

ORDINANCE NO. 1735

AN ORDINANCE RELATING TO THE AMENDMENT OF WEST LINN COMMUNITY DEVELOPMENT CODE CHAPTER 2: DEFINITIONS, CHAPTER 25: OVERLAY ZONES – HISTORIC DISTRICT, CHAPTER 58: WILLAMETTE FALLS DRIVE COMMERCIAL DESIGN DISTRICT, AND CHAPTER 99: DECISION MAKING PROCEDURES QUASI-JUDICIAL.

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are ~~bold lined through~~ and additions are bold underlined in red font.

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides: Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

WHEREAS, in 2019 the City Council directed the Historic Review Board to develop a package of text amendments with the goal of increasing clarity and consistency within the Community Development Code regarding development standards and process requirements applicable to alterations to historic structures, and the development of properties within the Willamette Historic District and the Willamette Falls Drive Commercial Design District; and

WHEREAS, on January 18, 2022, the West Linn Historic Review Board voted 6-0 to forward a package of draft text amendments to the Planning Commission; and

WHEREAS, the West Linn Planning Commission held a work session with representatives from the West Linn Historic Review Board on February 16, 2022 to review draft code amendments and provide direction to staff; and

WHEREAS, the Planning Commission held a public hearing, which was noticed in accordance with City standards, on April 20, 2022, and recommended the City Council adopt the proposed amendments with two modifications; and

WHEREAS, the City Council held a work session on May 2, 2022 to review draft code amendments and provide direction to staff; and

WHEREAS, the West Linn City Council held a public hearing, which was noticed in accordance with City standards, on May 9, 2022, to consider the Planning Commission recommendation, receive public testimony, and evaluate the decision-making criteria; and

WHEREAS, the Council's decision is based on the findings contained in these Whereas Clauses, together with findings, conclusions, and substantial evidence found in the associated land use record file CDC-21-01, which is incorporated by this reference.

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION 1. Findings of Fact. Protection of the city’s historic resources and fostering of exceptional design quality within the Willamette Falls Drive Commercial Design District is a continuing source of community identity, livability, and vibrancy. Periodic updates and clarifications of these standards is necessary to ensure they are clear, effective, and uniform in nature. Such updates will ensure the City is able to meet its obligations under Statewide Planning Goal 5 and maintain its current status as a Certified Local Government.

SECTION 2. The West Linn Community Development Code Chapter 2: Definitions is amended to include new text and rescind existing text as shown in Exhibit A.

SECTION 3. The West Linn Community Development Code Chapter 25: Overlay Zones – Historic District is amended to include new text and rescind existing text as shown in Exhibit B.

SECTION 4. The West Linn Community Development Code Chapter 58: Willamette Falls Drive Commercial Design District is amended to include new text and rescind existing text as shown in Exhibit C.

SECTION 5. The West Linn Community Development Code Chapter 99: Procedures for Decision Making: Quasi-Judicial is amended to include new text and rescind existing text as shown in Exhibit D.

SECTION 6. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 7. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 8. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not be codified and the City Recorder or the designee is authorized to correct any cross-references and any typographical errors.

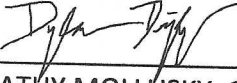
SECTION 9. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 9th day of May, 2022, and duly PASSED and ADOPTED this 16th day of May, 2022.




JULES WALTERS, MAYOR

ATTEST:



~~KATHY MOLLUSKY, CITY RECORDER~~
Dylan Digby, Asst. to the City Manager

APPROVED AS TO FORM:



CITY ATTORNEY

Community Development Code Chapter 2

02.030 SPECIFIC WORDS AND TERMS

For the purpose of these regulations, the following terms or words are defined as follows.

[...]

HISTORIC DEFINITIONS. The following terms and phrases shall have the meanings given to them below with regard to Chapter [25](#) CDC, Historic Resources:

Addition. Expansion or physical modification of the exterior of a historic resource that includes the expansion of the building footprint. Additions do not include painting and color selection or ordinary maintenance or repair of the resource.

Alteration. Physical modification of the exterior of a historic resource that does not include an expansion of the building footprint. Partial demolition of a structure is an alteration. Alterations do not include painting and color selection or ordinary maintenance or repair of the resource.

Building. A structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

Demolition. The entire removal of a structure. Demolition of a portion of a structure is an alteration.

Demolition by neglect. (1) The ~~gradual~~ deterioration of a building when routine or major maintenance is not performed, (2) the property is not properly secured against entry by vandals or unauthorized person or persons without right to legal access, and the occurrence of such entry is evident, (3) and/or the integrity of the building is compromised as a result of improper construction activities. This includes any structural deficiency or a deficiency in a building part, which when left unrepaired could lead to deterioration of the building's structural frame, potentially beyond the point of repair. and/or if it is open to entry by vandals or vagrants.

Design Exception. A discretionary decision to permit modification of a design standard or an alternative to a standard within Chapter 58 (Willamette Falls Drive Commercial Design District), based on specific findings delineated in the chapter.

Eligible contributing. A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history.

Exterior. The outside portions of a structure, including the materials, equipment and components which constitute the walls, roof, foundation, stairs, windows, doors, support elements, decking, attached projections and other external parts and features.

Façade, primary. That part of a historic resource where the main entry is located. On a corner lot each wall fronting a street shall be considered a primary facade.

Façade, secondary. An exterior wall not fronting a street.

Historic district. A geographically definable area containing a significant concentration, linkage, or continuity of buildings, structures, sites, or objects united historically or aesthetically by plan or physical development, and listed as a historic district in the National Register or designated as a local historic district by the City Council. A historic district may also comprise individual elements separated geographically but linked by association or history.

Historic landmark. A building, structure, site, or object listed individually on the National Register or designated as a local historic landmark by the City Council.

Historic preservation. Preservation, restoration, or rehabilitation of a historic resource.

Historic resource. A historic landmark or historic district listed on the National Register or designated as a local historic landmark or historic district by the City Council.

Massing. The perception of the general shape, form, and size of a building in three dimensions, not just its outline from a single perspective.

National Register of Historic Places. The nation’s official list of buildings, structures, sites, objects, and districts important in the nation’s history and maintained by the National Park Service in Washington, D.C., and hereinafter referred to as the “National Register.”

Non-contributing. A building, structure, object, or site originally constructed within the applicable period of significance that does not retain or exhibit sufficient integrity (due to its location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition.

Not in period. A building, structure, object, or site that was originally constructed outside a historic district’s applicable period of significance.

Not in period compatible. A building, structure, object or site built after the period of significance with a degree of craftsmanship that is compatible with the architecture of the district.

Not in period noncompatible. A building, structure, object or site built after the period of significance that is generally incompatible with the architecture of the district.

Object. A material thing of functional, aesthetic, cultural, historic or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Original. A component that was constructed on or added to the building during the period of significance.

Period of significance. The dates stated in the official designation of a historic district that identify the period or periods of time when the geographic area attained the characteristics which qualify it for designation as a historic district.

~~Primary facade. That part of a historic resource where the main entry is located. On a corner lot each wall fronting a street shall be considered a primary facade.~~

Primary structure. The principal structure on a site, typically a residence or a commercial building.

Property pending designation. A building, structure, site, or object for which a formal application for local historic designation has been initiated, or for which an application has been submitted to the State Historic Preservation Office for nomination to the National Register, or a building, structure, site, or object within a proposed historic district for which a formal application for historic designation has been submitted, but which has not yet been reviewed by the Keeper of the National Register, or has been reviewed by the Keeper and determined to be “eligible.”

Rehabilitation. The process of returning a historic resource to a state of utility through repair, alterations, and additions, which makes possible an efficient use while preserving those portions or features of the historic resource that convey its historic significance.

Scale. The proportions of a building in relation to its surroundings, or the size of parts or details of the building, particularly in relation to the size of a person or adjacent structure. Scale refers to the apparent size, not the actual size.

Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

Visible. The resource or a portion of the resource that can be seen from the public right-of-way. For example, typically the primary facade of a historic resource can be seen from the public right-of-way

Western False Front. An architectural style that was intended to create visual continuity and a prosperous urban atmosphere during the early settlement period of American western towns. Defining characteristics include:

- **The street facing façade(s) rises to form a parapet (upper wall) which hides most or nearly all of the roof;**
- **The roof is almost always a front gable, though gambrel and bowed roofs are occasionally found;**
- **The street facing façade(s) may exhibit greater ornamentation than other sides of the building.**

Chapter 25 OVERLAY ZONES – HISTORIC DISTRICT

25.010 PURPOSES

The purposes of this chapter are to:

- A. Foster community and neighborhood pride and sense of community identity based on recognition and use of historic and cultural resources.
- B. Identify, ~~and~~ protect, repair and maintain the City's historic resources (see Chapter 2 CDC, Definitions), including the diverse architectural styles that reflect the phases of the City's history.
- C. Encourage preservation and use of historic sites, structures, and districts within the City that reflect special elements of its historical, architectural, archaeological, artistic, cultural, and engineering heritage.
- D. Provide procedures and establish approval criteria for all reviews of proposed alterations to the exterior of historic structures and sites and other development in historic districts.
- E. Increase economic and financial benefits to historic property owners and the community.
- F. Ensure that changes to designated historic resources protect the integrity of the resource and the significant aspects of the area's heritage.
- G. Provide regulations that will ensure the preservation of the quality and historic integrity of historic resources and their site and, if applicable, ensure compatibility and consistency with the qualities of the respective historic district its nomination was intended to preserve.
- H. Provide for creation of new historic districts and designation of new landmarks, as appropriate, and to allow removal of such designations if they are no longer appropriate.
- I. Provide a process to enable thoughtful consideration of the proposed demolition of historic structures. (Ord. 1614 § 6, 2013)

25.020 USE OF THIS CHAPTER

- A. Applicability. This chapter shall apply to all properties designated as historic resources as shown on the City's zoning map and properties listed on the National Register. Specific sections apply as noted in subsections B and C of this section.
- B. Hierarchy of regulation. The provisions of this chapter shall supersede any conflicting standards or criteria elsewhere in the CDC. The underlying zoning provisions for the applicable zone still apply.
 - 1. Exemptions. The items listed in CDC [25.040\(A\)](#), Exemptions from historic design review, are exempt from historic review provided that they comply with any applicable requirements in CDC [25.040\(A\)](#).

2. Design standards. CDC [25.060](#), Design standards applicable to historic resources, applies to historic reviews for designated properties, except for CDC [25.060](#)(B), Standards for accessory structures, which applies only to accessory structures on sites containing historic resources.
 3. Additional design standards. CDC [25.070](#), Additional design standards applicable to historic districts, provides additional standards that are applicable to historic design review for historic district properties.
 - a. CDC [25.070](#)(A), Standards for alterations and additions, applies only to historic design review in a historic district.
 - b. CDC [25.070](#)(B), Standards for new construction, applies only to new development or construction in a historic district beyond alterations and additions, and including accessory structures.
 - c. CDC [25.070](#)(C), Willamette Historic District general standards, applies only to alterations and additions, new construction, and accessory structure construction in the Willamette Historic District.
- C. Applicability of historic design standards. Development subject to this chapter must comply with applicable historic design review standards unless otherwise approved through the modifications process under CDC [25.080](#). The “X” in the following chart indicates which standards are applicable to different types of development.

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

(Ord. 1614 § 6, 2013)

25.030 PERMITTED USES

Unless otherwise provided for in this chapter, uses permitted by the base zoning district that are in accordance with the CDC are allowed on sites containing historic resources. (Ord. 1614 § 6, 2013)

25.040 HISTORIC DESIGN REVIEW PROCESSES

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

A. Exemptions from ~~h~~Historic ~~d~~Design ~~r~~Review. The following are exempt from ~~h~~Historic ~~d~~Design ~~r~~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, **half-round** 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 such material is beyond repair, 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.~~
- 76.** Storm windows. Storm windows made of painted wood, **a material with a** baked enamel **finish**, anodized aluminum, or other materials with forms that complement or match the color, detail, and proportions of the building.
- 87.** Egress windows. Addition of egress windows on secondary facades with wood windows or windows that are consistent with subsection (A)(6) of this section.
- 98.** 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.
- ~~109.~~ **109.** 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.

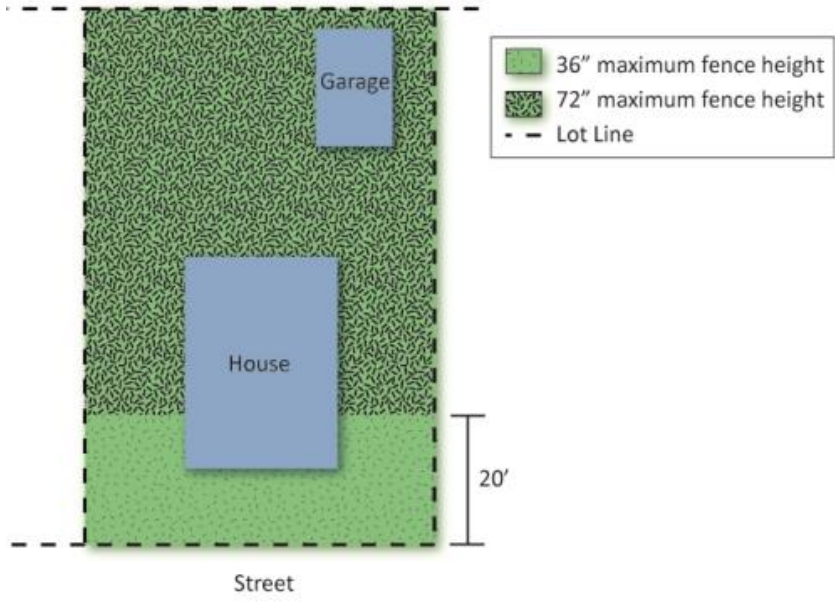


Figure 1: Example of Exempt Interior Lot Fence Locations

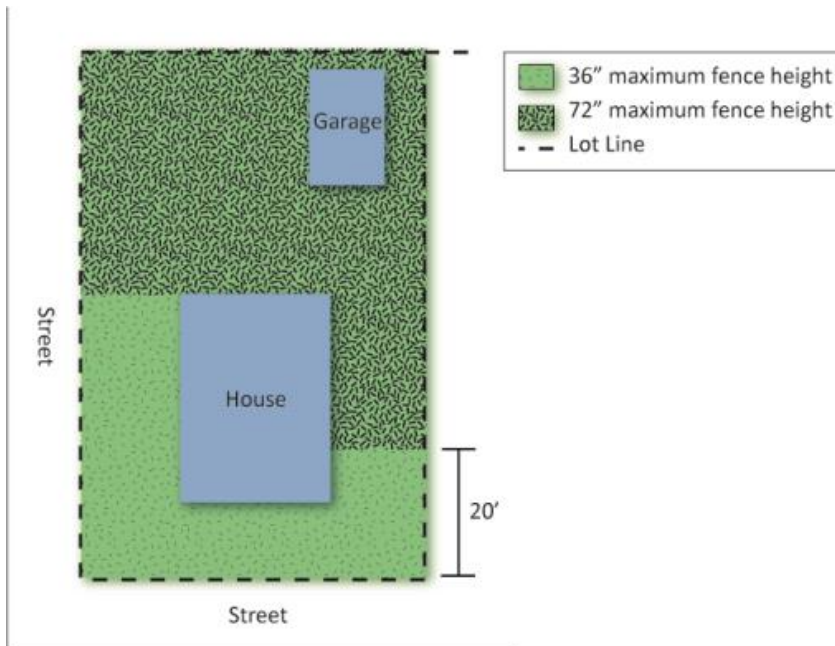


Figure 2: Example of Exempt Corner Lot Fence Locations

101. 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.

112. Swimming pools. Construction of in-ground swimming pools in rear yards.

123. 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.

134. Solar energy systems. Replacement or installation of solar energy systems that are not part of a project that includes other elements subject to historic design review, provided the following requirements are met:

- a. On a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface:
 - 1) The solar energy system must be mounted flush or on racks with the system or rack extending no more than five feet above the top of the highest point of the roof.
 - 2) The solar energy system must be screened from view from all streets by an existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or by setting the solar energy system back from the roof edges facing the street four feet for each foot of solar energy system height.
- b. On a pitched roof, solar energy systems may be located on a section of pitched roof facing a rear lot line or on a section of pitched roof facing within 45 degrees of the rear lot line. (See the example on the right side of Figure 3.) The system must be mounted flush, with the plane of the system parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back three feet from the roof edge and ridgeline.

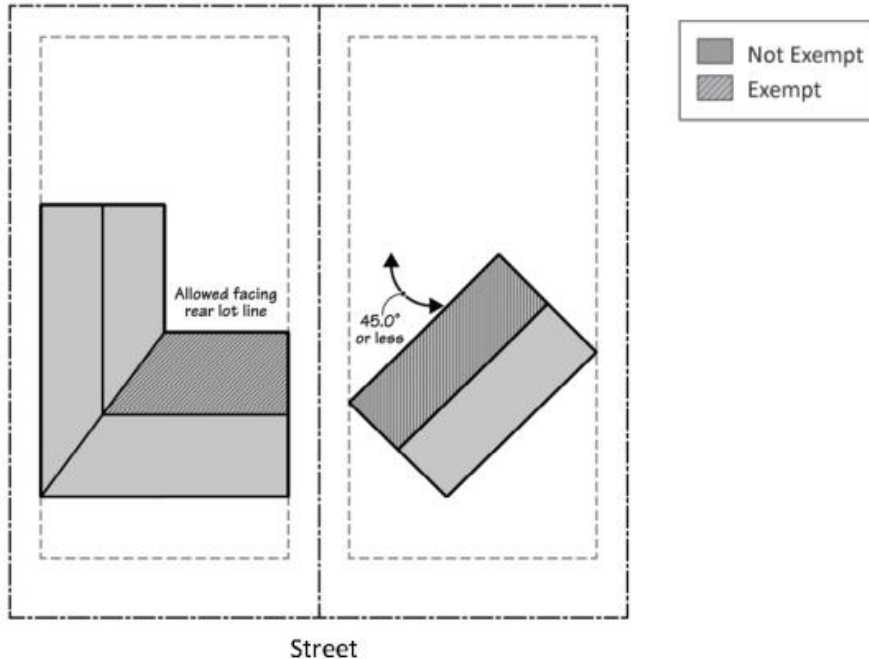


Figure 3: Exempt Solar Energy System Locations

145. 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.)

156. 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.

~~167~~. Accessory structures. Construction of accessory structures under 120 square feet and 10 feet in height (greenhouses, storage sheds, jacuzzis, spas, structures, gazebos, etc.) in a side or rear yard.

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

1. Nonexempt. Items listed in CDC [25.040](#)(A)(1) through (17) that do not qualify for an exemption;
2. Facade alteration. Alteration of a facade when 100 square feet or less of the structure's facade is being altered;
3. Ingress/egress. Revised points of ingress/egress to a site;
4. Americans with Disabilities Act. Proposals seeking compliance with the Americans with Disabilities Act, not including the public right-of-way; and
5. Art and statuary. Construction of freestanding art and statuary over 10 feet tall.

C. Class II ~~H~~historic ~~D~~esign ~~R~~review. All proposed new construction, alterations, and additions, not identified as exempt under subsection A of this section, or subject to Class I ~~H~~historic ~~D~~esign ~~R~~review under subsection B of this section, are subject to Class II ~~H~~historic ~~D~~esign ~~R~~review and must meet the applicable approval standards. (Ord. 1614 § 6, 2013)

25.050 APPLICATION REQUIREMENTS

A. Historic ~~d~~esign ~~r~~review. Applications for ~~h~~historic ~~d~~esign ~~r~~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. **Current Pphotographs of the existing structure with adjacent properties for context, including all elevations and features proposed for modification, if applicable;**
5. Historic photographs. Historic photographs and/or drawings of the existing structure, if available; and
6. Supplementary. For additions that increase the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district:
 - a. Plan and elevation drawings of adjacent properties; and

- b. A rendering and/or photo-simulation showing the proposal in context.
- B. Designation of a historic resource. Applications for designation as an historic resource shall include the following:
1. Narrative. Written narrative description of the proposed historic resource and how it meets one or more of the approval criteria in CDC [25.090\(A\)](#);
 2. Site plan. Site plan depicting the property boundaries and all structures and features on the site;
 3. Current photographs. Current photographs of all elevations of the existing structure and any significant features;
 4. Historic photographs. Historic photographs, plans, or maps, if available;
 5. Supplementary documentation. Any other documentation demonstrating the significance of the proposed historic resource; and
 6. Owner consent. Owner consent as follows:
 - a. Historic landmarks. The property owner must consent, in writing, to a proposed historic landmark designation with the exception that properties listed on the National Register shall be regulated as historic landmarks regardless of the owner's consent.
 - b. Historic districts. A property owner may refuse to consent to historic district designation at any point during the designation process. Properties in historic districts listed on the National Register shall be regulated as historic properties regardless of the owner's consent.
- C. Removal of historic resource designation. Applications for removal of historic resource designation shall include the following:
1. Narrative. Written narrative description of the historic resource proposed for removal of designation that addresses the considerations identified in CDC [25.100](#);
 2. Site plan. Site plan depicting the property boundaries and all structures and features on the site;
 3. Current photographs. Current photographs of all elevations of the existing structure and any significant features;
 4. Historic photographs. Historic photographs, plans, or maps, if available; and
 5. Supplementary documentation. Documentation that the property owner objected, on the record, at the time of designation, if applicable.
- D. Relocation of a historic resource. Applications for relocation of an historic resource shall include the following:
1. Examination of alternatives. Documentation that all reasonable alternatives to relocation have been explored and that relocation is the preferred alternative.

2. Structure and site documentation. Documentation of the historic structure and site conditions prior to relocation, including detailed photography, notes, drawings, and reference measurements.
 3. Moving procedures. Clearly stated moving procedures that will be utilized to protect historic elements and document the relocation, including: plans for minimizing damage to historic materials, labeling system for dismembered elements to assure accurate reconstruction in the new location, and plans for protecting the historic resource until reconstruction is complete.
- E. Demolition of a historic resource.
1. Historic landmark or contributing primary structure. An application for the demolition of a historic landmark or contributing primary structure shall include:
 - a. A statement of the historic significance of the structure or resource to the community, taking into consideration its designation as a historic landmark or its contributing status in a historic district.
 - b. A statement demonstrating good faith efforts of the property owner to sell or relocate the structure or resources, including property documentation, but not limited to:
 - 1) Real estate taxes for the two years immediately preceding the application;
 - 2) Assessed value for the two years immediately preceding the application;
 - 3) Current fair market value of the structure or resource as determined by an appraiser;
 - 4) All listings for the structure or resource for the past two years including prices asked and offers received; and
 - 5) Documentation of all attempts to relocate the structure or resource.
 - c. Documentation of the historic structure and site conditions prior to demolition, including detailed photography, notes, drawings, and reference measurements.
 - d. A report from a structural engineer on the condition of the structure or resource.
 - e. The estimated cost of rehabilitation of the structure or resource.
 - f. A report from a real estate or other market professional identifying potential alternative uses for the structure or resource permitted within the existing zoning classification.
 - g. A report identifying available economic incentives for adaptive reuse of the structure or resource.
 - h. A proposed plan for redevelopment of the site on which the structure or resource is located.

2. Non-contributing or not in period primary structure and accessory structure. An application for the demolition of a non-contributing or not in period primary structure or an accessory structure shall include:
 - a. A statement of the historic significance of the structure or resource to the community, taking into consideration its location on the site of a historic landmark or within a historic district.
 - b. A site plan depicting the property boundaries and all structures and features on the site.
 - c. A proposed plan for redevelopment of the site on which the structure or resource is located. (Ord. 1614 § 6, 2013)

25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES

The following design standards apply to all changes, including alterations, additions, and new construction proposed on a designated historic resource. These standards are intended to preserve the features that made the resources eligible for historic designation. Development must comply with all applicable standards, or be approved through the modifications process specified in CDC [25.080](#).

- A. Standards for alterations and additions. This section applies to historic reviews for alteration of and additions to designated historic resources:
 1. Retention of original **exterior** construction **and overall structural integrity**. The original **exterior** construction **and structural integrity** 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, **windows and doors including their related functional and decorative features**, other primary structural elements, spatial relationships that characterize the property, examples of skilled craftsmanship that characterize the building, and architectural details defining the structure's character and historic significance.
 2. Retention of **exterior** historic material. Removal or alteration of historic **exterior** materials and features shall be avoided during the construction of new additions or **exterior** alterations. ~~Whenever possible, d~~Deteriorated materials and architectural features shall be repaired rather than replaced, **unless the material is beyond repair**. In the event replacement of an existing feature is necessary, new materials shall, ~~to the extent possible,~~ match those of the original building in terms of composition, design, color, texture, and other visual features.
 3. Time period consistency. Buildings shall be recognizable as a physical record of their time and place. Alterations which have no historical basis or which seek to create a false sense of historical development are not allowed.
 4. Significance over time. Changes to a property that have acquired historic significance in their own right, and during the period of significance, shall be retained and preserved.

5. Differentiate old from new. ~~Alterations, and additions~~Alterations, additions, and related new construction shall be differentiated from the original buildings to avoid creating a false sense of history, and shall be compatible with the historic materials, features, size, scale, proportion, and massing to protect the integrity of the property. Additions and alterations shall be done in accordance with the Secretary of the Interior's Standards for new exterior additions to historic buildings.
6. Reversibility. Additions and alterations shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its context would be unimpaired.
7. Building additions. Building additions shall be subordinate to the original building, smaller in scale, and attached to the rear or set back along the side. Features of building additions, including the proportions of window and door openings, shall be consistent with those of the existing building. Dimensional and other requirements in the underlying zone, as applicable, shall apply.
8. Building height and roof pitch. Existing or historic building heights and roof pitch shall be maintained.
9. Roof materials. Replacement of a roof or installation of a new roof with materials other than cedar shingles, three tab asphalt shingles, or architectural composition shingles must be demonstrated, using photographic or other evidence, to be in character with those of the original roof, or with materials that are consistent with the original construction.
10. Existing exterior walls and siding. Replacement of the finish materials of existing walls and siding ~~with different material must be demonstrated, using photographic or other evidence, to be in character with those of the original materials, or must be~~ with building materials that are consistent with the original construction.
11. New exterior walls and siding. Wood siding or shingles shall be used unless the applicant demonstrates that an alternative material has a texture and finish typically used on similar style buildings of the era, or the era the building style references. Vinyl or other materials that do not match those that were typically used on similar style buildings of the era, or the era the building style references, are not permitted.
12. Gutters and downspouts. Replacement or new gutters and downspouts shall be rectangular, ogee, half-round or K-shaped and comprised of wood or metal material, or styles and materials that match those that were typically used on similar style buildings of the era, or the era the building style references. Vinyl or other materials and styles that do not match those that were typically used on similar style buildings of the era, or the era the building style references, are not permitted.
13. New windows. New windows shall be located on rear or secondary facades, unless required for a new use. New -windows shall match the appearance and size 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 the original historic appearance and material,~~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.~~ Replacement of existing windows shall meet standards for window replacement.

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

15. Window replacement. Replacement of windows or window sashes shall be consistent with the original historic appearance and material, 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, method of operation and related features, such as shutters.

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

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

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

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

19. Foundations. Repair or construction of a foundation that results in raising or lowering the building elevation must demonstrate that:

- a. The proposal is consistent with the original design and, if applicable, is consistent in the context of adjacent and other structures on the block, based on photographic or other evidence; or
- b. ~~That it~~ is necessary to satisfy a requirement of the building code and/or floodplain regulations (Chapter 27 CDC).

20. Lighting. Residential lighting shall be shielded to prevent glare and compatible with the architectural character of the building. Blinking, flashing, or moving lighting is not permitted.

B. Standards for accessory structures. The following standards apply to accessory structures on properties designated as historic resources in addition to the regulations in Chapter 34 CDC:

1. All accessory structures.

a. Location.

- 1) Accessory structures in the Willamette Historic District are subject to the setback requirements of CDC 25.070(C)(1) through (4);

- 2) Accessory structures on historic landmark properties must meet the setback requirements of the underlying zone and Chapter [34](#) CDC;
- 3) Detached accessory structures shall be in the rear yard; and
- 4) Two-story accessory structures shall be at least 10 feet from the house; and one-story accessory structures shall be at least three feet from the house.

b. Height. Accessory structures in the Willamette Historic District are subject to CDC [25.070](#)(C)(7). Accessory structures on historic landmark properties must meet the height requirements of the underlying zone and Chapter [34](#) CDC.

2. Conversions and additions. Existing detached, unheated structures including, but not limited to, workshops and garages, may be converted into other allowable accessory uses under the following conditions:

- a. The structure is located behind the house's front building line;
- b. A structure in the front yard cannot be converted to a heated accessory structure;
- c. A story may be added to an existing non-contributing garage or similar accessory structure; provided, that the final design meets the setback standards of this chapter for a two story accessory structure (see CDC [25.070](#)(C)(1) through (4)) for the historic district, or the setbacks in Chapter [34](#) CDC for a historic landmark; and
- d. The conversion of an existing structure is not required to meet the design standards in CDC [34.030](#), but it must conform to all applicable requirements of this chapter. (Ord. 1614 § 6, 2013)

25.070 ADDITIONAL STANDARDS APPLICABLE TO HISTORIC DISTRICTS

This section provides additional standards that are applicable to properties within a historic district.

A. Standards for alterations and additions.

1. Compatibility with nearby context. Alterations and additions shall be:
 - a. ~~Compatible~~ Similar in scale and mass to adjacent properties; and
 - ~~b. C~~constructed such that they maintain the privacy of the residents of adjacent properties through window placement, orientation or landscaping.
2. Not in period buildings. Alterations to compatible, not in period buildings shall follow all applicable standards of this chapter to avoid creating a false sense of history.
3. Not in period noncompatible buildings. Alterations to not in period, noncompatible buildings shall be consistent with applicable standards in CDC [25.060](#) and [25.070](#). Such buildings do not contribute to the historic value of the district and are not subject to standards pertaining to siding, windows, and other materials listed in CDC [25.060](#)(A);

however, such buildings shall not be so stylistically different from adjacent buildings that they detract from the district's historic character.

B. Standards for new construction. The standards in this section apply only to new construction, including new accessory structures, in a historic district ~~beyond alterations and additions, including new accessory structures~~. The standards for new construction do not apply to alterations and additions to existing structures. These standards shall apply in addition to any other applicable standards (see the Standards Applicability Matrix in CDC [25.020](#)).

1. New construction shall complement and support the district. The historic district's defining characteristics include a discernible aesthetic rhythm of massing, scale, and siting. Infill buildings shall not deviate in a detracting manner from these elements, but appear as complementary members of the district, by conforming to the following:

- a. ~~Lot or parcel size, m~~Massing, scale, proportion, form, siting, floor area ratio, window patterns, building divisions, and height shall correspond to the contributing buildings within the district, and any specific historic district standards and the applicable requirements of the underlying zone.
- b. Infill buildings shall relate to and strengthen the defining characteristics, including architectural style, without replicating the historic buildings. Buildings shall differentiate by use of materials, mechanical systems, construction methods, and, if applicable, signage. Architectural style shall not be the primary indicator of differentiation.
- c. Mechanical and automobile infrastructure must be appropriately concealed when not consistent with the district's character.

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

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

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

1. Front yard setback.

- a. The front yard setback shall equal the average of the front setbacks of adjacent homes on the block face. For corner lots, the setback shall be the average between the adjacent house to the side and 20 feet. The setback shall be the distance measured from

the front property line to the dominant vertical face of the building, exclusive of any porches or front landings.

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

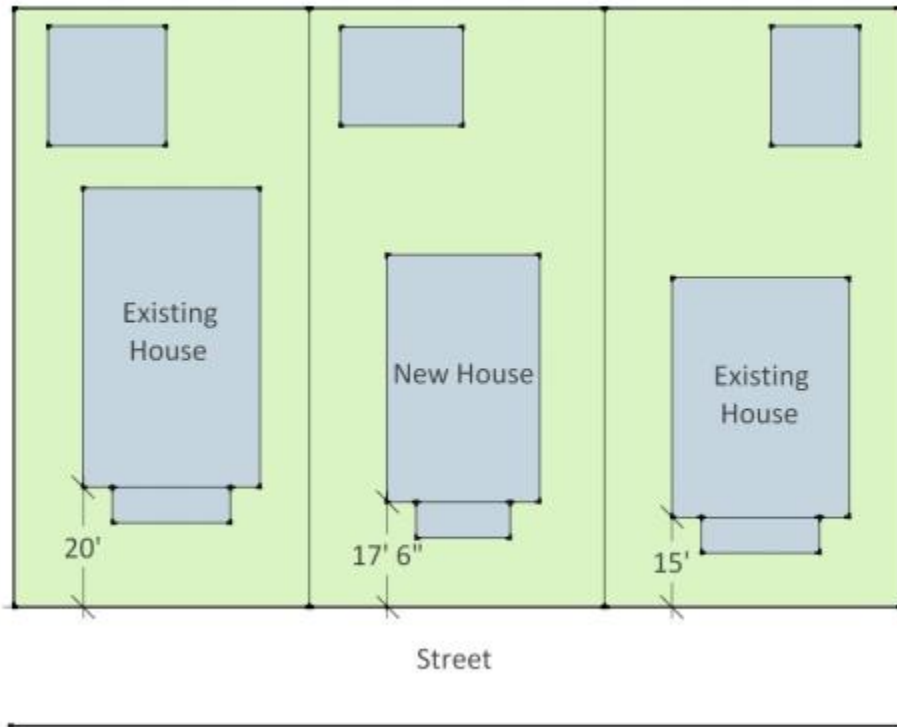


Figure 4: Front Yard Setback

- 2. Side yard setback. Side yard setbacks shall be five feet, except:
 - a. Bays, porches and chimneys and other projections that are cumulatively no more than 20 percent of the overall respective building wall length may intrude 18 inches into the side yard setback; and
 - b. One story accessory structures may be sited within three feet of the side property line and two story accessory structures shall be a minimum of 15 feet from the side property line.
- 3. Side street setback. Setbacks from side streets shall be 10 feet for both developed and undeveloped streets, except:
 - a. Bays, porches and chimneys and other projections may intrude two feet into side street yard setback; and
 - b. One and two story accessory structures may be sited within five feet of the side street property line.

4. Rear yard setback. The rear yard setback shall be a minimum of 20 feet, except for accessory structures, which may be sited to within three feet of the rear property lines.
5. Orientation. New home construction on corner lots shall be oriented the same direction as the majority of homes on the street with the longest block frontage.
6. Repealed by Ord. 1675.
7. Building height.
 - a. Residential structures are limited to 28 feet in height. Cupolas and towers shall not exceed 50 feet in height.
 - ~~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)

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.

5. Material substitution. The substitute material conveys the form, design, scale, detailing, and overall appearance of the historic material, and the application of the substitute does not damage, destroy, or obscure historic features. (Ord. 1614 § 6, 2013)

25.090 DESIGNATION OF A HISTORIC RESOURCE

The designation of historic resources shall comply with the following criteria; provided, that the age of a specific building shall not be deemed sufficient in itself to warrant designation of a building as historic.

A. Approval criteria. The approval authority may designate additional historic resources if it determines that the site or district proposed for designation meets at least one of the following five criteria:

1. Events. Is associated with an event or events that made a significant contribution to the history of the city, county, state or nation;
2. Persons. Is associated with the life or lives of a significant person or people in the history of the city, county, state or nation;
3. Architecture. Embodies distinctive architectural characteristics of a type, style, period or method of construction;
4. Construction. Represents the work of a master builder, designer, or architect who influenced the development of the city, county, state or nation; or
5. Archaeology. Has yielded, or will likely yield, information important in prehistory or history.

B. Pending designation – Issuance of permits. No building permit for altering, moving, or demolishing any proposed historic resource shall be issued while any advertised public hearing, ~~or~~ **decision-making process, appeal period, or** any appeal affecting the proposed designation of the area or building is pending. (Ord. 1614 § 6, 2013)

25.100 REMOVAL OF HISTORIC RESOURCE DESIGNATION

These provisions allow for the removal of the local historic designation when it is no longer appropriate. This review does not affect a property or district's listing on the National Register. Proposals to remove historic resource designation shall be approved if the approval authority finds that removal of the designation is appropriate after considering the information required under subsections A and B of this section.

- A. Assessment of designation. The approval authority shall consider:
 - 1. Criteria. Whether the historic resource meets the criteria for listing under CDC [25.090\(A\)](#);
 - 2. Hardship. The importance to the public of retaining the historic resource relative to the hardship to the owner and any potential hazard to the public if the historic resource is retained;
 - 3. Condition. The physical condition of the historic resource and any loss of characteristics that originally caused it to be listed;
 - 4. Historic or architectural significance. The historic or architectural significance of the historic resource;
 - 5. Economic use and benefits. The economic use of the historic resource and any economic benefits associated with the proposed new use of the property; and
 - 6. Location. If within a historic district, its contribution to the district and the effect on the district if the designation is removed.
- B. Owner consent.
 - 1. Historic landmarks. For historic landmark properties, the property owner at the time of designation must have objected, on the record, to the historic designation.
 - 2. Historic districts. For properties in historic districts, the property owner at the time of designation must have objected, on the record, to inclusion in the district. (Ord. 1614 § 6, 2013)

25.110 RELOCATION OF A HISTORIC RESOURCE

Moving a historic structure is generally discouraged. However, in some cases relocation is preferable to loss of the structure. The following requirements apply to the relocation of historic resources.

- A. Assessment of relocation. The approval authority shall require to the extent feasible, that the structure be located on the new site in a manner that does not change its historic

orientation to the street, relationship to adjacent properties, and the overall site. In making the determination, considerations shall include:

1. Setbacks. Maintaining relatively similar setbacks, side yard conditions, and relationship to other structures on the site;
 2. Site characteristics. Maintaining character similar to the historic site in terms of neighboring structures, materials, site relationships and age (for example, it should not be moved to the back of a lot if that was not the character of the historic location, nor should it be located on a corner lot if historically it was on an interior lot); and
 3. Economic and physical feasibility. Demonstrating that it is not economically or physically feasible to locate the structure on a site that meets the characteristics in (1) and (2); if so, an alternate site may be considered.
- B. Written commitment. There must be a written commitment accepted by the City Attorney to complete the relocation and subsequent rehabilitation of the structure and its new site. Bonding or other assurances may be required. Temporary relocations for interim construction may be necessary and must require a plan for protecting the structure at the interim site as well as a commitment to a schedule for completion of relocation to the proposed new site. (Ord. 1614 § 6, 2013)

25.120 DEMOLITION OF A HISTORIC RESOURCE

A permit for demolition of a historic resource is required and shall not be issued without approval by the approval authority; provided, nothing contained in this section shall be interpreted as giving permission for any person to violate an order of the Building Official to remove or demolish a structure that the Building Official has designated as dangerous to life, health, or property.

A. Approval criteria.

1. Historic landmark or primary contributing structure. An application for the demolition of a historic landmark or primary contributing structure shall be approved if the following criteria are met:
 - a. The value to the community of the proposed use of the property outweighs the value of retaining the designated historic resource on the present site;
 - b. The designated historic resource is not capable of generating a reasonable economic return and the demolition is economically necessary;
 - c. The owner has documented a good faith effort to sell or relocate the designated resource; and
 - d. No practicable alternative exists to rehabilitate and reuse the designated resource in its present location.
2. Non-contributing or not in period primary structure, accessory structure. An application for the demolition of a non-contributing or not in period primary structure or

an accessory structure shall be approved if it is determined that the property does not have historic significance based on its architectural style, construction method or materials, or other pertinent factors as determined by the approval authority.

B. Issuance of permits. A demolition permit for a historic resource shall not be issued prior to historic design review and any other required approval of plans for the site, if applicable, or the submittal of building plans for a permit for the site. (Ord. 1614 § 6, 2013)

25.130 DEMOLITION BY NEGLECT

All properties designated as historic resources shall comply with this section.

A. Criteria for determination of demolition by neglect. ~~If one or more of the following is promoted, allowed to occur, or exist in a historic resource, the property is determined to meet the criteria for demolition by neglect.~~ Any action or inaction that results in one or more of the following conditions in an historic resource constitutes demolition by neglect and enforcement action to remedy the applicable criteria may be taken pursuant to Chapter [106](#) CDC, Enforcement:

1. Structural integrity. Faults, defects, or other conditions which render the structure or resource structurally unsafe or not properly watertight.
2. Walls and other support members.
 - a. Walls or support members that are deteriorated due to failure to paint or otherwise maintain the structure or resource;
 - b. Members of walls, or other vertical supports that split, lean, list or buckle due to defective material or deterioration; and/or
 - c. Members of walls, or other vertical supports that are insufficient to carry imposed loads with safety.
3. Windows and doors. Failure to keep windows and doors secured in a manner that prevents entry by unauthorized persons.
4. Security.
 - a. Failure to maintain parts of the resource so they are securely attached and will not fall or injure persons or property.
 - b. Failure to secure the resource from vandals, animals, or pests.
 - c. Failure to prevent infiltration of water through inadequate gutters, landscaping or other site features.
5. Foundation. Deteriorated or inadequate foundation.
6. Floor supports. Deteriorated floor supports or floor supports that are insufficient to carry imposed loads with safety.
7. Ceiling and roof supports.

a. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration.

b. Members of ceilings, roofs, or their supports, or other horizontal members that are insufficient to carry imposed loads with safety.

8. Fireplaces or chimneys. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.

B. Abatement. Nothing in this section shall prevent the abatement of the unsafe or dangerous condition of a historic resource that constitutes an imminent and serious threat to public safety. If a historic resource is destroyed, it may be rebuilt on the original building footprint. (Ord. 1614 § 6, 2013)

25.140 HISTORIC RESOURCE MAP

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

FIGURE 1

Community Development Code Chapter 58

58.010 PURPOSE

- A. Implement the goals and policies of the economic element of the Comprehensive Plan relating to the rehabilitation and revitalization of the Willamette Commercial District.
- B. Enhance the historic and aesthetic quality of the Commercial District.
- C. Increase the attractiveness of the commercial areas to tourists, customers, tenants, business owners, and City residents.
- D. Reinforce the commitment to existing commercial buildings of the 1880 – 1915 period and complement the adjacent residential historic district.
- E. Encourage a sense of historic identity for the Willamette area and West Linn as a whole.

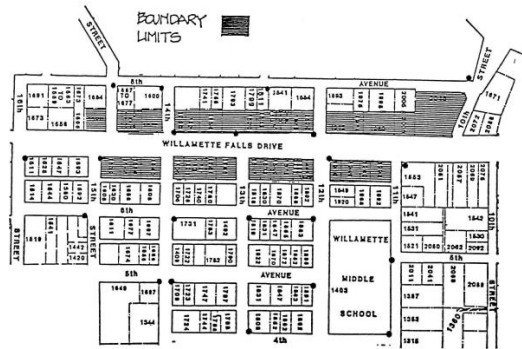
58.020 IMPLEMENTATION

The intent and purpose of this chapter shall be carried out by establishing architectural standards of the 1880 – 1915 period which shall be used in new commercial construction and remodels. **The provisions of this chapter shall supersede any conflicting standards found in CDC Chapter 55.**

58.030 APPLICABILITY

- A. The provisions of this chapter shall apply to all new commercial construction, **restorations**~~alterations~~, and remodels on Willamette Falls Drive between 10th and 15th Streets. Properties that are historic resources shall comply with the provisions of Chapter [25](#) CDC, as applicable. ~~“Restorations” shall be defined as all exterior repairs, replacement of materials, alterations or changes, including reroofing, painting, and window and sign replacement, etc.~~ Failure to obtain a permit shall constitute a Class A violation pursuant to CDC [106.050](#).
- B. ~~Commercial structures that are also within the historic district as defined in CDC [25.030\(A\)](#) are required to meet the provisions of Chapter [25](#) CDC in addition to the provisions of this chapter. The type of Design Review application required is defined in Chapter [25](#) for properties identified on the West Linn Historic Resource Map and defined in Chapter [55](#) for all other properties.~~
- 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)

58.040 EXEMPTIONS

Ordinary maintenance or repair that replaces in kind and does not alter the architectural details or style of the structure is exempt from review. Remodels to exclusive single-family residential homes are exempt from the provisions of this chapter. Single-family homes that are used for businesses or home occupations are not exempt. Repainting any structure requires review and is not exempt, **but does not require any notice.** All exemptions must be approved by the Planning Director.

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)

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)

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.~~

58.0890 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 **Design Exception variance** procedure of this chapter.

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



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

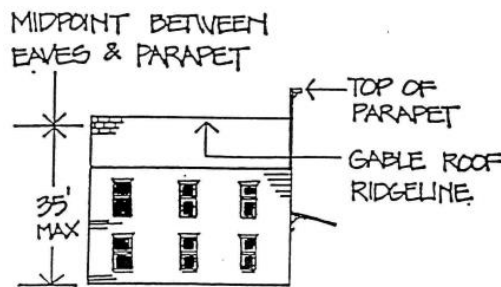
1. Dimensional standards.

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

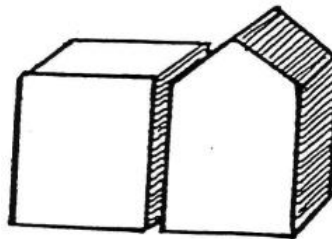
b. Side and side street: zero-foot setback. Building may not be set back from the side property line except for side passageway, accessway, or stairway unless fire codes dictate otherwise. The setback shall not exceed six feet.

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

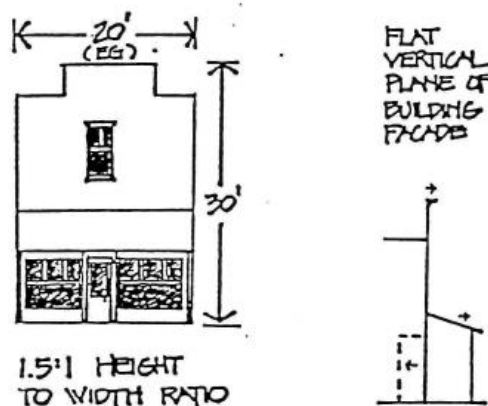
- d. Lot coverage: up to 100 percent of lot may be developed depending upon ability to mitigate impacts upon abutting residential and other uses.
2. Minimum landscaping required. Sites in this district are exempt from landscaping requirements as identified in Chapter 54 CDC, Landscaping, with the exception of parking areas.
3. Building height limitations. Maximum building height shall be 35 feet (as measured by this code), and two stories. ~~A false front~~ ~~False fronts~~ shall be considered as the peak of the building if it exceeds the gable roof ridgeline.



4. External ground level or first story minimum height. Ten feet to allow transoms.
5. Roof form. Flat or pitched roofs. Pitched roof ridgeline shall run from the front of the building to the back.



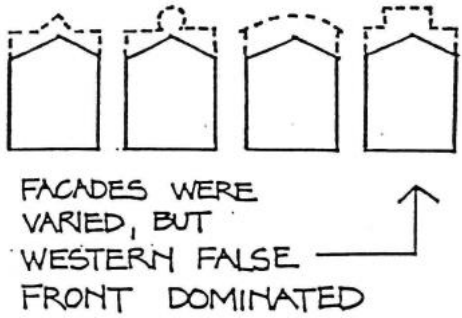
6. Building form, scale and depth. Building shall emphasize the vertical through narrow, tall windows (especially on second floor), vertical awning supports, engaged columns, and exaggerated facades creating a height-to-width ratio of 1.5:1.



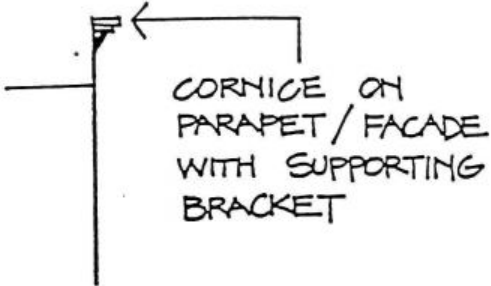
Building depth shall be flat, only relieved by awning and cornice projections and the indented doorway.

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

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



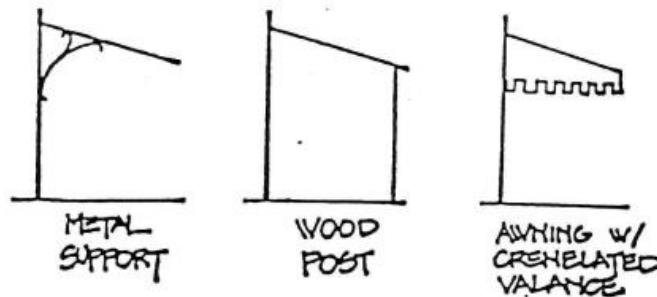
9. Cornice. Cornices shall be broad and may include regularly spaced supporting brackets. A cornice is not required, but preferred.



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

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

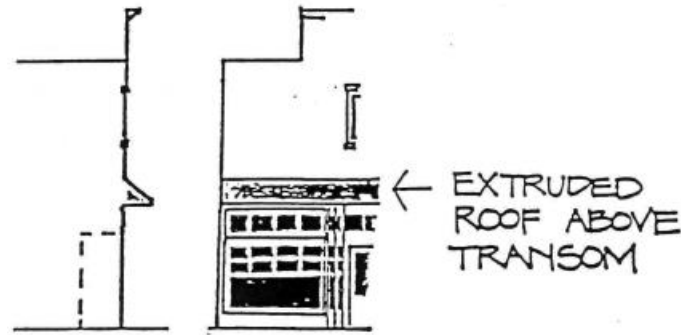
Awnings shall be either canvas or vinyl, or similar approved material, supported by an internal metal framework or metal or wood supported by a curved metal support, ~~either attached to the building or a simple four inch by four inch wood post extending down to the outside of the sidewalk.~~



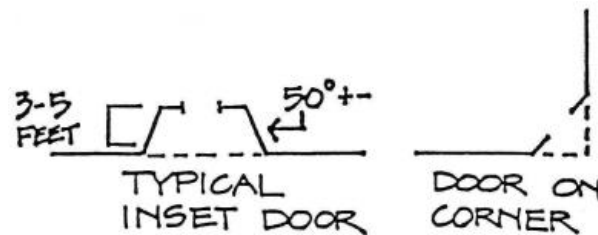
Awnings shall, ~~therefore,~~ extend ~~beyond the front property line to a minimum of five (5) feet from the façade and along 80% of a street facing façade to provide appropriate pedestrian coverage the outside edge of the sidewalk,~~ and shall meet ADA requirements. ~~possess a seven-foot clearance to the valance or any other part.~~ The pitch of the awning shall be 10 to 40 degrees. No “bubble-type” awnings are permitted. No backlit awnings are permitted. Canvas or matte-finish vinyl, or similar approved material awnings, may be one-color or striped and shall have a free-hanging plain or crenelated valance. Canvas or matte-finish vinyl, or similar approved material awnings, should not be shared between two structures. Each structure should have its own awning.

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

Standard roofing materials are used. Transoms are required with extruded roofs.



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



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

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.

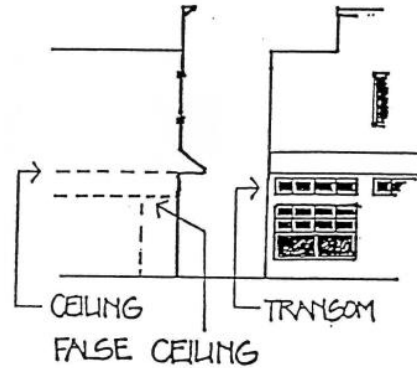


MULTI-PANED
PEDESTRIAN
LEVEL WINDOWS

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



17. Wainscotting. Wainscotting shall be consistent with primary material of the building, typically wood.
18. Shutters. Shutters are not allowed.
19. Balconies. No balconies are permitted except on rear of building.
20. Exterior stairs. Simple stairs are permitted on the rear or side of the building only.
21. Roof mounted mechanical equipment. Equipment shall be screened from view on all sides by normal and consistent architectural features of the building. CDC [55.100\(D\)](#), Privacy and noise, shall apply.
22. Air conditioning. No window types on avenue or street side are permitted. Window-mounted air conditioners are not allowed at rear where abutting residential.
23. Exterior lighting fixtures. Any lighting fixtures that can be traced to 1880 – 1915 period are permitted. Simple modern fixtures that are screened and/or do not attract attention are acceptable. Overly ornate fixtures of the Victorian era are to be discouraged.
24. Transoms. Transom windows are required with extruded roofs and optional with awnings. Transom windows shall cover the front of the building above, but not beyond, the main display windows, and the entryway area. Transoms should be broken up into sections every six inches to three feet in a consistent and equal pattern. Height should not exceed three feet. Transoms may or may not open. False ceilings are allowed behind the transoms.



25. ~~Planters. No planters are allowed.~~

26. Paint colors. Body color typically included white, cream, or a light, warm color of low intensity. Accents, trims, windows, etc., should be dark-colored. ~~Contrasting colors should be compatible. Existing colors shall not enjoy protected status when repainting is proposed.~~ A palette or color wheel, submitted by the applicant, of acceptable 1880 – 1915 period colors shall be the basis for color selection. Colors shall be similar to or consistent with existing buildings within the Willamette Commercial District to establish streetscape continuity. ~~No other colors are allowed. The palette is available at the Community Development Department.~~

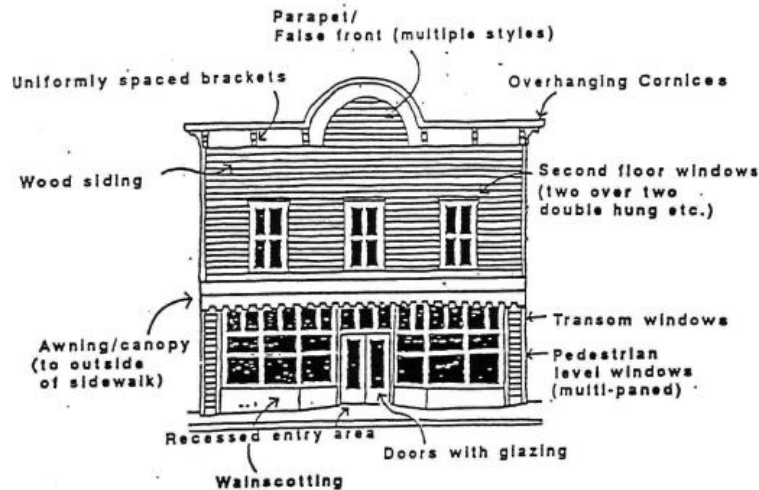
~~27. Ornamental or advertising flags, pennants, or banners. Not permitted on buildings.~~

~~28. New materials. Permitted where it is demonstrated that new material visually replicates originally required material, except siding, which must be wood.~~ _____ (Ord. 1391, 1996; Ord. 1401, 1997; Ord. 1604 § 59, 2011; Ord. 1613 § 18, 2013; Ord. 1621 § 25, 2014; Ord. 1675 § 47, 2018)

58. ~~090100~~ VARIANCE-DESIGN EXCEPTION PROCEDURES

In those circumstances where a design proposal cannot meet the standards, or proposes an alternative to the standard, the Historic Review Board may grant a design exception 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, deviation, or use of non-period materials. The emphasis is upon superior design, detail, or workmanship.



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

58.1040 EXPIRATION OR EXTENSION OF APPROVAL

If substantial construction has not occurred within three years from the date of approval of the development plan, the approved proposal will be void, unless an extension is granted per CDC [99.325](#). (Ord. 1589 § 1 (Exh. A), 2010)

Community Development Code Chapter 99

99.060 APPROVAL AUTHORITY

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

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

1. Approve, deny, or approve with conditions the following applications:

(...)

~~j. A minor alteration to a historic landmark or a structure in the Historic District (Chapter 25 CDC).~~

(...)

l. Design Review, Class I (Chapter 55 CDC).

m. A sign application (Chapter 52 CDC).

(...)

v. Class I historic design review (Chapter 25 CDC).

w. A demolition permit for a non-contributing or not in period primary structure or an accessory structure (Chapter 25 CDC).

(...)

B. Planning Commission authority. The Planning Commission shall have the authority to:

1. Make a recommendation to approve, deny, or approve with conditions to the Council:

(...)

b. A quasi-judicial zone change application pursuant to Chapter 105 CDC, excluding applications requesting the designation or removal of a designation for a historic resource.

2. Approve, deny, or approve with conditions the following applications:

(...)

h. Design review, Class II (Chapter 55 CDC).

(...)

C. City Council authority. The Council shall have the authority to:

(...)

3. Consider an appeal or review of a decision made by the Planning Commission or Historic Review Board whether on the Council's own motion, or otherwise as provided by CDC 99.240.

(...)

D. Historic Review Board authority. The Historic Review Board shall review an application for compliance with Chapters 25 and 58 CDC, as applicable. The Historic Review Board shall have the authority to:

1. Approve, deny, or approve with conditions an application regarding the following:
 - a. Class II historic design review;
 - b. A demolition permit for a historic landmark or primary contributing structure within a historic district;
 - c. Relocation of a historic resource;
 - d. Revocation or modification of an approval as provided by CDC [99.330](#) for any application approved by the Historic Review Board; and
 - e. An extension of an approval when the Historic Review Board acted as the initial decision-making authority.
2. Make recommendations to the approval authority specified in this section regarding the following:
 - a. Designation of a historic resource;
 - b. Removal of historic resource designation;
 - c. Class I or Class II design review on a property within the Willamette Falls Drive Commercial Design District that is not a historic landmark or within the Willamette Historic District;
 - d. New construction within the Willamette Falls Drive Commercial Design District that is not a historic landmark or within the Willamette Historic District;
 - e. A partition or subdivision of property containing a historic resource;
 - f. Conditional use of property containing a historic resource.