

**STAFF REPORT  
FOR THE PLANNING COMMISSION**

**FILE NUMBER:** ZC-14-02

**HEARING DATE:** November 19, 2014

**REQUEST:** Zone change to remove the historic resource (Willamette Historic District) overlay zone

**APPROVAL**

**CRITERIA:** Community Development Code (CDC) Chapters 25, Historic Resources and 105, Amendments to the Code and Map

**STAFF REPORT**

**PREPARED BY:** Sara Javoronok, Associate Planner

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Planning Manager's Review



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**EXECUTIVE SUMMARY**

The subject property, 1344 14<sup>th</sup> Street, is an existing residence located within the Willamette Historic District. The applicant is seeking a zone change to remove the historic resource designation from the property. The removal of the designation must meet the criteria in CDC 25.100 and CDC 105.050 Quasi-Judicial Amendments and Standards for Making Decision. On October 21, 2014, the Historic Review Board (HRB), consistent with the staff recommendation, recommended denial of the applicant's request for removal of the historic resource designation based upon notice to the property owners of 2013 CDC amendments to the historic resources chapter and zoning map and owner consent requirements.

Staff and the Historic Review Board recommend the Planning Commission deny the request for the zone change to remove the historic resource overlay zone.

**TABLE OF CONTENTS**

**STAFF ANALYSIS AND RECOMMENDATION**

EXECUTIVE SUMMARY ..... 1  
GENERAL INFORMATION..... 3  
BACKGROUND..... 4  
ANALYSIS ..... 7  
RECOMMENDATION..... 7

**ADDENDUM**

APPLICABLE REGULATIONS AND ASSOCIATED SUPPLEMENTAL FINDINGS ..... 8

**EXHIBITS**

PC-1 AFFIDAVIT OF NOTICE .....13  
PC-2 NOTICE MAILING PACKET .....15  
PC-3 COMPLETENESS REVIEW..... 17  
PC-4 HISTORIC SITE INVENTORY FORMS .....21  
PC-5 APPLICANT SUBMITTAL.....24  
PC-6 SUPPLEMENTARY SUBMITTAL..... 35  
PC-7 EXCERPT FROM IMAGES OF AMERICA: WEST LINN ..... 72  
PC-8 ABOUT MARINE INDUSTRIAL CONSTRUCTION/WILSONVILLE CONCRETE ..... 79  
PC-9 EMAIL CORRESPONDENCE..... 83  
PC-10 WRITTEN CORRESPONDENCE ..... 120

## GENERAL INFORMATION

**APPLICANT/  
OWNER:** Lonny and Kristine Webb

**SITE LOCATION:** 1344 14<sup>th</sup> Street

**LEGAL  
DESCRIPTION:** Clackamas County Assessor's Map 31E02BC, Tax Lot 4500

**SITE SIZE:** 27,000 square feet

**ZONING:** R-10, Single Family Residential Detached  
WHD, Willamette Historic District – Overlay Zone

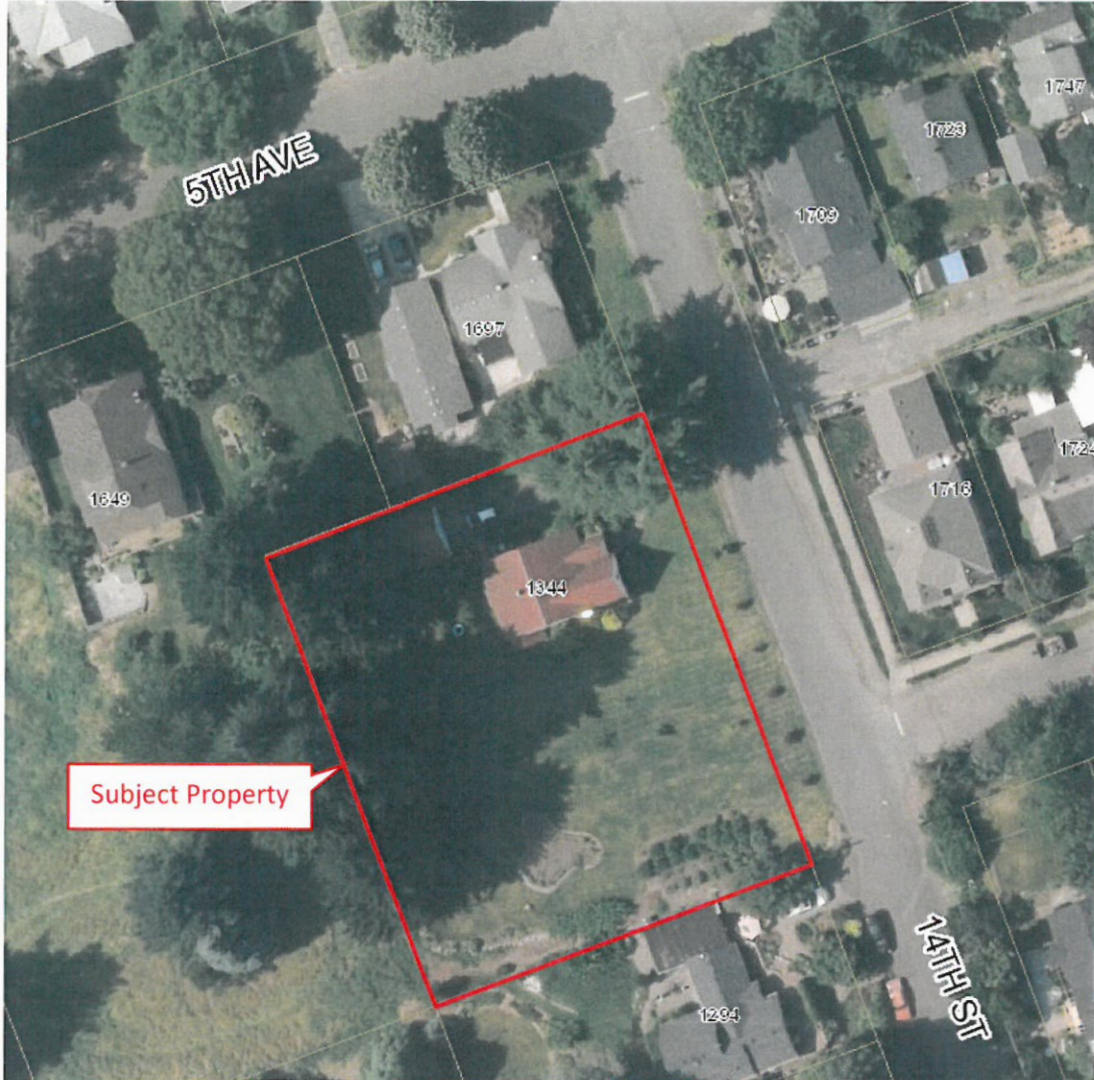
**COMP PLAN  
DESIGNATION:** Low Density Residential

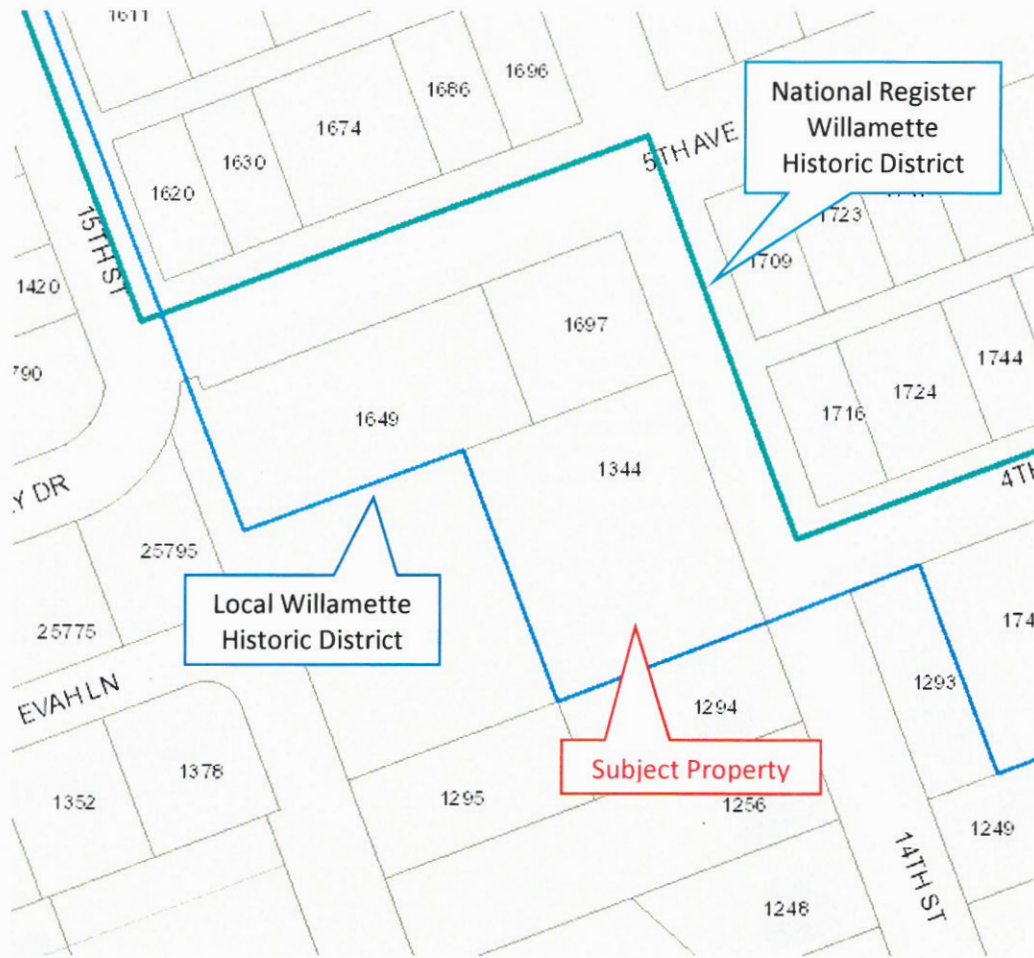
**120-DAY PERIOD:** The application was complete on August 14, 2014. Therefore, the 120-day application processing period ends on December 12, 2014.

**PUBLIC NOTICE:** Public notice was mailed to the Willamette Neighborhood Association and to affected property owners on October 30, 2014, notification published in the newspaper on October 30, 2014, a notice posted on the site on November 7, 2014, and the application and notice have been posted on the City's website. Therefore, notice requirements have been satisfied.

## BACKGROUND

As previously noted, the subject property is located at 1344 14<sup>th</sup> Street in the Willamette Historic District, near the intersection of 14<sup>th</sup> Street and 4<sup>th</sup> Avenue.





Front Elevation - August 2014



Side (south) elevation - August 2014



October 2013 – Front and side (north) elevation



October 2012 – Google Street View image

**Site Conditions.** The large, gently sloping lot currently accommodates a single family home, garage, and small accessory structure.

**Project Description.** The applicant is seeking a zone change and removal of the historic resource designation on the property. The property is within the Willamette Historic District, but is on the edge, and is not part of the National Register Willamette Historic District.

**Surrounding Land Use.** The properties to the north, south and west are zoned R-10, single family residential detached. The property to the east is zoned R-5, single family residential detached and attached/duplex. The properties to the northwest and northeast are within the Willamette Historic District.

DIRECTION FROM SITE	LAND USE	ZONING
North	Single family residence	R-10, WHD
East	Single family residence	R-5, WHD
South	Single family residence	R-10
West	Single family residence	R-10

**Public comments.** Staff spoke with one neighbor about the design review aspects of the project, but not the zone change.

## ANALYSIS

CDC Chapter 25, Historic Resources and Chapter 105 Amendments to the Code and Map apply to this project, specifically CDC 25.100 Removal of Historic Resource Designation and CDC 105.050 Quasi-Judicial Amendments and Standards for Making Decision.

Staff and the Historic Review Board do not recommend removal of the designation since it meets the criteria for designation under CDC 25.090(A)(2) and CDC 25.090(A)(3). It does not meet the criteria for removal under 25.100(B). This is detailed in Finding #1 CDC 25.100(A) Assessment of Designation and Finding #2 CDC 25.100(B) Owner consent. It does not meet the criteria in CDC 105.050 (A), (B), or (C), detailed in Findings #3, #4, and #5. The proposed removal of historic resource designation is not due to a proof or change in the community or neighborhood or is a mistake or inconsistency. In addition, it is not supported in the relevant Comprehensive Plan policies, nor is there a public need for removal of the designation.

## RECOMMENDATION

Staff and the Historic Review Board recommend that the Planning Commission deny the request for removal of historic designation.

### Notes to applicant.

- Expiration of Approval. This approval shall expire three years from the effective date of this decision.
- Additional Permits Required. Your project may require the following additional permits:
  - Public improvement permit: contact Engineering at (503) 723-5501 or [mcoffie@westlinnoregon.gov](mailto:mcoffie@westlinnoregon.gov)
  - Public works permit: contact Engineering at (503) 723-5501 or [mcoffie@westlinnoregon.gov](mailto:mcoffie@westlinnoregon.gov)
  - On-Site Utilities: contact the Building Division at (503) 656-4211, [jnomie@westlinnoregon.gov](mailto:jnomie@westlinnoregon.gov). (Electrical permits are through Clackamas County, not the City of West Linn.)
  - Building permit: contact the Building Division at (503) 656-4211, [jnomie@westlinnoregon.gov](mailto:jnomie@westlinnoregon.gov).
  - Inspections: Call the Building Division's Inspection Line at (503) 722-5509.

# APPLICABLE REGULATIONS AND ASSOCIATED SUPPLEMENTAL FINDINGS

ZC-14-02

## CHAPTER 25, HISTORIC RESOURCES

### **25.100 REMOVAL OF HISTORIC RESOURCE DESIGNATION**

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

A. *Assessment of designation. The approval authority shall consider:*

1. *Criteria. Whether the historic resource meets the criteria for listing under CDC 25.090(A);*

### **25.090 DESIGNATION OF A HISTORIC RESOURCE**

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

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

1. *Events. Is associated with an event or events that made a significant contribution to the history of the city, county, state or nation;*
  2. *Persons. Is associated with the life or lives of a significant person or people in the history of the city, county, state or nation;*
  3. *Architecture. Embodies distinctive architectural characteristics of a type, style, period or method of construction;*
  4. *Construction. Represents the work of a master builder, designer, or architect who influenced the development of the city, county, state or nation; or*
  5. *Archaeology. Has yielded, or will likely yield, information important in prehistory or history.*
2. *Hardship. The importance to the public of retaining the historic resource relative to the hardship to the owner and any potential hazard to the public if the historic resource is retained;*
  3. *Condition. The physical condition of the historic resource and any loss of characteristics that originally caused it to be listed;*



4. *Historic or architectural significance. The historic or architectural significance of the historic resource;*

5. *Economic use and benefits. The economic use of the historic resource and any economic benefits associated with the proposed new use of the property; and*

6. *Location. If within a historic district, its contribution to the district and the effect on the district if the designation is removed.*

**Finding 1:** The subject property, 1344 14<sup>th</sup> Street, meets criteria (2) and (4) for designation. The property was owned by the Bernert family, who, per Images of America: West Linn, by Cornelia Seigneur (Exhibit PC-6), have lived in the area since the 1860s. The family began a logging operation on the river using a rowboat, and later a tugboat. The company is still in existence today as Marine Industrial Construction/Wilsonville Concrete Products (Exhibit PC-7 and <http://marineindust.com/about-mic/>). Bernert Landing in Willamette Park is named after the family. Several photographs of the family, including one standing in front of the subject property, are included in Images of America (attached).

The property is also significant for its architecture. It is the only Tudor Revival home in the historic district and one of two in the Willamette neighborhood. It has a number of elements specific to the architectural style including the steeply pitched roof, multiple front gables, shallow eaves, arched gable window, and brick on the front façade.

The property is in the locally designated Willamette Historic District, but not the National Register district. The National Register district includes only the residential properties that are within the 1893 Willamette Falls plat and its period of significance is from 1893-1929. This property was platted in 1908 as part of the Willamette and Tualatin tracts and the house constructed in 1941. The survey form reports that it is eligible contributing, but that it was built out of the period of significance for the district. While it is out of the period of significance for the National Register district, the local district is larger and has a greater variety of building types. It is noted to be contributing to the local Willamette Historic District. The criteria for designation of a historic resource are met.

The retention of this property as a historic resource does not impart a hardship to the owner that is greater than that of other residences in the historic district. It does not impose a potential hazard to the public if the designation as a historic resource is retained.

The current homeowners have improved the condition of the resource by removing the artificial siding from the house and restoring the original wood siding.

The home is a single family residence and removal of the designation would not change its use as a single family residence.

The home is on the edge of the Willamette Historic District and its removal would create a more irregular boundary to the district. In terms of architectural characteristics, it is one of the strongest amongst the residences that are part of the local Willamette Historic District and not the National Register Historic District.

Staff and the Historic Review Board find that the criteria for designation are met.

B. *Owner consent.*

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

**Finding 2:** The current property owners purchased the property in September 2010. In November 2010, staff sent a letter to the address given as the mailing address for the property's utility bill welcoming them to the historic district and advising them of the additional regulations that applied in the district.

The property owners have submitted documentation from the previous property owner stating that she did not know of the designation and/or was unable to give consent since the property was in a trust. The Willamette Historic District was designated in the early 1980s, prior to the establishment of a trust for Ms. Bernert. The applicant has not provided evidence that shows the previous property owner objected, on the record, at the time of designation.

In addition, the City amended the historic code regulations in the CDC and the boundary of the historic district in August 2013. The current property owners were made aware of the proposed changes to the historic district through a postcard announcing an online survey, a postcard letting them know about a neighborhood meeting to discuss the proposed code changes, a postcard announcing Historic Review Board review, and a Measure 56 notice for the Planning Commission public hearing. These code and zoning map amendments removed a single property from the district and affirmed the historic designation of the other properties within the Willamette Historic District boundary.

There is no objection, on the record, at the time of designation, either to the original designation of the historic district in the 1980s, or in 2013.

The Historic Review Board discussed the notice to the property owner regarding the notice sent, that it went to the address on record with the assessor, and that there was not evidence that the property owner objected, on the record, at the time of designation.

Staff and the Historic Review Board find that the criterion is not met.

## **CHAPTER 105, AMENDMENTS TO THE CODE AND MAP**

### ***105.050 QUASI-JUDICIAL AMENDMENTS AND STANDARDS FOR MAKING DECISION***

*A decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:*

- A. *The standards set forth in CDC 99.110(A), which provide that the decision shall be based on consideration of the following factors:*
  1. *The applicable Comprehensive Plan policies as identified in subsection C of this section and map designation.*
  2. *The applicable standards of any provision of this code or other applicable implementing ordinance.*

**Finding 3:** See below for the applicable Comprehensive Plan policies. The applicable standards and codes are addressed throughout this report.

*B. The standards set forth in CDC 99.110(B), which provide that, in making the decision, consideration may also be given to the following:*

- 1. Proof of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application.*
- 2. Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in sub-section A or (B)(1) of this section.*

**Finding 4:** The applicant has not provided evidence of a proof of change in the neighborhood or community that shows there is a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to this property or this application. The applicant has not provided factual oral testimony or written statements from the parties or others that meet the criteria specified in (2) above. Staff and the Historic Review Board find the criteria are not met.

*C. The Comprehensive Plan, Plan and Ordinance Revision Process, and Specific Policy No. 4, which provides that the decision shall be based on consideration of the following criteria:*

- 1. Conformance with the Comprehensive Plan policies and criteria.*
- 2. There is a public need for the change or the change can be demonstrated to be in the interest of the present and future community.*
- 3. The changes will not adversely affect the health, safety and welfare of the community.*

**Finding 5:** The related Comprehensive Plan goal and action measure are below:

*Goal: Identify and preserve the historic and archaeological resources of West Linn.*

- 1. Maintain the Willamette Historic District as delineated in the Community Development Code, and establish development standards that will:*
  - a. Preserve the historic and aesthetic character of the Willamette Historic District.*
  - b. Incorporate into new construction architectural design elements that are historically compatible with existing buildings in the district, as well as appropriate to the Pacific Northwest.*
  - c. Advocate for the preservation, protection, and vitality of the Historic District, ensuring that the District's unique, historic qualities are protected through the Design Review process.*

The proposed removal of historic designation would not preserve the historic and aesthetic character of the Willamette Historic District. In addition, does not maintain the Willamette Historic District as delineated in the City's Community Development Code and Zoning Map. It would not preserve the aesthetic character of the District. It would not comply with the existing development standards that seek to

preserve the District's historic and aesthetic character, have historically compatible architectural elements, or ensure that the District's unique historic qualities are preserved.

The applicant sought historic design review approval for modifications that do not fit the property's architectural style or character due to their size, materials, construction, and location. The applicant has not demonstrated that there is a public need for the change or that the change can be demonstrated to be in the interest of the present and future community. The proposed changes are not appropriate for the property; however, they would not adversely affect the health, safety, and welfare of the community.

Staff and the Historic Review Board find the criteria are not met.

*D. Transportation Planning Rule compliance.*

*1. Review of applications for effect on transportation facilities. When a development application, whether initiated by the City or by a private interest, includes a proposed comprehensive plan amendment zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule: "TPR"). "Significant" means the proposal would:*

...

*2. Amendments that affect transportation facilities. Amendments to the Comprehensive Plan and land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:*

...

*3. Traffic impact analysis. A traffic impact analysis shall be submitted with a plan amendment or land use district change application.*

**Finding 6:** The proposed zone change to remove the Willamette Historic District overlay zone does not change the density or impact ADT. Thus, the TPR requirements are not applicable.

EXHIBIT PC-1

**AFFIDAVIT OF NOTICE**

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

**GENERAL**

File No. 2C-14-02 Applicant's Name Lonny: Kristine Webb  
Development Name \_\_\_\_\_  
Scheduled Meeting/Decision Date 11-19-14

**NOTICE:** Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

**TYPE A**

- A. The applicant (date) 10-30-14 (signed) S. Shoyer
- B. Affected property owners (date) 10-30-14 (signed) S. Shoyer
- C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- D. Other affected gov't. agencies (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- E. Affected neighborhood assns. (date) 10-30-14 (will) (signed) S. Shoyer
- F. All parties to an appeal or review (date) 10-30-14 (signed) S. Shoyer

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 10-30-14 (signed) S. Shoyer  
City's website (posted date) 10-30-14 (signed) S. Shoyer

**SIGN**

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) \_\_\_\_\_ (signed) \_\_\_\_\_

**NOTICE:** Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

**TYPE B** \_\_\_\_\_

- A. The applicant (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- B. Affected property owners (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- D. Other affected gov't. agencies (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- E. Affected neighborhood assns. (date) \_\_\_\_\_ (signed) \_\_\_\_\_

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: \_\_\_\_\_ (signed) \_\_\_\_\_

**STAFF REPORT** mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) 11-7-14 (signed) S. Shoyer

**FINAL DECISION** notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) \_\_\_\_\_ (signed) \_\_\_\_\_

EXHIBIT PC-2



CITY OF  
**West Linn**

**PLANNING COMMISSION 2014-11-19**

**ZC-14-02, NOTICE SENT: 10/30/14**

**CITIZEN CONTACT INFORMATION**

To lessen the bulk of agenda packets, land use application notice, and to address the worries of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.



EXHIBIT PC-3



# CITY OF West Linn

June 4, 2014

Lonny & Kristine Webb  
1344 14<sup>th</sup> St.  
West Linn, OR 97068

**VIA U.S. MAIL AND EMAIL**

SUBJECT: DR-14-02

Dear Mr. and Mrs. Webb:

You submitted this application on May 22, 2014. The Planning Department finds that this application is **incomplete**. You have 180 days from your submittal date (until November 18, 2014) to make this application complete. Alternatively, if you do not want to provide some or all of the requested information you may provide written notice to staff that no other information will be provided.

Staff also advised you in a follow up letter on June 2, 2014 of the noncompliance with the Community Development Code (CDC) and Municipal Code since work that requires Historic Review Board approval has been completed on your property.

Regarding your application for historic design review, incomplete items are listed by their CDC section, and are as follows:

Historic Design Review

**Section 25.050(A)(1):** Please provide a written narrative that specifically responds to each of the criteria in CDC 25.060(A), 25.060(B), 25.070(A), 25.070(B), and 25.070(C).

**Section 25.050(A)(2):** Please provide plan and elevation drawings of the existing structure, including materials (prior to renovations). Elevations are required for the façades that will be/were altered.

**Section 25.050(A)(3):** Please provide plan and elevation drawings of the proposed changes, including details on the materials. Elevations are required for the façades that will be/were altered.

**Section 25.050(A)(4) and (5):** Please provide photographs of the structure, including historic photographs, if available.

If you want to request modifications from the criteria in Sections 25.060 and 25.070, please respond to 25.080(B). Rather than a variance per CDC Chapter 75, Section 25.080 allows modifications from the design standards in Chapter 25.

Removal of Historic Designation

Based on your application materials, it appears that you want to request removal of the historic designation. If this is something you wish to pursue, please respond to the following requirements:

**MAILED**  
6-4-14 *SD*

**Section 25.050(C)(1):** Please provide a written narrative that specifically responds to each of the criteria in CDC 25.100.

**Section 25.050(C)(2):** Please provide a site plan that shows the property boundaries and all of the structures and features on the site.

**Section 25.050(C)(3) and (4):** Please provide photographs, including historic photographs, if available. (Duplicates do not need to be submitted since this already required above.)

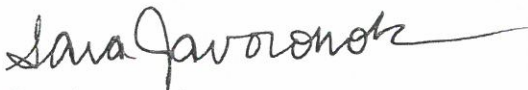
**Section 25.050(C)(5):** Please provide documentation that the property owner objected, on the record, at the time of designation.

In 2012-13, the City repealed and replaced the historic district regulations in Chapter 25. As part of this, there was also a map amendment to adopt a revised historic district boundary to the City's zoning map. Notice of the proposed revisions were sent to the address on file with the assessor's office in the form of informational postcards and as a Measure 56 notice. The City did not receive an objection to this during this process.

With your submittal, you included information from the Bernert family that they did not authorize the inclusion of the house in a historic district while it was in a trust for their mother from 1990-2007. City ordinances show that the historic district was in place at the time of approval of Ordinance 1129 in 1983 and that this property was included in a historic district map that was adopted as part of the Comprehensive Plan in 1985 with Ordinance 1172. Per the information submitted with the current application, these are both prior to the establishment of the trust for Ms. Bernert.

Please contact me at 503-722-5512, or by email at [sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov) if you have any questions or comments, or if you wish to meet to discuss these issues.

Sincerely,



Sara Javoronok  
Associate Planner

Cc: Tommy Brooks, Cable Huston  
John Boyd, Planning Manager

**RECEIVED**



CITY OF  
**West Linn**

August 20, 2014

Lonny & Kristine Webb  
1344 14<sup>th</sup> St.  
West Linn, OR 97068

**VIA U.S. MAIL AND EMAIL**

SUBJECT: DR-14-02

Dear Mr. and Mrs. Webb:

I am in receipt of your supplementary submittal. Based on the information submitted, your application was complete as of August 14, 2014. The City now has 120 days (until December 12, 2014) to exhaust all local review per state statute. I anticipate a September 16, 2014 hearing for the request for historic designation removal, porch addition, window replacement, and garage replacement.

The rear (bathroom) addition and was completed without Historic Review Board review and a building permit. At the same meeting, staff will seek a recommendation from the Historic Review Board on the work that has been completed to guide a code enforcement and abatement process per CDC Chapter 106.

A notice will be sent out to nearby property owners to make them aware of the hearing on the submitted application for designation removal, porch addition, window replacement and garage replacement and the code enforcement proceedings.

Please contact me at 503-722-5512, or by email at [sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov), if you have any questions or comments, or if you wish to meet to discuss these issues.

Sincerely,

A handwritten signature in cursive script that reads "Sara Javoronok". The signature is written in black ink and extends across the width of the page.

Sara Javoronok  
Associate Planner

Cc: Tommy Brooks, Cable Huston  
John Boyd, Planning Manager

EXHIBIT PC-4

# Oregon Historic Site Form

1344 14th St  
West Linn, Clackamas County

## LOCATION AND PROPERTY NAME

address: 1344 14th St  apprx. addr

West Linn  vcnt Clackamas County

Optional Information  
 assoc addresses:  
 (former addresses, intersections, etc.)  
 location descr:  
 (remote sites)

historic name:  
 current/  
 other names:

block nbr: \_\_\_\_\_ lot nbr: \_\_\_\_\_ tax lot nbr: \_\_\_\_\_  
 township: \_\_\_\_\_ range: \_\_\_\_\_ section: \_\_\_\_\_ 1/4: \_\_\_\_\_  
 zip: \_\_\_\_\_

## PROPERTY CHARACTERISTICS

resource type: Building height (# stories): 2 total # eligible resources: \_\_\_\_\_ total # ineligible resources: \_\_\_\_\_

elig. evaluation: eligible/contributing NR status: \_\_\_\_\_  
 (indiv listed only; see Grouping for hist dist)

primary constr date: 1941 (c.  secondary date: \_\_\_\_\_ (c.)   
 (optional--use for major addns) NR date listed: \_\_\_\_\_

primary orig use: Single Dwelling orig use comments: \_\_\_\_\_

secondary orig use: \_\_\_\_\_ prim style comments: \_\_\_\_\_

primary style: Tudor Revival sec style comments: \_\_\_\_\_

secondary style: \_\_\_\_\_ siding comments: \_\_\_\_\_

primary siding: \_\_\_\_\_ architect: \_\_\_\_\_

secondary siding: Horizontal Board builder: \_\_\_\_\_

plan type: Other Residential Type

comments/notes: EC, but out of the period of significance

## GROUPINGS / ASSOCIATIONS

survey project name or other grouping name		Other (enter description)
	COWL Willamette Historic District	
	West Linn Survey- Willamette Conservation District, 2006	Survey & Inventory Project
	West Linn, Willamette Falls Neighborhood, RLS 2008, 2008	Survey & Inventory Project

farmstead/cluster name: \_\_\_\_\_ external site #: 12  
 (ID# used in city/agency database)

## SHPO INFO FOR THIS PROPERTY

NR date listed: \_\_\_\_\_

ILS survey date: \_\_\_\_\_

RLS survey date: 3/17/2006

Gen File date: \_\_\_\_\_

**106 Project(s)**



# Oregon Historic Site Form

1344 14th St  
West Linn, Clackamas County

## LOCATION AND PROPERTY NAME

address: 1344 14th St  apprx. addr

historic name:

West Linn  vcnt Clackamas County

current/  
other names:

Optional Information

assoc addresses:  
(former addresses, intersections, etc.)

location descr:  
(remote sites)

block nbr: \_\_\_\_\_ lot nbr: \_\_\_\_\_ tax lot nbr: \_\_\_\_\_  
township: \_\_\_\_\_ range: \_\_\_\_\_ section: \_\_\_\_\_ 1/4: \_\_\_\_\_  
zip: \_\_\_\_\_

## PROPERTY CHARACTERISTICS

resource type: Building height (# stories): 2

total # eligible resources: \_\_\_\_\_ total # ineligible resources: \_\_\_\_\_

elig. evaluation: eligible/contributing

NR status: \_\_\_\_\_

primary constr date: 1941 (c.  secondary date: \_\_\_\_\_ (c.)   
(optional--use for major addns)

NR date listed: \_\_\_\_\_ (indiv listed only; see Grouping for hist dist)

primary orig use: Single Dwelling

orig use comments: \_\_\_\_\_

secondary orig use: \_\_\_\_\_

primary style: Tudor Revival

prim style comments: \_\_\_\_\_

secondary style: \_\_\_\_\_

sec style comments: \_\_\_\_\_

primary siding: \_\_\_\_\_

siding comments: \_\_\_\_\_

secondary siding: Horizontal Board

plan type: Other Residential Type

architect: \_\_\_\_\_

builder: \_\_\_\_\_

comments/notes: **EC, but out of the period of significance**  
**contributing garage - sided to match house - intact windows**

## GROUPINGS / ASSOCIATIONS

survey project name or other grouping name	<u>2011 West Linn Selective RLS, 2011</u>	<u>Survey &amp; Inventory Project</u>
	<u>West Linn Survey- Willamette Conservation District, 2006</u>	<u>Survey &amp; Inventory Project</u>
	<u>West Linn, Willamette Falls Neighborhood, RLS 2008, 2008</u>	<u>Survey &amp; Inventory Project</u>

farmstead/cluster name: \_\_\_\_\_ external site #: 12  
(ID# used in city/agency database)

## SHPO INFO FOR THIS PROPERTY

NR date listed: \_\_\_\_\_

ILS survey date: \_\_\_\_\_

RLS survey date: 3/17/2006

Gen File date: \_\_\_\_\_

106 Project(s)



EXHIBIT PC-5





### DEVELOPMENT REVIEW APPLICATION

FOR STAFF COMPLETION	
PROJECT NO.	DK-1402
STAFF CONTACT	SARA
NON-REFUNDABLE FEE(S)	100-
REFUNDABLE DEPOSIT(S)	-0-
TOTAL FEES	100-

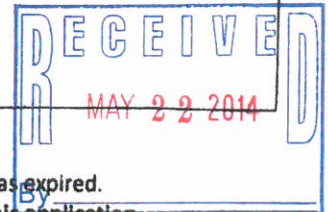
KW

Type of Review (Please check all that apply):

- Annexation
- Appeal and Review \*
- Conditional Use
- Design Review
- Easement Vacation
- Extrajurisdictional Ext. of Utilities
- Final Plat or Plan
- Flood Plain Construction
- Hillside Protection and Erosion Control
- Historic Review
- Legislative Plan or Change
- Lot Line Adjustment \*/\*\*
- Minor Partition (Preliminary Plat or Plan)
- Non-Conforming Lots, Uses & Structures
- One-Year Extension \*
- Planned Unit Development
- Pre-Application Conference \*
- Quasi-Judicial Plan or Zone Change
- Street Vacation
- Subdivision
- Temporary Uses \*
- Tualatin River Greenway
- Variance KW
- Water Resource Area Protection/Wetland
- Willamette River Greenway

Home Occupation, Pre-Application, Sidewalk Use Application\*, Sign Review Permit Application\*, and Temporary Sign Permit Application require different or additional application forms, available on the City Website or at City Hall.

Site Location/Address <i>1344 14th St, West Linn</i>	Assessor's Map No.
	Tax Lot
	Total Land Area
Brief Description of Proposal <i>Primary removal of historic designation or variance, secondary window change, etc.</i>	
Owner Name & Address <i>Lony + Kristine Webb 1344 14th</i>	<input checked="" type="checkbox"/> Check if this is the applicant. Phone <i>503 333 2010</i> Email <i>K1extreme@gmail.com</i>
Consultant Name & Address	<input type="checkbox"/> Check if this is the applicant. Phone Email



- All application fees are non-refundable (excluding deposit).
  - The owner/applicant or their representative should be present at all public hearings.
  - A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
  - Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application. One (1) complete set of digital application materials must also be submitted on CD in PDF format. If large sets of plans are required in application please submit only two sets.
- \* No CD required / \*\* Only one copy needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. The applicant waives the right to the provisions of ORS 94.020. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

<i>Lony Webb</i>	<i>Kristine Webb</i>	<i>5/22/14</i>	<i>4-1-14</i>
Applicant's signature		Date	
<i>Lony Webb</i>	<i>Kristine Webb</i>	<i>5/22/14</i>	<i>4-1-14</i>
Owner's signature		Date	



FOR STAFF COMPLETION	
PROJECT NO.	
STAFF CONTACT	
NON-REFUNDABLE FEE(S)	
REFUNDABLE DEPOSIT(S)	
TOTAL FEES	

## DEVELOPMENT REVIEW APPLICATION

Type of Review (Please check all that apply):

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Annexation                   | <input checked="" type="checkbox"/> Historic Review                 | <input type="checkbox"/> Quasi-Judicial Plan or Zone Change     |
| <input type="checkbox"/> Appeal and Review *                     | <input type="checkbox"/> Legislative Plan or Change                 | <input type="checkbox"/> Street Vacation                        |
| <input type="checkbox"/> Conditional Use                         | <input type="checkbox"/> Lot Line Adjustment * / **                 | <input type="checkbox"/> Subdivision                            |
| <input type="checkbox"/> Design Review                           | <input type="checkbox"/> Minor Partition (Preliminary Plat or Plan) | <input type="checkbox"/> Temporary Uses *                       |
| <input type="checkbox"/> Easement Vacation                       | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures     | <input type="checkbox"/> Tualatin River Greenway                |
| <input type="checkbox"/> Extrajurisdictional Ext. of Utilities   | <input type="checkbox"/> One-Year Extension *                       | <input checked="" type="checkbox"/> Variance                    |
| <input type="checkbox"/> Final Plat or Plan                      | <input type="checkbox"/> Planned Unit Development                   | <input type="checkbox"/> Water Resource Area Protection/Wetland |
| <input type="checkbox"/> Flood Plain Construction                | <input type="checkbox"/> Pre-Application Conference *               | <input type="checkbox"/> Willamette River Greenway              |
| <input type="checkbox"/> Hillside Protection and Erosion Control |   |   |

Home Occupation, Pre-Application, Sidewalk Use Application\*, Sign Review Permit Application\*, and Temporary Sign Permit Application require different or additional application forms, available on the City Website or at City Hall.

Site Location/Address <i>1344 14th St, West Linn</i>	Assessor's Map No.
	Tax Lot
	Total Land Area
Brief Description of Proposal <i>Primary removal of historic designation or variance, secondary window change, etc.</i>	
Owner Name & Address <i>Larry + Kristine Webb 1344 14th</i>	<input checked="" type="checkbox"/> Check if this is the applicant. Phone <i>503 333 2010</i> Email <i>K1extreme@gmail.com</i>
Consultant Name & Address	<input type="checkbox"/> Check if this is the applicant. Phone Email

- All application fees are non-refundable (excluding deposit).
- The owner/applicant or their representative should be present at all public hearings.
- A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
- Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application. One (1) complete set of digital application materials must also be submitted on CD in PDF format.**  
 If large sets of plans are required in application please submit only two sets.

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The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. The applicant waives the right to the provisions of ORS 94.020. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

<i>Larry Webb</i>	<i>4-1-14</i>
Applicant's signature	Date
<i>Larry Webb</i>	<i>4-1-14</i>
Owner's signature	Date

We moved to Willamette from West Linn Hwy 43 in 2001 when we bought the home immediately next door to the home we are bringing before this committee. For over a decade, we grew close to Agnes Bernert, the previous owner of our home. We became friends with Agnes and her sons, "the boys": Ray, George and Tommy. We count her niece, Mary Ann Perlot, as a neighbor and friend. Mary Ann lives in another Bernert home on 11<sup>th</sup> Street, the sister home with the same design and builder as our home. As we became near family for Agnes, it was her wish that we be the ones to purchase her home, though it was much coveted in the neighborhood. In following their mother's wishes, Ray, George and Tommy granted us "first rights of refusal" to purchase the home and in fact, kept the home off the market for years while we raised the capital to purchase our home, which because we lived next door and thus does not qualify for standard financing and sizable down payment over twice the normal amount. Ray, George and Tommy Bernert have offered to come to this committee and support our position. In fact, the residents of 14<sup>th</sup> street should be contacted regarding this matter, as we are close knit community and know that we have the support of our neighbors.

Why do we bring these facts to this committee? We aren't transplants coming to destroy West Linn's Historic Neighborhood; We are West Linn. We were Agnes' neighbors for over 13 years. No one else has lived "on 14<sup>th</sup>", our street, as Agnes' neighbors. No one else loved and supported Agnes, nor could anyone love "our home" more than we do. No one else scrimped and saved to afford and then preserve our dream home. No one has put as much love and attention into our home as we have. So, admittedly it feels odd to bring our personal narrative of a respected West Linn family and our cherished friend, the life and death of a close neighbor, to a governmental committee for approval for things that cannot be visually discerned.

**We are submitting to the historical review committee a two-part request:**

**The first request is to have the historical designation removed, annexed or a variance provided for our home.**

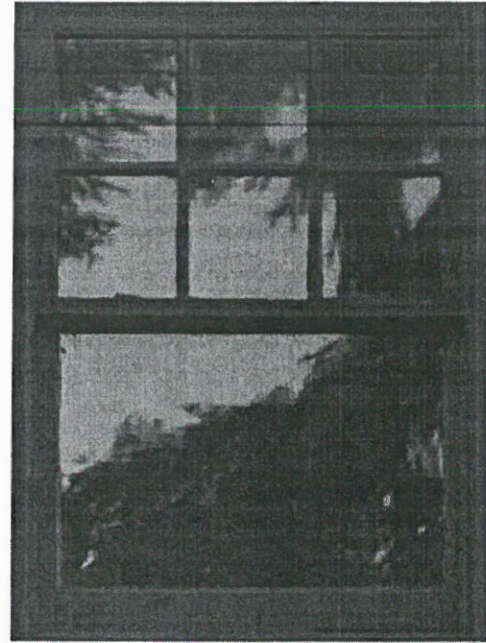
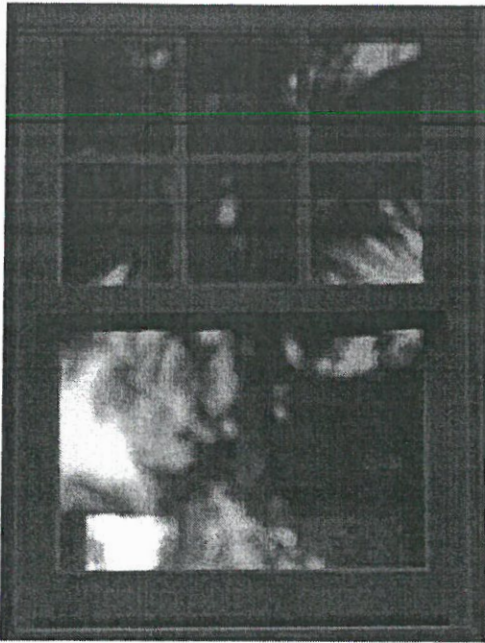
Our home is part of the "buffer zone" for the historic district. It is not in "period" and is composed of different building materials that are not in keeping with homes of historical significance in West Linn. Regardless of which historical designation is presumed to have effected our home (we have been given three different dates), the owners did not, would not have, and continue to adamantly disagree with placement on this registry and consider it to be a *regulatory taking* by the City of West Linn using statutory procedures to "sneak" this designation on the homeowners affording no due-process. Indeed, the Bernert Trust and family would be happy to testify to this committee that home has been in a trust that has existed for over 20 years. Neither the trust nor the family was never contacted about the designation as the city explained were simply "mailed to the address". Please see attached simplified letter from Ray Bernert, George Bernert, and Thomas Bernert, the trustees of the home and sons of Agnes Bernert, the original owner of the home. We have only occupied the home since December 2014. Since we acquired the home, we

have continually been told that it is too late to remove the designation; that the designation occurred before our ownership. Though the subsequent emails with the planning division explains that we “just missed [the designation, which now presumably re-occurred this summer]” and it was only recently affirmed. We do not believe that this sort of obfuscation is an adequate representation of the city's repeated stated intention of open governance. In fact, homeowners who live near us still feel that they are not “in that district” when we explain to them our experience. They feel, as we did, that the city would not just place homes on the historic district registry in this manner. Much of the cities presumptions about the construction materials of the home are inaccurate, ranging from the construction of the windows, to the materials used in the siding. If one adequately review's the surveys sponsored by the city, you will see that our 1941 home continued to be identified as non-historic. There is no benefit whatsoever to the homeowner when their home is placed on the city's historic designation (as opposed to national historic registries), only regulations and requirements limiting the homeowners freedoms and, in our opinion, an inverse condemnation which presently includes home owner's insurance being denied and the expense of this process.

The second item for discussion while the aforementioned request is being considered by the city we would like to finalize the renovation of our home.

### **Windows**

After reviewing the city historic codes, we ordered roughly \$30,000 in new wood windows from Milgard that match the home's current windows, but are energy efficient and have a lifetime warranty. I say current, because not all windows in the home are original to the construction, some being replaced at different times and with different materials. After the windows arrived, we were informed by the new city historic planner that because of a millimeters thick protective coating of fiberglass on the outside of this entirely wood window that we come to this committee to have our already purchased windows now approved to be installed. This fiberglass coating of these windows is actually thinner than the layers of lead paint on the some of the current broken and non-functional windows. The windows have true muntins, not simulated, and are of the exact proportions of the original windows. Obviously, we want to install the windows for which we have already paid including installation, but which has been forestalled by this process. Please note, the we plan to refurbish the front oval window, though current estimates place the refurbish of *this one window* to be between \$2,700.00 and \$3,300.00 and require months of a boarded up hole in our home. It should also be noted that the home only has three windows that face the street: a plate glass window with no muntins, the sewing room peaked or oval window at the peak and one standard window with muntins. Original molding is used wherever it will be able to be salvaged. Salvageable windows will be repurposed for the garage projected referenced below. The photos on the next page were taken on 5/21/14 show two windows side by side on the back of the home one original and one new.



**Rear Covered Porch Addition (Fig. 1)**

We would like to install an 6 foot by 20 foot enclosure over our back door steps like many of the homes in the Willamette area of West Linn. This enclosure is in keeping with the homes architecture and simply provides a place for one to enter the home without exposure to the elements. The addition is falls well within all West Linn building codes.

**Second Floor Bath Addition (Fig. 2)**

The home originally had only one bathroom (on the main floor) and a toilet in room on the second floor. We had to add about 40 square feet for a sink and a tub in a small bathroom by raising the roof to match the pitch of the main roof (see attached drawing). We could not secure a loan, nor retain insurance without siding this addition. This bath addition (on the left-hand side of the rear of the home and not directly viewable from the street) complements the right side of the rear of the home's window placement and was completed during the remodel prior to interpreting the city's historic code to include minor alterations.

**Garage Reconstruction (Fig.3 & Fig. 4)**

The current garage is dilapidated and it's concrete foundation is crumbling. We would like to build a new garage of the same style, slightly wider and with an all-applicable codes. City arborist has already been contacted and dimensions reflected in the attached drawings also reflect his advice for the garage. Windows from the home will be re-purposed where possible for the garage.

All construction completed to date has been conducted by licensed and bonded contractors and has passed all inspections.

Thank you for your time and consideration.

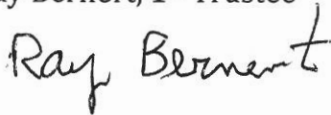
January 5, 2014

To Whom It May Concern:

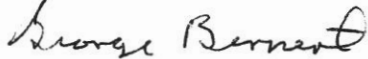
Regarding the Historical Designation of 1344 14<sup>th</sup> st. in West Linn.

At the time in question my mother, Agnes Bernert, was incapacitated and the house had been placed into a trust agreement on December 13, 1990. As such, any authorization would have to be given through me as the first trustee. My mother passed away November of 2007.

Ray Bernert, 1<sup>st</sup> Trustee

Handwritten signature of Ray Bernert in cursive script.

George Bernert, Trustee member

Handwritten signature of George Bernert in cursive script.

Thomas Bernert, Trustee member

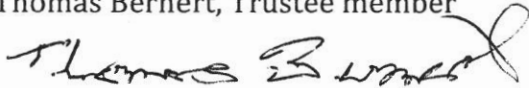
Handwritten signature of Thomas Bernert in cursive script.



Fig. 1

Back Porch  
6' x 20'

REAR ELEVATION

N.T.S

DB

T.O. Ridge  
21' - 9"

NOTE: NEW LAP SIDING AND  
WINDOWS TO MATCH EXISTING

2nd Floor  
9' - 0"

Main Floor  
0' - 0"

① East - Side Elevation  
1/8" = 1'-0"

T.O. Ridge  
21' - 9"

2nd Floor  
9' - 0"

Main Floor  
0' - 0"

② North - Rear Elevation  
1/8" = 1'-0"

Autodesk® Revit®

www.autodesk.com/revit

Webb

Remodel

Elevations

Project number

Date

Drawn by

Checked by

A3.0

Scale 1/8" = 1'-0"

9/19/2013 3:34:06 PM

Fig 2



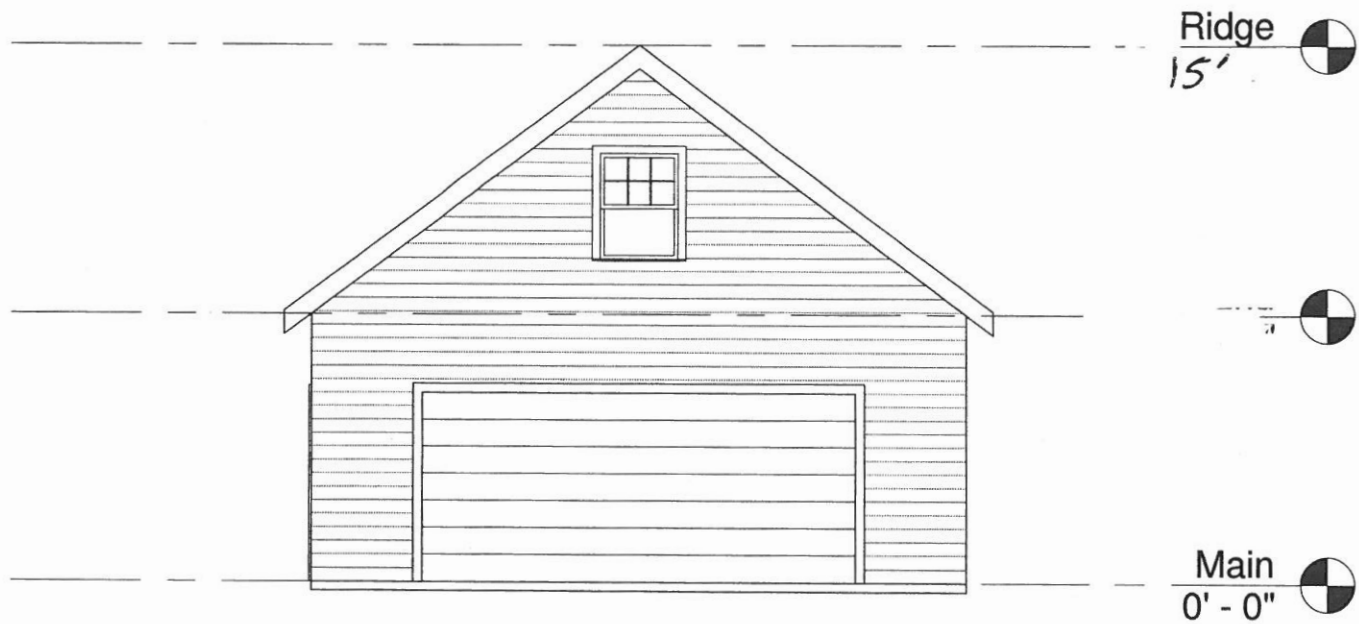
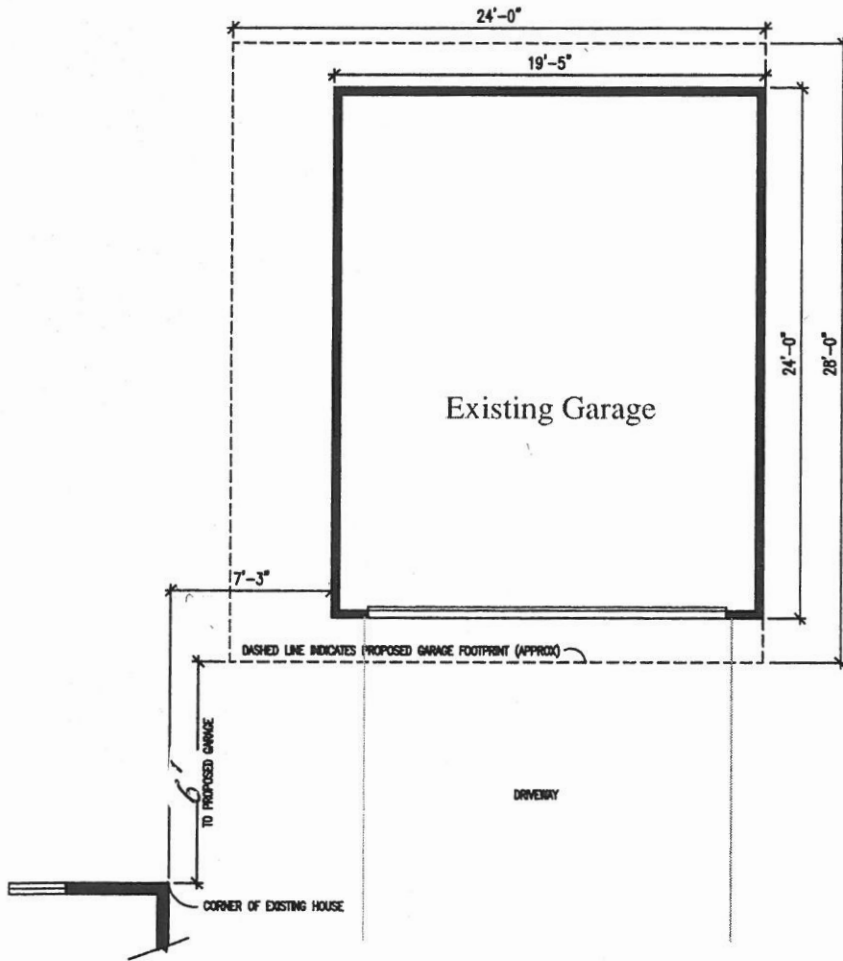


Fig 3



DATE: 9-6-13	<b>WEBB - EXISTING SITE PLAN</b>	SCALE: NTS
PAGE: A1.0	DRAWINGS BY: Donna Bezio	PHONE: 503-804-5059

Fig 4

EXHIBIT PC-6

## **I. Introduction and Background**

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This Narrative is meant to respond to the specific historic review criteria for the current and proposed improvements to the residence located at 1344 14<sup>th</sup> Street. Those improvements relate to the replacement of windows, the addition of a rear porch, the addition of a bathroom on the second floor of the existing home, and the replacement of the original garage.

The Bernert family constructed our home in 1941. We made friends with the Bernert family when we moved in as Agnes' next-door neighbor in 2001 and purchased the home from the Bernerts in 2010. We are the second owners of our home at 1344 14<sup>th</sup> Street. As the current homeowner-applicant, we are requesting that special consideration is due our requests for window replacement, a back porch and a small (less than 30 square feet) back-of-the-home bathroom and rebuilding our failing garage for five reasons: (A) our home is not on the National Historic Registry, (B) our home was built in the 1940's, thus making it the newest home in West Linn's "Historic District" according to the City of West Linn, Historic Context Statement, Willamette and Holly Grove Neighborhoods 2006, (C) given that our home was most probably the only home that was designated a "historic" home while the person who built the home was still living in it and we know that she and her family were unaware that the city had made forced this designation. As you may expect, a woman nearly aged 101 and son's in their 80's would never be able to navigate the procedures that require the following document. (D) Our home is the only historic home sitting on a 150' by 180' (27,000 sqft) lot and thus should be afforded a slightly different standard compared to the typical R-5, 50'x90' (5,000 sqft). Finally (E), we have complied with all of West Linn's regulations of the Community Development Code or CDC.

## **II. Review Criteria**

---

### **25.050 APPLICATION REQUIREMENTS**

#### **A. Historic design review.**

Please see the individual sections (marked as exhibits 1-4) for applicant's responses to each requirement of regulation CDC 20.050 (A 1-A6) for the window replacement, porch addition, bathroom addition, and garage replacement.

#### **B. Designation of a historic resource.**

The applicant is not seeking designation of the residence as an historic resource. The criteria in CDC 25.050(B) therefore do not apply.

#### **C. Removal of historic resource designation. Applications for removal of historic resource designation shall include the following:**

Both the original family who built this home, and the current owners dispute that regulation CDC 25.050 (C) was ever truly afforded to neither the Bernert Family nor us. As stated previously, we disagree that the owners previous or current were given appropriate opportunity to refuse to consent to the historic designation. Regulation CDC 25.050 (C) is recursive: “you can’t get there from here”, if you do not register a complaint within 22 days you have forfeited your ability to argue the designation.

The city simply mailed out a postcard that would have either required a woman in her 80’s or 100’s (depending on which “designation date” you are given) who lives by herself to have the wherewithal to forward a postcard from the city to her sons, who operated the trust, or that renters that the present owners had in the home would have known to bring the card to us. In either case, it is not that the city requested and required our any homeowner’s consent. Rather, through a dubious process, made the inverse condemnation of our property, with a looming threat of an expensive Land Use Board of Appeals (LUBA) legal case. City regulation CDC 25.050 (C) only allows a homeowner to lodge this complaint and begin the process of fighting the city forcing our home on a registry that provides us, the owners, with no benefit, only further regulation. To bolster this argument, our home was constructed in 1941, well outside West Linn’s referenced “period of significance” which West Linn City’s website references as between 1895 and 1930 (Fitzgerald & McFeeters-Krone, 2006) and does not contribute to the national historic registry, it only serves as a buffer zone for these historic homes.

**D. Relocation of a historic resource. Applications for relocation of an historic resource shall include the following:**

The present homeowner-applicants regard regulation CDC 25.050 (D) as not applicable. The current homeowner-applicants do not make a request for relocation of a historic resource.

**E. Demolition of a historic resource.**

**1. Historic landmark or contributing primary structure.**

The present homeowner-applicants regard regulation CDC 25.050 (E)(1) as not applicable. We do not make a request for the demolition of a historic landmark or contributing primary structure.

**2. Non-contributing or not in period primary structure and accessory structure.**

The present homeowner-applicants regard regulation CDC 25.050 (E)(1) as not applicable. We do not make a request for the demolition of a historic landmark or contributing primary structure.

**25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES**

**The following design standards apply to all changes, including alterations, additions, and new**

construction proposed on a designated historic resource. These standards are intended to preserve the features that made the resources eligible for historic designation. Development must comply with all applicable standards, or be approved through the modifications process specified in regulation CDC 25.080.

**A. Standards for alterations and additions. This section applies to historic reviews for alteration of and additions to designated historic resources:**

**1. Retention of original 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.**

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(1). The original construction has been maintained or restored to the greatest extent practicable. Stylistic features of original construction were preserved including, 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. Other features such as a line of columns, decorative shingles, and projecting bays do not exist and, therefore, cannot be maintained or restored.

**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.**

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(2). Removal or alteration of historic materials and features has been and will continue to be avoided during the construction of addition. Whenever possible, deteriorated materials such as the original cedar siding and architectural features were repaired rather than replaced. In the event replacement of an existing feature such as windows are necessary, new materials 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.**

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(3). Our home is recognizable as a physical record of its time and place, which is the 1940s as opposed

to some significant historic time period typical of other buildings in this area. No alterations that have no historical basis or that seek to create a false sense of historical development have been or will be constructed

**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.**

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(4). West Linn's website references, "As described more thoroughly in the Findings portion of this report, the period of significance for the Willamette neighborhood was found to be 1895-1930" (Fitzgerald & McFeeters-Krone, 2006). No changes to this property have acquired historic significance in their own right, nor could have occurred and during the period of significance as our home, by definition, was constructed after the period of significance.

**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.**

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(5). The homeowner-applicants will show in the process of this document that alterations and additions are differentiated from the original buildings and are 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.**

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(6). The homeowner-applicants will show in the process of this document that additions and alterations were and will 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. No improvement fundamentally alters the primary structure.

**7. Building additions. Building additions shall be subordinate to the original building, smaller in scale, and attached to the rear or set back along the side. Features of building additions, including the proportions of window and door openings, shall be consistent with those of the existing building. Dimensional and other requirements in the underlying zone, as applicable, shall apply.**

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(7). The homeowner-applicants will show in the process of this document that our proposed building additions are subordinate to the original building, smaller in scale, and attached to the rear or set back along the side (see Exhibits 2,4). Features of building additions, including the proportions of window and door openings, are consistent with those of the existing building

(see Exhibit 1). Dimensional and other requirements in the underlying zone, as applicable, are understood to apply.

**8. Building height and roof pitch. Existing or historic building heights and roof pitch shall be maintained.**

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(8). The homeowner-applicants will show in the process of this document existing or historic building heights and roof pitch are consistent with the original construction and do not functionally or aesthetically change the home (See Exhibits 2,3).

**9. Roof materials. Replacement of a roof or installation of a new roof with materials other than cedar shingles, three tab asphalt shingles, or architectural composition shingles must be demonstrated, using photographic or other evidence, to be in character with those of the original roof, or with materials that are consistent with the original construction.**

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(9). The homeowner-applicants replaced the roof with three tab asphalt maintain the character of the original construction. See Photos

**10. Existing exterior walls and siding. Replacement of the finish materials of existing walls and siding with different material must be demonstrated, using photographic or other evidence, to be in character with those of the original materials, or with materials that are consistent with the original construction.**

The present homeowner-applicants are in compliance with 25.060 (A)(10). The homeowner-applicants, at significant expense, refinished the *original cedar siding* of the *original construction*. See photos

**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.**

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(11). The homeowner-applicants will show in the process of this document that our proposed changes to our home will use wood siding 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, would not be used. (see Exhibit 2)

**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.**

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(12). The homeowner-applicant's new gutters and downspouts are rectangular, metal material and match those that were typically used on similar style buildings of the 1940s. No 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 were used.

**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 are consistent with their wooden counterparts, including profile and proportion of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins. The window trim and sill shall match the original trim.**

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(13). The homeowner-applicant's proposed new windows match the appearance of the original windows as closely as possible. The homeowner-applicant will demonstrate that the non-wood coating on their windows are consistent with their wooden counterparts, including profile and proportion of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins. The window trim and sill shall remain original were refurbished. (see Exhibit 3)

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

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(14). The homeowner-applicant's chose not to use storm windows and instead used a fiber coating on their wood windows rather than replace stained aluminum storm windows that leech and discolor the brick of the home.

**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.**

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(15). The homeowner-applicant's purchased \$30,000 of Milgard Essence Series windows that match the appearance of the original windows as closely as possible, including the profile of the sash, window plane relative to the building wall plane, light pattern, glass color, profile of mullions and muntins, and color. The home's original casing and sills were refurbished and retained. The windows were purchased prior to learning from the city historic planner that the current

process was necessary. The proposed windows are constructed of Douglas Fir wood and have an exterior coating of "fiber poltrusion" which is essentially a coating that gives the window a far greater "U value" (the measure of thermal transmittance) two to three times better than the original windows. (see Exhibit 1)

**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.**

The present homeowner-applicants regard regulation CDC 25.060 (A)(16) as is not applicable to this review. We do not make a request for door replacement as the doors were replaced prior to our purchase. The doors would comply with CDC 25.060 (A)(16), however, as they are stained wood and are consistent with the original historic appearance.

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

**a. Maintain the shape, width, and spacing of the original columns; and**

The present homeowner-applicants regard regulation CDC 25.060 (A)(17)(a) as not applicable to this review. The homeowner-applicant does not propose a front porch, but rather a back porch. (See Exhibit 2)

**b. Maintain the height, detail, and spacing of the original balustrade.**

The present homeowner-applicants regard regulation CDC 25.060 (A)(17)(b) as not applicable to this review. The homeowner-applicant does not propose a front porch, but rather a back porch. (See Exhibit 2)

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

The present homeowner-applicants regard regulation CDC 25.060 (A)(18) as not applicable to this review. The homeowner-applicant does not propose a deck.

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

**a. The proposal is consistent with the original design and, if applicable, is consistent in the context of adjacent and other structures on the block, based on**

**photographic or other evidence; or**

The present homeowner-applicants regard regulation CDC 25.060 (A)(19)(a) as not applicable to this review. The homeowner-applicant does not propose the repair or construction of a foundation that results in raising or lowering our home. (See Exhibit 2)

**b. That it is necessary to satisfy a requirement of the building code and/or floodplain regulations (Chapter 27 regulation CDC).**

The present homeowner-applicants regard regulation CDC 25.060 (A)(19)(b) as not applicable to this review. The homeowner-applicant does not propose the repair or construction of a foundation that results in raising or lowering our home or necessary to satisfy a requirement of the building code and/or floodplain regulations.

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

The present homeowner-applicants regard regulation CDC 25.060 (A)(20) as not applicable to this review. The homeowner-applicant has made no modifications to lighting.

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

The present homeowner-applicants are in compliance with 25.060 (B) which uses as a base, regulations inclusive under code CDC 34:

#### **Chapter 34 ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND 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\(B\)](#).**

- A. A greenhouse may be a maintained accessory to a dwelling provided the activity does not exceed that which requires a license under Chapter 571 of the Oregon Revised Statutes, Nurseries.**

The present homeowner-applicant submits that regulation CDC 34.020 (B) does not apply to the homeowner-applicant's current proposal, as we make no requests for a greenhouse.

**B. A television disk or satellite dish larger than three feet in diameter, and any other non-commercial antennas over three feet in height (minor utility), may be a maintained accessory to a dwelling provided it is not located within the front yard or side yard abutting a street, it is mounted on the ground, is screened from view, as practical, with landscaping, and otherwise meets the requirements of CDC [34.060](#). The satellite dish shall not exceed a maximum height of 18 feet.**

**Where it can be demonstrated that these restrictions impose unreasonable limitations to the extent that the antenna/satellite dish's reception or transmitting capability is significantly reduced, then roof-mounted (provided it is powder-coated with mesh or perforated construction) or alternate locations for the antenna/satellite dish may be allowed. (Ord. 1350, 1993; Ord. 1463, 2000; Ord. 1614 § 8, 2013)**

The present homeowner-applicant submits that regulations CDC 34.020 (B) does not apply to the homeowner-applicant's current proposal, as we make no requests for a satellite or television disk.

#### **34.030 ACCESSORY DWELLING UNITS (ADUs)**

**A. An accessory dwelling unit (ADU) may be allowed in conjunction with an existing primary single-family dwelling by conversion of existing space inside the primary dwelling; by means of an addition to an existing dwelling; by means of an addition as an accessory structure; or by converting or adding to an existing accessory structure, such as a garage, on the same lot with an existing primary dwelling, when the following conditions are met:**

- 1. One off-street parking space for the ADU shall be provided in addition to the required parking for the primary dwelling except in those cases where the abutting street has a paved width of 28 feet or more and allows on-street parking.**
- 2. Public services can serve both dwelling units.**
- 3. The number of occupants is limited to no more than one family as defined by the Community Development Code.**
- 4. The ADU does not exceed one bedroom and has an area between 250 and 1,000 square feet. If the ADU is located in an accessory structure, then it shall not exceed 30 percent of the gross square footage of the primary dwelling, except that an ADU may be a minimum of 250 square feet in size regardless of the size of the primary dwelling. No more than one ADU is allowed.**
- 5. The ADU is in conformance with the setback and lot coverage requirements of the underlying zone.**

6. The following minimum area standards shall be met:

1 person – 250 square feet

2 persons – 500 square feet

7. Existing accessory structures such as large workshops, offices, garages, etc., constructed prior to January 2000, that exceed dimensional standards prescribed above for ADUs may be converted into ADUs in the future so long as the occupied or inhabited area is restricted to less than 1,000 square feet. Existing structures are not required to meet the design standards of subsections (B)(1) through (9) of this section, but shall conform to them to the greatest extent feasible.

B. Design standards for both attached and detached ADUs are as follows:

1. Exterior finish materials. The exterior finish material must be the same, or visually match in type, size, and placement, the exterior finish material of the primary dwelling.
2. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling.
3. Trim. Trim on edges of elements on the addition must be the same in type, size, and location as the trim used on the rest of the primary dwelling.
4. Windows. Windows must match those in the primary dwelling in proportion (relationship of width to height). Second-floor windows on the ADU should be placed and sized so as to achieve a reasonable amount of privacy for the abutting property owner(s).
5. Eaves. Eaves must project from the building walls the same distance as the eaves on the rest of the primary dwelling.
6. Setbacks. The detached ADU shall be at least 10 feet behind the front building line of the primary dwelling so as to maintain the primary status of the single-family home. The only exception allowed shall be for an ADU which is located above a detached garage, in which case, the setback of the ADU may be the same as that of the garage below.
7. Height. The maximum height allowed for a detached ADU is 18 feet (as measured using Building Codes methodology). Attached ADUs may be higher than 18 feet, but cannot exceed the height of the existing primary dwelling.

**8. The main exterior entrance of the ADU shall be located on either the rear or side of the ADU so that the main entrance to the primary dwelling will not be in competition with the entrance to the ADU.**

**9. Exterior stairs serving the ADU shall not face the front property line. (Ord. 1463, 2000)**

The present homeowner-applicant submits that regulation CDC 34.030 does not apply to the homeowner-applicant's present application, as we make no request for an accessory dwelling unit.

#### **34.040 SETBACK PROVISIONS FOR NOISE-PRODUCING ACCESSORY STRUCTURES AND USES**

**Noise-producing accessory uses and structures such as heat pumps, swimming pool motors or pumps shall meet the setback requirements of the zone.**

The present homeowner-applicant submits that regulation CDC 34.040 does not apply to the homeowner-applicant's present application as we have no plan to install any heat pumps, swimming pool motors or pumps.

#### **34.050 BOAT HOUSES AND DOCKS**

**Only side yard setback requirements apply to boat houses and docks.**

The present homeowner-applicant submits that regulation CDC 34.050 does not apply to the homeowner-applicant's present application as we make no request to construct any boat houses or docks.

#### **34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)**

**A. Accessory structures shall comply with all requirements for the principal use except as provided in CDC [34.040](#) and where specifically modified by this code as follows.**

The current homeowner-applicant's proposal complies with regulation CDC 34.060 (A) including embedded regulations CDC 34.040 (previously referenced as not applicable because we make no request for a heat pump or swimming pool motors and thus do not require setback for same.

**B. A side yard or rear yard requirement may be reduced to three feet for an accessory structure except for a side or rear yard abutting a street, with the exception of alleys platted and dedicated prior to September 30, 1984, as defined in this code; provided, that:**

- 1. The structure is erected more than 60 feet from the front lot line;**
- 2. The structure does not exceed one story or 15 feet in height;**

3. **The structure does not exceed an area of 500 square feet; and**
4. **The structure does not violate any existing utility easements.**

The current homeowner-applicants are in compliance with CDC 34.060 (B)(1-4). Our proposed accessory structure garage is situated greater than 5 feet from side and rear yards.

**C. Attached accessory structures. When an accessory structure is attached to the main structure (wall to wall or by any permanent attachment), including via a covered walkway, such accessory structure shall be considered as part of the main structure. (Ord. 1604 § 38, 2011)**

The current homeowner-applicants submit that regulation CDC 34.060 (C) is not applicable as our request is not for an attached accessory structure. (see exhibit 4)

**25.060 (B) (1). All accessory structures.**

**a. Location.**

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

The present homeowner-applicants are in compliance with regulation CDC25.060 (B)(1)(a)(1) as our home complies with the embedded regulation of CDC 25.070(C)(1-4) in the following ways:

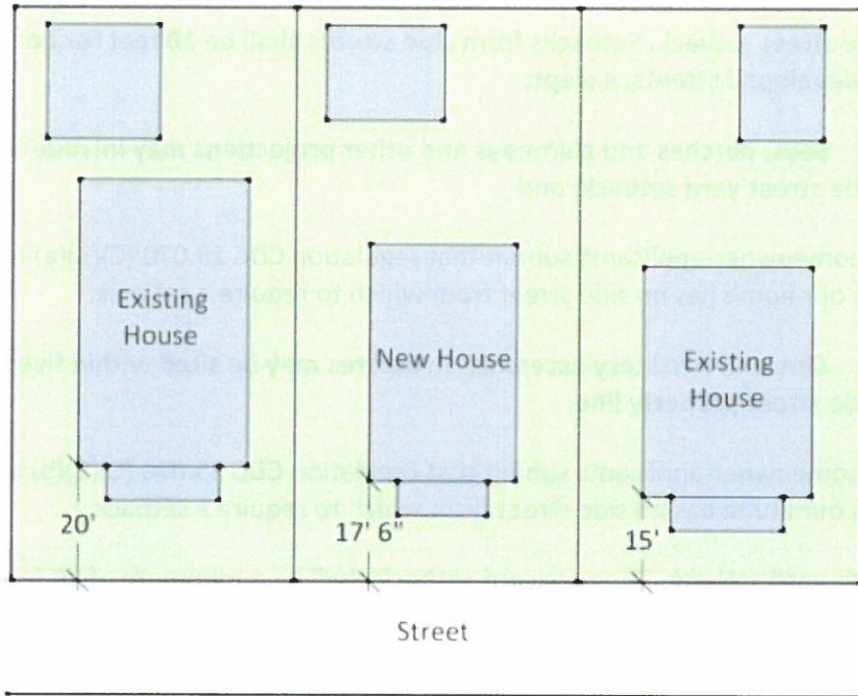
**CDC 25.070C. Willamette Historic District general design standards. This subsection applies only to alterations and additions, new construction, and accessory structure construction of residential and historically residential properties in the Willamette Historic District. Other buildings are subject to the requirements in Chapter 58 regulation CDC. Dimensional and other requirements of the underlying zone, as applicable, shall apply.**

**1. Front yard setback.**

- a. **The front yard setback shall equal the average of the front setbacks of adjacent homes on the block face. For corner lots, the setback shall be the average between the adjacent house to the side and 20 feet. The setback shall be the distance measured from the front property line to the dominant vertical face of the building, exclusive of any porches or front landings.**

The present homeowner-applicants submit that regulation CDC 25.070(C)(1)(a) regarding the front yard setback of our proposed garage is a replacement of the current original garage and is not applicable to regulation CDC 25.070(C)(1)(a) as no other homes on our block are oriented in the manner of our home. Other homes on our block oriented in the same manner and originally constructed prior to our home, are not subject to historic district regulation, and thus not considered for this purpose of this review. Our proposed garage rebuild remains in excess of 90 feet from our front lot line.

- 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**

The present homeowner-applicants submit that regulation CDC 25.070 (C)(1)(b) “Unenclosed porches” is not applicable as we make no request for an “unenclosed porch”

**2. Side yard setback. Side yard setbacks shall be five feet, except:**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(2), as our proposed garage is a replacement of the current original garage and meets the requirements of regulation CDC 25.070 (C)(2) and is five feet. (see exhibit 4)

- a. Bays, porches and chimneys and other projections that are cumulatively no more than 20 percent of the overall respective building wall length may intrude 18 inches into the side yard setback; and**

The present homeowner-applicants submit that regulation CDC 25.070 (C)(2)(a) is not applicable, as our garage is a replacement of the current original garage and has no bay, porch, chimney nor other projection. (see exhibit 4)

- 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.**



The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(2)(b) as our garage is a replacement of the current original garage and is within five feet of the side property line and is not a two story accessory structure. (see exhibit 4)

**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**

The present homeowner-applicants submit that regulation CDC 25.070 (C)(3)(a) is not applicable, as our home has no side street from which to require a setback.

**b. One and two story accessory structures may be sited within five feet of the side street property line.**

The present homeowner-applicants submit that regulation CDC 25.070 (C)(3)(b) is not applicable, as our home has no side street from which to require a setback.

**4. Rear yard setback. The rear yard setback shall be a minimum of 20 feet, except for accessory structures, which may be sited to within three feet of the rear property lines.**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(4), our proposed garage accessory structure is a replacement of the current original garage and is situated in excess of the required three feet of the rear property line. (see Exhibits)

**25.060 (B)(1)(a)2) Accessory structures on historic landmark properties must meet the setback requirements of the underlying zone and Chapter 34 regulation CDC;**

The present homeowner-applicants are in compliance with regulation CDC 25.060 (B)(1)(a)(2) as we have met the setback requirements of the underlying zone and regulations of CDC Chapter 34 as previously mentioned in this narrative. Those responses are incorporated here by this reference.

**3) Detached accessory structures shall be in the rear yard; and**

The present homeowner-applicants are in compliance with 25.060 (B)(1)(a)(3) as our garage is a detached accessory structures situated in the rear yard.

**4) Two-story accessory structures shall be at least 10 feet from the house; and one-story accessory structures shall be at least three feet from the house.**

The present homeowner-applicants are in compliance with 25.060 (B)(1)(a)(4) as our proposal is for a one-story garage accessory structure, situated least three feet from the house.

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

**25.070(C)(7). Building height.**

**a. Residential structures are limited to 28 feet in height. Cupolas and towers shall not exceed 50 feet in height.**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(7)(a) because no change is being made to the height of the residential structure.

**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.**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(7)(b), our proposed garage accessory structure is a replacement of the current original garage, is within 15 feet in height, a one story structure, and does not exceed the height of the primary dwelling.

**c. Two story accessory structures shall not exceed the maximum height of 23 feet as measured per Chapter 41 regulation CDC.**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(7)(c), our proposed garage accessory structure is a replacement of the current original garage and is within 15 feet in height, a one story structure, and does not exceed the height of the primary dwelling.

**d. Accessory structures shall not exceed the height of the primary dwelling.**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(7)(d), our proposed garage accessory structure is a replacement of the current original garage and is within 15 feet in height, a one story structure, and does not exceed the height of the primary dwelling.

The homeowner-applicants submit that the second requirement of regulation 25.060 (B)(1)(b) (accessory structures on historic landmark properties must meet the height requirements of the underlying zone and Chapter 34 regulation CDC) is not applicable as our home is not a landmark.

**2. Conversions and additions. Existing detached, unheated structures including, but not limited to, workshops and garages, may be converted into other allowable**

**accessory uses under the following conditions:**

The present homeowner-applicants regard regulation CDC 25.060 (B)(2) as not applicable as we are not making a request for our workshop/ garage to be converted into another allowable accessory use.

**25.070 ADDITIONAL STANDARDS APPLICABLE TO HISTORIC DISTRICTS**

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

**A. Standards for alterations and additions.**

**1. Compatibility with nearby context. Alterations and additions shall be:**

The present homeowner-applicants are in compliance with 25.070 (A)(1) as all of our proposals are compatible with nearby context as they make no changes from the front of the home, minimal changes to the back and rebuild a garage. (see Exhibits)

**a. Compatible in scale and mass to adjacent properties; and**

The present homeowner-applicants are in compliance with 25.070 (A)(1)(a) as all of our proposals are compatible in mass and scale as they make no changes from the front of the home, minimal changes to the back and rebuilds our garage. (see Exhibits).

**b. Constructed such that they maintain the privacy of the residents of adjacent properties through window placement, orientation or landscaping.**

The present homeowner-applicants are in compliance with 25.070 (A)(1)(b) as all of our proposals are compatible with nearby context as they make no changes to window placement, orientation or landscaping. (see Exhibits)

**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.**

The present homeowner-applicants are in compliance with 25.070 (A)(2) as our home has the fortune of being somehow compatible, but not in period and thus we have ensured that all of our proposals are compatible with nearby context have minimized to zero the risk of creating any false sense(s) of history for historic homes several blocks away. The newly constructed homes across the street and on the remainder of our block remain safe from any potential historical upheaval as well. (see Exhibits)

**3. Not in period noncompatible buildings. Alterations to not in period, noncompatible buildings shall be consistent with applicable standards in regulation 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 regulation 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.**

The present homeowner-applicants submit that regulation CDC 25.070 (A)(3) is not applicable as our home has the fortune of being somehow compatible, but not in period.

**B. Standards for new construction. The standards in this section apply only to new construction in a historic district beyond alterations and additions, including new accessory structures. These standards shall apply in addition to any other applicable standards (see the Standards Applicability Matrix in regulation CDC 25.020).**

The present homeowner-applicants submit that regulation CDC 25.070 (B) is not applicable as our home is not new construction.

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

This narrative addresses the criteria in CDC25.070(C)(1)-(4) in an earlier section and those responses are incorporated here by this reference.

**5. Orientation. New home construction on corner lots shall be oriented the same direction as the majority of homes on the street with the longest block frontage.**

The present homeowner-applicants submit that regulation CDC 25.070 (C)(5) is not applicable, as our home is not situated on a corner lot.

**6. New lot configuration. In addition to other requirements of the regulation 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.**

The present homeowner-applicants submit that regulation CDC 25.070 (C)(7) is not applicable, as our home is not a new lot.

**7. Building height.**

This Narrative addresses the criteria in CDC25.070(C)(7) in an earlier section and those responses are incorporated here by this reference.

**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.**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(8). The proposal in this review does not change the width of the primary residential structure, and our proposed garage accessory is a replacement of the current original garage and does exceed 35 feet in overall width and has no front facade gable. (see Exhibits)

**9. Roof pitch. Roofs shall have a pitch of at least 6:12.**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(9), our proposed garage accessory is a replacement of the current original garage and will have a pitch of at least 6:12. (see Exhibits). No changes are being made to the roof pitch of the primary structure.

**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.**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(10), our proposed garage accessory is a replacement of the current original garage of which the garage door faces and has access onto a street because alley access is not available. (see Exhibits)

**b. Parking areas.**

**1) No residential lot shall be converted solely to parking use.**

The present homeowner-applicants submit that regulation CDC 25.070 (C)(10)(b)(1) is not applicable, as we are not requesting that our home be converted solely to parking use.

**2) No rear yard area shall be converted solely to parking use.**

The present homeowner-applicants submit that regulation CDC 25.070 (C)(10)(b)(2) is not applicable, as we are not requesting that our rear yard be converted solely to parking use.

**3) When a lot is adjacent to an alley, all parking access shall be from the alley. (Ord. 1614 § 6, 2013)**

The present homeowner-applicants submit that regulation CDC 25.070 (C)(10)(b)(2) is not applicable, as we have no alley.

## **25.080 MODIFICATIONS TO DESIGN STANDARDS**

**This section provides for deviation from site development standards in this chapter to enable flexibility and innovation consistent with the purposes of this chapter while ensuring that the**

features that historic designations are intended to preserve are maintained.

**A. Applicability.** The provisions of Chapter 75 regulation CDC, Variance, shall not apply to the standards in this chapter.

**B. Assessment of modification.** When an applicant proposes an alternative to the standards of this chapter the approval authority shall grant a modification when:

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

With regard to CDC 25.080 (B)(1), the present homeowners possess no historic photos of our home.

**2. Consistency.** The resulting development of the proposal would be consistent with the intent of the standards for which the modification is requested, as determined by the approval authority;

The present homeowner-applicants are in compliance with regulation 25.080 (B)(2) insofar as the intent of the current document is to be consistent with intent of the standards. (see Exhibits)

**3. Negative impacts.** Negative impacts to adjacent homes and/or a historic district will be minimized. These include, but are not limited to, loss of solar access, light, or air to an adjacent structure, and scale or mass that visually overwhelm or are not deferential to an adjacent landmark or contributing structure; and

The present homeowner-applicants are in compliance with regulation 25.080 (B)(3). No changes reduce solar access, light, or air to an adjacent structure, and is not of a scale or mass that will visually overwhelm or is not deferential to an adjacent landmark or contributing structure. (see Exhibits). We are not aware of any other negative impacts that might result.

**4. Exceptional architecture.** The proposal incorporates exceptional and appropriate architectural elements into the building. (Ord. 1614 § 6, 2013)

The present homeowner-applicants are in compliance with regulation 25.080 (B)(3) as the changes represented by our proposal do not modify exceptional and appropriate architectural elements into the building. The current original garage is replicated, though widened. Window placement remains proportional to the original. (see Exhibits)

**Exhibit 1. WINDOWS**

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**25.050 APPLICATION REQUIREMENTS**

**A. Historic design review. Applications for historic design review shall include the following:**

- 1. Narrative. Written narrative explaining the proposal and how it meets the approval criteria in regulation CDC 25.060 and 25.070, as applicable;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(1) as embedded regulations CDC 25.060 and 25.070 as have been satisfied as referenced in the previous section.

- 2. Existing plan and elevation drawings. Plan and elevation drawings of the existing structure, if applicable, including materials;**

The present homeowner-applicants submit that CDC 25.050(A)(2) is not applicable in window replacement.

- 3. Proposed plan and elevation drawings. Plan and elevation drawings of the proposed changes, including materials;**

The present homeowner-applicants submit that CDC 25.050(A)(3) is not applicable in window replacement.

- 4. Current photographs. Photographs of the existing structure, if applicable;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(4). Please see attached current photos of our home.

- 5. Historic photographs. Historic photographs and/or drawings of the existing structure, if available; and**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(5). Please see attached historic photos of our home.

- 6. Supplementary. For additions that increase the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district:**

- a. Plan and elevation drawings of adjacent properties; and**
- b. A rendering and/or photo-simulation showing the proposal in context.**

The present homeowner-applicants submit that regulation CDC 25.050(A)(6) is not applicable, as we are not requesting an addition that increases the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district.



**EXHIBIT 2. REAR COVERED PORCH ADDITION**

**25.050 APPLICATION REQUIREMENTS**

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**A. Historic design review. Applications for historic design review shall include the following:**

- 1. Narrative. Written narrative explaining the proposal and how it meets the approval criteria in regulation CDC 25.060 and 25.070, as applicable;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(1) as embedded regulations CDC 25.060 and 25.070 as have been satisfied as referenced in the previous section.

- 2. Existing plan and elevation drawings. Plan and elevation drawings of the existing structure, if applicable, including materials;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(2). Please see attached existing plan and elevation drawings. (See attached)

- 3. Proposed plan and elevation drawings. Plan and elevation drawings of the proposed changes, including materials;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(3). Please see attached proposed plan and elevation drawings. (See attached)

- 4. Current photographs. Photographs of the existing structure, if applicable;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(4). Please see attached current photos of our home. (See attached)

- 5. Historic photographs. Historic photographs and/or drawings of the existing structure, if available; and**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(5). Please see attached historic photos of our home. (See attached)

- 6. Supplementary. For additions that increase the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district:**

- a. Plan and elevation drawings of adjacent properties; and**
- b. A rendering and/or photo-simulation showing the proposal in context.**

The present homeowner-applicants submit that regulation CDC 25.050(A)(6) is not applicable, as we are not requesting an addition that increases the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district.

## EXHIBIT 3. SECOND FLOOR BATH ADDITION

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### 25.050 APPLICATION REQUIREMENTS

#### A. Historic design review. Applications for historic design review shall include the following:

1. **Narrative. Written narrative explaining the proposal and how it meets the approval criteria in regulation CDC 25.060 and 25.070, as applicable;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(1) as embedded regulations CDC 25.060 and 25.070 as have been satisfied as referenced in the previous section.

2. **Existing plan and elevation drawings. Plan and elevation drawings of the existing structure, if applicable, including materials;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(2). Please see attached existing plan and elevation drawings.

3. **Proposed plan and elevation drawings. Plan and elevation drawings of the proposed changes, including materials;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(3). Please see attached proposed plan and elevation drawings. (See attached)

4. **Current photographs. Photographs of the existing structure, if applicable;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(4). Please see attached current photos of our home.

5. **Historic photographs. Historic photographs and/or drawings of the existing structure, if available; and**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(5). Please see attached historic photos (Fig. 2) of our home.

6. **Supplementary. For additions that increase the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district:**

- a. **Plan and elevation drawings of adjacent properties; and**
- b. **A rendering and/or photo-simulation showing the proposal in context.**

The present homeowner-applicants submit that regulation CDC 25.050(A)(6) is not applicable, as we are not requesting an addition that increases the gross square footage of the structures

on the site by more than 50 percent, and/or new construction in a historic district. This change affects less than 25 square feet.

## EXHIBIT 4. GARAGE REBUILD

### 25.050 APPLICATION REQUIREMENTS

---

#### A. Historic design review. Applications for historic design review shall include the following:

- 1. Narrative. Written narrative explaining the proposal and how it meets the approval criteria in regulation CDC 25.060 and 25.070, as applicable;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(1) as embedded regulations CDC 25.060 and 25.070 as have been satisfied as referenced in the previous section.

- 2. Existing plan and elevation drawings. Plan and elevation drawings of the existing structure, if applicable, including materials;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(2). Please see attached existing plan and elevation drawings (Fig. 3).

- 3. Proposed plan and elevation drawings. Plan and elevation drawings of the proposed changes, including materials;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(3). Please see attached proposed plan and elevation drawings (Fig. 4).

- 4. Current photographs. Photographs of the existing structure, if applicable;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(4). Please see attached current photos (Fig. 1) of our home.

- 5. Historic photographs. Historic photographs and/or drawings of the existing structure, if available; and**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(5). Please see attached historic photos (Fig. 2) of our home.

- 6. Supplementary. For additions that increase the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district:**

- a. Plan and elevation drawings of adjacent properties; and**
- b. A rendering and/or photo-simulation showing the proposal in context.**

The present homeowner-applicants submit that we are in compliance with CDC 25.050(A)(6) is not applicable, as we are not requesting an addition that increases the gross square footage of

the structures on the site by more than 50 percent, and/or new construction in a historic district. Please see attached contextual drawings of the garage for ease of review.

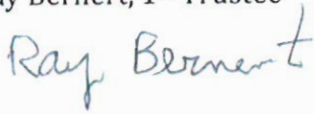
January 5, 2014

To Whom It May Concern:

Regarding the Historical Designation of 1344 14<sup>th</sup> st. in West Linn.

At the time in question my mother, Agnes Bernert, was incapacitated and the house had been placed into a trust agreement on December 13, 1990. As such, any authorization would have to be given through me as the first trustee. My mother passed away November of 2007.

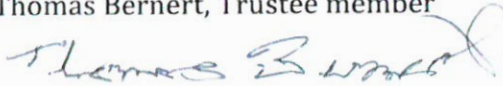
Ray Bernert, 1<sup>st</sup> Trustee



George Bernert, Trustee member



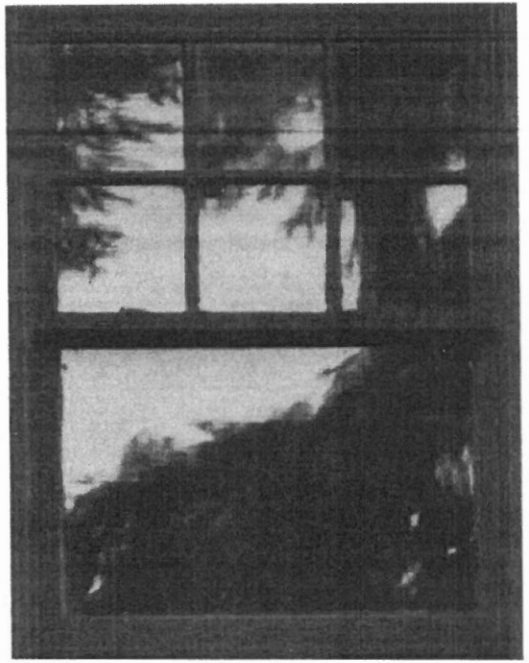
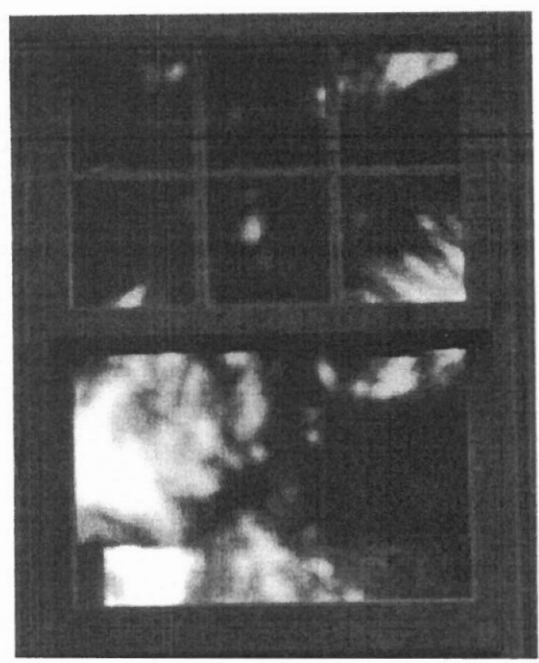
Thomas Bernert, Trustee member



Agnes Bernert's surviving sons: Ray, George and Thomas who also comprise the Bernert Trust are willing to testify that since the home was placed in trust in 1990, they have never been contacted regarding historic designation and would have not consented to the designation had they been contacted. Further, they stipulate that Agnes was aged an unable to engage in the process of refutation.

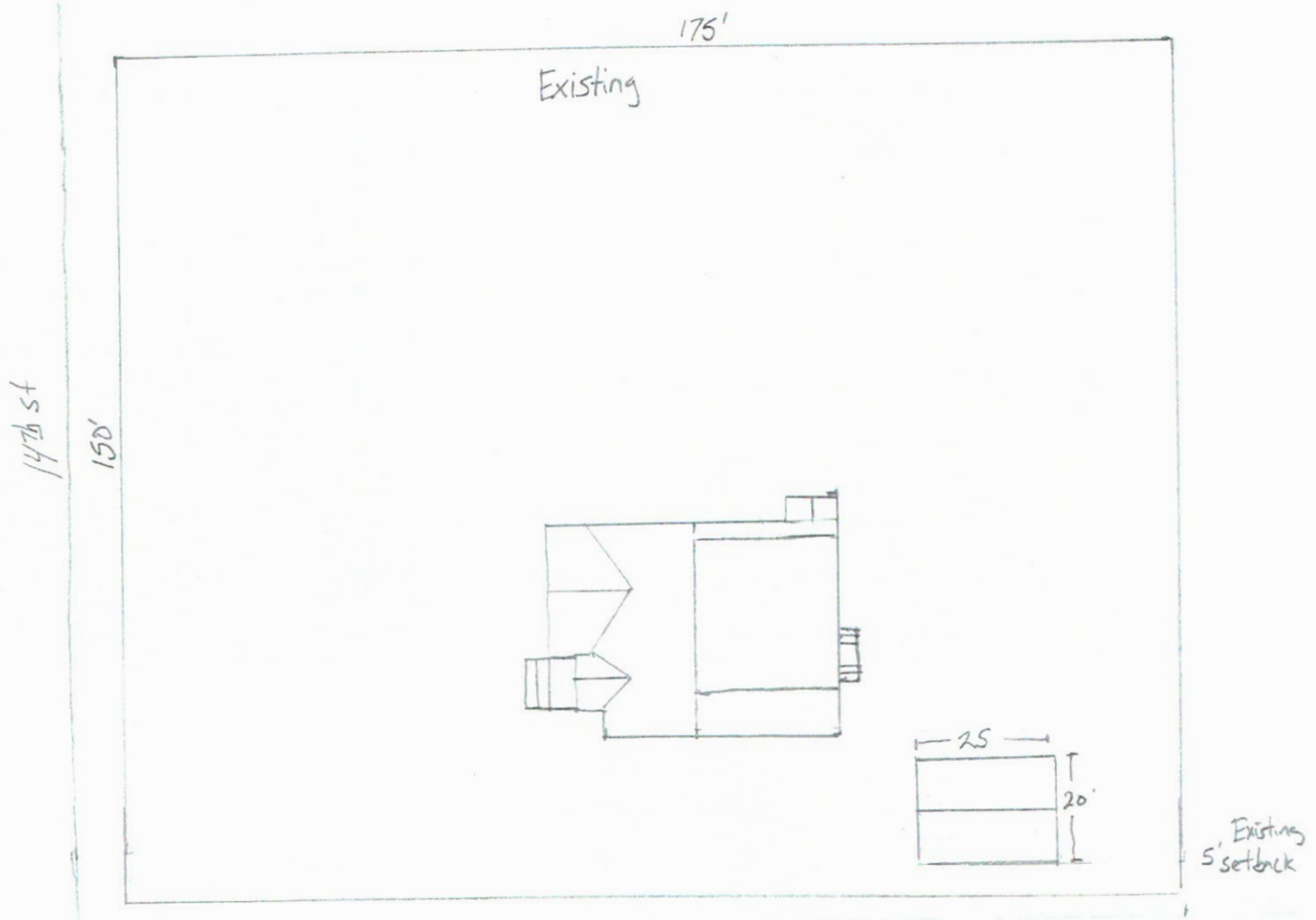
Photographs of original and replacement windows side by side. Note that the windows are in different positions on the house so the comparison is limited.

One can see that it is nearly impossible to tell the two apart as their dimensions are as similar as one can make. It also does not detract from the "historic" nature of these "not in period of significance" windows.



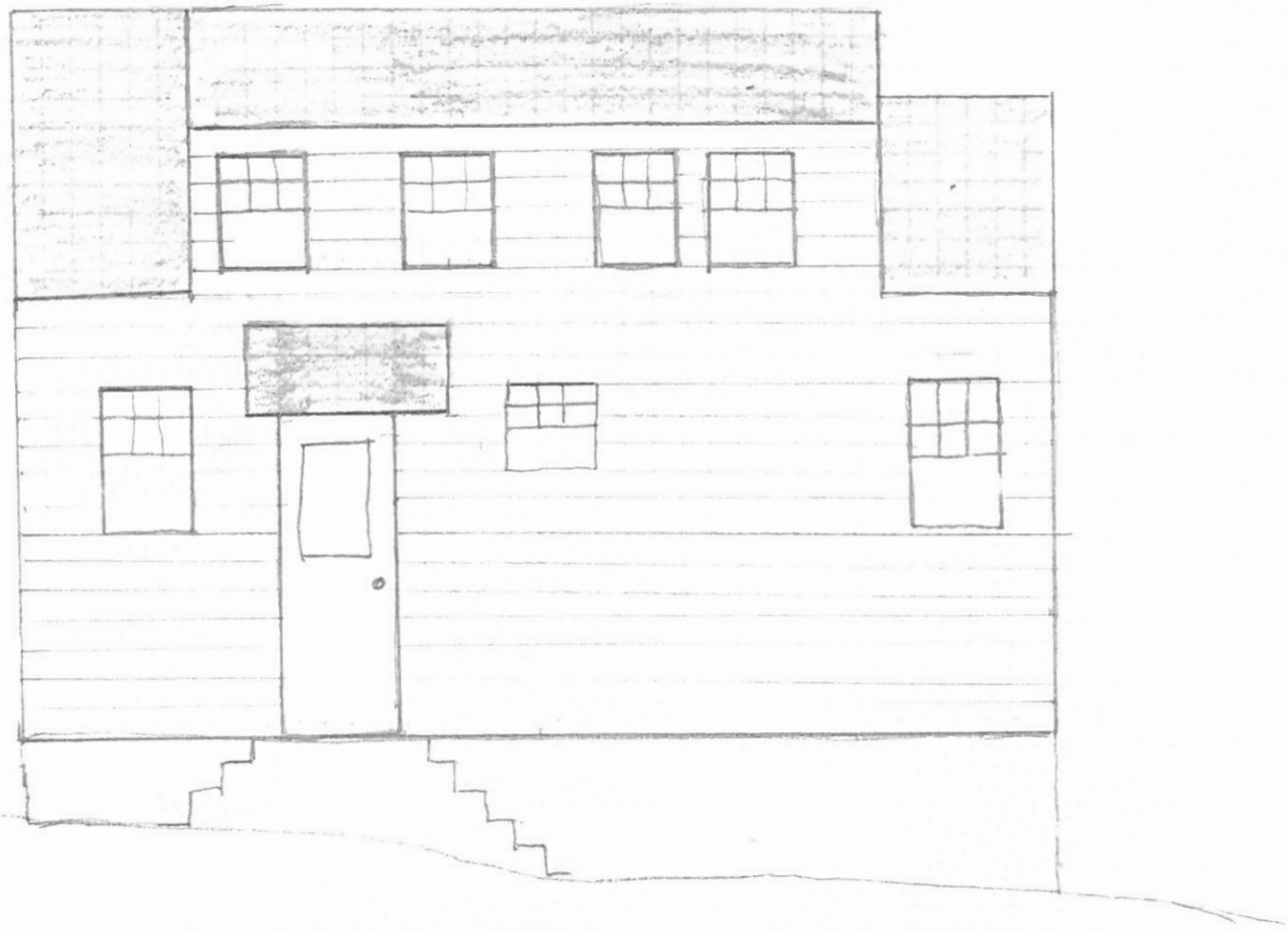


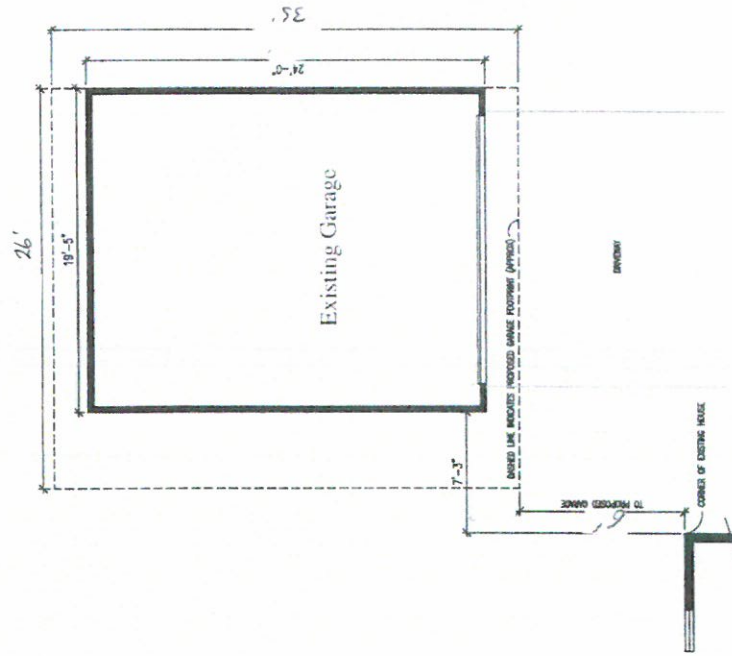
Plot of our home as it exists in context with the rest of our property.



Elevation of the rear of our home.

Existing





DATE: 9-6-13	SCALE: N.T.S.
PAGE: A1.0	PHONE: 503-804-503
<b>WEBB - EXISTING SITE PLAN</b>	
DRAWINGS BY: Donna Bezio	

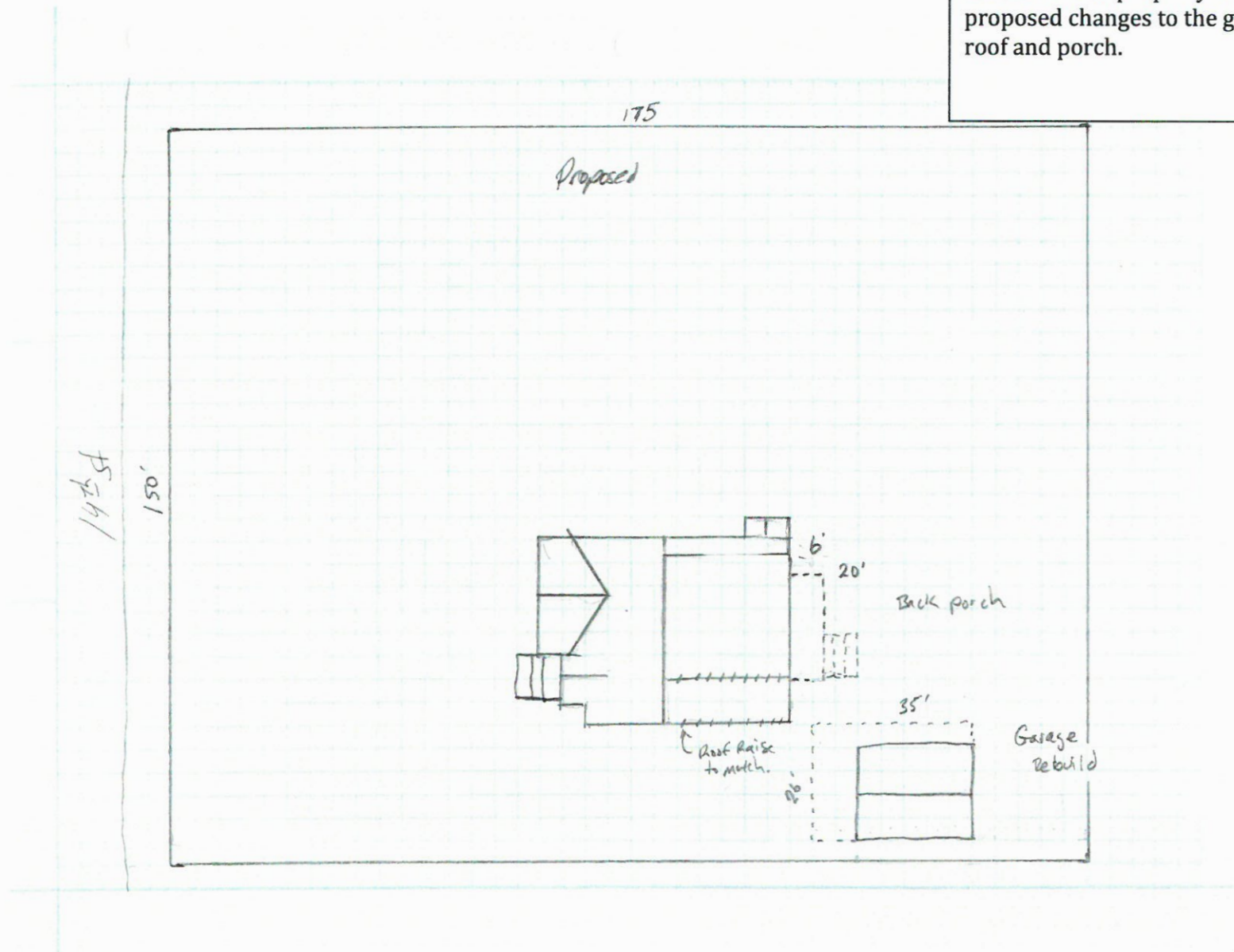
Plot of our garage with both existing and planned changes on the same drawing.

Plot the rear of our home. This reflects our proposed changes to the back porch and left hand side of the rear roof of our home.

Proposed



Plot of our home as in context with the rest of our property with proposed changes to the garage, roof and porch.



Elevation of proposed garage.

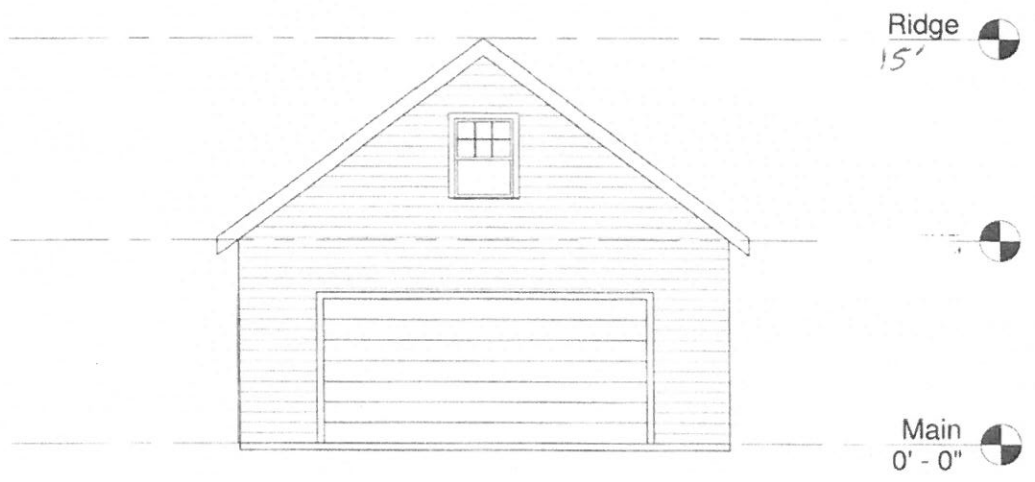


Photo of the house as it is currently, with restored original cedar siding and three-tab roofing.



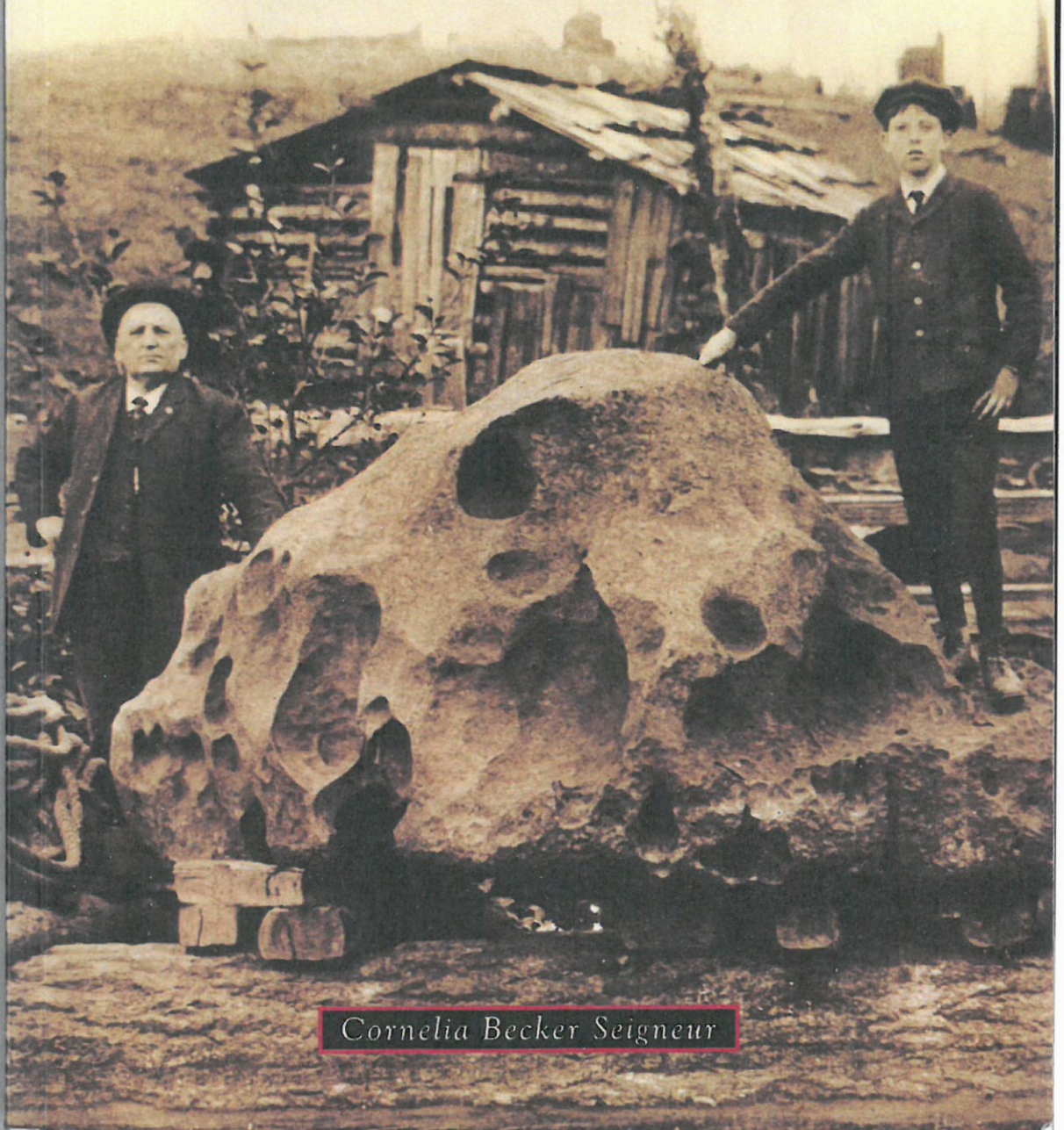
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AUG 14 2014  
PLANNING & BUILDING  
CITY OF WEST LINN  
INT. \_\_\_\_\_ TIME \_\_\_\_\_

EXHIBIT PC-7



IMAGES  
of America

# WEST LINN



*Cornelia Becker Seigneur*



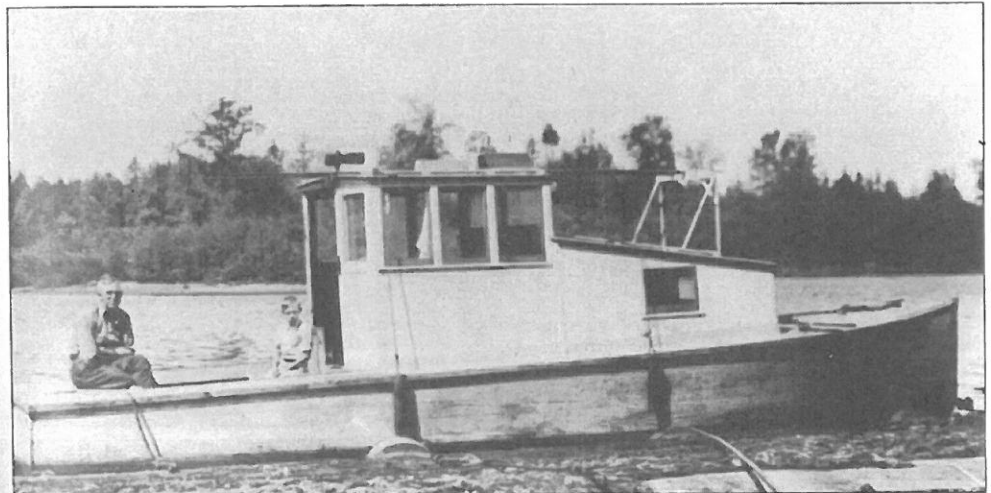
vn-Willamette Paper Company  
in school bus service in 1927.  
ross Betts.)



**FLOOD OF 1890.** The flood of 1890 highlights the power of the river. In the distance is the flooded original Station A of the Willamette Falls Electric Company. (Courtesy Clackamas County Historical Society.)



gather for a group photograph in



**FATHER AND SON.** Joseph H. Bernert (left), and his son James W. Bernert, age 10, sit on the stern of the *Grayling* on the upper Willamette River in 1936. Joseph's father, Joe, emigrated from Germany to Pete's Mountain in the 1860s and began logging in the river using a rowboat. Four generations of Bernerts have worked on the river, and members of the four generations have died on the river. (Courtesy Toni Dollowitch Bernert.)



**WEST LINN RIVER MEN.** At the original boathouses of Joe Bernert Towing Company and Albert Bernert Towing Company, located by the lower part of the Willamette River just below Willamette Park, owners and operators of two Bernert brothers' businesses pose in front of the tugboats in 1930. From left to right are Joe Bernert, owner; Durward Criteser, operator; Frank Garlick, operator; Albert Bernert, owner; Charles "Smokey" Stoller, operator; Gail Merwin, operator; and Paul Wallace, operator. (Courtesy Toni Dollowitch Bernert.)



**BERNERTS HAUL SPRUCE GOOSE.** Members of the Bernert family helped transport the Spruce Goose to the falls in 1992. Known as the Hughes HK-1 flying boat, it was conceived during World War II but not completed until after the war. Flown only once, on November 2, 1947, by Howard Hughes, the Spruce Goose remains the largest plane ever built. (Courtesy Tom Bernert.)



**THE MOUNTAIN ROAD SCHOOL 1916.** Students of the Mountain Road School (District No. 43) gather for this photograph in 1916. Included that year are Ella Christiansen, Agnes Bernert, John Anderson, Erwin Notdurft, Hilda Boeckman, Lillie Settje, Bernice Hodge, Nora Heinz, Mary Koellermeier, Fred Heinz, Helen Anderson, Donald Hodge, Elmer Settje, Willie Anderson, Fritz Boeckman, Henry Woolfolk, Johnny Knichrehm, Erwin Notdurft, Hilda Boeckman, and Freddie Settje. This district consolidated with Stafford in 1943. (Courtesy West Linn High School.)



**FIRST YEARS IN NEW HIGH SCHOOL.** Students during the 1921-1922 school year at Union High School gather for a photograph outside their new school in West Linn. (Courtesy Clackamas County Historical Society.)

70



**UNION HIGH**  
outside their



**SUNSET GRA**  
From left to r  
May Powell, N  
unidentified, J  
Anderson, R  
Wesley Kunzr



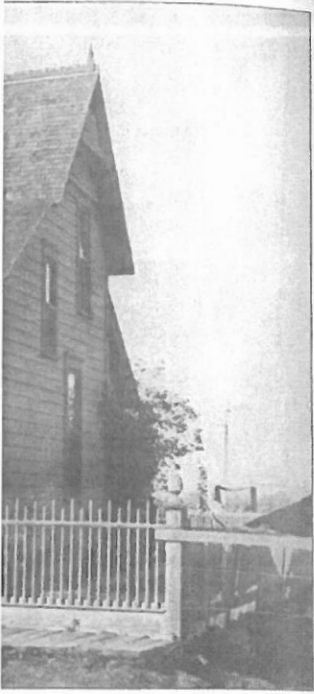
**JONES-FROMONG HOUSE.** The Jones-Fromong House, built in 1893, is located in Willamette. The Jones family purchased the house from Willamette Falls Electric Company in 1895. Then, in 1899, Andrew Fromong bought the house. Others who have lived here include Maxine Knapp. The Knapps, after whom an alley in Willamette is named, owned the drugstore in that area for 50 years. (Courtesy Teresa Choate Loriaux.)



**LADIES OVERLOOK WILLAMETTE.** A group of women gathers in the early 1930s overlooking what was the Karbs Hill dairy (left), which was to the right of what is now Salamo Road. Pictured from left to right are the following: (first row) Agnes (Dollowitch) Bernert, Mary (Dollowitch) Bernert, Olivia Hellberg's child, and Olivia Hellberg; (second row) Lydia (Failmetzger) Moenke, aunt Louise Failmetzger, Elise Hellberg Volpp, Agnes (Bernert) Goldade/Parker, Bessie Criteser, Emma Shipley, and Minnie Kaiser. (Courtesy David and Judy Shipley.)

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1893, is located in Willamette. Electric Company in 1895. Then, ed here include Maxine Knapp. d the drugstore in that area for



in the early 1930s overlooking it is now Salamo Road. Pictured :h) Bernert, Mary (Dollowitch) w) Lydia (Failmetzger) Moenke, Goldade/Parker, Bessie Criteser, ipley.)



**GREYDIGGER HEIGHTS.** Sitting in a wagon overlooking Greydigger Heights in 1944 are, from left to right, siblings Jean Shipley and David Shipley and cousin Teri Walker Shipley. The chicken house is to the right. This was on the property of Frank and Emma Shipley's house on Thirteenth Street in Willamette. They called the area Greydigger Heights for the squirrels. At the foot of the hill was Karbs Dairy, a popular destination for milk. "We used to walk to Karbs Dairy to get milk," says David Shipley, who still lives in Willamette with his wife, Judy. (Courtesy Dave and Judy Shipley.)



**BERNERT BROTHERS.** This was the Willamette-area home of Joe Bernert and Agnes Dollowitch Bernert with their children out front. In the 1944 photograph are, from left to right, Jim Bernert in his navy uniform, Ray, George, and Joe, and in the front with the sailor hat is Tom. Originally from Germany, the Bernert brothers arrived in Willamette and Pete's Mountain in the 1880s and started a log-towing business on the Willamette River. (Courtesy Toni Dollowitch Bernert.)

EXHIBIT PC-8



***Marine Industrial Construction services the Northwest region***

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## About MIC

The Bernert family started working on the Willamette and Columbia Rivers in the 1860's when Josef Bernert drifted logs to the mills using oar powered boats. Tugboat work continued by rafting logs (from the turn of the century until the late 1940's). We have a rich history doing revetment and construction work for the Corps of Engineers, hauling Salmon fry on the Columbia, dredging for aggregate sources as well as navigation, and other marine related activities. In the late 1950's Josef Bernert's grandchildren started dredging and formed an aggregate and concrete company (Wilsonville Concrete –WCP) and dredged roughly 200,000 tons of sand and gravel annually from 1958 until 2009. From 1990 to 2008 our river dredging activities primarily supplied our aggregate needs. In 2009 we started doing more construction as well as commercial dredging, including work for Port of Vancouver, Port of Portland, private clients, navigational dredging, pipeline replacement, debris removal, salvage, and other



projects. This has included several Corps of Engineer marine based projects. Currently the next generation of the family and their children (5<sup>th</sup> generation) are operating the business.

### *History and Timeline*

- 1866 – Josef Bernert started marine work in Oregon
- 1907 – Josef Built the Vanda – First powered boat with a 4 ½ HP tugboat for hauling logs to mills
- 1912 – Josef dies in major flood after being washed over the Willamette Falls. Josef's sons, Carl, Albert and Joe continue business
- 1914 to 1918 – Joe Bernert serves in Army as medic during World War I
- 1918 – Joe returns from Europe and forms Joe Bernert Towing (JBT) to raft logs and use tugs for marine transport
- 1951 – Joe has stroke and his son Jim Bernert takes lead in JBT for towing and construction projects
- 1956 – Joe dies and Jim takes lead on diversifying JBT into other marine work including dredging
- 1958 – First dredging permit issued to JBT for aggregate mining in Willamette River
- 1962 – Wilsonville Concrete formed by Jim Bernert, his brother Tom Bernert and Al Schaeffer
- 1960 – 1970s – JBT completed numerous revetment projects for Corp, Fish haul projects, chip and aggregate transport and maintenance dredging projects
- 1982 – Jim Bernert dies in marine accident with his son Capt. Chris Bernert
- 1982 – 1997 – Tom Bernert leads JBT in supporting Wilsonville Concrete
- 1997 – Positive Biological Opinion for JBT Dredging when implementing their Best Management Practices
- 2002 – 2007 – Final Biological Opinion for Phasing out in river dredging
- 2006 – WCP formed for JBT and Wilsonville Concrete
- 2008 – WCP finishes all in-stream mining
- 2009 – WCP forms MIC (formed from JBT and WCP)
- 2010 – Santosh (CalPortland) Dredging Project
- 2011 – Port of Vancouver Maintenance Dredging, Chelan County, Pipeline repairs
- 2012 – Port of Portland Terminal 6 Dredging, Bradford Island Dredging, various debris projects (Ports, PGE, others)
- 2013 – Port of Vancouver Dredging, Corp of Engineers Bonneville B2 Dredging, Port of Portland Terminal 4



**Recent Awards  
Fall/Wintter 2013**

- Port Orford Dock Dredging
- Klaskanine Intake
- McNary Oregon Shore Fishway Lamprey Prototype Entrance Structure
- Cougar Dam Fish Collector

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EXHIBIT PC-9

## Javoronok, Sara

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**From:** Kristine Webb <kristine@neurobx.com>  
**Sent:** Thursday, August 28, 2014 9:31 PM  
**To:** Lonny Webb MSW, LCSW; Javoronok, Sara  
**Subject:** Re: RE: Garage question

It was 15". I wish for it to be higher but I dont want it to create MORE trouble with having to make a set back. If it can be raised up any feet, that would be wonderful! For the sake of the roof pitch limiting the width of our garage.

On Wed, Aug 27, 2014 at 5:05 PM, Lonny Webb MSW, LCSW <[lonny@neurobx.com](mailto:lonny@neurobx.com)> wrote:  
Isn't it 15'. I don't have right here

---

Lonny R. Webb, MSW, LCSW  
1609 Willamette Falls Drive  
West Linn, Oregon 97068  
[WWW.NeuroBx.com](http://WWW.NeuroBx.com)  
[503 803 9361](tel:5038039361) office  
[503 657 6224](tel:5036576224) fax

----- Forwarded message -----

**From:** Javoronok, Sara <[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)>  
**Date:** Wed, Aug 27, 2014 at 4:46 PM  
**Subject:** RE: Garage question  
**To:** "[Lonny Webb MSW, LCSW](mailto:Lonny Webb MSW, LCSW)" <[lonny@neurobx.com](mailto:lonny@neurobx.com)>

Hi Lonny,

I have one additional question, what is the height of your existing garage?

Thanks.

Sara

**Sara Javoronok**  
Associate Planner  
22500 Salamo Rd  
West Linn, OR 97068  
[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 722-5512



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This e-mail is subject to the State Retention Schedule and may be made available to the public

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**From:** Lonny Webb MSW, LCSW [mailto:[lonny@neurobx.com](mailto:lonny@neurobx.com)]  
**Sent:** Tuesday, August 26, 2014 10:17 AM  
**To:** Javoronok, Sara  
**Cc:** Kristine Webb  
**Subject:** Garage question

I received your voice mail and don't have time between clients to call, but I can jot a quick email:

Out plan is that unless structurally contraindicated, we are retaining the wall nearest the property line and will be using windows recovered from the garage and transferred from the house as the having the house windows installed is our priority before bad weather sets in and further damages our home.

---

Lonny R. Webb, MSW, LCSW  
1609 Willamette Falls Drive  
West Linn, Oregon 97068  
[WWW.NeuroBx.com](http://WWW.NeuroBx.com)  
[503 803 9361](tel:5038039361) office  
[503 657 6224](tel:5036576224) fax



Kristine Webb  
Program Manager

1609 Willamette Falls Dr.  
West Linn, Oregon 97068  
C503 333 2010 F503 655-7373

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## Javoronok, Sara

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**From:** Tommy Brooks <tbrooks@cablehuston.com>  
**Sent:** Monday, March 31, 2014 9:35 AM  
**To:** Javoronok, Sara  
**Subject:** RE: Follow Up regarding Window Inquiry.

Thanks.

Tommy

---

**From:** Javoronok, Sara [mailto:sjavoronok@westlinnoregon.gov]  
**Sent:** Monday, March 31, 2014 9:35 AM  
**To:** Tommy Brooks  
**Subject:** RE: Follow Up regarding Window Inquiry.

Tommy,

Sorry I didn't get back to you sooner. I'm saying that the City will not treat them as exempt under CDC 25.040(A)(6) because the material is not the same as the original. The replacement has a fiberglass exterior and a wood interior, which is different than an all wood window. In addition, the photos you sent do not give me enough information to determine if the sash or mullions/muntins have the same profile.

Sara



*West Linn Sustainability* Please consider the impact on the environment before printing a paper copy of this email.  
*Public Records Law Disclosure* This e-mail is subject to the State Retention Schedule and may be made available to the public.

**From:** Tommy Brooks [mailto:tbrooks@cablehuston.com]  
**Sent:** Monday, March 31, 2014 8:51 AM  
**To:** Javoronok, Sara  
**Subject:** RE: Follow Up regarding Window Inquiry.

Sara –

I'm wondering if you've had a chance to give any thought to my one question below regarding the material of the windows versus profile, proportions, etc.

Thanks,  
Tommy

---

**From:** Tommy Brooks  
**Sent:** Thursday, March 20, 2014 8:52 AM  
**To:** 'Javoronok, Sara'  
**Subject:** RE: Follow Up regarding Window Inquiry.

Thanks for the detailed response. First, my apologies if I left the impression that I owned the house or that it was from the 1970's. In hindsight I can see how that happened since I was trying to speak in hypotheticals, and if I'd known that you already spoke to the Webbs I would have been more specific. Also, when we chatted, I had not seen the house, and knew only that it was built in the 40's and that it had aluminum siding and windows. I think I honed in on the fact that it was not a Victorian and, therefore, was outside the scope of what you generally considered "compatible." Nevertheless, your response is what I needed to move forward so that I can confirm what process they will use.

It is helpful to know that it is the "eligible contributing" factor in the survey that leads to your conclusion that the City will treat the house as "not in period compatible". As we discussed on the phone, it was easy to determine that the property is not in period because it's designated that way on the zoning map/MapOptix, but there was no objective way for me to determine the compatible portion of the designation because that seems to be a discretionary determination using the definitions in the CDC. If, however, it's the "eligible contributing" factor in the survey, then that helps me point to an objective factor and clarifies what rules we're operating under.

If possible, can you clarify one point? Are you saying that the City will not treat these replacement window sashes as exceptions to the Historic Review Board process in CDC 25.040(A)(6), or simply that it may be more practical to go through the review process since there's more discretion there? You indicate that you're not comfortable determining that the material is the same, but the material is only one element of consistency. Is that the primary element the City will look at? I understand there may be an ongoing review that this could be added to, but my clients just want to get the windows in, and it seems like based on all factors (material, profile and proportions of the sash, sill, trim, light patterns, glass color) that it's clearly "consistent".

Please let me know if this is easier to discuss on the phone.

Thanks,  
Tommy

---

**From:** Javoronok, Sara [<mailto:sjavoronok@westlinnoregon.gov>]  
**Sent:** Wednesday, March 19, 2014 4:50 PM  
**To:** Tommy Brooks  
**Subject:** RE: Follow Up regarding Window Inquiry.

Mr. Brooks,

I remember talking with you about a property in the historic district that you gave me the impression was one that you owned and that was not in period per the City's MapOptix page where information from the City's Historic Resource Surveys is shown. We did not talk about the specific property below. My understanding was that yours was a 1970s property with aluminum slider windows and siding. We talked about "not in period compatible" and "not in period noncompatible", both of which are defined in the City's CDC (<http://westlinnoregon.gov/cdc>). I tried to explain it to you simply by saying that Victorians were compatible and Ranches were noncompatible. This is generally true. The more nuanced answer is that it relates back to the period of significance for the historic district. This particular property is somewhat unique for the historic district in that it is out of the period of significance for the National Register Historic District, but it is otherwise considered contributing. The National Register Historic District has a period of significance from 1895-1929. This particular property is not part of the National Register Historic District (<http://westlinnoregon.gov/sites/default/files/fileattachments/planning/page/5596/nr20nomination.pdf>), but is part of the locally designated district. The survey form for this property, which is part of the Oregon Historic Sites Database,



notes that it is eligible contributing, but out of the period of significance for the district ([http://heritagedata.prd.state.or.us/historic/index.cfm?do=v.dsp\\_siteSummary&resultDisplay=63824](http://heritagedata.prd.state.or.us/historic/index.cfm?do=v.dsp_siteSummary&resultDisplay=63824)). Based on this, I would consider it “not in period compatible”.

As for the windows, the review criteria for replacement of window sashes without Historic Review Board review (25.040(A)(6)) is the following: “Window sashes. Replacement of window sashes with new sashes consistent with the original appearance. Elements of consistency include: material, profile and proportions of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins.” I didn’t feel comfortable saying that the fiberglass exterior/wood interior replacements were the same material as the existing and I recommended to Ms. Webb that she include the proposed windows in the design review application for the additional work that was ongoing and planned. The Historic Review Board criteria (25.060(A)(13)) allows for more discretion and states the following: “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 are consistent with their wooden counterparts, including profile and proportion of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins. The window trim and sill shall match the original trim.” This allows for the discretion needed to make the determination as to whether the proposed windows are acceptable.

Sara



Sara Javoronok  
[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)  
Associate Planner  
22500 Salamo Rd  
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**From:** Tommy Brooks [<mailto:tbrooks@cablehuston.com>]  
**Sent:** Friday, March 14, 2014 2:45 PM  
**To:** Javoronok, Sara  
**Subject:** Follow Up regarding Window Inquiry.

Ms. Javoronok –

We spoke last week about a property I’m working on in the City’s historic district and you said I could email you the information here. Specifically, I’m attempting to assist my client with determining whether he needs to go through a historic review process to replace some windows in his house. As we discussed, the property is designated by the City as not in period. You indicated that whether the house is “not in period compatible” versus “not in period noncompatible” is a judgment call, but that it essentially turns on whether the house is a Victorian type (compatible) or more modern with aluminum siding, etc. (noncompatible). The photo of the house below shows that the house, built in the 40’s, is not what you described as compatible. For example, it’s not Victorian style and the siding you see is aluminum.



If I'm reading your code right, not in period noncompatible buildings have to be consistent with applicable standards in CDC 25.060 and 25.070, but according to CDC 25.070(A)(3), are not subject to the standards pertaining to windows. Hopefully that allows you to determine that replacement windows do not require formal review.

As some additional information, the replacement windows are nevertheless going to be consistent with the appearance of the original windows. Below are three photos, the first two being the original window (from outside and then from inside) and the third shows a replacement. You can see that the pattern is the same. It's hard to tell from the photos because of the lighting, but the originals are encased in aluminum and the new ones will be Milgard wood windows with a fiberglass exterior. Based on this information, can you please confirm that we do not need to go through a formal review process to switch out these windows?





\*\*\*\*\*

Tommy A. Brooks  
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Cable Huston  
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## Javoronok, Sara

---

**From:** Kristine Webb <klextre@gmail.com>  
**Sent:** Tuesday, October 29, 2013 11:47 AM  
**To:** Javoronok, Sara  
**Subject:** Re: 1344 14th St.

Hi Sara,

We don't have some of the architectural plans ready (garage) and Lonny has decided that he will help with the Historical obstacles and researching what our options are. If he has any questions, he will contact you.

Im glad he's on board as this has been stressful for me, considering all the other aspects of life Im dealing with.

Thank you for checking in,

Kristine



Kristine Webb  
Program Manager  
1609 Willamette Falls Dr.  
West Linn, Oregon 97068  
C503 333 2010 F503 655-7373

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On Oct 28, 2013, at 10:47 AM, Javoronok, Sara <[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)> wrote:

Hi Kristine,

Just checking in with you again, it's getting really tight for you to make the November meeting.

Let me know if you have questions.

Sara

[<image2a12b.gif@99f9b3f8.71c84d57>](#)

[<image8bafefa.jpg@94235095.fbbe4c85>](#)[<imagea2e025.jpg@7db1a381.29b6429e>](#)[<image81638f.jpg@731d6e5b.9f](#)

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**From:** Kristine Webb [<mailto:klextrreme@gmail.com>]  
**Sent:** Tuesday, October 22, 2013 2:27 PM  
**To:** Javoronok, Sara  
**Cc:** Lonny Webb  
**Subject:** Re: 1344 14th St.

Yes, you are right. We have been trying to get our permits figured out and I am waiting on Jim Clark. At this point, we are trying to figure out what our options are and I agree that time is passing by which drives me crazy :)

Were you going to take a look at my windows or something. Jim said something about you coming down? I will be in touch soon. I haven't forgotten.  
Thank you for caring,  
Kristine

On Oct 22, 2013, at 1:50 PM, "Javoronok, Sara" <[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)> wrote:

Hi Kristine,

Just checking in with you on your application. The longer you wait the more difficult it will be to make the November meeting, especially if I need additional information.

Please let me know if you have questions.

Sara

[<image87f323.gif@7b10e991.86b64f28>](#)

<imageac4675.jpg@575178bc.301643d3><imagea9cfce.jpg@efeef87a.f8ee429f><image857447.jpg@235bc53a.574

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**From:** Kristine Webb [mailto:klextrreme@gmail.com]  
**Sent:** Monday, October 07, 2013 8:40 PM  
**To:** Javoronok, Sara  
**Subject:** Re: 1344 14th St.

Im working on my application! I'll bring it in this week.  
Thanks,  
Kristine

On Oct 4, 2013, at 3:24 PM, "Javoronok, Sara" <[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)> wrote:

Hi Kristine,

You should try to get your application in as soon as you can. There is no way to be on the October meeting. The agenda, staff report and notice are required to be posted and available 10 days before the meeting, which is today. Notice must be sent to neighbors, the NA, etc. at least 14 days in advance and that date has already passed. This information is detailed in Chapter 99 of the Community Development Code - <http://westlinnoregon.gov/cdc>.

The following do window rehab and I'd recommend getting estimates on this:

F & F Structures - Riley Hayes -- 503-657-7010

Jeffrey Franz in Portland -- 503-234-9641

East Portland Sash & Carpentry -- Geoffrey and Stephen 503-453-6301

Well Hung Windows, Dennis Godfrey in Portland -- 503-235-2493

Here is another link for window information: <http://www.preservationnation.org/information-center/sustainable-communities/green-lab/saving-windows-saving-money/#.UdQsVPKaYUU>

Attached are the finalized pre-application notes.

Please let me know if you have questions.

Sara

[<imageb293c8.gif@fd56af0a.8e9342c3>](#)

[<image99ea21.jpg@3f6bceeb.906a4d05>](#)[<image9759c8.jpg@e9e6190b.5d314652>](#)[<imageb8b4c2.jpg@d2ec6b27.cl](#)

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**From:** Kristine Webb [mailto:[klextrreme@gmail.com](mailto:klextrreme@gmail.com)]  
**Sent:** Thursday, October 03, 2013 8:29 PM  
**To:** Javoronok, Sara  
**Subject:** Re: 1344 14th St.

When should I get my application in to have it get in as soon as possible?  
Is there any kind of chance I can get in on the october review if there is some kind of cancellation? or exception?

Thank you for today,

Kristine

On Oct 2, 2013, at 2:46 PM, "Javoronok, Sara" <[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)> wrote:

Hi Kristine,

It should take less than an hour and it'll likely just be you and I. I'll go over what you'd like to do, my recommendations, and the process. Feel free to ask any questions that you'd like.

Sara

<image8c3696.gif@55921e0c.7f5b4edc>

<imagebcd2b3.jpg@e5cf177f.7e0a40ea><imagea665fc.jpg@1890d6a9.65a94868><imagead914c.jpg@05309233.be

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**From:** Kristine Webb [mailto:[klextrime@gmail.com](mailto:klextrime@gmail.com)]  
**Sent:** Wednesday, October 02, 2013 2:17 PM  
**To:** Javoronok, Sara  
**Subject:** Re: 1344 14th St.

Hi Sara,  
About how long does the reapplication conference take and is ok if it's just me? Do I need to bring anything with me?

Thank you,  
Kristine

On Oct 2, 2013, at 9:06 AM, "Javoronok, Sara" <[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)> wrote:

Probably in the next hour. I don't need to go inside, but will just take a few photos from the outside. I just wanted to give you a heads up so no one wonders why I'm standing out there taking photos.

Sara

<image93d15e.gif@85611e02.566d4ad8>

<imagebaa462.jpg@db6a7623.78c14e21><image8da7ac.jpg@d0f0d22b.c3ee4382><image88d773.jpg@3c550539.c



**From:** Kristine Webb [mailto:klextrreme@gmail.com]  
**Sent:** Wednesday, October 02, 2013 9:05 AM  
**To:** Javoronok, Sara  
**Subject:** Re: 1344 14th St.

sure, when will you come? do you need anyone there? I have a bible study thing to go to at 9:30 so I won't be home until 11: 30 or so. Jeff will go there in the afternoon (gc). I think only the Watts guys are there working on furnace stuff.  
The back door is unlocked.

On Oct 2, 2013, at 8:32 AM, "Javoronok, Sara" <[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)> wrote:

Hi Kristine,

Sorry for the late notice, but I wanted to give you a heads up that I'd like to go out to your house this morning, check things out, and probably take a few photos. It shouldn't take me more than a few minutes.

Sara

<[image83ffb8.gif@a859b7c3.6e0b4ef4](#)>

<[image86a3a1.jpg@5fa72462.a9634757](#)><[imagebd885a.jpg@9bdc70f4.fdf743c8](#)><[image9adf84.jpg@8d32784f.e2f](#)>

**From:** Kristine Webb [mailto:klxtreme@gmail.com]  
**Sent:** Monday, September 23, 2013 12:46 PM  
**To:** Javoronok, Sara  
**Subject:** Re: 1344 14th St.

Hi Sara,

If I can squeeze it in, will go to Milgard this week and see if I can take a picture or get an example for you so you can see it. I will go thru the review process if necessary, but I have already purchased these windows. The one window I'm refurbishing is going to cost \$750 alone and that is with good existing wood. I think that is expensive. Much of my wood is ruined and hard to reach so it made much more sense to replace. Probably you know that most of the neighbors have wood-clad (or even vinyl) in close proximity to our house in the historical district. I felt I met the reasons for replacement windows. Can you please add this to our pre ap review on the 3rd if that is necessary? They will be perfect--you will like them. I can't see why this wouldn't work out.

I'm coming up today to bring in a basketball registration so I'll stop by and see you and give you what I have. I'm trying to get some work done at home today so I'm pretty much in my pj's today which seems perfect on a day like today!

Thanks!

Kristine

On Mon, Sep 23, 2013 at 8:58 AM, Javoronok, Sara <[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)> wrote:

Thanks, Kristine. Let me know what you hear back from Milgard. Also, for the historic district, a fiberglass exterior is not the same as an all wood window. You can replace your existing windows with all wood windows that meet the following (from exemptions):

6. Window sashes. Replacement of window sashes with new sashes consistent with the original appearance. Elements of consistency include: material, profile and proportions of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins.

This includes the material. Otherwise, you can propose fiberglass clad exterior/wood interior windows and have the HRB review them. I would still recommend considering rehabbing the windows and getting new storm windows. I think this is likely to be less expensive and result in the same energy savings. I think your biggest return will come from insulation. This is the section the HRB would use for their review (CDC 25.060):

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.

The information you gave me for the siding will be sufficient. However, did you look at the original siding boards that are below the aluminum siding? Are they mostly in good shape? If so, you can just take off the aluminum and replace those as needed rather than residing the entire house. This is another thing that could save you a lot of money. The code exempts siding replacement from review when it's necessary:

4. Building material. Replacement of building material, when required due to deterioration of material, with building material that matches the original material.

I don't need additional information about the roof. It's ok for you to proceed with it, except in the location of the addition.

Either way is fine for the site plan, it's just to show me where the changes would occur. You can wait for more details until later.

Let me know if you have any questions.

Sara

Sara Javoronok  
[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)  
Associate Planner  
22500 Salamo Rd  
West Linn, OR 97068  
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F: (503) 656-4106  
Web: [westlinnoregon.gov](http://westlinnoregon.gov)

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**From:** Kristine Webb [mailto:[klextrreme@gmail.com](mailto:klextrreme@gmail.com)]  
**Sent:** Saturday, September 21, 2013 3:01 PM  
**To:** Javoronok, Sara  
**Subject:** Re: 1344 14th St.

Thank you for your help and graciousness Friday.

I am working to get the items together that you are asking for. I cant seem to get a "cut sheet". I have contacted my window guy and hope to hear back from him. I downloaded a brochure from Milgard and when I try to print it, it's blank! So I can give you a link and I hope you can see what you need to see from that. If not, I will call Milgard on monday if I dont get a cut sheet from my window contractor. Unfortunately, Im not 100% sure what a cut sheet is (an actual diagram?). Just let me know if you need more than what the link and my descriptions provides.

#### **WINDOWS:**

<http://www.milgard.com/milgard-advantages/essence-wood-windows-and-doors.asp>

The windows that are ordered are called "Milgard Essence". They are a replica of the original windows, with 6 light on the top window, plain on the bottom, of course double hung, looks exactly like Agnes' windows--with the window grids mounted on the outsides of the glass (rather than inside the double panes like a typical vinyl window). This is a wood window, but clad with fiberglass on the exterior so that it will not damage in the elements. No one should be able to notice a difference from the outside and only slightly from the inside because of the new hardware.

A window replacement exception is the special window in the peak of the attic. This one will be restored rather than replaced, reusing the original leaded glass and the wood, sandwiched between 2 panes. I love that window and I think it's characteristic of the house, and Milgard doenst make anything like it.

#### **SIDING**

I also dont have an actual cut sheet for siding; I only have a bid with a list of all the things they will do like aluminum siding removal, instal cedar siding (3/4inch x 10 inch cedar) boards that will be an 8 inch reveal like

the original material. What exactly do you want me to provide for you? Lakeside Lumber will supply the boards. Pacific Coast siding will do the work.

I will send you or bring to you a **site plan** with the covered porch & garage AND an **existing elevation**. Im going to see if I can get Donna to produce something nice for you, if not, I'll just sketch as accurately as possible!

I understand that I do not have to give you info regarding the roof, so I am leaving that off.

Im excited to get this off the ground finally! This house deserves to be loved again and despite the exhorbinent costs associated with all of these updates, it will really improve the neighborhood and property around our area (and make it nice to live in!).

Thank you so much!!  
Kristine Webb

On Fri, Sep 20, 2013 at 9:15 AM, Javoronok, Sara <[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)> wrote:  
Hi Kristine,

I was going to hand these to you too:

[http://westlinnoregon.gov/sites/default/files/fileattachments/hdrprocessbrochure\\_1.pdf](http://westlinnoregon.gov/sites/default/files/fileattachments/hdrprocessbrochure_1.pdf)

[http://westlinnoregon.gov/sites/default/files/fileattachments/hdrsupplementalillustrations\\_1.pdf](http://westlinnoregon.gov/sites/default/files/fileattachments/hdrsupplementalillustrations_1.pdf)

If you'd like, you can stop by for printed copies.

Sara

Sara Javoronok  
[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)  
*Associate Planner*  
22500 Salamo Rd  
West Linn, OR 97068  
P: [\(503\) 722-5512](tel:5037225512)  
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Web: [westlinnoregon.gov](http://westlinnoregon.gov)

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**From:** Kristine Webb [mailto:[klextrreme@gmail.com](mailto:klextrreme@gmail.com)]

**Sent:** Thursday, September 19, 2013 2:59 PM

**To:** Javoronok, Sara  
**Subject:** Re: 1344 14th St.

Thank you! This has been a bit confusing! We will be at the city tomorrow at 8 am. Or 9 am if that's when you open and get this straightened out. I thought I had read carefully about the "look like" aspect and I felt confident that it was less than 100sf on the back (it's less than 45) and it matches exactly, and can't be seen from the street view, etc. We will take care of this right away!!

Everything else is right on target with alignment of the historical requirements! I will wait to do my garage for later (I had be talking to you about the fence & roof and windows--they are all just so). Too much happening and everything got mixed up with our house project when our house sale fell thru and such.

See you tomorrow!

Kristine Webb

On Sep 19, 2013, at 1:53 PM, "Javoronok, Sara" <[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)> wrote:

Hi Kristine,

The City received a call from a neighbor regarding the work going on at your property. I went out to take a look with Jim Clark, the building inspector, and there is work going on that requires historic review. We spoke with your contractor and he's going to turn in plans for building permits. I'll take a look at them and let you know more about what kind of historic review is needed and what you need to do to proceed.

Please let me know if you have questions.

Sara

[<image8d1036.gif@aa84a3a3.9e324903>](#)

[<imagebd0b5c.jpg@a789b937.bea24ed3>](#)[<imageac25da.jpg@7bd89362.3a534a3a>](#)[<imageaf7113.jpg@572c73f8.c5](#)

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**From:** [Kristine@neurobx.com](mailto:Kristine@neurobx.com) [mailto:[Kristine@neurobx.com](mailto:Kristine@neurobx.com)]  
**Sent:** Thursday, August 15, 2013 10:58 AM  
**To:** Javoronok, Sara  
**Subject:** Re: 1344 14th St.

yes that does. Thank you.

Im not sure how long the addition sketch will take...but I'll see if I can pull the necessary paperwork together for a review! I'd like to get the fence approved asap.

<image001.jpg>

Kristine Webb  
Program Manager  
1609 Willamette Falls Dr.  
West Linn, Oregon 97068  
C503 333 2010 F503 655-7373

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On Aug 15, 2013, at 9:52 AM, "Javoronok, Sara" <[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)> wrote:

Hi Kristine,

Does this work: <http://westlinnoregon.gov/planning/pre-application-conference?>

Also, for the fence, you would need a pre-application conference (same as the link above), then it would be a decision that Planning staff would make. It still involves notice to your neighbors. I would recommend combining it with the pre-application conference for the addition and, unless you're planning it for a later point, the review for it.

Sara

<[image8849c0.gif@25fa9656.5a374079](#)>

<image9157a4.jpg@3bd9a0af.4e6a4969><image93defc.jpg@8c9cbcfa.f5534e6f><imagea63ea2.jpg@6cc0eac7.79c7

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**From:** [Kristine@neurobx.com](mailto:Kristine@neurobx.com) [mailto:Kristine@neurobx.com]

**Sent:** Thursday, August 15, 2013 9:50 AM

**To:** Javoronok, Sara

**Subject:** Re: 1344 14th St.

this link does not give me the form. It just brings me to a search--and i can't find it! Can you attach it?

<image001.jpg>

Kristine Webb

Program Manager

1609 Willamette Falls Dr.

West Linn, Oregon 97068

C503 333 2010 F503 655-7373

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On Aug 15, 2013, at 8:05 AM, "Javoronok, Sara" <[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)> wrote:

Hi Kristine,

Here's the pre-application form. Let me know if you have additional questions or need more information.

Sara

[<imageab0425.gif@adf8236a.6ab64c54>](#)

[<image8fa507.jpg@a1ad12d0.4b27436f>](#)[<image981d70.jpg@0eaf411c.d31c4e59>](#)[<image83451c.jpg@08797269.0z](#)

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**From:** [Kristine@neurobx.com](mailto:Kristine@neurobx.com) [mailto:[Kristine@neurobx.com](mailto:Kristine@neurobx.com)]

**Sent:** Thursday, August 15, 2013 7:59 AM

**To:** Javoronok, Sara

**Subject:** Re: 1344 14th St.



is there a down loadable form for the reapplication review for a fence and a garage and a potential addition we are considering?

<image001.jpg>

Kristine Webb  
Program Manager  
1609 Willamette Falls Dr.  
West Linn, Oregon 97068  
C503 333 2010 F503 655-7373

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On Aug 6, 2013, at 2:27 PM, "Javoronok, Sara" <[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)> wrote:

Hi Kristine,

Yes, the white line is the approximate property boundary. Again, a survey or the property pins are the only way to know for sure.

In regards to the fence, I just meant that the historic district doesn't have additional requirements for fence location. As for what you can build, right now the code says that the fence must be time period consistent and doesn't say anything about specific materials. After August 15<sup>th</sup>, the code will require Class I historic design review for fences that are not wood.

Let me know if you have other questions.

Sara

<[imagebdbf8e.gif@e1853590.e3724af0](#)>

[<image91f0ee.jpg@dab79ae2.018f4be4>](#)[<imageacec3a.jpg@75fafcb9.3a9a46d9>](#)[<imageb7174a.jpg@151ec9b6.7a2](#)

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**From:** [Kristine@neurobx.com](mailto:Kristine@neurobx.com) [mailto:[Kristine@neurobx.com](mailto:Kristine@neurobx.com)]

**Sent:** Tuesday, August 06, 2013 9:43 AM

**To:** Javoronok, Sara

**Subject:** Re: 1344 14th St.

I dont understand what you mean, "In the historic district, the black metal pickets would require the Class I review once the new code is in effect. Otherwise, you can place it in the same area." What do you mean by "same area"? I assume because I am in the historic district, I need a review (or am I not required?) but there is no fence up right now.

Thanks for your clarification. Im sure I'll be in touch :)

[<image001.jpg>](#)

Kristine Webb

Program Manager

1609 Willamette Falls Dr.

West Linn, Oregon 97068

C503 333 2010 F503 655-7373

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For a fence, here's a general handout: <http://westlinnoregon.gov/building/fence-code>, which is somewhat different in the historic district. In the historic district, the black metal pickets would require the Class I review once the new code is in effect. Otherwise, you can place it in the same area. As far as your property line, the best way to determine this is by finding your property pins (try a metal detector) or by having a survey done. I'm attaching a map from our GIS mapping, but it is only good to give you an idea as to where your property line is, it does not take the place of a survey.

Let me know if you have other questions.

Sara

<image881676.gif@89446c8c.2e3a4491>

<image8b43b8.jpg@8f25ae1e.a37046e1><image86d33.jpg@f2651530.186343ef><imagea7f42c.jpg@e13a79a5.43>

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**From:** [Kristine@neurobx.com](mailto:Kristine@neurobx.com) [<mailto:Kristine@neurobx.com>]  
**Sent:** Tuesday, August 06, 2013 7:24 AM  
**To:** Javoronok, Sara  
**Subject:** Re: 1344 14th St.

Hi Sara, Thanks for the info and the new guidelines. I also understand what you mean about what changes are subject to review (I & II) and such.

To finish the conversation about the eaves & roof: I thought I'd send you a picture of the house on 4th & 11th that I was talking about. I thought wrong; it does NOT have eaves. Im going to reroof with no eaves and save myself the time & money and that makes a lot more sense now.  
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Thanks again for your help--it really helped me make a right decision about the roof.

Kristine

<image001.jpg>

Kristine Webb

Program Manager

1609 Willamette Falls Dr.

West Linn, Oregon 97068

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- Check into adding insulation into the attic space that you do have. I realize it's small, but typically, a lot of heat loss is through the roof. The blower door test will tell you if this is the case.
- How are your downspouts and gutters? Are they functioning well? Are they directing water away from the house? This and sealing cracks could help with some water issues.
- Check the seals around your windows and, if needed, add weather stripping.
- Add storm windows to those that don't have them.
- Check the prices for the window rehabilitation vs. buying new windows. Also, chances are most of the heat loss isn't through the windows, so that might not be the most effective option.

As far as any changes you want to make, there are some things you can do that do not require staff or HRB review, while others would require review. You can replace materials in-kind without review (i.e. a new roof, wood windows), but adding eaves and/or an addition have the potential to change the character of the house and would require HRB review.

A revised code for the City's historic properties was recent approved and is available here: [http://westlinnoregon.gov/sites/default/files/projects/wlrd\\_zoning\\_map\\_and\\_numerous\\_community\\_development\\_code\\_sections\\_and\\_repealing\\_and\\_replacing\\_chapters\\_25\\_and\\_26-2.pdf](http://westlinnoregon.gov/sites/default/files/projects/wlrd_zoning_map_and_numerous_community_development_code_sections_and_repealing_and_replacing_chapters_25_and_26-2.pdf). It takes effect on August 15<sup>th</sup> and will appear in the Community Development Code around that time(<http://westlinnoregon.gov/cdc>). It shouldn't have too much of an effect on what you're doing, but does have some different standards.

I'm also attaching a brochure that explains in greater detail the process we talked about on the phone.

Let me know if you have additional questions or concerns.

Sara

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[<image987101.gif@c1161d56.e2444e9e>](#)

[<image91dbf7.jpg@0068cb96.1ad8464b>](#)[<imageaa9959.jpg@01763f29.681a4270>](#)[<image8f4356.jpg@73066b53.6](#)

<HDRProcessBrochure.pdf>

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<1344\_14th.pdf>

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<PA-13-27 Summary Notes - 1344 14th.pdf>

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## Javoronok, Sara

---

**From:** Kristine@neurobx.com  
**Sent:** Thursday, August 15, 2013 10:59 AM  
**To:** Javoronok, Sara  
**Subject:** Re: 1344 14th St.

yes that does. Thank you.

Im not sure how long the addition sketch will take...but I'll see if I can pull the necessary paperwork together for a review! I'd like to get the fence approved asap.



Kristine Webb  
Program Manager  
1609 Willamette Falls Dr.  
West Linn, Oregon 97068  
C503 333 2010 F503 655-7373

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On Aug 15, 2013, at 9:52 AM, "Javoronok, Sara" <[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)> wrote:

Hi Kristine,

Does this work: <http://westlinnoregon.gov/planning/pre-application-conference?>

Also, for the fence, you would need a pre-application conference (same as the link above), then it would be a decision that Planning staff would make. It still involves notice to your neighbors. I would recommend combining it with the pre-application conference for the addition and, unless you're planning it for a later point, the review for it.

Sara

<[image8849c0.gif@25fa9656.5a374079](#)>

<[image9157a4.jpg@3bd9a0af.4e6a4969](#)><[image93defc.jpg@8c9cbcfa.f5534e6f](#)><[imagea63ea2.jpg@6cc0eac7.79c7](#)>



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**From:** [Kristine@neurobx.com](mailto:Kristine@neurobx.com) [mailto:[Kristine@neurobx.com](mailto:Kristine@neurobx.com)]  
**Sent:** Thursday, August 15, 2013 9:50 AM  
**To:** Javoronok, Sara  
**Subject:** Re: 1344 14th St.

this link does not give me the form. It just brings me to a search--and i can't find it! Can you attach it?

<image001.jpg>

[Kristine Webb](#)  
Program Manager  
1609 Willamette Falls Dr.  
West Linn, Oregon 97068  
C503 333 2010 F503 655-7373

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On Aug 15, 2013, at 8:05 AM, "Javoronok, Sara" <[sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)> wrote:

Hi Kristine,

Here's the pre-application form. Let me know if you have additional questions or need more information.

Sara

[<imageab0425.gif@adf8236a.6ab64c54>](#)

[<image8fa507.jpg@a1ad12d0.4b27436f>](#)[<image981d70.jpg@0eaf411c.d31c4e59>](#)[<image83451c.jpg@08797269.0z](#)

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**To:** Javoronok, Sara  
**Subject:** Re: 1344 14th St.

is there a down loadable form for the reapplication review for a fence and a garage and a potential addition we are considering?

[<image001.jpg>](#)

[Kristine Webb](#)  
Program Manager  
1609 Willamette Falls Dr.  
West Linn, Oregon 97068  
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On Aug 6, 2013, at 2:27 PM, "Javoronok, Sara" [<sjavoronok@westlinnoregon.gov>](mailto:sjavoronok@westlinnoregon.gov) wrote:

Hi Kristine,

Yes, the white line is the approximate property boundary. Again, a survey or the property pins are the only way to know for sure.

In regards to the fence, I just meant that the historic district doesn't have additional requirements for fence location. As for what you can build, right now the code says that the fence must be time period consistent and doesn't say anything about specific materials. After August 15<sup>th</sup>, the code will require Class I historic design review for fences that are not wood.

Let me know if you have other questions.

Sara

[<imagebdbf8e.gif@e1853590.e3724af0>](#)

[<image91f0ee.jpg@dab79ae2.018f4be4>](#)[<imageacec3a.jpg@75fafcb9.3a9a46d9>](#)[<imageb7174a.jpg@151ec9b6.7a2](#)

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**From:** [Kristine@neurobx.com](mailto:Kristine@neurobx.com) [mailto:[Kristine@neurobx.com](mailto:Kristine@neurobx.com)]

**Sent:** Tuesday, August 06, 2013 9:43 AM

**To:** Javoronok, Sara

**Subject:** Re: 1344 14th St.

I dont understand what you mean, "In the historic district, the black metal pickets would require the Class I review once the new code is in effect. Otherwise, you can place it in the same area." What do you mean by "same area"? I assume because I am in the historic district, I need a review (or am I not required?) but there is no fence up right now.

Thanks for your clarification. Im sure I'll be in touch :)

[<image001.jpg>](#)

Kristine Webb

Program Manager

1609 Willamette Falls Dr.

West Linn, Oregon 97068

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Sara

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<HDRProcessBrochure.pdf>

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<1344\_14th.pdf>

EXHIBIT PC-10





CITY OF  
**West Linn**

July 17, 2014

Lonny & Kristine Webb  
1344 14<sup>th</sup> St.  
West Linn, OR 97068

**VIA U.S. MAIL AND EMAIL**

SUBJECT: DR-14-02

Dear Mr. and Mrs. Webb:

The Planning Department determined that your application was incomplete as of June 4, 2014. While you have 180 days from that date to make it complete, we would like to move this project forward through the historic review process and schedule it for the September 16, 2014, Historic Review Board meeting. If you agree, please submit any additional information by August 15, 2014, or we could process it with the materials that you submitted.

Alternatively, the City will proceed with a consent order or abatement of violations procedure as provided for in CDC 106.045 and 106.050, respectively. Staff again advises you that failure to fully complete this process could result in fines of up to \$1,000 per day, until the land use application process is complete.

As previously stated, the work that required historic review was not included in the building permit that you received and was not reviewed or inspected by the Building Department. In addition, pursuing an enforcement action is not our intent. We would appreciate your cooperation and encourage you to continue onward to the completion of the historic design review process and application for a building permit for those elements.

Please contact me at [sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov), or at my direct line 503-722-5512 if you have questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sara Javoronok', written over a horizontal line.

Sara Javoronok  
Associate Planner

Cc: Tommy Brooks, Cable Huston  
John Boyd, Planning Manager  
Dave Davies, Building Official



CITY OF  
**West Linn**

June 2, 2014

Lonny Webb  
1344 14<sup>th</sup> St.  
West Linn, OR 97068

**SENT VIA U.S. MAIL AND EMAIL**

Dear Mr. Webb:

The purpose of this letter is to follow up to a site visit and pre-application conference last fall. In September 2013, staff visited the site in response to concern that work was being done without a permit. Following this visit, a building permit was obtained for work that did not require historic review. Planning staff also notified you that historic review was required for some of the work. You met with staff in a pre-application conference on October 3, 2013, to discuss the addition and other changes. At that meeting we discussed the historic review process and instructed you to submit an application to commence the land use process. An application was not submitted as required.

On May 21, 2014, staff visited the site, observed that there has been work on a rear addition, and talked to Ms. Webb about your property at 1344 14<sup>th</sup> Street. Ms. Webb stated that an application was almost ready to be submitted. The requested application was received for this work on May 22, 2014.

This action (building without a permit and alteration of a historic structure) is not in compliance with Chapter 8 of the Municipal Code and Chapter 25 (historic review) of the Community Development Code (CDC). The rear addition, and potentially other changes, require review and approval by the City's Historic Review Board. Staff is in receipt of the application. Please be aware that failure to fully complete this process could result in fines of up to \$1,000 per day, until the land use application process is complete. See CDC Section 106.050 for the provision relating to fines for violations of the CDC. The CDC is on line at [www.westlinnoregon.gov/cdc](http://www.westlinnoregon.gov/cdc).

Pursuing an enforcement action is not our intent; we appreciate your cooperation and urge you to continue onward to the completion of the historic design review process and apply for a building permit.

Please contact me at [sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov), or at my direct line 503-722-5512 if you have questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Sara Javoronok".

Sara Javoronok  
Associate Planner

cc: Tommy Brooks, Cable Huston; Peggy Jones, Code Enforcement Division; John Boyd, Planning Manager; Dave Davies, Building Official; Megan Thornton, Assistant City Attorney; Chris Kerr, Community Development Director; Chris Jordan, City Manager

# Lonny Webb

1294 11<sup>th</sup> St • West Linn, Or 97068 • Phone: 503 803 9361 • Fax: 503 657 6224  
E-Mail: lonny.webb@gmail.com

Date: *December 12, 2013*

Ms. Sara Javoronok  
City of West Linn  
22500 Salamo Rd  
West Linn, Oregon 97068

Dear Ms. Sara Javoronok,

We are in receipt of your letter dated November 20<sup>th</sup>, 2013. Neither the previous home owners nor we as the present home owners assented to placement of 1344 14<sup>th</sup> on the historic registry of the city of West Linn and further that if such claim remains the position of the city, that no due process was provided to either of the owners.

Pursuant to the Oregon open records law, ORS 192.410 to 192.505, I write to request a copy of any and all records pertaining to the inverse condemnation of 1344 14th St, West Linn as a "City Historic Site". If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$100.00. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

If you choose to deny my request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. If some of these records are disclosable and others are exempt, please provide the disclosable records and let me know the exemption(s) preventing disclosure of the rest.

Please understand that we seek these records for the purposes of public interest, and we hope that the spirit of openness in Oregon government will prevail.

Thank you for your assistance.

Sincerely,

Lonny Webb





CITY OF  
West Linn

November 20, 2013

Lonny and Kristine Webb  
1294 14<sup>th</sup> Street  
West Linn, OR 97068

SUBJECT: 1344 14<sup>th</sup> Street

Dear Mr. and Mrs. Webb:

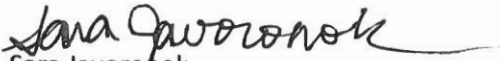
I received your November 7, 2013, letter requesting that 1344 14<sup>th</sup> Street be removed from the Willamette Historic District and an email from Kristine on November 14, 2013. Pursuant to ORS 197.772(3), the City has a process allowing for removal of historic designation that is detailed in CDC 25.100 Removal of Historic Resource Designation and CDC 99.060 Approval Authority (see the City's Community Development Code, which is available here: <http://westlinnoregon.gov/cdc>). First, a pre-application conference would be required. In addition, the criteria also state that for the property to be removed the property owner at the time of designation must have objected, on the record, to inclusion in the district. This is consistent with the decision in *Demlo v. City of Hillsboro*, 39 Or LUBA 307 (2001). After you apply for removal, your request to remove the historic designation would be reviewed by the Historic Review Board. The Board would then make a recommendation to the Planning Commission, who would then make a recommendation to the City Council, which is the approval authority for this decision. The Board will only recommend removal to the Planning Commission if your property meets all the criteria for removal in CDC 25.100.

In regards to your email about the designation of the district, the City first designated the Willamette Historic District in the mid 1980s. Based on what you said in your email, you would need to demonstrate that Ms. Bernert did not have knowledge of this designation and objected at that time. In addition, in August 2013, the City adopted new code language for the historic district and new boundaries for the district. You were sent public hearing and Measure 56 notices for these changes and did not object to the designation at that point.

Alternatively, you have already had a Development Review pre-application conference, and you are still welcome to complete a Development Review application form (<http://westlinnoregon.gov/planning/development-review-application>) with the proposed changes that you want to make to the property (the pre-application conference is valid for 18 months). Staff would prepare a report and recommendation for the Historic Review Board, who is the approval authority for design review projects in the Willamette Historic District. The Historic Review Board generally meets monthly and would likely make a decision within a few months of you submitting your application. This is likely to take substantially less time than the delisting process.

Please contact me if you have questions.

Sincerely,

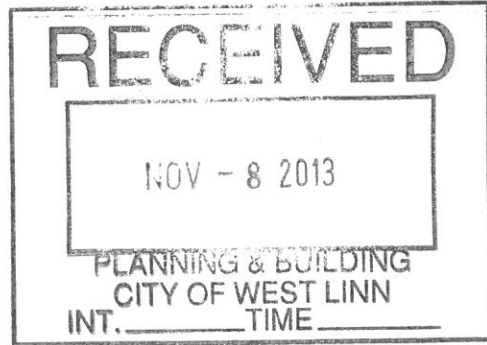
A handwritten signature in black ink, appearing to read "Sara Javoronok", with a long horizontal flourish extending to the right.

Sara Javoronok  
Associate Planner

Mr. and Mrs. Lonny Webb  
1294 14<sup>th</sup> Street  
West Linn, Oregon 97068

November 07, 2013

West Linn City Planning  
22500 Salamo Road  
West Linn, Oregon 97068



Re: *Demand to remove Historic Designation of 1344 14<sup>th</sup> Street, West Linn, Oregon.*

Dear Members of the Board and City Council:

Pursuant to ORS 197.772 (3) we hereby demand that our home at 1344 14<sup>th</sup> Street be removed from the West Linn Historic District Designation.

ORS 197.772(3) states: *A local government shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government. [1995 c.693 §21; 2001 c.540 §19]*

Thank you,

Lonny Webb

503-803-9361 - Lonny Webb

503-333-2010 - Kristine Webb

## Javoronok, Sara

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**From:** Kristine Webb [klextrema@gmail.com] on behalf of Kristine Webb [kristine@neurobx.com]  
**Sent:** Thursday, November 14, 2013 11:24 AM  
**To:** Javoronok, Sara  
**Subject:** 1344 14th st

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Sara,

Im not sure if you heard by now, but we are going to pursue taking our house off of the historical designation list.

You have been very sweet and gracious and I know you are just doing your job but being on the Historical list is difficult, more time consuming & more expensive (and much less satisfying as the property owner) with no benefit to us. The house was owned and was in trust at the time of designation. If the designation took place when Agnes was alive, her sons said there was no way she could have consented (or opposed) at 100+ yrs old. The Bernert's house was placed on the city's list with out the consent to the owners at the time of designation and the boys ARE still alive (and willing to testify) and the Bernert's did not want the house on the city's historical list either. In fact, they didn't know how it even was put on it, nor would they have known how to get off it, or what their options were. Because this house is not in period and the other supporting facts, I think this will be the simplest solution for us.

I do not want to offend you in anyway, as this is nothing personal! This whole thing has been extremely stressful for us and time consuming! Lonny took over the research about this before we pursued the Historical Review Board option, and I couldn't really discuss it until we were decided on how to proceed.

So now, we will hope to have this work out for our best interest and the best interest of the property.

Thank you for your help so far. I cant complain about how responsive you have been and helpful to me as best as you CAN! I admit, we disagree about the window efficiency and insulate properties of new windows vs. o.d, and the philosophy of the Historical Review Board regarding 1941 wood windows, but you, Sara, have been kind to work with.

Again, with gratitude,  
Kristine Webb



CITY OF  
**West Linn**

November 5, 2010

Dear Mr. & Ms. Webb:

Welcome to the Willamette Historic District! As the City's only local historic district, the Willamette area is a source of pride for the city. The local Willamette Historic District has been in place for nearly 30 years. In 2009, the Willamette Falls Neighborhood Historic District, which encompasses most of the local Willamette Historic District, was listed in the National Register of Historic Places. This designation is a result of a lengthy effort by the City, neighborhood, numerous residents, and others. With this designation, these residences are considered to be of statewide significance.

Maintaining this designation and preserving the architecture and character of the district is important. This does not mean that buildings must be maintained or restored to their original appearance. However, changes and alterations to the exterior of the property require review. Minor alterations can be approved by City staff. Major remodels or alterations will require a hearing with the Historic Review Board.

If you are considering remodels, additions or simply replacing windows, please contact the Planning and Building Department at 656-4211.

Enclosed is a handout with frequently asked questions. More information is available at <http://westlinnoregon.gov/planning/historic-resources> and in the City's Community Development Code at <http://westlinnoregon.gov/cdc>.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sara Javoronok", written in a cursive style.

Sara Javoronok  
Associate Planner  
e-mail: [sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov)  
phone: 722-5512