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EXHIBIT 2 - STAFF REPORT

DATE:December 20, 2018TO:Planning CommissionersFROM:Chuck Darnell, Senior PlannerSUBJECT:AP 2-18 – 219 SE Lincoln Street

Report in Brief:

This is a public hearing to consider an appeal of a recent Historic Landmarks Committee decision. The Historic Landmarks Committee recently reviewed an application (HL 10-18) for a Certificate of Approval for exterior alterations to a historic landmark located at 219 SE Lincoln Street. The subject property is listed on the McMinnville Historic Resources Inventory as a Significant resource (resource number B430). The subject property is located at 219 SE Lincoln Street, and is more specifically described as Tax Lot 5000, Section 21CB, T. 4 S., R. 4 W., W.M.

A Certificate of Approval is defined in Section 17.06.060 of the McMinnville City Code as "a decision issued by the Historic Landmarks Committee to approve the alteration, demolition or moving of a historic resource or landmark". An alteration is defined in Section 17.06.060 as "the addition to, removal of, removal from, or physical modification and/or repair of any exterior part or portion of an historic resource that results in a change in design, materials or appearance. Painting, reroofing, and general repairs are not alterations when the new materials and/or colors match those already in use."

Historic landmarks are defined in Section 17.06.060 as "any historic resource which is classified as "Distinctive" or "Significant" on the McMinnville Historic Resources Inventory. [...]"

Section 17.65.060 of the McMinnville City Code provides the criteria for which the Historic Landmarks Committee must make a decision about approving a Certificate of Approval for the exterior alteration of a historic resource.

The Historic Landmarks Committee, after reviewing the application during a public meeting and providing an opportunity for public testimony, voted unanimously to deny the Certificate of Approval application (HL 10-18), providing findings of fact in a decision document to support the decision. The applicant, Terry Hall on behalf of property owner Jeff Sauter, submitted an Appeal application appealing the Historic Landmarks Committee's decision to deny the Certificate of Approval application. The Appeal application was submitted within the 15 day appeal period that began on the date that the written notice of the Historic Landmarks Committee decision was mailed. When an appeal of a decision by the Historic Landmarks Committee is filed, Section 17.65.080 of the McMinnville City Code states that the Planning Commission

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shall receive a report and a recommendation from the Historic Landmarks Committee and shall hold a public hearing on the appeal.

Background:

Terry Hall, the original applicant on behalf of property owner Jeff Sauter, submitted a Certificate of Approval application (HL 10-18) to request exterior alterations to a residential building that is listed on the McMinnville Historic Resources Inventory as a Significant resource (B430). The subject property is located at 219 SE Lincoln Street, and is more specifically described as Tax Lot 5000, Section 21CB, T. 4 S., R. 4 W., W.M.

The historic designation for this particular historic resource is associated with the structure and the original owner of the building. The statement of historical significance and description of the property, as described in the Historic Resources Inventory sheet, is as follows:

This two-story gabled rural vernacular structure is built on a Latin cross plan with an encircling porch and other detailing showing influence from Queen Anne eclecticism. The siding is "drop' siding except for the upper gables above the windows which are shingled in courses of diamond and imbricated patterns. The central chimney has a corbelled cap. The shed porch roof forms a pediment with fan detail over the porch steps. The detailed porch frieze includes small scroll brackets.

The eaves are boxed with vergeboards, ends rounded as if knobs. The porch railing of simple square section spindle is missing except for the east side sections. Windows are predominately double hung 1/1 with a large fixed sash window on the first story street façade. This window as well as the paneled door windows have single stained (colored) glass side lights. Door and window frames have a single cornice cap except where belt boards form the upper frame member.

Julia Gault and her husband built this house.

Section 17.65.040(A) of the McMinnville City Code requires that the Historic Landmarks Committee (HLC) review and approve a Certificate of Approval for a request to alter any resource that is considered a historic landmark and/or listed on the National Register of Historic Places as a contributing resource. Since the subject property is classified as a historic landmark, the Certificate of Approval review was required.

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The current location of the historic landmark is identified below (outline of property is approximate):



The photo from the time of the survey of the building that led to it being listed on the Historic Resources Inventory, as shown in the Historic Resources Inventory sheet, is provided below:



More recent photos of the building, with a close up view of the porch, as it existed prior to the proposed alterations can be seen below:



The Planning Commission's responsibility regarding this type of land use request is to conduct a public hearing and, at its conclusion, render a decision to recommend approval, approval with conditions, or denial of the appeal request utilizing the same review criteria used for the original application's review in Section 17.65.060 of the McMinnville City Code.

Proposed Alterations

As described above, the original application (HL 10-18) being appealed was for proposed alterations to a historic landmark. More specifically, the applicant was proposing to complete the following work: "Replacing rotted or missing railing on wraparound porch". The applicant was proposing to reconstruct a railing around the wraparound porch, but with a material other than the original wood material that exists in other areas of the porch. The building material and product being proposed was an engineered, polymer composite material that has a profile similar to more decorative wood railings, and was proposed to be constructed to meet building code requirements as the existing porch varies in height between 32 and 36 inches. An example of the proposed material can be seen below:



Historic Landmarks Committee Review Process

The construction activities on the historic landmark also included the replacement of the porch deck boards with a composite material. This construction activity had actually already begun when the contractor (and eventual Certificate of Approval applicant) realized a need for building permits. After

contacting the McMinnville Building Department, it was determined that the home in question was a historic landmark. Upon learning that the home was a historic landmark and historic preservation standards applied to the building, and because the work was already in progress, the contractor requested to come to the next possible meeting of the HLC to discuss their project and receive feedback on how the proposed project would be effected by the applicable historic preservation standards.

The contractor attended the September 26, 2018 regular meeting, and shared the proposed project during the Citizen Comments portion of the agenda. The project was described as the replacement of the porch deck boards with a composite material (which was already largely complete) and the installation of the porch railing (which was largely missing) using the composite railing material. Staff then provided an overview of the applicable language in the McMinnville City Code. The HLC discussed the project, and decided that the replacement of the porch deck boards with the composite material could be treated as general repairs and not treated as an alteration, as the porch deck boards were similar in color, were existing prior to the construction activities, and were not as visible so would not result in a change in appearance, as stated in the definition of "alteration" in Section 17.06.060 of the McMinnville City Code. The HLC had concerns with the use of the composite material for the porch railing, as it was a completely new addition and resulted in a larger change in appearance, again as stated in the definition of "alteration" in Section 17.06.060. Therefore, the addition of the railing was considered an alteration, which required a Certificate of Approval application.

Following that meeting, the contractor submitted, on behalf of the property owner, an application for a Certificate of Approval (HL 10-18) to install the porch railing using the composite material.

The HLC reviewed the Certificate of Approval application at their October 22, 2018 regular business meeting. Following typical procedures for the HLC meetings, a staff report was provided outlining the proposed application and decision options for the HLC to consider. An opportunity was provided for the applicant to address the HLC, however, the applicant nor the property owner were in attendance. An opportunity for the public to provide testimony was also provided. No members of the public were in attendance or provided testimony on the application. Following the opportunity for applicant and public testimony, the HLC deliberated and then a motion was made to deny the application as proposed. That motion was voted on and passed unanimously, thereby denying the Certificate of Approval application (HL 10-18).

Applicable Review Criteria for Alteration of Historic Landmark

The HLC reviewed the Certificate of Approval application against the review criteria in Section 17.65.060 of the McMinnville City Code, which read as follows:

<u>17.65.060 Exterior Alteration or Remodeling</u>. The property owner shall submit an application for a Certificate of Approval for any exterior alteration to a historic landmark, or any resource that is listed on the National Register for Historic Places. 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 Planning Director shall determine whether the proposed activities constitute an alteration as defined in Section 17.65.020 (A) of this chapter. 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. Within five (5) working days after a decision has been rendered, the Planning Department shall provide written notice of the decision to all parties who participated.

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- A. The Historic Landmarks Committee may approve, approve with conditions, or deny the application.
- 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;
 - 2. The following standards and guidelines:
 - a. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
 - b. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
 - c. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
 - 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;
 - 5. The physical condition of the historic resource;

Historic Landmarks Committee Decision and Findings

In reviewing the application against the review criteria, findings were made by the HLC that multiple review criteria were not being satisfied. The findings most applicable in the denial decision were for the review criteria in Sections 17.65.060(B)(2)(c), 17.65.060(B)(2)(f), and 17.65.060(B)(2)(i). These are the findings that the applicant is appealing in their current appeal application (AP 2-18). Those review criteria, and the exact findings used by the HLC in their decision document, are as follows:

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

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physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

Finding: Section 17.65.060(B)(2)(c) is **NOT SATISFIED**. This criteria is not satisfied due to the fact that the proposed material (composite polymer) to replace the railing is not compatible with the original wood materials. As described in more detail above, the building has overall retained much of the architectural form, features, and detailing that existed at the time the historic landmark was surveyed in 1983 and listed on the McMinnville Historic Resources Inventory in 1987. However, the replacement railing materials are proposed to be a composite polymer material, which was not found to be visually compatible with the historic design of the front porch and the remainder of the existing historic materials on the front porch, which are wood.

- 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.

Finding: Sections 17.65.060(B)(2)(d) through 17.65.060(B)(2)(f) are **NOT SATISFIED**, specifically (f) since the proposed materials for the replacement railing is a composite polymer material and the old railing is wood. There are no changes to the property that have acquired their own historic significance. As described in more detail above, the building has overall retained much of the architectural form, features, and detailing that existed at the time the historic landmark was surveyed in 1983 and listed on the McMinnville Historic Resources Inventory in 1987. Also described in more detail above, most of the railing on the wraparound porch is missing, so there is no preservation of historic materials that can occur. However, the replacement railing materials are proposed to be a composite polymer material, which was not found to be visually compatible with the historic design of the front porch and the remainder of the existing historic materials on the front porch. The composition of the new material was not found to match the old materials and other existing materials, which were and are still wood.

i. The Guidelines for Historic Preservation as published by the United States Secretary of the Interior.

Finding: Section 17.65.060(B)(2)(i) is **NOT SATISFIED**. This criteria was not satisfied as the proposed material for the new railing is of a completely different material than the original railing.

The proposed alterations can most closely be considered a "Rehabilitation" of the existing historic resource, which is a type of treatment of historic properties described in the Secretary of the Interior's Standards for the Treatment of Historic Properties. This document describes the rehabilitation of a historic building as follows:

In Rehabilitation, historic building materials and character-defining features are protected and maintained as they are in the treatment Preservation. However, greater latitude is given in the Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings to replace extensively deteriorated, damaged, or missing features using either the same material or compatible substitute materials. Of the

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four treatments, only Rehabilitation allows alterations and the construction of a new addition, if necessary for a continuing or new use for the historic building.

Some of the applicable rehabilitation guidelines for treating entrances on historic buildings are provided below:

Recommended Guideline: Replacing in kind an entire entrance or porch that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature or when the replacement can be based on historic documentation. If using the same kind of material is not feasible, then a compatible substitute material may be considered.

As described in more detail above, most of the railing on the wraparound porch is missing, so there is no preservation of those historic materials that can occur. The replacement railing materials are proposed to be a composite polymer material, which was not found to be visually compatible with the historic design of the front porch and the remainder of the existing historic materials on the front porch. The composition of the new material was not found to match the old materials and other existing materials, which were and are still wood. The proposed composite polymer material was therefore not found to be a compatible substitute material.

Appeal Request

The applicant is appealing the findings of the HLC for the specific review criteria in the section above. The applicant has provided alternative findings for each of those criteria, which are provided in their application materials and summarized below:

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.

The applicant is arguing that the proposed material is "physically and visually compatible" and that the "proposed railing looks and feels like wood and is virtually identical in design, color and texture of wood." The applicant has also referenced a document published by the National Park Service and Department of the Interior that states that there are "appropriate times to use substitute materials in preservation projects", for example when there are "inherent flaws in the original materials". The applicant has stated that there are flaws in the original material, which is wood, those flaws being as follows: "Ultraviolet light, moisture penetration behind joints, and stresses caused by changing temperatures quickly impair the performance of wood over time. It becomes unsightly over a relatively short period of time and can quickly reduce a grand historic resource to just a dilapidated old building."

- 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.

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The applicant is arguing that the "proposed material matches the old in composition, design, color, and texture.

j. The Guidelines for Historic Preservation as published by the United States Secretary of the Interior.

The applicant has cited the HLC's findings of the use of the Rehabilitation treatment, which is a type of treatment of historic properties described in the Secretary of the Interior's Standards for the Treatment of Historic Properties. The applicant has highlighted the language in the description of the Rehabilitation treatment that states "greater latitude is given in the Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings to replace extensively deteriorated, damaged, or missing features using either the same material or compatible substitute materials". The applicant is again arguing that the proposed material is a compatible substitute material, and that the "proposed product greatly supports the committee's goal of preserving beauty, integrity and historical accuracy".

The applicant is also requesting that the Planning Commission "consider reasonableness", and asking that the Planning Commission "consider the documentation of this product already in place" because the proposed materials have already been installed. The applicant provided photos of the proposed materials already installed on the home. The applicant also provided one letter from the homeowner and one additional letter of support for the proposed materials from a neighboring property owner.

Fiscal Impact:

None.

Commission Options:

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

Recommendation/Suggested Motion:

Based on the original findings provided by the Historic Landmarks Committee, staff is recommending that the Planning Commission deny the appeal request (AP 2-18), thereby upholding the Historic Landmarks Committee decision on the Certificate of Approval application (HL 10-18).

Staff believes that the Historic Landmarks Committee's interpretation of the applicable review criteria was justified and well supported by their findings. The review criteria under appeal are fairly clear in their requirements to use materials that are visually and physically compatible, match the old materials in composition, and only using compatible substitute materials when use of the same kind of material is not

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feasible. More specifically, the review criteria in Section 17.65.060(B)(2)(c) states that "work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible". The HLC's findings were that the proposed material was "not found to be visually compatible with the historic design of the front porch and the remainder of the existing historic materials on the front porch, which are wood". The HLC felt that the proposed material, being a composite polymer material, would be noticeably different from the other wood porch materials.

The review criteria in Section 17.65.060(B)(2)(f) states that "new material will match the old in composition, design, color, and texture". The HLC's findings for this criteria were that the composite polymer material was not "visually compatible", but more clearly that the "composition of the new material was not found to match the old materials and other existing materials, which were and still are wood". The HLC was clear in their deliberation that the "composition" of the materials needed to match the existing materials, and the composition, or physical properties, clearly did not match.

Finally, the HLC's findings for the review criteria in Section 17.65.060(B)(2)(i) referenced the Rehabilitation treatment as described in the Secretary of the Interior's Standards for the Treatment of Historic Properties. Specifically, the HLC referenced an applicable "Recommended Guideline" for the treatment of entrances under the Rehabilitation treatment, which states that "Replacing in kind an entire entrance or porch that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature or when the replacement can be based on historic documentation. If using the same kind of material is not feasible, then a compatible substitute material may be considered." The HLC's finding was, similar to the findings for the other review criteria above, that the proposed material "was not found to be visually compatible" and that the "composition of the new material was not found to match the old materials and other existing materials". Based on those findings, the HLC found that the proposed material was not a compatible substitute material. It could also be interpreted that the HLC did not find that the use of the same kind of material, that being wood to match the remainder of the porch materials, was unfeasible.

The Planning Department recommends that the Planning Commission make the following motion to deny the appeal request:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION DENIES AP 2-18.

CD:sjs