

Existing Chapter 26 and Proposed Chapter 25 Comparison

Existing Chapter 26	Proposed Chapter 25
<b>26.010 PURPOSE</b>	<b>Section 25.010 PURPOSES</b>
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.
<b>26.020 AREA OF APPLICATION</b>	<b>Section 25.020 USE OF THIS CHAPTER</b>
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:	<b>A. APPLICABILITY</b> 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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<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>25.120(A) APPLICABILILTY 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.</p>
<p><b>26.030 PERMITTED USES</b></p>	<p><b>Section 25.030 PERMITTED USES</b></p>
<p>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.</p>	<p>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.</p>
<p>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:</p>	<p>Conditional uses in the underlying zone are permitted provided the following additional language can be met: 60.070 APPROVAL STANDARDS AND CONDITIONS (see below)</p>
<p>1. Will preserve or improve a resource which would probably not be preserved or improved otherwise;</p>	<p><u>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:</u></p>
<p>2. Will not require the extension or development of urban services in rural areas;</p>	<p><u>1. Preserve or improve a historic resource which would probably not be preserved or improved otherwise; and</u></p>
<p>3. Will not adversely affect surrounding natural resource uses; and</p>	<p><u>2. Utilize existing structures rather than new structures.</u></p>

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

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<b>26.060 ALTERATION AND DEVELOPMENT CRITERIA</b>	<b>25.050 HISTORIC DESIGN REVIEW PROCESSES, 25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES and 25.070 ADDITIONAL DESIGN STANDARDS APPLICABLE TO HISTORIC DISTRICTS</b>
<p>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.</p>	<p>Purpose statements are only included for the chapter as a whole.</p>
<p>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:</p>	<p>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).</p>
<p>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.</p>	<p>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.</p>
<p>2. Repairing or providing a compatible new foundation that does not result in raising or lowering the building elevation.</p>	<p>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.</p>
<p>3. Replacement of building material, when required due to deterioration of material, with building material that matches the original material.</p>	<p>Exempt: 25.050(A)(4) Replacement of building material, when required due to deterioration of material, with building material that matches the original material.</p>

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<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>
<p>6. Replacement of wood sashes with new wood sashes, or the addition of wood sashes, when such is consistent with the original historic appearance.</p>	<p>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.</p>
<p>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.</p>	<p>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:</p> <ul style="list-style-type: none"> <li>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: <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> </li> <li>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</li> </ul>

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<p>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:</p>	<p>25.060(A) STANDARDS FOR ALTERATIONS AND ADDITIONS This section applies to historic reviews for alteration of and additions to designated historic resources:</p>
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>See 25.060(A)(1) above.</p>
<p>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.</p>	<p>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.</p>

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<p>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.</p>	<p>25.060(A)(8) Building Height and Roof Pitch. Existing or historic building heights and roof pitch shall be maintained.</p>
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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).</p>
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>
<p>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:</p>	

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<p>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:</p>	<p>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.</p>
<p>a. Siting.</p>	
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>
<p>b. Parking standards.</p>	

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<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>25.070(C)(7)(a) Residential structures are limited to 35 feet in height. Cupolas and towers shall not exceed 50 feet in height.</p>
<p>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.</p>	<p>Not specifically stated.</p>
<p>e. Roof pitch standards. Roofs shall have a pitch of at least 6:12. A pitch of 8:12 to 12:12 is recommended.</p>	<p>25.070(C)(9) Roof Pitch. Roofs shall have a pitch of at least 6:12.</p>
<p>f. Architectural details.</p>	
<p>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.</p>	<p>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.</p>

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<p>2) Window standards. Wood sash windows are preferred. Mill aluminum (shiny) windows are prohibited.</p>	<p>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).</p>
<p>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.</p>	<p>Not specifically stating the trim width.</p>
<p>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.</p>	<p>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.</p>
<p>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:</p>	<p>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;</p>
<p>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.</p>	<p>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.</p>

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<p>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.</p>	<p>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.</p>
<p><b>26.070 BUILDING CODE REQUIREMENTS</b></p>	
<p>A. Permits required. Any alteration or relocation of an historic landmark shall be subject to the applicable regulations under the Uniform Building Code.</p>	<p>Section 25.110 addresses the relocation/moving of a structure.</p>
<p>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:</p>	<p>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).</p>
<p>1. Any unsafe conditions as described in the Uniform Building Code are corrected;</p>	
<p>2. The restored building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and</p>	
<p>3. The Building Official seeks the advice of the Oregon State Historic Preservation Officer, or designee.</p>	
<p>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.</p>	
<p><b>26.080 DEMOLITION</b></p>	
<p>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.</p>	<p><b>Section 25.120 DEMOLITION OF A HISTORIC RESOURCE</b></p>

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<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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</p>
<p>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:</p>	<p>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:</p>
<p>1. All plans, drawings, and photographs submitted by the applicant.</p>	<p>(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.</p>
<p>2. Information presented at the public hearing concerning the proposed work.</p>	
<p>3. The West Linn Comprehensive Plan.</p>	
<p>4. The purposes of this chapter as set forth in CDC 26.010.</p>	
<p>5. The criteria used in the original designation of the historic landmark in which the property under consideration is situated.</p>	
<p>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.</p>	

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<p>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.</p>	
<p>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.</p>	
<p>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.</p>	<p>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).</p>
<p>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.</p>	<p>See 99.240 et seq. An appeal would follow the procedures outlined in this Chapter.</p>

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<p>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.</p>	<p>See Chapter 99.</p>
<p>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:</p>	
<p>1. The Building Official may require the owner or other party responsible for the subject building to take appropriate actions, other than demolition, to</p>	
<p>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:</p>	

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<p>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.</p>	
<p>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.</p>	
<p>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.</p>	
<p><b>26.090 SUBMITTAL REQUIREMENTS</b></p>	<p><b>Section 25.080 APPLICATION REQUIREMENTS</b></p>
<p>A. Standard requirements. All applications for alteration, relocation, development, or demolition made pursuant to this section shall include:</p>	<p>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.)</p>
<p>1. A list of exterior materials pertinent to the application request.</p>	<p>(Would be part of the elevation details or the narrative.)</p>
<p>2. Drawings:</p>	
<p>a. Side elevation for each side of any affected structure.</p>	<p>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;</p>
<p>b. Drawings shall indicate dimensions and be to scale.</p>	<p>Not explicitly stated.</p>
<p>c. Photographs may be used in lieu of drawings for small projects.</p>	<p>25.080(E) Historic photos and/or drawings of the existing structure, if available; and (may not be used in lieu)</p>

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<p>3. Plot plans shall be required when new structures, fences, relocations, or additions exceeding 50 square feet are proposed.</p>	<p>See 25.080(B) above.</p>
<p>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.</p>	<p>25.080(A) Written narrative explaining the proposal and how it meets the approval criteria;</p>
<p>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.</p>	<p>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.</p>