



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

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[www.mcminnvilleoregon.gov](http://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.

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Attachments:

Attachment 1 – Application and Attachments



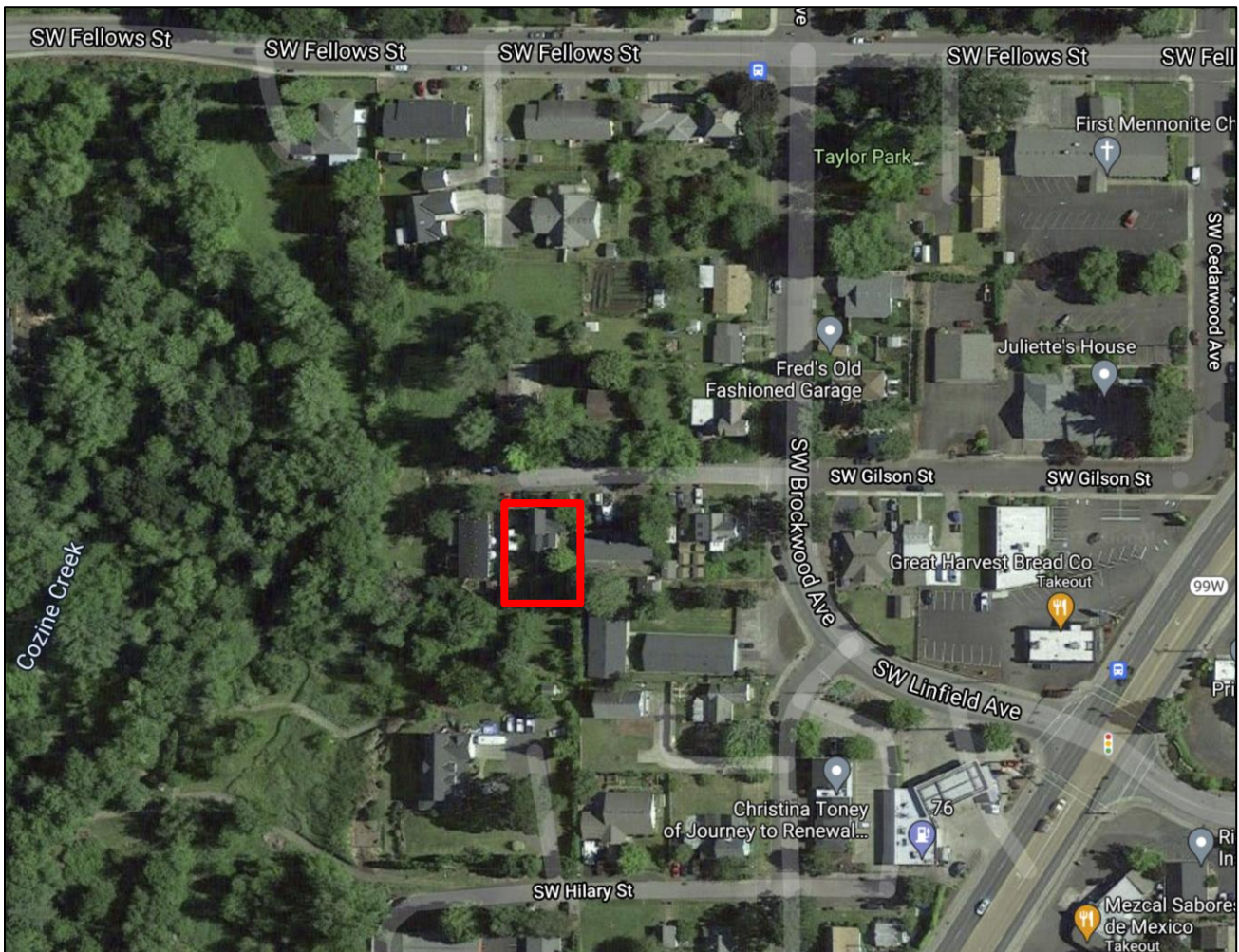
**I. APPLICATION SUMMARY:**

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**



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**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;

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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**

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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.

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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.

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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

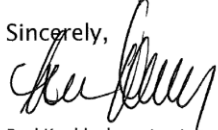
TO WHOM IT MAY CONCERN:

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

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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.

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<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.

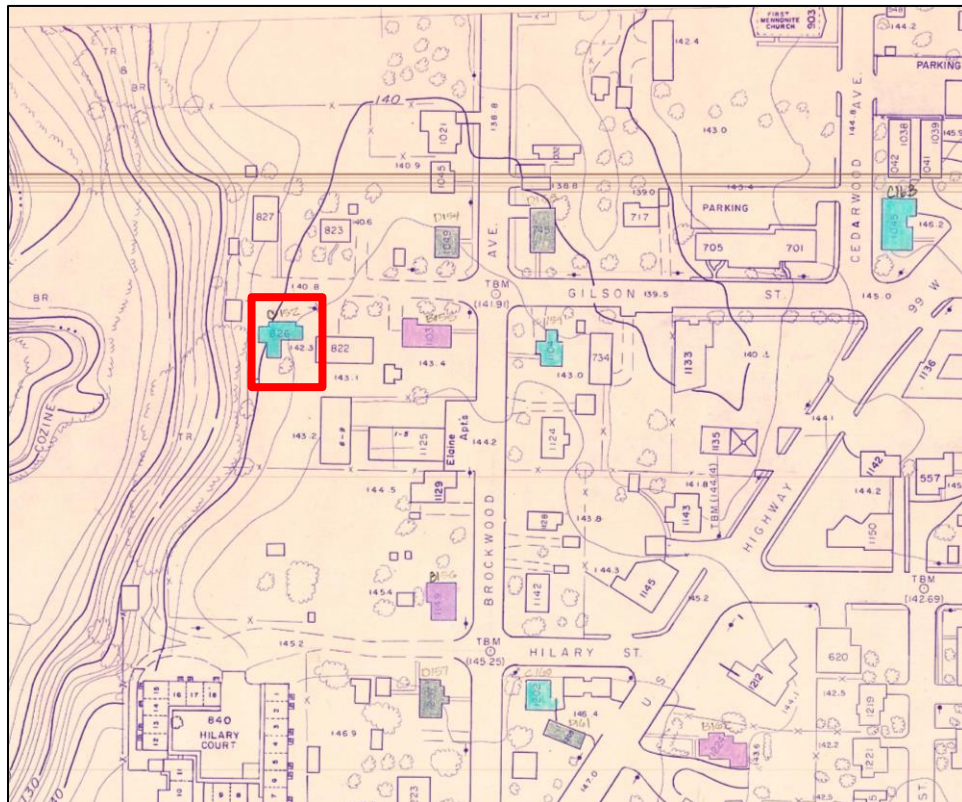
The proposed project will increase the tax revenue value of the site.

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.

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