

AGENDA BILL 2010-08-09-08

Subject: Proposed code amendments to establish a Historic Review Board and to extend the terms of office for board and commission members until the position is reappointed or replaced.

For Council: August 9, 2010

Land Use Case Number: CDC-10-01

Public Hearing: Yes

City Manager's Initials: _____

Attachments:

1. Staff Memorandum to City Manager
2. Recommendation from Planning Commission
3. Proposed Staff Amendments
4. Planning Commission Staff Report
5. Planning Commission Minutes from June 16, 2010 (Minutes from July 21, 2010 not available)

Initiated by:

- Planning Department

Budget Impact:

- None

Sustainability Considerations:

- None

Policy Questions for Council Consideration:

- Should the City Council establish a Historic Review Board to replace and assume the duties of the Clackamas County Historic Review Board (CCHR) and the City's Historic Resources Advisory Board (HRAB)?
- Should the Planning Commission review and decide upon projects involving design review and other land use applications for properties that are located in the Willamette Falls Drive Commercial District which were previously only subject to Historic Review Board review?
- Should the City Council allow terms of office for boards, commissions, and committees to extend until the position is reappointed or replaced?

Summary:

- The City has relied on the CCHR since the 1980s as the review body for historic design review projects. As of September 30, 2010, the CCHR will cease to serve as the City's historic review body.
- The proposed amendments establish a new Historic Review Board (HRB) that will assume the duties of both the CCHR and the current City HRAB.
- The proposed amendments will require applications for a proposed project that would otherwise be heard by both the Planning Commission and HRB to be heard and decided by the Planning Commission, with consideration of the HRBs recommendation (consolidation of

proceedings). They will also require Planning Commission approval of Class II design review projects in the Willamette Falls Drive Commercial District.

- Proposed amendments to CDC chapters 25, 26, 55, 58, and 99 clarify and consolidate duplicative provisions of the code and reflect state law regarding the protection of historic resources of statewide significance.
- In addition, the amendments proposed by staff will extend the terms of office for positions on boards, commissions, and committees until the Council reappoints or replaces the position. (Note that this amendment was not the subject of a Planning Commission recommendation).

Recommended Motion:

Move to adopt ordinance No. 1597 establishing a Historic Review Board and extending the terms of office for positions on boards, commissions and committees until the Council reappoints or replaces the position.

Council Action Taken:

- Approved
- Denied
- Continued



Memorandum

Date: July 30, 2010
To: Chris Jordan, City Manager
From: Sara Javoronok, Associate Planner
Subject: Establishment of a Historic Review Board

Purpose

Staff is seeking approval from the City Council of the attached proposed amendments to Chapter 2 of the Municipal Code and chapters 25, 26, 55, 58, and 99 of the Community Development Code (CDC). Upon adoption, these proposed amendments will establish a Historic Review Board to assume the responsibilities of the City's Historic Resources Advisory Board (HRAB) and the Clackamas County Historic Review Board (CCHRB). The amendments also provide for the extension of terms of office for board, commission, and committee members until the Council has the opportunity to reappoint or replace them.

Background

In the 1980s, the City established an intergovernmental agreement with the CCHRB to provide for implementation of the portions of the CDC pertaining to historic properties. This included reviewing new construction and alterations to structures within historic districts, providing recommendations for the designation of historic landmarks or districts, applying architectural design review standards within the Willamette Falls Drive Commercial District, and reviewing and making recommendations on proposed partitions of properties designated as landmarks.

In 2009, Clackamas County terminated this agreement, effective September 30, 2010. Prior to that date, the City needs to establish a Historic Review Board to assume the duties that the CCHRB currently provides for the City.

In 2006, the City established the HRAB. The HRAB serves in an advisory capacity to the City Council and does not have authority to approve or deny projects or conduct design review. However, it does perform some of the traditional functions of a historic review board. Under the direction of the HRAB, the City has applied for and completed several Certified Local Government (CLG) grants with matching funding from the State Historic Preservation Office (SHPO), including one for National Register designation for the Willamette Falls Neighborhood Historic District.

In 2006, the City attained status as a CLG. The CLG program is administered through the SHPO for the Department of the Interior. It has several requirements for governments, including establishing a historic preservation commission, passing a preservation ordinance, participating in expanding and updating the state's historic building inventory program, and reviewing National Register of

Historic Places nominations. Currently, CLG program elements are completed by both the HRAB and the CCHRB.

Staff developed alternative approaches for performing the functions of the HRAB and CCHRB. On April 6, 2010, staff sought input from the HRAB regarding the options of having one or two boards, the membership qualifications, and the number of members.

City Council direction

On April 19, 2010, staff presented options for performing the functions of the HRAB and CCHRB along with the HRAB recommendation to the City Council. The City Council directed staff to draft language to establish a single Historic Review Board comprised of seven members, the majority of whom reside in the city (with a preference for all members to be West Linn residents). Staff recommended, and the Council concurred, that one member would be an architect, unless an architect is not available. In the event that staff can not recruit an architect to serve on the Board, we will consult with one as warranted.

Review and refinement of the preliminary draft

On April 21, 2010, staff briefed the Planning Commission regarding the upcoming code amendments.

On May 19, 2010, staff discussed a preliminary draft of the proposed amendments with the HRAB. The HRAB was generally supportive of the draft amendments and offered revisions and refinements that staff incorporated in the next draft.

On June 16, 2010, staff presented the second draft of the proposed amendments at the Planning Commission's first public hearing on the proposal. No one testified at the hearing. The Planning Commission recommended several refinements and a few substantive changes, including proposed changes to the current responsibilities of the Historic Review Board. Since the changes were substantive, staff discussed them with the HRAB at their regularly scheduled July 6, 2010 meeting. The HRAB had concerns regarding the proposed changes to the draft amendments.

At a work session on July 7, 2010, the Planning Commission discussed the proposed amendments and an HRAB member attended the meeting to express his concerns. The Planning Commission and HRAB held a joint special meeting on July 12, 2010 in hopes of coming to an agreement on the proposed amendments. The Planning Commission and HRAB came to a tentative agreement that the Planning Commission would defer to the Historic Review Board on the historic aspects of proposed projects unless there were conflicts with the code or comprehensive plan. However, legal council deemed this approach unacceptable since it did not allow for sufficient due process.

On July 21, 2010 the Planning Commission conducted a second hearing regarding the proposed amendments as well as seven alternatives for the project review process identified by staff. One member of the HRAB attended the hearing. The Planning Commission's recommendation is attached (Attachment 2 to the Agenda Bill).

Discussion

The project scope is to only address sections of the code as needed to establish a Historic Review Board and to ensure that all relevant aspects of the code are considered during the review process. The proposed amendments include the following:

- Consolidating the functions of the HRAB and CCHRB into a single Historic Review Board;

- Clarifying and consolidating related provisions scattered throughout the code in a single location within the CDC;
- Modifying the criteria used to designate historic districts and historic landmarks to more closely match the National Register of Historic Places Criteria for Evaluation; and
- Incorporating provisions to reflect state law regarding the protection of historic resources of statewide significance.

In addition, staff proposes an amendment to Chapter 2 of the Municipal Code for the Council's consideration that would extend the terms of office for board, committee, and commission members until the position is replaced or reappointed (Attachment 3 to the Agenda Bill). This proposed amendment was included for the Planning Commission's June 16, 2010 public hearing draft, but removed from the subsequent July 21, 2010 public hearing draft since there was a lack of consensus on the proposed change and Planning Commission recommendation was not required.

Issues

The major issue with the proposed amendments relates to review and approval of projects involving historic landmarks, properties within a historic district, and properties within the Willamette Falls Drive Commercial District. The practice has been that the review and approval for commercial buildings in the district was completed only by the CCHRB and only based on Chapter 58 in the CDC. Additional applicable chapters in the code, for example, Chapter 55, Design Review, were not considered. The Planning Commission recognized this failure to address all applicable City regulations in the review process. Consequently, they recommended following the June 16, 2010 public hearing that staff draft language incorporating their review for projects subject to Class II Design Review into a revised draft for consideration at a subsequent work session. As previously noted, this proposed change alarmed the HRAB and some members of the Willamette neighborhood.

Following the joint special meeting of the Planning Commission and HRAB, staff drafted several alternatives for reviewing projects subject to Planning Commission and Historic Review Board purview for the Planning Commission to consider. The four alternatives with the most support from Planning Commission and HRAB members are attached (Attachment A to this memo). The options are as follows:

- #1 Planning Commission Recommendation – This option provides for Historic Review Board review and Planning Commission review and approval for projects affecting historic landmarks, within the historic district, or within the Willamette Falls Drive Commercial District that require Class II Design Review under Chapter 55, and any other required land use approvals. This option adds the Historic Review Board to the Consolidation of Proceedings.
- #2 Historic Review Board Review – This option would give approval authority for projects subject to Planning Commission and Historic Review Board review to the Historic Review Board. This would include historic related projects and other land use applications for historic landmarks, properties within a historic district, and properties within the Willamette Falls Drive Commercial District. Staff would provide support for the Historic Review Board to make these decisions. A similar process is followed in the City of Portland. An HRAB member supported this approach.
- #3 Parallel Review – This option would provide for separate, parallel Historic Review Board and Planning Commission review and approval for projects involving historic landmarks,

properties within a historic district, and properties within the Willamette Falls Drive Commercial District. Separate applications would be submitted and each would have a 120-day clock. A similar process is followed in Oregon City and Albany. Salem follows a variation on this process. Two of the five Planning Commissioners in attendance on July 21, 2010 expressed some support for this alternative as did an HRAB member.

- #4 Combination of Options 1 and 3 – This option would provide for a parallel review process as described in #3 for historic landmarks and properties within a historic district. Properties within the Willamette Falls Drive Historic District that are not historic landmarks or part of the historic district would follow the process outlined in #1 (Historic Review Board review and Planning Commission review and approval). It is uncommon for a Historic Review Board to review projects in an area that is not designated as historic. Three of the five Planning Commissioners in attendance on July 21, 2010 hearing expressed some support for this alternative.

An additional issue associated with the Planning Commission's recommendation of Option #1 is the potential for the Planning Commission to review proposed demolitions to historic landmarks or properties within a historic district if they are processed through consolidated review. Staff's recommendation is for demolition applications to be submitted prior to and separately from applications regarding land use decisions. Following this practice, the applications would not be subject to consolidated review and would continue to be reviewed by the Historic Review Board. It is common for a Historic Review Board to have approval authority for demolition applications affecting historic properties.

Approval Criteria

Chapter 98 of the CDC provides administrative procedures for legislative amendments to the CDC. Section 98.100 lists the factors upon which a decision shall be based. The applicable standards along with staff's response are as follows:

1. *The statewide planning goals and rules adopted under ORS Chapter 197 and other applicable state statutes.*

Staff reviewed the statewide planning goals and found that Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces, and to a lesser extent, Goal 1: Citizen Involvement, are applicable the proposed amendments. Specifically, Goal 5 states that local governments shall adopt programs that will protect historic resources. The proposed amendments and process to develop them are consistent with these goals.

2. *Any federal or state statutes or rules found applicable;*

Staff has reflected applicable provisions of state law in the proposed amendments. Such provisions are identified in the staff comments interspersed in the proposed amendments.

4. *The applicable Comprehensive Plan policies and map;*

Comprehensive Plan Goal 1: The proposed amendments will support sub-goals 1 and 2 within Goal 1: Citizen Involvement. The sub-goals are as follows:

1. *Provide the opportunity for broadly based, ongoing citizen participation, including opportunities for two-way dialogue between citizens and City elected and appointed officials.*
2. *Provide opportunities for citizens to shape City government and other West Linn institutions into exemplary organizations that foster trust, respect, courage, and honor.*

The establishment of the Historic Review Board will provide opportunities for citizen participation and dialogue around historic preservation. Citizens will have an opportunity to shape city government by commenting on the proposed amendments.

Comprehensive Plan Goal 5: The proposed amendments are in accordance with Goal 5 and its related policies. It is supportive of the “Historic Areas” sub-goal to “Identify and preserve the historic and archaeological resources of West Linn”. Two related policies are also applicable:

6. *Encourage the listing, cataloging, and preservation of historic landmarks and historical data relating to the history of West Linn.*
9. *Support efforts to obtain historic designation at the state and national level for historic sites and districts.*

The revised language will continue to allow for the listing, cataloging, and preservation of historic landmarks and efforts to obtain historic designation at the national level for historic sites and districts. The proposed amendments will not affect the Comprehensive Plan map.

Options

- A. The City Council could approve the amendments, as proposed; or
- B. The City Council could approve of some, or all, of the amendments with modifications; or
- C. The City Council could deny the proposal, thereby leaving the Code ‘as is’.

Recommendation

The Planning Commission voted unanimously, 5-0, to recommend approval of the amendments contained in Attachment 2 to the Agenda Bill.

Staff recommends that the City Council approve the proposed code amendments as recommended by the Planning Commission. Staff also recommends approval of the proposed amendments to Chapter 2 of the Municipal Code.

Alternatives for reviewing projects subject to HRB and Planning Commission review	Implications
<p>#1: July 21, 2010 Public Hearing Draft Proposal (as revised based on the July 12, 2010 Work Session)</p> <ul style="list-style-type: none"> - The Historic Review Board would review projects subject to Class II Design Review in Chapter 55 and make a recommendation to the Planning Commission. - Up to two members of the Planning Commission would attend the Historic Review Board meeting. - Staff would include the Historic Review Board's recommendation and any conditions of approval in the staff report to the Planning Commission. - Up to two members of the Historic Review Board would have the opportunity to speak at the Planning Commission meeting following staff. The Board members would also be able to answer questions and would not be limited in time. - The Planning Commission decision would be appealable to the City Council. 	<ul style="list-style-type: none"> - Single public hearing - Single 120-day clock - Historic Review Board decision would not be binding. - Planning Commission could alter Historic Review Board recommendation and findings. - Could have a process for the Historic Review Board to appeal to the City Council.
<p>#2: Historic Review Board Review</p> <ul style="list-style-type: none"> - The Historic Review Board would review and make a decision on projects for compliance with both Chapter 58, Willamette Falls Drive Commercial District Design Standards and Chapter 55, Design Review for projects in the Willamette Falls Drive Commercial District. (In the past, the Clackamas County Historic Review Board review looked only at Chapter 58). - The Historic Review Board would also review and make a decision on all historic landmark and historic district projects that required Chapter 55 review. - The Historic Review Board would review and make a decision on any variances, conditional uses, etc. for properties in the Willamette Falls Drive Commercial District, historic landmarks, and historic district(s). - The Historic Review Board decisions would be appealable to the City Council. 	<ul style="list-style-type: none"> - Historic Review Board would not typically review criteria outside of chapters 25 (Historic District), 26 (Historic Landmarks), and 58 (Willamette Falls Drive Commercial District) and would not be as experienced as the Planning Commission. However, the planning staff would offer a recommendation and support. - Single public hearing - Single 120-day clock - Similar process followed in Portland.

<p>#3: Parallel Review</p> <ul style="list-style-type: none"> - Two applications would be submitted, one for a Historic Review Board decision, and the other for a Planning Director or Planning Commission decision. - Each application would have a separate 120-day clock. - The Historic Review Board would hold a public hearing to review projects under chapters 25, 26, or 58, as applicable, and make a decision. - The Planning Director would make a decision or the Planning Commission would hold a public hearing and make a decision on any land use applications under its purview. 	<ul style="list-style-type: none"> - Both processes would be binding. - If a Historic Review Board application was appealed, the appeal could take up significant time on the 120-day clock and potentially leave little time for Planning Commission review and a potential City Council appeal. - There might be challenges reconciling the two decisions. - Professionals with experience with this review process preferred it. - Similar process followed in Oregon City and Albany.
<p>#4 Combination of #1 and #3 Above</p> <ul style="list-style-type: none"> - There are currently three groups of properties that are reviewed by the Historic Review Board: historic landmarks, properties within the Willamette Historic District, and properties in the Willamette Falls Drive Commercial District. Many of the properties in the Willamette Falls Drive Commercial District are not designated as historic and it is unusual for a Historic Review Board to review properties that are not designated. - To address this, projects for properties that are not designated as historic would be reviewed as outlined above in #1. - Projects for properties that are designated as historic would follow the parallel process outlined above in #4. 	<ul style="list-style-type: none"> - Would provide for the greatest level of historic review for designated historic properties. - Would continue to provide for Historic Review Board review for properties in the Willamette Falls Drive Commercial District that were not designated, but the Planning Commission would make the final decision. - Similar to Oregon City and Albany process for historic landmarks and historic districts.

ESTABLISHMENT OF AN
HISTORIC REVIEW BOARD

Proposed Amendments to Chapter 2 of the Municipal Code and
Chapters 25, 26, 55, 58 and 99 of the Community Development Code

**CITY COUNCIL
PUBLIC HEARING DRAFT**

8/09/2010

Note:
Plain text = existing regulation
~~Strike through~~ = proposed deletion to existing regulations
Underline = proposed addition
Italic = staff comment
... = unaffected text omitted

The following proposed amendments are intended to create a Historic Review Board that will assume the responsibilities of the City's Historic Resources Advisory Board and the Clackamas County Historic Review Board related to projects in West Linn.

**Municipal Code
Chapter 2, GOVERNMENT AND ADMINISTRATION**

...

2.060 Appointment. Term. Removal of Members

...

- (2) Qualifications for appointment and term of office for a position on a City advisory board, committee or commission shall be as provided in the enabling provision for such board, committee or commission in this chapter. If a position becomes vacant before the expiration of the term, the Council shall appoint a person to fill the vacancy for the remainder of the term. Initial terms for a newly created advisory board, committee or commission shall be staggered in the resolution of appointment so that a majority of the positions do not become vacant in the same year and so that an equal or approximately equal number of positions become vacant each year.

2.085 Boards, Committees and Commissions

...

O. HISTORIC RESOURCES ADVISORY REVIEW BOARD

- (1) Establishment; Membership; Term. There is hereby established a Historic Resources Advisory Review Board of the City of West Linn consisting of seven ~~five~~ regular members appointed for three-year terms, except as necessary to comply with Section 2.060 (2). ~~except that the initial appointments shall be made so that the terms of not more than two members expire in any given year.~~ (*Staff Comment: The staggering of terms is addressed by Section 2.060 (2) above.*)
- (2) Qualifications. Each member shall have a demonstrated interest, knowledge or competence in historic preservation and, to the extent possible, in one of the following fields: archaeology, architecture, building construction, history, landscape architecture, law, local history, real estate or urban planning. At least one member shall be an architect experienced in historic preservation, unless at the time there is a vacancy on the Board an applicant with these qualifications is not available. The majority of the members shall reside within the City of West Linn. Preference will be given to applicants residing in West Linn, except as necessary to obtain specific expertise listed above. It is desirable that members of the committee have diverse interests and backgrounds, including some with knowledge or expertise in architecture, historic preservation and restoration.
- (3) Powers and Duties. The Historic Resources Advisory Review Board shall:
- (a) Meet at least four times a year and as required to conduct business in a timely fashion.
- ~~Disseminate information to educate the public as to state and federal laws protecting antiquities and historic places.~~ (*Staff Comment: The stricken language is incorporated in d.*)
- (b) Have the powers and duties which are now or hereafter assigned to it by the charter, ordinances and resolutions of West Linn and state law.
- ~~Act as a coordinator for local preservation groups, educational workshops, signing and monumentation projects, and other similar programs.~~ (*Staff Comment: The stricken language is substantially incorporated in d.*)
- (c) Enforce appropriate state and local legislation pertaining to the designation and protection of historic resources and, subject to applicable state law, archaeological resources.

~~(d) (e)~~ Coordinate with and advise interest groups, agencies, boards, and citizens on regarding the community's history and prehistory; promote research pertaining to local history and prehistory; make available materials pertaining to the preservation of historic resources and, subject to applicable state laws, archaeological resources; and provide information regarding state and federal preservation programs. ~~matters relating to historic preservation within the city.~~

~~(d)~~ ~~Monitor the city's historic inventories on a periodic basis and ensure that information on inventoried historic properties is updated and maintained.~~ *(Staff Comment: The stricken language is incorporated in e.)*

(e) Evaluate the city's historic and, subject to state law, archaeological resources; compile and periodically monitor and update an Inventory of Historic Resources; establish and periodically update a Designated Landmarks Register; and document and archive historic resources prior to their alteration, demolition, or relocation.

~~Research and recommend property owner incentives to City Council to assist in continued preservation of historic resources.~~ *(Staff Comment: The stricken language is incorporated in i.)*

(f) Subject to Planning Commission review and recommendation, per Community Development Code chapters 98 and 105, and City Council approval, devise code amendments to protect and enhance the preservation of historic resources and, subject to state law, archaeological resources.

~~Coordinate with Clackamas County, neighboring cities, and regional and state historic preservation agencies and groups to integrate West Linn preservation with statewide preservation initiatives.~~ *(Staff Comment: The stricken language is incorporated in d.)*

(g) Subject to City Council approval, develop incentives, strategies, and programs to assist the community in the appreciation and preservation of historic and, subject to state law, archaeological resources.

~~Coordinate with the Clackamas County Historic Review Board as appropriate.~~

- (h) Subject to Planning Commission review and recommendation and City Council approval per Community Development Code Chapter 98, develop guidelines and examples to clarify the criteria in regulations pertaining to historic resources and to assist applicants in developing complete and viable applications.

~~Seek outside funding of preservation work and activities.~~ *(Staff Comment: The stricken language is incorporated in j.)*

- (i) Assist the owners of historic resources in their individual efforts to secure funding for the preservation of their resources.

~~Work to provide an adequate permanent facility for West Linn historic artifacts and materials.~~ *(Staff Comment: Providing a facility for historic artifacts and materials is proposed to be removed from the Board's powers and duties. Staff recognizes the need for this type of facility but believes that it could best be accomplished through another entity.)*

- (j) Subject to City Council approval, seek, accept and expend public appropriations, grants and gift funds that will further the protection, enhancement, and appreciation of the city's historic resources and, subject to state law, archaeological resources.

Community Development Code, Chapter 25

(Staff Comment: The items in the following Section are proposed to be repealed as they no longer apply, are addressed in Chapter 2 of the Municipal Code, or are addressed in Chapter 99 of the Community Development Code (CDC).)

...

~~25.040~~ ~~HISTORIC REVIEW BOARD~~

- A. ~~For the purpose of this ordinance, the decisions regarding alterations within Historic District and recommendations for designation of Historic Districts shall be accomplished by the Clackamas County Historic Review Board.~~
- B. ~~**Appointment and composition.** The City Council shall appoint two individuals who have demonstrated an interest in historic preservation, and have experience and/or special expertise or knowledge in the field of historic preservation, and may fulfill the requisites of the Historic Review Board and composition pursuant to 707.04 of the County's Code. The remaining five members of the Board are standing members responsible for reviewing applications for all of Clackamas County. Their appointment is made through Clackamas County government.~~
- C. ~~**Terms of service.** The aforementioned two members of the Historic Review Board shall be appointed for three years and may be re-appointed or replaced at the discretion of the City Council.~~

D. ~~**Duties and responsibilities.** It is the responsibility of the Historic Review Board to ensure that the purposes of this section are implemented and to perform the following duties:~~

- ~~1. Adopt rules to govern its deliberations and decisions, including a method to record its proceedings.~~
- ~~2. Carry out the duties described for it in this Ordinance and otherwise assist the Board of County Commissioners and West Linn City Council on historic preservation matters.~~
- ~~3. Review and render decisions on proposals to alter the exterior of a Historic Landmark subject to the procedures and criteria set forth in CDC Chapter 26.~~
- ~~4. Review and render decisions on all proposed new construction on property on which a Historic Landmark is located, subject to the procedures and criteria set forth in Chapter 26 of this Code.~~
- ~~5. Review and make recommendations on all applications for zoning of a Historic Landmark, as provided under CDC Chapter 26.~~
- ~~6. Review all requests for demolition or removal of a Historic Landmark, as provided under CDC Chapter 26.~~
- ~~7. Review and make recommendations to the Planning Commission on all conditional use applications under Chapter 26 of this Code.~~
- ~~8. Review and make recommendations on all partitions and subdivisions of designated properties.~~
- ~~9. Disseminate information to educate the public as to state and federal laws protecting antiquities and historic places.~~
- ~~10. Act as a coordinator for local preservation groups, educational workshops, signing and monumentation projects, and other similar programs.~~
- ~~11. Advise interest groups, agencies, boards, commissions, and citizens on matters relating to historic preservation within the City.~~
- ~~12. Insure that information on inventoried historic properties is updated and maintained.~~
- ~~13. Provide opportunities for the ongoing education and training of Board members in architecture and historic preservation. (*Staff Comment: The stricken language goes without saying.*)~~

~~25.045~~ ~~**APPEALS OF HISTORIC REVIEW BOARD**~~

~~Appeals of Historic Review Board are heard by the City Council pursuant to Chapter 99, Procedures for Decision Making: Quasi-Judicial.~~

25.050 **CRITERIA FOR HISTORIC DISTRICT DESIGNATION**

- A. The approval authority shall designate each historic district in the City that is listed on the National Register of Historic Places as a Historic District. (*Staff Comment: OAR 660-023-0200 states that local governments shall protect all resources of statewide significance, i.e., those listed on the National Register of Historic Places.*)

(Staff Comment: The City Council would decide upon the proposed designation of a historic district with consideration of recommendations from the Planning Commission and Historic Review Board per Chapter 98. The following proposed changes require that any proposed designation of a historic district meet at least one of five criteria, which are adapted from the National Register of Historic Places Criteria for Evaluation).

The approval authority may designate a proposed historic district that:

~~Approval of an Historic District designation shall be made when the Historic Review Board finds that any of the following criteria have been met:~~

~~1. Whether the proposed district or landmark would serve the purpose of the Historic District as stated in Section 25.010;~~

~~1.2. Is associated with an event or events that made a significant contribution to the history of the community, county, state or nation; or~~

~~Reflects the broad cultural or natural history of the community, state, or nation.~~

~~2.3. Is associated with the life or lives of a significant person or people in the history of the community, county, state or nation; or~~

~~Is identified with historic personages or with important events in national, state, or local history. Archeological sites would also be included.~~

~~3.4. Embodies distinctive architectural characteristics of a type, style, period or method of construction; or~~

~~Embodies the distinguishing characteristics of an architectural specimen inherently valuable for a study of a period, style, or method of construction.~~

~~4. Represents the work of a master builder, designer, or architect who influenced the development of the community, county, state or nation; or~~

~~Is a notable work of a master builder, designer, or architect.~~

~~5. Has yielded, or will likely yield, information important in history or prehistory.~~

Community Development Code, Chapter 26

26.020 AREA OF APPLICATION

...

- B. The approval authority shall designate a building, site, structure, or object as a Historic Landmark if it is listed on the "National Register of Historic Places"; (*Staff Comment: OAR 660-023-0200 states that local governments shall protect all resources of statewide significance whether or not they are locally listed.*) The approval authority may designate a proposed Historic Landmark if it: or approval of an Historic District designation shall be made when Planning Commission finds that any of the following criteria have been met:
- ~~1.~~ Whether the proposed district or landmark would serve the purpose of the Historic District as stated in Section 26.010.
 - ~~1.2.~~ Is associated with an event or events that made a significant contribution to the history of the community, county, state or nation; or
~~Reflects the broad cultural or natural history of the community, state, or nation.~~
 - ~~2.3.~~ Is associated with the life or lives of a significant person or people in the history of the community, county, state or nation; or
~~Is identified with historic personages, or with important events in national, state or local history.~~
 - ~~3.4.~~ Embodies distinctive architectural characteristics of a type, style, period or method of construction; or
~~Embodies the distinguishing characteristics of an architectural specimen inherently valuable for a study of a period, style, or method of construction.~~
 - ~~4.~~ Represents the work of a master builder, designer, or architect who influenced the development of the community, county, state or nation; or
~~Is a notable work of a master builder, designer, or architect.~~
 - ~~5.~~ Has yielded, or will likely yield, information important in prehistory or history.

(Staff Comment: The changes above modify the existing criteria to more closely parallel the National Register of Historic Places Criteria for Evaluation and clarify that proposed landmarks must meet at least one of the five criteria.)

- C.B. The age of a specific building shall not be deemed sufficient in itself to warrant designation of a building as historic.

- D.C. The height and floor area ratio ~~single family residential design~~ standards that apply to homes elsewhere in West Linn shall not apply to a historic landmark structures identified in sSection 26.020(A). ~~Setbacks and lot coverage standards of the underlying zone shall, however, apply. The standards will apply to both infill development and homes within new subdivisions.~~ *(Staff Comment: The first change above is for clarification and the following stricken language above goes without saying.)*

- E. No building permit for altering or moving any proposed historic landmark shall be issued while any advertised public hearing or any appeal affecting the proposed designation of the area or building is pending. In addition, demolition of a building that is the subject of a pending public hearing or appeal under this Section shall be a violation of this Chapter Ordinance. *(Staff Comment: Slightly modified and moved from Section 26.050(E)).*

(Staff Comment: The items in Sections 26.040, 26.045 and 55.030 are proposed to be removed as they no longer apply or are addressed in Chapter 2 of the Municipal Code or Chapter 99 of the CDC.)

26.040 — HISTORIC REVIEW BOARD

- A. ~~For the purpose of this ordinance, the decisions regarding alterations to Historic Landmarks and within historic districts, and recommendations for designation of historic landmarks or districts, shall be accomplished by the Clackamas County Historic Review Board.~~

- B. **Appointment and composition.** The City Council shall appoint two individuals who have demonstrated an interest in historic preservation, and have experience and/or special expertise or knowledge in the field of historic preservation, and may fulfill the requisites of the Historic Review Board and composition pursuant to 707.04 of the County's Code.

- C. **Terms of service.** The members of the Historic Review Board shall be appointed for three years, and may be re-appointed or removed at the discretion of the City Council.

- D. **Duties and responsibilities.** It is the responsibility of the Historic Review Board to insure that the purposes of this section are implemented, and to perform the following duties:
 - 1. ~~Adopt rules to govern its deliberations and decisions, including a method to record its proceedings.~~

- ~~2. — Carry out the duties described for it in this Ordinance and otherwise assist the Board of County Commissioners and West Linn City Council on historic preservation matters.~~
- ~~3. — Review and render decisions on proposals to alter the exterior of an Historic Landmark subject to the procedures and criteria set forth in Section 26.060.~~
- ~~4. — Review and render decisions on all proposed new construction on property on which an Historic Landmark is located, subject to the procedures and criteria set forth in Section 26.060.~~
- ~~5. — Review and make recommendations on all applications for zoning of an Historic Landmark, as provided under Section 26.050.~~
- ~~6. — Review all requests for demolition or removal of an Historic Landmark, as provided under Section 26.080.~~
- ~~7. — Review and make recommendations to the Planning Commission on all conditional use applications under Section 26.030(B).~~
- ~~8. — Review and make recommendations on all partitions and subdivisions of designated properties.~~
- ~~9. — Disseminate information to educate the public as to state and federal laws protecting antiquities and historic places.~~
- ~~10. — Act as a coordinator for local preservation groups, educational workshops, signing and monumentation projects, and other similar programs.~~
- ~~11. — Advise interest groups, agencies, boards, commissions, and citizens on matters relating to historic preservation within the City.~~
- ~~12. — Insure that information on inventoried historic properties is updated and maintained.~~

~~26.045 — APPEALS OF HISTORIC REVIEW BOARD~~

~~Appeals of Historic Review Board are heard by the City Council pursuant to Chapter 99, Procedures for Decision Making: Quasi-Judicial.~~

~~26.050 **DESIGNATION PROCESS FOR DESIGNATION OF A HISTORIC LANDMARK**~~

~~The designation of a Historic Landmark shall follow the procedures in Chapter 99.~~

- ~~A. — **City-initiated action.** The Historic Review Board, City Council or interested parties may initiate the process for designation of an Historic Landmark. If the Historic Review Board or City Council initiates the process, notice shall be as required under Chapter 98.~~
- ~~B. — **Quasi-judicial application.** The owner(s) of property, or properties, may request the zoning of their property, or properties, as an Historic Landmark(s) by making application to the City. Notice requirements shall be as provided for zone change/plan change actions under Chapter 99.~~

- C. — ~~Historic Review Board evaluation.~~ The Historic Review Board shall evaluate the proposed zoning action and shall enter findings and make a written recommendation to the City Council.
- D. — ~~City Council public hearing.~~ The City Council shall conduct a public hearing to consider the proposed zoning action and shall either approve or deny the request. The Council shall enter written findings supporting its decision.
- E. — ~~Pending permits.~~ No building permit for altering or moving any proposed Historic Landmark shall be issued while any advertised public hearing or any appeal affecting the proposed designation of the area or building is pending. In addition, demolition of a building affected by a pending public hearing or appeal under this Section shall be a violation of this Ordinance.

(Staff Comment: Sections A-D above are proposed for deletion as they are addressed above or in Chapter 99. Section 26.050(E) is moved to 26.020(E).)

26.060 ALTERATION AND DEVELOPMENT CRITERIA

(Staff Comment: The proposed changes in this Section are for clarification and to correct scrivener's errors.)

- A. **Purpose.** It is the intent of this Section to provide for an ~~the~~ appropriate level of review for a proposed alterations and development to a historic landmark, and proposed development on a site containing a historic landmark, within Historic Districts, or those affecting Historic Landmarks, as well as to provide criteria ensuring effective and efficient review of such proposed alterations and development.

Community Development Code, Chapter 55

55.030 ADMINISTRATION AND APPROVAL PROCESS

...

- E. — ~~Design review of single-family detached dwellings in the Historic District, landmark structures, and buildings in the Willamette Falls Drive overlay zone shall be reviewed by the West Linn/Clackamas County Historic Review Board per Chapter 99.~~ *(Staff Comment: This provision is not needed.)*

Community Development Code, Chapter 58

(Staff Comment: The following sections are proposed for deletion as they are addressed in Chapter 99.)

58.060 — REVIEW BODY

- A. — Applications to restore/remodel a commercial structure or construct a new commercial structure shall be reviewed by the Historic Review Board under the category of design review. The Historic Review Board is defined and its duties and responsibilities explained in Section 25.040. The Planning Director, on behalf of the Historic Review Board, shall provide notice for design review pursuant to Section 99.080(B).
- B. — Repainting a structure, sign replacement, repairing windows, or minor changes shall be reviewed by the Planning Director as a Class B restoration. Review criteria is the same for a Class B restoration but there is not public notice and the fees are reduced under Section 58.080(C).

58.065 — APPEALS OF HISTORIC REVIEW BOARD

Appeals of Historic Review Board are heard by the City Council pursuant to Chapter 99, Procedures for Decision Making: Quasi-Judicial. (ORD. 1474)

Community Development Code, Chapter 99

99.060 APPROVAL AUTHORITY

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(Staff Comment: As proposed, provisions pertaining to the Historic Review Board's authority will be consolidated, clarified, and organized in Chapter 99. Planning Commission review of a historic landmark is added since the landmarks are listed in the CDC and therefore are subject to Planning Commission review and to provide for review for compliance with the Comprehensive Plan and other City goals and policies.)

PLANNING COMMISSION AUTHORITY

- B. 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.
 - b. A quasi-judicial zone change involving a concurrent application for a quasi-judicial Plan Map amendment as provided by Section 99.030(A) (ch. 35).
 - c. The designation of a historic landmark. The Planning Commission's consideration of a proposal shall be limited to a determination of the adequacy of findings made by the Historic Review Board regarding applicable goals and policies of the Comprehensive Plan and the CDC

...

- D. The Historic Review Board shall have the authority to:

1. Approve, deny, or approve with conditions an application for compliance with chapters 25, 26 and 58, as applicable, and as needed to provide for consolidated review for the following: applications for the following development applications.

(Staff comment: The Planning Commission asked that this Section be revised to clarify the Historic Review Board's and Planning Commission's roles. The proposed revisions would change the authority of the Historic Review Board and the Planning Commission. A flowchart depicting the proposed process is included on pages 15 and 16.

The Historic Review Board currently has approval authority for design review of commercial structures in the Willamette Falls Drive Commercial District. The proposed amendments would give the Planning Commission approval authority over commercial and other construction within the Willamette Falls Drive Commercial District that are subject to Class II Design Review under Chapter 55. The Historic Review Board would have the opportunity to review these projects and make a recommendation to the Planning Commission (the information would be given to them at least 10 days prior to their meeting as with quasi-judicial projects; however, the review would not include a public hearing). Up to two Planning Commission members would attend the Historic Review Board meeting. The Historic Review Board recommendation would be included in staff's report for the Planning Commission and up to two representatives from the Historic Review Board would attend the Planning Commission meeting. They would have the opportunity to speak after staff's presentation to the Planning Commission and respond to questions from the Planning Commission.

The Planning Commission and Historic Review Board would have the option of conducting a joint work session following the public hearing to discuss the project prior to the Planning Commission taking action. These procedures would be incorporated in the policies and procedures for both the Planning Commission and Historic Review Board.

The Historic Review Board would retain approval authority for projects that are subject to Class I Design Review per Section 99.070, Consolidation of Proceedings (see page 14), and over remodels, alterations, and additions that are not subject to Chapter 55, Design Review.)

- a. Major or minor remodel, alteration, or addition to a historic landmark, property within a historic district, or property within the Willamette Falls Drive Commercial District that is not subject to Class II Design Review under Chapter 55;
- b. New construction within a historic district that is not subject to Class II Design Review under Chapter 55;

1. ~~New home construction in the Historic District. (*Staff Comment: The stricken language is incorporated in b.*)~~
 3. ~~Major renovation or additions to historic landmarks, and major renovation or additions to structures in the Historic District (*Staff Comment: The stricken language is incorporated in a, 2(a), and 2(b).*)~~
 6. ~~New construction, major renovation, and additions in the Willamette Falls Drive Commercial Overlay Zone. (*Staff Comment: The stricken language is incorporated in a and b above and in 2(a) and 2(b) below.*)~~
- c.4. Construction of a non-exempt accessory structure or garage on a historic landmark property, or property within a historic district; Construction of non-exempt accessory structures and garages to historic landmark properties and properties within a historic district.
 - d.5. A demolitions permits for a historic landmark or property within a historic district; -for the Historic District, to historic buildings in the Willamette Falls Drive Commercial Overlay Zone, and to Historic landmark structures.
 - e.7. Revocation Revoke or modification modify of an approval as provided by Section 99.330 for any application approved by the Historic Review Board; and
 - f.8. An Extensions of an approval when the Historic Review Board acted as the initial decision making authority.
2. ~~Creation of new historic districts. (*Staff Comment: The Historic Review Board only has the authority to review and make recommendations on proposed districts as they are processed under chapters 98 and 105 as comprehensive plan and zoning amendments. This is incorporated below in 3.*)~~

2. The Historic Review Board shall review an application for compliance with chapters 25, 26 and 58, as applicable, and make a recommendation to the approval authority specified in Section 99.060. This authority shall apply for the following:

- a. Designation of a historic landmark or a historic district;
- b. Major or minor remodel, alteration, or addition to a historic landmark, property within a historic district, or property

within the Willamette Falls Drive Commercial District that is subject to Class II Design Review under Chapter 55;

- c. New construction within a historic district or new construction within the Willamette Falls Drive Commercial District that is subject to Class II Design Review under Chapter 55;
- d. A partition or subdivision of property containing a historic landmark or property within a historic district;
- e. Conditional use of property containing a historic landmark; and
- f. A zone change for property containing a historic landmark or property within a historic district.

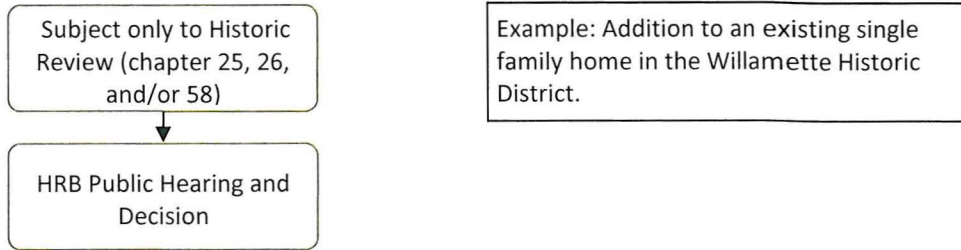
99.070

CONSOLIDATION OF PROCEEDINGS

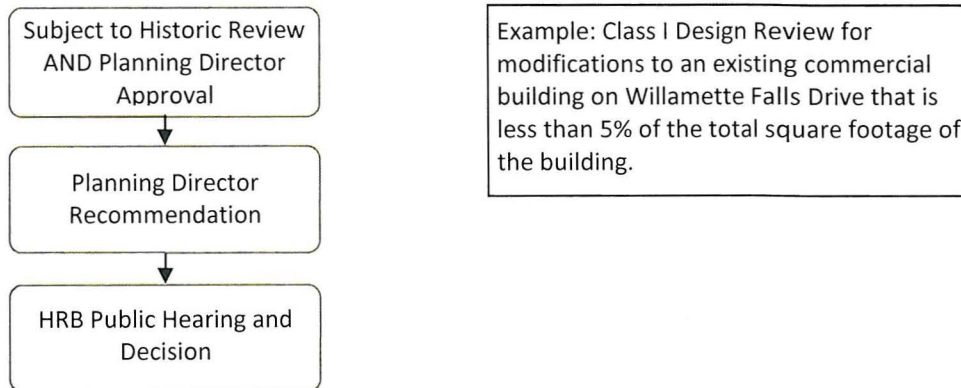
Whenever an applicant requests more than one approval and more than one approval authority is required to decide the applications, the proceedings shall be consolidated so that one approval authority shall decide all applications in one proceeding. In such cases, the hearings shall be held by the approval authority having original jurisdiction over one of the applications under Section 99.060, in the following order of preference: City Council, Planning Commission, Historic Review Board, or the Planning Director, except for expedited land division applications which shall be processed as described in ORS Chapter 197. For example, if a conditional use permit (CUP) and Class I design review application were submitted, ordinarily the CUP would be heard by the Planning Commission, and Class I design review by the Planning Director. This hierarchy dictates that the higher body, the Planning Commission, would hear the consolidated hearing.

Potential Review Procedures Quasi-Judicial

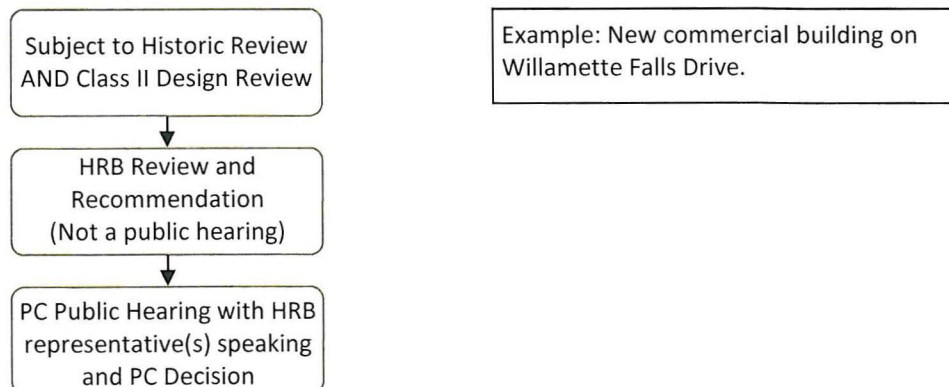
Historic Review Board (HRB) Review



Planning Director Recommendation and HRB Review Required

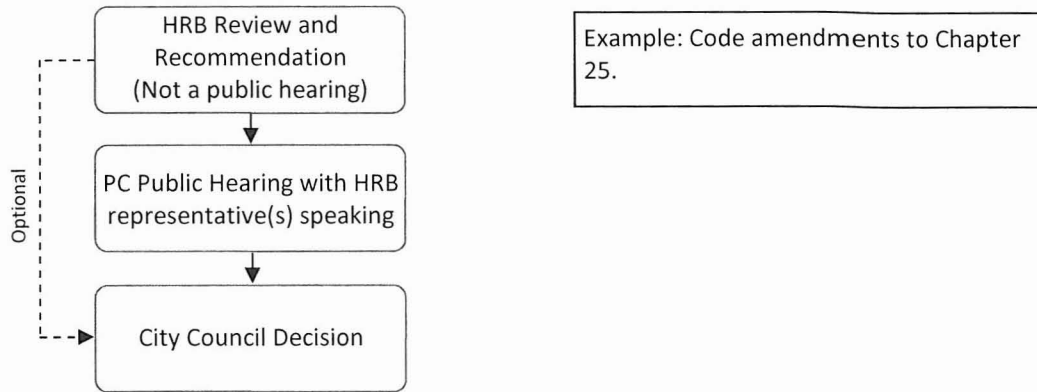


HRB Review and Planning Commission (PC) Review Required (subject to 120-day limit)



Potential Review Procedures Legislative (Subject to Chapter 98)

HRB Review, PC Review, and City Council Decision



EXTENSION OF TERMS OF OFFICE

Proposed Amendment to Chapter 2 of the Municipal Code

CITY COUNCIL PUBLIC HEARING DRAFT

8/09/2010

Note:

Plain text = existing regulation

~~Strike through~~ = proposed deletion to existing regulations

Underline = proposed addition

Italic = staff comment

... = unaffected text omitted

Municipal Code

Chapter 2, GOVERNMENT AND ADMINISTRATION

...

2.060 Appointment. Term. Removal of Members

...

- (2) Qualifications for appointment and term of office for a position on a City advisory board, committee or commission shall be as provided in the enabling provision for such board, committee or commission in this chapter, provided that the term of office shall extend until the Council reappoints or replaces the position. If a position becomes vacant before the expiration of the term, the Council shall appoint a person to fill the vacancy for the remainder of the term. Initial terms for a newly created advisory board, committee or commission shall be staggered in the resolution of appointment so that a majority of the positions do not become vacant in the same year and so that an equal or approximately equal number of positions become vacant each year.

(Staff Comment: The proposed revision above, suggested by a Councilor, would apply to all City advisory boards, committees and commissions.)



Memorandum

TO: Planning Commission

FROM: Sara Javoronok, Associate Planner

DATE: July 19, 2010

SUBJECT: Proposed Revisions to the July 21, 2010 Public Hearing Draft

This memo identifies potential changes to the draft code amendments establishing a Historic Review Board discussed by the Planning Commission and Historic Resources Advisory Board at their July 12, 2010 joint meeting. Several changes to the draft code amendments were suggested. Changes to Section 99.060D (2) and (3) are included at the end of this memo and are highlighted in red. Those in attendance at the meeting asked that staff draft language that would require the Planning Commission to adhere to the Historic Review Board's recommendation on a quasi-judicial project unless it was inconsistent with the comprehensive plan or Community Development Code. However, legal council said that approach is not acceptable because the Planning Commission by code has decision making authority and cannot delegate that authority to another board or commission.

If the code requires the Planning Commission to adhere to the Historic Review Board recommendation on a quasi-judicial application, due process would not be fully available to the parties. The Historic Review Board review would not be through a public hearing that follows quasi-judicial process. As a result, for instance, if a proposal is reviewed by the Historic Review Board where more than one alternative is discussed, the proponent of the alternative that is not selected by the Historic Review Board will not have an opportunity to have the decision maker, the Planning Commission, consider the merits of the alternative nor the possible downside of the preferred alternative. The Planning Commission would not be able to take into consideration anything but the alternative selected by the Historic Review Board. Therefore, seven additional alternatives are outlined below for your consideration.

At issue is that the Historic Review Board currently reviews and makes a decision on design review projects in the Willamette Falls Drive Commercial District based on Chapter 58: Willamette Falls Drive Commercial District Design Standards. The Historic Review Board has not applied applicable code requirements in Chapter 55: Design Review. In addition, there are conflicting code sections in chapters 58 and 99 that have led to issues regarding the appropriate approval authority for projects.

The alternative code revisions and their implications are as follows:

Alternatives for reviewing projects subject to HRB and Planning Commission review	Implications
<p>#1: July 21, 2010 Public Hearing Draft Proposal (as revised based on the July 12, 2010 Work Session)</p> <ul style="list-style-type: none"> - The Historic Review Board would review projects subject to Class II Design Review in Chapter 55 and make a recommendation to the Planning Commission. - Up to two members of the Planning Commission would attend the Historic Review Board meeting. - Staff would include the Historic Review Board's recommendation and any conditions of approval in the staff report to the Planning Commission. - Up to two members of the Historic Review Board would have the opportunity to speak at the Planning Commission meeting following staff. The Board members would also be able to answer questions and would not be limited in time. - The Planning Commission decision would be appealable to the City Council. 	<ul style="list-style-type: none"> - Single public hearing - Single 120-day clock - Historic Review Board decision would not be binding. - Planning Commission could alter Historic Review Board recommendation and findings. - Could have a process for the Historic Review Board to appeal to the City Council.
<p>#2: Historic Review Board Review</p> <ul style="list-style-type: none"> - The Historic Review Board would review and make a decision on projects for compliance with both Chapter 58, Willamette Falls Drive Commercial District Design Standards and Chapter 55, Design Review for projects in the Willamette Falls Drive Commercial District. (In the past, the Clackamas County Historic Review Board review looked only at Chapter 58). - The Historic Review Board would also review and make a decision on all historic landmark and historic district projects that required Chapter 55 review. - The Historic Review Board would review and make a decision on any variances, conditional uses, etc. for properties in the Willamette Falls Drive Commercial District, historic landmarks, and historic district(s). 	<ul style="list-style-type: none"> - Historic Review Board would not typically review criteria outside of chapters 25 (Historic District), 26 (Historic Landmarks), and 58 (Willamette Falls Drive Commercial District) and would not be as experienced as the Planning Commission. However, the planning staff would offer a recommendation and support. - Single public hearing - Single 120-day clock - Similar process followed in Portland.

<ul style="list-style-type: none"> - The Historic Review Board decisions would be appealable to the City Council. 	
<p>#3: Joint Hearing</p> <ul style="list-style-type: none"> - The Historic Review Board and the Planning Commission would review projects subject to Class II Design Review at a joint hearing. - The Historic Review Board would review the project under chapter 25, 26, and 58, as applicable. - At the same meeting, the Planning Commission would review the project and make a decision. 	<ul style="list-style-type: none"> - Single meeting - Single 120-day clock - Process could provide for greater understanding and collaboration between the Historic Review Board and Planning Commission since both will be in attendance. - Historic Review Board decision would not be binding. - Planning Commission could alter Historic Review Board recommendation and findings. - Professionals with joint hearing experience have felt the process was cumbersome, difficult, and didn't work very well.
<p>#4: Parallel Review</p> <ul style="list-style-type: none"> - Two applications would be submitted, one for a Historic Review Board decision, and the other for a Planning Director or Planning Commission decision. - Each application would have a separate 120-day clock. - The Historic Review Board would hold a public hearing to review projects under chapters 25, 26, or 58, as applicable, and make a decision. - The Planning Director would make a decision or the Planning Commission would hold a public hearing and make a decision on any land use applications under its purview. 	<ul style="list-style-type: none"> - Both processes would be binding. - If a Historic Review Board application was appealed, the appeal could take up significant time on the 120-day clock and potentially leave little time for Planning Commission review and a potential City Council appeal. - There might be challenges reconciling the two decisions. - Professionals with experience with this review process preferred it. - Similar process followed in Oregon City and Albany.
<p>#5 Historic Review Board and Planning Commission or Planning Director Review</p> <ul style="list-style-type: none"> - This process would be similar to #4 above, except the Planning Director or Planning Commission would first review the project, then it would be reviewed by the Historic Review Board. - Two applications would be submitted, one for a Planning Director or Planning Commission 	<ul style="list-style-type: none"> - Both processes would be binding. - If the Planning Commission or Planning Director decision was appealed, the appeal could take up significant time on the 120-day clock and potentially leave little time for Historic Review Board review and a potential

<p>decision and the other for a Historic Review Board decision.</p> <ul style="list-style-type: none"> - Each application would have a separate 120-day clock. 	<p>City Council appeal.</p> <ul style="list-style-type: none"> - May present a challenge if an applicant required approval for a conditional use or other application that requires Historic Review Board review in conjunction with a design review application that required Planning Commission approval. - There might be challenges reconciling the two decisions. - Similar process in Salem.
<p>#6 Combination of #1 and #4 Above</p> <ul style="list-style-type: none"> - There are currently three groups of properties that are reviewed by the Historic Review Board: historic landmarks, properties within the Willamette Historic District, and properties in the Willamette Falls Drive Commercial District. Many of the properties in the Willamette Falls Drive Commercial District are not designated as historic and it is unusual for a Historic Review Board to review properties that are not designated. - To address this, projects for properties that are not designated as historic would be reviewed as outlined above in #1. - Projects for properties that are designated as historic would follow the parallel process outlined above in #4. 	<ul style="list-style-type: none"> - Would provide for the greatest level of historic review for designated historic properties. - Would continue to provide for Historic Review Board review for properties in the Willamette Falls Drive Commercial District that were not designated, but the Planning Commission would make the final decision. - Similar to Oregon City and Albany process for historic landmarks and historic districts.
<p>#7: Historic Review Board and Planning Staff Review</p> <ul style="list-style-type: none"> - An application that required Historic Review Board review and typically, Planning Commission design review, would be reviewed only by the Historic Review Board and Planning Staff. - Applications that also required a conditional use, Class II variance, etc. would be subject to Consolidation of Proceedings and would be reviewed as provided in #1 above (and would not be reviewed by staff). 	<ul style="list-style-type: none"> - Would simplify the process for projects that would otherwise be subject to review by two bodies. - Would remove Class II Design Review from the purview of the Planning Commission for historic properties and those in the Willamette Falls Drive Commercial District. - Similar to Oregon City process where design review is done at the staff level.

APPROVAL AUTHORITY

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HISTORIC REVIEW BOARD AUTHORITY

...

D. The Historic Review Board shall have the authority to:

...

2. ~~The Historic Review Board shall have the opportunity to~~ review an application for compliance with chapter 25, 26 or 58, as applicable, and make a recommendation to the approval authority specified in Section 99.060. This authority shall apply for the following: ~~regarding proposed:~~

a. Designation of a historic landmark or a historic district;

b.a Major or minor remodel, alteration, or addition to a historic landmark, property within a historic district, or property within the Willamette Falls Drive Commercial District that is subject to Class II Design Review under Chapter 55;

c.b New construction within a historic district or new construction within the Willamette Falls Drive Commercial District that is subject to Class II Design Review under Chapter 55;

d.e A partition or subdivision of property containing a historic landmark or property within a historic district;

e.d Conditional use of property containing a historic landmark;
and

f.e A zone change for property containing a historic landmark or property within a historic district.

(Staff Comment: #3 below is removed and added as (2)(a) above since the language in (2) changed.)

~~3. The Historic Review Board shall review and make a recommendation to the approval authority, as applicable, on applications for the designation of a historic landmark or historic district.~~



CITY OF

West Linn

Memorandum

TO: Planning Commission

FROM: Sara Javoronok, Associate Planner

DATE: July 9, 2010

SUBJECT: Establishment of a Historic Review Board

The Planning Commission first discussed proposed amendments to the Community Development Code to establish a Historic Review Board for the City of West Linn on June 16, 2010. At that time, the Planning Commission recommended several substantive changes that were incorporated into a draft for consideration at the July 7, 2010 work session.

Staff has incorporated additional changes recommended at the July 7, 2010 work session into the attached draft. This public hearing draft is substantively the same as the draft prepared for the July 12, 2010 joint work session with the Historic Resources Advisory Board. However, it does not color code the substantive changes made since the June 16, 2010 public hearing draft.



Memorandum

TO: Planning Commission

FROM: Sara Javoronok, Associate Planner

DATE: May 27, 2010

SUBJECT: Establishment of a Historic Review Board

Purpose: Staff is seeking a recommendation from the Planning Commission on the attached proposed amendments to chapters 25, 26, 55, and 99 of the Community Development Code (CDC). Amendments to Chapter 2 of the Municipal Code are also included for the Planning Commission's review (which are not under the Planning Commission's purview). These amendments will establish a Historic Review Board to assume the responsibilities currently completed by the City's Historic Resources Advisory Board (HRAB) and the Clackamas County Historic Review Board (CCHRB).

Background: In the 1980s, the City established an intergovernmental agreement with the CCHRB to provide for implementation of the portions of the CDC pertaining to historic properties. This included reviewing new construction and alterations to structures within historic districts, providing recommendations for the designation of historic landmarks or districts, applying architectural design review standards within the Willamette Falls Drive Commercial District, and reviewing and making recommendations on proposed partitions of properties designated as landmarks.

In 2009, Clackamas County terminated this agreement. The City has a one-year transition period to establish a Historic Review Board. This period ends September 30, 2010. Prior to that date, the City needs to establish a Board to assume the duties that the CCHRB currently provides for the City.

In 2006, the City established the HRAB. The HRAB serves in an advisory capacity to the City Council and does not have authority to approve or deny projects. However, it does perform some of the traditional functions of a historic review board. Under the direction of the HRAB, the City has applied for and completed several Certified Local Government (CLG) grants with matching funding from the State Historic Preservation Office (SHPO), including one for National Register designation for the Willamette Falls Neighborhood Historic District.

In 2006, the City attained status as a CLG. The CLG program is administered through the SHPO for the Department of the Interior. It has several requirements for governments, including establishing a historic preservation commission, passing a preservation ordinance, participating in expanding and updating the state's historic building inventory program, and reviewing National Register of Historic Places nominations. Currently, CLG program elements are completed by both the HRAB and the CCHRB.

On April 6, 2010, staff sought input from the HRAB regarding the options of having one or two boards, the membership qualifications, and the number of members. On April 19, 2010, staff presented the options and HRAB recommendations to the City Council. The City Council directed staff to draft language to establish a single Historic Review Board comprised of seven members, the majority of whom reside in the city (with a preference for all members to be West Linn residents). Staff recommended, and the Council concurred, that one member would be an architect; however, the amendments allow for this requirement to be waived if an architect is not available. In the event that staff can not recruit an architect to serve on the Board, we will consult with one as warranted.

On April 21, 2010, staff briefed the Planning Commission regarding the upcoming code amendments.

On May 19, 2010, staff discussed a draft of the proposed amendments with the HRAB. The HRAB was generally supportive of the amendments and offered a few revisions that staff has incorporated.

Discussion: The proposed amendments are generally only those necessary to establish the Historic Review Board. There are a few exceptions, including:

- Changing the Municipal Code to allow for terms of office for board and commission members to extend until the position is replaced or reappointed;
- Modifying the criteria used to designate historic districts and historic landmarks to more closely match the National Register of Historic Places Criteria for Evaluation;
- Incorporating provisions to reflect state law regarding the protection of historic resources of statewide significance; and
- Clarifying and consolidating related provisions scattered through the code in a single location within the CDC.

Approval Criteria: Chapter 98 of the CDC provides administrative procedures for legislative amendments to the CDC. Section 98.100 lists the factors upon which a decision shall be based. The applicable standards along with staff's response are as follows:

1. *The statewide planning goals and rules adopted under ORS Chapter 197 and other applicable state statutes.*

Staff reviewed the statewide planning goals and found that Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces, and to a lesser extent, Goal 1: Citizen Involvement, are applicable the proposed amendments. Specifically, Goal 5 states that local governments shall adopt programs that will protect historic resources.

The proposed amendments and process to develop them are consistent with these goals.

2. *Any federal or state statutes or rules found applicable;*

Staff has reflected applicable provisions of state law in the proposed amendments. Such provisions are identified in the staff comments interspersed in the proposed amendments.

4. *The applicable Comprehensive Plan policies and map;*

Comprehensive Plan Goal 1: The proposed amendments will support sub-goals 1 and 2 within Goal 1: Citizen Involvement. The sub-goals are as follows:

1. Provide the opportunity for broadly based, ongoing citizen participation, including opportunities for two-way dialogue between citizens and City elected and appointed officials.
2. Provide opportunities for citizens to shape City government and other West Linn institutions into exemplary organizations that foster trust, respect, courage, and honor.

The establishment of the Historic Review Board will provide opportunities for citizen participation and dialogue around historic preservation. Citizens will have an opportunity to shape city government by commenting on the proposed amendments.

Comprehensive Plan Goal 5: The proposed amendments are in accordance with Goal 5 and its related policies. It is supportive of the "Historic Areas" sub-goal to "Identify and preserve the historic and archaeological resources of West Linn". Two related policies are also applicable:

6. Encourage the listing, cataloging, and preservation of historic landmarks and historical data relating to the history of West Linn.
9. Support efforts to obtain historic designation at the state and national level for historic sites and districts.

The revised language will continue to allow for the listing, cataloging, and preservation of historic landmarks and efforts to obtain historic designation at the national level for historic sites and districts.

The proposed amendments will not affect the Comprehensive Plan map.

Recommendation: Staff recommends that the Planning Commission recommend approval of the proposed code amendments to chapters 25, 26, 55, and 99 of the Community Development Code.



PLANNING COMMISSION

Minutes of June 16, 2010

- Draft -

Members present: Chair Robert Martin, Vice Chair Michael Jones and Commissioners Michael Babbitt, Laura Horsey, Christine Steel, Dean Wood and Jennifer Tan.

Members absent: None

Staff present: John Sonnen, Planning Director; Peter Spir, Associate Planner; Tom Soppe, Associate Planner; Sara Javoronok, Associate Planner; Khoi Le, Civil Engineer; and William Monahan, City Attorney

CALL TO ORDER

Chair Martin called the Planning Commission meeting to order in the Council Chambers of City Hall at 7:32 p.m.

APPROVAL OF MINUTES

Steel **moved** to approve the Minutes of April 21, 2010. Babbitt **seconded** the motion and it **passed** 6:0. Steel **moved** to approve the Minutes of May 5, 2010. Jones **seconded** the motion and it **passed** 5:0:1. Horsey abstained.

PUBLIC COMMENTS (None)

PUBLIC HEARINGS

(Note: The staff reports and all related documents for the hearings are available through the Planning Department.)

CUP-10-01/DR-10-02/MISC-10-05/VAR-10-03, Conditional Use, Design Review Variance and Alteration of a Non-conforming Structure for a Library Expansion and Renovation at Cedaroak Primary School

Chair Martin opened the public hearing and outlined the applicable criteria and procedure. He asked the Commissioners to declare any conflict of interest, bias, or ex parte contact. Each of the Commissioners reported a site visit. Jones and Babbitt had children who previously or currently attended Cedaroak School and Jones served on the District's Long Range Planning Committee, but had not been present when they discussed the application. Both confirmed they could decide the application without bias. Tan and Martin each reported that school employees had pointed out where the changes were going to be made. When invited by the Chair, no one in the audience challenged the authority of the Planning Commission or the ability of any individual Commissioner to hear the matter.

Staff Report

Peter Spir, Senior Planner, presented the staff report (See Planning & Building Department Staff Memorandum dated June 2, 2010). He presented a map, the site plan and aerial photograph of the site. He advised conditional use requirements had been met. The site was large enough to mitigate impacts and the amphitheater was tucked behind the building and about 1,000 feet from the nearest homes in that direction. Design review requirements were met. The proposed design was much more attractive than the current design and offered more opportunities for those inside to monitor the parking area and school busses. The applicant had added six more parking spaces in May 2010 even though they were only required to add two more spaces for the proposed improvements. The staff found that with the new spaces the proposal did not increase the existing nonconformity. The staff did not see a need for the variance, but the applicant had requested it anyway. The staff recommended approval subject to the conditions of approval listed in the staff report.

During the questioning period, the staff confirmed the Planning Commission could approve the application without the variance if they found the variance was not necessary because the applicant had already added six parking spaces and that did not make the site more nonconforming. Spir explained the staff had inserted the condition to prohibit amplified sound at the amphitheater in order to be considerate of neighbors. Le explained the staff recommended requiring a street lighting plan along Cedaroak Drive that would make the pickup and drop-off area safer.

Applicant

Tim Woodley, 2755 SW Borland Rd., Tualatin, Oregon 97062, Director of Operations, West Linn-Wilsonville School District, and architect, Corrina Ruiz, represented the applicant. Woodley confirmed that the applicant could agree to the prohibition against amplified sound and the requirement to submit a lighting plan. During the questioning period, Woodley explained the applicant had asked for the variance to eliminate any uncertainty. They wanted to avoid any possibility they would find out during the current hearing that they needed a variance. They had improved the parking lot earlier to solve drainage and circulation problems and in anticipation of the library project.

Neither for nor Against

Kevin Bryck, 18840 Nixon Ave., recalled the Robinwood Neighborhood Association had been told the applicant would address concerns regarding pedestrian safety at the Trillium/Cedaroak intersection and the visibility of the portable toilets that were positioned near Cedaroak in this phase of the project. But he noted they had not addressed them.

Rebuttal

Woodley related the District had been working with the City Arborist and planned to propose some improvements and signage for that corner of the site, but they were not yet ready to

submit that proposal. He agreed it was a good idea to create a screened location for portable toilets that community athletic groups brought in. The applicant would take that under advisement.

Questions of staff

Spir advised that the staff had determined that a Class II design review was appropriate for the current application because the applicant proposed modest changes that were less than 5% of the square footage.

Deliberations

Chair Martin closed the public hearing and polled the Commissioners. Steel suggested giving teachers more flexibility by adding language to Condition 4 to clarify that activities using amplified sound were not allowed except to facilitate instruction during regular school hours. Jones agreed the variance was unnecessary because the six new parking spaces did not make the nonconformity any worse. Horsey supported the project, but she observed a need to tighten the site plan and set of conditions so downstream officials would know exactly what the Planning Commission intended. She pointed out that the documents inconsistently used the terms, "rain garden" and "bioswale," and "outdoor classroom" and " amphitheater." She observed staff had not followed current practice to specify the expiration date of the approval.

Tan agreed the application met approval criteria and that adding six parking spaces did not make the nonconformity worse. She appreciated that the lights would be muted so they did not disturb the neighborhood. Wood reasoned that parking was not an issue because the new library would not draw additional traffic and the applicant had installed six more spaces. Babbitt would have preferred to see a street lighting plan in the application, but he could support it anyway. He observed that on the Landscaping plan the "bioswale" was a part of a the larger "rain garden." He agreed that the parking was adequate, but he reasoned that a variance was still necessary for two reasons: 1) The Planning Commission had historically been advised that it had to consider each application for each phase of a project separately, even when the applicant and the site were the same; and 2) Additional classroom space triggered additional bike parking requirements beyond the additional 12 spaces the applicant proposed. He noted the neighborhood association minutes reported the District planned to turn cafeteria space into "learning space." Martin indicated he liked the design and "learning commons" concept.

Jones **moved** to approve CUP-10-01/DR-10-02/MISC-10-05/VAR-10-03 subject to the staff-recommended conditions of approval, but with Condition 4 modified as Steel had suggested:

Condition 4: The amphitheater shall not be used for activities using amplified sound except to facilitate instruction during regular school hours.

In addition, if the Planning Commission approved the motion the staff was to fashion findings that supported Var-10-03. Steel **seconded** the motion and discussion followed.

Horsey **moved to amend** the motion to ask the staff to enhance the language in Conditions 2 and 5, and strengthen the site plan. Jones was reluctant to incorporate the amendment into his motion because he did not yet know what those specific changes would be. Horsey recalled the Commissioners wanted a site plan and conditions of approval that adequately conveyed the intent of the Planning Commission to the staff who were involved in overseeing the next phases of the development, in order to avoid errors in the field. Spir advised the site plan was adequate, but the Commissioners could include a reference to Landscaping Plan L-1.0 to make it even clearer which layout the Planning Commission approved. He advised that Condition 5 was not necessary because the development would have to be built in compliance with TVF&R requirements anyway. Le advised that a rain garden was just a bigger version of a bioswale, but he agreed it would be better to be consistent in use of terms. He advised the Commissioners to make a street lighting plan a condition of approval and let the lighting study determine what was the appropriate amount of lighting. Horsey stressed the City should be consistent in the practice of putting an expiration date on an approval. Sonnen agreed and advised that would not affect an applicant's ability to take advantage of the opportunity to have an extension.

Babbitt **amended the motion** to add a reference to Landscape Plan L-1.0 to Condition 1 and to strike Condition 5. Jones and Steel **accepted** the amendment. The Planning Commission took a ten-minute break and reconvened. The vote was conducted and the **amendment passed 7:0. The vote was conducted on the motion and it passed 7:0.**

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CUP-10-02/DR-10-03/MISC-10-06/VAR-10-04, Conditional Use, Design Review , Variance and Expansion of a Non-Conforming Structure for a Library Expansion and Interior Remodel at Bolton Primary School

Chair Martin opened the public hearing and outlined the applicable criteria and procedure. He asked the Commissioners to declare any conflict of interest, bias, or ex parte contact. Jones reported he served on the West Linn-Wilsonville School District's Long Range Planning Committee, but he had left the room when they discussed the application and he could make an unbiased decision. Horsey reported her daughter had attended the school. Martin declared a conflict of interest and recused himself. Vice Chair Jones became the presiding officer. Each of the Commissioners who remained to hear the case reported making a site visit. When invited by the Chair, no one in the audience challenged the jurisdiction of the Planning Commission or the ability of any individual Commissioner to hear the matter.

Staff Report

Tom Soppe, Associate Planner, presented the staff report. (See Planning & Building Department Staff Report dated June 2, 2010). He showed the zoning map, aerial photograph,

and site plan. He pointed out the surrounding uses, including a park. He pointed out the location of the proposed library addition and amphitheater. He noted the circa 1950's school was on a relatively small site. It was nonconforming in terms of parking and lot coverage. Maximum allowable lot coverage was 35%, but the existing coverage was 37% and the addition would increase it to 38.8%. The staff accepted that because they reasoned it would allow the subject school to enjoy the same level of school amenities as other schools on much larger sites and the improved facility would better serve its neighborhood. The applicant was to add two more parking spaces, per a proposed condition, and more bike parking. The resulting total spaces would be fewer than the code required, but the staff accepted that because it would not increase the degree on nonconformity. Soppe recommended approval and discussed the recommended conditions listed in the staff report. He advised the provision for a swinging gate in #2 was not necessary because a swinging gate was already installed. He pointed out #6 specified that the approval would expire in three years.

During the questioning period, Soppe confirmed that the staff found only two more parking spaces were necessary. He observed that the site plan did not label the rain garden, but it did show it as a horseshoe-shaped area. It was called a water quality basin on the landscape plan. He confirmed that the code allowed shared parking agreements in certain circumstances, but he was not aware if the applicant had such an agreement to share the park parking lot. But the staff was satisfied that two more spaces on the site resulted in the right amount of parking there.

Applicant

Tim Woodley, 2755 SW Borland Rd., Tualatin, Oregon 97062, Director of Operations, West Linn-Wilsonville School District, and architect, Corrina Ruiz, testified for the applicant. Woodley confirmed the applicant could agree with the recommended conditions of approval and to adding the same amplified sound language as had been applied in the Cedaroak application. He stressed the school was on a very constrained site and it did not have a lot of parking space, so parking historically overflowed to the park. There was no formal agreement to share parking.

Neither for nor Against

Bob Martin, 2017 Maple Terr., expressed his concern that the space that was freed up after the new library was built would be used for as many as two additional classrooms. That would create a potential need for more parking.

Rebuttal

Ruiz testified that building space would be adjusted so there was no net gain in classrooms.

Deliberations

Acting Chair Jones closed the public hearing and polled the Commissioners. Tan indicated she could support the application. She indicated that parking appeared to be an issue, but it did not worsen the nonconformity. Wood supported the application. Horsey supported the application. She indicated that the proximity of the park counterbalanced the additional nonconformity. The fact that the site plan omitted the rain garden should be addressed. Babbitt supported the application. He recommended correcting the reference to the site plan in Condition 1 and adding a reference to the landscaping plan. He suggested striking Condition 2 because it just reiterated the boilerplate requirements in the letter from TVF&R in the record. He suggested Conditions 5 and 6 could be eliminated because they just restated code requirements. Condition 7 should specify that the amphitheater was not to be used for activities using amplified sound except for instructional purposes during school hours. Steel supported the application and agreed with Babbitt's suggestions. Jones supported the application and agreed with Babbitt's suggestions, except for eliminating #5. Soppe advised the Commissioners to keep #2 because it listed some requirements that were not boilerplate TVF&R requirements.

Babbitt **moved** to approve CUP-10-02/DR-10-03/MISC-10-06/VAR-10-04 subject to the conditions recommended by the staff, but modified as follows:

- Condition 1: Replace the reference to site plan PC-6 with references to the site plan C-1.01 and landscape plan L-1.0
- Condition 2: Strike the language after "(Exhibit PC-3, pages 33-35)"
- Conditions 3, 4 and 5: As recommended in the staff report
- Condition 6: Strike
- New Condition 6: Renummer recommended condition 7 as Condition 6 and revise it to read, "The amphitheater shall not be used for activities using amplified sound except for instructional purposes during school hours."

Horsey **seconded** the motion and it **passed** 6:0. The Planning Commission took a three-minute break and reconvened.

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CDC-10-01, Review of Historic Review Board Establishment

Chair Martin opened the hearing. **Sara Javoronok, Associate Planner**, presented the staff report (see Memorandum, "Establishment of a Historic Review Board," dated May 27, 2010). The proposed amendments to the Municipal Code and Community Development Code would create a new Historic Review Board (HRB). The new board would hear West Linn applications the Clackamas County Historic Review Board was currently authorized to hear and it would replace the Historic Resource Advisory Board (HRAB). The HRAB had vetted the proposal. The criteria for designation of historic landmarks and historic districts were fashioned to reflect criteria similar to those used by the National Register of Historic Places. During the questioning period, Javoronok clarified a quorum would be four members, and when a member's term expired he/she could continue to serve until the City Council refilled the position. The Clackamas County HRB was the body that was currently authorized to approve West Linn

design review applications. The County HRB had reviewed about four or five applications per year. Appeals of its decisions were to the City Council.

The proposed language for 99.060 (D) listed what the HRB would have authority to do. It gave the HRB the authority to review and make recommendations to the City Council regarding designation of landmarks and land divisions, conditional uses and zone changes involving property containing a landmark or within a historic district. The Planning Commissioners were concerned the amendments did not describe the Planning Commission's role in the process clearly enough. The Planning Commission was involved any time a CDC change was proposed. Javoronok agreed that Planning Commission authority could be clarified in the amendments. The staff assured the Commissioners that landmarks and historic districts were currently designated in the Comprehensive Plan and controlled by the CDC, which was under the purview of the Planning Commission. Until a future code update the HRB would not technically have the authority to approve such applications and the HRB would make recommendations to the Planning Commission.

Javoronok clarified the new language in CDC 25.050(A) that listed Criteria for Historic District Designation reflected National Register criteria. Babbitt suggested the staff look again at the use of "shall" and "may" in 26.020, Area of Application. However, Jones indicated he thought they were appropriately used to convey that a landmark that was on the National Register "shall be designated a Historic Landmark" and that "may also be designated" referred to the list below it. Although the staff did not believe it was likely that significant new development would occur on a landmark site, they would clarify how the Purpose under 26.060, Alteration and Development Criteria related to development on those properties. The staff related they were considering how to establish a process in which the HRB could review the historic aspects of an application and the Planning Commission would then review the rest of it.

When asked, Javoronok clarified the HRB would be a subset of the Planning Commission regarding the things listed under 99.060(D)(2) which included designation of landmarks and land divisions, conditional uses and zone changes involving property containing a landmark or within a historic district. But the HRB would have approval authority over the things listed under 99.060(D)(1) and those decisions would be appealable to the City Council, just as County HRB decisions were appealable to the City Council. The Planning Commission would review anything in those applications that was subject to some other part of the code. Sonnen clarified that the currently proposed amendments were narrow, interim, "fixes" intended to facilitate the establishment of the new HRB in the current code. In the future the staff would propose a broader scope of code and changes. They might suggest putting historic districts and landmarks in a separate code document. In that case the HRB could send its recommendations directly to the City Council without going through the Planning Commission.

The staff explained the proposed change to address expiration of terms of board and commission members would apply to all City boards and commissions. It addressed a Council concern that the other bodies could not achieve quorums when there were unfilled vacancies.

*Jones left the meeting. Wood held that how to deal with expired terms was a City Council policy decision, but the Council could be more proactive in filling vacancies by advertising and starting to fill vacancies a few months in advance of expiration. He found the proposed language too vague. It would allow indefinite extension of someone's expired term if the Council took no action. The staff explained the practical problem was that vacancies happened and Councilors were concerned that City bodies could not act for lack of a quorum if the Council could not refill vacancies in a timely manner. Horsey suggested putting a three-month limit on the extension of service in an expired position. Babbitt said he could agree to the proposed provision because it would allow time for a newly elected Council to decide who was to fill vacancies. Martin recalled instances where a vacancy remained unfilled for lack of applicants for the position. Horsey recalled the Planning Commission had already addressed the problem by relaxing their quorum requirement so it could operate with vacancies.

When asked, Javoronok advised that Heritage Trees were not Landmarks.. She confirmed the proposed amendments required that the majority of HRB members be City residents. The Council allowed some outside appointments if that was necessary in order to have an experienced board. If there were not enough applicants the City would have to start a recruiting effort.

Martin observed the Planning Commission was responsible for reviewing an application to see if it complied with the entire code and Comprehensive Plan, but the HRB perspective was limited to historic preservation. There could be a conflict in approval authority if, for example, a historic building would be affected by an expansion of Highway 43. Javoronok said her intent had been to change current approval authority as little as possible when she reorganized what the HRB could approve or deny into CDC 99.060 into (D)(1) (a and b). She suggested moving the Willamette Falls Drive Commercial Overlay District from that list to the (D)(2) list and specifying that the HRB had authority to make recommendations to the Planning Commission regarding changes in the Willamette Falls Drive Commercial Overlay District. Martin encouraged her to make the process very clear. He did not want developers choosing which board they had the best chance of getting approval from. He suggested that the first step in the process related to action on a property such as the house that had to be moved for the Bolton fire station should be HRB approval. Then it would come to the Planning Commission, which would look at the non-historic aspects of it.

The Commissioners agreed to continue to discuss the proposed changes at a work session on July 7. Since there was no consensus on term limit extension they specifically deferred consideration of that to July 7. The staff offered to provide them with a revised draft of the proposed amendments. When asked, they were advised the Willamette Marketplace would not have been affected by the amendments because it was not located in the Willamette Falls Drive Commercial District.

ITEMS OF INTEREST FROM STAFF (None)

ITEMS OF INTEREST FROM THE PLANNING COMMISSION (None)

ADJOURNMENT

There being no other business, Chair Martin adjourned the Planning Commission meeting at 11:20 p.m.

APPROVED:

Robert Martin, Chair

Date