

Memorandum

Date: April 16, 2020

To: West Linn Historic Review Board

From: Darren Wyss, Associate Planner

Subject: Historic Review Code Update Project

At its April 21, 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 25, 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. April – Decision-making roles in Class I and Class II Design Reviews and Chapter 58 amendments
2. May – Chapter 58 amendments and Chapter 25 amendments
3. June – Final review of amendment recommendations

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 on decision-making roles:

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 and be same as Class I Historic Design Review above.

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 discussions, 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 or proposal, please feel free to email or call me at dwyss@westlinnoregon.gov or 503-742-6064. As always, submitting questions prior to the meeting is beneficial to the efficiency and effectiveness of the discussion as it allows staff to prepare materials and distribute them for your consideration.

As this will be the first virtual meeting of the HRB, it will require some patience in the beginning as everyone gets familiar with the platform. Not being in the same room together eliminates the visual clues when someone wants to speak, so staff will work with everyone to make it run as smoothly as possible. If you have questions about the mechanics/logistics of the virtual meeting, please contact Lynn Schroder at lschroder@westlinnoregon.gov or 503-742-6061. Thanks and look forward to the discussion on the 21st.

HRB Code Areas



Legend

Willamette Historic District
National Register



Willamette Historic District
Overlay Zone



Willamette Falls Drive
Commercial Design District
Overlay Zone



Historic marks



Feet

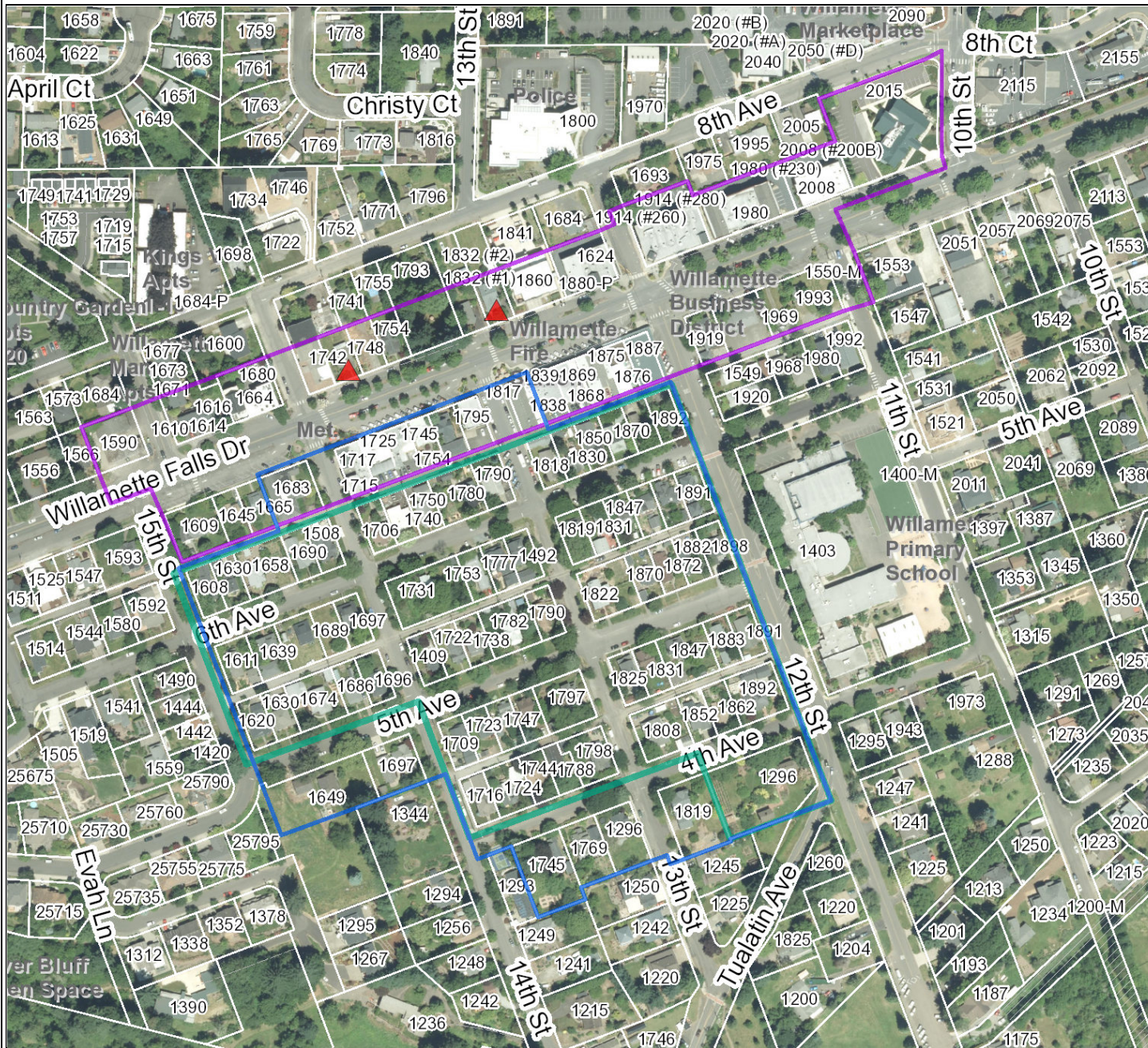


Scale 1:3,600 - 1 in = 300 ft
Scale is based on 8-1/2 x 11 paper size



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 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

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.

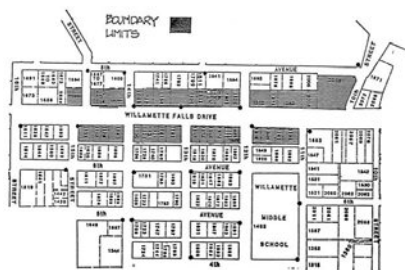
58.020 IMPLEMENTATION

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]: Need language here and also in CDC Chapter 55 to clarify the standards of the overlay zone supersede Chap 55

Commented [WD2]: Should language be added to point to CDC Chapter 55 where Class I and II Design Review is defined?

Commented [WD3]: 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 [WD4]: 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 [WD5]: 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 [WD6]: Now found in CDC Chapter 99

58.065 APPEALS OF HISTORIC REVIEW BOARD

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

Commented [WD7]: 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 [WD8]: 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.

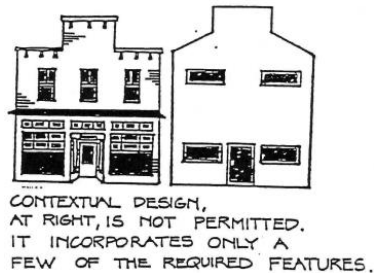
Commented [WD9]: Class B restorations has no meaning in the code at this point. Section 58.060 used to clarify there was no public notice for repainting, sign replacement, repairing windows, etc. This needs addressed somewhere in the CDC; potentially adding language in 58.040 above.

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.



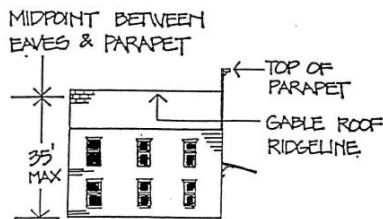
C. The following standards shall apply to new construction and remodels.

1. Dimensional standards.

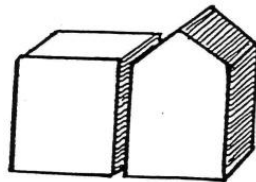
- a. Front: zero-foot setback. Building may not be set back from the property line unless it is consistent with predominant building line.
- b. Side and side street: zero-foot setback. Building may not be set back from the side property line except for side passageway, accessway, or stairway unless fire 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.

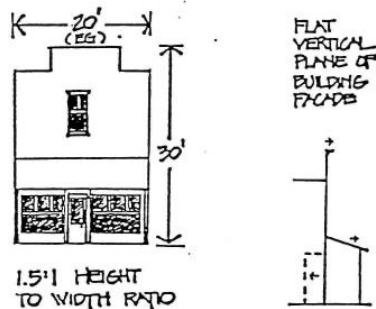
3. Building height limitations. Maximum building height shall be 35 feet (as measured by this code), and two stories. False fronts shall be considered as the peak of the building if it exceeds the gable roof ridgeline.



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.



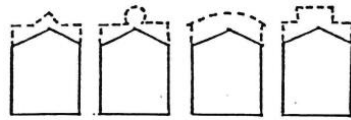
Building depth shall be flat, only relieved by awning and cornice projections and the indented doorway.

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.

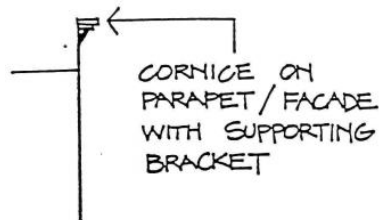
Commented [WD10]: Previous HRB discussion proposed to remove this requirement.

Commented [WD11]: 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.



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.

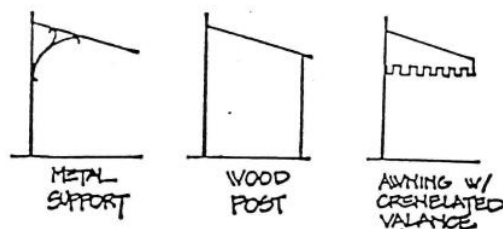
Commented [WD12]: The HRB expressed interest in allowing alternative siding without needing to get a variance.

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 [WD13]: 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 [WD14]: Previous discussion by HRB.



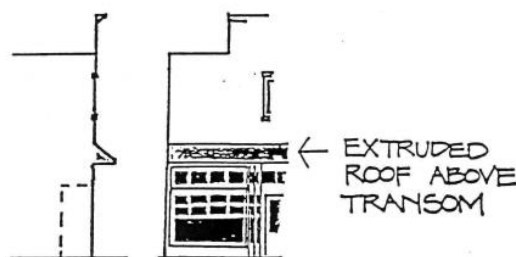
Commented [WD15]: Previous HRB discussion of post being on top of curb or on property if building is set back from property line and cantilevered over sidewalk.

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

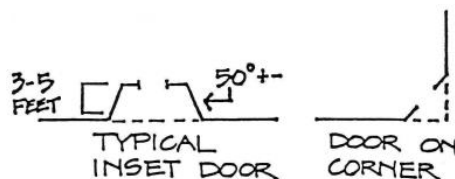
material awnings, may be one-color or striped and shall have a free-hanging plain or crenelated valance. Canvas or matte-finish vinyl, or similar approved material awnings, should not be shared between two structures. Each structure should have its own awning.

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 [WD16]: 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 [WD17]: 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. Wainscoting. Wainscoting shall be consistent with primary material of the building, typically wood.

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.

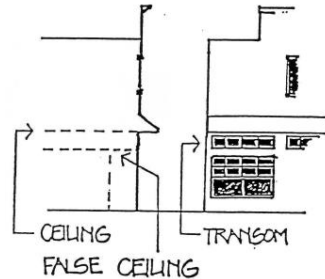
21. Roof mounted mechanical equipment. Equipment shall be screened from view on all sides by normal and consistent architectural features of the building. CDC [55.100\(D\)](#), Privacy and noise, shall apply.

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.

Commented [WD18]: The HRB discussed possibly allowing some brick/concrete without needing to get a variance.



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:

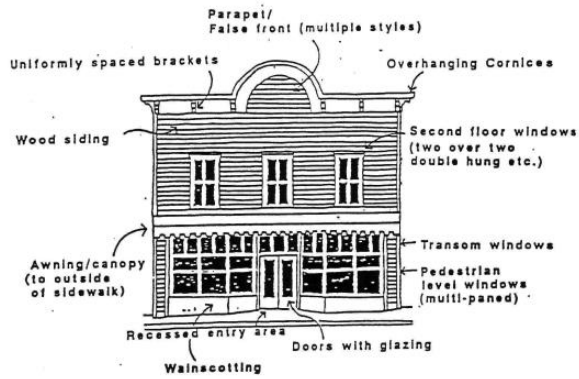
- A. The applicant can demonstrate by review of historical records or photographs that the alternative is correct and appropriate to architecture in the region, and especially West Linn, in 1880 – 1915.
- B. The applicant is incorporating exceptional 1880 – 1915 architecture into the building which overcompensates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

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

Commented [WD20]: Proposed to be removed by previous HRB discussion.

Commented [WD21]: See previous comments about fiber cement siding.

Commented [WD22]: 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)

Chapter 25

OVERLAY ZONES – HISTORIC DISTRICT

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 CDC, 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, archaeological, 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. (Ord. 1614 § 6, 2013)

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 B and C of this section.
- 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\(A\)](#), Exemptions 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.

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 RESOURCES	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

- 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 CDC [25.080](#). The “X” in the following chart indicates which standards are applicable to different types of development.

(Ord. 1614 § 6, 2013)

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. (Ord. 1614 § 6, 2013)

25.040 HISTORIC DESIGN REVIEW PROCESSES

Proposed changes to historic resources that are not exempted by subsection A of this section, Exemptions from ~~H~~historic ~~D~~esign ~~R~~eview, are subject to subsection B of this section, Class I ~~H~~historic ~~D~~esign ~~R~~eview, or subsection C of this section, Class II ~~H~~historic ~~D~~esign ~~R~~eview. Class I ~~H~~historic ~~D~~esign ~~R~~eview addresses significant changes that warrant staff review. Class II ~~H~~historic ~~D~~esign ~~R~~eview addresses major changes including additions and new construction, subject to Historic Review Board approval. The processes for conducting Class I and Class II ~~H~~historic ~~D~~esign ~~R~~eview are in Chapter [99](#) CDC.

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) of this section.
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 Chapter [44](#) CDC:
 - 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 inches 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 inches in height.

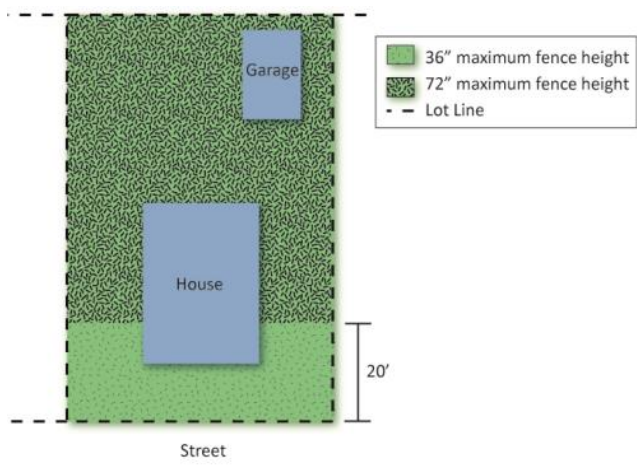


Figure 1: Example of Exempt Interior Lot Fence Locations



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 inches.

12. Swimming pools. Construction of in-ground swimming pools in rear yards.
13. Mechanical equipment. Replacement or installation of mechanical equipment, if 100 percent 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 facade 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.

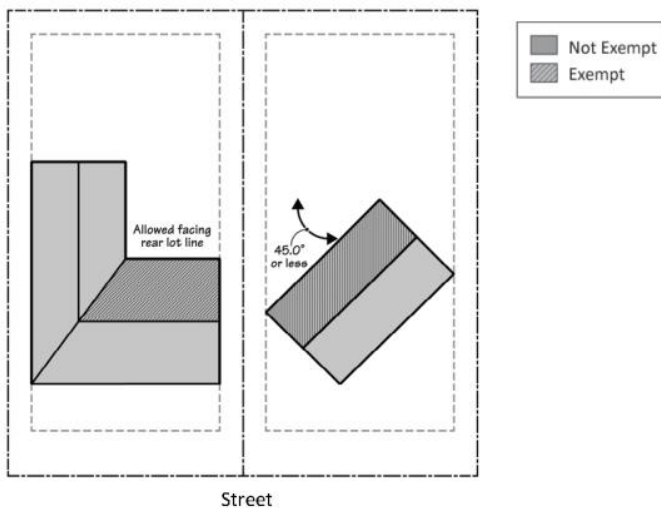


Figure 3: Exempt Solar Energy System Locations

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 facade 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 ~~H~~historic ~~D~~esign ~~R~~eview. The following are subject to Class I ~~H~~historic ~~D~~esign ~~R~~eview to determine their compliance with the applicable approval standards:

1. Nonexempt. Items listed in CDC [25.040](#)(A)(1) through (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 ~~H~~historic ~~D~~esign ~~R~~eview. All proposed new construction, alterations, and additions, not identified as exempt under subsection A of this section, or subject to Class I ~~H~~historic ~~D~~esign ~~R~~eview under subsection B of this section, are subject to Class II ~~H~~historic ~~D~~esign ~~R~~eview and must meet the applicable approval standards. (Ord. 1614 § 6, 2013)

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 CDC [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 CDC [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 CDC [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. (Ord. 1614 § 6, 2013)

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 **exterior materials** and features shall be avoided during the construction of new additions or ~~exterior~~ alterations.

Commented [WD1]: Previous HRB discussion about adding the word "exterior" and defining it in Chapter 2: Definitions

Commented [WD2]: Simple move of word to make it clear it applies to both additions and 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

Commented [WD3]: Previous HRB discussion about removing scale and massing, or defining it so it is clear and objective criteria.

Commented [WD4]: Previous HRB discussion recommended language to deal with the addition of dormers.

Commented [WD5]: Previous HRB discussion was to remove second sentence and replace with something similar to the cement fiber siding language as in Chapter 58. Focus on the finish/appearance/texture and not the material.

Commented [WD6]: The HRB previously discussed combining 10 and 11 into one criteria as they are similar.

Commented [WD7]: Similar to above comment on cement fiber siding. Does the language need to be changed to accomplish this?

Commented [WD8]: Previous HRB discussion recommended removing rectangular and ogee and adding half round.

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 percent 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 (Chapter [27](#) CDC).

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 Chapter [34](#) CDC:

1. All accessory structures.
 - a. Location.

Commented [WD9]: Previous discussion was to change to "similar houses".

- 1) Accessory structures in the Willamette Historic District are subject to the setback requirements of CDC [25.070\(C\)](#)(1) through (4);
 - 2) Accessory structures on historic landmark properties must meet the setback requirements of the underlying zone and Chapter [34](#) CDC;
 - 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](#) CDC.
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 (4)) for the historic district, or the setbacks in Chapter [34](#) CDC 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. (Ord. 1614 § 6, 2013)

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 noncompatible buildings. Alterations to not in period, noncompatible 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

Commented [WD10]: There was previous discussion with the HRB about this section being part of 25.060, but staff recommends leaving it a separate section as 25.020 is set-up with this organization of the code.

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 or parcel size, m~~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.
- c. Mechanical and automobile infrastructure must be appropriately concealed when not consistent with the district's character.

2. Reconstruction. Reconstruction of buildings that existed within the district during the period of significance is allowed. Reconstructions shall be done in accordance with the Secretary of the Interior's Standards for Reconstruction.

3. Archaeological resources shall be preserved in place or mitigated. When new construction must disturb archaeological resources, mitigation measures shall be carried out consistent with applicable state and federal laws. As appropriate, information yielded from archaeological mitigation shall be interpreted in the new building or site.

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.

1. Front yard setback.

- a. The front yard setback shall equal the average of the front setbacks of adjacent homes on the block face. For corner lots, the setback shall be the average between the adjacent house to the side and 20 feet. The setback shall be the distance measured from the front property line to the dominant vertical face of the building, exclusive of any porches or front landings.

- b. Unenclosed porches with no living space above may encroach into the front yard setback six feet from the dominant vertical face of the building.

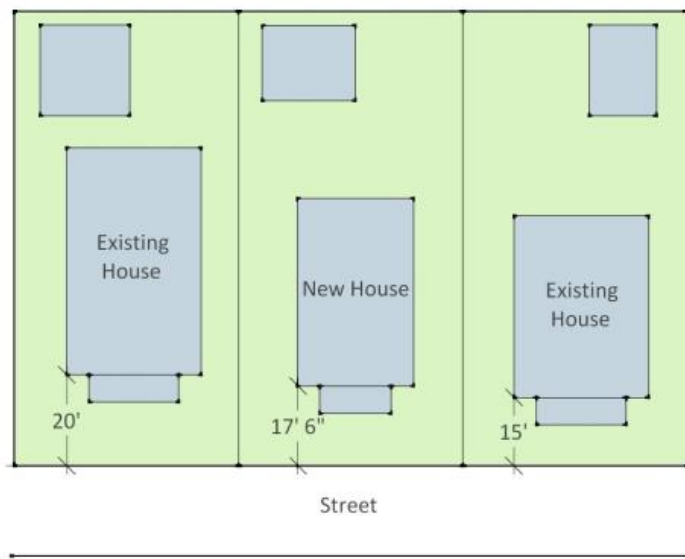


Figure 4: Front Yard Setback

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 20 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. Repealed by Ord. 1675.

7. Building height.

a. Residential structures are limited to 28 feet in height. Cupolas and towers shall not exceed 50 feet in height.

Commented [WD11]: The Historic District is zoned R-5 with some R-10. Both allow 35 feet max 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 Chapter 41 CDC.

Commented [WD12]: Could be an issue with steep roof pitch?

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. (Ord. 1614 § 6, 2013; Ord. 1636 § 23, 2014; Ord. 1675 § 33, 2018)

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 Chapter 75 CDC, 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. (Ord. 1614 § 6, 2013)

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. Archaeology. 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. (Ord. 1614 § 6, 2013)

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 and B of this section.

A. Assessment of designation. The approval authority shall consider:

1. Criteria. Whether the historic resource meets the criteria for listing under CDC [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 effect 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. (Ord. 1614 § 6, 2013)

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. (Ord. 1614 § 6, 2013)

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. (Ord. 1614 § 6, 2013)

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 Chapter [106](#) CDC, 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 ceilings, 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. (Ord. 1614 § 6, 2013)

25.140 HISTORIC RESOURCE MAP

The Historic Resource Map, shown in Figure 1 below, identifies the Willamette Historic District, as shown on the Zoning Map; the Willamette Falls Drive Commercial Design District, as identified in CDC [58.030](#)(C); and the historic landmarks identified on the Zoning Map.

FIGURE 1

