

# HISTORIC LANDMARK COMMISSION MINUTES

February 25, 2009

City Hall Council Chambers  
313 Court Streets  
The Dalles, OR 97058  
Conducted in a handicap accessible room.

## **CALL TO ORDER**

Chair Gleason called the meeting to order at 4:01 P.M.

## **ROLL CALL**

The following Commissioners were present:

Eric Gleason
Bob McNary
Dixie Parker
John Hashizume
Pat Smith

The following Commissioners were absent: None

Staff present:

Director Dan Durow
City Councilor Carolyn Woods
Planning Tech. Denise Ball

## **APPROVAL OF AGENDA**

Commissioner Parker moved to approve the agenda. Commissioner Smith seconded the motion. The motion carried unanimously.

## **APPROVAL OF MINUTES**

Commissioner McNary moved to approve the minutes of January 28, 2009. Commissioner Hashizume seconded the motion. The motion carried unanimously.

## **PUBLIC HEARING - Historic Landmarks Commission Application #113-09 of Wasco County:**

This application is for a Historic Landmarks Commission hearing to install an ADA ramp at the rear door, remove chimney per safety recommendation, replace old windows with same style and color vinyl windows. The old windows that had not been previously replaced will be tagged and kept on site. The stained glass will be reinstalled as before. Property is located at 202 E. 5<sup>th</sup> St. and is further described as 1N 13E 3BC tax lot 7700. Property is zoned "CBC"- 3 – Central Business Commercial District.

Chair Gleason read the rules for conducting a public hearing. There were no ex-parte contacts, bias, or conflicts of interest by the Commissioners. There were no challenges from the audience. Chair

Gleason opened the public hearing and asked for the Staff Report. Director Dan Durow presented the Staff Report. Director Durow told the Commission that Staff supported the request for the ADA Ramp and removal of the chimney but not the installation of the vinyl windows. He asked the Commissioners if they had any questions.

Commissioner Hashizume asked if all the vinyl windows would have to be replaced and Director Durow said according to the Secretary of Interior's standards they would. Hashizume said the taxpayers would have to pay for them. Durow agreed but added that the Secretary of Interior's Standards don't look at cost for historic preservation criteria.

Commissioner McNary asked for additional information about the ADA ramp and Director Durow said he was not able to answer. He instructed McNary to ask the applicant during proponent testimony.

Chair Gleason said he understood both the County and the contractor were asked to stop work on the vinyl windows before they had all been installed. Director Durow said there were conversations between Associate Planner Hert, the County, and the Contractor that were a bit strained. He suggested Gleason could ask the County about the details of those conversations during proponent testimony.

**PROPONENT:** Judge Dan Ericksen and Tyler Stone, 511 Washington Street introduced themselves to the Commission. Judge Ericksen told the Commission that he was not aware this was a historically registered building even though the contractor, Kase Construction, had been told that information when applying for a permit. This property is being used for the Juvenile Department. The building suffered extensive water damage due to a broken water pipe, over \$200,000. The building had also suffered fire damage due to arson about two years ago. Five of the original windows were replaced with vinyl windows at that time and nothing had ever been said about the building being historic or the replacement with vinyl windows. The vinyl windows are energy efficient and affordable and have a similar appearance to the original windows. Wasco County is on an extremely tight budget and cannot afford original wood windows.

Tyler Stone said their contractor has given them a bid of \$75,000 to replace the vinyl windows with wood windows. Mr. Stone added that the County is considering removing the building from the registry.

Fred Davis, County Building Maintenance Supervisor, said he was also unaware the building was on the historic registry and there is nothing recorded on the deed. He added that the Secretary of Interior's Standards say vinyl windows are "not recommended" it does not say that they are not allowed. He feels the County made an effort to maintain the style of the building.

Commissioner Parker asked Fred Davis if Associate Planner Dawn Hert had told him to stop installing the vinyl windows and he said he had not had that conversation with her.

Mr. Stone said he was contacted by someone and informed it was a historic building but he does not recall at any time being told to stop replacing the vinyl windows. He was told to submit an application for Historic Landmarks Commission which Judge Ericksen did.

Chair Gleason asked Mr. Stone if the original windows had been saved. Fred Davis said some of the windows were salvaged but many, about three quarters of the windows, went in the dumpster before they were notified they needed to obtain Historic Landmarks Commission approval.

Chair Gleason asked if their contractor had given them a bid to repair the original windows. Mr. Stone said they did not get an estimate for repair. The water damage was extensive and the frames and casing were extremely warped.

The Commission and applicants discussed the building permit issued both by the City and Mid-Columbia Building Codes. Commissioner Parker pointed out that the permit was issued on October 2008 and says “no window replacement allowed, HLC hearing required”. Mr. Stone apologized to the Commission and said if the permit came into his office it probably just went in to a file and was not reviewed.

Commissioner McNary said he believes the Commission has no option but to uphold the Secretary of Interior Standards. He asked Director Durow if that is correct.

Durow said the expectation is that Historic Landmarks will uphold those Standards. He added that in this case, which is not a “cheap fix”, and in these economic times the decision is more complicated. Director Durow said he would have liked to have seen a competitive bid process and believes that price would come down significantly. That being said, cost is not a criterion for the decision.

The Commission asked if the Contractor could be liable for some of the costs due to the fact he proceeded with the window replacement when the permit clearly stated that window replacement was not allowed and a Historic Landmarks Commission hearing was required.

Mr. Davis said he had not seen the building permit but wasn't concerned because five windows were replaced in 2006 and no one contacted him at that time to inform him the building was historic.

Mr. Stone informed the Commission about the extensive water damage due to a broken pipe. The records stored in the house required considerable time and expense to preserve after being completely saturated. The interior character of the building was also preserved during the remodel.

Director Durow stated he would like to offer something for the Commission to consider. The County has shown over time that they are good stewards of historic property. The Courthouse is a prime example of their dedication to historic preservation. Perhaps the error could be corrected over a period of time, such as one window a year. The possibility is that the remaining original windows could be repaired and reinstalled first.

Chair Gleason asked if the remaining original windows had been tagged before they were put in the basement. Mr. Stone said they were not tagged and are not intact.

Councilor Wood asked if the original windows were white and Mr. Davis said the trim was darker, charcoal in color. Councilor Wood then asked why one of the replacement windows was shortened

and was told that the receptionist sits in front of that window and was concerned that someone could look up her dress.

Director Durow pointed out that the vinyl sash on the windows can be painted as an interim solution, he painted his own vinyl windows and the paint does stay on. The historic color palette requires the sash of the window to be the darkest of three colors. The trim is always the lightest color and the body of the house is the medium color.

Councilor Wood asked Director Durow if that block of buildings could be part of the proposed Urban Renewal boundary line amendment and Durow said it could. If that would happen, the County would be eligible to apply for a grant for some or all of the window restoration.

Judge Ericksen said there has been enough change to this house, over time, to have it taken off the State Registry. He added that they would maintain the historic integrity as the County budget allowed.

Chair Gleason said that changes, over time, do not in and of themselves make a building non-historic.

**OPPONENT:** Judy Omar Bailey said her Grandmother lived in the house for 75 years. She said there were structural changes made to the house prior to 1940, more than 50 years ago.

Commissioner McNary asked if the decision could be delayed for six months to see if the County does apply to remove the building from the historic registry. Director Durow said the 120 rule would apply for a decision. He said he would like to hear a response to his suggestion about a longer term fix.

Commissioner Parker said she is in favor of Director Durows' proposal.

Ruth Long, 809 E. 10<sup>th</sup>, asked who paid for the repairs and Judge Ericksen said the insurance paid for almost all of it. Ms. Long said the contractor didn't follow the rules and should be liable for putting in windows that were clearly not approved.

**REBUTTAL:** Judge Ericksen responded to Director Durow's proposal. He appreciates the opportunity to replace the windows over time but his preference is to remove the house from the State Historic Registry. Ericksen added that the County is not making a precedent with this building, this is a very specific situation and taxpayer dollars would not be spent wisely by replacing the vinyl windows.

Chair Gleason closed the public testimony portion of the hearing.

**DELIBERATION:** Commissioner Parker asked how many total windows there are in the house. Mr. Davis said there were originally 28, but one was done away with, leaving a total of 27. Chair Gleason suggested that only the windows on E. 5<sup>th</sup> Street and Court St. be replaced.

Commissioner Hashizume pointed out that the money has been spent on the vinyl windows and he does not want to see the tax payers paying for additional windows. Hashizume said Kase Construction purchased and installed windows that were not approved by City Planning, Historic Landmark

Commission or Mid Columbia Building Codes and he should be held liable by the County to replace the window. Commissioner Parker said the Commission does not have the authority to order them to hold the contractor responsible. Commissioner Hashizume said he understands that but he does not want the tax payers to have to pay for something the contractor did wrong. He hates throwing good money after bad.

Commissioner Parker said she does too, but there are consequences when you don't follow the rules. Parker said the contractor knew in October of 2008 that he could not install vinyl windows and the County was told to stop replacing the windows before all the windows had been removed. They chose to proceed with unauthorized actions and the Commission must do its job and uphold the standards.

Chair Gleason said maybe the Commission could look at having the Court Street facade and E. 5<sup>th</sup> Street façade windows replaced over a period of time.

Commissioner McNary asked where is the teeth in the law? McNary asked if the Commission denied the vinyl windows, the applicant wouldn't have to go remove them by nightfall would they?

Director Durow said the enforcement mechanism is a fine but the ultimate result is to bring the applicant into compliance.

Judge Ericksen again stressed the dire financial difficulties facing the County.

Commissioner Parker moved that HLC 113-09 be approved with conditions of approval, revising condition number 4 to read "The vinyl windows on Court Street and E. 5<sup>th</sup> Street frontage are to be replaced with wood windows, using the remaining original windows where possible. The applicant has up to ten years to complete this requirement." Commissioner McNary seconded the motion and it carried unanimously.

**RESOLUTIONS** – Commissioner Parker moved to adopt Resolution 108-09 approving HLC Application 113-09 with conditions of approval as amended. Commissioner Hashizume seconded the motion. The motion carried unanimously.

**GOAL SETTING** – Commissioner Smith moved to table 2009 Goal Setting until the March meeting. Commissioner Parker seconded the motion and it carried unanimously.

**COMMISSIONER/STAFF COMMENTS:** Commissioner Parker requested that all Commissioners receive a copy of the Building Permit issued to Kase Construction for their records.

**ADJOURNMENT:** The meeting was adjourned at 6:05pm

Respectfully submitted by Denise Ball, Planning Tech.