

Memorandum

Date: June 18, 2024

To: Historic Review Board

From: John Floyd, Senior Planner

Subject: Historic Review Board Mission Statement & Updates to CDC Chapter 58

The Historic Review Board (HRB) has recently discussed the creation of a purpose or mission statement as a way of better defining the Board's purpose, role, and authority. The goal is to enable the Board to clearly understand and better implement its responsibilities as both a quasi-judicial decision-making authority, and an advisory body on matters of historical memory and the disbursement of grant funding for preservation projects and public education. This clarification would also assist Council as it assigns tasks and staff support to the HRB, as well as community members seeking to engage with the city on matters of history.

Adoption of a purpose statement will require review and approval by City Council, and a joint meeting to discuss the topic has been scheduled with the City Council for September 16, 2023.

The purpose of this memorandum is to aid the HRB in understanding where the Board currently obtains their purpose, composition, and rules of procedure. It is hoped this understanding will inform and guide the development of a draft purpose statement.

Existing Purpose, Structure, and Rules of Procedure

The existing purpose and authority of the HRB is drawn from multiple sources, including City Code, the Oregon Administrative Rules (OAR), and Federal Regulations which are administered through the Oregon Administrative Rules. Each of these sources is summarized below.

As a [Certified Local Government](#) subject to period audits by the State Historic Preservation Office (SHPO), the City must staff and support a historic preservation commission of interested and qualified residents to comply with Federal requirements to receive federal funding. In West Linn, the Historic Review Board serves this function. To the extent they are available, at least some of the members should possess [professional qualifications](#) in the disciplines of history, architecture, architectural history, archaeology, or related fields. These standards are contained in Oregon Administrative Rules (OAR) as excerpted below.

OAR 736-057-0030 Certified Local Government Qualifications

(1) The National Parks Service certifies a city or county to carry out the purposes of the NHPA [National Historic Preservation Act]. At a minimum, in accordance with federal standards, a certified local government must:

(a) Have a historic preservation commission of interested and qualified members. To the extent they are available, at least some of the commission members should meet "professional" qualifications in the disciplines of history, architecture, architectural history, archaeology, or related fields.

(b) Have a preservation ordinance that provides how the local government will address historic preservation issues.

(c) Participate in updating and expanding the state's historic building inventory program.

(d) Review and comment on and allow for public comment on any National Register of Historic Places nominations of properties within the local government boundaries.

(e) Fulfill its obligation to enforce state preservation laws.

(f) Maintain the certification at audits under section (2).

[...]

At the local level, [Municipal Code Chapter 2 \(Government and Administration\)](#) establishes the Board's composition (i.e. who may be appointed), and provides general guidance on how it conducts business. Membership requirements in MC 2.090 mirror those required at the state and federal level.

MC 2.045 Meetings; Rules of Procedure; Attendance.

- (1) Meetings. Community advisory groups shall meet as needed to accomplish the duties assigned to the group, the Council goals and other business needs of the City.
- (2) Rules of Procedure. A community advisory group shall conduct its meetings in accordance with the Council Rules, West Linn Municipal Code, City Charter, and State law.
- (3) Recommendations. All recommendations to the Council shall be in writing. The staff liaison shall prepare a memorandum to the Council, signed by the community advisory group chair, stating the community advisory group's recommendation.

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- (4) Final Decisions. All final decisions by the Historic Review Board and Planning Commission shall be in writing, signed by the chair.
 - (5) Attendance. A member should provide at least 48 hours' notice to both the chair of the community advisory group and the staff liaison regarding any planned absence from a scheduled meeting of the community advisory board. In the event an unexpected emergency will cause a member to be absent from the meeting, the member must, if possible, notify the chair or the staff liaison within a reasonable time in advance of the meeting to prevent an unexcused absence. Unexcused absences are grounds for removal pursuant to Section 2.070.

2.075 Community Advisory Groups.

Establishment. The following community advisory groups are established in accordance with the provisions of Sections 2.005 to 2.099:

- (1) Budget Committee;
- (2) Economic Development Committee;
- (3) Historic Review Board;
- (4) Library Board;
- (5) Parks and Recreation Board;
- (6) Planning Commission;
- (7) Sustainability Advisory Board;
- (8) Transportation Advisory Board;
- (9) Utility Advisory Board;
- (10) Public Safety Advisory Board; and
- (11) Arts and Culture Commission.

2.090 Historic Review Board.

Each member appointed to the Historic Review Board shall have a demonstrated interest, knowledge or competence in historic preservation and, to the extent possible, in one of the following fields: archaeology, architecture, building construction, history, landscape architecture, law, local history, real estate or urban planning. If possible, at least one member shall be an architect experienced in historic preservation. The majority of the members shall reside within the City of West Linn.

The [City of West Linn Community Advisory Handbook \(2024\)](#) summarizes the group's responsibilities, as outlined in the Municipal and Community Development Codes, with a particular focus on the Board's quasi-judicial functions.

Historic Review Board (HRB): The Historic Review Board is a quasi-judicial body that guides implementation of West Linn's historic preservation and related public education programs. The HRB has decision making authority for quasi-judicial actions under Chapter 25 and 58 of the CDC. Each member appointed to the Historic Review Board shall have a demonstrated interest, knowledge, or competence in historic preservation and, to the extent possible, in one of the following fields: archaeology, architecture, building construction, history, landscape architecture, law, local history, real estate or urban planning. If possible, at least one member shall be an architect experienced in historic preservation. Most of the members shall reside within the City of West Linn. All final decisions by the HRB shall be in writing and signed by the chair.

The Community Development Code assigns certain authorities to the HRB in the context of quasi-judicial decision-making. The core of this is section 99.060 (Approval Authority), and in the context of the Willamette Falls Drive Commercial Design District, CDC Section 58.090 (Design Exceptions).

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.

[...]

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.

58.090 DESIGN EXCEPTION 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 design exception 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, deviation, or use of non-period materials. The emphasis is upon superior design, detail, or workmanship.
- C. The application is for the restoration or alteration of an existing, out-of-period structure where it can be demonstrated that applicant cannot reasonably comply with the standard due to existing building setbacks, orientation, roof forms, materials, architectural style, functional design, or other existing conditions; and where the exception would further the purpose of this chapter as set forth in CDC 58.010. This exception does not apply when the structure is demolished.

In coming months, planning staff will provide drafts of a potential mission statement based on HRB direction and feedback, and any direction from Council provided at the joint meeting in September. To make the June meeting more productive, staff requests the Board provide

feedback on preferred content and organization of the document. As a starting point, one or more of the following sections may be appropriate:

- Membership and Organization
- Meeting Times and Frequency
- Values and/or Goals
- Duties:
 - Quasi-Judicial
 - Advisory
 - Outreach
- Annual Reports

Scoping Updates to CDC Chapter 58 (Willamette Falls Drive Commercial Design District)

In addition to the Mission Statement, staff will facilitate a discussion of those parts of the Willamette Falls Drive Commercial Design District standards (CDC Chapter 58) that the HRB may wish to revisit as part of a future project. This discussion is in anticipation of a joint meeting with Council on September 16, 2023, to discuss the idea of a mission statement and future code packages for the HRB to work on.

As a starting point, staff requests the HRB consider which portions of Chapter 58 should be revisited and why. The following list are topics included in recent conversations about the potential scope of such a project.

- Decision-making authority
- Exemptions
- Design Standards
 - Height and Massing
 - Materials
 - Architectural Styles
 - Visual Building Breaks
- Treatment of existing structures versus new construction

As always, please contact me with any questions about this project or related work at jfloyd@westlinnoregon.gov or 503-742-6058.

Chapter 58
WILLAMETTE FALLS DRIVE COMMERCIAL DESIGN DISTRICT

Sections:

[58.010 PURPOSE](#)

[58.020 IMPLEMENTATION](#)

[58.030 APPLICABILITY](#)

[58.040 EXEMPTIONS](#)

[58.050 PERMITTED USES](#)

[58.060 REPEALED](#)

[58.065 REPEALED](#)

[58.070 APPLICATION AND SUBMITTAL REQUIREMENTS](#)

[58.080 STANDARDS](#)

[58.090 DESIGN EXCEPTION PROCEDURES](#)

[58.100 EXPIRATION OR EXTENSION OF APPROVAL](#)

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. (Ord. 1735 § 4 (Exh. C), 2022; Ord. 1745 § 1 (Exh. A), 2023)

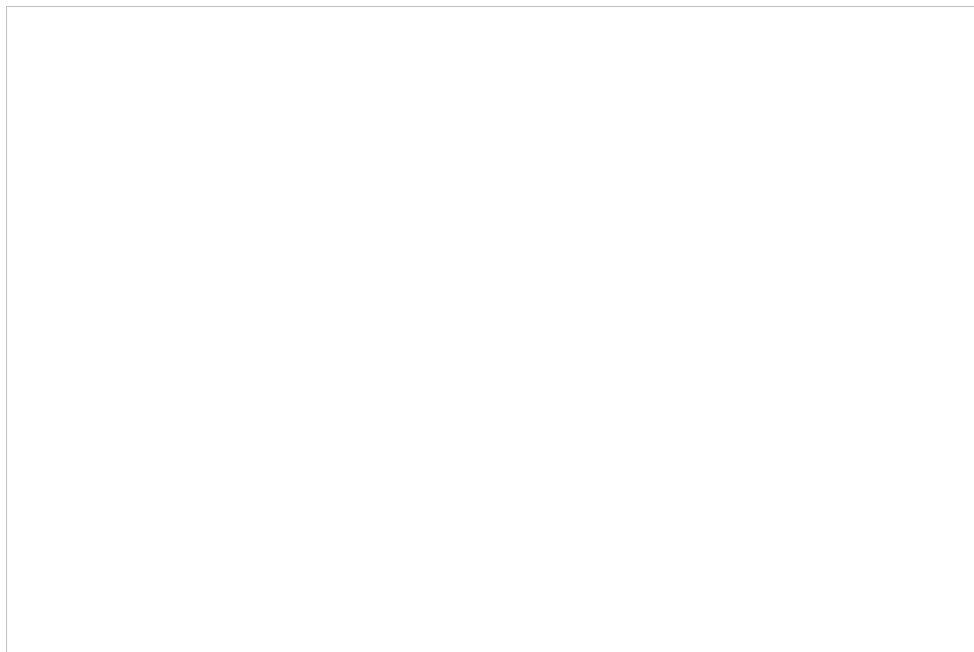
58.020 IMPLEMENTATION

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. The provisions of this chapter shall supersede any conflicting standards found in Chapter 55 CDC. (Ord. 1735 § 4 (Exh. C), 2022; Ord. 1745 § 1 (Exh. A), 2023)

58.030 APPLICABILITY

- A. The provisions of this chapter shall apply to all new commercial construction, alterations, 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. Failure to obtain a permit shall constitute a Class A violation pursuant to CDC 106.050.
- B. The type of design review application required is defined in Chapter 25 CDC for properties identified on the West Linn Historic Resource Map and defined in Chapter 55 CDC for all other properties.
- C. Boundary limits. The affected area shall be as delineated in Figure 1. 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; Ord. 1735 § 4 (Exh. C), 2022; Ord. 1745 § 1 (Exh. A), 2023)

58.040 EXEMPTIONS

Ordinary maintenance or repair that replaces in kind and does not alter the architectural details or style of the structure is exempt from review. 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 notice. All exemptions must be approved by the Planning Director. (Ord. 1735 § 4 (Exh. C), 2022; Ord. 1745 § 1 (Exh. A), 2023)

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; Ord. 1735 § 4 (Exh. C), 2022; Ord. 1745 § 1 (Exh. A), 2023)

58.060 REVIEW BODY

Repealed by Ord. 1597.

58.065 APPEALS OF HISTORIC REVIEW BOARD

Repealed by Ord. 1597. (Ord. 1474, 2001)

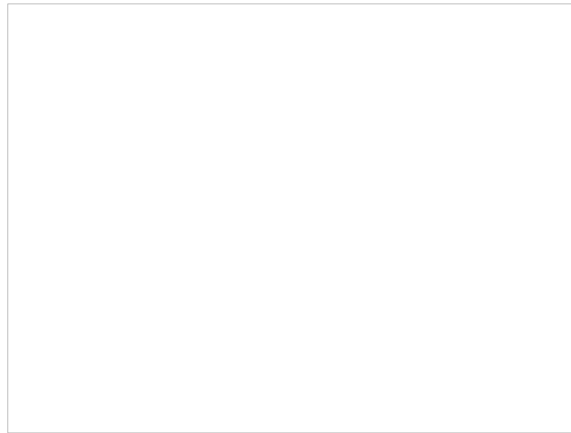
58.070 APPLICATION AND SUBMITTAL REQUIREMENTS

- 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; Ord. 1735 § 4 (Exh. C), 2022; Ord. 1745 § 1 (Exh. A), 2023)

58.080 STANDARDS

A. Purpose.

1. 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 design exception procedure of this chapter.
2. 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.



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

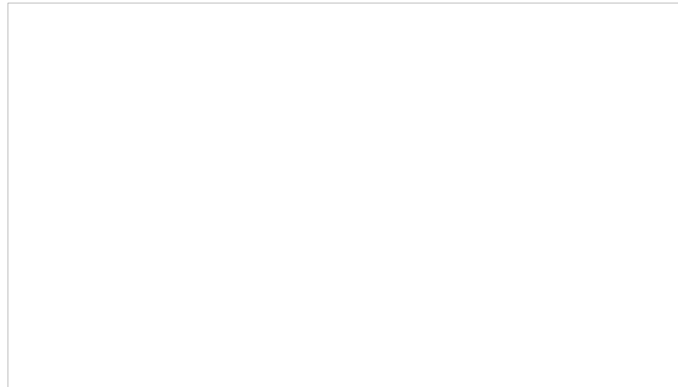
1. Dimensional standards.

- 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 requested by the applicant as part of a discretionary review, and only if the applicant can demonstrate that they 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, if the criteria in subsection (B)(1)(c) of

this section are met.

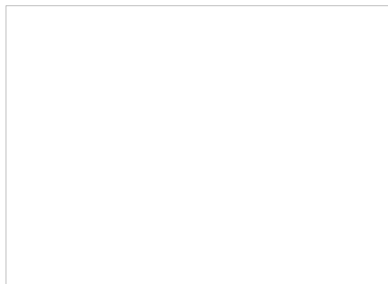
2. Minimum landscaping required. Sites in this district are exempt from landscaping requirements as identified in Chapter 54 CDC, Landscaping, with the exception of parking areas.

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

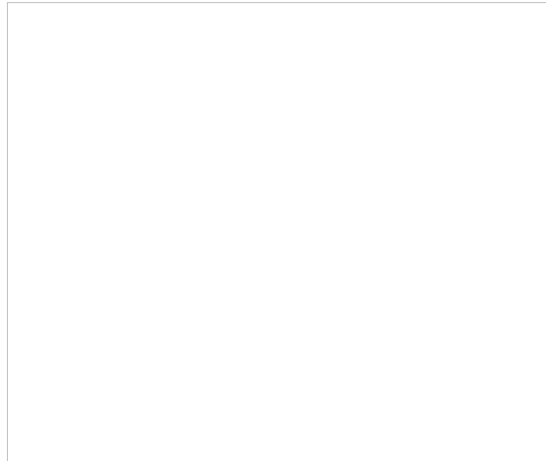


4. External ground level or first story minimum height. Ten feet to allow transoms.

5. Roof form. Flat or pitched roofs. Pitched roof ridgeline shall run from the front of the building to the back.

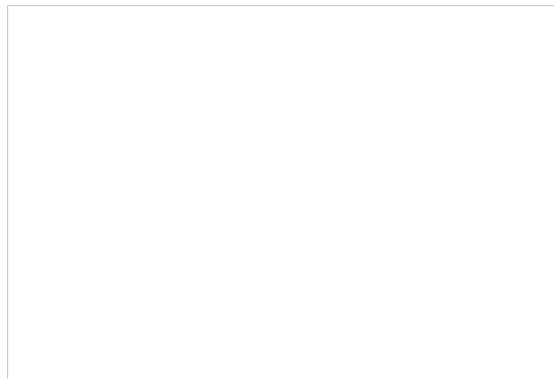


6. Building form, scale and depth. Building shall emphasize the vertical through narrow, tall windows (especially on second floor), vertical awning supports, engaged columns, and exaggerated facades creating a height-to-width ratio of 1.5:1.

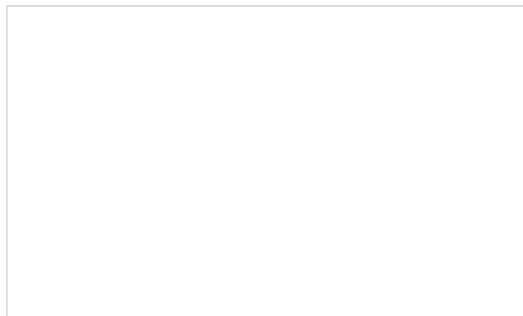


Building depth shall be flat, only relieved by awning and cornice projections and the indented doorway.

- 7. Visual building breaks. 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 through a design exception.



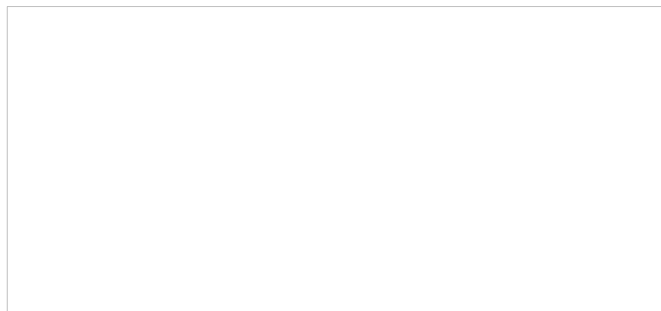
- 9. Cornice. Cornices shall be broad and may include regularly spaced supporting brackets. A cornice is not required, but preferred.



10. Building materials and orientation. Horizontal wood siding in one-inch by eight-inch dimensions shall be used, unless brick or other materials are permitted by a design exception obtained only under CDC [58.090](#).

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.

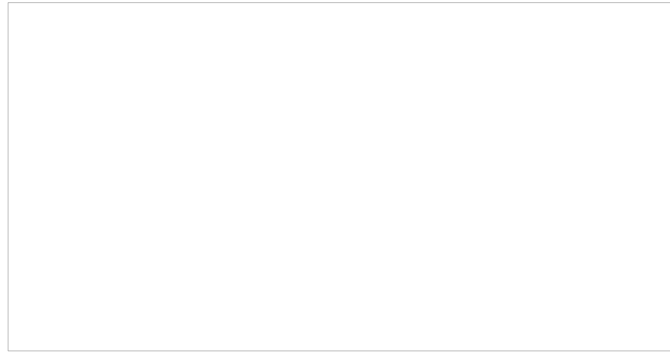
Awnings shall be either canvas or vinyl, or similar approved material, supported by an internal metal framework or metal or wood supported by a curved metal support attached to the building.



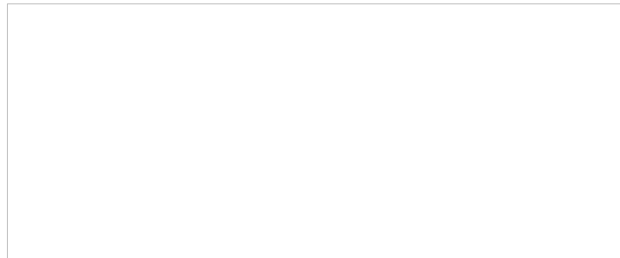
Awnings shall extend a minimum of five feet from the facade and along a minimum of 80 percent of a street facing facade to provide appropriate pedestrian coverage and shall meet ADA requirements. The pitch of the awning shall be 10 to 40 degrees. No “bubble-type” awnings are permitted. No backlit awnings 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.

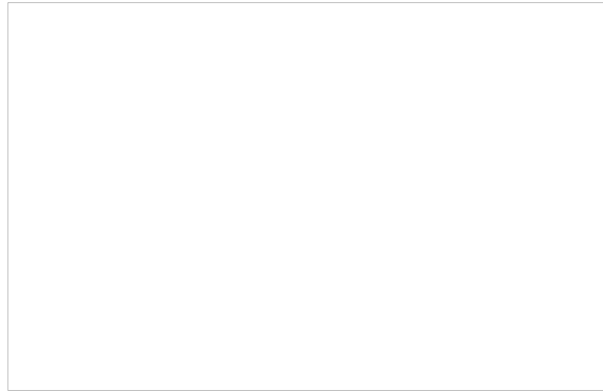


13. Doors and entryways. The entryway shall be centered in the middle of the building at grade. The buildings on street corners may position their doors on the corner at an angle as depicted in the illustration. The doors may be single or double doors. The doors shall be recessed three to five feet back 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.

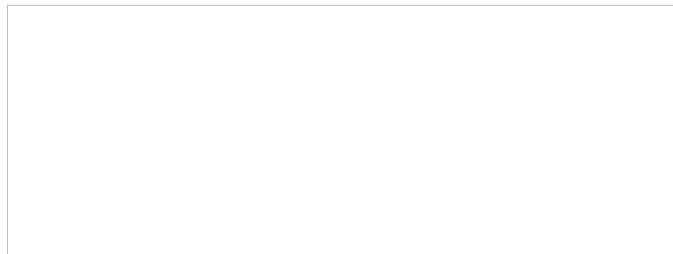
15. Display or pedestrian-level windows. Shall extend across at least 80 percent of building front. The windows shall start one and one-half to two and one-half feet above grade to a height of seven to eight feet, and shall be level with the top of the height of the adjacent entryway area, excluding 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.



16. Second floor and other windows.

a. Standard for residential development. Windows shall be double- or single-hung and shall be evenly spaced across the horizontal width of the facade. Windows shall either have a 3:1 height to width ratio for the glass area or shall be square. Square windows shall have minimum dimensions of one and one-half feet per side and maximum dimensions of two feet per side. There shall be a minimum of two lights in each window; options include “one over one” of equal size, “two over one,” or “four over one,” as illustrated below.

b. Standard for non-residential development. 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.



Examples of Light Patterns

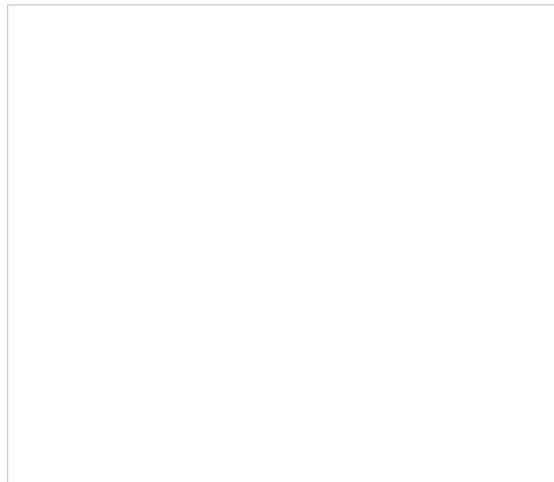
17. Wainscotting. Wainscotting shall be consistent with primary material of the building, typically wood.

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.

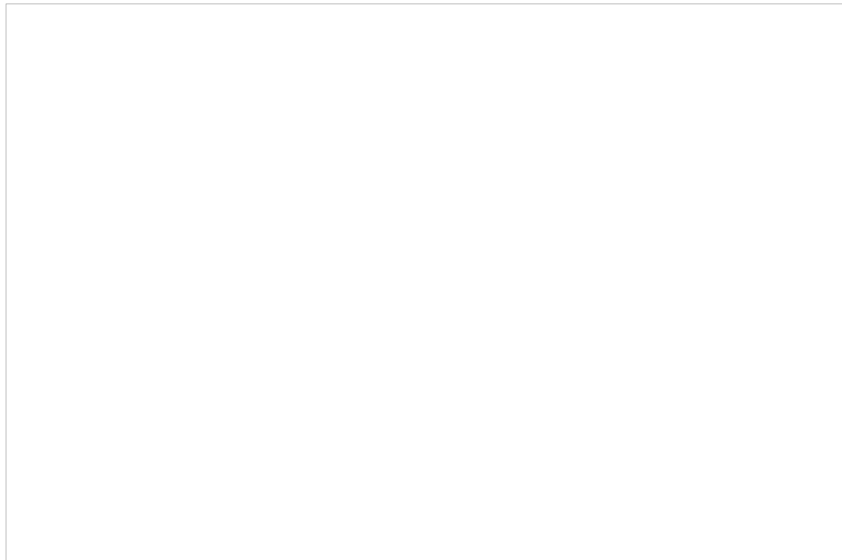


25. Paint colors. Body color typically included white, cream, or a light, warm color of low intensity. Accents, trims, windows, etc., should be dark-colored. A palette or color wheel, submitted by the applicant, of acceptable 1880 – 1915 period colors shall be the basis for color selection. Colors shall be similar to or consistent with existing buildings within the Willamette Commercial District to establish streetscape continuity. (Ord. 1391, 1996; Ord. 1401, 1997; Ord. 1604 § 59, 2011; Ord. 1613 § 18, 2013; Ord. 1621 § 25, 2014; Ord. 1675 § 47, 2018; Ord. 1735 § 4 (Exh. C), 2022. Formerly 58.090; Ord. 1745 § 1 (Exh. A), 2023)

58.090 DESIGN EXCEPTION 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 design exception 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, deviation, or use of non-period materials. The emphasis is upon superior design, detail, or workmanship.



- C. The application is for the restoration or alteration of an existing, out-of-period structure where it can be demonstrated that applicant cannot reasonably comply with the standard due to existing building setbacks, orientation, roof forms, materials, architectural style, functional design, or other existing conditions; and where the exception would further the purpose of this chapter as set forth in CDC [58.010](#). This exception does not apply when the structure is demolished. (Ord. 1735 § 4 (Exh. C), 2022; Ord. 1745 § 1 (Exh. A), 2023. Formerly 58.100)

58.100 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; Ord. 1735 § 4 (Exh. C), 2022; Ord. 1745 § 1 (Exh. A), 2023. Formerly 58.110)