

STAFF REPORT
CITY OF LAKE OSWEGO

PLANNING DIVISION

APPLICANT/OWNER:

Mary Cadwell Wilmot Trust

FILE NO:

LU 13-0012

TAX LOT REFERENCE:

Tax Lot 10600 of Tax Map 21E05CD

STAFF:

Leslie Hamilton, AICP

LOCATION:

3811 Carman Drive

DATE OF REPORT:

August 1, 2013

COMP. PLAN DESCRIPTION:

R-5

120-DAY DECISION DATE:

November 7, 2013

ZONING DESIGNATION:

R-5

NEIGHBORHOOD ASSOCIATION:

Holly Orchard

I. APPLICANT'S REQUEST

The applicant is requesting *removal* of the historic landmark designation from the Carman House and property, and *approval* of historic landmark designation on a new tract that will be established from a section of the existing Carman House site. [Essentially the applicant is requesting a reduction of an historic landmark site area. The Historic Preservation code provisions do not include "reduction of site" as a type of development action regarding a historic landmark. The Code defines "[Historic Preservation] alterations" as limited to *exterior* alterations of a building [LOC 50.10.003.2]. Therefore, staff reviews the request as a designation removal of the existing larger site area and a new designation on a smaller area.]

II. RECOMMENDATION

Denial of LU 13-0012.

III. APPLICABLE REGULATIONS

A. City of Lake Oswego Community Development Code (LOC Chapter 50):

LOC 50.04.001.2	R-5 Zone Standards
LOC 50.06.001.2	Structure Design – Residential Zones
LOC 50.06.002	Parking
LOC 50.06.004.2	Fences
LOC 50.06.006.3	Drainage
LOC 50.06.009	Historic Preservation
LOC 50.07.004.4	Historic Preservation
LOC 50.07.003.1	Application for Development, Burden of Proof
LOC 50.07.003.5	Conditions of Approval
LOC 50.07.003.7	Appeal of Minor Development Decisions
LOC 50.07.003.14	Review Criteria for Minor Developments

B. Previous Cases

HR 7-90 (A) and (B)

IV. FINDINGS

A. Background/Existing Conditions:

1. The property is approximately 1.25 acres in size and is located at the northwest corner of Carman Drive (a neighborhood collector) and Wilmot Way (a private street), (Exhibits E1 and E2).
2. The site is zoned R-5 and developed with a single family house and detached garage. Abutting properties to the east, north and west are also zoned R-5 and developed with a mixture of single family dwellings and condominiums. The property to the south is zoned R-3 and developed with a senior living facility (Exhibit E2).
3. There are 18 trees on the property (Exhibit E3). In 2012, a Hazard Tree Removal permit was issued for the following five trees along the southern property line: one spruce, one walnut, one flowering plum and two apple trees (TR 12-0035).
4. In March of 1989, the City of Lake Oswego adopted Ordinance No. 2000, a revised Historic Preservation Chapter, in response to a State requirement for local governments to adopt standards and procedures to identify and protect historic resources. A site, object or structure that is designated as a City “landmark” pursuant to this chapter is subject to a review process and special criteria to receive approval for remodeling, reconstruction, demolition, or the *removal* of landmark status.
5. The Carman House was inventoried in January of 1989 (Exhibit F3). It was designated as a Historic Landmark, along with 92 other historic resources, with the adoption of Ordinance 2000 on March 15, 1990. At the time, the extent of the landmark included the 1.25-acre parcel that contained the Carman House (referred to as Tax Lot 1200) and a separate 8.75-acre parcel (referred to as Tax Lot 1201) that contained a barn, pond and some old trees (Exhibit E6). Together, the parcels were considered a historic “farm complex” by the City’s

Historic Resource Protection Plan (1989), which defined a farm complex as a house and at least one outbuilding.

6. At the time of designation, the Historic Preservation Code allowed property owners the right to request that their properties be individually reviewed at a public hearing before the Historic Resources Advisory Board (HRAB) and the City Council. The then owners pursued this review. HRAB voted 7 to 0 to retain the landmark designation on Tax Lot 1200 (HR 7-90-A) and 4-3 to retain the landmark designation on Tax Lot 1201 (HR 7-90-B), citing its status as part of an historic farm complex. On July 17, 1991, the City Council voted 4 to 2 to retain the designation on the entire property (Exhibit F6). This decision was appealed to the Land Use Board of Appeals (LUBA) on August 2, 1991.

On November 3, 1991, the Carman barn, located on Tax Lot 1201, was completely destroyed by fire. An independent State Fire Marshal's investigation indicated that the fire was an accident which began when electrical lines to an incubator caught fire. Because the existence of the barn had been a significant factor in both HRAB's and Council's decision to retain the historic designation on Tax Lot 1201, the owners filed a request that the Council reconsider the decision in light of the new facts. The Council concurred and remanded the decision for reconsideration by HRAB so that new evidence could be introduced into the record.

On April 29, 1992, HRAB voted 6 to 1 to recommend that the Council remove the historic designation from Tax Lot 1201, and retain the historic designation on the Carman House and Tax Lot 1200 in its entirety (the entire 1.25 acre site). The destruction of the barn eliminated the most significant historic feature on Tax Lot 1201, and eliminated the status of the site as a "farm complex." Designating all of Tax Lot 1200 as a historic landmark was necessary to show the spacious yards with old-fashioned tree species represented by early settlement patterns (Exhibit F5).

On July 7, 1992, the Council voted 4 to 0 to remove the historic landmark designation from Tax Lot 1201 and to retain the historic landmark designation on Tax Lot 1200, to be listed as the "Waters Carman Farm House." The Council found that the destruction of the barn eliminated the status of the site as a "farm complex," but that maintenance of 1.25 acres around the Carman House is sufficient to maintain and convey its context as a farm house because it will preserve the historic environs of the house and will be substantially larger than the surrounding urban lots (Exhibit F4). The Statement of Significance identifies both the Carman house and the development pattern of the 1.25 acre lot as the historic landmark (Exhibit F3).

7. Historic resources in the vicinity of the site are noted in the City's Cultural Resources Inventory. The Inventory includes historic resources that may or may not be included on the City's Landmark Designation List. Historic landmarks nearest the Carman House include the properties listed below (there are no other inventoried resources within the Holly Orchard Neighborhood):

Carl House (1925), Designated City Landmark
15110 Boones Ferry Road
Style: Colonial Revival Architect/Builder: Unknown

Oswego Hunt Club (1938), Designated City Landmark
2725 Iron Mountain Blvd
Style: NA Architect/Builder: J. D. Annand

Lake Grove Rural Fire District Building (1955), Designated City Landmark
16400 Bryant Road
Style: Minimal Traditional Architect/Builder: Sundeleaf

V. PUBLIC NOTICE OF APPLICATION AND APPLICANT'S BURDEN OF PROOF

A. Neighborhood Meeting

No neighborhood meeting was required by LOC 50.07.003.1.f.

B. Public Notice to Surrounding Area of Minor Development

The City has provided adequate public notice and opportunity to comment on this application pursuant to LOC 50.07.003.3. No comments were received as of writing of this report.

C. Burden of Proof

Per LOC 50.07.003.1.b, the applicant for a development permit shall bear the burden of proof that the application complies with all applicable review criteria or can be made to comply with applicable criteria by imposition of conditions of approval. The applicant has provided sufficient evidence to enable staff to evaluate the proposal. These documents are listed as exhibits at the end this report.

VI. MINOR DEVELOPMENT

A. Classification of Application

LOC 50.07.003.13.a.ii(2)(c) and LOC 50.07.003.14.a.ii(2)(a) describe the removal of historic landmark status as minor development.

B. Criteria for Review of Application

Per LOC 50.07.003.14.d.ii, for any minor development application to be approved, it shall first be established that the proposal complies with:

1. The requirements of the zone in which it is located;

Dimensional Standards [LOC 50.04]

Residential Medium Density Zones [LOC 50.04.001.2]

The site is zoned R-5 residential. The removal of designation or designation of an historic landmark does not impact compliance of the property with dimensions, setbacks or other zone requirements.

Building Design [LOC 50.06]

Structure Design- Residential Zones [LOC 50.06.001.2 and 4]

The Structure Design standards address the design of single-family detached structures and accessory structures. There is an existing single-family dwelling and associated accessory

structures on the site. The removal of designation or designation of an historic landmark does not impact compliance of these structures with these design standards.

2. The applicable Development Standards [LOC 50.06];

Parking [LOC 50.06.002]

This standard requires one off-street parking space per dwelling unit, which may be provided in a garage. The existing garage satisfies this standard, and the removal of designation or designation of an historic landmark does not impact compliance with this standard.

Fences [LOC 50.06.004.2]

This standard regulates the location, height and material of fences, walls and retaining walls. The Carman House property has a picket fence that surrounds the lot on all sides. The removal of designation or designation of an historic landmark does not impact compliance with this standard.

Drainage [LOC 50.06.006.3]

This standard is applicable to all minor development decisions and requires that drainage alterations not adversely affect neighboring properties. The removal of designation or designation of an historic landmark does not impact compliance with this standard.

Historic Preservation [LOC 50.06.009]

The applicant proposes to *remove* the historic landmark designation from the Carman House and its associated property and to *designate* a new tract that will be developed from a section of the existing site (Exhibit E5) as a historic landmark. As noted on page 1 of this report, the Historic Preservation code provisions do not include “reduction of site” as a type of development action regarding a historic landmark. The Code defines “[Historic Preservation] alterations” as limited to *exterior* alterations of a building [LOC 50.10.003.2]. Therefore, staff reviews first the request as a designation *removal* of the existing larger site area and then, assuming the historic designation of the larger site is removed, the request to a *designate* a new tract as a historic landmark.

Removal of Historic Designation

As the Statement of Significance (Exhibit F3) and the City Council decision (Exhibit F4) identify the Carman House and the pattern of development of the lot (i.e., the spacious yard with old-fashioned tree species) as the historic resource, this section analyzes the removal of landmark designation from the house and property.

Per LOC 50.06.009.5.d, in order for a historic designation to be removed, the reviewing authority must find that the landmark designation is no longer justified after consideration of the criteria found in LOC 50.06.009.5.a, Criteria for Designation of a Landmark.

The resource is 50 years or older, or it is less than 50 years but of exceptional importance with regard to its historical or architectural significance; and

The Carman House was originally constructed in 1857, and is 156 years old. This criterion is still met.

Conclusion: The Carman House and property (development pattern) meet the minimum age requirement for historic designation.

There is historical, architectural or environmental significance; and

Historical

LOC 50.06.009.5.ii(1) contains five guidelines for determining historic significance.

(a) Whether the resource is associated with the life of activities of a person, group, organization, or institution at the time a significant contribution to the City, county, state or nation was made.

The Carman House was built circa 1856 for Waters and Lucretia Carman, two of the original pioneers of the Lake Oswego area. The Carmans settled on the property around 1850. In 1866, the Carmans perfected a 320 acre Donation Land Claim (DLC), which was signed over to Waters and Lucretia Carman by President Andrew Johnson. This DLC was one of the first such granted in this area. The 1.25 acre property is the last remaining undeveloped portion of the original DLC.

Waters Carman was a millwright and a farmer. His community activities included helping build the Durham saw mill and donating land for the Springbrook Elementary School. The construction of the saw mill became the foundation of the local industry. Carman Drive is named after Waters Carman. The book "Oregon's Iron Dream" discusses the Carman family at length and chronicles their importance during the early settlement and development of Lake Oswego.

The property has been inhabited continuously by the family in direct line of descent from Waters Carmen. Wilbur Wilmot, grandson of Waters Carman, continued to farm the property and applied for and received "Century Farm" status for the property in 1958. The Carman House is one of the oldest dwellings in the City, and is associated with Oswego pioneers and their descendents, and with the settlement of the West. The Carman House and property are strongly associated with the life and activities of a person at the time of a significant contribution to the City.

(b) Whether the site is a birthplace or grave site of an historic figure of outstanding importance.

There is no evidence that the Carman House and property is a birthplace or grave site of a historical figure.

(c) Whether the site is associated with an event that has made a significant contribution to the City, county, state or nation.

No specific event has been identified.

(d) Whether the site is associated with broad patterns of political, economic, or industrial history in the City, county, state or nation.

Donation Land Claims were the predominant method of settlement of this part of the Willamette valley and such farms were critical to the development of Oregon. The Carman DLC was one of the first Donation Land Claims granted in Oregon, and is the only remaining portion of a DLC in the City of Lake Oswego that retains part of its historic character. The Carman House

and property are associated with broad patterns of economic history in the City, county and state.

(e) Whether the resource is listed on the National Register of Historic Places.

The resource is not listed on the National Register, although it is likely to be eligible based on its age, integrity and significance.

Conclusion: The Carman House and property have historical significance.

Architectural

LOC 50.06.009.5.ii(2) contains six guidelines for determining architectural significance.

(a) Whether the resource is a significant example of a particular architectural style, building type and/or convention.

The Carman House is a rare and outstanding example of the western farmhouse version of the Gothic revival style. It is a two-story house with horizontal lap siding and a gable roof with wood shingles. The windows are sash and multi-light styles, and the encircling porch has battered square posts and exposed rafters. The building composition is L-shaped. The lines of the Carman House are clean, simple and uncluttered because the builders were primarily concerned with utility, economy and comfort. The Carman House is called an “outstanding structure of the times” by Mary Goodall in her book “Oregon’s Iron Dreams.”



Carman House: Gothic Revival farmhouse

Several alterations were made to the house in the early part of the twentieth century (1905 – 1910), including the encircling porch which replaced a small front porch, a front door and the bay windows on the west elevation. A small shed that predated the house (and that was the original dwelling on the site) was incorporated into the house when the house was built. A new kitchen was added in the early fifties. These few additions are compatible with and have not substantially altered the original design.



Encircling porch with square posts and exposed rafters

(b) Whether the resource is significant due to quality of composition, detailing and/or craftsmanship.

The Carman House is a classic example of its type with its steeply pitched roof and L-shaped construction. In general, the extra detailing adds to this significance and quality of composition.

(c) Whether the landmark is an example of a particular material and/or method of construction.

There is no evidence regarding significance under this guideline.

(d) Whether the resource has significance because it retains its original design features, materials, and/or character.

As noted above, the Carman House retains almost all of its original design features and character. Its character as a western Gothic farmhouse is enhanced by the setting, which includes a number of old trees.

(e) Whether the resource is significant as the only remaining, or one of the few remaining, resources of a particular style, building type, design, material, or method of construction.

The Carman House is an extremely rare example of one of the earliest housing types in Oregon, significance that is enhanced by the fact that it has been relatively untouched since construction. There are no other houses of its age within the City of Lake Oswego. The Carman House has architectural significance as the only remaining example of its type in Lake Oswego.

(f) Whether the resource is the work of a master architect.

No particular architect is associated with the construction of the Carman House; generally, early pioneer farmhouses were not designed by architects.

Conclusion: The Carman House has architectural significance.

Environmental

LOC 50.06.009.5.ii(3) contains three guidelines for determining environmental significance.

(a) Whether the resource is significant as a visual landmark.

The Carman House retains its significance as a visual landmark for the neighborhood because it is the only historically significant resource in this part of the City. It is a visual landmark for the neighborhood. Although the dwelling is not easily visible from Carman Drive due to grade, fence, and landscaping, it is visible from Wilmot Way and Holly Springs Road, as shown in the photos below. (There is no requirement that historic landmarks must provide public access to the site or resource, or erect informational signs to educate the public about the resource.)



Looking north from Carman Drive



(b) Whether the resource has significance because existing land uses surrounding the resource contribute to the integrity of the historic period represented.

With the destruction of the associated barn and the development of the barn site, there is no surrounding resource that contributes to the significance of the site.

(c) Whether the resource contributes to the continuity or historic character of the street, neighborhood, and/or community.

The Carman House and property contribute to the historic character of the neighborhood and community. Of the 72 landmarks within the Lake Oswego, 54 are dwellings. Only 11 of these dwellings date before 1900, and only five date on or before 1875. At 156 years of age, the Carman House is the oldest dwelling in the City, and the only landmark associated with an original Donation Land Claim. With these other resources, the Carman House and property connect the community with its past, present the human scale of history, and identify the

culture and traditions from which Lake Oswego grew and prospered. The Carman house and property provide the community with a visual and historic link to Lake Oswego's earliest origins.

Conclusion: The Carman House and property have environmental significance.

Through an Economic, Social, Environmental and Energy (ESEE) analysis, that the benefits of designating the proposed landmark outweigh the benefits of continuing the conflicting use or uses without the designation.

The Community Development Code (CDC) defines an ESEE Analysis as an evaluation in which:

The economic, social, environmental and energy consequences to the community of designating or preserving an historic or cultural resource are considered and balanced with the community benefit of allowing change or loss of the historic or cultural resource to a conflicting use.

The ESEE benefits of preserving historic resources are primarily social and environmental. Preservation of historic resources provides a living link with the past and a visual reminder of history. Preservation of such resources enhances architectural diversity and neighborhood character, and strongly contributes to a community's "sense of place." Both the Lake Oswego Comprehensive Plan and the Statewide Planning Goals recognize the importance of preserving valuable historic resources; historic preservation is both a state and community mandate.

Economic benefits of preserving historic resources exist but are more intangible. Preserving resources can enhance property values in the neighborhood, result in increased tourism and can enhance the value of designated properties to certain property owners.

Preservation or conversion of historic resources has little energy impact. Historic resources tend to be less energy efficient, but this factor is offset by the energy costs of conversion of a resource to a new use, including the harvesting, manufacturing, and transportation of new materials.

The social and environmental benefits of preserving the Carman House and property are greater than for the average historic site because of the rarity, the age and quality of the resource, and its association with one of the most important pioneers in Lake Oswego history. The fact that it is the only historic resource in this area of Lake Oswego also enhances its social and environmental significance.

The designation of the site as a landmark pursuant to the Lake Oswego Code does not prohibit further development of the property; it requires review of the proposed development to ensure compatibility with the historic resource. Designation of the Carman House and the 1.25 acre parcel on which it sits precludes further division of the property because, per LOC 50.06.009.8.b, a subdivision, partition or lot line adjustment cannot be approved if it results in splitting a landmark into separate lots. However, interior alterations do not require review, and exterior alterations or additions to the existing dwelling could be approved if the new development (1) does not diminish the historical or architectural significance of the landmark, or (2) if the alterations do diminish its significance, the ESEE benefits to the community of allowing the alteration outweigh the benefits to the community or preserving the resource in its present condition [LOC 50.06.009.7.c]. These requirements would likely reduce the property owner's development options and potential density otherwise available under the R-5 zone, and therefore reduce the economic return to the property owner. The applicant submitted one estimate of identified recommended repairs for the Carman House (Exhibit F7), which totaled

\$475,000. While the Carman House appears to be in good condition considering its age, delayed maintenance has perhaps contributed to the list of necessary repairs. Regular maintenance is an expectation of home ownership. Certainly, there are potentially increased costs for maintenance of older dwellings. However, the definition of "ESEE Analysis" requires the City to consider the analysis in terms of benefits to the community, rather than to the individual.

Conclusion: The ESEE benefits to the community of retaining the Carman House and property on the historic landmark list outweigh the ESEE benefits to the community of allowing conflicting uses to be developed without the designation.

Designation of a New Tract as Historic Landmark

As noted above, staff recommends that the Carman Farm historic designation not be removed. If the historic designation is not removed, then there is no smaller tract proposed for historic designation and this section need not be considered. If, however, the HRAB approves removal of historic designation of the larger site, then this section reviews whether or not the proposed small tract (Exhibit E5) would qualify for historic designation.

Landmark (Historic Preservation)

Any site, object or structure, and the property surrounding it, if so designated pursuant to this Code, that is identified as a landmark pursuant to the provisions of this Code [LOC 50.10.020.3 Definitions].

Per LOC 50.06.009.5.a, in order to designate a site as a landmark, the reviewing authority must find that following criteria are met:

The resource is 50 years or older, or it is less than 50 years but of exceptional importance with regard to its historical or architectural significance; and

The proposed tract would be a small portion of the property settled and farmed by the Carman family, beginning in 1850s. While no physical resource is located on the tract, its connection to the Carman family is more than 50 years old.

Conclusion: This standard is met.

There is historical, architectural or environmental significance; and

Historical

LOC 50.06.009.5.ii(1) contains five guidelines for determining historic significance.

(a) Whether the resource is associated with the life or activities of a person, group, organization, or institution at the time a significant contribution to the City, county, state or nation was made.

As described earlier, the Carman House and property were developed by the Carman family, early pioneers of the Oswego area. Waters Carman was active in the community and the property has been continuously occupied by his descendents. A 100-square foot tract of land at the southeast corner of the property would have a connection to the Carman House and property only by virtue of being a portion of land formerly owned by the Carman family. While the house and property are now strongly associated with the Carman family, reduction of the landmark to a 100-square foot tract removes all connection to the physical resource.

(b) Whether the site is a birthplace or grave site of an historic figure of outstanding importance.

There is no evidence that the tract is a birthplace or grave site of a historical figure.

(c) Whether the site is associated with an event that has made a significant contribution to the City, county, state or nation.

No specific event has been identified.

(d) Whether the site is associated with broad patterns of political, economic, or industrial history in the City, county, state or nation.

As described earlier, the Carman House and property are associated with broad patterns of economic history in the City, county and state, particularly regarding settlement through Donation Land Claims. The property as whole is the only remaining portion of a DLC in the City of Lake Oswego that retains parts of its historic character. Reduction of the landmark to a 100 square foot tract removes all of this historic character of the resource, nullifying any connection to western settlement patterns.

(e) Whether the resource is listed on the National Register of Historic Places.

The proposed tract is not listed on the National Register, and it is unlikely to be eligible based on its size and lack of physical resources.

Conclusion: The tract does not have historical significance.

Architectural

LOC 50.06.009.5.ii(2) contains six guidelines for determining architectural significance.

(a) Whether the resource is a significant example of a particular architectural style, building type and/or convention.

(b) Whether the resource is significant due to quality of composition, detailing and/or craftsmanship.

(c) Whether the landmark is an example of a particular material and/or method of construction.

(d) Whether the resource has significance because it retains its original design features, materials, and/or character.

(e) Whether the resource is significant as the only remaining, or one of the few remaining, resources of a particular style, building type, design, material, or method of construction.

(f) Whether the resource is the work of a master architect.

There is no physical historic resource in the tract. This criterion is not met.

Conclusion: The tract does not have architectural significance.

Environmental

LOC 50.06.009.5.ii(3) contains three guidelines for determining environmental significance.

(a) Whether the resource is significant as a visual landmark.

The applicant is proposing a “historic tract” of approximately 100 square feet at the southeast corner of the site (Exhibit E5); this tract might contain a bench or plaque describing the Carman family and their contributions to Lake Oswego. While an informational plaque could educate the community regarding the former homestead of a Lake Oswego founder, it does not provide a visual artifact that can connect people to the history of Lake Oswego.

(b) Whether the resource has significance because existing land uses surrounding the resource contribute to the integrity of the historic period represented.

The applicant proposes to develop the Carman property if the historic landmark designation is either completely removed or reduced to 100 square feet. With the destruction of the Carman house and development of the property, there would be no surrounding resource that contributes to the significance of the tract.

(c) Whether the resource contributes to the continuity or historic character of the street, neighborhood, and/or community.

The tract does not contain any historic building, structure or object, nor does it illustrate a settlement pattern – spacious yard with old trees – common with farm house development. A tract would not contribute to the historic character of the street, neighborhood or community.

Conclusion: The tract does not have environmental significance.

Through an ESEE analysis, that the benefits of designating the proposed landmark outweigh the benefits of continuing the conflicting use or uses without the designation.

The ESEE benefits of preserving historic resources are primarily social and environmental. Preservation of historic resources provides a living link with the past and a visual reminder of history. Preservation of such resources enhances architectural diversity and neighborhood character, and strongly contributes to a community’s “sense of place.” Both the Lake Oswego Comprehensive Plan and the Statewide Planning Goals recognize the importance of preserving valuable historic resources; historic preservation is both a state and community mandate.

A 100 sq. ft. tract, even being a small part of an originally larger site, does not provide a living link with the past, nor a visual reminder of history, particularly when it does not contain a physical resource or preserve a settlement pattern. A tract does not enhance architectural diversity, and the small size of the proposed tract does not contribute to neighborhood character.

Economic benefits of preserving historic resources exist but are more intangible. Preserving resources can enhance property values in the neighborhood, result in increased tourism and can enhance the value of designated properties to certain property owners. The small tract would have negligible impact to property values in the neighborhood and beyond.

Preservation or conversion of historic resources has little energy impact. Historic resources tend to be less energy efficient, but this factor is offset by the energy costs of conversion of a

resource to a new use, including the harvesting, manufacturing, and transportation of new materials. Preservation of a tract of 100 square feet will have negligible impact on energy resources as it represents less than 1% of the existing Carman property.

The social and environmental benefits of creating a historic tract from a portion of land previously owned by the Carman family are negligible. Its small size and the fact that the tract would not contain any physical resource – its only historic connection is the fact that it was once part of the Carman property – limits any positive social or environmental benefit.

In theory, the designation of this tract as a landmark pursuant to the Lake Oswego Code would not prohibit further development of the tract; it would require review of the proposed development to ensure compatibility with the historic resource. In practice, the small size of the tract would most likely limit its development potential. Designation of the tract as a historic landmark would reduce the amount of “developable” area on the 1.25-acre Carman property, which could impact the property owner’s development options and/or return. Again, the small size of the tract might make this impact negligible. However, as explained earlier, the ESEE analysis requires the City to consider the analysis in terms of benefits to the community rather than to individuals.

Conclusion: The ESEE benefits to the community of designating the tract as an historic landmark do not outweigh the benefits to the community of allowing its development.

Staff concludes that the tract cannot be designated as a historic landmark per LOC 50.06.009.

3. Any additional statutory, or Lake Oswego Code provisions which may be applicable to the specific minor development application

There are no additional statutory or Lake Oswego provisions that are applicable to the removal of a historic landmark designation.

4. Any conditions of approval imposed as part of an approved ODPS or prior development permit affecting the subject property.

There are no conditions of approval imposed as part of an approved ODPS or prior development permit affecting the subject property.

VII. CONCLUSION

Based upon the materials submitted by the applicant and findings presented in this report, staff concludes that LU 13-0012 does not comply with all applicable criteria and standards.

VIII. RECOMMENDATION

Staff recommends **denial** of the request to remove the historic landmark designation from the Carman House and property, and **denial** of designating the proposed 100-square foot tract as a historic landmark.

EXHIBITS

A-D [No current exhibits; reserved for hearing use]

E. GRAPHICS/PLANS

- E1 Tax Map
- E2 Vicinity Map
- E3 Site Plan
- E4 Applicant's Photos of Site and Structure
- E5 Preliminary Plat Plan with historic tract
- E6 Site Map of original Carman farm complex

F. WRITTEN MATERIALS

- F1 Applicant's Narrative, dated June 10, 2013
- F2 Fire Marshal Comments
- F3 Cultural Resources Inventory for the Carman House
- F4 HR 7-90(A) and (B); City Council Findings, Conclusion and Order, dated July 7, 1992
- F5 HR 7-90(A) and (B) Remand 953; HRAB Findings, Conclusion and Order, dated April 29, 1992
- F6 HR 7-90(A) and (B); City Council Findings, Conclusion and Order, dated July 17, 1991
- F7 Contractor Bid for Restoration, Windwood Homes

G. LETTERS

Neither for nor Against

None

Support:

None

Opposition:

None

Date of Application Submittal: March 7, 2013

Date Application Determined to be Complete: July 10, 2013

State Mandated 120-Day Rule: November 7, 2013