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EXHIBIT 1 - STAFF REPORT

DATE: February 27, 2020
TO: Historic Landmark Committee Members
FROM: Chuck Darnell, Senior Planner
SUBJECT: PUBLIC MEETING: HL 1-20 (Historic Resources Inventory Amendment) –
404 NE Irvine 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 Historic Resources Inventory Amendment land use application to allow for the deletion of the existing historic resource and building located at 404 NE Irvine Street (Tax Lot 2000, Section 21BD, T. 4 S., R. 4 W., W.M.). Any person can file an application to amend the Historic Resources Inventory by either adding a resource, deleting a resource, or changing the level of significance of a resource. Per the McMinnville Municipal Code, the McMinnville Historic Landmarks Committee serves as the decision-making body for the review of any Historic Resources Inventory Amendment request, and has the authority to make all additions, deletions, and changes to the inventory. The applicant, Zachary Geary, Branch Geary, Inc., on behalf of property owner Gerald Legard, is requesting the deletion of the existing historic resource from the Historic Resources Inventory. The Historic Resources Inventory Amendment request is subject to the review process described in Section 17.65.030 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 404 NE Irvine Street. The property described as Lot 5, Block 17, Rowlands Addition. The property is also identified as Tax Lot 2000, Section 21BD, T. 4 S., R. 4 W., W.M. **See Vicinity Map (Figure 1) below.**

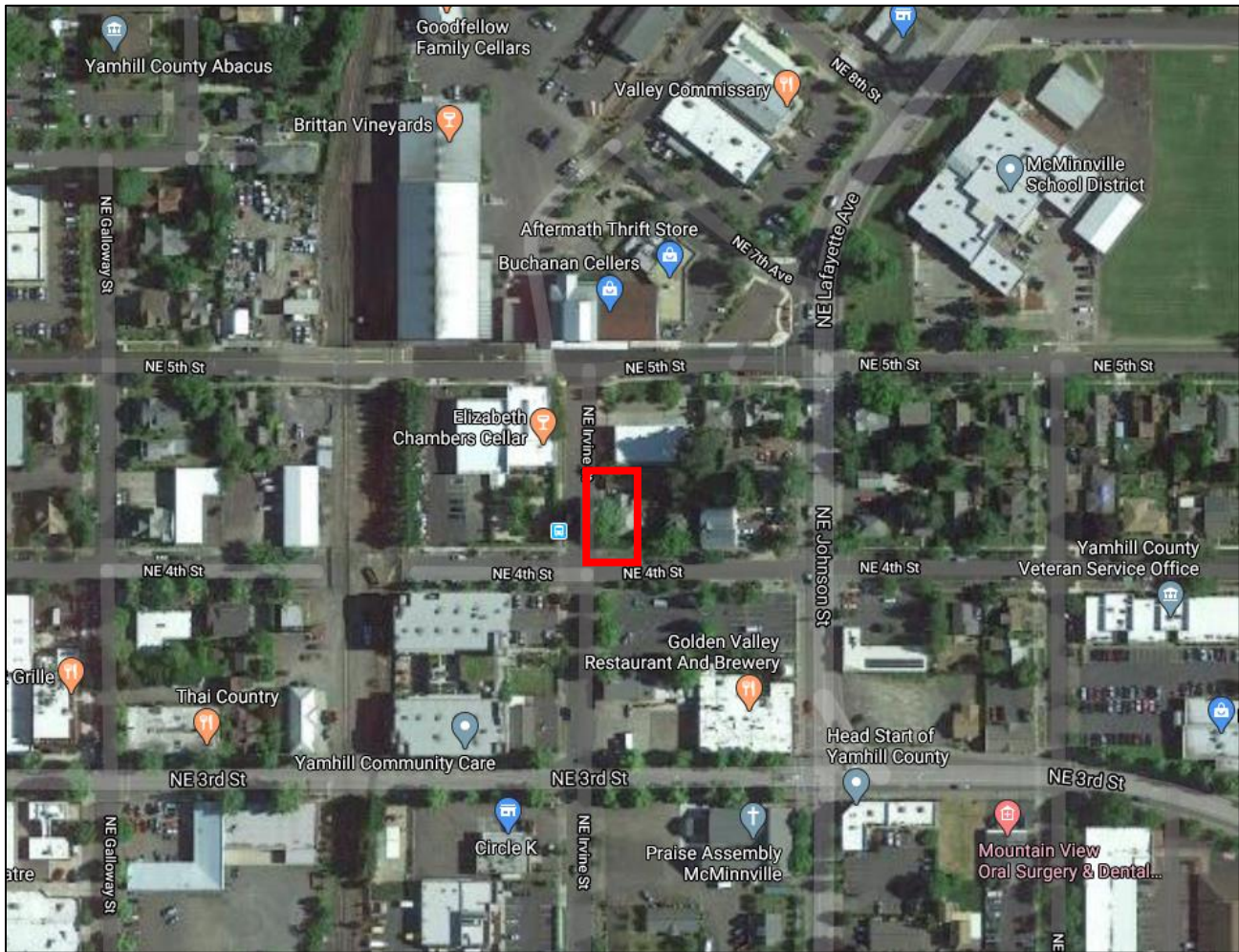
Attachments:

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Figure 1. Vicinity Map



The existing building on the subject property is listed on the Historic Resources Inventory as an Environmental historic resource (resource number D800).

The property was originally surveyed in 1980, 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 D800) for the subject property. The survey photo of the building is dated as 1980. 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 “Statement of Historical Significance and Property Description” states the following:

“A one story medium hip roof structure with cornerboards and beveled wood siding; a single central interior chimney. All windows are corniced and double hung sash with plain mouldings.

The off center east entrance has a door with side lights; the door is corniced with plain moulding and has a projecting one bay pediment porch with plain barge board and a semi-circular arch. It is supported by wood pillars on a small wooden porch. The foundation is concrete. There is an attached low gable extension on the north which appears to be an original small separate apartment. There is also a small hip roof extension on the northeast corner. There is a detached beveled wooden garage.”

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An image of the historic resource from the time of the survey in 1980 is provided below:



An image of the historic resource as it exists today, as provided by the applicant in their application materials, 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. Attached is a decision document that provides the staff-suggested Findings of Fact and Conclusionary Findings for the land-use application. This document outlines the legal findings on whether or not the application meets the applicable criteria and whether or not there are conditions of approval that if achieved put the application in compliance with the criteria.

The specific review criteria for a deletion of a historic resource from the Historic Resources Inventory in Section 17.65.030(F) of the MMC require the Historic Landmarks Committee to base each decision on the following criteria:

1. The resource has lost the qualities for which it was originally recognized; or
2. Additional information shows that the resource no longer satisfies the criteria for recognition as a historic resource or did not satisfy the criteria for recognition as a historic resource at time of listing; or
3. The Building Official declares that the resource poses a clear and immediate hazard to public safety and must be demolished to abate the unsafe condition.

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.

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The applicable review criteria in Section 17.65.030(F) only require that one of the three criteria be satisfied in order for the Historic Landmarks Committee to approve the request. While only one of the three criteria is required to be satisfied, the applicant has provided arguments for two of the criteria, both that the resource has lost the qualities for which it was originally recognized and that the resource no longer satisfies the criteria for recognition as a historic resource or did not satisfy the criteria for recognition as a historic resource at time of listing. Staff will provide an analysis and recommendation for both of those criteria below.

Applicant Findings – Criteria 17.65.030(F)(1)

The applicant has provided findings and is arguing that the structure has lost the qualities for which it was originally recognized, based on the fact that the resource has undergone little to no maintenance and that many of the features described in the Historic Resources Inventory survey sheet have been removed or deteriorated to the point that they are not able to be restored. Some of the primary features of the building that are described in the Historic Resources Inventory survey sheet include the beveled wood siding, double hung windows and mouldings, entry door with side lights and moulding, and a projecting covered porch with wood pillars and arch over the entrance. The survey sheet also describes two smaller structures that are attached to the north and northeast sides of the main structure.

The applicant has provided evidence that the beveled wood siding has been improperly installed or repaired in many locations on the structure, leading to moisture intrusion and rot, and in other places has been penetrated for mechanical or plumbing systems. The double hung windows exist in some places, but appear to have moisture damage and rot. Glass within some windows has been removed, and other windows have been replaced or boarded up. One of the main features of the structure described in the survey sheet was the front porch with wood pillars and archway over the entrance. The front porch foundation is a mixture of concrete block and plywood, and has sunk into the ground resulting in the front porch sagging away from the house. The curved arch over the front porch entrance has been removed, as has the original front door. The two attached structures, which were not described in great detail in the survey sheet, have pier block foundations that have not provided moisture protection for the structures.

While the applicant has provided evidence that many features of the existing structure are in poor condition, staff does not believe that a majority of the features have been “lost” as is specifically required by the applicable review criteria. The applicant has shown that some qualities that were listed in the Historic Resources Inventory sheet have been lost, including the “semi-circular arch” within the projecting pediment porch, the original door, and potentially some windows that are boarded up. However, most of the other qualities and features for which the historic resource was originally recognized still remain, even though some or all of the features may be in poor condition. The hip roof structure, cornerboards, beveled siding, and chimney all still remain on the structure. Windows remain in most places, and the exterior cornice and moulding around the windows is still in place. The east entrance is still located off center, and the door may have been replaced but the side lights and the exterior moulding around the door and side lights still remain. The other extensions and detached structures also still remain, although potentially in poor condition.

For this reason, staff does not believe that this criteria is satisfied, which is reflected in the decision document attached to this staff report.

Staff would note that the resource is not classified as a “historic landmark”, as those are defined in Section 17.06.060 of the MMC as being only “Distinctive” and “Significant” historic resources. Based on the classification as an “Environmental” historic resource, Section 17.65.040(A) of the MMC would not require a Certificate of Approval for any exterior alteration of the structure. Therefore, the structure could be

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altered without any application or consideration of the historic preservation exterior alteration review criteria (which include the Secretary of the Interior Standards) in Section 17.65.060 of the MMC. The applicant has stated that they believe that many of the structure's exterior materials could not be repaired based on their condition. Given that there is no requirement that the existing materials be retained and restored, those materials could be completely removed and replaced, which would result in the further loss of what does remain of any of the original qualities that resulted in the structure being recognized as a historic resource.

Applicant Findings – Criteria 17.65.030(F)(2)

The applicant has also provided an argument that the resource did not fully satisfy the criteria for recognition as a historic resource because the resource was not evaluated against all of the criteria for designating a historic resource at the time of the development of the Historic Resources Inventory. The applicant has also argued that even if the structure was evaluated against the criteria for recognition as a historic resource, it would not currently satisfy those criteria.

Description of Original Historic Resources Inventory Evaluation Process

The applicant summarizes the process that was followed during the survey of properties and the creation of the Historic Resources Inventory in their application narrative. To ensure that the Historic Landmarks Committee is familiar with the process referenced by the applicant, a description of the development of the Historic Resources Inventory is described below.

The Historic Resources Inventory is the result of survey work that was completed in the 1980s. Structures more than 50 years old within the City of McMinnville were surveyed during multiple periods between 1980 and 1984. Following the survey work, the Historic Landmarks Committee examined the survey forms that were completed and completed two stages of evaluation of structures that were surveyed. The first stage resulted in the grouping of resources into four classes. The process followed in the first stage of evaluation is described in Appendix 4 of the Historic Resources Inventory report as follows:

“In general, resources given the highest scores were considered to be important due to historical association or architectural integrity, uniqueness, or quality. These resources were titled “significant resources”. The resources which received average scores were classified as “contributory resources” and were considered to enhance the overall historic character of a neighborhood or the City. The removal or alteration of contributory resources would have a deleterious effect on the quality of historic continuity experienced in McMinnville. The third, or 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. These resources were called “environmental resources”.

The staff added an additional class for those “significant” resources which were outstanding for architectural or historic reasons and potentially worthy of nomination to National Register of Historic Places. The historic resources in their highest class were titled “distinctive resources”.

After the resources were classified into the four classes described above, a second stage of evaluation occurred, again as described in Appendix 4 of the Historic Resources Inventory report as follows:

“In the second stage of evaluation, the resources in the top three classes (i.e. distinctive, significant, and contributory) were given scores by the staff based on how well the resources met established criteria. Points were given in four categories of criteria as follows: History – up to three points; Style – up to three points; Integrity – up to two points; Environment – up to two points. Up to two bonus points were awarded if unique circumstances affected a resource's total score. The criteria and evaluation process are described below.

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1. History. The resource is associated with significant past events, persons, organizations, trends, or values which were important on a city, county, state, or national level. The age of the resource relative to other local development contributes to its historic significance. [...]
2. Style/Design. The resource is representative of a particular style or type of construction. The uniqueness of the resource or its quality of composition, detailing, or craftsmanship contribute to its design significance. The resource was designed or constructed by a craftsman, contractor, designer, or architect of local, state, or national importance [...]
3. Integrity. The resource retains original design elements, materials, and character with relatively minor alteration, if any. [...]
4. Environment. The resource contributes to the character or continuity of the street or neighborhood. [...]

After the points were awarded for each of the categories of criteria, the scores were totaled. 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 applicant also references Appendix 5 of the Historic Resources Inventory report. Appendix 5 includes the scoring results of each structure against the criteria used in the second phase of evaluation described above and in Appendix 4. No scores are provided in Appendix 5 for “D” or “Environmental” resources, which shows in more detail that only the top three classes of resource from the first stage of evaluation were scored during the second stage of evaluation.

Both Appendix 4 and Appendix 5 of the Historic Resources Inventory report are attached to this staff report for reference.

Findings Related to Evaluation of Resource at the Time of Designation

The applicant notes that the structure in question was determined to be an Environmental resource during the first stage of evaluation. This shows that the structure was not found to be significant enough by the Historic Landmarks Committee at that time to move it along to the process that scored structures against the criteria used in the second stage of evaluation. The applicant also notes that those structures that were classified as “Contributory” resources during the first stage of evaluation were classified as such because the “removal or alteration of contributory resources would have a deleterious effect on the quality of historic continuity experienced in McMinnville”. The applicant argues that all structures that were classified below the Contributory level “would be able to be considered and qualify for deletion without having a deleterious effect” on the quality of historic continuity in McMinnville.

Staff would note that the above statement within the findings provided by the applicant would set a significant precedent in the designation of all Environmental resources, and would establish a precedent that all Environmental resources qualify for removal from the Historic Resources Inventory. While the language referenced by the applicant does come from the Historic Resources Inventory report, it is included in Appendix 4 in the description of Contributory resources, and states that the removal of Contributory resources would have a “deleterious effect” on the quality of historic continuity experienced in McMinnville. Staff does not believe that this should be officially interpreted in such a way as that all resources below the Contributory classification could be removed from the Historic Resources Inventory. The removal of an Environmental resource could still have an impact on the historic continuity of the city,

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but perhaps not a “deleterious”, or significantly damaging, effect as would be the case if the resource was of a higher classification.

Therefore, staff believes that the process in the McMinnville Municipal Code for the consideration of any addition, change, or deletion from the Historic Resources Inventory must be followed for each individual request, and that the applicable review criteria be applied to and considered with each individual historic resource and request. Language related to this is included in the City findings portion of the Decision Document attached to this staff report. Any other interpretation or treatment of Environmental resources on a broader scale should be discussed by the Historic Landmarks Committee outside of any particular application request, if there is interest in doing so.

Findings Related to Evaluation of Resource at the Present Time

The review criteria requires the applicant to show that “the resource no longer satisfies the criteria for recognition as a historic resource or did not satisfy the criteria for recognition as a historic resource at time of listing”. Staff would note that it is difficult to show that the resource did not satisfy the criteria for recognition as a historic resource at the time of listing, since thorough evidence is not available to make that determination. Also, as described in more detail above, the Historic Landmarks Committee at that time did decide to include the resource in the Environmental classification based on the information that was available to them at that time. While that didn’t include the second stage of evaluation that scored the resource against the four categories of criteria, the Historic Landmarks Committee did take action to designate the resource (and all other Environmental resources). Therefore, staff believes that, if the Historic Landmarks Committee were to approve the removal of the resource from the inventory, the analysis of whether the resource no longer satisfies the criteria for recognition is most applicable.

The applicant has provided arguments that the structure does not meet those criteria today. In particular, the applicant notes that the factors influencing the Integrity and Environment criteria have changed since the time of designation. At the time of the survey, the resource was listed as both “Good” and “Fair”. The “Fair” designation was the second to worst designation possible for the structure. There is not any noticeable deterioration or loss of integrity of the structure in the survey sheet’s photo from 1980. However, some of the original design elements have been lost, including the “semi-circular arch” within the projecting pediment porch, the original door, and potentially some windows that are boarded up (Integrity criteria). The applicant has also argued that the location of the structure is within a neighborhood that is “changing in character” and that the structure no longer “contributes to the character or continuity of the street or neighborhood” as described in the criteria (Environment criteria). There has been redevelopment on the same block as the structure in question, which is not in any style or form that is compatible with a historic single family development pattern, including the Buchanan Cellers retail store north of the site and another mixed use building east of the site on the corner of 4th Street and Johnson Street.

The applicant also notes that there is no evidence in the 1980 survey sheet that the resource is associated with significant past events, persons, organizations, trends, or values that were important on a city, county, state, or national level (History criteria). The 1980 survey sheet also does not describe the resource as being representative of a particular style of type of construction, and as noted by the applicant, the survey sheet repeatedly lists some of the architectural features of the structure as “plain”. Some of the styles of architecture and style that are described further in the description of the “Style/Design” criteria that were used to identify other historic resources included “bungalow”, “rural vernacular”, “Queen Anne”, and “Italianate”, and none of these styles were included in the description of the structure in the 1980 survey sheet (Style/Design criteria). Staff did also review other Historic Resources Inventory sheets, and found other building styles were commonly identified including “revival”, “farmhouse”, and “colonial”. Staff also found that many Historic Resources Inventory sheets, primarily those for Distinctive (A) and Significant (B) resources, do have references to a particular building style.

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Again, the Historic Resources Inventory sheet for the subject resource does not include any description of any of these building styles.

Based on these findings by the applicant, the Historic Landmarks Committee could find that the historic resource does not meet the criteria for recognition today.

Staff would note that the evaluation provided by the applicant of the historic resource against the recognition review criteria would create a precedent in how other Environmental historic resources may be evaluated in the future. For example, if the fact that the Historic Resources Inventory sheet does not list any particular style of building is found to not satisfy the Style/Design criteria, the same rationale would apply to other Environmental resource descriptions in other Historic Resources Inventory sheets. However, as with any request being reviewed by the Historic Landmarks Committee, each request will be unique based on the resource in question and the level of integrity, location/environment, etc., and will be evaluated against the applicable review criteria at the time any future application is submitted.

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:

Staff generally finds that the applicant's arguments and findings could be found by the Historic Landmarks Committee to satisfy one of the applicable review criteria. Staff does not believe that the criteria related to the loss of qualities for which the resource was originally recognized is being achieved, based on the fact that many of the features still remain, albeit potentially in poor condition (as documented thoroughly by the applicant). Staff does believe that the Historic Landmarks Committee could find that the historic resource could be found to not satisfy the criteria for recognition if evaluated against those criteria today.

If the Historic Landmarks Committee finds that the applicable criteria have not been addressed by the applicant, the Committee may continue the application to allow the applicant to provide additional information or findings, or may deny the application. A denial of the application would require that findings for denial be provided by the Committee on the record, with a motion that staff prepare a decision document for denial based on those findings.

If the Historic Landmarks Committee finds that the applicant has provided adequate findings for the criteria related to the resource not satisfying the criteria for recognition today, staff recommends that the Committee approve the application with the findings of fact provided in the Decision Document attached to this staff report. A recommended motion for the approval of the land-use application is provided below:

MOTION FOR THE APPROVAL OF HL 1-20:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE HISTORIC LANDMARKS COMMITTEE

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APPROVE HL 1-20, BASED ON THE FINDINGS OF FACT PROVIDED IN THE DECISION DOCUMENT.

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. A recommended motion for the continuation of the application is provided below:

MOTION FOR THE CONTINUATION OF HL 1-20:

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 1-20 TO A COMMITTEE MEETING ON MARCH 26, 2020 AT 3:00 PM.

CD

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