

**HISTORIC REVIEW BOARD**  
**Meeting Notes of November 14, 2023**

<u>Members present:</u>	James Manning, Tom Watton, Danny Schreiber, Dan Saltee, and Kirsten Solberg. John Steele arrived late.
<u>Members absent:</u>	Michael Fuller
<u>Applicant Present:</u>	Scott Sutton, SGR Architecture
<u>Public Present:</u>	Ian Brown, Audra Brown, Kathi Halicki, Willamette Neighborhood Association, Yarrow Currie, Al Secchi, James Estes, Dee Deatherage
<u>Staff present:</u>	John Floyd, Associate Planner, City Attorney Bill Monahan, Community Development Management Analyst Lynn Schroder

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**Staff Liaison: John Floyd - [jfloyd@westlinnoregon.gov](mailto:jfloyd@westlinnoregon.gov)**

**1. Call To Order and Roll Call**

Chair Manning called the meeting to order at 6:05 pm. Community Development Management Analyst Lynn Schroder called the roll.

**2. Public Comment Related To Items Not On The Agenda**

None.

**3. Approval of Draft Meeting Notes for August 15, 2023**

Member Saltee moved to approve the meeting notes for August 15, 2023. Member Solberg seconded.

**Ayes: Watton, Schreiber, Saltee, Solberg, and Manning. Nays: None. Abstain: None. The motion passed 5-0-0.**

**4. Agenda Modification**

Chair Manning moved to amend the agenda by moving Item 5 - Public Hearing: HDR-23-03 - 4865

Willamette Falls Drive - Class II Historic Design Review for Replacement of 16 Windows before Item 4 -

Public Hearing: Remand from Planning Commission - DR-23-01-1919/1949 Willamette Falls Drive - Class II

Design Review for a New Commercial Building. Member Schreiber seconded. **Ayes: Watton, Schreiber,**

**Saltee, Solberg, and Manning. Nays: None. Abstain: None. The motion passed 5-0-0.**

**5. Public Hearing: HDR-23-03 - 4865 Willamette Falls Drive - Class II Historic Design Review for Replacement of 16 Windows**

Chair Manning introduced application HDR-23-03, Class II Historic Design Review for Replacement of 16 Windows at 4865 Willamette Falls Drive. Manning explained the hearing procedures provided in CDC Chapter 99.170 and opened the public hearing.

City Attorney Monahan addressed legal standards and appeal rights. The substantive criteria that apply to the application are contained in Community Development Code (CDC) Chapter 25: Overlay Zones – Historic District and Chapter 99: Procedures for Decision Making: Quasi-Judicial.

City Attorney Monahan addressed Historic Review Board conflicts of interest, ex-parte contacts, jurisdiction, and bias challenges. Member Watton recused himself based on potential bias. Chair Manning declared a site visit. No other declarations of ex-parte contacts, conflicts of interest, or bias were made. Monahan asked if any audience member wished to challenge the Historic Review Board's jurisdiction,

impartiality, or ex-parte disclosures of any members. There were none.

Associate Planner John Floyd presented the staff report. The applicant has requested approval to alter sixteen (16) existing windows on four facades of the historic Lewthwaite House, a Craftsmen style bungalow built circa 1914-1915. The house is a local historic landmark listed on the National Register of Historic Places. Because of the poor condition of the existing windows, the applicant requests to replace all windows with Marvin Infinity Ultrex Fiberglass replacement windows. No change to the existing framing or trim is proposed.

The historic Lewthwaite House is one of seven homes along a ridgeline that sits above the mill parking lot and Historic City Hall. Four of these homes are listed as historic landmarks. As the area is zoned for commercial land uses, these homes now have residential and non-residential land uses. The project site is minimally visible from Willamette Falls Drive as it sits at the center of a private frontage road, at a lower grade than the adjoining street and behind tree cover.

Chapter 25 allows material substitution if the substitute material conveys the form, design, scale, detailing, and overall appearance of the historic material and the application of the substitute material does not damage, destroy, or obscure the historic features.

Floyd recommended approval of the application to replace sixteen existing windows, subject to the following conditions:

1. Site Plan, Elevations, and Narrative. Alterations to the building shall conform to the plans, elevations, and narrative submitted in the application.
2. Window Lights. Replacement windows shall utilize “simulated divided lights” on the exterior of the window panes.

Applicant Rigel Bruening discussed the need for window replacement and answered questions about the window design.

Chair Manning asked for public testimony. No public testimony was received.

There were no requests for continuances.

Chair Manning closed the public hearing and opened deliberations. Members discussed the design of the proposed windows.

Member Saltee moved to recommend approval of HDR-23-03, as presented. Member Solberg seconded.

**Ayes: Schreiber, Saltee, Solberg, Steele, and Manning. Nays: None. Abstain: Watton. The motion passed 5-0-1.**

**6. Public Hearing: Remand from Planning Commission - DR-23-01-1919/1949 Willamette Falls Drive - Class 2 Design Review for a New Commercial Building**

Chair Manning introduced application DR-23-01, a Class 2 Design Review at 1919 & 1949 Willamette Falls Drive. The HRB was tasked with considering a recommendation to the Planning Commission regarding a proposed Design Exception to exceed the maximum height limit of two stories, as part of a Class 2 Design Review. Manning explained the hearing procedures provided in CDC Chapter 99.170 and opened the public hearing.

City Attorney Monahan addressed legal standards and appeal rights. The substantive criteria that apply to

the application are contained in Community Development Code (CDC) Chapters 58 (the Willamette Falls Drive Commercial Design District) and 99 (Quasi-Judicial Decision-Making Procedures).

City Attorney Monahan addressed Historic Review Board conflicts of interest, ex-parte contacts, jurisdiction, and bias challenges. Member Watton recused himself based on potential bias. Chair Manning declared a site visit. Member Schreiber noted that he lives within a block of the subject property. No other declarations of ex-parte contacts, conflicts of interest, or bias were made. Monahan asked if any audience member wished to challenge the Historic Review Board's jurisdiction, impartiality, or ex-parte disclosures of any members. There were none.

Associate Planner John Floyd presented the staff report. The HRB is asked to consider a new Design Exception as part of the Class II Design Review for a new commercial building within the Willamette Falls Drive Commercial Design District (WFDCDD).

While the HRB provided a recommendation to the Planning Commission on June 13, 2023, the Planning Commission remanded the application back to the Historic Review Board to decide a new Design Exception requested by the applicant. After receiving a recommendation from the HRB on June 13th, the applicant amended the proposal to remove a design exception for canopy support columns in the sidewalk and replaced it with a new design exception to exceed the two-story height limit. As CDC 58.090 assigns the Historic Review Board the sole authority to grant a Design Exception, the City Attorney and Planning Commission determined that a remand to the HRB was necessary to decide the new design exception.

On October 23, 2023, the applicant provided a revised plan and elevation drawings to aid the Historic Review Board (HRB) in reviewing the new design exception. Per CDC 58.090 and 99.060.D.2(c), the HRB must consider the proposed Design Exception to permit a third story and recommend to the Planning Commission whether the project complies with CDC Chapter 58, Willamette Falls Drive Commercial Design District. Once an HRB recommendation is made, the Planning Commission will decide on the Class 2 Design Review request.

The site is zoned General Commercial and is within the boundaries of the Willamette Falls Drive Commercial Design District Overlay (WFDCDD). The project backs up to R-7 zoning. Two structures occupying the site are proposed to be demolished. Three design exceptions are requested as part of the application:

- Use of James Hardie fiber cement instead of wood siding and trim – approved by HRB on 6/13/23;
- Use of brick masonry instead of wood siding along selected portions of the façade - approved by HRB on 6/13/23; and
- Permit a third story to exceed the 2-story maximum height limit for the district for mechanical equipment, roof access, and storage – **new request to be decided by HRB on 11/14/23.**

Floyd recommended the Historic Review Board consider the third design exception.

Members asked clarifying questions about the design exception, number of allowed stories, total maximum height, and procedures. Member Schreiber asked about similar design exceptions in the District.

Scott Sutton of SGR Architecture presented the design exception for rooftop storage on behalf of the applicant. He stated that the enclosed area on top of the building would be unoccupied, accessory storage intended to store the rooftop furniture in the winter. A second enclosed area would screen the mechanical equipment.

He testified that all proposed building heights are at or below the maximum allowable by code (35'0"). The building would have a below-grade garage, two floors above grade, and a roof-top deck. The proposed rooftop spaces would not be visible to the public. He stated that the rooftop deck is, by definition, not a third floor because it does not have a roof. He emphasized that the design exception request is for accessible, enclosed accessory space for storage. He stated that the city has previously approved covered rooftop spaces for roof access and storage for five other buildings in the District, making their proposal align with existing building

Members asked clarifying questions about the windows and architectural features of the building.

Chair Manning asked for public testimony.

Ian Brown submitted written testimony. He objected to the height of the building and third-story windows and proposed a third story.

Audra Brown objected to the applicant's request to allow 2,400 square feet of storage space on top of a two-story building.

Kathi Halicki of the Willamette Neighborhood Association objected to the applicant's proposal based on building height, noise, and lighting.

Yarrow Currie, Al Secchi, and James Estes testified in opposition to the proposed design exception.

Sutton rebutted that the proposed rooftop storage area is only 1,200 square feet. Additionally, he commented on the light and noise concerns. Finally, he noted that the building is within the District's 35-foot height limit and reiterated his perspective that the rooftop storage is not a third floor.

The HRB discussed the potential need for a continuance. There were no requests for continuances.

Floyd clarified issues for consideration.

Chair Manning closed the public hearing and opened deliberations. Members discussed:

- Concerns about the height of the building,
- Third floor precedent,
- Historic character and design detail of the proposed design exception; and
- Proposed windows above the second floor.

Member Schreiber moved to deny the proposed design exception to exceed the 2-story maximum height limit for DR-23-01, and directed staff to prepare a Recommendation and Order adopting findings that specifically addressed:

- The proposed design exception did not incorporate exceptional 1880 – 1915 architecture demonstrating superior design, detail, or workmanship and
- The proposed design exception did meet historical precedence for the District.

Member Solberg seconded. **Ayes: Schreiber, Saltee, Solberg, Steele, and Manning. Nays: None. Abstain: Watton. The motion passed 5-0-1.**

## 7. Discussion Item: HRB Input on 2023 Annual Report to Council

Associate Planner Floyd requested input for the 2023 Annual Report to City Council.

**8. Items Of Interest - Board Members**

None.

**9. Items Of Interest - Staff**

Floyd discussed upcoming projects and HRB vacancies. Members also discussed the Beckman Stone historic marker and the use of the McLean House.

**10. Adjourn**

Chair Manning adjourned the meeting at 9:15pm.