



CITY OF West Linn

Memorandum

Date: January 12, 2018

To: Historic Review Board

From: Jennifer Arnold, Associate Planner

Subject: DR-17-09 Continued Hearing materials

At the December 19, 2017 continued hearing for DR-17-09 the Historic Review Board (HRB) requested Staff present some information to clarify questions raised during the second hearing for this matter. The first request was for the full design review decisions of the three decisions the Applicant referenced during testimony. Attached, you will find the full staff reports for DR-05-28, DR-09-09, and DR-10-04. These decisions were all for the same property in the historic district. The second request was for the ordinance that changed CDC Chapter 25 requirements regarding home width standards. ORD 1614 was an entire repeal and replacement of CDC Chapter 25 and 26, and attached to this document.

The third request was for a Staff verification of home widths within the district, given the discrepancies submitted by the Applicant and during public testimony. The burden of proof is on the applicant to provide information supporting their application. For this reason, Staff was directed not to measure the homes within the district. The Applicant provided additional information to address this request. The Applicant's supplemental submittal has been attached to this document.

**City of West Linn
PLANNING & BUILDING DEPT.
LAND USE ACTION**

TO: West Linn/Clackamas County Historic Review Board

FROM: West Linn Planning Staff (Peter Spir, Associate Planner)

DATE: January 9, 2006

FILE NO.: DR-05-28

SUBJECT: Proposed removal of existing carport and construction of a new garage with walk-up storage in the Willamette Historic District.

Planning Director _____

SPECIFIC DATA

**APPLICANT/
OWNER:** Todd Swanson, 1892 Fourth Avenue, West Linn

LOCATION: 1892 Fourth Avenue

**LEGAL
DESCRIPTION:** Assessor's Map 3 1E 2BD, Tax Lot 700

ZONING: R-5 (Willamette Historic District)

**APPROVAL
CRITERIA:** CDC Section 25.070

**PUBLIC
NOTICE:** This is a Type C land use application. All property owners within 100 feet were notified on October 4, 2004. The applicant received notice on the same date, as did the Willamette Neighborhood Association.

BACKGROUND

The applicant is proposing to remove a carport that is attached to east side of an old shop and storage building. In its place the applicant will build a garage with a workshop above. The single-story old shop and storage building will be retained. The west half of the old shop would be converted into a guest room. A notable feature of the guest room would be the addition of French windows opening towards the house (south). There would be no apertures or windows facing the alley from the guest room. Attached on the west side of the guest room, the applicant

proposes to add a bathroom. All construction would match existing accessory structure design. Architectural review under CDC Chapter 25 is required.

MAJOR ISSUES

None.

PUBLIC COMMENTS

Since public notice was initiated, staff has received no comments from the public.

RECOMMENDATION

Based upon the staff's findings attached, and the applicant's findings, hereby adopted as Exhibit A, staff recommends that the Historic Review Board approve the proposed house and garage as proposed and shown in Exhibit A with the following conditions of approval.

PROPOSED CONDITIONS OF APPROVAL:

1. Light fixtures on the garage and associated accessory structures shall not create off-site glare.
2. The accessory buildings shall be painted an approved color and the window trim shall be painted a contrasting color.
3. The windows shall have a 2:1 height to width ratio with fewer lights than currently proposed.

APPROVAL CRITERIA AND STAFF FINDINGS

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.*

FINDING NO. 1

Staff finds that the purpose statements of the Historic District chapter apply primarily to the construction or remodeling of a primary structure or house. This application applies only to accessory structures at the rear of the lot. Per code, accessory structures are excused from these

standards when they are not visible from adjacent streets and avenues. But since these improvements can be seen from 12th Street, review is required; however, the level of scrutiny or attention to detail is typically not as high. Having said that, staff finds that the garage addition/remodel design correctly follows the design standards of CDC Chapter 25. Staff also finds that it meets the purpose statement of CDC 25.010(F) by selecting a design that is complimentary to other structures and homes in the district. Agreement with the Comprehensive Plan is achieved in that Goal 5 Recommended Action Measure states the City should “incorporate into new construction architectural design elements that are historically compatible with existing buildings in the district.”

25.070 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 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.***
- 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 3 feet to center a new structure between existing buildings, provided no space between buildings is reduced below 8 feet.***
- 3. Rear yard: *The rear yard setback shall be a minimum of 20 feet, except for accessory structures, which may be sited to within 3 feet of the side or rear property lines.***
- 4. *New construction on corner lots must face the avenue.***

FINDING NO. 2

The requirement for this zone is that there should be a minimum side street setback of 10 feet. The applicant shows a 12.5-foot setback. The rear setback must be three feet, which is met by the applicant’s three-foot setback to the alley. The interior sideyard setback requirement of three feet is exceeded at roughly 32- feet. Therefore, staff finds the criteria are met.

C. PARKING. *Parking in the Willamette Town traditionally was handled from the alleys or along the “streets” (as opposed to avenues). Detached garages long the alleys or “streets” characterizes many homes in the district. 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 percent 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 firewalls, 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 home 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 26.060(B) shall apply to any non-conforming uses of a structure (i.e., bed and breakfast), as well as any application for Class II home occupations. These provisions would not apply to General Commercial zone uses in the Historic District.*

FINDING NO. 3

The two-story garage will be 18.5 feet high to the ridgeline and 15.5 feet as measured to the mid-point of the roof. That is well below the height of the house. The slope of the garage roof will be a modest 6:12 so as to defer to the house roof pitch. Therefore, the criteria are met. The garage will use horizontal siding and have composite shingles similar to the house. The windows proportions will be similarly complimentary to the house. Access to the garage will be directly off the alley at the rear of the lot. The garage will be setback 3 feet from the alley.

There will be no parking on the property except as accessed off the alley. Therefore, this criterion has been met.

D. BUILDING HEIGHT. Buildings in Willamette Town vary in height, most evident are 1-1/2 story Victorians and Bungalows. Some buildings reach 2-1/2 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.**
- 2. No building shall exceed 2-1/2 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.**
- 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" structures shall be preserved.**

FINDING NO. 4

The 15.5-foot garage does not exceed the height of the house so the criterion is met.

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 be designed with consideration of scale and aesthetic character of the main facade.**
- 3. Buildings should avoid a horizontal orientation in their roof and window designs unless the design can be shown to respond 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).**

FINDING NO. 5

The proposed accessory structures span about 56 feet. That exceeds the 35-foot maximum width allowed. However, that standard applies to structures on 50-foot wide lots whereas this lot is 100 feet wide. It stands to reason that the standard should be doubled to allow 70-foot wide structure. Thus the criterion is met. The sidewall facing 12th Street possesses the small scale and form that is deferential to other period homes in the district. The building maintains the same vertical orientation of windows and other elements as other homes in the district. Staff finds that the criteria are met.

- 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.***

FINDING NO. 6

The garage, workshop and guest room will have exterior lighting. This requirement is intended to stop off-site glare, especially towards adjacent homes. The location and style of the light fixtures can be conditioned and approved by staff.

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.***

FINDING NO. 7

Staff finds that this issue was satisfactorily addressed in Finding #5. The scale and proportion of the additions and garage are compatible with nearby homes. Therefore, the criteria are met.

- H. WINDOWS. *Window sizes vary considerably in the district. Windows on the primary and secondary structures are wood sash, usually a double hung type. Victorian styled structures typically have narrower, vertically oriented windows. Bungalow styled structures from the "Craftsman" era (1905-1930) may have wider windows with mullions across the top of larger paned areas. Most windows have fairly wide trim boards, usually five inches.***

Standards:

- 1. *Wood sash windows are preferred.***

2. *“Mill aluminum” (shiny) windows are prohibited. Matte finish anodized/coated aluminum windows are permitted so long as they 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.*
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. 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.*

FINDING NO. 8

Staff finds that the applicant is proposing vertical 12-inch board to match the house. On the subject of exterior colors, the applicant states that the color will also match the house. The doors and entryways are basic and functional. The French window access to the guest room will be attractive. Although the windows emphasize the vertical over the horizontal, it may be too subtle. The windows are also broken into 12 lights. The Historic Review Board may require a different dimension or fewer lights. By condition, staff finds that the criterion can be met.

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 composite shingles. Cedar shakes were not used in period construction. Milled cedar shingles were used and are permitted.***

FINDING NO. 11

The roof slope of the garage will be 6:12 slope. This agrees with the recommendation that garages should have more gradual slopes than the house roof pitch. Roofing material is expected to be composite shingles. Therefore, staff finds that the criterion is met.

**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.*

FINDING NO. 12

Staff finds that this criterion has been met.

LIST OF EXHIBITS

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CITY OF
West Linn
 PLANNING AND DEVELOPMENT

STAFF REPORT

CLACKAMAS COUNTY HISTORIC REVIEW BOARD

DATE: November 12, 2009

FILE NO.: DR-09-09 (Planning Directors Decision)

SUBJECT: Addition and Restoration to rear of a house at 1892 4th Ave in the Willamette Historic District

PLANNER: Tom Soppe, Associate Planner

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TO: West Linn/Clackamas County Historic Review Board
FROM: West Linn Planning Staff (Tom Soppe, Associate Planner)
DATE: November 12, 2009 (hearing date)
FILE NO.: DR-09-09
SUBJECT: Addition and restorations/remodels to rear of a house at 1892 4th Ave. in the Willamette Historic District

Planning Director _____

SPECIFIC DATA

**APPLICANT/
OWNER:** Todd & Ann Swenson, 1892 4th Avenue, West Linn, OR 97068

LOCATION: Same

**LEGAL
DESCRIPTION:** Assessor's Map 3 1E 2BD, Tax Lot 700

ZONING: R-5 (Willamette Historic District)

**APPROVAL
CRITERIA:** CDC Sections 25.060-080

**PUBLIC
NOTICE:** This is a Type B land use application. All property owners within 100 feet, the Willamette Neighborhood Association and the applicant were mailed their notices on October 28, 2009.

EXECUTIVE SUMMARY

This is a primary structure in the Willamette Historic District, now also known as the Willamette Falls National Historic District. It is located on the northwest corner of 4th Avenue and 12th Street. The house faces 4th, and a large garage/accessory structure

separates the house from the alley north of 4th. The work proposed will affect areas of the house that are visible from all three surrounding right of ways.

The applicant proposes restoration and addition work in the rear sections of the house. On the west side of the rear (north) wing of the house, part of a patio and all of the roof and posts above the patio will be removed to make way for a two-story addition to the living area of the house. A new porch with a roof and posts is proposed for this area (see Exhibit D).

On the east side of the rear wing of the house, an enclosed porch will become unenclosed. Above this, the east wall of the first floor will be extended upward by a few feet. This extension, along with the replacement of the existing second floor dormer with a larger dormer, will expand the living area on the second floor.

The applicant has labeled the elevations (see Exhibit D) by what direction the viewer is facing, thus the south view per the elevation shows the north side of the house, etc. The following are photos of the house which can be compared to the submitted elevations:



Front façade, will not change.



West-facing view of east side of house, area on right will undergo the opening of the enclosed porch, replacement of the dormer with a larger dormer, and expansion of the second story's livable area by raising the east wall of the main body of the house.



East-facing view of west side of house, facing the north/rear wing where changes will take place. The patio will be replaced with an addition and porch.



Two different shots facing different parts of the north side; panoramic pictures of the north elevation were hard to achieve due to the close proximity of the garage. The left end of the lower picture shows the façade of the north side; the remainder of the picture is another shot of the west side of the house.

PUBLIC COMMENTS

Since public notice was initiated, staff has received no comments from the public.

RECOMMENDATION

Based upon the staff's findings attached, and the applicant's findings, hereby adopted as Exhibit A, staff recommends that the Historic Review Board approve the proposed

addition and remodel as proposed and shown in the applicant's submittal. Recommended conditions of approval are as follows:

1. All new and relocated exterior lighting, shall be shielded to avoid off-site glare.
2. All new windows shall have wood trim that is a minimum of 4-1/2 inches wide.

APPROVAL CRITERIA AND STAFF FINDINGS

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.*
- (3-5 apply to commercial 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.*

FINDING NO. 1

The changes appear compatible with 25.010 Purpose in that the changes are in character with the historic style of the structure. The proposal is compliant with the policies of the comprehensive plan and LCDC Goal 5. The exterior designs proposed for the remodel and additions are compatible with the historic style of the subject structure. The dormer will be enlarged but is still of a scale that is compatible with this style. The east wall will be brought upwards to enlarge the second floor, but will not create a second floor in this area as it will merely make the half story here more usable. The addition in the west area of the second floor rear will be compatible with the size of the second floor in the rest of the house. The porch proposed on the west side is also compatible. The proposal to open the currently enclosed porch on the east side is compatible with the historic style in that

this restores the porch to its original form. The applicant will match all existing materials and colors.

25.070 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 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.*
- 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 3 feet to center a new structure between existing buildings, provided no space between buildings is reduced below 8 feet.*
- 3. Rear yard: The rear yard setback shall be a minimum of 20 feet, except for accessory structures, which may be sited to within 3 feet of the side or rear property lines.*

FINDING NO. 2

The changes proposed to the structure will not affect setback compliance.

D. BUILDING HEIGHT. Buildings in Willamette Town vary in height, most evident are 1-1/2 story Victorians and Bungalows. Some buildings reach 2-1/2 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.*
- 2. No building shall exceed 2-1/2 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.*
- 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" structures shall be preserved.*

FINDING NO. 3

This is a primary structure. The areas to be remodeled and the new additions will not be as tall as the tallest existing areas of the house. The elevations show that current roof pitches will be maintained and/or copied depending on the section of the house. The criteria are met.

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 be designed with consideration of scale and aesthetic character of the main facade.*
3. *Buildings should avoid a horizontal orientation in their roof and window designs unless the design can be shown to respond 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).*

FINDING NO. 4

After the additions the building will be 34 feet in width. The new windows proposed for the new east dormer will be very vertical and will replace a much less vertical-oriented window on the existing east dormer. Other new windows will be more vertical than horizontal in their character. The new and restored areas of the east wall also are compliant with Subsection (2) above.

- 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.*

FINDING NO. 5

Any new outdoor lighting should be conditioned so that no off site glare is produced. See Condition of Approval 1.

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.*

FINDING NO. 6

The additions are appropriate to the existing structure. New addition and remodeled areas will employ matching building materials, roofing, and colors to the existing house. The application improves the east dormer windows to be more compatible with the historic style. Therefore, the criteria are met.

H. WINDOWS. *Window sizes vary considerably in the district. Windows on the primary and secondary structures are wood sash, usually a double hung type. Victorian styled structures typically have narrower, vertically oriented windows. Bungalow styled structures from the "Craftsman" era (1905-1930) may have wider windows with mullions across the top of larger paned areas. Most windows have fairly wide trim boards, usually five inches.*

Standards:

1. *Wood sash windows are preferred.*
2. *"Mill aluminum" (shiny) windows are prohibited. Matte finish anodized/coated aluminum windows are permitted so long as they 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.*
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. 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.*

FINDING NO. 7

The windows will be wood double hung. Materials will match materials on the existing house. Condition of Approval 2 requires the windows to have 4-1/2 inch wood 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.*

FINDING NO. 8

The front façade will not be affected, but an enclosed porch will be unenclosed on the east side of the rear/north wing, and a porch area will replace the patio on the west side. The entry on this porch will be protected by the porch roof. Doors with windows, rather than windowless flat doors, appear on the elevations. The criteria are met.

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.*

FINDING NO. 9

The applicant plans for the new exterior changes to match the colors and materials of the existing sections of the house, so the criteria are met.

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 composite shingles. Cedar shakes were not used in period construction. Milled cedar shingles were used and are permitted.*

FINDING NO. 10

The roof area will be 12/12. They are compatible with the existing house. The materials will match those of the existing house. The criteria are met.

**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.

FINDING NO. 11

Staff finds that this remodeling and addition application restores some original features of the house (unenclosed porch), makes some features of the house more compatible with the historic style (i.e. windows on the east dormer), and makes other changes in ways that are compatible with the historic style. Therefore the criterion is met.

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CITY OF West Linn

PLANNING AND DEVELOPMENT

STAFF REPORT

CLACKAMAS COUNTY HISTORIC REVIEW BOARD

DATE: April 8, 2010 (hearing date)

FILE NO.: MISC 10-04

SUBJECT: Modification of approval for an addition and remodel to the rear of the residence at 1892 4th Ave in the Willamette Historic District

PLANNER: Sara Javoronok, Associate Planner

Planning Director _____

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SPECIFIC DATA

APPLICANT/

OWNER: Todd & Ann Swenson, 1892 4th Avenue, West Linn, OR 97068

LOCATION: Same

LEGAL

DESCRIPTION: Assessor's Map 3 1E 2BD, Tax Lot 700

ZONING: R-5/Willamette Historic District

APPROVAL

CRITERIA: CDC Sections 25.060-080, 25.120

PUBLIC

NOTICE: This is a Type B land use application. All property owners within 100 feet of the subject property, the Willamette Neighborhood Association and the applicant were mailed notices on March 23, 2010.

EXECUTIVE SUMMARY

The Board originally approved an addition and remodel to the rear of the residence at 1892 4th Avenue on November 12, 2009. A copy of the report and plans are attached. The original proposal included opening an enclosed porch, replacing an existing dormer with a larger dormer, raising a wall, and replacing a covered patio with a smaller porch.

Following this approval, the applicants moved forward with their plans and learned that building code regulations, specifically the egress regulations for fire and life safety, required a modification to the approved gable and windows. The proposed changes are potentially significant to the existing structure and are therefore before the Board for a modification of the approval. The changes would be located on the rear of the residence, a secondary façade.

This residence is located on the northwest corner of 4th Avenue and 12th Street, and faces 4th Avenue. A large garage/accessory structure is located in the rear yard. The residence is a primary structure in the local Willamette Historic District. It is also an eligible contributing residence in the National Register listed Willamette Falls Neighborhood Historic District.

It is a Stick style residence with influences of the Queen Anne style. Stick style elements include a steeply pitched roof with gables, decorative bargeboard, decorative trusses in the gables, and the horizontal and vertical boards raised from the façade, similar to half-timbering. Queen Anne elements include the turned porch posts and quarter round sunburst brackets on the cut-away bay window. The property has predominantly shiplap siding, with sections of vertical siding, and predominantly 1/1 double hung windows. It was included in the attached 2008 and 2006 surveys of the Willamette area for the National Register Nomination and in the 1984 Clackamas County Cultural Resource Inventory.



Front (southeast) façade



Side (northeast) façade



Rear (northwest) façade



Side (southwest) façade



Rear yard view of existing accessory structure



Alley view of existing accessory structure

PUBLIC COMMENTS

Staff has received no comments from the public to date.

RECOMMENDATION

Based upon staff's findings and the applicant's findings (Exhibit E), hereby incorporated, staff recommends that the Historic Review Board deny the proposed modifications unless the proposal is modified to conform to the following conditions of approval, the first two of which are from the original approval:

1. All new and relocated exterior lighting shall be shielded to avoid off-site glare.
2. All new windows shall have wood trim that is a minimum of 4-1/2 inches wide.
3. The proposal shall be modified in compliance, to the greatest extent possible, with criteria 25.070 G., 25.070 H. and 25.080 G., and the building code and fire and life safety regulations for egress windows, or the applicant demonstrates why that is not possible.
4. The final plans are subject to city review and approval in compliance with this decision.

APPROVAL CRITERIA AND STAFF FINDINGS

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.*

FINDING NO. 1

The addition and remodel originally proposed were generally compatible with criteria for exterior alteration and new construction. The proposed changes, which are required due to building code and the fire and life safety regulations for egress windows, are not as compatible. The changes are to the rear of the residence, a secondary façade. Two casement windows are

proposed for the rear elevation. This is due to the egress requirements of a minimum net clear opening height of 24 inches and a net clear opening width of 20 inches for a minimum net clear opening of 5 square feet. The applicants have stated that they will look like double hung windows with simulated or actual divided lights.

These requirements also necessitated the change in the roofline, creating an additional gable. The addition of the second gable, directly adjacent to the first, is not as compatible with the existing structure as the original proposal. It would not have been common for a Queen Anne or Stick style residence to have adjacent gables of the same height and pitch.

The criterion is not met due to changes necessary to meet building code regulations.

25.070 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 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.*
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 3 feet to center a new structure between existing buildings, provided no space between buildings is reduced below 8 feet.*
3. *Rear yard: The rear yard setback shall be a minimum of 20 feet, except for accessory structures, which may be sited to within 3 feet of the side or rear property lines.*

FINDING NO. 2

The changes proposed to the addition and remodel will not affect setback compliance. The criterion is met.

D. *BUILDING HEIGHT. Buildings in Willamette Town vary in height, most evident are 1-1/2 story Victorians and Bungalows. Some buildings reach 2-1/2 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.*
2. *No building shall exceed 2-1/2 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.*

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" structures shall be preserved.*

FINDING NO. 3

The changes proposed will not exceed the existing building height or alter the roof pitch. The criterion is met.

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 be designed with consideration of scale and aesthetic character of the main facade.*
3. *Buildings should avoid a horizontal orientation in their roof and window designs unless the design can be shown to respond 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).*

FINDING NO. 4

The changes to the addition and the remodel are compatible with the requirements for the building shapes and sizes. The criterion is met.

- 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.***

FINDING NO. 5

The changes to the addition and remodel will not have any signs or lighting. The criterion is met.

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.*

FINDING NO. 6

The proposed changes to the addition and its roofline are not as visually compatible with the traditional architecture character as the original proposal. However, the changes are required due to building code and fire and life safety regulations. The criterion is not met due to changes necessary to meet building code and fire and life safety regulations.

H. WINDOWS. *Window sizes vary considerably in the district. Windows on the primary and secondary structures are wood sash, usually a double hung type. Victorian styled structures typically have narrower, vertically oriented windows. Bungalow styled structures from the "Craftsman" era (1905-1930) may have wider windows with mullions across the top of larger paned areas. Most windows have fairly wide trim boards, usually five inches.*

Standards:

- 1. *Wood sash windows are preferred.***
- 2. *"Mill aluminum" (shiny) windows are prohibited. Matte finish anodized/coated aluminum windows are permitted so long as they 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.***
- 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. 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.***

FINDING NO. 7

The original approval was for all double hung wood windows. The requested changes, which are necessary in order to meet the building code and the fire and life safety regulations, necessitate the use of casement windows. These windows will be located on the rear of the residence, but the residence is located on a corner lot, and the rear façade is visible from the public right-of-way. Because the rear façade is visible from the right-of-way, CDC Section 25.070 H. 5 does not provide relief from the design standards. CDC Section 25.070 H. 4 does apply and requires that window replacements shall match the visual qualities of original windows as closely as possible. Although the windows will have the appearance of double hung windows using simulated or actual divided lights, the criterion is not met due to changes necessary to meet the building code and the fire and life safety regulations.

- 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.*

FINDING NO. 8

The proposed changes will not affect the entryway. The criterion is met.

- 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.*

FINDING NO. 9

The proposed changes will not affect the siding or exterior finishes. The criterion is met.

- 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 composite shingles. Cedar shakes were not used in period construction. Milled cedar shingles were used and are permitted.*

FINDING NO. 10

The roof of the proposed gable will have a pitch of 12/12. The criterion is met.

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.*

FINDING NO. 11

The proposed changes meet criteria A-F and H. For criterion G, the addition of the gable and casement windows is on the rear, secondary, façade, and only limited parts of it are visible from the public right-of-way. However, the additional gable and use of casement windows is not compatible with the original design or windows. These changes are necessary due to meet the building code and the fire and life safety regulations. The criterion is not met due to building code regulations.

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.***

FINDING NO. 12

The proposed changes do not meet criteria 25.070 G., 25.070 H., or 25.080G. The design standards in 25.070 and 25.080 are in conflict with the building code and the fire and life safety regulations, which supersede the design standards and cannot be waived.

ORDINANCE NO. 1614

**AN ORDINANCE RELATING TO THE DESIGNATION AND PROTECTION OF HISTORIC RESOURCES,
AMENDING THE ZONING MAP AND NUMEROUS COMMUNITY DEVELOPMENT CODE
SECTIONS, AND REPEALING AND REPLACING CHAPTERS 25 AND 26**

Annotated to show deletions and additions to the code sections being modified. Deletions are ~~bold lined through~~ and additions are **bold underlined**.

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

WHEREAS, the above referenced grant of power has been broadly interpreted as affording all legislative powers that home rule constitutional provisions can grant to Oregon Cities, City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop, 20 Or. App. 293, 531 P 2d 730, 734 (1975); and

WHEREAS, the City of West Linn is a Certified Local Government and must meet federal requirements to maintain this status, including having a qualified review body, and enforcing local legislation for the designation and protection of historic resources; and

WHEREAS, the City of West Linn has developed proposed amendments to the zoning map and Community Development Code (CDC) regarding the designation and protection of historic resources in the City; and

WHEREAS, the City of West Linn notified the Department of Land Conservation and Development more than 35 days prior to the first evidentiary hearing on the proposed amendments to the zoning map and CDC; and

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

WHEREAS, the City of West Linn published notice of the Planning Commission public hearing regarding the proposed amendments on April 17, 2013, respectively; and

WHEREAS, the West Linn Planning Commission held public hearings regarding the proposed amendments to the zoning map and CDC on April 17, 2013, and May 1, 2013; and

WHEREAS, after considering the public testimony regarding the proposed zoning map and CDC amendments, the West Linn Planning Commission recommendation adoption of the proposed zoning map and CDC amendments; and

WHEREAS, the City of West Linn published notice of the City Council public hearing for the proposed zoning map and CDC amendments on July 4, 2013; and

WHEREAS, on July 15, 2013, the City Council conducted a public hearing regarding the proposed zoning map and CDC amendments; and

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

WHEREAS, the proposed zoning map and CDC amendments are compliant with the goals and policies of the Comprehensive Plan; and

WHEREAS, the proposed zoning map and CDC amendments are compliant with the Statewide Planning Goals; and

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

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

SECTION 1: Section 02.030 of the City of West Linn Community Development Code is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2: Subsection 11.070(5) of the City of West Linn Community Development Code is amended to read as follows:

5. Except as specified in CDC Section 25.070(C)(1-4) for the Willamette Historic District, ~~the~~ the minimum yard dimensions or minimum building setback area from the lot line shall be:
 - a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply; ~~and as specified in CDC 26.040(D) for the Willamette Historic District.~~
 - b. For an interior side yard, seven and one-half feet; ~~except as specified in CDC 26.040(D) for the Willamette Historic District.~~
 - c. For a side yard abutting a street, 15 feet.
 - d. For a rear yard, 20 feet.

SECTION 3: Section 13.030 of the City of West Linn Community Development Code is amended to read as follows:

The following uses are permitted outright in this zoning district:

1. Single-family detached residential unit.
2. Single-family attached residential unit, ~~except within the Historic District as provided under Chapter 26 CDC.~~
3. Duplex residential unit.
4. Community recreation.
5. Family day care.
6. Residential home.
7. Utilities, minor.
8. Transportation facilities (Type I).

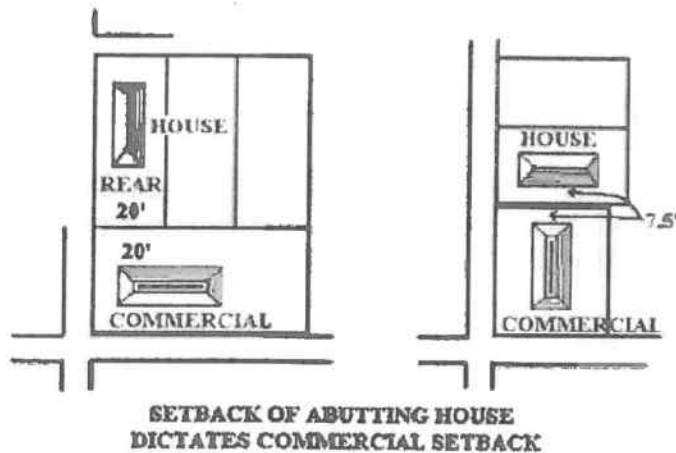
SECTION 4: Subsection 13.070(E) of the City of West Linn Community Development Code is amended to read as follows:

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

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

SECTION 5: Subsections 19.070(A)(4) through (5) of the City of West Linn Community Development Code are amended to read as follows:

4. Where the use abuts a residential district, except as provided in CDC 58.090(C)(1), the setback distance of the residential zone shall apply. For example, when the rear of a residential property abuts the side of a commercial property, the residential 20-foot setback shall apply to the commercial property. When the side of a residential property abuts the rear of a commercial property, the residential five- to seven-and-one-half-foot setback shall apply to the commercial property. In addition, a buffer of up to 50 feet may be required.



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

SECTION 6: Chapter 25 of the City of West Linn Community Development Code is repealed in its entirety and replaced as follows:

Section 25.010 PURPOSES

The purposes of this chapter are to:

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

- I. Provide a process to enable thoughtful consideration of the proposed demolition of historic structures.

Section 25.020 USE OF THIS CHAPTER

A. APPLICABILITY

This chapter shall apply to all properties designated as historic resources as shown on the City's zoning map and properties listed on the National Register. Specific sections apply as noted in subsections 25.020(B) and (C) below.

B. HIERARCHY OF REGULATION

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

1. Exemptions. The items listed in CDC 25.040(A), EXEMPT FROM HISTORIC DESIGN REVIEW, are exempt from historic review provided that they comply with any applicable requirements in CDC 25.040(A).
2. Design Standards. CDC 25.060, DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES, applies to historic reviews for designated properties, except for CDC 25.060(B), STANDARDS FOR ACCESSORY STRUCTURES, which applies only to accessory structures on sites containing historic resources.
3. Additional Design Standards. CDC 25.070, ADDITIONAL DESIGN STANDARDS APPLICABLE TO HISTORIC DISTRICTS, provides additional standards that are applicable to historic design review for historic district properties.
 - a. CDC 25.070(A), STANDARDS FOR ALTERATIONS AND ADDITIONS, applies only to historic design review in a historic district.
 - b. CDC 25.070(B), STANDARDS FOR NEW CONSTRUCTION, applies only to new development or construction in a historic district beyond alterations and additions, and including accessory structures.
 - c. CDC 25.070(C), WILLAMETTE HISTORIC DISTRICT GENERAL STANDARDS, applies only to alterations and additions, new construction, and accessory structure construction in the Willamette Historic District.

C. APPLICABILITY OF HISTORIC DESIGN STANDARDS

Development subject to this chapter must comply with applicable historic design review standards unless otherwise approved through the modifications process under Section 25.080. The "X" in the following chart indicates which standards are applicable to different types of development.

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

Section 25.030 PERMITTED USES

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

Section 25.040 HISTORIC DESIGN REVIEW PROCESSES

Proposed changes to historic resources that are not exempted by CDC 25.040(A), Exemptions from Historic Design Review, are subject to CDC 25.040(B), Class I Historic Design Review; or CDC 25.040(C) Class II Historic Design Review. Class I Historic Design Review addresses significant changes that warrant staff review. Class II Historic Design Review addresses major changes including additions and new construction, subject to Historic Review Board approval. The processes for conducting Class I and Class II Historic Design Review are in CDC Chapter 99.

A. EXEMPTIONS FROM HISTORIC DESIGN REVIEW

The following are exempt from historic design review:

- 1. Ordinary Maintenance. Ordinary maintenance or repair including a change of facade colors, unless the color is specifically listed in the historic resource inventory, historic resource nomination, or National Register nomination as an attribute that contributes to the resource's historic significance.**
- 2. Gutters and Downspouts. Replacement or addition of gutters and downspouts that are rectangular, ogee, or K-shaped and composed of wood or metal material, or styles and materials that match those that were typically used on**

- similar style buildings of the era, or the era the building style references.
3. Foundation. Repair of a foundation with the same material or construction of a foundation in the same location that does not result in raising or lowering the building elevation.
 4. Building Material. Replacement of building material, when required due to deterioration of material, with building material that matches the original material.
 5. Roof Material. Repair or replacement of roof material with material comparable to the existing roof, or replacement of the roof in its entirety with cedar shingles, three tab asphalt shingles, or architectural composition shingles.
 6. Window Sashes. Replacement of window sashes with new sashes consistent with the original appearance. Elements of consistency include: material, profile and proportions of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins.
 7. Storm Windows. Storm windows made of painted wood, baked enamel, anodized aluminum, or other materials with forms that complement or match the color, detail, and proportions of the building.
 8. Egress Windows. Addition of egress windows on secondary facades with wood windows or windows that are consistent with Subsection (A)(6) above.
 9. Landscaping. Landscaping changes unless the landscaping is identified in the historic resource inventory, historic resource nomination, or National Register nomination, as an attribute that contributes to the resource's historic value.
 10. Fences. Construction of fences that meet the following requirements in addition to the requirements of CDC Chapter 44:
 - a. Traditional Fences. Any fence along a front lot line or along the portion of a side lot line between the street and the primary structure (see figures 1 and 2) which:
 - 1) Consists of pickets, each of which are between one and three inches wide and spaced equally;
 - 2) Does not have solid portions exceeding 50 percent; and
 - 3) Is no greater than 36" in height.
 - b. General Fences. Any fence that is not located along a front lot line or along the portion of a side lot line between the street and the primary structure that is:
 - 1) Constructed of wood fence boards, rails, posts, and associated hardware only; and
 - 2) No greater than 72" in height.

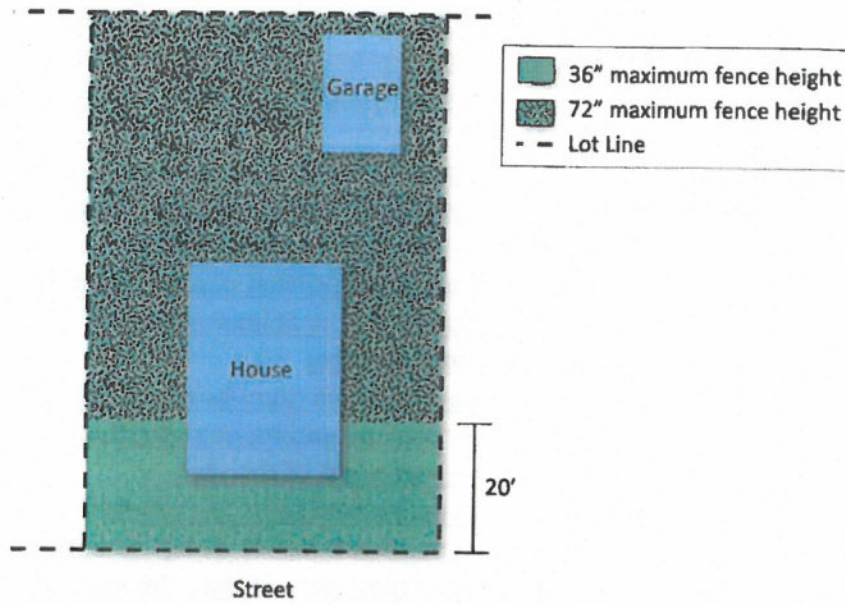


Figure 1: Example of Exempt Interior Lot Fence Locations

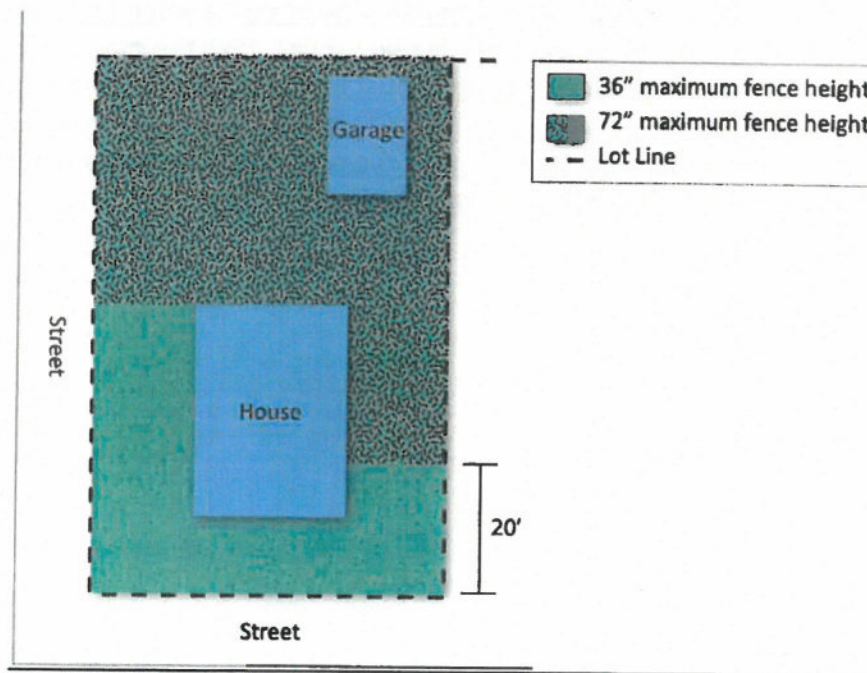


Figure 2: Example of Exempt Corner Lot Fence Locations

11. Retaining Walls. Construction of retaining walls that meet the following requirements:

- a. No greater than three feet high; and**
- b. Project above upper grade no more than 12".**

- 12. Swimming Pools. Construction of in-ground swimming pools in rear yards.**
- 13. Mechanical Equipment. Replacement or installation of mechanical equipment, if 100% screened by a permitted building, fence, or landscaping that precludes visibility from any street.**
- 14. Solar Energy Systems. Replacement or installation of solar energy systems that are not part of a project that includes other elements subject to historic design review, provided the following requirements are met:**
- a. On a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface:**
 - 1) 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.**
 - 2) 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 four feet for each foot of solar energy system height.**
 - b. On a pitched roof, solar energy systems may be located on a section of pitched roof facing a rear lot line or on a section of pitched roof facing within 45 degrees of the rear lot line. (See the example on the right side of Figure 3). The system must be mounted flush, with the plane of the system parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back three feet from the roof edge and ridgeline.**

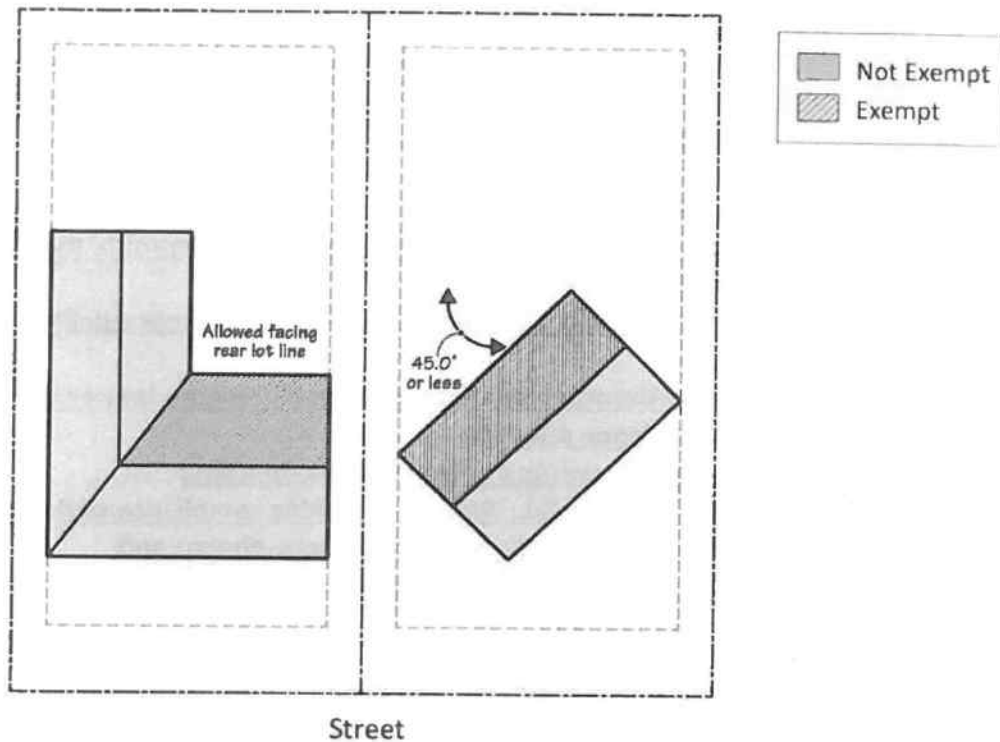


Figure 3: Exempt Solar Energy System Locations

15. Skylights. Replacement or installation of skylights that are not part of a project that includes other elements subject to historic design review, provided the following requirements are met:

a. For skylights that are on a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface, the skylight must be screened from view from all streets by:

- 1)** An existing parapet along the street-facing façade that is as tall as the tallest part of the skylight, or
- 2)** Setting the skylight back from the roof edges facing the street four feet for each foot of skylight height.

b. For skylights that are on a pitched roof, the skylight must be flat and must face a side or rear lot line or be located on a section of a pitched roof that faces within 45 degrees of a rear lot line. (See the right side of Figure 3).

16. Utilities, Street Infrastructure, and Street Furniture. Replacement or installation of utilities, street infrastructure, or street furniture except for streetlights, utility boxes, benches, receptacles, and the installation of curbs where there are none. Replacement and new sidewalks shall not exceed four feet in width except as required to comply with the Americans with Disabilities Act and shall be compatible in location, pattern, spacing, dimensions, and

materials with existing sidewalks.

17. Accessory Structures. Construction of accessory structures under 120 square feet and 10 feet in height (greenhouses, storage sheds, jacuzzis, spas, structures, gazebos, etc.) in a side or rear yard.

B. CLASS I HISTORIC DESIGN REVIEW

The following are subject to Class I Historic Design Review to determine their compliance with the applicable approval standards:

1. Non-exempt. Items listed in CDC 25.040(A)(1-17) that do not qualify for an exemption;
2. Facade Alteration. Alteration of a facade when 100 square feet or less of the structure's facade is being altered;
3. Ingress/egress. Revised points of ingress/egress to a site;
4. Americans with Disabilities Act. Proposals seeking compliance with the Americans with Disabilities Act, not including the public right-of-way; and
5. Art and Statuary. Construction of freestanding art and statuary over 10 feet tall.

C. CLASS II HISTORIC DESIGN REVIEW

All proposed new construction, alterations, and additions, not identified as exempt under CDC 25.040(A), or subject to Class I Historic Design Review under CDC 25.040(B), are subject to Class II Historic Design Review and must meet the applicable approval standards.

Section 25.050 APPLICATION REQUIREMENTS

A. HISTORIC DESIGN REVIEW

Applications for Historic Design Review shall include the following:

1. Narrative. Written narrative explaining the proposal and how it meets the approval criteria in sections 25.060 and 25.070, as applicable;
2. Existing Plan and Elevation Drawings. Plan and elevation drawings of the existing structure, if applicable, including materials;
3. Proposed Plan and Elevation Drawings. Plan and elevation drawings of the proposed changes, including materials;
4. Current Photographs. Photographs of the existing structure, if applicable;
5. Historic Photographs. Historic photographs and/or drawings of the existing structure, if available; and
6. Supplementary. For additions that increase the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district:
 - a. Plan and elevation drawings of adjacent properties; and
 - b. A rendering and/or photo-simulation showing the proposal in context.

B. DESIGNATION OF A HISTORIC RESOURCE

Applications for designation as an historic resource shall include the following:

1. Narrative. Written narrative description of the proposed historic resource and how it meets one or more of the approval criteria in Section 25.090(A);

2. Site Plan. Site plan depicting the property boundaries and all structures and features on the site;
3. Current Photographs. Current photographs of all elevations of the existing structure and any significant features;
4. Historic Photographs. Historic photographs, plans, or maps, if available;
5. Supplementary Documentation. Any other documentation demonstrating the significance of the proposed historic resource; and
6. Owner Consent. Owner consent as follows:
 - a. Historic Landmarks. The property owner must consent, in writing, to a proposed Historic Landmark designation with the exception that properties listed on the National Register shall be regulated as historic landmarks regardless of the owner's consent.
 - b. Historic Districts. A property owner may refuse to consent to historic district designation at any point during the designation process. Properties in historic districts listed on the National Register shall be regulated as historic properties regardless of the owner's consent.

C. REMOVAL OF HISTORIC RESOURCE DESIGNATION

Applications for removal of historic resource designation shall include the following:

1. Narrative. Written narrative description of the historic resource proposed for removal of designation that addresses the considerations identified in Section 25.100;
2. Site Plan. Site plan depicting the property boundaries and all structures and features on the site;
3. Current Photographs. Current photographs of all elevations of the existing structure and any significant features;
4. Historic Photographs. Historic photographs, plans, or maps, if available; and
5. Supplementary Documentation. Documentation that the property owner objected, on the record, at the time of designation, if applicable.

D. RELOCATION OF A HISTORIC RESOURCE

Applications for relocation of an historic resource shall include the following:

1. Examination of Alternatives. Documentation that all reasonable alternatives to relocation have been explored and that relocation is the preferred alternative.
2. Structure and Site Documentation. Documentation of the historic structure and site conditions prior to relocation, including detailed photography, notes, drawings, and reference measurements.
3. Moving Procedures. Clearly stated moving procedures that will be utilized to protect historic elements and document the relocation, including: plans for minimizing damage to historic materials, labeling system for dismembered elements to assure accurate reconstruction in the new location, and plans for protecting the historic resource until reconstruction is complete.

E. DEMOLITION OF A HISTORIC RESOURCE

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

Section 25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES

The following design standards apply to all changes, including alterations, additions, and new construction proposed on a designated historic resource. These standards are intended to preserve the features that made the resources eligible for historic designation. Development must comply with all applicable standards, or be approved through the modifications process specified in CDC 25.080.

A. STANDARDS FOR ALTERATIONS AND ADDITIONS

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

1. Retention of Original Construction. The original construction shall be maintained or restored to the greatest extent practicable. Stylistic features of original construction that shall be preserved include, but are not limited to: a line of columns, decorative shingles, projecting bays, other primary structural elements, spatial relationships that characterize the property, examples of skilled craftsmanship that characterize the building, and architectural details defining the structure's character and historic significance.
2. Retention of Historic Material. Removal or alteration of historic materials and features shall be avoided during the construction of new additions or exterior alterations. Whenever possible, deteriorated materials and architectural features shall be repaired rather than replaced. In the event replacement of an existing feature is necessary, new materials shall, to the extent possible, match those of the original building in terms of composition, design, color, texture, and other visual features.
3. Time Period Consistency. Buildings shall be recognizable as a physical record of their time and place. Alterations which have no historical basis or which seek to create a false sense of historical development are not allowed.
4. Significance over Time. Changes to a property that have acquired historic significance in their own right, and during the period of significance, shall be retained and preserved.
5. Differentiate Old from New. Alterations and additions shall be differentiated from the original buildings and shall be compatible with the historic materials, features, size, scale, proportion, and massing to protect the integrity of the property.
6. Reversibility. Additions and alterations shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its context would be unimpaired.
7. Building Additions. Building additions shall be subordinate to the original building, smaller in scale, and attached to the rear or set back along the side. Features of building additions, including the proportions of window and door openings, shall be consistent with those of the existing building. Dimensional and other requirements in the underlying zone, as applicable, shall apply.
8. Building Height and Roof Pitch. Existing or historic building heights and roof pitch shall be maintained.

9. Roof Materials. Replacement of a roof or installation of a new roof with materials other than cedar shingles, three tab asphalt shingles, or architectural composition shingles must be demonstrated, using photographic or other evidence, to be in character with those of the original roof, or with materials that are consistent with the original construction.
10. Existing Exterior Walls and Siding. Replacement of the finish materials of existing walls and siding with different material must be demonstrated, using photographic or other evidence, to be in character with those of the original materials, or with materials that are consistent with the original construction.
11. New Exterior Walls and Siding. Wood siding or shingles shall be used unless the applicant demonstrates that an alternative material has a texture and finish typically used on similar style buildings of the era, or the era the building style references. Vinyl or other materials that do not match those that were typically used on similar style buildings of the era, or the era the building style references, are not permitted.
12. Gutters and Downspouts. Replacement or new gutters and downspouts shall be rectangular, ogee, or K-shaped and comprised of wood or metal material, or styles and materials that match those that were typically used on similar style buildings of the era, or the era the building style references. Vinyl or other materials and styles that do not match those that were typically used on similar style buildings of the era, or the era the building style references, are not permitted.
13. New Windows. New windows shall match the appearance of the original windows as closely as possible. Wood window frames and sashes shall be used unless the applicant demonstrates that the non-wood windows are consistent with their wooden counterparts, including profile and proportion of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins. The window trim and sill shall match the original trim.
14. Storm Windows. Storm windows shall be made of painted wood, baked enamel, anodized aluminum, or another material that is consistent with the color, detail, and proportions of the building.
15. Window Replacement. Replacement of windows or window sashes shall be consistent with the original historic appearance, including the profile of the sash, sill, trim, window plane relative to the building wall plane, light pattern, glass color, profile of mullions and muntins, and color.
16. Doors. Doors shall be painted or stained wood, fiberglass clad, or metal clad, or another material that is consistent with the original historic appearance.
17. Porches. Front porches are allowed on new construction. No front porch shall be added to a structure if there was not one originally. Existing front porches shall not be enclosed or enlarged. Alterations to existing front porches and side yard porches that face a street shall:

 - a. Maintain the shape, width, and spacing of the original columns; and
 - b. Maintain the height, detail, and spacing of the original balustrade.
18. Decks. Decks shall be located in rear yard or the portion of the side yard

behind the front 50% of the primary structure.

19. Foundations. Repair or construction of a foundation that results in raising or lowering the building elevation must demonstrate that:

- a. The proposal is consistent with the original design and, if applicable, is consistent in the context of adjacent and other structures on the block, based on photographic or other evidence; or
- b. That it is necessary to satisfy a requirement of the building code and/or floodplain regulations (CDC Chapter 27).

20. Lighting. Residential lighting shall be shielded to prevent glare and compatible with the architectural character of the building. Blinking, flashing, or moving lighting is not permitted.

B. STANDARDS FOR ACCESSORY STRUCTURES

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

1. All Accessory Structures.

a. Location.

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

b. Height. Accessory structures in the Willamette Historic District are subject to CDC 25.070(C)(7). Accessory structures on historic landmark properties must meet the height requirements of the underlying zone and Chapter 34.

2. Conversions and Additions. Existing detached, unheated structures including, but not limited to, workshops and garages, may be converted into other allowable accessory uses under the following conditions:

- a. The structure is located behind the house's front building line;
- b. A structure in the front yard cannot be converted to a heated accessory structure;
- c. A story may be added to an existing non-contributing garage or similar accessory structure, provided that the final design meets the setback standards of this chapter for a two story accessory structure (see CDC 25.070(C)(1) through CDC 25.070(C)(4)) for the historic district, or the setbacks in CDC Chapter 34 for a historic landmark; and
- d. The conversion of an existing structure is not required to meet

the design standards in CDC 34.030, but it must conform to all applicable requirements of this chapter.

Section 25.070 ADDITIONAL STANDARDS APPLICABLE TO HISTORIC DISTRICTS

This section provides additional standards that are applicable to properties within a historic district.

A. STANDARDS FOR ALTERATIONS AND ADDITIONS

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

B. STANDARDS FOR NEW CONSTRUCTION

The standards in this section apply only to new construction in a historic district beyond alterations and additions, including new accessory structures. These standards shall apply in addition to any other applicable standards (see the Standards Applicability Matrix in CDC 25.020).

1. New Construction Shall Complement and Support the District. The historic district's defining characteristics include a discernible aesthetic rhythm of massing, scale, and siting. Infill buildings shall not deviate in a detracting manner from these elements, but appear as complementary members of the district, by conforming to the following:
 - a. Lot size, massing, scale, proportion, form, siting, floor area ratio, window patterns, building divisions, and height shall correspond to the contributing buildings within the district, and any specific historic district standards and the applicable requirements of the underlying zone.
 - b. Infill buildings shall relate to and strengthen the defining characteristics, including architectural style, without replicating the historic buildings. Buildings shall differentiate by use of materials, mechanical systems, construction methods, and, if applicable, signage. Architectural style shall not be the primary indicator of differentiation.

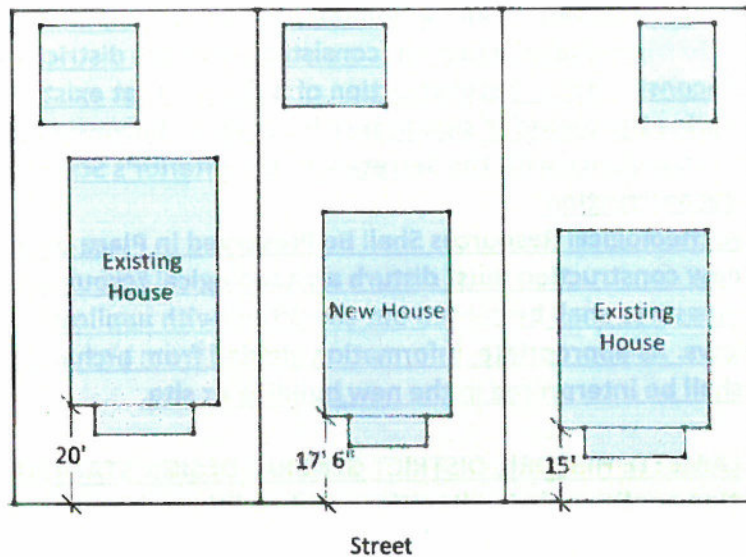


Figure 4: Front Yard Setback

2. **Side Yard Setback.** Side yard setbacks shall be five feet, except:
 - a. **Bays, porches and chimneys and other projections that are cumulatively no more than twenty percent of the overall respective building wall length may intrude 18 inches into the side yard setback; and**
 - b. **One story accessory structures may be sited within three feet of the side property line and two story accessory structures shall be a minimum of 15 feet from the side property line.**
3. **Side Street Setback.** Setbacks from side streets shall be 10 feet for both developed and undeveloped streets, except:
 - a. **Bays, porches and chimneys and other projections may intrude two feet into side street yard setback; and**
 - b. **One and two story accessory structures may be sited within five feet of the side street property line.**
4. **Rear Yard Setback.** The rear yard setback shall be a minimum of 20 feet, except for accessory structures, which may be sited to within three feet of the rear property lines.
5. **Orientation.** New home construction on corner lots shall be oriented the same direction as the majority of homes on the street with the longest block frontage.
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 structure and any other contributing structures on the original property shall not be located on separate lots.
7. **Building Height.**

- a. Residential structures are limited to 28 feet in height. Cupolas and towers shall not exceed 50 feet in height.
 - b. One story accessory structures shall not exceed a height of 15 feet. For the purposes of this chapter, any one story accessory structure over 15 feet is considered a two story structure.
 - c. Two story accessory structures shall not exceed the maximum height of 23 feet as measured per CDC Chapter 41.
 - d. Accessory structures shall not exceed the height of the primary dwelling.
8. Building Shapes and Sizes. No building shall exceed 35 feet in overall width. Front facade gables shall not exceed 28 feet in overall width.
9. Roof Pitch. Roofs shall have a pitch of at least 6:12.
10. Garage Access and Parking Areas.
- a. Garages shall be accessed from an alley, if present. No garage door may face or have access onto a street except when alley access is not available.
 - b. Parking areas.
 - 1) No residential lot shall be converted solely to parking use.
 - 2) No rear yard area shall be converted solely to parking use.
 - 3) When a lot is adjacent to an alley, all parking access shall be from the alley.

Section 25.080 MODIFICATIONS TO DESIGN STANDARDS

This section provides for deviation from site development standards in this chapter to enable flexibility and innovation consistent with the Purposes of this chapter while ensuring that the features that historic designations are intended to preserve are maintained.

A. APPLICABILITY

The provisions of CDC Chapter 75, Variance, shall not apply to the standards in this chapter.

B. ASSESSMENT OF MODIFICATION

When an applicant proposes an alternative to the standards of this chapter the approval authority shall grant a modification when:

- 1. Historical Records. The applicant demonstrates by review of historical records or photographs that the proposed alternative is consistent with and appropriate to the architecture in the historic district, or is appropriate to the applicable style of architecture;
- 2. Consistency. The resulting development of the proposal would be consistent with the intent of the standards for which the modification is requested, as determined by the approval authority;
- 3. Negative Impacts. Negative impacts to adjacent homes and/or a historic district will be minimized. These include, but are not limited to, loss of

solar access, light, or air to an adjacent structure, and scale or mass that visually overwhelm or are not deferential to an adjacent landmark or contributing structure; and

4. Exceptional Architecture. The proposal incorporates exceptional and appropriate architectural elements into the building.

Section 25.090 DESIGNATION OF A HISTORIC RESOURCE

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

A. APPROVAL CRITERIA

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

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

B. PENDING DESIGNATION - ISSUANCE OF PERMITS

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

Section 25.100 REMOVAL OF HISTORIC RESOURCE DESIGNATION

These provisions allow for the removal of the local historic designation when it is no longer appropriate. This review does not affect a property or district's listing on the National Register. Proposals to remove historic resource designation shall be approved if the approval authority finds that removal of the designation is appropriate after considering the information required under subsections (A-B) below.

A. ASSESSMENT OF DESIGNATION

The approval authority shall consider:

1. Criteria. Whether the historic resource meets the criteria for listing under Subsection 25.090(A);
2. Hardship. The importance to the public of retaining the historic resource

relative to the hardship to the owner and any potential hazard to the public if the historic resource is retained;

3. Condition. The physical condition of the historic resource and any loss of characteristics that originally caused it to be listed;
4. Historic or Architectural Significance. The historic or architectural significance of the historic resource;
5. Economic Use and Benefits. The economic use of the historic resource and any economic benefits associated with the proposed new use of the property; and
6. Location. If within a historic district, its contribution to the district and the affect on the district if the designation is removed.

B. OWNER CONSENT

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

Section 25.110 RELOCATION OF A HISTORIC RESOURCE

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

A. ASSESSMENT OF RELOCATION

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

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

B. WRITTEN COMMITMENT

There must be a written commitment accepted by the City Attorney to complete the relocation and subsequent rehabilitation of the structure and its new site. Bonding or other assurances may be required. Temporary relocations for interim construction

may be necessary and must require a plan for protecting the structure at the interim site as well as a commitment to a schedule for completion of relocation to the proposed new site.

Section 25.120 DEMOLITION OF A HISTORIC RESOURCE

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

A. APPROVAL CRITERIA

1. Historic Landmark or Primary Contributing Structure. An application for the demolition of a historic landmark or primary contributing structure shall be approved if the following criteria are met:
 - a. The value to the community of the proposed use of the property outweighs the value of retaining the designated historic resource on the present site;
 - b. The designated historic resource is not capable of generating a reasonable economic return and the demolition is economically necessary;
 - c. The owner has documented a good faith effort to sell or relocate the designated resource; and
 - d. No practicable alternative exists to rehabilitate and reuse the designated resource in its present location.
2. Non-contributing or Not In Period Primary Structure, Accessory Structure. An application for the demolition of a non-contributing or not in period primary structure or an accessory structure shall be approved if it is determined that the property does not have historic significance based on its architectural style, construction method or materials, or other pertinent factors as determined by the approval authority.

B. ISSUANCE OF PERMITS

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

Section 25.130 DEMOLITION BY NEGLECT

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

A. CRITERIA FOR DETERMINATION OF DEMOLITION BY NEGLECT

If one or more of the following is promoted, allowed to occur, or exist in a historic resource, the property is determined to meet the criteria for demolition by neglect

and enforcement action to remedy the applicable criteria may be taken pursuant to CDC Chapter 106, Enforcement:

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

B. ABATEMENT

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

SECTION 7: CDC Chapter 26 is repealed in its entirety. Any municipal code provisions in conflict with the provisions contained in this ordinance are also repealed.

SECTION 8: Section 34.020 of the City of West Linn Community Development Code is amended to read as follows:

Accessory uses are permitted uses which are customary and incidental to principal uses permitted in the zone and shall be permitted outright, or by prescribed conditions as identified below, and may be either attached or separated from the principal dwelling. **Accessory uses on designated historic resources are subject to additional regulations in CDC 25.060(B).**

A. A greenhouse may be a maintained accessory to a dwelling provided the activity does not exceed that which requires a license under Chapter 571 of the Oregon Revised Statutes, Nurseries.

B. A television disk or satellite dish larger than three feet in diameter, and any other non-commercial antennas over three feet in height (minor utility), may be a maintained accessory to a dwelling provided it is not located within the front yard or side yard abutting a street, it is mounted on the ground, is screened from view, as practical, with landscaping, and otherwise meets the requirements of CDC 34.060. The satellite dish shall not exceed a maximum height of 18 feet.

Where it can be demonstrated that these restrictions impose unreasonable limitations to the extent that the antenna/satellite dish's reception or transmitting capability is significantly reduced, then roof-mounted (provided it is powder-coated with mesh or perforated construction) or alternate locations for the antenna/satellite dish may be allowed.

SECTION 9: Section 43.020 of the City of West Linn Community Development Code is amended to read as follows:

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

~~A. The Willamette Historic District.~~

~~B. Historic landmark structures.~~

SECTION 10: Subsection 58.030(A) of the City of West Linn Community Development Code is amended to read as follows:

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

SECTION 11: Section 59.080 of the City of West Linn Community Development Code is amended to read as follows:

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

- A. Permitted uses may only be open from 6:00 a.m. to 10:00 p.m. and are subject to the noise provisions of Chapter 55 CDC.
- B. Exterior business activity shall not take place beyond the rear wall of the building when the subject property abuts a residential district, except for parking and refuse storage. Refuse storage must be buffered or enclosed and may not abut a property line that adjoins a residential zone.

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

SECTION 12: Section 59.100 of the City of West Linn Community Development Code is amended to read as follows:

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

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

SECTION 13: Subsection 60.070(E) of the City of West Linn Community Development Code is added to read as follows:

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

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

SECTION 14: Subsections 99.030(B)(1) and (2) of the City of West Linn Community Development Code are amended to read as follows:

B. Pre-application conferences.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:
 - a. Boundary changes, per Chapter 81 CDC;
 - b. Amendments to the Comprehensive Plan;
 - c. Amendments to the Zoning Map;
 - d. Conditional uses;
 - e. Design review (Class I and Class II);
 - f. **Historic design review (Class I and Class II); New construction or remodels in an historic district, except as provided for in subsection (B)(2)(h) of this section;**
 - g. **Designation of a historic resource or removal of a historic resource designation;**
 - h. **Demolition of a historic resource;**
 - i. **Relocation of a historic resource;**
 - ig. **New construction or remodels in the Willamette Falls Drive Commercial District, except as provided for in subsection (B)(2)(hi) of this section;**
 - h. ~~**Alteration of historic landmarks, except as provided for in subsection (B)(2)(j) of this section;**~~
 - ki. Minor partitions;
 - lj. Land divisions;
 - mk. **Enlargement of non-conforming uses or alteration of a structure containing a non-conforming use;**
 - nl. **Planned unit developments;**
 - om. ~~**Variances;**~~
 - pn. **Development subject to Chapter 32 CDC, Water Resource Area Protection;**
 - qe. **Development subject to Chapter 27 CDC, Flood Management Areas;**
 - rp. **Development subject to Chapter 28 CDC, Willamette and Tualatin River Protection; and**
 - sq. **Right-of-way and easement vacations.**

2. Subject to subsection (B)(3) of this section, the following applications are exempt from subsection (B)(1) of this section, pre-application conference requirement:
 - a. Signs;
 - b. Home occupations;
 - c. Temporary use permits;
 - d. Sidewalk uses;
 - e. Final plats;
 - f. Lot line adjustments;
 - g. Re-vegetation plans;
 - ~~h. Minor alterations and maintenance in an historic district, as specified in CDC 25.100;~~
 - hi. Painting, signage, awnings, or architectural in-kind replacements in the Willamette Falls Drive Commercial District; and
 - ~~j. Minor alteration of an historic landmark, as specified in CDC 26.060(B); and~~
 - jk. Appeals of land use decisions.

SECTION 15: Section 99.060 of the City of West Linn Community Development Code is amended to read as follows:

- A. Planning Director authority. The Planning Director shall have the authority to:
 1. Approve, deny, or approve with conditions the following applications:
 - ...
 - v. Class I Historic Design Review (Chapter 25).
 - w. A demolition permit for a non-contributing or not in period primary structure or an accessory structure (Chapter 25).
 - ...
- D. Historic Review Board authority. The Historic Review Board shall review an application for compliance with CDC Chapters 25, 26, and 58 CDC, as applicable. The Historic Review Board shall have the authority to:
 1. Approve, deny, or approve with conditions an application regarding the following:
 - a. Class II Historic Design Review;
 - ~~Major or minor remodel, alteration, or addition to a historic landmark or property within a historic district;~~
 - ~~b. New construction within a historic district;~~
 - ~~c. Construction of a non-exempt accessory structure or garage on a historic landmark property, or property within a historic district;~~
 - b d. A demolition permit for a historic landmark or primary contributing structure within a historic district;
 - c. Relocation of a historic resource;

- ~~de.~~ Revocation or modification of an approval as provided by CDC 99.330 for any application approved by the Historic Review Board; and
 - ~~ef.~~ An extension of an approval when the Historic Review Board acted as the initial decision-making authority.
2. Make recommendations to the approval authority specified in this section regarding the following:
- a. Designation of a historic ~~resource landmark or a historic district;~~
 - b. Removal of historic resource designation;**
 - ~~cb.~~ **Class I or Class II Design Review on Major or minor remodel,** alteration, or addition to a property within the Willamette Falls Drive Commercial District that is not a historic landmark or within the Willamette Historic District;
 - ~~de.~~ New construction within the Willamette Falls Drive Commercial District that is not a historic landmark or within the Willamette Historic District;
 - ~~ed.~~ A partition or subdivision of property containing a historic ~~resource landmark or property within a historic district;~~
 - ~~fe.~~ Conditional use of property containing a historic ~~resource landmark;~~ and
 - ~~gf.~~ A zone change for property containing a historic ~~resource landmark or property within a historic district.~~

SECTION 16: Subsection 99.080(E) of the City of West Linn Community Development Code is amended to read as follows:

Table of notices. The following notice summary identifies the appropriate type of notice for the various land use applications of CDC 99.060.

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

SECTION 17: The City of West Linn Zoning Map is hereby amended as shown in attached Exhibit A.

SECTION 18: The City of West Linn Zoning Map is hereby amended to show the following as historic landmarks:

1. 4600 Alder Street
2. 1448 Buck Street
3. 1562 Buck Street
4. 1646 Buck Street
5. 1690 Buck Street
6. 1715 Buck Street
7. 5495 Grove Street
8. 5350 River Street
9. 5575 River Street
10. 4708 Riverview Avenue
11. 4742 Riverview Avenue
12. 5797 Robert Moore Street
13. 20375 Willamette Drive
14. 20685 Willamette Drive

15. 20725 Willamette Drive
16. 22825 Willamette Drive
17. 22830 Willamette Drive
18. 22840 Willamette Drive
19. 21420 Willamette Drive
20. 1742 Willamette Falls Drive
21. 1832 Willamette Falls Drive
22. 4835 Willamette Falls Drive
23. 4845 Willamette Falls Drive
24. 4865 Willamette Falls Drive
25. 4891 Willamette Falls Drive

SECTION 19: The City of West Linn Zoning Map is hereby amended to remove historic landmark designation from the following properties:

1. 1850 Buck Street
2. 1739 Dollar Street
3. 4918 Summit Drive
4. 1352 Willamette Falls Drive

SECTION 20. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 21. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 22. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 20-22) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.


SECTION 23. Effective Date. This ordinance shall take effect on the 30th day after its passage.



JOHN KOVASH, MAYOR

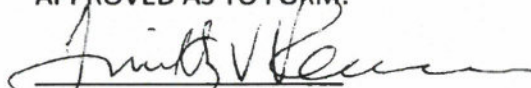
The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 2(C) of the City Charter on the 15th day of July 2013, and duly PASSED and ADOPTED this 15th day of July, 2013.

ATTEST:

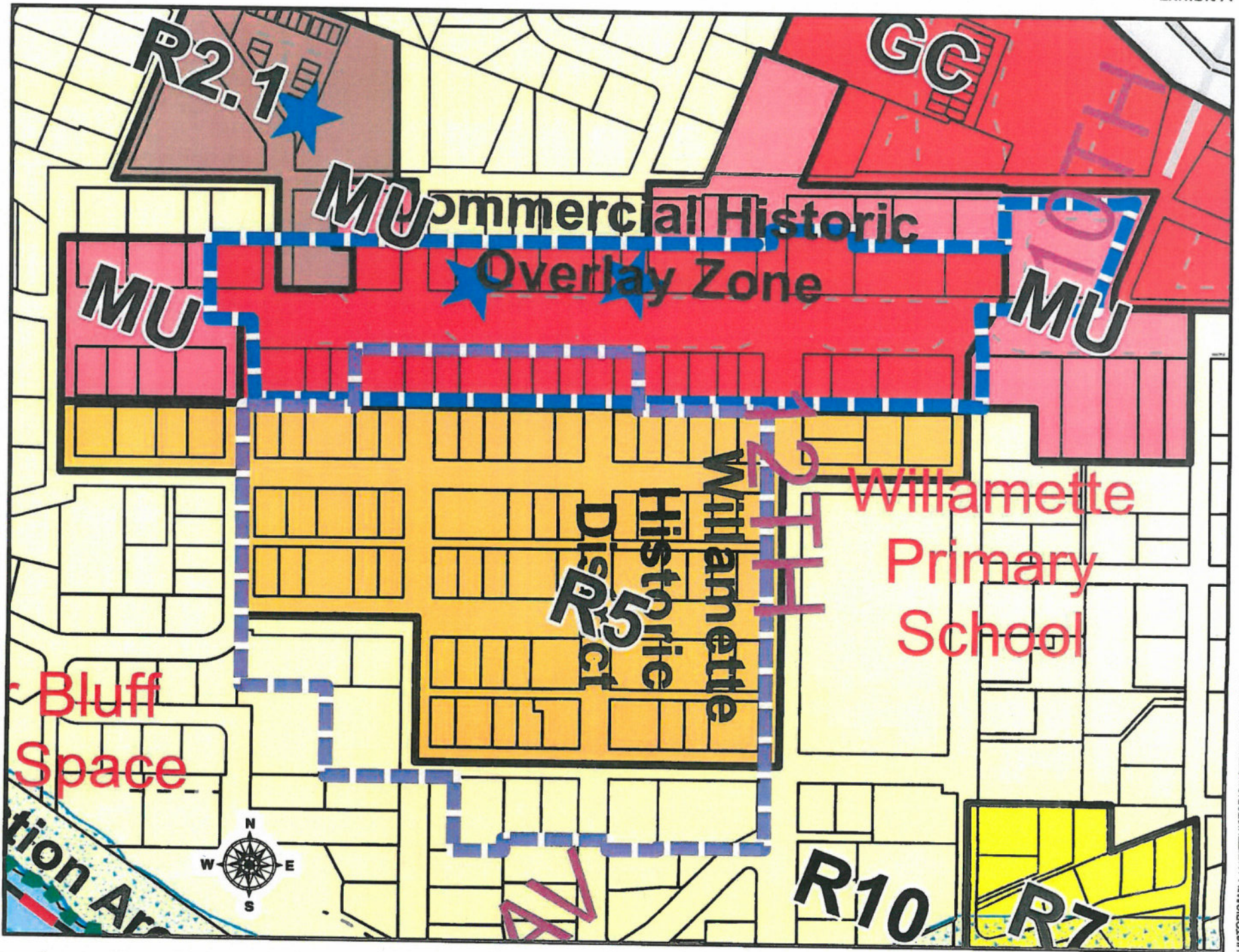


KATHY MOLLUSKY, CITY RECORDER

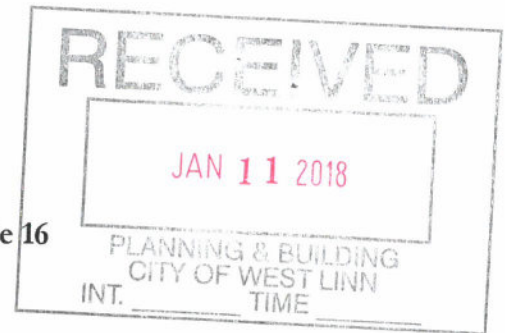
APPROVED AS TO FORM:



CITY ATTORNEY



ANDREW H. STAMP, P.C.
ATTORNEY AT LAW
Kruse-Mercantile Professional Offices, Suite 16
4248 Galewood St.
Lake Oswego, OR 97035



Admitted in Oregon.

Tele: 503.675.4318
Fax: 503.675.4319
andrewstamp@comcast.net

11 January 2018

West Linn Historic Review Board
West Linn City Hall
22500 Salamo Road
West Linn, Oregon 97068

Re: *Application for Modification of Design Standard WLCDC 25.070(C)(8) in the Willamette Falls Neighborhood Historic District, Docket no. DR-17-9, applicant Phil Chek*

Dear West Linn Historic Review Board Members,

This is an application for a modification for design standard in the Willamette Falls Neighborhood Historic District, to allow the construction of an addition to an existing home located at 1822 5th Street. The addition is intended to accommodate a home office and an additional bedroom for this fine old house, which was recently renovated with great care and attention to detail in the neighborhood's prevailing Queen Anne style.

A design standard in the Willamette Falls Neighborhood Historic District restricts house frontage to 35 feet. WLCDC 25.070(C)(8) provides:

25.070 ADDITIONAL STANDARDS APPLICABLE TO HISTORIC DISTRICTS

C. Willamette Historic District general design standards. This subsection applies only to alterations and additions, new construction, and accessory structure construction of residential and historically residential properties in the Willamette Historic District. Other buildings are subject to the requirements in Chapter 58 CDC. Dimensional and other requirements of the underlying zone, as applicable, shall apply.

8. Building shapes and sizes. No building shall exceed 35 feet in overall width. Front facade gables shall not exceed 28 feet in overall width.

This design standard was clearly meant to apply to the average Willamette Falls Neighborhood Historic District lot, which is fifty (50) feet wide. The vast majority of the lots, 83%, are this standard 50-foot width (54 out of 65 lots). With a depth of 100 feet, these standard lots are 5000 square feet.

35-foot frontage cover on a 50-foot lot is 70% coverage. This is a common frontage ratio permitted in medium-density single-family residential west coast American neighborhoods. Such frontage ratios exist to provide a uniform and pleasing aesthetic presentation, with houses and tree planting providing a sense of verdant enclosure, a pleasing presence, and continuity of historic designs within the public realm in order to create attractive streets with a sense of West Linn's pioneering past in the 19th and early 20th centuries. Frontage ratios thus serve both an *aesthetic* purpose (an attractive, evenly-spaced neighborhood) and a *livability* purpose – providing adequate distance between homes for residents' privacy, backyard recreation and socializing. In addition, a 70% frontage maximum serves the important goal of avoiding overcrowding, whether visual overcrowding or human proximity overcrowding.

In this case, all the applicant is requesting is permission to add an addition to his house consistent with the WLCDC's 70% frontage ratio. The applicant's lot is not the standard 50-foot wide lot. It is a rare double lot, and is 100 feet wide. Thus, in keeping with the standards and goals of the WLCDC rules permitting 70% frontage, the applicant should be permitted to build out to a maximum width of 70 feet (current plans are only for 66 feet).

This is not the first time such a request has come before this Board. In 2005, planning staff approved a virtually identical request (docket no. DR-05-28) for the house at 1892 4th Avenue, the historic Olsen residence. That house also sits on a double lot, 100 feet wide, and planning staff found it acceptable to double the allowed frontage from 35 feet to 70 feet.

The applicant is simply requesting the same permission that the Olsen residence received.

It is important to emphasize that the WLCDC's 35-foot frontage maximum only applies to the primary dwelling. A Willamette Falls Neighborhood Historic District resident is free to build supplemental structures, such as a garage, detached shed, or accessory dwelling unit, such that the *aggregate* frontage exceeds 35 feet. There are multiple Willamette Falls Neighborhood Historic District lots that, to the observer standing in the public right-of-way, appear to well exceed the 70% frontage maximum due to these additional outbuildings. Examples can be found at 1674 5th Avenue, 1639 6th Avenue, 1724 4th Avenue, 1892 4th Avenue, and 1492 13th Street.

In the applicant's original narrative, he submitted a map ("Supplemental Information, Page 3") with his estimates of lot frontage based on the city's 2008 survey and his online research. As such, there were some errors, due to subsequent changes (new structures built, old ones demolished in the last ten years) and the vagaries of Google Maps' measurement tools. An opponent submitted his own map, which had some (not many) different estimates of frontages.

To get a clearer picture of the current situation, we commissioned a measurement review of every Willamette Falls Neighborhood Historic District property, with photographs, performed in January 2018. The results and photos are found in this binder we are hereby submitting, and ask it to be included in the official record of these proceedings. You will find a five-page

document entitled “Willamette Falls Neighborhood Historic District House List,” which lists every property by street address. The accompanying photographs are presented in the same order as the properties are listed. Every house in the Willamette Falls Neighborhood Historic District was photographed.

The Willamette Falls Neighborhood Historic District House List has three columns marked “Theirs” (the opponent’s frontage estimate), “Ours” (the applicant’s original frontage estimate taken from his “Supplemental Information, Page 3” map), and “Measured” (the actual measurements taken January 2018 from the public right-of-way with a duly calibrated Lufkin engineer’s measuring wheel). You may note from the “Ours” column that the applicant overestimated the frontage of several properties because he was basing his estimates on the wall-to-wall width of structures on the lot, not just the dwelling itself. By including such things as semi-attached garages and overlapping garden sheds – which appear to the eye to be a solid line of construction when viewed from the street – the applicant arrived at some inaccurate estimates. In our most recent data collection effort, we were careful to measure *only* the frontage of the dwellings, *not* any additional structures.

The conclusion one should draw from this research, measurement, and the accompanying photographs is: most of the lots in the Willamette Falls Neighborhood Historic District do indeed conform to the 70% frontage rule – *but only for the primary dwellings*. When one considers the visual impact of the various supplemental buildings (*e.g.* accessory dwelling units, semi-attached garages and carports, and overlapping garden sheds with only a foot or two of daylight between them and the main house) many properties well exceed this 70% frontage standard. As the frontage standard primarily exists to serve an aesthetic purpose – avoidance of visual massing and optical overcrowding – it makes little difference to the observer’s eye whether there is 34 feet of dwelling frontage plus an additional 10 feet of garage. His or her eye sees 44 feet of buildings on a 50-foot lot, yet that is permitted under the current WLCDC standards for the Willamette Falls Neighborhood Historic District.

In summary, the applicant simply requests this Board’s permission to build a small addition to his carefully and lovingly restored Queen Anne house that is wholly consistent with the purposes of the WLCDC 25.070(C)(8) standard of 70% coverage on his double lot with a 100-foot width, as was previously approved by West Linn planning staff on for the Olsen residence in docket no. DR-05-28. We are, of course, willing to respond to any questions or address any concerns this Board may have.

ANDREW H. STAMP, P.C.

Andrew H. Stamp

Andrew H. Stamp

Willamette Falls Neighborhood Historic District (West Linn, Oregon) House List

(35' max frontage per WLCDC 25.070)

"Theirs" means opponents' estimate of frontage. "Ours" means estimate of frontage supplied to West Linn Planning. "Measured" means frontage measured in January, 2018 with Lufkin rolling measure (when frontage is in dispute).

<u>6th Avenue</u>	<u>Theirs</u>	<u>Ours</u>	<u>Measured</u>	<u>Notes</u>
1608 6 th Ave	27			Green house, tan pillars, picket fence.
1630 6 th Ave	23			Khaki A-frame house without fence.
1658 6 th Ave	27			Double (100') lot with side yard. Yellow house with rose trim.
1690 6 th Ave	32	44	32	Brown/gray house with picket fence. Unattached garage.
1508 14 th St.	27 (on 6 th)	44	27 (on 6 th) 44 (on 14 th)	Yellow house, fronts on 14 th Street
1611 6 th Ave	23			Gray house, tan trim, picket fence.
1639 6 th Ave	33	39	35	Green house, yellow trim, picket fence
1677 6 th Ave	27	39	30	Gray house, white trim, picket fence
1697 6 th Ave	28	51	30	Gray/tan house, hedges in front, porch chairs
1706 6 th Ave	33	39	35	Orange/red bakelite-colored house
1728 6 th Ave	35	44	39	Tan, looks like a mobile home, car port with a room or rooms in the back
1740 6 th Ave	24			Sea green house, silver Ford parked in front

1780 6 th Ave	32	39	35	Double-length lot (90'). Red house with green trim, accessory bldg. in back
1790 6 th Ave	33	40		Pale yellow with blue trim, white garage door, unattached garden shed in back
1731 6 th Ave	28			Skinny peach-colored house, white trim
1753 6 th Ave	32	39	35	Tan house, white trim, two outbuildings
1777 6 th Ave	34	38	35	Blue house, tan trim, white front door
1492 13 th St.	24(on 6 th Ave)	55 (on 14 th St)	35 or 56	Gray house with blue trim. House fronts on 14 th St; frontage may be 35' or 56' (it's impossible to see whether the accessory dwelling is attached). Also an unattached garage.
1818 6 th Ave	22			Skinny yellow house with white trim & fence
1830 6 th Ave	24			Skinny mustard house with white trim & fence
1850 6 th Ave	30			Tan house with black Chevy SUV parked in front
1870 6 th Ave	25			Green-roofed house with four white columns, blue Chevy SUV parked in front
1888 6 th Ave	24			Slate blue house with white trim & fence
1892 6 th Ave	24			Olive green house with fence. Black Audi Q5
1819 6 th Ave	28			Light yellow house, white trim, picket fence

1831 6 th Ave	23			Gray with white trim, "Sadie White House" sign
1847 6 th Ave	24			Blue house with white trim
1865 6 th Ave	32			White with blue trim, fence with arched entry
1883 6 th Ave	35	37	35	Mocha with white trim and fence
1891 6 th Ave	28			All white house with silver Hyundai in front
5th Ave				
1620 5 th Ave	30			Gray house with white trim
1630 5 th Ave	35			Yellow house with white trim
1674 5 th Ave	33	75	35	Steel blue house with white trim. Separate accessory building (possible dwelling) in back
1686 5 th Ave	36		36	Light gray house with white trim
1696 5 th Ave	25			Dove gray house with white trim
1409 14 th St.	24 (on 5 th)		24	Turquoise house, fronts on 14 th Street
		38 (on 14 th)	35	Separate outbuilding in the rear.
1722 5 th Ave	28			Weathered yellow house with brown fence
1738 5 th Ave	33			Lime green house with white trim
1782 5 th Ave	26			Blue/green house with ivory trim
1790 5 th Ave	28			Brown house with dark green trim
1822 5 th Ave	47	48	48	Gray house with ivory & red trim, double lot
1870 5 th Ave	25			Dark gray with white trim & picket fence
1872 5 th Ave	24			Light green skinny house with cream trim

1882 5 th Ave	23			Butterscotch colored house with ivory trim
1709 5 th Ave	33	39	35	Modern-looking gray house with white trim
1709 5 th Ave	28			Dark gray/green house with picket fence
1723 5 th Ave	24			Light gray house with white trim
1747 5 th Ave	26			Sky blue house with white trim
1767 5 th Ave	28			Cream house, picket fence, brown front door
1797 5 th Ave	28			Battleship gray with cream trim, brown fence
1825 5 th Ave	24			Gray/green house with white trim
1831 5 th Ave	28			Mocha with ivory trim, "J.M. Ralston House"
1847 5 th Ave	31	38	35	Blue with white trim, "Nicholas Walden House"
1891 5 th Ave	27			Brown house with brown trim, picket fence
1891 5 th Ave	28			Tan house, maroon trim, AC unit above window

4th Ave

1716 4 th Ave	30			Gray house with ivory trim
1724 4 th Ave	29	42	30	Blue house, white trim. Detached carport with Winnebago parked in it.
1744 4 th Ave	27			Under construction; covered in Tyvek wrap.
1788 4 th Ave	27			White house hidden behind trees
1798 4 th Ave	31			Mustard barn-shaped house with cream trim

1808 4 th Ave	33	45	35	Peach house with white trim
1 st 4 th Ave	34			Modern-looking tan shingle house, white trim
1862 4 th Ave	24			Olive house with maroon window trim
1892 4 th Ave	35			Yellow with ivory trim, sign "Olsen residence"
1296 12 th St.	Illegible (on 4 th)		24	Yellow house with ivory trim, picket fence, sign "Sheriff Mass House." House fronts on 12 th Street (24'). The side of the house that runs along 4 th Ave is 57' long. One unattached garage or shed.

En

1608 6th Avenue 301



1630 6th Ave 23'



1658 6th Ave 27'



1690 6th Ave 32'



1508 14th St.
54' (on 14th Street)
photo 1 of 2



1508 14th St. 27' (on 6th Ave) side view photo 2 of 2



1611 6th Ave

23'



1639 6th Ave 35'



1677 6th Ave 30'



1697 6th Ave 30'



1706 6th Ave 35'



1728 6th Ave 39'



1740 6th Ave 24'



1780 6th Ave

351



1790 6⁺ Ave 34'



1731 6th Ave 28'



1753
6th Ave
35'



1777
6th Ave
351



1492 13th St. 35' or 56' (on 13th St.) Photo 1 of 2



1492 13th St. 33' (in 6th Ave) Photo 2 of 2



1818
6th Ave
221



1830 6th Ave. 24'



1850 6th Ave 30'



1870 6th Ave. 25'



1888 6th Ave. 24'



1892 6th Ave 24'



1819 6th Ave. 28'



1831
6th
Ave.
23'



1847
6th
Ave
24'



1865
6th
Ave
32'



1883
6th Ave.
35'



1891
6th Ave
28'



1620 5th Ave 30'



1630 54 Ave 35



1674 5th Ave 35'



1686 5th Ave 35'



1695
5th
Ave
251



1409 14th St. 35' (fronts on 14th St.) photo 1 of 2



1409 14th St. 24' (side view) photo 2 of 2



1722 5th Ave 28'



1738 5th Ave
33'



1782 5th Ave 26'



1790 5th Ave 28'



1822 5th Ave
48'



1872 5th Ave 24'



1882 5th Ave 23'



1898
5th
Ave
351



1709 5th Ave 28'



1723 5th Ave 24'



1747 5th Ave 26



1767 5th Ave

28'



1797 5th Ave 28'



1825 5th Ave

24'



FOR SALE
CALL [unreadable]
[unreadable]

1831 5th Ave 28'



1847
5th
Ave
35'





1883 5th Ave 27'

1716 4th Ave 30'





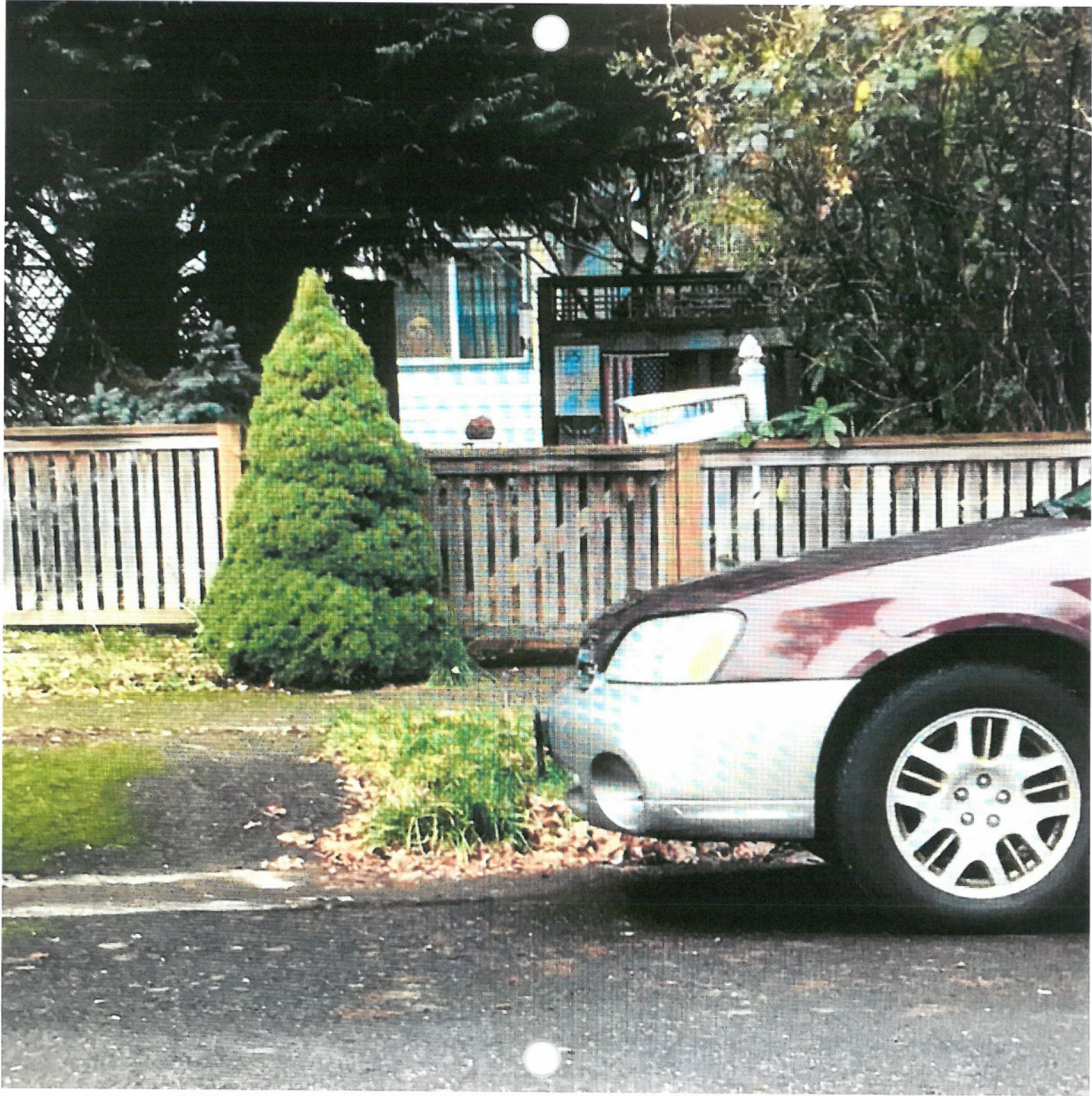
1724 4th Ave 30' (photo 1 of 2)



724 4th Ave (photo 2 of 2) 30'



1244 WA Ave 271



1788 4th Ave 27'



1798 4th Ave 31'

1808 4th Ave 35'



1852 4th Ave
34'



1862
4th Ave
24'





1892 4th Ave 35'

1296 12th St. side view on 4th Ave

photo 2 of 2

