

PROPOSED AMENDMENTS
TO CHAPTERS 2, 11, 13, 19, 25, 26, 34, 43, 58, 59, 60, and 99
of the
COMMUNITY DEVELOPMENT CODE

PLANNING COMMISSION
PUBLIC HEARING DRAFT

March 26, 2013

Notes:	
Plain text =	existing regulation
Strike through =	proposed deletion to existing regulations
<u>Underline</u> =	proposed addition to existing regulations
<i>Italic</i> =	staff comment

Chapter 2
Definitions

~~**Primary structures.** Structures which significantly define the Willamette Historic District's character are called "primary" contributing. These structures were constructed between 1890 and 1920; most original architectural features (i.e., windows, roof form, porches, siding) remain intact. These structures represent the community's best remaining examples of turn of the century architectural styles. (Note: Map of District and structures in "Inventories.")~~

~~**Secondary structures.** Structures built before 1925 which retain many original architectural features, but are not classified as primary on the Inventories Map of the Willamette Historic District, are identified as "secondary" contributing.~~

Substantial improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- ~~1. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.~~

~~2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

(Staff comment: Staff proposes adding the following definitions. For ease of reading, the following shows the proposed language.)

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

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

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

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

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

Demolition by neglect. The gradual deterioration of a building when routine or major maintenance is not performed. This includes any structural deficiency or a deficiency in a building part, which when left unrepaired could lead to deterioration of the building's structural frame and/or if it is open to entry by vandals or vagrants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 5 General

(Staff Comment: Staff does not recommend changes to the following section, but includes it here for the reviewers' consideration.)

05.020 CLASSIFICATIONS OF ZONES

All areas within the corporate limits of the City of West Linn are hereby divided into zone districts, and the use of each tract and ownership of land within the corporate limits shall be limited to those uses permitted by the zoning classification applicable to each such tract as hereinafter designated. The zoning districts within the City of West Linn are hereby classified and designated as follows:

Overlay Zones

Historic District	HD
Historic Landmark	HL
...	
Willamette Falls Drive Commercial Design Standards	WFC

Chapter 11 SINGLE-FAMILY RESIDENTIAL DETACHED, R-10

(Staff Comment: There are existing dimensional requirements in the underlying zoning chapters that would apply to properties in the Willamette Historic District. These include the lot size, minimum length and width, floor area ratio, and lot coverage. However, there are some standards that are specific to the historic district and those are addressed in that chapter. The exceptions are referenced in the following sections.)

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

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

5. Except as specified in CDC Section 25.070(C)(1-4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:
 - a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply; ~~and as specified in CDC-26.040(D) for the Willamette Historic District.~~
 - b. For an interior side yard, seven and one-half feet; ~~except as specified in CDC-26.040(D) for the Willamette Historic District.~~

- c. For a side yard abutting a street, 15 feet.
- d. For a rear yard, 20 feet.

Chapter 13

SINGLE-FAMILY RESIDENTIAL DETACHED AND ATTACHED/DUPLEX, R-5

13.030 PERMITTED USES

The following uses are permitted outright in this zoning district:

- 1. Single-family detached residential unit.
- 2. Single-family attached residential unit, ~~except within the Historic District as provided under Chapter 26 CDC.~~

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

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

...

E. Except as specified in CDC Subsection 25.070(C)(1-4) for the Willamette Historic District, ~~the~~ the minimum yard dimensions or minimum building setback areas from the lot line shall be:

- 1. For the front yard, 20 feet, except for steeply sloped lots where the provisions of CDC 41.010 shall apply.
- 2. For an interior side yard, five feet.
- 3. For a side yard abutting a street, 15 feet.
- 4. For a rear yard, 20 feet.

Chapter 19

GENERAL COMMERCIAL, GC

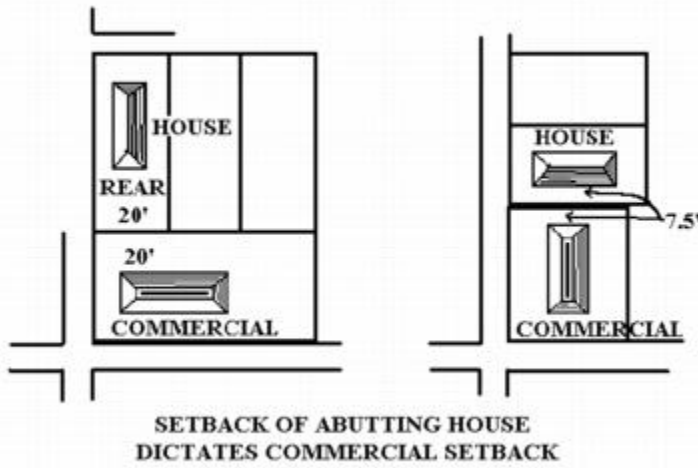
19.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

A. Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

....

- 4. Where the use abuts a residential district, except as provided in CDC 58.090(C)(1), the setback distance of the residential zone shall apply. For example, when the rear of a residential property abuts the side of a commercial property, the residential 20-foot setback shall apply to the commercial property. When the side of a residential property abuts the rear of a commercial property, the residential five- to seven-and-one-half-foot

setback shall apply to the commercial property. In addition, a buffer of up to 50 feet may be required.



5. The maximum lot coverage shall be 50 percent, **except as provided in CDC 58.090(C)(1)(d).**

Chapter 25

Historic Resources

(Staff Comment: Staff proposes repealing and replacing the existing language in Chapters 25 and 26 with the language below. For ease of reading, the following shows the proposed language. A version showing the substantive changes between the current these proposed regulations is available on the project page: [http://westlinnoregon.gov/planning/11713-meeting-information-and-handouts.](http://westlinnoregon.gov/planning/11713-meeting-information-and-handouts))

SECTIONS

BACKGROUND - UNIVERSAL

- Section 25.010 PURPOSES
- Section 25.020 USE OF THIS CHAPTER
- Section 25.030 PERMITTED USES
- Section 25.040 MODIFICATIONS TO CODE REQUIREMENTS
- Section 25.050 HISTORIC DESIGN REVIEW PROCESSES

DESIGN REVIEW PROVISIONS

- Section 25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES
- Section 25.070 ADDITIONAL DESIGN STANDARDS APPLICABLE TO HISTORIC DISTRICTS
- Section 25.080 APPLICATION REQUIREMENTS

HISTORIC RESOURCE DESIGNATION, REMOVAL OF DESIGNATION, RELOCATION, DEMOLITION, AND DEMOLITION BY NEGLECT PROVISIONS

- Section 25.090 DESIGNATION OF A HISTORIC RESOURCE
- Section 25.100 REMOVAL OF A HISTORIC RESOURCE DESIGNATION
- Section 25.110 RELOCATION OF A HISTORIC RESOURCE
- Section 25.120 DEMOLITION OF A HISTORIC RESOURCE
- Section 25.130 DEMOLITION BY NEGLECT

BACKGROUND – UNIVERSAL

Section 25.010 PURPOSES

The purposes of this chapter are to:

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

Section 25.020 USE OF THIS CHAPTER

A. APPLICABILITY

This chapter shall apply to all properties designated as historic resources as shown on the City's zoning map and properties listed on the National Register.

B. HIERARCHY OF REGULATION

The provisions of this chapter shall supersede any conflicting standards or criteria elsewhere in the CDC. The underlying zoning provisions for the applicable zone still apply.

1. The items listed in CDC 25.050(A), **EXEMPT FROM HISTORIC DESIGN REVIEW**, are exempt from historic review provided that they comply with the requirements of CDC 25.050(A).
2. CDC 25.060, **DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES**, applies to historic reviews for designated properties, except: CDC 25.060(B), **STANDARDS FOR ACCESSORY STRUCTURES**, applies only to accessory structures on sites containing historic resources.
3. CDC 25.070, **ADDITIONAL DESIGN STANDARDS APPLICABLE TO HISTORIC DISTRICTS**, provides additional standards that are applicable to historic design review for historic district properties.
 - a. CDC 25.070(A), **STANDARDS FOR ALTERATIONS AND ADDITIONS**, applies only to historic design review in a historic district.
 - b. CDC 25.070(B), **STANDARDS FOR NEW CONSTRUCTION**, applies only to new development or construction in a historic district beyond alterations and additions, and including accessory structures.

- c. CDC 25.070(C), **WILLAMETTE HISTORIC DISTRICT GENERAL STANDARDS**, applies only to alterations and additions, new construction, and accessory structure construction in the Willamette Historic District.

C. APPLICABILITY OF HISTORIC DESIGN STANDARDS

Development subject to this chapter must comply with applicable historic design review standards unless otherwise approved through the modifications process under Section 25.040. The “X” in the following chart indicates which standards are applicable to different types of development.

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

Section 25.030 PERMITTED USES

Unless otherwise provided in this chapter, uses permitted by the base zoning district that are in accordance with the CDC are allowed on sites containing historic resources.

Section 25.040 MODIFICATIONS TO CODE REQUIREMENTS

This section provides for deviation from site development standards in this chapter to enable flexibility and innovation consistent with the Purposes of this chapter while ensuring that the features that historic designations are intended to preserve are maintained. The provisions of CDC Chapter 75, Variance, shall not apply.

When an applicant proposes an alternative to the standards of this chapter, or standards elsewhere in the CDC, the approval authority shall grant a modification when:

- A. The resulting development of the proposal would be consistent with the purpose of the standards for which the modification is requested; and
- B. Negative impacts to adjacent homes and/or a historic district will be minimized. These include, but are not limited to, loss of solar access, light, or air to an adjacent structure, and scale or mass that visually overwhelm or are not deferential to an adjacent landmark or contributing structure;
- C. The proposal incorporates exceptional and appropriate architectural elements into the building; or

- D. The applicant demonstrates by review of historical records or photographs that the proposed alternative is consistent with and appropriate to the architecture in the historic district, or is appropriate to the applicable style of architecture.

Section 25.050 HISTORIC DESIGN REVIEW PROCESSES

Proposed changes to historic resources that are not exempted by CDC 25.050(A), Exemptions from Historic Design Review, are subject to CDC 25.050(B), Class I Historic Design Review; or CDC 25.050(C) Class II Historic Design Review. Class I Historic Design Review addresses significant changes that warrant staff review. Class II Historic Design Review addresses major changes including additions and new construction, subject to Historic Review Board approval. The processes for conducting Class I and Class II Historic Design Review are in CDC Chapter 99.

A. EXEMPTIONS FROM HISTORIC DESIGN REVIEW

The following are exempt from historic design review:

1. Ordinary maintenance or repair including a change of facade colors, unless the color is specifically listed in the historic resource inventory, historic resource nomination, or National Register nomination as an attribute that contributes to the resource's historic significance.
2. Replacement or addition of gutters and downspouts that are rectangular, ogee, or K-shaped and wood or metal material, or styles and materials that match those that were typically used on similar style buildings of the era, or the era the building style references.
3. Repair of a foundation with the same material or construction of a foundation in the same location that does not result in raising or lowering the building elevation.
4. Replacement of building material, when required due to deterioration of material, with building material that matches the original material.
5. Repair or replacement of roof materials with materials comparable to the existing roof, or replacement of the roof in its entirety with cedar shingles, three tab asphalt shingles, or architectural composition shingles.
6. Replacement of window sashes with new sashes consistent with the original appearance. Elements of consistency include: material, profile and proportions of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins.
7. Storm windows made of painted wood, baked enamel, anodized aluminum, or other materials with forms that complement or match the color, detail, and proportions of the building.
8. Addition of egress windows on secondary facades with wood windows or windows that are consistent with (6) above.
9. Landscaping changes unless the landscaping is identified in the historic resource inventory, historic resource nomination, or National Register nomination, as an attribute that contributes to the resource's historic value.
10. Construction of fences that meet the following requirements in addition to the requirements of CDC Chapter 44:
 - a. Traditional Fences. Any fence along a front lot line or along the portion of a side lot line between the street and the primary structure which:
 - i. Consists of pickets, each between one and three inches in dimension and spaced equally;
 - ii. Does not have solid portions exceeding 50 percent; and
 - iii. Is no greater than 36" in height.
 - b. General Fences. Any fence that is not located along a front lot line or along the portion of a side lot line between the street and the primary structure that is:
 - i. Constructed of wood fence boards, rails and posts only; and

ii. No greater than 72" in height.

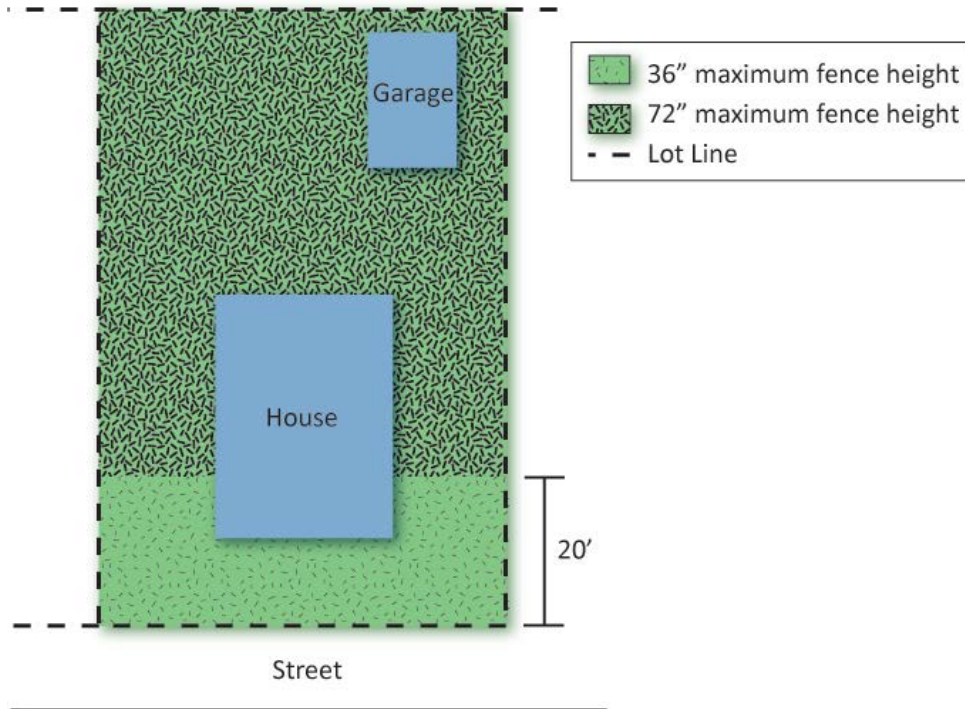


Figure 1: Example of Exempt Interior Lot Fence Locations

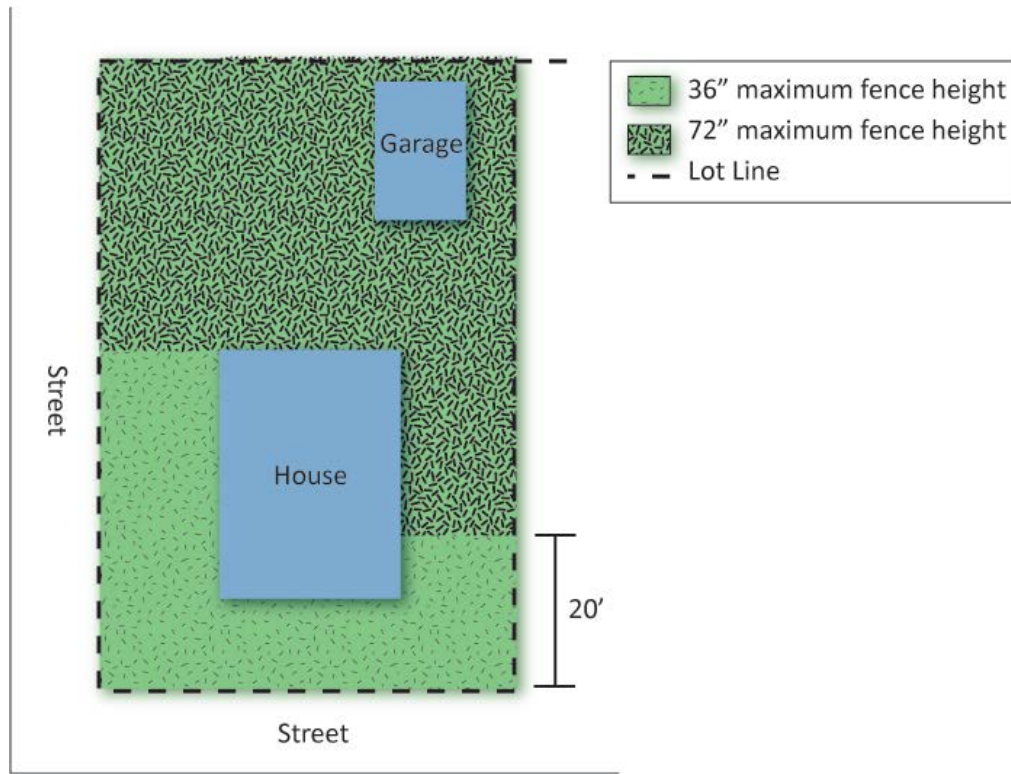


Figure 2: Example of Exempt Corner Lot Fence Locations

11. Construction of retaining walls that meet the following requirements:
 - a. No greater than three feet high; and
 - b. Project above upper grade no greater than 12".
12. Construction of in-ground swimming pools in rear yards.
13. Replacement or installation of mechanical equipment, if 100% screened by a permitted building, fence, or landscaping that precludes visibility from any street.
14. Replacement or installation of solar energy systems that are not part of a project that includes other elements subject to historic design review, provided the following requirements are met:
 - a. On a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface:
 - i. The solar energy system must be mounted flush or on racks with the system or rack extending no more than five feet above the top of the highest point of the roof.
 - ii. The solar energy system must be screened from view from all streets by an existing parapet along the street-facing façade that is as tall as the tallest part of the solar energy system, or by setting the solar energy system back from the roof edges facing the street four feet for each foot of solar energy system height.
 - b. On a pitched roof, solar energy systems may be located on a section of pitched roof facing a rear lot line or on a section of pitched roof facing within 45 degrees of the rear lot line. (See the example on the right side of Figure 3). The system must be mounted flush, with the plane of the system parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back three feet from the roof edge and ridgeline.

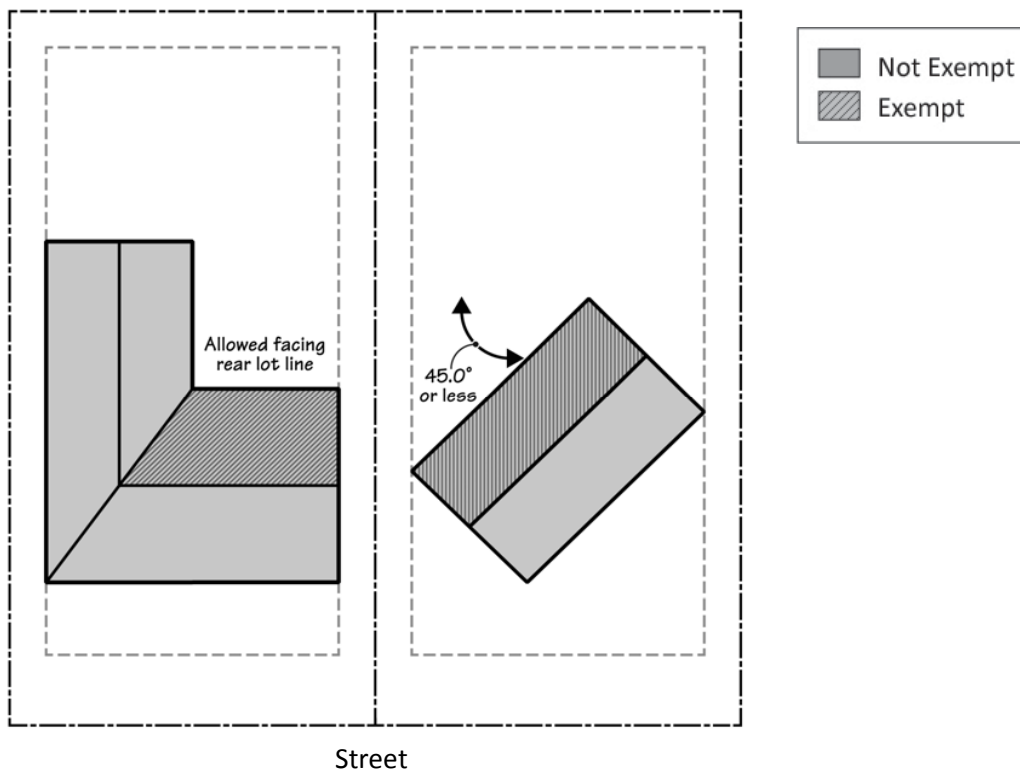


Figure 3: Exempt Solar Energy System Locations

15. Replacement or installation of skylights that are not part of a project that includes other elements subject to historic design review, provided the following requirements are met:
 - a. For skylights that are on a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface, the skylight must be screened from view from all streets by:
 - i. An existing parapet along the street-facing façade that is as tall as the tallest part of the skylight, or
 - ii. Setting the skylight back from the roof edges facing the street four feet for each foot of skylight height.
 - b. For skylights that are on a pitched roof, the skylight must be flat and must face a side or rear lot line or be located on a section of a pitched roof that faces within 45 degrees of a rear lot line. (See the right side of Figure 3).
16. Replacement and new sidewalks that are compatible in location, pattern, spacing, dimensions, materials, and color with existing walkways.
17. Accessory structures under 120 square feet and 10 feet in height (greenhouses, storage sheds, jacuzzis, spas, structures, gazebos, etc.) are exempt where they are located in the side or rear yard.

B. CLASS I HISTORIC DESIGN REVIEW

1. Except as exempt under CDC 25.050(A), the following are subject to Class I Historic Design Review to determine their compliance with the applicable approval standards:
 - a. Change in façade color;
 - b. Repair, replacement, or installation of gutters and downspouts;
 - c. Repair or construction of a new foundation;
 - d. Replacement of building material;
 - e. Repair or replacement of roof materials;
 - f. Repair, replacement, or installation of windows, window sashes, or storm windows;
 - g. Addition of egress windows;
 - h. Landscape changes that require a building or development permit;
 - i. Construction of fences;
 - j. Construction of walls;
 - k. Construction of in-ground pools;
 - l. Replacement and installation of mechanical equipment on the exterior of a building;
 - m. Replacement or installation of solar energy systems;
 - n. Replacement or installation of skylights; and
 - o. Replacement or installation of sidewalks.
2. The following are subject to Class I Historic Design Review to determine their compliance with the applicable approval standards:
 - a. Alteration of a facade when 100 square feet or less of the structure's facade is being altered;
 - b. Replacement or installation of transit shelters;
 - c. Modification of an office, commercial, industrial, public or multi-family structure for purposes of enhancing the aesthetics of the building and not increasing the interior usable space (e.g., covered walkways or entryways, addition of unoccupied features such as cupolas and clock towers);
 - d. Addition or reduction of less than five percent of total square footage of a commercial, office, public, multi-family, or industrial building;
 - e. Revised points of ingress/egress to a site;
 - f. Proposals seeking compliance with the Americans with Disability Act; and
 - g. Construction of freestanding art and statuary over 10 feet tall.

C. CLASS II HISTORIC DESIGN REVIEW

All proposed new construction, alterations, and additions, not identified as exempt under CDC 25.050(A) or subject to Class I Historic Design Review under CDC 25.050(B) are subject to Class II Historic Design Review to determine their compliance with the applicable approval standards.

DESIGN REVIEW PROVISIONS

Section 25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES

The following design standards apply to all changes, including alterations, additions, and new construction proposed on a designated historic resource. These standards are intended to preserve the features that made the resources eligible for historic designation. Development subject to these regulations must be found to be compliant with all applicable standards, or be approved through the modifications process in accordance with CDC 25.040.

A. STANDARDS FOR ALTERATIONS AND ADDITIONS

This section applies to historic reviews for alteration of and additions to designated historic resources:

- 1. Retention of Original Construction.** The original construction shall be maintained or restored to the greatest extent practicable. Stylistic features of original construction that shall be preserved include, but are not limited to: a line of columns, decorative shingles, projecting bays, other primary structural elements, spatial relationships that characterize the property, examples of skilled craftsmanship that characterize the building, and architectural details defining the structure's character and historic significance.
- 2. Retention of Historic Material.** Removal or alteration of historic materials and features shall be avoided during the construction of new additions or exterior alterations. Whenever possible, deteriorated materials and architectural features shall be repaired rather than replaced. In the event replacement of an existing feature is necessary, new materials shall, to the extent possible, match those of the original building in terms of composition, design, color, texture, and other visual features.
- 3. Time Period Consistency.** Buildings shall be recognizable as a physical record of their time and place. Alterations which have no historical basis or which seek to create a false sense of historical development are not allowed.
- 4. Significance over Time.** Changes to a property that have acquired historic significance in their own right, and during the period of significance, shall be retained and preserved.
- 5. Differentiate Old from New.** Alterations and additions shall be differentiated from the original buildings and shall be compatible with the historic materials, features, size, scale, proportion, and massing to protect the integrity of the property.
- 6. Reversibility.** Additions and alterations shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its context would be unimpaired.
- 7. Building Additions.** Building additions shall be subordinate to the original building, smaller in scale, and attached to the rear or set back along the side. Features of building additions, including the proportions of window and door openings, shall be compatible with those of the existing building. Dimensional and other requirements in the underlying zone, as applicable, shall apply.
- 8. Building Height and Roof Pitch.** Existing or historic building heights and roof pitch shall be maintained.

9. **Roof Materials.** Replacement or a new roof with materials other than cedar shingles, three tab asphalt shingles, or architectural composition shingles must be demonstrated, using photographic or other evidence to be in character with those of the original roof, or with materials that are consistent with the original construction.
10. **Existing Exterior Walls and Siding.** Replacement of existing wall and siding finish materials with different material than the existing material must be demonstrated, using photographic or other evidence, to be in character with those of the original materials, or with materials that are consistent with the original construction.
11. **New Exterior Walls and Siding.** Wood siding or shingles shall be used unless the applicant demonstrates that an alternative material has a texture and finish typically used on similar style buildings of the era, or the era the building style references. Vinyl or other materials that do not match those that were typically used on similar style buildings of the era, or the era the building style references, are not permitted.
12. **Gutters and Downspouts.** Replacement or new gutters and downspouts shall be rectangular, ogee, or K-shaped and comprised of wood or metal material, or styles and materials that match those that were typically used on similar style buildings of the era, or the era the building style references. Vinyl or other materials and styles that do not match those that were typically used on similar style buildings of the era, or the era the building style references, are not permitted.
13. **New Windows.** New windows shall match the appearance of the original windows as closely as possible. Wood window frames and sashes shall be used unless the applicant demonstrates that the non-wood windows exhibit visual qualities similar to their wooden counterparts. The window trim and sill shall match the original trim.
14. **Storm Windows.** Storm windows shall be made of painted wood, baked enamel, anodized aluminum, or other materials with forms that complement or match the color, detail, and proportions of the building.
15. **Window Replacement.** Replacement of windows or window sashes shall be consistent with the original historic appearance, including the profile of the sash, sill, trim, window plane relative to the building wall plane, light pattern, glass color, profile of mullions and muntins, and color.
16. **Doors.** Doors shall be painted or stained wood, fiberglass clad, or metal clad, or another material that is consistent with the original historic appearance.
17. **Porches.** Front porches are allowed on new construction. No front porch shall be constructed if there was not one originally. Existing front porches shall not be enclosed or enlarged. Alterations to existing front porches and side yard porches that face a street shall:
 - i. Maintain the shape, width, and spacing of the original columns; and
 - ii. Maintain the height, detail, and spacing of the original balustrade.
18. **Decks.** Decks shall be located in a side or rear yard. Decks located in the side yard shall not be located beside the front 50% of the primary structure.
19. **Foundations.** Repair or construction of a foundation that results in raising or lowering the building elevation must demonstrate that:
 - i. Photographic or other evidence shows the proposal is consistent with the original design and, if applicable, is consistent in the context of adjacent and other structures on the block; or
 - ii. That it is necessary to satisfy a requirement of the building code and/or floodplain regulations (CDC Chapter 27).
20. **Public Improvements.** Public improvements shall not significantly alter the district's built pattern. Visible features shall be constructed to complement the nature of the historic district or appropriately screened to cover the feature. Materials shall be those that were typical of the historic period including concrete, wood, and metal.

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

B. STANDARDS FOR ACCESSORY STRUCTURES

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

1. **Conversions and Additions.** Existing detached unheated structures, including but not limited to workshops and garages, may be converted into other allowable accessory uses under the following conditions:
 - a. The structure is located behind the house's front building line;
 - b. A structure in the front yard cannot be converted to a heated accessory structure;
 - c. A story may be added to an existing non-contributing garage or similar accessory structure, provided that the final design meets the setback standards of this chapter for a two story accessory structure (see CDC 25.070(C)(2)); and
 - d. The conversion of an existing structure is not required to meet the design standards in CDC 34.030, but it must conform to all applicable requirements of this chapter.
2. **Location.**
 - a. Accessory structures in the Willamette Historic District are subject to the setback requirements of CDC 25.070(C)(1) through 25.070(C)(4); or
 - b. Accessory structures on historic landmark properties must meet the setback requirements of the underlying zone and Chapter 34;
 - c. Detached accessory structures shall be in the rear yard; and
 - d. Two-story accessory structures shall be at least 10 feet from the house; or one-story accessory structures may be three feet from the house.
3. **Height.** Accessory structures in the Willamette Historic District are subject to CDC 25.070(C)(7). Accessory structures on historic landmark properties must meet the height requirements of the underlying zone and Chapter 34.

Section 25.070 ADDITIONAL STANDARDS APPLICABLE TO HISTORIC DISTRICTS

This section provides additional standards that are applicable to historic reviews for historic district properties.

A. STANDARDS FOR ALTERATIONS AND ADDITIONS

In addition to any other applicable standards, the standards in this section apply to sites and buildings within a historic district.

1. **Compatibility with Nearby Context.** Alterations and additions shall be:
 - a. Compatible in scale and mass to adjacent properties; and
 - b. Constructed such that they maintain the privacy of the residents of adjacent properties through window placement, orientation or landscaping.
2. **Not in Period Buildings.** Alterations to compatible, not in period buildings shall follow all applicable standards of this chapter to avoid creating a false sense of history.
3. **Not in Period Non-Compatible Buildings.** Alterations to not in period, non-compatible buildings shall be consistent with applicable standards in CDC 25.060 and 25.070. Such buildings do not contribute to the historic value of the district and are not subject to standards pertaining to siding, windows, and other materials listed in CDC 25.060(A); however, such buildings shall not be so stylistically different from adjacent buildings that they detract from the district's historic character.

B. STANDARDS FOR NEW CONSTRUCTION

Since designated historic districts are significant as a collective whole they must be considered as such and protected in their entirety. The standards in this section apply only to new construction in a historic district beyond alterations and additions, and including accessory structures. These standards shall apply in addition to any other applicable standards (see the Standards Applicability Matrix in CDC 25.020).

1. The District is the Resource, Not its Individual Parts.

New construction must be compatible with the architectural style, scale, mass, proportion, materials, and form of the contributing structures in the district.

- a. As applicable, the National Register or local nomination is the primary source for district significance and defining characteristics, including the architectural style, mass, proportion, materials, and form. New construction shall be consistent with these defining characteristics.
- b. Since the district is the resource, the reconstruction of buildings that existed within the district during the period of significance is allowed. Reconstructions shall be done in accordance with the Secretary of the Interior's Standards for Reconstruction.

2. New Construction Shall Reinforce the Historic Significance of the District.

Infill buildings and site development shall relate to and strengthen the defining characteristics of the district, without replicating the historic buildings. Infill buildings shall not deviate in a detracting manner from the defining characteristics of the district, as indicated in (1), but appear as compatible, complementary buildings in the district.

3. New Construction Shall Complement and Support the District.

The historic district's defining characteristics include a discernible aesthetic rhythm of massing, scale, and siting. Infill buildings shall not deviate in a detracting manner from these elements, but appear as complementary members of the district, consistent with the following:

- a. Lot size, massing, siting, floor area ratio, window patterns, building divisions, and height must correspond to the contributing buildings within the district, and meet any specific historic district standards. Dimensional and other requirements of the underlying zone, as applicable, shall apply.
- b. Infill buildings shall be differentiated by use of materials, mechanical systems, construction methods, and, if applicable, signage. Style shall not be the primary indicator of differentiation.
- c. Mechanical and automobile infrastructure must be appropriately concealed when not consistent with the district's character.

4. Archeological Resources Shall Be Preserved in Place or Mitigated

When new construction must disturb archaeological resources, mitigation measures shall be carried out consistent with applicable state and federal laws. As appropriate, information yielded from archaeological mitigation will be interpreted in the new building and mitigation may be accessible to the general public.

(Staff Comment: The following section applies to properties in the Willamette Historic District. Some requirements of the underlying zone, generally R-5 or R-10, apply as well. This includes the lot size, minimum length and width, floor area ratio, and lot coverage. There are several commercial buildings in the District and this provides for them to follow the requirements in Chapter 58 – Willamette Falls Drive Commercial District Design Standards and the underlying General Commercial zone. However, some of these buildings were formerly residences and the residential standards are more applicable.)

C. WILLAMETTE HISTORIC DISTRICT GENERAL DESIGN STANDARDS

This subsection applies only to alterations and additions, new construction, and accessory structure construction of residential and historically residential properties in the Willamette Historic District. Other buildings are subject to the requirements in CDC Chapter 58.

1. Front Yard Setback

- a. The front yard setback shall equal the average of the front setbacks of adjacent homes on the block face. For corner lots, the setback shall be the average between the adjacent house to the side and 20 feet. The setback shall be the distance measured from the front property line to the dominant vertical face of the building, exclusive of any porches or front landings.
- b. Unenclosed porches with no living space above may encroach into the front yard setback six feet from the dominant vertical face of the building.

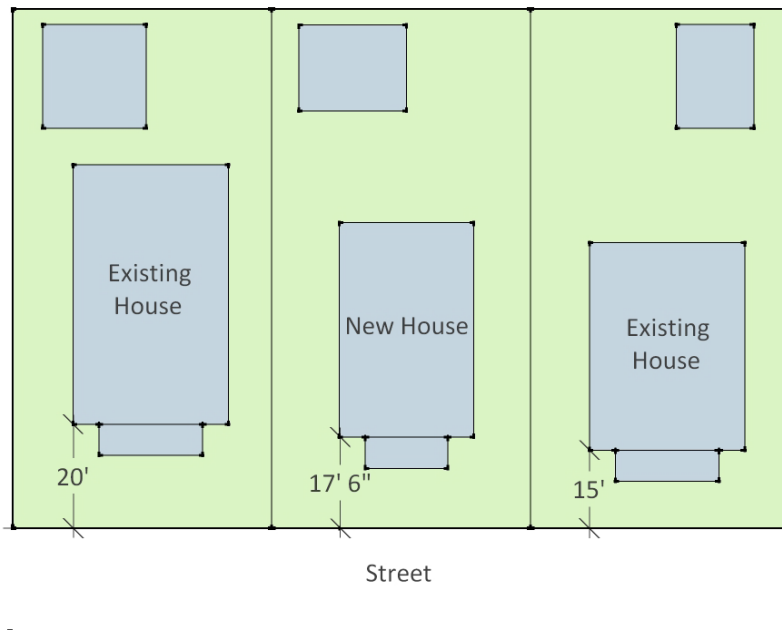


Figure 4: Front Yard Setback

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

- b. One and two story accessory structures may be sited within five feet of the side street property line.
- 4. **Rear Yard Setback.** The rear yard setback shall be a minimum of 20 feet, except for one story accessory structures, which may be sited to within three feet of the rear property lines.
- 5. **Orientation.** New home construction on corner lots shall be oriented the same direction as the majority of homes on the street.
- 6. **New Lot Configuration.** In addition to other requirements of the CDC, all new lots in the historic district shall be perpendicular to the street and extend directly from the lot line along the street to the opposite lot line. The primary structure and any other contributing structures on the original property shall not be located on separate lots.
- 7. **Building Height.**
 - a. Residential structures are limited to 28 feet in height. Cupolas and towers shall not exceed 50 feet in height.
 - b. One story accessory structures shall not exceed a height of 15 feet. For the purposes of this chapter, any one story accessory structure over 15 feet is considered a two story structure.
 - c. Two story accessory structures shall not exceed the maximum height of 23 feet as measured per CDC Chapter 41.
 - d. Accessory structures shall not exceed the height of the primary dwelling.
- 8. **Building Shapes and Sizes.** No building shall exceed 35 feet in overall width. Front facade gables shall not exceed 28 feet in overall width.
- 9. **Roof Pitch.** Roofs shall have a pitch of at least 6:12.
- 10. **Garage Access and Parking Areas.**
 - a. Garages shall be accessed from an alley, if present. No garage door may face or have access onto a street except when alley access is not available.
 - b. Parking areas.
 - i. No residential lot shall be converted solely to parking use.
 - ii. No rear yard area shall be converted solely to parking use.
 - iii. When a lot is adjacent to an alley, all parking access shall be from the alley.

Section 25.080 APPLICATION REQUIREMENTS

In addition to other applicable submittal requirements, an application for Historic Design Review shall include the following:

- A. Written narrative explaining the proposal and how it meets the approval criteria;
- B. Plan and elevation drawings of the existing structure, if applicable, including materials;
- C. Plan and elevation drawings of the proposed changes, including materials;
- D. Photos of the existing structure, if applicable;
- E. Historic photos and/or drawings of the existing structure, if available; and
- F. For additions that increase the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district:
 - 1. Plan and elevation drawings of adjacent properties; and
 - 2. A rendering and/or photo-simulation showing the proposal in context.

HISTORIC RESOURCE DESIGNATION, REMOVAL OF DESIGNATION, RELOCATION, DEMOLITION, AND DEMOLITION BY NEGLECT PROVISIONS

Section 25.090 DESIGNATION OF A HISTORIC RESOURCE

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

A. APPLICATION REQUIREMENTS

1. Written narrative description of the proposed historic resource and how it meets one or more of the approval criteria;
2. Site plan;
3. Current photographs of all elevations of the existing structure and any significant features;
4. Historic photographs, plans, or maps, if available;
5. Any other documentation demonstrating the significance of the proposed historic resource.
6. Owner Consent.
 - a. Historic Landmarks. The property owner must consent, in writing, to a proposed Historic Landmark designation with the exception that properties listed on the National Register shall be regulated as historic landmarks regardless of the owner's consent.
 - b. Historic Districts. A property owner may refuse to consent to historic district designation at any point during the designation process. Properties in historic districts listed on the National Register shall be regulated as historic properties regardless of the owner's consent.

B. APPROVAL CRITERIA

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

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

C. PENDING DESIGNATION - ISSUANCE OF PERMITS

No building permit for altering, moving, or demolishing any proposed historic resource shall be issued while any advertised public hearing or any appeal affecting the proposed designation of the area or building is pending.

Section 25.100 REMOVAL OF HISTORIC RESOURCE DESIGNATION

These provisions allow for the removal of the City's historic designation when it is no longer appropriate. This review does not affect a property or district's listing on the National Register.

Proposals to remove historic resource designation shall be approved if the approval authority finds that removal of the designation is appropriate after considering the following factors:

A. APPLICATION REQUIREMENTS

1. Written narrative description of the historic resource proposed for removal of designation that addresses the considerations identified in (B) below;
2. Site plan;
3. Current photographs of all elevations of the existing structure and any significant features;
4. Historic photographs, plans, or maps, if available;
5. Documentation that the property owner objected, on the record, at the time of designation, if applicable.

B. ASSESSMENT OF DESIGNATION

The approval authority shall consider:

1. Whether the historic resources meets the criteria for listing,
2. The importance to the public of retaining the historic resource relative to the hardship to the owner and any potential hazard to the public if the historic resource is retained;
2. The physical condition of the historic resource and any loss of characteristics that originally cause it to be listed;
3. The historic or architectural significance of the historic resource;
4. The economic use of the historic resource and any economic benefits associated with the proposed new use of the property; and
5. If within a historic district, its contribution to the district and the affect on the district if the designation is removed.

C. OWNER CONSENT

1. For historic landmark properties, the property owner at the time of designation must have objected, on the record, to the historic designation.
2. For properties in historic districts, the property owner at the time of designation must have objected, on the record, to inclusion in the district.

Section 25.110 RELOCATION OF A HISTORIC RESOURCE

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

A. APPLICATION REQUIREMENTS

1. Provide documentation that all reasonable alternatives to relocation have been explored and that relocation is the preferred alternative.
2. Submit documentation of the historic structure and site conditions prior to relocation, including detailed photography, notes, drawings, and reference measurements.
3. Provide clearly stated procedures that moving protect historic elements and document the relocation, including: plans for minimizing damage to historic materials, labeling system for dismembered elements to assure accurate reconstruction in the new location, and plans for protecting the historic resource until reconstruction is complete.

B. ASSESSMENT OF RELOCATION

The approval authority shall consider whether, to the extent feasible, the structure shall be located on the new site in a manner that does not change its historic orientation to the street, relationship to adjacent properties, and the overall site. In making the determination, considerations shall include:

1. Maintaining relatively similar setbacks, side yard conditions, and relationship to other structures on the site;

2. Maintaining character similar to the historic site in terms of neighboring structures, materials, site relationships and age (for example, it should not be moved to the back of a lot if that was not the character of the historic location, nor should it be located on a corner lot if historically it was on an interior lot); and
3. If it can be demonstrated that it is not economically or physically feasible to locate the structure on a site that meets the characteristics in (1) and (2) an alternate site may be considered.

C. WRITTEN COMMITMENT

There must be a written commitment accepted by the City Attorney to complete the relocation and subsequent rehabilitation of the structure and its new site. Bonding or other assurances may be required. Temporary relocations for interim construction may be necessary and must require a plan for protecting the structure at the interim site as well as a commitment to a schedule for completion of relocation to the proposed new site.

Section 25.120 DEMOLITION OF A HISTORIC RESOURCE

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

A. APPLICATION REQUIREMENTS

1. **Historic Landmark or Contributing Primary Structure.** An application for the demolition of a historic landmark or contributing primary structure shall include:
 - a. A statement of the historic significance of the structure or resource to the community, taking into consideration its designation as a historic landmark or its contributing status in a historic district.
 - b. A statement demonstrating good faith efforts of the property owner to sell or relocate the structure or resources, including, but not limited to:
 - i. Real estate taxes for the two years immediately preceding the application;
 - ii. Assessed value for the two years immediately preceding the application;
 - iii. Current fair market value of the structure or resource as determined by an appraiser;
 - iv. All listings for the structure or resource for the past two years including prices asked and offers received; and
 - v. Documentation of all attempts to relocate the structure or resource.
 - c. A report from a structural engineer on the condition of the structure or resource.
 - d. The estimated cost of rehabilitation of the structure or resource.
 - e. A report from a real estate or other market professional identifying potential alternative uses for the structure or resource permitted within the existing zoning classification.
 - f. A report identifying available economic incentives for adaptive reuse of the structure or resource.
 - g. A proposed plan for redevelopment of the site on which the structure or resource is located.

2. **Non-contributing or Not in Period Primary Structure and Accessory Structure.** An application for the demolition of a non-contributing or not in period primary structure or an accessory structure shall include:
 - a. A statement of the historic significance of the structure or resource to the community, taking into consideration its location on the site of a historic landmark or within a historic district.
 - b. A proposed plan for redevelopment of the site on which the structure or resource is located.

B. APPROVAL CRITERIA

1. An application for the demolition of a historic landmark or primary contributing structure shall be approved if the following criteria are met:
 - a. The value to the community of the proposed use of the property outweighs the value of retaining the designated historic resource on the present site;
 - b. The designated historic resource is not capable of generating a reasonable economic return and the demolition is economically necessary;
 - c. The owner has documented a good faith effort to sell or relocate the designated resource; and
 - d. No practicable alternative exists to rehabilitate and reuse the designated resource in its present location.
2. An application for the demolition of a non-contributing or not in period primary structure or an accessory structure shall be approved if it is determined that the property does not have historic significance based on its architectural style, construction method or materials, or other pertinent factors as determined by the approval authority.

C. ISSUANCE OF PERMITS

A demolition permit for a historic resource shall not be issued prior to historic design review and any other required approval of plans for the site, if applicable, or the submittal of building plans for a permit for the site.

Section 25.130 DEMOLITION BY NEGLECT

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

A. CRITERIA FOR DETERMINATION OF DEMOLITION BY NEGLECT

If one or more of the following is promoted, allowed to occur, or exist in a historic resource, the property is determined to meet the criteria for demolition by neglect and enforcement action to remedy the applicable criteria may be taken pursuant to CDC Chapter 106, Enforcement:

1. **Structural Integrity.** Faults, defects, or other conditions which render the structure or resource structurally unsafe or not properly watertight.
2. **Walls and Other Support Members.**
 - a. Walls or support members that are deteriorated due to failure to paint or otherwise maintain the structure or resource;
 - b. Members of walls, or other vertical supports that split, lean, list or buckle due to defective material or deterioration; and/or
 - c. Members of walls, or other vertical supports that are insufficient to carry imposed loads with safety.
3. **Windows and Doors.** Failure to keep windows and doors secured in a manner that prevents entry by unauthorized persons.

4. **Security.** Failure to maintain parts of the resource so they are securely attached and will not fall or injure persons or property. Failure to secure the resource from vandals, animals, or pests. Failure to prevent infiltration of water through inadequate gutters, landscaping or other site features.
5. **Foundation.** Deteriorated or inadequate foundation.
6. **Floor Supports.** Deteriorated floor supports or floor supports that are insufficient to carry imposed loads with safety.
7. **Ceiling and Roof Supports.**
 - a. Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration.
 - b. Members of ceilings, roofs, or their supports, or other horizontal members that are insufficient to carry imposed loads with safety.
8. **Fireplaces or chimneys.** Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.

B. ABATEMENT

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

Chapter 34

ACCESSORY USES

34.020 ACCESSORY USES

Accessory uses are permitted uses which are customary and incidental to principal uses permitted in the zone and shall be permitted outright, or by prescribed conditions as identified below, and may be either attached or separated from the principal dwelling. **Accessory uses on designated historic resources are subject to additional regulations in CDC 25.060(B).**

Chapter 36

MANUFACTURED HOMES

(Staff Comment: The following language appears in Chapter 36 – Manufactured Homes. Staff does not recommend changing the language, but includes it here for the reviewers’ consideration.)

36.020 MANUFACTURED HOMES STANDARDS

Manufactured homes shall be subject to the following requirements in all of the zoning districts in which they are allowed.

...

- L. The unit shall not be sited on a lot adjacent to any structure listed as an historic landmark or adjacent to an historic district.

Chapter 38

ADDITIONAL YARD AREA REQUIRED; EXCEPTIONS TO YARD REQUIREMENTS; STORAGE IN YARDS; PROJECTIONS INTO YARDS

(Staff Comment: The following language appears in Chapter 38 – Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards. Staff does not recommend changing the language, but includes it here for the reviewers’ consideration.)

38.060 PROJECTIONS INTO REQUIRED YARDS

...

E. Uncovered open porches, decks, or balconies, not more than 30 inches in height above natural grade and not covered by a roof or canopy, may extend or project into a required front or rear yard to utility easements or five feet of the property line, whichever is more. The uncovered deck, porch or balcony may go into side yard setback leaving at least three feet to the property line. No encroachment upon utility easement is allowed. These provisions do not apply in the Willamette Historic District.

F. Front and rear porches, covered porches, unroofed landings and stairs (over 30 inches in height) may encroach into the front or rear yard setback up to five feet. Homes on corner lots may have a front porch that wraps around to the side street side. The porch on the side street may also encroach five feet into the required street side setback area. Enclosed porches are not permitted to encroach. The roofline of the house may be extended to cover the porch but no living space shall be allowed inside the front yard setback (i.e., dormers). The Planning Director shall determine compliance with this section as provided by CDC 99.060(A)(3). These provisions do not apply in the Willamette Historic District.

Chapter 43

SINGLE-FAMILY AND DUPLEX RESIDENTIAL SIDE-YARD TRANSITIONS

(Staff Comment: The following language appears in Chapter 43 – Single-Family and Duplex Residential Side-Yard Transitions. Staff recommends simplifying the language to include the more general term historic resources that encompasses any historic districts and historic landmarks.)

43.010 PURPOSE

New homes, both infill and in new subdivisions, particularly new homes around the perimeter of the new subdivision, need to be compatible with adjacent existing homes, especially when the new house is bigger than the existing one. To this end, transitions shall be required to avoid a monolithic and overbearing sidewall.

43.020 APPLICABILITY

These provisions shall apply to all new home construction and remodels in West Linn except **designated historic resources**. in the following areas:

A. ~~The Willamette Historic District.~~

B. ~~Historic landmark structures.~~

Chapter 58 Willamette Falls Drive Commercial District

58.030 APPLICABILITY

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

Chapter 59 Willamette Neighborhood Mixed Use Transitional Zone

59.080 ADDITIONAL USE REQUIREMENTS

In addition to all other provisions of this section, the following additional requirements may apply:

- A. Permitted uses may only be open from 6:00 a.m. to 10:00 p.m. and are subject to the noise provisions of Chapter 55 CDC.
- B. Exterior business activity shall not take place beyond the rear wall of the building when the subject property abuts a residential district, except for parking and refuse storage. Refuse storage must be buffered or enclosed and may not abut a property line that adjoins a residential zone.
- ~~C. If a qualified historic residential landmark in the Willamette neighborhood is destroyed, it may be rebuilt on the original building footprint.~~

(Staff Comment: This section is removed and a similar sentence, addressing both historic landmarks and historic districts as historic resources is added to Chapter 25.)

59.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

~~The provisions of CDC 25.060, 25.070, 25.080, and 25.090, apply to properties currently identified in the West Linn historic inventory, Chapter 26 CDC, Historic Landmarks.~~ The following standards apply to all development including permitted uses:

1. Chapter 28 CDC, Willamette and Tualatin River Protection.
2. Chapter 36 CDC, Manufactured Homes.
3. Chapter 32 CDC, Water Resource Area Protection.
4. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
5. Chapter 35 CDC, Temporary Structures and Uses.
6. Chapter 37 CDC, Home Occupations.

7. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
8. Chapter 40 CDC, Building Height Limitations, Exceptions.
9. Chapter 42 CDC, Clear Vision Areas.
10. Chapter 44 CDC, Fences.
11. Chapter 48 CDC, Access, Egress and Circulation.
12. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas, except for the provisions of CDC 46.140, apply to all uses.
13. Chapter 55 CDC, Design Review.
14. Chapter 54 CDC, Landscaping.
15. Chapter 53 CDC, Sidewalk Use.

Chapter 60 Conditional Uses

60.070 APPROVAL STANDARDS AND CONDITIONS

...

E. The Historic Review Board shall review an application for a conditional use, or to enlarge a conditional use on a property designated as a historic resource, based on findings of fact that the use will:

- 1. Preserve or improve a historic resource which would probably not be preserved or improved otherwise; and**
- 2. Utilize existing structures rather than new structures.**

Chapter 68 NON-CONFORMING LOTS, LOTS OF RECORD

(Staff Comment: The following language appears in Chapter 68 Non-Conforming Lots, Lots of Record. Staff does not recommend changing the language, but includes it here for the reviewers' consideration.)

68.040 STATUS

A. A substandard lot of record in any residential zoning district except the Willamette Historic District, as regulated in Chapter 26 CDC, may be developed for a use allowed within the applicable zone provided:

1. The lot is 5,000 square feet or greater in size; except in the R-5, R-4.5 and R-2.1 zones in which case the minimum lot sizes shall be 4,500, 4,000 and 4,000 square feet, respectively; and
2. All single-family dwellings shall have a hard-surface paved driveway at least 10 feet wide.
3. All applicable code provisions including lot dimensional requirements are met except for single-family detached or attached dwellings in the R-10, R-7, R-5, R-4.5, R-3 and R-2.1 zones where the following lot dimensional requirements shall apply:
 - a. The minimum front lot line shall be 30 feet.
 - b. The average minimum lot width shall be 45 feet.
 - c. The minimum average lot depth shall be 80 feet.
 - d. The minimum front yard shall be 18 feet except for steeply sloping lots in which case the provisions of CDC 41.010 shall apply.
 - e. The minimum interior side yard for the principal structure including all protrudances shall be three feet.
 - f. The minimum side yard abutting street shall be 13 feet.
 - g. The minimum rear yard shall be 15 feet.

Chapter 99

PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

(Staff Comment: Proposed additions to the text are marked with an underline and deletions with a strikethrough. Amend Section 99.060 A(1) (under Approval Authority) to add the following subsections (v) and (w) giving the Planning Director authority to approve Class I Historic Design Review and demolition permits for non-contributing or not in period primary structures or an accessory structure since these structures typically do not have, or do not have as high a level of, significance or integrity.)

Land Use Action	Type of Notice
-----------------	----------------

Historic District Resources:	
Amendments	A
<u>Class I Historic Design Review</u>	<u>B</u>
<u>Class II Historic Design Review</u>	<u>B</u>
<u>Designation or Removal of Historic Resource Designation</u>	A
Demolition	A
<u>Relocation</u>	<u>B</u>
New Home Construction	B
Major Renovations or Additions	B
Minor Renovations or Additions	B
Construction of Non-Exempt Accessory Structures/Garages	B

- A. Planning Director authority. The Planning Director shall have the authority to:
1. Approve, deny, or approve with conditions the following applications:

...

v. Class I Historic Design Review

w. A demolition permit for a non-contributing or not in period primary structure or an accessory structure

(Staff Comment: Amend Section 99.060 D as below to give the Historic Review Board Authority for Class II Historic Design Review and a demolition permit for a primary contributing structure. These structures are of greater significance and have a higher level of integrity.)

- D. **Historic Review Board authority.** The Historic Review Board shall review an application for compliance with **CDC** Chapters 25, 26, and 58 CDC, as applicable. The Historic Review Board shall have the authority to:

1. Approve, deny, or approve with conditions an application regarding the following:
 - a. Class II Historic Design Review;**
 - ~~Major or minor remodel, alteration, or addition to a historic landmark or property within a historic district;~~

- ~~b.~~ New construction within a historic district;
 - ~~c.~~ Construction of a non-exempt accessory structure or garage on a historic landmark property, or property within a historic district;
 - ~~b~~**d.** A demolition permit for a historic landmark or **primary contributing structure** within a historic district;
 - c. Relocation of a historic resource;**
 - ~~d~~**e.** Revocation or modification of an approval as provided by CDC 99.330 for any application approved by the Historic Review Board; and
 - ~~e~~**f.** An extension of an approval when the Historic Review Board acted as the initial decision-making authority.
2. Make recommendations to the approval authority specified in this section regarding the following:
- a. Designation of a historic **resource**~~landmark or a historic district~~;
 - b. Removal of historic resource designation;**
 - ~~c~~**b. Class I or Class II Design Review on** Major or minor remodel, alteration, or addition to a property within the Willamette Falls Drive Commercial District that is not a historic landmark or within the Willamette Historic District;
 - ~~d~~**e.** New construction within the Willamette Falls Drive Commercial District that is not a historic landmark or within the Willamette Historic District;
 - ~~e~~**d.** A partition or subdivision of property containing a historic **resource**~~landmark or property within a historic district~~;
 - ~~f~~**e.** Conditional use of property containing a historic **resource**~~landmark~~; and
 - ~~g~~**f.** A zone change for property containing a historic **resource**~~landmark or property within a historic district~~.