



CITY OF
West Linn

To whom it may concern:

There have been some amendments to the City of West Linn's Community Development Code, Chapter 25 Historic District approved by City Council on April 26, 2010 under ORD. #1594.

The web site has not yet been updated with these changes and I do not anticipate the hardcopy changes for at least several weeks. Hardcopies of the ORD. and Exhibit A are available at the front counters at City Hall, the Library and also on the City's web site Planning Department page at <http://westlinnoregon.gov/planning/updates-cdc-and-comp-plan> 2010-05-18 Updates.

Please note we will send out replacement CDC pages when available.

Teresa Zak
Administrative Assistant

5/18/2010

**ORDINANCE NO. 1594
WEST LINN, OREGON**

AN ORDINANCE MODIFYING DESIGN STANDARDS AND SETBACKS FOR HOMES, ACCESSORY DWELLING UNITS AND OTHER DEVELOPMENT IN THE WILLAMETTE HISTORIC DISTRICT

WHEREAS, the integrity of the Willamette Historic District, now part of a the Willamette Falls Drive National Historic District, is protected and enhanced by the use of architectural design standards and setbacks that are specific to that district; and,

WHEREAS, home construction in the past has exceeded the height and mass of existing historic homes which diminishes the historic value and character of the district; and,

WHEREAS, the construction of some relatively large accessory dwelling units has resulted in loss of privacy and sunlight for the adjacent neighbors; and,

WHEREAS, Community Development Code (CDC) Chapter 25 regulates construction and remodeling of structures in the Historic District; and,

WHEREAS, the Clackamas County Historic Review Board on July 9, 2009 and the West Linn Planning Commission, following their August 19, 2009 and February 3, 2010 hearings, recommended approval of amendments to CDC Chapter 25 that would address these issues; and,

WHEREAS, the West Linn City Council held public hearings on March 8, 2010 and March 22, 2010 and subsequently adopted findings of fact and conclusions justifying its decision; and

WHEREAS, the City Council received testimony that, due to the length of the code adoption process and with arrival of the spring building season, there is a threat that without more restrictive standards in place properties in the District could be subject to remodeling activities that are not conducive to maintaining the historic integrity of the District.

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

Section 1: The West Linn Community Development Code is hereby amended to read as identified in Exhibit A (attached hereto).

Section 2: Because there is the potential for remodeling activity during the spring that is not conducive to maintaining the historic integrity of the District, the City Council hereby finds and declares an emergency which requires that, for the benefit of community health, safety and welfare, this ordinance shall become effective immediately.

PASSED AND APPROVED THIS 26th DAY OF APRIL 2010.


JOHN KOVASH, COUNCIL PRESIDENT

ATTEST:


TINA LYNCH, CITY RECORDER

APPROVED AS TO FORM:


CITY ATTORNEY

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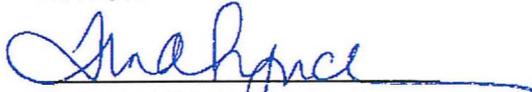
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EXHIBIT A

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25.000 HISTORIC DISTRICT

25.010 PURPOSE



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:

- 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. Facilitate restoration and upkeep of historic buildings, structures or other physical objects or geographical areas;
- 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;
- E. Promote the enjoyment and use of historic and cultural resources appropriate for the education and recreation of the people of the City;
- 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;

- H. Identify and resolve conflicts between the preservation of cultural resources and alternative land uses; and,
- I. Integrate the management of cultural resources and relevant data into public and private land management and development processes.
- J. Encourage the adoption and use of the Secretary of Interior's Standards for Historic Preservation.**

25.015 APPLICABILITY

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 section 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 Historic Landmarks Chapter 26.060.** (ORD. 1538)

25.020 PERMITTED USES

- A. The residentially zoned portion of the Willamette Historic District, and other historic districts established under Section 25.050 of this Code, shall permit only single-family detached residential uses. Home occupations shall be processed pursuant to Chapter 37 of this Code.
- B. The commercially zoned portion shall allow uses appropriate to that zone as described in Chapter 19 with consideration of its historic status.
- C. Existing structures and uses that do not conform to these standards shall be regarded under the provisions of Chapters 66 and 67.
- 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.

- E. National Historic Register structures or Historic Landmarks in the Historic District shall comply with the provisions of Chapter 25.

25.030

DEFINITIONS AND BOUNDARY DELINEATION

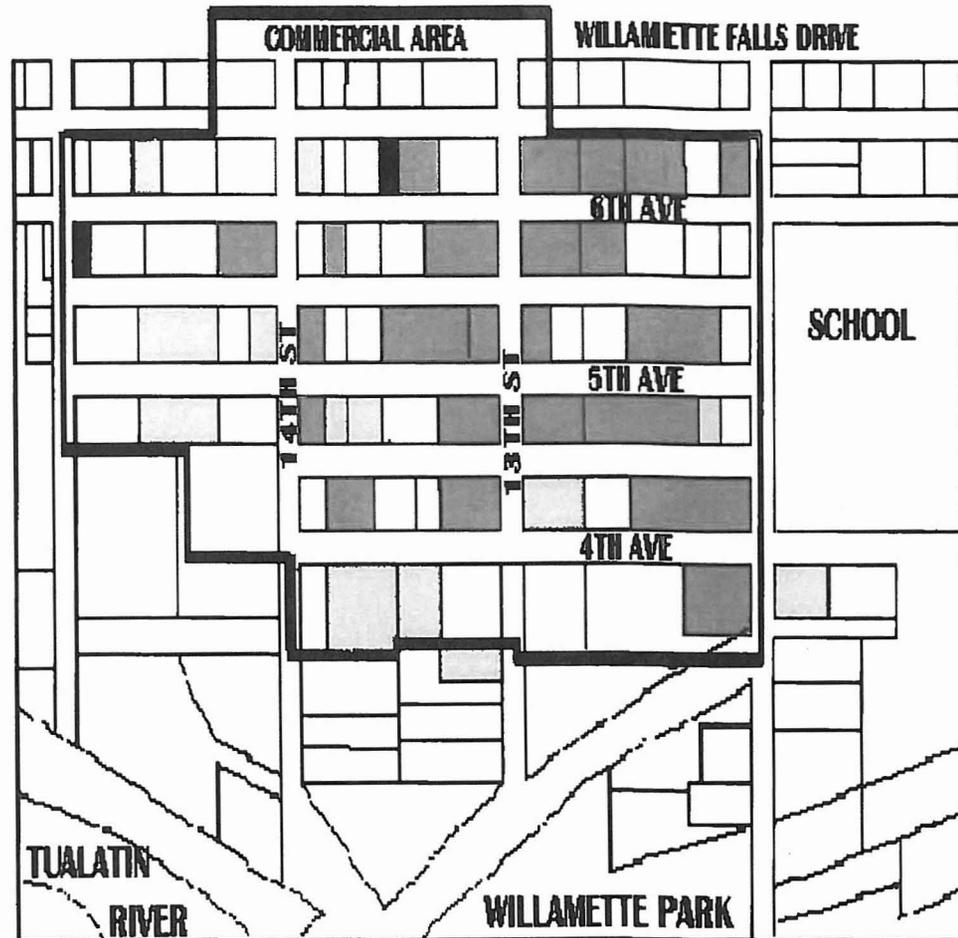
- A. The attached map (Figure 1) identifies existing boundaries for the Willamette Historic District. The map identifies "primary" and "secondary" residential structures within the District bounds. The boundary excludes areas lacking character defining structures, while retaining as many "primary" and "secondary" structures as possible. Several potentially buildable lots are included in the boundary. These parcels, if sensitively developed, could enhance the historic image of this seven block area.

B. Primary Structures. Structures which significantly define the district's character are called "primary" contributing. These structures were constructed between 1890-1920; most original architectural features (i.e., windows, roof forms, porches, siding) remain intact. These structures represent the community's best remaining examples of turn-of-the-century architectural styles. All but two of the "primary" structures are listed in the Clackamas County Cultural Resource Inventory, 1984.

C. Secondary Structures. Structures built before 1925 which retain many original architectural features, but not identified in Clackamas County's "Cultural Resource Inventory" are identified as "secondary" contributing. Some vernacular architecture may have been introduced to the structure. "Secondary" structures also represent styles popular during the turn-of-the-century.

FIGURE 1

WILLAMETTE HISTORIC DISTRICT



PRIMARY STRUCTURES -----	
SECONDARY STRUCTURES ---	
BOUNDARY -----	

ADOPTED (AMENDED APR. 1991; ORD.1298)
MAY 14, 1986 (AMENDED SEPT.1985; ORD.1172)



Note: Site visits will be required to verify classification of structures.

- ~~B. Primary Structures. Structures which significantly define the district's character are called "primary" contributing. These structures were constructed between 1890-1920; most original architectural features (i.e., windows, roof forms, porches, siding) remain intact. These structures represent the community's best remaining examples of turn of the century architectural styles. All but two of the "primary" structures are listed in the Clackamas County Cultural Resource Inventory, 1984.~~
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- D. Contributing Structures. Structures (i.e., bungalows, etc.) built after 1925 in the Old style. Additions or remodels to these structures should be consistent with provisions of this chapter.
- E. Non-Contributing Structures. Structures built after 1925 in styles that are generally incompatible with area architecture; for example, a 1955 ranch style home. To require such homes to be remodeled under this Code's provisions with a Victorian cupola or fish scale siding shingles, would violate Code sections that seek time period consistency and seek to avoid architectural mimicry.

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.

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. (ORD. 1474)

25.050 CRITERIA FOR HISTORIC DISTRICT DESIGNATION

- A. Approval of an Historic District designation shall be made when the Historic Review Board finds that any of the following criteria have been met:
 1. Whether the proposed district or landmark would serve the purpose of the Historic District as stated in Section 25.010.
 2. Reflects the broad cultural or natural history of the

community, state, or nation.

3. Is identified with historic personages or with important events in national, state, or local history. Archeological sites would also be included.
 4. Embodies the distinguishing characteristics of an architectural specimen inherently valuable for a study of a period, style, or method of construction.
 5. Is a notable work of a master builder, designer, or architect.
- B. The age of a specific building shall not be deemed sufficient in itself to warrant designation as historic.

25.060

CRITERIA FOR EXTERIOR ALTERATION AND NEW CONSTRUCTION

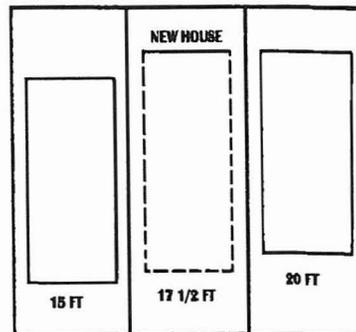
- A. Except as provided pursuant to Section 25.100, no person may alter the exterior of any structure in an Historic District in a manner as to affect its exterior appearance, nor may any new structure be constructed in an Historic District, unless the site and evaluation drawings are approved by the Historic Review Board.
- B. Exterior remodeling as governed by this chapter shall include any change or alteration in design or other exterior treatment excluding painting.
- 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:
 1. The purpose of the Historic District as set forth in Section 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.)
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 #5.

25.070

APPROVAL CRITERIA FOR REMODELS, NEW HOME AND ACCESSORY STRUCTURE CONSTRUCTION/REMODEL STANDARDS

- 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**A 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 "primary" or "secondary" structures **homes.** For corner lots, the setback shall be the average between the adjacent house to the side and 20 feet.

~~Where there are no adjacent primary or secondary structures, the setback shall be 15 feet.~~

(b) Unenclosed porches with no living space above may encroach six feet further from the dominant vertical face of the building.

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.**

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.**

3-4. 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 3 feet of the side or rear property lines. **See section on ADUs for ADU setbacks.**

4-5. **Orientation:** New home construction on corner lots must ~~face the avenue.~~ **orient the front of the house to the**

avenue and not the street.

6. Lot Coverage: 50%. 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.

- 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. ~~Alleys were established to provide for parking out of view; with this older pattern, garages are much less dominant than in newer residential areas.~~

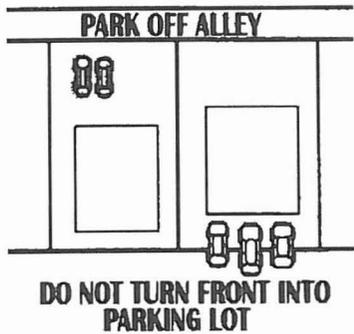
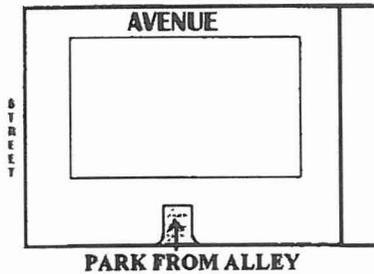
1. Standards, Garages:

- a. Garages shall be accessed from the alley. Where no alley exists, access to a garage may be from the street.
- 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% of the full replacement cost in current dollars.
- c. Typically, the garage pitch wasn't as steep as the house. Some architectural styles of garages have lower pitched roofs. Garage roof pitch shall not exceed house roof pitch.

- 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.

2. Standards, Parking:

- a. No residential lot shall be converted solely to parking use.
- b. All vehicle access and storage (i.e., boats, camper shells, trailers, recreational vehicles, etc.) shall be stored or parked in the rear of the property as opposed to the front or side yards.
- c. On corner lots or where homes face streets, the parking and storage shall be located on the alley side of the house.
- d. No front yard curb cut shall be established unless it is determined by City Engineer that all reasonable access alternatives have been exhausted.
- e. The parking provisions of Section 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.

- D. **BUILDING HEIGHT.** (Note: Buildings in Willamette Town vary in height, most evident are 1-1/2 story Victorians and bungalows. Some buildings reach ~~2-1/2~~ **two** stories, and there are several single story structures as well.)

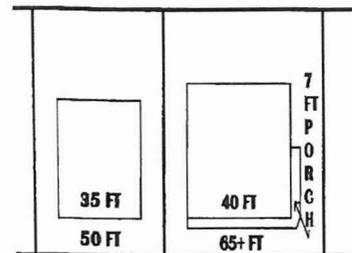


1. No building shall exceed the height of ~~any primary structure in the district so that the existing neighborhood scale is maintained~~ 28 feet to the dominant gable or roof ridgeline as measured per CDC Chapter 2. This restriction shall apply regardless of the existing or finished grade of the site.
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% of the roof as measured lineally or horizontally. (e.g. if roof is 50 feet long the dormer(s) cannot be more than 25% 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.

3. 2. No building shall exceed 2 1/2 stories. Cupolas and towers are **not** excluded from the aforementioned height limitation; ~~however, no such structure may exceed the height of any existing cupola or tower in the district.~~
- ~~3. Existing building heights should be maintained.~~
4. Alteration of roof pitches or raising or lowering a structure's permanent elevation, when constructing a foundation, shall be avoided.
5. The original height of "primary" and "secondary" 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.**

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.



2. End walls (street facing) ~~should~~ **shall** be designed with consideration of scale and aesthetic character of the main facade.
3. Buildings ~~should~~ **shall** avoid a horizontal orientation in their roof and window designs, unless the design can be shown to **match the original roof design or respond approximate the design of** to nearby structures and styles. ~~Buildings in districts other than the Willamette District shall be designed and oriented as appropriate to that area as determined by the~~

~~Historic Review Board with consideration of Section 25.060(3).~~

- 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.**



Table 25-1

<u>HISTORIC DISTRICT SETBACKS, HEIGHT & SIZE:</u>	
<u>New House/Addition</u>	
<u>Front:</u>	<u>Average setback of adjacent homes></u>
<u>Front Porch:</u>	<u>Additional 6-foot encroachment allowed ^</u>
<u>Rear:</u>	<u>20 feet</u>
<u>Side:</u>	<u>5 feet <</u>
<u>Side Street:</u>	<u>10 feet</u>
<u>Height:</u>	<u>28 feet</u>
<u>Massing:</u>	<u>125% of the average square footage of the adjacent homes including any attached garage (accessory structures/ADUs are exempt) or 1,200 square feet, whichever is greater.</u>
<u>Lot Coverage:</u>	<u>50% for the house and all accessory structures/ADUs. Excludes decks, paved/impermeable surfaces.</u>
<u>Sidewall:</u>	<u>Max. 400 sq ft of sidewall before an 18-inch indent or "pop out" on side yard and 24-inch indent or "pop out" on side street.</u>
<u>> Front setback measured to dominant vertical face.</u>	
<u>^ No living space allowed over porch. Porch cannot be enclosed.</u>	
<u>< Sidewall "pop outs" may go 18 inches into side set back and 24 inches into side street setback. Chimneys may encroach two feet into side and side street setback.</u>	

F. **SIGNS AND LIGHTING.** Signs, lighting, and other appurtenance such as walls, fences and awnings, shall be visually compatible with the scale and traditional architectural character of the historic building.

G. **HORIZONTAL ADDITIONS.**

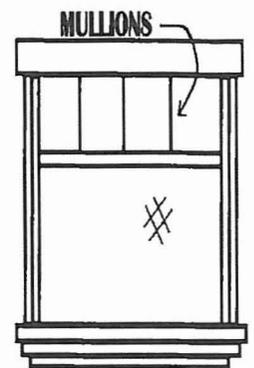
1. The scale and proportion of building additions, including the relationship of windows to walls, shall be visually compatible with the traditional architectural character of the historic building.
2. Contemporary construction for alterations and additions are acceptable if the design respects the building's original design

and is compatible with the original scale, materials, window and door opening proportions of the structure.

- 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 5 inches.

Standards:

1. ~~Wood sash windows are preferred~~ **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.**
2. ~~"Mill aluminum" (shiny) windows are prohibited. Matte finish anodized/coated aluminum windows are permitted so long as they meet the dimensional standards.~~ **Aluminum windows are prohibited unless they were the original materials and meet dimensional standards.**
3. Windows shall be surrounded by exterior trim on the top



and sides; window trim shall be at least 4-1/2 inches minimum width unless the original window was less.

4. Window replacements shall match the visual qualities of original windows, ~~as closely as possible; this does not require wood windows. Non wood window replacements must exhibit similar visual qualities as their wooden counterparts. The original number of window "lights" (i.e., panes) shall be maintained or restored when replacements are required.~~
- ~~5. 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.~~
6. Storm windows should follow the standards for windows and shall have a mullion that matches the divide between the upper and lower window sashes. ~~Matte finish anodized/coated frames are permitted. The 4 1/2 inch trim is not required for the storm windows.~~ The color should match underlying trim.

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.
2. All main entrances should face the avenues.
3. Flush (flat) doors are prohibited.
4. Doors with windowed areas are recommended. Front porch enclosure of any dwelling unit may not be enclosed. Back porches may be enclosed.

J. **SIDING AND EXTERIOR FINISH.** Standards:

1. Horizontal wood siding shall be the primary exterior finish.
2. Shingles should only be used in conjunction with horizontal wood siding.
3. Single color exteriors are discouraged. Stained exteriors are not recommended.

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.



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.** ~~Roofing materials should be composite shingles. Cedar shakes were not used in period construction. Milled cedar shingles were used and are permitted.~~
3. Alternating, ~~patterned~~ or checkerboard shingles are not permitted.

L. **MASSING.**

The square footage of the principal dwelling/house and any attached garage (not counting the basement) cannot exceed 125% 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 actual measurement of all liveable space in the house plus any attached garage (exclude crawl spaces or attic areas with less than five-foot vertical clearance plus all basement areas).

M. FOUNDATIONS AND BASEMENTS

1. **Foundations may be poured concrete or brick faced concrete and shall be exposed at least one to two and a 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 allowed height. No backfilling is allowed against a foundation wall to increase grades.**
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.**

N. ACCESSORY DWELLING UNIT (ADU)

The provisions of CDC Chapter 34 shall not apply to ADUs in the Historic District. The following requirements apply to ADUs in the district.

1. **ADUs may be allowed in one of the following configurations:**

- (a) Within an existing primary single-family house;
or,
- (b) in an addition to an existing house's footprint or
building envelope; or,
- (c) in a new accessory structure; or,
- (d) by converting or adding to an existing accessory
structure, such as a garage or barn, on the same
lot as the existing house.

2. ADUs shall meet the following conditions:

- (a) Public services are available to serve the ADU.
- (b) The ADU shall not have more than one bedroom.
- (c) The ADU shall be sized consistent with the
following:
 - (i) 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.
 - (ii) 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.
 - (iii) 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.

- (d) No more than one ADU is allowed per lot.**
- (e) Existing detached structures such as workshops, offices, garages, etc., may be converted into ADUs under the following conditions:**
- (i) The structure is located behind the house's front building line, preferably in the rear yard. Structures in the front yard it cannot be converted to an ADU.**
- (ii) 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) for two-story ADUs.**
- (iii) The conversion of an existing structure is not required to meet the design standards in subsection N(3) below, with the exception of subsection N 3(d) Windows. However, such ADUs shall conform to those standards to the greatest degree possible.**
- 3. Design standards for both attached and detached ADUs are as follows:**
- (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.**
- (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.**
- (c) Trim. Trim must be the same in type, size, and location as the trim used on the primary dwelling.**

(d) Windows.

- (i) Windows must match those in the primary dwelling in proportion (relationship of width to height).**
- (ii) 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.**
- (iii) 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.**
- (iv) 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.**

(v) Windows are allowed on all sides of single-story ADUs at the ground/first floor level.

(vi) 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.)

(e) Roof.

(i) ADUs may have roofs under a 6:12 slope but not flat.

(ii) 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.

(iii) Outdoor balconies or decks are not allowed on top of, or incorporated into, the roof of ADUs.

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.

(b) Downspouts and gutters must correctly collect and dispose of rainwater.

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 3 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.

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)**
- (b) The ADU cannot exceed the height of the primary dwelling. Therefore a single-story house cannot have more than a single-story ADU.**
- (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 CDC Chapter 2.**

**HISTORIC DISTRICT DETACHED ADU MINIMUM
SETBACKS, MAXIMUM HEIGHT & MAXIMUM SIZE**

	<u>One Story</u>	<u>Two Story</u>
ADU to House:	3 feet	10 feet
Rear setback:	3 feet	3 feet
Side setback:	5 feet	15 feet
Side Street setback:	5 feet	5 feet
Height:	15 feet	23 feet
Size (sq.ft.):	30% *+100 sq ft	30%**

(* 30% of total floor area of principal dwelling

plus 100 sq ft to max. of 600 sq. ft./min is 250 sq. ft.)

(** 30% of total floor area of principal dwelling to max. of 500 sq. ft.)

O. SIDEWALKS. Many of the original sidewalks had the contractors 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).



Every effort should be made to preserve sidewalk sections with such nomenclature or replace it with facsimile stamps.

Most sidewalks in the residential district are four-foot 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% of the valuation of the home.

New sidewalks shall replicate, to the degree possible, existing sidewalk patterns, texture and coloration.

25.080

ADDITIONAL ARCHITECTURAL SPECIFICS FOR NEW CONSTRUCTION AND REMODELING

Many houses in Willamette are rich in architectural detail. Certain architectural components are used in fairly specific ways. Standards:

- 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.
- 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.
- C. Distinctive stylistic features, or examples of skilled craftsmanship which characterize a structure, shall be maintained or restored, if possible.
- D. Deteriorated architectural features shall be repaired rather than replaced, whenever possible.
- E. In the event replacement is necessary, new materials should match the material being replaced in composition, design, color, texture, and other visual qualities.
- 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.

- 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.
- 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.

25.090

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 Section 25.080, "Additional Architectural Specifics," and Section 25.060, "Criteria for Exterior Alteration and Construction."
- B. Setbacks should be consistent with adjacent uses or between 0-10 feet.
- C. Underlying zone provisions of the Commercial zone shall apply except for the off-street parking requirements which are waived under Chapter 46.

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:

- 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.
- B. Repairing, or providing a compatible new foundation 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.
- 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.
- 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.
- 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** ~~are allowed so long as the visual quality effectively simulates traditional wood windows.~~
- 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).
- 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.

- I. In-ground swimming pools are exempt in the side or rear yard.
- J. Above-grade pools must be in the side or rear yard with adequate screening.
- K. Fences in the front yard should be time period consistent.
- 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 sub-sections of 25.100.

25.110

PARTITIONS AND SUBDIVISIONS

The decision making body for minor partitions and subdivisions shall be per CDC Chapter 99 (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 ~~the~~ landmark sites. **The Historic Review Board** ~~r~~Review of the proposed subdivision or partition shall be based on the following criteria:

- 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.
- 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.
- C.
 - 1. Minor partition of corner parcels shall orient** ~~†~~**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.**
 - 2. All new lots shall be rectangular or approximate the shape of traditional lots elsewhere in the district.**
 - 3. Flag lots are discouraged in the Willamette Historic**

District.

4. Lot line adjustments shall maintain side lot lines at right angles to front property lines.

25.120

BUILDING CODE REQUIREMENTS

- A. **Permits Required:** Any alteration or relocation of a Historic Landmark shall be subject to the applicable regulations under the Uniform Building Code or superseding codes of the Building Department.
- 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:
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 a Historic District or Landmark structure, the appropriate appeals board should seek the advice of the State Historic Preservation Officer.

25.130

DEMOLITION

Purpose: The intent of this sub-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 Section 26.080 for provisions relating to demolition. (ORD. 1425)

25.140 APPLICATION AND SUBMITTAL REQUIREMENTS

Standard requirements: All applications for alteration, relocation, development, or demolition made pursuant to this section shall include:

- A. A pre-application conference with the Planning Director is required prior to formal submittal. The Director shall determine the appropriateness of the proposal and the completeness of the materials to be submitted. The Director may consult with members of the Historic Review Board in this process.
- 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.
- C. The hearing, public notice, appeal, and enforcement provisions of Chapter 99 shall apply.

(AMENDED PER ORD. 1474; 9/01)

25.150 DESIGN MODIFICATION PROCEDURES

- A. When an alternative(s) to the standards of this chapter are 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:**
 - 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.

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.

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.

B. The provisions of CDC Chapter 75: Variances shall not apply.

(AMENDED PER ORD. 1515; 2-05, ORD. 1538; 6/06; ORD. 1574 2/07
ORD. 1565 4/08)