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EXHIBIT 3 - STAFF REPORT

DATE: September 1, 2021
TO: Historic Landmark Committee Members
FROM: Chuck Darnell, Senior Planner
SUBJECT: PUBLIC MEETING: HL 4-21 (Certificate of Approval for Alteration) –
300, 303, 406 and 546 NE 3rd Street

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

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

Report in Brief:

This is a quasi-judicial review of a “Certificate of Approval for Alteration” land use application for alterations to four (4) existing historic landmarks that are listed on the McMinnville Historic Resources Inventory and also contributing buildings within the McMinnville Downtown Historic District. Alterations to existing historic landmarks that are designated on the Historic Resources Inventory of contributing within a National Register of Historic Places district 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, the McMinnville Downtown Association, on behalf of each of the four (4) property owners, 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:

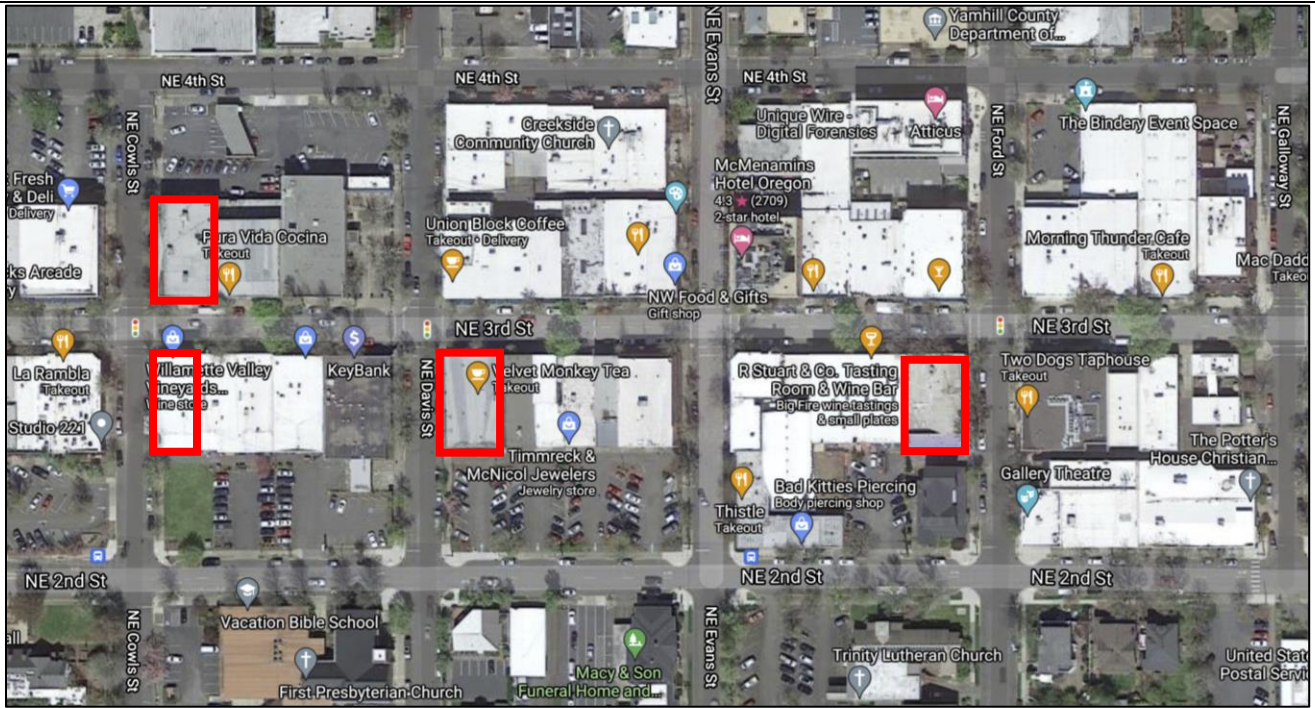
The subject properties are located at 300, 303, 406 and 546 NE 3rd Street. The properties are also identified as Tax Lot 8700, 6400, 9500, and 9700, Section 21BC, T. 4 S., R. 4 W., W.M. **See Vicinity Map (Figure 1) below.**

Figure 1. Vicinity Map (Property Lines Approximate)

Attachments:

Attachment A: Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of HL 4-21

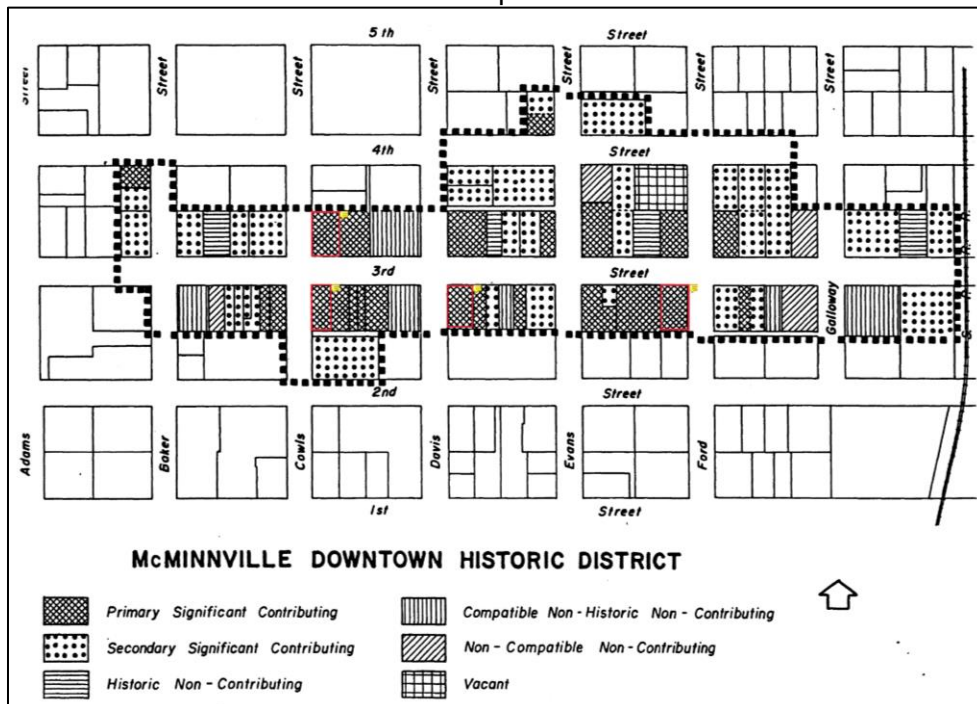
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The existing buildings are listed on the Historic Resources Inventory as follows:

- 300 NE 3rd Street – Distinctive resource (resource number A450)
- 303 NE 3rd Street – Significant Resource (resource number B449)
- 406 NE 3rd Street – Distinctive Resource (resource number A476)
- 546 NE 3rd Street – Environmental Resource (resource number D856)

The existing buildings are all listed as “Primary Significant Contributing” within the McMinnville Downtown Historic District that is listed on the National Register of Historic Places. A map identifying the buildings within the McMinnville Downtown Historic District is provided below:



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The applicant provided an overview of their proposal and project in the application narrative, which is as follows (note – the applicant’s entire overview and project proposal, which is more detailed, is contained within the Decision Document):

“The MDA in association with Visit McMinnville pursued and was awarded a grant from Travel Oregon for downtown improvements enhancing the Dine Out(Side) initiative. Key to this request was addressing lighting improvements to corridors leading to back-lot parking areas.

Safety

With 3rd Street closed for 18 weekends June-September, parking has been eliminated to make room for outdoor dining. Cross streets have remained open accommodating parking in near proximity, and city parking lots located behind 3rd Street businesses are in greater use by evening customers. Each weekend evening approximately 600 residents and visitors are seen frequenting food and beverage establishments. Safe pedestrian passage is paramount to ensuring that the experience is positive. Improved lighting achieves this objective not only for Dine Out but when shorter days of winter are upon us.

Property Protection

Over the past 18 months there has been an increase in vandalism pertaining to graffiti marking of buildings. This has led to property owner expense in elimination of repainting of facades in the downtown core. The greatest impediment to vandalism is increased lighting of dark corridors and public spaces.

The Project

In cooperation with the MDA Design Committee (Rob Stephenson, Patti Webb, Kent Taylor, Chuck Darnell, Patty Sorensen), the Passageway Lighting Project was proposed as part of the grant application to meet the above concerns. Careful thought was given as to how application of additional lighting could be achieved both affordably and without jeopardizing building character. Zack Geary and Jeb McMullen (McMullen Electric) were asked to evaluate potential building locations and the feasibility to install aesthetically pleasing yet commercially rated fixtures for installation. The MDA looked to a recent project implemented in downtown Vancouver entitled “Spruce the Couve”. This initiative too was undertaken with similar reasoning as to safety and property protection. Elements of their project have been adopted for use here in McMinnville.”

Discussion:

The applicant has provided illustrations identifying each building wall and the locations and dimensions of the proposed lighting installations, and also descriptions of how the lighting and conduit will be installed. See Building Wall Illustrations & Descriptions (Figure 2) below.

Figure 2. Building Wall Illustrations & Descriptions

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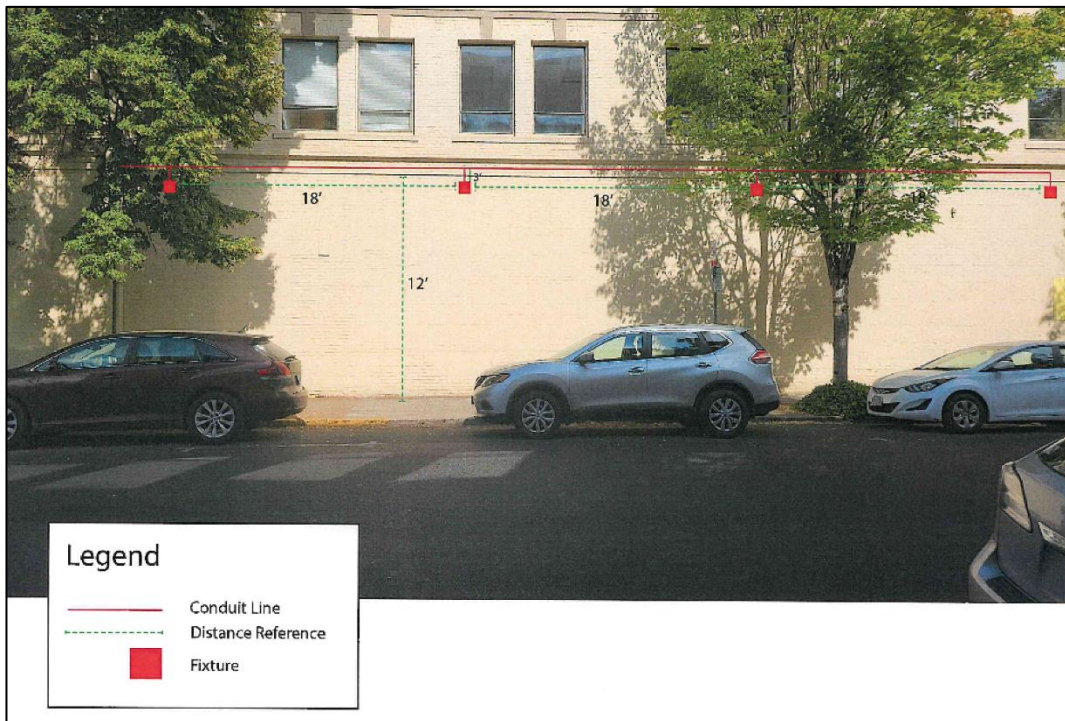
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300 NE 3rd Street (West Façade)



300 NE 3rd Street
 - 3 lights on west wall. Conduit would be attached at the 1st and 2nd story paint transition line. Conduit would be painted to match the tan-colored upper exterior. Connection outlet is located above the rear Cows Street doorway to an existing light outlet.

303 NE 3rd Street (West Façade)



303 NE 3rd Street
 - 4 lights on west wall, 2 lights on north wall. Conduit would be attached immediately below the 2nd story brick overhang transition line. Conduit would be painted to match building exterior color. Connection outlet is located between the far right and 2nd light fixture below the conduit line on Cows Street.

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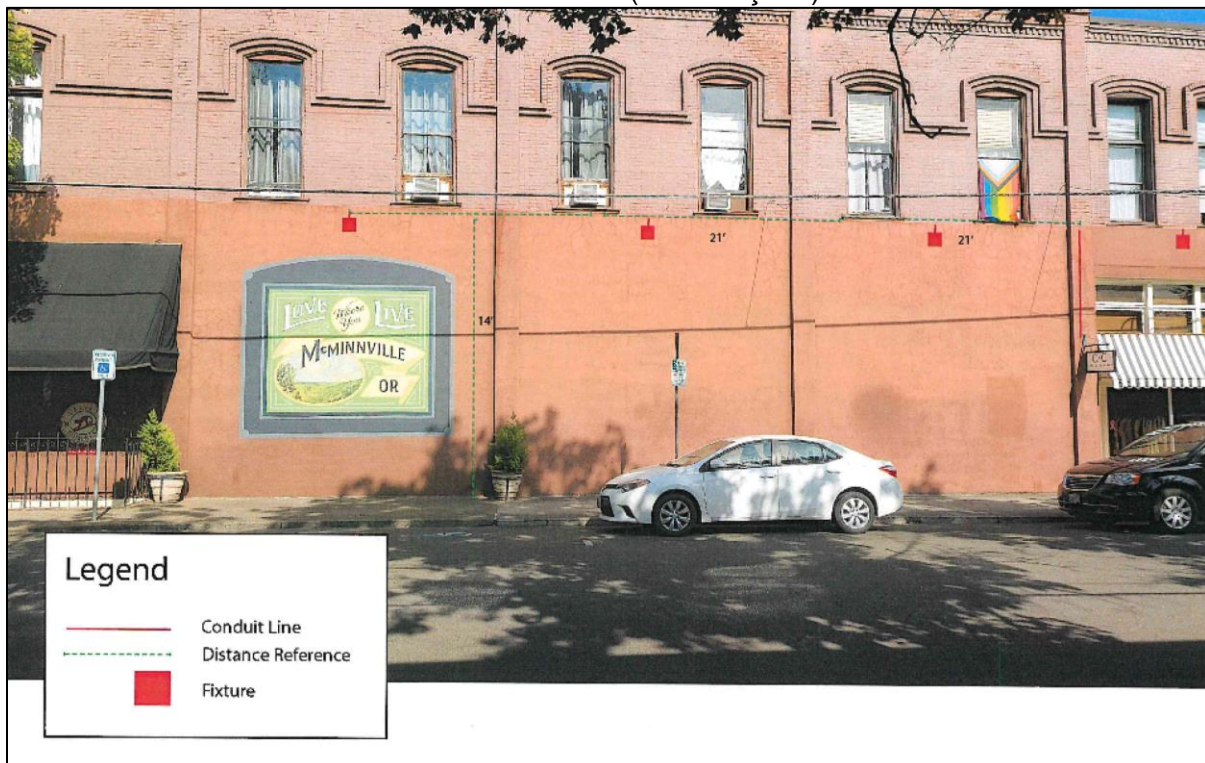
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303 NE 3rd Street (North Façade)



406 NE 3rd Street (West Façade)



406 NE 3rd Street – 3 lights on west wall. Conduit would be attached at the brick and stucco transition line below 2nd story window casing. Conduit would be painted to match the mauve-colored upper stucco exterior or salmon-colored lower brick exterior depending upon best concealment. Connection outlet is located beneath the canopy at the back entrance to Cupcake Couture on Davis Street.

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546 NE 3rd Street (East Façade)

546 NE 3rd Street – 3 lights on west wall. Conduit would be attached at the 1st and 2nd story paint transition line. Conduit would be painted to match the salmon-colored upper façade or dark brown-colored lower façade depending upon best concealment. Connection outlet is located at the front of the building on along paint transition line on 3rd Street.

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.

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- 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.
 - 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 are fairly minor, in that they are for the proposed installation and mounting of lighting fixtures on the exterior of the side or rear building facades of the four buildings in question. Staff does not believe that the installation of the lighting fixtures themselves would be considered any form of significant alteration, as the lighting fixtures would result in minimal impact to the exterior building facades and materials in the locations where the lighting fixtures are mounted. Staff believes that the lighting fixtures are also of a style that could be found to be historically compatible with the buildings. In addition, the lighting fixtures are proposed in locations that are on the side and rear facades of the building, and not the more prominent front (3rd Street) facing facades of each building where many of the more character-defining features of each building exist. The lighting is also proposed in locations that do not directly impact or alter any historic building feature or architectural detailing, such as brick or stucco detailing, cornices, piers, or windows.

However, the proposal does include the installation of externally-mounted conduit to provide electrical service to each lighting fixture, which may be the component of the proposal that is more visually identifiable on the building facades. There are other alternative methods of providing electrical service to exterior building wall lights, such as through the use of wiring and services from the interior of the structure. However, evidence of the feasibility of this method of electrical service was not provided, and details of the interior of each building was not provided. Staff would recommend that the Historic Landmarks Committee consider the implications and precedence of allowing externally-mounted conduit for utility installations (in this case lighting), and weigh that against the applicable review criteria for an

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alteration of a historic resource. The Committee could also consider any specific details of the proposed project, such as the locations and building facades impacted (side and rear facades) or the proposed placement or concealment techniques, that could be specifically referenced in findings to result in the City's decision to find the proposal to be reasonable and achieving the applicable Certificate of Approval review criteria in this particular scenario.

The applicant is proposing methods of installation to reduce any potential visual impact of the externally-mounted conduit, which include placement at locations where paint color switches on the building façade between upper and lower stories or along horizontal ridges within the building façade that would help to screen the conduit from view. The applicant has requested that the contractor use the smallest conduit possible to provide adequate service (1/2" conduit), and is proposing to paint all conduit and conduit straps the same color as the building wall in an effort to visually blend the conduit into the building façade.

The proposed alterations (exterior lighting) are not specifically referenced in the Secretary of the Interior's Standards for the Treatment of Historic Properties, but the most applicable section of the Secretary of the Interior's Standards may be the "Mechanical Systems" section of guidelines within the Rehabilitation Treatment. Some of these applicable guidelines are also shown below:

Recommended Guideline: Installing a new mechanical system, if required, so that it results in the least alteration possible to the historic building and its character-defining features.

Recommended Guideline: Concealing HVAC ductwork in finished interior spaces, when possible, by installing it in secondary spaces (such as closets, attics, basements, or crawl spaces) or in appropriately-located, furred-down soffits.

Not Recommended Guideline: Installing a new mechanical system so that character-defining structural or interior features are radically changed, damaged, or destroyed.

Not Recommended Guideline: Installing systems and ducts, pipes, and cables in walls or ceilings in a manner that results in extensive loss or damage or otherwise obscures historic building materials and character-defining features.

Based on the proposed installation methods, which include locations on side or rear facades that avoid character defining features and other conduit concealment techniques, staff believes that it could be found that the installation of the new system (in this case exterior lighting) could be found to be being completed in a manner that results in minimal alterations to the historic building and its character-defining features. Staff also believes that the Committee could find that the proposed installation does not rise to the level of radically changing, damaging, or destroying any character-defining building features, which would be not-recommended by the Secretary of the Interior's standards.

Staff would also point out that the proposed installation would result in the lighting fixtures and conduit to be removed from the building walls in the future, should the building owners or the overall downtown district no longer require the lighting. The conduit could also be removed if electric service was ever able to be provided to the lighting fixtures from the interior of any of the buildings during more substantial renovation work.

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.

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- 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:

If the Historic Landmarks Committee finds that the proposal meets the applicable standards, staff would recommend that the land use application be approved. Staff has prepared a decision document that would reflect this decision, which is attached to this staff report.

If the Historic Landmarks Committee finds that proposal does not meet the applicable review criteria or the 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 either allow for staff to draft an updated Decision Document that incorporates those findings, or to allow the applicant to provide additional information that addresses those findings. These additional findings or information could then be reviewed at a future Committee meeting.

MOTION FOR APPROVAL OF HL 4-21:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE HISTORIC LANDMARKS COMMITTEE APPROVES HL 4-21.

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

MOTION FOR CONTINUATION OF HL 4-21:

BASED ON THE MATERIALS SUBMITTED BY THE APPLICANT, THE HISTORIC LANDMARKS COMMITTEE FINDS THAT REVIEW CRITERIA ARE NOT BEING SATISFIED AND DIRECTS STAFF OR THE APPLICANT TO PROVIDE UPDATED FINDINGS AS DISCUSSED ON THE RECORD, AND CONTINUES HL 4-21 TO A COMMITTEE MEETING ON [ENTER A DATE FOR FUTURE COMMITTEE MEETING].

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