

January 23, 2009

Peter Spir, Associate Planner
City of West Linn
22500 Salamo Road, #1000
Portland, OR 97068

Re: City Council Hearing Continuance Request

Dear Peter,

Thank you for your continued assistance with the Greaves House project. As you know, Tualatin Valley Fire & Rescue (TVF&R) originally submitted a Demolition Application for the historic Greaves House located at 1850 Buck Street. After a delay in the review process in order to resolve questions raised by the State Historic Preservation Office, the application was heard and approved by the Clackamas County Historic Review Board on November 20, 2008. Subsequently, that approval was appealed by TVF&R on December 4, 2008 due to concerns about the conditions of approval. The appeal is scheduled to be heard at the January 26th City Council meeting.

TVF&R is continuing to work with a property owner in the area to determine whether the Greaves House can be moved to another location. Therefore, TVF&R is requesting a 30-day continuance of the City Council hearing scheduled for January 26, 2009 at 6:30pm. TVF&R understands and agrees that the 120-day review period will be extended to accommodate this 30-day continuance and we waive the 120-day requirement for this purpose.

Again, thank you for your help with this and we will continue to keep you informed about the Greaves House project.

Sincerely,



Frank Angelo
Angelo Planning Group

Cc: Gary Wells, Director of Support Services, TVF&R

Spir, Peter

From: Frank Angelo [fangelo@angeloplanning.com]
Sent: Thursday, November 20, 2008 10:54 AM
To: Spir, Peter; Katherine Prew
Subject: RE: historic review board

Peter – no additional thoughts. I think that we've address Section 106 and ORS 358.653 to everyone's satisfaction. The Planning Commission did ask if moving the house to another lot impacts the historic designation of the property. They also seemed to want some kind of comment from the HRB on whether moving the house to another lot is a good idea or not. Do you want to raise these questions or should I?
See you tonight.
Frank

From: Spir, Peter [mailto:PSpir@westlinnoregon.gov]
Sent: Thursday, November 20, 2008 10:45 AM
To: Frank Angelo; Katherine Prew
Subject: historic review board

Frank and Katie

I was looking at the October 14 e-mail from Chrissy Curran of SHPO and she states that the section 106 requirements are not applicable to construction of the Bolton Fire Station including demolition of 1850 Buck St. In the Nov 7, 2009 e-mail, Sarah Jalving of SHPO states that TVFR has completed the ORS 358.653 process and that there is nothing more required.
That seems pretty definitive to me.
Any thoughts or comments for tonight?

Peter

PS we are trying to get the City Council Chambers for the hearing.
I also just finished talking to Sue Smith and she is very enthusiastic about trying to move the house...so if that works out...the demo permit would be moot. Unfortunately she cannot commit tonight so long as the new foundation and other some other costs remain unresolved.

Katherine Prew

From: Sarah Jalving [Sarah.Jalving@state.or.us]
Sent: Friday, November 07, 2008 11:14 AM
To: Katherine Prew
Subject: Re: SHPO Case No. 08-2491

Katie:

Yes, you have completed the ORS 358.653 process. Please continue to work with the City and their HP commission in trying to move the Greaves House, and subsequent salvage if the building can not be moved. Thanks, and have a great weekend~

Sarah Jalving
CLG Coordinator
Review & Compliance
Oregon SHPO
725 Summer St. NE, Suite C
Salem, Oregon 97301
phone: 503.986.0679
fax: 503.986.0793
www.OregonHeritage.org

>>> "Katherine Prew" <kprew@angeloplanning.com> 11/7/2008 10:56 AM >>>
Sarah,

We received your letter today regarding SHPO Case No. 08-2491 regarding the Tualatin Valley Fire & Rescue Station 58 Project and wanted to thank you for your quick turn around on this, it was very much appreciated. Am I correct in thinking that this completes the ORS 358.653 process for all of the properties involved (including the Greaves House) or is there anything more that we need to do?

Thank you again for your help,

Katie Prew

Katie Prew, AICP

Angelo Planning Group

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Portland, OR 97205

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Spir, Peter

From: Tara Davisson [tdavisson@gmail.com]
Sent: Monday, November 03, 2008 8:26 AM
To: Spir, Peter
Subject: Re: 1850 Buck St. Demolition

That is great. I should have known that you guys would have already thought of that. :) Thanks so much for the response!

Tara

On Mon, Nov 3, 2008 at 7:21 AM, Spir, Peter <PSpir@westlinnoregon.gov> wrote:

Tara

Our first desire is that the house be moved.

If that fails then we propose a condition that the house be made available for two weeks of salvage or removal of building materials and fixtures that may be used by other historic properties in West Linn.

I expect that the Historic Review Board would endorse that idea.

Peter

From: Tara Davisson [mailto:tdavisson@gmail.com]
Sent: Friday, October 31, 2008 6:07 PM
To: Spir, Peter
Subject: 1850 Buck St. Demolition

Hi Peter,

I just received the public hearing notice about 1850 Buck St. being demolished. I own/live at 1715 Buck St. which is also a historic home on the street, and I am curious if there will be any chance of possibly salvaging materials that could be used on other historic homes on the street. I would completely understand if that is not possible, and I understand that there are liability issues, but my husband is a licensed/insured building contractor, and if there are items in/on the house that could be used for other historic homes in the area, he would be willing to donate his services.

Again, I totally understand if that is not possible, but the notice got me to thinking, so thought I would at least ask. Or is that something that a person would ask at the hearing? If you can't tell, I'm new to this kind of thing.

Thanks,

Tara Davisson



Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE, Ste C
Salem, OR 97301-1266
(503) 986-0671
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November 6, 2008

Mr. Frank Angelo
Angelo Planning Group
921 SW Washington STE 468
Portland, OR 97205

RE: SHPO Case No. 08-2491

Tualatin Valley Fire & Rescue Station 58 Project
1892 Buck St., 1828 Buck St., 6174 Failing, West Linn, Clackamas County

Dear Mr. Angelo:

We have reviewed the materials submitted on the project referenced above, and we concur with the determination that 1892 Buck St., 1828 Buck St., and 6174 Failing St. in West Linn, Oregon are not eligible for the National Register of Historic Places (NRHP) in accordance with ORS 358.653. Subsequently, your project will have "no effect" on these properties.

As previously determined, the property at 1850 Buck St. (Greaves House) is listed on the Clackamas County Cultural Resource Inventory and ranked as a landmark on the West Linn Historic Resource Survey. This makes the property at 1850 Buck St. eligible for listing in the NRHP, and therefore the building's potential demolition is considered an "adverse affect".

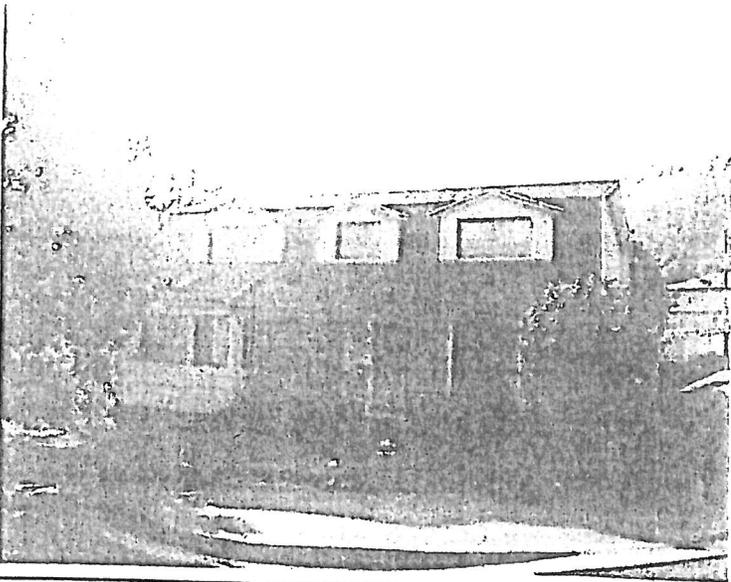
The Oregon State Historic Preservation Office commends the Tualatin Valley Fire & Rescue for attempting, to the best of their ability, to mitigate this adverse affect with measures to protect and preserve the Greaves House by having it moved to another location within the neighborhood.

Our response here is to assist you with your responsibilities under ORS 358.653. Please feel free to contact me if you have further questions, comments or need additional assistance.

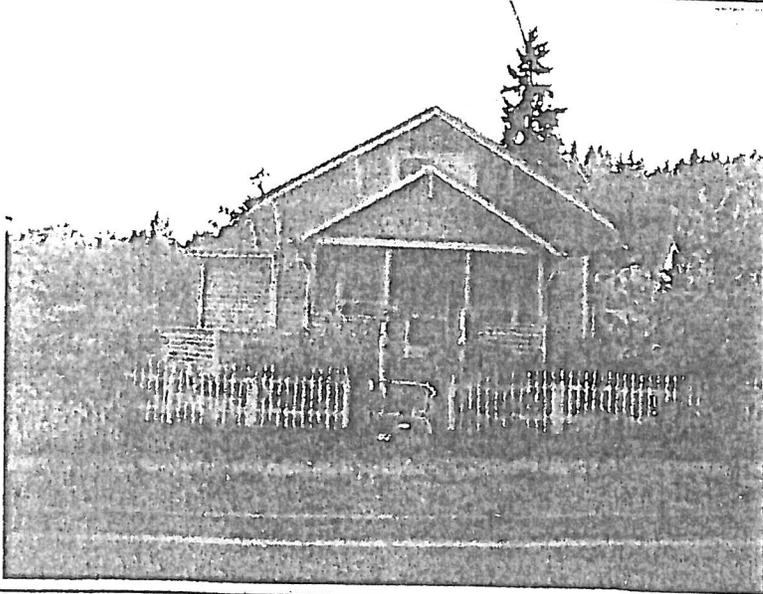
Sincerely,

Sarah Jalving
Historic Compliance Specialist
(503) 986-0679 or Sarah.Jalving@state.or.us

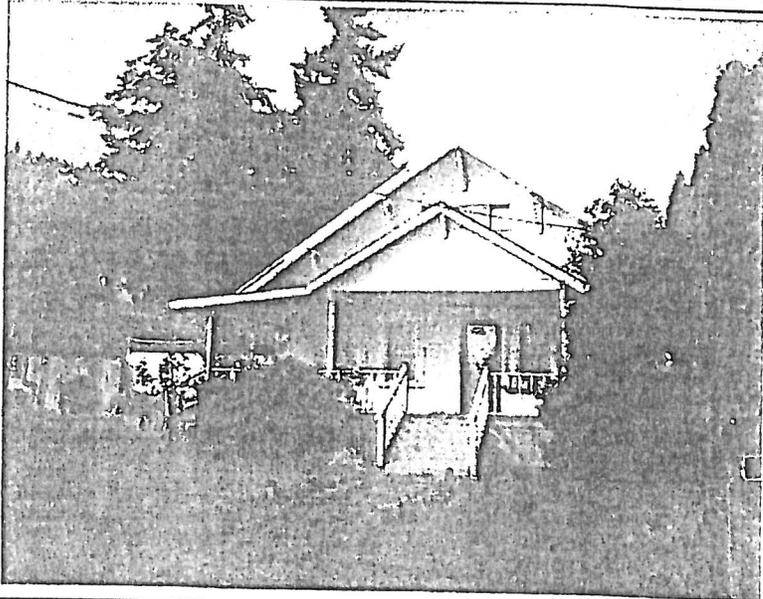
OREGON INVENTORY OF HISTORIC PROPERTIES
 ORS 358.653 DOCUMENTATION FORM
 Individual Properties

Agency/Project: Tualatin Valley Fire & Rescue	
Property Name: 1892 Buck Street	
Street Address: 1892 Buck Street	City, County: West Linn, Clackamas
USGS Quad Name: Oregon City	Township: 2S Range: 1E Section: 25AD
This property is part of a <input type="checkbox"/> District <input checked="" type="checkbox"/> Grouping/Ensemble (see instructions)	
Name of District or Grouping/Ensemble: Unnamed	
Number and Type of Associated Resources in Grouping/Ensemble: 4 Houses (see Attached Map)	
Current Use: Residential/Vacant	Construction Date: 1910
Architectural Classification / Resource Type: Dutch Colonial (vaguely)	Alterations & Dates: Yes, Dates unknown
Window Type & Material: Aluminum Fixed and Sliders	Exterior Surface Materials: Primary: Lap Siding Secondary: None Decorative: None
Roof Type & Material: Composition Shingle	
Condition: <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input checked="" type="checkbox"/> Fair <input type="checkbox"/> Poor	Integrity: <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input type="checkbox"/> Fair <input checked="" type="checkbox"/> Poor
	
Preliminary National Register Findings: <input type="checkbox"/> National Register listed <input type="checkbox"/> Potentially Eligible: <input type="checkbox"/> Individually <input type="checkbox"/> As part of District <input checked="" type="checkbox"/> Not Eligible: <input type="checkbox"/> In current state <input type="checkbox"/> Irretrievable integrity loss <input checked="" type="checkbox"/> Lacks Distinction <input type="checkbox"/> Not 50 Years	
State Historic Preservation Office Comments: <input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur: <input type="checkbox"/> Potentially Eligible Individually <input type="checkbox"/> Potentially Eligible as part of District <input type="checkbox"/> Not Eligible	
Signed <u><i>Smiley Ettl</i></u>	Date <u>11/16/08</u>
Comments:	

OREGON INVENTORY OF HISTORIC PROPERTIES
 ORS 358.653 DOCUMENTATION FORM
 Individual Properties

Agency/Project: Tualatin Valley Fire & Rescue	
Property Name: 1828 Buck Street	
Street Address: 1828 Buck Street	City, County: West Linn, Clackamas
USGS Quad Name: Oregon City	Township: 2S Range: 1E Section: 25AD
This property is part of a <input type="checkbox"/> District <input checked="" type="checkbox"/> Grouping/Ensemble (see instructions)	
Name of District or Grouping/Ensemble: Unnamed	
Number and Type of Associated Resources in Grouping/Ensemble: 4 Houses (see Attached Map)	
Current Use: Residential/Vacant	Construction Date: 1910
Architectural Classification / Resource Type: Builder's Bungalow	Alterations & Dates: Yes, Dates unknown
Window Type & Material: PVC Retrofit	Exterior Surface Materials: Primary: Wood Lap Siding, not original Secondary: 5/4 wood trim Decorative: Header Trim at Porch, Brackets
Roof Type & Material: Composition	
Condition: <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input checked="" type="checkbox"/> Fair <input type="checkbox"/> Poor	Integrity: <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input type="checkbox"/> Fair <input checked="" type="checkbox"/> Poor
	
Preliminary National Register Findings: <input type="checkbox"/> National Register listed <input type="checkbox"/> Potentially Eligible: <input type="checkbox"/> Individually <input type="checkbox"/> As part of District <input checked="" type="checkbox"/> Not Eligible: <input type="checkbox"/> In current state <input type="checkbox"/> Irretrievable integrity loss <input checked="" type="checkbox"/> Lacks Distinction <input type="checkbox"/> Not 50 Years	
State Historic Preservation Office Comments: <input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur: <input type="checkbox"/> Potentially Eligible Individually <input type="checkbox"/> Potentially Eligible as part of District <input type="checkbox"/> Not Eligible	
Signed <u><i>Sarah Johnson</i></u>	Date <u>11/6/08</u>
Comments:	

OREGON INVENTORY OF HISTORIC PROPERTIES
 ORS 358.653 DOCUMENTATION FORM
 Individual Properties

Agency/Project: Tualatin Valley Fire & Rescue	
Property Name: 6174 Failing Street	
Street Address: 6174 Failing Street	City, County: West Linn, Clackamas
USGS Quad Name: Oregon City	Township: 2S Range: 1E Section: 25AD
This property is part of a <input type="checkbox"/> District <input checked="" type="checkbox"/> Grouping/Ensemble (see instructions)	
Name of District or Grouping/Ensemble: Unnamed	
Number and Type of Associated Resources in Grouping/Ensemble: 4 Houses (see Attached Map)	
Current Use: Residential	Construction Date: 1915
Architectural Classification / Resource Type: Builder's Bungalow	Alterations & Dates: Yes, Dates unknown
Window Type & Material: Aluminum Slider	Exterior Surface Materials: Primary: Double Bevel Wood Lap Siding Secondary: 2 x 6 Fascia/Barge Boards Decorative: Header Trim at Porch, Brackets at gable ends
Roof Type & Material: Mineral Composition Shingles	
Condition: <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input checked="" type="checkbox"/> Fair <input type="checkbox"/> Poor	Integrity: <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input checked="" type="checkbox"/> Fair <input type="checkbox"/> Poor
	
Preliminary National Register Findings: <input type="checkbox"/> National Register Listed <input type="checkbox"/> Potentially Eligible: <input type="checkbox"/> Individually <input type="checkbox"/> As part of District <input checked="" type="checkbox"/> Not Eligible: <input type="checkbox"/> In current state <input type="checkbox"/> Irretrievable integrity loss <input checked="" type="checkbox"/> Lacks Distinction <input type="checkbox"/> Not 50 Years	
State Historic Preservation Office Comments: <input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur: <input type="checkbox"/> Potentially Eligible Individually <input type="checkbox"/> Potentially Eligible as part of District <input type="checkbox"/> Not Eligible	
Signed <u><i>Sarah Johnson</i></u>	Date <u>11/10/08</u>
Comments:	

Katherine Prew

From: Chrissy Curran [Chrissy.Curran@state.or.us]
Sent: Tuesday, October 14, 2008 4:45 PM
To: Frank Angelo
Cc: Katherine Prew; cindy.phillips@jordanschrader.com; Sarah Jalving; Stephen Poyser; Roger Roper; Gary C. Wells
Subject: Re: FW: FW: Demolition of 1850 Buck Street, DR-08-10

Frank,

That's quite an email string. Weeding through it, a few more things come to mind in addition to our conversation on the phone today. First, it appears that Section 106 of the National Historic Preservation Act does not apply here. It looks like Sarah threw it out there thinking about possible pass-through funding or permitting, which you have noted is definitely not the case. Secondly, it appears there are other historic properties involved in addition to the 1850 Buck Street property. Thirdly, it appears that there is an obligation to comply with ORS 358.653 and that obligation falls squarely with the city of West Linn as they prepare to transfer the property to TVF&R. A couple more thoughts:

- ORS 358.653 applies to properties of "historic significance" but doesn't really say what that means. We interpret it to mean anything that is listed in or eligible for listing in the National Register of Historic Places. We know the 1850 Buck Street property fits the bill, but we don't know about the 1930s fire station and the other historic houses. We can do a quick determination if the city sends us some color photos and any information it has on the buildings. If they're not eligible, we don't need to worry about them. If they are, they should be included in the mitigation discussion (at least documented before demolition).

- It does sound like TVF&R and the city are on the right track with or without the obligation of ORS 358.653. While compliance with local land use laws doesn't preclude the obligation under 358.653, the agreements you're making through the local review process can serve as mitigation under the ORS. The main thing is to formalize it a little bit more with our office so that the process can hold up to any scrutiny. That's a lot of old buildings going away at once, and there will likely be some savvy public interest if there hasn't been already. So, paperwork-wise, we would expect from the city of West Linn a letter initiating consultation under ORS 358.653, explaining the project, the historic properties involved, and the expected effects to the properties involved. Included in the letter might be an attachment detailing what already sounds like some good mitigation measures already in process. We might ask for something as well, such as photographic and/or narrative documentation of the building(s) before moving on demolition, or something similar. Then we all sign off and it's done.

I hope this all makes sense. Sarah has been out sick, but should be back in the office soon. We can move on the consultation as soon as we get some paperwork from the city. Please call me if you have additional questions.

Chrissy Curran
Associate Deputy SHPO
State Historic Preservation Office
725 Summer Street, Suite C, Salem, OR 97301
Tel: (503) 986-0684, Fax: (503) 986-0793 chrissy.curran@state.or.us www.oregonheritage.org

>>> "Frank Angelo" <fangelo@angeloplanning.com> 10/14/2008 3:11 PM >>>
Chrissy - thank you for your consideration and attention in this matter.
Please give me a call with any questions. I look forward to hearing back from you quickly as we are prepared to move ahead with the hearing on the project.
Thank you, Frank Angelo

-----Original Message-----

From: Frank Angelo
Sent: Thursday, September 18, 2008 9:24 AM
To: 'Sarah Jalving'; Tom Soppe; Stephen Poyser
Cc: 'Wells, Gary C.'; Katherine Prew; Hans Ettlin; Frank Angelo
Subject: RE: FW: Demolition of 1850 Buck Street, DR-08-10

Sarah - thank you for your comments on the 1850 Buck St. property. To clarify, the Tualatin Valley Fire & Rescue (TVF&R) Department will be constructing the new fire station at this location using local district taxpayer funds raised through a recent bond levy. There are no federal funds associated with this project. There is no federal involvement from a licensing or permitting perspective in the project. It's not convoluted in any way - local district residents are fully funding this project.

We have worked hard with the City to address this issue and the topic of Section 106 keeps coming up. Given your response below and based on the above circumstances I can interpret your response to say that Section 106 will not apply to the 1850 Buck St. property and the pending land use action. As you note, TVF&R and the City have taken steps towards mitigating the demolition of the property and you seem to imply that this has been done properly.

Regarding ORS 358.653, I'm unsure how this applies to this action. We are going through a prescribed local review process and, as such, we the action will not "inadvertently" result in the removal of the house. Could you please clarify how you see this statute as applicable to this situation?

Finally, TVF&R is actively pursuing an opportunity to relocate the house to a nearby lot with an interested property owner. We're hopeful that this will occur. Is it safe for us to assume that, if we're successful in relocating the house, that there are no special reviews required other than the West Linn land use review?

Thank you for your assistance in this matter, Frank Angelo

-----Original Message-----

From: Sarah Jalving [mailto:Sarah.Jalving@state.or.us]
Sent: Wednesday, September 17, 2008 11:00 AM
To: Frank Angelo; Tom Soppe; Stephen Poyser
Subject: Re: FW: Demolition of 1850 Buck Street, DR-08-10

Gentlemen:

Firstly, section 106 of the NHPA does not only come into play if Federal funding is expended for a project, but if there is any federal involvement including, but not limited to, licensing or permitting. Although many read it as a law that only applies to Federal agencies, it actually applies to any non-private organization that has a Federal nexus. I have a hard time believing that the TVF&R is a completely private entity.

It can be very convoluted when funding comes from a Federal agency, is passed down to a State agency, which then passes it to another State agency, which passes it down to the County, who then helps fund a new Fire Station.

Either way Section 106 does not have any sort of power to stop a project from moving forward. It is simply a process to evaluate and mitigate adverse effects on historic properties. As we all know, 1850 Buck St. is eligible for the National Register, therefore this demolition will have an adverse effect on the resource, and mitigation will be expected.

That being said, after reviewing the West Linn Review Board minutes for this project, several of the mitigation requests have already been covered by the West Linn HRB including a 90 day stay of demolition to allow for moving the structure, the city's commitment to transfer the SDCs with the structure to make moving the house more cost effective, and allowing salvage potential if the structure is demolished.

Either way, there is another issue which needs to be thrown into the mix. Seeing as three of these structures are still owned by the city, it is the city's responsibility to abide

by ORS 358.653, which is the state-level process for evaluating the effects of the project on publicly owned historic structures.

358.653 Conservation program; leases. (1) Any state agency or political subdivision responsible for real property of historic significance in consultation with the State Historic Preservation Officer shall institute a program to conserve the property and assure that such property shall not be inadvertently transferred, sold, demolished, substantially altered or allowed to deteriorate.

(2) State agencies and political subdivisions may and are encouraged to lease real property of historic significance to private businesses and nonprofit organizations for purposes which are consistent with the nature of the property.

(3) Where possible, the Oregon Department of Administrative Services shall acquire or lease buildings of historic significance for state use.

(4) As used in this section, *political subdivision* includes counties, cities, school districts and any other governmental unit within the state not included in ORS 358.635. [1983 c.295 **1,5,6; 1989 c.743 *3]

My final thought is that the city and the Fire District should indeed go through the 106/358.653 process to stay above reproach. Once again these laws just set up a process, they can not "stop" a project. Only a local government, with strong ordinance language, can do that.

Sarah Jalving
CLG Coordinator
Review & Compliance
Oregon SHPO
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phone: 503.986.0679
fax: 503.986.0793
www.OregonHeritage.org

>>> "Soppe, Tom" <tsoppe@ci.west-linn.or.us> 9/17/2008 8:10 AM >>>
Stephen and Sarah,

(sorry for so many emails)

Also, in regards to the historic houses including the landmark house by the Bolton station, the property is currently public owned by the City.

But we are soon to enter into an IGA that will transfer ownership to TVF&R (the fire district) as a private entity in a land swap that will give the City ownership of the existing historic fire station site. Does this public/private ownership may make a difference in whether Section 106 review is necessary?

Tom

-----Original Message-----

From: Soppe, Tom
Sent: Tuesday, September 16, 2008 3:18 PM
To: 'stephen.poyser@state.or.us'
Subject: FW: Demolition of 1850 Buck Street, DR-08-10

Stephen,

FYI this is what I left you a message about. Specifically the development of one fire station would result in the demolition of one historic landmark house discussed below and 3 other older houses. (The landmark house may still be able to be moved.) And the development of the other fire station would result in the 1930's fire station being torn down and a new one built on the same location.

TVFR gets federal money but says that no federal funds are used in these projects.

Are you and Sarah able to figure out whether that would need a Section 106.

Thanks,
Tom

-----Original Message-----

From: Ian Johnson [mailto:Ian.Johnson@state.or.us]
Sent: Tuesday, September 16, 2008 12:34 PM
To: pamh@co.clackamas.or.us
Cc: Soppe, Tom; Sarah Jalving
Subject: Demolition of 1850 Buck Street, DR-08-10

Pam,

I recently received notification of the demolition of 1850 Buck Street, case DR-08-10. From the paperwork provided it appears that the Tualatin Valley Fire and Rescue owns the property, and I assume that the department is funded with tax dollars. If this is true, the demolition must go through the Federal Section 106 process. Review is not necessary if the property is owned by a private company or individual.

I was not able to find a contact email for Peter Spir, the planner who is handling this case. You or Peter should call Sarah Jalving at 503.986.0679 to check to see if this project will need review. The law has many nuances, and it's best to check all the boxes before proceeding.

I have copied this message to Sarah Jalving, the Section 106 review contact, Chrissy Curran, my boss, and Tom Soppe with the City of West Linn.

Ian

Ian P. Johnson, Historian
Oregon SHPO
National Register and Survey Program
725 Summer Street NE, Suite C
Salem, Oregon 97301
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(<http://www.oregonheritage.org>)
Comments or suggestions:
Heritage.Programs@state.or.us (<mailto:Email.Heritage-Programs@state.or.us>)