

## Memorandum

Date: March 11, 2020

To: West Linn Historic Review Board

From: Darren Wyss, Associate Planner

Subject: Historic Review Code Update Project

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At its March 17, 2020 meeting, the Historic Review Board (HRB) will hold its first meeting of the year. It will also be the first meeting for the three newly appointed HRB members and my first meeting as staff liaison to the HRB since 2016. For these reasons, one purpose of the meeting will be an overview of the general responsibilities of the HRB. A second purpose will be to get everyone caught up on the process to update the codes implemented by the HRB, as well as previous discussions at HRB worksessions on this project. Acting on advice from the HRB, the City Council last year directed the Board to draft amendments to sections of the CDC that have been problematic to implement.

Once the HRB is comfortable understanding its role in the code amendment process, the Board can move on to discussing potential changes. I have attached Community Development Code Chapters 58 and 99 with comments/proposed amendments that resulted from these previous discussions. I expect to spend at least three meetings getting through all of the materials and developing recommendations. Here is the proposed schedule:

1. March – Decision-making roles in Class I and Class II Design Reviews
2. April – Chapter 58 amendments and begin Chapter 25 discussion
3. May – Chapter 25 amendments and final recommendation (proposed amendments will be distributed before the April meeting)

I have also attached a map of the Willamette Historic District and the Willamette Falls Drive Commercial Design District (WFD-CDD) overlay zone. The HRB currently has different roles for Design Review applications for the two areas, and past code changes have left confusing direction for some decision-making in the WFD-CDD. I anticipate the group should be able to get through the decision-making roles discussion at this meeting. Here is some basic information to help with the conversation:

### Willamette Historic District

#### Class I Historic Design Review:

- Staff decision with no HRB recommendation (HRB members are sent a courtesy notice with the option to comment)

- Fee is \$100 and a 14-day notice is sent to property owners within 300 feet

Class II Historic Design Review:

- HRB decision at a public hearing
- Fee is \$100 and a 14-day notice is sent to property owners within 300 feet (\$1500 fee for new residential projects)

*Staff Commentary: the current process seems to work efficiently and effectively; no changes are recommended.*

Willamette Falls Drive – Commercial Design District

Class I Design Review:

- Staff decision after HRB recommendation at a public hearing
- Fee is \$250 or \$500 or \$2,100 (code is conflicting and needs to be fixed) and a 14-day notice is sent to property owners within 300 feet (each step requires 14 days)

*Staff Commentary: the HRB has tentatively agreed this process is burdensome to both staff and applicants; the HRB public hearing could potentially be eliminated.*

Class II Design Review:

- Planning Commission decision after HRB recommendation at a public hearing
- Fee is a percentage of construction value and a 20-day notice is sent to property owners within 500 feet plus placed in newspaper 10 days in advance (for both public hearings)

*Staff Commentary: there has been confusion in the past on the hierarchy of regulations between Chapter 58 and Chapter 55: Design Review (which the Planning Commission deals with more regularly); code language should be added to clarify. The process is burdensome to both staff and the applicant and deserves evaluation.*

Minor Restorations (primarily repainting):

- Staff decision, but the process is not clear because of previous code amendments
- Fee is \$250 and a 14-day notice is sent to property owners within 300 feet (before code amendments there was no public notice requirement)

*Staff Commentary: the HRB has tentatively agreed this process is burdensome to both staff and applicants; the code should be restored to eliminate public notices. The fee structure also deserves evaluation.*

Willamette Historic District and WFD-CDD (only applies to commercial use)

Class I Historic Design Review:

- Staff decision after HRB recommendation at a public hearing
- Fee is \$250 or \$500 (code is conflicting and needs to be fixed) and a 14-day notice is sent to property owners within 300 feet

*Staff Commentary: the HRB has tentatively agreed this process is burdensome to both staff and applicants; the HRB public hearing could potentially be eliminated.*

Class II Historic Design Review:

- HRB decision at a public hearing
- Fee is \$250 or \$500 or a percentage of construction value (the code is conflicting and needs to be fixed) and a 14-day notice is sent to property owners within 300 feet

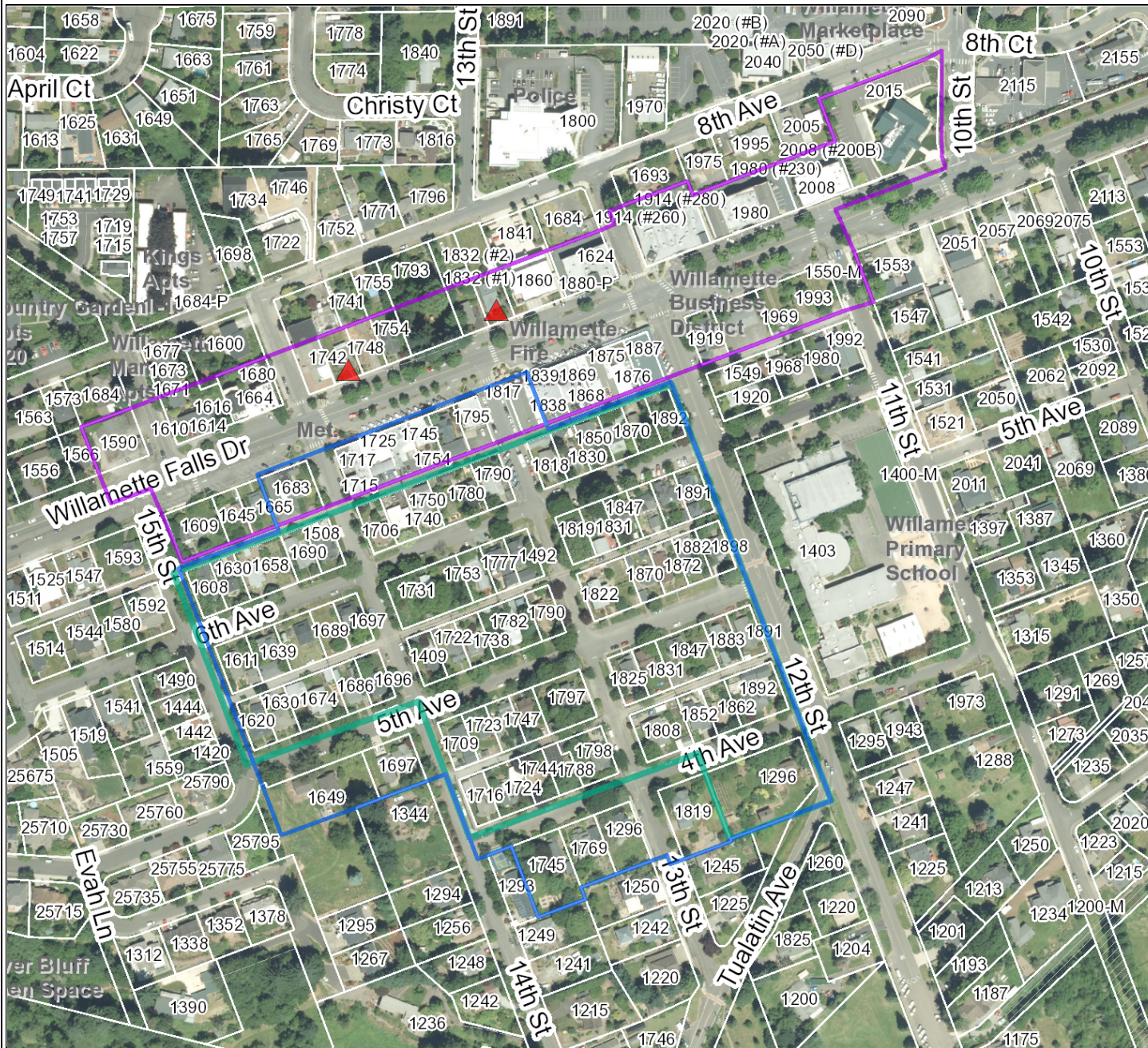
*Staff Commentary: staff has not processed an application involving both the historic district and design overlay. Clarification of required application materials and decision-making roles needs to be evaluated.*

To help in the discussion of decision-making roles, please also review the comments/proposed amendments in the attached CDC Chapters. Paper copies will be provided to you at the meeting next week for notetaking.

If you have questions about the worksession, please feel free to email or call me at [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov) or 503-742-6064. Thanks and hope to see everyone next week.



# HRB Code Areas



## Legend

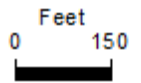
Willamette Historic District  
National Register



Willamette Historic District  
Overlay Zone



Willamette Falls Drive  
Commercial Design District  
Overlay Zone



Scale 1:3,600 - 1 in = 300 ft  
Scale is based on 8-1/2 x 11 paper size



Map created by: DWYSS  
Date Created: 11-Mar-20 06:21 PM

**WEST LINN GIS**

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.



## Community Development Code Chapter 58

### 58.010 PURPOSE

- A. Implement the goals and policies of the economic element of the Comprehensive Plan relating to the rehabilitation and revitalization of the Willamette Commercial District.
- B. Enhance the historic and aesthetic quality of the Commercial District.
- C. Increase the attractiveness of the commercial areas to tourists, customers, tenants, business owners, and City residents.
- D. Reinforce the commitment to existing commercial buildings of the 1880 – 1915 period and complement the adjacent residential historic district.
- E. Encourage a sense of historic identity for the Willamette area and West Linn as a whole.

### 58.020 IMPLEMENTATION

The intent and purpose of this chapter shall be carried out by establishing architectural standards of the 1880 – 1915 period which shall be used in new commercial construction and remodels.

### 58.030 APPLICABILITY

- A. The provisions of this chapter shall apply to all new commercial construction, restorations, and remodels on Willamette Falls Drive between 10th and 15th Streets. Properties that are historic resources shall comply with the provisions of Chapter 25 CDC, as applicable. “Restorations” shall be defined as all exterior repairs, replacement of materials, alterations or changes, including reroofing, painting, and window and sign replacement, etc. Failure to obtain a permit shall constitute a Class A violation pursuant to CDC 106.050.
- B. Commercial structures that are also within the historic district as defined in CDC 25.030(A) are required to meet the provisions of Chapter 25 CDC in addition to the provisions of this chapter.
- C. Boundary limits. The affected area shall be as delineated in Figure 1, below. Generally, the area is along Willamette Falls Drive between 10th Street and 15th Street.

Figure 1



(Ord. 1350, 1993; Ord. 1614 § 10, 2013; Ord. 1621 § 25, 2014)

**Commented [WD1]:** Should language be added to point to CDC Chapter 55 where Class I and II Design Review is defined?

**Commented [WD2]:** Section 58.060 used to clarify there was no public notice for repainting, sign replacement, repairing windows, etc. Currently the only applicable application is for a Class I Design Review. Staff proposes to remove sign replacement as there is already a process/application for all signs in the City.

#### 58.040 EXEMPTIONS

Remodels to exclusive single-family residential homes are exempt from the provisions of this chapter. Single-family homes that are used for businesses or home occupations are not exempt. Repainting any structure requires review and is not exempt, but does not require any public notice. All exemptions must be approved by the Planning Director.

**Commented [WD3]:** Section 58.060 used to clarify there was no public notice for repainting. Currently the only applicable application is for a Class I Design Review.

#### 58.050 PERMITTED USES

All uses permitted by the underlying General Commercial zone shall be allowed pursuant to CDC [19.030](#), [19.040](#), [19.050](#), and [19.060](#) and shall require the application of the standards of this chapter. Residential use of the second floor and the rear portion only of the ground floor, with no access onto Willamette Falls Drive, is permitted by application through this chapter. Residential use may only comprise 50 percent or less of the total square footage of the building combined. Commercial uses shall dominate the first floor. (Ord. 1401, 1997)

**Commented [WD4]:** Adding language to restore what was previously removed. Does the HRB think repainting should even require a review by staff?

#### 58.060 REVIEW BODY

Repealed by Ord. [1597](#).

**Commented [WD5]:** Now found in CDC Chapter 99

#### 58.065 APPEALS OF HISTORIC REVIEW BOARD

Repealed by Ord. 1597. (Ord. 1474, [2001](#))

**Commented [WD6]:** Now found in CDC Chapter 99

#### 58.070 APPLICATION AND SUBMITTAL REQUIREMENTS

- A. Applicants shall attend a pre-application conference if required by CDC [99.030](#)(B).
- B. The Director shall determine the appropriateness of the proposal and the completeness of the materials to be submitted. The Director may consult with members of the Historic Review Board in this process.
- C. The application is made with appropriate fees. A written narrative may be required explaining how the proposal meets the approval criteria.
- D. All applications for remodels and new construction shall require scaled elevation plans, site plans, and material and color board. (Ord. 1599 § 5, 2011)

#### 58.080 FEES

~~A. New construction and major restoration projects shall be charged fees consistent with the adopted fee schedule for design review.~~

~~B. Minor restoration projects under \$50,000 valuation shall pay fees as directed by the adopted fee schedule.~~

~~C. Repainting and replacement of windows (Class B restoration) shall pay a fee as directed by the adopted fee schedule.~~

**Commented [WD7]:** Previous HRB discussion proposed to remove this section entirely. The City fee structure still uses minor/major alteration, but Chapters 25 and 55 (Design Review) only have Class I and II Design Review. A recommendation on wording of fees for adoption in the budget is warranted.

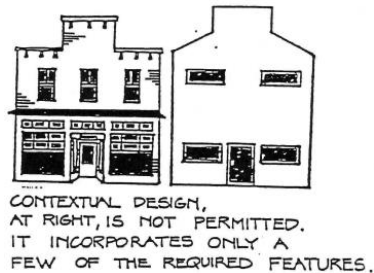
**Commented [WD8]:** Class B restorations has no meaning in the code at this point. Section 58.060 used to clarify there was no public notice for repainting, sign replacement, repairing windows, etc. This needs addressed somewhere in the CDC; potentially adding language in 58.040 above.

#### 58.090 STANDARDS

- A. Standards are needed to provide a clear and objective list of design elements that are needed to bring new construction and remodels into conformance with 1880 – 1915 architecture. Buildings of the period saw relatively few deviations in design. Consequently, the

Historic Review Board will require conformance with the standards. Deviations or deletions from the standards are addressed in the variance procedure of this chapter.

B. The use of neo-designs or simply contextual designs which only attempt to capture the basic or generalized elements such as building line, massing and form, etc., is not acceptable.



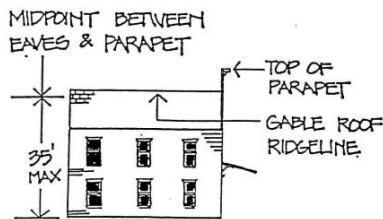
C. The following standards shall apply to new construction and remodels.

1. Dimensional standards.

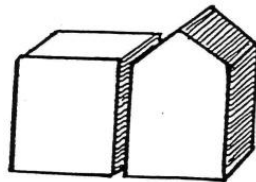
- a. Front: zero-foot setback. Building may not be set back from the property line unless it is consistent with predominant building line.
- b. Side and side street: zero-foot setback. Building may not be set back from the side property line except for side passageway, accessway, or stairway unless fire codes dictate otherwise. The setback shall not exceed six feet.
- c. Rear: 20-foot setback. Setbacks between zero and 20 feet are permitted only if the applicant can demonstrate that he or she can successfully mitigate any impacts associated with the building in current and future uses as they would relate to abutting residential and other properties.
- d. Lot coverage: up to 100 percent of lot may be developed depending upon ability to mitigate impacts upon abutting residential and other uses.

2. Minimum landscaping required. Sites in this district are exempt from landscaping requirements as identified in Chapter [54](#) CDC, Landscaping, with the exception of parking areas.

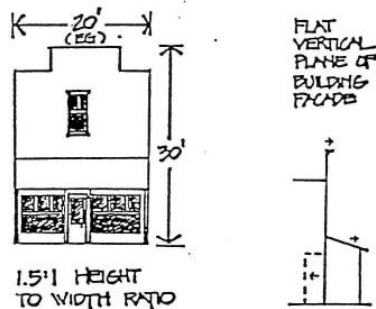
3. Building height limitations. Maximum building height shall be 35 feet (as measured by this code), and two stories. False fronts shall be considered as the peak of the building if it exceeds the gable roof ridgeline.



4. External ground level or first story minimum height. Ten feet to allow transoms.
5. Roof form. Flat or pitched roofs. Pitched roof ridgeline shall run from the front of the building to the back.



6. Building form, scale and depth. Building shall emphasize the vertical through narrow, tall windows (especially on second floor), vertical awning supports, engaged columns, and exaggerated facades creating a height-to-width ratio of 1.5:1.



Building depth shall be flat, only relieved by awning and cornice projections and the indented doorway.

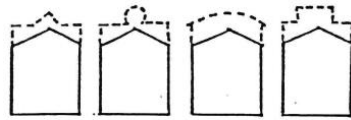
7. Spacing and rhythm. Buildings shall follow a regular rhythm. Strong vertical breaks or lines should be regularly spaced every 25 to 50 feet.

8. Facades. No gables, hipped, or pitched roofs shall be exposed to the street at the front. The "Western false front" shall be the preferred style although variations shall be allowed.

**Commented [WD9]:** Previous HRB discussion proposed to remove this requirement.

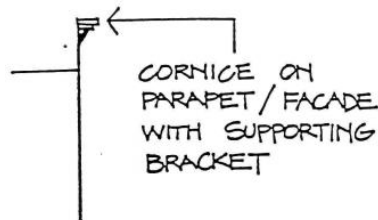
**Commented [WD10]:** Previous HRB discussion proposed listing accepted variations that shall be allowed.





FACADES WERE  
VARIED, BUT  
WESTERN FALSE  
FRONT DOMINATED

9. Cornice. Cornices shall be broad and may include regularly spaced supporting brackets. A cornice is not required, but preferred.



CORNICE ON  
PARAPET / FACADE  
WITH SUPPORTING  
BRACKET

10. Building materials and orientation. Wood shall be the principal building material. Horizontal wood or fiber cement siding in one-inch by eight-inch dimensions shall be used for siding. Brick and certain concrete configurations are permitted only by a variance under CDC 58.090.

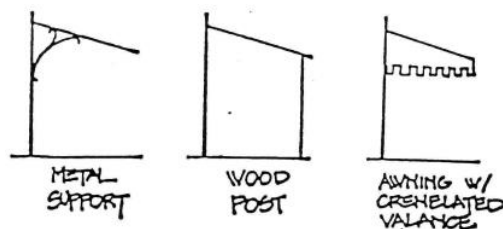
**Commented [WD11]:** The HRB expressed interest in allowing alternative siding without needing to get a variance.

11. Awnings. All buildings shall have awnings extending out from building face. Awnings are preferred for micro-climate benefits. Ideally, the building will have both transom and awnings, although transoms are not required.

**Commented [WD12]:** The HRB discussed possibly allowing some brick/concrete without needing to get a variance.

Awnings shall be either metal, canvas or vinyl, or similar approved material, supported by an internal metal framework or metal or wood supported by a curved metal support, either attached to the building or a simple four-inch by four-inch wood post extending down but not blocking any part of the sidewalk, to the outside of the sidewalk.

**Commented [WD13]:** Previous discussion by HRB.



METAL  
SUPPORT

WOOD  
POST

AWNING w/  
CORRUGATED  
VALANCE

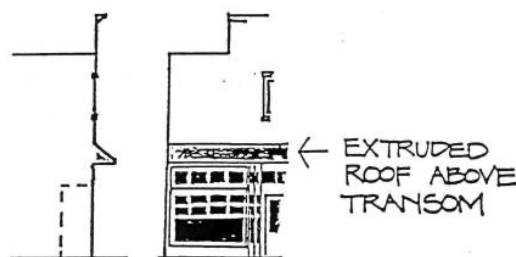
**Commented [WD14]:** Previous HRB discussion of post being on top of curb or on property if building is set back from property line and cantilevered over sidewalk.

Awnings shall, therefore, extend beyond the front property line to the outside edge of the sidewalk, and shall possess a seven-foot clearance to the valance or any other part. The pitch of the awning shall be 10 to 40 degrees. No "bubble-type" awnings are permitted. No backlit awnings are permitted. Canvas or matte-finish vinyl, or similar approved

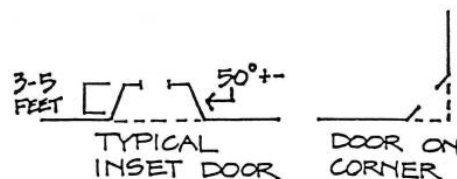
material awnings, may be one-color or striped and shall have a free-hanging plain or crenelated valance. Canvas or matte-finish vinyl, or similar approved material awnings, should not be shared between two structures. Each structure should have its own awning.

12. Extruded roofs. As a substitute for an awning, extruded roofs have a 10- to 40-degree pitch and extend one to two feet from the building face just above the transom windows where the first and second stories meet. The roof runs along the entire building frontage.

Standard roofing materials are used. Transoms are required with extruded roofs.



13. Doors and entryways. The entryway shall be centered in the middle of the building at grade. The buildings on street corners may position their doors on the corner at an angle as depicted in the illustration. The doors may be single or double doors. The doors shall be recessed three to five feet back from the building line. Doors shall have glazing in the upper two-thirds to half of the door. Panels should decorate the lower portions. The entryway shall have windows all the way around at the same level as the other display windows. Wood doors are preferable although alternatives with a dark matte finish may be acceptable.



14. Glazing. Clear glass only. No mirrored or tinted glass. No films applied to glass. Lettering on glass is permitted (~~see subsection (C)(25)(b) of this section~~).

**Commented [WD15]:** Section no longer exists

15. Display or pedestrian level windows. Shall extend across at least 80 percent of building front. ~~The windows shall start one and one-half to two and one-half feet above grade to a height of seven to eight feet, and shall be level with the top of the height of the adjacent entryway area, excluding transom.~~ A single sheet of glass is not permitted. The window shall be broken up into numerous sections, also known as lights. From 1880 onwards, the number of lights was generally no more than six in a pedestrian-level window. The frames may be wood or vinyl-clad wood, or other materials so long as a matte finish is possible.

**Commented [WD16]:** This has been problematic on properties that have elevation differences across the property frontage. The HRB proposed removing the language. Does window height still need addressed?



MULTI-PANED  
PEDESTRIAN  
LEVEL WINDOWS

16. Second floor and other windows. Double- and single-hung windows proportionately spaced and centered should be used. Smaller square shaped windows may be permitted (one and one-half feet to two feet per side). A typical window should have a 3:1 height to width ratio for the glass area. There should be a minimum of two lights: “one over one” of equal size. “Two over one” or “four over one” is appropriate.



17. Wainscotting. Wainscotting shall be consistent with primary material of the building, typically wood.

**Commented [WD17]:** The HRB discussed possibly allowing some brick/concrete without needing to get a variance.

18. Shutters. Shutters are not allowed.

19. Balconies. No balconies are permitted except on rear of building.

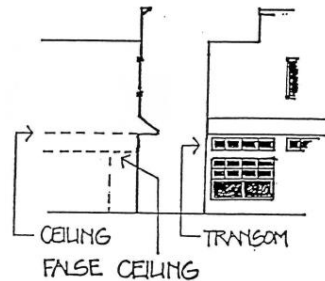
20. Exterior stairs. Simple stairs are permitted on the rear or side of the building only.

21. Roof mounted mechanical equipment. Equipment shall be screened from view on all sides by normal and consistent architectural features of the building. CDC [55.100\(D\)](#), Privacy and noise, shall apply.

22. Air conditioning. No window types on avenue or street side are permitted. Window-mounted air conditioners are not allowed at rear where abutting residential.

23. Exterior lighting fixtures. Any lighting fixtures that can be traced to 1880 – 1915 period are permitted. Simple modern fixtures that are screened and/or do not attract attention are acceptable. Overly ornate fixtures of the Victorian era are to be discouraged.

24. Transoms. Transom windows are required with extruded roofs and optional with awnings. Transom windows shall cover the front of the building above, but not beyond, the main display windows and the entryway area. Transoms should be broken up into sections every six inches to three feet in a consistent and equal pattern. Height should not exceed three feet. Transoms may or may not open. False ceilings are allowed behind the transoms.



25. Planters. No planters are allowed.

26. Paint colors. Body color typically included white, cream, or a light, warm color of low intensity. Accents, trims, windows, etc., should be dark-colored. ~~Contrasting colors should be compatible. Existing colors shall not enjoy protected status when repainting is proposed. A palette or color wheel of acceptable 1880 – 1915 period colors shall be the basis for color selection. No other colors are allowed. The palette is available at the Community Development Department.~~

27. ~~Ornamental or advertising flags, pennants, or banners. Not permitted on buildings.~~

28. New materials. Permitted where it is demonstrated that new material visually replicates originally required material. ~~except siding, which must be wood.~~ (Ord. 1391, 1996; Ord. 1401, 1997; Ord. 1604 § 59, 2011; Ord. 1613 § 18, 2013; Ord. 1621 § 25, 2014; Ord. 1675 § 47, 2018)

#### 58.100 VARIANCE PROCEDURES

In those circumstances where a design proposal cannot meet the standards, or proposes an alternative to the standard, the Historic Review Board may grant a variance in those cases where one of the following criteria is met:

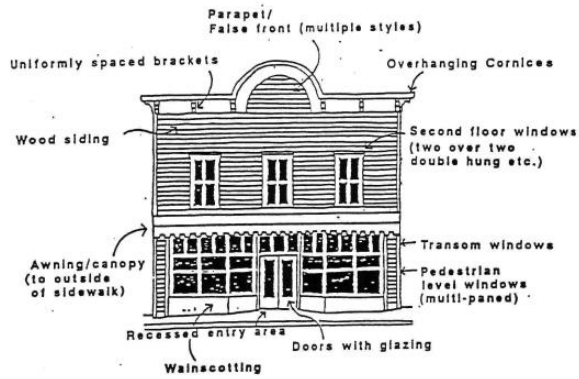
- A. The applicant can demonstrate by review of historical records or photographs that the alternative is correct and appropriate to architecture in the region, and especially West Linn, in 1880 – 1915.
- B. The applicant is incorporating exceptional 1880 – 1915 architecture into the building which overcompensates for an omission. The emphasis is upon superior design, detail, or workmanship.

**Commented [WD18]:** Proposed to be removed by previous HRB discussion.

**Commented [WD19]:** Proposed to be removed by previous HRB discussion.

**Commented [WD20]:** See previous comments about fiber cement siding.

**Commented [WD21]:** The term “variance” has been confusing as there is a separate chapter in the CDC under this title. Perhaps changing the term to “Design Exceptions” could help?



#### **58.110 EXPIRATION OR EXTENSION OF APPROVAL**

If substantial construction has not occurred within three years from the date of approval of the development plan, the approved proposal will be void, unless an extension is granted per CDC [99.325](#). (Ord. 1589 § 1 (Exh. A), 2010)



## Community Development Code Chapter 99

### 99.060 APPROVAL AUTHORITY

This section explains the authority of the Planning Director, Planning Commission, City Council, and Historic Review Board as it relates to quasi-judicial and legislative action.

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

1. Approve, deny, or approve with conditions the following applications:
  - (...)
  - j. A minor alteration to a historic landmark or a structure in the Historic District (Chapter [25](#) CDC).
  - (...)
  - l. Design Review, Class I (Chapter [55](#) CDC).
  - m. A sign application (Chapter [52](#) CDC).
  - (...)
  - v. Class I historic design review (Chapter [25](#) CDC).
  - w. A demolition permit for a non-contributing or not in period primary structure or an accessory structure (Chapter [25](#) CDC).
  - (...)

**Commented [WD1]:** Chapter 25 no longer lists minor alterations. Everything is either a Class I or II Design Review. Should be removed.

**Commented [WD2]:** Signs in the WF Drive Commercial Design District are reviewed/approved as all other signs in the City. Removing reference to signs in Chapter 58 will help clarify there is no public notice/process involved.

B. Planning Commission authority. The Planning Commission shall have the authority to:

1. Make a recommendation to approve, deny, or approve with conditions to the Council:
  - (...)
  - b. A quasi-judicial zone change application pursuant to Chapter [105](#) CDC, excluding applications requesting the designation or removal of a designation for a historic resource.
2. Approve, deny, or approve with conditions the following applications:
  - (...)
  - h. Design review, Class II (Chapter [55](#) CDC).
  - (...)

**Commented [WD3]:** Could help to clarify Chapter 58 can also be involved?

C. City Council authority. The Council shall have the authority to:

- (...)
- 3. Consider an appeal or review of a decision made by the Planning Commission or Historic Review Board whether on the Council's own motion, or otherwise as provided by CDC [99.240](#).
- (...)

D. Historic Review Board authority. The Historic Review Board shall review an application for compliance with Chapters 25 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**;
  - b. A demolition permit for a historic landmark or primary contributing structure within a historic district;
  - c. Relocation of a historic resource;
  - d. Revocation or modification of an approval as provided by CDC [99.330](#) for any application approved by the Historic Review Board; and
  - e. 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**;
  - b. Removal of historic resource **designation**;
  - c. Class **I** or Class **II** design review on a property within the Willamette Falls Drive Commercial Design District that is not a historic landmark or within the Willamette Historic District;
  - d. New **construction** within the Willamette Falls Drive Commercial Design District that is not a historic landmark or within the Willamette Historic District;
  - e. A partition or subdivision of property containing a historic resource;
  - f. Conditional use of property containing a historic resource.

**Commented [WD4]:** This is where some clarification could be helpful. If the property is both in the WF Drive Commercial District and a Historic Resource, do only Chapters 25 and 58 apply, or does Chapter 55 Design Review also need reviewed.

**Commented [WD5]:** Final decision is City Council

**Commented [WD6]:** Final decision is City Council

**Commented [WD7]:** The HRB has tentatively agreed the process is burdensome to staff and applicants and the HRB public hearing/recommendation could be eliminated.

**Commented [WD8]:** Requires two public hearings and is burdensome. Potentially clarify that alterations/additions are HRB decisions and new construction could remain as is?

**Commented [WD9]:** Same as above