

WEST LINN MEETING NOTICE

HISTORIC RESOURCES ADVISORY BOARD

**Special Meeting
May 19, 2010
7:00 PM**

**Willamette Room, 1st Floor City Hall
22500 Salamo Road**

1. CALL TO ORDER

2. BUSINESS ITEM

- a) ESTABLISHMENT OF A HISTORIC REVIEW BOARD: Draft Code Amendments**
Staff: Sara Javoronok

3. ADJOURNMENT

For special assistance under the Americans with Disabilities Act, please call City Hall 48 hours prior to the meeting date, 503-657-0331 or TDD 503-657-7845.



Memorandum

TO: Historic Resources Advisory Board

FROM: Sara Javoronok, Associate Planner

DATE: May 6, 2010

SUBJECT: Establishment of a Historic Review Board

Attached are the proposed code amendments to create a City of West Linn Historic Review Board (HRB). The HRB will assume the duties that the Clackamas County Historic Review Board (CCHRB) provides for the City. As of September 30, 2010, the CCHRB will cease review of the designation, alteration, and demolition of historic landmarks, properties in the Willamette Historic District, and the Willamette Falls Drive Commercial Overlay.

Staff first sought input from the Historic Resources Advisory Board (HRAB) on April 6, 2010 regarding having one or two boards, the membership qualifications, and the number of members. Following this, 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 board, with a majority of residents from the city (with a preference for all members to be residents), and a total of seven members. Staff recommended and the Council concurred that a member would be an architect; however, the draft amendments state that it is desirable for a member to be an architect. It may not be practical or possible to have an architect on the HRB. If required, staff and the HRB will consult with an architect. Staff also briefed the Planning Commission on April 21, 2010 regarding the upcoming amendments.

The proposed amendments are generally only those necessary to establish the HRB. There are a few exceptions, including:

- Changing the Municipal Code to allow for terms of office to not expire 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 resources of statewide significance.

Additional modifications are designed to provide clarity and consolidate information to a single location within the Community Development Code.

Staff is seeking input and comments from the HRAB on the draft code amendments. Following this meeting, staff will present the draft code amendments to the Planning Commission at a public hearing on June 16, 2010. After their recommendation, staff will seek approval from the City Council, also a public hearing, on July 26, 2010.

ESTABLISHMENT OF AN
HISTORIC REVIEW BOARD

**Proposed Amendments to Chapter 2 of the Municipal Code and
Chapters 25, 26, 55, and 99 of the Community Development Code
HRAB Draft 5/6/2010**

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 merge the Historic Resources Advisory Board and the Historic Review Board

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 not expire until the position is replaced or reappointed. 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 revision above, suggested by a Councilor, would apply to all City advisory boards, committees and commissions.)

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 (HRB) of the City of West Linn consisting of seven ~~five~~ regular members appointed for three-year terms. ~~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.

Board members 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. It is desirable that at least one member be an architect experienced in historic preservation. 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.

(b) Have the powers and duties which are now or may hereafter be 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.

(c) Enforce appropriate state and local legislation for the designation and protection of historic properties.

(d)-(e) Advise interest groups, agencies, boards, and citizens on regarding the community's history and prehistory, promote research into 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.

(e) Compile and periodically monitor and update an Inventory of Historic Resources; establish and periodically update a Designated Landmarks Register; and document historic resources prior to their alteration, demolition, or relocation and archive that documentation.

(e) Research and recommend property owner incentives to City Council to assist in continued preservation of historic resources.

(f) Evaluate the city's historic and archaeological resources and devise and implement strategies, such as recommending public incentives and code amendments, subject to City Council approval, to protect, enhance, and assist in the appreciation of such resources.

~~(f) Coordinate with Clackamas County, neighboring cities, and regional and state historic preservation agencies and groups to integrate West Linn preservation with statewide preservation initiatives.~~

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

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

(h) 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. Seek outside funding of preservation work and activities.

(i) Subject to City Council approval, develop and publish written and graphic guidelines and examples to clarify the criteria in this ordinance and to assist applicants in developing complete and viable applications.

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

Community Development Code, Chapter 25

(Staff Comment: The items in the following section will 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.)

...

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.~~

~~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

(Staff Comment: The first proposed change reflects the provisions of OAR 660-023-0200 which states that local governments shall protect all resources of statewide significance, i.e., those listed on the National Register of Historic Places. The next set of changes requires that any proposed designation meet at least one of five criteria, which are adapted from the National

Register of Historic Places Criteria for Evaluation. The remaining changes clarify that Chapter 25 only applies to historic districts and that Chapter 99 addresses the designating body.)

- A. A historic district listed on the National Register of Historic Places shall be designated as a Historic District. Approval of an Historic Districts designation shall be made when the Historic Review Board finds that when the proposed Historic district meets any of the following criteria have been met: The approval authority shall designate other proposed districts that:
 - 1. ~~Whether the proposed district or landmark would serve the purpose of the Historic District as stated in Section 25.010;~~
 - 1.2. Reflects the broad cultural or natural history of the community, state, or nation. Are associated with events that have made a significant contribution to the history of the community, county, state, or nation;
 - 2.3. Is identified with historic personages or with important events in national, state, or local history. Archeological sites would also be included. Are associated with the lives of significant persons in the history of the community, county, state, or nation;
 - 3.4. Embodies the distinguishing characteristics of an architectural specimen inherently valuable for a study of a period, style, or method of construction. Embody distinctive architectural characteristics of a type, style, period, or method of construction;
 - 4. Represent the work of a master builder, designer, or architect who influenced the development of the community, county, state, or nation; or
 - 5. Is a notable work of a master builder, designer, or architect. Have yielded or may be likely to yield, information important in history or prehistory.
- B. The age of a specific building shall not be deemed sufficient in itself to warrant designation as historic.

...

Community Development Code, Chapter 26

26.020 AREA OF APPLICATION

...

(Staff Comment: The first proposed change in this section reflects the provision of OAR 660-023-0200 which states that local governments shall protect all resources of statewide significance whether or not they are locally listed. The following changes modify the existing criteria and require landmarks to meet at least one of the five criteria, which are adapted from the National Register of Historic Places Criteria for Evaluation. Additional changes correct scrivener's errors, clarify that Chapter 26 applies only to landmarks, and add a provision regarding the issuance of permits. Subsection (E) was moved from Section 26.050. The remainder of 26.050 was deleted as it is addressed in Chapter 99. Additional changes are likely with the Phase II code update in 2011.)

B. ~~A building, site, structure, or object shall be designated~~ may be zoned an Historic Landmark if it is listed on the "National Register of Historic Places," ~~or approval of an Historic District designation shall be made when Planning Commission finds that any of the following criteria have been met:~~ A building, site, structure, or object may also be designated a Historic Landmark if it:

- ~~1. Whether the proposed district or landmark would serve the purpose of the Historic District as stated in Section 26.010.~~
- ~~1.2. Reflects the broad cultural or natural history of the community, state, or nation. Is associated with events that have made a significant contribution to the history of the community, county, state, or nation;~~
- ~~2.3. Is identified with historic personages, or with important events in national, state or local history. Is associated with the lives of persons significant in the history of the community, county, state, or nation;~~
- ~~3.4. Embodies the distinguishing characteristics of an architectural specimen inherently valuable for a study of a period, style, or method of construction. Embodies distinctive architectural characteristics of a type, style, period, 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~~
- ~~5. Is a notable work of a master builder, designer, or architect. Has yielded, or may be likely to yield, information important in prehistory or history.~~

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

~~D.C.~~ The height and floor area ratios~~single family residential design~~ standards that apply to homes elsewhere in West Linn shall not apply to historic landmark structures identified in ~~s~~Section 26.020(A). ~~Setbacks and lot coverage standards of the underlying zon shall, however, apply. The standards will apply to both infill development and homes within new subdivisions.~~ *(Staff comment: The first change is not substantive 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 affected by a pending public hearing or appeal under this Section shall be a violation of this Ordinance.

...

(Staff Comment: The items in Sections 26.040, 26.045, 26.050, and 55.030 (except for 26.050(E), which is moved to 26.020(E)) will be removed as they no longer apply or are addressed in Chapter 2 of the Municipal Code or Chapter 99 of the Community Development Code.)

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

- 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.

~~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 the appropriate level of review for proposed alterations and development to a historic landmark within Historic Districts, or those affecting Historic Landmarks, and to provide criteria ensuring effective and efficient review of proposed alterations and associated development.

...
~~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.

...

99.060 APPROVAL AUTHORITY

...

(Staff Comment: As proposed, provisions pertaining to the Historic Review Board's authority will be consolidated in Chapter 99.)

- D. The Historic Review Board shall have the authority to:
1. Approve, deny, or approve with conditions applications for the following: development applications:
 - a1. Alteration, relocation, or demolition of a historic landmark, a property within a historic district, or a property within the Willamette Falls Drive Commercial Overlay Zone; New home construction in the Historic District.
 - b2. New construction within a historic district or in the Willamette Falls Drive Commercial Overlay Zone; Creation of new historic districts.
 - c3. Construction of a non-exempt accessory structure or garage on a historic landmark property, or a property within a historic district; Major renovation or additions to historic landmarks, and major renovation or additions to structures in the Historic District.
 4. Construction of non-exempt accessory structures and garages to historic landmark properties and properties within a historic district. (ORD. 1568)
 5. Demolition permits for the Historic District, to historic buildings in the Willamette Falls Drive Commercial Overlay Zone, and to Historic landmark structures.
 6. New construction, major renovation, and additions in the Willamette Falls Drive Commercial Overlay Zone.
 - d7. Revocation Revoke or modification modify of an approval as provided by Section 99.330 for any application approved by the Historic Review Board; and
 - e8. Extensions of an approval when the Historic Review Board acted as the initial decision making authority.
 2. The Historic Review Board shall have the authority to review and make recommendations to the approval authority specified under Section 99.060 regarding:
 - a. Applications for a new historic landmark or historic district;

- b. Applications for partitioning or subdivision of property containing a historic landmark and property within a historic district;
- c. Applications for a conditional use of property containing a historic landmark and property within a historic district; and
- d. Applications for a zone change for property containing a historic landmark and property within a historic district.