

Memorandum

Date: September 10, 2024

To: Historic Review Board

From: John Floyd, Senior Planner

Subject: Topics of Discussion for September 17th Meeting

McLean House

As discussed at the August 20th meeting, the McLean House Nomination will be considered by the State Advisory Committee on Historic Preservation (SACHP) on October 18th. In addition to being invited to attend, the city was asked to complete a Certified Local Government (CLG) Evaluation form no later than October 7th for the committee's consideration. In support of the nomination, staff requests the board review the form and draft letter of support, and be prepared to discuss and vote on their approval (with or without comments or revisions) at the September 17th meeting.

Mission Statement

The HRB discussed the adoption of a mission statement on June 18th and August 20th 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.

On August 20th the HRB was presented a draft Mission Statement with discussion following. A revised document is included as Exhibit A, utilizing underlines and ~~strikethroughs~~ to identify revisions. Changes include the following:

- Inclusion of the term "built environment" to include public infrastructure;
- Use of the word "support" to acknowledge the HRB is an advisory group of volunteers;
- Revision of Function #1 to be acknowledge that the city may choose to designate additional historic or design districts that fall within the purview of the HRB;
- Added language that acknowledges Historic Willamette and the Willamette Falls and Landings Heritage Area Coalition as partner entities;
- Deletion of Function #6 as it is duplicative of Function #5 above it; and

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- Addition of Function #9 which supports periodic surveys of the existing inventory. As the HRB's request, planning staff checked with SHPO and an annual survey is not a requirement of CLGs.

For reference, the background information provided on June 18, 2024 regarding the existing powers and basis of authority that guides the HRB is included as Attachment "B".

Adoption of a purpose statement will require review and approval by City Council, and a joint meeting to discuss this topic and a potential code project to revisit the Willamette Falls Drive Commercial Design District Standards has been tentatively scheduled with the City Council for October 17, 2024.

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

Attachment "A"

Purpose

The purpose of the Historic Review Board (HRB) is to advise the City Council on matters pertaining to the built environment and historic resources (buildings, places, and archaeological ~~resources~~ monuments) within the community; to advise City Staff and Council on the administration of Certified Local Government (CLG) Grants; and to serve as an advisory or decision-making body as part of the City's historic resources program as set forth in the Community Development Code.

Membership

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.

Meetings and Rules of Procedure

Meetings shall generally be held on the third Tuesday of every month at 6:00pm. All meetings shall comply with the West Linn Municipal Code, West Linn Community Development Code, City Charter, State Law, West Linn Community Advisory Group Handbook, and Council Rules.

Role

The role of the HRB includes, but is not limited, to the following functions:

- ~~1. Administer local, state, and federal law regarding alterations to designated historic resources, new construction or alterations within the Willamette Historic District, and alterations or new construction within the Willamette Falls Drive Commercial Design District for appropriateness and compatibility;~~

Administer local, state, and federal law regarding alterations to designated historic resources, and alterations and new construction within Historic Districts or Design Districts for appropriateness and compatibility.

2. Review and make recommendations to the appropriate approval authority regarding the listing and de-listing of historic resources, the movement of historic resources, and the demolition of historic resources;
3. Maintain a role in governmental affairs, coordination and public information regarding matters relating to historic preservation in City of West Linn. In particular:
 - i. Advise the City Council, Planning Commission, and City Staff on matters of historic significance and interest.

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- ii. Participate with other governmental agencies, Tribal Nations, and private organizations such as the State Historic Preservation Office, Historic Willamette, Willamette Falls and Landings the Oregon Heritage Area Coalition, and West Linn Historical Society to preserve and promote the significance of West Linn's historic resources.
 - iii. Recommend updates to the City of West Linn's development code to be consistent with state and federal law and to reflect the community's goals and interests.
 4. ~~Promote and interpret~~ Support the promotion and interpretation of West Linn's history on public lands, in public spaces, and in City communications.
 5. Support City and community efforts to increase local and regional awareness of West Linn's history and its contribution to the community's quality of life.
 - ~~6. Support preservation of the character and design quality of West Linn's historic neighborhoods through public and private voluntary action. Public action may include the recognition of historic landmarks that have been voluntarily placed on the City's landmark designation list by placing a commemorative plaque or other form of appreciation on the property.~~
 7. ~~Promote~~ Support West Linn's unique place in Oregon's history by developing a program to publicly highlight the natural, cultural, and economic significance of Willamette Falls.
 8. To support the efforts identified above through the pursuit of government grants and private donations.
 9. Support periodic surveys of existing historical resources to document existing conditions, identify potential threats, and familiarize board members and other stakeholders with local historical resources.

Annual Report, Workplan, and Joint Meetings

The HRB shall prepare an annual report for City Council summarizing the activities of the calendar year, including their recommendations for future work and action by Council. Any feedback or direction provided by the Council either directly or indirectly through general Council goals shall be used to develop an annual workplan for the HRB at the first meeting of the year, or at a time otherwise determined as appropriate by the HRB. Joint meetings with Council shall be used as necessary to provide recommendations to Council and solicit feedback and direction on the workplan.

Attachment “B”

The purpose of this attachment is to aid the HRB in understanding where the Board currently obtains its 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.
- (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;

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- (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.

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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.

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- 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.