



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

503-434-7311

www.mcminnvilleoregon.gov

DECISION, FINDINGS OF FACT, AND CONCLUSIONARY FINDINGS OF THE MCMINNVILLE HISTORIC LANDMARKS COMMITTEE FOR APPROVAL OF THE DEMOLITION OF A HISTORIC RESOURCE AT 631 NE 1ST STREET

- DOCKET:** HL 1-18
- REQUEST:** The applicant has submitted a Certificate of Approval application to request the demolition of a historic resource that is listed on the Historic Resources Inventory. The resource is designated as an “Environmental” historic resource (Resource D878), and is therefore subject to the Certificate of Approval demolition review process required by Section 17.65.050 of the McMinnville City Code.
- LOCATION:** The subject site is located at 631 NE 1st Street, and is more specifically described as Tax Lot 11300, Section 21BC, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site is designated as Commercial on the McMinnville Comprehensive Plan Map, and is zoned C-3 (General Commercial).
- APPLICANT:** Brigitte and Clark Hoss
- STAFF:** Chuck Darnell, Associate Planner
- DATE DEEMED COMPLETE:** April 9, 2018
- DECISION-MAKING BODY:** McMinnville Historic Landmarks Committee
- DATE & TIME:** April 25, 2018. Meeting was held at the Community Development Center, 231 NE 5th Street, McMinnville, OR 97128.
- COMMENTS:** Public notice was provided to owners of properties within 300 feet of the subject site, as required by Section 17.65.070(C) of the McMinnville City Code. The Planning Department received one item of public testimony prior to the public meeting, which is included in this document as an attachment.

Attachments:

- Attachment 1 – Certificate of Approval Application
Attachment 2 – Historic Resources Inventory Sheet for Resource D878
Attachment 3 – Public Testimony – SoDAN Neighborhood

DECISION

Based on the findings and conclusions, the Historic Landmarks Committee **APPROVES** the demolition of the historic resource at 631 NE 1st Street (Resource D878).

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DECISION: APPROVAL
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Planning Staff: Chuck Darnell
Chuck Darnell, Associate Planner

Date: 5-1-18

Planning Department: Heather Richards
Heather Richards, Planning Director

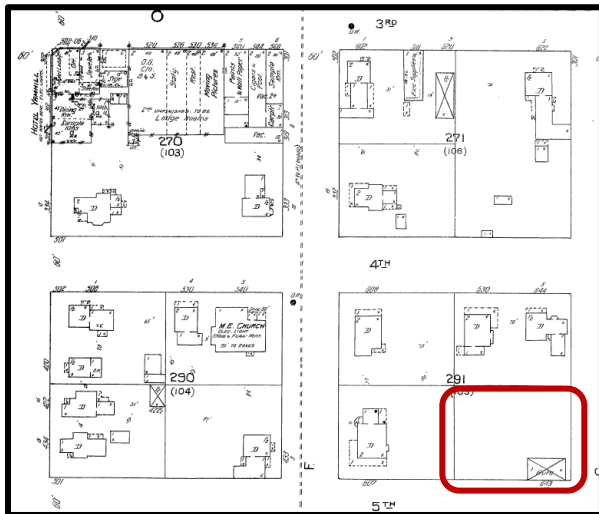
Date: 5-1-18

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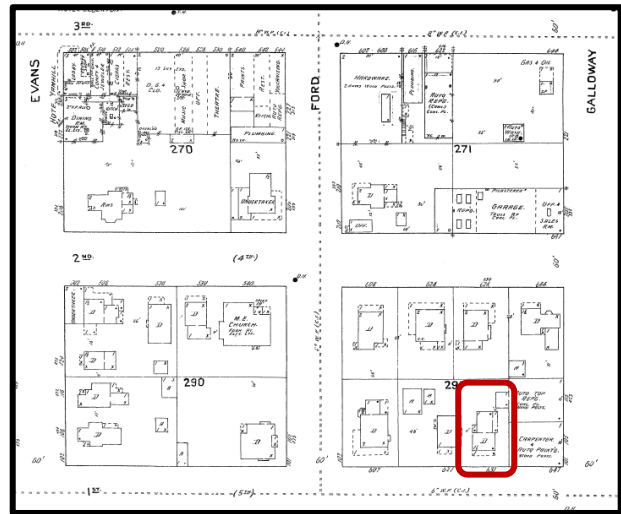
APPLICATION SUMMARY:

The applicants, Brigitte and Clark Hoss, submitted a Certificate of Approval application to request the demolition of a historic resource that is listed on the Historic Resources Inventory. The subject property is located at 631 NE 1st Street, and is more specifically described as Tax Lot 11300, Section 21BC, T. 4 S., R. 4 W., W.M.

The historic designation for this particular historic resource relates to the structure itself. The structure, which has been used as a residential structure, is located close to the downtown core of McMinnville. The 1980 survey form identifying the structure as a historic resource estimated a construction date of 1885, with additions in 1920 and more recently on the rear of the structure. However, Sanborn Maps do not show the existence of the structure until the 1928 set of Sanborn Maps which also include both the front and rear additions.



1912 Sanborn Map



1928 Sanborn Map

The structure is designated as an “Environmental” historic resource (Resource D878), which is the lowest category of historic resource on the Historic Resources Inventory. The statement of historical significance and description of the property, as described in the Historic Resources Inventory sheet, is as follows:

Two-story rectangle with a hipped roof porch across front which has been partly enclosed with imitation asphalt brick siding. Main building has wooden quoins, brick chimney, novelty siding and asphalt shingles. Fascia boards over cement foundation. Side has three double-hung windows below and two above. Extension on back has screened porches. In poor condition, small lot.

Porch is later addition.

Chapter 17.65 (Historic Preservation) of the McMinnville City Code requires that the Historic Landmarks Committee review and approve a Certificate of Approval for a request to demolish any historic resource.

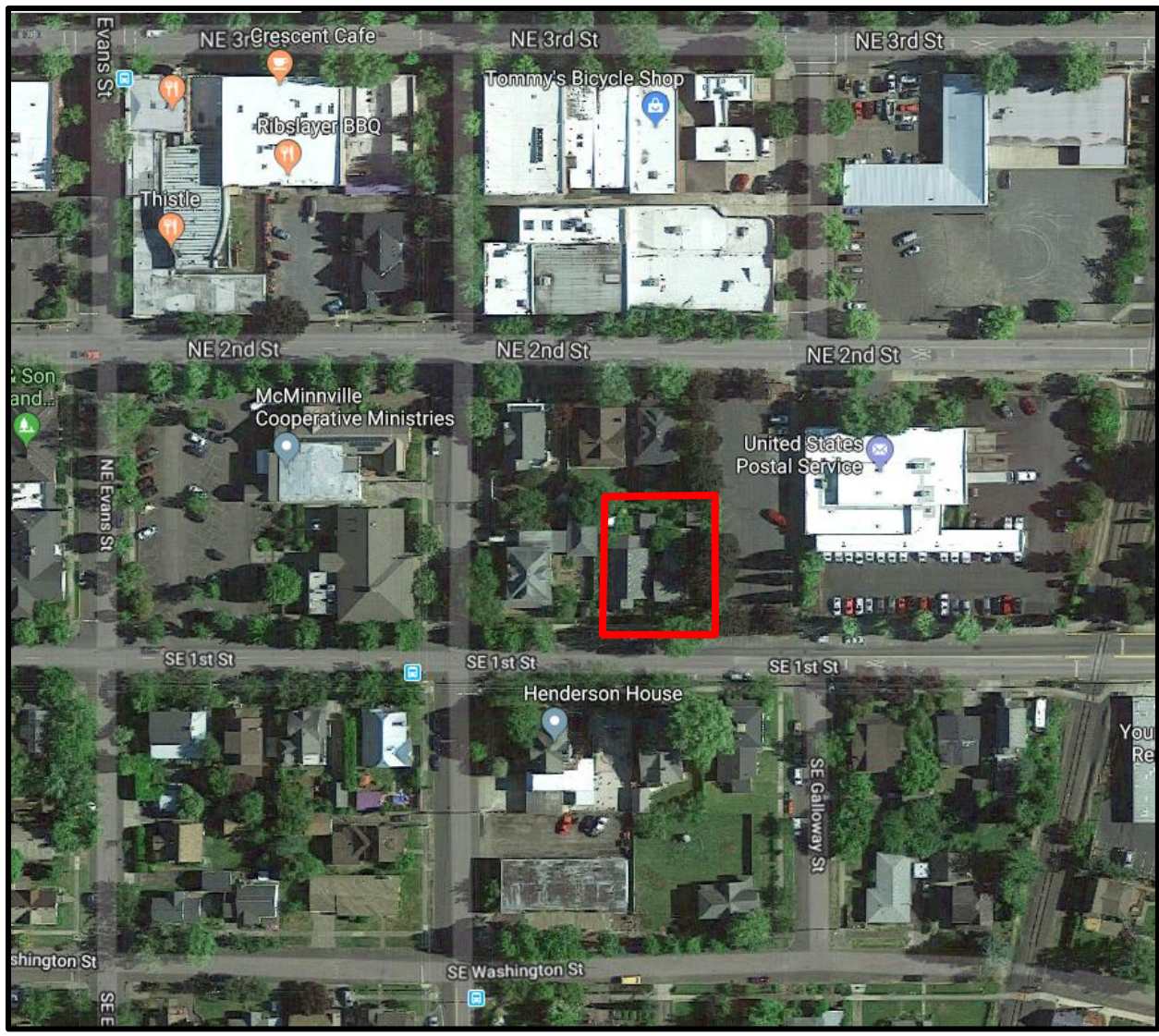
Photos of the existing structure and a map of the current location of the historic resource are identified below:

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- Attachment 3 – Public Testimony – SoDAN Neighborhood



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ATTACHMENTS

1. Certificate of Approval Application (on file with the Planning Department)
2. Historic Resources Inventory Sheet for Resource D878 (on file with the Planning Department)
3. Public Testimony – SoDAN Neighborhood (on file with the Planning Department)

COMMENTS

This matter was not referred to other public agencies for comment.

FINDINGS OF FACT

1. Brigitte and Clark Hoss submitted a Certificate of Approval application to request the demolition of a historic resource that is listed on the Historic Resources Inventory. The subject property is located at 631 NE 1st Street, and is more specifically described as Tax Lot 11300, Section 21BC, T. 4 S., R. 4 W., W.M.

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2. The site is currently zoned C-3 (General Commercial), and is designated as Commercial on the McMinnville Comprehensive Plan Map, 1980.
3. Notice of the demolition request was provided to property owners within 300 feet of the subject site. The Planning Department received one item of public testimony prior to the public meeting, which is included in this document as an attachment.
4. A public meeting was held by the Historic Landmarks Committee on April 25, 2018 to review the proposal.

CONCLUSIONARY FINDINGS

McMinnville's Comprehensive Plan:

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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

Finding: The focus of the comprehensive plan goal is to restore and preserve structures that have special historical or architectural significance. A demolition clearly does not meet that intent. However, the Historic Landmarks Committee after reviewing the evidence and hearing the public testimony decided that other criteria for the consideration of the demolition were met to allow the demolition to move forward. Those will be described in more detail below.

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

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.

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Historic Landmarks Committee review of the request and recommendation at an advertised public meeting. All members of the public have access to provide testimony and ask questions during the public review and meeting process.

McMinnville's City Code:

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

17.65.040 Certificate of Approval Process. A property owner shall obtain a Certificate of Approval from the Historic Landmarks Committee, subject to the procedures listed in Section 17.65.050 and Section 17.65.060 of this chapter, prior to any of the following activities:

- A. The alteration, demolition, or moving of any historic landmark, or any resource that is listed on the National Register for Historic Places;

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1. Accessory structures and non-contributing resources within a National Register for Historic Places nomination are excluded from the Certificate of Approval process.
- B. New construction on historical sites on which no structure exists;
- C. The demolition or moving of any historic resource.

Finding: The applicant submitted an application for a Certificate of Approval to request the demolition of the structure, which is listed on the Historic Resources Inventory as an “Environmental” historic resource per Section 17.65.040 (C).

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.

- A. The Historic Landmarks Committee may approve, approve with conditions, or deny the application.

Finding: The Historic Landmarks Committee, after reviewing the request during a public meeting and offering an opportunity for public testimony, decided to approve the demolition request and Certificate of Approval.

- B. The Historic Landmarks Committee shall base its decision on the following criteria:
 1. The City’s historic policies set forth in the comprehensive plan and the purpose of this ordinance;

Finding: The City’s historic policies in the comprehensive plan focus on the establishment of the Historic Landmarks Committee, however, the goal 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 restore and preserve structures that have special historical or architectural significance. A demolition clearly does not meet that intent, so the other demolition review criteria that were established as part of the City’s Historic Preservation program must be met in order to approve the demolition. Those will be described in more detail below.

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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;

Finding: The historic resource was most recently used as a duplex, with two separate dwelling units within the residential structure. However, it has been sitting vacant for a number of years, which has led to deterioration and a loss of economic value of the structure on the site. The applicant has provided information from the seller and current owner of the property, which shows that the appraised value of the property was identified recently at \$135,000. Based on this value, and the extensive remodeling that would be required to bring the building up to code and still be consistent with the historic preservation design standards and guidelines, the applicant is arguing that it is not economically feasible to rehabilitate the structure.

The applicant did not provided a contractor's estimate of the work that would be required to bring the structure into a better state of repair. However, the current owner has stated that two previous interested buyers had decided not to close on the property after due diligence based on the economic feasibility of rehabilitating the structure. Also, the Historic Landmarks Committee received public testimony during the public meeting from multiple other parties that had investigated the property and determined that the renovation of the existing structure was not economically feasible. This information provided evidence that it was not feasible for most past interested parties to rehabilitate the existing structure. Therefore, the proposal is reasonable and that the demolition is warranted based on the economic use of the existing structure.

3. The value and significance of the historic resource;

Finding: The historic resource is listed as the lowest of the four possible tiers on the Historic Resources Inventory, being an "Environmental" resource (Resource D878), and was designated at this level at the time of listing because in that time it was also "in poor condition", as noted on the statement of historic significance on the property's Historic Resources Inventory sheet.

In examining the original report and inventory work that led to the completion of the Historic Resources Inventory, it was determined that this historic resource was determined to be a lower level of significance, and was not even selected to be evaluated against the review criteria used to score most of the historic resources being inventoried. The methodology for the original designation of each historic resource during the completion of the Historic Resources Inventory was based on an evaluation of how well each resource met a set of review criteria. The four review criteria were:

- History
- Style/Design
- Integrity
- Environment

During the original evaluation, values were assigned to each criteria for each historic resource under consideration. Values of 0 - 3 were assigned to the History and Style/Design criteria categories. Values of 0 - 2 were assigned to the Integrity and Environment criteria categories. Values were totaled, and the total value resulted in the level of designation that a historic resource was given. The four levels of designation were assigned based on the following total values:

- Distinctive resources: Values of 9 - 10
- Significant resources: Values of 7 - 8
- Contributory resources: Values of 5 - 6
- Environmental resources: Values of Less than 5

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As noted above, the historic resource in question was removed from the process prior to the assignment of values to the four review criteria. All resources that were removed from the process prior to the more specific review were kept in the Historic Resources Inventory, but only as “Environmental” historic resources.

The structure is not listed as a “Distinctive” or “Significant” historic resource (which are defined as “historic landmarks”). Therefore, anyone that did renovate or remodel the structure would not be required to follow the Historic Preservation standards and guidelines in Chapter 17.65 (Historic Preservation) of the McMinnville City Code. The subject site is subject to the Downtown Design Standards and Guidelines, but those do not specifically require historical materials to be saved or restored.

The Historic Landmarks Committee found that the significance of the historic resource did not outweigh the other circumstances associated with the structure, as discussed in more detail in the findings for the other applicable demolition review criteria.

4. The physical condition of the historic resource;

Finding: The applicant has provided photo evidence of the exterior of the building showing some of the poor condition of the structure. No photos were provided of the interior, but the applicant has stated that there is extensive rot and damage that has occurred during the time that the structure has been vacant. There have been numerous reported break-ins to the structure, which has caused damage on the exterior and the interior. The applicant has stated that the interior floors, walls, and woodwork are all severely damage, missing, molded and/or rotted. The applicant also has concerns of bio-hazard issues from the break-ins and squatting and drug activities that have occurred in the structure. The Historic Landmarks Committee received public testimony during the public meeting from multiple other parties that have experience with the property that the existing condition of the historic resource is very poor.

The applicant provided photos, which are attached to this staff report, to show the physical condition of the resource. Current doors are low cost replacement doors and are not original to the structure. The chimney has not been maintained, and the brick has been painted over and is disintegrating in places.

Based on the physical condition of the historic resource the Historic Landmarks Committee found that this review criteria is satisfied.

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

Finding: The applicant has argued that the historic resource has become a public safety hazard based on the deterioration that has occurred during the time that it has been vacant. They have also referenced the fact that there are break-ins and squatting occurring on the property, which causes safety concerns for the surrounding neighborhood. The applicant discussed their intentions with some surrounding property owners prior to submitting their application, and stated that they have received support from those neighbors to demolish the structure. The existing structure would not be suitable for occupation at this point, so would constitute a hazard to any occupant.

The Historic Landmarks Committee received multiple items of public testimony related to the historic resource and concerns about it as a hazard to the safety of the surrounding neighborhood. Due to the neglect of the structure and the illegal activity occurring, neighboring property owners are concerned about fire hazards and potential damage to surrounding property. The public testimony provided supported the applicant’s arguments that the neglect of the structure has led to the historic resource

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becoming a hazard to the safety of the public, and also the occupants of this historic resource. The testimony provided supported the fact that the historic resource was being occupied illegally by individuals who break into the structure, and that there have been numerous calls about and visits to the property from the McMinnville Police Department. Based on these conditions and the public testimony provided, the Historic Landmarks Committee finds that the historic resource constitutes a hazard to the public and the structure's occupants, and that the current status of the home warrants the approval of the demolition request.

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;

Finding: The historic resource in question is not a deterrent to an improvement program, so this criteria is not applicable.

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

Finding: The applicant has expressed concern that the retention of the historic resource would cause financial hardship. As described in more detail above, the applicant is arguing that the level of investment required for the historic resource to be improved likely would not be financially feasible. This was supported by multiple items of public testimony provided to the Historic Landmarks Committee during the public meeting. Therefore, considering these conditions, the financial hardship caused to the owner would not outweigh the public interest in the preservation of the existing structure.

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.

Finding: The applicant has provided arguments that the existing structure is negatively impacting the surrounding neighborhood in terms of crime and safety issues associated with the structure sitting vacant, as well as the negative impact the existing structure might be having on surrounding property owners. However, the fact that the structure is designated on the Historic Resources Inventory does mean that it provides some benefit to the overall historic character and history of the City of McMinnville. The Historic Landmarks Committee finds that other required review criteria are satisfied, including the economic use of the historic resource, the physical condition of the historic resource, and the public safety hazard created by the existing historic resource. Therefore, the Historic Landmarks Committee finds that the retention of the historic resource is not in the best interests of a majority of the citizens of the City.

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.

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Finding: Notice was provided to property owners located within 300 feet of the historic resource. A copy of the written notice provided to property owners is on file with the Planning Department.

CD:sjs

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