

April 7, 2016

Mr. Darren Wyss  
Associate Planner  
City of West Linn  
Development Review Application  
Historic Design Review

SUBJECT: DR-15-15 Historic Design Review to Construct New Accessory at 20375 Willamette Drive.

Dear Mr. Wyss:

This is in response to your letter dated November 20, 2015 regarding the above mentioned design review and its request for additional information. (See attached copy for your reference.) Please see our responses below and additional information for review.

Community Development Code  
25.050 Application Requirements

1. Narrative

Please address property line setback criteria for accessory structures in the R-10 zones>

CDC 11.070 (5) Established the required setbacks for a new accessory in the R-10 zone accept as additionally specified in CDC 25.070(C) (1) through (4). These are as follows:

- a. Front yard, 20 feet; **The proposal has approximately 100 feet to the front yard property line.**
- b. For an interior side yard, 7 ½ feet. **The proposal has 10 feet clear from the property line.**
- c. For a side yard abutting a street, 15 feet. **The proposal does not abut a street on the side yards.**
- d. For a rear yard, 20 feet. **Our proposal has approximately 30 feet to a back corner that only has a 25 degree change in direction. It is then 384 feet until it hits the next corner. The 10 feet interior side yard is more applicable for this consideration.**

**Our proposal meets or exceeds all setback requirements for the R-10 zone.**

2. Existing plan and elevation drawings.

Please provide a site plan showing the location and dimensions of the existing structures, location and width of paved driveway, tree locations (including species and size) in vicinity of proposed accessory structure in relation to the existing home, driveway, trees and property lines.

- **Please find attached an updated site plan for the proposed garage.**
- **See the attached pictures showing the existing trees at the proposed site.**
  - 1) **Existing Cedar Tree at right, Holly bushes in back right along property line.**
  - 2) **Existing Maple on back left along property line.**
  - 3) **Existing Maple on street side of garage along driveway.**

3. Proposed plan and elevation.

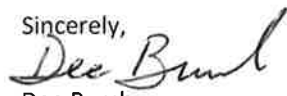
Please provide proposed accessory structure building elevation dimensions for the east, west, and south sides, including window and door dimensions.

- **See attached drawing.**

Please provide photographs or examples of the building materials to be used on the proposed accessory structure, including roof tile, stucco style, windows and doors, and outdoor lighting.

- **The roof material is proposed to be steel roofing in the shape of the tile of the existing house. Please find the attached a data sheet illustrating this material. Our Contractor is currently searching for a tile product that will closely match the existing tile. If located, a tile material will be substituted for this product.**
- **The Stucco siding will be chosen to match the existing house. See attached pictures to see texture.**
- **The garage doors, the access doors and the window will have wood trim painted to match the existing house. (See attached pictures for style.)**
- **The outdoor lights are no longer made. The search is still on for something similar. See the attached lighting for consideration. 1) & 2) are the closest at this time. If others are not found that are more appealing, a simple light like 3) will be chosen. This light at the door way will not be seen from the roadway right of way.**

We hope these responses give sufficient information to assess the historic review board questions. If you require any additional information, please contact us at your earliest convenience.

Sincerely,  
  
Dee Burch.

City of West Linn  
Review Letter Dated  
November 20, 2015



November 20, 2015

Dee and Sherri Burch  
20375 Willamette Drive  
West Linn, OR. 97068

SUBJECT: DR-15-15 Historic Design Review to Construct New Accessory Unit at 20375 Willamette Drive.

Dear Dee and Sherri:

You submitted this application on October 29, 2015. The Planning and Engineering Departments find that this application is **incomplete**. The following items must be addressed:

Community Development Code  
25.050 Application Requirements

1. Narrative.

Please address property line setback criteria for accessory structures in the R-10 zones.

2. Existing plan and elevation drawings.

Please provide a site plan showing the location and dimensions of the existing structures, location and width of paved driveway, tree locations (including species and size) in vicinity of proposed accessory structure, and the orientation, dimensions and location of the proposed accessory structure in relation to the existing home, driveway, trees and property lines.

### 3. Proposed plan and elevation.

Please provide proposed accessory structure building elevation dimensions for the east, west, and south sides, including window and door dimensions.

Please provide photographs or examples of the building materials to be used on the proposed accessory structure, including roof tile, stucco style, windows and doors, and outdoor lighting.

\* Pursuant to CDC 99.035, the Planning Director may require information in addition to that required by a specific chapter in the Community Development Code or may waive a specific requirement for information or a requirement to address a certain approval standards.


Pursuant to ORS 227.178 "If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section upon receipt by the governing body or its designee of:

- (a) All of the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

You now have 180 days, through April 25, 2016, to make the application complete by providing the information outlined above. On the 181<sup>st</sup> day after first being submitted, the application will be considered void if the applicant has been notified of the missing information and has not submitted the information as requested above or a written notice responding to the above options.

Please contact me at 503-722-5512, or by email at [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov) if you have any questions or comments.

Sincerely,



Darren Wyss

Associate Planner

October 22 2015

City of West Linn

Development Review Application

Historic Design Review

**Site Information**

Site Address: 20,375 Willamette Drive

Site Area: 81,387 square feet

Neighborhood: Bolton NA

Comp. Plan: Low density residential

Zoning: R-10 (Single family residential detached / 10,000 square foot minimum lot size)

Applicable code: (CDC) Chapter 25: Historic District, CDC Chapter 11: R-10

**Project Details:** The house on the property is a 1927 Mediterranean Revival style with stucco exterior. The house is a historic landmark subject to CDC Chapter 25. The property owner proposes to build an 832 square foot three car detached garage (accessory structure) to the south of the house. Accessory structures over 120 square feet in size must apply for Historic Design review. The specific standards that apply to accessory structures include CDC section 25.060(B) (1) (a) (3) which states that detached accessory structures “...shall be in the rear yard”. The proposed garage location does not meet that standard. Rather than apply for a variance, this chapter offers CDC section 25.080 “*Modification to Design Standards*”.

Owner/applicant narrative:

**The house is a 1927 Mediterranean Revival style with a stucco exterior. As the property owner we are proposing to build a new detached garage.**

**We have owned this property for fifteen years and take great pride in maintaining the integrity of the historical legacy of this unique property.**

**We are proposing a location and a design that will be complimentary to the architecture and historic significance of the property. The existing garage is attached to the home is inadequate and not conducive to enlargement.**

CDC Chapter 25 Overlay Zones – Historic District: **The Site Location/Address is not within an Historic District. The property is uniquely designated as a historic landmark.**

CDC 25.040 Item 17 identifies that: “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.” **The proposed garage location is a side yard area completely separate from the historic building on the property.**

CDC 25.060

The proposed construction of a garage will preserve all the features of the historic landmark designation for this property:

1. Retention of original construction: **the original construction is not affected.**
2. Retention of historic material: **existing construction will not be affected. New construction is separate from the existing structures and will be built of similar design and compatible with the historic structures.**
3. Time period consistency: **the original construction is not affected.**
4. Significance over time: **the new construction does not affect the historic significance of the property or existing structures.**
5. Differentiate old from new: **the new construction will be differentiated from the original buildings and compatible with the historic materials and features of the existing structures to protect the integrity of the property.**
6. Reversibility: **the essential form and integrity of the historic property and its context are not affected by the addition of or removal from the property.**
7. Building additions: **the proposed garage is not an addition to the existing construction. The garage will be proportioned consistent with the existing primary structure, smaller in scale and set back along the far southeast edge of the property.**
8. Building height and roof pitch: **the proposed garage will have a more modest roof pitch than the primary structure.**
9. Roof materials: **the proposed roof construction will be of metal tile resembling the clay tile of the existing roof.**
10. Existing exterior walls and siding: **the proposed garage will be sided with stucco to be in character with and consistent with those of the original construction.**
11. New exterior walls and siding: **the original property is finished with stucco and wood-framed windows, these will be used on the exterior faces of the garage to harmonize with the existing structure.**
12. Gutters and downspouts: **the same materials will be used as those on the existing buildings.**
13. New windows: **the windows on the garage will have wood framing to be consistent with those of the original construction.**
14. Storm windows: **storm windows will not be used.**
15. Window replacement: **no existing windows will be replaced.**

16. Doors: **garage doors and side doors will be consistent with the existing structures.**
17. Porches: **no porches are indicated.**
18. Decks: **no decks are indicated.**
19. Foundations: **the proposed garage construction will be completely separate from the existing structures and will not affect the property elevations.**
20. Lighting: **lighting will be consistent with the existing lighting and architectural structures.**

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.
    - 1) Accessory structures in the Willamette Historic District are subject to the setback requirements of CDC 25.020(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.

Standards for accessory structures:

**The proposed garage location on the southeast side of the property complies with CDC Chapter 34, Accessory structures.**

## A. 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 25 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)

### **34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)**

A. Accessory structures shall comply with all requirements for the principal use except as provided in CDC 34.040 and where specifically modified by this code as follows.

B. A side yard or rear yard requirement may be reduced to three feet for an accessory structure except for a side or rear yard abutting a street, with the exception of alleys platted and dedicated prior to September 30, 1984, as defined in this code; provided, that:

1. The structure is erected more than 60 feet from the front lot line;
2. The structure does not exceed one story or 15 feet in height;
3. The structure does not exceed an area of 500 square feet; and
4. The structure does not violate any existing utility easements.

The owner/applicant proposes that the unique features of this historic landmark property recommend consideration for placing the garage in the side yard on the southeast perimeter of the property, separate from the main property historic structures and conducive to access from the main driveway already in place.

The proposed location does not impact any of the existing topography or existing structures. The garage would be well set back from the street and behind two large oak trees. The placement of two windows toward the street will improve the appearance of the wall facing the street. The garage doors will face inward toward the property. The site is on the left side of the driveway, which curves to the right toward the main house and will not intrude on the façade of the existing historic structure. The garage will be finished with stucco and metal-tile roof to blend well with the existing structures.

Placing the garage at any other location would be more intrusive to the aesthetic historic lines of the house and outbuildings that have historic value.

Due to increasing height of the hillside alongside and behind the home, the topography, existing trees and landscape, it would not be feasible for building a drive and garage alongside or behind the home.

#### CDC 25.080 Modifications to Design Standards

The owner/applicant requests consideration of the unique historical attributes of this property and the appropriate location for the proposed garage construction.

The deviation is represented by the historic landmark property itself, on a remarkably large and autonomous site, notwithstanding a remarkable colonnade of Douglas Fir trees on its perimeter. Since acquiring the property in 2000 the owners have worked to reclaim the landscape from the wild growth of invasive plants: English Ivy, Himalayan blackberry and thickets of poison oak that had climbed to the top of some of the Fir, Oak and Cedar trees. Replanting of understory vegetation with native plants, including salal, Oregon grape, vine maple and dogwood, ferns and perennials, is an ongoing effort.

After purchasing this home in 2000 it had been architecturally restored in many ways, showcasing once again the beauty of its Mediterranean Revival architecture.

The property is unique also for its historical significance due to the engagement of a prior owner in WWII. Carl Braun had been a radio officer in WWI and worked on the USS Oregon which was outfitted with radio equipment during WWI. Having moved to West Linn and working as a General Manager at Hawley Pulp and Paper in Oregon City, he continued his radio work from his station built into his home. When the bombs fell in Pearl Harbor the Navy recruited him as one of the few ham radio stations maintained during the war due to his cooperation with ship-to-shore communications with operations underway in the Pacific arena of the war. Carl Braun salvaged some of the unique hardware from the USS Oregon to furnish his basement, and in 1956 the Radio Room from the USS Oregon was installed in his backyard. This is one of the 'accessory' structures on our property. Another is a flat-roof shed holds a large generator from a ship the size of a truck, with a series of electrical switches and circuits that we believe would have once enabled the property to run independently to prevent interruption of electricity and radio transmission. There is also an antennae tower on the far west point of the property which was once from a television station in Los Angeles. We presume this was also installed during or after wartime to enhance radio signal. All these accessory structures are disabled and electrically disconnected.

Historic photos of the property are enclosed, along with four photos showing the property in its present condition and the proposed location for the new garage.

We hope this application gives sufficient information to assess the appropriate construction of a new garage.

Sincerely,

Dee and Sherri Burch

## **CDC Reference Documents**

**Chapter 11 – Single-Family Residential  
Detached, R -10**

**Chapter 25 – Overlay Zones – Historical District**

**Chapter 34 – Accessory Structures, Accessory  
Dwelling Units, and Accessory Uses**

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## Chapter 11 SINGLE-FAMILY RESIDENTIAL DETACHED, R-10

### Sections:

- 11.010 PURPOSE
- 11.020 PROCEDURES AND APPROVAL PROCESS
- 11.030 PERMITTED USES
- 11.040 ACCESSORY USES
- 11.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 11.060 CONDITIONAL USES
- 11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 11.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 11.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

### **11.010 PURPOSE**

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and to public facilities and public transportation. This zone is intended to implement the Comprehensive Plan policies and locational criteria, and is applicable to areas designated as Low Density Residential on the Comprehensive Plan Map and Type I and Type II lands identified under the Buildable Lands Policy.

### **11.020 PROCEDURES AND APPROVAL PROCESS**

- A. A use permitted outright, CDC 11.030, is a use which requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- B. A use permitted under prescribed conditions (CDC 11.050) is a use for which approval will be granted provided all conditions are satisfied, and:
1. The Planning Director shall make the decision in the manner provided by CDC 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and

2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC 99.240(A).

C. A conditional use (CDC 11.060) is a use the approval of which is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60 CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.

D. The following code provisions may be applicable in certain situations:

1. Chapter 65 CDC, Non-conforming Uses Involving a Structure.
2. Chapter 66 CDC, Non-conforming Structures.
3. Chapter 67 CDC, Non-conforming Uses of Land.
4. Chapter 68 CDC, Non-conforming Lots, Lots of Record.
5. Chapter 75 CDC, Variance.

### **11.030 PERMITTED USES**

The following are uses permitted outright in this zoning district

1. Single-family detached residential unit.
2. Community recreation.
3. Family day care.
4. Residential home.
5. Utilities, minor.
6. Transportation facilities (Type I).
7. Manufactured home. (Ord. 1226, 1988; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1635 § 8, 2014)

### **11.040 ACCESSORY USES**

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

### **11.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1298, 1991; Ord. 1308, 1991; Ord. 1408, 1998; Ord. 1565, 2008; Ord. 1624 § 5, 2014; Ord. 1635 § 9, 2014)

#### 11.060 CONDITIONAL USES

The following are conditional uses which may be allowed in this zoning district subject to the provisions of Chapter 60 CDC, Conditional Uses.

1. Cultural exhibits and library services.
2. Lodge, fraternal, community center and civic assembly.
3. Public safety facilities.
4. Public support facilities.
5. Recycle collection center.
6. Religious institution.
7. Schools.
8. Senior center.
9. Utilities, major.

10. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1172, 1985; Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1565, 2008; Ord. 1584, 2008; Ord. 1604 § 7, 2011)

#### 11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.
2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
3. The average minimum lot width shall be 50 feet.
4. *Repealed by Ord. 1622.*
5. Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:
  - a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.
  - b. For an interior side yard, seven and one-half feet.
  - c. For a side yard abutting a street, 15 feet.
  - d. For a rear yard, 20 feet.
6. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.
7. The maximum lot coverage shall be 35 percent.
8. The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.
9. The floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless

of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

10. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1175, 1986; Ord. 1298, 1991; Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1614 § 2, 2013; Ord. 1622 § 24, 2014)

#### **11.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES**

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B). (Ord. 1636 § 9, 2014)

#### **11.090 OTHER APPLICABLE DEVELOPMENT STANDARDS**

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. Chapter 40 CDC, Building Height Limitations, Exceptions.
5. Chapter 41 CDC, Structures on Steep Lots, Exceptions.
6. Chapter 42 CDC, Clear Vision Areas.
7. Chapter 44 CDC, Fences.
8. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
9. Chapter 48 CDC, Access, Egress and Circulation.
10. Chapter 52 CDC, Signs.
11. Chapter 54 CDC, Landscaping.



B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings, residential homes and residential facilities.  
(Ord. 1590 § 1, 2009)

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**The West Linn Community Development Code is current through Ordinance 1638, passed August 10, 2015.**

Disclaimer: The City Recorder's Office has the official version of the West Linn Community Development Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://westlinnoregon.gov/>  
(<http://westlinnoregon.gov/>)  
City Telephone: (503) 657-0331  
Code Publishing Company  
(<http://www.codepublishing.com/>)

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## Chapter 25 OVERLAY ZONES – HISTORIC DISTRICT

### Sections:

- 25.010 PURPOSES
- 25.020 USE OF THIS CHAPTER
- 25.030 PERMITTED USES
- 25.040 HISTORIC DESIGN REVIEW PROCESSES
- 25.050 APPLICATION REQUIREMENTS
- 25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES
- 25.070 ADDITIONAL STANDARDS APPLICABLE TO HISTORIC DISTRICTS
- 25.080 MODIFICATIONS TO DESIGN STANDARDS
- 25.090 DESIGNATION OF A HISTORIC RESOURCE
- 25.100 REMOVAL OF HISTORIC RESOURCE DESIGNATION
- 25.110 RELOCATION OF A HISTORIC RESOURCE
- 25.120 DEMOLITION OF A HISTORIC RESOURCE
- 25.130 DEMOLITION BY NEGLECT
- 25.140 HISTORIC RESOURCE MAP

### 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.
    - 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.

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

	B. STANDARDS FOR NEW CONSTRUCTION			
	C. WILLAMETTE HISTORIC DISTRICT GENERAL STANDARDS		X	X

(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 historic design review, are subject to subsection B of this section, Class I historic design review, or subsection C of this section, Class II historic design review. Class I historic design review addresses significant changes that warrant staff review. Class II historic design review addresses major changes including additions and new construction, subject to Historic Review Board approval. The processes for conducting Class I and Class II historic design review are in 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.

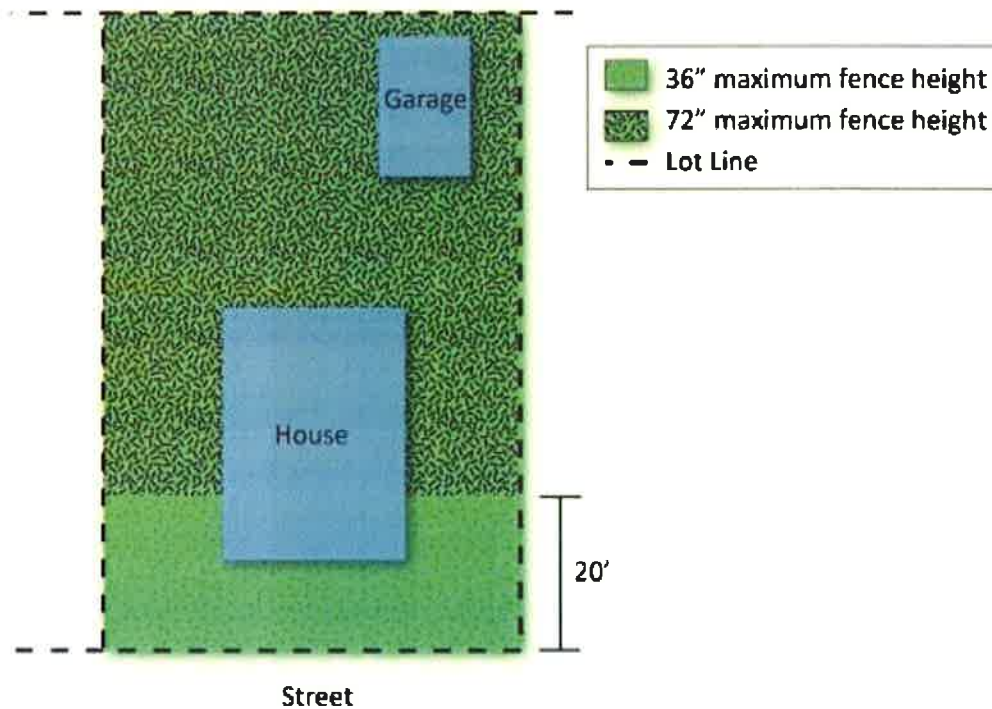
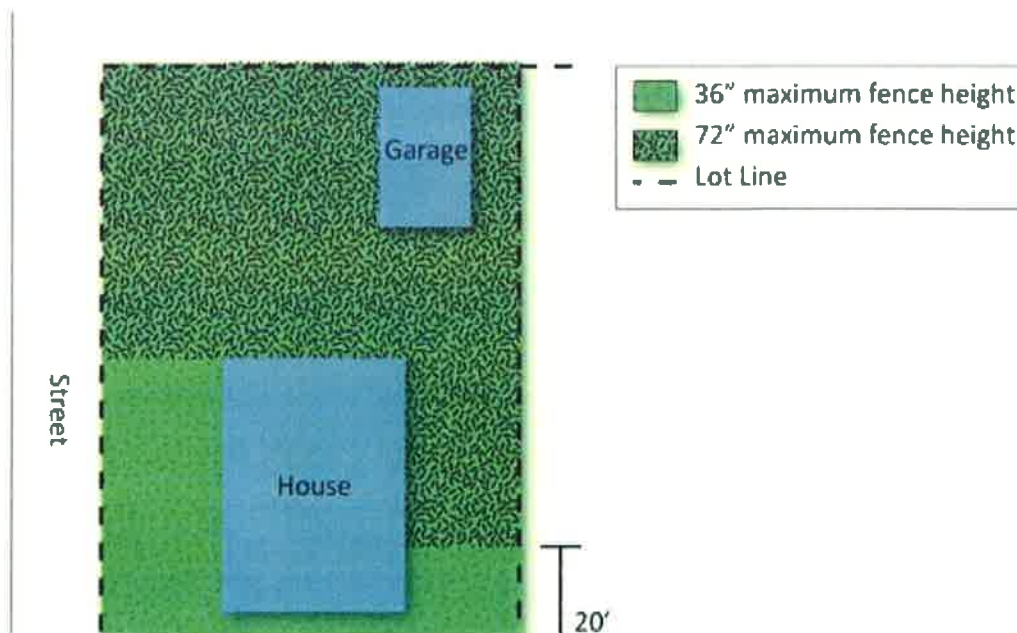


Figure 1: Example of Exempt Interior Lot Fence Locations





**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.

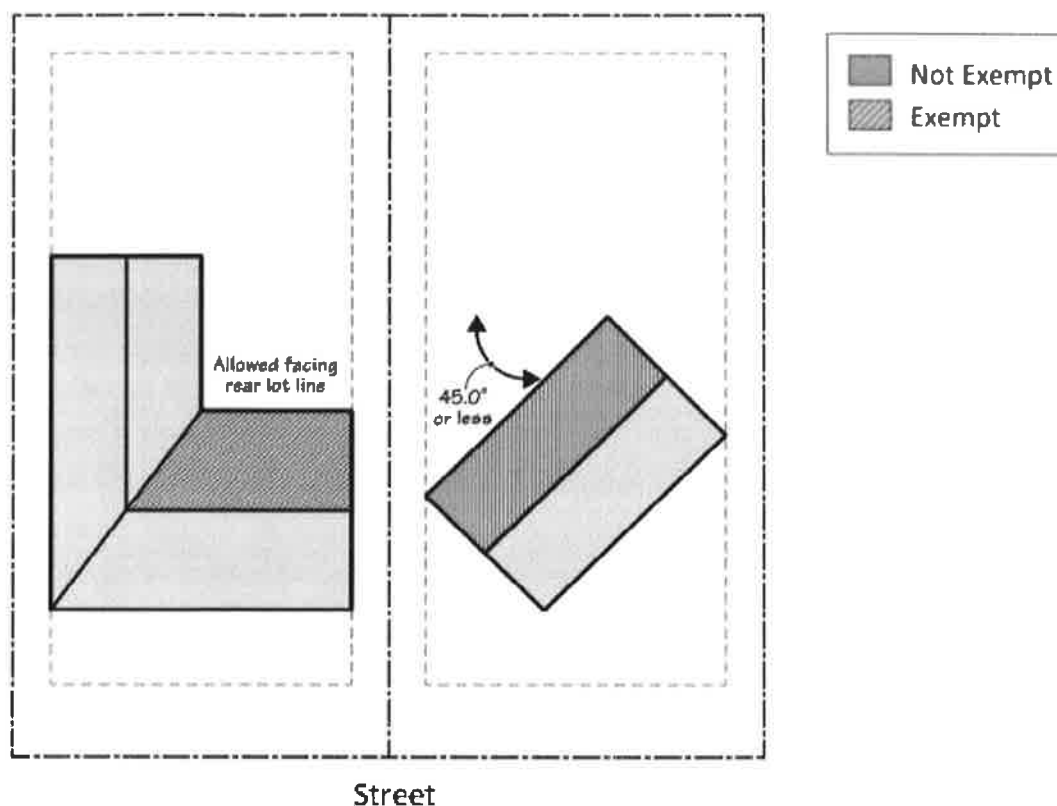


Figure 3: Exempt Solar Energy System Locations

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 historic design review. The following are subject to Class I historic design review 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 historic design review. All proposed new construction, alterations, and additions, not identified as exempt under subsection A of this section, or subject to Class I historic design review under subsection B of this section, are subject to Class II historic design review 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 materials and features shall be avoided during the construction of new additions or exterior alterations. Whenever possible, deteriorated

materials and architectural features shall be repaired rather than replaced. In the event replacement of an existing feature is necessary, new materials shall, to the extent possible, match those of the original building in terms of composition, design, color, texture, and other visual features.

3. Time period consistency. Buildings shall be recognizable as a physical record of their time and place. Alterations which have no historical basis or which seek to create a false sense of historical development are not allowed.

4. Significance over time. Changes to a property that have acquired historic significance in their own right, and during the period of significance, shall be retained and preserved.

5. Differentiate old from new. Alterations and additions shall be differentiated from the original buildings and shall be compatible with the historic materials, features, size, scale, proportion, and massing to protect the integrity of the property.

6. Reversibility. Additions and alterations shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its context would be unimpaired.

7. Building additions. Building additions shall be subordinate to the original building, smaller in scale, and attached to the rear or set back along the side. Features of building additions, including the proportions of window and door openings, shall be consistent with those of the existing building. Dimensional and other requirements in the underlying zone, as applicable, shall apply.

8. Building height and roof pitch. Existing or historic building heights and roof pitch shall be maintained.

9. Roof materials. Replacement of a roof or installation of a new roof with materials other than cedar shingles, three tab asphalt shingles, or architectural composition shingles must be demonstrated, using photographic or other evidence, to be in character with those of the original roof, or with materials that are consistent with the original construction.

10. Existing exterior walls and siding. Replacement of the finish materials of existing walls and siding with different material must be

demonstrated, using photographic or other evidence, to be in character with those of the original materials, or with materials that are consistent with the original construction.

11. New exterior walls and siding. Wood siding or shingles shall be used unless the applicant demonstrates that an alternative material has a texture and finish typically used on similar style buildings of the era, or the era the building style references. Vinyl or other materials that do not match those that were typically used on similar style buildings of the era, or the era the building style references, are not permitted.

12. Gutters and downspouts. Replacement or new gutters and downspouts shall be rectangular, ogee, or K-shaped and comprised of wood or metal material, or styles and materials that match those that were typically used on similar style buildings of the era, or the era the building style references. Vinyl or other materials and styles that do not match those that were typically used on similar style buildings of the era, or the era the building style references, are not permitted.

13. New windows. New windows shall match the appearance of the original windows as closely as possible. Wood window frames and sashes shall be used unless the applicant demonstrates that the non-wood windows are consistent with their wooden counterparts, including profile and proportion of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins. The window trim and sill shall match the original trim.

14. Storm windows. Storm windows shall be made of painted wood, baked enamel, anodized aluminum, or another material that is consistent with the color, detail, and proportions of the building.

15. Window replacement. Replacement of windows or window sashes shall be consistent with the original historic appearance, including the profile of the sash, sill, trim, window plane relative to the building wall plane, light pattern, glass color, profile of mullions and muntins, and color.

16. Doors. Doors shall be painted or stained wood, fiberglass clad, or metal clad, or another material that is consistent with the original historic appearance.



17. Porches. Front porches are allowed on new construction. No front porch shall be added to a structure if there was not one originally. Existing front porches shall not be enclosed or enlarged. Alterations to existing front porches and side yard porches that face a street shall:

- a. Maintain the shape, width, and spacing of the original columns; and
- b. Maintain the height, detail, and spacing of the original balustrade.

18. Decks. Decks shall be located in rear yard or the portion of the side yard behind the front 50 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.

- 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 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, 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

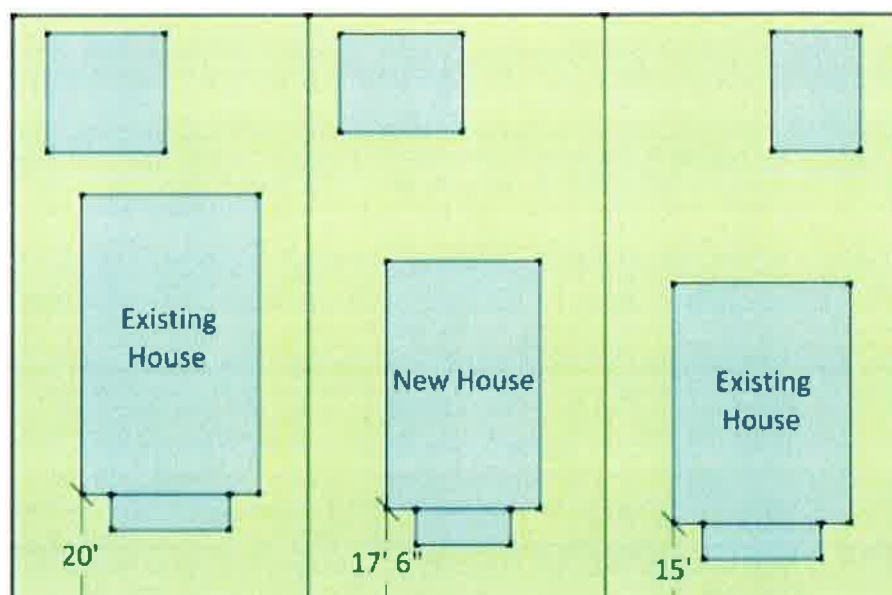
be done in accordance with the Secretary of the Interior's Standards for Reconstruction.

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. New lot configuration. In addition to other requirements of the CDC, all new lots in the historic district shall be perpendicular to the street and extend directly from the lot line along the street to the opposite lot line. The primary structure and any other contributing structures on the original property shall not be located on separate lots.
7. Building height.
  - a. Residential structures are limited to 28 feet in height. Cupolas and towers shall not exceed 50 feet in height.

- b. One story accessory structures shall not exceed a height of 15 feet. For the purposes of this chapter, any one story accessory structure over 15 feet is considered a two story structure.
  - c. Two story accessory structures shall not exceed the maximum height of 23 feet as measured per Chapter 41 CDC.
  - 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)

#### 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:

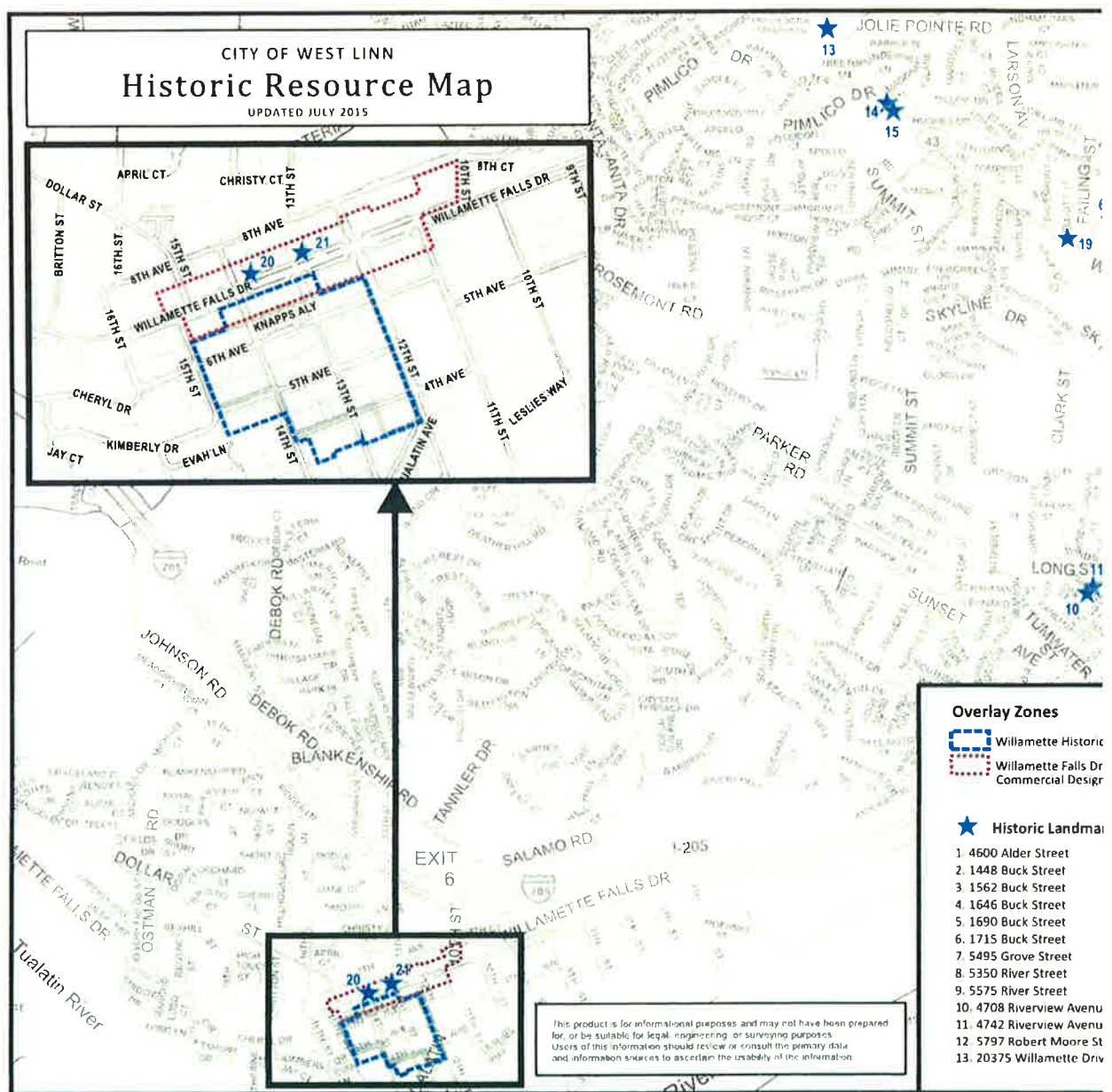
1. Structural integrity. Faults, defects, or other conditions which render the structure or resource structurally unsafe or not properly watertight.
  2. Walls and other support members.
    - a. Walls or support members that are deteriorated due to failure to paint or otherwise maintain the structure 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



(Ord. 1638 § 1, 2015)

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**The West Linn Community Development Code is current through Ordinance 1638, passed August 10, 2015.**

Disclaimer: The City Recorder's Office has the official version of the West Linn Community Development Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

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## Chapter 34

### ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND ACCESSORY USES

#### Sections:

- 34.020 ACCESSORY USES
- 34.030 ACCESSORY DWELLING UNITS (ADUs)
- 34.040 SETBACK PROVISIONS FOR NOISE-PRODUCING ACCESSORY STRUCTURES AND USES
- 34.050 BOAT HOUSES AND DOCKS
- 34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

#### 34.020 ACCESSORY USES

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

- A. A greenhouse may be a maintained accessory to a dwelling provided the activity does not exceed that which requires a license under Chapter 571 of the Oregon Revised Statutes, Nurseries.
- B. A television disk or satellite dish larger than three feet in diameter, and any other non-commercial antennas over three feet in height (minor utility), may be a maintained accessory to a dwelling provided it is not located within the front yard or side yard abutting a street, it is mounted on the ground, is screened from view, as practical, with landscaping, and otherwise meets the requirements of CDC 34.060. The satellite dish shall not exceed a maximum height of 18 feet.

Where it can be demonstrated that these restrictions impose unreasonable limitations to the extent that the antenna/satellite dish's reception or transmitting capability is significantly reduced, then roof-mounted (provided it is powder-coated with mesh or perforated construction) or alternate locations for the antenna/satellite dish may be allowed. (Ord. 1350, 1993; Ord. 1463, 2000; Ord. 1614 § 8, 2013)

**34.030 ACCESSORY DWELLING UNITS (ADUs)**

A. An accessory dwelling unit (ADU) may be allowed in conjunction with an existing primary single-family dwelling by conversion of existing space inside the primary dwelling; by means of an addition to an existing dwelling; by means of an addition as an accessory structure; or by converting or adding to an existing accessory structure, such as a garage, on the same lot with an existing primary dwelling, when the following conditions are met:

1. One off-street parking space for the ADU shall be provided in addition to the required parking for the primary dwelling except in those cases where the abutting street has a paved width of 28 feet or more and allows on-street parking.
2. Public services can serve both dwelling units.
3. The number of occupants is limited to no more than one family as defined by the Community Development Code.
4. The ADU does not exceed one bedroom and has an area between 250 and 1,000 square feet. If the ADU is located in an accessory structure, then it shall not exceed 30 percent of the gross square footage of the primary dwelling, except that an ADU may be a minimum of 250 square feet in size regardless of the size of the primary dwelling. No more than one ADU is allowed.
5. The ADU is in conformance with the setback and lot coverage requirements of the underlying zone.
6. The following minimum area standards shall be met:

1 person – 250 square  
feet

2 persons – 500 square  
feet

7. Existing accessory structures such as large workshops, offices, garages, etc., constructed prior to January 2000, that exceed dimensional standards prescribed above for ADUs may be converted into ADUs in the

### 34.040 SETBACK PROVISIONS FOR NOISE-PRODUCING ACCESSORY STRUCTURES AND USES

Noise-producing accessory uses and structures such as heat pumps, swimming pool motors or pumps shall meet the setback requirements of the zone.

### 34.050 BOAT HOUSES AND DOCKS

Only side yard setback requirements apply to boat houses and docks.

### 34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

A. Accessory structures shall comply with all requirements for the principal use except as provided in CDC 34.040 and where specifically modified by this code as follows.

B. A side yard or rear yard requirement may be reduced to three feet for an accessory structure except for a side or rear yard abutting a street, with the exception of alleys platted and dedicated prior to September 30, 1984, as defined in this code; provided, that:

1. The structure is erected more than 60 feet from the front lot line;
2. The structure does not exceed one story or 15 feet in height;
3. The structure does not exceed an area of 500 square feet; and
4. The structure does not violate any existing utility easements.

C. Attached accessory structures. When an accessory structure is attached to the main structure (wall to wall or by any permanent attachment), including via a covered walkway, such accessory structure shall be considered as part of the main structure. (Ord. 1604 § 38, 2011)

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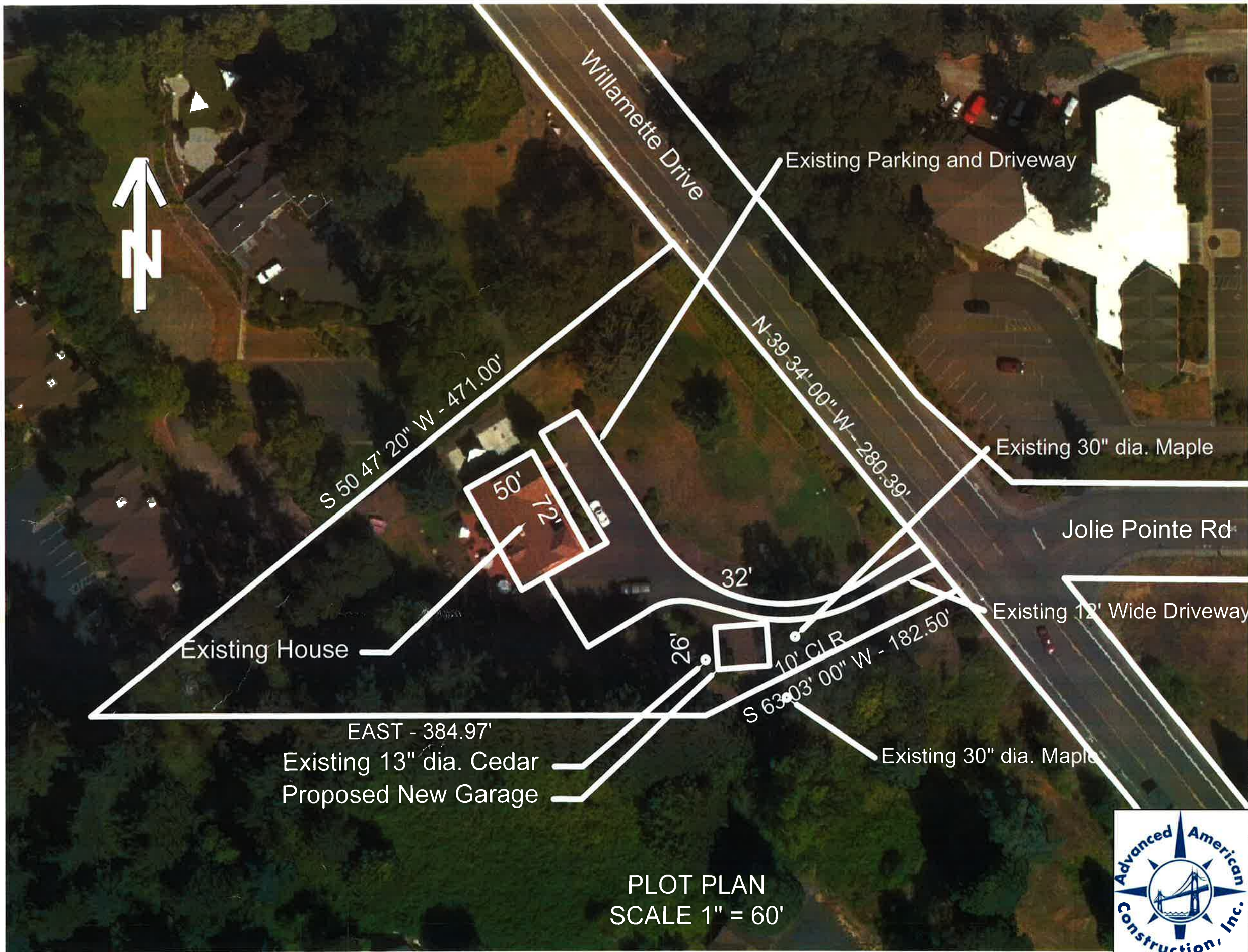
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**Updated Site Plan**  
**Adjacent Trees**





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Dee & Sherri Burch  
New Garage Plot Plan  
20375 Willamette Dr., West Linn

AAC PROJECT #	####-###	
DATE	DRWN. BY	APPR. BY
XX/XX/XX	---	---
SCALE	DRAWING #	SHEET
-	-	1 OF X







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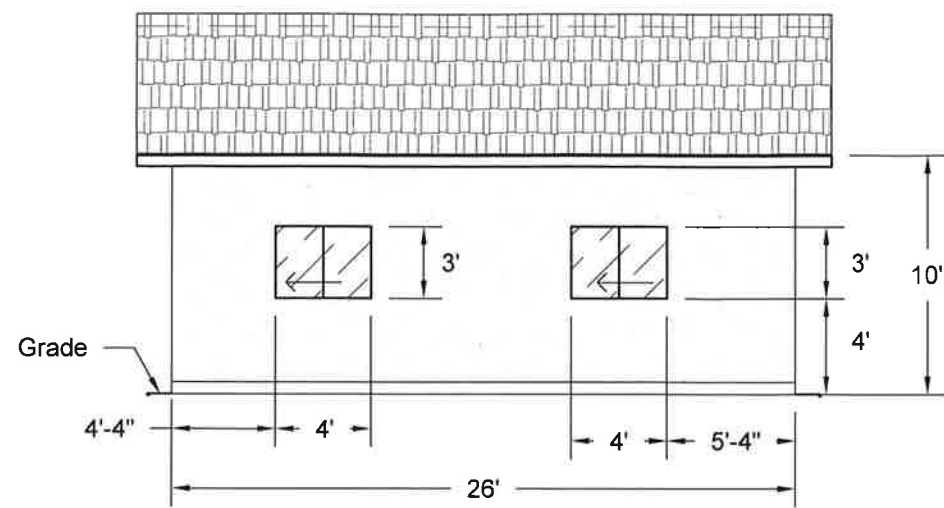


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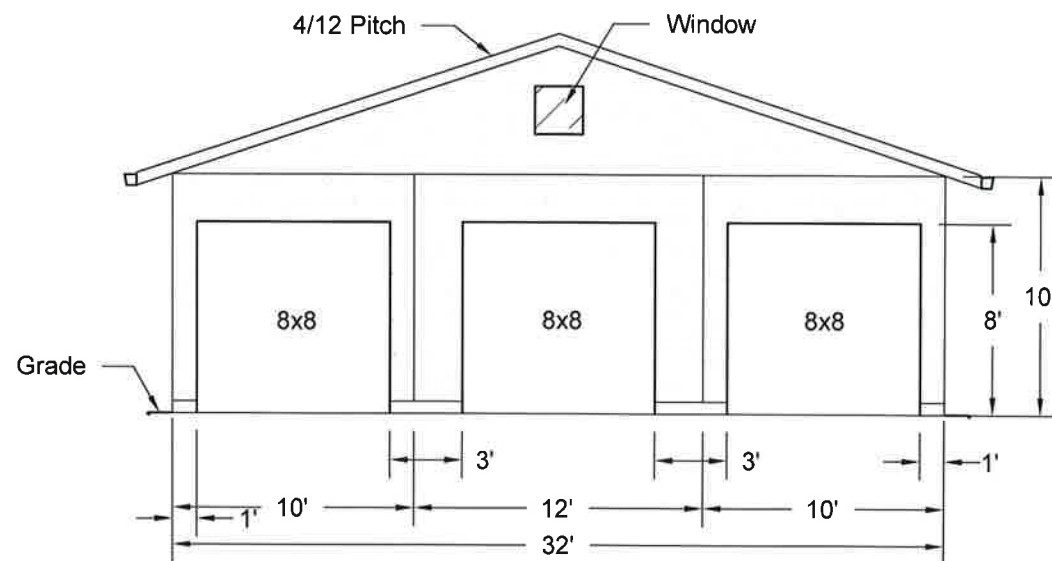


## Proposed Plan and Elevations

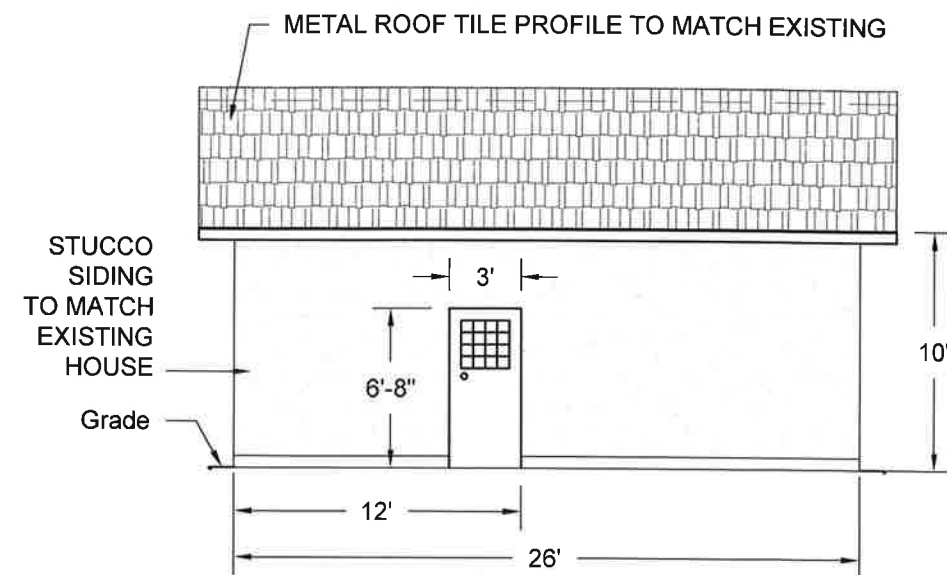




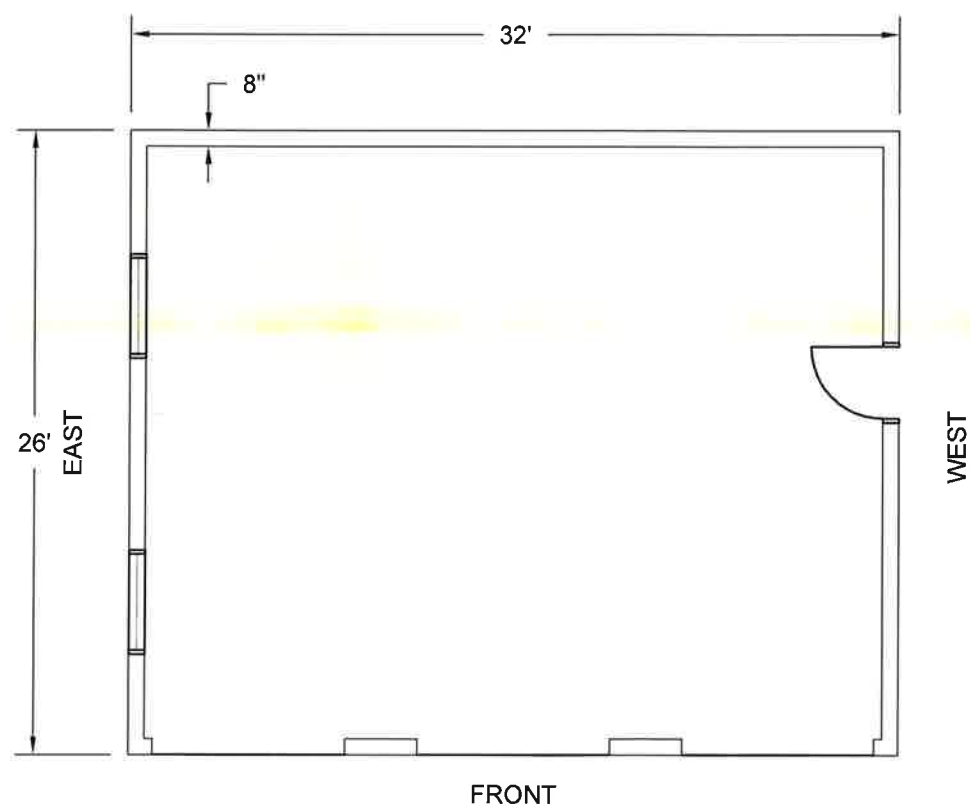
EAST ELEVATION / GARAGE  
1/8" = 1'-0"



FRONT ELEVATION / GARAGE  
1/8" = 1'-0"



WEST ELEVATION / GARAGE  
1/8" = 1'-0"



PLAN / GARAGE  
1/8" = 1'-0"

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GARAGE PLAN & ELEVATIONS

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**Proposed Materials**  
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UL 2218, Class 4 Impact Resistance

UL 790, Class A Fire Resistance Rating

UL 580, Class 90 Wind Uplift, Construction #533 over 5/8" plywood deck



• All Stile colors are  
Energy Star® rated

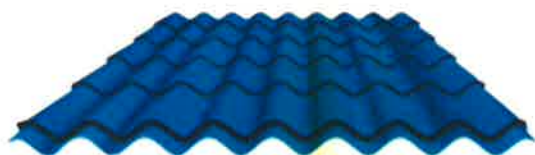
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## Stile - Spanish Metal Tile Roofing



Stile® is a metal roofing system designed to simulate the durable yet elegant look of clay Spanish roofing tiles. Stamped from a tough 26 gauge steel product, Stile has many benefits.

Stile comes in full length panels cut to the foot. These panels are formed per specification from 3' to 20' long, saving time and money when installing.



The barrel shaped metal tile is extremely strong, meeting some of the most stringent codes in the country, from its Miami-Dade County Florida approval to its UL Class 4 Impact Resistance.

All seven Stile Energy Star® rated colors offer beauty and energy savings, reflecting as much as 63% of the sun's rays.

### Request Pricing & Info

Name:   
Email:   
Zip:

### Specifications

- 1 meter wide (39.4")
- Panel lengths available: From 3' to 20' in 1' increments
- Applies over solid substrate
- Material: High-quality steel protected by layers of coatings and paint
- Gauge: 26ga
- Finish: Kynar® 500 PVDF (polyvinylidene fluoride) Paint system
- Warranty: 45 year
- Minimum roof slope 3:12
- Purpose: Roofing panels

---

### Colors



***Spanish Clay***



***Slate Grey***



***Ocean Blue***



***Classic Green***



***Regal Red***



***Tudor Brown***



***White***

All Stile® colors are [Energy Star rated](#), reflecting 29-63% of the sun's rays.

---

Colors are approximate, and may vary due to scanning processes, resolutions, and monitors. See an actual color swatch or panel before ordering.

**Stronger than Traditional Clay Tile**

Stile is far stronger than traditional clay tile roofing. With its stout 1-3/16" tall metal barrels and 26 gauge thickness, you can walk all over it without fear of loose tiles sliding off or breaking through a fragile clay tile.

In hurricane strength winds, Stile performs. In hail it will not be penetrated. In a fire it will not burn, but will protect your home from the flames.

**Lighter than Traditional Clay Tile**

One of the major drawbacks of a traditional clay tile roof is the weight. Clay tile roofing usually weighs between 10-15 lbs per square foot (1000-1500 lbs per SQ). This adds up to put an enormous load on the house. It also requires for an extremely strong framework to support the roof structure.

Stile Spanish Clay Metal Tile is far lighter in weight than traditional clay tiles. Weighing in at 1.1 lbs per square foot (110 lbs per square), it truly is a strong yet lightweight product.



### All the Beauty of Clay Tile

You don't have to substitute beauty for performance. That is the idea behind Stile, and it really shows. Whether you are looking at a Stile roof from afar, or from right below it, Stile really looks like tile roofing.

### A Complete Package

To accompany the barrel tile roofing, special color matched formed barrel trims are available to finish out the roof, and add a sophisticated, tile look to the house.

We supply everything you need to install Stile, including trims, fasteners, underlayment and other accessories. We can ship it all out as a complete package to anywhere in the United States.

If you need more information or pricing on Stile, feel free to contact us at any time. Our representatives are there to help you, and are always helpful and courteous.

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### Contact Form

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**Email**

**Phone (optional)**

**City, State, Zip**

**Message**

Please send me pricing and information for Stile.

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**Attach roof drawings (optional)**

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