



DEVELOPMENT REVIEW APPLICATION

STAFF CONTACT John Floyd		<i>For Office Use Only</i>	
		PROJECT NO(S). DR-22-01	PRE-APPLICATION NO. PA-21-22
NON-REFUNDABLE FEE(S) \$500	REFUNDABLE DEPOSIT(S)	TOTAL \$500	

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX) | <input checked="" type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal and Review (AP) | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address: 1731 Willamette Falls Drive West Linn, OR 97068	Assessor's Map No.: 31E02BA02500
	Tax Lot(s):
	Total Land Area: .23 acre

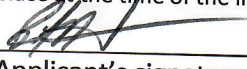
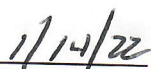


Brief Description of Proposal:

Modifications to an existing building, including modifications to an entry door, removal of an existing awning and installation of (2) new awnings.

Applicant Name: <small>(please print)</small> Willamette Capital Investments, LLC	Phone: 503-407-8957
Address: Contact: Pat Hanlin 576 Glatt Circle	Email: phanlin@msn.com
City State Zip: Woodburn, OR 97071	
Owner Name (required): Willamette Capital Investments, LLC <small>(please print)</small>	Phone: 503-407-8957
Address: Contact: Pat Hanlin 576 Glatt Circle	Email: phanlin@msn.com
City State Zip: Woodburn, OR 97071	
Consultant Name: <small>(please print)</small> Jessica Iselin, Iselin Architects, PC	Phone: 503-656-1942
Address: 1307 7th Street	Email: jessica@iselinarch.com
City State Zip: Oregon City, OR 97045	

- All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
- The owner/applicant or their representative should be present at all public hearings.
- A decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
- The City accepts electronic (.pdf) land use applications and project submissions from applicants. Applicants should submit this form and supporting documents through the [Submit a Land Use Application](https://westlinnoregon.gov/planning/submit-land-use-application) web page:
<https://westlinnoregon.gov/planning/submit-land-use-application>

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

 _____ **Applicant's signature**
 _____ **Date**
 _____ **Owner's signature (required)**
 _____ **Date**

Application for
Class II Historic Design Review

West Linn Saloon

Façade Modifications

January 14, 2022

City of West Linn
Planning Department
22500 Salamo Road
West Linn, OR 97068

TABLE OF CONTENTS

A. Design Review Narrative

1. Project Information and Summary
2. Code Chapter Criteria
 - Chapter 19 - General Commercial
 - Chapter 25 - Historic District
 - Chapter 52 - Signs
 - Chapter 58 - Willamette Falls Drive Commercial Design District
 - Chapter 99 – Procedures for Decision Making: Quasi-Judicial

B. Supplemental Information

1. Exterior Materials and Finishes
2. Exterior Soffit Light Fixture Cutsheet
3. Exterior Awnings
4. Pre-Application Meeting Minutes
5. James Hardie Aspyre Collection Brochure
6. Exterior Sign Light Cut Sheet
7. Sign Permit Application

C. Drawings

Site Plan, General Info
Building Floor Plans
Building Elevations

Project Information:

Project Team

Owner: Willamette Capital Investments
Contact: Patrick Hanlin, phanlin@msn.com
576 Glatt Circle
Woodburn, OR 97071
503-407-8957

Architect: Iselin Architects, PC
1307 7th Street
Oregon City, OR 97045
503-656-1942
Jessica Iselin, Project Architect, jessica@iselinarch.com

Project Location:

Site Address: 1731 Willamette Falls Drive
West Linn, OR 97068
Tax Lot 31E02BA02500

Site Area: .23 acre

Zone: General Commercial
Willamette Falls Drive Commercial Design District

Project Description:

The project includes exterior modifications to the front façade of the existing West Linn Saloon.

Exterior Modifications:

- The expansion and minor relocation of an existing single access door to create a new, more centrally located double, glazed entry door. The new double door will be recessed into the front wall to allow the doors to swing outward as required by building code without swinging into the ROW or over the existing step down from the building floor to the public sidewalk.
- Removal of an existing canvas awning that spans the full frontage of the façade and replacement with two new canvas awnings. One new awning will be 10' long and located above the new double entry doors and one will be approximately 7' long and located above the existing single door entrance to remain.

- Removal and replacement of existing siding with wood, as feasible to match existing, or fiber-cement if allowed by the city and HRB.
- Installation of a new parapet cap and flashing for improved weather/moisture protection.
- Painting of front façade and main level side façade.
- Installation of a new building sign and sign lighting on the front façade.

Interior Modifications (Not subject to review):

- Restaurant expansion into adjacent tenant space
- ADA bathroom improvements

Chapter 19 GENERAL COMMERCIAL, GC

Sections:

- [19.010](#) PURPOSE
- [19.020](#) PROCEDURES AND APPROVAL PROCESS
- [19.030](#) PERMITTED USES
- [19.040](#) ACCESSORY USES
- [19.050](#) USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- [19.060](#) CONDITIONAL USES
- [19.070](#) DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- [19.080](#) DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- [19.090](#) OTHER APPLICABLE DEVELOPMENT STANDARDS

19.010 PURPOSE

The purpose of this zone is to provide for the concentration of major retail goods and services at centers. The intent is to provide for the provision of a variety of goods and services and for comparison shopping, to accommodate new businesses and employment opportunities, to promote a suitable mix of commercial uses, to contribute to community identity and to assure that the commercial development is scaled to blend with nearby residential areas, and that the residential areas are protected from noise, glare of lights, traffic congestion and other possible adverse effects. This zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.

The West Linn Saloon is an established, popular restaurant and bar, which is an allowed use in the zone and provides desired services and employment opportunities for the local community.

19.020 PROCEDURES AND APPROVAL PROCESS

A. A use permitted outright, CDC [19.030](#), 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.

A restaurant is a permitted use in the zone.

B. A use permitted under prescribed conditions, CDC [19.050](#), 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 [19.060](#).

C. A conditional use, CDC [19.060](#), 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.

19.030 PERMITTED USES

The following uses are permitted outright in this zone:

1. Agricultural sales.
2. Agricultural services.
3. Animal sales and services, grooming.
4. Building maintenance services.
5. Business equipment sales and services.
6. Business support services.
7. Communications services.
8. Consumer repair services.
9. Convenience sales and personal services.
10. Eating and drinking establishments.
11. Drive-through restaurants.
12. Family day care.
13. Financial, insurance and real estate services.
14. Food and beverage retail sales.
15. General retail services.
16. Hotel/motel, including those operating as extended hour businesses.
17. Laundry services.
18. Senior center.
19. Medical and dental services.
20. Parking facilities.
21. Participant sports and recreation, indoor.
22. Personal service facilities.
23. Professional and administrative services.
24. Research services.
25. Utilities, minor.
26. Cultural exhibits and library services.
27. Extended-hour businesses that do not include the construction of a new building or expansion of an existing structure.
28. Transportation facilities (Type I).
29. Lodge, social, community center, and civic assembly within the commercial districts along Highway 43, Salamo Road or Blankenship Road.
30. Religious institutions within the commercial districts along Highway 43, Salamo Road, or Blankenship Road. (Ord. 1226, 1988; Ord. 1411, 1998; Ord. 1590 § 1, 2009; Ord. 1622 § 23, 2014; Ord. 1655 § 2, 2016)

A restaurant is a permitted use in the zone.

19.040 ACCESSORY USES

1. Manufacture or repackaging of goods for on-site sale. (Ord. 1686 § 2, 2018)

Accessory use is limited to the preparation and sale of food for pick-up and the potential for very limited quantities of merchandise (t-shirts, glasses) associated with the restaurant.

19.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Single-family residential unit and attached single-family units above a permitted use or a commercial use or place of assembly authorized as a conditional use (e.g., children's day care center, superstore, amusement enterprise, transient lodging, religious institution, school, lodge or community center), and multiple-family units: as a mixed use in conjunction with commercial development, only above the first floor of the structure, except in the Willamette Falls Drive Commercial Design District where dwellings may also occupy a portion of the ground floor pursuant to CDC 58.050.
2. Animal sales and services: kennels, as prescribed with no exterior runs or storage.
3. Animal sales and services: veterinary (small animals), as prescribed with no exterior runs or storage.
4. Signs, subject to the provisions of Chapter 52 CDC.
5. Temporary use, subject to the provisions of Chapter 35 CDC.
6. Home occupations, subject to the provisions of Chapter 37 CDC.
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1192, 1987; Ord. 1385, 1996; Ord. 1565, 2008; Ord. 1613 § 3, 2013; Ord. 1638 § 3, 2015)

Not applicable. A restaurant is a use permitted outright.

19.060 CONDITIONAL USES

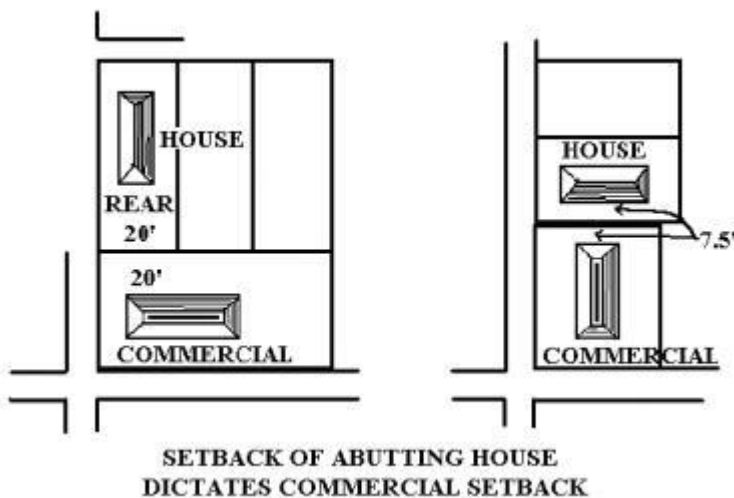
The following are conditional uses which may be allowed in this zone subject to the provisions of Chapter 60 CDC, Conditional Uses:

1. Certified child care center.
2. Automotive and equipment:
 - a. Cleaning.
 - b. Repairs, heavy equipment.
 - c. Repairs, light equipment.
 - d. Sales/rentals, heavy equipment.
 - e. Sales/rentals, light equipment.
 - f. Storage, recreation vehicles and boats.
3. Construction, sales and services.
4. Heliports.
5. Hospitals.
6. Light industrial, manufactured.
7. Light industrial, finished products.
8. Spectator sports facilities.
9. Vehicle fuel sales.
10. Utilities, major.
11. Wholesale storage and distribution:
 - a. Mini-warehouse.
 - b. Light.
12. Single-family homes, which were non-conforming structures and were damaged, whereby the cost of rebuilding the damaged portions would exceed 50 percent of the then current replacement cost of the entire building. Determination of rebuilding costs shall be per CDC 66.070(A).
13. Household hazardous waste depot.
14. Super stores.
15. Amusement enterprises.

16. Public agency administration.
 17. Public safety facilities.
 18. Public support facilities.
 19. Recycle collection center.
 20. *Repealed by Ord. 1622.*
 21. Postal services.
 22. Religious institutions not listed as permitted uses in CDC [19.030](#).
 23. Schools (with under 200 students).
 24. Transportation facilities (Type II). See CDC [60.090](#) for additional approval criteria.
 25. Lodge, fraternal, community center and civic assembly not listed as permitted uses in CDC [19.030](#).
 26. Extended hour businesses that include a new building or expansion of an existing structure. (Ord. 1192, 1987; Ord. 1339, 1992; Ord. 1463, 2000; Ord. 1523, 2005; Ord. 1590 § 1, 2009; Ord. 1604 §§ 16, 17, 2011; Ord. 1622 § 23, 2014; Ord. 1675 § 27, 2018)
- Not applicable. A restaurant is a use permitted outright.

19.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

- A. 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 front lot line length or the minimum lot width at the front lot line shall be 35 feet.
The lot frontage width is 100'.
 2. The average minimum lot width shall be 50 feet.
The lot frontage width is 100'.
 3. The average minimum lot depth shall not be less than 90 feet.
The lot depth is 100'.
 4. Where the use abuts a residential district, except as provided in CDC [58.090\(C\)\(1\)](#), the setback distance of the residential zone shall apply.



The lot abuts other GC zones on all sides. The property to the south is R5, but is separated from this lot by Knapps Alley.

5. The maximum lot coverage shall be 50 percent, except as provided in CDC [58.090\(C\)\(1\)\(d\)](#). The total lot coverage of the site is approximately 70%, which is below the 100% allowed per [58.090\(C\)\(d\)](#).

6. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a low or medium density residential zone, and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential zone.

The maximum building height, including the proposed new parapet cap and flashing is 24'. The building is two stories; however, the second story is utilized for mechanical systems and storage and is only accessible from the main level roof.

7. For lot lines that abut an arterial, there shall be no minimum yard dimensions or minimum building setback area, and the maximum building setback shall be 20 feet. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.

Willamette Falls Drive is classified as a minor arterial. The frontage of the site was recently improved by the city to incorporate pedestrian walkways, bike paths and street trees.

B. The requirements of subsections (A)(1) through (5) of this section may be modified for developments under the planned unit development provisions of Chapter [24](#) CDC. (Ord. 1401, 1997; Ord. 1425, 1998; Ord. 1614 § 5, 2013; Ord. 1622 § 24, 2014)

Not applicable. The project is not a Planned Unit Development.

19.080 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 § 15, 2014)

Not applicable. The dimensional requirements are as required for uses permitted outright.

19.090 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 [41](#) CDC, Building Height, Structures on Steep Lots, Exceptions.
5. Chapter [42](#) CDC, Clear Vision Areas.
6. Chapter [44](#) CDC, Fences.
7. Chapter [46](#) CDC, Off-Street Parking, Loading and Reservoir Areas.
8. Chapter [48](#) CDC, Access, Egress and Circulation.
9. Chapter [52](#) CDC, Signs.

10. Chapter [54](#) CDC, Landscaping.

None of the other applicable development standards apply to the proposed project.

B. The provisions of Chapter [55](#) CDC, Design Review, apply to all uses except detached single-family dwellings and approved conditional use applications pursuant to CDC [60.030\(C\)](#).

Refer to Chapter 55 narrative for responses.

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.
The West Linn Saloon is an established, successful and popular business within the district.
- 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.
The West Linn Saloon is located within one of the integral historic buildings in one of the core blocks within the district and provides consistency and vitality to the building and district.
- 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.
The success of the business has led to the need to expand and the desire to provide improved access, fire and life safety and weatherization elements that are included in the proposed remodel. These improvements will help to ensure the preservation and continued viability of the building.
- 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.
The proposed remodel conforms to the approval criteria of the district as addressed in the following sections.
- E. Increase economic and financial benefits to historic property owners and the community.

The proposed remodel will provide important improvements that will support and enhance the operations of the business, benefitting the business owners, property owners and community.

- F. Ensure that changes to designated historic resources protect the integrity of the resource and the significant aspects of the area's heritage.

The proposed exterior alterations were designed to be compatible with the existing building scale and style as well as the character of the district. The parapet improvements will provide improved weatherability to protect the building envelope.

- 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.

The proposed alterations will not significantly impact the appearance of the building and will have a positive impact on the district through the preservation measures performed on a core property within the district.

- 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.

The West Linn Saloon building is within the historic district, but is not a designated structure or landmark.

- I. Provide a process to enable thoughtful consideration of the proposed demolition of historic structures. (Ord. 1614 § 6, 2013)

Demolition of the existing structure is not proposed.

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.

The property is located within the Historic District and complies with the requirements as specifically addressed in individual sections.

- 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\(A\)](#).

No exemptions are requested.

- 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.

The proposed alterations comply with the Design Standards as addressed in 25.060.

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.

Refer to 25.070(A) for specific responses.

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.

Not applicable. The project does not involve new construction.

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.

Refer to 25.070(C) for specific responses.

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 CONSTRUCTION	ACCESSORY STRUCTURES	ACCESSORY STRUCTURES
	LOCATION	HISTORIC LANDMARK	HISTORIC DISTRICT	HISTORIC DISTRICT	HISTORIC LANDMARK	HISTORIC DISTRICT
25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES	A. STANDARDS FOR ALTERATIONS AND ADDITIONS	X	X	X	X	X
	B. STANDARDS FOR ACCESSORY STRUCTURES				X	X
25.070 ADDITIONAL DESIGN	A. STANDARDS FOR ALTERATIONS		X			X

STANDARDS APPLICABLE TO HISTORIC DISTRICTS	AND ADDITIONS					
	B. STANDARDS FOR NEW CONSTRUCTION			X		X
	C. WILLAMETTE HISTORIC DISTRICT GENERAL STANDARDS		X	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)

A restaurant is a permitted use in the GC base zone.

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.

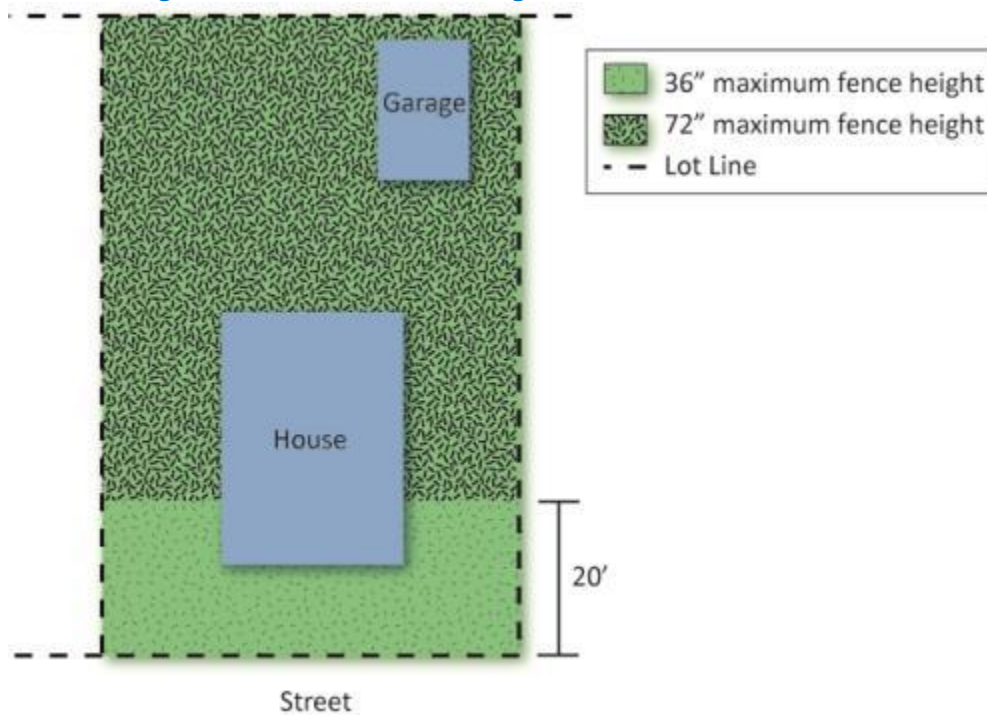


Figure 1: Example of Exempt Interior Lot Fence Locations



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 ridge line.

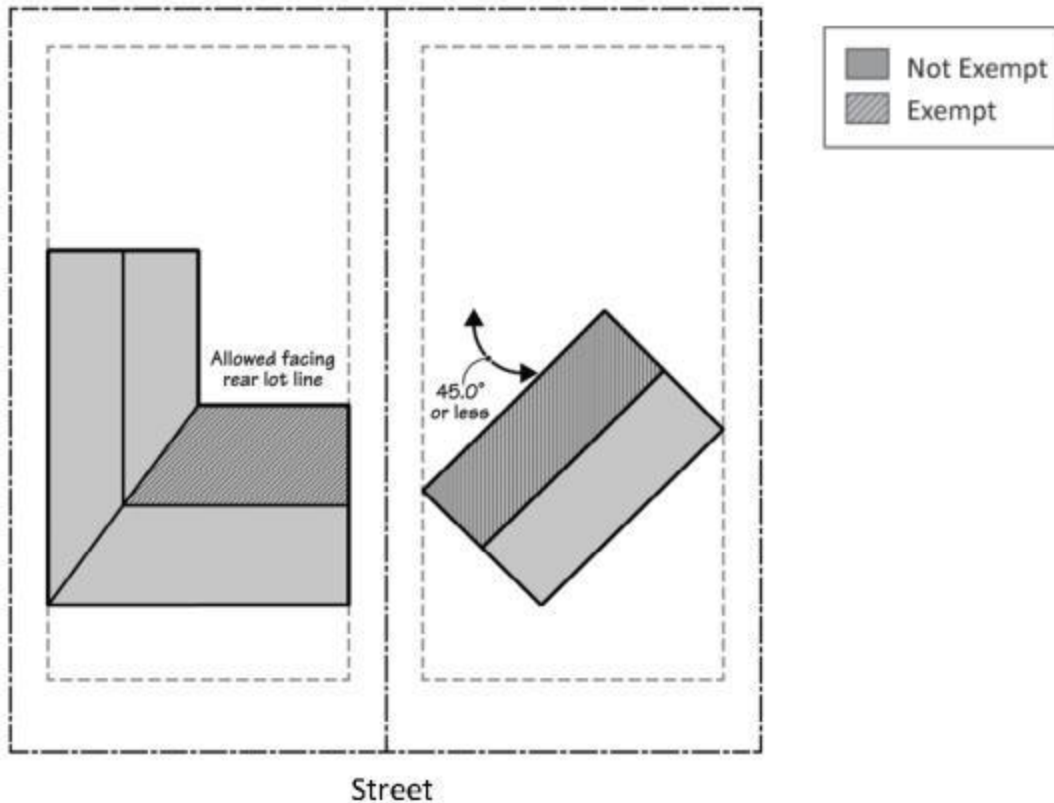


Figure 3: Exempt Solar Energy System Locations

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.

No exempted items are proposed and no exemptions are requested.

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.

The proposed alterations will impact more than 100 sf of façade area; therefore, the required review will be Class II.

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)

The proposed alterations will impact more than 100 sf of façade area; therefore, the required review will be Class II.

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.

All required information is included as part of this application. Supplementary information is not required based on the proposed work.

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.

Designation of a historic resource is not requested.

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.

Removal of a historic designation is not requested.

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.

Relocation of a historic resource is not requested.

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)

Demolition of a historic resource is not requested.

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.

The original construction will be retained with the exception of the existing single door which will be removed and replaced with a new double entry door in the same approximate location.

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.

Because of various repairs and remodels over the course of the building lifespan, the front façade currently contains three siding variations: drop siding on the main level ends and upper-level south, v-groove siding on the remaining upper level and on part of the main level and a shallower v-groove in the center portion of the main level. Wood trim boards separate the various siding types.

It is the owner's objective to provide a clean, uniform finish on the front façade, eliminating the wood trim at transitions between the different siding types. There is a valid concern that it will not be possible to match any of the existing wood siding profiles with new material with reasonable cost (without custom milling the new siding). For this reason, we request the consideration and approval of both of the following options for front façade siding replacement:

Option 1 Wood Siding:

Retain either the existing wood drop siding or wood v-groove siding and remove all of the other siding variations. Install new wood siding to match the existing profile if a match is available. Joints would be staggered, sanded and caulked to minimize visibility. Existing wood trim will be re-used as feasible or new wood trim to match the existing sizes and profiles will be installed.

Option 2 Fiber-cement Siding:

Remove all mismatched wood siding and replace with new Fiber-Cement Artisan Bevel Channel or V-Groove Siding. This siding is 5/8" thick, compared to the standard 5/16" thickness of fiber-cement siding, would have a smooth finish and would provide a look closer to the original and more appropriate for a building of this era. Refer to James Hardie Aspyre Collection Brochure in Supplemental Information. Existing wood trim will be re-used as feasible or new wood trim to match the existing sizes and profiles will be installed.

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.

The proposed alterations are functional and will not impact the character or period styling of the building.

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.

The applicant contacted the West Linn Historical Society to try to obtain historical information and photos of the property, but none were located. No detailed history of the existing is known. The proposed alterations have been designed to be compatible with the building as it currently exists.

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.

As there is no addition and the proposed alterations are relatively limited in scope, the ability to differentiate them from the original building is limited. The new parapet cap will be wrapped in prefinished metal, the new door will be similar, but different in design and materials from the existing doors and the awning design and materials will be clearly identifiable as an added element.

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.

The proposed alterations could easily be removed or reversed, including the new recessed door opening, although the recess is simple and compatible with the nature of buildings of this time period and does not detract from the integrity of the building.

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.

No building additions are proposed.

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

The building height will be increased by 3"-4" by the addition of a parapet cap that will provide a more significant top edge to the parapet and assist in the installation of flashing that will protect and preserve the front wall. The sloped roof behind the parapet will not be impacted.

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.

No new or replacement roofing is proposed.

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.

Refer to 25.060(A)2. above for proposed revisions to exterior siding at front wall.

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.

No new exterior walls are proposed.

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.

No new gutters or downspouts are proposed.

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.

No new windows are proposed.

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.

No new storm windows are proposed.

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.

No window replacement is proposed.

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.

The proposed new double entry door will be metal clad wood, approximately $\frac{3}{4}$ glazed with a solid bottom panel to look similar to the existing doors.

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.

No porches are proposed.

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.

No decks are proposed.

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).

New foundation work will be limited to a new concrete foundation and footing as required at the new recessed entry. The new foundation and footing will be placed to match the existing building floor elevation.

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. No residential lighting is proposed. The extent of new exterior lighting revisions will include the removal of an existing wall mounted fixture at the single door to be removed, the installation of a new recessed LED can fixture in the soffit of the new recessed entry and new sign lighting at the proposed wall mounted building light.

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)

No accessory structures are proposed.

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.

The existing building is similar in scale and mass to other buildings along Willamette Falls Drive and the proposed alterations will not impact the scale or mass of the building. The increase in glazing area on the front façade, which will be provided by the new double entry door will bring this building closer to the adjacent buildings in terms of overall glazing percentage.

Windows are limited to the front façade and upper levels, so there will be no impact on the privacy of adjacent properties.

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.

The West Linn Saloon building was constructed within a similar time period as the majority of the buildings along Willamette Falls Drive within the district.

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.

The West Linn Saloon building is compatible with the general style and character of other buildings along Willamette Falls Drive within the district.

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.

The project does not involve new construction.

C. Willamette Historic District general design standards. This subsection applies only to alterations and additions, new construction, and accessory structure construction of residential and historically residential properties in the Willamette Historic District. Other buildings are subject to the requirements in Chapter 58 CDC. Dimensional and other requirements of the underlying zone, as applicable, shall apply.

1. Front yard setback.

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

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

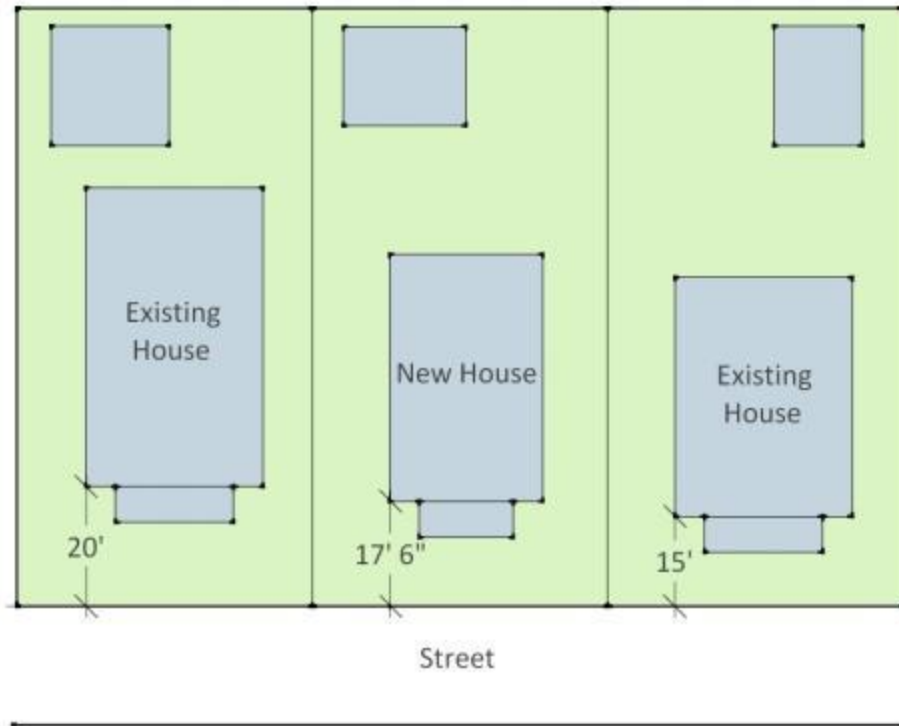


Figure 4: Front Yard Setback

2. Side yard setback. Side yard setbacks shall be five feet, except:
 - a. Bays, porches and chimneys and other projections that are cumulatively no more than 20 percent of the overall respective building wall length may intrude 18 inches into the side yard setback; and
 - b. One story accessory structures may be sited within three feet of the side property line and two story accessory structures shall be a minimum of 15 feet from the side property line.
3. Side street setback. Setbacks from side streets shall be 10 feet for both developed and undeveloped streets, except:
 - a. Bays, porches and chimneys and other projections may intrude two feet into side street yard setback; and
 - b. One and two story accessory structures may be sited within five feet of the side street property line.
4. Rear yard setback. The rear yard setback shall be a minimum of 20 feet, except for accessory structures, which may be sited to within three feet of the rear property lines.
5. Orientation. New home construction on corner lots shall be oriented the same direction as the majority of homes on the street with the longest block frontage.
6. *Repealed by Ord. 1675.*
7. Building height.
 - a. Residential structures are limited to 28 feet in height. Cupolas and towers shall not exceed 50 feet in height.
 - 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; Ord. 1675 § 33, 2018)

The project does not involve a residential or historically residential property.

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)

No modifications to site or building design standards are requested.

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)

No designation of a historic resource is requested.

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)

No removal of historic resource designation is requested.

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)

No relocation of a historic resource is requested.

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)

No demolition of a historic resource is requested.

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:

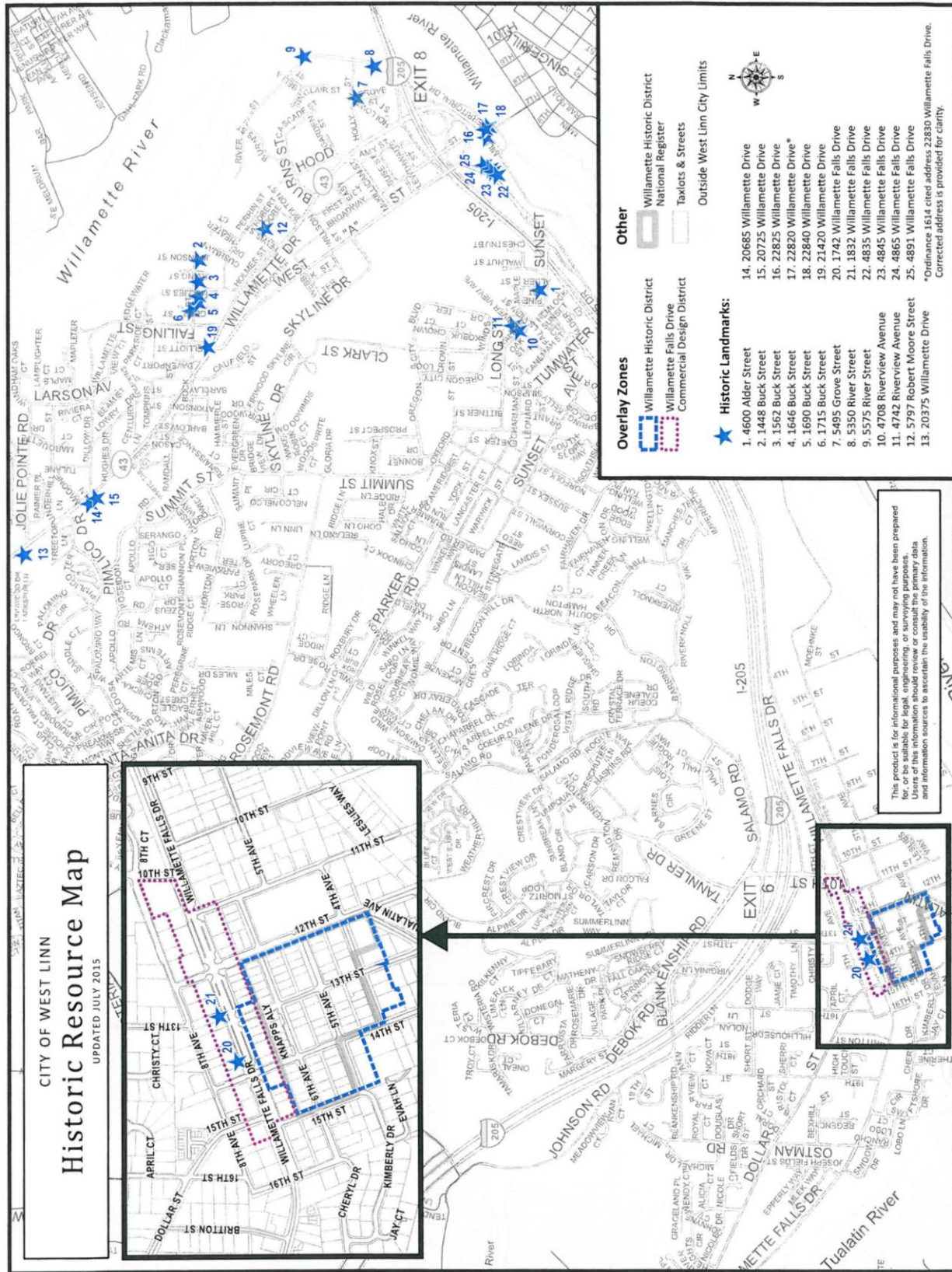
1. Structural integrity. Faults, defects, or other conditions which render the structure or resource structurally unsafe or not properly watertight.
2. Walls and other support members.
 - a. Walls or support members that are deteriorated due to failure to paint or otherwise maintain the structure or 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)
The existing building has been consistently utilized and well maintained throughout its history and will continue to be maintained, improved and utilized for the foreseeable future.

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



Chapter 52 SIGNS

Sections:

- [52.010](#) PURPOSE
- [52.020](#) REPEALED
- [52.101](#) PROCEDURES AND APPROVAL PROCESS
- [52.102](#) TIME LIMIT ON SIGN APPROVAL
- [52.103](#) PERMIT
- [52.104](#) APPLICATION
- [52.105](#) BUSINESS LICENSE
- [52.106](#) SIGN IDENTIFICATION
- [52.107](#) MAINTENANCE AND SAFETY
- [52.108](#) NON-CONFORMING SIGNS
- [52.109](#) EXEMPTIONS
- [52.110](#) VARIANCES
- [52.200](#) PROHIBITED SIGNS
- [52.210](#) APPROVAL STANDARDS
- [52.300](#) PERMANENT SIGN DESIGN STANDARDS
- [52.310](#) TEMPORARY SIGN DESIGN STANDARDS
- [52.400](#) NEWLY ANNEXED LAND

52.010 PURPOSE

The purpose of this chapter is to maintain or improve the aesthetic quality of the City's residential and business environment; to prevent the proliferation of signs and sign clutter; to minimize adverse visual safety factors to travelers on public roadways and private areas open to public vehicular travel; to provide for safe construction, location, erection and maintenance of signs; and to improve the effectiveness of signs in identifying and advertising businesses, all by classifying and regulating signs. (Ord. 1276, 1990)

The proposed building sign is appropriate for the style and character of the building and similar in scale and design to other building signs in the area.

52.020 DEFINITIONS

Repealed by Ord. 1604. (Ord. 1248, 1989; Ord. 1276, 1990; Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1385, 1996; Ord. 1514, 2005; Ord. 1539, 2006; Ord. 1599 § 2, 2011)

52.101 PROCEDURES AND APPROVAL PROCESS

- A. A sign exempt from City approval does not require application with the City but shall conform to all other applicable provisions of this chapter.
- B. A sign subject to City approval is a sign for which approval will be granted by the Planning Director provided all conditions are satisfied; and
 - 1. The Planning Director shall make the decision in the manner provided by CDC [99.060](#).
 - 2. The decision may be appealed to the City Council as prescribed by CDC [99.240\(A\)](#).
- C. The following code provisions may be applicable in certain situations:
 - 1. Chapter [42](#) CDC, Clear Vision Area.
 - 2. Chapter [75](#) CDC, Variance. (Ord. 1474, 2001)

The proposed sign is not exempt.

52.102 TIME LIMIT ON SIGN APPROVAL

- A. Approval of a sign by the Planning Director shall be void after 90 days if:
 - 1. The sign has not been installed within that 90-day period; or
 - 2. The sign is a departure from the approval plan.
- B. The Planning Director shall, upon written request by the applicant, grant an extension of the approval period not to exceed 30 days; provided, that:
 - 1. No changes are made on the original sign as approved by the Director.
 - 2. The applicant can show intent of initiating placement of the sign on the site within the 30-day extension period.
 - 3. There have been no changes in the applicable policies and ordinance provisions on which the approval was based.

It is the owner's intent to fabricate and install the new building sign within 90 days of obtaining approvals.

52.103 PERMIT

- A. No sign shall be erected, structurally altered, relocated, or replaced, except for maintenance of signs that conform with this chapter, without first obtaining a permit from the Community Development Department, paying the requisite fee, and otherwise complying with all applicable provisions of this chapter, unless a provision of this chapter specifically exempts a sign from the permit requirement.
- B. A copy of each sign permit, including the permit number, shall be kept by the Planning Director, business owner, person contracting for the erection of the sign, and by the sign company. (Ord. 1621 § 25, 2014)

The owners will obtain and pay for all required permits.

52.104 APPLICATION

- A. Permanent sign permits.
 - 1. An application for a permanent sign permit shall be initiated by the property owner or the owner's authorized agent.
 - 2. An application for a sign permit shall be made on a form prescribed by the Planning Director and shall be filed with the Community Development Department. The application shall include one copy of a sketch drawn to scale indicating the following:
 - a. Name, address, and telephone number of the applicant.
 - b. Location by street number and legal description of the building, structure or lot to which or upon which the sign is to be installed or affixed.
 - c. A drawing approximately to scale showing design of the sign including dimensions, height, sign area, materials, method of attachment, source of illumination, and showing the relationship to any building or structure to which it is or is proposed to be installed or affixed or to which it relates. For purposes of this section, "design" does not include text or copy, but an applicant may provide information concerning color, size and style of lettering.
 - d. A site plan drawn to scale indicating the location of the sign relative to property lines, structures, other signs on premises, streets and sidewalks; and the location of any structures and freestanding signs on abutting properties.
 - 3. The applicant shall pay the required fee. When a sign is erected or placed prior to approval of a required sign permit, the sign permit application fee shall be doubled. Payment of the double fee shall not relieve an applicant from fully complying with the requirements of this chapter or from any penalties prescribed herein.

4. After the applicant has installed their sign, they shall inform the Community Development Department of the sign's completed installation.

A complete sign permit application, including all required information and drawings is included in the Design Review application materials. The required fee will be paid by the owner and the city will be notified when the sign has been installed.

B. Temporary sign permits. An application for a temporary sign shall include the appropriate fee, as set by City Council resolution. The fee is nonrefundable. (Ord. 1276, 1990; Ord. 1378, 1995; Ord. 1539, 2006; Ord. 1547, 2007; Ord. 1590 § 1, 2009; Ord. 1621 § 25, 2014; Ord. 1622 § 13, 2014)

No temporary signage is being requested.

52.105 BUSINESS LICENSE

Any person or firm in the business of hanging, rehangng, placing, constructing, installing, structurally altering, relocating, or painting any on premises signs, except those signs which do not require permits, shall have obtained a City of West Linn business license.

The person responsible for installing the new signage shall have or obtain all required city licenses.

52.106 SIGN IDENTIFICATION

Each electrical sign shall have affixed to the sign the name of the sign fabricator or installer and the electrical power consumption stated in volts and amperes. Such information shall be in sufficient size and contrast to be readable upon close inspection.

Upon final approval of any temporary sign permit application, the City will issue an approval decal to be affixed to the sign. This decal shall be affixed in any corner of the approved sign and shall not be transferable to unapproved signs. (Ord. 1378, 1995)

No electrical or temporary signs are proposed.

52.107 MAINTENANCE AND SAFETY

A. Each electrical sign shall be constructed to meet the requirements of the State Electrical Code.

B. All signs, together with all of the supports, braces, guys, and anchors, shall be kept in good repair and be maintained in a safe, neat, clean, and attractive condition, free from rust, corrosion, peeling paint, or other surface deterioration.

C. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use or access to any fire escape, exit, or standpipe. No sign shall be erected or maintained so as to obstruct any window so that light or ventilation is reduced below minimum standards required by any applicable law or building code.

D. The Building Official may order the removal of any sign erected or maintained in violation of this chapter. The Building Official shall give written notice, sent by certified mail, to the owner of the sign, or if the sign owner cannot be located, to the property owner. If the sign has not been removed or corrected within a 30-day period, the Building Official may requisition the removal of the sign and the charge for removal shall become a lien on the property. If the Building Official finds that any sign is in violation of this section to the extent that they deem it an immediate and serious danger to the public, they may order its immediate removal.

The proposed building sign will be properly installed directly to the building wall and will be maintained in good condition. The proposed sign location does not interfere with any access ways, windows or standpipes.

52.108 NON-CONFORMING SIGNS

A. An existing sign shall be brought into conformance with this chapter if a change is made in design of the sign frame or supporting structure. A change in plastic face plate of a non-conforming sign will not require replacement of the total sign, but the new sign face shall conform as fully as possible to the standards of this chapter.

B. Any sign which is structurally altered, relocated, or replaced shall immediately be brought into compliance with all the provisions of this chapter, except the signs that are temporarily removed to allow remodeling of the premises and shall be allowed to be relocated upon the completion of remodeling.

The existing wood and metal projecting sign on the building is conforming and will be retained. It may be temporarily removed as required for new siding installation and re-installed in the same location.

52.109 EXEMPTIONS

A. Signs placed inside windows are exempt from the provisions of this chapter.

B. Parking lot signs up to three square feet in area with a maximum height no greater than five feet above grade and directed to the interior of a parking lot and not to a right-of-way shall not require a sign permit.

C. City signs are exempt from the provisions of this chapter.

D. Sunday signs are allowed within City right-of-way in any residential district on Sundays between the hours of 8:00 a.m. and 6:00 p.m., subject to the following standards:

1. Sunday signs shall conform to the following design standards:
 - a. Each sign face shall be no larger than five square feet in area;
 - b. The sign, including the support structure, shall be no taller than 30 inches;
 - c. The sign owner's name, address and telephone number shall be placed on the sign; and
 - d. The sign shall not be attached or anchored in any way to trees, other objects or public property, including, but not limited to, utility or light poles or parking meters, with the exception of stake signs which can be placed in the ground.
2. Sunday signs shall conform to the following locational standards:
 - a. The sign shall be located entirely outside the paved roadway and any shoulder, median or traffic island;
 - b. The sign shall be located entirely outside the area of a right-of-way that is between the lines created by extending the edges of any curb ramp to the property line. Where no curb exists, the sign shall be placed outside the roadway at least five feet from the edge of the roadway;
 - c. The sign shall maintain a continuous pedestrian passageway of at least four feet in width;
 - d. The sign shall not obstruct pedestrian and wheelchair access from the sidewalk to transit stops, designated disabled parking spaces, or building exits, including fire escapes;
 - e. The sign shall not be placed in parking spaces or bicycle paths;
 - f. The sign shall not be placed on any driveway; and
 - g. The sign shall not be placed in any portion of the right-of-way abutting real property owned or controlled by the City or another public agency.

E. Signs that are oriented toward spectators at athletic fields or the interior of community recreation facilities are exempt; provided, that signs that are incidentally visible from the public right-of-way shall be no larger than 32 square feet in size. The signs shall be the same height, and the top of the signs

shall be aligned horizontally to form a banner like appearance; the back side of such signs visible from the right-of-way shall be a uniform white, black, or earth tone color.

F. A-Frame Signs.

1. Signs in the Willamette Falls Drive Commercial Design District shall comply with standards in CDC [52.210\(K\)](#).
2. All other A-frame signs for businesses are subject to the following standards:
 - a. The business is located in the General Commercial (GC) zoning district;
 - b. The sign is professionally manufactured, maintained and in good repair. No attachments to the sign are permitted;
 - c. No part of the sign may exceed 32 inches in width and 36 inches in height;
 - d. The sign shall only be displayed during times that the business is open to the public;
 - e. The location of the sign must maintain four feet of unobstructed sidewalk width per CDC [53.030\(A\)](#);
 - f. One A-frame sign is permitted per business; and
 - g. The sign must be located within 25 feet of an entrance to business being advertised. (Ord. 1276, 1990; Ord. 1378, 1995; Ord. 1514, 2005; Ord. 1539, 2006; Ord. 1599 § 3, 2011; Ord. 1613 § 7, 2013; Ord. 1622 § 22, 2014; Ord. 1638 § 3, 2015)

No sign exemptions are requested.

52.110 VARIANCES

- A. Sign height and sign area variances shall be a Class II variance, and shall be reviewed pursuant to the provisions of subsection C of this section and Chapter [75](#) CDC.
 - B. All other sign variances shall be treated as Class I variance, and shall be reviewed pursuant to the provisions of subsection C of this section and CDC [75.050](#).
 - C. The granting authority may grant a variance from the requirements of this chapter if it is established that:
 1. The architectural design of a building, the location of a building site or location of building thereon, or some other circumstance relating to the sign proposal, is unusual or unique and that, because of this, a hardship will be created in that the applicant will be denied an opportunity to identify their business or location relatively equal to the opportunity accorded other members of the community not burdened with such unusual or unique architectural design, building site, or other circumstance;
 2. The design is consistent with the request and will not be injurious to the neighborhood in which the property is located or to property established to be affected by the request; and
 3. The request is the minimum variance necessary to provide reasonable signage for the property affected. (Ord. 1276, 1990)
- No sign variances are requested.

52.200 PROHIBITED SIGNS

The following signs are prohibited:

- A. Signs in right-of-way. Signs shall not be located in or extended onto public rights-of-way. Traffic control signs and devices installed by the governmental entity responsible for the right-of-way and City signs are exempt from this prohibition.
- B. Mobile or portable signs. Mobile or portable signs are prohibited, except as specifically authorized by this chapter.
- C. Signs on roofs or above eaves. Signs mounted on roofs or that project above eaves or parapet walls of a building are prohibited.

- D. Traffic safety risks. Signs that imitate an official traffic sign or signal are prohibited in locations where they create a risk that they may be perceived as actual traffic signs or signals.
- E. Signs that obstruct passage. Signs may not be placed in locations where they may obstruct or substantially limit emergency egress from a building or may obstruct or substantially limit passage to or through any exit, door or window that may be used in case of fire or emergency.
- F. Noise-emitting signs. Signs that emit sounds audible from within a vehicle are prohibited as traffic safety risks.
- G. Moving devices. Signs that contain or consist of banners, posters, pennants, ribbons, streamers, balloons, strings of light bulbs, or spinners or other similar moving devices are prohibited, except as specifically permitted on temporary signs.
- H. Signs with movement. Signs that have blinking, flashing, or fluttering lights, reflectors, or other illuminating devices that have a changing light intensity, brightness, or color, other than permitted electronic changeable copy signs, are prohibited.
- I. Beacon lights. Beacon lights are prohibited. (Ord. 1539, 2006)

No prohibited signs are proposed.

52.210 APPROVAL STANDARDS

All signs shall meet the following standards:

- A. The scale of the sign and its components shall be appropriate for its location and consistent with the applicable design standards.

The proposed size and scale of the new sign complies with the city design standards and is comparable to other signs in the area. It will be illuminated by two small gooseneck sign lights that will cast light onto the sign surface.

- B. The size, location, or manner of illumination shall not create a traffic hazard and shall not hide from view any traffic or street sign or signal.

The sign is located on the upper floor level of the front façade and interfere with any existing signs, signals or create any hazardous conditions.

- C. The sign shall be located in compliance with Chapter 42 CDC, Clear Vision Area.

The proposed sign will be mounted on the front façade and will not impact the clear vision requirements.

- D. Signs and sign structures located over vehicular driveways and pedestrian walkways shall allow at least 15 feet of clearance over driveways and eight feet of clearance over walkways.

The proposed sign will not be located over vehicular driveways and will not project over the pedestrian walkway.

- E. The light from any illuminated sign shall be shaded, fully shielded such that no light is emitted above the horizontal plane, and directed or reduced so that glare is minimized.

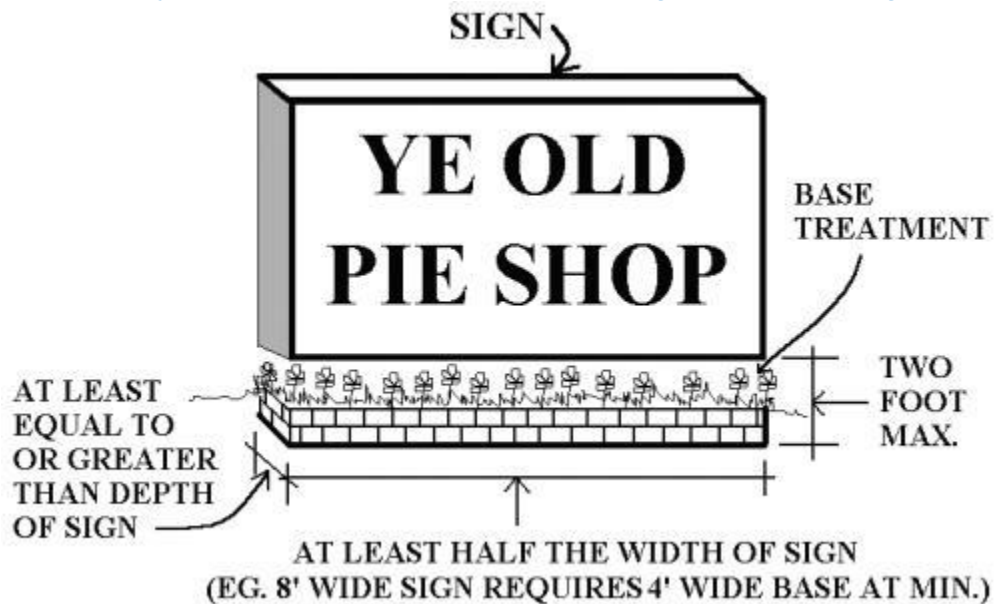
The proposed sign lights will be shielded from above and angled to direct light onto the sign surface only.

- F. Signs shall be located to preserve existing trees, topography and natural drainage, to the extent possible consistent with the installation of the sign.

The proposed sign will have no impact on existing landscaping, topography or drainage.

G. All permanent signs shall be located within a landscaped area or installed on a wood, stone, or other base structure that meets the following standards:

1. Signs shall be installed on a base with a maximum height of two feet, a minimum width at least one-half as wide as the sign face, and a depth equal to or greater than the depth of the sign. The sign height includes any portion of the base located above street grade (also refer to Sign Definitions - Grade).
2. In the event a sign is erected on a multiple-pole or piling structure, the base required by subsection (G)(1) of this section shall be apportioned among each of the upright members.
3. Any wood used in a base shall be treated against water damage and insect assault.



The proposed sign will be mounted on the building framing.

H. Manual changeable copy signs shall be designed to minimize the opportunity for unauthorized personnel to change the sign copy.

No manual changeable copy signs are proposed.

I. Electronic changeable copy signs are permitted in business centers only, either as separate signs or as part of a larger sign. The approval authority may impose conditions of approval regarding the frequency of copy change, the hours of operation, and the methods by which the message is changed in order to assure compliance with the standards of this section and this chapter. Electronic changeable copy signs are subject to the following requirements:

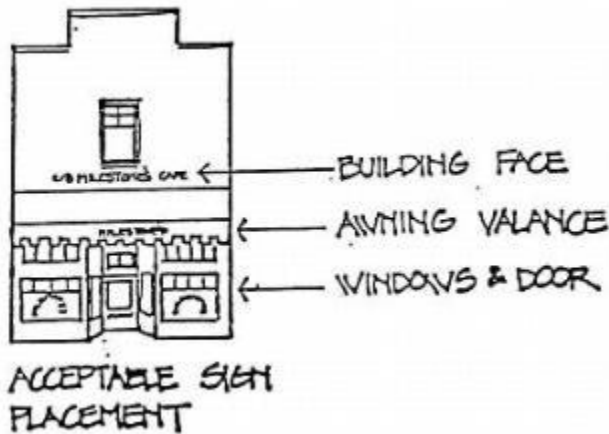
1. The sign face for the electronic changeable copy sign or portion of a sign may not exceed 24 square feet; provided, however, that electronic changeable copy signs with greater than 24 square feet may be approved through the conditional use process.
2. The design and placement of the sign shall not adversely affect vehicular and pedestrian safety.
3. The sign shall comply with all other requirements of this chapter.

No electronic changeable signs are proposed.

J. Where both sides of a sign may be viewed from a right-of-way, the signs shall be double-faced. The proposed sign will be wall mounted and visible only from the front side.

K. Signs in the Willamette Falls Drive Commercial Design District.

1. Signs shall not exceed 10 percent of the square footage of the front elevation. The calculation of allowable signage is explained in CDC [52.300](#). The sign(s) shall be proportionate to buildings and signs on adjacent buildings. The "10 percent" shall be broken up into multiple signs. The sign(s) shall be mounted or painted on the second floor, on the valance of the awning, on the windows at pedestrian level, or on four-by-four awning posts. Signs shall not be of the internally lit can type or channel light type. No backlit awnings are allowed. Illumination by spotlight is permitted. Neon signs are permitted only inside the windows. No flashing signs are allowed. By temporary sign permit only, neon colored lettering or designs painted on windows or on paper or banners in the windows are allowed, but discouraged. Small signs or plaques which describe the building in a historical sense are exempt from the allowable square footage restrictions.



The front building façade is approximately 900 sf in area, allowing for a total sign area of 90 sf. The existing projecting sign is approximately 12 sf in area on each of two sides. The proposed new building sign is 20 sf on one side only. This totals approximately 44 s.f.

The new sign will be located above the second-floor level and will be comparable in size and scale to other signs along Willamette Falls Drive. The existing sign is illuminated by two small spotlights, one on each side, and the new wall sign will be illuminated by two new gooseneck type sign lights.

2. Sign type face. Antique lettering as shown in the illustration is required. Variations are permitted where the lettering would not clash with the predominant font or style. "Gay Nineties" or "P.T. Barnum" type styles and other exaggerated styles are discouraged. Lettering may be horizontal, vertical, or slanting up from lower left to upper right. Semi-circle designs on windows are permitted. Window lettering should be white, black, or gold with black shading.

BROKER SHADED

Caslon Antique

Antique Bold

BETON OPEN

Century Shaded

ENGRAVERS

The new wall sign will utilize the “Pointedly Mad” font style, as shown below:

WEST LINN SALOON

The font style is antique and is appropriate for a saloon. The letter height will be 10”.

3. Temporary signs. Temporary A-frame signs are allowed without a permit; however, they shall be designed to be consistent with the sign and type face provisions. (Ord. 1539, 2006; Ord. 1604 § 48, 2011; Ord. 1613 § 8, 2013; Ord. 1622 § 22, 2014; Ord. 1638 § 3, 2015; Ord. 1675 § 41, 2018)

No temporary signs are proposed.

52.300 PERMANENT SIGN DESIGN STANDARDS

	FREESTANDING SIGNS						ON-WALL SIGNS			PROJECTING SIGNS ⁴	
	City Appl. Reqd.	Illumination	No. Allowed	Max. Sq. Ft.	Max Ht. (ft.)	ROW Setback (ft.)	No. Allowed	Max Sq. Ft.	Max Ht. (ft.)	No. Allowed	Max Sq. Ft.
Residential Uses Including Home Occupations	No	No	1	2	4	5	or 1 [^]	2	12	n/a	n/a
Multi-family Complex	Yes	Yes	2	24 total*	8	5	or 2 [^]	24 total*	12	n/a	n/a
Subdivision Monument	Yes	Yes	5 per subdivision	32 total*	8	5	n/a	n/a	n/a	n/a	n/a
Industrial Zone Uses	Yes	Yes	10	32	8	5	3	10%	25	n/a	n/a
Commercial Uses in	Yes	Yes	1	16	8	10	2	5%*	12	n/a	n/a

Residential Zone												
Commercial Zone	Yes	Yes	1 ¹	32 ²	8	5	3	10%*	25	1 sign per each business frontage with a customer entrance ⁴	12	
Business Center	Yes	Yes	1	150 ³	20	15	3	10%*	25	1 sign per each business frontage with a customer entrance ⁴	12	
Business Center Entryway	Yes	Yes	1 per entry	4	3	5	n/a	n/a	n/a	n/a	n/a	
Public Uses	Yes	Yes	1 ⁵	24	20	5	No limit	18 total	25	n/a	n/a	

Notes for Permanent Sign Design Standards

* To calculate maximum area, numbers followed with the word "total" are the maximum total area of all signs combined. Standards expressed as a percentage represent the allowed percentage of area on a single building face that may be used as a wall sign. For example, a wall 10 feet tall by 30 feet wide has 300 square feet. If the standard is 10 percent, signs totaling 30 square feet are permitted. The maximum percentage is for the building – a building with multiple occupants is restricted to the stated percentage per building, not per occupant.

^ For number of signs allowed, "or 1" and "or 2" designate that the total number of freestanding and wall signs cannot exceed the number stated. If the standard is "or 1," the applicant may have one freestanding sign or one wall sign, but not both.

¹Gas stations may have two freestanding signs.

²Restaurants with drive-through or take-out windows may have an additional 32 square feet.

³Up to 35 percent of the total sign area may be used as a changeable copy sign. Where business centers are located within 200 feet of I-205 right-of-way, the freestanding sign may be freeway-oriented. Freeway-oriented signs shall have a maximum total sign area of 210 square feet and a maximum height of 20 feet above the grade of the nearest lane or I-205 or 60 feet, whichever is less. Freeway-oriented signs shall be oriented to view from I-205. Freeway-oriented signs shall not be smaller than 80 square feet. The approval authority may allow a 10 percent increase in the total square footage in order to accommodate unique design problems.

⁴Projecting signs shall not extend above the roofline at the wall or the top of a parapet wall, whichever is higher. They shall not be located within 20 feet of another projecting sign in the same horizontal plane or project within two feet of the curb or, if there is no curb, the edge of the pavement. All projecting signs shall have clearance above the sidewalk consistent with CDC [52.210\(D\)](#). Any illumination shall be external.

⁵Parks may have two signs per frontage. Signs in parks directed at pedestrians or cyclists within the parks are not limited in number or size. Schools may have two signs.

N/a means not applicable. (Ord. 1539, 2006; Ord. 1565, 2008; Ord. 1604 § 49, 2011; Ord. 1613 § 9, 2013)

The total area of the front façade is 907 sf, allowing for a maximum of 90 sf of signage, which exceeds the total area of 44 sf for all existing and proposed signage.

52.310 TEMPORARY SIGN DESIGN STANDARDS

	FREESTANDING SIGNS						ON WALL SIGNS		
	City Appvl. Reqd.	Illumination	No. Allwd.	Max. Sq. Ft.	Max. Ht. (ft.)	ROW setback (ft.) See Figure 52-8 if ROW location unknown	No. Allwd.	Max. Sq. Ft.	Max. Ht. (ft.)
Residential uses Examples include: house for sale, apartment for rent, condo for lease signs (once these units are built), political signs, etc.	No	No	5	24 total*	7	1	1	4	12
Commercial/Industrial Uses including religious institutions (signs per each business) in:									
Non-Business Center or GC/OBC/NC zones (less than 4-acre shopping center)	Yes	No	1	32 total*	5	1	1	32	25
Business Center Shopping centers greater than 4 acres. (Examples include: Cascade Summit, Albertsons Shopping Center, 10th St. and 8th Ave. West side of 10th St., Bolton	Yes	No	1	32 total*	5	1	2	32	25

Shopping Center, Robinwood Shopping Center north of Hidden Springs Road.)									
Public Uses (including government buildings, schools, etc.)	Yes	No	5	32 total*	25	1	No limit	32 total	25
Undeveloped/Developing Property Less than 1 Acre Applies to businesses without a certificate of occupancy or vacant/undeveloped subdivisions. Once built or after obtaining a certificate of occupancy, the residential, commercial and public use criteria for temporary signage listed above shall apply.	No	No	2	6 each sign	9	1			
Undeveloped/Developing Property More than 1 Acre Applies to businesses without a certificate of occupancy or vacant/undeveloped subdivisions. Once built or after obtaining a certificate of occupancy, the residential, commercial and public use criteria for temporary signage listed above shall apply.	No	No	2	24 sq. ft. max. each sign	12	20	n/a	n/a	n/a

Notes for Temporary Sign Dimensional Standards

*Total square footage of all signs on site.

¹Temporary signs are limited to 60 days per calendar year. The 60-day period for temporary signs means that a business, for example, only has 60 days in total, during the calendar year, for any and all

temporary signs. You may not have one sign for 60 days and then a different temporary sign for yet another 60 days. Also, the 60 days may be broken into shorter periods of time (e.g., 30 days at Christmas and 30 days in mid-summer). The specific dates must be on the application.

Freestanding temporary signs shall be located within 10 feet of the business structure. For business centers, a maximum of two temporary signs may be located outside of the 10-foot limit, but must be located on the same tax lot as the business. Freestanding temporary signs may remain in place until the close of the event (e.g., sale or lease of the building, an open house, or an election, etc.).

²Temporary signs (including signs that are typically allowed in commercial, public and residential areas) may be located, with the permission of the property owner of the property fronting upon the street where the sign is to be placed, two feet from the adjacent sidewalk where one exists, or three feet from the edge of pavement where no sidewalk exists for an adjacent public right-of-way. This distance shall be measured perpendicularly from the appropriate right-of-way feature (e.g., sidewalk or the edge of pavement). Temporary signs shall also not be located within 10 feet of the intersection of two public rights-of-way, measured from either the edge of pavement or, if a sidewalk exists, the edge of sidewalk. The entire sign must meet these setback standards. No signs are allowed in the public right-of-way.

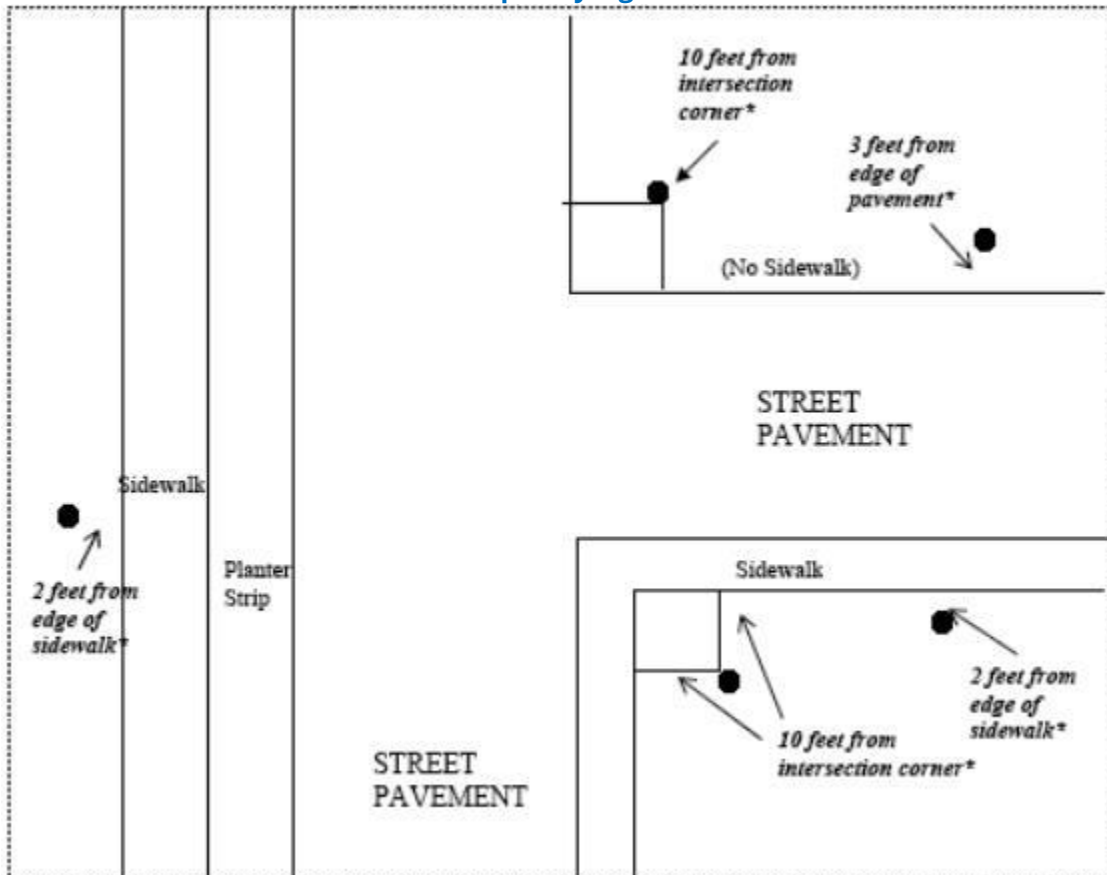
³"N/A" means that this standard is not applicable for this type of sign or that no sign is allowed.

⁴All temporary signage must conform with the clear vision requirements of Chapter 42 CDC.

⁵Temporary Sunday signs are permitted subject to the requirements of CDC 52.109(E).

FIGURE 52-8: ILLUSTRATION OF PROPER TEMPORARY SIGN PLACEMENT

Temporary Sign = •



(Ord. 1506, 2004; Ord. 1539, 2006; Ord. 1590 § 1, 2009; Ord. 1599 § 4, 2011)

No temporary signs are proposed.

52.400 NEWLY ANNEXED LAND

All signs on land annexed to the City of West Linn shall comply with the relevant provisions of the sign ordinance within 30 days of the completion of the annexation. (Ord. 1180, 1986)

The subject property is not newly annexed land.

Chapter 58
WILLAMETTE FALLS DRIVE COMMERCIAL DESIGN DISTRICT

Sections:

- 58.010** PURPOSE
- 58.020** IMPLEMENTATION
- 58.030** APPLICABILITY
- 58.040** EXEMPTIONS
- 58.050** PERMITTED USES
- 58.060** *REPEALED*
- 58.065** *REPEALED*
- 58.070** APPLICATION AND SUBMITTAL REQUIREMENTS
- 58.080** FEES
- 58.090** STANDARDS
- 58.100** VARIANCE PROCEDURES
- 58.110** EXPIRATION OR EXTENSION OF APPROVAL

58.010 PURPOSE

A. Implement the goals and policies of the economic element of the Comprehensive Plan relating to the rehabilitation and revitalization of the Willamette Commercial District.

The expansion and exterior improvements to the West Linn Saloon will allow the business to better function and serve the community and will have a positive economic impact on the city.

B. Enhance the historic and aesthetic quality of the Commercial District.

The exterior improvements will help to preserve the existing historic building and enhance the appearance with new finishes and improved street appeal.

C. Increase the attractiveness of the commercial areas to tourists, customers, tenants, business owners, and City residents.

The proposed remodel will expand an existing, successful business and allow it to better accommodate current and additional customers.

D. Reinforce the commitment to existing commercial buildings of the 1880 – 1915 period and complement the adjacent residential historic district.

The proposed remodel will help to extend the potential lifespan of the building through the weatherization and envelope upgrades and will improve the functional lifespan by providing access and aesthetic upgrades that will keep the building desirable and useable.

E. Encourage a sense of historic identity for the Willamette area and West Linn as a whole.

The proposed remodel will reinforce the historic identity of the district through the promotion of a successful business that is a long-term icon within the community.

58.020 IMPLEMENTATION

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

The proposed modifications comply with the architectural standards identified in the code.

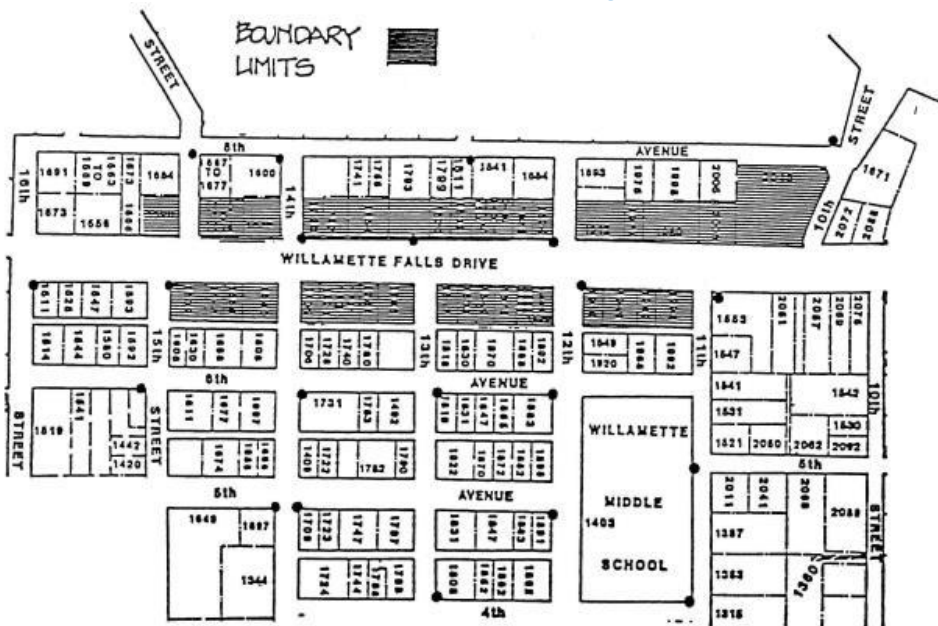
58.030 APPLICABILITY

A. The provisions of this chapter shall apply to all new commercial construction, restorations, and remodels on Willamette Falls Drive between 10th and 15th Streets. Properties that are historic resources shall comply with the provisions of Chapter 25 CDC, as applicable. "Restorations" shall be defined as all exterior repairs, replacement of materials, alterations or changes, including reroofing, painting, window and sign replacement, etc. Failure to obtain a permit shall constitute a Class A violation pursuant to CDC 106.050.

B. Commercial structures that are also within the historic district as defined in CDC 25.030(A) are required to meet the provisions of Chapter 25 CDC in addition to the provisions of this chapter.

C. Boundary limits. The affected area shall be as delineated in Figure 1, below. Generally, the area is along Willamette Falls Drive between 10th Street and 15th Street.

Figure 1



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

The property is located within the Willamette Falls Commercial Design District and within the Historic District and complies with all applicable standards. See specific responses in Chapter 25 and below.

58.040 EXEMPTIONS

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

No exemptions are requested.

58.050 PERMITTED USES

All uses permitted by the underlying General Commercial zone shall be allowed pursuant to CDC 19.030, 19.040, 19.050, and 19.060 and shall require the application of the standards of this

chapter. Residential use of the second floor and the rear portion only of the ground floor, with no access onto Willamette Falls Drive, is permitted by application through this chapter. Residential use may only comprise 50 percent or less of the total square footage of the building combined. Commercial uses shall dominate the first floor. (Ord. 1401, 1997)

A restaurant is a permitted use with the General Commercial zone.

58.060 REVIEW BODY

Repealed by Ord. 1597.

58.065 APPEALS OF HISTORIC REVIEW BOARD

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

58.070 APPLICATION AND SUBMITTAL REQUIREMENTS

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

A pre-application meeting was held on November 18, 2021. A complete application, including architectural site and building plans, narrative responses and a color board is being submitted along with the required fees.

58.080 FEES

- A. New construction and major restoration projects shall be charged fees consistent with the adopted fee schedule for design review.
- B. Minor restoration projects under \$50,000 valuation shall pay fees as directed by the adopted fee schedule.
- C. Repainting and replacement of windows (Class B restoration) shall pay a fee as directed by the adopted fee schedule.

Fees will be paid as directed by the city.

58.090 STANDARDS

A. Standards are needed to provide a clear and objective list of design elements that are needed to bring new construction and remodels into conformance with 1880 – 1915 architecture. Buildings of the period saw relatively few deviations in design. Consequently, the Historic Review Board will require conformance with the standards. Deviations or deletions from the standards are addressed in the variance procedure of this chapter.

Refer to individual sections for narrative addressing standards compliance.

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



CONTEXTUAL DESIGN,
AT RIGHT, IS NOT PERMITTED.
IT INCORPORATES ONLY A
FEW OF THE REQUIRED FEATURES.

The building form and massing are established and will not change based on the proposed remodel.

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

1. Dimensional standards.

a. Front: zero-foot setback. Building may not be set back from the property line unless it is consistent with predominant building line.

The existing front setback is zero and will not change.

b. Side and side street: zero-foot setback. Building may not be set back from the side property line except for side passageway, accessway, or stairway unless fire codes dictate otherwise. The setback shall not exceed six feet.

The existing side setbacks are zero and will not change.

c. Rear: 20-foot setback. Setbacks between zero and 20 feet are permitted only if the applicant can demonstrate that they can successfully mitigate any impacts associated with the building in current and future uses as they would relate to abutting residential and other properties.

The minimum rear setback is approximately 22' and will not change.

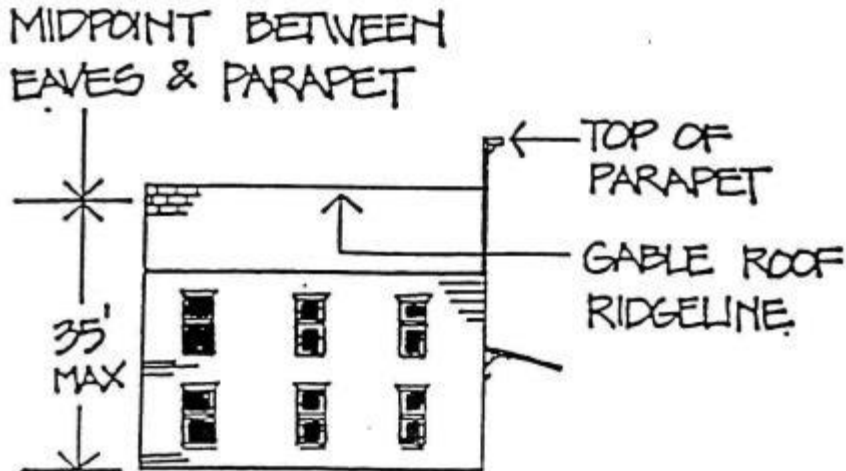
d. Lot coverage: up to 100 percent of lot may be developed depending upon ability to mitigate impacts upon abutting residential and other uses.

The existing lot coverage is approximately 70% and will not change.

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

No landscaping exists on the site.

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

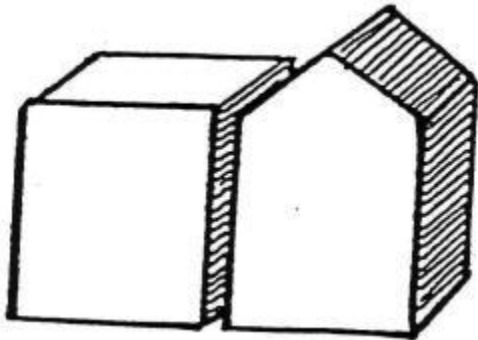


The maximum building height, including the proposed new parapet cap and flashing is 24'. The building is two stories; however, the second story is utilized for mechanical systems and storage and is only accessible from the main level roof.

8. [External ground level or first story minimum height.](#) Ten feet to allow transoms.

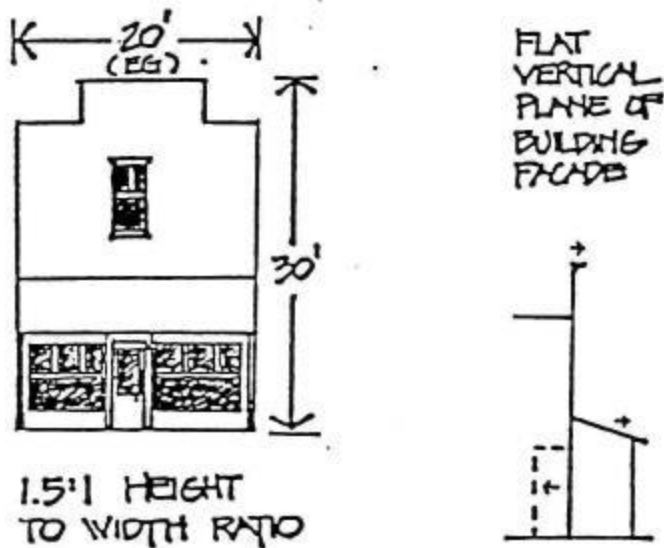
The existing height from top of first floor to top of second floor is 9' and will not change.

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



The roof form behind the front façade is a gable that runs front to back. This will not be impacted by the proposed remodel.

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



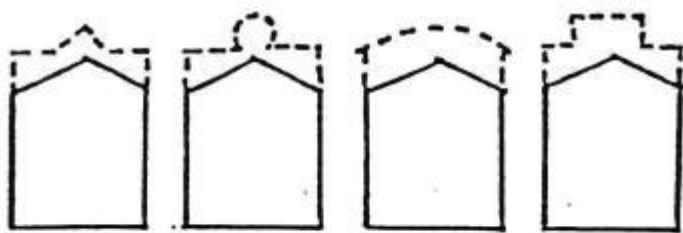
Building depth shall be flat, only relieved by awning and cornice projections and the indented doorway.

The proposed modifications will have limited impact on the proportions of the building; however, the removal of the single, long awning to be replaced with two smaller awnings above door openings will enhance the vertical proportions on the façade. The façade will remain flat, with awning projections and a new recessed entryway.

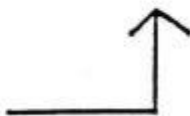
7. Spacing and rhythm. Buildings shall follow a regular rhythm. Strong vertical breaks or lines should be regularly spaced every 25 to 50 feet.

The overall building form will not be impacted by the proposed remodel, but the existing stepped parapet provides a sense of rhythm along the façade.

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

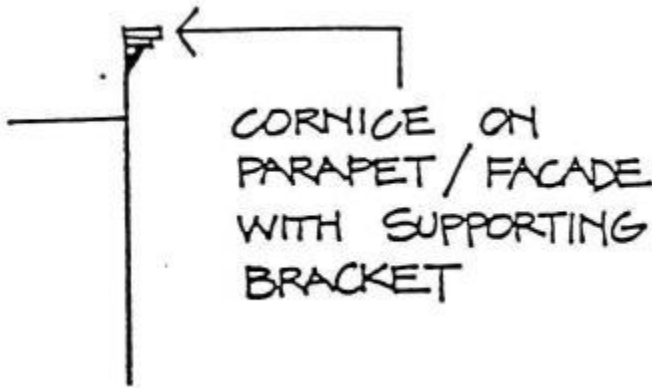


FACADES WERE
 VARIED, BUT
 WESTERN FALSE
 FRONT DOMINATED



The existing façade is a stepped, western false façade.

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



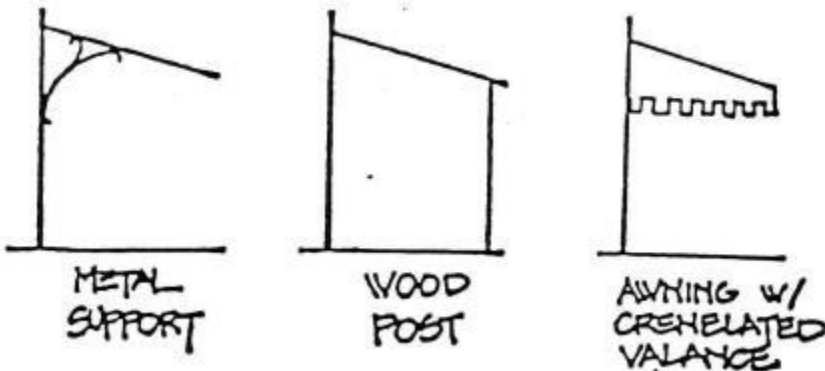
One of the proposed modifications is the addition of a metal wrapped wood parapet cap. The new cap will allow for the installation of flashing to protect the parapet top and to provide a stronger visual top to the building.

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

Refer to 25.060(A)2. above for proposed revisions to exterior siding at front wall.

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

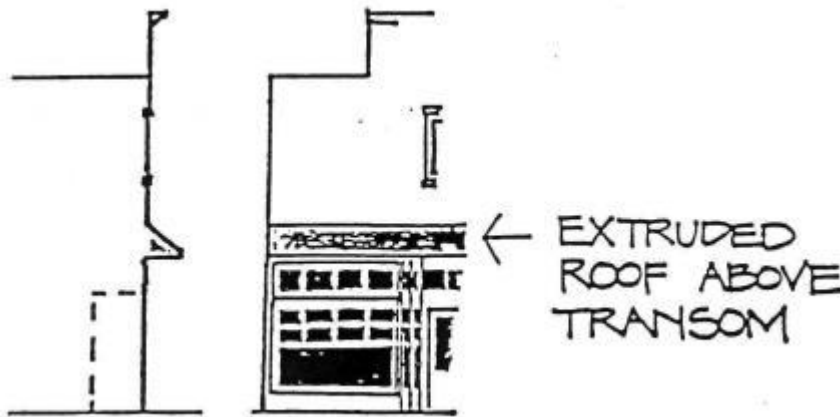
Awnings shall be either canvas or vinyl, or similar approved material, supported by an internal metal framework or metal or wood supported by a curved metal support, either attached to the building or a simple four-inch by four-inch wood post extending down to the outside of the sidewalk.



Awnings shall, therefore, extend beyond the front property line to the outside edge of the sidewalk, and shall possess a seven-foot clearance to the valance or any other part. The pitch of the awning shall be 10 to 40 degrees. No "bubble-type" awnings are permitted. No backlit awnings are permitted. Canvas or matte-finish vinyl, or similar approved material awnings, may be one-color or striped and shall have a free-hanging plain or crenelated valance. Canvas or matte-finish vinyl, or similar approved material awnings, should not be shared between two structures. Each structure should have its own awning.

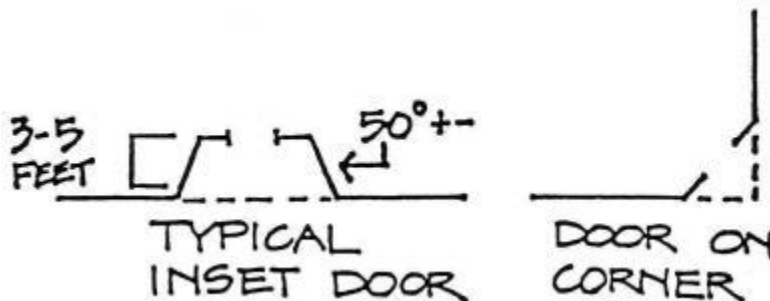
The existing canvas awning is worn and faded and will be removed and replaced with two new canvas awnings. The new awnings will be located above the two primary entrance doors to help identify them. The use of two smaller awnings will allow more natural light to enter into the primary windows and will place more emphasis on the vertical aspect of the building.

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



No extruded roofs are proposed.

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



The proposed new double entry door to the restaurant will be located approximately in the center of the façade. This new entry was moved toward the center to the extent feasible in order to identify it as the primary entrance. As proposed, the new double door will be centered on a pair of existing windows in the floor above, which provides a strong, visual alignment and improved organization to the front façade. The entry doors will be recessed 3'-2" and will be metal clad wood. The doors will be glazed at

approximately a 2/3 proportion and will include panel articulation in the lower section. The entry side walls will not be glazed in order to provide maximize flexibility of the use of the front wall for booth seating and to avoid entry windows immediately behind customer seating.

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

Glazing within the new doors will be clear.

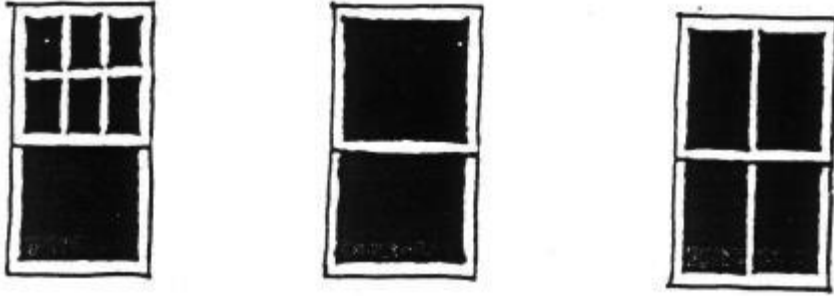
15. Display or pedestrian level windows. Shall extend across at least 80 percent of building front. The windows shall start one and one-half to two and one-half feet above grade to a height of seven to eight feet, and shall be level with the top of the height of the adjacent entryway area, excluding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



MULTI-PANED
PEDESTRIAN
LEVEL WINDOWS

The façade currently contains windows and doors that comprise approximately 50% of the width. The addition of the new glazed double entry door will increase this percentage to 56%. The windows are fixed with true divided lites.

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



The existing windows are double-hung wood and will not be modified.

17. [Wainscotting](#). Wainscotting shall be consistent with primary material of the building, typically wood.

No wainscotting exists or is proposed as part of this work.

18. [Shutters](#). Shutters are not allowed.

No shutters exist or are proposed as part of this work.

19. [Balconies](#). No balconies are permitted except on rear of building.

No balconies exist or are proposed as part of this work.

20. [Exterior stairs](#). Simple stairs are permitted on the rear or side of the building only.

No exterior stairs exist or are proposed as part of this work. The upper level of the building and roof is accessed only by ladder at the back of the building.

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

Existing rooftop exhaust vents and fans are located on the north side of the roof and are minimally visible from the north end of Willamette Falls Drive. There are no proposed modifications to these units. An additional rooftop fan unit is located on the roof at the back side of the building and is entirely screened by a solid panel enclosure. No new rooftop equipment is proposed.

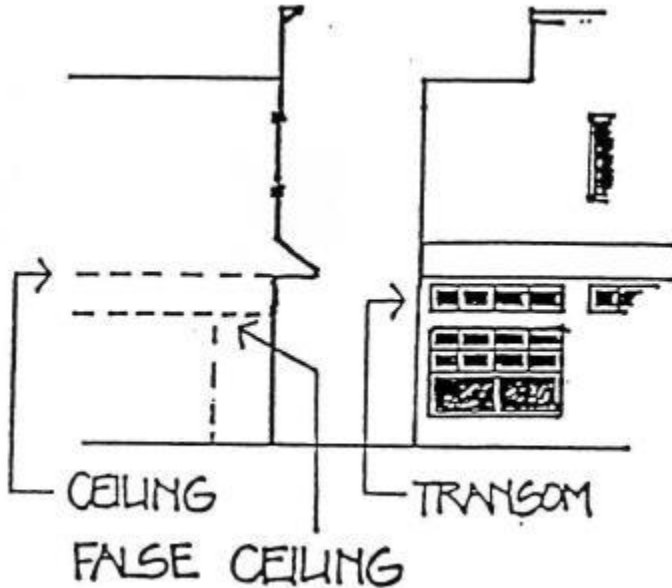
22. [Air conditioning](#). No window types on avenue or street side are permitted. Window-mounted air conditioners are not allowed at rear where abutting residential.

No window type air conditioners exist or are proposed.

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

The only new light fixtures proposed are a single recessed LED can light that will be located in the new entry soffit and two traditional style gooseneck sign lights.

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



A single, small transom with approximately 6" of vertical glazing height exists above the single, southernmost entry door. No transom is proposed above the new double entry doors because the height to the bottom of the existing upper floor joists is only 8' and will not accommodate a transom in addition to a new required header.

25. Planters. No planters are allowed.
No planters exist or are proposed.

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

The siding and trim colors were selected from the Sherwin-Williams Exterior Preservation Palette of colors.

Proposed exterior paint colors are:

1. Siding: Sherwin Williams 2816, Rookwood Green
2. Trim: Sherwin Williams 2855, Sycamore Tan
3. Doors/Windows: Sherwin Williams 7069, Iron Ore

Refer to Materials Board for additional information.

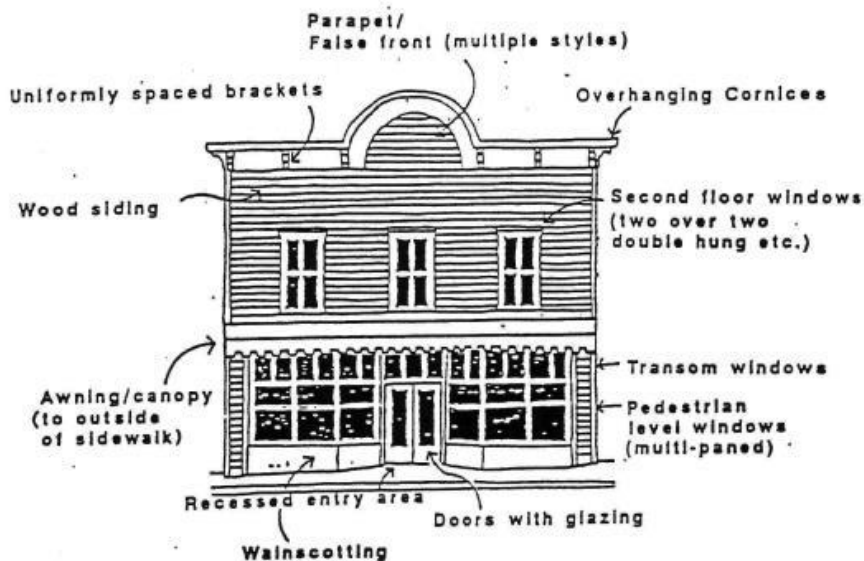
27. Ornamental or advertising flags, pennants, or banners. Not permitted on buildings. No flags, pennants or banners exist or are proposed.

28. New materials. Permitted where it is demonstrated that new material visually replicates originally required material, except siding, which must be wood. (Ord. 1391, 1996; Ord. 1401, 1997; Ord. 1604 § 59, 2011; Ord. 1613 § 18, 2013; Ord. 1621 § 25, 2014; Ord. 1675 § 47, 2018) Refer to 25.060(A)2. above for proposed revisions to exterior siding at front wall.

58.100 VARIANCE PROCEDURES

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

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



No variances are requested.

58.110 EXPIRATION OR EXTENSION OF APPROVAL

If substantial construction has not occurred within three years from the date of approval of the development plan, the approved proposal will be void, unless an extension is granted per CDC [99.325](#). It is the owner's intention to move forward with the improvements as soon as all necessary approvals and permits are obtained.

Chapter 99
PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

Sections:

- 99.010** PURPOSE
- 99.030** APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE, REQUIREMENTS, REFUSAL OF APPLICATION, FEES
- 99.033** FEES
- 99.035** ADDITIONAL INFORMATION REQUIRED, WAIVER OF REQUIREMENTS AND REPORT REQUIRED
- 99.038** NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS
- 99.040** DUTIES OF DIRECTOR
- 99.060** APPROVAL AUTHORITY
- 99.070** CONSOLIDATION OF PROCEEDINGS
- 99.080** NOTICE
- 99.090** CONTENTS OF NOTICE
- 99.100** MECHANICS OF GIVING NOTICE AND FAILURE TO RECEIVE NOTICE
- 99.110** DECISION-MAKING PROCESS OF APPROVAL AUTHORITY
- 99.120** AMENDMENTS
- 99.125** STAGED OR PHASED DEVELOPMENT
- 99.130** NOTICE OF FINAL DECISION
- 99.140** ESTABLISHING STANDING TO APPEAL
- 99.160** DECISION BY DIRECTOR
- 99.170** HEARING PROCEDURES
- 99.180** EX PARTE CONTACTS, IMPARTIALITY, DISQUALIFICATION, AND ABSTENTION
- 99.190** CONTINUATION OF HEARING – NOTICE
- 99.200** EVIDENCE
- 99.220** RECORD OF PROCEEDINGS
- 99.230** EFFECTIVE DATE OF DECISION – APPEAL OR REVIEW
- 99.240** AUTHORITY TO APPEAL OR SEEK REVIEW OF A DECISION – EXHAUSTION OF ADMINISTRATIVE REMEDIES
- 99.250** APPLICATION FOR APPEAL OR REVIEW
- 99.260** PERSONS ENTITLED TO NOTICE ON APPEAL – TYPE OF NOTICE
- 99.270** CONTENTS OF PUBLIC NOTICE OF APPEAL HEARING
- 99.280** TYPE OF APPEAL HEARING AND SCOPE OF REVIEW
- 99.290** ACTION ON APPEAL OR REVIEW – TIME LIMIT AND AUTHORITY TO CHANGE DECISION
- 99.300** PARTICIPATION BY MEMBERS OF APPROVAL AUTHORITY IN DECISION AND VOTING
- 99.320** DENIAL OF APPLICATION – RESUBMITTAL
- 99.325** EXTENSIONS OF APPROVAL
- 99.330** REVOCATION OF APPROVALS – FAILURE TO FULFILL CONDITIONS

99.010 PURPOSE

The purpose of this chapter is to establish procedures applicable to the Community Development Code for the consideration of development applications, for the consideration of quasi-judicial Comprehensive Plan amendments, and for the consideration of appeals or petitions for review of decisions. (Ord. 1474, 2001; Ord. 1568, 2008)

99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE, REQUIREMENTS, REFUSAL OF APPLICATION, FEES

A. Who may apply.

1. Applications for approval required under this chapter may be initiated by:
 - a. The owner of the property that is the subject of the application or the owner's duly authorized representative;
 - b. The purchaser of such property who submits a duly executed written contract or copy thereof, which has been recorded with the Clackamas Clerk;
 - c. A lessee in possession of such property who submits written consent of the owner to make such application; or
 - d. Motion by the Planning Commission or City Council.
2. Any person authorized by this chapter to submit an application for approval may be represented by an agent who is authorized in writing by such a person to make the application. The applicant is the property owner.

B. Pre-application conferences.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:
 - a. Boundary changes, per Chapter 81 CDC;
 - b. Amendments to the Comprehensive Plan;
 - c. Amendments to the Zoning Map;
 - d. Conditional uses;
 - e. Design review (Class I and Class II);
 - f. Historic design review (Class II);
 - g. Designation of a historic resource or removal of a historic resource designation;
 - h. Demolition of a historic resource;
 - i. Relocation of a historic resource;
 - j. New construction or remodels in the Willamette Falls Drive Commercial Design District, except as provided for in subsection (B)(2)(h) of this section;
 - k. Minor partitions;
 - l. Land divisions;
 - m. Enlargement of non-conforming uses or alteration of a structure containing a non-conforming use;
 - n. Planned unit developments;
 - o. Variances;
 - p. Development subject to Chapter 32 CDC, Water Resource Area Protection;
 - q. Development subject to Chapter 27 CDC, Flood Management Areas;
 - r. Development subject to Chapter 28 CDC, Willamette and Tualatin River Protection;
 - s. Right-of-way and easement vacations; and
 - t. Extensions of approval with modifications to original approval.
2. Subject to subsection (B)(3) of this section, the following applications are exempt from subsection (B)(1) of this section, Pre-Application Conference:
 - a. Signs;
 - b. Home occupations;
 - c. Temporary use permits;
 - d. Sidewalk uses;
 - e. Final plats;

- f. Property line adjustments;
 - g. Re-vegetation plans;
 - h. Painting, signage, awnings, or architectural in-kind replacements in the Willamette Falls Drive Commercial Design District;
 - i. Appeals of land use decisions; and
 - j. Extensions of approval with no modification to original approval.
3. The Planning Director shall have the authority to require a preapplication conference prior to the submittal of any application that is not listed in subsection (B)(1) of this section if they determine that the potential development is of significant complexity or magnitude to merit a preapplication conference.
 4. The Planning Director may waive the requirement for a pre-application conference for any application if they determine that such a conference is not warranted. Upon making such a determination, the Planning Director shall provide written notification (i.e., e-mail or letter) to the Planning Commission and applicable neighborhood association.
 5. At such conference, the Planning Director or designee shall:
 - a. Cite the Comprehensive Plan map designation;
 - b. Cite the applicable substantive and procedural ordinance provisions;
 - c. Provide technical data and assistance which will aid the applicant;
 - d. Identify other policies and regulations that relate to the application;
 - e. Identify other pertinent factors that relate to the application; and
 - f. Provide the applicant with a written description of all rights for appeal and provide access to all administrative procedures.
 6. The failure of the Director to provide any of the information required by this section shall not constitute a waiver of the standards, criteria, or requirements of the application.
 7. At least 10 days prior to the scheduled date of the conference, the City shall make the pre-application conference schedule available to the public. Within 10 days following the conference, the City shall make staff-prepared written notes summarizing the contents of the meeting available to the public. Failure to comply with this section due to technical or administrative problems is not a procedural defect entitling any party to a delay in the hearing process.
 8. The Planning Director shall prepare administrative procedures designed to allow citizens to attend and participate in pre-application conferences for applications. Lack of neighborhood association participation in a pre-application conference is not a procedural defect entitling any party to a delay in the hearing process.
 9. If the applicant is not the owner of the subject property, the applicant shall provide written evidence that the owner has consented to the pre-application conference prior to it being scheduled.

A pre-application conference was held on November 18, 2021.

C. The requirements for making an application.

1. The application shall be made on forms provided by the Director as provided by CDC 99.040(A)(1);
2. The application shall be complete and shall contain the information requested on the form, shall address the appropriate submittal requirements and approval criteria in sufficient detail for review and action, and shall be accompanied by the deposit or fee required by CDC 99.033. No application will be accepted if not accompanied by the required fee or deposit. In the event an additional deposit is required by CDC 99.033 and not provided within the time required, the application shall be rejected without further processing or deliberation and all application

materials shall be returned to the applicant, notwithstanding any determination of completeness. (Ord. 1527, 2005; Ord. 1568, 2008; Ord. 1590 § 1, 2009; Ord. 1599 § 6, 2011; Ord. 1614 § 14, 2013; Ord. 1622 § 30, 3014; Ord. 1635 § 36, 2014; Ord. 1636 § 60, 2014; Ord. 1638 § 3, 2015; Ord. 1675 § 55, 2018)

A complete application, including responses to design criteria, drawings and supplemental information has been provided. Additional materials will be submitted as requested by the city.

99.033 FEES

The Council shall adopt a schedule of fees reasonably calculated to defray the expenses of the administrative process. The Council may establish either a set fee or a deposit system in which the applicant pays a deposit and the City determines the total administrative cost at the end of the process and refunds any unused amount of the deposit to the applicant. No additional deposit shall be required for additional costs that are incurred because the matter is referred to or called up by a higher decision-making authority. The Council shall charge no fees for City-initiated land use applications or appeals filed by a recognized neighborhood association pursuant to the provisions of CDC 99.240. (Ord. 1527, 2005; Ord. 1568, 2008; Ord. 1604 § 70, 2011)

99.035 ADDITIONAL INFORMATION REQUIRED, WAIVER OF REQUIREMENTS AND REPORT REQUIRED

A. The Planning Director may require information in addition to that required by a specific chapter in the Community Development Code; provided, that:

1. The chapter expressly authorizes that additional information may be required;
2. The information is needed to properly evaluate the proposed site plan or proposal; and
3. The need can be justified on the basis of a special or unforeseen circumstance.

B. The Planning Director may waive a specific requirement for information or a requirement to address a certain approval standard subject to the provisions of subsection C of this section provided:

1. The Planning Director finds that specific information is not necessary to properly evaluate the application; or
2. The Planning Director finds that a specific approval standard is not applicable to the application.

C. Where a requirement is waived, the Planning Director shall cite in the staff report on the application the specific requirements waived and the reasons for the waiver. The decision of the Planning Director to waive the requirement is subject to review and denial by the approval authority or the appeal authority. (Ord. 1568, 2008)

Fees identified by the city will be paid by the applicant.

99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS

Prior to submittal of an application for any subdivision, conditional use permit, multi-family project, planned unit development of four or more lots, non-residential buildings over 1,500 square feet, or a zone change that requires a Comprehensive Plan amendment, the applicant shall contact and discuss the proposed development with any affected neighborhood as provided in this section. Although not required for other or smaller projects, contact with neighbors is highly recommended. The Planning Director may require neighborhood contact pursuant to this section prior to the filing of an application for any other development permit if the Director deems neighborhood contact to be beneficial.

A. Purpose. The purpose of neighborhood contact is to identify potential issues or conflicts regarding a proposed application so that they may be addressed prior to filing. This contact is intended to result in a better application and to expedite and lessen the expense of the review process by avoiding

needless delays, appeals, remands, or denials. The City expects an applicant to take the reasonable concerns and recommendations of the neighborhood into consideration when preparing an application. The City expects the neighborhood association to work with the applicant to provide such input.

B. The applicant shall contact by letter all recognized neighborhood associations whose boundaries contain all or part of the site of the proposed development and all property owners within 500 feet of the site.

C. The letter shall be sent to the president of the neighborhood association, and to one designee as submitted to the City by the neighborhood association, and shall be sent by regular mail to the other officers of the association and the property owners within 500 feet. If another neighborhood association boundary is located within the 500-foot notice radius, the letter shall be sent to that association's president, and to one designee as submitted to the City by the neighborhood association as well. The letter shall briefly describe the nature and location of the proposed development, and invite the association and interested persons to a meeting to discuss the proposal in more detail. The meeting shall be scheduled at the association's regularly scheduled monthly meeting, or at another time at the discretion of the association, and not less than 20 days from the date of mailing of the notice. If the meeting is scheduled as part of the association's regular monthly meeting, the letter shall explain that the proposal may not be the only topic of discussion on the meeting agenda. The letter shall encourage concerned citizens to contact their association president, or their association designee, with any questions that they may want to relay to the applicant.

Neighborhood contact shall be initiated by the applicant by mailing the association president, and to one designee as submitted to the City by the neighborhood association, a letter, return receipt requested, formally requesting, within 60 days, a date and location to have their required neighborhood meeting. The 60 days shall be calculated from the date that the applicant mails this letter to the association. If the neighborhood association does not want to meet within the 60-day timeframe, or if there is no neighborhood association, the applicant may hold a public meeting during the evening after 6:00 p.m., or on the weekend no less than 20 days from the date of mailing of the notice. All meetings shall be held at a location open to the public within the boundaries of the association or at a public facility within the City of West Linn. If the meeting is held at a business, it shall be posted at the time of the meeting as the meeting place and shall note that the meeting is open to the public and all interested persons may attend.

D. On the same date the letters described in subsections A through C of this section are mailed, the applicant shall provide and post notice on the property subject to the proposed application. The notice shall be posted at a location visible from the public right-of-way. If the site is not located adjacent to a through street, then an additional sign shall be posted on the nearest through street. The sign notice shall be at least 11 inches by 17 inches in size on durable material and in clear, legible writing. The notice shall state that the site may be subject to a proposed development (e.g., subdivision, variance, conditional use) and shall set forth the name of the applicant and a telephone number where the applicant can be reached for additional information. The site shall remain posted until the conclusion of the meeting.

E. An application shall not be accepted as complete unless and until the applicant demonstrates compliance with this section by including with the application:

1. A copy of the certified letter to the neighborhood association with a copy of return receipt;
2. A copy of the letter to officers of the association and to property owners within 500 feet, including an affidavit of mailing and a copy of the mailing list containing the names and addresses of such owners and residents;
3. A copy of the required posted notice, along with an affidavit of posting;

4. A copy of the minutes of the meetings, produced by the neighborhood association, which shall include a record of any verbal comments received, and copies of any written comments from property owners, residents, and neighborhood association members. If there are no minutes, the applicant may provide a summary of the meeting comments. The applicant shall also send a copy of the summary to the chair of the neighborhood association. The chair shall be allowed to supplement the summary with any additional comments regarding the content of the meeting, as long as such comments are filed before the record is closed;
5. An audiotape of the meeting; and
6. In the event that it is discovered by staff that the aforementioned procedures of this section were not followed, or that a review of the audio tape and meeting minutes show the applicant has made a material misrepresentation of the project at the neighborhood meeting, the application shall be deemed incomplete until the applicant demonstrates compliance with this section. (Ord. 1425, 1998; Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1590 § 1, 2009; Ord. 1613 § 23, 2013; Ord. 1635 § 37, 2014)

Neighborhood contact is not required for this minor remodel and has not been conducted.

99.040 DUTIES OF DIRECTOR

- A. The Director shall:
 1. Prepare application forms made pursuant to the standards contained in the applicable State law, Comprehensive Plan and implementing ordinance provisions;
 2. Accept all development applications that comply with the provisions of CDC 99.030;
 3. After accepting an application pursuant to this chapter:
 - a. Determine whether an application is complete, and comply with State statutes governing the completeness determination for applications. The determination of the Director is subject to review by the approval authority in its deliberation on the application;
 - b. Give notice as provided by CDC 99.080 and 99.090;
 - c. Prepare a staff report which shall include findings as to whether or not the application meets the approval criteria of the applicable Community Development Code sections as presented in the application, and whether or not the criteria can be met with conditions;
 - d. Make the application, all documents or evidence relied upon by the applicant and applicable criteria available at least 20 days prior to the hearing or date of the Director's decision. Make the staff report available at least 10 days prior to the scheduled date of the public hearing(s);
 - e. Act on the development application pursuant to CDC 99.060(A) and 99.160 or cause a hearing to be held pursuant to CDC 99.060(B) through (D) and CDC 99.170 through 99.230, unless the applicant has requested or consented to a delay;
 4. Administer the hearings process pursuant to CDC 99.170 through 99.230;
 5. Maintain a register of all applications that have been filed for a decision. The register shall at all times identify at what stage the application is in the process. The register shall be posted on the City website unless technical problems prevent this;
 6. File notice of the final decision in the records of the Community Development Department and mail a copy of the notice of the final decision to the applicant and all parties with standing. The notice of the final decision shall contain the information set forth under CDC 99.130(B);
 7. Maintain and preserve the file for each application. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given pursuant to CDC 99.080 and the accompanying affidavits; the application and all supporting information; the staff report; the

final decision including the findings, conclusions, and conditions, if any; all correspondence; the minutes of any meetings at which the application was considered; and any other exhibit(s), information, or documentation which was considered by the hearing body with respect to the application; and

8. Administer the appeals and review process pursuant to CDC [99.240](#) through [99.320](#). (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1621 § 25, 2014)

The duties of the Director are understood and accepted.

99.060 APPROVAL AUTHORITY

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

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

1. Approve, deny, or approve with conditions the following applications:
 - a. A temporary use or structure application for a period no more than 120 days, including all extensions (Chapter [35](#) CDC), and not associated with another land use approval.
 - b. A home occupation application (Chapter [37](#) CDC).
 - c. Access restrictions (Chapter [48](#) CDC).
 - d. A minor partition (Chapter [85](#) CDC).
 - e. A final subdivision plat (Chapter [89](#) CDC).
 - f. A final partition plat (Chapter [89](#) CDC).
 - g. A lot line adjustment (Chapter [85](#) CDC).
 - h. Enlargement or alteration of a non-conforming single-family structure containing a conforming use (Chapter [66](#) CDC).
 - i. Decide applications for a determination of unlisted parking requirements (Chapter [46](#) CDC).
 - j. A minor alteration to a historic landmark or a structure in the Historic District (Chapter [25](#) CDC).
 - k. Parks Design Review, Class I (Chapter [56](#) CDC).
 - l. Design Review, Class I (Chapter [55](#) CDC).
 - m. A sign application (Chapter [52](#) CDC).
 - n. Sidewalk use permit (Chapter [53](#) CDC).
 - o. Flood management area permit (Chapter [27](#) CDC).
 - p. *Repealed by Ord. 1622.*
 - q. Tualatin River protection permit (Chapter [28](#) CDC).
 - r. Water resource area permit (Chapter [32](#) CDC).
 - s. Class I variance (Chapter [75](#) CDC).
 - t. Willamette River Greenway permit (Chapter [28](#) CDC).
 - u. Extensions of approval when the Planning Director acted as the initial decision-making authority.
 - v. Class I historic design review (Chapter [25](#) CDC).
 - w. A demolition permit for a non-contributing or not in period primary structure or an accessory structure (Chapter [25](#) CDC).
2. Approve a use permitted under prescribed conditions provided all of the conditions are satisfied.
3. Make initial interpretations of the provisions of the code.
4. Make the initial determination regarding the status of the following:
 - a. Non-conforming structure (Chapter [66](#) CDC).

- b. Non-conforming structure involving a non-conforming use (Chapter [65](#) CDC).
 - c. Non-conforming use of land (Chapter [67](#) CDC).
- B. Planning Commission authority. The Planning Commission shall have the authority to:
- 1. Make a recommendation to approve, deny, or approve with conditions to the Council:
 - a. A quasi-judicial Comprehensive Plan Map amendment (Chapter [105](#) CDC).
 - b. A quasi-judicial zone change application pursuant to Chapter [105](#) CDC, excluding applications requesting the designation or removal of a designation for a historic resource.
 - 2. Approve, deny, or approve with conditions the following applications:
 - a. A temporary use or structure application (Chapter [35](#) CDC) for a minimum of 121 days to no more than one year, or an application associated with another land use approval.
 - b. A conditional use (Chapter [60](#) CDC).
 - c. Enlargement of a non-conforming use or alteration for a structure containing a non-conforming use (Chapter [66](#) CDC).
 - d. Enlargement or alteration of a non-single-family residential non-conforming use (Chapter [66](#) CDC).
 - e. Class II variance or special waiver (Chapter [75](#) CDC).
 - f. Subdivision (Chapter [85](#) CDC).
 - g. Planned unit development (Chapter [24](#) CDC).
 - h. Design review, Class II (Chapter [55](#) CDC).
 - i. Parks design review, Class II (Chapter [56](#) CDC).
 - j. Any matter not specifically assigned to another approval authority.
 - k. Extensions of approval when the Planning Commission acted as the initial decision-making authority.
 - 3. Revoke or modify an approval as provided by CDC [99.330](#) for any application approved by the Planning Commission or Planning Director.
 - 4. Make an unlisted use determination.
 - 5. An appeal of the Planning Director's interpretation of the code pursuant to CDC [01.060](#).
- C. City Council authority. The Council shall have the authority to:
- 1. Approve, deny, or approve with conditions applications for the following development applications:
 - a. A quasi-judicial Comprehensive Plan Map amendment (Chapter [105](#) CDC).
 - b. A quasi-judicial zone change application pursuant to Chapter [105](#) CDC.
 - c. Boundary change proposals (Chapter [81](#) CDC).
 - 2. Consider an appeal or review of a decision made by the Planning Director under the provisions of CDC [99.240\(A\)](#) and [99.080\(B\)](#).
 - 3. Consider an appeal or review of a decision made by the Planning Commission or Historic Review Board whether on the Council's own motion, or otherwise as provided by CDC [99.240](#).
 - 4. Decide an appeal of the Director's interpretation of zoning boundaries as provided by CDC [05.040](#).
 - 5. Revoke or modify an approval as provided by CDC [99.330](#) for any application approved by the City Council, including an application approved by the City Council on appeal from another City decision-making authority.
- 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.

E. Expedited land divisions. Expedited land divisions shall be processed by the Planning Commission without a public hearing pursuant to Oregon Revised Statutes (ORS) [197.360](#) through [197.380](#). Pursuant to ORS [197.360](#)(3), the following City permits may be processed concurrently with an expedited land division application:

- 1. Pursuant to ORS [197.360](#)(3), the following City permits may be processed concurrently with an expedited land division application:
 - a. Planned unit development.
 - b. Willamette River Greenway.
 - c. Flood management area.
 - d. Tualatin River.
 - e. Water resource area.
 - f. Design review.
- 2. The Planning Commission shall make their decision based solely upon the record and staff recommendation.
- 3. Appeals of the Planning Commission decision on an expedited land division shall be reviewed pursuant to Chapter [197](#) ORS. (Ord. 1442, 1999; Ord. 1463, 2000; Ord. 1474, 2001; Ord. 1510, 2004; Ord. 1525, 2005; Ord. 1545, 2007; Ord. 1547, 2007; Ord. 1565, 2008; Ord. 1568, 2008; Ord. 1589 § 1 (Exh. A), 2010; Ord. 1597 §§ 17, 18, 2010; Ord. 1613 § 24, 2013; Ord. 1614 § 15, 2013; Ord. 1622 §§ 9, 28, 2014; Ord. 1635 § 38, 2014; Ord. 1638 § 3, 2015; Ord. 1655 § 9, 2016)

The approval authority of the Planning Director, Planning Commission, City Commission and Historic Review Board are understood and accepted.

99.070 CONSOLIDATION OF PROCEEDINGS

A. When an applicant requests more than one approval, and more than one approval authority is required to decide the applications, the proceedings shall be consolidated so that one approval authority shall decide all applications in one proceeding. In such cases, the hearings shall be held by the approval authority having original jurisdiction over one of the applications under CDC [99.060](#), in the following order of preference: City Council, Planning Commission or Historic Review Board, or the Planning Director.

1. However, expedited land division applications shall be processed as described in Chapter 197 ORS, regardless of the number of approvals requested.

B. When an applicant requests to undertake preliminary work, for site preparation or analysis, the Director may allow decisions within the Director's authority to precede the subsequent decision required for review by the decision-making body. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1635 § 39, 2014)

The consolidation of proceedings, as determined appropriate and/or applicable by the city, is understood and accepted.

99.080 NOTICE

Notice shall be given in the following ways:

A. Class A Notice. Notice of proposed action or a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

1. At least 20 days prior to the scheduled hearing date notice shall be sent by mail to:
 - a. The applicant or the applicant's agent, and the property owner of record on the most recent property tax assessment roll where such property is located.
 - b. All property owners of record on the most recent property tax assessment roll where such property is located within 500 feet of the site.
 - c. Any affected governmental agency which has entered into an intergovernmental agreement with the City which includes provision for such notice; plus, where applicable, the Oregon Department of Transportation, Tri-Met, neighboring local jurisdictions, Clackamas County Department of Transportation and Development, and Metro.
 - d. The affected recognized neighborhood association or citizens advisory committee.
 - e. For a hearing on appeal or review, all parties and persons with standing described in CDC 99.140 to an appeal or petition for review.
2. At least 10 days prior to the hearing or meeting date, notice shall be given in a newspaper of general circulation in the City. An affidavit of publication shall be made part of the administrative record.
 - a. Decisions pursuant to CDC 99.060(A), Planning Director authority, are exempt from the requirements of this subsection.
3. At least 10 days prior to the hearing or meeting date, the Planning Director shall cause a sign to be placed on the property which is the subject of the decision or, if the property does not have frontage on a public street, adjacent to the nearest public street frontage in plain view and shall state, "This property is the subject of a land use decision," with the type of use or request indicated.

If the application is not located adjacent to a through street, then an additional sign shall be posted on the nearest through street.
4. At least 10 days but no more than 40 days prior to hearing of a proposed zone change for manufactured home parks, notice shall be given to the respective manufactured home park residents.
5. The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.
6. At the conclusion of the land use action the signs shall be removed.

B. Class B Notice. Notice of a proposed action on a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

1. At least 14 days prior to the decision date, a notice shall be sent by mail to:

- a. The applicant or their agent;
 - b. The affected recognized neighborhood association or citizens advisory committee; and
 - c. All property owners of record within 300 feet of the site perimeter;
2. At least 10 days prior to the earliest date that the approval authority can take action on the application, the applicant shall place a sign, provided by the Community Development Department, on the subject property in plain view. The sign shall state, "This property is the subject of a land use decision," with the type of use or request indicated.
 3. The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.
 4. At the conclusion of the land use action the signs shall be removed.

C. Notice for expedited and division applicants shall comply with the requirements of Chapter [197](#) ORS.

D. Notice for a boundary change application shall comply with the requirements of ORS [197.763](#), Chapter [222](#) ORS, and the Metro Code.

E. [Table of notices](#). The following notice summary identifies the appropriate type of notice for the various land use applications of CDC [99.060](#).

Land Use Action	Type of Notice
Amendment or Modification of Application or Permit	Same as original application
Appeal or Review of Decision	A
Boundary Change	Special
Code Interpretation	Notice to parties requesting the interpretation
Comprehensive Plan:	
Map Amendment	A
Plan/Code Text Amendment (Legislative Action)	A***
Conditional Use	A
Design Review:	
Class I	B
Class II	A
Determination of Unlisted Use	No Notice
Enlarge or Alter Non-conforming Use/Structure:	
Commercial or Industrial	A
Single-Family Residential	B
Erosion and Sediment Control Permit	No Notice
Expedited Land Division	per State statute requirements
Extensions of Approvals	Same notice as original application

Flood Management Area	B**
Final Plat and Partition Plat	No Notice
Historic Resources:	
Class I Historic Design Review	B
Class II Historic Design Review	B
Designation or Removal of Historic Resource Designation	A
Demolition	A
Relocation	B
Home Occupation	No Notice
Minor Partition	A
Planned Unit Development	A
Property Line Adjustment	No Notice
Revocation of Approval	A
Sidewalk Use Permit	No Notice
Sign Permit	No Notice
Subdivision	A
Temporary Use Permit:	
60 days or less; 60-day extension	No Notice
Over 60 days, up to 1 year	A
Tualatin River Setback:	
Uses permitted outright and not subject to design review	No Notice
Uses permitted outright and subject to design review	B
Uses requiring conditional use permit and design review	A
Street Vacations	(per State statute requirements)
Variances:	
Class I (involves a small change with minor or no effect)	B
Class II (involves a significant change from code requirements)	A

Water Resource Area Permit (NDW)	A**
Willamette River Greenway: Development Permit	A**
Uses requiring conditional use permit and design review	A**
Zone Change	A

**Plus COE/DSL is notified

***Plus DLCD notice

(Ord. 1425, 1998; Ord. 1474, 2001; Ord. 1545, 2007; Ord. 1547, 2007; Ord. 1565, 2008; Ord. 1568, 2008; Ord. 1589 § 1 (Exh. A), 2010; Ord. 1613 § 25, 2013; Ord. 1614 § 16, 2013; Ord. 1621 § 25, 2014; Ord. 1635 § 40, 2014; Ord. 1636 § 61, 2014)

It is understood and accepted that for this Class II Historic Design Review, notification requirements shall be as directed and performed by the city.

99.090 CONTENTS OF NOTICE

A. Notices mailed pursuant to this code shall comply with applicable provisions of the Oregon Revised Statutes (ORS). Except for expedited land division review, for which Chapter [197](#) ORS shall apply, notice given to persons entitled to mailed or published notice pursuant to CDC [99.060](#) shall:

1. Explain the type of application and what proposed uses could be authorized.
2. List the applicable criteria from the ordinance and plan.
3. Set forth street address (if existing) and other easily understood geographical reference of the subject property.
4. State the date, time, and location of hearing or, for the Planning Director's decisions, the earliest date upon which the Director will make a decision.
5. State that failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to LUBA on that issue.
6. Include the name of government contact and phone number.
7. State that the application, all documents or evidence relied upon by the applicant and applicable criteria are available for inspection at no cost, and copies at reasonable cost.
8. State that a copy of the staff report will be available for inspection at no cost at least 10 days prior to the hearing, and copies at reasonable cost.
9. A statement that public and written testimony are invited, and including a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

B. In addition to the ORS requirements, the notice shall identify the following:

1. The type of land use action proposed (e.g., "four-lot subdivision").
2. Community Development Department file number. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1621 § 25, 2014)

It is understood and accepted that the contents of the notice will be as determined by the city.

99.100 MECHANICS OF GIVING NOTICE AND FAILURE TO RECEIVE NOTICE

- A. The notification list used for giving notice required by this code under CDC 99.080 shall be compiled from the most recent property tax assessment roll.
- B. The failure of a property owner to receive notice shall not invalidate the action provided a good faith attempt was made to notify all persons entitled to notice.
- C. Personal notice is deemed given when the notice is deposited with the United States Postal Service. Published notice is deemed given on the date it is published.
- D. In computing the length of time that notice was given, the first date notice is given shall be excluded and the day of the hearing or decision by the Director shall be included. (Ord. 1401, 1997; Ord. 1568, 2008)

The methods of giving notice are understood and accepted.

99.110 DECISION-MAKING PROCESS OF APPROVAL AUTHORITY

- A. The decision shall be based on proof by the applicant that the application fully complies with:
 - 1. The applicable standards of any provision of this code or other applicable implementing ordinance.
- B. Consideration may also be given to:
 - 1. A mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application; and
 - 2. Factual oral testimony or written statements from the parties, neighborhood plans, other persons and other governmental agencies relevant to the existing conditions or factors in subsection A or (B)(1) of this section.
- C. In all cases, the decision shall include a statement in a form which includes findings as to whether or not the application meets the approval criteria of the applicable Community Development Code sections.
- D. The approval authority may:
 - 1. Adopt the findings and conclusions contained in the staff report;
 - 2. Adopt the findings and conclusions of a lower approval authority;
 - 3. Adopt its own findings and conclusions;
 - 4. Adopt the findings and conclusions submitted by any party; or
 - 5. Adopt the findings and conclusions from another source, either with or without modifications, having made a tentative decision and having directed the staff to prepare findings for review and to provide an opportunity for all parties to comment upon them.
- E. The decision may be for denial, approval, or approval with conditions, pursuant to CDC 99.160 and 99.170, where such conditions are necessary to satisfy the applicable standards of any provision of this code or other applicable implementing ordinance.
- F. The final decision shall be a decision which is in writing and which has been:
 - 1. Formally adopted by the decision-making authority and filed with the Director within 14 working days of the formal adoption of the decision; or
 - 2. Signed by the Director in the case of a decision by the Director and filed as a final decision within 14 working days of the signed decision; or
 - 3. Formally adopted by the Council and signed by the Mayor or the president of the Council in the case of an appeal. (Ord. 1474, 2001; Ord. 1568, 2008)

The decision-making process is understood and accepted.

99.120 AMENDMENTS

This section explains how amendments to projects subject to the quasi-judicial decision making process are processed.

A. An amendment application shall be required if the Planning Director determines that the proposed revisions will change the project by a factor greater than 10 percent in a quantifiable manner (e.g., number of proposed lots, square footage of proposed buildings, number of parking spaces, relocation of building footprints). Non-quantifiable changes shall also require an amendment if they result in significant differences between the approved project and the revised project, or if the changes call into question compliance with a relevant approval criterion.

B. Amendments shall be reviewed by the initial decision-making authority. For example, if the Planning Commission heard the application initially, then it would hear the amendment application.

C. Rather than provide full submittal, the Planning Director shall identify the parameters of the submittal appropriate to the amendment and applicable approval criteria. For example, if the applicant only requests to redesign the architecture of a building, but not increase square footage or building mass, then the submittal of a site plan, architectural elevations, material/color board, and narrative specific to the architecture and relevant design review approval criteria would be appropriate. Conversely, no new landscaping, grading plans, etc., would be necessary since no changes are proposed for those items. The submittal should be comprehensive and sufficient to provide the decision-making authority with all necessary information while not being redundant and requiring information which is already part of the record of the original application.

D. If the proposed revisions will change the project by a factor greater than 25 percent in a quantifiable manner, or if the land area upon which the project is proposed changes, then a new application shall be required. (Ord. 1568, 2008)

The amendment process is understood and accepted.

99.125 STAGED OR PHASED DEVELOPMENT

An applicant may elect to develop a proposed project in phases. The timing of each development phase shall be set forth in the application and subject to approval by the appropriate approval authority. Each phase shall meet all applicable development standards individually (e.g., access, parking, landscaping, utilities, etc.) without having to rely upon subsequent phases. Each phase shall also install all necessary improvements to serve the development within that phase. (Ord. 1474, 2001; Ord. 1568, 2008)

No phasing of the work is proposed.

99.130 NOTICE OF FINAL DECISION

A. The final decision by the Planning Director shall be filed in the records of the Community Development Department after the decision is signed by the Planning Director, and notice thereof shall be mailed to the applicant, all parties to the matter as established under CDC 99.140, and those persons who requested copies of such notice.

B. The final decision by the Planning Commission, Historic Review Board, or City Council shall be filed in the records of the Community Development Department, and notice thereof shall be mailed to the applicant, all parties to the matter as established under CDC 99.140, and those people requesting copies of such notice.

C. Notice of a final decision shall conform to applicable provisions of the Oregon Revised Statutes.

D. The appeal period is as provided in CDC 99.230. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1590 § 1, 2009; Ord. 1621 § 25, 2014)

Notice of Final Decision is understood and accepted.

99.140 ESTABLISHING STANDING TO APPEAL

- A. Any person or recognized neighborhood association with standing may pursue an appeal or seek review of any land development decision. Standing is established in the following way:
- B. The person or recognized neighborhood association appeared before an approval authority other than the Director, either orally or in writing, and provided their name and address; signed the testimony form provided at the hearing; or submitted comments to the Director, in writing, and provided their name and address to the Director regarding a decision. Neighborhood association standing can only be established by a person identifying, either in testimony or in writing, that they represent a specific neighborhood association. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1622 § 8, 2014)
- Standing to appeal is understood and accepted.

99.160 DECISION BY DIRECTOR

- A. Pursuant to CDC 99.060(A), the Director is authorized to make certain decisions, and no hearing shall be held except where the Director has an interest in the outcome of the decision, due to some past or present involvement with the applicant or other interested persons or in the property or surrounding property, and cannot render an impartial decision. In such cases, the application shall be reviewed by the Director's designee, and in the event the designee cannot render a decision, the application shall be subject to the jurisdiction of the Planning Commission.
- B. A decision made by the Director shall be made in accordance with the provisions of CDC 99.110, and a record shall be made which shall include:
1. A copy of the application and all supporting information, plans, exhibits, graphics, etc.;
 2. All correspondence relating to the application;
 3. All information considered by the Director in making the decision;
 4. The staff report of the Director prepared under CDC 99.040(A)(3)(c);
 5. A list of the conditions, if any are attached, to the approval of the application;
 6. A copy of the notice which was given pursuant to CDC 99.080(A), and accompanying affidavits, and a list of all persons who were given mailed notice; and
 7. A signed statement by the Director stating the nature of any past or present involvement with the applicant, other interested persons or the property if the Director makes a decision, and if there could reasonably be expected to be a challenge to the fairness of the decision.
- C. A decision made by the Director shall be final as provided by CDC 99.230 unless:
1. A party to the action files a written appeal with the Director within 14 days of the final decision pursuant to CDC 99.240; or
 2. A majority of the members of the Commission or the Council order a review within 14 days of the final decision pursuant to CDC 99.240.
- D. No Director's decision may modify the request from that set out in the notice given under CDC 99.080 and 99.090, unless new notice be given, except that conditions may be attached to the approval. (Ord. 1568, 2008; Ord. 1622 § 6, 2014; Ord. 1635 § 41, 2014)
- The provisions for a Decision by Director are understood and accepted.

99.170 HEARING PROCEDURES

- A. The Planning Commission, City Council, and Historic Review Board shall conduct a public hearing on all matters over which the Board, Commission, or Council has original jurisdiction pursuant to CDC 99.060; and:
1. Determine who qualifies as a party.
 2. Regulate the course, sequence, and decorum of the hearing. The sequence of the hearing shall also include the right to establish procedures for continuances of hearings.
 3. Dispose of procedural requirements or similar matters.

4. Rule on offers of proof and relevancy of evidence and testimony.
 5. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, cross-examination of witnesses and rebuttal testimony.
 6. Take such other action appropriate for conduct commensurate with the nature of the hearing.
 7. Approve or deny applications or approve with conditions pursuant to CDC 99.110.
- B. At the commencement of the hearing, a statement shall be made to those in attendance that:
1. Lists the applicable substantive criteria (by chapter) that apply to the application before the hearing body.
 2. States that testimony, arguments and evidence must be directed toward the applicable substantive criteria which the person testifying believes to apply to the decision.
 3. States that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the State Land Use Board of Appeals based on that issue.
- C. Unless otherwise provided in rules of procedure adopted by the Council, the following rules shall apply to the general conduct of the hearing:
1. The approval authority may ask questions at any time prior to the final decision; however, the answers shall be limited to the substance of the question and if new evidence is admitted after the close of the hearing, upon request, rebuttal shall be allowed;
 2. Parties or the Director must receive approval from the approving authority to submit directly questions to other parties or witnesses or the Director;
 3. A reasonable amount of time shall be given to persons to respond to questions;
 4. No person shall testify without first receiving recognition from the approval authority and stating a full name and address;
 5. The approval authority may require that testimony be under oath or affirmation;
 6. Audience demonstrations such as applause, cheering and display of signs or other conduct disruptive of the hearing shall not be permitted. Any such conduct may be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer; and
 7. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
- D. The Planning Commission or Historic Review Board may refer any matter for Council action on the record made before it.
- E. Prior to the conclusion of the initial evidentiary public hearing on the application, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The request shall be granted through one of the following means:
1. Continuation of the public hearing to a date, time, and place certain at least seven days from the date of the initial evidentiary public hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony. If new written evidence is submitted at the continued hearing, any person may request prior to the conclusion of the continued hearing that the record be left open for at least seven days to submit additional written evidence, arguments, or testimony for the purpose of responding to the new written evidence.
 2. Leaving the record open for at least seven days for the presentation of additional written evidence, arguments, or testimony. At the conclusion of this period, any participant may file a request for an opportunity to respond to any additional written evidence, arguments, or testimony. Such a request shall be granted with an additional seven days (at minimum) to file such a written response.

F. If requested, an applicant shall be granted an additional period of at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. Any such time period granted to the applicant shall not be subject to the time limit provisions of Chapter 227 ORS regarding local government hearing procedures found in ORS 227.170 for quasi-judicial applications.

G. A decision made by the Planning Commission or Historic Review Board shall be final as provided by CDC 99.230 unless:

1. A party to the action files a written appeal with the Director within 14 days of the final decision pursuant to CDC 99.240;
2. A majority of the Council order a review within 14 days of the final decision pursuant to CDC 99.240; or
3. It is an expedited land division application for which the provisions of Chapter 197 ORS shall apply.

H. If a Planning Commission or a Historic Review Board decision for a project that requires a decision by both bodies is appealed, both decisions shall be automatically appealed and will be reviewed in a combined hearing. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1597 § 19, 2010; Ord. 1604 § 71, 2011; Ord. 1622 § 7, 2014; Ord. 1675 § 56, 2018)

Hearing procedures are understood and accepted.

99.180 EX PARTE CONTACTS, IMPARTIALITY, DISQUALIFICATION, AND ABSTENTION

A. Ex parte contacts. The general public has a right to have hearing body members free from pre-hearing or ex parte contacts on the matter to be heard. It is recognized that an equal public right is free access to public officials on any matter.

1. Therefore, hearing body members shall reveal any significant pre-hearing or ex parte contacts with regard to any matter at the commencement of the public hearing on the matter. "Ex parte contacts" are defined as meetings, conversations, or communication outside of the City hearing process between the decision-making authority (e.g., Planning Commission member) and any person concerning the substance of the application. Essentially, both sides of the issue are not fairly represented. An ex parte contact does not compel abstention, but if such contacts have impaired the members' impartiality or ability to vote on the matter, the member shall so state and shall abstain from voting.
2. In addition, parties who had the communication with the member have the right to rebut the substance of the communication, or the subject to which the communication relates, with the member at the commencement of the public hearing on the matter.
3. All ex parte contacts shall be reported on the record.
4. This section shall not apply to Director decisions made under CDC 99.060(A).
5. Members of the City Council, Planning Commission, and Historic Review Board shall be governed by the relevant provisions of Chapters 227 and 244 ORS and the provisions of this section. Where inconsistencies exist, the ORS shall prevail.

B. Challenges to impartiality.

1. An affected party or a member of a hearing body may challenge the qualifications of a member of the hearing body to participate in the hearing and decision. The challenge shall state the facts relied upon by the challenger relating to a person's bias, pre-judgment, personal interest, or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner.

2. The challenged person shall have an opportunity to respond orally to the challenge. The challenge shall be incorporated into the record of the hearing.

3. Any challenge shall require that the hearing body vote on the challenge pursuant to subsection E of this section.

C. Disqualification. No member of a hearing body may participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:

1. Any of the following have a direct or substantial financial interest in the proposal: the member or member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

2. For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

D. Participation by interested officers or employees. No officer or employee of the City who has a financial or other private interest in a proposal may participate in discussion with, or give an official opinion to, the hearing body on the proposal without first declaring for the record the nature and extent of such interest.

E. Abstention or disqualification. Disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the motion but shall be allowed to participate in the deliberation of the hearing body on that motion.

F. Rights of abstaining or disqualified member of the hearing body.

1. An abstaining or disqualified member of the hearing body shall be counted for purposes of forming a quorum. A member who represents a personal interest at a hearing may do so only after making full disclosure for the record of the hearing, abstaining from voting on the proposal, and vacating the seat on the hearing body.

2. If sufficient members of a hearing body abstain or are disqualified, that renders the hearing body unable to take action on the application consistent with the applicable authority of the hearing body, then the application shall be reviewed as follows:

a. Planning Director disqualified – referred to Planning Director's designee, or if no alternatives are available, referred to the Planning Commission for hearing and decision.

b. Historic Review Board disqualified – referred to Planning Commission for hearing and decision.

c. Planning Commission disqualified – referred to City Council for hearing and decision.

d. City Council disqualified – City Council will hear it and make a decision if the disqualified member's vote is required to achieve a quorum and reach a decision on the matter, and no other person can act in the place of the disqualified person.

e. City Council acting as appellate hearing authority disqualified – decision of the original authority becomes the final City decision.

3. Council members who appear as a party in another hearing process on an application, such as testifying before the Planning Commission in a case that is then appealed to the City Council, shall be disqualified from Council consideration of that application.

4. Council members of a hearing body who participate in a meeting, such as a neighborhood association or a Chamber of Commerce meeting, etc., wherein they state their support or opposition to an application that appears before the City Council, shall be disqualified from the hearing body consideration of that application.

G. A member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1604 §§ 72, 73, 2011; Ord. 1635 § 42, 2014)

The provision for Ex parte contact, impartiality, disqualification and abstention are understood and accepted.

99.190 CONTINUATION OF HEARING – NOTICE

An approval authority may continue the hearing from time to time to gather additional evidence, to consider the application fully, to comply with State statutes, or to give notice to additional persons. Unless otherwise provided by the approval authority, no additional notice need be given of the continued hearing if the matter is continued to a date certain. (Ord. 1568, 2008)

The possibility of continuation of the hearing is understood and accepted.

99.200 EVIDENCE

- A. All evidence offered and not objected to may be received unless excluded by the approval authority.
- B. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conducting of their everyday affairs.
- C. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.
- D. Formal rules of evidence, as used in courts of law, shall not apply. (Ord. 1474, 2001; Ord. 1568, 2008)

The requirements for the presentation of evidence are understood and accepted.

99.220 RECORD OF PROCEEDINGS

- A. A verbatim record of the proceeding shall be made by video recording, or other available means. It shall not be necessary to transcribe testimony. The minutes and other evidence of the proceedings shall be part of the record and the basis for deciding a decision on review. Inadvertent loss of a verbatim record due to technical or mechanical problems unforeseen by the City shall not be grounds for invalidating a public hearing or decision.
- B. All exhibits received shall be marked so as to provide identification upon review and shall be part of the record.
- C. The official record shall include:
 - 1. All materials, pleadings, memoranda, stipulations, and motions submitted by any party to the proceeding and recorded or considered by the hearings authority as evidence;
 - 2. All materials submitted by the Director to the approval authority with respect to the application;
 - 3. The verbatim record made by video recording or other available means, the minutes of the hearing, and other evidence of the proceedings before the hearings body;
 - 4. The written findings, conclusions, decision and, if any, conditions of approval of the approval authority;
 - 5. All visual displays, both in paper form and in electronic form, presented as part of the proceedings;
 - 6. All correspondence relating to the application; and
 - 7. A copy of the notice which was given as provided by CDC [99.080](#), accompanying affidavits and list of persons who were sent mailed notice.

D. The record of the proceedings for a hearing on appeal or review by the City Council shall consist of all the above items and all similar items presented during the Council proceedings. (Ord. 1568, 2008)
The process for recording proceedings is understood and accepted.

99.230 EFFECTIVE DATE OF DECISION – APPEAL OR REVIEW

A. Any Planning Director or Planning Commission decision made under the provisions of this chapter shall become effective at 5:00 p.m. on the fourteenth day from the date of mailing the notice of the final decision, unless a local appeal or review is taken pursuant to CDC 99.240. If the fourteenth day falls on any legal holiday or on a Saturday or Sunday, then the effective date and time shall be at 5:00 p.m. on the next business day.

B. City Council decisions are final upon the date of the signature on the decision. The effective date shall be 21 days from the date that the final, signed decision is mailed. If the twenty-first day falls on any legal holiday or on a Saturday or Sunday, then the effective date and time shall be at 5:00 p.m. on the next business day. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1590 § 1, 2009)

The effective date of decision is understood and accepted.

99.240 AUTHORITY TO APPEAL OR SEEK REVIEW OF A DECISION – EXHAUSTION OF ADMINISTRATIVE REMEDIES

The Oregon Revised Statutes require that prior to filing an appeal at the State Land Use Board of Appeals (LUBA), an appellant must first utilize the appeal opportunities provided by the City. A case cannot be brought before LUBA unless an appeal or petition for review is first filed with the appropriate City review body. It is the purpose of this section to provide parties information about possible remedies prior to litigation. To that end, the filing of an appeal or petition for review is a condition precedent for further administrative or judicial review.

A. Any decision made by the Planning Director pursuant to CDC 99.160, or the Planning Commission or Historic Review Board (except for expedited land divisions) on a development application as provided by CDC 99.170, may be appealed to the City Council pursuant to CDC 99.160(C)(1) or 99.170(G)(1) or may be reviewed by the City Council pursuant to CDC 99.160(C)(2) or 99.170(G)(2).

B. Any decision made by the Historic Review Board or Planning Commission under CDC 99.170 may be reviewed by the Council if the matter is referred under CDC 99.170(D) to the Council, upon closure of the hearing, when the case presents a policy issue which required Council deliberation and determination.

C. Formally recognized neighborhood associations may appeal land use decisions to the appropriate bodies without cost if the Planning Director finds:

1. The Community Development Code appeal procedures are followed.
2. A member of the association must have established standing on behalf of the association. The member must have explicitly identified themselves, in writing or in testimony, as representing the association.
3. The association submits a copy of the meeting minutes and vote taken supporting the appeal.
4. The neighborhood association appeal is related to the property within the association's recognized boundaries, or an application outside the association's boundaries that shall have significant impacts upon the association's neighborhood.
5. The neighborhood association may appeal without cost on behalf of an individual or group with standing who is not represented by a recognized association if subsections A, B and C of this section are met and the neighborhood association finds the issue(s) are of City-wide concern related to the West Linn Comprehensive Plan or the West Linn CDC.

- D. The Planning Commission shall have standing in all Historic Review Board decisions and may appeal such decisions, following Community Development Code appeal procedures, without cost.
- E. The Historic Review Board shall have standing in all Planning Commission decisions involving property or structures within a historic district or designated as a landmark and may appeal such decisions, following Community Development Code appeal procedures, without cost. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1597 § 20, 2010)

The process for potentially seeking an appeal is understood and accepted.

99.250 APPLICATION FOR APPEAL OR REVIEW

- A. The notice of appeal shall contain:
 - 1. A reference to the application sought to be appealed; and
 - 2. A statement explaining how the petitioner qualifies as a party of standing, as provided by CDC [99.140](#).
- B. The appeal application shall be accompanied by the required fee.
- C. The hearing on the appeal or review shall be de novo; however, all evidence presented to any lower approval authority shall be made part of the record and shall be considered and given equal weight as evidence presented on appeal.
- D. The appeal or review application may state grounds for appeal or review. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1622 § 5, 2014; Ord. 1663 § 1, 2017)

The requirements for application for appeal are understood and accepted.

99.260 PERSONS ENTITLED TO NOTICE ON APPEAL – TYPE OF NOTICE

Upon appeal, notice shall be given by the Director to all persons having standing as provided by CDC [99.140](#) to notice as required by CDC [99.080](#). (Ord. 1568, 2008; Ord. 1622 § 5, 2014)

The parameters for notice on appeal are understood and accepted.

99.270 CONTENTS OF PUBLIC NOTICE OF APPEAL HEARING

Notice given to persons entitled to mailed notice under CDC [99.260](#) shall:

- A. Reference the application sought to be appealed;
- B. List the date, time, and location of the hearing;
- C. State the appellant or petitioner name(s);
- D. List any grounds for appeal or review stated in the application for appeal or review, but state that the appeal or review is not limited to the stated grounds for appeal or review and that all relevant issues may be considered;
- E. State that the hearing on appeal shall be de novo; however, evidence presented to the lower approval authority shall be considered and given equal weight as evidence presented on appeal;
- F. Include the name of government contact and phone number; and
- G. State that the application and record are available for inspection at no cost, and copies at a reasonable cost. (Ord. 1382, 1995; Ord. 1474, 2001; Ord. 1547, 2007; Ord. 1568, 2008; Ord. 1622 § 5, 2014; Ord. 1663 § 2, 2017)

The contents of public notice of appeal are understood and accepted.

99.280 TYPE OF APPEAL HEARING AND SCOPE OF REVIEW

- A. All appeals and reviews shall be de novo.
 - 1. The record of the previous application, hearing, and decision shall be incorporated and considered as evidence in the appeal procedure.

2. If any party requests a continuance of the appeal hearing, the City Council may grant a continuance to allow a further hearing or may allow only written submissions. The City Council may limit the scope of any additional testimony or argument after the initial hearing on appeal. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1622 § 5, 2014; Ord. 1663 § 3, 2017)

The type of appeal hearing and scope of review are understood and accepted.

99.290 ACTION ON APPEAL OR REVIEW – TIME LIMIT AND AUTHORITY TO CHANGE DECISION

- A. The approval authority shall act upon the appeal or review within 120 days of the application being deemed complete, unless the applicant consents to an extension of time; and
- B. The approval authority may affirm, reverse, or modify the decision which is the subject of the appeal; however, the decision shall be made in accordance with the provisions of CDC 99.110; or
- C. The approval authority may remand the matter if it is not satisfied that testimony or other evidence could not have been presented or was not available at the hearing. In deciding to remand the matter, the approval authority shall consider and make findings and conclusions regarding:
1. The prejudice to parties;
 2. The convenience or availability of evidence at the time of the initial hearing;
 3. The surprise to opposing parties;
 4. The date notice was given to other parties as to an attempt to admit; or
 5. The competency, relevancy, and materiality of the proposed testimony or other evidence.
- (Ord. 1474, 2001; Ord. 1568, 2008)

The time limits or action on appeal are understood and accepted.

99.300 PARTICIPATION BY MEMBERS OF APPROVAL AUTHORITY IN DECISION AND VOTING

- A. The provisions of CDC 99.180 apply and, in addition:
1. A majority of the qualified voting members of the approval authority must vote affirmatively to affirm, affirm with conditions, or reverse or remand the decision. If no majority is in favor of any motion, then the previous decision shall be considered affirmed.
- B. Unless a decision be deferred, in the event of a tie, the decision which is the subject of appeal or review shall stand. (Ord. 1474, 2001; Ord. 1568, 2008)

The participation by members of the approval authority is understood and accepted.

99.320 DENIAL OF APPLICATION – RESUBMITTAL

An application which has been denied and, if appealed, has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission, or the courts, may not be resubmitted for the same or a substantially similar proposal, or for the same or substantially similar action, for a period of at least 12 months from the date the final decision is made denying the application. (Ord. 1568, 2008; Ord. 1590 § 1, 2009)

The limitations for resubmittal of a denied proposal are understood and accepted.

99.325 EXTENSIONS OF APPROVAL

- A. An extension may be granted by the original decision-making body by an additional two years from the effective date of approval pertaining to applications listed in CDC 99.060(A), (B), (C), (D) or (E), as applicable, upon finding that:
1. The applicant has demonstrated that the application is in conformance with applicable CDC provisions and relevant approval criteria enacted since the application was initially approved; and

2. There are no demonstrated material misrepresentations, errors, omissions, or changes in facts that directly impact the project, including, but not limited to, existing conditions, traffic, street alignment and drainage; or
3. The applicant has modified the approved plans to conform with current approval criteria and remedied any inconsistency with subsection (A)(2) of this section, in conformance with any applicable limits on modifications to approvals established by the CDC.

B. *Repealed by Ord. 1675.*

C. *Repealed by Ord. 1675.*

D. *Repealed by Ord. 1635.*

E. Extension procedures.

1. The application for extension of approval with modifications to the original approval may be submitted only after a pre-application meeting under CDC 99.030(B). If no modifications are made to the original approval, a pre-application conference is not required.

2. The application for extension of approval with modifications to the original approval shall satisfy the neighborhood meeting requirements of CDC 99.038 for those cases that require compliance with that section. If no modifications are made to the original approval, no neighborhood meeting is required.

3. Applications for extensions must be submitted along with the appropriate deposit to the Community Development Department.

4. Notice of the decision shall be issued consistent with CDC 99.080.

5. The decision shall not become effective until resolution of all appeal periods, including an opportunity for City Council call-up pursuant to this chapter. (Ord. 1589 § 1 (Exh. A), 2010; Ord. 1621 § 25, 2014; Ord. 1635 § 43, 2014; Ord. 1675 § 57, 2018)

The requirements for extensions of approvals are understood and accepted.

99.330 REVOCATION OF APPROVALS – FAILURE TO FULFILL CONDITIONS

A. Conditions of approval shall be fulfilled within the time limit set forth in the decision, or by specific provisions in this code or, if no time limit is set forth, within three years unless an extension is granted per CDC 99.325. Failure to fulfill any condition of approval within the time limitations provided will be grounds for revocation of approval after notice and an opportunity to be heard as an administrative action as provided in this section. Alternately, the Planning Director shall pursue compliance through Chapter 106 CDC.

B. Substantial changes, alterations, or amendments to the substance of the conditions of approval shall be processed as a new administrative action per CDC 99.120.

1. Substantial changes in an application made after approval, but without applicant seeking approval under CDC 99.120, shall result in revocation of approval after notice and opportunity to appeal revocation order.

2. Director determination of what does or does not constitute substantial changes, alterations, or amendments is appealable to the City Council by anyone having standing in the original land use decision.

C. The conditional approval may require the owner of the property to sign within a time certain or, if no time is designated, within a reasonable time, a contract with the City for enforcement of the conditions. The Council shall have the authority to execute such contracts on behalf of the City. If a contract is required by a conditional approval, no building permit shall be issued for the use covered by the applications until the executed contract is recorded in the real property records of the County and filed in the County records. Such contracts shall be enforceable against the signing parties, their

beneficiaries, successors, and assigns by the City by appropriate action in law or suit in equity for the benefit of public health, safety, and welfare.

D. A performance bond or other type of surety in a form acceptable to the Director, or upon appeal or review by the appropriate approval authority, or a cash deposit from the property owners or contract purchasers in such an amount as will assure compliance with the conditions imposed pursuant to this section may be required. Such bond, surety, or deposit shall be posted prior to the issuance of a building permit for the use covered by the application.

E. The hearings authority may, after a hearing conducted pursuant to this chapter, modify or revoke any approval granted pursuant to this chapter for any of the following reasons:

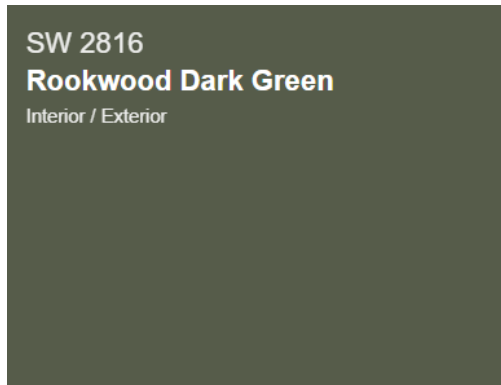
1. A material misrepresentation or mistake of fact made by the applicant in the application or in testimony and evidence submitted, whether such misrepresentation be intentional or unintentional; or
2. A failure to comply with the terms and conditions of approval; or
3. A failure to use the premises in accordance with the terms of the approval; or
4. A material misrepresentation or mistake of fact or policy by City in the written or oral report regarding the matter, whether such misrepresentation be intentional or unintentional.

F. In the event that a revocation hearing is deemed appropriate, per subsection A of this section, the hearing shall be conducted by the decision-making authority that granted the final City approval. The Planning Director or the approval authority with jurisdiction may initiate revocation proceedings. For the Planning Director's decisions made without a public hearing, the Planning Commission shall hold a public hearing on the proposed revocation. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1589 § 1 (Exh. A), 2010)

The stipulations for revocation of approvals are understood and accepted.

West Linn Saloon Exterior Paint Colors

Siding:



Trim/Sign Face:



Doors, Windows:





Catalog Number
Notes
Type

Contractor Select™

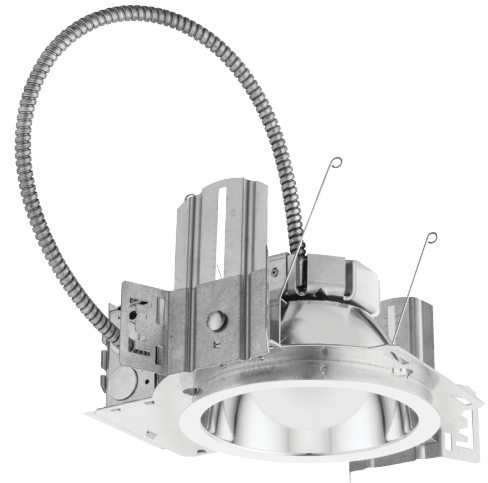
Lithonia LDN

LED Commercial Downlight

LDN 6" downlights are the most cost-effective general illumination solutions for commercial-grade downlight applications. The LDN4 and LDN6 designs allow for a quiet, glare-free ceiling without compromising on efficacy.

FEATURES:

- 55° cutoff
- 80-90 Lumens/Watt
- 1.0 Spacing/Mounting Height ratio
- Open wallwash kicker also available
- MVOLT (120-277V) 0-10V 10% dimming
- Available in 1000lm, 1500lm, or 2000lm



Catalog Number	UPC	Description	Replaces Up To	Lumens	Input Watts	CCT	CRI	Voltage	Pallet qty.
LDN6 35/10 MVOLT GZ10 HSG	00193048377323	6" New Construction Non-IC LED Housing, 1000lm, 10% 0-10V dimming	26W CFL	1,000	11W	3500K	80	120-277	84
LDN6 35/15 MVOLT GZ10 HSG	00193048375787	6" New Construction Non-IC LED Housing, 1500lm, 10% 0-10V dimming	32W CFL	1,500	18W	3500K	80	120-277	84
LDN6 35/20 MVOLT GZ10 HSG	00193048380026	6" New Construction Non-IC LED Housing, 2000lm, 10% 0-10V dimming	42W CFL	2,000	22W	3500K	80	120-277	84
LDN4 35/10 MVOLT GZ10 HSG	00193048378481	4" New Construction Non-IC LED Housing, 1000lm, 10% 0-10V dimming	26W CFL	1,000	11W	3500K	80	120-277	84
LDN4 35/15 MVOLT GZ10 HSG	00193048372816	4" New Construction Non-IC LED Housing, 1500lm, 10% 0-10V dimming	32W CFL	1,500	18W	3500K	80	120-277	84
LDN4 35/20 MVOLT GZ10 HSG	00193048377873	4" New Construction Non-IC LED Housing, 2000lm, 10% 0-10V dimming	42W CFL	2,000	22W	3500K	80	120-277	84
L06AR LSS TRIM	00745972691619	6" Open reflector with clear, semi-specular finish							180
LW6AR LSS TRIM	00190887157093	6" Open wallwash with clear, semi-specular finish							180
L04AR LSS TRIM	00745972691343	4" Open reflector with clear, semi-specular finish							180
LW4AR LSS TRIM	00190887165678	4" Open wallwash with clear, semi-specular finish							180

More configurations are available. [Click here](#) or visit www.acuitybrands.com and search for LDN

Accessories: Order as separate catalog number.	
PS1055CP	FMC Power Sentry battery pack, T20 compliant, field installable, 10w constant power
EAC ISSM 375	Compact interruptible emergency AC power system
EAC ISSM 125	Compact interruptible emergency AC power system
GRA68 JZ	Oversized trim ring with 8" outside diameter

Emergency Battery Delivered Lumens
Use the formula below to determine the delivered lumens in emergency mode
Delivered Lumens = 1.25 x P x LPW
P = Output power of emergency driver (10W for PS1055)
LPW = Lumen per watt rating of the luminaire.



Specifications

INTENDED USE:

Typical applications include corridors, lobbies, conference rooms and private offices.

CONSTRUCTION:

Galvanized steel mounting/plaster frame; galvanized steel junction box with bottom-hinged access covers and spring latches.

Reflectors are retained by torsion springs.

Vertically adjustable mounting brackets with commercial bar hangers provide 3-3/4" total adjustment.

Two combination 1/2"-3/4" and four 1/2" knockouts for straight-through conduit runs. Capacity: 8 (4 in, 4 out). No. 12 AWG conductors, rated for 90°C.

Accommodates 12"-24" joist spacing.

Passive cooling thermal management for 25°C ambient

Light engine and drivers are accessible from above or below ceiling.

Max ceiling thickness 1-1/2".

OPTICS:

LEDs are binned to a 3-step SDCM; 80 CRI minimum.

LED light source concealed with diffusing optical lens.

General illumination lighting with 1.0 S/MH and 55° cutoff to source and source image.

Self-flanged anodized reflectors in semi-specular finish.

ELECTRICAL:

Multi-volt (120-277V, 50/60Hz) 0-10V dimming drivers mounted to junction box, 10% minimum dimming level available.

0-10V dimming fixture requires two (2) additional low-voltage wires to be pulled.

70% lumen maintenance at 60,000 hours.

LISTINGS:

Certified to US and Canadian safety standards. Wet location standard (covered ceiling).

IP55 rated. ENERGY STAR® certified product. More configurations are available. Click here or visit www.acuitybrands.com and search for LDN.

WARRANTY:

5-year limited warranty. Complete warranty terms located at:

www.acuitybrands.com/support/warranty/terms-and-conditions

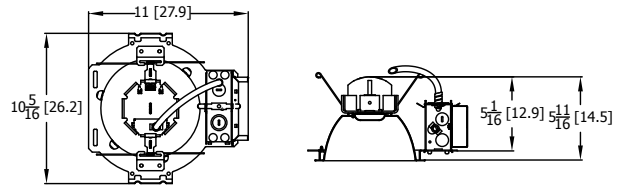
Note: Actual performance may differ as a result of end-user environment and application.

All values are design or typical values, measured under laboratory conditions at 25 °C.

Specifications subject to change without notice.

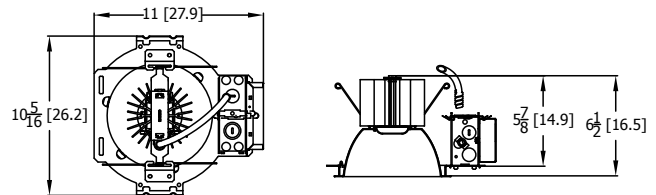
Dimensions

LDN6 500-1500 LUMEN



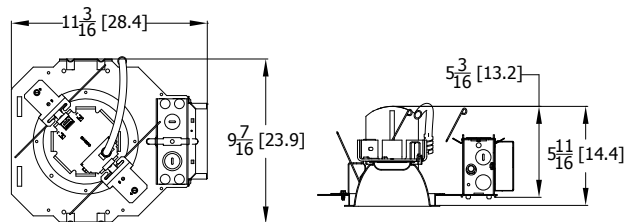
Aperture: 6-1/4 (15.9)
Ceiling Opening: 7-1/8 (18.1)
Overlap trim: 7-1/2 (19.1)

LDN6 2000 LUMEN



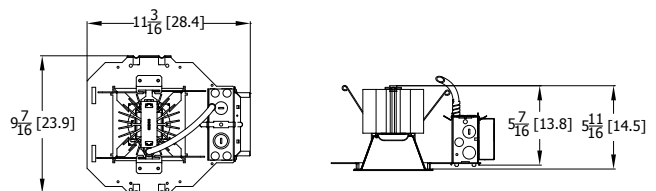
Aperture: 6-1/4 (15.9)
Ceiling Opening: 7-1/8 (18.1)
Overlap trim: 7-1/2 (19.1)

LDN4 500-1500 LUMEN



Aperture: 4-5/16 (11)
Ceiling Opening: 5-1/8 (13)
Overlap trim: 5-7/16 (13.8)

LDN4 2000 LUMEN



Aperture: 4-5/16 (11) Square
Ceiling Opening: 5-1/8 (13) Square
Overlap trim: 5-7/16 (13.8) Square

All dimensions are inches (centimeters) unless otherwise indicated.

West Linn Saloon Awnings



Color: Black

- **Product Description**

-
- **Product Specifications**
 - **Shipping and Returns**

The New Yorker® a rigid valance awning is a Beauty-Mark® Brand by Awntech®. This is the most popular fixed awning in both categories (residential and commercial). But don't be fooled by the price & simplicity. The New Yorker® has a full load-bearing frame underneath and it has been engineered and tested to withstand heavy wind and snow loads. Don't be fooled by many modular fixed awnings on the market. Most will collapse and rip away from your home in gusty wind conditions.

The NEW YORKER® testing included extreme wind tunnel up/down draft, obstacle and weight positioning. Awnings can save you as much as 50% in interior energy usage, per area of adjacent coverage (PAMA Energy Study 2012). All Beauty-Mark® fixed awnings come partially assembled and are easy to install.

Installation is as easy as installing a few wall brackets, setting the awning into the brackets and tightening. The frame is manufactured with structural aluminum and stainless steel hardware. The NEW YORKER® canopy is made from Beauty-Mark® Acrylic Fabrics, woven from 100% solution-dyed acrylic anti-microbial yarns and treated with UV and water-resistant coatings.

Acrylic is the number one fabric of choice for outdoor weather endurance. Beauty-Mark® fabrics are available in many designer solids and stripes. Other options include trim color, valance style, and signage. Signage is available for an extra charge. See Signage in Accessories.

CITY OF WEST LINN
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
November 18, 2021

SUBJECT: Class II Historic Design Review for exterior alterations to 1731 Willamette Falls Drive.

FILE: PA-21-22

ATTENDEES: Applicant: Jessica Iselin (Architect), Tim Tofte (Owner)
Staff: John Floyd (Planning), Lynn Schroder (Planning)
Public: Kathie Halicki (Willamette NA)

The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.

Site Information

Site Address: 1731-1741 Willamette Falls Drive
Tax Lot No.: 3E02BA02500
Site Area: 10,000 Square Feet +/-
Neighborhood: Willamette Neighborhood Association
Comp. Plan: Commercial
Zoning: General Commercial (GC)
Zoning Overlays: Willamette Historic District (local designation), Willamette Falls Drive Commercial Design District
Applicable CDC Chapters: Chapter 19: General Commercial (GC)
Chapter 25: Overlay Zones – Historic District
Chapter 58: Willamette Falls Drive Commercial Design District
Chapter 99: Procedures for Decision Making: Quasi-Judicial

Project Details

The applicant is proposing façade updates that coincide with an internal expansion of an existing restaurant (West Linn Saloon). The changes include replacement of an existing flush entry door with a recessed double entry door, removal and replacement of an existing awning with two smaller awnings, placement of a new 3" x 10" parapet cap, and painting of the exterior. Related to these changes are interior alterations to include expansion of an existing restaurant (West Linn Saloon) into an adjacent space and ADA upgrades to an existing bathroom.

Discussion Points:

The discussion touched on multiple topics and included ADA standards, proposed changes to the awnings and doors, and a request for contact information for the West Linn Historical Society and Willamette Neighborhood Association.

Pertinent Factors:

The proposed work will require a Class II Historic Design Review as it appears to be disturbing more than 100 square feet of the facade. The Historic Review Board (HRB) is the approval authority for such applications. Per CDC 58.030(B), the work will have to comply with the provisions of CDC 25 (Historic District) and CDC 58 (WFD Commercial Design District).

The current façade and paint color were approved in 2015 under [DR-15-12](#). The applicant is encourage to review this application as many of the same standards will apply.

Eating and drinking establishments are a permitted use in the district, and minimum parking requirements are waived within the Willamette Falls Drive Commercial Design District (CDC 46.140). Expansion of the restaurant does not require frontage improvements as the City has recently reconstructed Willamette Falls Drive to full standard. No improvements are required along the alley frontage.

Note that the HRB is nearing finalization of text amendments to CDC 25 and 58. These changes are not expected to substantially change the proposed design, but staff wants you to be aware that standards and process requirements may change in 2022.

Building: For building code and ADA questions, please contact Adam Bernert at abernert@westlinnoregon.gov or 503-742-6054.

Engineering: For work in the right of way and utility questions, please contact Erich Lais at elais@westlinnoregon.gov or 503-722-3434.

Tualatin Valley Fire & Rescue: Per the attached email, TVF&R has no comments at this time. Please contact Jason Arn at jason.arn@tvfr.com or 503-259-1510 with any questions.

Process: For the proposal, address the submittal requirements and standards for decision making in the Community Development Code (CDC) chapters:

- Chapter 19: General Commercial (GC)
- Chapter 25: Overlay Zones – Historic District
- Chapter 58: Willamette Falls Drive Commercial Design District
- Chapter 99: Procedures for Decision Making: Quasi-Judicial

N/A is not an acceptable response to the approval criteria. The submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Manager and must identify the specific grounds for that waiver.

The fee for a Class II Historic Design Review is \$500.

Once the application and deposit/fee are submitted, the City has 30 days to determine if the application is complete or not. If the application is not complete, the applicant has 180 days to make it complete or provide written notice to staff that no other information will be provided. Once complete, the City has 120 days from the date of completeness to make a final decision on the application.

Typical land use applications can take 6-10 months from beginning to end.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application **or provide any assurance of potential outcomes**. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required. Any changes to the CDC standards may require a different design or submittal.

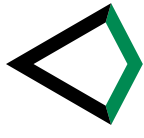


ASPYRE
COLLECTION
by **JamesHardie** TM

Distinctive design that's engineered to last

Product Catalog

INTRODUCING THE
ASPYRE COLLECTION™
BY JAMES HARDIE™



ASPYRE
COLLECTION
by JamesHardie™

artisan + REVEAL
Siding | Trim. Panel System.

Craft one-of-a-kind homes by integrating contrasting elements using the Aspyre Collection by James Hardie™. Ever-changing shadow lines cast by Artisan® siding add warmth to the fixed geometry of smooth Reveal® Panels.

Contents

Introduction	2-3
Performance	4-5
Artisan® Siding and Trim	6-15
Reveal® Panel System	16-19



Artisan® V-Groove Siding

PERFORMANCE THROUGH INNOVATION

The Aspyre Collection features the uncompromising performance you've come to expect from James Hardie.

JAMES HARDIE® FIBER CEMENT IS TOUGHER THAN THE ELEMENTS

Artisan® and Reveal® products are uniquely Engineered for Climate® – specifically designed to resist the effects of your local weather conditions.



Stands up to storms and harsh weather



Water resistant to help protect against swelling and mold damage



Won't be eaten by animals or insects



Fire resistant

artisan

Siding | Trim™



RETHINK

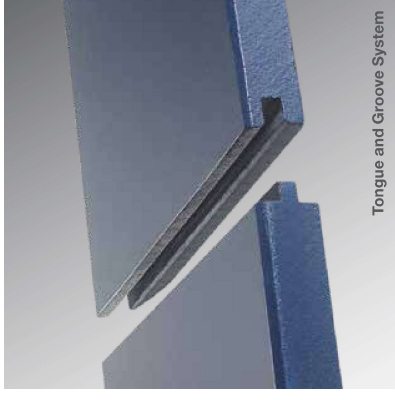
THE CLASSICS

Thick Artisan® siding
casts gorgeous shadow lines,
recreating milled cedar profiles
with lower maintenance.



Lock Joint System

Lock Joint System
helps enable faster, cleaner
installation. Orient vertically,
horizontally or use as soffit.



Tongue and Groove System

Tongue and Groove System
saves time on installation while
providing a precise fit and
seamless look.

Mitered corners
add sophistication to your
design and can be crafted
on-site with any Artisan® profile.



Mitered corners



LOCK JOINT

PROFILES

ARTISAN® V-GROOVE SIDING

- Deep v-shaped channels
- Great for vertical, horizontal and soffit applications

WIDTH 8.25 in (7.0 in Exposure)	THICKNESS 5/8 in	TEXTURE Smooth	FINISH Primed	PROFILE WIDTH x DEPTH 0.5 in x 0.263 in
---------------------------------------	---------------------	-------------------	------------------	---



ARTISAN® BEVEL CHANNEL SIDING

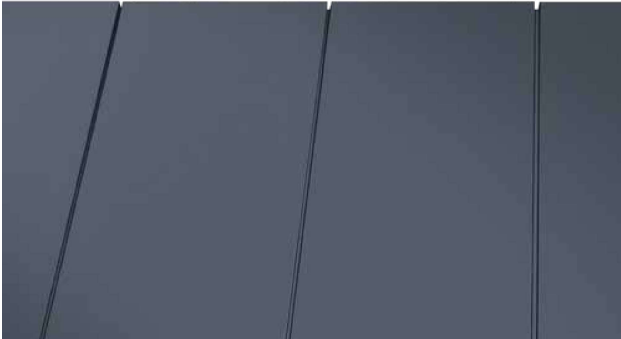
- Chiseled lines emphasize its deep channels
- Adds an upscale accent to every home

WIDTH 10.25 in (9.0 in Exposure)	THICKNESS 5/8 in	TEXTURE Smooth	FINISH Primed	PROFILE WIDTH x DEPTH 1.68 in x 0.263 in
--	---------------------	-------------------	------------------	--



LOCK JOINT

PROFILES



ARTISAN® SHIPLAP SIDING

- Brings charm to any home
- Design flexibility from modern to rustic

WIDTH 10.25 in (9.0 in Exposure)	THICKNESS 5/8 in	TEXTURE Smooth	FINISH Primed	PROFILE WIDTH x DEPTH 0.15 in x 0.263 in
--	---------------------	-------------------	------------------	--

ARTISAN® SQUARE CHANNEL SIDING

- Defined right-angle cuts
- Uniquely wide channel exposure

WIDTH 10.25 in (9.0 in Exposure)	THICKNESS 5/8 in	TEXTURE Smooth	FINISH Primed	PROFILE WIDTH x DEPTH 1.0 in x 0.263 in
--	---------------------	-------------------	------------------	---

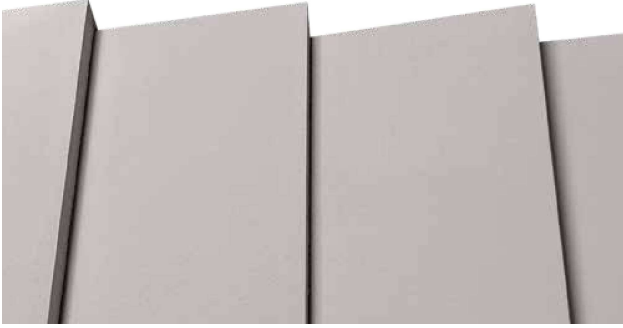


TONGUE & GROOVE

PROFILES



Artisan Lap Siding



ARTISAN® LAP SIDING

- Casts deep shadow lines
- Luxury look with long-lasting performance

WIDTH	THICKNESS	TEXTURE	FINISH
5.25 in (4.0 in Exposure) 7.25 in (6.0 in Exposure) 8.25 in (7.0 in Exposure)	5/8 in	Smooth and Woodgrain	Primed

ARTISAN® BEADED LAP SIDING

- Tailored touch replicates traditional coastal style
- Creates a strong horizontal definition

WIDTH	THICKNESS	TEXTURE	FINISH
8.25 in (7.0 in Exposure)	5/8 in	Smooth	Primed



ARTISAN® TRIM

- Perfect partner for Artisan® profiles
- Thick boards for distinctly deep shadow lines

WIDTH	THICKNESS	WEIGHT	LENGTH	FINISH
3.25 in and 5.5 in	1.5 in	4.55 lbs/sq ft	144.0 in	Primed



Artisan Lap Siding

SOPHISTICATED STYLING

LOCK JOINT PROFILES



Artisan V-Groove



Artisan Shiplap

TONGUE & GROOVE PROFILES



Artisan Lap



Artisan Beaded Lap



Artisan Bevel Channel



Artisan Square Channel



Artisan Trim and
Artisan V-Groove Siding

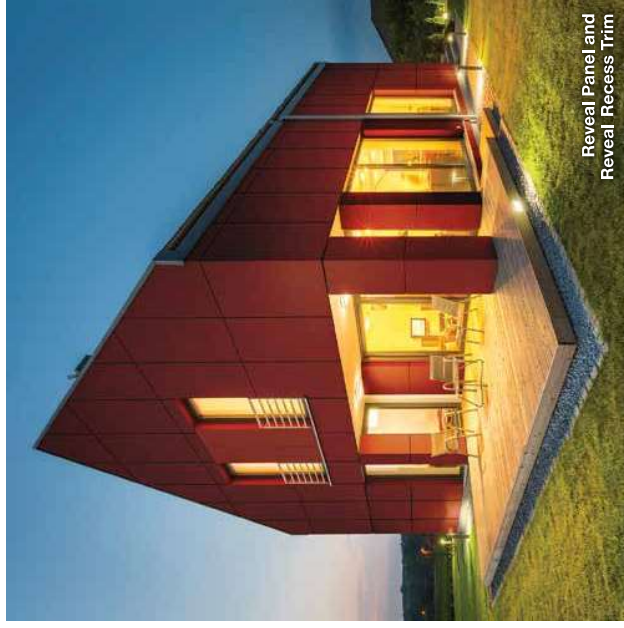
REVEAL

Panel System™



SHAPE
WHAT'S NEXT

The **Reveal® Panel System** expands modern design options with smooth, thick panels plus multiple trim and fastener products.



Reveal Panel and
Reveal Recess Trim

REVEAL® RECESS TRIM

- Provides clean, sharp shadow lines for a simple aesthetic
- Gives a sense of lightness to modern architecture



Reveal Recess Trim
Available primed



Reveal Countersunk Fasteners*
Compatible with primed panels

REVEAL® SURROUND TRIM

- Boldly frames the smooth, flat Reveal Panel
- Accentuates the modern industrial look



Reveal Surround Trim
Available primed in clear anodized finish or with ColorPlus® Technology finishes**



Reveal Exposed Fasteners*
Stainless steel
Available in ColorPlus® Technology finishes**

*Can be used with either Reveal Recess Trim or Reveal Surround Trim.
**Talk to your local rep about ColorPlus Technology availability in your market.

CREATIVITY IS IN THE DETAILS



Reveal Recess Trim



Reveal Surround Trim



Reveal Surround Trim



Reveal Exposed Fasteners

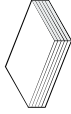








Reveal Countersunk Fasteners













Customizable system allows you to mix and match compatible components.



Reveal Panel and Reveal Surround Trim

Reveal [®] Panel	
	Thickness: 7/16 in Width: 47.5 in Length: 95.5 in Available with ColorPlus [™] Technology finishes*
Reveal [®] Fastening Products	
	Countersunk Filler Filler usage rate for countersunk fastening application, 1 box of filler per 1 pallet (40 sheets) of Reveal Panels
	Countersinking Bit Usage rate for countersunk fastening application, 1 unit per 1 pallet (40 sheets) of Reveal Panels
	Countersunk Fasteners for Wood 1.5/8 in length x 0.39 in HD, 316 SS, Bugle Head #2 Square Drive
	Countersunk Fasteners for Steel 1.5/8 in length x 0.39 in HD, 410 SS, Bugle Head #2 Square Drive
	Exposed Fasteners for Wood 1.5 in length x 0.189 in x 0.472 in HD, 10-12 SS, T20W Torx Pan Head
	Exposed Fasteners for Steel 1.125 in length x 0.169 in x 0.472 in HD, T20W Torx Pan Head Self-Drilling

ADD DEFINITION TO YOUR DESIGN

Reveal [®] Recess Trim Length: 8 ft.	Reveal [®] Surround Trim Length: 8 ft.
	
	
	
	
	
	



Reveal Panel and Reveal Recess Trim

The Aspyre Collection by James Hardie™
expands your creative possibilities



ASPYRE
COLLECTION
by JamesHardie™

aspyredesign.com

Artisan V-Groove Siding
and Artisan Lap Siding

GBL Series

LED Gooseneck Sign Light Specifications

Project _____

Date _____ Type _____



Description

GBL series gooseneck sign lights are a combination of classic architectural style and reliable LED performance. Wall mount fixture design illuminates signs, awnings, storefronts, and more. Angled shade casts a controlled flood beam that is directed down or toward the surface it's attached to, adjusted with the swivel head. The die cast aluminum housing comes in various finishes to compliment a variety of spaces and resist corrosion. Integrated LEDs keep out bugs and debris and eliminate the need for bulb replacement. Though durable enough to withstand outdoor installation for signage, the sleek modern design can also be used in interior locations such as restaurant menu boards or wall artwork.

Mechanical

- Wall mount to junction box with integral bracket
- Swivel knuckle allows angle adjustment up to 180°
- Available in black, architectural bronze, or white finish
- Die cast aluminum housing with polycarbonate lens
- Gasketed enclosure
- Gooseneck arm design and 10 in. angled dome shade
- Operating temperature of -22°-122° F (-30°-50° C)
- IP65 rated for wet conditions

Electrical

- 120-277 VAC input
- 20 W
- 0-10 V dimmable
- 50,000 hour (L70 rated) lifespan
- 20 AWG wiring

Photometrics

- 100° beam angle
- 2,400 lumens / 120 lm/W
- 80+ CRI 4000K light

Available Models¹

- GBL-40K20T8-L15SLBK
- GBL-40K20T8-L15SLBR
- GBL-40K20T8-L15SLWH

Part Number Breakdown

Example: GBL-40K20T8-L15SLBK

Family	Color Temperature	Wattage	Design	Finish
GBL	40K [4000K]	20T8 [20 W]	L15SL [gooseneck with sloped shade]	BK [black]
				BR [brown]
				WH [white]

Certifications and Compliances

These lights are UL Listed in compliance with UL 1598 (IFAM).



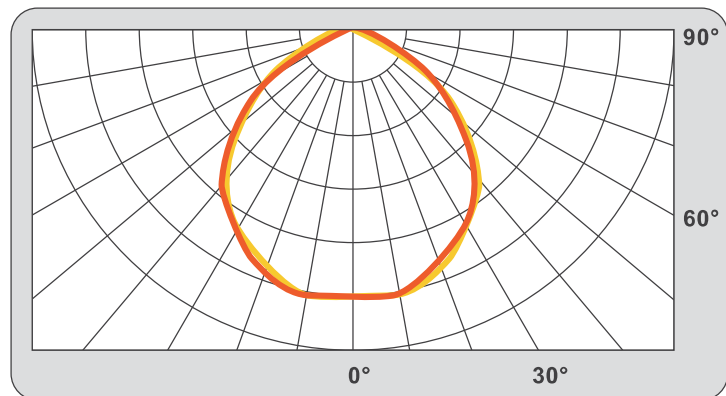
Application

Easily replace inefficient ? fixtures such as those used to light signs, advertisement and menu boards, artwork, awnings, and banners. These are a great solution for wall washing and work very well for storefronts, restaurants, and other areas where good lighting is needed to highlight information or the features of a retail space.

Warranty

Five (5) Year Warranty.

Beam Angle



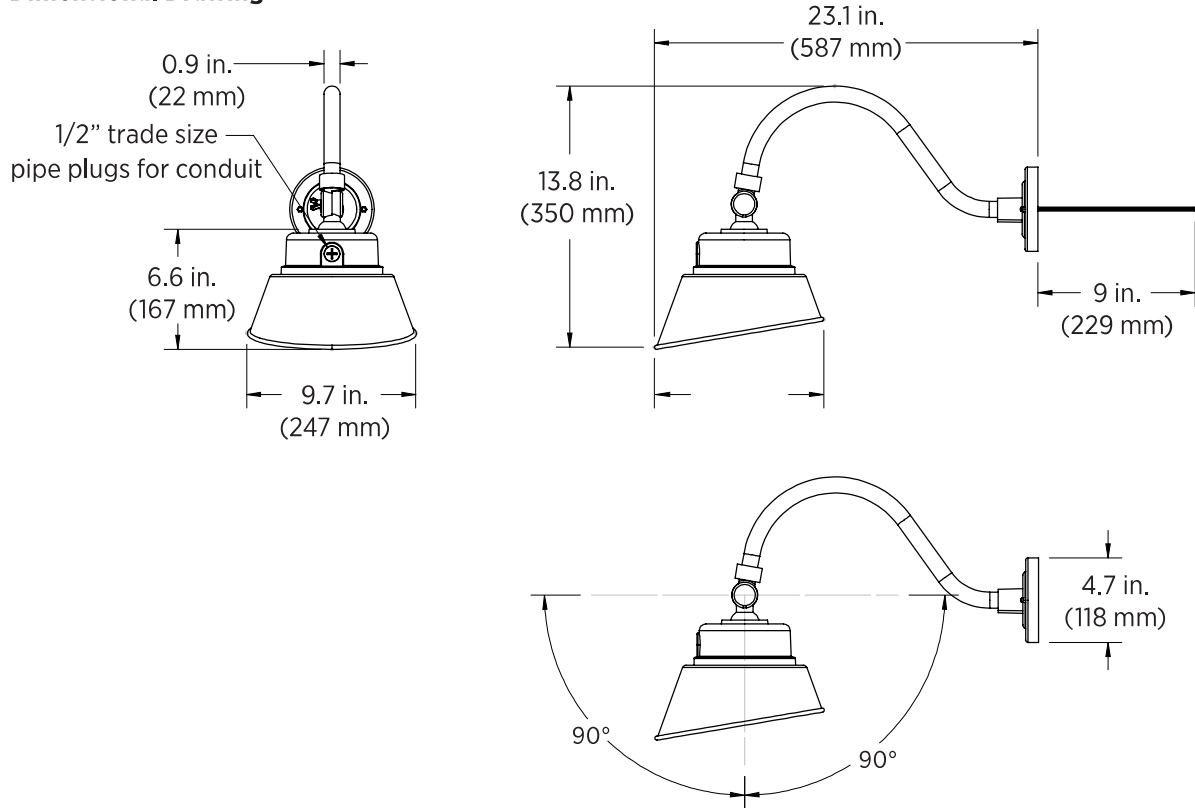
T 866.811.5550
 F 314.972.6202
 email: commercial-sales@superbrightleds.com
 www.superbrightleds.com/cat/industrial-led-lighting/

¹Contact customer service if interested in options other than those listed.

GBL Series

LED Gooseneck Sign Light Specifications

Dimensional Drawing



Specifications

Model	GBL-40K20T8-L15SLBK	GBL-40K20T8-L15SLBR	GBL-40K20T8-L15SLWH
Operating Voltage	120-277 VAC		
Power Consumption	20 W		
Current Draw	167 mA @ 120 VAC / 72 mA @ 277 VAC		
Intensity	2,400 lm		
Efficacy	120 lm/W		
Color Temperature	4000K		
Beam Angle	100°		
CRI	80+		
Dimming	0-10 V		
IP Rating	IP65		
Ambient Operating Temperature	-22°-122° F (-30°-50° C)		
Product Weight	3.3 lb (1.5 kg)		
Rated Life (L70)	50,000 hours		
Finish	black (RAL 9017)	architectural bronze (Pantone 412C)	white (RAL 9016)



SIGN REVIEW PERMIT APPLICATION

<i>For Staff Completion</i>		
BUSINESS DISTRICT:	FEE: \$ 250	PROJECT NO.: SG-

Business Name of Sign Location: West Linn Saloon	Address of Sign Location: 1731 Willamette Falls Drive West Linn, OR 97068
Business Owner Name & Address: West Linn Saloon 1731 Willamette Falls Drive West Linn, OR 97068 Contact: Bob Scull	<input checked="" type="checkbox"/> Check if this is the applicant. Phone: 503-791-4286 Email: westlinnsaloonandsteakhouse@gmail.com
Property Owner Name & Address: Willamette Capital Investments, LLC 576 Galt Circle Woodburn, OR 97071 Contact: Pat Hanlin	<input type="checkbox"/> Check if this is the applicant. Phone: 503-407-8959 Email: phanlin@msn.com
Contractor Name & Address: To be determined	<input type="checkbox"/> Check if this is the applicant. Phone: Email:
Contractor's License #:	City or Metro Business License #:

Wall mounted signs: Provide a scale drawing showing the sign dimensions, height, materials, source of illumination, and showing where on the building elevation the sign will be mounted. Applicant must provide information concerning color of sign, size and style of lettering, and show any signs that were previously approved and their dimensions. Also show dimensions of the wall(s) that the sign(s) will be attached to.

Freestanding signs: Show location of the sign relative to property lines, and sidewalks, height of sign and base treatment. Show sign colors including text font and style. Show any existing freestanding sign by location and size.

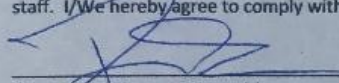
For signs in the Willamette Falls Drive Commercial Overlay Zone, see City Planning staff and CDC Chapter 58. For signs in the Mixed Use Zone, see City Planning staff and CDC Chapter 59.

Sign regulations can be found in the Community Development Code Chapter 52 at <http://westlinnoregon.gov/cdc>.

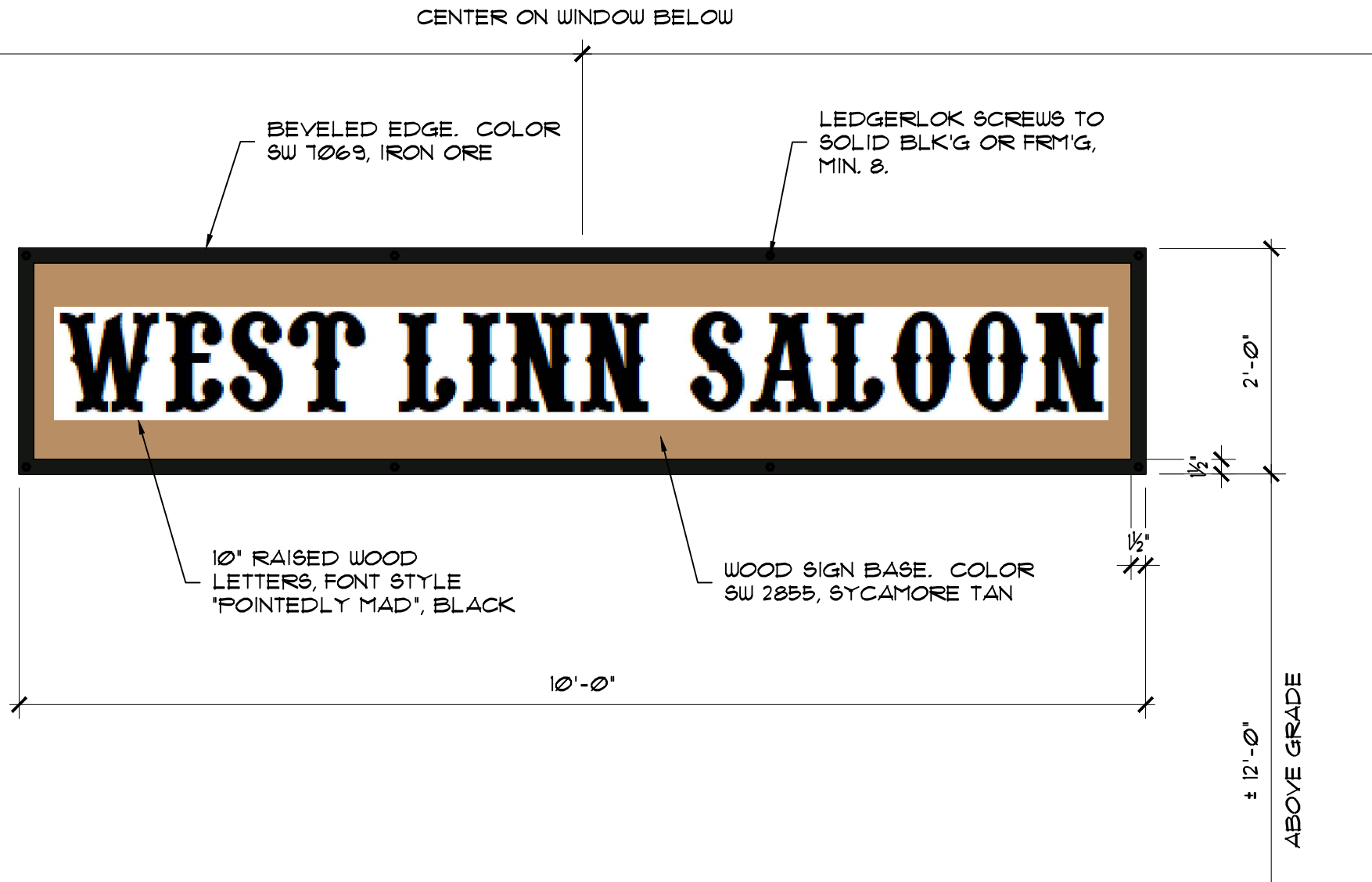
I/We hereby submit this application for approval of a sign permit and if approved, hereby certify that the sign will be installed and operated in compliance with the CDC Chapter 52:


 Signature of Applicant 1-18-22
Date

The undersigned property owner(s) hereby authorize(s) the filing of this application, and authorize(s) on-site review by authorized staff. I/We hereby agree to comply with all code requirements applicable to my/our application.


 Signature of Business Owner(s) 1-18-22
Date Signature of Business Owner(s) Date

Signature of Property Owner(s) Date Signature of Property Owner(s) Date



BUILDING SIGN

3/4" = 1'-0"

WILLAMETTE FALLS DRIVE

FORESTEL
(OFFICE)

± 4'-6" ± 6'-0" ± 13'-9"

EXIST'G GRADE
LEVEL ENTRY

EXIST'G AWNING TO BE
REMOVED

EXIST'G STEP TO BE
REMOVED

NEW STEP

NEW AWNING

EXIST'G RAMP

NEW AWNING

EXIST'G LIGHT FIXTURE
TO BE REMOVED

NEW RECESSED CAN
IN EXTERIOR SOFFIT

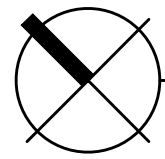
PARKING

GARBAGE/
RECYCLING

THE ESSENCE OF CHINA
(RESTAURANT)

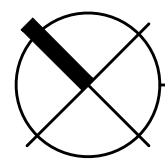
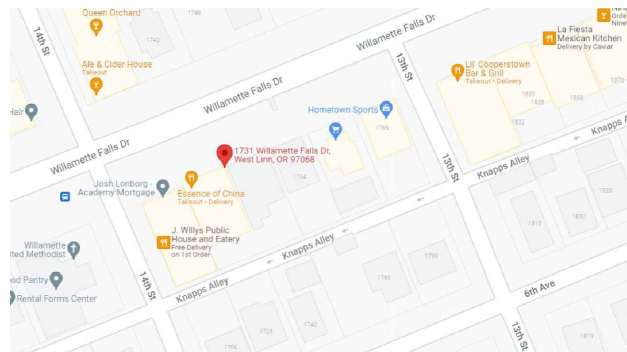
TREE STRIP
BIKE PATH
SIDEWALK

KNAPPS ALLEY



SITE PLAN

1/8" = 1'-0"



VICINITY MAP

N.T.S.

DRAWING INDEX

- 1 SITE PLAN
- 2 FLOOR PLAN
- 3 BUILDING ELEVATIONS

PROJECT INFORMATION

MODIFICATIONS TO AN EXISTING BUILDING:

EXTERIOR MODIFICATIONS:

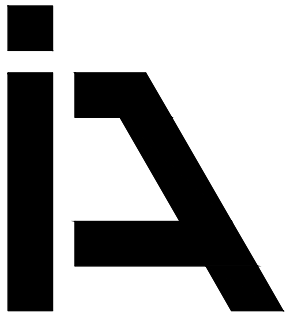
- MODIFIED ENTRY DOOR
- REMOVAL OF AN EXISTING AWNING & REPLACEMENT W/ (2) NEW AWNINGS
- SIDING REPAIR/REPLACEMENT & PAINTING
- PARAPET CAP FLASHING
- NEW BUILDING SIGNAGE

INTERIOR MODIFICATIONS (NOT SUBJECT TO REVIEW):

- RESTAURANT EXPANSION INTO ADJACENT SPACE
- ADA BATHROOM IMPROVEMENTS

PROPERTY LOCATION 1731 WILLAMETTE FALLS DR
WEST LINN, OR 97068

BUILDING AREA
MAIN LEVEL 3,154 SF
UPPER LEVEL 1,070 SF (UPPER LEVEL MECHANICAL & STORAGE ONLY. ROOF ACCESS ONLY.)



**ISELIN
ARCHITECTS
P.C.**

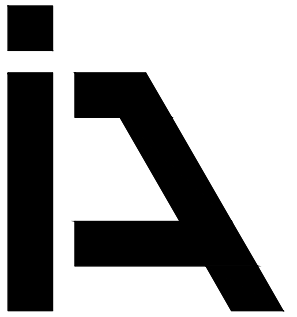
1307 Seventh Street
Oregon City, OR 97045
503-656-1942 ph
503-656-0658 fax
www.iselinarchitects.com

NOT FOR
PRELIMINARY
CONSTRUCTION

Facade Modifications
West Linn Saloon
1731 Willamette Falls Drive
West Linn, OR 97068

PROJ. NO. : 2143
FILE :
DATE : 01/14/22

SHEET #



**ISELIN
ARCHITECTS
P.C.**

1307 Seventh Street
Oregon City, OR 97045
503-656-1942 ph
503-656-0658 fax
www.iselinarchitects.com

NOT FOR
PRELIMINARY
CONSTRUCTION

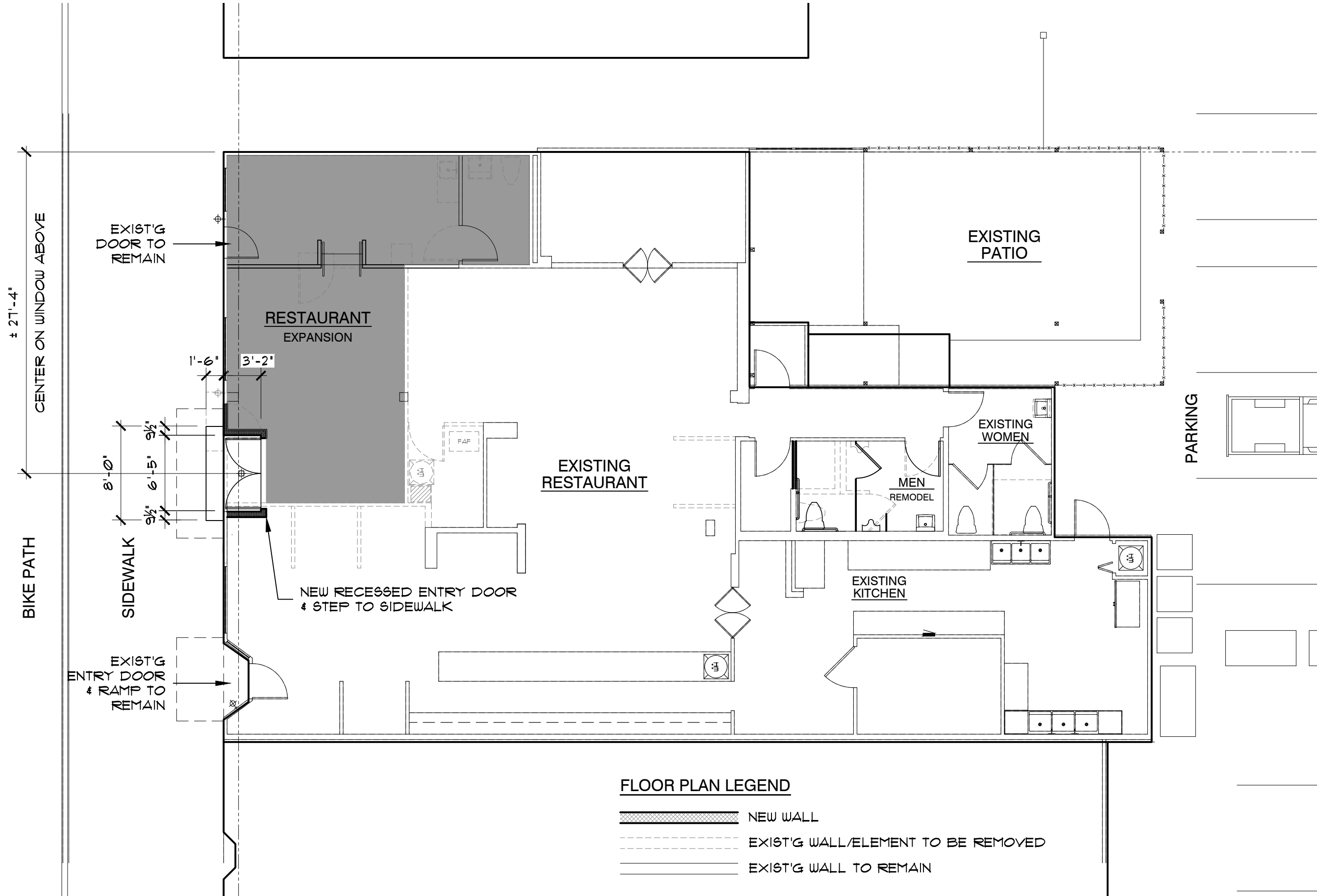
Facade Modifications
West Linn Saloon

1731 Willamette Falls Drive
West Linn, OR 97068

PROJ. NO. : 2143
FILE :
DATE : 01/14/22

SHEET #

2 of 3



FLOOR PLAN LEGEND

- NEW WALL
- EXIST'G WALL/ELEMENT TO BE REMOVED
- EXIST'G WALL TO REMAIN

FLOOR PLAN

1/8" = 1'-0"

± 2'1"-4"
CENTER ON WINDOW ABOVE

BIKE PATH

SIDEWALK

8'-0"

6'-5"

9/8"

9/8"

1'-6"

3'-2"

EXIST'G
DOOR TO
REMAIN

**RESTAURANT
EXPANSION**

**EXISTING
RESTAURANT**

NEW RECESSED ENTRY DOOR
& STEP TO SIDEWALK

EXIST'G
ENTRY DOOR
& RAMP TO
REMAIN

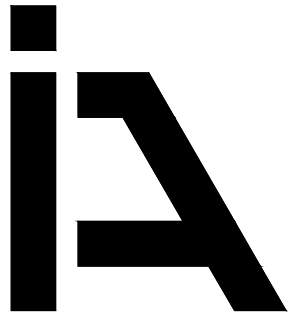
**EXISTING
PATIO**

PARKING

**EXISTING
WOMEN**

**MEN
REMODEL**

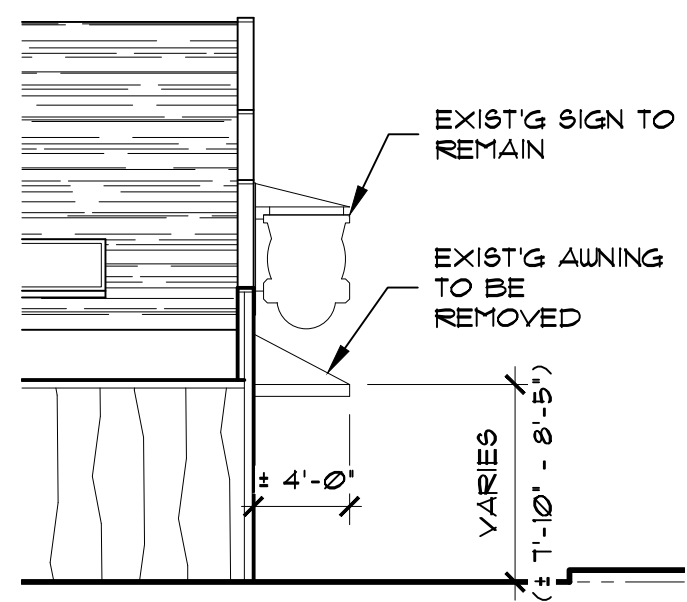
**EXISTING
KITCHEN**



**ISELIN
ARCHITECTS
P.C.**

1307 Seventh Street
Oregon City, OR 97045
503-656-1942 ph
503-656-0658 fax
www.iselinarchitects.com

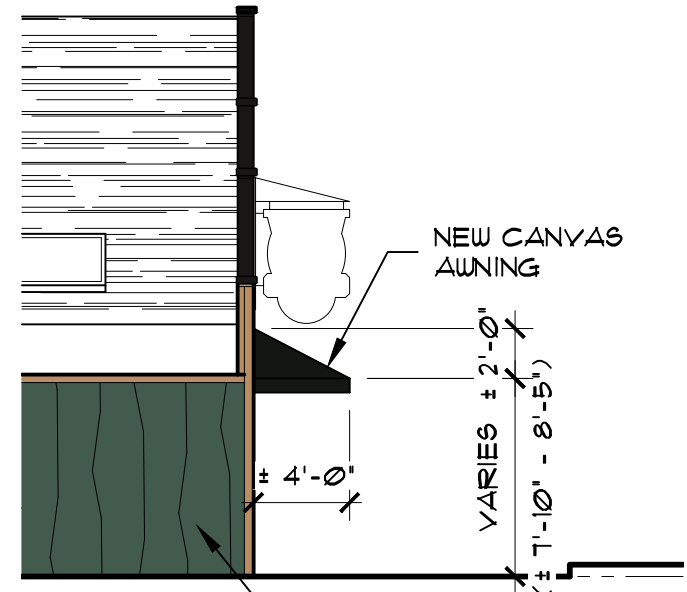
NOT FOR
PRELIMINARY
CONSTRUCTION



PARTIAL
SIDE (NE) ELEVATION - EXISTING



FRONT (NW) ELEVATION - EXISTING



PARTIAL
SIDE (NE) ELEVATION - PROPOSED



FRONT (NW) ELEVATION - PROPOSED

Facade Modifications
West Linn Saloon
1731 Willamette Falls Drive
West Linn, OR 97068

PROJ. NO. : 2143
FILE :
DATE : 01/14/22

SHEET #