

City of Oregon City
Historic Review Board
Minutes
January 6, 2020, 6:00 p.m.
City Commission Chambers – City Hall

1. Call to Order

The meeting was called to order before the video began.

In attendance were board members Jon McLoughlin, Claire Met, Ken Baysinger, Raymond Stobie and Grant Blythe. Planner Kelly Reid represented City Staff.

2. Public Comments

No public comments were made.

3. PC-19-146 HR 19-07 for an alteration to previously approved new construction in the McLoughlin Conservation District at 415 Center Street.

Kelly Reid stated this is a quasi-judicial meeting. Jon McLoughlin read the full introduction and explanation of the quasi-judicial meeting procedure.

Jon called for any declaration by commissioners as to ex parte contact regarding the application. There were no declarations.

The commissioners all said they have visited the site of the application.

Kelly Reid presented the staff report. The building in question is an office building approved in 2017 by the Historic Review Board (HRB). The applicant recently finished construction and requested final inspection and certificate of occupancy from the Planning Department. Upon inspection, the Planning Department noted that one of the conditions for approval, smooth HardiePlank siding, was not met; instead, textured wood grain planked siding was installed. A final certificate of occupancy could not be issued. Applicant had the option of replacing the siding or asking the HRB to change the requirement of smooth siding. Kelly showed a diagram of the original construction plan for the building exterior which showed the HardiePlank siding. The written portion of the plan, however, stated that smooth siding would be used to replicate cedar lap siding.

Also in the conditions of approval the Board had emphasized the use of “wood or a minimum 4-6” reveal smooth composite siding.” Kelly showed a photograph of one side of the building, indicating the 2nd story did have the smooth siding but the 1st floor had cedarmill

textured siding. Kelly reviewed in photographs different textures of siding that are offered in the industry.

Kelly provided copies of public comments received by the Planning Department that were not received in time for the printing of the published agenda. The Board had reviewed those comments over email.

Kelly gave some history of why this requirement has been made. The design guidelines for new construction state that wood siding for materials which have the appearance of horizontal wood siding are permitted. There is no specific prohibition against the textured cedarmill composite siding. That being said, for at least the last 15 years the Board has always required smooth siding for new constructions in the historic district. Staff's recommendation is to retain the original condition of approval because there was a reason for it; it has the appearance of wood, unlike the textured siding which tries to look like wood grain but doesn't, in many opinions. Kelly said in addition to the recommendation, if the Board thinks the textured siding is appropriate and meets the design guidelines and has the appearance of wood, it would set a precedent for the Planning Department. If the Board doesn't want to accept the smooth siding, the applicant would be required to replace the textured siding with smooth siding and be given a date by which it needs to be done.

Another condition of approval, Kelly stated, was the dimension of front columns which should be a minimum of 8-10 inches in width throughout the column. There are seven columns on the front and side of the building that appear to be 6 inches wide. The Board required those column widths to be increased to at least 8 inches. This condition has not yet been met and needs to be addressed before a final certificate of occupancy can be given. Kelly showed photos of the columns on the porch in question.

Applicant/Property Owner Bill Winkenbach approached the Board. He stated that he has taken photos of numerous homes in the historic district that are listed as historic homes but that have HardiePlank siding. He gave the Board and Kelly copies of these photos. He addressed a photo of 415 Center Street (his property) and of 419 Center Street which is next door to his. He stated that the siding of 419 Center Street is wood siding and the textured siding on his own building is pretty close in appearance to that, can't tell the difference when looking from the street. At 111 6th Street, Mr. Winkenbach said, there is new construction in the historic district that has textured HardiePlank siding. The structure at 902 6th street, he stated, is not HardiePlank but is textured. There is real wood on the building at 118 John Quincy but it looks very similar to his siding. At 804 John Quincy and 226 Monroe Street the structures also have textured siding. On 8th Street there are four new buildings, Mr. Winkenbach stated, that are clearly Historic Review properties and they have HardiePlank siding. Mr. Winkenbach continued and showed photos of 811 Monroe St, another designated historic building with textured siding. He said these don't even look as good as his cedarmill textured siding. He went to 1002 Monroe St. which has real wood and said it's hard to distinguish from HardiePlank. Other addresses with HardiePlank siding are, he stated, at 1106

Monroe St., 1118 Monroe, and 1321 Monroe. The building at 612 12th Street has real wood which looks very similar to textured siding.

Mr. Winkenbach pointed out that the building they were currently in for this meeting was one he rebuilt and it has textured HardiePlank siding. He sees textured siding throughout the historic district. His siding is newer, looks superior, and doesn't stand out as the only one. He restated his points that there is HardiePlank siding on designated buildings and non-designated buildings and on new construction. The newer HardiePlank siding mimics very closely real wood siding.

Mr. Winkenbach said in the first plans they submitted it said they would use smooth siding but they submitted revised plans that showed areas that would have HardiePlank as well as areas of smooth siding. They followed those plans for this construction. Perhaps they missed this one statement in earlier plans; they didn't catch it, they made the mistake. He said they were careful, thoughtful, trying to be good stewards; they installed a \$5000 front door that matches some of the nicer historic buildings. They made sure that the HRB knew they were applying materials that could enhance the structure. They weren't trying to do anything untoward. He thinks the Board should allow textured siding because they already have it throughout the district and it looks like real wood.

Mr. Winkenbach stated that there needs to be coordination between the Building Dept. and the HRB with respect to specificity. Perhaps there should be checkpoints along the way in addition to the regular inspection points; perhaps the inspector would've noticed the different siding earlier, before they completed the structure. Mr. Winkenbach said he replaced the railing three times to accommodate the Review Board. He feels that he is being a good steward and making him tear off the textured siding would not be right.

Regarding the columns, which he said was also in one statement in paperwork from 2.5 years ago, they worked hard to try to get the biggest columns possible. These are the biggest ones he could buy. They are beautiful, expensive, fiberglass columns that, while they are not wood, will stand the test of time and are very close to the design guidelines. He thanked the Board for meeting early on his behalf.

Grant Blythe asked Mr. Winkenbach if he has a cost estimate for replacing the textured siding. Mr. Winkenbach said it would be about \$12,000 but it means that he can't close on a building that he desperately needs to close on; he's been in a huge fight with the buyer. Mr. Winkenbach said the Planning Department was kind to give him a full non-conditional certificate of occupancy. His buyer would not accept it and won't close until after this Board meeting.

Claire Met stated that in reference to Mr. Winkenbach's suggestions that the siding next door looks very similar or is the same, they are two very different styles of architecture. The structure next door is more appropriate for textured siding, as other buildings might be. Just because there is wood siding around the McLoughlin neighborhood doesn't mean it's

appropriate. She said that Mr. Winkenbach was going for more of a “vernacular” style of structure and most of those do have a smooth siding, in her experience. Mr. Winkenbach saw the same thing and took photos of every kind of architecture he could find to show that the wood grain is throughout the district.

Jon McLoughlin said he appreciated what the applicant has created but what he saw was Mr. Winkenbach reaching for excuses for what he has *not* done and doing anything and everything to accommodate what he *has* done. There were conditions approved by the Board set forth to the applicant and he is creating a convoluted scenario that it’s the HRB and Planning and Building Departments’ fault, that they should have let him know about the siding. Jon has not once approved this cedarmill siding. He said this a “no-brainer,” as Mr. Winkenbach was required to use smooth siding. He would have preferred that Mr. Winkenbach show some humility and admit that he missed it and wants to make it right. He said he understands about the cost but it seems as though the applicant had no regard for the conditions of approval and completely ignored them. He said the builders could have made the right columns on-site. Someone ordered cedarmill siding and didn’t think about putting it up even though there is smooth siding on the 2nd floor. Jon stated that it would not have been during his tenure on the HRB when any of the textured siding was approved.

Jon said they’ve made special accommodations for Mr. Winkenbach with this meeting; they shouldn’t even be there and having this meeting. He has little sympathy for the applicant’s excuses and he’s *not* comfortable in saying it. He just doesn’t see any remorse or someone who is trying to be a better steward. Jon doesn’t want to set precedent with this, even though they could. He doesn’t care about the existing structures with textured siding; Mr. Winkenbach should have followed the conditions of approval. Jon said, yes, someone ordered the wrong siding but Mr. Winkenbach should have caught it and not allowed it to be installed. You can’t blame the Building or Planning Departments, stated Jon. Jon welcomed any other comments from the applicant.

Mr. Winkenbach thanked him and asked the Board to truly understand that he is passionate but not uncaring. He did talk with Staff about the siding and through that dialogue they decided to have this HRB meeting. He’s not trying to assign responsibility at all and gave examples of his being a good steward; he had presented options in building; he was trying to help change the process so these things don’t happen. He pointed out again that there are new structures with textured siding. Jon asked Mr. Winkenbach what he thinks happened with his siding. Mr. Winkenbach apologized for their mistake, for being irresponsible, saying that the smooth siding was on the initial documents from 2.5 years ago but they were focused on the actual current plans which didn’t show that requirement. Jon asked him why they aren’t willing to fix it if they made a mistake. Mr. Winkenbach said he doesn’t really have \$12,000 for this; it isn’t about an attitude and there are other properties using the same products.

Jon said he sees the applicant’s side; he’s not speaking for everyone on the Board; he doesn’t think Mr. Winkenbach is being malicious but he said the mistake should be corrected. One cannot take the conditions of approval lightly. Mr. Winkenbach repeated that he was the

one who came to the City and pointed out his mistake and he was looking for some grace. That, Jon said, is what he had wanted to hear initially from this applicant.

Raymond Stobie asked the applicant when the mistake was noticed. Mr. Winkenbach said they noticed it at final inspection. Ken confirmed that it was at that point that Mr. Winkenbach offered to tear away the siding but the Planning Department suggested taking it to the HRB to see what they think. Mr. Winkenbach said the Planning Department gave him a certificate of approval conditional on this meeting; he told them he couldn't wait for the meeting. Then the Planning Department gave him the full non-conditional certificate of occupancy and said for him to approach the HRB.

Claire asked when the mistake with the columns was noticed. Kelly said it came up only today; Jon said he was the one who saw this today, it was the first thing he saw.

Jon called up Jane Baird for her public comment. She is the buyer of the building. The process was started in March, she stated, and they thought it would be completed in June. They went through three project manager changes. Mr. Winkenbach has had a lot of change happening and might not have been able to keep track of all this; he wasn't the "go-to" person in the beginning. Jane said she would prefer not to have the siding ripped off in the dead of winter and the rain. They have already moved in and the closing kept getting moved back because of other projects. Jane said she likes the look of the house and the siding, that it fits in, that she's had people think it was an old house that has been remodeled. She doesn't want to end of up with an ongoing problem by replacing the siding now. She doesn't feel the need to do this. She feels the next door siding looks just like theirs; others she noticed, even though they might really be old, look the same. She sells lumber and knows the differences. She would have preferred wood and could supply it but it was already in the plans for composite siding. She didn't pay attention to whether the plans said smooth or textured siding would be installed. She doesn't want to have an ongoing issue as the owner.

Cameron McCredie stepped forward to address the Board. He is Chairman of the McLoughlin Neighborhood Association and a residential real estate broker. He cares about the neighborhood and historic preservation of buildings whether they are on the registry or not. There are ongoing issues, several going before the HRB soon. This is one of the those in which there was slipping/sliding and attitude of "let's do it and apologize later." He talked about his 1920 bungalow and its "T111" siding which is rotting; he replaced with clear, smooth cedar siding, very expensive and not easy to find. He wants the Board to know there are many of people like him who care about what the Board is doing.

Mr. Winkenbach gave his rebuttal, reminding the Board of the major front door change he made in attempt to reflect the architecture he was trying to emulate. He was not trying to make excuses and ask for forgiveness later; he did the best he could, he worked with the Planning Department. He brought other issues to the HRB. He does care.

Jon closed the public hearing and asked the Board to debate and ask any questions.

Claire commented that if they have set conditions and, whether due to neglect or forgetfulness those conditions are not followed and the Board allows applicants get away with it, then she questions the Board's role here. She spoke about other applicants in the past who have been required to fix the problem and fixed an issue with the required materials.

Grant said this is a subjective issue and he doesn't want to set a precedent for how they deal with deviations in general. He made three points:

(1) What is the impact to the historic district and the structure? He had no doubt smooth siding is correct; he finds no other builders/homeowners who didn't follow the process and installed HardiePlank textured siding. He expected the best and most compliance from Mr. Winkenbach because of his experience in the area as a professional builder. He doesn't think from a distance many people would notice, it is not a severe impact to the building. It's not a contributing structure but is a new building.

(2) What is the impact to the applicant by the remedy? The cost is relatively higher here than for other deviances (such as a railing) and there is potential impact to damage to the building due to it being winter.

(3) What were the circumstances surrounding the deviance? The process was followed, generally.

He shares many of Jon's personal feelings; Mr. Winkenbach missed two out of five conditions of approval, which is not a high standard for a professional. Leaving that out of his decision, being objective, Grant stated his opinion is to allow the deviation and approve the applicant but not setting a precedent that textured siding is equal to smooth siding.

Ken Baysinger said he agrees with pretty much everything Grant said. He pointed out that the building they are in at present has two deviations, the siding and the windows. If the City is going to grant itself "some slack" he doesn't see how they can force a citizen to fix his deviation. He said they have to let the applicant keep the structure as it is.

Claire confirmed that they were discussing only the siding and not the columns. The columns, Kelly stated, are not part of the application. At this point the applicant will need to correct the columns or there would need to be another publicly-noticed meeting to discuss the columns.

Grant Blythe moved to approve the application PC-19-146- HR 19-07 for an alteration to previously approved new construction in the McLoughlin Conservation District at 415 Center Street. Ken Baysinger seconded the motion.

Vote:

Clair Met - nay
Raymond Stobie - nay
Ken Baysinger - aye
Grant Blythe - aye

Jon McLoughlin - nay

Kelly said the motion to approve this application has failed.

Jon asked for another motion. Ken said giving the applicant a year, until sometime after June, to address and fix the problem would be acceptable.

Ken Baysinger, therefore, made a motion to give the applicant a year to comply with the condition of approval regarding the siding. Claire Met seconded the motion.

Vote:

Raymond Stobie - aye

Grant Blythe - aye

Clair Met - aye

Ken Baysinger - aye

Jon McLoughlin - aye

The motion to give the applicant one year for compliance passed.

4. Adjournment

The meeting was adjourned at 7:00 p.m.