

ESTABLISHMENT OF AN  
**HISTORIC REVIEW BOARD**

**Proposed Amendments to Chapter 2 of the Municipal Code and  
Chapters 25, 26, 55, 58 and 99 of the Community Development Code**

**PLANNING COMMISSION  
PUBLIC HEARING DRAFT**

7/21/2010

**Note:**  
Plain text = existing regulation  
~~Strike through~~ = proposed deletion to existing regulations  
Underline = proposed addition  
*Italic* = staff comment  
... = unaffected text omitted

*The following proposed amendments are intended to create a Historic Review Board that will assume the responsibilities of the City's Historic Resources Advisory Board and the Clackamas County Historic Review Board related to projects in West Linn.*

**Municipal Code**

**Chapter 2, GOVERNMENT AND ADMINISTRATION**

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**2.060 Appointment. Term. Removal of Members**

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

## 2.085 Boards, Committees and Commissions

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### O. ~~HISTORIC RESOURCES ADVISORY REVIEW BOARD~~

- (1) Establishment; Membership; Term. There is hereby established a Historic Resources ~~Advisory~~ Review Board of the City of West Linn consisting of ~~seven~~ five regular members appointed for three-year terms, except as necessary to comply with Section 2.060 (2). ~~except that the initial appointments shall be made so that the terms of not more than two members expire in any given year.~~ (*Staff Comment: The staggering of terms is addressed by Section 2.060 (2) above.*)
- (2) Qualifications. Each member shall have a demonstrated interest, knowledge or competence in historic preservation and, to the extent possible, in one of the following fields: archaeology, architecture, building construction, history, landscape architecture, law, local history, real estate or urban planning. At least one member shall be an architect experienced in historic preservation, unless at the time there is a vacancy on the Board an applicant with these qualifications is not available. The majority of the members shall reside within the City of West Linn. Preference will be given to applicants residing in West Linn, except as necessary to obtain specific expertise listed above. ~~It is desirable that members of the committee have diverse interests and backgrounds, including some with knowledge or expertise in architecture, historic preservation and restoration.~~
- (3) Powers and Duties. The Historic Resources ~~Advisory~~ Review Board shall:
  - (a) Meet at least four times a year and as required to conduct business in a timely fashion.

~~Disseminate information to educate the public as to state and federal laws protecting antiquities and historic places.~~ (*Staff Comment: The stricken language is incorporated in d.*)
  - (b) Have the powers and duties which are now or hereafter assigned to it by the charter, ordinances and resolutions of West Linn and state law.

~~Act as a coordinator for local preservation groups, educational workshops, signing and monumentation projects, and other similar programs.~~ (*Staff Comment: The stricken language is substantially incorporated in d.*)

- (c) Enforce appropriate state and local legislation pertaining to the designation and protection of historic and, subject to applicable state law, archaeological resources.
- (d) ~~(e)~~ Coordinate with and advise interest groups, agencies, boards, and citizens on regarding the community's history and prehistory, promote research pertaining to local history and prehistory; make available materials pertaining to the preservation of historic resources and, subject to applicable state laws, archaeological resources, provide information regarding state and federal preservation programs. matters relating to historic preservation within the city.
- ~~(d) Monitor the city's historic inventories on a periodic basis and ensure that information on inventoried historic properties is updated and maintained. (Staff Comment: The stricken language is incorporated in e.)~~
- (e) Evaluate the city's historic and, subject to state law, archaeological resources; compile and periodically monitor and update an Inventory of Historic Resources; establish and periodically update a Designated Landmarks Register; and document and archive historic resources prior to their alteration, demolition, or relocation.
- ~~Research and recommend property owner incentives to City Council to assist in continued preservation of historic resources. (Staff Comment: The stricken language is incorporated in i.)~~
- (f) Subject to Planning Commission review and recommendation, per Community Development Code chapters 98 and 105, and City Council approval, devise code amendments to protect and enhance the preservation of historic and, subject to state law, archaeological resources.
- ~~Coordinate with Clackamas County, neighboring cities, and regional and state historic preservation agencies and groups to integrate West Linn preservation with statewide preservation initiatives. (Staff Comment: The stricken language is incorporated in c.)~~
- (g) Subject to City Council approval, develop incentives, strategies, and programs to assist the community in the appreciation and preservation of historic and, subject to state law, archaeological resources.

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

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

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

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

~~Work to provide an adequate permanent facility for West Linn historic artifacts and materials. *(Staff Comment: Providing a facility for historic artifacts and materials is proposed to be removed from the powers and duties. Staff recognizes the need for this type of facility but believes that it could best be accomplished through another entity.)*~~

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

## **Community Development Code, Chapter 25**

*(Staff Comment: The items in the following Section are proposed to be repealed as they no longer apply, are addressed in Chapter 2 of the Municipal Code, or are addressed in Chapter 99 of the Community Development Code (CDC).)*

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### **~~25.040~~ — ~~HISTORIC REVIEW BOARD~~**

- ~~A. For the purpose of this ordinance, the decisions regarding alterations within Historic District and recommendations for designation of Historic Districts shall be accomplished by the Clackamas County Historic Review Board.~~
- ~~B. **Appointment and composition.** The City Council shall appoint two individuals who have demonstrated an interest in historic preservation, and have experience and/or special expertise or knowledge in the field of historic preservation, and may fulfill the requisites of the Historic Review Board and composition pursuant to 707.04 of the County's Code. The remaining five members of the Board are standing members responsible for reviewing applications for all of Clackamas County. Their appointment is made through Clackamas County government.~~

- ~~C. **Terms of service.** The aforementioned two members of the Historic Review Board shall be appointed for three years and may be re-appointed or replaced at the discretion of the City Council.~~
- ~~D. **Duties and responsibilities.** It is the responsibility of the Historic Review Board to ensure that the purposes of this section are implemented and to perform the following duties:~~
- ~~1. Adopt rules to govern its deliberations and decisions, including a method to record its proceedings.~~
  - ~~2. Carry out the duties described for it in this Ordinance and otherwise assist the Board of County Commissioners and West Linn City Council on historic preservation matters.~~
  - ~~3. Review and render decisions on proposals to alter the exterior of a Historic Landmark subject to the procedures and criteria set forth in CDC Chapter 26.~~
  - ~~4. Review and render decisions on all proposed new construction on property on which a Historic Landmark is located, subject to the procedures and criteria set forth in Chapter 26 of this Code.~~
  - ~~5. Review and make recommendations on all applications for zoning of a Historic Landmark, as provided under CDC Chapter 26.~~
  - ~~6. Review all requests for demolition or removal of a Historic Landmark, as provided under CDC Chapter 26.~~
  - ~~7. Review and make recommendations to the Planning Commission on all conditional use applications under Chapter 26 of this Code.~~
  - ~~8. Review and make recommendations on all partitions and subdivisions of designated properties.~~
  - ~~9. Disseminate information to educate the public as to state and federal laws protecting antiquities and historic places.~~
  - ~~10. Act as a coordinator for local preservation groups, educational workshops, signing and monumentation projects, and other similar programs.~~
  - ~~11. Advise interest groups, agencies, boards, commissions, and citizens on matters relating to historic preservation within the City.~~
  - ~~12. Insure that information on inventoried historic properties is updated and maintained.~~
  - ~~13. Provide opportunities for the ongoing education and training of Board members in architecture and historic preservation. (*Staff Comment: The stricken language goes without saying.*)~~

~~25.045 **APPEALS OF HISTORIC REVIEW BOARD**~~

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

CRITERIA FOR HISTORIC DISTRICT DESIGNATION

- A. The approval authority shall designate each historic district in the City that is listed on the National Register of Historic Places as a Historic District. *(Staff Comment: OAR 660-023-0200 states that local governments shall protect all resources of statewide significance, i.e., those listed on the National Register of Historic Places.)*

The approval authority may designate a proposed historic district that:

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

*(Staff Comment: The City Council would decide upon the proposed designation of a historic district with consideration of recommendations from the Planning Commission and Historic Review Board per Chapter 98. The following proposed changes require that any proposed designation of a historic district meet at least one of five criteria, which are adapted from the National Register of Historic Places Criteria for Evaluation).*

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

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

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

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

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

- 3.4. Embodies distinctive architectural characteristics of a type, style, period or method of construction; or

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

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

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

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

## Community Development Code, Chapter 26

### 26.020 AREA OF APPLICATION

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- B. ~~The approval authority shall designate a building, site, structure, or object may be zoned as a Historic Landmark if it is listed on the "National Register of Historic Places". The approval authority may designate a proposed Historic Landmark if it:~~ or approval of an Historic District designation shall be made when Planning Commission finds that any of the following criteria have been met: *(Staff Comment: OAR 660-023-0200 states that local governments shall protect all resources of statewide significance whether or not they are locally listed.)*

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

- ~~1.2.~~ Is associated with an event or events that made a significant contribution to the history of the community, county, state or nation; or

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

- ~~2.3.~~ Is associated with the life or lives of a significant person or people in the history of the community, county, state or nation; or

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

- ~~3.4.~~ Embodies distinctive architectural characteristics of a type, style, period or method of construction; or

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

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

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

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

*(Staff Comment: The changes above modify the existing criteria to more closely parallel the National Register of Historic Places Criteria for Evaluation and clarify that proposed landmarks must meet at least one of the five criteria.)*

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

~~D.C.~~ The height and floor area ratio ~~single family residential design~~ standards that apply to homes elsewhere in West Linn shall not apply to a historic landmark structures identified in ~~s~~Section 26.020(A). ~~Setbacks and lot coverage standards of the underlying zone shall, however, apply. The standards will apply to both infill development and homes within new subdivisions.~~ *(Staff Comment: The first change above is for clarification and the following stricken language above goes without saying.)*

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 Ordinance. *(Staff Comment: Slightly modified and moved from Section 26.050(E)).*

*(Staff Comment: The items in Sections 26.040, 26.045 and 55.030 are proposed to be removed as they no longer apply or are addressed in Chapter 2 of the Municipal Code or Chapter 99 of the Community Development Code.)*

#### ~~26.040~~ **HISTORIC REVIEW BOARD**

- A. ~~For the purpose of this ordinance, the decisions regarding alterations to Historic Landmarks and within historic districts, and recommendations for designation of historic landmarks or districts, shall be accomplished by the Clackamas County Historic Review Board.~~
- B. **Appointment and composition.** The City Council shall appoint two individuals who have demonstrated an interest in historic preservation, and have experience and/or special expertise or knowledge in the field of historic preservation, and may fulfill the requisites of the Historic Review Board and composition pursuant to ~~707.04~~ of the County's Code.



- C. ~~**Terms of service.**~~ The members of the Historic Review Board shall be appointed for three years, and may be re-appointed or removed at the discretion of the City Council.
- D. ~~**Duties and responsibilities.**~~ It is the responsibility of the Historic Review Board to insure that the purposes of this section are implemented, and to perform the following duties:
1. ~~Adopt rules to govern its deliberations and decisions, including a method to record its proceedings.~~
  2. ~~Carry out the duties described for it in this Ordinance and otherwise assist the Board of County Commissioners and West Linn City Council on historic preservation matters.~~
  3. ~~Review and render decisions on proposals to alter the exterior of an Historic Landmark subject to the procedures and criteria set forth in Section 26.060.~~
  4. ~~Review and render decisions on all proposed new construction on property on which an Historic Landmark is located, subject to the procedures and criteria set forth in Section 26.060.~~
  5. ~~Review and make recommendations on all applications for zoning of an Historic Landmark, as provided under Section 26.050.~~
  6. ~~Review all requests for demolition or removal of an Historic Landmark, as provided under Section 26.080.~~
  7. ~~Review and make recommendations to the Planning Commission on all conditional use applications under Section 26.030(B).~~
  8. ~~Review and make recommendations on all partitions and subdivisions of designated properties.~~
  9. ~~Disseminate information to educate the public as to state and federal laws protecting antiquities and historic places.~~
  10. ~~Act as a coordinator for local preservation groups, educational workshops, signing and monumentation projects, and other similar programs.~~
  11. ~~Advise interest groups, agencies, boards, commissions, and citizens on matters relating to historic preservation within the City.~~
  12. ~~Insure that information on inventoried historic properties is updated and maintained.~~

~~26.045~~ ~~**APPEALS OF HISTORIC REVIEW BOARD**~~

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

~~26.050~~ ~~**DESIGNATION PROCESS PROCESS FOR DESIGNATION OF A HISTORIC LANDMARK**~~

~~The designation of a Historic Landmark shall follow the procedures in Chapter 99.~~

- A. ~~**City-initiated action.** The Historic Review Board, City Council or interested parties may initiate the process for designation of an Historic Landmark. If the Historic Review Board or City Council initiates the process, notice shall be as required under Chapter 98.~~
- B. ~~**Quasi-judicial application.** The owner(s) of property, or properties, may request the zoning of their property, or properties, as an Historic Landmark(s) by making application to the City. Notice requirements shall be as provided for zone change/plan change actions under Chapter 99.~~
- C. ~~**Historic Review Board evaluation.** The Historic Review Board shall evaluate the proposed zoning action and shall enter findings and make a written recommendation to the City Council.~~
- D. ~~**City Council public hearing.** The City Council shall conduct a public hearing to consider the proposed zoning action and shall either approve or deny the request. The Council shall enter written findings supporting its decision.~~
- E. ~~**Pending permits.** No building permit for altering or moving any proposed Historic Landmark shall be issued while any advertised public hearing or any appeal affecting the proposed designation of the area or building is pending. In addition, demolition of a building affected by a pending public hearing or appeal under this Section shall be a violation of this Ordinance.~~

*(Staff Comment: Sections A-D below are proposed for deletion as they are addressed above or in Chapter 99. Section 26.050(E) is moved to 26.020(E).)*

## 26.060 ALTERATION AND DEVELOPMENT CRITERIA

*(Staff Comment: The proposed changes in this Section are for clarification and to correct scrivener's errors.)*

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

## Community Development Code, Chapter 55

### 55.030 ADMINISTRATION AND APPROVAL PROCESS

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

## Community Development Code, Chapter 58

*(Staff Comment: The following sections are proposed for deletion as they are addressed in Chapter 99.)*

### ~~58.060~~ ~~REVIEW BODY~~

- ~~A. Applications to restore/remodel a commercial structure or construct a new commercial structure shall be reviewed by the Historic Review Board under the category of design review. The Historic Review Board is defined and its duties and responsibilities explained in Section 25.040. The Planning Director, on behalf of the Historic Review Board, shall provide notice for design review pursuant to Section 99.080(B).~~
- ~~B. Repainting a structure, sign replacement, repairing windows, or minor changes shall be reviewed by the Planning Director as a Class B restoration. Review criteria is the same for a Class B restoration but there is not public notice and the fees are reduced under Section 58.080(C).~~

### ~~58.065~~ ~~APPEALS OF HISTORIC REVIEW BOARD~~

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

## Community Development Code, Chapter 99

### 99.060 APPROVAL AUTHORITY

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*(Staff Comment: As proposed, provisions pertaining to the Historic Review Board's authority will be consolidated, clarified, and organized in Chapter 99. Planning Commission review of a historic landmark is added since the landmarks are listed in the CDC and for review for compliance with the Comprehensive Plan and other City goals and policies.)*

#### PLANNING COMMISSION AUTHORITY

- B. The Planning Commission shall have the authority to:
  - 1. Make a recommendation to approve, deny, or approve with conditions to the Council:
    - a. A quasi-judicial Comprehensive Plan Map amendment.
    - b. A quasi-judicial zone change involving a concurrent application for a quasi-judicial Plan Map amendment as provided by Section 99.030(A) (ch. 35).
    - c. The designation of a historic landmark. The Planning Commission's consideration of a proposal shall be limited to a determination of the adequacy of findings made by the

Historic Review Board regarding applicable goals and policies of the Comprehensive Plan and the CDC.

...

D. The Historic Review Board shall have the authority to:

1. ~~A~~approve, deny, or approve with conditions an application for compliance with chapters 25, 26 and 58, as applicable, and as needed to provide for consolidated review for the following: applications for the following development applications.

*(Staff comment: The Planning Commission asked that this Section be revised to clarify the Historic Review Board's and Planning Commission's roles. The proposed revisions would change the authority of the Historic Review Board and the Planning Commission. A flowchart depicting the proposed process is included on pages 15 and 16.*

*The Historic Review Board currently has approval authority for the design review of commercial structures in the Willamette Falls Drive Commercial District. The proposed amendments would give the Planning Commission approval authority over commercial and other construction within the Willamette Falls Drive Commercial District that are subject to Class II Design Review under Chapter 55. The Historic Review Board would have the opportunity to review these projects and make a recommendation to the Planning Commission (the information would be given to them at least 10 days prior to their meeting as with quasi-judicial projects; however, the review would not include a public hearing). Up to two Planning Commission members would attend the Historic Review Board meeting. The Historic Review Board recommendation would be included in staff's report for the Planning Commission and up to two representatives from the Historic Review Board would attend the Planning Commission meeting. They would have the opportunity to speak after staff's presentation to the Planning Commission and respond to questions from the Planning Commission.*

*The Planning Commission and Historic Review Board would have the option of conducting a joint work session following the public hearing to discuss the project prior to the Planning Commission taking action. These procedures would be incorporated in the policies and procedures for both the Planning Commission and Historic Review Board.*

*The Historic Review Board would retain approval authority for projects that are subject to Class I Design Review per Section 99.070 Consolidation of Proceedings (see page 14) and over remodels, alterations, and additions that are not subject to Chapter 55, Design Review.)*

- a. Major and or minor remodels, alterations, or additions to a historic landmarks, property within a historic district, or property within the Willamette Falls Drive Commercial

District that is not subject to Class II Design Review under Chapter 55;

b. New construction within a historic district that is not subject to Class II Design Review under Chapter 55;

~~1. New home construction in the Historic District. (Staff Comment: The stricken language is incorporated in b.)~~

~~3. Major renovation or additions to historic landmarks, and major renovation or additions to structures in the Historic District (Staff Comment: The stricken language is incorporated in a, 2(a), and 2(b).)~~

~~6. New construction, major renovation, and additions in the Willamette Falls Drive Commercial Overlay Zone. (Staff Comment: The stricken language is incorporated in a and b above and in 2(a) and 2(b) below.)~~

c. Construction of a non-exempt accessory structure or garage on a historic landmark property, or property within a historic district; ~~4. Construction of non-exempt accessory structures and garages to historic landmark properties and properties within a historic district.~~

d. ~~5. A demolitions permits for a historic landmark or property within a historic district; for the Historic District, to historic buildings in the Willamette Falls Drive Commercial Overlay Zone, and to Historic landmark structures.~~

e. ~~7. Revocation Revoke or modification modify of an approval as provided by Section 99.330 for any application approved by the Historic Review Board; and~~

f. ~~8. An Extensions of an approval when the Historic Review Board acted as the initial decision making authority.~~

~~2. Creation of new historic districts. (Staff Comment: The Historic Review Board only has the authority to review and make recommendations on proposed districts as they are processed under chapters 98 and 105 as comprehensive plan and zoning amendments. This is incorporated below in 3.)~~

2. The Historic Review Board shall have the opportunity to review an application for compliance with chapter 25, 26 or 58, as applicable, and make a recommendation to the approval authority specified in

Section 99.060. This authority shall apply for the following:  
regarding proposed:

- a. Major or minor remodel, alteration, or addition to a historic landmark, property within a historic district, or property within the Willamette Falls Drive Commercial District that is subject to Class II Design Review under Chapter 55;
  - b. New construction within a historic district or new construction within the Willamette Falls Drive Commercial District that is subject to Class II Design Review under Chapter 55;
  - c. A partition or subdivision of property containing a historic landmark or property within a historic district;
  - d. Conditional use of property containing a historic landmark;  
and
  - e. A zone change for property containing a historic landmark or property within a historic district.
3. The Historic Review Board shall review and make a recommendation to the approval authority, as applicable, on applications for the designation of a historic landmark or historic district.

## **99.070**

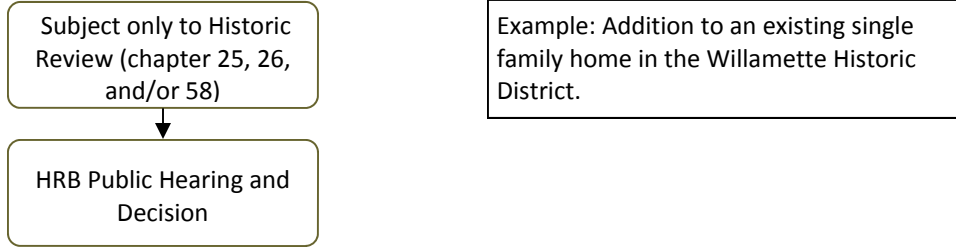
### **CONSOLIDATION OF PROCEEDINGS**

Whenever an applicant requests more than one approval and more than one approval authority is required to decide the applications, the proceedings shall be consolidated so that one approval authority shall decide all applications in one proceeding. In such cases, the hearings shall be held by the approval authority having original jurisdiction over one of the applications under Section 99.060, in the following order of preference: City Council, Planning Commission, Historic Review Board, or the Planning Director, except for expedited land division applications which shall be processed as described in ORS Chapter 197. For example, if a conditional use permit (CUP) and Class I design review application were submitted, ordinarily the CUP would be heard by the Planning Commission, and Class I design review by the Planning Director. This hierarchy dictates that the higher body, the Planning Commission, would hear the consolidated hearing.

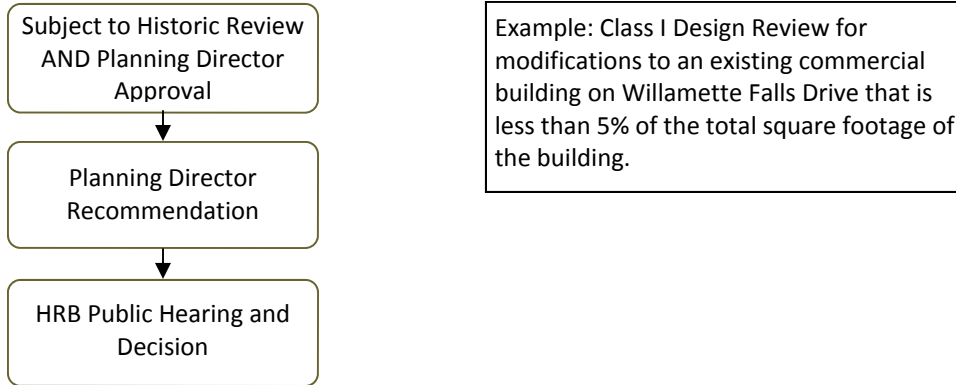
# Potential Review Procedures

## Quasi-Judicial

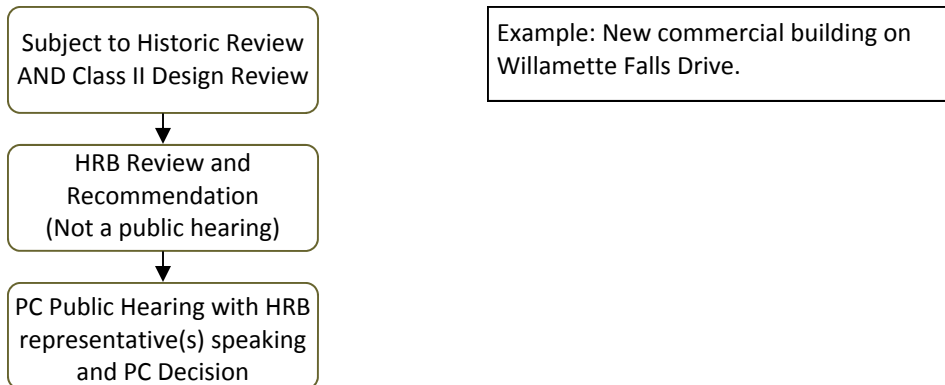
### Historic Review Board (HRB) Review



### Planning Director Recommendation and HRB Review Required



### HRB Review and Planning Commission (PC) Review Required (subject to 120-day limit)



# Potential Review Procedures

## Legislative (Subject to Chapter 98)

### HRB Review, PC Review, and City Council Decision

