



## Memorandum

Date: September 10, 2010  
To: Chris Jordan, City Manager  
From: Sara Javoronok, Associate Planner  
Subject: Establishment of a Historic Review Board

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### **Purpose**

Staff is seeking City Council approval of 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 (HRB) to assume the responsibilities of the City's Historic Resources Advisory Board (HRAB) and the Clackamas County Historic Review Board (CCHRB) pertaining to West Linn. The proposed 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.

At the September 7, 2010 work session, the City Council directed staff to prepare, for Council consideration on September 13, 2010, a draft ordinance implementing the Public Hearing Draft as modified by the language in Agenda Bill 2010-09-13-06, Attachment 4: Option 4 Code Language as refined by Council at the work session. The requested modifications to the language contained in Agenda Bill 2010-09-13-06 are shown below. Staff also recommends two non-substantive edits to sections 2 and 18, which are shown in **blue**. The draft ordinance implementing the City Council's tentative direction at the September 7 work session is attached.

### **Additional Changes**

Municipal Code 2.060 (2): Council directed staff to add "a person to" to the proposed code language. This revised language appears in Section 1 of the attached draft Ordinance 1597.

- (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 a person to 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.

Municipal Code 2.085 O(c): Council directed staff to remove the word “appropriate” from the proposed code language. Staff also recommends the replacement of the word “legislation” with “law”. This revised language appears in Section 2 of draft Ordinance 1597.

- (c) Apply ~~appropriate~~ state and local law ~~legislation~~ pertaining to the designation and protection of historic resources and, subject to applicable state law, archaeological resources.

CDC 99.060 D: Staff recommends changes to consolidating repetitive language as shown below. This revised language appears in Section 18 of draft Ordinance 1597.

- D. The Historic Review Board shall ~~review an application for compliance with chapters 25, 26, and 58, as applicable. 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, for~~ regarding the following:  
...
  2. ~~The Historic Review Board shall review an application for compliance with chapters 25, 26 and 58, as applicable, and m~~ Make ~~a~~ recommendations to the approval authority specified in Section 99.060. ~~This review shall apply~~ regarding ~~for~~ the following:

CDC 99.060 D(2): Council directed staff to change the word “authority” in the third line below to “review”. This revised language appears in Section 18 of draft Ordinance 1597.

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 review ~~authority~~ shall apply for the following:

CDC 99.170 H: Council directed staff to change the word “are” in the second line below to “shall be”. This revised language appears in Section 19 of draft Ordinance 1597.

- H. If a Planning Commission or a Historic Review Board decision for a project that requires a decision by both bodies is appealed, both decisions shall be ~~are~~ automatically appealed and will be reviewed in a combined hearing.

CDC 99.240: Council directed staff to add language giving the Planning Commission the opportunity for free appeals of Historic Review Board decisions and giving the Historic Review Board the opportunity for free appeals of Planning Commission decisions involving property or structures within a historic district or designated as a landmark. This new language appears in Section 20 of draft Ordinance 1597.

- D. The Planning Commission shall have standing in all Historic Review Board decisions and may appeal such decisions, following Community Development Code appeal procedures, without cost.
- E. The Historic Review Board shall have standing in all Planning Commission decisions involving property or structures within a historic district or designated as a landmark and may appeal such decisions, following Community Development Code appeal procedures, without cost.