

Memorandum

Date: February 7, 2013

To: Historic Review Board

From: Sara Javoronok, Associate Planner

Subject: Review of Proposed Historic Code Amendments

Background

In 2011, the City applied for a CLG grant to update the historic chapters of the City's Community Development Code (CDC). The City worked with KLK Consulting to revise the existing language and the process was guided by a Technical Committee. The Committee included representation from the HRB, Planning Commission, Historic District, and Landmark owners. In addition, the members had experience in real estate and construction.

The process included online surveys where the HRB members, historic property owners, and others were given the opportunity to provide input on the types of amendments to the regulations that they wanted to see and what kind of review they thought was needed for various types of projects. The consultants prepared a draft that was reviewed and revised by staff and the Technical Committee. The HRB reviewed a draft in August 2012 and staff has subsequently revised it and prepared additional guidance documents for the HRB's review. In addition, staff held a meeting for owners and residents of historic resources in January. About 15 people attended this meeting including Co-Chair McLoughlin and Mr. Peterson, both of whom were on the Technical Committee.

Major Changes

Below is a summary of the changes in the proposed amendments. The majority of the changes are to Chapter 25, Historic District and Chapter 26, Historic Landmarks in the CDC, including consolidating these two chapters, but there are changes that affect other chapters of the CDC. The specific amendments are in the Attachment 1.

Definitions. Adding/changing a number of definitions to clarify terms.

Historic District Map and Historic Landmarks. The boundaries of the historic district and the location of historic landmark properties would be adopted to the City's zoning map. The adopted map would also have the classifications of properties within the historic district that notes their status as contributing, non-contributing, or not in period.

Consolidating two chapters. Combining chapters 25 and 26 to a single Chapter 25. The documents "Existing Chapter 25 and Proposed Chapter 25 Comparison" and "Existing Chapter 26 and Proposed Chapter 25 Comparison" provide a side-by-side comparison of the existing and proposed chapters.

Purposes. Modify the purposes to reflect the language of the chapter and sections.

Uses. The uses on the properties are limited to the same uses permitted in the underlying zones.

Exemptions. Explicitly call out changes that are exempt from review if they meet certain specifications. The chapter also clarifies exemptions/minor alterations – many of the proposed exemptions are in the minor alterations and maintenance section of the existing code.

Class I and Class II Historic Design Review. Establish Class I and Class II Historic Design Review with a structure similar to the Class I and Class II Design Review that applies to projects reviewed by the Planning Commission. Class I projects would require notice to nearby property owners and would be decided by the Planning Director. Class II projects would require notice to nearby property owners and a public hearing for the Historic Review Board to make a decision. Previously, many of these smaller projects would have required Historic Review Board review. A few may have fallen under minor alterations and maintenance.

Underlying Zone Applicable. Underlying zoning, typically R-5 or R-10, would apply to historic properties, including those in the historic district. This includes the floor area ratio (FAR), height, and lot coverage. This is detailed in Attachment 2.

Designation of Historic Resources. Added specific application requirements for designating historic resources.

Removal of Designation. Added specific application requirements and criteria regarding removal of a historic resource designation.

Relocation of Historic Resources. Added specific application requirements and criteria for the relocation of historic resources.

Accessory Structures. The requirements in the proposed Chapter 25 are for accessory structures and, unlike the existing code, do not specifically distinguish between accessory structures and accessory dwelling units (ADUs) in the historic district. Changing this language will require home offices or workshops to meet the same requirements as ADUs. Accessory structures and ADUs must comply with Chapter 34 and the design standards for historic resources. It also removes many of the specific window location requirements for ADUs. Issues with these would be addressed through the location, setback, and design requirements in chapters 25 and 34.

Demolition. There are several changes to the demolition section. Key changes are as follows:

- Defined as the entire removal of a structure. Less than the entire removal is an alteration.
- Sets up two levels of demolition review.
- Accessory structures and non-contributing primary structures are subject to Planning Director approval.
- Primary contributing structures are subject to Historic Review Board review.
- Added additional application requirements to demolish a historic landmark or primary contributing structure.
- Removed much of the procedural information, which is included in Chapter 99.

Building Code Requirements. Sections 25.120 and 26.070 would be removed. The language is outdated and/or included in the Oregon Structural Specialty Code, which would be applicable in these situations.

Other Changes:

- Pop-outs are not required on new construction
- Minimum 6:12 roof pitch required in the historic district, the existing is 8:12, but less is

- considered if appropriate for the architectural style
- Specific requirements for the following:
 - o Gutters and downspouts (Section 25.070(A)(12))
 - o Doors (Section 25.070(A)(16))
 - o Porches (Section 25.070(A)(17))
 - o Decks (Section 25.070(A)(18))
 - o Public Improvements (Section 25.070(A)(20))

Willamette Historic District Boundary Change and Historic Landmark Designation Removal

The project also proposes to slightly modify the boundary of the historic district and remove historic landmark designation from three properties. See Attachment 3.

Existing Chapters 25 & 26 Comparison with Proposed Chapter 25

Staff has also prepared several comparison documents. Attachment 4 compares the sections of the existing and proposed chapters. Attachments 5 & 6 are side-by-side comparisons between the existing chapters and the proposed Chapter 25.

Historic Design Review Brochures

One of the recommendations from the Technical Committee and the survey was to have a document that explains the historic design review process. Staff created two brochures Attachments 7 & 8. One describes the historic design review process and the other provides illustrations and general guidance on common projects in the district from lighting to additions and new construction.

Public Meeting Changes

One recommendation from the public meeting was to retain the existing height limit of 28 feet in the Willamette Historic District. The draft proposed increasing it to the underlying zoning height limit of 35 feet. The City measures height as follows in Chapter 41 of the CDC:

41.005 DETERMINING HEIGHT OF BUILDING

A. For all zoning districts, building height shall be the vertical distance above a reference datum measured to the highest point of a flat roof or to the deck line of a mansard roof or to the highest gable, ridgeline or peak of a pitched or hipped roof, not including projections above roofs such as cupolas, towers, etc. The reference datum shall be selected by either of the following, whichever yields a greater height of building.

1. For relatively flat sites where there is less than a 10-foot difference in grade between the front and rear of the building, the height of the building shall be measured from grade five feet out from the exterior wall at the front of the building...

Staff looked at building plans for two properties in the District that are generally considered to be taller structures to help determine an appropriate height limit. For 1798 4th Avenue, the building plans showed a height of 27'6" from grade immediately adjacent to the structure to the ridgeline. For 1892 4th Avenue, the height was 31' from grade immediately adjacent to the structure to the ridgeline and 34' to the top of the chimney. Based on these heights, staff is recommending retaining the existing height limit of 28 feet.

A landmark owner also raised the issue of the applicable code for a historic landmark in the Willamette Falls Drive Commercial District. As a result of this, staff added a provision to Chapter 58 that historic landmarks are also subject to Chapter 25, as applicable. There are two historic

landmarks that are located within the Willamette Falls Drive Commercial District and the provisions of Chapter 25 may be more applicable to these historically residential structures than the provisions of Chapter 58.

SHPO Recommendations

Staff also shared the public meeting draft with SHPO and they made a few recommendations. Substantive changes were recommended to the public meeting draft in the following sections:

- Section 25.060(A)(4)
- Section 25.060(A)(15)
- Section 25.130(A)(4)

Next Steps

Since this is a legislative matter, the HRB and Planning Commission both provide a recommendation to the City Council, which would approve, deny, or request modifications. Following review by the HRB staff will schedule the amendments for a briefing session with the Planning Commission, without substantial changes by the HRB this could potentially happen in early March. Following the briefing session staff would schedule a public hearing at the Planning Commission and after their recommendation, a public hearing at the City Council.

Recommendation

Staff recommends that the Historic Review Board recommend approval of the proposed code amendments to chapters 2, 12, 13, 19, 25, 26, 34, 35, 43, 58, 59, and 99 of the Community Development Code.

Attachments:

1. Draft Code Amendments
2. Dimensional Requirements
3. Willamette Historic District Boundary Change and Historic Landmark Designation Removal
4. Existing Chapters 25 & 26 and Proposed Chapter 25 Section Comparison
5. Existing Chapter 25 and Proposed Chapter 25 Comparison
6. Existing Chapter 26 and Proposed Chapter 25 Comparison
7. Historic Design Review Process Brochure
8. Historic Design Review Supplemental Information Brochure

PROPOSED AMENDMENTS TO CHAPTERS 2, 11, 13, 19, 25, 26, 34, 43, 58, 59, and 99 of the COMMUNITY DEVELOPMENT CODE

Historic Review Board Draft
January 22, 2012

Notes:	
Plain text =	existing regulation
Strike through =	proposed deletion to existing regulations
<u>Underline</u> =	proposed addition to existing regulations
<i>Italic</i> =	staff comment

Chapter 2 Definitions

~~Primary structures.~~ Structures which significantly define the Willamette Historic District's character are called "primary" contributing. These structures were constructed between 1890 and 1920; most original architectural features (i.e., windows, roof form, porches, siding) remain intact. These structures represent the community's best remaining examples of turn of the century architectural styles. (Note: Map of District and structures in "Inventories.")

~~Secondary structures.~~ Structures built before 1925 which retain many original architectural features, but are not classified as primary on the Inventories Map of the Willamette Historic District, are identified as "secondary" contributing.

Substantial improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- ~~1. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or~~
- ~~2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

HISTORIC DEFINITIONS. The following terms and phrases shall have the meanings given to them below with regard to CDC Chapter 25, Historic Resources:

Alteration. Physical modification of the exterior of a historic resource that does not include an expansion of the building footprint. Partial demolition of a structure is an alteration. Alterations do not include painting and color selection or ordinary maintenance or repair of the resource.

Addition. Expansion or physical modification of the exterior of a historic resource that includes the expansion of the building footprint. Additions do not include painting and color selection or ordinary maintenance or repair of the resource.

Building. A structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

Demolition. The entire removal of a structure. Demolition of a portion of a structure is an alteration.

Demolition by neglect. The gradual deterioration of a building when routine or major maintenance is not performed. This includes any structural deficiency or a deficiency in a building part, which when left unrepaired could lead to deterioration of the building's structural frame and/or if it is open to entry by vandals or vagrants.

Eligible/contributing. A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history.

Historic district. A geographically definable area containing a significant concentration, linkage, or continuity of buildings, structures, sites, or objects united historically or aesthetically by plan or physical development, and listed as a historic district in the National Register or designated as a local historic district by the City Council. A historic district may also comprise individual elements separated geographically but linked by association or history.

Historic preservation. Preservation, restoration, or rehabilitation of a historic resource.

Historic landmark. A building, structure, site, or object listed individually on the National Register or designated as a local historic landmark by the City Council.

Historic resource. A historic landmark or historic district listed on the National Register or designated as a local historic landmark or historic district by the City Council.

National Register of Historic Places. The nation's official list of buildings, structures, sites, objects, and districts important in the nation's history and maintained by the National Park Service in Washington, D.C., and hereinafter referred to as the "National Register".

Non-contributing. A building, structure, object, or site originally constructed within the applicable period of significance that does not retain or exhibit sufficient integrity (due to its location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition.

Not in period. A building, structure, object, or site that was originally constructed outside a historic district's applicable period of significance.

Not in period compatible. A building, structure, object or site built after the period of significance with a degree of craftsmanship and that is compatible with the architecture of the district.

Not in period non-compatible. A building, structure, object or site built after the period of significance that is generally incompatible with the architecture of the district.

Object. A material thing of functional, aesthetic, cultural, historic or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Original. A component that was constructed on or added to the building during the period of significance.

Period of significance. The dates stated in the official designation of a historic district that identifies the period or periods of time when the geographic area attained the characteristics which qualify it for designation as a historic district.

Primary structure. The principal structure on a site, typically a residence or a commercial building.

Primary façade. That part of a historic resource where the main entry is located. On a corner lot each wall fronting a street shall be considered a primary façade.

Property pending designation. A building, structure, site, or object for which a formal application for local historic designation has been initiated, or for which an application has been submitted to the State Historic Preservation Office for nomination to the National Register, or a building, structure, site, or object within a proposed historic district for which a formal application for historic designation has been submitted, but which have not yet been reviewed by the Keeper of the National Register, or has been reviewed by the Keeper and determined to be "eligible."

Rehabilitation. The process of returning a historic resource to a state of utility through repair, alterations, and additions, which makes possible an efficient use while preserving those portions or features of the historic resource that convey its historic significance.

Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

Visible. The resource or a portion of the resource that can be seen from the public right-of-way. For example, typically the primary façade of a historic resource can be seen from the public right-of-way.

Chapter 5 General

(Staff Comment: Staff does not recommend changes to the following section, but includes it here for the reviewers' consideration.)

05.020 CLASSIFICATIONS OF ZONES

All areas within the corporate limits of the City of West Linn are hereby divided into zone districts, and the use of each tract and ownership of land within the corporate limits shall be limited to those uses permitted by the zoning classification applicable to each such tract as hereinafter designated. The zoning districts within the City of West Linn are hereby classified and designated as follows:

Overlay Zones

Historic District	HD
Historic Landmark	HL

...

Willamette Falls Drive Commercial Design Standards WFC

Chapter 11

SINGLE-FAMILY RESIDENTIAL DETACHED, R-10

(Staff Comment: There are existing dimensional requirements in the underlying zoning chapters that apply to properties in the Willamette Historic District. These include the lot size, minimum length and width, floor area ratio, and lot coverage. However, there are some standards that are specific to the historic district and those are addressed in that chapter, and the exceptions are referenced in the following sections.)

11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

5. Except as specified in CDC Section 25.070(C)(1-4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:

- a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply; ~~and as specified in CDC 26.040(D) for the Willamette Historic District.~~
- b. For an interior side yard, seven and one-half feet; ~~except as specified in CDC 26.040(D) for the Willamette Historic District.~~
- c. For a side yard abutting a street, 15 feet.
- d. For a rear yard, 20 feet.

Chapter 13

SINGLE-FAMILY RESIDENTIAL DETACHED AND ATTACHED/DUPLEX, R-5

(Staff Comment: Staff does not recommend changes to the following section, but includes it here for the reviewers' consideration.)

13.030 PERMITTED USES

The following uses are permitted outright in this zoning district:

1. Single-family detached residential unit.
2. Single-family attached residential unit, ~~except within the Historic District as provided under Chapter 26 CDC.~~

13.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

E. Except as specified in CDC Subsection 25.070(C)(1-4) for the Willamette Historic District, ~~It~~ the minimum yard dimensions or minimum building setback areas from the lot line shall be:

1. For the front yard, 20 feet, except for steeply sloped lots where the provisions of CDC 41.010 shall apply.
2. For an interior side yard, five feet.
3. For a side yard abutting a street, 15 feet.
4. For a rear yard, 20 feet.

Chapter 19

GENERAL COMMERCIAL, GC

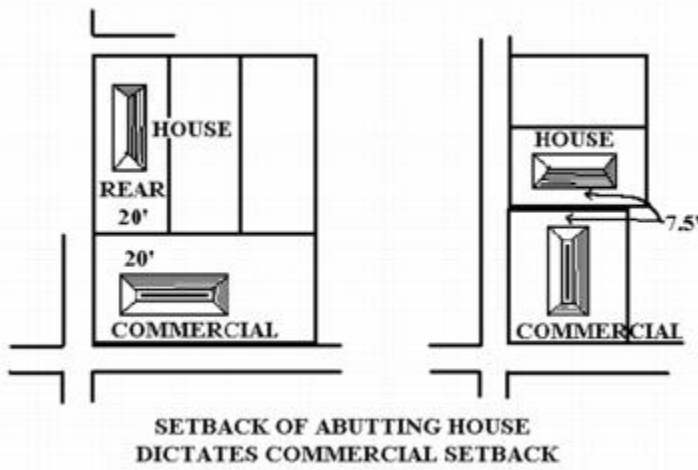
19.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

A. Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

....

4. Where the use abuts a residential district, except as provided in CDC 58.090(C)(1), the setback distance of the residential zone shall apply. For example, when the rear of a residential property abuts the side of a commercial property, the residential 20-foot setback shall apply to the commercial property. When the side of a residential property abuts the rear of a commercial property, the residential five- to seven-and-one-half-foot

setback shall apply to the commercial property. In addition, a buffer of up to 50 feet may be required.



5. The maximum lot coverage shall be 50 percent, except as provided in CDC 58.090(C)(1)(d).

Chapter 25

Historic Resources

(Staff Comment: Staff proposes repealing and replacing the existing language in Chapters 25 and 26 with the language below. For ease of reading, the following shows the proposed language. A version showing the substantive changes between the current these proposed regulations is available at _____).

SECTIONS

BACKGROUND - UNIVERSAL

- Section 25.010 PURPOSES
- Section 25.020 USE OF THIS CHAPTER
- Section 25.030 PERMITTED USES
- Section 25.040 MODIFICATIONS TO CODE REQUIREMENTS
- Section 25.050 HISTORIC DESIGN REVIEW PROCESSES

DESIGN REVIEW PROVISIONS

- Section 25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES
- Section 25.070 ADDITIONAL DESIGN STANDARDS APPLICABLE TO HISTORIC DISTRICTS
- Section 25.080 APPLICATION REQUIREMENTS

HISTORIC RESOURCE DESIGNATION, REMOVAL OF DESIGNATION, RELOCATION, DEMOLITION, AND DEMOLITION BY NEGLECT PROVISIONS

- Section 25.090 DESIGNATION OF A HISTORIC RESOURCE
- Section 25.100 REMOVAL OF A HISTORIC RESOURCE DESIGNATION
- Section 25.110 RELOCATION OF A HISTORIC RESOURCE

BACKGROUND – UNIVERSAL

Section 25.010 PURPOSES

The purposes of this chapter are to:

- A. Foster community and neighborhood pride and sense of community identity based on recognition and use of historic and cultural resources.
- B. Identify and protect the City's historic resources (see Chapter 2, Definitions), including the diverse architectural styles that reflect the phases of the City's history.
- C. Encourage preservation and use of historic sites, structures, and districts within the City that reflect special elements of its historical, architectural, archeological, artistic, cultural, and engineering heritage.
- D. Provide procedures and establish approval criteria for all reviews of proposed alterations to the exterior of historic structures and sites and other development in historic districts.
- E. Increase economic and financial benefits to historic property owners and the community.
- F. Ensure that changes to designated historic resources protect the integrity of the resource and the significant aspects of the area's heritage.
- G. Provide design guidelines that will ensure the preservation of the quality and historic integrity of historic landmarks and their site, and, if applicable, ensure compatibility and consistency with the qualities of the respective historic district its nomination was intended to preserve.
- H. Provide for creation of new historic districts and designation of new landmarks, as appropriate, and to allow removal of such designations if they are no longer appropriate.
- I. Provide a process to enable thoughtful consideration of the proposed demolition of historic structures.

Section 25.020 USE OF THIS CHAPTER

A. APPLICABILITY

This chapter shall apply to all properties designated as historic resources as shown on the City's zoning map and properties listed on the National Register.

B. HIERARCHY OF REGULATION

The provisions of this chapter shall supersede any conflicting standards or criteria elsewhere in the CDC. The underlying zoning provisions for the applicable zone still apply.

1. The items listed in CDC 25.050(A), **EXEMPT FROM HISTORIC DESIGN REVIEW**, are exempt from historic review provided that they comply with the requirements of CDC 25.050(A). CDC 25.060, **DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES**, applies to historic reviews for designated properties, except: CDC 25.060(B), **STANDARDS FOR ACCESSORY STRUCTURES**, applies only to accessory structures on sites containing historic resources.
2. CDC 25.070, **ADDITIONAL DESIGN STANDARDS APPLICABLE TO HISTORIC DISTRICTS**, provides additional standards that are applicable to historic reviews for historic district properties.
 - a. CDC 25.070(A), **STANDARDS FOR ALTERATIONS AND ADDITIONS**, applies only to historic review in a historic district.

- b. CDC 25.070(B), **STANDARDS FOR NEW CONSTRUCTION**, applies only to new development or construction in a historic district beyond alterations and additions, and including accessory structures.
- c. CDC 25.070(C), **WILLAMETTE HISTORIC DISTRICT GENERAL STANDARDS**, applies only to alterations and additions, new construction, and accessory structure construction in the Willamette Historic District.

C. APPLICABILITY OF HISTORIC DESIGN STANDARDS

Development subject to this chapter must comply with applicable historic review standards unless otherwise approved through the modifications process under Section 25.040. The “X” in the following chart indicates which standards are applicable to different types of development.

STANDARDS APPLICABILITY MATRIX						
SECTION	PROPOSED ACTIVITY	ADDITIONS AND ALTERATIONS	ADDITIONS AND ALTERATIONS	NEW CONSTRUCTION	ACCESSORY STRUCTURES	ACCESSORY STRUCTURES
	LOCATION	HISTORIC LANDMARK	HISTORIC DISTRICT	HISTORIC DISTRICT	HISTORIC LANDMARK	HISTORIC DISTRICT
25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC LANDMARKS AND HISTORIC DISTRICTS	A. STANDARDS FOR ALTERATIONS AND ADDITIONS	X	X	X	X	X
	B. STANDARDS FOR ACCESSORY STRUCTURES				X	X
25.070 ADDITIONAL DESIGN STANDARDS APPLICABLE TO HISTORIC DISTRICTS	A. STANDARDS FOR ALTERATIONS AND ADDITIONS		X			X
	B. STANDARDS FOR NEW CONSTRUCTION			X		X
	C. WILLAMETTE HISTORIC DISTRICT GENERAL STANDARDS		X	X		X

Section 25.030 PERMITTED USES

Unless otherwise provided in this chapter, all uses permitted by the base zoning district that are in accordance with the CDC are allowed on sites containing historic resources.

Section 25.040 MODIFICATIONS TO CODE REQUIREMENTS

This section provides for deviation from site development standards in this chapter to enable flexibility and innovation consistent with the Purposes of this chapter while ensuring that the features that historic designations are intended to preserve are maintained. The provisions of CDC Chapter 75, Variance, shall not apply.

When an applicant proposes an alternative to the standards of this chapter, or standards elsewhere in the CDC, the approval authority shall grant a modification when:

- A. The resulting development of the proposal would be consistent with the purpose of the standards for which the modification is requested; and
- B. Negative impacts to adjacent homes and/or a historic district will be minimized. These include, but

- are not limited to, loss of solar access, light, or air to an adjacent structure, and scale or mass that visually overwhelm or are not deferential to an adjacent landmark or contributing structure;
- C. The proposal incorporates exceptional and appropriate architectural elements into the building; or
 - D. The applicant demonstrates by review of historical records or photographs that the proposed alternative is consistent with and appropriate to the architecture in the Historic District, or is appropriate to the applicable style of architecture.

Section 25.050 HISTORIC DESIGN REVIEW PROCESSES

Proposed changes to historic resources that are not exempted by CDC 25.050(A), Exemptions from Historic Design Review, are subject to CDC 25.050(B), Class I Historic Design Review; and CDC 25.050(C) Class II Historic Design Review. Class I Historic Design Review addresses significant changes that warrant staff review. Class II Historic Review addresses major changes including additions and new construction, subject to Historic Review Board approval. The processes for conducting Class I and Class II Historic Review are in CDC Chapter 99.

A. EXEMPTIONS FROM HISTORIC DESIGN REVIEW

The following are exempt from historic design review:

1. Ordinary maintenance or repair including a change of facade colors, unless the color is specifically listed in the historic resource inventory, historic resource nomination, or National Register nomination as an attribute that contributes to the resource's historic significance.
2. Replacement or addition of gutters and downspouts that are rectangular, ogee, or K-shaped and wood or metal material, or styles and materials that match those that were typically used on similar style buildings of the era, or the era the building style references.
3. Repair of a foundation with the same material or construction of a foundation in the same location that does not result in raising or lowering the building elevation.
4. Replacement of building material, when required due to deterioration of material, with building material that matches the original material.
5. Repair or replacement of roof materials with materials comparable to the existing roof, or replacement of the roof in its entirety with cedar shingles, three tab asphalt shingles, or architectural composition shingles.
6. Replacement of window sashes with new sashes consistent with the original appearance. Elements of consistency include: material, profile and proportions of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins.
7. Storm windows made of painted wood, baked enamel, anodized aluminum, or other materials with forms that complement or match the color, detail, and proportions of the building.
8. Addition of egress windows on secondary facades with wood windows or windows that are consistent with (6) above.
9. Landscaping changes unless the landscaping is identified in the historic resource nomination, or National Register nomination, as an attribute that contributes to the resource's historic value.
10. Construction of fences that meet the following requirements in addition to the requirements of CDC Chapter 44:
 - a. Traditional Fences. Any fence along a front lot line or along the portion of a side lot line between the street and the primary structure which:
 - i. Consists of pickets, each between one and three inches in dimension and spaced equally;
 - ii. Does not have solid portions exceeding 50 percent; and
 - iii. Is no greater than 36" in height.
 - b. General Fences. Any fence that is not located along a front lot line or along the portion of

- a side lot line between the street and the primary structure that is:
- Constructed of wood fence boards, rails and posts only; and
 - No greater than 72" in height.

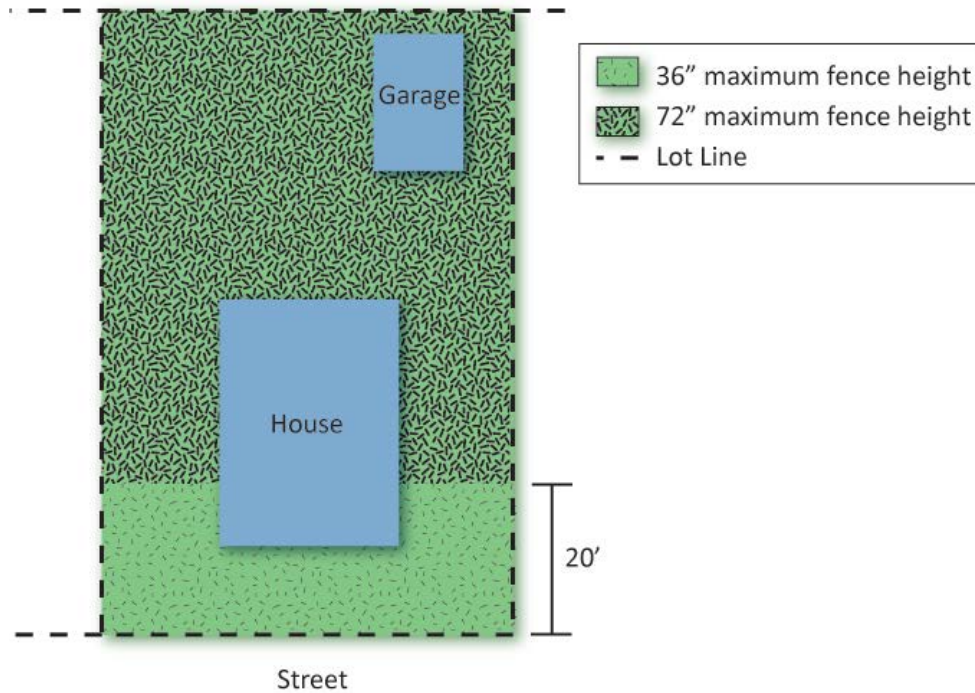


Figure 1: Example of Exempt Interior Lot Fence Locations



Figure 2: Example of Exempt Corner Lot Fence Locations

11. Construction of retaining walls that meet all of the following requirements:
 - a. No greater than three feet high; and
 - b. Project above upper grade no greater than 12".
12. Construction of in-ground swimming pools in rear yards.
13. Replacement or installation of mechanical equipment, if 100% screened by a permitted building, fence, or landscaping that precludes visibility from any street.
14. Replacement or installation of solar energy systems that are not part of a project that includes other elements subject to historic design review, provided the following requirements are met:
 - a. On a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface:
 - i. The solar energy system must be mounted flush or on racks with the system or rack extending no more than five feet above the top of the highest point of the roof.
 - ii. The solar energy system must be screened from view from all streets by an existing parapet along the street-facing façade that is as tall as the tallest part of the solar energy system, or by setting the solar energy system back from the roof edges facing the street(s) four feet for each foot of solar energy system height.
 - b. On a pitched roof, solar energy systems may be located on a section of pitched roof facing a rear lot line or on a section of pitched roof facing within 45 degrees of the rear lot line. (See the example on the right side of Figure 3). The system must be mounted flush, with the plane of the system parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back three feet from the roof edge and ridgeline.

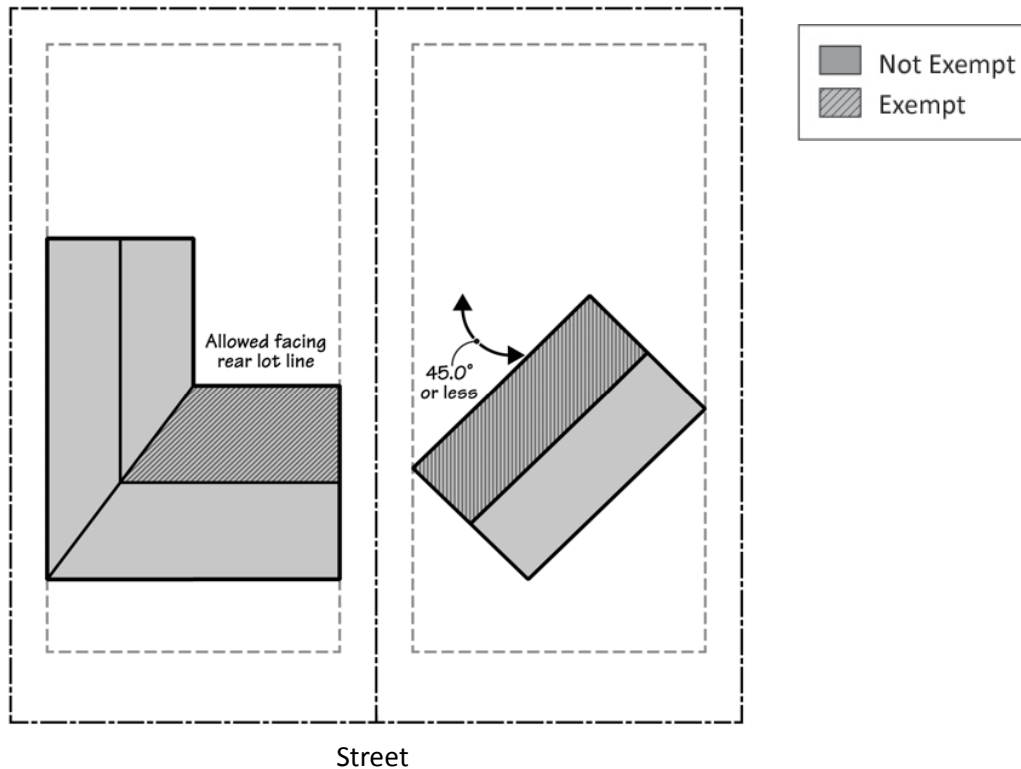


Figure 3: Acceptable Solar Energy System Locations

15. Replacement or installation of skylights that are not part of a project that includes other elements subject to historic design review, provided the following requirements are met:
 - a. For skylights that are on a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface. The skylight must be screened from view from all streets by:
 - i. An existing parapet along the street-facing façade that is as tall as the tallest part of the skylight, or
 - ii. Setting the skylight back from the roof edges facing the street four feet for each foot of skylight height.
 - b. For skylights that are on a pitched roof, the skylight must be flat and must face a side or rear lot line or be located on a section of a pitched roof that faces within 45 degrees of a rear lot line. (See the right side of Figure 3).
16. Replacement and new sidewalks that are compatible in location, pattern, spacing, dimensions, materials, and color with existing walkways.
17. Accessory structures under 120 square feet and 10 feet in height (greenhouses, storage sheds, jacuzzis, spas, structures, gazebos, etc.) are exempt where they are located in the side or rear yard.

B. CLASS I HISTORIC DESIGN REVIEW

1. Except as exempt under CDC 25.050(A), the following are subject to Class I Historic Design Review to determine their compliance with the applicable approval standards:
 - a. Change in façade color;
 - b. Repair, replacement, or installation of gutters and downspouts;

- c. Repair or construction of a new foundation;
 - d. Replacement of building material;
 - e. Repair or replacement of roof materials;
 - f. Repair, replacement, or installation of windows, window sashes, or storm windows;
 - g. Addition of egress windows;
 - h. Landscape changes that require a building or development permit;
 - i. Construction of fences;
 - j. Construction of walls;
 - k. Construction of in-ground pools;
 - l. Replacement and installation of mechanical equipment on the exterior of a building;
 - m. Replacement or installation of solar energy systems;
 - n. Replacement or installation of skylights; and
 - o. Replacement or installation of sidewalks.
2. The following are subject to Class I Historic Design Review to determine their compliance with the applicable approval standards:
- a. Alteration of a facade when 100 square feet or less of the structure's facade is being altered;
 - b. Replacement or installation of transit shelters;
 - c. Modification of an office, commercial, industrial, public or multi-family structure for purposes of enhancing the aesthetics of the building and not increasing the interior usable space (e.g., covered walkways or entryways, addition of unoccupied features such as cupolas and clock towers;
 - d. Addition or reduction of less than five percent of total square footage of a commercial, office, public, multi-family, or industrial building;
 - e. Revised points of ingress/egress to a site;
 - f. Proposals seeking compliance with the Americans with Disability Act; and
 - g. Construction of freestanding art and statuary over 10 feet tall.

C. CLASS II HISTORIC DESIGN REVIEW

All proposed new construction, alterations, and additions, not identified as exempt under CDC 25.050(A) or subject to Class I Historic Design Review under CDC 25.050(B) are subject to Class II Historic Design Review to determine their compliance with the applicable approval standards.

DESIGN REVIEW PROVISIONS

Section 25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES

The following design standards apply to all changes, including alterations, additions, and new construction proposed on a designated historic resource. These standards are intended to preserve the features that made the resources eligible for historic designation. Development subject to these regulations must be found to be compliant with all applicable standards, or be approved through the modifications process in accordance with CDC 25.040.

This subsection applies only to alterations and additions, new construction, and accessory structure construction of residential and historically residential properties in the Willamette Historic District. Other structures are subject to the requirements in CDC Chapter 58.

A. STANDARDS FOR ALTERATIONS AND ADDITIONS

This section applies to historic reviews for alteration of and additions to designated historic resources:

1. **Retention of Original Construction.** The original construction shall be maintained or restored to the greatest extent practicable. Stylistic features of original construction that shall be preserved include, but are not limited to: a line of columns, decorative shingles, projecting bays, other primary structural elements, spatial relationships that characterize the property, examples of skilled craftsmanship that characterize the structure, and architectural details defining the structure's character and historic significance.
2. **Retention of Historic Material.** Removal or alteration of historic materials and features shall be avoided during the construction of new additions or exterior alterations. Whenever possible, deteriorated materials and architectural features shall be repaired rather than replaced. In the event replacement of an existing feature is necessary, new materials shall, to the extent possible, match those of the original structure in terms of composition, design, color, texture, and other visual features.
3. **Time Period Consistency.** Structures shall be recognizable as a physical record of its time and place. Alterations which have no historical basis or which seek to create a false sense of historical development are not allowed.
4. **Significance over Time.** Changes to a property that have acquired historic significance in their own right, during the period of significance, shall be retained and preserved.
5. **Differentiate Old from New.** Alterations and additions shall be differentiated from the original structures and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property.
6. **Reversibility.** Additions and alterations shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its context would be unimpaired.
7. **Building Additions.** Building additions shall be subordinate to the original building, smaller in scale, and attached to the rear or set back along the side. Features of building additions, including the proportions of window and door openings, shall be compatible with those of the existing building.
8. **Building Height and Roof Pitch.** Existing or historic building heights and roof pitch shall be maintained.
9. **Roof Materials.** Replacement or a new roof with materials other than cedar shingles, three tab asphalt shingles, or architectural composition shingles must be demonstrated, using photographic or other evidence to be in character with those of the original roof, or with materials that are consistent with the original construction.
10. **Existing Exterior Walls and Siding.** Replacement of existing wall and siding finish materials with different material than the existing material must be demonstrated, using photographic or other evidence, to be in character with those of the original materials, or with materials that are consistent with the original construction.
11. **New Exterior Walls and Siding.** Wood siding or shingles shall be used unless the applicant demonstrates that an alternative material has a texture and finish typically used on similar style buildings of the era, or the era the building style references. Vinyl or other materials that do not match those that were typically used on similar style buildings of the era, or the era the building style references, are not permitted.
12. **Gutters and Downspouts.** Replacement or new gutters and downspouts shall be rectangular, ogee, or K-shaped and comprised of wood or metal material, or styles and materials that match those that were typically used on similar style buildings of the era, or the era the building style references. Vinyl or other materials and styles that do not match those that were typically used on similar style buildings of the era, or the era the building style references, are not permitted.
13. **New Windows.** New windows shall match the appearance of the original windows as closely as

possible. Wood window frames and sashes shall be used unless the applicant demonstrates that the non-wood windows exhibit visual qualities similar to their wooden counterparts. The window trim and sill shall match the original trim.

- 14. Storm Windows.** Storm windows shall be made of painted wood, baked enamel, anodized aluminum, or other materials with forms that complement or match the color, detail, and proportions of the building.
- 15. Window Replacement.** Replacement of windows or window sashes shall be consistent with the original historic appearance, including the profile of the sash, sill, trim, window plane relative to the building wall plane, light pattern, glass color, profile of mullions and muntins, and color.
- 16. Doors.** Doors shall be painted or stained wood, fiberglass clad, or metal clad, or another material that is consistent with the original historic appearance.
- 17. Porches.** Front porches are allowed on new construction. No front porch shall be constructed if there was not one originally. Existing front porches shall not be enclosed or enlarged. Alterations to existing front porches and side yard porches that face a street shall:
 - i. Maintain the shape, width, and spacing of the original columns; and
 - ii. Maintain the height, detail, and spacing of the original balustrade.
- 18. Decks.** Decks shall be located in a side or rear yard. Decks located in the side yard shall not be located beside the front 50% of the primary structure.
- 19. Foundations.** Repair or construction of a foundation that results in raising or lowering the building elevation must demonstrate that:
 - i. Photographic or other evidence shows the proposal is consistent with the original design and, if applicable, is consistent in the context of adjacent and other structures on the block; or
 - ii. That it is necessary to satisfy a requirement of the building code and/or floodplain regulations (CDC Chapter 27).
- 20. Public Improvements.** Public improvements shall not significantly alter the district's built pattern. Visible features shall be constructed to complement the nature of the historic district or appropriately screened to cover the feature. Materials shall be those that were typical of the historic period including concrete, wood, and metal.
- 21. Lighting.** Residential lighting shall be shielded to prevent glare and compatible with the architectural character of the building. Blinking, flashing, or moving lighting are not permitted.

B. STANDARDS FOR ACCESSORY STRUCTURES

The following standards apply to accessory structures on properties designated as historic resources in addition to the regulations in CDC Chapter 34:

- 1. Conversions and Additions.** Existing detached unheated structures, including but not limited to workshops and garages, may be converted into other allowable accessory uses under the following conditions:
 - a. The structure is located behind the house's front building line;
 - b. A structure in the front yard cannot be converted to a heated accessory structure;
 - c. A story may be added to an existing non-contributing garage or similar accessory structure, provided that the final design meets the setback standards of this chapter for a two story accessory structure (see CDC 25.070(C)(2)); and
 - d. The conversion of an existing structure is not required to meet the design standards in CDC 34.030, but it must conform to all applicable requirements of this chapter.
- 2. Location.**
 - a. Accessory structures in the Willamette Historic District are subject to the setback

- requirements of CDC 25.070(C)(1) through 25.070(C)(4); or
 - b. Accessory structures on historic landmark properties must meet the setback requirements of the underlying zone and Chapter 34;
 - c. Detached accessory structures shall be in the rear yard; and
 - d. Two-story accessory structures shall be at least 10 feet from the house; or one-story accessory structures may be three feet from the house.
- 3. Height.** Accessory structures in the Willamette Historic District are subject to CDC 25.070(C)(7). Accessory structures on historic landmark properties must meet the height requirements of the underlying zone and Chapter 34.

Section 25.070 ADDITIONAL STANDARDS APPLICABLE TO HISTORIC DISTRICTS

This section provides additional standards that are applicable to historic reviews for historic district properties.

A. STANDARDS FOR ALTERATIONS AND ADDITIONS

In addition to any other applicable standards, the standards in this section apply to sites and structures within a historic district.

- 1. Compatibility with Nearby Context.** Alterations and additions shall be:
 - a. Compatible in scale and mass to adjacent properties; and
 - b. Constructed such that they maintain the privacy of the residents of adjacent properties through window placement, orientation or landscaping.
- 2. Not in Period Buildings.** Alterations to compatible, not in period buildings shall follow all applicable standards of this chapter to avoid creating a false sense of history.
- 3. Not in Period Non-Compatible Buildings.** Alterations to not in period, non-compatible buildings shall be consistent with applicable standards in CDC 25.060 and 25.070. Such buildings do not contribute to the historic value of the district and are not subject to standards pertaining to siding, windows, and other materials listed in CDC 25.060(A); however, such buildings shall not be so stylistically different from adjacent structures that they detract from the district's historic character.

B. STANDARDS FOR NEW CONSTRUCTION

Since designated historic districts are significant as a collective whole they must be considered as such and protected in their entirety. The standards in this section apply only to new construction in a historic district beyond alterations and additions, and including accessory structures. These standards shall apply in addition to any other applicable standards (see the Standards Applicability Matrix in CDC 25.020).

1. The District is the Resource, Not its Individual Parts.

New construction must be compatible with the architectural style, scale, mass, proportion, materials, and form of the contributing structures in the district.

- a. As applicable, the National Register or local nomination is the primary source for district significance and defining characteristics, including the architectural style, mass, proportion, materials, and form. New construction shall be consistent with these defining characteristics.
- b. Since the district is the resource, the reconstruction of buildings that existed within the district during the period of significance is allowed. Reconstructions shall be done in accordance with the Secretary of the Interior's Standards for Reconstruction.

2. **New Construction Shall Reinforce the Historic Significance of the District.** Infill buildings and site development shall relate to and strengthen the defining characteristics of the district, without replicating the historic structures. Infill buildings shall not deviate in a detracting manner from the defining characteristics of the district, as indicated in (1), but appear as compatible, complementary structures in the district.
3. **New Construction Shall Complement and Support the District.** The historic district's defining characteristics include a discernible aesthetic rhythm of massing, scale, and siting. Infill buildings shall not deviate in a detracting manner from these elements, but appear as complementary members of the district, consistent with the following:
 - a. Lot size, massing, siting, floor area ratio, window patterns, building divisions, and height must correspond to the contributing buildings within the district, and meet any specific historic district standards.
 - b. Infill buildings shall be differentiated by use of materials, mechanical systems, construction methods, and, if applicable, signage. Style shall not be being the primary indicator of differentiation.
 - c. Mechanical and automobile infrastructure must be appropriately concealed when not consistent with the district's character.
4. **Archeological Resources Shall Be Preserved in Place or Mitigated**

When new construction must disturb archaeological resources, mitigation measures shall be carried out consistent with applicable state and federal laws. As appropriate, information yielded from archaeological mitigation will be interpreted in the new building and mitigation may be accessible to the general public.

(Staff Comment: The following section applies to properties in the Willamette Historic District. Some requirements of the underlying zone, generally R-5 or R-10, apply as well. This includes the lot size, minimum length and width, floor area ratio, and lot coverage. There are several commercial structures in the District and this provides for them to follow the requirements in Chapter 58 – Willamette Falls Drive Commercial District Design Standards and the underlying General Commercial zone. However, some of these structures were formerly residences and the residential standards are more applicable.)

C. WILLAMETTE HISTORIC DISTRICT GENERAL DESIGN STANDARDS

This subsection applies only to alterations and additions, new construction, and accessory structure construction of residential and historically residential properties in the Willamette Historic District. Other structures are subject to the requirements in CDC Chapter 58.

1. Front Yard Setback

- a. The front yard setback shall equal the average of the front setbacks of adjacent homes on the block face. For corner lots, the setback shall be the average between the adjacent house to the side and 20 feet. The setback shall be the distance measured from the front property line to the dominant vertical face of the building, exclusive of any porches or front landings.
- b. Unenclosed porches with no living space above may encroach into the front yard setback six feet from the dominant vertical face of the building.

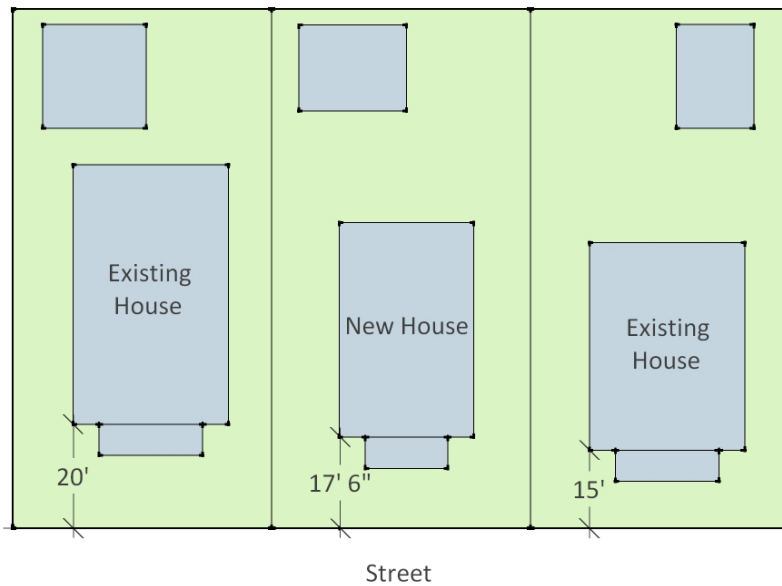


Figure 4: Front Yard Setback

2. **Side Yard Setback.** Side yard setbacks shall be five feet, except:
 - a. Bays, porches and chimneys and other projections that are cumulatively no more than twenty percent of the overall respective building wall length may intrude 18 inches into the side yard setback; and
 - b. One story accessory structures may be sited within three feet of the side property line and two story accessory structures shall be a minimum of 15 feet from the side property line.
3. **Side Street Setback.** Setbacks from side streets shall be 10 feet for both developed and undeveloped streets, except:
 - a. Bays, porches and chimneys and other projections may intrude two feet into side street yard setback; and
 - b. One and two story accessory structures may be sited within five feet of the side street property line.
4. **Rear Yard Setback.** The rear yard setback shall be a minimum of 20 feet, except for one story accessory structures, which may be sited to within three feet of the rear property lines.
5. **Orientation.** New home construction on corner lots shall be oriented the same direction as the majority of homes on the street.
6. **New Lot Configuration.** In addition to other requirements of the CDC, all new lots in the historic district shall be perpendicular to the street and extend directly from the lot line along the street to the opposite lot line. The primary structures and any other contributing structures on the original property shall not be located on separate lots.
7. **Building Height.**
 - a. Residential structures are limited to 28 feet in height. Cupolas and towers shall not exceed 50 feet in height.
 - b. One story accessory structures shall not exceed a height of 15 feet. For the purposes

of this chapter, any one story accessory structure over 15 feet is considered a two story structure.

- c. Two story accessory structures shall not exceed the maximum height of 23 feet as measured per CDC Chapter 41.
- d. Accessory structures shall not exceed the height of the primary dwelling.
- 8. Building Shapes and Sizes.** No building shall exceed 35 feet in overall width. Front facade gables shall not exceed 28 feet in overall width.
- 9. Roof Pitch.** Roofs shall have a pitch of at least 6:12.
- 10. Garage Access and Parking Areas.**
 - a. Garages shall be accessed from an alley, if present. No garage door may face or have access onto a street except when alley access is not available.
 - b. Parking areas.
 - i. No residential lot shall be converted solely to parking use.
 - ii. No rear yard area shall be converted solely to parking use.
 - iii. When a lot is adjacent to an alley, all parking access shall be from the alley.

Section 25.080 APPLICATION REQUIREMENTS

In addition to other applicable submittal requirements, an application for Historic Design Review shall include the following:

- A. Written narrative explaining the proposal and how it meets the approval criteria;
- B. Plan and elevation drawings of the existing structure, if applicable, including materials;
- C. Plan and elevation drawings of the proposed changes, including materials;
- D. Photos of the existing structure, if applicable;
- E. Historic photos and/or drawings of the existing structure, if available; and
- F. For additions that increase the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district:
 - 1. Plan and elevation drawings of adjacent properties; and
 - 2. A rendering and/or photo-simulation showing the proposal in context.

HISTORIC RESOURCE DESIGNATION, REMOVAL OF DESIGNATION, RELOCATION, DEMOLITION, AND DEMOLITION BY NEGLECT PROVISIONS

Section 25.090 DESIGNATION OF A HISTORIC RESOURCE

The designation of historic resources shall comply with the following criteria, provided that the age of a specific building shall not be deemed sufficient in itself to warrant designation of a building as historic.

A. APPLICATION REQUIREMENTS

- 1. Written narrative description of the proposed historic resource and how it meets one or more of the approval criteria;
- 2. Site plan;
- 3. Current photographs of all elevations of the existing structure and any significant features;
- 4. Historic photographs, plans, or maps, if available;
- 5. Any other documentation demonstrating the significance of the proposed historic resource.
- 6. Owner Consent.
 - a. Historic Landmarks. The property owner must consent, in writing, to a proposed Historic Landmark designation with the exception that properties listed on the

National Register shall be regulated as historic landmarks regardless of the owner's consent.

- b. Historic Districts. A property owner may refuse to consent to historic district designation at any point during the designation process. Properties in historic districts listed on the National Register shall be regulated as historic properties regardless of the owner's consent.

B. APPROVAL CRITERIA

The approval authority may designate other proposed historic resources if it determines that the site or district proposed for designation meets at least one of the following five criteria:

1. **Events.** Is associated with an event or events that made a significant contribution to the history of the city, county, state or nation;
2. **Persons.** Is associated with the life or lives of a significant person or people in the history of the city, county, state or nation;
3. **Architecture.** Embodies distinctive architectural characteristics of a type, style, period or method of construction;
4. **Construction.** Represents the work of a master builder, designer, or architect who influenced the development of the city, county, state or nation; or
5. **Archeology.** Has yielded, or will likely yield, information important in prehistory or history.

C. PENDING DESIGNATION - ISSUANCE OF PERMITS

No building permit for altering, moving, or demolishing any proposed historic resource shall be issued while any advertised public hearing or any appeal affecting the proposed designation of the area or building is pending.

Section 25.100 REMOVAL OF HISTORIC RESOURCE DESIGNATION

These provisions allow for the removal of the City's historic designation when it is no longer appropriate. This review does not affect a property or district's listing on the National Register.

Proposals to remove historic resource designation shall be approved if the approval authority finds that removal of the designation is appropriate after considering the following factors:

A. APPLICATION REQUIREMENTS

1. Written narrative description of the historic resource proposed for removal of designation that addresses the considerations identified in (B) below;
2. Site plan;
3. Current photographs of all elevations of the existing structure and any significant features;
4. Historic photographs, plans, or maps, if available;
5. Documentation that the property owner objected, on the record, at the time of designation, if applicable.

B. ASSESSMENT OF DESIGNATION

The approval authority shall consider:

1. Whether the historic resources meets the criteria for listing,
2. The importance to the public of retaining the historic resource relative to the hardship to the owner and any potential hazard to the public if the historic resource is retained;
2. The physical condition of the historic resource and any loss of characteristics that originally cause it to be listed;

3. The historic or architectural significance of the historic resource;
4. The economic use of the historic resource and any economic benefits associated with the proposed new use of the property; and
5. If within a historic district, its contribution to the district and the affect on the district if the designation is removed.

C. OWNER CONSENT

1. For historic landmark properties, the property owner at the time of designation must have objected, on the record, to the historic designation.
2. For properties in historic districts, the property owner at the time of designation must have objected, on the record, to inclusion in the district.

Section 25.110 RELOCATION OF A HISTORIC RESOURCE

Moving a historic structure is generally discouraged. However, in some cases relocation is preferable to loss of the structure. The following requirements apply to the relocation of historic resources.

A. APPLICATION REQUIREMENTS

1. Provide documentation that all reasonable alternatives to relocation have been explored and that relocation is the preferred alternative.
2. Submit documentation of the historic building and site conditions prior to relocation, including detailed photography, notes, drawings, and reference measurements.
3. Provide clearly stated procedures that moving protect historic elements and document the relocation, including: plans for minimizing damage to historic materials, labeling system for dismembered elements to assure accurate reconstruction in the new location, and plans for protecting the historic resource until reconstruction is complete.

B. ASSESSMENT OF RELOCATION

The approval authority shall consider whether, to the extent feasible, the building shall be located on the new site in a manner that does not change its historic orientation to the street, relationship to adjacent properties, and the overall site. In making the determination, considerations shall include:

1. Maintaining relatively similar setbacks, side yard conditions, and relationship to other structures on the site;
2. Maintaining character similar to the historic site in terms of neighboring buildings, materials, site relationships and age (for example, it should not be moved to the back of a lot if that was not the character of the historic location, nor should it be located on a corner lot if historically it was on an interior lot); and
3. If it can be demonstrated that it is not economically or physically feasible to locate the building on a site that meets the characteristics in (1) and (2) an alternate site may be considered.

C. WRITTEN COMMITMENT

There must be a written commitment accepted by the City Attorney to complete the relocation and subsequent rehabilitation of the building and its new site. Bonding or other assurances may be required. Temporary relocations for interim construction may be necessary and must require a plan for protecting the structure at the interim site as well as a commitment to a schedule for completion of relocation to the proposed new site.

Section 25.120 DEMOLITION OF A HISTORIC RESOURCE

A permit for demolition of a historic resource is required and shall not be issued without approval by the Planning Director or Historic Review Board, as applicable, provided, nothing contained in this section shall be interpreted as giving permission for any person to violate an order of the Building Official to remove or demolish a structure that the Building Official has designated as dangerous to life, health, or property.

A. APPLICATION REQUIREMENTS

1. **Historic Landmark or Contributing Primary Structure.** An application for the demolition of a historic landmark or contributing primary structure shall include:
 - a. A statement of the historic significance of the structure or resource to the community, taking into consideration its designation as a historic landmark or its contributing status in a historic district.
 - b. A statement demonstrating good faith efforts of the property owner to sell or relocate the building or resources, including, but not limited to:
 - i. Real estate taxes for the two years immediately preceding the application;
 - ii. Assessed value for the two years immediately preceding the application;
 - iii. Current fair market value of the structure or resource as determined by an appraiser;
 - iv. All listings for the structure or resource for the past two years including prices asked and offers received; and
 - v. Documentation of all attempts to relocate the structure or resource.
 - c. A report from a structural engineer on the condition of the structure or resource.
 - d. The estimated cost of rehabilitation of the structure or resource.
 - e. A report from a real estate or other market professional identifying potential alternative uses for the structure or resource permitted within the existing zoning classification.
 - f. A report identifying available economic incentives for adaptive reuse of the structure or resource.
 - g. A proposed plan for redevelopment of the site on which the structure or resource is located.
2. **Non-contributing or Not in Period Primary Structure and Accessory Structure.** An application for the demolition of a non-contributing or not in period primary structure or an accessory structure shall include:
 - a. A statement of the historic significance of the building or resource to the community, taking into consideration its location on the site of a historic landmark or within a historic district.
 - b. A proposed plan for redevelopment of the site on which the structure or resource is located.

B. APPROVAL CRITERIA

1. An application for the demolition of a historic landmark or primary contributing structure shall be approved if the following criteria are met:
 - a. The value to the community of the proposed use of the property outweighs the value of retaining the designated historic resource on the present site;
 - b. The designated historic resource is not capable of generating a reasonable economic return and the demolition is economically necessary;
 - c. The owner has documented a good faith effort to sell or relocate the designated resource; and

- d. No practicable alternative exists to rehabilitate and reuse the designated resource in its present location.
2. An application for the demolition of a non-contributing or not in period primary structure or an accessory structure shall be approved if it is determined that the property does not have historic significance based on its architectural style, construction method or materials, or other pertinent factors as determined by the approval authority.

C. ISSUANCE OF PERMITS

A demolition permit for a historic resource shall not be issued prior to historic design review and any other required approval of plans for the site, if applicable, or the submittal of building plans for a permit for the site.

Section 25.130 DEMOLITION BY NEGLECT

All properties designated as historic resources shall comply with this section.

A. CRITERIA FOR DETERMINATION OF DEMOLITION BY NEGLECT

If one or more of the following is promoted, allowed to occur, or exist in a historic resource, the property is determined to meet the criteria for demolition by neglect and enforcement action to remedy the applicable criteria may be taken pursuant to CDC Chapter 106, Enforcement:

1. **Structural Integrity.** Faults, defects, or other conditions which render the building or resource structurally unsafe or not properly watertight.
2. **Walls and Other Support Members.**
 - a. Walls or support members that are deteriorated due to failure to paint or otherwise maintain the structure or resource;
 - b. Members of walls, or other vertical supports that split, lean, list or buckle due to defective material or deterioration; and/or
 - c. Members of walls, or other vertical supports that are insufficient to carry imposed loads with safety.
3. **Windows and Doors.** Failure to keep windows and doors secured in a manner that prevents entry by unauthorized persons.
4. **Security.** Failure to maintain parts of the resource so they are securely attached and will not fall or injure persons or property. Failure to secure the resource from vandals, animals, or pests. Failure to prevent infiltration of water through inadequate gutters, landscaping or other site features.
5. **Foundation.** Deteriorated or inadequate foundation.
6. **Floor Supports.** Deteriorated floor supports or floor supports that are insufficient to carry imposed loads with safety.
7. **Ceiling and Roof Supports.**
 - a. Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration.
 - b. Members of ceilings, roofs, or their supports, or other horizontal members that are insufficient to carry imposed loads with safety.
8. **Fireplaces or chimneys.** Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.

B. ABATEMENT

Nothing in this section shall prevent the abatement of the unsafe or dangerous condition of a historic resource that constitutes an imminent and serious threat to public safety. If a historic resource is destroyed, it may be rebuilt on the original building footprint.

Chapter 34

ACCESSORY USES

34.020 ACCESSORY USES

Accessory uses are permitted uses which are customary and incidental to principal uses permitted in the zone and shall be permitted outright, or by prescribed conditions as identified below, and may be either attached or separated from the principal dwelling. **Accessory uses on designated historic resources are subject to additional regulations in CDC 26.060(C).**

Chapter 36

MANUFACTURED HOMES

(Staff Comment: The following language appears in Chapter 36 – Manufactured Homes. Staff does not recommend changing the language, but includes it here for the reviewers’ consideration.)

36.020 MANUFACTURED HOMES STANDARDS

Manufactured homes shall be subject to the following requirements in all of the zoning districts in which they are allowed.

...

L. The unit shall not be sited on a lot adjacent to any structure listed as an historic landmark or adjacent to an historic district.

Chapter 38

ADDITIONAL YARD AREA REQUIRED; EXCEPTIONS TO YARD REQUIREMENTS; STORAGE IN YARDS; PROJECTIONS INTO YARDS

(Staff Comment: The following language appears in Chapter 38 – Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards. Staff does not recommend changing the language, but includes it here for the reviewers’ consideration.)

38.060 PROJECTIONS INTO REQUIRED YARDS

...

E. Uncovered open porches, decks, or balconies, not more than 30 inches in height above natural grade and not covered by a roof or canopy, may extend or project into a required front or rear yard to utility easements or five feet of the property line, whichever is more. The uncovered deck, porch or balcony may go into side yard setback leaving at least three feet to the property line. No encroachment upon utility easement is allowed. These provisions do not apply in the Willamette Historic District.

F. Front and rear porches, covered porches, unroofed landings and stairs (over 30 inches in height) may encroach into the front or rear yard setback up to five feet. Homes on corner lots may have a front porch that wraps around to the side street side. The porch on the side street may also encroach five feet into the required street side setback area. Enclosed porches are not permitted to encroach. The roofline

of the house may be extended to cover the porch but no living space shall be allowed inside the front yard setback (i.e., dormers). The Planning Director shall determine compliance with this section as provided by CDC 99.060(A)(3). These provisions do not apply in the Willamette Historic District.

Chapter 43

SINGLE-FAMILY AND DUPLEX RESIDENTIAL SIDE-YARD TRANSITIONS

(Staff Comment: The following language appears in Chapter 43 – Single-Family and Duplex Residential Side-Yard Transitions. Staff recommends simplifying the language to include the more general term historic resources that encompasses any historic districts and historic landmarks.)

43.010 PURPOSE

New homes, both infill and in new subdivisions, particularly new homes around the perimeter of the new subdivision, need to be compatible with adjacent existing homes, especially when the new house is bigger than the existing one. To this end, transitions shall be required to avoid a monolithic and overbearing sidewall.

43.020 APPLICABILITY

These provisions shall apply to all new home construction and remodels in West Linn except **designated historic resources.** in the following areas:

A. ~~The Willamette Historic District.~~

B. ~~Historic landmark structures.~~

Chapter 58

Willamette Falls Drive Commercial District

58.030 APPLICABILITY

A. The provisions of this chapter shall apply to all new commercial construction, restorations, and remodels on Willamette Falls Drive between 10th and 15th Streets. **Properties that are also historic landmarks shall comply with the provisions of Chapter 25, as applicable.** “Restorations” shall be defined as all exterior repairs, replacement of materials, alterations or changes, including reroofing, painting, window and sign replacement, etc. Failure to obtain a permit shall constitute a Class A infraction pursuant to CDC 106.050.

Chapter 59

Willamette Neighborhood Mixed Use Transitional Zone

59.080 ADDITIONAL USE REQUIREMENTS

In addition to all other provisions of this section, the following additional requirements may apply:

A. Permitted uses may only be open from 6:00 a.m. to 10:00 p.m. and are subject to the noise provisions of Chapter 55 CDC.

B. Exterior business activity shall not take place beyond the rear wall of the building when the subject property abuts a residential district, except for parking and refuse storage. Refuse storage must be buffered or enclosed and may not abut a property line that adjoins a residential zone.

~~C. If a qualified historic residential landmark in the Willamette neighborhood is destroyed, it may be rebuilt on the original building footprint.~~

(Staff Comment: This section is removed and a similar sentence, addressing both historic landmarks and historic districts as historic resources is added to Chapter 25.)

59.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

The provisions of CDC 25.060, 25.070, 25.080, and 25.090, apply to properties currently identified in the West Linn historic inventory, Chapter 26 CDC, Historic Landmarks. The following standards apply to all development including permitted uses:

1. Chapter 28 CDC, Willamette and Tualatin River Protection.
2. Chapter 36 CDC, Manufactured Homes.
3. Chapter 32 CDC, Water Resource Area Protection.
4. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
5. Chapter 35 CDC, Temporary Structures and Uses.
6. Chapter 37 CDC, Home Occupations.
7. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
8. Chapter 40 CDC, Building Height Limitations, Exceptions.
9. Chapter 42 CDC, Clear Vision Areas.
10. Chapter 44 CDC, Fences.
11. Chapter 48 CDC, Access, Egress and Circulation.
12. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas, except for the provisions of CDC 46.140, apply to all uses.
13. Chapter 55 CDC, Design Review.
14. Chapter 54 CDC, Landscaping.
15. Chapter 53 CDC, Sidewalk Use.

Chapter 60

Conditional Uses

60.070 APPROVAL STANDARDS AND CONDITIONS

...

E. The Historic Review Board shall review an application for a conditional use, or to enlarge a conditional use on a property designated as a historic resource, based on findings of fact that the use will:

1. Preserve or improve a historic resource which would probably not be preserved or improved otherwise; and
2. Utilize existing structures rather than new structures.

Chapter 68

NON-CONFORMING LOTS, LOTS OF RECORD

(Staff Comment: The following language appears in Chapter 36 – Manufactured Homes. Staff does not recommend changing the language, but wanted to ensure that the HRB was aware of the reference and concurred.)

68.040 STATUS

A. A substandard lot of record in any residential zoning district except the Willamette Historic District, as regulated in Chapter 26 CDC, may be developed for a use allowed within the applicable zone provided:

1. The lot is 5,000 square feet or greater in size; except in the R-5, R-4.5 and R-2.1 zones in which case the minimum lot sizes shall be 4,500, 4,000 and 4,000 square feet, respectively; and
2. All single-family dwellings shall have a hard-surface paved driveway at least 10 feet wide.
3. All applicable code provisions including lot dimensional requirements are met except for single-family detached or attached dwellings in the R-10, R-7, R-5, R-4.5, R-3 and R-2.1 zones where the following lot dimensional requirements shall apply:
 - a. The minimum front lot line shall be 30 feet.
 - b. The average minimum lot width shall be 45 feet.
 - c. The minimum average lot depth shall be 80 feet.
 - d. The minimum front yard shall be 18 feet except for steeply sloping lots in which case the provisions of CDC 41.010 shall apply.
 - e. The minimum interior side yard for the principal structure including all protrudances shall be three feet.
 - f. The minimum side yard abutting street shall be 13 feet.
 - g. The minimum rear yard shall be 15 feet.

Chapter 99

PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

(Staff Comment: Proposed additions to the text are marked with an underline and deletions with a strikethrough. Amend Section 99.060 A(1) (under Approval Authority) to add the following subsections (v) and (w) giving the Planning Director authority to approve Class I Historic Design Review and demolition permits for non-contributing or not in period primary structures or an accessory structure since these structures typically do not have, or do not have as high a level of, significance or integrity.)

Land Use Action	Type of Notice
...	
Historic District <u>Resources</u> :	
Amendments	A
<u>Class I Historic Design Review</u>	<u>B</u>
<u>Class II Historic Design Review</u>	<u>B</u>
<u>Designation or Removal of Historic Resource Designation</u>	<u>A</u>
Demolition	A
<u>Relocation</u>	<u>B</u>
New Home Construction	B
Major Renovations or Additions	B
Minor Renovations or Additions	B
Construction of Non-Exempt Accessory Structures/Garages	B

A. Planning Director authority. The Planning Director shall have the authority to:

1. Approve, deny, or approve with conditions the following applications:

...

v. Class I Historic Design Review

w. A demolition permit for a non-contributing or not in period primary structure or an accessory structure

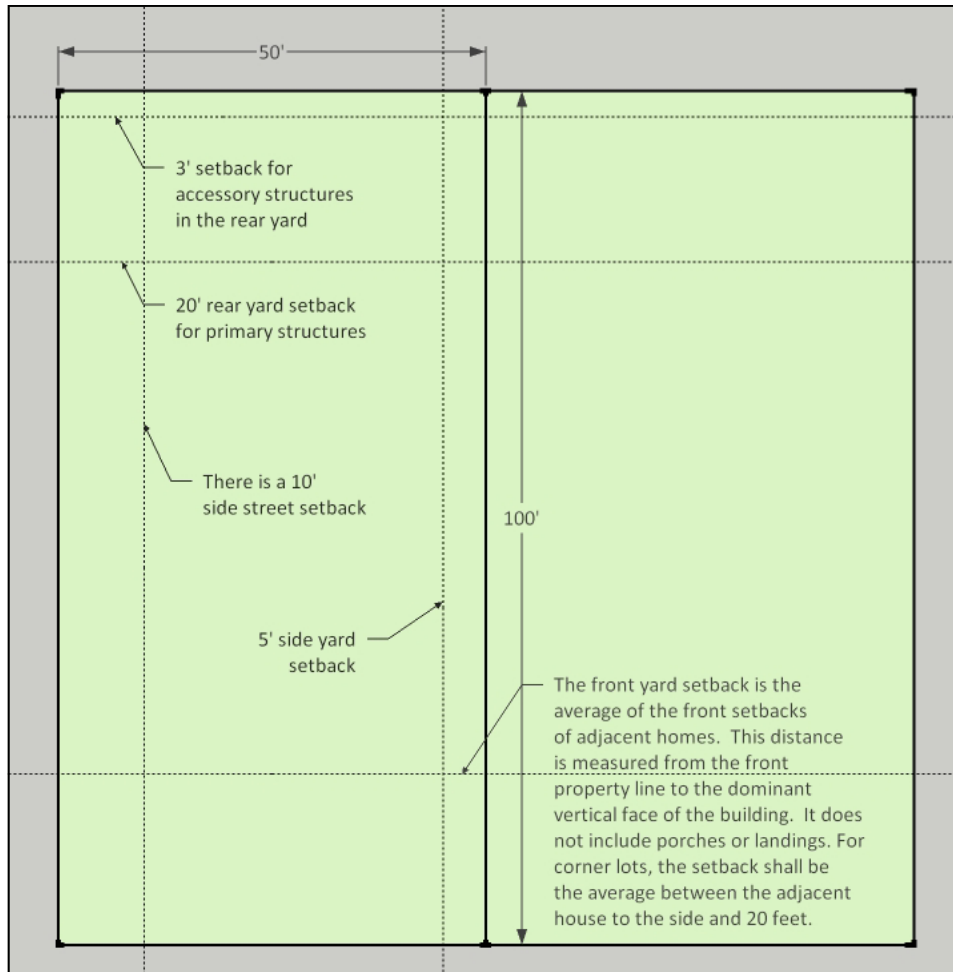
(Staff Comment: Amend Section 99.060 D as below to give the Historic Review Board Authority for Class II Historic Design Review and a demolition permit for a primary contributing structure. These structures are of greater significance and have a higher level of integrity.)

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

1. Approve, deny, or approve with conditions an application regarding the following:
 - a. Class II Historic Design Review:
 - ~~Major or minor remodel, alteration, or addition to a historic landmark or property within a historic district;~~
 - ~~New construction within a historic district;~~
 - ~~Construction of a non-exempt accessory structure or garage on a historic landmark property, or property within a historic district;~~
 - b. d. A demolition permit for a historic landmark or primary contributing structure within a historic district;
 - c. Relocation of a historic resource;
 - d. e. Revocation or modification of an approval as provided by CDC 99.330 for any application approved by the Historic Review Board; and
 - e. f. An extension of an approval when the Historic Review Board acted as the initial decision-making authority.
2. Make recommendations to the approval authority specified in this section regarding the following:
 - a. Designation of a historic resource~~landmark or a historic district~~;
 - b. Removal of historic resource designation;
 - ~~c. b. Class I or Class II Design Review on 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;~~
 - ~~d. e. New construction within the Willamette Falls Drive Commercial District that is not a historic landmark or within the Willamette Historic District;~~
 - ~~e. d. A partition or subdivision of property containing a historic resource~~landmark or property within a historic district;
 - ~~f. e. Conditional use of property containing a historic resource~~landmark; and
 - ~~g. f. A zone change for property containing a historic resource~~landmark or property within a historic district.

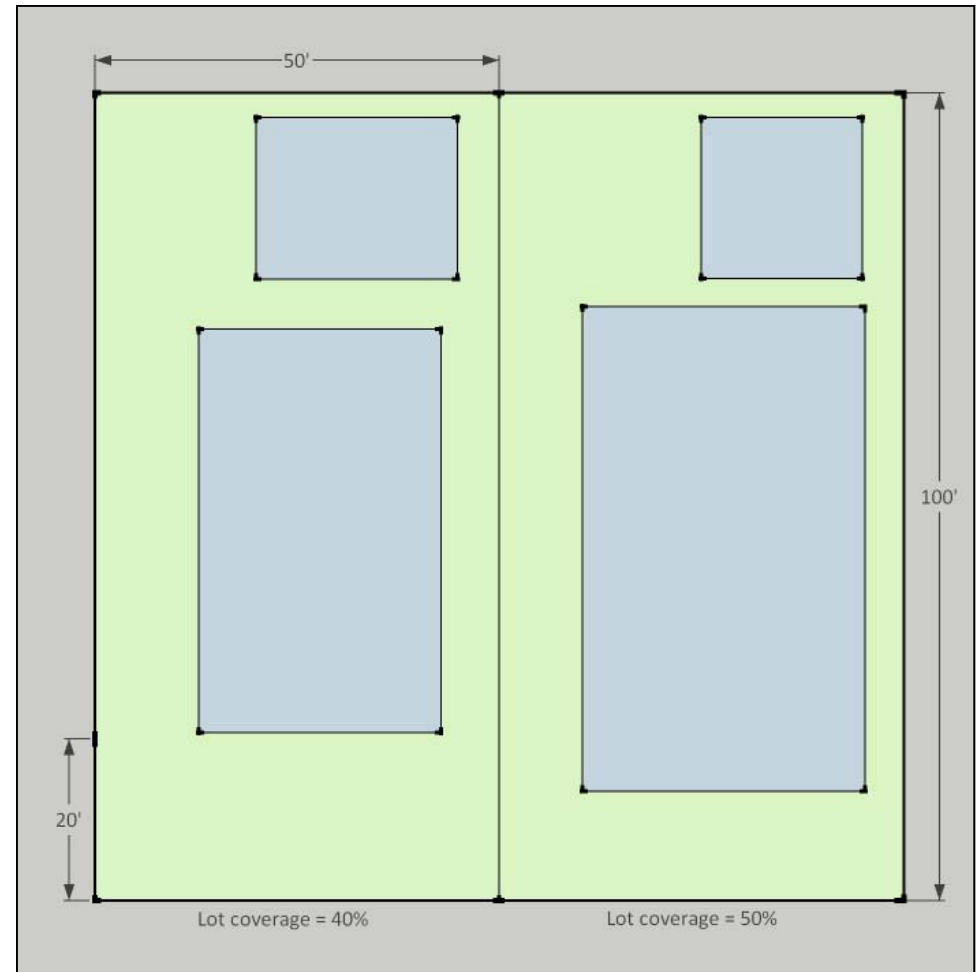
Proposed Dimensional Requirements—Historic District

Setbacks: The setbacks detailed below are proposed. These are not changing from the existing setbacks.



Height: The proposed amendments maintain the maximum height in the historic district at 28 feet, which is 7 feet less than the underlying zone. The City measures height from grade to ridgeline.

Lot coverage is the area covered by a building or buildings on a lot, expressed as a percentage of the total lot area. In the historic district, this includes the principal residence or house and any other structures on the lot. Paved surfaces do not count. **The proposal is to lower the existing limit of 50% to 40% for R-5 properties** (typically 5,000 sq. ft. lots) and **35% for R-10 properties** (typically 10,000 sq. ft. lots) and include only the principal residence, any accessory dwelling unit, and the next largest accessory structure (typically a garage). Other structures would not count. This would be consistent with the definition in Chapter 2 of the CDC and other residential areas in West Linn. See more info in the CDC online at <http://westlinnoregon.gov/cdc>.



Proposed Dimensional Requirements—Historic District (continued)

Massing and Floor Area Ratio: The proposed amendments remove the existing massing requirement and add requirements relating to floor area ratio (FAR) and design. This handout explains FAR and the “How big is that?” handout provides several examples of existing properties and whether they meet the requirements.

The existing code is complicated and specifies that the square footage of the principal house and attached garage cannot exceed 125 percent of the average square footage of the adjacent homes (and any attached garage) on either side of the subject house, or 1,200 square feet, whichever is greater. Homes on corner lots shall base their square footage on the one house and any attached garage adjacent to them. The square footage of the adjacent home will be based on actual measurement of all livable space in the house plus any attached garage (exclude crawlspaces or attic areas with less than five-foot vertical clearance plus all basement areas).

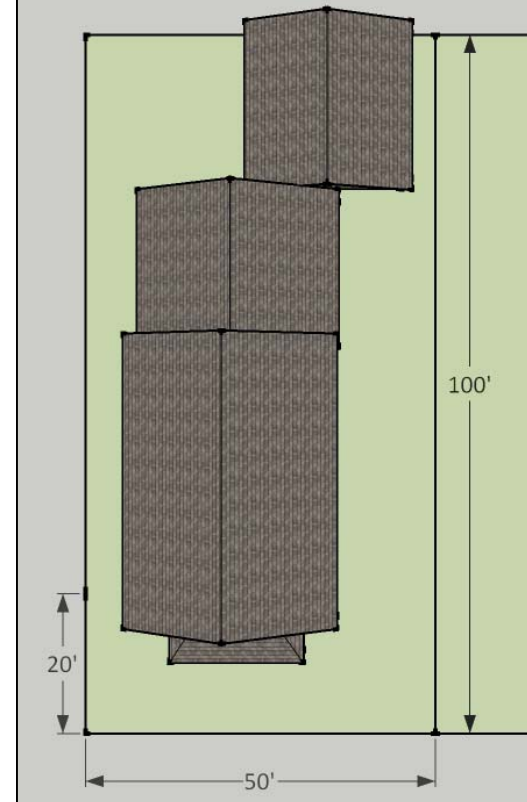
The proposed amendments replace this requirement, which can be problematic—it depends on the size of the neighboring house, which may be small or large—with the FAR standard used elsewhere in the code. This establishes a maximum house size based on the size of the lot and removes the variability of the existing code. The proposed house size is likely a more feasible size for new construction and additions. The existing code can require houses that are small by today’s standards. With the proposed amendments, new construction is still unlikely to appear too big and overwhelming compared to the adjacent houses.

Floor area ratio (FAR). The FAR is that percentage of the total lot size that can be built as habitable space. A FAR of 0.45 means that the square footage of the lot is multiplied by 0.45 to yield the total habitable square footage of the house including accessory dwelling units. For example, on a 5,000-square-foot lot, an FAR of 0.45 will allow a 2,250-square-foot house ($5,000 \times 0.45 = 2,250$). The FAR does not include or apply to garages, accessory dwelling units and accessory structures except that these detached structures may not individually exceed the height or square footage of the principal dwelling. The FAR does not include basement areas that average less than 50 percent of the basement perimeter exposed above grade.

Sketch example of a house with the maximum FAR of .45 on a 5,000 sq. ft. lot. It has two full floors of habitable space, totaling 2,250 sq. ft. A detached garage, which does not count toward the FAR is also shown. The lot coverage is 36%.



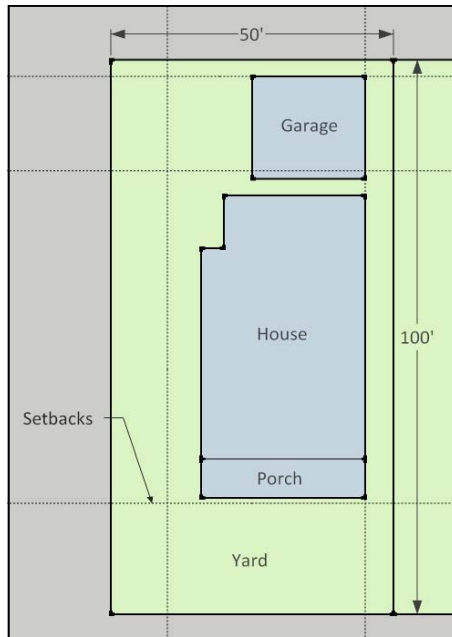
Plan view of the same site.



How big is that?

1608 6th Avenue

This house meets the existing massing and lot coverage requirements. It also meets the proposed lot coverage and FAR requirements.

**Property Information:**

Lot Size: 50 x 100 ft.

Lot Coverage: 38.3 %
(House + Garage)

Square Footage:

House = 1,197 sq. ft.

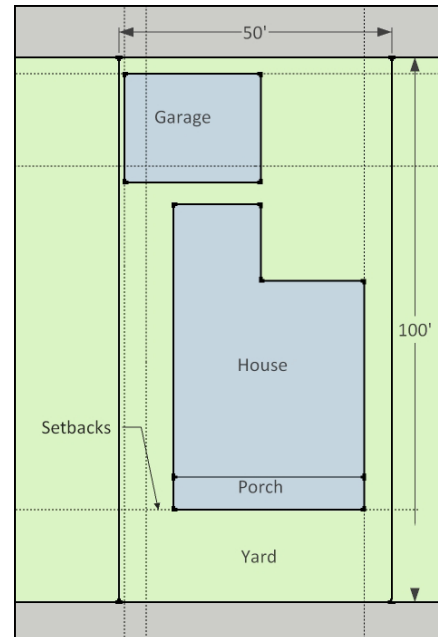
Garage = 372 sq. ft.

Floor Area Ratio: .24



1777 6th Avenue

This house does not meet the existing massing requirements. It meets the existing lot coverage requirements. It does not meet the proposed lot coverage and FAR requirements.

**Property Information:**

Lot Size: 50 x 100 ft.

Lot Coverage: 41 %
(House + Garage)

Square Footage:

House = 2,929 sq. ft.

Garage = 546 sq. ft.

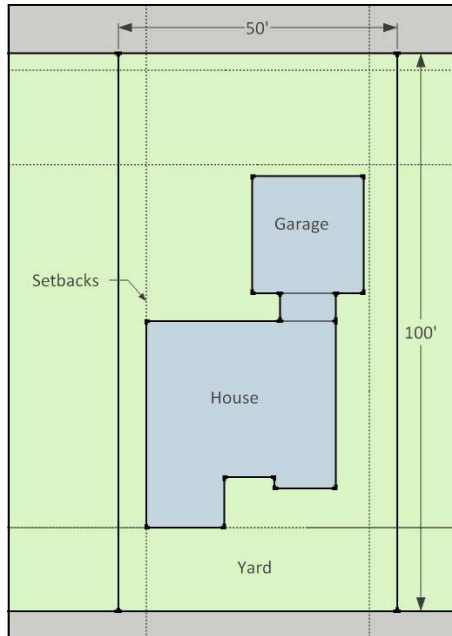
Floor Area Ratio: .59



How big is that? (continued)

1630 5th Avenue

This house does not meet the existing massing requirement, but meets the existing lot coverage requirements. It meets the proposed lot coverage and FAR requirements.

**Property Information:**

Lot Size: 50 x 100 ft.

Lot Coverage: 31 %
(House + Garage)

Square Footage:

House = 2,158 sq. ft.

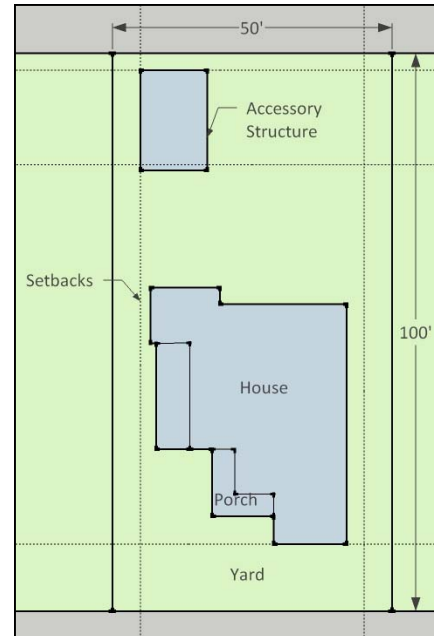
Garage = 420 sq. ft.

Floor Area Ratio: .43



1883 6th Avenue

This house meets the existing massing and lot coverage requirements. It also meets the proposed lot coverage and FAR requirements.

**Property Information:**

Lot Size: 50 x 100 ft.

Lot Coverage: 30 %
(House + Accessory Structure)

Square Footage:

House = 2,053 sq. ft.

Accessory Structure = 216 sq. ft.

Floor Area Ratio: .41



Willamette Historic District Boundary Change and Historic Landmark Designation Removal

Willamette Historic District Map and Boundary Change

The proposed amendments change the boundaries of the historic district and adopt them to the zoning map. The adopted map would also have the classifications of properties within the historic district that notes their status as contributing, non-contributing, or not in period.

The boundary change removes a single property from the district. Staff became aware of this with a building permit application when the applicant stated that their property, 1293 14th Street, was not in the District. They provided documentation to that effect and staff also found documentation in a City project file. The new boundary and property classifications are shown below.



Historic Landmark Designation Removal

The revisions propose removing the historic landmark designation from the following three properties:

1352 Willamette Falls Drive

This residence has been substantially remodeled. The 2011 survey of the Willamette Neighborhood reported that it was non-contributing and that it had been resided, had vinyl windows, remodeled, and had a large addition to the west. For reference, the 1988 Inventory Form is also attached. This shows the degree to which the residence has been altered and that many of the features for which it was designated, including the exposed rafters, variegated shingle siding, multi-light windows, and porch posts with river rock bases, have been altered. Per the City's aerial photographs, the addition was added sometime between 1988 and 1996.



(Above Left) 1352 Willamette Falls Drive in 1988



(Above Right) 1352 Willamette Falls Drive in 2011

4918 Summit Street

This is the address of a former landmark that staff understands burned in the early 1990s. The site was redeveloped in approximately 2000 and the address changed.

1739 Dollar Street

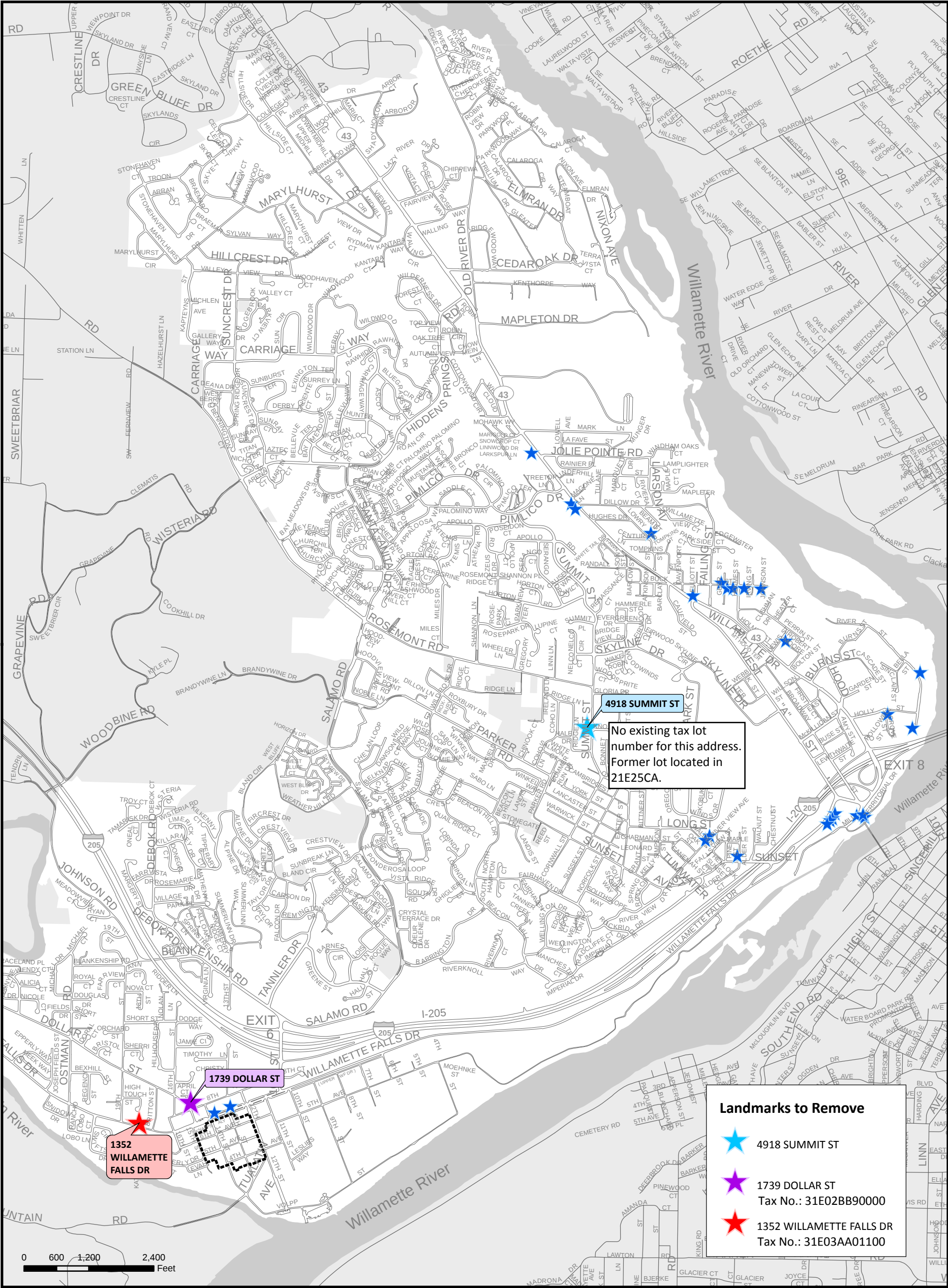
This address was the site of a landmark barn that was moved to 1296 12th Street when the property was redeveloped.



Barn relocated to 1296 12th Street.

CITY OF WEST LINN

Local Historic Landmarks



Subsection Comparision of Existing and Proposed Code Chapters

Existing CDC Chapter 25	Existing CDC Chapter 26	Proposed CDC Chapter 25
25.010 PURPOSE	26.010 PURPOSE	Section 25.010 PURPOSES
25.015 APPLICABILITY		Section 25.020 USE OF THIS CHAPTER
25.020 PERMITTED USES	26.030 PERMITTED USES	Section 25.030 USES
25.030 CLASSIFICATIONS AND BOUNDARY DELINEATION	26.020 AREA OF APPLICATION	Will be adopted to the zoning map and the classifications from the survey will apply.
25.040 REPEALED	26.040 REPEALED	
25.045 REPEALED	26.045 REPEALED	
25.050 CRITERIA FOR HISTORIC DISTRICT DESIGNATION	26.050 DESIGNATION PROCESS	Section 25.090 DESIGNATION OF A HISTORIC RESOURCE
25.060 CRITERIA FOR EXTERIOR ALTERATION AND NEW CONSTRUCTION	26.060 ALTERATION AND DEVELOPMENT CRITERIA	Section 25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES
25.070 APPROVAL CRITERIA FOR REMODELS, NEW HOME AND ACCESSORY STRUCTURE CONSTRUCTION		Section 25.070 ADDITIONAL DESIGN STANDARDS APPLICABLE TO HISTORIC DISTRICTS
25.080 ADDITIONAL ARCHITECTURAL SPECIFICS FOR NEW CONSTRUCTION AND REMODELING		
25.090 COMMERCIAL REMODELS AND NEW CONSTRUCTION		Section 25.060, Section 25.070, as applicable - refers non-residential structures in the WHD to Chapter 58 rather than the design standards for the WHD.
25.100 MINOR ALTERATIONS AND MAINTENANCE		Exempt per 25.050(A) or subject to Class I Historic Design Review in 25.050(B)
25.110 PARTITIONS AND SUBDIVISIONS		Section 99.060(D) provides for HRB review of partitions and subdivisions. The criteria are addressed in 25.070(C)(6).
25.120 BUILDING CODE REQUIREMENTS	26.070 BUILDING CODE REQUIREMENTS	
25.130 DEMOLITION	26.080 DEMOLITION	Section 25.120 DEMOLITION OF A HISTORIC RESOURCE
25.140 APPLICATION AND SUBMITTAL REQUIREMENTS	26.090 SUBMITTAL REQUIREMENTS	Section 25.080 APPLICATION REQUIREMENTS
25.150 DESIGN MODIFICATION PROCEDURES		Section 25.040 MODIFICATIONS TO CODE REQUIREMENTS
		New Sections:
		Section 25.050 HISTORIC DESIGN REVIEW PROCESSES
		Section 25.100 REMOVAL OF A HISTORIC RESOURCE DESIGNATION
		Section 25.110 RELOCATION OF A HISTORIC RESOURCE
		Section 25.130 DEMOLITION BY NEGLECT

Existing Chapter 25 and Proposed Chapter 25 Comparison

Existing Chapter 25	Proposed Chapter 25
25.010 PURPOSE	Section 25.010 PURPOSES
The intent and purpose of this overlay district is to implement the goals and policies of the Comprehensive Plan for the Historic District, and promote the public health, safety, and general welfare by safeguarding the City's heritage as embodied and reflected in its historic resources. The provisions of this section are intended to:	The purposes of this chapter are to:
A. Provide for the identification, protection, enhancement, and use of sites, structures, corridors, objects, and buildings within the City that reflect special elements of the City's architectural, archeological, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage. In addition to the Willamette District, this code section also contemplates creation of new districts as appropriate;	B. Identify and protect the City's historic resources (see Chapter 2, Definitions), including the diverse architectural styles that reflect the phases of the City's history. D. Provide procedures and establish approval criteria for all reviews of proposed alterations of historic structures and sites and other development in historic districts. H. Provide for creation of new historic districts and designation of new landmarks, as appropriate, and to allow removal of such designations if they are no longer appropriate.
B. Facilitate restoration and upkeep of historic buildings, structures or other physical objects or geographical areas;	Addressed in (B) above. F. Ensure that changes to designated historic resources protect the integrity of the resource and the significant aspects of the area's heritage. G. Provide design guidelines that will ensure the preservation of the quality and historic integrity of historic landmarks and their site, and, if applicable, ensure compatibility and consistency with the qualities of the respective historic district its nomination was intended to preserve.
C. Encourage public knowledge, understanding and appreciation of the City's history and culture;	
D. Foster community and neighborhood pride and sense of identity based on recognition and use of cultural resources;	A. Foster community and neighborhood pride and sense of community identity based on recognition and use of historic and cultural resources.
E. Promote the enjoyment and use of historic and cultural resources appropriate for the education and recreation of the people of the City;	C. Encourage preservation and use of historic sites, structures, and districts within the City that reflect special elements of its historical, architectural, archeological, artistic, cultural, and engineering heritage.

Existing Chapter 25 and Proposed Chapter 25 Comparison

F. Preserve diverse architectural styles reflecting phases of the City's history, and encourage complimentary design and construct impacting cultural resources;	
G. Enhance property values and increase economic and financial benefits to the City and its inhabitants;	E. Increase economic and financial benefits to historic property owners and the community.
H. Identify and resolve conflicts between the preservation of cultural resources and alternative land uses;	I. Provide a process to enable thoughtful consideration of the proposed demolition of historic structures.
I. Integrate the management of cultural resources and relevant data into public and private land management and development processes; and	
J. Encourage the adoption and use of the Secretary of Interior's Standards for Historic Preservation.	Substantially incorporated into the criteria. See the Standards at the end of the document for details.
25.015 APPLICABILITY	Section 25.020 USE OF THIS CHAPTER
The provisions of this chapter shall apply to all properties and structures within the Willamette Historic District boundary as depicted on the map referenced in CDC 25.030. The single-family residential design standards that apply to homes elsewhere in West Linn shall not apply to homes within the historic district. The standards of this chapter shall supersede any conflicting standards appearing in CDC 26.060.	A. APPLICABILITY This chapter shall apply to all properties designated as historic resources as shown on the City's zoning map and properties listed on the National Register.
25.020 PERMITTED USES	Section 25.030 PERMITTED USES
A. The residentially zoned portion of the Willamette Historic District, and other historic districts established under CDC 25.050, shall permit only single-family detached residential uses. Home occupations shall be processed pursuant to Chapter 37 CDC.	Unless otherwise provided in this chapter, all uses permitted by the underlying zoning district that are in accordance with the CDC are allowed on sites containing historic resources. (In the Willamette Historic District this generally limits all residentially zoned land to single family homes.)
B. The commercially zoned portion shall allow uses appropriate to that zone as described in Chapter 19 CDC with consideration of its historic status.	See above.
C. Existing structures and uses that do not conform to these standards shall be regarded under the provisions of Chapters 66 and 67 CDC.	Not explicitly stated.

Existing Chapter 25 and Proposed Chapter 25 Comparison

D. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any architectural features which does not involve a change in design, material or the outward appearance of such features which the Building Inspector shall certify is required for the public safety because of its unsafe or dangerous condition.	25.050(A)(1) Ordinary maintenance or repair including a change of facade colors, unless the color is specifically listed in the historic resource inventory, historic resource nomination, or National Register nomination as an attribute that contributes to the resource's historic significance.
E. National Historic Register structures or historic landmarks in the historic district shall comply with the provisions of Chapter 25 CDC.	See 25.020(A) above.
25.040 HISTORIC REVIEW BOARD	
Repealed by Ord. 1597. (Ord. 1594 § 1 (Exh. A), 2010)	
25.045 APPEALS OF HISTORIC REVIEW BOARD	
Repealed by Ord. 1597. (Ord. 1474, 2001; Ord. 1594 § 1 (Exh. A), 2010)	
25.050 CRITERIA FOR HISTORIC DISTRICT DESIGNATION	Section 25.090 DESIGNATION OF A HISTORIC RESOURCE
A. The approval authority shall designate each historic district in the City that is listed on the National Register of Historic Places as an historic district.	The designation of historic resources shall comply with the following criteria, provided that the age of a specific building shall not be deemed sufficient in itself to warrant designation of a building as historic.
The approval authority may designate a proposed historic district that:	A. APPROVAL CRITERIA The approval authority may designate other proposed historic resources if it determines that the site or district proposed for designation meets at least one of the following five criteria:
1. Is associated with an event or events that made a significant contribution to the history of the community, county, state or nation; or	1. Events. Is associated with an event or events that made a significant contribution to the history of the city, county, state or nation;
2. Is associated with the life or lives of a significant person or people in the history of the community, county, state or nation; or	2. Persons. Is associated with the life or lives of a significant person or people in the history of the city, county, state or nation;
3. Embodies distinctive architectural characteristics of a type, style, period or method of construction; or	3. Architecture. Embodies distinctive architectural characteristics of a type, style, period or method of construction;

Existing Chapter 25 and Proposed Chapter 25 Comparison

4. Represents the work of a master builder, designer, or architect who influenced the development of the community, county, state or nation; or	4. Construction. Represents the work of a master builder, designer, or architect who influenced the development of the city, county, state or nation; or
5. Has yielded, or will likely yield, information important in history or prehistory.	5. Archaeology. Has yielded, or will likely yield, information important in prehistory or history.
B. The age of a specific building shall not be deemed sufficient in itself to warrant designation as historic.	25.090 The designation of historic resources shall comply with the following criteria, provided that the age of a specific building shall not be deemed sufficient in itself to warrant designation of a building as historic.
25.060 CRITERIA FOR EXTERIOR ALTERATION AND NEW CONSTRUCTION	
A. Except as provided pursuant to CDC 25.100, no person may alter the exterior of any structure in an Historic District in a manner as to affect its exterior appearance, nor may any new structure be constructed in an Historic District, unless the site and evaluation drawings are approved by the Historic Review Board.	Addressed in 99.060(D).
B. Exterior remodeling as governed by this chapter shall include any change or alteration in design or other exterior treatment excluding painting.	This has been expanded to include the items in 25.050(A).
C. For new home construction or exterior alterations of structures in an Historic District, the criteria to be used by the Historic Review Board in reaching the decision shall include the following:	The HRB will use the standards in 25.060 and 25.070. 25.020(B) and (C) identifies which apply.
1. The purpose of the Historic District as set forth in CDC 25.040.	
2. The policies of the West Linn Comprehensive Plan.	
3. The economic use of the structure in an Historic District and the reasonableness of the proposed alteration and their relationship to the public interest in the structure's or landmark's preservation or renovation. (Applicable to commercial only.)	
4. The value and significance of the structure or landmark in an Historic District. (Applicable to remodeling only.)	
5. The physical condition of the structure or landmark in an Historic District. (Applicable to remodeling only.)	

Existing Chapter 25 and Proposed Chapter 25 Comparison

6. The general compatibility of exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used with an existing structure in an Historic District.	
7. Pertinent aesthetic factors as designed by the Historic Review Board.	
8. Economic, social, environmental and energy consequences related to LCDC Goal No. 5.	
25.070 APPROVAL CRITERIA FOR REMODELS, NEW HOME AND ACCESSORY STRUCTURE CONSTRUCTION	
A. For new home construction, remodels and single-family structures in the Willamette Historic District (and landmark structures as appropriate), the Historic Review Board shall use the following design standards in reaching a decision.	
B. Siting.	
1. Front yard:	
a. The front yard setback shall be the distance measured from the front property line to the dominant vertical face of the building, exclusive of any porches or front landings, equal to the average of the front setbacks of adjacent homes. For corner lots, the setback shall be the average between the adjacent house to the side and 20 feet.	25.070(C)(1)(a) The front yard setback shall equal the average of the front setbacks of adjacent homes on the block face. For corner lots, the setback shall be the average between the adjacent house to the side and 20 feet. The setback shall be the distance measured from the front property line to the dominant vertical face of the building, exclusive of any porches or front landings.
b. Unenclosed porches with no living space above may encroach six feet further from the dominant vertical face of the building.	25.070(C)(1)(b) Unenclosed porches with no living space above may encroach into the front yard setback six feet from the dominant vertical face of the building.

Existing Chapter 25 and Proposed Chapter 25 Comparison

2. Side yard: Five feet shall be the standard; however, where adjacent structures encroach into the required side yard, the Planning Director may reduce one of the side yards to a minimum of three feet to center a new structure between existing buildings, provided no space between buildings is reduced below eight feet. To encourage sidewall variation, “pop outs,” including chimneys, may intrude 18 inches into side yard setback.	25.070(C)(2) Side yard setbacks shall be five feet, except: a. Bays, porches and chimneys and other projections constituting cumulatively no more than twenty percent of the overall respective building wall length may intrude 18 inches into the side yard setback; and b. One story accessory structures may be sited within three feet of the side property line and two story accessory structures shall be a minimum of 15 feet from the side property line.
3. Side street: 10 feet for both developed and undeveloped street. To encourage sidewall variation, “pop outs,” including chimneys, may intrude 24 inches into side street yard setback after every 400 square feet of sidewall.	25.070(C)(3) Setbacks from side streets shall be 10 feet for both developed and undeveloped streets, except: a. Bays, porches and chimneys and other projections may intrude 24 inches into side street yard setback; and b. One and two story accessory structures may be sited within five feet of the side street property line.
4. Rear yard: The rear yard setback shall be a minimum of 20 feet, except for accessory structures (non-dwelling or non-accessory dwelling units (ADU)), which may be sited to within three feet of the side or rear property lines. See section on ADUs for ADU setbacks.	25.070(C)(4) The rear yard setback shall be a minimum of 20 feet, except for accessory structures, which may be sited to within three feet of the rear property lines.
5. Orientation: New home construction on corner lots must orient the front of the house to the avenue and not the street.	25.070(C)(5) New home construction on corner lots shall be oriented the same direction as the majority of homes on the street.
6. Lot coverage: 50 percent. Unlike the rest of West Linn, lot coverage shall apply to the new and remodeled primary dwellings, attached and detached garages, all accessory buildings and ADUs. Decks, paved and impermeable surfaces (patios and driveways etc.) shall not be included. Underlying zone (e.g., R-5) lot coverage shall not apply.	Now subject to the underlying zoning requirement. This is 40% in R-5 and 35% in R-10. It also follows the Chapter 2 Lot, Coverage definition of The area covered by a building or buildings on a lot, expressed as a percentage of the total lot area. For residential lots, these buildings shall include the principal residence or house, any accessory dwelling unit, and the next largest accessory structure such as a garage, etc. Additional structures shall not count. Paved surfaces do not count.

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C. Parking. Parking in Willamette Town traditionally was handled from the alleys or along the “streets” (as opposed to avenues). Detached garages along the alleys or “streets” characterizes many homes in the district. Alleys were established to provide for access to off-street parking, including garages.	NA
1. Standards, garages.	
a. Garages shall be accessed from the alley. Where no alley exists, access to a garage may be from the street.	25.070(C)(10)(a) Garages shall be accessed from an alley, if present. No garage door may face or have access onto a street except when alley access is not available.
b. Garage remodels and new construction must match house or existing garage building materials. Damaged or deteriorated non-conforming garages must be reconstructed/relocated in accordance with this code where remodeling or rebuilding costs exceed 50 percent of the full replacement cost in current dollars.	NA
c. Typically, the garage roof pitch was not as steep as the house. Some architectural styles of garages have lower pitched roofs. Garage roof pitch shall not exceed house roof pitch.	NA; 25.070(C)(9) requires a roof pitch of at least 6:12.
d. Garages located within the rear yard may have a zero-foot side yard setback so long as it is constructed with one-hour fire walls, with no openings in wall and no overhang, per City building standards. The three-foot rear setback shall still apply.	NA; three foot setback required.
2. Standards, parking.	
a. No residential lot shall be converted solely to parking use.	25.070(C)(10)(b)(1)(i) No residential lot shall be converted solely to parking use. - also - (ii) ii. No rear yard area shall be converted solely to parking use.
b. All vehicle access and storage (i.e., boats, camper shells, trails, recreational vehicles, etc.) shall be stored or parked in the rear of the property as opposed to the front or side yards.	Not addressed.
c. On corner lots or where homes face streets, the parking and storage shall be located on the alley side of the house.	25.070(C)(10)(b)(1)(iii) When a lot is adjacent to an alley, all parking access shall be from the alley.
d. No front yard curb cut shall be established unless it is determined by the City Engineer that all reasonable access alternatives have been exhausted.	Not specifically addressed.

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e. The parking provisions of CDC 26.050(B) shall apply to any non-conforming uses of a structure (i.e., bed and breakfast). These provisions would not apply to General Commercial zone uses in the Historic District.	Proposal limits uses to those permitted in the underlying zoning district. This is generally single family residences for the residential section of the historic district.
1. No building shall exceed the height of 28 feet to the dominant gable or roof ridgeline as measured per Chapter 02 CDC. This restriction shall apply regardless of the existing or finished grade of the site.	25.070(C)(7)(a) Residential structures are limited to 28 feet in height. Cupolas and towers shall not exceed 50 feet in height. (Height no longer measured in Ch. 2, it is now Ch. 41.)
2. In order to transition in scale, new houses that are taller than homes adjacent to them must have the predominant roof ridgeline extending perpendicular to the front property line so that the roof slopes down on the sides to effect that transition. Dormers are allowed on that sloping roof area facing the adjacent home(s) but cannot constitute more than 25 percent of the roof as measured lineally or horizontally (e.g., if roof is 50 feet long the dormer(s) cannot be more than 25 percent of that distance or 12.5 feet long in total). Also, the dormer height must be at least two feet below the gable ridgeline height.	NA
3. Cupolas and towers are not excluded from the aforementioned height limitation.	See 25.070(C)(7)(a) above.
4. Alteration of roof pitches or raising or lowering a structure's permanent elevation, when constructing a foundation, shall be avoided.	25.060(A)(8) Building Height and Roof Pitch. Existing or historic building heights and roof pitch shall be maintained. 25.060(A)(18) Repair or construction of a foundation that results in raising or lowering the building elevation must demonstrate that: i. Photographic or other evidence shows the proposal is consistent with the original design and, if applicable, is consistent in the context of adjacent and other structures on the block; or ii. That it is necessary to satisfy a requirement of the building code and/or floodplain regulations (CDC Chapter 27).

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5. The original height of the structure's front elevation shall be preserved. Additions to the rear portion of the house shall be allowed where those additions do not compromise the character of the front elevation or the scale or significantly modify the mass of the house as seen from the right-of-way.	See above and 25.060(A)(7) Building Additions. Building additions shall be subordinate to the original building, smaller in scale, and attached to the rear or set back along the side. Features of building additions, including the proportions of window and door openings, shall be compatible with those of the existing building.
E. Building shapes and sizes.	
1. No building on a 50-foot-wide lot shall exceed 35 feet in overall width. Lots with a 65-foot width or greater may have a building width of 40 feet plus the porches, eaves or veranda extensions so that the maximum total width is 47 feet.	Not specifically addressed, see setbacks above.
2. End walls (street facing) shall be designed with consideration of scale and aesthetic character of the main facade.	Not specifically included. See 25.070(A)(1) Compatibility with Nearby Context. Alterations and additions shall be: a. Compatible in scale and mass to adjacent properties; and b. Shall maintain the privacy of the residents of adjacent properties through window placement, orientation or landscaping.
3. Buildings shall avoid a horizontal orientation in their roof and window designs, unless the design can be shown to match the original roof design or approximate the design of nearby structures and styles.	Not specifically included. See 25.070(B)(1) New construction must be compatible with the architectural style, scale, mass, proportion, materials, and form of the contributing structures in the district...
4. Sidewalls on the side of new homes shall have a minimum 18-inch "pop out" or indent after every 400 square feet of sidewall measured laterally/horizontally. The "pop out" or indent shall be at least six feet wide and shall be at least nine feet tall. (Bay windows could qualify). Sidewalls on the side street side of new homes shall have minimum 24-inch "pop out" or indent after every 400 square feet of sidewall measured laterally/horizontally. "Pop outs" may intrude into the setback area.	Not specifically included. See 25.070(C)(3)(a) Bays, porches and chimneys and other projections may intrude 24 inches into side street yard setback
F. Signs and lighting. Signs, lighting, and other appurtenances such as walls, fences and awnings shall be visually compatible with the scale and traditional architectural character of the historic building.	Signs covered by Signs chapter. 25.060(A)(20) Lighting. Residential lighting shall be shielded to prevent glare and compatible with the architectural character of the building. Blinking, flashing, or moving lighting are not permitted.

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G. Horizontal additions.	
1. The scale and proportion of building additions, including the relationship of windows to walls, shall be visually compatible with the traditional architectural character of the historic building.	See 25.060(A)(7) Building Additions referenced above.
2. Contemporary construction for alterations and additions are acceptable if the design respects the building's original design and is compatible with the original scale, materials, window and door opening proportions of the structure.	See above.
H. Windows. Window sizes vary considerably in the district. Windows on the primary and secondary structures are wood sash, usually a double hung type. Victorian styled structures typically have narrower, vertically-oriented windows. Bungalow styled structures from the "Craftsman" era (1905 – 1930) may have wider windows with mullions across the top of larger paned areas. Most windows have fairly wide trim boards, usually five inches. Standards:	NA
1. Historic window sashes and frames shall be repaired rather than replaced unless the approval authority determines that repair is not possible. In that case, the replacement shall match the old window sash and frame in design, texture, materials, and other visual qualities. Existing replacement windows shall be replaced with windows that match the original window in design, texture, and other visual qualities, and, where possible, materials, as determined by the approval authority. Windows in new construction and additions shall be compatible with the massing, size, scale, and architectural features of the structure. Wood windows are preferred.	25.060(A)(14) Window Replacement. Replacement of windows or window sashes shall be consistent with the original historic appearance, including the profile of the sash, sill, trim, window plane relative to the building wall plane, light pattern, glass color, profile of mullions and muntins, and color (provided painting the factory material would void the warranty). - also - 25.060(A)(12) New Windows. New windows shall match the appearance of the original windows as closely as possible. Wood window frames and sashes shall be used unless the applicant demonstrates that the non-wood windows exhibit visual qualities similar to their wooden counterparts. The window trim and sill shall match the original trim.
2. Aluminum windows are prohibited unless they were the original materials and meet dimensional standards.	NA
3. Windows shall be surrounded by exterior trim on the top and sides; window trim shall be at least four and one-half inches minimum width unless the original window was less.	Not specifying trim width.

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4. Window replacements shall match the visual qualities of original windows.	NA
5. Storm windows should follow the standards for windows and shall have a mullion that matches the divide between the upper and lower window sashes. The color should match underlying trim.	25.060(A)(13) Storm Windows. Storm windows shall be made of painted wood, baked enamel, anodized aluminum, or other materials with forms that complement or match the color, detail, and proportions of the building.
I. Entryways. Porches are a key architectural feature on most homes in Willamette Town. Frequently, the porch and entryway creates a dominant architectural feature on the main facade. On corner lots, the entry usually faces the east-west avenues. Front doors are often notably detailed; many contain glass panes or carvings. Standards:	
1. Buildings shall have a permanently protected entry. Awnings are not permanent protection.	NA
2. All main entrances should face the avenues.	See 25.070(C)(5) above.
3. Flush (flat) doors are prohibited.	25.060(A)(15) Doors. Doors shall be painted or stained wood, fiberglass clad, or metal clad, or another material that is consistent with the original historic appearance.
4. Doors with windowed areas are recommended. Front porch enclosure of any dwelling unit may not be enclosed. Back porches may be enclosed.	See above.
J. Siding and exterior finish. Standards:	
1. Horizontal wood siding shall be the primary exterior finish.	25.060(A)(10) Walls and Siding. Replacement of existing wall and siding finish materials with different material than the existing material must be demonstrated, using photographic or other evidence, to be in character with those of the original materials, or with materials that are consistent with the original construction. New walls and siding must match the existing material or have the same texture and finish as the original material.
2. Shingles should only be used in conjunction with horizontal wood siding.	NA
3. Single color exteriors are discouraged. Stained exteriors are not recommended.	NA

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K. Roofscape. Standards:	
1. Roofs shall have a pitch of at least 8:12 to maintain the pattern of steep roof pitches. The Historic Review Board will consider deviations from the 8:12 to 12:12 standard for additions to the main body of the house so long as it is consistent with a particular architectural style.	See 25.060(A)(8) above and 25.070(C)(9) Roof Pitch. Roofs shall have a pitch of at least 6:12.
2. Roofing materials should be asphalt composite shingles. Milled cedar shingles may only be used if they are replacing milled cedar shingles or if they were the original material. Cedar shakes were not used in period construction.	25.060(A)(9) Roof Materials. Replacement or a new roof with materials other than cedar shingles, three tab asphalt shingles, or architectural composition shingles must be demonstrated, using photographic or other evidence to be in character with those of the original roof, or with materials that are consistent with the original construction.
3. Alternating or checkerboard shingles are not permitted.	NA
L. Massing. The square footage of the principal dwelling/house and any attached garage (not counting the basement) cannot exceed 125 percent of the average square footage of the adjacent homes (and any attached garage) on either side of the subject house, or 1,200 square feet, whichever is greater. For the purpose of this section, homes to the rear, or across the street, shall not be used as the basis of the square footage calculation. Homes on corner lots shall base their square footage on the one house and any attached garage adjacent to them. The square footage of the adjacent home will be based on actual measurement of all livable space in the house plus any attached garage (exclude crawlspaces or attic areas with less than five-foot vertical clearance plus all basement areas).	See 25.060(A)(8) Building Additions and 25.070(A) and 25.070(B) regarding compatibility and defining characteristics of the district.
M. Foundations and basements.	

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1. Foundations may be poured concrete or brick faced concrete and shall be exposed at least one to two and one-half feet on the front elevation (depending on whether the lot is an uphill or downhill lot) to accommodate front steps and/or a raised porch. Final foundation grade will impact the height of the house. Misrepresentations or errors in determining the height of the house due to site conditions and height of foundation wall cannot be used to justify any house heights in excess of the allowed height. No backfilling is allowed against a foundation wall to increase grades.	Not specifically addressed. See 25.060(A)(18) above regarding foundations.
2. Basements shall be defined as livable or functional space below the main floor of the principal dwelling/house which is exposed above grade a maximum height of two feet. Windows and window wells are permitted but not on the front elevation. The square footage of the basement shall not count in building square footage (re: ADU), mass calculations, etc.	Not specifically addressed. See 25.060(A)(18) above regarding foundations. Some egress windows exempt per 25.050(A)(8). Others would require Class I Historic Design Review.
N. Accessory dwelling unit (ADU). The provisions of Chapter 34 CDC shall not apply to ADUs in the Historic District. The following requirements apply to ADUs in the district.	Provisions of Chapter 34 and 25.060(B) would apply.
1. ADUs may be allowed in one of the following configurations:	CDC 34.030 ACCESSORY DWELLING UNITS (ADUs) A. An accessory dwelling unit (ADU) may be allowed in conjunction with an existing primary single-family dwelling by conversion of existing space inside the primary dwelling; by means of an addition to an existing dwelling; by means of an addition as an accessory structure; or by converting or adding to an existing accessory structure, such as a garage, on the same lot with an existing primary dwelling, when the following conditions are met:
a. Within an existing primary single-family house; or	See above.
b. In an addition to an existing house's footprint or building envelope; or	See above.
c. In a new accessory structure; or	See above.
d. By converting or adding to an existing accessory structure, such as a garage or barn, on the same lot as the existing house.	See above.

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2. ADUs shall meet the following conditions:	
a. Public services are available to serve the ADU.	34.030(A)(2) Public services can serve both dwelling units
b. The ADU shall not have more than one bedroom.	See below.
c. The ADU shall be sized consistent with the following:	
1) ADUs within a primary structure (house) or sharing a common wall with the primary structure shall not exceed 30 percent of the gross square footage of the house on the lot or 250 square feet, whichever is more, and a maximum of 1,000 square feet in size.	4. The ADU does not exceed one bedroom and has an area between 250 and 1,000 square feet. If the ADU is located in an accessory structure, then it shall not exceed 30 percent of the gross square footage of the primary dwelling, except that an ADU may be a minimum of 250 square feet in size regardless of the size of the primary dwelling. No more than one ADU is allowed.
2) Single-story ADUs in detached structures approved after March 22, 2010, shall have a maximum size of 600 square feet and two-story ADUs approved after that date shall have a maximum size (total of both floors) of 500 square feet.	Does not retain this limit; retains above limit of 30 percent of the gross square footage of the primary dwelling. Would need to meet design standards.
3) ADUs in existing detached structures such as workshops, offices, garages, etc., approved prior to March 22, 2010, shall not exceed 30 percent of the gross square footage of the house on the lot or 250 square feet, whichever is more, and a maximum of 1,000 square feet in size.	Does not retain 30 percent limit. 34.030(A)(7) applies: Existing accessory structures such as large workshops, offices, garages, etc., constructed prior to January 2000, that exceed dimensional standards prescribed above for ADUs may be converted into ADUs in the future so long as the occupied or inhabited area is restricted to less than 1,000 square feet. Existing structures are not required to meet the design standards of subsections (B)(1) through (9) of this section, but shall conform to them to the greatest extent feasible.
d. No more than one ADU is allowed per lot.	Not explicitly stated, but can be interpreted in 34.030(A) An accessory dwelling unit (ADU)...
e. Existing detached structures such as workshops, offices, garages, etc., may be converted into ADUs under the following conditions:	25.060(B)(1) Conversions and Additions. Existing detached unheated structures, including but not limited to workshops and garages, may be converted into other allowable accessory uses under the following conditions:

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1) The structure is located behind the house's front building line, preferably in the rear yard. Structures in the front yard cannot be converted to an ADU.	25.060(B)(1)(a) & (b) a. The structure is located behind the house's front building line; b. A structure in the front yard cannot be converted to a heated accessory structure;
2) If a second story is added to an existing garage or accessory structure, the existing structure must meet the setback standards in subsection (N)(5) of this section for two-story ADUs.	25.060(B)(1)(c) A story may be added to an existing garage or similar accessory structure, provided that the final design meets the setback standards of this chapter for a two-story accessory structure (see CDC 25.070(C)(2)); and
3) The conversion of an existing structure is not required to meet the design standards in subsection (N)(3) of this section, with the exception of subsection (N)(3)(d) of this section, Windows. However, such ADUs shall conform to those standards to the greatest degree possible.	25.060(B)(1)(d) The conversion of an existing structure is not required to meet the design standards in CDC 34.030, but it must conform to all applicable requirements of this chapter.
3. Design standards for both attached and detached ADUs are as follows:	Accessory structures, including ADUs, must comply with the standards in Sections 25.060 and those in the historic district must also comply with Sections 25.070. Chapter 25 standards would take precedence if there are any conflicts.
a. Exterior finish materials. The exterior finish material must be the same or visually match in type, size, and placement, the exterior finish material of the primary dwelling.	34.030(B)(1) Exterior finish materials. The exterior finish material must be the same, or visually match in type, size, and placement, the exterior finish material of the primary dwelling.
b. Entrance. The main exterior entrance including exterior stairs of a detached ADU shall be located either on the side of the ADU that is the furthest distance from any side lot line or on the elevation facing the rear of the primary structure.	34.030(B)(8) The main exterior entrance of the ADU shall be located on either the rear or side of the ADU so that the main entrance to the primary dwelling will not be in competition with the entrance to the ADU.
c. Trim. Trim must be the same in type, size, and location as the trim used on the primary dwelling.	34.030(B)(3) Trim. Trim on edges of elements on the addition must be the same in type, size, and location as the trim used on the rest of the primary dwelling.

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d. Windows.	34.030(B)(4) Windows. Windows must match those in the primary dwelling in proportion (relationship of width to height). Second-floor windows on the ADU should be placed and sized so as to achieve a reasonable amount of privacy for the abutting property owner(s).
1) Windows must match those in the primary dwelling in proportion (relationship of width to height).	See above.
2) When the dominant roof ridgeline of the two-story ADU is perpendicular or at right angles to the front property line then the only windows on the second floor ADU must be at the gable ends. No dormers or skylights are permitted on the roof.	NA, see above regarding privacy. Would need to comply with design standards in 25.060 and, if in the historic district 25.070.
3) When the dominant roof ridgeline of the two-story ADU is parallel to the front property line then the only windows on the second floor ADU must be dormers on the roof. No windows are allowed on the gable ends facing the side lot lines. The dormers cannot constitute more than one-third of the roof measured in a lineal fashion. The top of the dormers must be at least two feet below the height of the dominant gable ridge line.	NA, see above regarding privacy. Would need to comply with design standards in 25.060 and, if in the historic district 25.070.
4) Single-story ADUs may have dormers in the roof that allow light into the ADU, but the dormers must be at a height where the ADU residents cannot see out of them towards the adjacent property. These dormers cannot constitute more than one-third of the roof measured in a lineal fashion. The top of the dormers must be at least two feet below the height of the dominant gable ridge line.	NA, see above regarding privacy. Would need to comply with design standards in 25.060 and, if in the historic district 25.070.
5) Windows are allowed on all sides of single-story ADUs at the ground/first floor level.	Not specified. Would need to comply with design standards in 25.060 and, if in the historic district 25.070.
6) Single-story ADUs may have sleeping lofts (defined as a non-enclosed area above the first floor scaled to accommodate a bed and dresser only) which may have windows in the upper gable ends but only if the ADU is oriented with the dominant ridgeline extending perpendicular to the front property line. (The gable end windows will be facing the rear of the primary house, not the adjacent property.)	Not specified. Would need to comply with design standards in 25.060 and, if in the historic district 25.070.
e. Roof.	

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1) ADUs may have roofs under a 6:12 slope but not flat.	34.030(B)(2) Roof pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling.
2) The dominant ADU roof ridgeline must be either parallel to, or perpendicular to, the front property line. Cross gabled roof designs are not permitted although dormers are permitted per the provisions of this section.	Not specified. Would need to comply with design standards in 25.060 and, if in the historic district 25.070.
3) Outdoor balconies or decks are not allowed on top of, or incorporated into, the roof of ADUs.	Not specified. Would need to comply with design standards in 25.060 and, if in the historic district 25.070.
4. Eaves, downspouts and gutters.	
a. Eaves must project from the building walls the same distance as the eaves on the primary dwelling. Eaves and gutters must be at least three feet from side property lines.	34.030(B)(5) Eaves. Eaves must project from the building walls the same distance as the eaves on the rest of the primary dwelling.
b. Downspouts and gutters must correctly collect and dispose of rainwater.	Not specified.
5. Setbacks. Detached ADUs shall be in the rear yard. Two-story ADUs shall be a minimum of 15 feet from the side lot line and a minimum of three feet from the rear lot line. Two-story ADUs must be at least 10 feet from the house. One-story ADUs may be three feet from the house. If the ADU is one story tall it may be built with a side setback of five feet and rear setback of three feet. Both single- and two-story ADUs may have a five-foot setback to the side street. An attached ADU at the rear of the house must meet the standard setbacks for the primary structure. A story may be added to an existing garage or similar accessory structure, so long as the final design meets the setback standards of this chapter for two-story ADUs.	Some conflicts with 34.030(B)(6)Setbacks. The detached ADU shall be at least 10 feet behind the front building line of the primary dwelling so as to maintain the primary status of the single-family home. The only exception allowed shall be for an ADU which is located above a detached garage, in which case, the setback of the ADU may be the same as that of the garage below. In this case, the historic standard would take precedence for existing structures - a 10 foot setback would not be required, it could be behind the front building line as specified in 25.060(B)(1)(a). In addition, an ADU above an existing garage that is not behind the front building line would not be permitted based on 25.060(B)(1)(b).
6. Height.	
a. If the ADU is one story it may be built to a maximum height of 15 feet. (Any ADU over 15 feet will be classified two story.)	25.070(C)(7)(b) One-story accessory structures shall not exceed a height of 15 feet. For the purposes of this chapter, any one-story accessory structure over 15 feet is considered a two-story structure.

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b. The ADU cannot exceed the height of the primary dwelling. Therefore, a single-story house cannot have more than a single-story ADU.	Not specified.
c. If the ADU is proposed to be a two-story structure, as in the typical case of the ADU being above a garage, the maximum height shall be 23 feet as measured per Chapter 02 CDC.	25.070(C)(7)(c) Two-story accessory structures shall not exceed the maximum height of 23 feet as measured per CDC Chapter 41. (Height is no longer measured in Chapter 2.)
O. Sidewalks. Many of the original sidewalks had the contractor's name and date stamp or street names on them. In other areas there are even footprints of cattle as a reminder that Willamette was surrounded by farms in its early history (see photo below).	Not specifically addressed. Sidewalks with date stamps, names, etc. should be preserved, but accessibility and ADA related improvements take priority.
Every effort should be made to preserve sidewalk sections with such nomenclature or replace it with facsimile stamps.	Not addressed.
Most sidewalks in the residential district are four feet wide. Sidewalks are required on all right-of-way abutting lots where new houses are being built, or in the case of major remodels, where the work represents over 50 percent of the valuation of the home.	There are existing code amendments in progress (Project No. CDC-12-02 which provides clarity around the fee-in-lieu option. Generally, with new construction its recommended that sidewalks are constructed where there are existing sidewalks, but new sidewalks should not be constructed in isolation.
New sidewalks shall replicate, to the degree possible, existing sidewalk patterns, texture and coloration.	Not addressed.
25.080 ADDITIONAL ARCHITECTURAL SPECIFICS FOR NEW CONSTRUCTION AND REMODELING	25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES and 25.070 ADDITIONAL STANDARDS APPLICABLE TO HISTORIC DISTRICTS
Many houses in Willamette are rich in architectural detail. Certain architectural components are used in fairly specific ways. Standards:	25.060(A) STANDARDS FOR ALTERATIONS AND ADDITIONS This section applies to historic reviews for alteration of and additions to designated historic resources:

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A. Distinguishing original qualities defining a structure's character shall not be destroyed. Removal or alteration of historic (i.e., original) materials or distinctive architectural features should be avoided when possible.	25.060(A)(2) Retention of Historic Material. Removal or alteration of historic materials and features shall be avoided during the construction of new additions or exterior alterations. Whenever possible, deteriorated materials and architectural features shall be repaired rather than replaced. In the event replacement of an existing feature is necessary, new materials shall, to the extent possible, match those of the original structure in terms of composition, design, color, texture, and other visual features.
B. Houses and other structures shall be recognized as products of their own time. Alterations that have no historical basis or which seek to create an earlier appearance shall be avoided.	25.060(A)(3) Time Period Consistency. Structures shall be recognizable as a physical record of its time and place. Alterations which have no historical basis or which seek to create a false sense of historical development are not allowed.
C. Distinctive stylistic features, or examples of skilled craftsmanship which characterize a structure, shall be maintained or restored, if possible.	25.060(A)(1) Retention of Original Construction. The original construction shall be maintained or restored to the greatest extent practicable. Stylistic features of original construction that shall be preserved include, but are not limited to: a line of columns, decorative shingles, projecting bays, other primary structural elements, spatial relationships that characterize the property, examples of skilled craftsmanship that characterize the structure, and architectural details defining the structure's character and historic significance.
D. Deteriorated architectural features shall be repaired rather than replaced, whenever possible.	See (2) above.
E. In the event replacement is necessary, new materials should match the material being replaced in composition, design, color, texture, and other visual qualities.	See (2) above.
F. Alterations to the rear of a house, or to other portions not visible from the public right-of-way (exclusive of alleys), need not adhere to the design standards contained herein.	NA
G. Contemporary designs for alterations and additions would be acceptable if the design respects the building's original design, and it is compatible with the original scale, materials, window and door opening proportions of the structure.	NA

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H. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure could be restored.	25.060(A)(6) Reversibility. Additions and alterations shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its context would be unimpaired.

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25.090 COMMERCIAL REMODELS AND NEW CONSTRUCTION	
A. Construction of new commercial businesses or remodeling of businesses in the Commercial district shall emphasize contextual design, style, material and period consistency. The Historic Review Board may consider applicable portions of CDC 25.080, Additional Architectural Specifics, and CDC 25.060, Criteria for Exterior Alteration and Construction.	Commercial changes must comply with Sections 25.060 and 25.070, as applicable. 25.070(C) refers non-residential structures in the Willamette Historic District to the standards in Chapter 58.
B. Setbacks should be consistent with adjacent uses or between zero and 10 feet.	Underlying or overlay zone applies.
C. Underlying zone provisions of the Commercial zone shall apply except for the off-street parking requirements, which are waived under Chapter 46 CDC.	For properties in the Willamette Falls Drive Commercial District (which includes all commercially zoned properties in the Willamette Historic District), parking requirements are waived.
25.100 MINOR ALTERATIONS AND MAINTENANCE	
The Planning Director shall determine the status of a proposed alteration. Minor alterations shall be reviewed and approved by the Planning Director, who may consult with the Historic Review Board, or any member thereof, in applying the provisions of this section. An alteration shall be considered "minor" when the result of the proposed action is to maintain or restore portions of the exterior to the original historic appearance while performing normal maintenance and repairs, such as:	Most items in this section are addressed by either 25.060(A) in an exemption or, if in excess of the exemption, would require historic design review as described in Chapter 99 and 25.050(B) and (C).
A. Replacement of gutters and downspouts, or the addition of gutters and downspouts, using materials that match those that were typically used on similar style buildings.	Exempt: 25.050(A)(2) Replacement or addition of gutters and downspouts that are rectangular, ogee, or K-shaped and wood or metal material, or styles and materials that match those that were typically used on similar style buildings of the era, or the era the building style references.
B. Repairing, or providing a compatible new foundation that does not result in raising or lowering the building elevation.	Exempt: 25.050(A)(3) Repair of a foundation with the same material or construction of a foundation in the same location that does not result in raising or lowering the building elevation.
C. Replacement of building material, when required due to deterioration of material, with building material that matches the original material.	Exempt: 25.050(A)(4) Replacement of building material, when required due to deterioration of material, with building material that matches the original material.

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D. Repair and/or replacement of roof materials with the same kind of roof materials existing, or with materials which are in character with those of the original roof.	Exempt: 25.050(A)(5) Repair or replacement of roof materials with materials comparable to the existing roof, or replacement of the roof in its entirety with cedar shingles, three tab asphalt shingles, or architectural composition shingles.
E. Application of storm windows made with wood, bronze, or flat finished anodized aluminum, or baked enamel frames which complement or match the color detail and proportions of the building and match the number of panes of the underlying window.	Exempt: 25.050(A)(7) Storm windows made of painted wood, baked enamel, anodized aluminum, or other materials with forms that complement or match the color, detail, and proportions of the building.
F. Replacement of wood sashes with new wood sashes, or the addition of wood sashes, when such is consistent with the original historic appearance. Non-wood window materials are prohibited unless they were the original materials.	Exempt: 25.050(A)(6) Replacement of window sashes with new wood sashes, when consistent with the original historic appearance. Elements of consistency include: profile and proportions of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins.

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G. Additions of solar equipment which, when removed, do not destroy essential elements of the building's character-defined features, may be allowed if such equipment is not visible from the public right-of-way. New flush-mounted solar panels may be mounted with a southerly aspect, preferably out of sight or screened from the public right-of-way. Solar panels may be located in the rear of property following the standards for TV satellite dishes of CDC 34.020(A)(3).	Exempt: 25.050(A)(14) Replacement or installation of solar energy systems that are not part of a project that includes other elements subject to historic design review, provided the following requirements are met: a. On a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface: i. The solar energy system must be mounted flush or on racks with the system or rack extending no more than five feet above the top of the highest point of the roof. ii. The solar energy system must be screened from view from all streets by an existing parapet along the street-facing façade that is as tall as the tallest part of the solar energy system, or by setting the solar energy system back from the roof edges facing the street(s) four feet for each foot of solar energy system height. b. On a pitched roof, solar energy systems may be located on a section of pitched roof facing a rear lot line or on a section of pitched roof facing within 45 degrees of the rear lot line. (See the example on the right side of Figure ____). The system must be mounted flush, with the plane of the system parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back three feet from the roof edge and ridgeline.
H. Accessory structures under 120 square feet and 10 feet in height (greenhouses, storage sheds, jacuzzis, spas, structures, gazebos, etc.) are exempt where they are located in the side or rear yard.	Removed, but 25.050(B)(2)(a) added: Alteration of a facade when 100 square feet or less of the structure's facade is being altered.
I. In-ground swimming pools are exempt in the side or rear yard.	Class I Historic Design Review per 25.050(B)(1)(k)
J. Above-grade pools must be in the side or rear yard with adequate screening.	NA

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K. Fences in the front yard should be time period consistent.	Exempt: 10. Construction of fences that meet the following requirements in addition to the requirements of CDC Chapter 44: a. Traditional Fences. Any fence along a front lot line or along the portion of a side lot line between the street and the primary structure which: i. Consists of pickets, each between one and three inches in dimension and spaced equally; ii. Does not have solid portions exceeding 50 percent; and iii. Is no greater than 36" in height. b. General Fences. Any fence that is not located along a front lot line or along the portion of a side lot line between the street and the primary structure that is: i. Constructed of wood fence boards, rails and posts only; and ii. No greater than 72" in height.
L. Other improvements may be determined by the Planning Director to be exempt so long as their impact is no greater than improvements exempted by other subsections of this section.	NA
25.110 PARTITIONS AND SUBDIVISIONS	
The decision-making body for minor partitions and subdivisions shall be per Chapter 99 CDC (not the Historic Review Board). However, before that decision, the Historic Review Board shall review and make recommendations on all proposed partitions or subdivisions of sites within the district or at landmark sites. The Historic Review Board review of the proposed subdivision or partition shall be based on the following criteria:	See 99.060(D)(2)(d) Make recommendations to the approval authority specified in this section regarding the following...A partition or subdivision of property containing a historic resource;
A. The partition or subdivision does not allow a significant feature of the original site, as identified in the designation action and inventory, to be located on a separate site from the landmark.	25.070(C)(6) New Lot Configuration. In addition to other requirements of the CDC, all new lots in the historic district shall be perpendicular to the street and extend directly from the lot line along the street to the opposite lot line. The primary structures and any other contributing structures on the original property shall not be located on separate lots.

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B. The partition or subdivision allows adequate setbacks from landmark improvements to provide for buffering and mitigation of impacts associated with development of the new parcels.	Not specifically addressed, but any partition and subdivision would be reviewed by the HRB and any new construction would be subject to the design standards in 25.060 and 25.070.
C. Lots.	
1. The new lots shall be oriented so that they front onto the adjacent avenue rather than onto the adjacent street. Only where the lot has no frontage on an avenue would access to the street and lot orientation to the street be allowed.	25.070(C)(5) Orientation. New home construction on corner lots shall be oriented the same direction as the majority of homes on the street.
2. All new lots shall be rectangular or approximate the shape of traditional lots elsewhere in the district.	Not specifically stated.
3. Flag lots are discouraged in the Willamette Historic District.	Not specifically stated.
4. Lot line adjustments shall maintain side lot lines at right angles to front property lines.	See (C)(6) above.
25.120 BUILDING CODE REQUIREMENTS	
A. Permits required. Any alteration or relocation of an historic landmark shall be subject to the applicable regulations under the Uniform Building Code or superseding codes of the Building Department.	Section 25.110 addressed relocation/moving of a structure.
B. Waivers. As provided in Section 104(f) of the Uniform Building Code, repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of an Historic District structure or landmark structure may be made without conformance to all the requirements of the Uniform Building Code when authorized by the Building Official, provided:	Section 25.120 provides for the Building Official to require the removal or demolition of a structure. Section 3409 of the Oregon Structural Specialty Code provides for repairs, alterations, and additions to be made without conformance to the Code when authorized by the Building Official and provided certain requirements are met, which closely parallel those listed in 25.120(B)(1-3) and (C).
1. Any unsafe conditions as described in the Uniform Building Code are corrected;	
2. The restored building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and	
3. The Building Official seeks the advice of the Oregon State Historic Preservation Officer, or designee.	

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C. Appeals. In the case of appeals related to the application of the Uniform Building Code to an Historic District or landmark structure, the appropriate appeals board should seek the advice of the State Historic Preservation Officer.	
25.130 DEMOLITION	Section 25.120 DEMOLITION OF A HISTORIC RESOURCE
Purpose: The intent of this section is to protect structures within the Historic District from destructive acts, and to provide the citizens of the City time to review the significance of a structure, and to pursue options to preserve such building(s), if historic preservation is deemed in the best interest of the community. Refer to CDC 26.080 for provisions relating to demolition.	See Chapter 26 comparison.
25.140 APPLICATION AND SUBMITTAL REQUIREMENTS	Section 25.080 APPLICATION REQUIREMENTS
Standard requirements: All applications for alteration, relocation, development, or demolition made pursuant to this section shall include:	In addition to other applicable submittal requirements, an application for Historic Design Review shall include the following:
A. Notes from the pre-application conference if required by CDC 99.030(B).	These are maintained by the City and can be attached by Staff.
B. The application is made with appropriate fees being paid. The applicant shall submit a written narrative explaining the proposal and how it meets the approval criteria. In cases involving construction, the applicant shall provide scaled site plans, elevations of the structure, and construction plans. A list of materials and proposed colors is required. Material boards/color samples may be needed. Photography may be used in certain cases. The exact requirements shall be explained by staff.	25.080(A - F) A. Written narrative explaining the proposal and how it meets the approval criteria; B. Plan and elevation drawings of the existing structure, if applicable, including materials; C. Plan and elevation drawings of the proposed changes, including materials; D. Photos of the existing structure, if applicable; E. Historic photos and/or drawings of the existing structure, if available; and F. For additions that increase the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district: (1) Plan and elevation drawings of adjacent properties; and (2) A rendering and/or photo-simulation showing the proposal in context.
C. The hearing, public notice, appeal, and enforcement provisions of Chapter 99 CDC shall apply.	Addressed in CDC 99.060(D)

25.150 DESIGN MODIFICATION PROCEDURES	Section 25.040 MODIFICATIONS TO CODE REQUIREMENTS
A. When an alternative(s) to the standards of this chapter is proposed, the decision making body (e.g., Historic Review Board) may grant a design modification in those cases where at least one of the following criteria is met:	This section provides for deviation from site development standards in this CDC to enable flexibility and innovation consistent with the Purposes of this chapter while ensuring that the features that historic designations are intended to preserve are maintained. The provisions of CDC Chapter 75, Variance, shall not apply. When an applicant proposes an alternative to the standards of this chapter, or standards elsewhere in the CDC, the approval authority shall grant a modification when:
1. The applicant can demonstrate by review of historical records or photographs that the alternative is correct and appropriate to the architecture in the Willamette Historic District of West Linn in 1890 – 1930 or is appropriate to the specific style of architecture proposed with no negative impacts to adjacent homes and the Historic District. Negative impacts shall be defined as loss of sunlight, loss of privacy compared to a design per this code, inappropriate scale or mass which visually overwhelms or is not deferential to the adjacent structure, particularly if it is a primary structure, etc.	3. The proposal incorporates exceptional and appropriate architectural elements into the building; or 4. The applicant demonstrates by review of historical records or photographs that the proposed alternative is consistent with and appropriate to the architecture in the Historic District, or is appropriate to the applicable style of architecture.
2. The applicant is incorporating exceptional 1890 – 1930 architecture into the building which overcompensates for an omission. The emphasis is upon superior design, detail, or workmanship which can be verified reviewing previous works of the architect or builder. There shall be no negative impacts to adjacent homes and the Historic District.	2. Negative impacts to adjacent homes and/or a historic district will be minimized. These include, but are not limited to, loss of solar access, light, or air to an adjacent structure, and scale or mass that visually overwhelm or are not deferential to an adjacent landmark or contributing structure;
3. The building placement, scale, lot coverage, setback or height fits the site and integrates well, with no negative impacts to adjacent structures and the Historic District.	1. The resulting development of the proposal would be consistent with the purpose of the standards for which the modification is requested; and
B. The provisions of Chapter 75 CDC, Variance, shall not apply.	See above.

Secretary of the Interior's Standards for Rehabilitation	Proposed Chapter 25
1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.	Not specifically included. 25.060(A)(1) and (2) address retaining original construction and materials.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.	25.060(A)(2) Retention of Historic Material. Removal or alteration of historic materials and features shall be avoided during the construction of new additions or exterior alterations. Whenever possible, deteriorated materials and architectural features shall be repaired rather than replaced. In the event replacement of an existing feature is necessary, new materials shall, to the extent possible, match those of the original structure in terms of composition, design, color, texture, and other visual features.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.	25.060(A)(3) Time Period Consistency. Structures shall be recognizable as a physical record of its time and place. Alterations which have no historical basis or which seek to create a false sense of historical development are not allowed.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.	25.060(A)(4) Significance over Time. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.	25.060(A)(1) 1. Retention of Original Construction. The original construction shall be maintained or restored to the greatest extent practicable. Stylistic features of original construction that shall be preserved include, but are not limited to: a line of columns, decorative shingles, projecting bays, other primary structural elements, spatial relationships that characterize the property, examples of skilled craftsmanship that characterize the structure, and architectural details defining the structure's character and historic significance.

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6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.	See 25.060(A)(2) above.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.	Not included, often applies to projects with brick, which is typically not an issue in the City.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.	25.070(B)(4) Archeological Resources Shall Be Preserved in Place or Mitigated, When new construction must disturb archaeological resources, mitigation measures shall be carried out consistent with applicable state and federal laws. As appropriate, information yielded from archaeological mitigation will be interpreted in the new building and mitigation may be accessible to the general public.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.	25.050(A)(10) Building Additions. Building additions shall be subordinate to the original building, smaller in scale, and attached to the rear or set back along the side. Features of building additions, including the proportions of window and door openings, shall be compatible with those of the existing building.
10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.	25.060(A)(5) Differentiate Old from New. Alterations and additions shall be differentiated from the original structures and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property.

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Existing Chapter 26	Proposed Chapter 25
26.010 PURPOSE	Section 25.010 PURPOSES
The intent and purpose of this overlay district is to implement the goals and policies of the Comprehensive Plan for Historic Landmarks and promote the public health, safety, and general welfare by safeguarding the City's heritage as embodied and reflected in its historic resources. The provisions of this chapter are intended to:	The purposes of this chapter are to:
A. Provide for the identification, protection, enhancement, and use of sites, structures, corridors, objects, and buildings within the City that reflect special elements of the City's architectural, archeological, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage;	B. Identify and protect the City's historic resources (see Chapter 2, Definitions), including the diverse architectural styles that reflect the phases of the City's history. D. Provide procedures and establish approval criteria for all reviews of proposed alterations of historic structures and sites and other development in historic districts. H. Provide for creation of new historic districts and designation of new landmarks, as appropriate, and to allow removal of such designations if they are no longer appropriate.
B. Facilitate restoration and upkeep of historic buildings, structures or other physical objects or geographical areas;	Addressed in (B) above. F. Ensure that changes to designated historic resources protect the integrity of the resource and the significant aspects of the area's heritage. G. Provide design guidelines that will ensure the preservation of the quality and historic integrity of historic landmarks and their site, and, if applicable, ensure compatibility and consistency with the qualities of the respective historic district its nomination was intended to preserve.
C. Encourage public knowledge, understanding and appreciation of the City's history and culture;	
D. Foster community and neighborhood pride and sense of identity based on recognition and use of cultural resources;	A. Foster community and neighborhood pride and sense of community identity based on recognition and use of historic and cultural resources.
E. Promote the enjoyment and use of historic and cultural resources appropriate for the education and recreation of the people of the City;	C. Encourage preservation and use of historic sites, structures, and districts within the City that reflect special elements of its historical, architectural, archeological, artistic, cultural, and engineering heritage.

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F. Preserve diverse architectural styles reflecting phases of the City's history, and encourage complementary design and construction impacting cultural resources;	See B. above.
G. Enhance property values and increase economic and financial benefits to the City and its inhabitants;	E. Increase economic and financial benefits to historic property owners and the community.
H. Identify and resolve conflicts between the preservation of cultural resources and alternative land uses; and	I. Provide a process to enable thoughtful consideration of the proposed demolition of historic structures.
I. Integrate the management of cultural resources and relevant data into public and private land management and development processes.	This is addressed through the City's historic resources inventory and additional surveys (identified as a purpose for the HRB in Chapter 2 of the Muni. Code) and D. above.
26.020 AREA OF APPLICATION	Section 25.020 USE OF THIS CHAPTER
A. The provisions of this chapter shall apply to all designated historic districts within the City, as delineated on the West Linn Zoning Map, and all historic landmarks as listed below:	A. APPLICABILITY This chapter shall apply to all properties designated as historic resources as shown on the City's zoning map and properties listed on the National Register.
1. 4600 ALDER STREET	(The landmarks will be adopted and identified on the City's zoning map. The list will no longer appear in the code.)
2. 1448 BUCK STREET	
3. 1562 BUCK STREET	
4. 1646 BUCK STREET	
5. 1690 BUCK STREET	
6. 1715 BUCK STREET	
7. 1850 BUCK STREET	
8. 1739 DOLLAR STREET	
9. 5495 GROVE STREET	
10. 5350 RIVER STREET	
11. 5575 RIVER STREET	
12. 4708 RIVERVIEW AVENUE	
13. 4742 RIVERVIEW AVENUE	
14. 5797 ROBERT MOORE STREET	
15. 4918 SUMMIT ROAD	
16. 20375 WILLAMETTE DRIVE	
17. 20685 WILLAMETTE DRIVE	
18. 20725 WILLAMETTE DRIVE	

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19. 22825 WILLAMETTE DRIVE, CITY HALL	
20. 22830 WILLAMETTE DRIVE	
21. 22840 WILLAMETTE DRIVE	
22. 21420 WILLAMETTE DRIVE	
23. 4835 WILLAMETTE FALLS DRIVE	
24. 4845 WILLAMETTE FALLS DRIVE	
25. 4865 WILLAMETTE FALLS DRIVE	
26. 4891 WILLAMETTE FALLS DRIVE	
27. 1352 WILLAMETTE FALLS DRIVE	
28. 1742 WILLAMETTE FALLS DRIVE	
29. 1832 WILLAMETTE FALLS DRIVE	
B. The approval authority shall designate a building, site, structure, or object as an historic landmark if it is listed on the “National Register of Historic Places.” The approval authority may designate a proposed historic landmark if it:	25.090(A) APPROVAL CRITERIA The approval authority may designate other proposed historic resources if it determines that the site or district proposed for designation meets at least one of the following five criteria:
1. Is associated with an event or events that made a significant contribution to the history of the community, county, state or nation; or	1. Events. Is associated with an event or events that made a significant contribution to the history of the city, county, state or nation;
2. Is associated with the life or lives of a significant person or people in the history of the community, county, state or nation; or	2. Persons. Is associated with the life or lives of a significant person or people in the history of the city, county, state or nation;
3. Embodies distinctive architectural characteristics of a type, style, period or method of construction; or	3. Architecture. Embodies distinctive architectural characteristics of a type, style, period 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	4. Construction. Represents the work of a master builder, designer, or architect who influenced the development of the city, county, state or nation; or
5. Has yielded, or will likely yield, information important in prehistory or history.	5. Archaeology. Has yielded, or will likely yield, information important in prehistory or history.
C. The age of a specific building shall not be deemed sufficient in itself to warrant designation of a building as historic.	25.090 The designation of historic resources shall comply with the following criteria, provided that the age of a specific building shall not be deemed sufficient in itself to warrant designation of a building as historic.

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D. The height and floor area ratio standards that apply to homes elsewhere in West Linn shall not apply to an historic landmark structure identified in subsection A of this section.	The underlying zoning applies to historic landmarks, however, per 25.020(B) The provisions of this chapter shall supersede any conflicting standards or criteria elsewhere in the CDC.
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.	25.120(A) APPLICABILITY A permit for demolition of a historic resource is required and shall not be issued without approval by the Planning Director or Historic Review Board, as applicable, provided, nothing contained in this section shall be interpreted as giving permission for any person to violate an order of the Building Official to remove or demolish a structure that the Building Official has designated as dangerous to life, health, or property.
26.030 PERMITTED USES	Section 25.030 PERMITTED USES
A. Primary uses. An historic landmark may be used for any use which is allowed in the underlying district, including home occupations, provided such use is not detrimental to the preservation of the historic resource, subject to the specific requirements for the use, and all other requirements of this section.	Unless otherwise provided in this chapter, all uses permitted by the base zoning district that are in accordance with the CDC are allowed on sites containing historic resources.
B. Conditional use findings. Uses listed under subsection C of this section, which are not otherwise allowed in the underlying district, may be allowed subject to the specified review procedure. Approval shall not be granted unless the proposal satisfies the criteria under Chapter 60 CDC, Conditional Uses, and the applicant demonstrates that the use, if allowed:	Conditional uses in the underlying zone are permitted provided the following additional language can be met: 60.070 APPROVAL STANDARDS AND CONDITIONS (see below)
1. Will preserve or improve a resource which would probably not be preserved or improved otherwise;	E. The Historic Review Board shall review an <u>application for a conditional use, or to enlarge a conditional use on a property designated as a historic resource, based on findings of fact that the use will:</u>
2. Will not require the extension or development of urban services in rural areas;	<u>1. Preserve or improve a historic resource which would probably not be preserved or improved otherwise; and</u>
3. Will not adversely affect surrounding natural resource uses; and	<u>2. Utilize existing structures rather than new structures.</u>

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4. Will utilize existing structures rather than new structures. Alterations and additions to existing structures shall satisfy the provisions of Chapter 60 CDC.	
C. Public hearing review. The following uses may be permitted by the Planning Commission after a public hearing is conducted pursuant to Chapter 99 CDC when the proposal satisfies the requirements under subsection B of this section:	(The list of additional uses is no longer included. Conditional uses would be limited to the uses permitted in the underlying zone.)
1. Art and music studios.	
2. Galleries.	
3. Offices.	
4. Craft shops.	
5. Bed and breakfast establishments.	
6. Gift shops.	
7. Museums.	
8. Catering services.	
9. Book stores.	
11. Restaurants.	
12. Antique shops.	
13. Community center for civic or cultural events.	
14. Other uses determined by the Planning Commission to be similar to those listed above.	
26.040 HISTORIC REVIEW BOARD	
Repealed by Ord. 1597.	
26.045 APPEALS OF HISTORIC REVIEW BOARD	
Repealed by Ord. 1597. (Ord. 1474, 2001)	
26.050 DESIGNATION PROCESS	
The designation of an historic landmark shall follow the procedures in Chapter 99 CDC. (Ord. 1597 § 12, 2010)	This is addressed solely in Chapter 99.

26.060 ALTERATION AND DEVELOPMENT CRITERIA	25.050 HISTORIC DESIGN REVIEW PROCESSES, 25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES and 25.070 ADDITIONAL DESIGN STANDARDS APPLICABLE TO HISTORIC DISTRICTS
A. Purpose. It is the intent of this section to provide for an appropriate level of review for a proposed alteration to an historic landmark, and proposed development on a site containing an historic landmark, as well as to provide criteria ensuring effective and efficient review of such proposed alteration and development.	Purpose statements are only included for the chapter as a whole.
B. Minor alterations and maintenance. The Planning Director shall determine the status of a proposed alteration. Minor alterations shall be reviewed and approved by the Planning Director who may consult with the Historic Review Board, or any member thereof, in applying the provisions of this section. An alteration shall be considered “minor” when the result of the proposed action is to maintain or restore portions of the exterior to the original historic appearance while performing normal maintenance and repairs, such as:	Most items in this section are addressed by either 25.060(A) in an exemption or, if in excess of the exemption, would require historic design review as described in Chapter 99 and 25.050(B) and (C).
1. Replacement of gutters and downspouts, or the addition of gutters and downspouts, using materials that match those that were typically used on similar style buildings.	Exempt: 25.050(A)(2) Replacement or addition of gutters and downspouts that are rectangular, ogee, or K-shaped and wood or metal material, or styles and materials that match those that were typically used on similar style buildings of the era, or the era the building style references.
2. Repairing or providing a compatible new foundation that does not result in raising or lowering the building elevation.	Exempt: 25.050(A)(3) Repair of a foundation with the same material or construction of a foundation in the same location that does not result in raising or lowering the building elevation.
3. Replacement of building material, when required due to deterioration of material, with building material that matches the original material.	Exempt: 25.050(A)(4) Replacement of building material, when required due to deterioration of material, with building material that matches the original material.

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4. Repair and/or replacement of roof materials with the same kind of roof materials existing, or with materials which are in character with those of the original roof.	Exempt: 25.050(A)(5) Repair or replacement of roof materials with materials comparable to the existing roof, or replacement of the roof in its entirety with cedar shingles, three tab asphalt shingles, or architectural composition shingles.
5. Application of storm windows made with wood, bronze or flat-finished anodized aluminum, or baked enamel frames which complement or match the color detail and proportions of the building.	Exempt: 25.050(A)(7) Storm windows made of painted wood, baked enamel, anodized aluminum, or other materials with forms that complement or match the color, detail, and proportions of the building.
6. Replacement of wood sashes with new wood sashes, or the addition of wood sashes, when such is consistent with the original historic appearance.	Exempt: 25.050(A)(6) Replacement of window sashes with new wood sashes, when consistent with the original historic appearance. Elements of consistency include: profile and proportions of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins.
7. Additions of solar equipment which, when removed, do not destroy essential elements of the building's character-defined features may be allowed if such equipment is not visible from the public right-of-way.	Exempt: 25.050(A)(14) Replacement or installation of solar energy systems that are not part of a project that includes other elements subject to historic design review, provided the following requirements are met: a. On a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface: i. The solar energy system must be mounted flush or on racks with the system or rack extending no more than five feet above the top of the highest point of the roof. ii. The solar energy system must be screened from view from all streets by an existing parapet along the street-facing façade that is as tall as the tallest part of the solar energy system, or by setting the solar energy system back from the roof edges facing the street(s) four feet for each foot of solar energy system height. b. On a pitched roof, solar energy systems may be located on a section of pitched roof facing a rear lot line or on a section of pitched roof facing within 45 degrees of the rear lot line. (See the example on the right side of Figure ____). The system must be mounted flush, with the plane of the system parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back three feet

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C. Alterations and relocations. The Historic Review Board shall review all proposed relocations and all alterations which exceed a “minor” status under subsection B of this section. A request for a relocation or alteration permit under this provision shall be made on the appropriate application form provided by the Department of Planning and Development. Review and approval of an application shall be based on findings of adherence to the following criteria:	25.060(A) STANDARDS FOR ALTERATIONS AND ADDITIONS This section applies to historic reviews for alteration of and additions to designated historic resources:
1. Retention of original construction. Distinguishing original qualities defining a structure’s character shall not be destroyed. Removal or alteration of historic materials or distinctive architectural features should be avoided when possible.	25.060(A)(1) Retention of Original Construction. The original construction shall be maintained or restored to the greatest extent practicable. Stylistic features of original construction that shall be preserved include, but are not limited to: a line of columns, decorative shingles, projecting bays, other primary structural elements, spatial relationships that characterize the property, examples of skilled craftsmanship that characterize the structure, and architectural details defining the structure's character and historic significance.
2. Time period consistency. Structures shall be recognized as products of their own time. Alterations which have no historical basis or which seek to create an earlier appearance shall be avoided.	25.060(A)(3) Time Period Consistency. Structures shall be recognizable as a physical record of its time and place. Alterations which have no historical basis or which seek to create a false sense of historical development are not allowed.
3. Visual integrity/style. Distinctive stylistic features, such as a line of columns, piers, spandrels, or other primary structural elements, or examples of skilled craftsmanship which characterize a structure, shall be maintained or restored as far as is practicable.	See 25.060(A)(1) above.
4. Replacement or addition materials. Whenever possible, deteriorated architectural features shall be repaired rather than replaced. In the event replacement of an existing feature is necessary or an addition is proposed, new materials should match those of the original structure to the extent possible in composition, design, color, texture, and other visual qualities.	25.060(A)(2) Retention of Historic Material. Removal or alteration of historic materials and features shall be avoided during the construction of new additions or exterior alterations. Whenever possible, deteriorated materials and architectural features shall be repaired rather than replaced. In the event replacement of an existing feature is necessary, new materials shall, to the extent possible, match those of the original structure in terms of composition, design, color, texture, and other visual features.

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5. Building height. Existing building heights should be maintained. Alteration of roof pitches shall be avoided. Raising or lowering a structure's permanent elevation when constructing a foundation shall be avoided, except as required by building code or floodplain overlay zone.	25.060(A)(8) Building Height and Roof Pitch. Existing or historic building heights and roof pitch shall be maintained.
6. Horizontal additions. The scale and proportion of building additions, including the relationship of windows to walls, shall be visually compatible with the traditional architectural character of the historic building. Contemporary construction for alterations and additions is acceptable if the design respects the building's original design and is compatible with the original scale, materials, and window and door opening proportions of the structure.	25.060(A)(7) Building Additions. Building additions shall be subordinate to the original building, smaller in scale, and attached to the rear or set back along the side. Features of building additions, including the proportions of window and door openings, shall be compatible with those of the existing building.
7. Windows. Window replacements shall match the visual qualities of original windows as closely as possible. Wood window frames are preferred in meeting this standard. However, if non-wood replacements exhibit similar visual qualities as their wooden counterparts, they may be acceptable. The original number of window panes shall be maintained or restored when replacements are required.	25.060(A)(14) Window Replacement. Replacement of windows or window sashes shall be consistent with the original historic appearance, including the profile of the sash, sill, trim, window plane relative to the building wall plane, light pattern, glass color, profile of mullions and muntins, and color (provided painting the factory material would void the warranty).
8. Restoration possible. Except where the building code precludes it, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure could be restored.	25.060(A)(6) Reversibility. Additions and alterations shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its context would be unimpaired.
9. Signs, lighting. Signs, lighting, and other appurtenances, such as walls, fences, awnings, and landscaping, shall be visually compatible with the scale and traditional architectural character of the historic building.	Signs are addressed in Chapter 52; 25.060(A)(20) Lighting. Residential lighting shall be shielded to prevent glare and compatible with the architectural character of the building. Blinking, flashing, or moving lighting are not permitted.
D. New construction. This Historic Review Board shall review all building permits for proposed structures on a landmark site or within an historic district. Review and approval of an application shall be based on the following criteria:	

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1. For new single-family construction (including added square footage) in the Willamette Historic District, the Historic Review Board shall use the following design standards in reaching a decision:	This section applies only to alterations and additions, new construction, and accessory structure construction of residential and historically residential properties in the Willamette Historic District. Other structures are subject to the requirements in CDC Chapter 58. - also - see 25.020(B) and (C) for details on which sections apply in what situation.
a. Siting.	
1) Front yard. A distance, measured to the dominant vertical face of the building, equal to the average of the front setbacks of adjacent primary or secondary structures. Where there are no adjacent primary or secondary structures, the setback shall be 15 feet.	25.070(C)(1)(a) The front yard setback shall equal the average of the front setbacks of adjacent homes on the block face. For corner lots, the setback shall be the average between the adjacent house to the side and 20 feet. The setback shall be the distance measured from the front property line to the dominant vertical face of the building, exclusive of any porches or front landings.
2) Side yard. Five feet shall be the standard; however, where adjacent structures encroach into the required side yard, the Historic Review Board may reduce one of the side yards to a minimum of three feet to center a new structure between existing buildings, provided no spaces between buildings are reduced below eight feet.	25.070(C)(2-3) 2. Side Yard Setback. Side yard setbacks shall be five feet, except: a. Bays, porches and chimneys and other projections constituting cumulatively no more than twenty percent of the overall respective building wall length may intrude 18 inches into the side yard setback; and b. One story accessory structures may be sited within three feet of the side property line and two story accessory structures shall be a minimum of 15 feet from the side property line. 3. Side Street Setback. Setbacks from side streets shall be 10 feet for both developed and undeveloped streets, except: a. Bays, porches and chimneys and other projections may intrude 24 inches into side street yard setback; and b. One and two story accessory structures may be sited within five feet of the side street property line.
3) Rear yard. The rear yard setback shall be a minimum of 20 feet, except for accessory structures, which may be sited to within three feet of the side or rear property lines.	25.070(C)(4) Rear Yard Setback. The rear yard setback shall be a minimum of 20 feet, except for accessory structures, which may be sited to within three feet of the rear property lines.
b. Parking standards.	

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1) Garages. Garages shall be accessed from the alleys or streets. No garage door may face or access onto an avenue except where no alley access is available.	25.070(C)(10)(a) Garages shall be accessed from an alley, if present. No garage door may face or have access onto a street except when alley access is not available.
2) Parking. No residential lot shall be converted solely to parking use. No rear yard area shall be converted solely to parking use. At least one paved parking space, which may be covered, shall be provided on-site.	25.070(C)(10)(b) Parking areas. i. No residential lot shall be converted solely to parking use. ii. No rear yard area shall be converted solely to parking use. iii. When a lot is adjacent to an alley, all parking access shall be from the alley.
c. Building height standards. No building shall exceed the height of any primary structure in the district. No building shall exceed two and one-half stories. Cupolas and towers are excluded from the aforementioned height limitation; however, no such structure may exceed the height of any existing cupola or tower in the district.	25.070(C)(7)(a) Residential structures are limited to 35 feet in height. Cupolas and towers shall not exceed 50 feet in height.
d. Building shapes and sizes standards. No building shall exceed 35 feet in overall width. End-wall (street-facing) gables should not exceed 28 feet in overall width. Buildings should avoid a horizontal orientation in their roof and window designs, unless the design can be shown to respond to nearby primary structures.	Not specifically stated.
e. Roof pitch standards. Roofs shall have a pitch of at least 6:12. A pitch of 8:12 to 12:12 is recommended.	25.070(C)(9) Roof Pitch. Roofs shall have a pitch of at least 6:12.
f. Architectural details.	
1) Entryway standards. Buildings shall have a permanently protected entry. (Awnings are not permanent protection.) All main entrances should face the avenues. Flush (flat) doors are prohibited. Doors with windowed areas are recommended.	NA, 25.070(C)(5) Orientation. New home construction on corner lots shall be oriented the same direction as the majority of homes on the street. - also - 25.060(A)(15) Doors. Doors shall be painted or stained wood, fiberglass clad, or metal clad, or another material that is consistent with the original historic appearance.

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2) Window standards. Wood sash windows are preferred. Mill aluminum (shiny) windows are prohibited.	25.060(A)(12) and (14) New Windows. New windows shall match the appearance of the original windows as closely as possible. Wood window frames and sashes shall be used unless the applicant demonstrates that the non-wood windows exhibit visual qualities similar to their wooden counterparts. The window trim and sill shall match the original trim. - and - Window Replacement. Replacement of windows or window sashes shall be consistent with the original historic appearance, including the profile of the sash, sill, trim, window plane relative to the building wall plane, light pattern, glass color, profile of mullions and muntins, and color (provided painting the factory material would void the warranty).
Windows shall be surrounded by exterior trim on the top and sides; window trim shall be at least four and one-half inches minimum width.	Not specifically stating the trim width.
3) Siding and exterior finish standards. Horizontal wood siding shall be the primary exterior finish. Shingles should only be used in conjunction with horizontal wood siding. Single-color exteriors are discouraged. Painted exteriors rather than stained are recommended.	25.060(A)(10) Walls and Siding. Replacement of existing wall and siding finish materials with different material than the existing material must be demonstrated, using photographic or other evidence, to be in character with those of the original materials, or with materials that are consistent with the original construction. New walls and siding must match the existing material or have the same texture and finish as the original material.
E. Partitions and subdivisions. The Historic Review Board shall review and make recommendations on all proposed partitions or subdivisions of sites designated as a landmark site. Review of the proposed subdivision or partition shall be based on the following criteria:	See 99.060(D)(2)(d) Make recommendations to the approval authority specified in this section regarding the following...A partition or subdivision of property containing a historic resource;
1. The partition or subdivision does not allow a significant feature of the original site, as identified in the designation action and inventory, to be located on a separate site from the landmark.	25.070(C)(6) New Lot Configuration. In addition to other requirements of the CDC, all new lots in the historic district shall be perpendicular to the street and extend directly from the lot line along the street to the opposite lot line. The primary structures and any other contributing structures on the original property shall not be located on separate lots.

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2. The partition or subdivision allows adequate setbacks from landmark improvements to provide for buffering and mitigation of impacts associated with development of the new parcels.	Not specifically addressed, but any partition and subdivision would be subject to HRB review and any new construction would be subject to the design standards in 25.060 and 25.070.
26.070 BUILDING CODE REQUIREMENTS	
A. Permits required. Any alteration or relocation of an historic landmark shall be subject to the applicable regulations under the Uniform Building Code.	Section 25.110 addresses the relocation/moving of a structure.
B. Waivers. As provided in Section 104(f) of the Uniform Building Code, repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of an historic district structure or landmark structure may be made without conformance to all the requirements of the Uniform Building Code when authorized by the Building Official, provided:	Section 25.120 provides for the Building Official to require the removal or demolition of a structure. Section 3409 of the Oregon Structural Specialty Code provides for repairs, alterations, and additions to be made without conformance to the Code when authorized by the Building Official and provided certain requirements are met, which closely parallel those listed in 25.120(B)(1-3) and (C).
1. Any unsafe conditions as described in the Uniform Building Code are corrected;	
2. The restored building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and	
3. The Building Official seeks the advice of the Oregon State Historic Preservation Officer, or designee.	
C. Appeals. In the case of appeals related to the application of the Uniform Building Code to an historic landmark, the County appeals board or the appropriate State appeals board shall seek the advice of the State Historic Preservation Officer.	
26.080 DEMOLITION	Section 25.120 DEMOLITION OF A HISTORIC RESOURCE
A. Purpose. The intent of this section is to protect historic landmarks from destructive acts and to provide the citizens of the City time to review the significance of an historic landmark, and to pursue options to preserve such building(s) if historic preservation is deemed in the best interest of the community.	

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B. Review required. No building identified as an historic landmark shall be intentionally destroyed or demolished unless such action is approved by the Historic Review Board. Application for a permit to demolish or otherwise destroy such building shall be made to the Department of Planning and Development, when applicable.	A. APPLICABILITY A permit for demolition of a historic resource is required and shall not be issued without approval by the Planning Director or Historic Review Board, as applicable, provided, nothing contained in this section shall be interpreted as giving permission for any person to violate an order of the Building Official to remove or demolish a structure that the Building Official has designated as dangerous to life, health, or property.
C. Public hearing review. The Historic Review Board shall hold a public hearing, under the provisions and procedures in Chapter 98 CDC, to review the request to demolish or destroy an historic landmark, and shall make written findings supporting its decision to approve or deny the request.	99.060(D)(1)(b) A demolition permit for a historic landmark or primary contributing structure property within a historic district - also - 99.060(A)(1)(w) A demolition permit for a non-contributing or not in period primary structure or an accessory structure
D. Criteria and findings. In determining the appropriateness of the request to destroy or demolish an historic landmark, the Historic Review Board shall consider the following:	25.120(C)(1) APPROVAL CRITERIA An application for the demolition of a historic landmark or primary contributing structure shall be approved if the following criteria are met:
1. All plans, drawings, and photographs submitted by the applicant.	(See 25.120(B)(1). Criteria changed to require a statement regarding its historic significance, efforts and info on reusing, selling, and rehabbing the building, etc. Two levels of review established for landmarks or primary contributing structures and others.
2. Information presented at the public hearing concerning the proposed work.	
3. The West Linn Comprehensive Plan.	
4. The purposes of this chapter as set forth in CDC 26.010.	
5. The criteria used in the original designation of the historic landmark in which the property under consideration is situated.	
6. The historical and architectural style; the general design, arrangement and materials of the structure in question, or its appurtenant fixtures; the relationship of such features to the other buildings within the district; and the position of the building in relation to public rights-of-way and to other buildings and structures in the area.	

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7. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the district which cause it to possess a special character or special historical or aesthetic interest or value.	
8. Whether denial of the permit will involve substantial hardship to the applicant, and whether approval of the request would act to the substantial detriment of the public welfare, and would be contrary to the intent and purposes of this chapter.	
9. When applicable, the findings of the Building Official in determining the status of the subject building as a “dangerous building” under the most recent Uniform Code for the Abatement of Dangerous Buildings, and the feasibility of correcting the deficiencies to meet the requirements of the Building Official rather than demolishing the building.	Section 25.120 provides for the Building Official to require the removal or demolition of a structure. Section 3409 of the Oregon Structural Specialty Code provides for repairs, alterations, and additions to be made without conformance to the Code when authorized by the Building Official and provided certain requirements are met, which closely parallel those listed in 25.120(B)(1-3).
E. Approval of demolition request/appeals. The Historic Review Board may approve the demolition request in consideration of the provisions under subsection D of this section. The action of the Historic Review Board shall be transmitted to the applicant in writing within 10 days of the decision on the request, and shall be final on the fifteenth day from the date of mailing of the notice of final decision pursuant to CDC 99.130, unless a notice of appeal is filed by any aggrieved party, pursuant to CDC 99.250.	See 99.240 et seq. An appeal would follow the procedures outlined in this Chapter.

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F. Denial/appeals. The Historic Review Board may deny the request for demolition or destruction of an historic landmark if it determines that, in the interest of preserving historic values, the building should not be demolished or destroyed. Written findings supporting the denial of the request shall be transmitted to the applicant on the request. The action of the Historic Review Board denying the request may be appealed to the City Council within 30 days of the date of the letter and written findings denying the request. This extended appeal period is provided to allow time for evaluation of the alternatives to destruction or demolition of the subject building by the applicant and/or the Historic Review Board.	See Chapter 99.
G. Stay of demolition. If the subject of the demolition request is under a notice and order of the Building Official, as provided under Chapter 4 of the Uniform Code for the Abatement of Dangerous Buildings, and the application is denied by the Historic Review Board, the written findings supporting the action to deny the request shall be transmitted to the Building Official along with a request that the enforcement of the notice and order for the Building Official be stayed during the pendency of an appeal, or for a period of not more than 60 days from the date of the letter and findings supporting the denial. During this stay of demolition period, the following actions may be taken:	
1. The Building Official may require the owner or other party responsible for the subject building to take appropriate actions, other than demolition, to	
2. The Historic Review Board may research programs or projects underway which could result in public or private acquisition of the subject building and site, and assess the potential for the success of these programs or projects:	

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a. If the Board determines that there are reasonable grounds to believe that such program or project may be successful, it may extend the suspension period up to 30 additional days per extension, not to exceed more than a total of 120 days from the date of the letter and finding denying the request.	
b. If the Board determines that all such programs or projects are unlikely to be successful, and the applicant has not withdrawn his application for a demolition permit or taken appropriate alternative action to correct the hazards associated with the subject building as provided in the notice and order of the Building Official, then, at the end of the stay of demolition period, the Building Official may issue such a permit, subject to all other applicable codes and ordinances.	
3. Action of the Historic Review Board, in suspending issuance of the permit for demolition, may be appealed by the applicant to the City Council by filing a notice of appeal as provided in CDC 99.250.	
26.090 SUBMITTAL REQUIREMENTS	Section 25.080 APPLICATION REQUIREMENTS
A. Standard requirements. All applications for alteration, relocation, development, or demolition made pursuant to this section shall include:	In addition to other applicable submittal requirements, an application for Historic Design Review shall include the following: (Other types of applications are addressed in those sections.)
1. A list of exterior materials pertinent to the application request.	(Would be part of the elevation details or the narrative.)
2. Drawings:	
a. Side elevation for each side of any affected structure.	25.080 B. Plan and elevation drawings of the existing structure, if applicable, including materials; C. Plan and elevation drawings of the proposed changes, including materials;
b. Drawings shall indicate dimensions and be to scale.	Not explicitly stated.
c. Photographs may be used in lieu of drawings for small projects.	25.080(E) Historic photos and/or drawings of the existing structure, if available; and (may not be used in lieu)

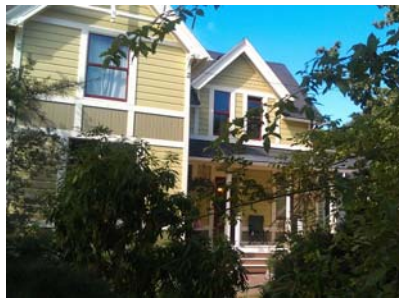
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3. Plot plans shall be required when new structures, fences, relocations, or additions exceeding 50 square feet are proposed.	See 25.080(B) above.
B. Evidence and criteria materials. An application shall include written evidence and other materials necessary to address the specific criteria in support of the request, and other information necessary to allow complete review of the proposal.	25.080(A) Written narrative explaining the proposal and how it meets the approval criteria;
C. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any architectural features which does not involve a change in design, material or the outward appearance of such feature which the building inspector shall certify is required for the public safety because of its unsafe or dangerous condition.	Exempt: 25.050(A)(1) Ordinary maintenance or repair including a change of facade colors, unless the color is specifically listed in the historic resource inventory, historic resource nomination, or National Register nomination as an attribute that contributes to the resource's historic significance.

- The Chair shall announce prior to opening the hearing the nature of the matter to be heard as it is set forth on the agenda and the procedure to be followed for the hearing.
- The Chair shall give notice that failure to address a criterion or raise any other issue with sufficient specificity precludes an appeal to the Land Use Board of Appeals on that criterion or issue.
- Discussion of jurisdiction and impartiality of the Board.
- Staff report on the application (including summary of additional correspondence) and initial Board questions for staff.
- Applicant's presentation. (20 minutes)
- Testimony in support of the application. (3 minutes each)
- Testimony in opposition to the application. (3 minutes each)
- Neutral testimony. (3 minutes each)
- Applicant's rebuttal testimony. (10 minutes)
- Questions from the Board to staff, and staff response to testimony.
- Closure of public hearing, no further information from the audience.
- Discussion by Board and decision.
- The Board shall adopt findings employing staff and the City Attorney as necessary in the preparation and adoption of the findings. The Board may, at its discretion, direct the Chair to sign the decision and findings, or it may continue the hearing to consider a draft decision and findings at a subsequent date.



7. For Class II Historic Design Reviews, once a decision is made, a final decision is drafted. The decision becomes final after a 14 day period. During this time, an appeal may be submitted. Appeals to Planning Director decisions will be heard by the Historic Review Board and appeals to Historic Review Board decisions will be heard by the City Council.

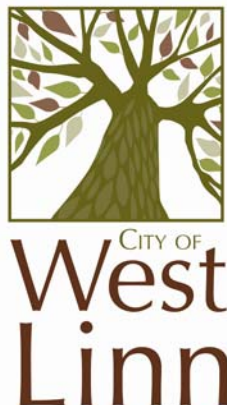


8. After the decision is final, you may begin work on your project. You may apply for any necessary permits before the decision is final, but any work that is completed before the decision is final is done at your own risk. Additional drawings or information may be required for a building permit.

9. Complete your project. Schedule inspections as necessary. If a building permit is required, planning staff will also complete an inspection before your final is issued.

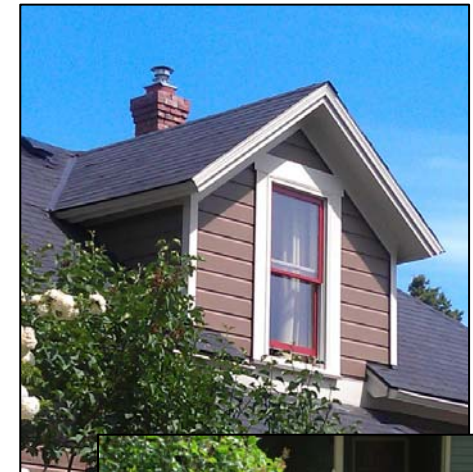
Questions regarding building codes, zoning, variances, commercial plan review, and other concerns should be directed to the Building Department at 503-656-4211.

Questions about historic preservation requirements, historic design review and other cultural resource issues should be directed to Planning Staff at 503-722-5512.



For more information contact the Planning Department at City Hall:
 22500 Salamo Road
 West Linn, OR 97068
 P: (503) 722-5512
 F: (503) 656-4106
 Web: westlinnoregon.gov

Historic Design Review



What is Historic Design Review?

Historic design review is an approval process that certain projects involving historic properties must complete prior to the start of work or getting a building permit. The process is designed to ensure that changes to historic resources retain the historic character and integrity that enabled their historic designation.

Does my project require review by the Historic Review Board?

Many projects with exterior work on properties that are designated as Historic Landmarks or within a Historic District require historic design review. Some work is exempt from historic review. **This is detailed in the City's Community Development Code or you can contact Planning Staff at 503-722-5512.**

What is the process for historic design review?

The following summarizes the historic design review process. Additional information is located in the City's Community Development Code.

1. Determine if historic design review is necessary.

Check the City's Community Development Code (CDC—<http://westlinnoregon.gov/cdc>) or contact Planning Staff at 503-722-5512. Chapter 25 has specific regulations for historic properties and Chapter 99 describes the review process.

2. Submit a Pre-Application Conference form. These are available online (<http://westlinnoregon.gov/planning/pre-application-conference>) or at City Hall. Full plans are not required at this point, but generally a sketch site plan and elevations of the proposal are



needed. The more information is provided, the more guidance staff can provide on the project.

Pre-Application Conferences are held the first and third Thursdays of the month. The form and any additional information



required must be submitted to the Planning and Building Department by 3:30 p.m. two weeks in advance of the desired Pre-Application Conference date.

3. Attend the Pre-Application Conference. At the conference, staff will have prepared draft notes that identify what approval criteria will apply to the project and any changes that may be required to the submitted plans. Staff will send out final notes after the pre-application conference. All Pre-Application Conferences are open to the public. In addition, the forms, submittals, and notes are posted on the City's website.

Pre-Application Conferences are valid for 18 months. If you do not apply for the project within this time period you will need to have another Pre-Application Conference.

4. Submit a Development Review Form. The form is available online (<http://westlinnoregon.gov/planning/development-review-application>) and at City Hall. This form will typically require more information than was needed for the Pre-Application Conference, including a written narrative that addresses the relevant approval criteria for the project from the City's CDC.

There are two types of historic design review, Class I and Class II. The CDC specifies what fits into these categories.

5. Class I Historic Design Review projects are a Planning Director's decision and for significant projects that warrant staff review. They include changes for elements like fences or building material when the proposal is not exempt. Other examples include changes to a façade that are less than 100 square feet, transit shelters, and potentially proposals seeking compliance with the ADA. The respective Neighborhood Association and property owners within 100 feet of the subject property will be notified of the application through mail. The notice will include staff's contact information and a link to the

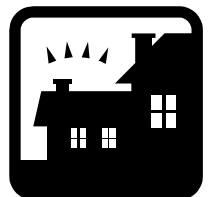
submittal on the City's web page. There will be 14 days before the decision is final to allow for the public to provide comments or appeal the decision. Any appeals must be filed before the decision is final. Public comment is encouraged and may influence the decision.

Class II Historic Design Review will require a public hearing before the City's Historic Review Board (HRB). The HRB typically meets once a month on the 3rd Tuesday at 7 p.m. in the Council Chambers at City Hall. Property owners within **500 feet** of the subject property will be notified of the application and hearing date through mail. A sign will also be posted on the site. The notice will include staff's contact information and a link to the submittal on the City's web page. In addition, it will include information on the public hearing before the HRB. There is the opportunity for public comment during the public hearing. Public comment is encouraged and may influence the decision.

Once you submit a Development Review Form, staff has 30 days review the submitted information to determine if it is complete. Applications are often incomplete. If an application is incomplete, staff will notify you and you have 180 days to make the application complete. Once an application is determined to be complete, the application must be reviewed by the Planning Director or Historic Review Board and any local level appeals must be held within 120 days.

Typically, the process takes less time than this, but large or complex projects may take the full time permitted. If necessary, an applicant may grant an extension to the 120 day period.

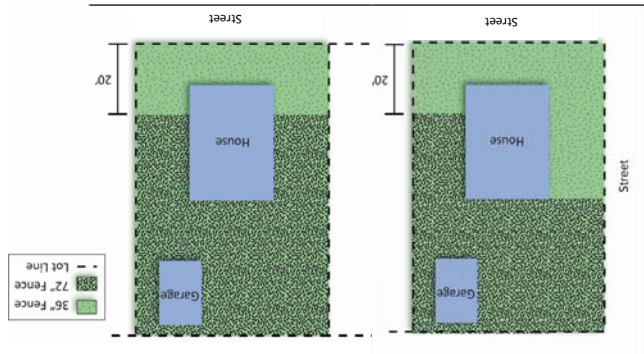
6. Class II Historic Design Review projects will require a public hearing. **If a public hearing is required, it's recommended that applicants attend the hearing.** Conduct of quasi-judicial hearings shall conform to the requirements of ORS 197.763 and the CDC including, but not limited to the following:



Historic Design
Review:
Supplemental
Information



For more information contact the
Planning Department at City Hall:
22500 Salamo Road
West Linn, OR 97068
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Web: westlinnoregon.gov



Examples of fences that meet general fence requirements.



Examples of fences that meet traditional fence requirements.

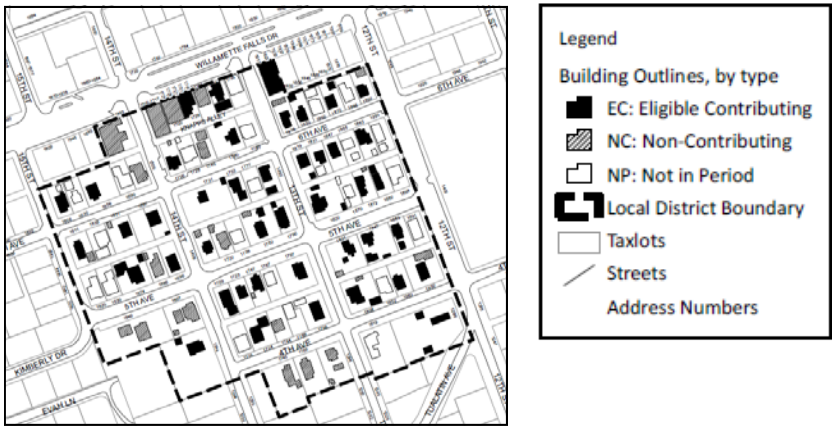


Many fences will not need any kind of historic review. Traditional picket fences in the front yard that are 36" or less in height are typically exempt. Fences up to 72" in height, located in side or rear yards, and constructed with wood fence boards, rails and posts are typically exempt. Walls that are less than 36", project above the upper grade no more than 12" are also exempt. The Community Development Code has more details. Fences that would not meet the requirements above or in the CDC would need to be reviewed and approved by the Historic Review Board.

Fences and Walls

Willamette Historic District—General Characteristics

The following describes and illustrates many of the defining characteristics of the City's Willamette Historic District. Changes to properties in the local historic district may require review and approval by City Staff or the Historic Review Board. Most of the local district is also listed on the National Register of Historic Places and this designation provides additional opportunities and incentives. More information is available on the City's website and in the National Register form at <http://westlinnoregon.gov/planning/willamette-historic-district>.



Houses in the Willamette Historic District are generally 1 ½ stories, with a few having a full two stories. They have generally consistent front and side setbacks. There are a mix of architectural styles, but it is dominated by Queen Anne, Craftsman, and bungalow residences. There are a number of infill residences, many of which were constructed using elements of the architectural styles represented in the district.



Queen Anne houses (far left) typically have a more steeply pitched roof than Craftsman or bungalow style houses (left).



Front porches are common on houses in the district. A few have rounded columns as this example illustrates. Square posts and simple balustrades and railings are also common.



There are a number of infill residences in the district. The size, form, and massing of this residence is compatible with the character of the district and it is also distinct and easily identifiable as newer construction.



Many homes did not originally have garages. Detached garages with elements of the architectural style of the residence have been constructed in the side and rear yards.



Most of the lots have a rear alley. Most garages are detached and accessed from the alley, although homes without an alley have driveways, and some garages on corner lots are accessed from the side streets. Small outbuildings and taller fences are also common in rear yards.

General Guidelines

Character Defining Elements. Historic structures have a variety of character defining features that contribute to their significance. In Willamette, this includes decorative shingles, projecting bay windows, towers, cupolas, spindlework, and rounded entry doors.



This residence was constructed in the 1980s. The shingles and bargeboard in the gable end and the spindlework on the porch does not have a historical basis.

Restoring and Retaining Historic Material. Some residences were subject to changes over the years. This includes the addition of synthetic siding, window replacement, and the enclosure of porches. Some owners have restored their residences. An example of artificial siding removal is shown below.



Before: Artificial siding was added over the historic wood siding and the trim altered and removed.



After, the artificial siding was removed and the historic wood siding and trim repaired and replaced, as needed.

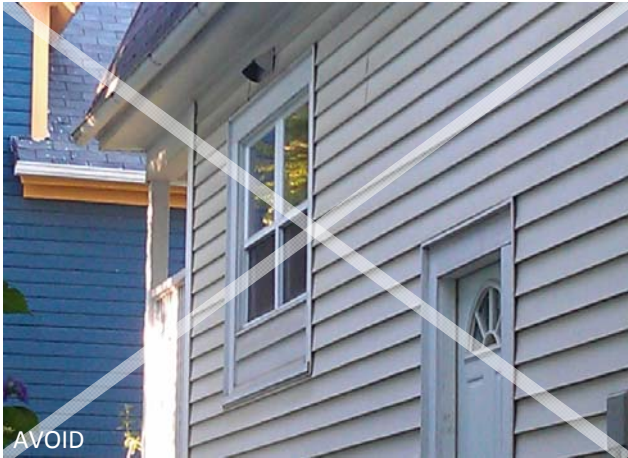
Windows

The repair and rehabilitation of historic wood windows is encouraged. Altering window openings for replacement windows is discouraged.



Left: Many windows on historic houses are double-hung with 1/1 light. They often have small rail extensions on the top sash. Some Queen Anne houses have multi-light windows or windows with art glass. Craftsman and bungalow style residences often have double hung windows with 9/1 lights.

Below: This window opening was altered to accommodate the replacement window and the window and trim do not match the visual qualities of the original window.



Above left: The addition of egress windows are exempt from HRB review if the windows installed are wood windows or another material that is consistent with the original historic appearance.

Left: This multi-light wood sash is a replacement made from an existing sash to match a historic photograph that depicted multi-light sash windows.



New Construction

There are more recently constructed residences and accessory structures that are part of the City's Willamette Historic District. Many of these structures have characteristics that make them compatible with the surrounding District.



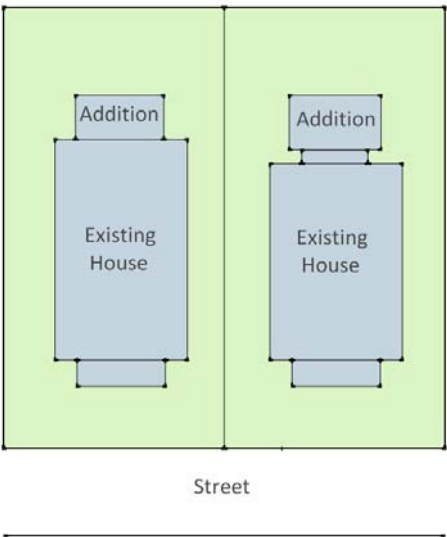
This accessory structure is an example of a compatible, not in period building. Its massing and height are similar to historic structures in the neighborhood. It has double hung wood windows and brackets in the gable ends, which are both common in the district.



Above: An example of recently constructed residence in a neighborhood with homes similar in age to those in Willamette. The roof shape, massing, and materials are similar to historic structures. It also has a detached, two-car garage located to the rear that has a second story that may accommodate an accessory dwelling unit.

Additions

Additions located to the rear of the house often enable retaining the historic features, size, scale, proportion, and massing of the historic house. They can be separated from the historic residence with a connector, or a change in the height, but not pitch, of the roof. The connector or change in roof can help to delineate the original construction from the new addition.



Compatible dormer addition that is on a side elevation, does not extend above the ridge of the roof, is minimally visible from the right-of-way, and has window opening proportions that are compatible with the existing residence.



Incompatible dormer addition that overwhelms the house and is not set back from the edge of the roof. The dormer windows are a different type and light pattern (casement rather than double hung) and proportion than the windows on the original residence.



Incompatible addition that alters the roof pitch, is flush with the side elevation, and overwhelms the original residence.

Lighting. Lighting on historic resources should generally be simple and small in scale. Examples below.

