

**WEST LINN HISTORIC REVIEW BOARD
FINAL DECISION AND ORDER
DR-20-03**

IN THE MATTER OF A CLASS II HISTORIC DESIGN REVIEW AT 1683 WILLAMETTE FALLS DRIVE; THIS PROPOSAL IS TO REPLACE SIDING AND 13 WINDOWS ON THE SOUTH ELEVATION OF THE CHURCH

I. Overview

At its meeting on June 16, 2020, the Historic Review Board (“The Board”) held a public hearing to consider the request by Willamette United Methodist Church, applicant, to approve the replacement of wood siding and 13 wood windows on the south elevation of the church at 1683 Willamette Falls Drive. The church is located in the local Willamette Historic District and the Willamette Falls Drive Commercial Design District, but is not within the National Register Willamette Historic District. The approval criteria are found in Community Development Code (CDC) Chapters 25 and 58. The hearing was conducted pursuant to the provisions of Chapter 99.

The hearing commenced with a staff report presented by Darren Wyss, Associate Planner. Deborah Neel presented on part of the applicant. No oral or written testimony was submitted by the public.

The hearing was closed and The Board deliberated the appropriateness of allowing wood siding to be replaced with composite siding and allowing vinyl-clad wood windows, with six of the windows not having matching light patterns, to replace wood windows. The Board requested City Attorney Tim Ramis address if this decision could set a precedent for future decisions. Mr. Ramis advised The Board it could make a tentative decision and allow staff time to write findings to clarify this decision is not precedent setting and only being allowed under the unique circumstances of the church being altered a number of times over the years. A motion was made by Board Member Nowacki and seconded by Board Member Steele to tentatively approve the application as presented with staff to return on July 21, 2020 with a Final Decision and Order addressing The Board’s precedent findings. The motion passed four votes in favor (Nowacki, Steele, Erwin, Watton), one opposed (Schreiber), and one abstention (Taylor).

At the July 21, 2020 continued hearing, Board Member xxxxxx made a motion to approve application DR-20-03 and adopt the Final Decision and Order. Board Member xxxxx seconded. The motion passed with xxxxx votes in favor (list members), xxxxxx opposed (list members), and xxxxx abstention (list members).

II. The Record

The record was finalized at the July 21, 2020, hearing. The record includes the entire file from DR-20-03, including materials submitted at the June 16, 2020 hearing.

III. Burden of Proof

The applicant bears the burden of proof to demonstrate that an application complies with applicable approval standards, and a local government is not required to approve a noncomplying development proposal. *Jurgenson v. County Court for Union County*, 42 Ore. App. 505, 510 (1979). The historic design review application requires decisions on land use applications that necessitate compliance with customary land use procedures. Therefore, the applicant is required to carry the burden of meeting each and every criterion for approval.

IV. Incorporation of Staff Report

The Staff Report for June 16, 2020, is incorporated into this Final Decision and Order, and all the facts, findings and determinations in those Staff Reports are adopted except where the findings in this Final Decision and Order conflict with those Staff Reports. Where there is a conflict between this Final Decision and Order and the findings in the Staff Reports, the findings in this Final Decision and Order shall govern.

V. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The Applicant is Willamette United Methodist Church
- 3) The Board finds that it has received all information necessary to make a decision based on the Staff Report and incorporated findings; public comment, if any; and the evidence in the whole record, including any exhibits received at the hearing.

VI. Findings and Determinations

The Board adopts the Staff Report for June 16, 2020 and adds the following findings:

1. The Board finds the Willamette United Methodist Church is a unique building because of the alterations and additions over the years. The Board finds the building is not eligible and non-compatible with the National Register Historic District and the materials proposed on the south side addition of the structure will not detract from the aesthetics of the building or negatively affect the National Register Historic District.
2. The Board finds the criteria in Community Development Code Chapter 25.060 are met for the siding replacement as the new material matches the existing design, texture, and other visual features.
3. The Board finds the criteria in Community Development Code Chapter 25.060 are met for the window replacement as Chapter 25.080 allows modification to design standards and the single-hung vinyl-clad wood windows will be visually similar to the existing wood windows and only visible from Knapps Alley. A unique aspect of the application is the fact the windows to be replaced are not original to the building, but part of the south addition, thus making it not possible to match original windows, which is required when original windows are proposed for replacement.

4. The Board finds there will be no negative impacts to adjacent homes in the National Register Historic District and is consistent with the intent of the code as the south side addition of the church is not original to the building.
5. The Board finds its decision is unique to the circumstances of the church building, with its history of alterations and additions, and the location of the replacement materials, and concludes this decision will not be precedent setting for any future decisions made by The Board.
6. The Board concludes that there is substantial evidence in the record to demonstrate that all of the required approval criteria are met subject to the conditions of approval below.

VII. Order and Conditions of Approval

The Board concludes that DR-20-03 is approved based on the Record, Findings of Fact, the Findings above, and the following conditions of approval:

1. **Site Plan, Elevations, and Narrative.** The project shall conform to the plans, elevations, and narrative submitted in Exhibit HRB-1.

DANNY SCHREIBER, VICE CHAIR
WEST LINN HISTORIC REVIEW BOARD

DATE

This decision may be appealed to the City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. This decision will become effective 14 days from the date of mailing of this final decision as identified below.

Mailed this _____ day of _____, 2020.

Therefore, this decision becomes effective at 5 p.m., _____, 2020.