CITY OF West Linn

Memorandum

Date: **September 10, 2010**

To: **John Kovash, Mayor**
Members, West Linn City Council

From: **Chris Jordan, City Manager**

Subject: **September 13 Council Meeting**

For the September 13 Council meeting:

1) Attached is a memorandum and ordinance from the Planning Department regarding the Historic Review Board. The attached ordinance has been prepared based on the input received from Council at the September 7 work session.

   If any councilors would like to review a copy of the Planning Commission recommended version which was included in your August 9 agenda packet, you may find that version at this site:
   http://westlinn.granicus.com/MetaViewer.php?view_id=2&clip_id=41&meta_id=1830

2) The IGA for the Juvenile Diversion Program has been removed from this agenda.

3) There are some requested changes to some of the Minutes for Council review. We will have those changes on Monday evening for the Council.

Please let us know if you have any questions.

Attachment

CITY OF West Linn

Memorandum

Date: September 10, 2010

To: Chris Jordan, City Manager

From: Sara Javoronok, Associate Planner

Subject: Establishment of a Historic Review Board

Purpose

Staff is seeking City Council approval of proposed amendments to Chapter 2 of the Municipal Code and chapters 25, 26, 55, 58, and 99 of the Community Development Code (CDC). Upon adoption, these proposed amendments will establish a Historic Review Board (HRB) to assume the responsibilities of the City's Historic Resources Advisory Board (HRAB) and the Clackamas County Historic Review Board (CCHRB) pertaining to West Linn. The proposed amendments also provide for the extension of terms of office for board, commission, and committee members until the Council has the opportunity to reappoint or replace them.

At the September 7, 2010 work session, the City Council directed staff to prepare, for Council consideration on September 13, 2010, a draft ordinance implementing the Public Hearing Draft as modified by the language in Agenda Bill 2010-09-13-06, Attachment 4: Option 4 Code Language as refined by Council at the work session. The requested modifications to the language contained in Agenda Bill 2010-09-13-06 are shown below. Staff also recommends two non-substantive edits to sections 2 and 18, which are shown in **blue**. The draft ordinance implementing the City Council's tentative direction at the September 7 work session is attached.

Additional Changes

Municipal Code 2.060 (2): Council directed staff to add "a person to" to the proposed code language. This revised language appears in Section 1 of the attached draft Ordinance 1597.

(2) Qualifications for appointment and term of office for a position on a City advisory board, committee or commission shall be as provided in the enabling provision for such board, committee or commission in this chapter, provided that the term of office shall extend until the Council reappoints or replaces **a person to** the position. If a position becomes vacant before the expiration of the term, the Council shall appoint a person to fill the vacancy for the remainder of the term. Initial terms for a newly created advisory board, committee or commission shall be staggered in the resolution of appointment so that a majority of the positions do not become vacant in the same year and so that an equal or approximately equal number of positions become vacant each year.

Municipal Code 2.085 O(c): Council directed staff to remove the word "appropriate" from the proposed code language. Staff also recommends the replacement of the word "legislation" with "law". This revised language appears in Section 2 of draft Ordinance 1597.

(c) Apply **[~~appropriate~~]** state and local law **[~~legislation~~]** pertaining to the designation and protection of historic resources and, subject to applicable state law, archaeological resources.

CDC 99.060 D: Staff recommends changes to consolidating repetitive language as shown below. This revised language appears in Section 18 of draft Ordinance 1597.

D. The Historic Review Board shall **review an application for compliance with chapters 25, 26, and 58, as applicable. The Historic Review Board shall** have the authority to:

1. Approve, deny, or approve with conditions an application **[~~for compliance with chapters 25, 26 and 58, as applicable, for~~]** regarding the following:

...

2. **[~~The Historic Review Board shall review an application for compliance with chapters 25, 26 and 58, as applicable, and m~~]** Make **[~~a~~]** recommendations to the approval authority specified in Section 99.060**[~~. This review shall apply~~]** regarding **[~~for~~]** the following:

CDC 99.060 D(2): Council directed staff to change the word "authority" in the third line below to "review". This revised language appears in Section 18 of draft Ordinance 1597.

2. The Historic Review Board shall review an application for compliance with chapters 25, 26 and 58, as applicable, and make a recommendation to the approval authority specified in Section 99.060. This **review [~~authority~~]** shall apply for the following:

CDC 99.170 H: Council directed staff to change the word "are" in the second line below to "shall be". This revised language appears in Section 19 of draft Ordinance 1597.

H. If a Planning Commission or a Historic Review Board decision for a project that requires a decision by both bodies is appealed, both decisions **shall be [~~are~~]** automatically appealed and will be reviewed in a combined hearing.

CDC 99.240: Council directed staff to add language giving the Planning Commission the opportunity for free appeals of Historic Review Board decisions and giving the Historic Review Board the opportunity for free appeals of Planning Commission decisions involving property or structures within a historic district or designated as a landmark. This new language appears in Section 20 of draft Ordinance 1597.

D. The Planning Commission shall have standing in all Historic Review Board decisions and may appeal such decisions, following Community Development Code appeal procedures, without cost.

E. The Historic Review Board shall have standing in all Planning Commission decisions involving property or structures within a historic district or designated as a landmark and may appeal such decisions, following Community Development Code appeal procedures, without cost.

ORDINANCE NO. 1597
WEST LINN, OREGON

AMENDING SECTIONS 2.060 AND 2.085 OF THE WEST LINN MUNICIPAL CODE, VOLUME I, RELATING TO BOARDS, COMMITTEES AND COMMISSIONS AND AMENDING CHAPTERS 25, 26, 55, 58 AND 99 OF THE WEST LINN COMMUNITY DEVELOPMENT CODE, VOLUME II OF THE MUNICIPAL CODE, RELATED TO A HISTORIC REVIEW BOARD

WHEREAS, the City of West Linn has an intergovernmental agreement (IGA) with the Clackamas County Historic Review Board that provides for that Board to process historic design review projects; and

WHEREAS, Clackamas County has notified the City that the IGA will terminate as of September 30, 2010; and

WHEREAS, the City of West Linn Historic Resources Advisory Board has served in an advisory capacity to address local historic resources; and

WHEREAS, the City of West Linn is a Certified Local Government and must meet federal requirements to maintain this status, including maintaining a review body to address historic resources; and

WHEREAS, the City of West Linn has developed proposed amendments to the Community Development Code (CDC) and Municipal Code to establish a Historic Review Board; and

WHEREAS, the City of West Linn notified the Department of Land Conservation and Development more than 45 days prior to the first evidentiary hearing on the proposed amendments to the CDC and Municipal Code; and

WHEREAS, the City of West Linn provided legislative notice of its intent to undertake a review of the CDC and Municipal Code and propose revisions to the codes pursuant to the applicable notice provisions; and

WHEREAS, the City of West Linn published notice of the Planning Commission public hearings regarding the proposed amendments on June 3, 2010 and on July 1, 2010, respectively; and

WHEREAS, the West Linn Planning Commission held public hearings regarding the proposed amendments to the CDC on June 16 and July 21, 2010; and

WHEREAS, after considering the public testimony regarding the proposed CDC amendments, the West Linn Planning Commission recommended approval of proposed CDC amendments that would establish a Historic Review Board assuming the functions of the Clackamas County

Historic Review Board pertaining to the City of West Linn as well as those of the City's Historic Resources Advisory Board; and

WHEREAS, the proposed code amendments meet the criteria for approval of legislative amendments stated in Section 98.100 of the CDC; and

WHEREAS, the proposed code amendments are compliant with the goals and policies of the Comprehensive Plan; and

WHEREAS, the proposed code amendments are compliant with the Statewide Planning Goals; and

WHEREAS, the Mayor, with City Council approval, shall appoint persons to positions or vacancies on advisory boards, committees or commissions by motion; and

WHEREAS, the City has had the terms of office of members of advisory boards, committees and commissions expire prior to the appointment or reappointment of individuals with the effect that boards, committees, and commissions at times have been unable to reach a quorum of members; and

WHEREAS, the City has determined that it is in the best interests of the City to allow the term of office of a member of an advisory board, committee or commission to extend until the Council reappoints or replaces the individual holding the position; and

WHEREAS, the City of West Linn published notice of the City Council public hearing for the proposed CDC and Municipal Code amendments on July 29, 2010; and

WHEREAS, on August 9, 2010 and September 13, 2010 the City Council conducted public hearings regarding the proposed CDC and Municipal Code amendments to establish a Historic Review Board and extend the terms of office of boards, committees, and commissions; and

WHEREAS, the measures adopted by this Ordinance comply with the state and other governing laws and are reasonably related to the public health, safety and welfare; and

WHEREAS, this Ordinance was passed and approved on the __ day of September, 2010:

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

Section 1: Section 2.060 (2) of the City of West Linn Municipal Code is hereby amended to read as follows:

(2) Qualifications for appointment and term of office for a position on a City advisory board, committee or commission shall be as provided in the enabling provision for such board, committee or commission in this

chapter, provided that the term of office shall extend until the Council reappoints or replaces a person to the position. If a position becomes vacant before the expiration of the term, the Council shall appoint a person to fill the vacancy for the remainder of the term. Initial terms for a newly created advisory board, committee or commission shall be staggered in the resolution of appointment so that a majority of the positions do not become vacant in the same year and so that an equal or approximately equal number of positions become vacant each year.

Section 2: Section 2.085 O of the City of West Linn Municipal Code is hereby amended to read as follows:

O. HISTORIC ~~RESOURCES ADVISORY~~ REVIEW BOARD

(1) Establishment; Membership; Term. There is hereby established a Historic ~~Resources Advisory~~ Review Board of the City of West Linn consisting of seven ~~five~~ regular members appointed for three-year terms, except as necessary to comply with Section 2.060 (2). ~~; except that the initial appointments shall be made so that the terms of not more than two members expire in any given year.~~

(2) Qualifications. Each member shall have a demonstrated interest, knowledge or competence in historic preservation and, to the extent possible, in one of the following fields: archaeology, architecture, building construction, history, landscape architecture, law, local history, real estate or urban planning. At least one member shall be an architect experienced in historic preservation, unless at the time there is a vacancy on the Board an applicant with these qualifications is not available. The majority of the members shall reside within the City of West Linn. Preference will be given to applicants residing in West Linn, except as necessary to obtain specific expertise listed above. ~~It is desirable that members of the committee have diverse interests and backgrounds, including some with knowledge or expertise in architecture, historic preservation and restoration.~~

(3) Powers and Duties. The Historic ~~Resources Advisory~~ Review Board shall:

(a) Meet at least four times a year and as required to conduct business in a timely fashion.

~~Disseminate information to educate the public as to state and federal laws protecting antiquities and historic places~~.

(b) Have the powers and duties which are assigned to it by the charter, ordinances and resolutions of West Linn and state law.

~~Act as a coordinator for local preservation groups, educational workshops, signing and monumentation projects, and other similar programs~~.

(c) Apply state and local law pertaining to the designation and protection of historic resources and, subject to applicable state law, archaeological resources.

(d) ~~(c)~~ Coordinate with and a~~A~~dvise interest groups, agencies, boards, and citizens ~~on~~ regarding the community's history and prehistory; promote research pertaining to local history and prehistory; make available materials pertaining to the preservation of historic resources and, subject to applicable state laws, archaeological resources; and provide information regarding state and federal preservation programs. ~~matters relating to historic preservation within the city.~~

~~(d) Monitor the city's historic inventories on a periodic basis and ensure that information on inventoried historic properties is updated and maintained.~~

(e) Evaluate the city's historic and, subject to state law, archaeological resources; compile and periodically monitor and update an Inventory of Historic Resources; establish and periodically update a Designated Landmarks Register; and document and archive historic resources prior to their alteration, demolition, or relocation.

~~Research and recommend property owner incentives to City Council to assist in continued preservation of historic resources.~~

(f) Subject to Planning Commission review and recommendation, per Community Development Code chapters 98 and 105, and City Council approval, devise code amendments to protect and enhance the preservation of historic resources and, subject to state law, archaeological resources.

~~Coordinate with Clackamas County, neighboring cities, and regional and state historic preservation agencies and groups to integrate West Linn preservation with statewide preservation initiatives~~.

(g) Subject to City Council approval, develop incentives, strategies, and programs to assist the community in the appreciation and preservation of historic and, subject to state law, archaeological resources.

~~Coordinate with the Clackamas County Historic Review Board as appropriate.~~

(h) Subject to Planning Commission review and recommendation and City Council approval per Community Development Code Chapter 98, develop guidelines and examples to clarify the criteria in regulations pertaining to historic resources and to assist applicants in developing complete and viable applications.

~~Seek outside funding of preservation work and activities~~

(i) Assist the owners of historic resources in their individual efforts to secure funding for the preservation of their resources.

~~Work to provide an adequate permanent facility for West Linn historic artifacts and materials.~~

(j) Subject to City Council approval, seek, accept and expend public appropriations, grants and gift funds that will further the protection, enhancement, and appreciation of the city's historic resources and, subject to state law, archaeological resources.

Section 3: Section 25.040 of the City of West Linn Community Development Code is hereby repealed:

~~25.040 HISTORIC REVIEW BOARD~~

~~A. For the purpose of this ordinance, the decisions regarding alterations within Historic District and recommendations for designation of Historic Districts shall be accomplished by the Clackamas County Historic Review Board.~~

~~B. Appointment and composition. The City Council shall appoint two individuals who have demonstrated an interest in historic~~

~~preservation, and have experience and/or special expertise or knowledge in the field of historic preservation, and may fulfill the requisites of the Historic Review Board and composition pursuant to 707.04 of the County's Code. The remaining five members of the Board are standing members responsible for reviewing applications for all of Clackamas County. Their appointment is made through Clackamas County government.~~

~~C. Terms of service. The aforementioned two members of the Historic Review Board shall be appointed for three years and may be re-appointed or replaced at the discretion of the City Council.~~

~~D. Duties and responsibilities. It is the responsibility of the Historic Review Board to ensure that the purposes of this section are implemented and to perform the following duties:~~

~~1. Adopt rules to govern its deliberations and decisions, including a method to record its proceedings.~~

~~2. Carry out the duties described for it in this Ordinance and otherwise assist the Board of County Commissioners and West Linn City Council on historic preservation matters.~~

~~3. Review and render decisions on proposals to alter the exterior of a Historic Landmark subject to the procedures and criteria set forth in CDC Chapter 26.~~

~~4. Review and render decisions on all proposed new construction on property on which a Historic Landmark is located, subject to the procedures and criteria set forth in Chapter 26 of this Code.~~

~~5. Review and make recommendations on all applications for zoning of a Historic Landmark, as provided under CDC Chapter 26.~~

~~6. Review all requests for demolition or removal of a Historic Landmark, as provided under CDC Chapter 26.~~

~~7. Review and make recommendations to the Planning Commission on all conditional use applications under Chapter 26 of this Code.~~

~~8. Review and make recommendations on all partitions and subdivisions of designated properties.~~

~~9. Disseminate information to educate the public as to state and federal laws protecting antiquities and historic places.~~

~~10. Act as a coordinator for local preservation groups, educational workshops, signing and monumentation projects, and other similar programs.~~

~~11. Advise interest groups, agencies, boards, commissions, and citizens on matters relating to historic preservation within the City.~~

~~12. Insure that information on inventoried historic properties is updated and maintained.~~

~~13. Provide opportunities for the ongoing education and training of Board members in architecture and historic preservation.~~

Section 4: Section 25.045 of the City of West Linn Community Development Code is hereby repealed:

~~25.045 APPEALS OF HISTORIC REVIEW BOARD~~

~~Appeals of Historic Review Board are heard by the City Council pursuant to Chapter 99, Procedures for Decision-Making: Quasi-Judicial.~~

Section 5: Section 25.050 A of the City of West Linn Community Development Code is hereby amended to read as follows:

A. The approval authority shall designate each historic district in the City that is listed on the National Register of Historic Places as a Historic District.

The approval authority may designate a proposed historic district that:

~~Approval of an Historic District designation shall be made when the Historic Review Board finds that any of the following criteria have been met~~:

~~1.~~ ~~Whether the proposed district or landmark would serve the purpose of the Historic District as stated in Section 25.010;~~

1.~~2~~. Is associated with an event or events that made a significant contribution to the history of the community, county, state or nation; or

~~Reflects the broad cultural or natural history of the community, state, or nation.~~

2.~~3~~. Is associated with the life or lives of a significant person or people in the history of the community, county, state or nation; or

~~Is identified with historic personages or with important events in national, state, or local history. Archeological sites would also be included.~~

3.~~4.~~ Embodies distinctive architectural characteristics of a type, style, period or method of construction; or

~~Embodies the distinguishing characteristics of an architectural specimen inherently valuable for a study of a period, style, or method of construction.~~

4. Represents the work of a master builder, designer, or architect who influenced the development of the community, county, state or nation; or

~~Is a notable work of a master builder, designer, or architect.~~

5. Has yielded, or will likely yield, information important in history or prehistory.

Section 6: Section 26.020 B of the City of West Linn Community Development Code is hereby amended to read as follows:

B. The approval authority shall designate a ~~A~~ building, site, structure, or object ~~may be zoned an~~ as a Historic Landmark if it is listed on the ~~"~~National Register of Historic Places~~"~~. The approval authority may designate a proposed Historic Landmark if it: ~~or approval of an Historic District designation shall be made when Planning Commission finds that any of the following criteria have been met:~~

~~1. Whether the proposed district or landmark would serve the purpose of the Historic District as stated in Section 26.010.~~

1.~~2.~~ Is associated with an event or events that made a significant contribution to the history of the community, county, state or nation; or

~~Reflects the broad cultural or natural history of the community, state, or nation.~~

2.~~3.~~ Is associated with the life or lives of a significant person or people in the history of the community, county, state or nation; or

~~Is identified with historic personages, or with important events in national, state or local history.~~

3.~~4.~~ Embodies distinctive architectural characteristics of a type, style, period or method of construction; or

~~Embodies the distinguishing characteristics of an architectural specimen inherently valuable for a study of a period, style, or method of construction.~~

4. Represents the work of a master builder, designer, or architect who influenced the development of the community, county, state or nation; or

~~Is a notable work of a master builder, designer, or architect.~~

5. Has yielded, or will likely yield, information important in prehistory or history.

Section 7: Section 26.020 B (second reference) of the City of West Linn Community Development Code is hereby amended to read as follows:

C.~~B.~~ The age of a specific building shall not be deemed sufficient in itself to warrant designation of a building as historic.

Section 8: Section 26.020 C of the City of West Linn Community Development Code is hereby amended to read as follows:

D.~~C.~~ The height and floor area ratio ~~single family residential design~~ standards that apply to homes elsewhere in West Linn shall not apply to a historic landmark structures identified in ~~s~~Section 26.020(A). ~~Setbacks and lot coverage standards of the underlying zone shall, however, apply. The standards will apply to both infill development and homes within new subdivisions.~~

Section 9: Section 26.020 of the City of West Linn Community Development Code is hereby amended to add the following:

E. No building permit for altering or moving any proposed historic landmark shall be issued while any advertised public hearing or any appeal affecting the proposed designation of the area or building is pending. In addition, demolition of a building that is the subject of a pending public hearing or appeal under this Section shall be a violation of this Chapter.

Section 10: Section 26.040 of the City of West Linn Community Development Code is hereby repealed:

~~26.040 HISTORIC REVIEW BOARD~~

~~A. For the purpose of this ordinance, the decisions regarding alterations to Historic Landmarks and within historic districts, and recommendations for designation of historic landmarks or districts, shall be accomplished by the Clackamas County Historic Review Board.~~

~~B. Appointment and composition. The City Council shall appoint two individuals who have demonstrated an interest in historic preservation, and have experience and/or special expertise or knowledge in the field of historic preservation, and may fulfill the requisites of the Historic Review Board and composition pursuant to 707.04 of the County's Code.~~

~~C. Terms of service. The members of the Historic Review Board shall be appointed for three years, and may be re-appointed or removed at the discretion of the City Council.~~

~~D. Duties and responsibilities. It is the responsibility of the Historic Review Board to insure that the purposes of this section are implemented, and to perform the following duties:~~

~~1. Adopt rules to govern its deliberations and decisions, including a method to record its proceedings.~~

~~2. Carry out the duties described for it in this Ordinance and otherwise assist the Board of County Commissioners and West Linn City Council on historic preservation matters.~~

~~3. Review and render decisions on proposals to alter the exterior of an Historic Landmark subject to the procedures and criteria set forth in Section 26.060.~~

~~4. Review and render decisions on all proposed new construction on property on which an Historic Landmark is located, subject to the procedures and criteria set forth in Section 26.060.~~

~~5. Review and make recommendations on all applications for zoning of an Historic Landmark, as provided under Section 26.050.~~

~~6. Review all requests for demolition or removal of an Historic Landmark, as provided under Section 26.080.~~

~~7. Review and make recommendations to the Planning Commission on all conditional use applications under Section 26.030(B).~~

~~8. Review and make recommendations on all partitions and subdivisions of designated properties.~~

~~9. Disseminate information to educate the public as to state and federal laws protecting antiquities and historic places.~~

~~10. Act as a coordinator for local preservation groups, educational workshops, signing and monumentation projects, and other similar programs.~~

~~11. Advise interest groups, agencies, boards, commissions, and citizens on matters relating to historic preservation within the City.~~

~~12. Insure that information on inventoried historic properties is updated and maintained.~~

Section 11: Section 26.045 of the City of West Linn Community Development Code is hereby repealed:

~~26.045 APPEALS OF HISTORIC REVIEW BOARD~~

~~Appeals of Historic Review Board are heard by the City Council pursuant to Chapter 99, Procedures for Decision-Making: Quasi-Judicial.~~

Section 12: Section 26.050 of the City of West Linn Community Development Code is hereby amended to read as follows:

26.050 <u>DESIGNATION</u> PROCESS ~~FOR DESIGNATION OF A HISTORIC LANDMARK~~

<u>The designation of a Historic Landmark shall follow the procedures in Chapter 99.</u>

~~A. City-initiated action. The Historic Review Board, City Council or interested parties may initiate the process for designation of an Historic Landmark. If the Historic Review Board or City Council initiates the process, notice shall be as required under Chapter 98.~~

~~B. Quasi-judicial application. The owner(s) of property, or properties, may request the zoning of their property, or properties, as an~~

~~Historic Landmark(s) by making application to the City. Notice requirements shall be as provided for zone change/plan change actions under Chapter 99.~~

~~C. Historic Review Board evaluation. The Historic Review Board shall evaluate the proposed zoning action and shall enter findings and make a written recommendation to the City Council.~~

~~D. City Council public hearing. The City Council shall conduct a public hearing to consider the proposed zoning action and shall either approve or deny the request. The Council shall enter written findings supporting its decision.~~

~~E. Pending permits. No building permit for altering or moving any proposed Historic Landmark shall be issued while any advertised public hearing or any appeal affecting the proposed designation of the area or building is pending. In addition, demolition of a building affected by a pending public hearing or appeal under this Section shall be a violation of this Ordinance.~~

Section 13: Section 26.060 A of the City of West Linn Community Development Code is hereby amended to read as follows:

A. Purpose. It is the intent of this Section to provide for <u>an</u> ~~the~~ appropriate level of review for <u>a</u> proposed alterations ~~and development~~ <u>to a historic landmark, and proposed development on a site containing a historic landmark,</u> ~~within Historic Districts, or those affecting Historic Landmarks,~~ as well as to provide criteria <u>e</u>~~i~~nsuring effective and efficient review of such proposed alterations and development.

Section 14: Section 55.030 E of the City of West Linn Community Development Code is hereby repealed:

~~E. Design review of single-family detached dwellings in the Historic District, landmark structures, and buildings in the Willamette Falls Drive overlay zone shall be reviewed by the West Linn/Clackamas County Historic Review Board per Chapter 99.~~

Section 15: Section 58.060 of the City of West Linn Community Development Code is hereby repealed:

~~58.060 REVIEW BODY~~

~~A. Applications to restore/remodel a commercial structure or construct a new commercial structure shall be reviewed by the Historic Review Board under the category of design review. The~~

~~Historic Review Board is defined and its duties and responsibilities explained in Section 25.040. The Planning Director, on behalf of the Historic Review Board, shall provide notice for design review pursuant to Section 99.080(B).~~

~~B. Repainting a structure, sign replacement, repairing windows, or minor changes shall be reviewed by the Planning Director as a Class B restoration. Review criteria is the same for a Class B restoration but there is not public notice and the fees are reduced under Section 58.080(C).~~

Section 16: Section 58.065 of the City of West Linn Community Development Code is hereby repealed:

~~58.065 APPEALS OF HISTORIC REVIEW BOARD~~

~~Appeals of Historic Review Board are heard by the City Council pursuant to Chapter 99, Procedures for Decision-Making: Quasi-Judicial. (ORD. 1474)~~

Section 17: Subsection 99.060 B(1) of the City of West Linn Community Development Code is hereby amended to add the following Subsection (the remainder of this Subsection is unchanged):

c. The designation of a historic landmark.

Section 18: Section 99.060 D of the City of West Linn Community Development Code is hereby amended to read as follows:

D. The Historic Review Board shall review an application for compliance with chapters 25, 26, and 58, as applicable. The Historic Review Board shall have the authority to:

1. Approve, deny, or approve with conditions an application regarding the following:

a. Major or minor remodel, alteration, or addition to a historic landmark or property within a historic district;

b. New construction within a historic district;

c. Construction of a non-exempt accessory structure or garage on a historic landmark property, or property within a historic district;

d. A demolition permit for a historic landmark or property within a historic district;

e. Revocation or modification of an approval as provided by Section 99.330 for any application approved by the Historic Review Board; and

f. An extension of an approval when the Historic Review Board acted as the initial decision making authority.

~~D. The Historic Review Board shall have the authority to approve, deny, or approve with conditions applications for the following development applications.~~

~~1. New home construction in the Historic District.~~
~~2. Creation of new historic districts.~~
~~3. Major renovation or additions to historic landmarks, and major renovation or additions to structures in the Historic District.~~
~~4. Construction of non-exempt accessory structures and garages to historic landmark properties and properties within a historic district.~~
~~5. Demolition permits for the Historic District, to historic buildings in the Willamette Falls Drive Commercial Overlay Zone, and to Historic landmark structures.~~
~~6. New construction, major renovation, and additions in the Willamette Falls Drive Commercial Overlay Zone.~~
~~7. Revoke or modify an approval as provided by Section 99.330 for any application approved by the Historic Review Board;. and~~
~~8. Extensions of approval when the Historic Review Board acted as the initial decision making authority.~~

2. Make recommendations to the approval authority specified in Section 99.060 regarding the following:

a. Designation of a historic landmark or a historic district;

b. Major or minor remodel, alteration, or addition to a property within the Willamette Falls Drive Commercial District that is not a historic landmark or within the Willamette Historic District;

c. New construction within the Willamette Falls Drive Commercial District that not a historic landmark or within the Willamette Historic District;

d. A partition or subdivision of property containing a historic landmark or property within a historic district;

e. Conditional use of property containing a historic landmark; and

f. A zone change for property containing a historic landmark or property within a historic district.

Section 19: Section 99.170 of the City of West Linn Community Development Code is hereby amended to add the following (the remainder of this Subsection is unchanged):

99.170 AN ADMINISTRATIVE ACTION - HEARING PROCEDURE

H. If a Planning Commission or a Historic Review Board decision for a project that requires a decision by both bodies is appealed, both decisions shall be automatically appealed and will be reviewed in a combined hearing.

Section 20: Section 99.240 of the City of West Linn Community Development Code is hereby amended to add the following (the remainder of this Subsection is unchanged):

99.240 AUTHORITY TO APPEAL OR SEEK REVIEW OF A DECISION - EXHAUSTION OF ADMINISTRATIVE REMEDIES

D. The Planning Commission shall have standing in all Historic Review Board decisions and may appeal such decisions, following Community Development Code appeal procedures, without cost.

E. The Historic Review Board shall have standing in all Planning Commission decisions involving property or structures within a historic district or designated as a landmark and may appeal such decisions, following Community Development Code appeal procedures, without cost.

PASSED AND APPROVED THIS __ DAY OF _____, 2010.

_____
JOHN KOVASH, MAYOR

ATTEST:

_____
CITY RECORDER

APPROVED AS TO FORM:

_____
CITY ATTORNEY