for his work.

There was discussion regarding sharing the information and getting participation from these properties.

Chair Branch asked how many properties were added.

Mr. Howard said 374 properties went into SHPO's database including the 17 buildings that were demolished and 301 buildings received a category recommendation. There were 128 new properties. He thought some properties were missed previously, some had been moved, and some were added due to the expanded dates.

Senior Planner Darnell said the total number in all four categories was around 1,200. He then discussed the potential next steps which could include an intensive level survey and creation of a historic district or individual listing. He thought the HLC should determine whether there should be an update to the City's inventory as well. They could look into property owner notification and education as a first step.

Committee Member Drabkin suggested finding incentives and possibly funding that could be used for window and siding projects before they updated the inventory. They needed to come up with a marketing plan to the property owners.

Senior Planner Darnell said funding for improvements was difficult to find.

There was discussion regarding potential incentives, such as data about property values of homes in a designated protected area.

Committee Member Cooley thought they should look into possible grants for educational materials, especially for promoting preservation of wood windows and cladding.

Chair Branch thought they should have a list of qualified restoration contractors and create pre-approved options that if followed, applicants would not have to come to the HLC.

There was consensus not to move anything forward immediately so the Committee could study the recommendations further. They would look at updating the historic preservation code chapter and decide if they wanted to update the inventory. For the next round of the CLG grant they could come up with educational projects and incentives. There would also be discussion regarding whether or not to keep the Environmental category.

There was discussion regarding getting a Council liaison to attend the Committee meetings, especially as they were discussing code changes.

5. Committee Comments

Committee Member Cooley encouraged the Committee to look at the recommended category changes.

6. Staff Comments

None

7. Adjournment

Chair Branch adjourned the meeting at 4:52 p.m.



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EXHIBIT 2 - STAFF REPORT

DATE: May 27, 2021
TO: Historic Landmark Committee Members
FROM: Chuck Darnell, Senior Planner
SUBJECT: PUBLIC MEETING: HL 6-20 (Certificate of Approval for Demolition) –
826 SW Gilson Street

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

OBJECTIVE/S: Define the unique character through a community process that articulates our core principles

Report in Brief:

This is a quasi-judicial review of a Certificate of Approval for Demolition land use application to allow for the demolition of an existing historic resource and building located at 826 SW Gilson Street (Tax Lot 1300, Section 29AB, T. 4 S., R. 4 W., W.M.). The building is listed on the McMinnville Historic Resources Inventory as a “Contributory” historic resource (resource number C152). The City of McMinnville has four classifications for historic resources in descending order, A, B, C and D. Per the McMinnville Municipal Code, the McMinnville Historic Landmarks Committee serves as the decision-making body for the review of any Certificate of Approval for Demolition application. The Certificate of Approval for Demolition request is subject to the review process described in Section 17.65.050 of the McMinnville Municipal Code (MMC). The Historic Landmarks Committee will make a final decision on the application, subject to appeal as described in Section 17.65.080 of the MMC.

Background:

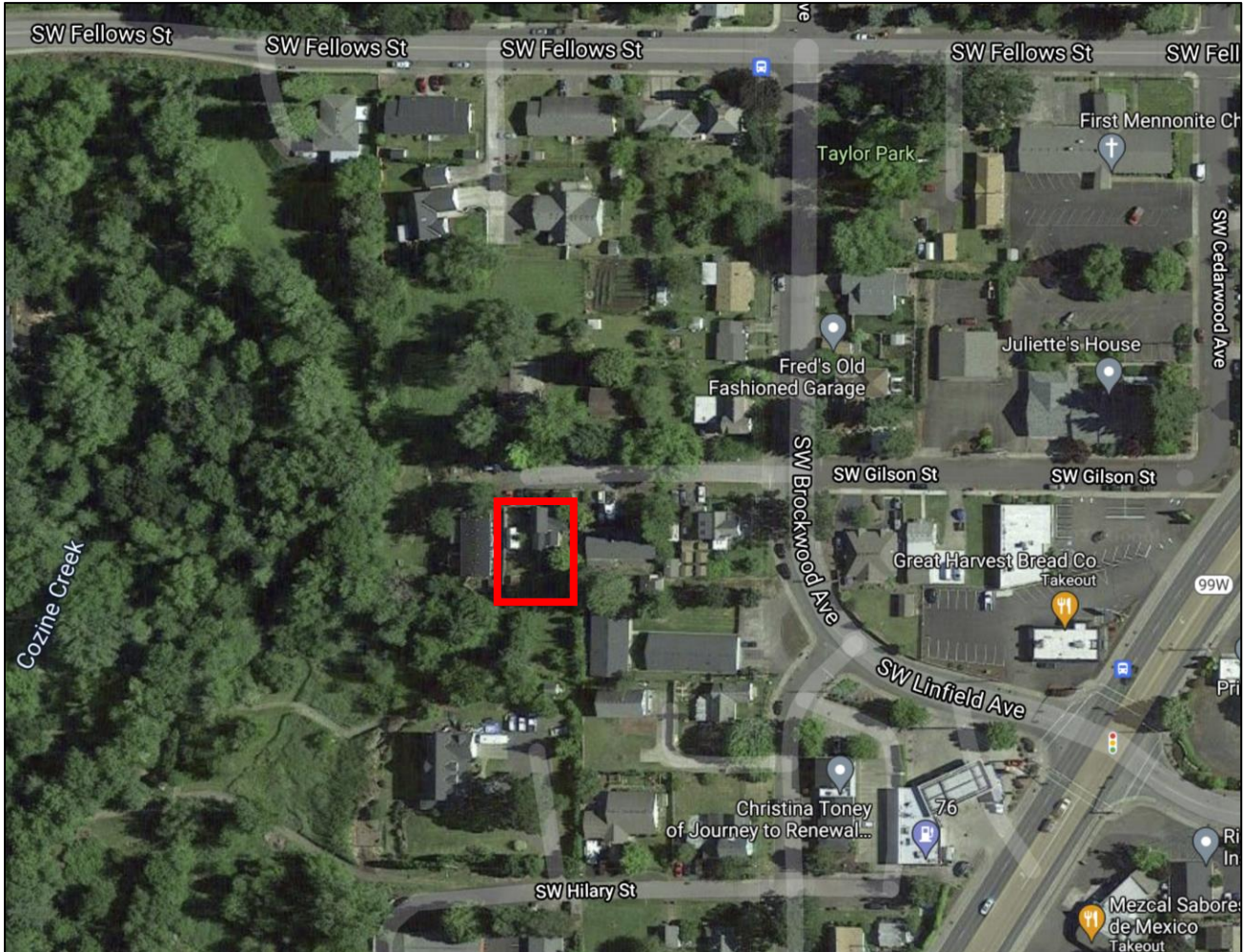
The subject property is located at 826 SW Gilson Street, and is identified as Tax Lot 1300, Section 29AB, T. 4 S., R. 4 W., W.M. **See Vicinity Map (Figure 1) below.**

Attachments:

Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of HL 6-20

Attachment B: HL 6-20 Application Materials

Figure 1. Vicinity Map (Property Outline Approximate)



The existing building on the subject property is listed on the Historic Resources Inventory as a “Contributory” historic resource (resource number C152). The property was originally surveyed in 1983, which is the date that the “Statement of Historical Significance and Property Description” was drafted and included on the Historic Resources Inventory sheet (resource number C152) for the subject property. This survey work led to the inclusion of the property on the Historic Resources Inventory, and the Historic Resources Inventory was adopted by the McMinnville City Council on April 14, 1987 by Ordinance 4401. The Historic Resources Inventory has since been incorporated into the McMinnville Municipal Code (MMC) through its adoption and reference in MMC Section 17.65.030(A).

The statement of historical significance and description of the building, as described in the McMinnville Historic Resources Inventory sheet for the building, is as follows:

“L-shaped house with additions that are now integral. This is another rural vernacular sample. Double hung sash windows, medium gables, added and enclosed front porch with shed roof. Boxed eaves. Composition shingle siding and brick foundation.”

An image of the historic resource from the time of the survey in 1983 is provided below:

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An image of the historic resource as it exists today is provided below:



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Discussion:

Decisions and/or recommendations for approval of the land use application are dependent upon whether or not the application meets state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code. The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria.

The specific review criteria for Certificate of Approval for Demolition requests, in Section 17.65.050(B) of the McMinnville Zoning Ordinance, require the Historic Landmarks Committee to base each 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.

The applicant has provided a written narrative and findings to support their requests. The narrative and findings are provided in the application materials and are also reiterated and expanded upon in the Decision Document. The Decision Document includes the specific findings of fact for each of the applicable review criteria, but an overview of the findings in those Decision Documents is provided below.

The applicable review criteria in Section 17.65.050(B) only require that the Historic Landmarks Committee base its decision on the applicable review criteria. It is important to note that the proposal is not required to satisfy every one of the review criteria, but that the Historic Landmarks Committee must base its decision on the multiple review criteria. This requires the Historic Landmarks Committee to determine whether each criteria is met, and then weigh those findings against any criteria that are found not to be met.

Summary of Applicant Findings

The applicant has provided findings and is arguing that the historic resource meets multiple review criteria to support the demolition of the historic resource. The applicant's main arguments are related to the value and significance of the historic resources, the existing condition of the historic resources, the amount of investment required to bring the structure back to an acceptable level to provide an economic and reasonable use (and the associated financial hardship of that investment), the preservation being a deterrent to an improvement program of substantial benefit to the city, and that retention would not be in the best interests of a majority of the citizens of the city.

The main factor in the applicant's arguments and findings for the demolition of the existing historic resource is the existing condition of the historic resource. The applicant has provided photographic evidence of the poor condition of the historic resource, including issues with the foundation, lack of

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moisture or vapor barrier, interior framing lacking separation from the ground, extensive dry rot throughout, poor and outdated plumbing and electrical systems, and various issues with the exterior features of the home. An estimate from a local contractor was provided that supported these descriptions of the poor condition of the home.

The applicant has also argued that the historical value and significance of the historic resource is lacking due to its condition and also due to the classification it was assigned at the time of the survey of the property and the development of the Historic Resources Inventory.

The applicant has provided multiple statements related to the economic use of the historic resource being low, and that preservation of the structure would result in financial hardship that is not outweighed by the public interest in the preservation of the historic resource. Again, the applicant provided a statement from a local contractor that includes one cost estimate for the foundation repair, and other statements that allude to the need for other improvements to the structure. The applicant is arguing that these improvement costs are not reasonable to restore the historical integrity of the structure given its current economic use. Documentation of the Real Market Value of the structure as assigned by the County assessor's office was also provided, showing that the value of the structure is low, most recently at \$57,504.

Finally, the applicant is proposing an improvement program on the subject property that the preservation of the historic resources would prevent from occurring. If the existing building was approved for demolition, the applicant is proposing to construct a new dwelling unit on the subject site. The applicant has described this replacement dwelling as being either a stick-built single-family dwelling or a manufactured home, but no additional detail was provided. Building permit plans have also not yet been submitted for any redevelopment of the property.

Analysis of Review Criteria

The Historic Landmarks Committee needs to make their findings for their decision based on the review criteria of the McMinnville Municipal Code, which are in Section 17.65.050(B) and are shown above.

The McMinnville Municipal Code does not require that the applicant's request meet all of the applicable review criteria in order for a Certificate of Approval for Demolition application to be approved. The Historic Landmarks Committee needs to decide if the applicant's findings are compelling enough to warrant an approval for a Certificate of Approval for Demolition.

The applicant had also provided findings for the demolition being consistent with the Comprehensive Plan (review criteria 17.65.050(B)(1)) and that the historic resource constitutes a hazard to the safety of its occupants (review criteria 17.65.050(B)(5)). However, staff does not believe that the Comprehensive Plan goals and the purpose statement of the Historic Preservation chapter of the code support demolition of historic resources, and rather speak to the preservation and protection of structures of historical significance to the City of McMinnville. In regards to the historic resource being a hazard to the safety of its occupants, staff does not believe that this criteria is as applicable in the demolition request. While there are some documented issues with the condition of the structures (see description above and applicant narrative for more detail), there could still be a level of investment that would result in the building being functional and not a hazard to its occupants.

Staff believes that the applicant's arguments described in the section above (titled "Summary of Applicant Findings") could be found to be reasonable and satisfying the applicable review criteria to support the demolition of the historic resource. Staff believes that the most relevant and best satisfied review criteria is related to the "physical condition" of the historic resource, together with the value and significance of the historic resource, and the economic considerations associated with renovation of the structure to a level of acceptable use. The applicant provided fairly extensive documentation of some of the poor

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condition of the structure. Staff believes that some of the structural elements identified in the application materials are of particular note, including the crumbling brick foundation in multiple locations and the lack of foundation internally resulting in the floor framing resting on bare ground. The applicant did provide a contractor's statement (not really a true cost estimate) that does support the applicant's statements about the physical condition of the historic resource. The contractor concurs with the applicant, and notes many of structure's features that require extensive repair.

The one item that the contractor's statement provides specific cost estimate for is the repair of the foundation, which would require lifting the home and is estimated at between \$75,000 and \$85,000. Together with the other improvements required to repair the home and the existing Real Market Value of the structure, the Historic Landmarks Committee would need to find that the investment required in the structure would not be reasonable and be a financial hardship to the property owner. However, staff would note that the applicant did not provide much data or evidence for what the market value of the structure could be after improvements take place.

Staff would also note that it is apparent that there is likely some level of deterioration that has been allowed to occur over time, but it is difficult to determine exactly how the structure came to be in its current condition. At the time of the survey of the resource in 1983 at the time of the development of the Historic Resources Inventory the condition of the structure was assigned a "Fair" assignment, which is the third lowest of four possible assignments of condition. Within the "Fair" assignment, it was noted that the structure had "Rotten sills or frames", "Deep wear on stairs", and "Poor or no foundation", which provides some evidence that at least some of the poor condition of the structure existed at the time of original designation on the Historic Resources Inventory. Even with the somewhat poor condition of the structure at the time of the original survey, it was still evaluated and scored highly enough amongst all of the applicable criteria to be designated as a "Contributory" resource, as will be described in more detail below. Therefore, staff would not suggest that the condition of the structure alone be considered the most compelling argument for supporting demolition of the structure.

Staff would suggest that the most compelling argument and potentially most influential finding for potentially supporting the demolition of the structure would be for the criteria related to the "value and significance" of the historic resource. The applicant had provided some reference to the evaluation and scoring process that resulted in the structure being a "Contributory" resource. However, some of their references were incorrect. The historic resource was determined to be a "Contributory" resource during the stage 1 evaluation process during the development of the Historic Resources Inventory. The "Contributory" resources were "considered to enhance the overall historic character of a neighborhood or the City". The description of resources that "create the background or context for the more significant resources" that is referenced by the applicant was used to described "Environmental" resources, which the historic resource in question is not.

The historic resource in question was then also considered during the stage 2 evaluation process during the development of the Historic Resources Inventory, where it was scored against the stage 2 criteria of History, Style, Integrity, and Environment. The historic resource received a score of 5, which kept it within the "Contributory" classification but was not a score that resulted in a level of higher significance. Detail on the scoring from the stage 2 evaluation process, as shown in Appendix 4 and Appendix 5 of the Historic Resources Inventory, is shown below:

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Totals -

After the points were awarded for each of the categories of criteria, the scores were totalled. Resources were classified as follows:

 "Distinctive Resources" - 9 or 10 points;
 "Significant Resources" - 7 or 8 points;
 "Contributory Resources" - 5 or 6 points;
 "Environmental Resources" - Less than 5 points.

The score sheets and a list of the changes resulting from the stage two evaluations are included in Appendix 5.

Appendix 5, Page 7

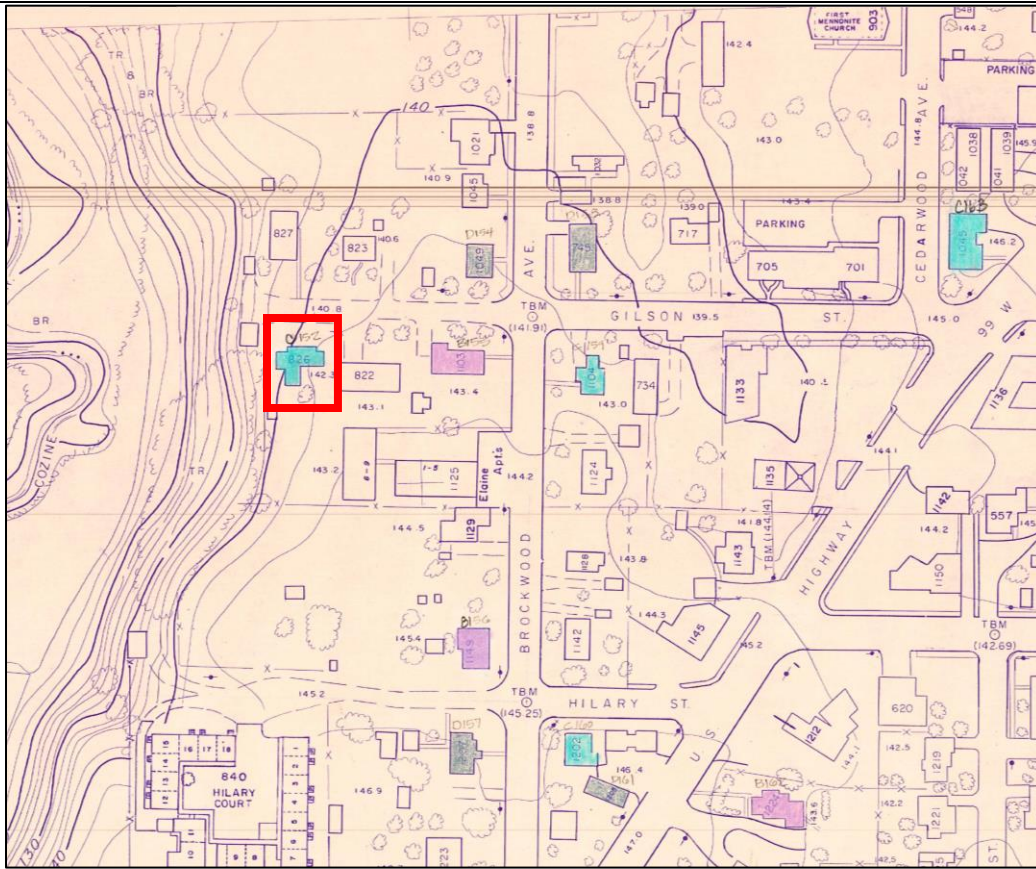
<u>#</u>	<u>H</u>	<u>S</u>	<u>I</u>	<u>E</u>	<u>Bonus</u>	<u>Total</u>	<u>Comments:</u>
C144	1	1	2	2		6	
C145	1	1	2	2		6	
C152	2	1	1	1		5	
C159	2	1	1	2		6	
C160	2	1	1	2		6	

This shows that the structure was originally evaluated at a low level for most of the applicable review criteria, other than "History" which may be based on the estimated year of construction (1890).

Finally, the applicant is proposing an improvement program of the redevelopment of another dwelling on the subject property, which could be found to be an improvement program of benefit to the City. The improvement program is basically the replacement of one dwelling unit with another dwelling unit, which is not necessarily a substantial benefit to the City as it does not result in an increase in available housing, but it would result in new construction of a dwelling unit. The built environment around this location and in the surrounding neighborhood is somewhat varied, and there are not a large number of other designated historic resources in the area. There has also been more recent redevelopment of the properties immediately adjacent to the west and south with more modern single family homes. Therefore, the replacement of the historic resource with another newer dwelling unit would not result in an incompatibility with the surrounding neighborhood or degradation of a significant pattern of historical development.

An image of the Historic Resources Inventory map of the surrounding area is shown below for reference:

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However, staff would note that there have been no plans yet submitted for this redevelopment or improvement program, and no timeframe described by the applicant.

On recent demolition requests, the Historic Landmarks Committee has included a condition of approval to require that, prior to the demolition, an owner make the structure available for moving to another site. Also, on recent demolition requests the Committee has required that the owner make available the amount of funds that they would have spent on demolition of the structure to the party that would move the structure to cover costs associated with the move. The intent behind this requirement is to provide a financial incentive to someone interested in renovating the structure, as they could receive the structure at no cost and also have all or most of the costs of moving the structure covered by the current owner, which would test whether the renovation of the structure is economically reasonable.

There has been no evidence or analysis of whether the structure could be moved, and the applicant (and also current owners) have not provided any cost estimate associated with the demolition of the structure. Based on this, and the fact that there are no redevelopment plans yet submitted for the property, staff would suggest that the Historic Landmarks Committee consider requiring the applicant to make the structure available for relocation, but not require that funding be made available to assist in the relocation (because it is not apparent that the property owner has that funding available due to there being no immediate redevelopment plans for the property).

Also, if the Historic Landmarks Committee finds that the improvement program described by the applicant would satisfy this review criteria (criteria 17.65.050(B)(6)), and that it may be more influential when weighed against other criteria that are not being satisfied, staff would remind the Committee that in the past, there has been a consideration of deferring the issuance of a demolition permit until such time as building permits are actually submitted for the improvement program. The intent behind this has been to ensure that the improvement program actually moves forward prior to demolition of the historic resource.

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As stated above, there have been no redevelopment plans submitted for the subject property, so staff would suggest that the Committee consider including this delay on the issuance of a demolition permit until building permits are submitted.

Finally, the Historic Landmarks Committee could require that the history of the buildings be documented through other means for archival purposes if the structure is not relocated and at such time that redevelopment of the property is actually proposed, which would satisfy review criteria 17.65.050(B)(8). These other means have traditionally included detailed photographic evidence that is provided to the Planning Department.

Commission Options:

- 1) Close the public meeting and **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public meeting to a specific date and time.
- 3) Close the public meeting and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation:

Again, in reviewing a request for a demolition of a historic landmark, the Historic Landmarks Committee must base its decision on the criteria described in Section 17.65.050(B) of the McMinnville City Code, and as reviewed in the staff report above. **It is important to note again that the proposal is not required to satisfy every one of the review criteria, but that the Historic Landmarks Committee must base its decision on the multiple review criteria. This requires the Historic Landmarks Committee to determine whether each criteria is met, and then weigh those findings against any criteria that are found not to be met.**

Based on the information provided, staff believes that the applicant has provided findings that could be found to support the demolition request. Staff believes that the applicant provided reasonable findings for the value and significance of the historic resources, that the preservation of the historic resources would be a deterrent to an improvement program of benefit to the City, and that the retention of the historic resource not being in the best interests of a majority of the citizens of the city. The findings related to the economic use and financial hardship of the preservation of the historic resources are not as strongly supported by data or evidence from the applicant. Therefore, staff would suggest that the Historic Landmarks Committee consider their arguments and determine whether they are found to be reasonable. Also, staff has suggested some conditions of approval related to making the structure available for relocation, which has been a requirement that has been applied in other demolition requests to further test the reasonability and viability of renovating the existing structure.

These criteria, together with a potential requirement to provide an opportunity to relocate the structure, a requirement to delay the issuance of the demolition permit until building permits are submitted for redevelopment of the property, and a requirement for more detailed documentation of the historic resource prior to demolition, could be found by the Historic Landmarks Committee to outweigh the other review criteria that are not being satisfied. Staff does not believe that the Comprehensive Plan goal and Historic Preservation purpose statement support demolition of historic resources, and staff also believes that the structures could be improved to some degree to not be a hazard to its occupants. Therefore, staff does not believe that these criteria are being satisfied, and that they should be considered and weighed by the Historic Landmarks Committee against the criteria that could be found to be satisfied.

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If the Historic Landmarks Committee agrees with the applicant's arguments and findings in Sections 17.65.050(B)(2), 17.65.050(B)(3), 17.65.050(B)(4), 17.65.050(B)(6), 17.65.050(B)(7), and 17.65.050(B)(8), staff recommends that the demolition request be approved with conditions. If the Historic Landmarks Committee does decide to approve the request for the demolition of the historic resource, staff is suggesting that an opportunity be made for relocation of the structure, that the demolition permit also be delayed until such time as building permits are submitted for redevelopment of the property, and that photo documentation be provided of the historic resource prior to demolition.

Staff is suggesting that the following conditions of approval be included to provide for additional opportunity to preserve the historic resource:

- 1) That within 20 (twenty) days of notification of the Historic Landmarks Committee's decision, the applicant shall place notice in the "News-Register" advertising that for a period of not less than 120 days, the subject structure will be available for relocation. The applicant will place such notice in a minimum of two editions of the "News-Register". The applicant shall also advertise the availability of the subject structure for relocation in postings on Craigslist, in the McMinnville, Salem, and Portland areas. The applicant shall also notify a minimum of four (4) local real estate agents of the availability of the subject structure for relocation. During the 120-day period following the required advertising, the applicant shall also place a posted notice on the right-of-way adjacent to the property noticing the offering of structure for relocation. Evidence of the advertisement and the property posting shall be provided to the Planning Department prior to the issuance of the demolition permit for the subject structure.

The City of McMinnville shall not issue a demolition permit for the structure until 120 days from the first day of advertising the subject structure for relocation.

- 2) That the City of McMinnville shall not issue a demolition permit for the historic resource until building permits for an improvement program substantially similar to the project described in the application materials have been submitted to the Building Department. The improvement program shall be considered to be substantially similar to the project described in the application materials if it is for any permitted or conditionally permitted use in the underlying zone.
- 3) That prior to the issuance of the demolition permit for the subject structure, a minimum of 20 (twenty) digital photographs documenting exterior views of the subject structure and a minimum of 20 (twenty) digital photographs documenting interior views of the subject structure shall be submitted to the Planning Department.

Staff has provided a draft decision document with findings to support a Historic Landmarks Committee decision to approve the demolition with the above condition.

Alternatively, the Historic Landmarks Committee could make findings to support a decision to deny the demolition request. Staff has provided some description of each of the applicable review criteria, and the Committee could use some of those arguments to make findings that the demolition of the resource is not warranted. Again, the Historic Landmarks Committee must consider each applicable review criteria and weigh them against each other. The Committee's decision must be based on the applicable review criteria, but there is no requirement that any particular number of review criteria be satisfied or not satisfied.

In order for the Historic Landmarks Committee to make a decision to deny the demolition request, staff believes that the Committee could make findings that the existing historic resource still retains some of the architectural building form that originally resulted in the structure being listed on the Historic Resources Inventory even though most of the detailed architectural features are in poor condition, showing that the historic resource does still retain some level of historic value and significance (Section

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17.65.050(B)(3)). The Committee could also find that with reinvestment the physical condition of the structure could be improved (Section 17.65.050(B)(4)), that with reinvestment the structure would not pose a safety hazard (Section 17.65.050(B)(5)), and that there exists a public interest in the retention of the structure that is in the best interests of the City (Sections 17.65.050(B)(7)) and 17.65.050(B)(8)). The Historic Landmarks Committee would need to find that these criteria outweigh the applicant's arguments that there is no economic use of the resource given the level of investment required, the potential financial hardship that would be incurred by the owner in the retention of the resource, and that the public interest in the retention of the resource overrides the potential financial hardship and the improvement program described by the applicant.

The Historic Landmarks Committee should review the information and arguments provided by the applicant during the public meeting, offer an opportunity for the applicant and the public to provide testimony, and then deliberate and determine whether the review criteria being satisfied by the applicant outweigh those that are not.

MOTION FOR THE APPROVAL OF HL 6-20:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE HISTORIC LANDMARKS COMMITTEE APPROVES HL 6-20, BASED ON THE FINDINGS OF FACT PROVIDED IN THE DECISION DOCUMENT. [NOTE – INCLUDE CONDITIONS OF APPROVAL IN THE MOTION IF THERE ARE ANY DISCUSSED BY THE HLC ON THE PUBLIC RECORD DURING THE MEETING]

If the Committee does not find that applicable criteria have been addressed by the applicant, staff recommends that the Committee continue the application to a future Historic Landmarks Committee meeting to allow the applicant to provide additional information or findings. Similarly, if the Committee makes findings for the denial of the application, staff would recommend that the Committee continue the application to allow staff to draft an updated Decision Document, based on findings provided by the Committee on the record during the meeting. A recommended motion for the continuation of the application is provided below:

MOTION FOR THE CONTINUATION OF HL 6-20:

BASED ON THE MATERIALS SUBMITTED BY THE APPLICANT, THE HISTORIC LANDMARKS COMMITTEE FINDS THAT ADDITIONAL INFORMATION (AS DISCUSSED ON THE RECORD) IS NECESSARY, AND CONTINUES HL 6-20 TO A COMMITTEE MEETING ON JUNE 24, 2021 AT 3:00 PM.

CD

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**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

503-434-7311

www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS OF THE MCMINNVILLE HISTORIC LANDMARKS COMMITTEE FOR THE APPROVAL OF A DEMOLITION OF A HISTORIC RESOURCE LOCATED AT 826 SW GILSON STREET

- DOCKET:** HL 6-20 (Certificate of Approval for Demolition)
- REQUEST:** Approval of the demolition of an existing historic resource and building that is located on the subject property. The building is listed on the McMinnville Historic Resources Inventory as a “Contributory” historic resource (resource number C152).
- LOCATION:** 826 SW Gilson Street. The resources are located at the property that is identified as Tax Lot 1300, Section 29AB, T. 4 S., R. 4 W., W.M.
- ZONING:** R-2 (Single Family Residential)
- APPLICANT:** Ron & Priscilla Morton
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** April 28, 2021
- HEARINGS BODY & ACTION:** McMinnville Historic Landmarks Committee
- HEARING DATE & LOCATION:** May 27, 2021, Zoom Online Meeting ID 938 9056 2975
- PROCEDURE:** An application for a Certificate of Approval for Demolition is processed in accordance with the procedures in Section 17.65.050 of the McMinnville Municipal Code.
- CRITERIA:** The applicable criteria for a Certificate of Approval for Demolition are specified in Section 17.65.050(B) of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.
- APPEAL:** As specified in Section 17.65.080 of the McMinnville Municipal Code, the Historic Landmarks Committee’s decision may be appealed to the Planning Commission within fifteen (15) days of the date written notice of decision is mailed. The City’s final decision is subject to a 120 day processing timeline, including resolution of any local appeal.

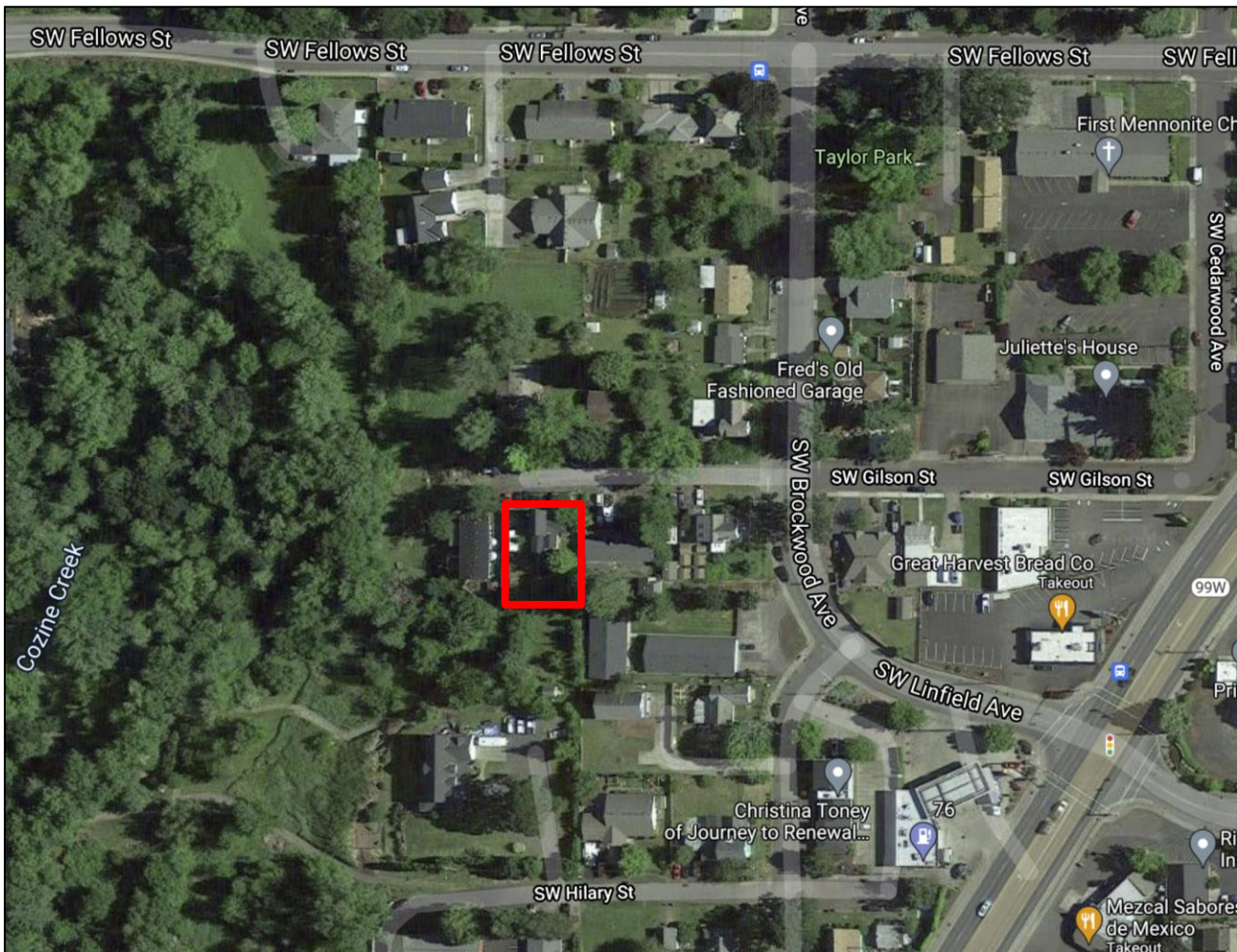
I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of the subject site(s) and the request(s) under consideration. Staff has found the information provided to accurately reflect the current land use request, and excerpted portions are provided below to give context to the request, in addition to the City’s findings.

Subject Property & Request

The subject property is located at 826 SW Gilson Street, and is identified as Tax Lot 1300, Section 29AB, T. 4 S., R. 4 W., W.M. **See Vicinity Map (Figure 1) below.**

Figure 1. Vicinity Map (Property Outline Approximate)



The existing building on the subject property is listed on the Historic Resources Inventory as a “Contributory” historic resource (resource number C152). The statement of historical significance and description of the building, as described in the McMinnville Historic Resources Inventory sheet for the building, is as follows:

“L-shaped house with additions that are now integral. This is another rural vernacular sample. Double hung sash windows, medium gables, added and enclosed front porch with shed roof. Boxed eaves. Composition shingle siding and brick foundation.”

The applicant provided an additional, brief description of the historic resource in the application narrative, which is as follows:

“The structure proposed for demolition is a 1,254 sq ft, two story, three-bedroom, one-bathroom home. The house was constructed in 1890.

The historical resource in question has been described in the statement of historical significance as two-story house with no basement. Wood frame construction. Most windows are single pane. The dwelling is rectangular in shape, very plain. The porch is falling in, extensive rot damage under brick that supports the structure. Comp roof which has been leaking and caused significant damage to interior.”

Photos of the resource at the time of survey in 1983, photos of the existing exterior of the historic resources, and a graphic of the proposed new construction are provided below. **See 1983 Historic Resources Inventory Photo (Figure 2), and Existing Conditions (Figure 3) below.**

Figure 2. 1983 Historic Resources Inventory Photo



Figure 3. Existing Conditions**Background**

The property was originally surveyed in 1983, which is the date that the “Statement of Historical Significance and Property Description” were drafted and included on the Historic Resources Inventory sheet (resource number C152) for the subject property. This survey work led to the inclusion of the property on the Historic Resources Inventory, and the Historic Resources Inventory was adopted by the McMinnville City Council on April 14, 1987 by Ordinance 4401. The Historic Resources Inventory has since been incorporated into the McMinnville Municipal Code (MMC) through its adoption and reference in MMC Section 17.65.030(A).

Summary of Criteria & Issues

The application (HL 6-20) is subject to Certificate of Approval for Demolition review criteria in Section 17.65.050(B) of the Zoning Ordinance. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Certificate of Approval for Demolition requests, in Section 17.65.050(B) of the McMinnville Zoning Ordinance, require the Historic Landmarks Committee to base each 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;

Attachments :

Attachment 1 – Application and Attachments

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.

The applicant has provided findings to support the request for a Certificate of Approval for Demolition. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

1. That within 20 (twenty) days of notification of the Historic Landmarks Committee's decision, the applicant shall place notice in the "News-Register" advertising that for a period of not less than 120 days, the subject structure will be available for relocation. The applicant will place such notice in a minimum of two editions of the "News-Register". The applicant shall also advertise the availability of the subject structure for relocation in postings on Craigslist, in the McMinnville, Salem, and Portland areas. The applicant shall also notify a minimum of four (4) local real estate agents of the availability of the subject structure for relocation. During the 120-day period following the required advertising, the applicant shall also place a posted notice on the right-of-way adjacent to the property noticing the offering of structure for relocation. Evidence of the advertisement and the property posting shall be provided to the Planning Department prior to the issuance of the demolition permit for the subject structure.

The City of McMinnville shall not issue a demolition permit for the structure until 120 days from the first day of advertising the subject structure for relocation.

2. That the City of McMinnville shall not issue a demolition permit for the historic resource until building permits for an improvement program substantially similar to the project described in the application materials have been submitted to the Building Department. The improvement program shall be considered to be substantially similar to the project described in the application materials if it is for any permitted or conditionally permitted use in the underlying zone.
3. That prior to the issuance of the demolition permit for the subject structure, a minimum of 20 (twenty) digital photographs documenting exterior views of the subject structure and a minimum of 20 (twenty) digital photographs documenting interior views of the subject structure shall be submitted to the Planning Department.

III. ATTACHMENTS:

1. HL 6-20 Application and Attachments (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

Attachments:

Attachment 1 – Application and Attachments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments were received:

- McMinnville Engineering Department

Sanitary Sewer shall be properly capped and inspected prior to demo permit final.

- McMinnville Building Department

No building code concerns with demolition. Any rebuilding would need to address the adjacent property line and could not be rebuilt as close as present without a firewall.

- Comcast

We are good here, no conflicts.

- Ziplay Fiber

We have no conflicts. However, the property owner/developer will need to provide path (Subduct or Conduit) from the new home to the Right of Way (to a pole would be ideal) for communications.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site on May 13, 2021. As of the date of the Historic Landmarks Committee public meeting on May 27, 2021 no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, property owners Ron & Priscilla Morton, submitted the Certificate of Approval application (HL 2-21) on December 10, 2020.
2. The application was deemed incomplete on January 7, 2021. A revised application submittal, including the items that were requested by the Planning Department to deem the application complete, was provided on March 3, 2021. The revised application materials were submitted by a representative of the applicant. The Planning Department requested written confirmation that the representative was authorized to participate on behalf of the property owners and applicant. This confirmation of owner consent was provided on April 19, 2021.
3. The application was deemed complete on April 28, 2021. Based on that date, the 120 day land use decision time limit expires on August 26, 2021.
4. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas.

Attachments:

Attachment 1 – Application and Attachments

Comments received from agencies are addressed in the Decision Document.

5. Notice of the application and the May 27, 2021 Historic Landmarks Committee public meeting was mailed to property owners within 300 feet of the subject property in accordance with Section 17.65.070(C) of the Zoning Ordinance on Thursday, May 13, 2021.
6. No public testimony was submitted to the Planning Department prior to the Historic Landmarks Committee public hearing.
7. On May 27, 2021, the Historic Landmarks Committee held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** 826 SW Gilson Street. The resource is located at the property that is identified as Tax Lot 1300, Section 29AB, T. 4 S., R. 4 W., W.M.
2. **Size:** Approximately 7,025 square feet.
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 (Single Family Residential)
5. **Overlay Zones/Special Districts:** None.
6. **Current Use:** Residential
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** Historic Resources Inventory – Resource Number C152.
 - b. **Other:** None
8. **Other Features:** The site is generally flat and there is no significant vegetation on the site.
9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.
 - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** The site is adjacent to SW Gilson Street, which is identified as a local street in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for local streets as 50 feet. The existing right-of-way width of SW Gilson Street adjacent to the subject site is approximately 60 feet, which exceeds the required minimum right-of-way width and therefore does not require any additional dedication.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Historic Resources Inventory Amendment are specified in Section 17.65.050(B) of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

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

APPLICANT’S RESPONSE: The purpose of the city's historic policies is to preserve historical resources with special historical, architectural or cultural significance while improving property values and strengthening the economy. This resource lacks significance required to meet the proposed of restoring it and much of the historical value has been diminished due to various remodeling and rot. Additionally, restricting the demolition of this resource will hinder the applicant's ability to move forward with an alternative action of great value to the citizens of McMinnville by providing a new dwelling.

FINDING: NOT SATISFIED. The focus of the comprehensive plan goal is to preserve and protect structures that have special historical or architectural significance. A demolition clearly does not meet that intent. The Historic Landmarks Committee, after reviewing the application materials and receiving testimony, decided that other applicable criteria for the consideration of the demolition were met and therefore the demolition was approved. Findings for those other applicable review criteria are provided below.

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The process for a Certificate of Approval for Demolition provides an opportunity for citizen involvement throughout the process through the public notice and the public meeting process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public meeting(s). All members of the public have access to provide testimony and ask questions during the public review and meeting process.

McMinnville Municipal Code

The following Sections of the McMinnville Municipal Code (MMC) provide criteria applicable to the request:

Chapter 17.03. General Provisions

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

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.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The applicant, who is the property owner, filed an application and request to demolish the existing building that is designated as a Contributory resource on the Historic Resources Inventory. The application was reviewed by the Historic Landmarks Committee within 30 days of the application being deemed complete.

17.65.050 Demolition, Moving, or New Construction. [...]

B. The Historic Landmarks Committee shall base its decision on the following criteria:

17.65.050(B)(1). *The City’s historic policies set forth in the comprehensive plan and the purpose of this ordinance;*

APPLICANT’S RESPONSE: The purpose of the city's historic policies is to preserve historical resources with special historical, architectural or cultural significance while improving property values and strengthening the economy. This resource lacks significance required to meet the

proposed of restoring it and much of the historical value has been diminished due to various remodeling and rot. Additionally, restricting the demolition of this resource will hinder the applicant's ability to move forward with an alternative action of great value to the citizens of McMinnville by providing a new dwelling.

Additional Response Provided in Revised Submittal: The City's policies (Historic) are to make McMinnville a better place now as well as the future and to remember the past. It is not to stop progress in making our community better. When moving forward, it is nice to maintain what we must continue to add value to our community. Do we have a method in which to help homeowners maintain these prospective historical resources since they are assets to our community? Too often they have been so modified they no longer maintain the history they once portrayed.

FINDING: NOT SATISFIED. Most of the City's historic policies in the comprehensive plan focus on the establishment of the Historic Landmarks Committee, public awareness of historic preservation, and other activities for the City to pursue to increase documentation of historic resources. However, the goal most specifically related to historic preservation is as follows:

Goal III 2: To preserve and protect sites, structures, areas, and objects of historical, cultural, architectural, or archaeological significance to the City of McMinnville.

The purpose of the Historic Preservation ordinance includes the following:

- (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.

The focus of the comprehensive plan goal and the purpose of the Historic Preservation chapter are to preserve structures that have special historical or architectural significance through restoration efforts. A demolition clearly does not meet that intent. The Historic Landmarks Committee, after reviewing the evidence and hearing the public testimony, decided that other criteria for the consideration of the demolition were satisfied and therefore the demolition was approved with conditions.

17.65.050(B)(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;*

APPLICANT'S RESPONSE: Within the past 25 years the house has been used as a rental. Over this extended period there has been additions and renovations, but the quality of workmanship and the materials used were not consistent with code requirements of preserving the historical integrity of the house. The house is currently vacant because of the poor condition and will not be suitable for economic use without substantial repairs. The cost to repair and preserve the structure are provided on the estimate sheet. We believe these costs are not within a reasonable range to restore the historical integrity of this house given the current economic use.

The proposed action we would like to take after demolition is the construction of a new home or manufactured home it will meet current community need and increase the economic value of the property. The new structure will include a full seismic upgrade. New electrical and plumbing systems improved exterior lighting and improvements for accessibility and egress. It will

increase the appeal of the neighborhood and provide housing. The project is contingent on demolition of the existing structure. The proposed project will be determined a stick-built home or a manufactured home.

It is reasonable to pursue the proposed demolition and alternative action described above because of both the lack of historical and economic value in the current structure. Because the structure serves historical purpose in name only after various remodels and deterioration of the original historic aspect there is little loss in demolition of the property.

Additional Response Provided in Revised Submittal: The economic use of this proposal historical resource has not been consistent in the past and does no longer meet any perpetuating history. Therefore, the value of the resource is highly diminished.

There is no current economic use of this resource due to the lack of ability to use these premises safely.

FINDING: SATISFIED WITH CONDITION #1. The City finds that this criteria is satisfied, but does not entirely concur with the applicant's findings. The City does not find that the applicant provided much data or evidence of the economic value of the current structure. The applicant also includes some statements about a lack of historical integrity, which will be addressed more specifically in findings for more applicable review criteria below (see Finding for review criteria 17.65.050(B)(3)).

The applicant did provide a letter with some brief cost estimates from a contractor. These cost estimates for the overall renovation were not comprehensive or detailed for each individual improvement required, but did reference various items that would require significant improvement. The estimated cost to lift and repair the foundation was between \$75,000 and \$85,000. The letter and brief cost estimates provided by the contractor can be seen below:

Paul Knobloch Construction, Inc.
P.O.Box 1275
McMinnville, OR 97128
971-241-0808
CCB#169708

Ron and Priscilla Morton
Mortonpirscilla979@gmail.com
 RE: 826 Gilsan
 McMinnville, OR 97128

Dec 12, 2020

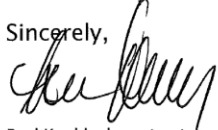
TO WHOM IT MAY CONCERN:

Today, Ron Morton (Owner) and I looked at the above mentioned property.
This home needs to be torn down and is a hazard in every respect.
 Putting money into fixing this property would be like throwing it away.

The cost alone to lift and repair the foundation would be between 75-85K. In addition most of the stringers are infected badly with dryrot. The floors in this house are at different levels making this home impractical to lift and functionally obsolescent. The home has doorways under 6" tall stepping through them onto lower floors. The plumbing is in poor condition and well as the electrical. Both need major upgrades and would cost more than starting over. This home needs to be more than gutted with all the rot. I could go on about poor windows, siding, no vapor barrier, etc. There is so much rot and sway where ever you look that it would cost twice as much or more than removing the home and starting over.

Any questions, please call me at the above number.

Sincerely,



Paul Knobloch, contractor

While not specifically referenced in the applicant's response to this review criteria, documentation of the assessor's market value of the structure was provided in the application materials. The Real Market Value has fluctuated over the past five tax years between \$46,686 and \$57,504. Investment in the structure may result in increases to Real Market Value, but the City does acknowledge that the levels of investment required could possibly exceed the assessor's market value of the structure, which may not provide for a reasonable economic return on the investment.

The City finds that the economic use and reasonability of the applicant's proposal satisfied the review criteria. Because there are no immediate plans in place for redevelopment of the property, a condition of approval is included to require that the applicant make the structure available for moving and relocation. The condition of approval specifically requires that the applicant make the structure available for moving and relocation for a period of at least 120 days. The condition also requires that the applicant provide notice on the property and in the local newspaper, on Craigslist, and to local real estate agents making them aware of the availability of the resource for moving and relocation. The condition of approval also requires that the demolition permit for the structure be delayed for 120 days from the first day of advertising the structure for relocation.

The availability of structure for moving and relocation would test whether the renovation of the structure is economically reasonable. Should no party come forward to move and relocate the

Attachments:

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structure during the 120-day timeframe, the renovation costs may be proven to be not economically feasible and the renovations required not reasonable to warrant the preservation of the historic resource.

17.65.050(B)(3). *The value and significance of the historic resource;*

APPLICANT’S RESPONSE: There is currently little value in the existing structure. The property is taxed currently for the land and therefore no current tax value exists for the historic home with the city. With the current deterioration of the structure it is hazardous to occupants and it cannot be rented or leased for any value. C152, the historic resource in question has little historical significance according to the evaluations done by the historic landmarks committee going back to 1983. According to the records included this resource. From evaluation stage 1 Historic Resources Survey city of McMinnville this was done October 15, 1983 Please look at documents which show the time this was done it was category C lowest stage in the evaluation.

The lowest class included resources which did not necessarily contribute to the historic character of the community but did create the background or context for the more significant resources" Therefor we conclude that this resource is listed on the historical resource list simply because it existed at a certain time in a certain part of town, not for any unique characteristics or history related to this resource.

Additional Response Provided in Revised Submittal: There is no current value to the resources because it no longer a credible historical asset.

FINDING: SATISFIED. The City partially concurs with the applicant’s findings. However, the City clarifies that the historic resource was determined to be a “Contributory” resource during the stage 1 evaluation process during the development of the Historic Resources Inventory. The “Contributory” resources were “considered to enhance the overall historic character of a neighborhood or the City”. The description of resources that “create the background or context for the more significant resources” that is referenced by the applicant was used to described “Environmental” resources, which the historic resource in question is not.

The historic resource in question was considered during the stage 2 evaluation process during the development of the Historic Resources Inventory, where it was scored against the stage 2 criteria of History, Style, Integrity, and Environment. The historic resource received a score of 5, which kept it within the “Contributory” classification. Detail on the scoring from the stage 2 evaluation process, as shown in Appendix 4 and Appendix 5 of the Historic Resources Inventory, is shown below:

Totals -

After the points were awarded for each of the categories of criteria, the scores were totalled. Resources were classified as follows:

- "Distinctive Resources" - 9 or 10 points;
- "Significant Resources" - 7 or 8 points;
- "Contributory Resources" - 5 or 6 points;
- "Environmental Resources" - Less than 5 points.

The score sheets and a list of the changes resulting from the stage two evaluations are included in Appendix 5.

Appendix 5, Page 7

<u>#</u>	<u>H</u>	<u>S</u>	<u>I</u>	<u>E</u>	<u>Bonus</u>	<u>Total</u>	<u>Comments:</u>
C144	1	1	2	2		6	
C145	1	1	2	2		6	
C152	2	1	1	1		5	
C159	2	1	1	2		6	
C160	2	1	1	2		6	

The structure received the highest score for “History” and low scores for the other evaluation criteria. This may be based on the year of construction of the structure, which is estimated at 1890. In regards to architectural significance, the existing structure does still retain much of the exterior architectural building form and features that existed at the time the structure was surveyed. These features appear to have deteriorated over time, as shown in the photos provided in the application materials, but poor building conditions are not found to necessarily be reflective of historic integrity. However, the structure did receive a low score of “1” for “Integrity” at the time of the original evaluation of the structure. For these reasons, together with other findings for other applicable review criteria and conditions of approval, the historical value and historical significance are not found to warrant the retention of the historic resource.

17.65.050(B)(4). *The physical condition of the historic resource;*

APPLICANT’S RESPONSE: The current physical condition of the structure is poor. There are several hazards on the property including outside entry stairs that are rotting, multiple cracks, shifts and missing bricks in the foundation of the structure, narrow and steep stairs inside the structure which hinder evacuation if needed, no kitchen do to dry rot hole in kitchen floor caused from moisture from sitting in the dirt. Dry rot on multiple windows causing windows to be loose and shifting. Mold and moisture in crawl space (Which is no more than 12 inches) Caused cracks in the foundation and rotten exterior on the ground level of the structure. All pictured and labeled below for reference.

Additional Response Provided in Revised Submittal: The site is and will accommodate its present zoning as residential. The current physical condition of the resource has deteriorated to almost beyond repair. It has become a structural hazard to fire, life and safety. One of the largest factors, is the amount of mold that has built up in the home. There has been enough structural change that was not done and in order to begin a renovation process, the addition portion of the structure would need to be removed from the main structure. The main structure is in bad condition it might collapse if removed. There is no benefit in preserving this resource for public interest.

These premises can no longer be safely occupied.

FINDING: SATISFIED. The City partially concurs with the applicant’s findings. The City adds that the poor physical condition of the historic resource is better documented in the photos provided in the application materials. The photo documentation shows that the foundation is in very poor condition, with the brick foundation at the perimeter of the home crumbling in multiple locations and the framing of the flooring in the interior of the home sitting directly on the ground with no vapor barrier. The exterior of the structure is also in poor condition with siding and window frames exhibiting extensive rot.

Attachments:

Attachment 1 – Application and Attachments

While it cannot be determined how the resource came to be in its current condition, at the time of the survey of the resource in 1983 at the time of the development of the Historic Resources Inventory the condition of the structure was assigned a “Fair” assignment, which is the third lowest of four possible assignments of condition. Within the “Fair” assignment, it was noted that the structure had “Rotten sills or frames”, “Deep wear on stairs”, and “Poor or no foundation”. Therefore, some of the poor condition of the structure existed at the time of original designation on the Historic Resources Inventory.

The applicant has provided a contractor’s estimate and statement that also further support the fact that the historic resource is in poor condition, and the contractor notes the following: poor foundation requiring the home to be lifted to repair the foundation; stringers infected badly with dry rot; floors at different levels making this home impractical to lift; plumbing and electrical in poor condition requiring major upgrades; and extensive rot throughout the home.

The City does clarify that while the applicant has stated that the building “has become a structural hazard to fire, life and safety”, there has been no determination of such a status by the City’s Fire Marshal or Building Official.

17.65.050(B)(5). *Whether the historic resource constitutes a hazard to the safety of the public or its occupants;*

APPLICANT’S RESPONSE: In its current conditions this Structure is a major hazard to any occupancies. The condition of this structure causes a hinderance to neighbors attempting to sell or buy houses and lowers the comp value to housing in the area. It is not reasonable for occupants to reside here due to the many hazardous conditions including window that matter are not fully functional due to rotting window frames, narrow, steep stairs, dry rot on all two floors, flood damage and mold in the crawlspace. Unstable flooring, unstable exterior stairs due to dry rot, foundation cracks and foundation separation from the building structure in multiple locations.

Additional Response Provided in Revised Submittal: This resource constitutes a hazard as there are many code violations and safety issues.

FINDING: NOT SATISFIED. The applicant has provided arguments that the current condition of the structure could be a hazard to the occupants and the public, based on the condition. However, there is not much factual evidence provided to verify whether the historic resource is actually a hazard, and there was no evidence provided of when the structure was last occupied. The City does clarify that while the applicant has stated that the building “is a major hazard to any occupancies”, there has been no determination of such a status by the City’s Fire Marshal or Building Official.

Also, the City finds that the condition of the building is likely the result of deferred maintenance over time. If the property owner invested the amount necessary to renovate the existing structure and resolve, at a minimum, the basic structural building issues, the potential safety hazards would no longer exist. However, other applicable review criteria are satisfied that outweigh the proposal not meeting this criteria.

17.65.050(B)(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;*

APPLICANT’S RESPONSE: Currently this structure is a deterrent to a relevant improvement project of substantial benefits to the city and the public interest. The proposed project will directly impact the housing crisis in McMinnville by providing 1 new affordable home.

The proposed project will increase the economic value of the site substantially with the addition of the home.

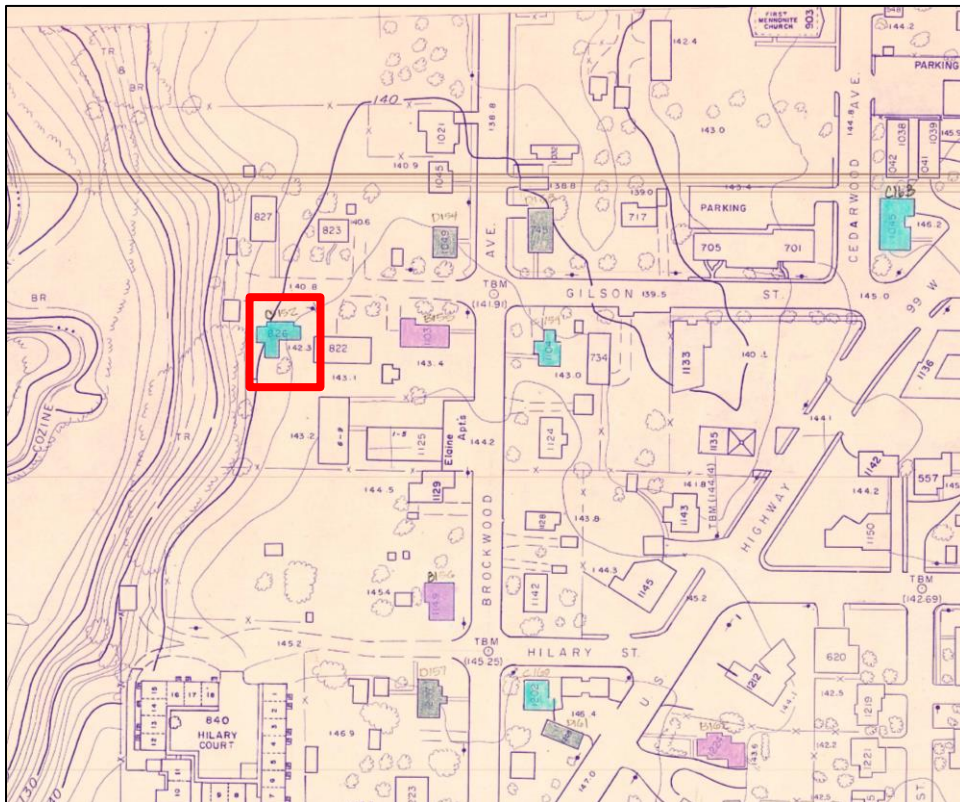
The proposed project will increase the tax revenue value of the site.

The proposed project will Increase the ascetic value of the neighborhood and the city will gain an attractive, residential home.

Additional Response Provided in Revised Submittal: The proposed Will add value and safety to the proposed new home building at 826 SW Gilson St. McMinnville, OR 97128 and the public that visit it. Retaining the old home building devalues the surrounding properties.

FINDING: SATISFIED WITH CONDITION #2. The City partially concurs with the applicant’s findings, and adds that while the retention of the existing building on the site is not an immediate deterrent to a public improvement program, it would be a deterrent to a private improvement program in the form of the proposed new dwelling unit described by the applicant. The improvement program is basically the replacement of one dwelling unit with another dwelling unit, which is not necessarily a substantial benefit to the City as it does not result in an increase in available housing, but it would result in new construction of a dwelling unit.

The built environment around this location and in the surrounding neighborhood is somewhat varied, and there are not a large number of other designated historic resources in the area. There has also been more recent redevelopment of the properties immediately adjacent to the west and south with more modern single family homes. Therefore, the replacement of the historic resource with another newer dwelling unit would not result in an incompatibility with the surrounding neighborhood or degradation of a significant pattern of historical development. An image of the Historic Resources Inventory map of the surrounding area is shown below for reference:



The private improvement program and private investment would result in a safer dwelling unit and housing opportunity in this location of the city, and the new development will also likely result in a higher assessed value which would result in increased property tax revenue for the City. These benefits override the public interest in the preservation of the existing building, as the existing building has also been found to not be of high value and significance.

The City also adds that there is not any certainty that the new construction will move forward, as the applicant and property owner have not submitted any redevelopment plans or building permits for any new dwelling unit on the subject site. Therefore, to ensure that the demolition of the historic resource does not occur without this improvement program moving forward, a condition of approval is included to require that the City of McMinnville not issue a demolition permit for the historic resource until building permits for an improvement program substantially similar to the project described in the application materials have been submitted to the Building Department. The improvement program shall be considered to be substantially similar to the project described in the application materials if it is for any permitted or conditionally permitted use in the underlying zone.

17.65.050(B)(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*

APPLICANT'S RESPONSE: We have had an estimate prepared for the restoration and demolition of the resource. Please see attached estimate. When reviewing this application please keep in mind that the applicant was never told that the house was a Historic home and, on the McMinnville, Historic Landmark.

It would be a financial hardship to the owner to restore and it would not add excess value to compensate in doing so. It would not be reasonable for the city to expect the applicant to incur such a loss and prevent the application's improvement program from moving forward.

Additional Response Provided in Revised Submittal: Retention of this resource would be cost prohibitive. In estimated cost of this replacement, the amount is in excess of \$300,000.00 if possible. The cost of the land was \$150,000.00 as of June 1 2020. Total cost of this project would exceed \$450,000.00.

The proposed Will add value and safety to the proposed new home building at 826 SW Gilson St. McMinnville, OR 97128 and the public that visit it. Retaining the old home building devalues the surrounding properties.

FINDING: SATISFIED WITH CONDITION #1. The City partially concurs with the applicant's findings. However, the City does acknowledge that some of the estimates provided by the applicant are not supported by evidence or documentation. The applicant provided cost estimates of "\$300,000" for replacement of the structure, but this value is not supported by any formal cost estimate from a licensed contractor. The cost of the land referenced by the applicant is also not consistent with the documentation provided showing the County Assessor's most recent Real Market Value of the land in the 2019 tax year. The Real Market Value of the land in the 2019 tax year was actually \$114,197.

The City adds that the findings for Section 17.65.050(B)(2) and Section 17.65.050(B)(3) above are also applicable. More specifically, the potential investment in the structures compared to the value of the structures described in more detail above show that the option of investing in the renovation of the existing building may not provide for a reasonable economic return on the investment and could be considered a financial hardship for the owner. Also, the existing building has also been found to not be of high value and significance. Therefore, there is not a

significant public interest in the preservation of the structures that would outweigh the financial hardship that may be caused to the property owner.

However, there was not much evidence provided to fully support the economic hardship that may be borne by the property owner. In order to fully test the issue of financial hardship, and because there are no immediate plans in place for redevelopment of the property, a condition of approval is included to require that the applicant make the structure available for moving and relocation. The condition of approval specifically requires that the applicant make the structure available for moving and relocation for a period of at least 120 days. The condition also requires that the applicant provide notice on the property and in the local newspaper, on Craigslist, and to local real estate agents making them aware of the availability of the resource for moving and relocation. The condition of approval also requires that the demolition permit for the structure be delayed for 120 days from the first day of advertising the structure for relocation.

The availability of structure for moving and relocation would test whether the renovation of the structure is economically reasonable. Should no party come forward to move and relocate the structure during the 120-day timeframe, the renovation costs may be proven to be not economically feasible and the renovations required not reasonable to warrant the preservation of the historic resource. If no party comes forward to move and relocate the structure, this would also verify that there may be a financial hardship for the owner in the preservation of the historic resource.

17.65.050(B)(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.*

APPLICANT’S RESPONSE: Since a priority for the citizens is to have affordable, safe housing we believe the initiative outweighs the interest in preserving this historical resource. The historic resource in question is by name only, a historic a resource and no real loss will come from its removal. The applicants are prepared to offer any historical pieces from the structure free of charge to any person or organization who would like to retain them for display or historical reference in our community. Because of the deterioration of the interior there would be little use recording the resource through photography because nothing is original. The included exterior photos are available to any citizen or organization who would like to retain them for display or historical reference in our community. For all the above reasons, it is in the interest of the applicant, the citizens and the city of McMinnville that this historical resource be demolished and replaced with a new dwelling.

Additional Response Provided in Revised Submittal: To preserve this resource through photography, would be mute because of the fact of so many different additions, renovations and tried improvements, it does not even come close to a historical rendition of the original single family dwelling it was built for.

There is no current or future value of the citizens of our community to retention of this (Historic) home.

FINDING: SATISFIED WITH CONDITIONS #1 AND #3. The City concurs with the applicant’s findings, but adds that the existing building has also been found to not be of high value and significance, which does not create a situation where retention of the historic resources would be in the best interests of a majority of the citizens of the City.

In addition, a condition of approval is included to require that the applicant make the structure available for moving and relocation. As there are no immediate redevelopment plans for the subject property evident and no development or building permits submitted for the subject property, the condition of approval specifically requires that the applicant make the structure available for moving and relocation for a period of at least 120 days. The condition also requires that the applicant provide notice on the property and in the local newspaper, on Craigslist, and to local real estate agents making them aware of the availability of the resource for moving and relocation. The condition of approval also requires that the demolition permit for the structure be delayed for 120 days from the first day of advertising the structure for relocation.

This would not only test whether the renovation of the structure is economically reasonable to warrant the renovation (as discussed in findings for review criteria in Section and 17.65.050(B)(3) above), it would also preserve the structure itself. Maintaining the structure and the resource, albeit in another location, would preserve some level of public interest by retaining the historic resource. This would preserve the resource for future use and would serve the public interest in the retention of the resource.

Should no party come forward to move and relocate the structure during the 120-day timeframe, and together with the other applicable review criteria, the retention of the resource would not be in the best interest of a majority of the citizens of the City. If no party comes forward during the 120-day timeframe, another condition of approval is included to require that a minimum of 20 digital photos be provided of the exterior of the building to document the existing structure prior to its demolition, should it not be moved, relocated, or renovated as required by other conditions of approval.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Notice of the Historic Landmarks Committee's consideration of the Certificate of Approval application was mailed to property owners located within 300 feet of the historic resource. A copy of the written notice provided to property owners is on file with the Planning Department.

CD



Planning Department
 231 NE Fifth Street ◊ McMinnville, OR 97128
 (503) 434-7311 Office ◊ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

509-20-000665-Plan

Office Use Only:	
File No.	HL 6-20
Date Received	12/10/2020
Fee	1900. ⁰⁰
Receipt No.	203316
Received by	<i>[Signature]</i>

Certificate of Approval (Demolition, Moving or New Construction)

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____

Applicant Name Ron & Priscilla Morton Phone 503-835-0313

Contact Name _____ Phone _____
(If different than above)

Address 5401 SE Rice Lane

City, State, Zip Amity, OR 97101

Contact Email morton.priscilla979@gmail.com

Property Owner Information

Property Owner Name _____ Phone _____
(If different than above)

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 826 SW Gilson Street, McMinnville, OR 97128

Assessor Map No. R4 429 AB - 01300 Total Site Area _____

Subdivision Cozines 3rd Addition Block K Lot 1300

Comprehensive Plan Designation Demolition Res Zoning Designation R2

1. What is the classification of the historic building? C152

2. Architect Name N/A Phone _____
(Engineer or Other Designer)

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

3. Contractor Name _____ Phone _____

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

4. The existing use of the property. Unhabitable

5. The intended use of the property. Demolish and replace a new dwelling,

6. What is the reason(s) for the request (e.g., meet building code requirements, redevelopment, etc.).
Unhabitable. Does not meet any code such as electrical, plumbing, sewer, - too much dry rot.

7. Attach a written narrative that describes: see attached.

- A. The proposed project in detail (specific structures to be removed, new buildings being constructed, etc.);
- B. How the proposed project meets the applicable Comprehensive Plan policies;
- C. The reasonableness of the proposed project and a description of the economic use of the historic resource, and how those factors relate to the alternative action (preservation of the historic resource);
- D. The current value and significance of the historic resource, and how those factors relate to the proposed project;
- E. The physical condition of the historic resource, and how the condition relates to the proposed project;
- F. Whether the historic resource constitutes a hazard to the safety of the public or its occupants;
- G. Whether the historic resource is a deterrent to an improvement project of substantial benefit to the City which overrides the public interest in its preservation; and
- H. Whether retention of the historic resource would be in the best interests of a majority of the citizens of the City.

In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), showing the information listed in the information sheet.
- If applicable, architectural drawings, including elevations of the proposed demolition or alteration. The elevations shall include descriptions of the proposed finish material.
- Photographs and/or drawings of the existing structure.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.


Applicant's Signature

12 / 8 / 20
Date


Property Owner's Signature

12 / 8 / 20
Date

March 5, 2021

To Whom it May Concern:

I Ron Morton and I Priscilla Morton give permission to Barbara Hofenbredl to serve as our representative on any communications regarding our certificate of approval application. We are okay with the city accepting the revised narrative and photos that Barbara has provided as our official revised application submittal.

Thank you,

X 
Ron Morton

X 
Priscilla Morton



Extensive dry rot, no gutters

Att: Chuck Darnell

The City's policies (Historic) are to make McMinnville a better place now as well as the future and to remember the past. It is not to stop progress in making our community better. When moving forward, it is nice to maintain what we must continue to add value to our community. Do we have a method in which to help homeowners maintain these prospective historical resources since they are assets to our community? Too often they have been so modified they no longer maintain the history they once portrayed.

The economic use of this proposal historical resource has not been consistent in the past and does no longer meet any perpetuating history. Therefore, the value of the resource is highly diminished.

The site is and will accommodate its present zoning as residential. The current physical condition of the resource has deteriorated to almost beyond repair. It has become a structural hazard to fire, life and safety. One of the largest factors, is the amount of mold that has built up in the home. There has been enough structural change that was not done and in order to begin a renovation process, the addition portion of the structure would need to be removed from the main structure. The main structure is in bad condition it might collapse if removed. There is no benefit in preserving this resource for public interest.

Retention of this resource would be cost prohibitive. In estimated cost of this replacement, the amount is in excess of \$300,000.00 if possible. The cost of the land was \$150,000.00 as of June 1 2020. Total cost of this project would exceed \$450,000.00. To preserve this resource through photography, would be mute because of the fact of so many different additions, renovations and tried improvements, it does not even come close to a historical rendition of the original single family dwelling it was built for.

Proposed Project

- A. To remove existing structure and replace with a new home.
- B. This will allow the neighborhood to be safer.
- C. There is no current economic use of this resource due to the lack of ability to use these premises safely.
- D. There is no current value to the resources because it no longer a credible historical asset.
- E. These premises can no longer be safely occupied.

- F. This resource constitutes a hazard as there are many code violations and safety issues.
- G. The proposed Will add value and safety to the proposed new home building at 826 SW Gilson St. McMinnville, OR 97128 and the public that visit it. Retaining the old home building devalues the surrounding properties.
- H. There is no current or future value of the citizens of our community to retention of this (Historic) home.

February 23, 2021

Chuck Darnell

McMinnville Planning Department

This narrative pertains to the following property:

826 SW Gilson St. McMinnville, OR 97128



Front of resource at present



Back of resource at present

The structure proposed for demolition is a 1,254 sq ft, two story, three-bedroom, one-bathroom home. The house was constructed in 1890.

The historical resource in question has been described in the statement of historical significance as two-story house with no basement. Wood frame construction. Most windows are single pane. The dwelling is rectangular in shape, very plain. The porch is falling in, extensive rot damage under brick that supports the structure. Comp roof which has been leaking and caused significant damage to interior.

The site map and deed are included. See "Trio information 826 SW Gilson St. McMinnville, OR 97378"

Criteria B1- The city's historic policies set forth in the comprehensive plan and the purpose of this ordinance.

The purpose of the city's historic policies is to preserve historical resources with special historical, architectural or cultural significance while improving property values and strengthening the economy. This resource lacks significance required to meet the proposed of restoring it and much of the historical value has been diminished due to various remodeling and rot. Additionally, restricting the demolition of this resource will hinder the applicant's ability to move forward with an alternative action of great value to the citizens of McMinnville by providing a new dwelling.

Criteria B2- The economic use of the historic resource and the reasonableness of the proposed action and their relationship to the historic resource preservation or restoration.

Within the past 25 years the house has been used as a rental. Over this extended period there has been additions and renovations, but the quality of workmanship and the materials used were not consistent with code requirements of preserving the historical integrity of the house. The house is currently vacant because of the poor condition and will not be suitable for economic use without substantial repairs. The cost to repair and preserve the structure are provided on the estimate sheet. We believe these costs are not within a reasonable range to restore the historical integrity of this house given the current economic use.

The proposed action we would like to take after demolition is the construction of a new home or manufactured home it will meet current community need and increase the economic value of the property. The new structure will include a full seismic upgrade. New electrical and plumbing systems improved exterior lighting and improvements for accessibility and egress. It will increase the appeal of the neighborhood and provide housing. The project is contingent on demolition of the existing structure. The proposed project will be determined a stick-built home or a manufactured home.

It is reasonable to pursue the proposed demolition and alternative action described above because of both the lack of historical and economic value in the current structure. Because the structure serves historical purpose in name only after various remodels and deterioration of the original historic aspect there is little loss in demolition of the property.

Criteria B3- The value and significance of the historical resource

There is currently little value in the existing structure. The property is taxed currently for the land and therefore no current tax value exists for the historic home with the city. With the current deterioration of the structure it is hazardous to occupants and it cannot be rented or leased for any value. C152, the historic resource in question has little historical significance according to the evaluations done by the historic landmarks committee going back to 1983. According to the records included this resource. From evaluation stage 1 Historic Resources Survey city of McMinnville this was done October 15, 1983 Please look at documents which show the time this was done it was category C lowest stage in the evaluation.

The lowest class included resources which did not necessarily contribute to the historic character of the community but did create the background or context for the more significant resources” Therefor we conclude that this resource is listed on the historical resource list simply because it existed at a certain time in a certain part of town, not for any unique characteristics or history related to this resource.

Criteria B4 The Physical condition of the historical resource

The current physical condition of the structure is poor. There are several hazards on the property including outside entry stairs that are rotting, multiple cracks, shifts and missing bricks in the foundation

of the structure, narrow and steep stairs inside the structure which hinder evacuation if needed, no kitchen do to dry rot hole in kitchen floor caused from moisture from sitting in the dirt. Dry rot on multiple windows causing windows to be loose and shifting. Mold and moisture in crawl space (Which is no more than 12 inches) Caused cracks in the foundation and rotten exterior on the ground level of the structure. All pictured and labeled below for reference.

Criteria B5- Whether the historical resources constitute a hazard to the safety of the public or its occupants.

In its current conditions this Structure is a major hazard to any occupancies. The condition of this structure causes a hinderance to neighbors attempting to sell or buy houses and lowers the comp value to housing in the area. It is not reasonable for occupants to reside here due to the many hazardous conditions including window that matter are not fully functional due to rotting window frames, narrow, steep stairs, dry rot on all two floors, flood damage and mold in the crawlspace. Unstable flooring, unstable exterior stairs due to dry rot, foundation cracks and foundation separation from the building structure in multiple locations.

Criteria B6 Whether the historic resource is a deterrent to an improvement program of substantial benefit to the city which overrides its public interest in its preservation.

Currently this structure is a deterrent to a relevant improvement project of substantial benefits to the city and the public interest. The proposed project will directly impact the housing crisis in McMinnville by providing 1 new affordable home.

The proposed project will increase the economic value of the site substantially with the addition of the home.

The proposed project will increase the tax revenue value of the site.

The proposed project will increase the ascetic value of the neighborhood and the city will gain an attractive, residential home.

Criteria B7- Whether retention of the historic resource would cause financial hardship to the owner not outweighed by the public interest in the resource's preservation.

We have had an estimate prepared for the restoration and demolition of the resource. Please see attached estimate. When reviewing this application please keep in mind that the applicant was never told that the house was a Historic home and, on the McMinnville, Historic Landmark.

It would be a financial hardship to the owner to restore and it would not add excess value to compensate in doing so. It would not be reasonable for the city to expect the applicant to incur such a loss and prevent the application's improvement program from moving forward.

Criteria B8- Whether retention of the historic resource would be in the best interest of most of the citizens of the city and if not, whether the historic resource may be preserved by an alternate means.

Since a priority for the citizens is to have affordable, safe housing we believe the initiative outweighs the interest in preserving this historical resource. The historic resource in question is by name only, a historic resource and no real loss will come from its removal. The applicants are prepared to offer any historical pieces from the structure free of charge to any person or organization who would like to retain them for display or historical reference in our community. Because of the deterioration of the interior there would be little use recording the resource through photography because nothing is original. The included exterior photos are available to any citizen or organization who would like to retain them for display or historical reference in our community. For all the above reasons, it is in the interest of the applicant, the citizens and the city of McMinnville that this historical resource be demolished and replaced with a new dwelling.



Front entry extensive dry rot



No foundation frame has extensive dry rot due to moisture damage



Extensive dry rot



to moisture damage

No foundation frame has extensive dry rot due

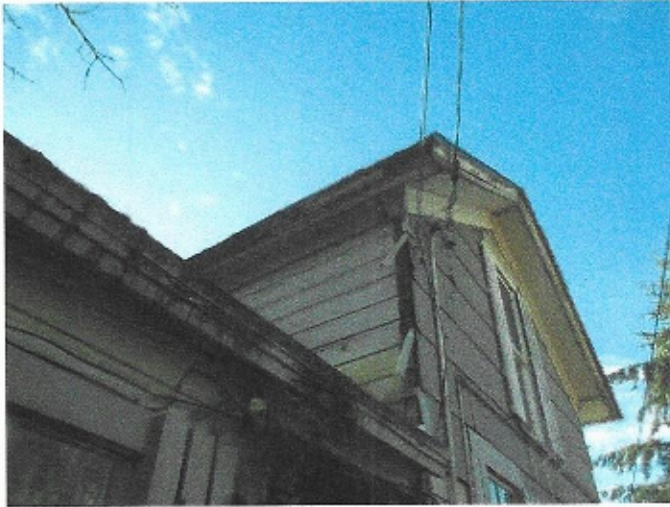


Extensive dry rot *Frame sitting in dirt.*



separation from the wall

Window deterioration, water damage and



to untreated wood

Extensive dry rot due to moisture damage due

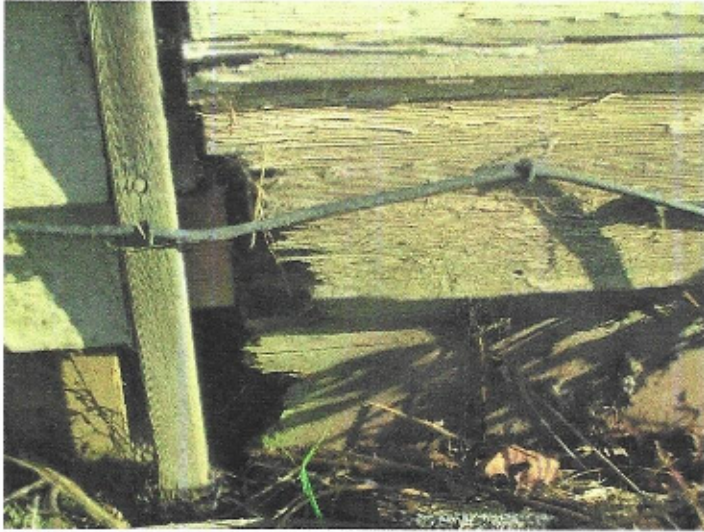


Foundation is crumbling

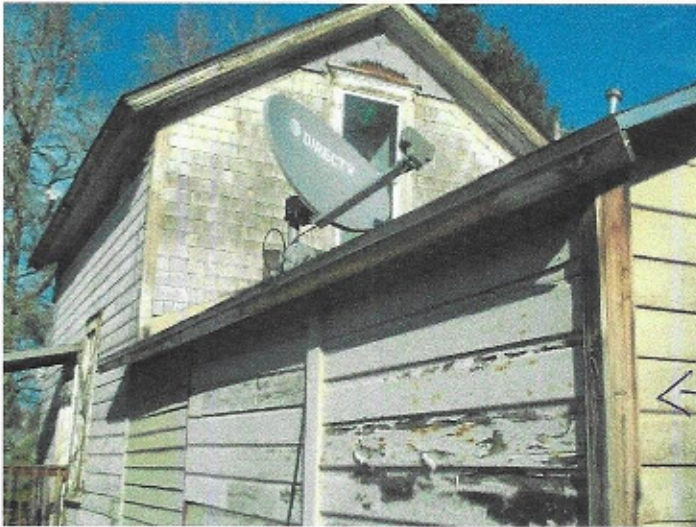


barrier.

No foundation, extensive dry rot, no moisture

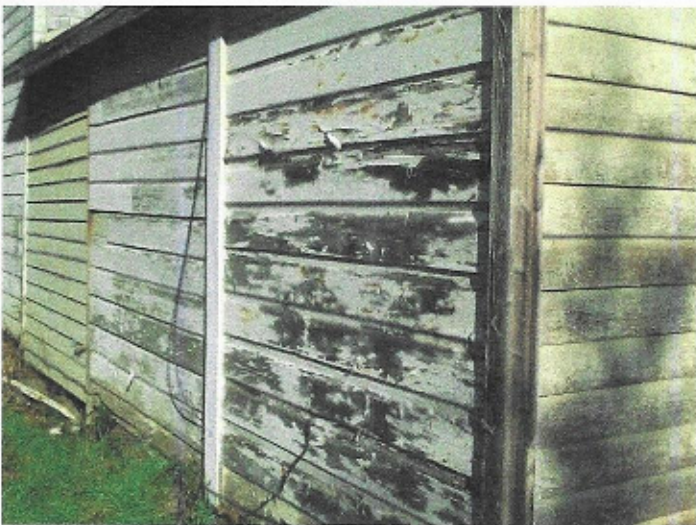


Extensive dry rot



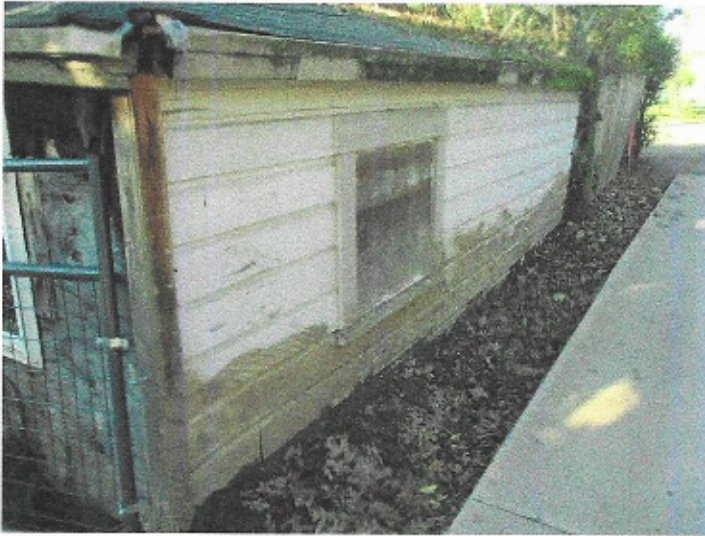
This is addition ←

Extensive dry rot



with no flashing.

Extensive dry rot, improperly installed siding



Extensive dry rot, siding was not properly maintained, moisture damage

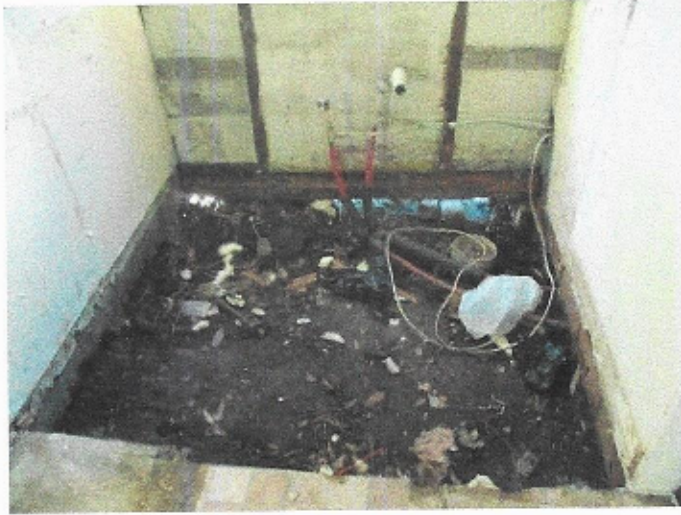
Extensive dry rot, siding was not properly



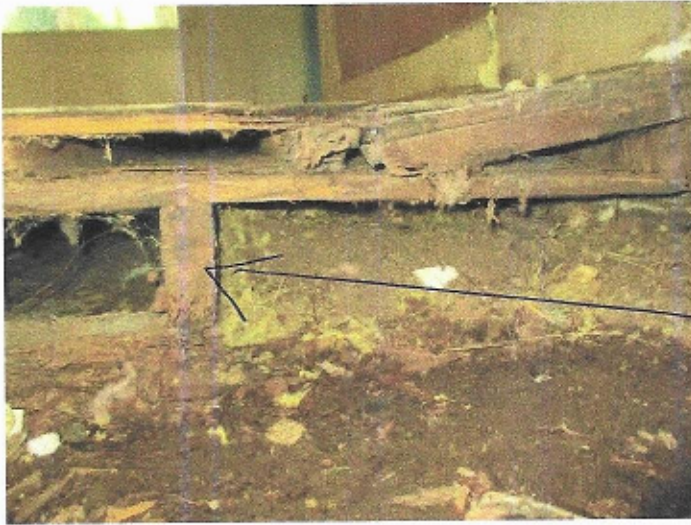
Moisture damage, excessive dry rot



Entrance Brick has sunk about two inches due to dry rot under house due to no moisture barrier and no foundation only sitting eleven inches off the ground.



Kitchen, no cabinets, no crawl space, all extensive dry rot, all plumbing and electrical is in poor shape all needing replaced.



This is about 4 inch from the dirt, or right in the dirt.

Picture from kitchen where floor is rotted out due to extensive damage and rot. House is sitting on the ground not foundation. No more than eight inches off the dirt.



Kitchen extensive dry rot



mold

Moisture coming through the walls



dry rot

In proper wiring and venting, extensive



mold

Interior extensive water damage, dry rot.



Interior extensive water damage, dry rot.

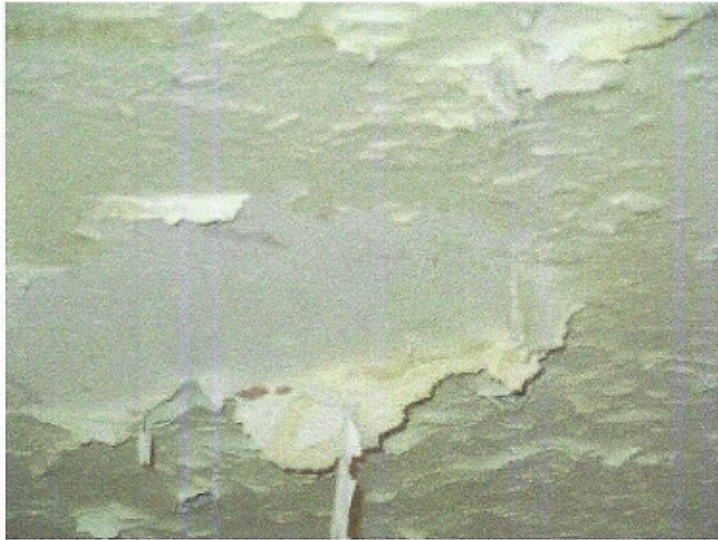


The whole structure of the house is shifting due to no foundation, no vapor barrier and sinking. Untreated wood, extensive dry rot.



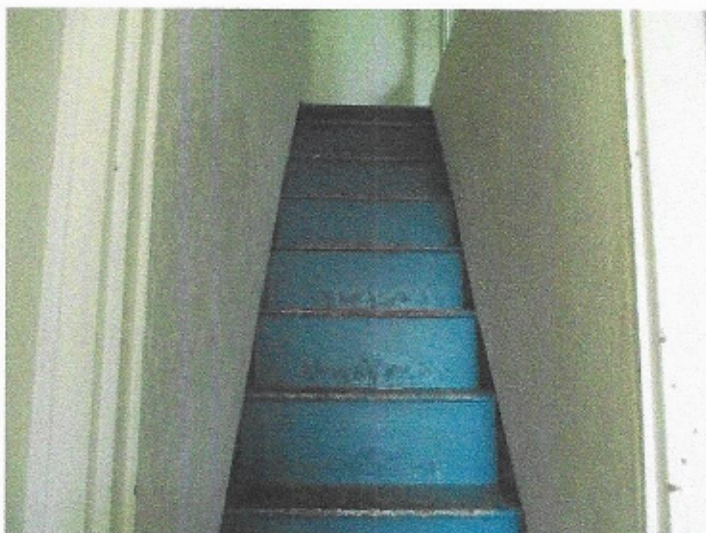
extensive damage.

Interior wall, No insulation in the walls,



damage

Interior ceiling extensive water/ moisture



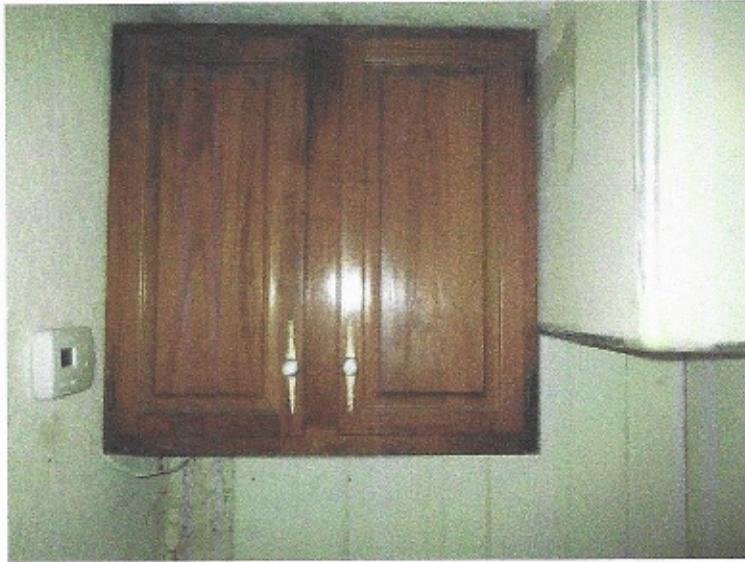
Stairs are too narrow and not adequate of fire safety, not up to code



Extensive water damage and dry rot

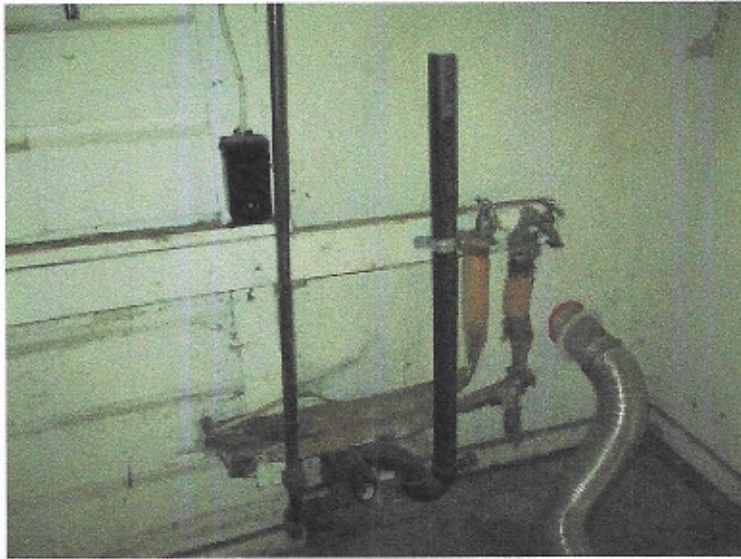


Not original, extensive dry rot and water damage



damage

Not an original cabinet, dry rot , moisture

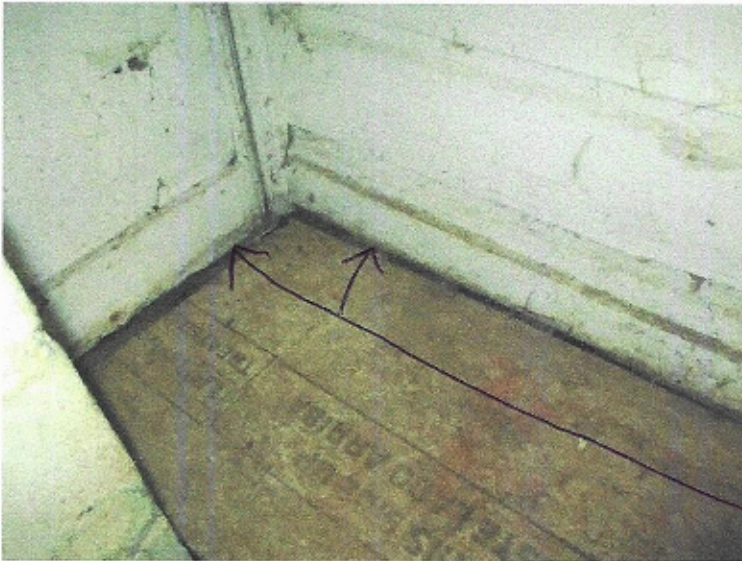


Plumbing that all needs to be replaced



electrical though out the house

Electrical that is not up to code, exposed



Dry rot so bad you can see outside
Wood sitting on Dirt.



Electrical not up to code



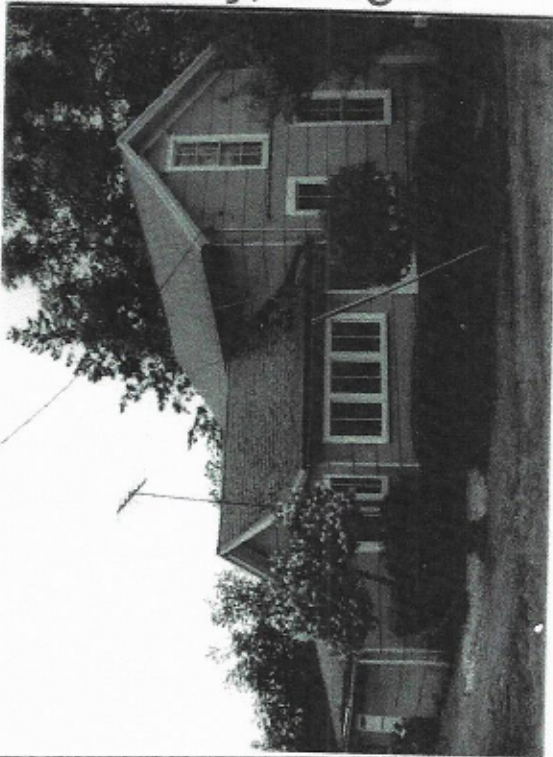
updated

Electrical panel box will need to be



Extensive dry rot, no gutters

Historic Resources Survey
City of McMinnville
Yamhill County, Oregon



Site No. 24.31 Aerial Map 1-13
Block K Lot 2
Addition Cozine's 3rd
Tax Lot 4429AB 1300
Address 826 Gilson
Common Name _____
Historic Name _____
Present Owner Donald & Dora Kidd
Present Use Residence
Original Use probably residence
Builder or Architect _____
Outbuildings none
Date of Construction 1880

- Condition assesement on reverse side -

C152

Statement of historical significance and description of property:

L-shaped house with additions that are now integral. This is another rural vernacular sample. Double hung sash windows, medium gables, added and enclosed front porch with shed roof. Boxed eaves. Composition shingle siding and brick foundation.

Handwritten note:
d. 2nd floor
j. 1st floor

Condition of structure:

_____ A Excellent

_____ B Good

- _____ 1. Slight damage to porch steps.
- _____ 2. Small cracks in walls, chimneys.
- _____ 3. Broken gutters or downspouts.
- _____ 4. In need of paint.

 x C Fair

- _____ 1. Holes in walls.
- _____ 2. Open cracks.
- _____ 3. Missing material in small area.
- x 4. Rotten sills or frames.
- x 5. Deep wear on stairs.
- x 6. Poor or no foundation.

_____ D Poor

- _____ 1. Sagging walls or roof.
- _____ 2. Holes, open cracks, missing material over large areas.
- _____ 3. Unrepaired storm or fire damage.

Recorded by Marg Johansen Date Oct. 15, 1983

Sources consulted:

MAIN FLOOR

- 2 SINKS
- 1 TOILET
- 2 BED.

968 SQ. FT.

UPPER FLOOR

- 2 BED.

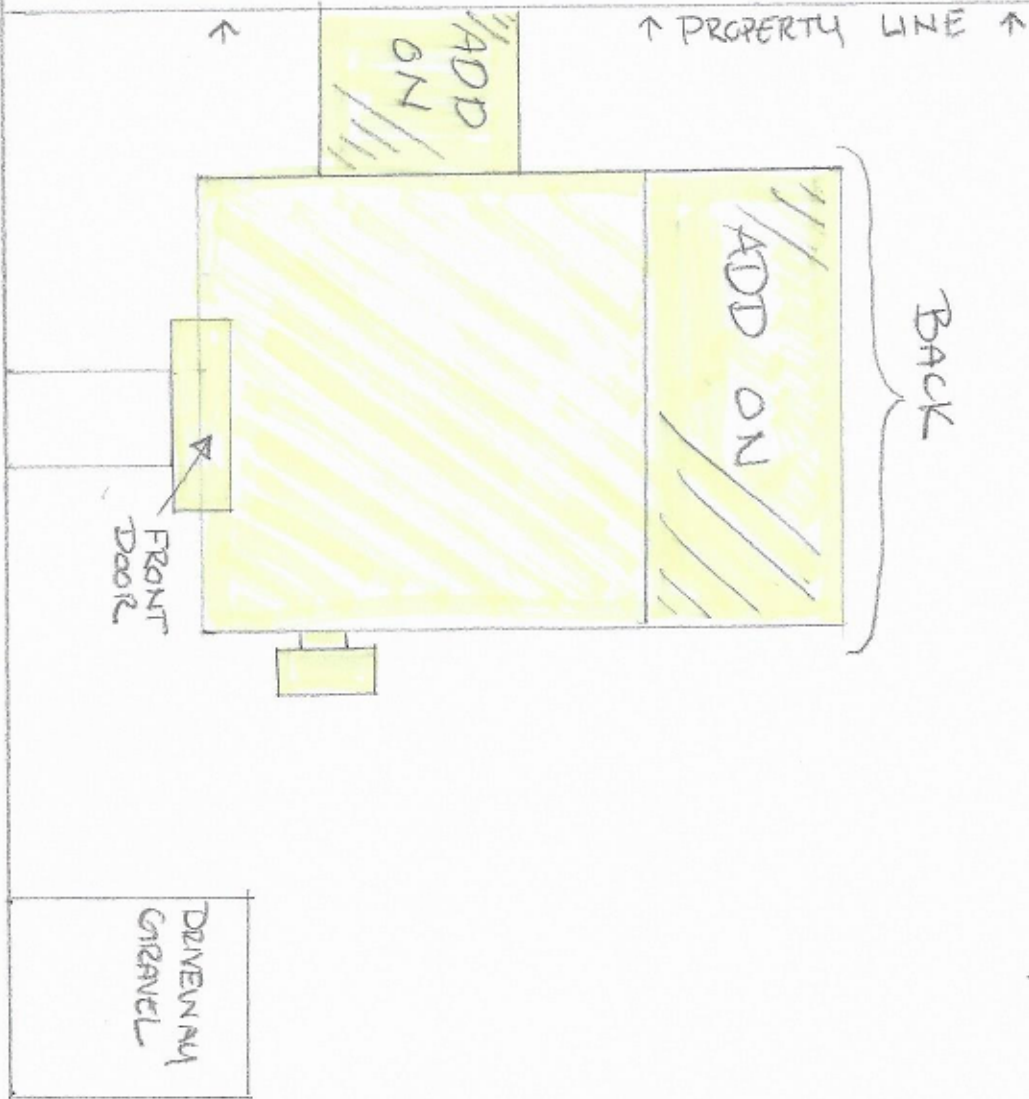
286 SQ. FT.

COPY & HIGHLIGHT
 ~ DEMO HIGHLIGHTED ~

NEIGHBORS DRIVEWAY

↑ PROPERTY LINE ↑

S.W. GILSON ST.



TOP X LOT #1300



RON NOBTON
 826 S.W. GILSON ST.
 MCMINNIE, OR 97128

Paul Knobloch Construction, Inc.
P.O.Box 1275
McMinnville, OR 97128
971-241-0808
CCB#169708

Ron and Priscilla Morton
Mortonpirscilla979@gmail.com

Dec 12, 2020

RE: 826 Gilsan
McMinnville, OR 97128

TO WHOM IT MAY CONCERN:

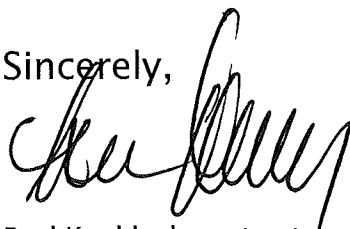
Today, Ron Morton (Owner) and I looked at the above mentioned property.

This home needs to be torn down and is a hazard in every respect.
Putting money into fixing this property would be like throwing it away.

The cost alone to lift and repair the foundation would be between 75-85K. In addition most of the stringers are infected badly with dryrot. The floors in this house are at different levels making this home impractical to lift and functionally obsolescent. The home has doorways under 6" tall stepping through them onto lower floors. The plumbing is in poor condition and well as the electrical. Both need major upgrades and would cost more than starting over. This home needs to be more than gutted with all the rot. I could go on about poor windows, siding, no vapor barrier, etc. There is so much rot and sway where ever you look that it would cost twice as much or more than removing the home and starting over.

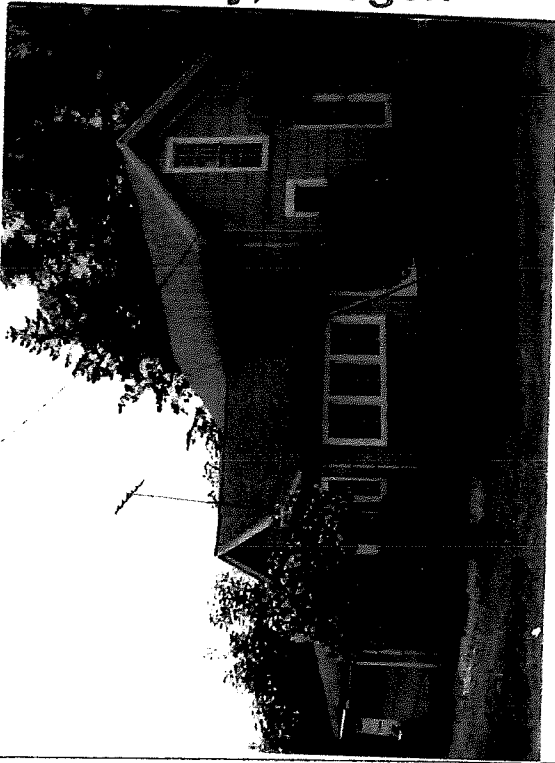
Any questions, please call me at the above number.

Sincerely,



Paul Knobloch, contractor

Historic Resources Survey
City of McMinnville
Yamhill County, Oregon



Site No. 24.31 Aerial Map 1-13
Block K Lot 2
Addition Cozine's 3rd
Tax Lot 4429AB 1300
Address 826 Gilson
Common Name _____
Historic Name _____
Present Owner Donald & Dora Kidd
Present Use Residence
Original Use probably residence
Builder or Architect _____
Outbuildings none
Date of Construction _____

- Condition assesement on reverse side -

C. Kidd

Statement of historical significance and description of property:

L-shaped house with additions that are now integral. This is another rural vernacular sample. Double hung sash windows, medium gables, added and enclosed front porch with shed roof. Boxed eaves. Composition shingle siding and brick foundation.

Condition of structure:

_____ A Excellent

_____ B Good

- _____ 1. Slight damage to porch steps.
- _____ 2. Small cracks in walls, chimneys.
- _____ 3. Broken gutters or downspouts.
- _____ 4. In need of paint.

 x C Fair

- _____ 1. Holes in walls.
- _____ 2. Open cracks.
- _____ 3. Missing material in small area.
- x 4. Rotten sills or frames.
- x 5. Deep wear on stairs.
- x 6. Poor or no foundation.

_____ D Poor

- _____ 1. Sagging walls or roof.
- _____ 2. Holes, open cracks, missing material over large areas.
- _____ 3. Unrepaired storm or fire damage.

Recorded by Marg Johansen

Date Oct. 15, 1983

Sources consulted:



TICOR TITLE™

Property Profile Report

Client Name:

Barb Hofenbredl

Today's Date:

04/16/2020

Owner Name:

**Morton, Ronnie G Trust
Morton, Priscilla R Trust**

Property Address:

**826 SW Gilson St
McMinnville OR 97128 5714**

Reference Number:

R4429AB01300

Account Number:

173332

Seven Ticor Mid-Valley locations to serve you:

220 SW 6th Ave Albany, OR 97321 541.926.2111	400 SW 4th St Ste 100 Corvallis, OR 97330 541.757.1466	52 E Airport Rd Lebanon, OR 97355 541.258.2813	1215 NE Baker St McMinnville, OR 97128 503.472.6101	315 Commercial St SE, Ste 150 Salem, OR 97301 503.585.1881	115 N College St STE 200 Newberg, OR 97132 503.542.1400	206 N 1st St Silverton, OR 97381 503.873.5305
--	--	---	--	---	---	--

This title information has been furnished, without charge, in conformance with guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions that indiscriminate use only benefiting intermediaries will not be permitted. No liability is assumed for any errors in this record.

The information compiled in this report(s) was imported from a vendor-provided database source. Although the information is deemed reliable and every effort has been taken to correct data imperfections, Ticor Title cannot be held responsible for any inaccuracies.

TITLE AND ESCROW SERVICES

www.TicorMidValley.com

For all your customer service needs: MVCS@TicorTitle.com

Home 503 835-0313
Yamhill County Parcel Information

~~503 910 9261~~



Parcel Information

Parcel #: 173332
Account: R4429AB01300
Related:
Site Address: 826 SW Gilson St
McMinnville OR 97128 - 5714
Owner: Morton, Ronnie G Trust
Owner2: Morton, Priscilla R Trust
Owner Address: 5401 SE Rice Ln
Amity OR 97101
Twn/Range/Section: 04S / 03W / 29 / NE
Parcel Size: 0.16 Acres (7,026 SqFt)
Plat/Subdivision: Cozines 3rd Addition
Lot: 2
Block: K
Map Page/Grid: 770-G6
Census Tract/Block: 030702 / 3010
Waterfront:

Assessment Information

Market Value Land: \$114,197.00
Market Value Impr: \$57,504.00
Market Value Total: \$171,701.00
Assessed Value: \$88,365.00

Tax Information

Levy Code Area: 40.0
Levy Rate: 16.9817
Tax Year: 2019
Annual Tax: \$1,500.59

Exemption Description:

Legal

Township 4S Range 4W Section 29 Qtr A QQtr B TaxLot 01300 Lot 2 Block K SubdivisionName COZINES 3RD ADDITION

Land

Cnty Land Use: 101 - Residential - Improved (typical of class)
Land Use Std: RSFR - Single Family Residence
Neighborhood: McMinnville General
Watershed: Yamhill River
Primary School: Columbus Elementary School
High School: McMinnville High School
Cnty Bldg Use: 13 - 2 Story
Zoning: R-2 - Single Family Residential
Recreation:
School District: 40 McMinnville School District
Middle School: Duniway Middle School

Improvement

Year Built: 1890
Bedrooms: 3
Total Area: 1,254 SqFt
Bldg Fin: 1,254 SqFt
Attic Fin/Unfin
Total Baths: 1.00
Bsm't Fin/Unfin:
1st Floor: 968 SqFt
Fireplace:
Full/Half Baths: 1 / 0
Garage:
2nd Floor: 286 SqFt

Transfer Information

Rec. Date: 8/25/2006
Owner: Morton Family Trust
Orig. Loan Amt:
Finance Type:
Sale Price:
Loan Type:
Doc Num: 2006-19709
Grantor:
Title Co: ATTORNEY ONLY
Lender:
Doc Type: Deed

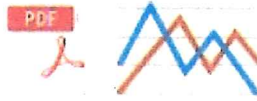
Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Transfer Record(s) Found For: 173332

Recording Date	8/25/2006	Sale Amount	\$0.00	Mtg 1 Amount	\$0.00
Grantee Name	MORTON FAMILY TRUST	Title Co	ATTORNEY ONLY	Mtg 1 Loan Type	
Grantor Name	MORTON RONNIE G & PRISCILLA R	Doc #	19709	Doc Type	G
Lender					
Recording Date	10/20/1994	Sale Amount	\$0.00	Mtg 1 Amount	\$0.00
Grantee Name	RONNIE G MORTON	Title Co		Mtg 1 Loan Type	
Grantor Name	FOXWORTHY PRISCILLA R	Doc #	16854	Doc Type	Q
Lender					
Recording Date	9/1/1990	Sale Amount	\$29,900.00	Mtg 1 Amount	\$0.00
Grantee Name		Title Co		Mtg 1 Loan Type	
Grantor Name		Doc #	9711	Doc Type	G
Lender					
Recording Date	5/2/1990	Sale Amount	\$16,000.00	Mtg 1 Amount	\$0.00
Grantee Name		Title Co		Mtg 1 Loan Type	
Grantor Name		Doc #		Doc Type	G
Lender					
Recording Date		Sale Amount	\$0.00	Mtg 1 Amount	\$0.00
Grantee Name	RECORD OWNER	Title Co		Mtg 1 Loan Type	
Grantor Name	KIDD DONALD	Doc #		Doc Type	G
Lender					

Property Account Summary

4/16/2020



Click image above for more information

Account Number	173332	Property Address	826 SW GILSON ST , MCMINNVILLE, OR 97128
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General Information

Alternate Property #	R4429AB 01300
Property Description	Township 4S Range 4W Section 29 Qtr A QQtr B TaxLot 01300 Lot 2 Block K SubdivisionName COZINES 3RD ADDITION
Property Category	Land &/or Buildings
Status	Active, Locally Assessed
Tax Code Area	40.0
Remarks	

Tax Rate

Description	Rate
Total Rate	16.9817

Property Characteristics

Neighborhood	McMinnville General
Land Class Category	101 Res Improved
Account Acres	0.1613
Change Property Ratio	Residential

Related Properties

No Related Properties Found

Property Values

Value Type	Tax Year 2019	Tax Year 2018	Tax Year 2017	Tax Year 2016	Tax Year 2015
Assessed Value AVR	\$88,365	\$85,791	\$83,292	\$80,866	\$78,512
Exempt Value EAR					
Taxable Value TVR	\$88,365	\$85,791	\$83,292	\$80,866	\$78,512
Real Market Land MKLTL	\$114,197	\$121,601	\$107,305	\$81,428	\$69,234
Real Market Buildings MKITL	\$57,504	\$49,300	\$51,394	\$54,386	\$46,686
Real Market Total MKTTL	\$171,701	\$170,901	\$158,699	\$135,814	\$115,920
M5 Market Land MKLND	\$114,197	\$121,601	\$107,305	\$81,428	\$69,234
M5 Limit SAV M5SAV					
M5 Market Buildings MKIMP	\$57,504	\$49,300	\$51,394	\$54,386	\$46,686
M50 MAV MAVMK	\$88,365	\$85,791	\$83,292	\$80,866	\$78,512
Assessed Value Exception					

Market Value Exception					
SA Land (MAVUUse Portion) SAVL					

Active Exemptions

No Exemptions Found

Tax Balance

Receipts

Date	Receipt No.	Amount Applied	Amount Due	Tendered	Change
11/07/2019 14:04:00	1059004	\$1,500.59	\$9,031.33	\$8,760.39	\$0.00
11/05/2018 13:13:00	1010961	\$1,470.91	\$10,428.94	\$9,112.42	\$0.00
11/02/2017 14:22:00	963118	\$1,419.66	\$1,419.66	\$1,377.07	\$0.00
11/04/2016 00:00:00	497977	\$1,368.90	\$1,368.90	\$1,327.84	
11/13/2015 00:00:00	659737	\$1,335.53	\$1,335.53	\$1,295.47	

Sales History

Transfer Date	Receipt Date	Recording Number	Sale Amount	Excise Number	Deed Type	Transfer Type	Other Parcels
08/25/2006	08/25/2006	2006-19709	\$0.00	133018		S	No
10/20/1994	10/20/1994	1994-16854	\$0.00	72140		S	No

Property Details

Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths
1254	0 X 0	1890	35	2	3	1	0

After recording, return to:

Dianne L. Haugeberg, Attorney
P.O. Box 480
McMinnville, OR 97128

Send Tax Statements to:

Ronnie G. Morton and Priscilla R. Morton
5401 SE Rice Lane
Amity, OR 97101

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK



\$36.00

200619709

2:37:59 PM 8/25/2006

DMR-DDMR Cnt=1 Stn=1 KAREN
\$15.00 \$10.00 \$11.00

SPECIAL STATUTORY WARRANTY DEED
(ORS 93.855)

Ronnie G. Morton and Priscilla R. Morton, "Grantors", hereby convey and warrant to **Ronnie G. Morton and Priscilla R. Morton Trustees of the Morton Family Trust** dated August 24th, 2006, including any amendments thereto, or to such Successor Trustee(s) of such trusts created under such instruments as may hereafter be appointed, as "Grantee", the following real property, free of encumbrances except for matters of public record:

See legal description attached as Exhibit "A" incorporated herein by this reference.

THE LIABILITY AND OBLIGATIONS OF THE GRANTORS TO GRANTEE AND GRANTEE'S SUCCESSORS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTORS UNDER A STANDARD POLICY OF TITLE INSURANCE CONTAINING EXCEPTIONS FOR MATTERS OF PUBLIC RECORD. THE LIMITATIONS CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTORS OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$-0- (Done for estate planning purposes).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

DATED this 24th day of August, 2006.

GRANTORS:

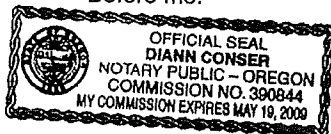
Ronnie G. Morton
Ronnie G. Morton

Priscilla R. Morton
Priscilla R. Morton

STATE OF OREGON, County of Yamhill) ss August 24 2006

Personally appeared the above-named RONNIE G. MORTON and PRISCILLA R. MORTON, and acknowledged the within instrument as their true and voluntary act and deed.

Before me:



Diann Conser
Notary Public for Oregon
My commission expires: 5-19-2009
F:\law\trusts\Morton.Ron&Priscilla.deed

EXHIBIT A

PARCEL 1:

**Home and 19.6 Acres at 5401 SE Rice Lane, Amity, OR 97101
Yamhill County tax lot #R5421 00104**

A tract of land in Section 21, Township 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, being a part of that certain tract of land described as Parcel 2 in deed to Bailey recorded in Film Volume 116, Page 1585, Deed and Mortgage Records and being described as follows:

BEGINNING at an iron rod at the Northwest corner of said Bailey Parcel 2, said iron rod being South 00°18'50" West 102.48 feet from a stone at an angle corner in the West line of that certain tract of land described in deed to Binford's, recorded in Film Volume 101, Page 681, Deed and Mortgage Records; thence South 89°27'10" East, 1184.11 feet (passing an iron rod at 1154.04 feet) to the center of the hereinafter described easement road; thence Southeasterly, 215.50 feet along said easement road on the arc of a 300 foot radius curve concave Easterly through a central angle of 41°02'30" (chord bears South 16° 03'30" East, 210.90 feet); thence South 36°38' 10" East, 64.07 feet along said easement road; thence Southeasterly 116.53 feet along said easement road on the arc of a 300 foot radius curve concave Southwesterly through a central angle of 22°15'20", (chord bears South 25°30'30" East, 115.80 feet) thence South 14°22'50" East, 108.98 feet along said easement road; thence Southeasterly 60.50 feet along said easement road on the arc of a 400 foot radius curve concave Easterly through a central angle of 8°40' (chord bears South 18°42'50" East, 60.45 feet); thence South 23°02'50" East, 186.56 feet along said easement road; thence Southerly 131.55 feet along said easement road on the arc of a 150 foot radius curve concave Westerly through a central angle of 50°14'50" (chord bears South 02°04'40" West, 127.37 feet); thence South 27°12' West, 25.00 feet along said easement road; thence leaving said easement road, North 89°27'10" West, 280.00 feet; thence North 68°51'10" West 1239.66 feet to the West line of said Bailey Parcel 2; thence North 00°18'50" East, 404.00 feet to the point of beginning.

TOGETHER WITH an easement over and across the following described tract:
A strip of land 60 feet in width for road and utilities purposes being 30 feet each side of the following described centerline:

COMMENCING in the center of County Road No. 453 in the West line of that certain tract of land conveyed to Binford's by deed recorded in Film Volume 101, Page 681, Deed and Mortgage Records that is North 00°16'30" West, 517.44 feet from the Southwest corner of said Binford's tract; thence South 78°31'50" East along the center of said County Road, 1403.25 feet; thence South 76°51'30" East along the center of said County Road 451.83 feet to the end of said County Road and the True Point of Beginning of the centerline herein described; thence North 82°28'30" East, 243.40 feet; thence Northeasterly 154.26 feet along the arc of a 350 foot radius curve left through a central angle of 25°15'10" (chord bears North 69°50'50" East, 153.01 feet); thence North 57°13'20" East 86.69 feet) thence Northeasterly 139.74 feet along the arc of a 175 foot radius curve left through a central angle of 45°45'10" (chord bears North 34°20'50" East, 136.06 feet); thence North 11°28'10" East, 147.35 feet; thence Northwesterly 84.70 feet along the arc of a 100 foot radius curve left, through a central angle of 48°31'40" (chord bears North 12°47'40" West, 82.19 feet); thence Northerly 336.46 feet along the arc of a 300 foot radius curve right, through a central angle of 64°15'30" (chord bears North 04°55'50" West 319.10 feet); thence North 27°12' East, 135.68 feet; thence Northerly 131.55 feet along the arc of a 150 foot radius curve left through a central angle of 50°14'50" (chord bears North 02°04'40" East, 127.37 feet); thence North 23°02'50" West, 186.56 feet; thence Northwesterly 60.50 feet along the arc of a 400 foot radius curve right, through a central angle of 08°40' (chord bears North 18°42'50" West, 60.45 feet); thence North 14°22'50" West, 108.98 feet; thence Northwesterly, 116.53 feet along the arc of a 300 foot radius curve left through a central angle of 22°15'20" (chord bears North 25°30'30" West, 115.80 feet; thence North 36°38'10" West, 64.07 feet); thence Northwesterly, 215.50 feet along the arc of a 300 foot radius curve right, through a central angle of 41°09'30" (chord bears North 16°03'30" West, 210.90 feet).

PARCEL 2:

Property Address: 1604 SE Kent Street, McMinnville, OR 97128
Yamhill County tax lot #R4428BC 00304

Lot 1, Block 2, WOODFORD MEADOWS in the City of McMinnville, Yamhill County, Oregon.

PARCEL 3:

Property Address: 826 SW Gilson St., McMinnville, OR 97128
Yamhill County tax lot #R4429AB 01300

Lot 2, Block "K" in COZINE'S THIRD ADDITION to the City of McMinnville, Yamhill County, Oregon.

EXCEPTING THEREFROM that portion conveyed to Lynden B. Laird, et ux, by Deed recorded April 16, 1962 in Film Volume 22, Page 65, Deed Records of Yamhill County, Oregon.

AND FURTHER EXCEPTING THEREFROM that portion conveyed to Ronald P. Elsberry, et ux, by Deed recorded January 27, 1969 in Film Volume 74, Page 479, Deed Records of Yamhill County, Oregon.

PARCEL 4:

Property Address: 339 N. Bridge Street, Sheridan, OR 97378
Yamhill County tax lot R5635BA 02000

The South one-half of Lots 3 and 4 in Block 8 in FAULCONER'S FIRST ADDITION to the City of Sheridan, Yamhill County, Oregon, according to the duly recorded plat thereof.

PARCEL 5:

Property Address: 338 SW Railroad Street, Sheridan, OR 97378
Yamhill County tax lot R5635BC 02600

Lots 3 and 4, Block 2, GILSTRAP'S ADDITION to the City of Sheridan, in the County of Yamhill and State of Oregon,
EXCEPTING the Easterly half of said Lot 3 in said Block 2 of GILSTRAP'S ADDITION to Sheridan in Yamhill County, Oregon.

PARCEL 6:

Property Address: 405 SW First Street, Sheridan, OR 97378
Yamhill County tax lot R5635BD 06700

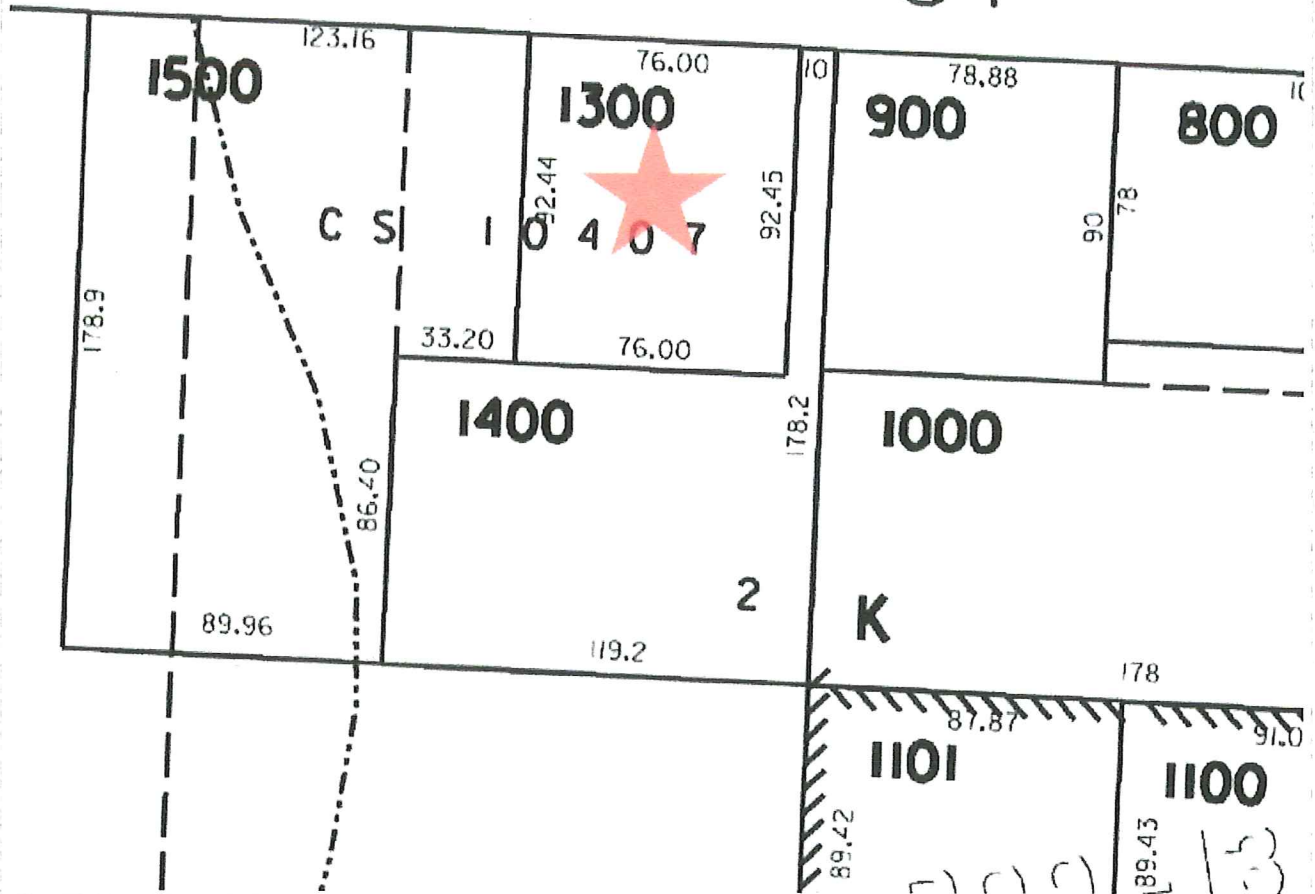
The west one-half of Lot 7 and all of Lot 8, Block 1 of BIBEE'S ADDITION to the City of Sheridan, County of Yamhill and State of Oregon.

1 = 100

SEE MAP 4 4 20CD

ILSON

ST



TICOR TITLE™

Parcel ID: 173332

Site Address: 826 SW Gilson St

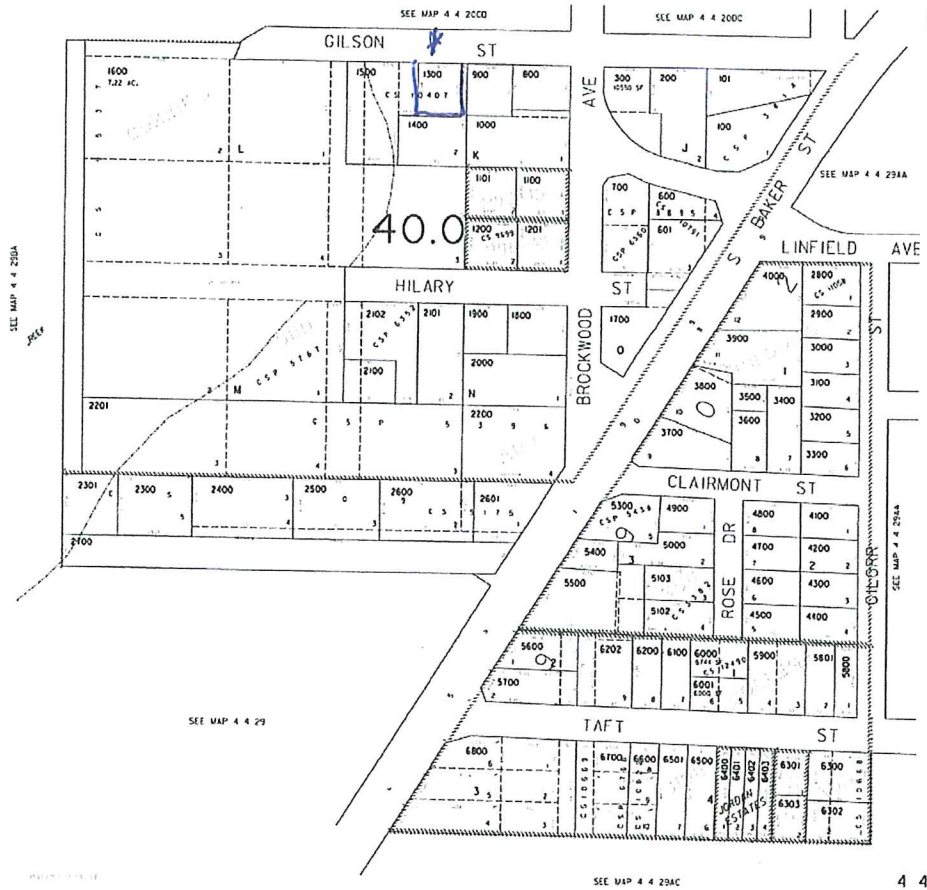
Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Full Assessor Map

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NW 1/4 NE 1/4 SEC 29 T4S R4W W.M.
YAMHILL COUNTY
1" = 100'

4 4 29AB
MCMINNVILLE



Parcel ID: 173332

Site Address: 826 SW Gilson St

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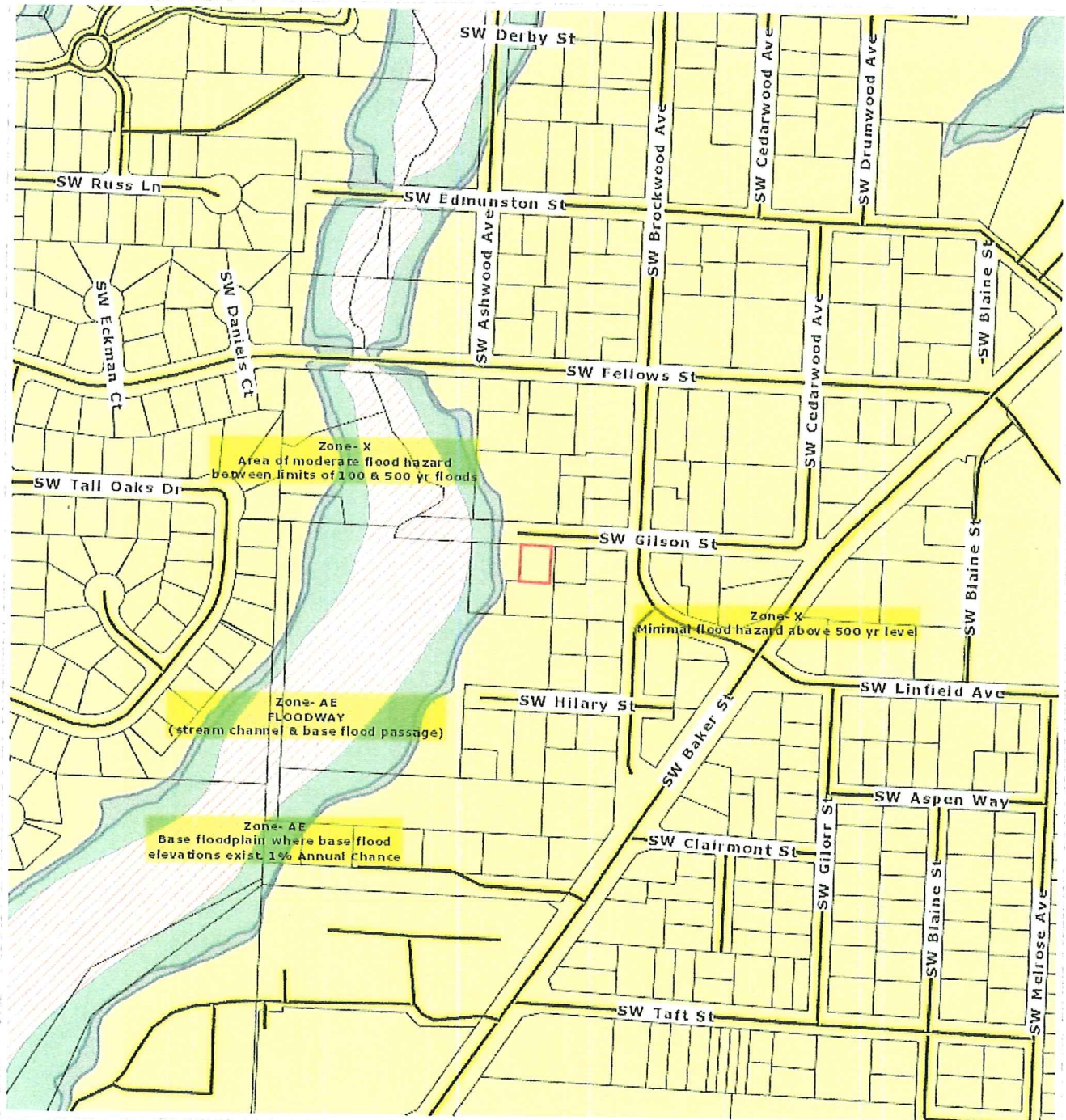
Aerial Map



Parcel ID: 173332

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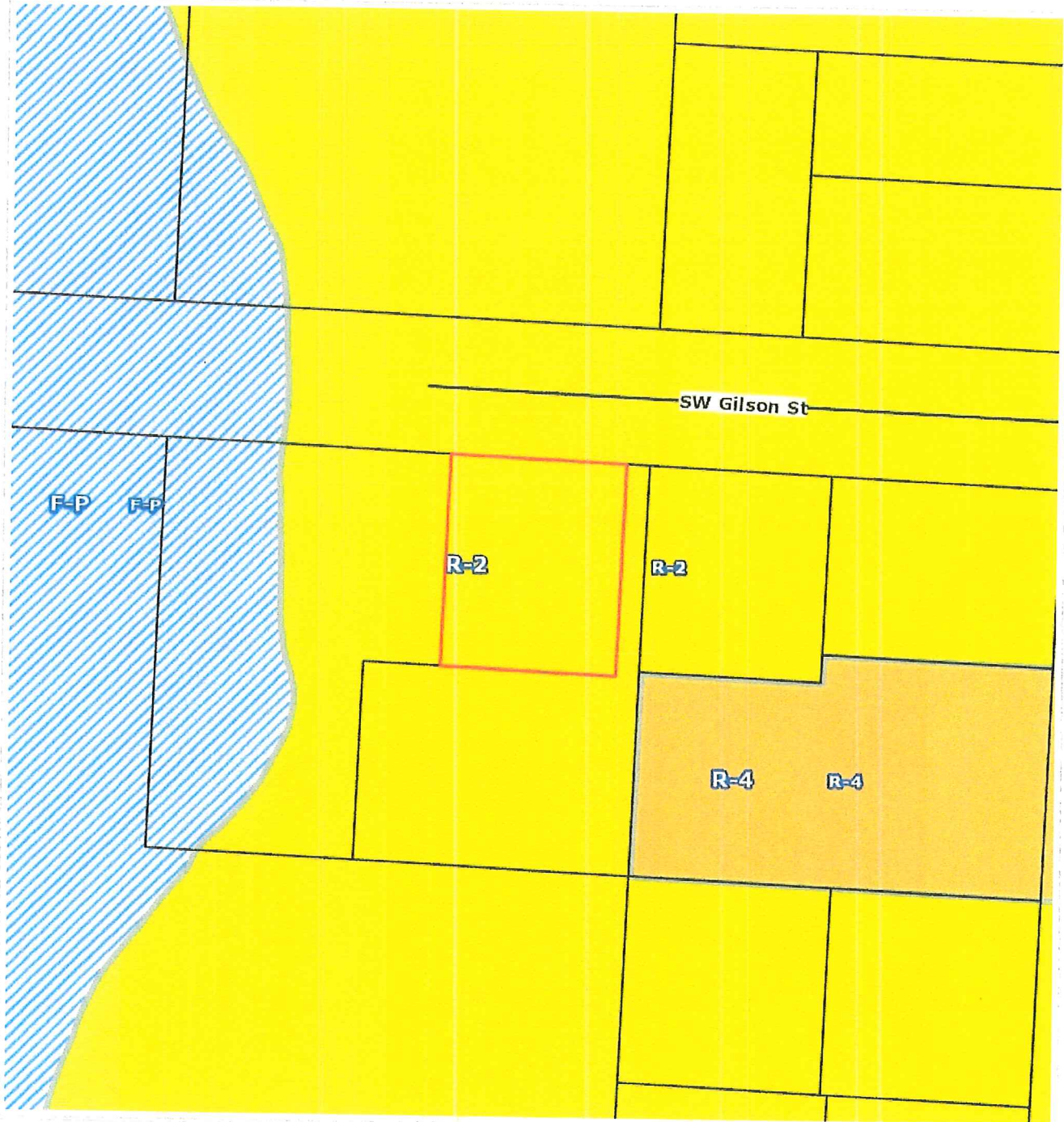
Flood Map



Parcel ID: 173332

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Zoning Map



TICOR TITLE™

Parcel ID: 173332

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City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

EXHIBIT 3 - STAFF REPORT

DATE: May 27, 2021
TO: Historic Landmark Committee Members
FROM: Chuck Darnell, Senior Planner
SUBJECT: PUBLIC MEETING: HL 2-21 (Certificate of Approval for Demolition) –
415 & 423 SE College Avenue

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

OBJECTIVE/S: Define the unique character through a community process that articulates our core principles

Report in Brief:

This is a quasi-judicial review of a Certificate of Approval for Demolition land use application to allow for the demolition of two existing historic resources and buildings located at 415 & 423 SE College Avenue (Tax Lot 2500, Section 21CC, T. 4 S., R. 4 W., W.M.). Both buildings are listed on the McMinnville Historic Resources Inventory as “Environmental” historic resources (resource numbers D582 and D584). The City of McMinnville has four classifications for historic resources in descending order, A, B, C and D. Per the McMinnville Municipal Code, the McMinnville Historic Landmarks Committee serves as the decision-making body for the review of any Certificate of Approval for Demolition application. The Certificate of Approval for Demolition request is subject to the review process described in Section 17.65.050 of the McMinnville Municipal Code (MMC). The Historic Landmarks Committee will make a final decision on the application, subject to appeal as described in Section 17.65.080 of the MMC.

Background:

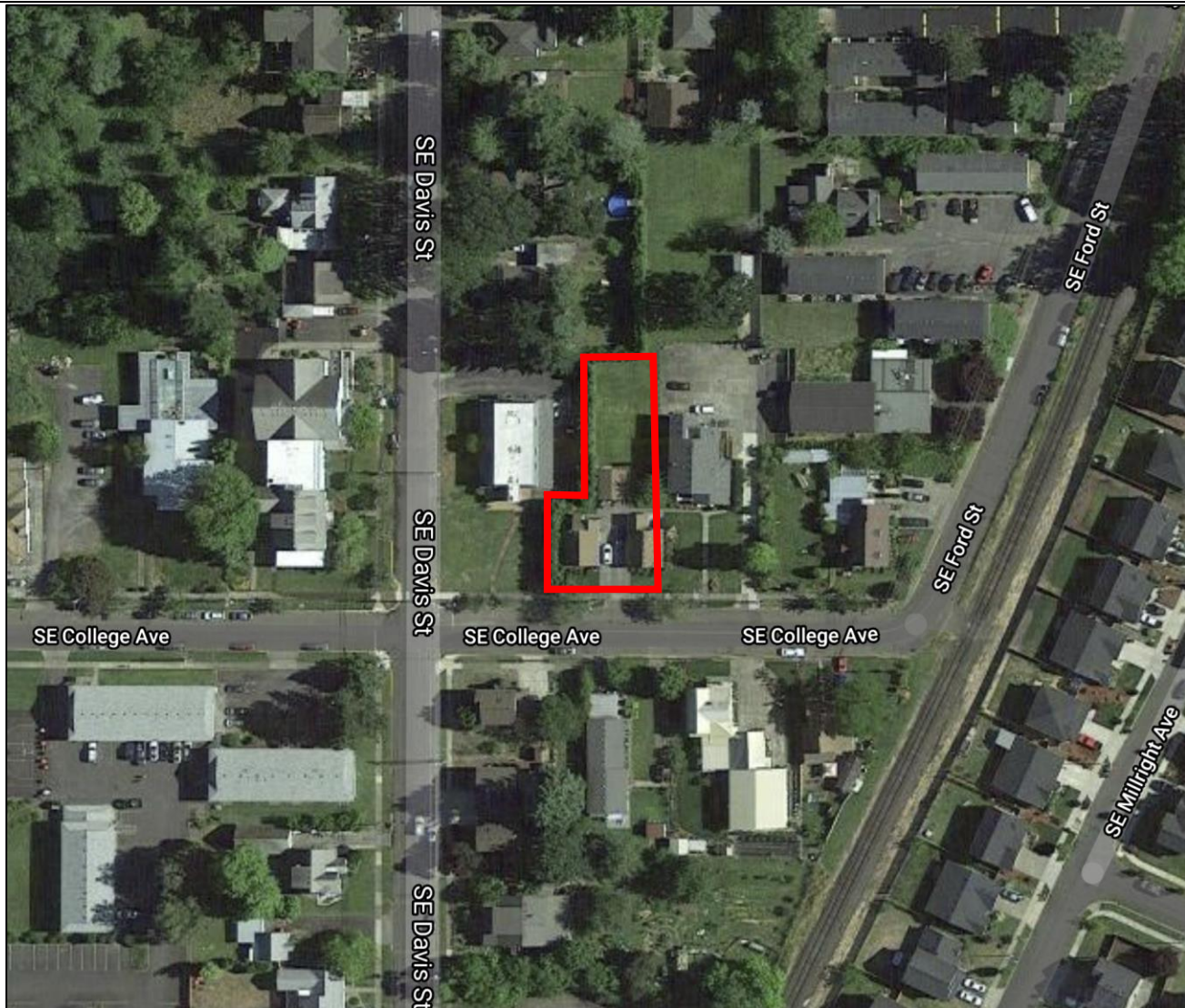
The subject property is located at 415 & 423 SE College Avenue, and the historic resources and buildings in question are both located on the same property. The property is identified as Tax Lot 2500, Section 21CC, T. 4 S., R. 4 W., W.M. **See Vicinity Map (Figure 1) below.**

Figure 1. Vicinity Map (Property Outline Approximate)

Attachments:

Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of HL 2-21

Attachment B: HL 2-21 Application Materials



The existing buildings on the subject property are listed on the Historic Resources Inventory as “Environmental” historic resources (resource numbers D582 and D584). The property was originally surveyed in 1983, which is the date that the “Statement of Historical Significance and Property Description” were drafted and included on the Historic Resources Inventory sheets (resource numbers D582 and D584) for the subject property. This survey work led to the inclusion of the property on the Historic Resources Inventory, and the Historic Resources Inventory was adopted by the McMinnville City Council on April 14, 1987 by Ordinance 4401. The Historic Resources Inventory has since been incorporated into the McMinnville Municipal Code (MMC) through its adoption and reference in MMC Section 17.65.030(A).

The statement of historical significance and description of the buildings, as described in the McMinnville Historic Resources Inventory sheet for each building, is as follows:

415 SE College Avenue:

“This is a simple rectangular 1 story house of the army barracks type. It has a gabled roof of composition shingle and situated with the gabled end facing the street. It has no projecting eaves and is sided with plain clapboard. It has a simple hood with brackets as a small porch covering the entrance door which is off center on the main façade facing the driveway. The

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windows are simple six-over-one sash and there is one central brick chimney and a concrete foundation. It is facing (across the driveway) it's twin at 423 College. It is well-kept but undistinguished [sic] by any outstanding features.”

423 SE College Avenue:

“This is one of a matched set facing each other across a driveway (see 415 College Ave.) It is also a rectangle (almost a square though), centrally placed on the lot with a gabled composition roof. The gabled end faces the street. It is rural vernacular with clapboard siding, slightly projecting eaves, one central brick chimney and six-over-one sash windows. It needs painting at this time but seems sound structurally, although not as well kept generally as 415. It also has the roof extended and supported by posts over the off center front door on the main driveway façade. The foundation is of concrete.”

Images of the historic resources from the time of the survey in 1983 are provided below:

415 SE College Avenue



Attachments:

Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of HL 2-21

Attachment B: HL 2-21 Application Materials

423 SE College Avenue



An image of the historic resources as they exist today is provided below:



Discussion:

Decisions and/or recommendations for approval of the land use application are dependent upon whether or not the application meets state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code. The application can either meet these criteria as proposed, or a condition of approval

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can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria.

The specific review criteria for Certificate of Approval for Demolition requests, in Section 17.65.050(B) of the McMinnville Zoning Ordinance, require the Historic Landmarks Committee to base each 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.

The applicant has provided a written narrative and findings to support their requests. The narrative and findings are provided in the application materials, and are also reiterated and expanded upon in the Decision Document. The Decision Document includes the specific findings of fact for each of the applicable review criteria, but an overview of the findings in those Decision Documents is provided below.

The applicable review criteria in Section 17.65.050(B) only require that the Historic Landmarks Committee base its decision on the applicable review criteria. It is important to note that the proposal is not required to satisfy every one of the review criteria, but that the Historic Landmarks Committee must base its decision on the multiple review criteria. This requires the Historic Landmarks Committee to determine whether each criteria is met, and then weigh those findings against any criteria that are found not to be met.

Summary of Applicant Findings

The applicant has provided findings and is arguing that the historic resource meets multiple review criteria to support the demolition of the historic resource. The applicant's main arguments are related to the value and significance of the historic resources, the existing condition of the historic resources, the amount of investment required to bring the structure back to an acceptable level to provide an economic and reasonable use (and the associated financial hardship of that investment), the preservation being a deterrent to an improvement program of substantial benefit to the city, and that retention would not be in the best interests of a majority of the citizens of the city.

An overarching and primary factor in the applicant's findings for the demolition of the existing historic resources is that the resources were not designated as highly significant historical resources at the time of the survey and designation on the Historic Resources Inventory. The two existing dwellings were both evaluated and designated as "Environmental" resources, which is the lowest classification on the Historic Resources Inventory. The applicant has also referenced the statements of historical significance from the Historic Resources Inventory sheets, which describe certain elements of the structures such as clapboard siding, chimneys, covered porches at main entrances, and six-over-one sash windows. The applicant has provided evidence that these elements and features no longer exist on the structures, which

Attachments:

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the applicant is arguing results in the existing structures no longer having historical value and significance that would warrant preservation.

The applicant provided some evidence of poor physical condition of the historic resources. Photographic evidence of some of these conditions was provided and can be seen in more detail in the application materials attached to this staff report. Some of the issues related to the physical condition of the buildings, as described by the applicant, include foundations lacking footings, concrete stem walls without proper reinforcement, lack of clearance within the crawl space for circulation and maintenance access, and poor siding materials and installation resulting in dry rot and mold within the walls of the structures.

The applicant has also argued that the economic use of the historic resources is low, as documented by the tax assessments of the property and the declining Real Market Value of the structures (which recently in 2019 was \$122,315 in combined value of both structures on the subject property). The applicant has argued that investment in the structures would be financially unsustainable for the property owner, which would result in financial hardship that is not outweighed by the public interest in the preservation of the historic resources.

Finally, the applicant is proposing an improvement program on the subject property that the preservation of the historic resources would prevent from occurring. If the two existing buildings are approved for demolition, the applicant is proposing to construct two new dwelling units on the subject site that would be of a similar size and scale as the existing buildings. The two new dwelling units are proposed to be one story buildings of a bungalow craftsman style, which the applicant is arguing will maintain compatibility with the surrounding area. The new dwelling units will also be constructed to today's standards and code requirements, which the applicant is proposing would be an improvement in terms of the quality of housing on the subject property and also would provide for an increase in taxable value and tax revenue for the City.

Analysis of Review Criteria

The Historic Landmarks Committee needs to make their findings for their decision based on the review criteria of the McMinnville Municipal Code, which are in Section 17.65.050(B) and are shown above.

The McMinnville Municipal Code does not require that the applicant's request meet all of the applicable review criteria in order for a Certificate of Approval for Demolition application to be approved. The Historic Landmarks Committee needs to decide if the applicant's findings are compelling enough to warrant an approval for a Certificate of Approval for Demolition.

The applicant had also provided findings for the demolition being consistent with the Comprehensive Plan (review criteria 17.65.050(B)(1)) and that the historic resource constitutes a hazard to the safety of its occupants (review criteria 17.65.050(B)(5)). However, staff does not believe that the Comprehensive Plan goals and the purpose statement of the Historic Preservation chapter of the code support demolition of historic resources, and rather speak to the preservation and protection of structures of historical significance to the City of McMinnville. In regards to the historic resource being a hazard to the safety of its occupants, staff does not believe that this criteria is as applicable in the demolition request. While there are some documented issues with the condition of the structures (see description above and applicant narrative for more detail), there could still be a level of investment that would result in the building being functional and not a hazard to its occupants.

Staff believes that the applicant's arguments described in the section above (titled "Summary of Applicant Findings") could be found to be reasonable and satisfying the applicable review criteria to support the demolition of the historic resource. Staff believes that the most relevant and best satisfied review criteria is related to the "value and significance" of the historic resources. Both structures were classified as "Environmental" historic resources and neither structure was subject to the second stage of evaluation

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described in Appendix 4 and Appendix 5 of the Historic Resources Inventory, which is evidence that they structures were not found to be of high significance at the time of the development of the Historic Resources Inventory. A majority of the architectural features of the structures that are described in the Statements of Historical Significance have also been removed and lost over time, including the clapboard siding, brick chimneys, six-over-one sash windows, and covered porches at the main entrances to the structures. The applicant has argued that the loss of these features results in the structures being of even less historical significance than they were at the time of survey and inclusion on the Historic Resources Inventory. Staff would note that these changes that have occurred over time could have occurred without any violation of code, as alterations to “Contributory” and “Environmental” historic resource can occur without any review against the City’s historic preservation standards for alterations.

The applicant has also argued that renovation of the existing structures would not be reasonable given their economic use and current value (review criteria 17.65.050(B)(2)), and that continued investment in the structure would cause financial hardship to the property owner (review criteria 17.65.050(B)(7)). The applicant did not provide any detailed cost estimate for renovation of the existing structures. However, the applicant did reference the fact that the assessed value of the structures is very low and has been decreasing over time. Staff agrees with the applicant that levels of investment required to improve the code issues described by the applicant in responses to other review criteria may not provide for a reasonable economic return on the investment and could cause financial hardship to the property owner. Together with the fact that the structures were not originally determined to be of high historical significance and that features and elements that did previously exist have now been removed or replaced, staff does not believe that there is a public interest in preservation of the historic resources that would outweigh the potential financial hardship that could be incurred by the property owner.

Finally, the applicant is proposing an improvement program that would be of benefit to the City, which is the construction of two new dwelling units on the subject site. Staff believes that this private improvement program would be a benefit to the City, and that the improvement program is proposed in such a manner as to be compatible with the surrounding area. The two new dwellings proposed would be of a similar size and scale to the existing buildings (one story buildings in a similar footprint), and could be generally described as a craftsman bungalow type of building style that would be compatible with development in the surrounding area.

On recent demolition requests, the Historic Landmarks Committee has included a condition of approval to require that, prior to the demolition, an owner make the structure available for moving to another site. Also, on recent demolition requests the Committee has required that the owner make available the amount of funds that they would have spent on demolition of the structure to the party that would move the structure to cover costs associated with the move. The intent behind this requirement is to provide a financial incentive to someone interested in renovating the structure, as they could receive the structure at no cost and also have all or most of the costs of moving the structure covered by the current owner, which would test whether the renovation of the structure is economically reasonable. However, evidence or analysis of whether these structures could be moved has not been provided. Additionally, the applicant has stated in conversations with staff that it is their intent to demolish the buildings and complete the new construction of two new dwelling units on the subject site prior to next school year (fall of 2021). Staff would suggest that the Historic Landmarks Committee consider the applicant’s intentions for the subject property and their condensed construction timeframe, and determine whether the condition of approval related to making the building available for relocation be included, perhaps after requesting additional information from the applicant’s architect. Alternatively, the Historic Landmarks Committee could require that the history of the buildings be documented through other means for archival purposes, which would satisfy review criteria 17.65.050(B)(8). These other means have traditionally included detailed photographic evidence that is provided to the Planning Department.

Finally, if the Historic Landmarks Committee finds that the improvement program described by the applicant would satisfy this review criteria (criteria 17.65.050(B)(6)), and that it may be more influential

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when weighed against other criteria that are not being satisfied, staff would remind the Committee that in the past, there has been a consideration of deferring the issuance of a demolition permit until such time as building permits are actually submitted for the improvement program. The intent behind this has been to ensure that the improvement program actually moves forward prior to demolition of the historic resource. In this case, the applicant has already submitted building permit applications for the proposed two new dwelling units. These applications were submitted to the Building Department and include both the demolition of the existing structures and the construction of the new dwelling units.

Commission Options:

- 1) Close the public meeting and **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public meeting to a specific date and time.
- 3) Close the public meeting and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation:

Again, in reviewing a request for a demolition of a historic landmark, the Historic Landmarks Committee must base its decision on the criteria described in Section 17.65.050(B) of the McMinnville City Code, and as reviewed in the staff report above. **It is important to note again that the proposal is not required to satisfy every one of the review criteria, but that the Historic Landmarks Committee must base its decision on the multiple review criteria. This requires the Historic Landmarks Committee to determine whether each criteria is met, and then weigh those findings against any criteria that are found not to be met.**

Based on the information provided, staff believes that the applicant has provided findings that could be found to support the demolition request. Staff believes that the applicant provided reasonable findings for the value and significance of the historic resources, that the preservation of the historic resources would be a deterrent to an improvement program of benefit to the City, that the retention of the historic resource not being in the best interests of a majority of the citizens of the city, and the economic use and financial hardship of the preservation of the historic resources. These criteria, together with a potential requirement to provide more detailed documentation of the historic resource prior to demolition, could be found by the Historic Landmarks Committee to outweigh the other review criteria that are not being satisfied. Staff does not believe that the Comprehensive Plan goal and Historic Preservation purpose statement support demolition of historic resources, and staff also believes that the structures could be improved to some degree to not be a hazard to its occupants. Therefore, staff does not believe that these criteria are being satisfied, and that they should be considered and weighed by the Historic Landmarks Committee against the criteria that could be found to be satisfied.

If the Historic Landmarks Committee agrees with the applicant's arguments and findings in Sections 17.65.050(B)(2), 17.65.050(B)(3), 17.65.050(B)(6), 17.65.050(B)(7), and 17.65.050(B)(8), staff recommends that the demolition request be approved with conditions. If the Historic Landmarks Committee does decide to approve the request for the demolition of the historic resource, staff is suggesting that photo documentation be provided of the historic resource prior to demolition.

Staff is suggesting that the following condition of approval be included to provide for additional opportunity to preserve the historic resource:

- 1) That prior to the issuance of the demolition permit for the subject structures, a minimum of 20 (twenty) digital photographs documenting exterior views of the subject structures and a minimum

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of 20 (twenty) digital photographs documenting interior views of the subject structures shall be submitted to the Planning Department.

Staff has provided a draft decision document with findings to support a Historic Landmarks Committee decision to approve the demolition with the above condition.

Alternatively, the Historic Landmarks Committee could make findings to support a decision to deny the demolition request. Staff has provided some description of each of the applicable review criteria, and the Committee could use some of those arguments to make findings that the demolition of the resource is not warranted. Again, the Historic Landmarks Committee must consider each applicable review criteria and weigh them against each other. The Committee's decision must be based on the applicable review criteria, but there is no requirement that any particular number of review criteria be satisfied or not satisfied.

In order for the Historic Landmarks Committee to make a decision to deny the demolition request, staff believes that the Committee could make findings that the existing historic resource still retains some of the architectural building form that originally resulted in the structure being listed on the Historic Resources Inventory even though most of the detailed architectural features have been removed or replaced, showing that the historic resource does still retain some level of historic value and significance (Section 17.65.050(B)(3)). The Committee could also find that with reinvestment the physical condition of the structure could be improved (Section 17.65.050(B)(4)), that with reinvestment the structure would not pose a safety hazard (Section 17.65.050(B)(5)), and that there exists a public interest in the retention of the structure that is in the best interests of the City (Sections 17.65.050(B)(7)) and 17.65.050(B)(8)). The Historic Landmarks Committee would need to find that these criteria outweigh the applicant's arguments that there is no economic use of the resource given the level of investment required, the potential financial hardship that would be incurred by the owner in the retention of the resource, and that the public interest in the retention of the resource overrides the improvement program described by the applicant.

The Historic Landmarks Committee should review the information and arguments provided by the applicant during the public meeting, offer an opportunity for the applicant and the public to provide testimony, and then deliberate and determine whether the review criteria being satisfied by the applicant outweigh those that are not.

MOTION FOR THE APPROVAL OF HL 2-21:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE HISTORIC LANDMARKS COMMITTEE APPROVES HL 2-21, BASED ON THE FINDINGS OF FACT PROVIDED IN THE DECISION DOCUMENT. [NOTE – INCLUDE CONDITIONS OF APPROVAL IN THE MOTION IF THERE ARE ANY DISCUSSED BY THE HLC ON THE PUBLIC RECORD DURING THE MEETING]

If the Committee does not find that applicable criteria have been addressed by the applicant, staff recommends that the Committee continue the application to a future Historic Landmarks Committee meeting to allow the applicant to provide additional information or findings. Similarly, if the Committee makes findings for the denial of the application, staff would recommend that the Committee continue the application to allow staff to draft an updated Decision Document, based on findings provided by the Committee on the record during the meeting. A recommended motion for the continuation of the application is provided below:

MOTION FOR THE CONTINUATION OF HL 2-21:

Attachments:

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Attachment B: HL 2-21 Application Materials

BASED ON THE MATERIALS SUBMITTED BY THE APPLICANT, THE HISTORIC LANDMARKS COMMITTEE FINDS THAT ADDITIONAL INFORMATION (AS DISCUSSED ON THE RECORD) IS NECESSARY, AND CONTINUES HL 2-21 TO A COMMITTEE MEETING ON JUNE 24, 2021 AT 3:00 PM.

CD

Attachments:

Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of HL 2-21

Attachment B: HL 2-21 Application Materials



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

503-434-7311

www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS OF THE MCMINNVILLE HISTORIC LANDMARKS COMMITTEE FOR THE APPROVAL OF A DEMOLITION OF THE HISTORIC RESOURCES LOCATED AT 415 AND 423 SE COLLEGE AVENUE

- DOCKET:** HL 2-21 (Certificate of Approval for Demolition)
- REQUEST:** Approval of the demolition of two existing historic resources and buildings that are located on the subject property. Both buildings are listed on the McMinnville Historic Resources Inventory as “Environmental” historic resources (resource numbers D582 and D584).
- LOCATION:** 415 & 423 SE College Avenue. The resources are located at the property that is identified as Tax Lot 2500, Section 21CC, T. 4 S., R. 4 W., W.M.
- ZONING:** R-4 (Multiple Family Residential)
- APPLICANT:** Mario Espinosa, on behalf of property owner Delta Rho of Kappa Alpha Bld. Assoc.
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** April 28, 2021
- HEARINGS BODY & ACTION:** McMinnville Historic Landmarks Committee
- HEARING DATE & LOCATION:** May 27, 2021, Zoom Online Meeting ID 938 9056 2975
- PROCEDURE:** An application for a Certificate of Approval for Demolition is processed in accordance with the procedures in Section 17.65.050 of the McMinnville Municipal Code.
- CRITERIA:** The applicable criteria for a Certificate of Approval for Demolition are specified in Section 17.65.050(B) of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.
- APPEAL:** As specified in Section 17.65.080 of the McMinnville Municipal Code, the Historic Landmarks Committee’s decision may be appealed to the Planning Commission within fifteen (15) days of the date written notice of decision is mailed. The City’s

final decision is subject to a 120 day processing timeline, including resolution of any local appeal.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of Transportation. Their comments are provided in this document.

RECOMMENDATION

Based on the findings and conclusionary findings, the Historic Landmarks Committee finds the applicable criteria are satisfied with conditions and **APPROVES** the Certificate of Approval for Demolition (HL 2-21), subject to the conditions contained in this document.

////////////////////////////////////
DECISION: APPROVAL WITH CONDITIONS
////////////////////////////////////

Planning Department: _____
Heather Richards, Planning Director

Date: _____

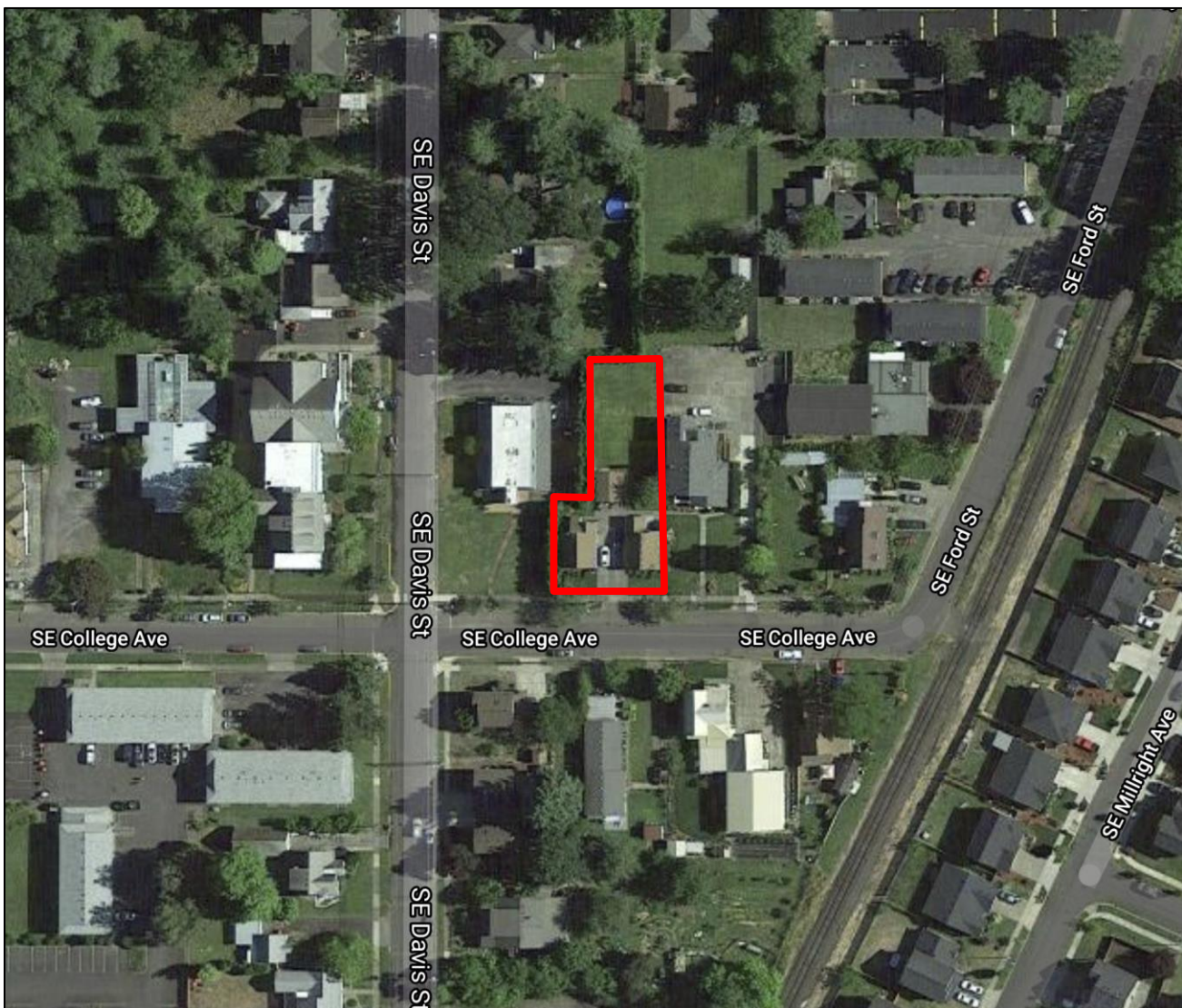
I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of the subject site(s) and the request(s) under consideration. Staff has found the information provided to accurately reflect the current land use request, and excerpted portions are provided below to give context to the request, in addition to the City’s findings.

Subject Property & Request

The subject property is located at 415 and 423 SE College Avenue, and the historic resources and buildings in question are both located on the same property. The property is identified as Tax Lot 2500, Section 21CC, T. 4 S., R. 4 W., W.M. **See Vicinity Map (Figure 1) below.**

Figure 1. Vicinity Map (Property Outline Approximate)



The existing buildings on the subject property are listed on the Historic Resources Inventory as “Environmental” historic resources (resource numbers D582 and D584). The statement of historical significance and description of the buildings, as described in the McMinnville Historic Resources Inventory sheet for each building, is as follows:

415 SE College Avenue:

“This is a simple rectangular 1 story house of the army barracks type. It has a gabled roof of composition shingle and situated with the gabled end facing the street. It has no projecting eaves and is sided with plain clapboard. It has a simple hood with brackets as a small porch covering the entrance door which is off center on the main façade facing the driveway. The windows are simple six-over-one sash and there is one central brick chimney and a concrete foundation. It is facing (across the driveway) it’s twin at 423 College. It is well-kept but undistinguished [sic] by any outstanding features.”

423 SE College Avenue:

“This is one of a matched set facing each other across a driveway (see 415 College Ave.) It is also a rectangle (almost a square though), centrally placed on the lot with a gabled composition roof. The gabled end faces the street. It is rural vernacular with clapboard siding, slightly projecting eaves, one central brick chimney and six-over-one sash windows. It needs painting at this time but seems sound structurally, although not as well kept generally as 415. It also has the roof extended and supported by posts over the off center front door on the main driveway façade. The foundation is of concrete.”

The applicant provided an additional, brief description of the historic resources in the application narrative along with a description of the intention for the property if the buildings were allowed to be demolished, which is as follows:

“The (2) existing homes were built in the 1940’s of an Army Barracks style with undistinguishable outstanding features. In its place, its proposed to build (2) new 1-stoy [sic] structures of bungalow/craftsman style in harmony with an adjacent structure and other homes found in the vicinity, the new homes will be built in the same location as the existing homes and are identical in design, but one will be mirrored from the other. The homes will be built with a wood structure, horizontal siding, composition roof and a new porch facing the street with stone veneer columns.”

Photos of the resources at the time of survey in 1983, photos of the existing exterior of the historic resources, and a graphic of the proposed new construction are provided below. **See 1983 Historic Resources Inventory Photo – 415 SE College Ave (Figure 2), 1983 Historic Resources Inventory Photo – 423 SE College Ave (Figure 3), Existing Conditions (Figure 4), and Proposed New Construction (Figure 5) below.**

Figure 2. 1983 Historic Resources Inventory Photo – 415 SE College Ave



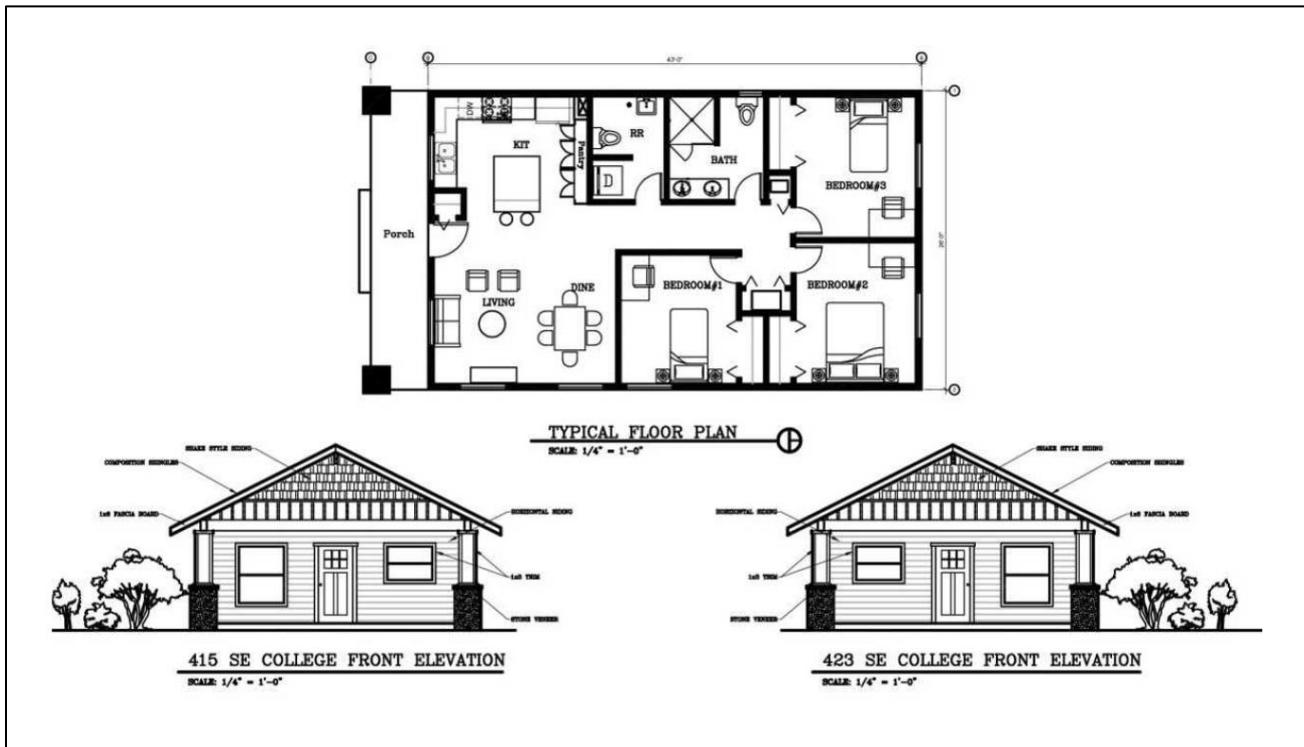
Figure 3. 1983 Historic Resources Inventory Photo – 423 SE College Ave



Figure 4. Existing Conditions



Figure 5. Proposed New Construction



Background

The property was originally surveyed in 1983, which is the date that the “Statement of Historical Significance and Property Description” were drafted and included on the Historic Resources Inventory sheets (resource numbers D582 and D584) for the subject property. This survey work led to the inclusion of the property on the Historic Resources Inventory, and the Historic Resources Inventory was adopted by the McMinnville City Council on April 14, 1987 by Ordinance 4401. The Historic Resources

Attachments:

Attachment 1 – Application and Attachments

Inventory has since been incorporated into the McMinnville Municipal Code (MMC) through its adoption and reference in MMC Section 17.65.030(A).

Summary of Criteria & Issues

The application (HL 2-21) is subject to Certificate of Approval for Demolition review criteria in Section 17.65.050(B) of the Zoning Ordinance. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Certificate of Approval for Demolition requests, in Section 17.65.050(B) of the McMinnville Zoning Ordinance, require the Historic Landmarks Committee to base each 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.

The applicant has provided findings to support the request for a Certificate of Approval for Demolition. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

1. That prior to the issuance of the demolition permit for the subject structures, a minimum of 20 (twenty) digital photographs documenting exterior views of the subject structures and a minimum of 20 (twenty) digital photographs documenting interior views of the subject structures shall be submitted to the Planning Department.

III. ATTACHMENTS:

1. HL 2-21 Application and Attachments (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments were received:

- McMinnville Engineering Department

Attachments:

Attachment 1 – Application and Attachments

Sanitary Sewer shall be properly capped and inspected prior to demo permit final.

- McMinnville Building Department

No building code issues.

- Comcast

We are good with this one, no conflicts.

- Ziply Fiber

We have no conflicts. However, the property owner/developer will need to provide path (Subduct or Conduit) from each new home to the Right of Way (to a pole would be ideal) for communications.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site on May 13, 2021. As of the date of the Historic Landmarks Committee public meeting on May 27, 2021 no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Mario Espinosa, on behalf of property owner Delta Rho of Kappa Alpha Bld. Assoc., submitted the Certificate of Approval application (HL 2-21) on April 2, 2021.
2. The application was deemed complete on April 28, 2021. Based on that date, the 120 day land use decision time limit expires on August 26, 2021.
3. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas.

Comments received from agencies are addressed in the Decision Document.

4. Notice of the application and the May 27, 2021 Historic Landmarks Committee public meeting was mailed to property owners within 300 feet of the subject property in accordance with Section 17.65.070(C) of the Zoning Ordinance on Thursday, May 13, 2021.
5. No public testimony was submitted to the Planning Department prior to the Historic Landmarks Committee public hearing.
6. On May 27, 2021, the Historic Landmarks Committee held a duly noticed public hearing to consider the request.

Attachments:

Attachment 1 – Application and Attachments

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** 415 & 423 SE College Avenue. The resource is located at the property that is identified as Tax Lot 2500, Section 21CC, T. 4 S., R. 4 W., W.M.
2. **Size:** Approximately 12,497 square feet.
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-4 (Multiple Family Residential)
5. **Overlay Zones/Special Districts:** None.
6. **Current Use:** Residential
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** Historic Resources Inventory – Resource Numbers D582 and D584.
 - b. **Other:** None
8. **Other Features:** The site is generally flat and there is no significant or mature vegetation on the site.
9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.
 - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** The site is adjacent to SE College Avenue, which is identified as a local street in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for local streets as 50 feet. The existing right-of-way width of SE College Avenue adjacent to the subject site is 60 feet, which exceeds the required minimum right-of-way width and therefore does not require any additional dedication.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Historic Resources Inventory Amendment are specified in Section 17.65.050(B) of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

Attachments:

Attachment 1 – Application and Attachments

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

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

APPLICANT’S RESPONSE: The resources never had a strong significance as these were structures built modestly and not necessarily represent other homes in the neighborhood, notwithstanding the modesty of the properties, it is appropriate to mention that other local resources have done better to preserve the integrity of defining features, as opposed to these homes that never feature clear distinguished outstanding features, the resources lack significance required to meet the purpose of restoring it and much of the historical value has been diminished due to previous remodel action, the proposed replacement structures will add to the value of this property for the owner, the City and the Community, the new structures will keep with the scale and character of the existing homes nearby, thus enhancing the positive character of the neighborhood.

FINDING: NOT SATISFIED. The focus of the comprehensive plan goal is to preserve and protect structures that have special historical or architectural significance. A demolition clearly does not meet that intent. The Historic Landmarks Committee, after reviewing the application materials and receiving testimony, decided that other applicable criteria for the consideration of the demolition were met and therefore the demolition was approved. Findings for those other applicable review criteria are provided below.

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The process for a Certificate of Approval for Demolition provides an opportunity for citizen involvement throughout the process through the public notice and the public meeting process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public meeting(s). All members of the public have access to provide testimony and ask questions during the public review and meeting process.

McMinnville Municipal Code

Attachments:

Attachment 1 – Application and Attachments

The following Sections of the McMinnville Municipal Code (MMC) provide criteria applicable to the request:

Chapter 17.03. General Provisions

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

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.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The applicant, who is representing the property owner, filed an application and request to demolish the existing buildings that are designated as Environmental resources on the Historic Resources Inventory. The application was reviewed by the Historic Landmarks Committee within 30 days of the application being deemed complete.

17.65.050 Demolition, Moving, or New Construction. [...]

B. The Historic Landmarks Committee shall base its decision on the following criteria:

17.65.050(B)(1). *The City’s historic policies set forth in the comprehensive plan and the purpose of this ordinance;*

APPLICANT’S RESPONSE: The resources never had a strong significance as these were structures built modestly and not necessarily represent other homes in the neighborhood, notwithstanding the modesty of the properties, it is appropriate to mention that other local resources have done better to preserve the integrity of defining features, as opposed to these homes that never feature clear distinguished outstanding features, the resources lack significance required to meet the purpose of restoring it and much of the historical value has been diminished due to previous remodel action, the proposed replacement structures will add to the value of this property for the owner, the City and the Community, the new structures will keep with the scale and character of the existing homes nearby, thus enhancing the positive character of the neighborhood.

FINDING: NOT SATISFIED. Most of the City’s historic policies in the comprehensive plan focus on the establishment of the Historic Landmarks Committee, public awareness of historic preservation, and other activities for the City to pursue to increase documentation of historic resources. However, the goal most specifically related to historic preservation is as follows:

Goal III 2: To preserve and protect sites, structures, areas, and objects of historical, cultural, architectural, or archaeological significance to the City of McMinnville.

The purpose of the Historic Preservation ordinance includes the following:

- (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.

The focus of the comprehensive plan goal and the purpose of the Historic Preservation chapter are to preserve structures that have special historical or architectural significance through restoration efforts. A demolition clearly does not meet that intent. The Historic Landmarks Committee, after reviewing the evidence and hearing the public testimony, decided that other criteria for the consideration of the demolition were satisfied and therefore the demolition was approved with conditions.

17.65.050(B)(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;*

APPLICANT’S RESPONSE: The existing homes have been used as single residential units and have, through the years, gone through maintenance to make them habitable, but these efforts have not been enough to counter the effect of poor construction, and time. The deficient structures is allowing for water intrusion to the interior, the crawl space foundation is only 10" inches from the ground and it makes it almost impossible to maintain the floor, the plumbing and the electrical systems that have to be accessible from below, all of this adds up to a greater risk to the occupants. The new structures will be fully compliant with current codes and will be of superior energy efficiency and will provide its occupants with improved living conditions. The costs of maintaining the existing homes have been very expensive and financially unsustainable to the owners, but the new units will increase value, rentability and will provide for a continued City source of revenue as well as enhance the neighborhood qualities.

There is a diminished value of the existing houses as documented in tax and market value records in the last few years (Please see below Tax Exhibit) with an average loss of value of about \$6,400 a year, this combined with the undistinguished architectural style makes the significance diminished. The new homes will increase the property value and it will be better fit for adjusted increased yearly value as other better built homes in the neighborhood.

FINDING: SATISFIED. The City finds that this criteria is satisfied, but does not entirely concur with the applicant’s findings. The City does not find that the applicant provided much data or evidence of the economic value of the current structure, or what the economic use of the structure could be if improvements were undertaken. The City adds that while no preliminary cost estimates were provided by the applicant that show the investment required to renovate the existing buildings, the applicant has provided arguments that further investment in the structures is not reasonable due to their economic use and given the level of significance of the historic resource, which is an Environmental resource and the lowest classification on the Historic

Resources Inventory. The City concurs that the documentation of market value of the structures has reduced over time, with Real Market Values decreasing from \$135,204 in 2017 to \$122,315 in 2019. Investment in the structures may prevent further decrease in Real Market Value, but levels of investment required to improve the code issues described by the applicant in responses to other review criteria may not provide for a reasonable economic return on the investment.

17.65.050(B)(3). *The value and significance of the historic resource;*

APPLICANT’S RESPONSE: The two dwellings are described in the Statement of Historical Significance and Description of Property as Army Barracks style, rectangular shape, and gabled roof type, but it also addresses other historically defining elements that are now missing, that given the small size of the homes, the following removed elements become very significant:

- Clapboard Siding- This element is nonexistent as it was replaced with simple plywood siding with no texture or hint of horizontality as the original siding provided. (Please see attached images #1 and 2).
- Central Brick Chimney- This element is nonexistent as it was removed some time ago most likely due to a structurally unsafe condition, and improper moisture flashing. (Please see attached images #2,3 and 4).
- Six-Over-One Sash Windows- The original windows are nonexistent, and the replacement windows not all have the same original dimensions nor have the six-over-one sash feature. (Please see attached images #1 and 2)
- Roof Extension with Posts at Entry Door- The entry porches were removed some time ago, and the homes have no entrance roof shelter element. (Please see images #3 and 4).

The existing homes do not properly represent its historic background as too many defining elements have been removed over the years and its present appearance are more a detraction to the neighborhood than an asset, and it offers no aesthetic, or redeeming architectural value.

FINDING: SATISFIED. The City concurs with the applicant’s findings, but adds that the Historic Resources Inventory evaluation process that was conducted at the time of the development of the Historic Resources Inventory shows that the structures in question were not found to be of high historical significance at the time that they were surveyed and added to the Historic Resources Inventory. More specifically, the resources were evaluated as resources that “did not necessarily contribute to the historic character of the community but did create the background or context for the more significant resources” and were classified as “Environmental” resources. The structures in question were not subject to the second stage of evaluation described in Appendix 4 and Appendix 5 of the Historic Resources Inventory.

In regards to architectural significance, the City concurs with the applicant in that the existing structures have lost much of the exterior architectural building features that existed at the time the structures were surveyed. For these reasons, together with other findings for other applicable review criteria and conditions of approval, the historical value and historical significance are not found to warrant the retention of the historic resources.

17.65.050(B)(4). *The physical condition of the historic resource;*

APPLICANT’S RESPONSE: The existing condition of the resources is poor and getting worse as the time passes as seen in the attached exhibit tax market value trend, there are several hazardous structural conditions with stress cracks on the walls, cracks in the foundation's stem walls, separation of the wall's top plate to the bearing walls. Mold is present due to water intrusion to the house's interior creating the opportunity for unhealthy spores to appear. The resources do not have proper foundation and access to the crawl space for maintenance, is

impossible to have access to the crawl space without having to remove the floors for access and allowing for a constant appearance of vermin that have proven, over the years, very difficult to control, which makes it financially unfeasible and unhealthy. Please see attached Historic Resources Survey statements.

FINDING: NOT SATISFIED. Given that some level of investment would improve the physical condition of the resource, the Historic Landmarks Committee does not find that the existing physical condition of the historic resources is poor enough to warrant demolition solely based on physical condition. In addition, the City does not find that enough detailed evidence of poor physical condition was provided by the applicant to warrant the demolition. However, other applicable review criteria are satisfied that outweigh the proposal not meeting this criteria, which are described in the findings for those other criteria.

17.65.050(B)(5). *Whether the historic resource constitutes a hazard to the safety of the public or its occupants;*

APPLICANT'S RESPONSE: The structure of the resources is in poor condition. They do not meet current Oregon Residential Codes Currently in several critical locations on both properties as follows:

- The foundation lacks the required 12" minimum concrete footing (See Image 8)
- The concrete stem walls lack proper steel reinforcement (See image 8)
- The crawl space lacks the required 18" minimum access clearance, this has prevented proper access to maintain the buildings as well as reduced air flow to prevent dry rot to the floor framing (See image 8)
- The existing substitute plywood siding was not properly attached and flashed to the walls and is bulging and dry rotting allowing moisture into the walls weakening the structure and providing for an environment that can harbor mildew and spores.
- The required bonding and fastening between the walls and the ceiling is failing creating separations between the two elements and is not in code compliance for seismic or wind requirements without the proper fasteners and hardware.

The resources are rented with caution as the conditions explained in Criteria 4, makes it very challenging to provide for a safe and healthy environment, the structural issues, if the structure fails, presents a potential direct hazard to occupants and the public nearby. The presence of vermin attracted to passage to the interior of the crawl space, walls and ceiling present a health hazard to the occupants.

FINDING: NOT SATISFIED. The applicant has provided arguments that the current condition of the structure could be a hazard to the occupants and the public, based on the condition. However, the condition is the result of deferred maintenance over time. If the property owner invested the amount necessary to renovate the existing structure and resolve, at a minimum, the basic structural building issues, the potential safety hazards would no longer exist. However, other applicable review criteria are satisfied that outweigh the proposal not meeting this criteria, particularly the review criteria in Section 17.65.050(B)(2) and 17.65.050(B)(3) above.

17.65.050(B)(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;*

APPLICANT'S RESPONSE: Currently these resources are a deterrent to a relevant improvement project of substantial benefit to the city and the public interest. The owners have invested considerably in the last few years to maintain the resources in a livable condition, but all the expenditures and effort have done nothing to improve its value, the resources do not

qualify for significant historic credits to help cover the expenses for its maintenance. The improvements will directly benefit the city by providing a continued source of needed housing in the area, local new construction jobs related to the new homes as well as the increase value to the property and the structures within.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that while the retention of the existing building on the site is not an immediate deterrent to a public improvement program, it would be a deterrent to a private improvement program in the form of the proposed two (2) new single family homes described by the applicant. The improvement program is basically the replacement of two dwelling units with two new dwelling units, which is not necessarily a substantial benefit to the City as it does not result in an increase in available housing, but it would result in new construction of new dwelling units.

The private improvement program and private investment would result in a development with a likely higher assessed value which would result in increased property tax revenue for the City. The new construction would provide for high quality housing in the area, and is also proposed in a manner that is compatible in scale and form with surrounding development. These benefits override the public interest in the preservation of the existing building, as the existing buildings have also been found to not be of high value and significance.

The City also adds that there is certainty that the new construction will move forward, as the applicant and property owner have already submitted building permits for the two (2) proposed new homes on the subject site. The building permits that were submitted include both the demolition of the existing structures and the construction of the new dwelling units.

17.65.050(B)(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*

APPLICANT'S RESPONSE: The retention of the historic resources will directly negatively impact the financial status of the owner, the continued loss in value is not sustainable and it would only be a matter of time, before the owner could be forced to abandon the structures as seen in other nearby buildings that as vacant buildings are a continued source of building degradation, vandalism, and illegal trespassing. The owners continually volunteer to provide help to such neighboring properties in despair, by helping board up windows, clean and when appropriate, keep an eye on said properties, so is clear the owners want to contribute to the community with better, safer, energy-efficient housing. Please refer to Criteria 2.

FINDING: SATISFIED. The City partially concurs with the applicant's findings, and adds that the findings for Section 17.65.050(B)(2) and Section 17.65.050(B)(3) above are also applicable. The City does acknowledge that there was not much data or evidence provided to fully support the economic hardship that may be borne by the property owner, in terms of the economic value of the current structures or what the economic use of the structures could be if improvements were undertaken. However, the potential investment in the structures compared to the value of the structures described in more detail above show that the option of investing in the renovation of the existing building could be considered a financial hardship for the owner. Also, the existing buildings have also been found to not be of high value and significance. Therefore, there is not a significant public interest in the preservation of the structures that would outweigh the financial hardship that may be caused to the property owner.

17.65.050(B)(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.

APPLICANT’S RESPONSE: No, since priorities of the citizens is to have available housing that is safe, healthy, and pleasant, as well as resources that create value, retention of these properties will not offer that. The existing house’s condition is quickly deteriorating and is at a pint [sic] where relocation is not reasonably feasible. Maintenance of the resources was provided by the owners for many years to the point where is becoming unfeasible to properly maintain and or preserve the properties, therefore, it is in the best interest of the majority of the citizens to replace the aging and potentially dangerous structures with new homes of similar characteristics and scale to properly fit in the neighborhood, increase its value and appeal, and at the same time provide an added financial resource to the owners, the city and the community.

FINDING: SATISFIED WITH CONDITION #1. The City concurs with the applicant’s findings, but adds that the existing buildings have also been found to not be of high value and significance, which does not create a situation where retention of the historic resources would be in the best interests of a majority of the citizens of the City.

A condition of approval is included to require that a minimum of 20 digital photos be provided of each building that document both the exterior and interior of each building to document the existing structures prior to their demolition.

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

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. Notice of the Historic Landmarks Committee’s consideration of the Certificate of Approval application was mailed to property owners located within 300 feet of the historic resource. A copy of the written notice provided to property owners is on file with the Planning Department.

CD



Planning Department
 231 NE Fifth Street ◦ McMinnville, OR 97128
 (503) 434-7311 Office ◦ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:	
File No.	HL 2-21
Date Received	4-2-2021
Fee	1900. ⁰⁰
Receipt No.	
Received by	<i>[Signature]</i>

Certificate of Approval (Demolition, Moving or New Construction)

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____

Applicant Name Mario Espinosa Phone (503) 869-0633

Contact Name _____ Phone _____
(If different than above)

Address 3926 SW Troy Street

City, State, Zip Portland, OR 97219

Contact Email marioe@amaa.com

Property Owner Information

Property Owner Name Delta Rho of Kappa Alpha Bld. Assoc. Phone _____
(If different than above)

Contact Name Dave Baca Phone (503) 704-9135

Address 6512 SW Moonshadow Ct

City, State, Zip Portland, OR 97221

Contact Email davebaca@dwt.com

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 415 & 423 SE College Avenue, McMinnville, OR

Assessor Map No. R4 421 - CCO- 2100 Total Site Area _____

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Res Zoning Designation R-4

1. What is the classification of the historic building? _____

2. Architect Name Mario Espinosa Phone (503) 869-0633
(Engineer or Other Designer)

Contact Name Same as Above Phone _____

Address 3926 SW Troy Street

City, State, Zip Portland, OR 97219

Contact Email marioe@amaa.com

3. Contractor Name Pavilion Construction Phone _____

Contact Name Ben Bracelin Phone (503) 290-5005

Address 15455 Hallmark Drive, Suite 200

City, State, Zip Lake Oswego, OR 97035

Contact Email bbracelin@pavilionconstruction.com

4. The existing use of the property. Single Family Residential

5. The intended use of the property. Single Family Residential

6. What is the reason(s) for the request (e.g., meet building code requirements, redevelopment, etc.).

Demolition of (2) existing single family residential units, that have been losing value, they are in unhealthy living conditions, structural integrity compromised beyond reasonable repair that become financially tolling on property owners. Two new houses of similar scale and of greater value, are proposed to replace them.

7. Attach a written narrative that describes:

A. The proposed project in detail (specific structures to be removed, new buildings being constructed, etc.);

B. How the proposed project meets the applicable Comprehensive Plan policies;

C. The reasonableness of the proposed project and a description of the economic use of the historic resource, and how those factors relate to the alternative action (preservation of the historic resource);

D. The current value and significance of the historic resource, and how those factors relate to the proposed project;

E. The physical condition of the historic resource, and how the condition relates to the proposed project;

F. Whether the historic resource constitutes a hazard to the safety of the public or its occupants;

G. Whether the historic resource is a deterrent to an improvement project of substantial benefit to the City which overrides the public interest in its preservation; and

H. Whether retention of the historic resource would be in the best interests of a majority of the citizens of the City.

In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), showing the information listed in the information sheet.
- If applicable, architectural drawings, including elevations of the proposed demolition or alteration. The elevations shall include descriptions of the proposed finish material.
- Photographs and/or drawings of the existing structure.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Mario Espinosa
Applicant's Signature

4/1/21
Date

(Please see submitted Owner's Affidavit)
Property Owner's Signature

Date

AFFIDAVIT OF PROPERTY OWNER
CONSENTING TO APPLICATION FOR
CERTIFICATE OF APPROVAL (DEMOLITION, MOVING OR NEW
CONSTRUCTION)

The undersigned is an officer of the owner of the properties located at 415 and 423 College Avenue, McMinnville, and has been authorized by the owner to execute on its behalf this affidavit consenting to the filing of the application for a certificate of approval by the City of McMinnville of the demolition of the structures located at those addresses. The application was filed on behalf of the owner by the owner's architect, Mario Espinosa, dated April 1, 2021.

The owner, Delta Rho of Pi Kappa Alpha Building Association, hereby consents to the filing of the application and requests that the City of McMinnville approve the demolition for the reasons stated in that application.

Owner: Delta Rho of Pi Kappa Alpha Building Association

By: David C. Baca
2021

Date: April 2,

David C. Baca, Vice-President

4/1/21

Chuck Darnell
Senior Planner
City of McMinnville
231 NE 5TH Street
McMinnville, OR 97128

Narrative

**RE: 415 and 423 SE College Street, McMinnville, OR
R4421CC02100**

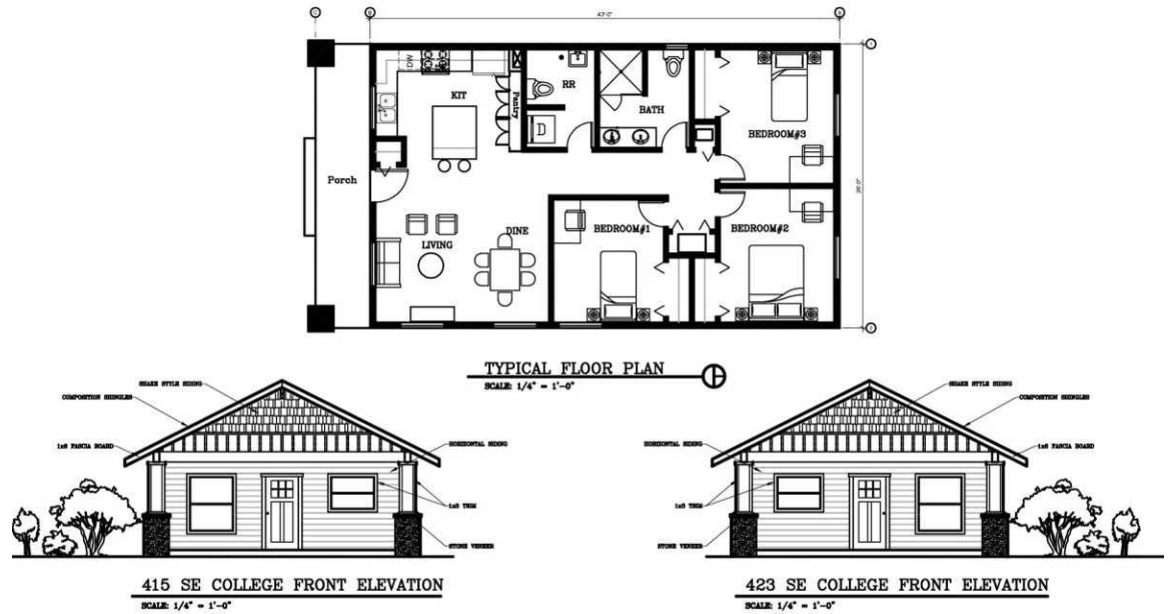
**Historic Resource #'s D582 and D584 (respectively)
SE Quarter of the SE Quarter Section 21, Township 4, Range 4 of the Willamette Meridian**

The applicant proposes to demolish (2) existing homes approximately 811 S.F. each on 415 and 423 SE College Street (Please see image below) and replace them with (2) new homes of similar scale, approximately 1,118 S.F. each (Please see page 2).



EXISTING College 415 and 423 Elevations

Criteria 7.A The (2) existing homes were built in the 1940's of an Army Barracks style with undistinguishable outstanding features. In its place, its proposed to build (2) new 1-stoy structures of bungalow/craftsman style in harmony with an adjacent structure and other homes found in the vicinity, the new homes will be built in the same location as the existing homes and are identical in design, but one will be mirrored from the other. The homes will be built with a wood structure, horizontal siding, composition roof and a new porch facing the street with stone veneer columns.



PROPOSED New Elevations

7.B The proposed project meets the applicable Historic Comprehensive Plans policies per the following criterion:

Criteria 1. The City’s historic policies to preserve historical resources with special historical, architectural, or cultural significance while improving property values and strengthening the economy.

The resources never had a strong significance as these were structures built modestly and not necessarily represent other homes in the neighborhood, notwithstanding the modesty of the properties, it is appropriate to mention that other local resources have done better to preserve the integrity of defining features, as opposed to these homes that never feature clear distinguished outstanding features, the resources lack significance required to meet the purpose of restoring it and much of the historical value has been diminished due to previous remodel action, the proposed replacement structures will add to the value of this property for the owner, the City and the Community, the new structures will keep with the scale and character of the existing homes nearby, thus enhancing the positive character of the neighborhood.

Criteria 2. The economic use of the historic resource and the reasonableness of the proposed action and their relationship to the historic resource preservation or restoration.

The existing homes have been used as single residential units and have, through the years, gone through maintenance to make them habitable, but these efforts have not been enough to counter the effect of poor construction, and time. The deficient structures is allowing for water intrusion to the interior, the crawl space foundation is only 10” inches from the ground and it makes it almost impossible to maintain the floor, the plumbing and the electrical systems that

have to be accessible from below, all of this adds up to a greater risk to the occupants. The new structures will be fully compliant with current codes and will be of superior energy efficiency and will provide its occupants with improved living conditions. The costs of maintaining the existing homes have been very expensive and financially unsustainable to the owners, but the new units will increase value, rentability and will provide for a continued City source of revenue as well as enhance the neighborhood qualities.

There is a diminished value of the existing houses as documented in tax and market value records in the last few years (Please see below Tax Exhibit) with an average loss of value of about \$6,400 a year, this combined with the undistinguished architectural style makes the significance diminished. The new homes will increase the property value and it will be better fit for adjusted increased yearly value as other better built homes in the neighborhood.

Criteria 3. The value and significance of the historical resource.

The two dwellings are described in the *Statement of Historical Significance and Description of Property* as Army Barracks style, rectangular shape, and gabled roof type, but it also addresses other historically defining elements that are now missing, that given the small size of the homes, the following removed elements become very significant:

- **Clapboard Siding**- This element is nonexistent as it was replaced with simple plywood siding with no texture or hint of horizontality as the original siding provided. (Please see attached images #1 and 2).
- **Central Brick Chimney**- This element is nonexistent as it was removed some time ago most likely due to a structurally unsafe condition, and improper moisture flashing. (Please see attached images #2,3 and 4).
- **Six-Over-One Sash Windows**- The original windows are nonexistent, and the replacement windows not all have the same original dimensions nor have the six-over-one sash feature. (Please see attached images #1 and 2)
- **Roof Extension with Posts at Entry Door**- The entry porches were removed some time ago, and the homes have no entrance roof shelter element. (Please see images #3 and 4).

The existing homes do not properly represent its historic background as too many defining elements have been removed over the years and its present appearance are more a detraction to the neighborhood than an asset, and it offers no aesthetic, or redeeming architectural value.

Criteria 4. The physical condition of the existing resources.

The existing condition of the resources is poor and getting worse as the time passes as seen in the attached exhibit tax market value trend, there are several hazardous structural conditions with stress cracks on the walls, cracks in the foundation's stem walls, separation of the wall's top plate to the bearing walls. Mold is present due to water intrusion to the house's interior creating the opportunity for unhealthy spores to appear. The resources do not have proper foundation and access to the crawl space for maintenance, is impossible to have access to the crawl space without having to remove the floors for access and allowing for a constant appearance of vermin that have proven, over the years, very difficult to control, which makes it financially unfeasible and unhealthy. Please see attached Historic Resources Survey statements.

Criteria 5 Whether the historical resource constitutes a hazard to the safety of the public or its occupants.

The structure of the resources is in poor condition. They do not meet current Oregon Residential Codes Currently in several critical locations on both properties as follows:

- The foundation lacks the required 12” minimum concrete footing (See Image 8)
- The concrete stem walls lack proper steel reinforcement (See image 8)
- The crawl space lacks the required 18” minimum access clearance, this has prevented proper access to maintain the buildings as well as reduced air flow to prevent dry rot to the floor framing (See image 8)
- The existing substitute plywood siding was not properly attached and flashed to the walls and is bulging and dry rotting allowing moisture into the walls weakening the structure and providing for an environment that can harbor mildew and spores.
- The required bonding and fastening between the walls and the ceiling is failing creating separations between the two elements and is not in code compliance for seismic or wind requirements without the proper fasteners and hardware.

the resources are rented with caution as the conditions explained in Criteria 4, makes it very challenging to provide for a safe and healthy environment, the structural issues, if the structure fails, presents a potential direct hazard to occupants and the public nearby. The presence of vermin attracted to passage to the interior of the crawl space, walls and ceiling present a health hazard to the occupants.

Criteria 6 Whether the historic resource is a deterrent to an improvement program of substantial benefit to the city which overrides its public interest in its preservation.

Currently these resources are a deterrent to a relevant improvement project of substantial benefit to the city and the public interest. The owners have invested considerably in the last few years to maintain the resources in a livable condition, but all the expenditures and effort have done nothing to improve its value, the resources do not qualify for significant historic credits to help cover the expenses for its maintenance. The improvements will directly benefit the city by providing a continued source of needed housing in the area, local new construction jobs related to the new homes as well as the increase value to the property and the structures within.

Criteria 7 Whether retention of the historic resources would cause financial hardship to the owner not outweighed by the public interest in the resources’ preservation.

The retention of the historic resources will directly negatively impact the financial status of the owner, the continued loss in value is not sustainable and it would only be a matter of time, before the owner could be forced to abandon the structures as seen in other nearby buildings that as vacant buildings are a continued source of building degradation, vandalism, and illegal trespassing. The owners continually volunteer to provide help to such neighboring properties in despair, by helping board up windows, clean and when appropriate, keep an eye on said properties, so is clear the owners want to contribute to the community with better, safer, energy-efficient housing. Please refer to Criteria 2.

Criteria 8 Whether retention of the historic resources would be in the best interest of the majority of the citizens of the city and if not, whether the historic resources may be preserved by an alternate means.

No, since priorities of the citizens is to have available housing that is safe, healthy, and pleasant, as well as resources that create value, retention of these properties will not offer that. The existing house’s condition is quickly deteriorating and is at a pint where relocation is not reasonably feasible. Maintenance of the resources was provided by the owners for many years to the point where is becoming unfeasible to properly maintain and or preserve the properties, therefore, it is in the best interest of the majority of the citizens to replace the aging and potentially dangerous structures with new homes of similar characteristics and scale to properly fit in the neighborhood, increase its value and appeal, and at the same time provide an added financial resource to the owners, the city and the community.

**Historic Resources Survey
City of McMinnville
Yamhill County, Oregon**



Site No. 22.18 Aerial Map J-13
 Block 4 Lot 2
 Addition Mrs. P.W. Chandler's Addition
 Tax Lot 4421CC 2400
 Address 415 College Ave.
 Common Name _____
 Historic Name _____
 Present Owner Theta Chi Alumni INC.
 Present Use _____
 Original Use _____
 Builder or Architect _____
 Outbuildings _____
 Date of Construction 1940's
 - Condition assesment on reverse side -

D582

Statement of historical significance and description of property:

This is a simple rectangular 1 story house of the army barracks type. It has a gabled roof of composition shingle and situated with the gabled end facing the street. It has no projecting eaves and is sided with plain clapboard. It has a simple hood with brackets as a small porch covering the entrance door which is off center on the main facade facing the driveway. The windows are simple six-over-one sash and there is one central brick chimney and a concrete foundation. It is facing (across the driveway) it's twin at 423 College. It is well-kept but undistinguished by any outstanding features.

not on 1993

**Historic Resources Survey
City of McMinnville
Yamhill County, Oregon**



Site No. 22.17 Aerial Map J-13
 Block 4 Lot 2
 Addition Mrs. P.W. Chandler's Addition
 Tax Lot 4421CC 2500
 Address 423 College Ave.
 Common Name _____
 Historic Name _____
 Present Owner Delta RHO of Pi Kappa
Alpha bldg. assoc.
 Present Use _____
 Original Use _____
 Builder or Architect W. L. ...
 Outbuildings _____
 Date of Construction 1940s

- Condition assesment on reverse side -

0584

Statement of historical significance and description of property:

This is one of a matched set facing each other across a driveway (see 415 College Ave.) It is also a rectangle (almost a square though), centrally placed on the lot with a gabled composition roof. The gabled end faces the street. It is rural vernacular with clapboard siding, slightly projecting eaves, one central brick chimney and six-over-one sash windows. It needs painting at this time but seems sound structurally, although not as well kept generally as 415. It also has the roof extended and supported by posts over the off center front door on the main driveway facade. The foundation is of concrete.

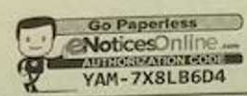
7/1/2018 to 6/30/2019 REAL PROPERTY TAX STATEMENT
YAMHILL COUNTY, OREGON 535 NE 5TH ST., ROOM 42, MCMINNVILLE, OR 97128 (503) 434-7521

PROPERTY LOCATION
415 SE COLLEGE AVE
MCMINNVILLE, OR 97128

BUILDING ASSOCIATION
1300 SW 5TH AVE, STE 2300
PORTLAND, OR 97201

ALT NO: R4421CC 02500
Acres: 0.2867

ACCOUNT NO: 164351
Tax Code Area: 40.7



VALUES:	LAST YEAR	THIS YEAR
REAL MARKET VALUES (RMV):		
LAND	146,173	134,825
STRUCTURES	127,629	122,315
RMV TOTAL	273,802	257,140
ASSESSED VALUE:	149,601	154,089
TOTAL TAXABLE	149,601	154,089
PROPERTY TAXES:	1,360.80	1,419.30

2018 - CURRENT TAX BY DISTRICT:	
EDUCATION TOTAL:	0.00
CHEMEKETA LIBRARY	12.51
MCMINNVILLE	767.73
UR MCMINNVILLE	8.95
YAM CO EXT SERV	6.87
YAMHILL CO S & W	5.42
YAMHILL COUNTY	394.19
GENERAL GOVERNMENT TOTAL:	1,195.67
MCMINNVILLE BOND	223.63
BONDS AND OTHER TOTAL:	223.63
2018 - 2019 TAX BEFORE DISCOUNT	1,419.30

If a mortgage company requested your tax information this statement is yellow and for your records only. Who requested this statement is printed under the Account Number box.

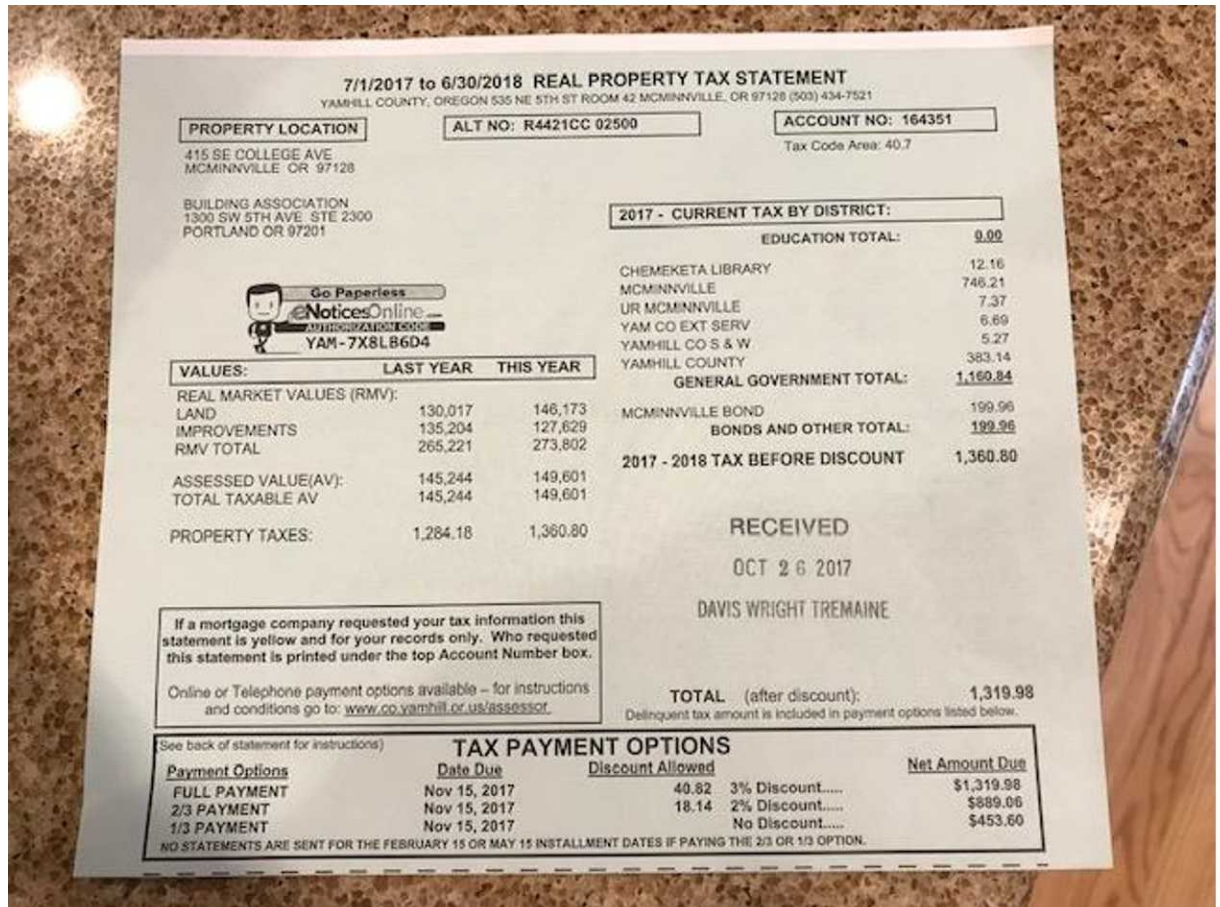
Online or Telephone payment options available - for instructions and conditions go to: www.co.yamhill.or.us/assessor

TOTAL (after discount): 1,376.72

Delinquent tax amount is included in payment options listed below.

TAX PAYMENT OPTIONS			
Payment Options	Date Due	Discount Allowed	Net Amount Due
FULL PAYMENT	Nov 15, 2018	42.58 3% Discount.....	\$1,376.72
2/3 PAYMENT	Nov 15, 2018	18.92 2% Discount.....	\$927.28
	Nov 15, 2018	No Discount.....	\$473.10

Above, in the 7/1/2018 to the 6/30/2019 Tax Statement, the Real Market Value of the structures have diminished from \$127,629 to \$122,315 or a \$5,314 loss in value.



Above, in the 7/1/17 to 6/30/18 Tax Statement, the Real Market Value of the structures have diminished from \$135,204 to \$127,629 or a \$7,575 loss in value.



Image 1 Existing Street Elevation 415 College depicting new siding.



Image 2 Existing Street Elevation 423 College depicting removed chimney



Image 3 Existing Side Elevation 415 College depicting removed porch and chimney.



Image 4 Existing Side Elevation 423 College depicting removed porch.



Image 5 College 423 Plywood siding failure.



Image 6 College 415 Siding and sole plate dry rot.



Image 7 College 415 Siding dry rot.



Image 8 College 423 No foundation footing (Similar to College 415)



Image 9 College 423 Foundation failure in several spots providing access to vermin.



Image 10 College 423 Roof structure detaching from load bearing wall.



Image 11 College 423 Dry rot floor structure with floor caving in.



Image 12 College 415 Roof structure detaching from load bearing wall.

END OF NARRATIVE



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

www.mcminnvilleoregon.gov

EXHIBIT 4 - STAFF REPORT

DATE: May 27, 2021
TO: Historic Landmark Committee Members
FROM: Chuck Darnell, Senior Planner
SUBJECT: Presentation from Northwest Vernacular Historic Preservation on Demolition Code Review

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

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

Report in Brief:

The purpose of this discussion item is for the Historic Landmarks Committee to receive a presentation from a consultant, Katie Pratt with Northwest Vernacular Historic Preservation, that has been hired to assist the Planning Department in a review of the City's code related to demolitions of historic resources.

Background:

The City of McMinnville has adopted a historic preservation program that seeks to preserve and protect historic resources, and also to educate the community on historic preservation and promote the benefits that historic preservation has in the community. This historic preservation program is more specifically implemented by the Planning Department and the Historic Landmarks Committee. One component of the historic preservation program is the Certificate of Approval review process that is required to be completed by any property owner that wishes to request the demolition of any designated historic resource. The Certificate of Approval for Demolition process is described in more detail in McMinnville Municipal Code (MMC) Section 17.65.050. Over the past few years, the Historic Landmarks Committee has reviewed numerous Certificate of Approval for Demolition applications. During the review of those applications there have been some components of the process that have been difficult for applicants to understand, and some aspects of the applicable review criteria that have been difficult for the Historic Landmarks Committee to consistently consider and apply to individual requests based on the information that is provided in the applications.

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

Discussion:

Katie Pratt with Northwest Vernacular Historic Preservation was hired to assist the Planning Department and the Historic Landmarks Committee with an analysis and review of the City’s current processes and code requirements as they pertain to the demolition of historic resources. The main tasks of the consultant were to meet with staff to understand challenges that have occurred with the City’s current process, analyze the existing application process and code related to the demolition of historic resources, complete research into other comparable city’s processes on historic resource demolition, and provide recommendations for potential updates to the City’s process and code to resolve identified challenges.

Attached to this staff report is a memorandum prepared by Northwest Vernacular Historic Preservation. The memorandum includes four main parts:

- 1) Overview of McMinnville’s Demolition Review Process
- 2) Comparisons of Other Municipalities’ Demolition Ordinances
- 3) Recommendations
- 4) Appendices (Copies of Other Demolition Ordinances and Relevant Materials)

At the Historic Landmarks Committee meeting on May 27, 2021, Katie Pratt will be in attendance and will provide a presentation on the materials included in the attached memorandum. The focus of the presentation will be on the recommendations, and staff and the consultant will be seeking feedback from the Historic Landmarks Committee on those recommendations.

Fiscal Impact:

None.

Recommendation/Suggested Motion:

As a discussion item, no specific action is required. Staff suggests that the Historic Landmarks Committee provide direction to staff and the consultant on potential updates that could be made to the recommendations within the attached memorandum.

CD



MEMO

TO City of McMinnville Planning Department
Historic Landmarks Commission

FROM Northwest Vernacular, Inc.

DATE May 20, 2021

SUBJECT McMinnville Demolition Ordinance Review: Draft 2

This report was prepared by Northwest Vernacular, Inc. (NWV) between March and April 2021 for the City of McMinnville. In preparing this report, NWV reviewed the McMinnville Municipal Code (MMC 17.65.050) and conducted interviews with City of McMinnville staff—Heather Richards, Planning Director, and Charles Darnell, Senior Planner—who relayed staff and HLC concerns related to demolitions of historic resources in the city. Conversation with city staff also identified two programs to look into as possible positive examples of well-written demolition ordinances: the cities of Bend and Redmond. In addition to Bend and Redmond, NWV staff reviewed the demolition ordinances of Portland, Salem, Albany, and Eugene. We selected cities that had preservation programs and populations of varying size to gain a broad understanding of how other communities within a shared statewide regulatory framework are addressing demolition of historic resources.

This report is divided into four parts:

- Overview of McMinnville's Demolition Review: This section reviews the specific language of McMinnville's demolition ordinance and identifies potential areas of concern.
- Comparisons: This section reviews several other municipalities' demolition ordinances in comparison to McMinnville's ordinance.
- Recommendations: This section provides recommendations on next steps to improve McMinnville's demolition ordinance with specific language changes called out.
- Appendices: This section provides copies of other example demolition ordinances and relevant materials.

Overview of McMinnville's Demolition Review

McMinnville offers meaningful protection for historic resources by requiring a Certificate of Approval in order to pull a permit for the demolition or moving of a historic resource, or any resource that is listed in the National Register of Historic Places, or for new construction on

historic sites with no current structures under Section 8 of Ordinance No. 4401 and codified in McMinnville Municipal Code (MMC) 17.65.050.

A historic resource is defined in MMC section 17.06.060 as any site, structure, building, district, or object that is included in the City's Historic Resources Inventory. Properties included within the Historic Resources Inventory are classified as Distinctive, Significant, Contributory, or Environmental.¹

- A. Distinctive: Resources outstanding for architectural or historic reasons and potentially worthy of nomination to the National Register of Historic Places;
- B. Significant: Resources of recognized importance to the City due to historical association or architectural integrity, uniqueness, or quality;
- C. 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
- D. 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.

The McMinnville Municipal Code (MMC) defines demolition under section 17.06.060 as “to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin to an historic resource.”

The demolition permit application for historic resources is the same application used for any demolition permit within the city, with the process set out under section MMC 17.65.050. The application form does not include any reference to historic resources. Per MMC 17.65.050, with the general land use application requirements outlined in MMC 17.72.020, all permit applications for demolition of a historic resource (i.e. any site, structure, building, district, or object that is included in the City's Historic Resources Inventory) are submitted to the Planning Director for staff outreach to the applicant for additional information required for a Certificate of Approval review. An applicant must submit both a demolition permit application as well as apply for a Certificate of Approval through the HLC. All historic resources are flagged in the City's online permitting system; building department staff notify Planning Department staff to contact the applicant and share the Certificate of Approval process. Once a Certificate of Approval application is submitted it is reviewed by the HLC within 30 days of the application being deemed complete by the planning department. The HLC holds a public meeting to consider an application for demolition. The HLC decision is then written up by the Planning Department staff, utilizing the process outlined in MMC 17.72.150. The applicant is provided notice of the decision which is then sent to the building official in order to release or deny the demolition permit. The Historic Landmarks Committee may approve, approve with conditions, or deny the issuance of a demolition permit, moving permit, or building permit.

The Historic Landmarks Committee, in considering a Certificate of Approval for the demolition, bases its decision on several criteria not included within the demolition permit application. This

1 Title 17: Zoning, Ordinance 3380, 36-37.

information is submitted by the applicant per MMC 17.65.050. Demolition due to the effects of a natural disaster are dealt with under MMC section 17.65.050.C.

The decision criteria in approving a demolition for the Historic Landmarks Committee (outlined in MMC 17.65.050.B) are:

- (1) The City's historic policies set forth in the comprehensive plan and the purpose of this ordinance [historic preservation ordinance];
- (2) The economic use of the historic landmark and the reasonableness of the proposed action and their relationship to the historic landmark's preservation or renovation;
- (3) The value and significance of the historic landmark;
- (4) The physical condition of the historic landmark;
- (5) Whether the historic landmark constitutes a hazard to the safety of the public or its occupants;
- (6) Whether the historic landmark 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 landmark would cause financial hardship to the owner not outweighed by the public interest in the landmark's preservation; and
- (8) Whether retention of the historic landmark 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 landmark 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.

POTENTIAL AREAS OF CONCERN

There are a few areas of concern within the ordinance and MMC 17.65.050 as written and from apprehensions expressed by staff and the Historic Landmarks Committee. These concerns are related to deficiencies in the city's demolition permit application and process, particularly as the information related the demolition process is not located in one place; the inadequacy of mitigation to offset the loss of historic resources; lack of clarity regarding demolition by neglect; and subjectivity in assessing economic hardship.

The demolition permit application submitted to the building official—a standard demolition application, not one specific to historic resources—does not indicate that additional information needs to be gathered by the applicant when demolition of a historic resource is proposed, or that demolition of a historic resource will trigger a separate review process requiring additional material that must be completed in order to pull the demolition permit. This appears to place the onus on the planning department to request or the information required under MMC 17.65.050.B and the submittal of a Certificate of Approval for Demolition land use application. The absence of applicant notice at the outset of the permit application regarding the potential for an additional review process and information needs makes it confusing for applicants and increases their frustrations with historic preservation activities. Conversation with staff indicated that it is unclear for applicants how to determine if the subject property is historic or not, and if so, what information is required to file a demolition permit application and what the

process steps will be for a historic property.

The guidance on demolition of a historic resource in section 8 of the ordinance and MMC section 17.65.050 is subjective and limited in potential mitigation options for historic resources that are demolished. The ordinance does say the approval may be conditioned and require photograph documentation, but it is not a standard requirement and it is not articulated what triggers the requirement (e.g. required for demolition of a Distinctive but not for Environmental classified historic resource). Photographic and written documentation is a typical baseline for mitigation used by State Historic Preservation Offices to mitigate loss of historic resources identified through Section 106 of the National Historic Preservation Act (1966) consultation, but additional or different mitigation approaches can more meaningfully offset the community impact due to the loss of the historic resource (e.g. investment in community preservation funds or facade grant programs).

The McMinnville historic preservation ordinance (4401), under section 14, establishes a fine of no more than \$1,500 for failure to acquire a demolition permit prior to demolition. Demolition is permanent and for the ordinance to have more “teeth” the consequences for violation must be commensurate with the loss of the historic resource and associated community impact based on the established community value historic resources hold. This penalty is not within MMC 17.65.

The McMinnville historic preservation ordinance (ord. 4401 and MMC 17.65) does not provide a definition for nor consequences for “demolition by neglect” of historic resources, other than stating that demolition by neglect is prohibited (MMC 17.65.090). One of the decision criteria to be considered by the Historic Landmarks Committee is whether the historic resource constitutes a hazard to the safety of the public or its occupants—which could be the result of demolition by neglect. The National Trust for Historic Preservation defines demolition by neglect as “the term used to describe a situation in which a property owner intentionally allows a historic property to suffer severe deterioration, potentially beyond the point of repair. Property owners may use this kind of long-term neglect to circumvent historic preservation regulations.”² Demolition by neglect can be a challenging issue and can result in extreme actions by the City, property owner, or both.

Preservation ordinances can include a safeguard against demolition by neglect, closing the loophole that property owners may leverage to circumvent historic preservation laws. For example, economic hardship is a decision criteria that the Historic Landmarks Committee must consider with the Certificate of Approval for Demolition application; however, there is no language in the McMinnville historic preservation ordinance preventing the property owner from creating their economic hardship through their own neglect. The City may need to add language surrounding demolition by neglect or affirmative maintenance to the historic preservation ordinance to allow the City and Historic Landmarks Committee to consider this issue. See “Appendix 1: National Trust for Historic Preservation’s ‘Preservation Law Educational Materials...Demolition by Neglect,’” on page 17, for additional strategies.

Assessing economic hardship can be incredibly difficult for the Historic Landmarks Committee,

2 National Trust for Historic Preservation, “Preservation Law Educational Materials...Demolition by Neglect,” <https://forum.savingplaces.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=c-cd565f7-27f1-fcd7-f3a9-351b5a7b645b&forceDialog=0> (accessed March 10, 2021).

as personal appeals and emotions may be used to sway members and financial analysis is most likely not within the professional skillset of volunteer HLC members. Without a rubric to aid in their assessment, the Committee is left to their own opinions, which can diminish the integrity of the Committee's decisions. The type of evidence required to demonstrate economic hardship must be spelled out in the preservation ordinance. The National Trust for Historic Preservation addresses "economic hardship" in its Preservation Law Educational Materials and states, "Under many preservation ordinances economic hardship is defined as consistent with the legal standard for an unconstitutional regulatory taking, which requires a property owner to establish that he or she has been denied all reasonable beneficial use or return on the property as a result of the commission's denial of a permit for alteration or demolition."³

Furthermore, it is unclear what or how the decision criteria are used by the Historic Landmarks Committee in making their decision to approve or deny. There are eight criteria listed in the ordinance, but there is concern that the criteria may be too subjective. The MMC requires the HLC to "consider" the eight criteria, but the code does not require all eight criteria to be met, allowing the HLC to balance which criteria are the most relevant and most important in each particular demolition request. This flexibility can be helpful, but allows for an element of subjectivity. Applicants may be unaware of how their permit application is being evaluated, resulting in potentially confusing, long, and/or contentious Historic Landmarks Committee meetings. The main issue is that all the information for applicants is not set forth in one location; sections 8 and 14 of ordinance 4401 have everything, but the MMC has some, but not all of the information.

Comparisons

The following section outlines other demolition codes and processes in cities in Oregon. As a basis for size comparison, the City of McMinnville's 2020 population was just over 35,000. McMinnville's Historic Resource Inventory (HRI) has approximately 550 properties.

ALBANY

The City of Albany has an approximate population of 53,500 and approximately 925 inventoried historic properties, which includes properties in the local inventory and historic contributing, historic non-contributing, and non-contributing properties within its three historic districts. Albany has a demolition review process which applies to all National Register-listed historic buildings and districts as well as those included in the City's official landmark inventory. The Building Official may issue a demolition permit for properties that are designated as non-contributing within a National Register nomination or that have been damaged in excess of 70 percent of its previous value in a fire, flood, wind, or other Act of God, or vandalism. For historic properties that do not meet those conditions, the applicant must go through Landmarks Commission Certificate of Approval review. In addition to the application form (see "Appendix 2: Albany Demolition Form" on page 24), the applicant must submit:

3 National Trust for Historic Preservation, "Preservation Law Educational Materials...Assessing Economic Hardship Claims Under Historic Preservation Ordinances," <https://forum.savingplaces.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=ea48dae0-5ade-d1ca-7bfd-e830fbadb462&forceDialog=0> (accessed March 10, 2021).

- (1) A description of the previous and existing uses of the structure and the intended future use of the property.
- (2) A drawing showing the location of the building on the property and any other buildings on the property.
- (3) The overall height of the building and the general type of construction.
- (4) A written statement addressing the review criteria and providing findings of fact in support of the request.

Demolitions do not appear to be a frequent agenda item for Albany's Landmarks Commission. There was a relocation consideration heard in September 2020. The findings of fact outlined in the corresponding staff report are incredibly helpful and would be a helpful example/template for McMinnville (see ["Appendix 3: Albany "Findings of Fact" example" on page 25](#)). An application in March 2019 to demolish an accessory structure resulted in significant discussion by the Commission highlighting the importance of establishing clear language as to what and how the Commission should review applications for demolition.

BEND

The City of Bend, with an approximate population of 94,000, is nearly three times the size of McMinnville. Bend has approximately 700 inventoried historic properties, which includes properties in the local inventory and historic contributing, historic non-contributing, and non-contributing properties within its two historic districts. Bend has a demolition review process, outlined in Bend Code 10.20.080 Demolition or Moving of Historic Structures, for contributing and non-contributing historic resources. Historic resources are defined as, "[A] building, historic or cultural site, structure, object, or historic district that meets the significance and integrity criteria for designation as a landmark designated by the City Council, State of Oregon or National Park Service." Contributing resources are those identified as such by the State or Bend Area General Area "as adding to the historical integrity or architectural qualities that make the historic district or resource significant." Noncontributing resources are those identified as not contributing to the historical integrity or architectural qualities.

Of the ordinances reviewed by NWV, Bend has one of the more rigorous demolition review process.

Owners must submit a demolition application (see ["Appendix 4: Bend Demolition of a Historic Resource Application" on page 30](#)) and participate in a pre-application meeting with the City. The application must submit a letter of their intent to demolish at least 30 days prior to submitting their application to the Deschutes County Historical Society and Oregon State Historic Preservation Office. They must also post a notice at least 30 days prior to submitting their application on the property of their intent to demolish. This notice must also invite purchasers and tenants to make written offers to purchase and/or rent the structure.⁴ The pre-application meeting with the City includes a discussion of the various financial incentives available to historic properties and adaptive reuse projects.

Demolitions do not appear to be a frequent agenda item in Bend. The most recent applications

⁴ Bend Development Code (BDC) 10.20.080.A, 10.20.080.B, and 10.20.080.D.

for demolition have been for the demolition of historic, non-contributing accessory structures in January 2020 and November 2019.

EUGENE

The City of Eugene has a specific demolition review process for historic properties, outlined in Eugene Municipal Code 9.8180 Historic Property – Demolition Approval Criteria. No historic property in Eugene may be demolished without an application approved by the planning director and demolition permit obtained from the city manager (see [“Appendix 5: Eugene Demolition Application” on page 32](#)). Historic properties are those that are designated as city landmarks or listed in the National Register of Historic Places. Over 300 properties in Eugene are designated (the city has inventoried over 5,000 properties). Prior to submitting an application, the applicant must demonstrate that a pre-application conference was held with the City, and that they solicited purchase offers for the historic property by giving notice of sale within the previous year. The demolition application includes a list of specific requirements, but notes that additional information, including the services of a qualified professional, may be required to adequately address the application. The listed requirements are:

- A written statement that requests meets the approval requirement and a physical description of the property.
- A site plan and architectural information for the property.
- Supporting analysis and documentation, including a historic property mitigation report, and current photographs.

The planning director may approve a postponement of the application if it will likely result in preservation of the historic property at its site, for a maximum of 60 days. Factors that the planning director will consider in assessing the property’s likelihood of preservation:

- (1) The state of repair of the historic property and the financial and physical feasibility of historic rehabilitation, historic property moving, or leaving the property in its current state or location.
- (2) The effects of the moving upon the use and development of the historic property.
- (3) The marketability of the property and the willingness of the property owner to sell the property.

The planning director may impose conditions of approval for the demolition permit, requiring documentation or artifact preservation.

PORTLAND

The City of Portland, with an approximate population of 645,000, is nearly 19 times the size of McMinnville. Portland has over 500 properties individually listed in the National Register of Historic Places, plus all of the contributing properties in the city’s 17 historic districts. Portland’s demolition review process is hierarchical, with properties listed in the National Register of Historic Places receiving the most protection and properties not designated or inventoried receiving less protection. NRHP-listed properties in Portland must submit a demolition application (see [“Appendix 6: Portland Type IV Land Use Procedure Application” on page 35](#)) and goes before City Council to approve demolition. City Council must find that an

economic hardship exists and/or that the demolition will better meet the goals and policies of the City's Comprehensive Plan.⁵ Properties that are designated as local historic landmarks or historic districts or that are ranked resources on the Historic Resources Inventory (HRI) are subject to a 120-day demolition delay, but there is no ability to deny demolition. Unranked resources on the HRI may be subject to a 35-day demolition day.

McMinnville's current demolition ordinance provides more protection for historic resources than Portland's review process in the sense that it is not only National Register properties that are subject to demolition review.

REDMOND

The City of Redmond, with an approximate population of 30,000, is comparable in size to McMinnville, with its approximate population of 34,000. Redmond has a demolition process called out specifically within the city's preservation ordinance (Section 8.0820). The Historic Preservation Ordinance does not prevent the demolition of a Landmark if the Building Official determines its required for public safety. Applicants wishing to demolish a Landmark or any property listed in the National Register of Historic Places (either individually or as part of a district), must receive a Certificate of Appropriateness (COA) from the City. Demolition is defined as "the complete destruction or dismantling of sixty-five (65) percent of, or greater, of the entirety of a Landmark."⁶ Landmarks are buildings, structures, sites, objects, or districts listed in the City of Redmond Local Landmark Register. Applicants must apply for a Certificate of Appropriateness with the Landmark Commission and a public hearing is held. The applicant must also demonstrate that they have a replacement plan for the site, with plans approved by the City of Redmond (and approved by the Landmark Commission if it is within a locally designated historic district); that the building may not be safely removed from the site (as determined by the Building Official); and that the community value of the proposed use outweighs the value of retaining the Landmark at its original location (with public comment heard). The Landmark Commission may approve, approve with conditions, or deny a demolition application.

The Landmark Commission may impose conditions on applications for the relocation or demolition of a Landmark. Those conditions are:

- Photographic, video, or drawn recordation of the Landmark in its original location; and/or
- In the case of demolition, the Landmark be transported to a new site, and that, to the extent possible, 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/or
- In the cases of properties listed in the National Register, that the applicant attempt to obtain permission to move the Landmark from the National Park Service in order to retain the property's listing in the National Register and/or assume all responsibility and cost of removing the if permission cannot be obtained; and/or

5 "Historic Resource Protections," *City of Portland*, <https://www.portland.gov/bps/historic-resources/historic-resource-protections> (accessed March 9, 2021).

6 City of Redmond, Preservation of Historic Resources, Chapter 8 Development Regulations, 8.0835.4.

- Other reasonable mitigation measures.

At the public hearing for the demolition, the Landmark Commission may also delay an issuance of a Certificate of Appropriateness for 120 calendar days to explore reasonable alternatives to demolition. Furthermore, after a Certificate of Appropriateness is issued for demolition, a legal notice is posted in a local newspaper of general circulation announcing the demolition, the criteria under which the demolition was approved, the historic significance of the property, and inviting the public to provide alternatives to the demolition for consideration by the Commission.

Properties that are not deemed eligible for designation within the Local Landmark Register may be identified by the City Council as of "Historical Interest." If demolition is requested for properties with the designation of "historical interest," the city must be permitted to photograph the site or building prior to demolition.

Demolitions do not appear to be a frequent agenda item in Redmond. There have not been any demolition review applications on the Landmarks Commission agendas in the last 2 years.

SALEM

The City of Salem, with a population of nearly 170,000, is substantially larger than McMinnville. Within Salem's historic preservation ordinance they have three subsections related to demolition of historic resources: demolition of primary historic structures (Sec. 230.090), demolition of historic accessory structure (Sec. 230.095), and demolition by neglect (Sec. 230.100). Salem has approximately 580 individually listed and properties designated within historic districts (local and National Register of Historic Places). Within Salem's General Zoning Provisions (Chapter 110 of the Unified Development Code), the code further specifies it is unlawful to knowingly or negligently demolish a historic contributing building or individually listed resource without obtaining a historic resource demolition permit and establishes that violation is a misdemeanor (Sec. 110.145).

Salem distinguishes between primary historic structures and historic accessory structures and establishes a different procedure type for each regarding demolition applications. Historic accessory structures are further classified as either Class 1 or Class 2 structures: Class 1 accessory structures are located at the rear of a property and not visible from the right-of-way, while Class 2 accessory structures are visible from the public right-of-way. Each type (primary historic, Class 1, and Class 2) have a different land use application to complete, plus additional documentation. The documentation for a primary historic structure (see "[Appendix 7: Salem Demolition of Primary Historic Structures](#)" on page 36) is far more intensive than that for the historic accessory structures (see "[Appendix 8: Salem Demolition of Historic Accessory Structure](#)" on page 38).

Salem has a dedicated subsection to address demolition by neglect. The subsection states, "No owner of a historic contributing building or an individually listed resource shall maintain and keep such building or resource in a manner that promotes or allows deterioration, dilapidation and decay of any portion of the building or resource, or that would, if the building or resource is vacant, allow open entry by unauthorized persons. Violation of this subsection is hereby declared to be a public nuisance which may be abated as provided in this section." If there is a violation, code enforcement may initiate enforcement proceedings, which can result in the imposition of a civil penalty. The code enforcement procedures and allowable civil penalties are

outlined in the city's municipal code (Sec. 20J.100; Sec. 20J.140; Sec. 20J.150).

Demolitions do not appear to be a frequent agenda item in Salem.

Recommendations

Initial recommendations for McMinnville include:

- Repeal Ordinance 4401. The content of the ordinance was included in the MMC in Chapter 17.65, but Ordinance 5034 (G 3-17) that adopted the amendments to Chapter 17.65 does not appear to have repealed Ordinance 4401.
- Update the demolition permit application submitted to the building official to include check boxes for whether a property is included within the City's Historic Resources Inventory and provide information on where to find this information.
- Consider the City of Salem's approach which tiers the amount of documentation they require for demolition of historic resources. McMinnville could require a higher level of documentation for "Distinctive" or "Significant" resources within the Historic Resource Inventory (i.e. historic landmarks); a moderate level of documentation for "Contributory" or "Environmental" properties; and minimal documentation for accessory structures associated with historic resources. NWV recommends the HLC consider whether they want the demolition process to apply to all historic resources (A, B, C, and D) or differentiate between historic landmarks ("Distinctive" A and "Significant" B) and historic resources ("Contributory" C and "Environmental" D). If the HLC would still like to review demolitions of all historic resources, NWV recommends adopting a review process similar to the one Salem employs.
- Include a checklist or supplemental application sheet with the demolition permit application for historic resources, to list out all the decision criteria used by the Historic Landmarks Committee and the additional information required for pursuing demolition of a historic resource. NWV recommends the City list out the items it wants, but reserve the right to request additional information within reason. The cities of Bend and Salem have quite extensive lists, while the City of Eugene has a much shorter list. Those requirements are included in Appendices 4, 5, 7, and 8. NWV recommends McMinnville require the following documentation:
 - » Property Information:
 - Street Address (if available),
 - Tax parcel:
 - Existing Use(s) of the Property:
 - Proposed Use(s) of the Property:
 - Historic or Common Name:
 - Historic Property Designation Status (A, B, C, D)
 - » Pre-Application Requirements
 - Pre-Application Conference was conducted
 - In order for the City to determine that an application for historic property demolition is complete, the owner must also provide documentation to show that

purchase offers have been solicited for the historic property by giving notice of sale of the property within the previous year, as follows:

- Listing the property for sale in both The News-Register and The Oregonian at least six times and at regular intervals;
 - Posting and maintaining visible for sale sign(s) on the property as specified by the Planning Director; and,
 - Making a financial prospectus on the status of the property available to interested parties.
- » Written Statement
- Submit a detailed written statement and any additional materials or evidence necessary to demonstrate how this request is consistent with all applicable approval criteria. Please note that it is the applicant's responsibility to provide adequate information demonstrating how the project satisfies the applicable approval criteria. Failure to provide such information may result in a denial of the application.
 - The written statement should include a description of the physical appearance of the historic property. Please include the year of construction, a description of the original appearance (if known), any past alterations or additions.
- » Site Plan and Architectural Information
- Show date, north arrow, and standard engineer's scale on the site plan.
 - Show parcel boundaries and numbers on the site plan.
 - Show a vicinity map on the site plan. (Vicinity map does not need to be drawn to scale.)
 - Include floor plans, elevation drawings, and a depiction of existing structures and other features on the subject property.
- » Supporting Analysis and Documentation
- Provide a legal description of all property included in the application. This description must be typed on an 8-1/2 x 11" white sheet of paper (no letterhead) so that it is suitable for recording.
 - Provide current photographs of the historic property proposed for demolition. All photographs should be clearly labeled with the name of the property, address, date, and view or detail. Minimum requirements include the following:
 - One photograph of each elevation with text identifying the view, such as "south elevation" or "main entry."
 - Four perspective photographs (i.e. views demonstrating the relationship of the historic property to the site).
 - A minimum of four interior photographs (only needed if interior features were designated or specified by the Historic Review Board).
- Require a pre-application conference with City planning staff to outline financial incentives and/or code relief available for historic properties and instruct applicants on the level of detail required for the demolition permit application.

- Add a subsection within the historic preservation ordinance prohibiting demolition by neglect. See text added to MMC.
- Consider developing a simple graphic or flowchart (like the one used by Bloomington, Indiana, see [“Appendix 9: Bloomington, Indiana, Demolition Guidance Graphic” on page 40](#)) to outline the metrics used to determine which application to fill out for demolition permission.
- Establish a process connected to code enforcement related to violation of the demolition ordinance with clear penalties, aligning with existing code.
- Consider including definitions or requirements for financial or economic hardship. McMinnville may want to use the legal standard for an unconstitutional regulatory undertaking, which means a property owner has been denied all reasonable beneficial use or return on their property as the result of the Committee's denial of a permit (this would apply to both demolition and certificate of approval applications). Consider adopting the National Trust for Historic Preservation's educational materials for Economic Hardship Assessment. Train the Historic Landmarks Committee to be consistent and objective in their deliberation and use the following five questions in their evaluation:
 - Is the evidence sufficient?
 - Is the evidence relevant?
 - Is the evidence competent?
 - Is the evidence credible?
 - Is the evidence consistent?
- Consider establishing a preservation fund into which a fee is paid in the event demolition is unavoidable. This fund could then be used to support small grants for preservation of historic resources within the city. This would be an alternative approach for mitigation, and the amount could be tiered based on classification, highest for NRHP listed, then decreasing with maybe only photos and a minimal amount for Environmental. Our thought is this is a way to address the community benefit of preservation and rebalance loss from demolition. This fee could also be funneled into the city's existing Facade Improvement Grant Program, particularly for the demolition of non-residential properties.
- Specific language changes/additions (added in **red** and underlined) to the demolition ordinance as follows:

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 MMC 17.72.040. The Historic Landmarks Committee shall meet within 30 days of the date the application was deemed complete by the planning department to review the request. A failure to review within 30 days shall be considered as an approval of the application.

A. The Historic Landmarks Committee may approve, approve with conditions, or deny the application. The Historic Landmarks Committee may delay a permit for up to one hundred twenty (120) days from the time the Certificate of Approval application is deemed complete during which time they will provide the owner of the structure with possible alternatives for demolition, including information concerning local, state, and federal preservation programs. If the permit request affects a "distinctive" resource, the delay period may be extended an additional sixty (60) days.

B. The Historic Landmarks Committee shall base its decision on the following criteria:

1. The city's historic policies set forth in the comprehensive plan, historic preservation 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 with the applicant providing documentation of economic hardship demonstrating the property is incapable of generating a reasonable economic return, including, but not limited to:
 - a. The purchase price of the building or resource;
 - b. Assessed value for the two years immediately preceding the application;
 - c. Current fair market value of building or resource as determined by appraiser;
 - d. Real estate taxes for the two years immediately preceding the application;
 - e. The annual gross income generated from the building or resource for the last two years;
 - f. The debt associated with the building or resource including a profit and loss statement for the two years immediately preceding the application;
 - g. Any expenditures associated with the building or structure during the two years immediately preceding the application;
 - h. Report from structural engineer on the condition of building or resource;
 - i. Estimate of cost for rehabilitation of building or resource with an existing use;
 - j. Report from real estate or other market professional identifying potential alternative uses allowed for development of the building or resource with existing zoning. The report should include a market analysis evaluating need for alternative uses as well as

the number of existing alternative uses already present within the zone;

k. Estimate of cost for rehabilitation of building or resource for at least two other identified uses; and

l. Report identifying available economic incentives for adaptive reuse of the building or resource, including any federal tax credits available for rehabilitation of National Register properties;

3. The community value (i.e., historic, cultural, social) 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) or offset the community loss through a donation to a heritage organization or fee payment to the city's Facade Improvement Grant Program to support grants for the preservation of other historic resources.

C. If the structure for which a demolition permit request has been filed has been damaged in excess of 70 percent of its assessed value due to fire, flood, wind, or other natural disaster, the planning director may approve the application without processing the request through the Historic Landmarks Committee.

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 MMC 17.72.120.

E. In approving or denying an application for the demolition of a historic resource, the Historic Landmarks Committee may impose the following conditions:

1. Photographic, video, or drawn recordation of the historic resource in its original location; and/or

2. In the case of demolition, that the viability of relocation of the historic resource be considered; and/or

3. Fee payment to a city-wide preservation fund or to the Facade Improvement Grant Program to support grants for the preservation of historic resources. Fee amounts to be graduated and based on the listing/HRI status as a means of communicating relative

community impact with National Register listed resources as the highest and descending with Environmental as the least; and/or

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

a. Donation to a preservation or heritage-related organization;

b. Interpretive panel, plaque, and/or marker created on site and included in the redevelopment that commemorates the original historic building;

c. Property or building survey;

d. Offering architectural features for donation and/or reuse and working with an established company to appropriately salvage;

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

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

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

1. Deterioration of the exterior of the building to the extent that it creates or permits a hazardous or unsafe condition.

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

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

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

2. Penalty for violating this section will require a fee paid into the city preservation fund, in addition to following other penalties for code violations per MMC 2.50.

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Preservation Law Educational Materials . . .

DEMOLITION BY NEGLECT

“Demolition by Neglect” is the term used to describe a situation in which a property owner intentionally allows a historic property to suffer severe deterioration, potentially beyond the point of repair. Property owners may use this kind of long-term neglect to circumvent historic preservation regulations.

Contexts in Which Demolition by Neglect Arises

Sometimes demolition by neglect occurs when an owner essentially abandons a historic property. More often, neglect is an affirmative strategy used by an owner who wants to develop the property. The context in which the issue is raised depends on what action the city decides to take, if any.

At one end of the spectrum, some local governments have taken affirmative enforcement actions against the owners of such properties, ultimately going to court if necessary. At the other end of the spectrum, occasionally the owner of a neglected or deteriorating property will file a lawsuit against the local government, challenging the historic designation or some other feature of the preservation ordinance. The problem with both of these extremes is that courts are very unpredictable.

More commonly, demolition by neglect controversies end up somewhere in the middle of this spectrum, with the local government issuing citations to repair the building, and the owner ignoring the citations. The skirmishes involved in this process often result in a statement that leaves all sides frustrated.

Demolition by Neglect and Economic Hardship

Property owners using demolition by neglect as a tactic to work around preservation laws will often argue that the prohibitive cost of repairs and deferred maintenance creates an economic hardship.

Ideally historic preservation ordinances need a safeguard provision to protect against this kind of argument, creating a loophole. Generally, the owner’s own neglect should not be allowed to create an economic hardship. However, it is often difficult to sort out the extent to which an economic hardship is attributable to an owner’s actions, or to things beyond the owner’s control (i.e., circumstances that would have existed in any event). In looking at economic hardship and demolition by neglect, it is important for commissions to look beyond simply the relationship between the cost of repairs and the purchase price or the “as is” value.

Tools for Controlling Demolition by Neglect

The most important tool for controlling demolition by neglect is a carefully drafted provision in the local preservation ordinance requiring affirmative maintenance and ensuring that the local commission is equipped with adequate remedies and enforcement authority. Even if a community already has some type of affirmative maintenance provision, it may want to review your ordinance and amend it in order to increase its effectiveness.

The first step is to look at the state’s enabling legislation to determine the specific legal authority for affirmative maintenance provisions. Affirmative maintenance provisions have repeatedly been upheld and enforced by the courts. The leading case is *Maher v. City of New Orleans*, 516 F.2d 1051 (5th Cir. 1975), *cert. denied*, 426 U.S. 905 (1976), in which a federal appeals court upheld an affirmative maintenance provision for the French Quarter in New Orleans, ruling that the provision was constitutional as long as it did not have an unduly burdensome effect on the individual property owner. In *Harris v. Parker*, Chancery No. 3070 (Cir. Ct. Isle of Wight County, Va. Apr. 15, 1985), a case from Smithfield, Virginia, the court actually ordered repairs to be carried out in compliance with the affirmative maintenance requirements in the ordinance. And in *Buttnick v. City of Seattle*, 719 P.2d 93, 95 (Wash. 1986), the court ruled that requiring an owner to replace a defective parapet on a historic building did not result in unreasonable economic hardship. The D.C. Court of Appeals in *District of Columbia Preservation League v. Department of Consumer and Regulatory Affairs*, 646 A.2d 984 (D.C. App. 1994), reversed the District of Columbia’s approval of the demolition of a historic landmark in dilapidated condition caused by the owner’s own actions, because the demolition permit was unauthorized under the District’s preservation act.

With the help of its city attorneys, the New York Landmarks Commission has successfully obtained judgments against owners of historic buildings in particularly egregious condition. In 2004, a New York City trial judge ordered the owners of the landmarked “Skidmore House” in Manhattan to make all repairs ordered by the Landmarks Commission and to keep the building in “good repair.” See *City of New York v. 10-12 Cooper Square, Inc.*, 793 N.Y.S.2d 688 (N.Y. Cty. 2004). On May 21, 2009, a Manhattan judge ordered the owner of the vacant Windermere Apartment Complex to maintain and repair the complex’s three buildings and to pay \$1.1 million in civil penalties.

When drafting an affirmative maintenance provision, it is important to mandate coordination between the preservation commission and the building code enforcement office, to ensure that the commission is consulted before code citations and enforcement orders are issued. Be specific in defining what repairs will be required, and what remedies will be available under what circumstances. Also make sure that the economic hardship provision is drafted so that it prevents owners from arguing that their own neglect has caused an economic hardship.

One important remedy to include in the ordinance is the authority for the local government to make the repairs directly and then charge back the owner by placing a lien on the property. In some jurisdictions, such as New York City, civil penalties up to the fair market value of the property may be levied against violators.

Incentive Programs and Other Forms of Assistance

Another important tool for controlling demolition by neglect and increasing the effectiveness of affirmative maintenance programs is the use of incentives. Tax incentives, low cost loans, and grants are always encouraged as a way to help owners fund necessary maintenance. Maintenance expenses can also be defrayed through the use of volunteer maintenance crews.

Enforcement

One reason why demolition by neglect is such a frustrating issue for preservationists and historic preservation commissions is that it often involves a branch of local government over which preservationists have little influence or control—the code inspection and enforcement office. Most preservation groups have good relationships with their preservation commissions, but probably no relationship at all with the building inspection office.

There is often a conflict between these two governmental functions. Even under the best of circumstances, these two offices rarely coordinate their actions. At worst, an outright turf battle may erupt, in which the code enforcement office orders a building demolished as a safety hazard without consulting the preservation commission.

It is therefore very important for local preservation groups to get to know code enforcement officials. A good working relationship with these officials can be critical to helping to ensure that deferred maintenance problems are identified and corrected before they reach the point of demolition by neglect.

Selected Examples of Demolition by Neglect Provisions

Cited below are:

- examples of provisions in state historic preservation enabling laws authorizing localities to prevent the destruction of historic buildings by "demolition by neglect;"
- sample local ordinance provisions dealing with demolition by neglect through maintenance requirements; and
- examples of the use of eminent domain to prevent demolition by neglect.

State Enabling Legislation

A number of states permit local governments to prevent the "demolition by neglect" of historic properties. Below are some examples of provisions in state enabling laws for historic preservation intended to address this problem:

North Carolina: "The governing board of any municipality may enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship."

Rhode Island: "Avoiding demolition through owner neglect. a city or town may by ordinance empower city councils or town councils in consultation with the historic district commission to identify structures of historical or architectural value whose deteriorated physical condition endangers the preservation of such structure or its appurtenances. The council shall publish standards for maintenance of properties within historic districts. Upon the petition of the historic district commission that a historic structure is so deteriorated that its preservation is endangered, the council may establish a reasonable time not less than 30 days within which the owner must begin repairs. If the owner has not begun repairs within the allowed time, the council shall hold a hearing at which the owner may appear and state his or her reasons for not commencing repairs. If the owner does not appear at the hearing or does not comply with the council's orders, the council may cause the required repairs to be made at the expense of the city or town and cause a lien to be placed against the property for repayment."

Alabama: "Demolition by neglect and the failure to maintain an historic property or a structure in an historic district shall constitute a change for which a certificate of appropriateness is necessary."

Wisconsin: "[A] political subdivision may acquire by gift, purchase, or condemnation any property right in historic property, whether the property is real or personal."

Local Ordinance Provisions Concerning Demolition by Neglect

Many local ordinances include provisions for dealing with the problem of demolition by neglect. Some noteworthy examples are described below:

San Francisco: Language in the San Francisco ordinance is quite explicit and detailed with respect to the problem of demolition by neglect:

"Maintenance: The owner, lessee, or other person in actual charge of a Significant or Contributory building shall comply with all applicable codes, laws and regulations governing the maintenance of property. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of buildings designated Significant or Contributory, and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. All such buildings shall be preserved against such decay and deterioration and shall be free from structural defects through prompt corrections of any of the following defects:

1. Facades which may fall and injure members of the public or property.
2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
3. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
4. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
5. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.
6. Any fault or defect in the building which renders it not properly watertight or structurally unsafe."

Culpeper, Virginia: A somewhat different approach has been taken by the town of Culpeper, which states in its ordinance:

"Sec. 28-27.2. Demolition By Neglect. No officially designated historic landmark or contributing structure within the historic district shall be allowed to deteriorate due to neglect by the owner which would result in violation of the intent of this Section.

Demolition by neglect shall include any one or more of the following courses of inaction or action:

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

In the event the Culpeper County Building Official, or the agent officially recognized by the Town of Culpeper as serving that capacity, determines a structure in a historic district is being 'demolished by neglect', he shall so notify the Chairperson of the Historic and Cultural Conservation Board, stating the reasons therefor, and shall give the owner 30 days from the date of the notice to commence work rectifying the specifics provided in the notice; or to initiate

proceedings as provided for in Section 28-27. If appropriate action is taken in this time, the Town may initiate appropriate legal action as provided therein."

Charlottesville, Virginia: The Charlottesville ordinance not only requires the maintenance of a landmark property but also requires the maintenance of the land on which the landmark sits. Note the following:

"Section 31-141. Maintenance and repair required.

Neither the owner of nor the person in charge of a structure or site in any of the categories set forth in section 31-127.2 of this Code shall permit such structure, landmark or property to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce, in the judgment of the appropriate board, a detrimental effect upon the character of the district as a whole or the life and character of the landmark, structure or property in question, including but not limited to:

1. The deterioration of exterior walls or other vertical supports;
2. The deterioration of roofs or other horizontal members;
3. The deterioration of exterior chimneys;
4. The deterioration of crumbling of exterior plasters or mortar;
5. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
6. The peeling of paint, rotting, holes and other forms of decay;
7. *The lack of maintenance of surrounding environment, e.g., fences, gates, sidewalks, street signs, accessory structures and landscaping (emphasis added);*
8. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

The enforcing officer shall give notice by certified or registered mail of specific instances of failure to maintain or repair. The owner or person in charge of such structure shall have sixty days to remedy such violation; provided, that the appropriate board, upon request, may allow an extension of up to sixty days to remedy such violations. Thereafter, each day during which there exists any violation of this section shall constitute a separate violation and shall be punishable as provided in articles XXVIII of this chapter."

Montgomery County, Maryland: Montgomery County requires a public hearing when charges of demolition by neglect are raised. If a property owner has been requested to maintain his property but refuses to do so, the ordinance allows the director of the county's Department of Environmental Protection may arrange for necessary repairs and charge the expenses to the owner.

"Sec. 24A-9. Demolition by Neglect.

... In the event the corrective action specified in the final notice is not instituted within the time allotted, the Director may institute, perform and complete the necessary remedial work to prevent deterioration by neglect and *the expenses incurred by the Director for such work. Labor and materials shall be a lien against the property, and draw interest at the highest legal rate, the amount to be*

amortized over a period of 10 years subject to a public sale if there is a default in payment." (Emphasis added.)

Portland, Maine: Portland permits its Department of Planning and Urban Development to order property owners to make necessary repairs to deteriorating buildings within specified time periods. The city also spells out in its ordinance procedures for appealing such orders.

"Section 14-690. Preservation of Protected Structures.

(a) Minimum Maintenance Requirement.

All landmarks, and all contributing structures located in an historic district, shall be preserved against decay and deterioration by being kept free from the following structural defects by the owner and any other person or persons who may have legal custody and control thereof.

- (1) Deteriorated or inadequate foundation which jeopardizes its structural integrity;
- (2) Defective or deteriorated floor supports or any structural members of insufficient size to carry imposed loads with safety which jeopardize its structural integrity;
- (3) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration which jeopardize its structural integrity;
- (4) Structural members of ceilings and roofs, or other horizontal structural members which sag, split or buckle due to defective materials or deterioration or are of insufficient size to carry imposed loads with safety which Jeopardize its structural integrity;
- (5) Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety which jeopardize its structural integrity;
- (6) Lack of weather protection which jeopardizes the structural integrity of the walls, roofs, or foundation;

(b) The owner or such other person shall repair such building, object, or structure within a specified period of receipt of a written order to correct defects or repairs to any structure as provided by subsection (a) above, so that such structure shall be preserved and protected in accordance with the purposes of this article.

(c) Any such order shall be in writing, shall state the actions to be taken with reasonable particularity, and shall specify dates for compliance which may be extended by the Department (of Urban Planning and Development) for reasonable periods to allow the owner to secure financing, labor or materials. Any such order may be appealed to the Board of Appeals within 30 days. The Board shall reverse such an order only if it finds that the Department had no substantial justification for requiring action to be taken, that the measures required for time periods specified were not reasonable under all of the circumstances. The taking of an appeal to the Board or to Court shall not operate to stay any order requiring structures to be secured or requiring temporary support unless the Board or Court expressly stay such order. The City shall seek preliminary and permanent relief in any court of competent jurisdiction to enforce any order."

The Portland ordinance also deals firmly with people who violate these and other provisions. In addition to having to pay fines for "each day on which there is failure to perform a required act," the ordinance applies a sort of "scorched earth" policy: If a person violates the ordinance either

willfully or through gross negligence, he may not obtain a building permit for any alteration or construction on the historic landmark site for five years. Moreover, for a period of 25 years, any alteration or construction on the property is subject to special design standards imposed in the ordinance, whether or not the property involved is historic.

Eminent Domain

Several cities authorize the use of eminent domain as a means of protecting historic buildings from deterioration or neglect. Specific examples include:

San Antonio, Texas: San Antonio permits the city to "condemn the [historic] property and take it by the power of eminent domain for rehabilitation or reuse by the city or other disposition with appropriate preservation restrictions in order to promote the historic preservation purposes of [the ordinance] to maintain the structure and protect it from demolition."

Richmond, Virginia: Chapter 10, Section 21, of the Code of Virginia states that the Department of Conservation shall have the power to acquire, by purchase, gift or eminent domain, properties of scenic and historical interest which in the judgement of the Director of the Department should be acquired, preserved and maintained for the use and pleasure of the people of Virginia. (Emphasis added)

Richmond, Va., recently obtained a charter change that allows the city to condemn and acquire properties in historic districts suffering from demolition by neglect. The city is currently using this authority to save a Greek Revival house in the Church Hill Historic District.

Baltimore, Maryland: Though not a recent example, the City of Baltimore exercised its eminent domain authority to acquire the historic Betsy Ross House in order to preserve it. In *Flaccomio v. Mayor and Council of Baltimore*, 71 A.2d 12 (Md. 1950), the Maryland Court of Appeals upheld the city's use of this power.

Louisville, Kentucky: In the late 1970s, the City of Louisville condemned two Victorian townhouses that Louisville the Louisville Women's Club planned to demolish for a parking lot. The city then resold the properties, with preservation covenants attached, to a developer. The Club took the city to court, but the court upheld the city's action.

APPENDIX 2: ALBANY DEMOLITION FORM



DEMOLITION PERMIT APPLICATION

Community Development – Building Division
 333 Broadalbin Street SW • Albany, OR 97321
 (541) 917-7553 • Fax (541) 917-7598
permits@cityofalbany.net

Permits may be obtained online at:

<http://www.cityofalbany.net/aca>

Job Site Information and Location (where the work is taking place):

Job Site Address: _____

Business Name (If applicable): _____

Property Owner:

Owner Mailing Address: _____

City/State/Zip: _____

Phone #: _____

Applicant/Contact Information (permit owner):

Name of Applicant: _____

Mailing Address: _____

City/State/Zip: _____

Phone #: _____

E-mail: _____

Contractor/Demolition Company Information:

Name of Contractor: _____

Mailing Address: _____

City/State/Zip: _____

Phone #: _____

E-mail: _____

Oregon CCB #: _____

Lead Based Paint CCB #: _____

Commercial Building Use (if not a residential building):

Type of Business: _____

Square Footage: _____

Project Description:

I hereby certify I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not.

Check to verify you have received the Asbestos Abatement Informational handouts.

Authorized Signature: _____

Print Name: _____ Date: _____

Office Use Only:

Permit #: _____

PROPERTY INFORMATION (Check one)

Residential Commercial

Historic District: Yes No

DESCRIPTION OF STRUCTURE(S) TO BE DEMOLISHED

Total Number of Buildings Being Demolished: _____

Number of Units: _____

Number of Bedrooms: _____

Number of Bathrooms: _____

Is the Property Publicly Owned? Yes No

AVAILABLE UTILITIES (check all that apply)

Utilities are required to be disconnected prior to permit issuance

Electric

Water

Gas

Sewer

Number of Water Meters: _____

Size of Water Meters: _____

Number of EXISTING Sanitary Sewer Drain Fixtures: _____

(Typical sewer drain fixtures: floor drain, water closet, lavatory, sink, shower, washer, floor sink, drinking fountain drains.)

ITEMS REQUIRED FOR SUBMITTAL WITH APPLICATION

- Application for Erosion Prevention and Sediment Control submitted.
- ONE** set of construction plans and specifications must be made available electronically to be used for electronic plan review **OR FOUR** sets of paper plans and specifications.
- Letter or contract from owner granting demolition permission. (May be submitted with electronic documents.)
- Photographs of exterior, of all buildings to be demolished, all sides. (May be submitted with electronic documents.)
- Application of historic review may be required if the property is in a historic district

NOTICE:

PERMITS BECOME VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITH 180 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED.

Faxed Permit to DEQ on: _____ Initials: _____ Fax #: (503) 378-4196

Revised 08/2016



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Staff Report

Historic Review of Relocation

HI-20-20

September 30, 2020

Summary

This staff report evaluates an application for a Historic Review of Relocation (HI-20-20) to relocate the Cumberland Church from a property located at 401 Main Street SE to 520 Pine Street SE (Attachment C.2). The property located at 401 Main Street SE is situated on the southeast corner of Main Street and Santiam Road. The property located at 520 Pine Street SE is situated on the SW corner of Pine Street and Santiam Road. Both properties are situated within the Main Street (MS) zoning district and located outside of a National Register Historic District (Attachment A).

The Cumberland Presbyterian Church is listed on the Local Historic Inventory and is located outside of Albany’s National Register Historic District. The Cumberland Church was constructed circa 1892 and is identified as the only Queen Anne style church within the Albany historic inventory (Attachment B). Decorative features that are listed in the Historic Resources Survey include an open bell tower with Eastlake scroll work, cross-shaped finial on the northwest corner, Eastlake elements in the north peak gable, frieze boards, large colored glass windows, and a round window with Eastlake panels underneath on the north façade.

The property at 401 Pine Street was purchased by the City of Albany in 2000 as a part of the Main Street roundabout project. For some time after purchasing the property, the City leased the Cumberland Church to a small religious congregation. Since that time, the building has been leased for small storage. Beginning in 2004 the City has attempted to sell the property with no success. In 2017 a Historic Properties Work Group was formed. This work group explored the feasibility of restoring or relocating the Cumberland Church. Based on meeting notes (Attachment D) the Historic Properties Work Group determined that it would be best to relocate the Church. In 2019 the Cumberland Church Community Event Center (the applicant) was formed and has been actively engaged with City Council with a plan to relocate the Cumberland Church.

Application Information

Review Body:	Landmarks Commission (Type III review)
Staff Report Prepared By:	Project Planner Tony Mills
Property Owner:	City of Albany, P.O. Box 490, Albany, OR 97321
Applicant:	Joel Orton, Cumberland Events Center; P.O. Box 2495, Albany, OR 97321
Address/Location	Property A: 401 Main Street SE, Albany, OR 97321 & Property B: 520 Pine Street SE, Albany, OR 97321

cd.cityofalbany.net



Map/Tax Lot:	Property A: Linn County Assessor’s Map No(s); 11S-03W-06DD Tax Lot 11300 & Property B: 11S-03W-08BB Tax Lot 201
Zoning:	Main Street (MS) Zoning District
Total Land Area	Property A: 9,599 square feet (.22 acres) Property B: 10,454 square feet (.24 acres)
Existing Land Use:	Property A has a vacant church and Property B is undeveloped
Neighborhood:	Willamette
Surrounding Zoning (Property A):	North: Main Street (MS) (across Santiam Road) East: Main Street (MS) (across Santiam Road) South: Main Street (MS) West: Main Street (MS) (across Main Street)
Surrounding Uses:	North: Mixed use commercial retail East: Mixed use commercial retail South: Warehousing and storage West: Computer repair shop
Surrounding Zoning (Property B):	North: Residential Medium Density (RM) (across Santiam Road) East: Residential Medium Density (RM) (across Pine Street) South: Main Street (MS) West: Main Street (MS)
Surrounding Uses:	North: Single-family residential (across Santiam Road) East: Single family residential (across Santiam Road) South: Vacant West: Vacant
Prior Land Use History:	The property was developed prior to land use records. According to the Historic Resources Survey (Attachment B), the church was constructed circa 1892.

Notice Information

On September 17, 2020, a Notice of Public Hearing was mailed to property owners within 300 feet of the subject property. On September 28, 2020, Notice of Public Hearing was also posted on the subject sites. As of the date of this report, no comments have been received by the Community Development Department.

Appeals

Within five days of the Landmarks Commission’s final decision on this application, the Community Development Director will provide written notice of decision to the applicant and any other parties entitled to notice.

A decision of the Landmarks Commission may be appealed to the City Council if a person with standing files a Notice of Appeal and associated filing fee with the City within 10 days of the date the City mails the Notice of Decision.

Analysis of Albany Development Code (ADC) Criteria

Historic Landmark Relocation Review Criteria (ADC 7.330)

Albany Development Code (ADC) criteria for Historic Review of Relocation (ADC 7.330) are addressed in this report for the proposed development. The criteria must be satisfied to grant approval for this application. Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion 1

No prudent or feasible alternative exists; or

Findings of Fact

- 1.1 To satisfy this criterion, the applicant must demonstrate that there are no prudent or feasible alternatives other than demolition. Alternatives that are often considered include the possibility of rehabilitating the structure, potentially with the assistance of tax incentives or other financial assistance; adapting the structure to a new use; finding a new owner who is willing and able to preserve the structure; incorporating the structure into the applicant's redevelopment plans.
- 1.2 The subject site is currently under the ownership of the City of Albany. The property was purchased in the year 2000 as a part of the Main Street Roundabout project. For a short time, the church was leased to a small religious congregation. Since then, the building has been leased out as storage space. Since 2004 the City has made several unsuccessful attempts to sell the property.
- 1.3 From the minutes of the March 13, 2017 (Attachment D.1) meeting of the Historic Properties Work Group, maintaining the structure on-site costs the City roughly \$6,000 annually.
- 1.4 According to the Linn County Assessor's information on the property, the structure is valued at \$56,330 (Attachment E) and the estimated cost to renovate the structure on site is \$300,000 (Attachment D.1).
- 1.5 The property is a 9,599-square-foot uniquely shaped lot. The building footprint of the church occupies almost half the parcel. The property at 401 Main Street SE has a limited number of available uses due to site constraints and required improvements.
- 1.6 Cumberland Community Events Center has been engaged in an ongoing effort to relocate the church. According to applicant submitted materials (Attachment C.3) at their June 10, 2020 and July 8, 2020 meetings, City Council has encouraged the Cumberland Community Events Center to formally engage in a process to relocate the structure.
- 1.7 The applicants have demonstrated that no feasible alternative to relocation exists. This criterion is met.

Criterion 2

The building or structure is deteriorated beyond repair and cannot be economically rehabilitated on the site to provide a reasonable income or residential environment compared to other structures in the general area; or

Findings of Fact

- 2.1 According to March 6, 2017 meeting minutes from the Historic Properties Work Group (Attachment D.1), identified issues with the building include the structure is not compliant with Americans with Disabilities Act requirements, widespread electrical service issues, the main floor requires reinforcement, dry rot has been identified in several locations, and the roof requires replacement. The

estimated cost to make the required repairs total about \$300,000. The Linn County Assessor's office estimates the value of the structure at \$56,330 and the value of the land at \$146,950 (Attachment E).

- 2.2 The property at 401 Main Street SE is situated on the southeast corner of Main Street and Santiam Road within the Main Street mixed use zoning district. The property is 9,599 square feet in size and is a triangular shaped lot that gains access from Santiam Road. The church building footprint occupies roughly 3,500 square feet of the property. Any new use of the property would be required to upgrade the existing gravel parking area to the standards in Article 9 of the Albany Development Code including, paving, striping, landscaping, dedicated travel aisles and setbacks from adjacent properties. These requirements coupled with the shape of the lot will limit the number of available spaces for this site. Parking constraints limit the type of uses and subsequent economic opportunities available.
- 2.3 The proposed relocation site is a 10,454-square-foot, vacant property owned by the City located on the southwest corner of Pine Street and Santiam Road within the Main Street zoning district. The applicant has submitted a site plan (C.1) indicating how the proposed property can accommodate a larger parking area that meets City standards. This will allow for a variety of uses that are not feasible at the structure's current location.

Criterion 3

There is a demonstrated public need for the new use that outweighs any public benefit that might be gained by preserving the subject buildings on the site.

Findings of Fact

- 3.1 The proposed relocation will move the structure approximately 1,000 feet. Both properties are within the same Main Street (MS) zoning district. The MS district is intended primarily as an employment center with supporting commercial and retail services for residents and employees in the area.
- 3.2 Currently, the structure is being leased for storage space. The applicant is proposing to relocate and restore the structure with the intention of opening a non-profit community event center. The proposed use is defined as Community Service which is an allowed use in the MS zone through an approved Site Plan Review.
- 3.3 The current location of the structure is limited to the available uses by the size and unique shape of the property. Relocating the structure will allow for a greater variety of uses that are compatible with the MS zone.

Criterion 4

The proposed development, if any, is compatible with the surrounding area considering such factors as location, use, bulk, landscaping, and exterior design.

Findings of Fact

- 4.1 The proposed relocation is not within a National Register Historic District.
- 4.2 This criterion is not applicable.

Criterion 5

If the building or structure is proposed to be moved, moving to a site within the same historic district is preferred to moving it outside the district.

Findings of Fact

- 5.1 The proposed relocation will be moving a structure not located within a National Register Historic District to another location that is not within a National Register Historic District.
- 5.2 The applicant is proposing to move the structure to a vacant site roughly 1,000 feet southeast from its current location (Attachment C.2) within the same zoning district.
- 5.3 This criterion is not applicable.

Conclusion

The analysis in this report finds that the applicant has demonstrated that the applicable criteria in ADC 7.330 have been met. Therefore, staff recommends the Landmarks Commission approve the relocation of the Cumberland Church.

Options and Recommendations

The Landmarks Advisory Commission has three options with respect to the subject application:

- Option 1: Approve the request as proposed;
- Option 2: Approve the request with conditions of approval;
- Option 3: Deny the request.

Based on the discussion above, staff recommends that the LANDMARKS COMMISSION pursue Option 1 and approve the request as proposed. If the LANDMARKS COMMISSION accepts this recommendation, the following motion is suggested.

Potential Motion

I move to approve the relocation of the Cumberland Church from the property located at 401 Main Street SE to a property located at 520 Pine Street SE application planning file HI-20-20. This motion is based on the findings and conclusions in the September 30, 2020 staff report, testimony presented, and findings in support of the application made by the Landmarks Commission during deliberations on this matter.

Attachments

- A. Location Map
- B. Historic Resource Survey – 401 Main Street SE
- C. Applicant Submitted Materials
 1. Site Plan
 2. Relocation Route
 3. Narrative
- D. Historic Properties Work Group Meeting Minuets
 1. March 6, 2017 minutes
 2. July 24, 2017 minutes
- E. Linn County Assessor’s Summary Report – Tax Account No. 86062

Acronyms

ADC	Albany Development Code
MS	Main Street Mixed Use District
RM	Medium Density Residential Zoning District

**CITY OF BEND
HISTORIC RESOURCE
APPLICATION**
Demolition of a Historic Resource



COMMUNITY
DEVELOPMENT

Primary Historic Structure Secondary Historic Structure Non-historic Structure

Contact Information

Applicant: _____ Phone: _____

Address: _____ Email: _____

Owner: _____ Phone: _____

Address: _____ Email: _____

Primary Contact: _____ Phone: _____

Address: _____ Email: _____

Property Information

Historic Name of Site or Building: _____

Address: _____ Zone: _____

Tax map & parcel number: _____ Related Planning File #: _____

The Site or Building is identified as (mark all that apply):

- Local Historic Resource
- National Register of Historic Places
 - Historic Contributing
 - Historic Non-Contributing
 - Non-Historic
 - Vacant Lot

Please identify the dates of construction and any previous major alterations: _____

Present Use: _____

Proposal

Reason for Demolition: _____

Certified Building Inspector, Registered Engineer or Architect who performed the structural
Inspection: _____

Submittal Requirements

- Filing Fee
- Current Deed
- Current color photos or digital images of the site or buildings. Submit photos of each side of each building and each side of every interior space. Tape or staple them to additional 8.5" x 11" sheets and label the location of each photo on the pages.
- Fee: This fee is not refundable after public hearing is held.
- Historic photos of the building or structure. (Check with staff, your local historical society, neighbors, or previous owners.)
- Scale drawing of the lot and all buildings, walls, fences, structures, and trees that are more than 50-years old. Show parking area and driveway, if any, and the locations of sidewalks, curbs, and street/road. (8 copies)
- For condemnations: the report of the Building Official.
- Copies of advertisements and news articles offering the building(s) for public or private acquisition or relocation.
- Burden of proof providing the evidence required by the demolition section of the Bend Historic Preservation Code. (8 copies)
- Date of required meeting with staff to explore Preserving Oregon Grants, the Oregon Special Assessment Program and the Federal Investment Tax Credits that may be available to you _____ This meeting MUST take place at least a month before submitting this application to allow a thorough exploration.
- Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in the Preservation Code.

I have examined all statements and information contained herein, and all attached exhibits, and to the best of my knowledge and belief, they are true and correct. I authorize the City of Bend staff and/or Hearings Body to enter property for inspection of the site in conjunction with this land use application.

Applicant: _____ Date: _____
Owner: _____ Date: _____

PLANNING USE ONLY

Fee Paid Received by _____ Date _____ File No. _____

APPENDIX 5: EUGENE DEMOLITION APPLICATION



HISTORIC PROPERTY DEMOLITION

Please complete the following application checklist. Note that additional information may be required upon further review in order to adequately address the applicable criteria for approval. If you have any questions about filling out this application, please contact Planning staff at the Permit and Information Center, phone (541) 682-5377, 99 West 10th Avenue, Eugene, 97401.

List all Assessors Map and Tax Lot numbers of the property included in the request:

Assessor's Map	Tax Lot	Zoning

Street Address (if available): _____

Existing Use(s) of the Property: _____

Proposed Use(s) of the Property: _____

Historic or Common Name: _____

Historic Property Designation Status

National Register City Landmark (Related City File Numbers _____)

Filing Fee

A filing fee must accompany all applications. The fee varies depending upon the type of application and is adjusted periodically by the City Manager. Check with Planning staff at the Permit and Information Center to determine the required fee or check the City's website at www.eugeneplanning.org

Pre-Application Requirements

- A Pre-Application Conference was conducted, as required in Section 9.8160(3) of the Eugene Code. (Conference No.: _____)
- In order for the City to determine that an application for historic property demolition is complete, the owner must also provide documentation to show that purchase offers have been solicited for the historic property by giving notice of sale of the property within the previous year, as follows:
 - Listing the property for sale in both *The Register Guard* and *Oregonian* at least six times and at regular intervals;
 - Posting and maintaining visible for sale sign(s) on the property as specified by the Planning Director; and,
 - Making a financial prospectus on the status of the property available to interested parties.

Submittal Requirements:

Provide 3 paper copies and one CD copy of all application materials (i.e. written statement, site plans, etc.) in pdf format at the time of initial submittal. Please note that it is the applicant's responsibility to make sure that the CD and paper copies are identical. Following completeness review, an updated CD and additional paper copies may be required. All site plans must be folded to a size equal or less than 11" x 17".

www.eugene-or.gov/planning

Planning & Development
 Planning Division
 99 W. 10th Avenue, Eugene, OR 97401
 Phone: 541.682.5377 or E-mail: planning@ci.eugene.or.us

Updated: March 2014

Page 1 of 3



HISTORIC PROPERTY DEMOLITION

Written Statement

- Submit a detailed written statement and any additional materials or evidence necessary to demonstrate how this request is consistent with all applicable approval criteria (see Section 9.8180 of the Eugene Code). Please note that it is the applicant's responsibility to provide adequate information demonstrating how the project satisfies the applicable approval criteria. Failure to provide such information may result in a denial of the application.

- Physical Description – The written statement should include a description of the physical appearance of the historic property. Please include the year of construction, a description of the original appearance (if known), any past alterations or additions. Much of this information can be obtained from the property's landmark application.

Site Plan and Architectural Information

- Show date, north arrow and standard engineer's scale on the site plan.

- Show Assessor's Map and Tax Lot numbers on the site plan.

- Show a vicinity map on the site plan. (Vicinity map does not need to be drawn to scale.)

- Include floor plans, elevation drawings, and a depiction of existing structures and other features on the subject property.

Supporting Analysis and Documentation

- Provide a legal description of all property included in the application. This description must be typed on an 8-1/2 x 11" white sheet of paper (no letterhead) so that it is suitable for recording.

- Provide a historic property mitigation report.

- Provide current photographs of the historic property proposed for demolition. All photographs should be clearly labeled with the name of the property, address, date, and view or detail. Minimum requirements include the following:
 - One photograph of each elevation with text identifying the view, such as "south elevation" or "main entry."
 - Four perspective photographs (i.e. views demonstrating the relationship of the historic property to the site).
 - A minimum of four interior photographs (only needed if interior features were designated or specified by the Historic Review Board).

NOTE: This is not a complete list of all potential requirements. Additional information including the services of a qualified professional may be required in order to adequately address the required approval criteria.

www.eugene-or.gov/planning

Planning & Development
Planning Division

99 W. 10TH Avenue, Eugene, OR 97401
Phone: 541.682.5377 or E-mail: planning@ci.eugene.or.us

Updated: March 2014

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By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

OWNER (Also the Applicant? Yes / No):

Name (print): _____ Phone: _____

Address: _____

City/State/Zip: _____

Signature: _____

APPLICANT / **APPLICANT'S REPRESENTATIVE** (Check one):

Name (print): _____ Phone: _____

Company/Organization: _____

Address: _____

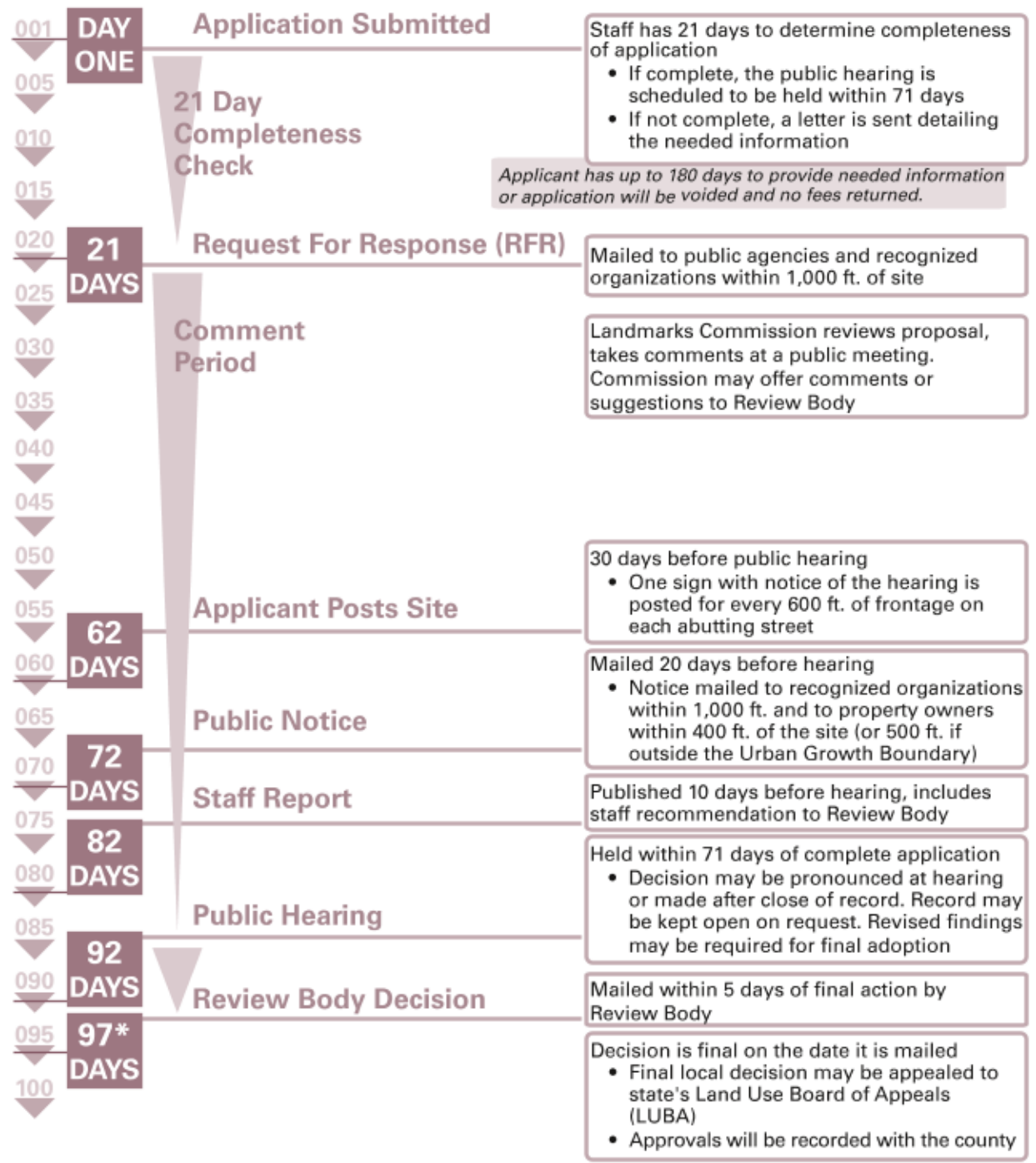
City/State/Zip: _____ E-mail (if applicable): _____

Signature: _____

CITY OF PORTLAND OREGON - BUREAU OF DEVELOPMENT SERVICES

Type IV Land Use Review Procedure

✓ • Pre-Application Conference is required for all Type III Procedures, valid for two years



*Timeline reflects Portland City Code requirements found in 33.730.030. Oregon State law requires a final local decision within 120 days of complete application. Applicants always retain the right to postpone the decision or to waive the 120 Day Rule. As noted above, requests to keep the record open may cause the timing of the decision to vary.

type4_procedure 07/30/20

APPENDIX 7: SALEM DEMOLITION OF PRIMARY HISTORIC STRUCTURES

Sec. 230.090. - Demolition of primary historic structures.

(a) Applicability. Prior to the issuance of a permit for the demolition of a historic contributing building within a local or National Register Historic District or individually listed local or National Register [historic] resource, the owner must obtain historic resource demolition approval pursuant to this section.

(b) Procedure type. Historic resource demolition is processed as a Type III procedure under SRC chapter 300.

(c) Submittal requirements. In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for historic resource demolition shall include:

(1) A statement of the historic value and significance of the building or resource to the community from the listing document (Local, National Register listing) as well as any relevant supportive documentation from a preservation professional, taking into consideration its designation as a local landmark, individually listed historic contributing building on the National Register, or its location within a National Register Historic District;

(2) Documentation confirming that the property owner has owned the property for at least one year prior to applying for historic resource demolition; and

(3) Documentation of economic hardship demonstrating the property is incapable of generating a reasonable economic return, including, but not limited to:

(A)The purchase price of the building or resource;

(B)Assessed value for the two years immediately preceding the application;

(C)Current fair market value of building or resource as determined by appraiser;

(D)Real estate taxes for the two years immediately preceding the application;

(E)The annual gross income generated from the building or resource for the last two years;

(F)The debt associated with the building or resource including a profit and loss statement for the two years immediately preceding the application; and

(G)Any expenditures associated with the building or structure during the two years immediately preceding the application.

(4) Documentation demonstrating good faith efforts of the property owner to sell, rent, or lease the building or resource, including, but not limited to:

(A)All real estate listings for the building or resource for the past two years, including prices asked/offers received; and

(B)All real rental listings for the building or resource for the past two years including rental prices and number of rental applications received.

(5) Analysis of the proposed adaptive reuse of the building or resource, including, but not limited to:

(A) Report from structural engineer on the condition of building or resource;

(B) Estimate of cost for rehabilitation of building or resource with an existing use;

(C) Report from real estate or other market professional identifying potential alternative uses allowed for development of the building or resource with existing zoning. The report should include a market analysis evaluating need for alternative uses as well as the number of existing alternative uses already present within the zone;

(D) Estimate of cost for rehabilitation of building or resource for at least two other identified uses; and

(E) Report identifying available economic incentives for adaptive reuse of the building or resource, including any federal tax credits available for rehabilitation of National Register properties.

(6) A determination of historic resource relocation feasibility pursuant to SRC 230.084.

(7) A proposed plan for deconstruction of the resource, including provisions to salvage historic material for sale, donation, or reuse on the site.

(8) A proposed plan for redevelopment of the site on which the building or resource is located.

(d) Criteria. An application for a historic resource demolition shall be granted if the following criteria are met:

(1) The value to the community of the proposed use of the property outweighs the value of retaining the designated historic resource on the present site.

(2) The designated historic resource is not capable of generating a reasonable economic return and the demolition is economically necessary.

(3) The owner has made a good faith effort to sell or relocate the designated resource.

(4) No prudent and feasible alternative exists to rehabilitate and reuse the designated resource in its present location.

(5) The applicant has demonstrated that the resource will be deconstructed and historic material will be salvaged at the time of demolition.

APPENDIX 8: SALEM DEMOLITION OF HISTORIC ACCESSORY STRUCTURE

Sec. 230.095. - Demolition of historic accessory structure.

(a) Applicability. Prior to the issuance of a permit for the demolition of a historic accessory structure the owner must first obtain a historic accessory structure demolition approval pursuant to this section.

(b) Classes.

(1) Class 1 historic accessory structure demolition is the demolition of a historic accessory structure located at the rear of the property and not visible from the right-of-way.

(2) Class 2 historic accessory structure demolition is the demolition of a contributing historic accessory structure visible from the right-of-way.

(c) Procedure type.

(1) Class 1 historic accessory structure demolition is processed as a Type I procedure under SRC chapter 300.

(2) Class 2 historic accessory structure demolition is processed as a Type III procedure under SRC chapter 300.

(d) Submittal requirements. In addition to the submittal requirements set forth under SRC chapter 300, an application for Class 1 or Class 2 historic accessory structure demolition shall include:

(1) Site plan. A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(A) The total site area, property lines with dimensions, and orientation relative to north

(B) The location, width, and names of all existing streets, alleys, flag lot accessways, and public accessways abutting the perimeter of the subject property.

(C) The location and distance to property lines of all existing primary and accessory structures and other improvements including fences, walls, driveways, off-street parking areas, off-street loading areas, vehicle turnaround areas.

(2) A summary of the estimated real market value of the structure, estimated costs to repair the accessory structure, any efforts to repair the structure and a statement regarding why repair is not feasible.

(3) A report from a structural engineer as to the soundness of the structure and the feasibility of repair.

(e) Criteria.

(1) An application for Class 1 historic accessory structure removal shall be granted if the accessory structure lacks structural integrity and would be cost prohibitive to repair on site.

(2) An application for Class 2 historic accessory structure removal shall be granted if the

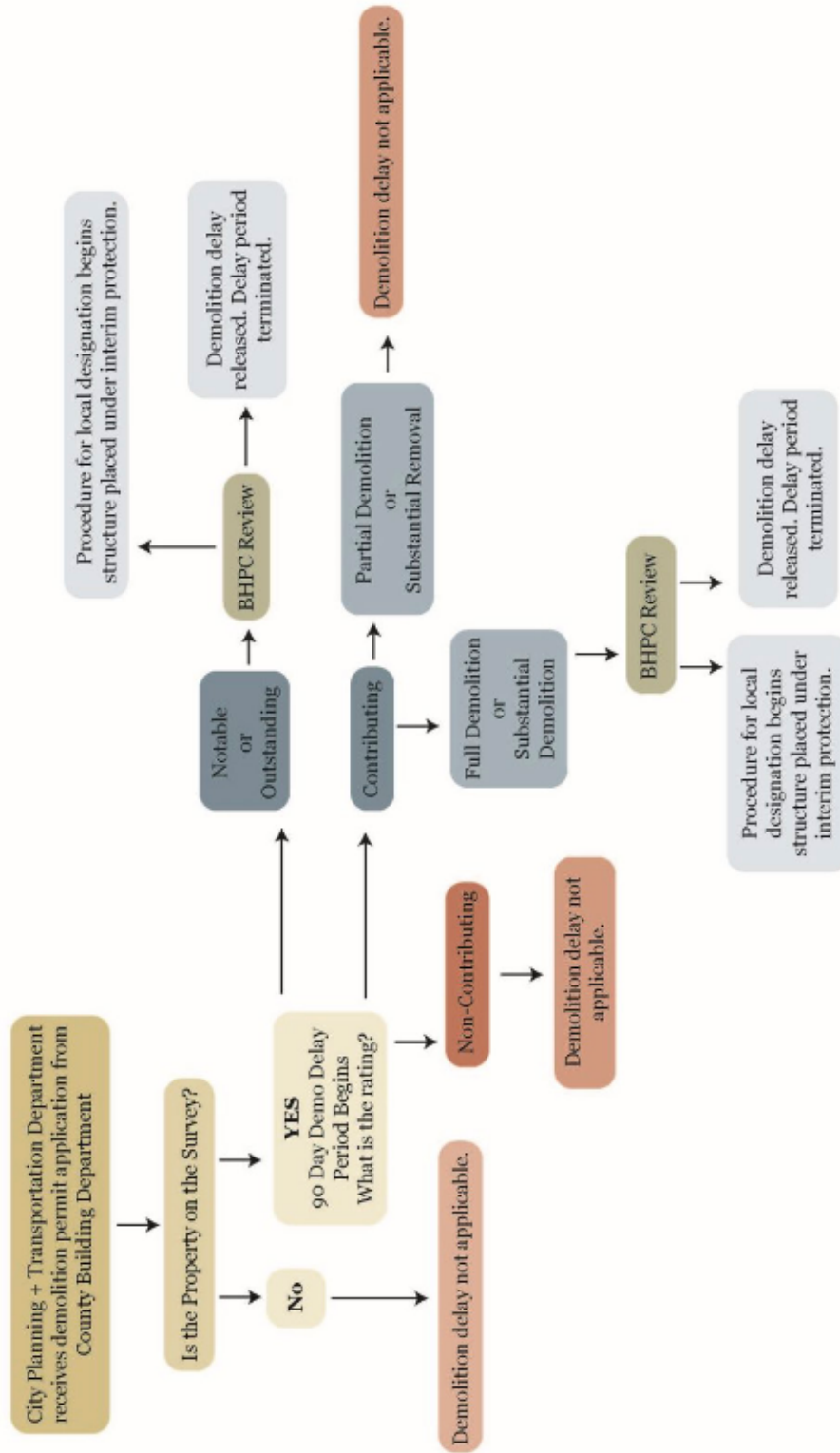
following criteria are met:

(A) The historic accessory structure is not individually significant nor comprised of distinctive stylistic features or examples of skilled craftsmanship that contribute significantly to the historic value of the primary historic structure on the site;

(B) The historic accessory structure lacks structural integrity and would be cost prohibitive to repair on site; and

(C) No feasible alternative exists to rehabilitate the historic accessory structure.

APPENDIX 9: BLOOMINGTON, INDIANA, DEMOLITION GUIDANCE GRAPHIC



Demolition - the complete removal or destruction of any structure excluding its foundation

Substantial Demolition - the moving or razing of a building including the removal or enclosure of fifty percent or more of the structure

Partial Demolition - means the complete or substantial removal or destruction of any exterior portion of a structure, which shall include but not be limited to:

1. Complete or substantial removal or destruction of a porch, wing, cupola, addition, or similar feature
2. Partial demolition of a roof shall include work that results in any change to the pitch of any portion of the roof, or covering otherwise obscuring the existing roof with a new roof of different pitch or material, or adding any gable, dormer or other similar feature to an existing roof
3. Any work resulting in the obscuring from view of forty percent or more of the exterior of any facade on the structure; or, removal or destruction of the exterior surface of forty percent or more of the area of any exterior facade in the structure
4. Construction or attachment of any addition to a structure
5. Replacement of any window or door where the window or door opening is enlarged or obscured from view
6. Creation of any new window or door opening

Substantial Removal - as used in the definition of "partial demolition" means an alteration, pulling down, destruction or removal of a portion of a structure which jeopardizes a structure's individual eligibility for listing in the National Register of Historic Places, or its status as a contributing structure in a national, state or local register of historical places, which shall include, but not be limited to, the removal of a defining architectural feature or element which defines or contributes to the historic character of the structure