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## EXHIBIT 3 - STAFF REPORT

**DATE:** May 14, 2020  
**TO:** Historic Landmark Committee Members  
**FROM:** Chuck Darnell, Senior Planner  
**SUBJECT:** PUBLIC MEETING: HL 3-20 (Certificate of Approval for Alteration) –  
835 NW Birch 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

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### Report in Brief:

This is a quasi-judicial review of a “Certificate of Approval for Alteration” land use application for alterations to the existing historic landmark and building located at 835 NW Birch Street (Tax Lot 9300, Section 20AA, T. 4 S., R. 4 W., W.M.). Alterations to existing historic landmarks that are designated on the Historic Resources Inventory need to be reviewed and receive approval for how their design complies with McMinnville’s historic preservation standards. Per the McMinnville Municipal Code (MMC), the McMinnville Historic Landmarks Committee serves as the decision-making body for the Certificate of Approval review. The applicant, Zachary Geary, Branch Geary Inc., on behalf of property owner Liz & Joe Wilkins, is requesting the Certificate of Approval for Alteration approval. The Certificate of Approval for Alteration request is subject to the review process described in Section 17.65.060 of the 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 835 NW Birch Street. The property identified as Tax Lot 9300, Section 20AA, T. 4 S., R. 4 W., W.M. **See Vicinity Map (Figure 1) below.**

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The applicant provided an overview of their proposal and project in the application narrative, which is as follows:

“This application is for the remodel of the existing single family home located at 835 NW Birch Street. Relative to the applicable review criteria, the exterior work of the project remodel includes two elements; the relocation of one window and the addition of one new window, and re-roofing the house to replace the aging asphalt shingles with standing-seam metal roofing.

The window elements of the project occur within the existing kitchen, which impacts the exterior wall along the South face of the house. See the attached provided site plan and photos to detail the location, but to summarize, the house is located on the corner lot of NW 9th and Birch, with Birch street to the East and 9th street to the North, putting the South side in-between this house and the neighbor to the South.

The re-roof of the house is needed for the health of the structure. The current roof, an asphalt composition roof, has reached it’s end-life. The current home owners are seeking approval to install a standing-seam metal roof on the structure.”

In addition, the applicant provided a description of the materials that were provided to support the application. This description is in response to a staff request for architectural drawings, including elevations of the proposed alteration, which are typically required of Certificate of Approval for Alteration applications. Their description of the materials is as follows:

“The project in total, beyond the scope requiring certificate of approval of alteration from the Historic Landmarks Committee, is a kitchen remodel. A kitchen remodel that expands the footprint of the kitchen, rearranges the primary appliances and plumbing in the kitchen, and updates finishes and fixtures. The project did not involve, nor necessitate an entire set of architectural drawings of the existing houses that rendered every square foot of the interior and every plane of the exterior. The creation of full exterior elevations to illustrate the metal roofing material approval request, we feel, is unwarranted. To assist both the Historic Landmarks Committee and staff in understanding the details of the material we have included diagrams, details, and specifics of the material proposed. Details on both the metal panels themselves (Metallion Industries “Loc-Seam” 24 gauge, 12” wide seam, concealed fastener system) and the host of trims and flashings. We hope the details included of the specific dimensions of the proposed standing seam metal roofing - width of panels, height of standing seam, etc. - and it’s specific treatments at the edges of roof gables, rake edges, eaves, valleys, and ridges are able to assist the Committee and staff in the deliberation and decision process in lieu of a full architectural set of elevations of the house.”

### **Discussion:**

The applicant has provided a partial elevation and illustrations identifying the improvements that would occur, should the Certificate of Approval for Alteration land-use application be approved. See Partial Elevations and Illustrations of Window Alterations (Figure 2 and Figure 3) below.

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**Figure 2. Partial Elevation**



**Figure 3. Illustrations of Window Alteration**



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### Applicable Criteria

Decisions and/or recommendations for approval of the land use application is 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 Certificate of Approval for Alteration in Section 17.65.060(B) of the MMC 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 following standards and guidelines:
  - a. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
  - b. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
  - c. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

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- d. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
  - e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
  - f. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
  - g. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
  - h. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
  - i. The Guidelines for Historic Preservation as published by the United States Secretary of the Interior.
3. The economic use of the historic resource and the reasonableness of the proposed alteration and their relationship to the public interest in the historic resource's preservation or renovation;
  4. The value and significance of the historic resource; and
  5. The physical condition of the historical resource.

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.

### **Summary of Proposal and Staff-Recommended Findings**

Overall, the alterations that are proposed do not impact the overall character-defining structural components of the historic landmark. The proposed alterations would not alter the structural components of the major features of the structure that are listed in the Historic Resources Inventory, including the cross-gabled roof with eave returns, foundation, and front porch with columns. The window alteration is proposed on a non-primary building elevation, which will be discussed in more detail below. The proposed re-roofing of the structure is more substantial, as it would result in a change in materials and appearance that would be highly visible on the entire structure.

Staff finds that the major components of the Certificate of Approval for Alteration request that are in question are the materials that are proposed to be used in the alterations, and also the addition of a new window in the building elevation.

The proposed materials of a standing seam metal roof and a new vinyl window are not the same as the historic materials that were original to the house, as documented in the Historic Resources Inventory sheet for the structure. While the applicant has provided evidence and argument that some of the original building materials have already been replaced, the applicable review criteria and Secretary of the Interior Standards focus more on the preservation and rehabilitation of historic features by using materials that are consistent or compatible with the original historic features and materials of the historic resource in question.

The applicable review criteria that provide the most specific requirements and guidance for building materials are in the Secretary of the Interior Standards (review criteria 17.65.060(B)(2)(i)). More specifically, the recommended guidelines for the Rehabilitation treatment, which this proposal falls within, provide guidance that would not support the use of the standing seam metal roof or the vinyl windows. Much more detail is provided on these applicable standards and criteria in the Decision Document, but staff will summarize those findings below.

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The applicant provided their own findings and argument for the proposed standing seam metal roof, primarily based on the fact that the Secretary of the Interior Standards do reference that metal was a material that was used for roofing in American history. Staff does acknowledge that the Secretary of the Interior Standards list metal as a type of roofing material, but does not find that any evidence was provided for metal roofing being a typical treatment on residential structures in the McMinnville region during the period of development of the historic resource in question. The examples that were provided by the applicant were of structures in other regions of the country (primarily east coast), and were not accompanied by any specific context as to whether the material was original or whether the structure was subject to the Secretary of the Interior Standards.

In addition, the Secretary of the Interior Standards provide multiple standards and other guidance that speak to new materials that are replacing missing historic features being compatible with the historic building. The Rehabilitation treatment guidance for the design of missing features states that a new material being used to replace a missing feature should be “compatible with the overall historic character of the building”. More specifically in regards to roofing materials, the National Park Service and Secretary of the Interior state in the “Roofing for Historic Buildings” Preservation Brief that “...the decision to use an alternative material should be weighed carefully against the primary concern to keep the historic character of the building” and that “...if the roof is readily visible, the alternative material should match as closely as possible the scale, texture, and coloration of the historic roofing material.”

Based on the information above, and as described in more detail in the findings in the Decision Document, staff does not believe that the standing seam metal roofing is compatible with the historic landmark in question. The standing seam metal roofing represents a change in materials that is different in physical composition, as metal is not an organic material such as wood (cedar shingles) or even an organic-based asphalt shingle. The standing seam metal roofing material is also different in scale, texture, and appearance. The historic roofing material was in the form of a shingle roofing material that had a repetitive design more in scale with the beveled siding of the remainder of the structure. The historic roofing material was also in the obvious shingle pattern and appearance, with a more robust texture to the building material than a standing seam metal roof would provide. The Preservation Brief referenced above also provides specific guidance that “Asphalt shingles or ceramic tiles are common substitute materials intended to duplicate the appearance of wood shingles...”, thereby providing a more specific example of a material that is compatible with the historic cedar (wood) shingles that previously existed on the historic landmark. Therefore, staff does not believe that the standing seam metal roofing material is a compatible substitute material for the missing historic roof feature.

The window alteration is somewhat unique, as it is not preserving an existing historic feature (vinyl windows exist today) or replacing a missing historic feature (the two existing windows would remain). The window alteration involves the relocation of one existing window to allow for a new window to be added to the structure. Staff would suggest that the Historic Landmarks Committee consider whether the proposed relocation of an existing window and addition of a new window would be consistent with the Secretary of the Interior Standards. The applicable review criteria that provide the most specific requirements and guidance related to the window alteration are in the Secretary of the Interior Standards (review criteria 17.65.060(B)(2)(i)). More specifically, the recommended guidelines for the Rehabilitation treatment, provide the following “Recommended” and “Not Recommended” guidelines:

Recommended Guideline: Adding new window openings on rear or other secondary, less visible elevations, if required by a new use. The new openings and the windows in them should be compatible with the overall design of the building but, in most cases, not duplicate the historic fenestration.

Not Recommended Guideline: Changing the number, location, size, or glazing pattern of windows on primary or highly-visible elevations which will alter the historic character of the building.

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Not Recommended Guideline: Cutting new openings on character-defining elevations or cutting new openings that damage or destroy significant features.

Not Recommended Guideline: Replacing a window that contributes to the historic character of the building with a new window that is different in design (such as glass divisions or muntin profiles), dimensions, materials (wood, metal, or glass), finish or color, or location that will have a noticeably different appearance from the historic windows, which may negatively impact the character of the building.

The proposed window alteration will occur on a rear elevation that is less visible and is not a prominent elevation, and the new window addition would also not duplicate any historic fenestration pattern that exists on the structure. However, the “Recommended” guideline above states that new window openings may be allowed on secondary, less visible elevations, “if required by a new use.” Therefore, staff would request that the Historic Landmarks Committee determine whether the proposed remodel of the single family structure would meet this guideline and allow for the new window opening. The Historic Landmarks Committee should also determine whether a change to the window fenestration pattern in this location of the structure would “negatively impact the character of the building”.

If the Historic Landmarks Committee finds that the window relocation and the new window addition do meet the Secretary of the Interior Standards, staff would then request that the Committee consider the proposed window materials. Staff does not believe that the proposed vinyl window material would be compatible with the overall design of the building and the historic character of the resource, as is required in the Secretary of the Interior Standards.

Wood windows and original siding have been replaced on the structure. The applicant has used this as the reasoning for installing a new vinyl window in this location, but staff would note that the Secretary of the Interior Standards require that “...new openings and the windows in them should be compatible with the overall design of the building...” when new windows are being added to a structure. Photographs provided by the applicant show that there are still some wood windows in existence on the house, so another wood window would not be inconsistent with this pattern. A new wood window could also be designed to be of the same size, form, and function as the adjacent vinyl windows to not be inconsistent in design or appearance.

### **Commission Options:**

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

### **Recommendation:**

Based on these applicable standards and findings, staff is suggesting that the Historic Landmarks Committee review the proposed alterations and make a determination of whether the relocation of an existing window to allow for the addition of a new window opening is found to meet the applicable Secretary of the Interior Standards, as discussed in more detail above.

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If the Historic Landmarks Committee finds that the addition of a new window opening meets the applicable standards, staff would recommend that the land use application be approved with conditions that require changes to the materials as proposed by the applicant. Staff has prepared a decision document that would reflect this decision, which includes suggested conditions of approval. The staff-suggested conditions would allow the window alteration if the new window was a wood window, and would allow the re-roofing of the structure if the roofing material was a like-for-like replacement of the existing asphalt shingle roofing material. This asphalt shingle material is found to be more compatible with the historic resource in question and more accurately duplicates the historic wood shingle roof that is missing, as is supported by the National Park Service Preservation Brief reference above and in detail in the findings in the Decision Document.

The staff-suggested conditions of approval, as specified in the draft decision document, include:

1. That the new window proposed on the south elevation shall be a wood window. The window shall be a double-hung, one-over-one window in the same dimension as the adjacent existing windows.
2. That the proposed standing seam metal roofing material is not allowed. The existing roofing material may be replaced with a like-for-like replacement of the asphalt shingle roofing material that currently exists on the structure. The replacement of the asphalt shingle roofing material shall maintain all of the existing forms and features of the roof, including the cross gables and eave returns.

If the Historic Landmarks Committee finds that the addition of a new window opening would not meet the applicable Secretary of the Interior Standards, staff would recommend that the Committee provide adequate findings on the record for the denial of the alteration. Alternatively, staff would recommend that the Committee provide direction on findings during their deliberations and continue the application to allow staff to draft an updated Decision Document that incorporates those findings, which could be reviewed at a future Committee meeting.

If the Historic Landmarks Committee finds that the addition of a new window opening meets the applicable standards, a recommended motion for the land-use application is provided below.

**MOTION FOR APPROVAL OF HL 3-20:**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE HISTORIC LANDMARKS COMMITTEE APPROVE HL 3-20, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.**

If the Historic Landmarks Committee does not find that the addition of a new window opening meets the applicable standards, a recommended motion for the land-use application is provided below.

**MOTION FOR CONTINUATION OF HL 3-20:**

**BASED ON THE MATERIALS SUBMITTED BY THE APPLICANT, THE HISTORIC LANDMARKS COMMITTEE FINDS THAT REVIEW CRITERIA ARE NOT BEING SATISFIED AND DIRECTS STAFF TO PROVIDE UPDATED FINDINGS AS DISCUSSED ON THE RECORD, AND CONTINUES HL 3-20 TO A COMMITTEE MEETING ON [ENTER A DATE FOR FUTURE COMMITTEE MEETING].**

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