



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

07/30/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of West Linn Plan Amendment
DLCD File Number 001-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, August 12, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Sara Javoronok, City of West Linn
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa>

**FORM 2****DLCD**

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DEPT OF

JUL 23 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **West Linn**Local file number: **CDC-12-01**Date of Adoption: **7/15/2013**Date Mailed: **7/22/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date:☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The adopted CDC amendments affect various CDC sections relating to historic resources, and repeal and replace chapters 25 and 26, which provide for designating and protecting historic resources in the City. The zoning map amendment removed a single property from the Willamette Historic District and landmark designation from four properties.

Does the Adoption differ from proposal? Yes, Please explain below:

The adoption is substantially the same. Several sections were reorganized, but the substance was not significantly changed.

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **HL or HD**to: **NA**Location: **Willamette Historic District, scattered properties**

Acres Involved:

Specify Density: Previous: **NA**

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD File No. 001-13 (19682) [17552]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

SHPO

Local Contact: **Sara Javoronok**

Phone: (503) 722-5512 Extension:

Address: **22500 Salamo Rd.**

Fax Number: **503-656-4106**

City: **West Linn**

Zip: **97068-**

E-mail Address:

sjavoronok@westlinnoregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS [197.615](#) and [OAR Chapter 660, Division 18](#)

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#)).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#)).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#)).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 1614

**AN ORDINANCE RELATING TO THE DESIGNATION AND PROTECTION OF HISTORIC RESOURCES,
AMENDING THE ZONING MAP AND NUMEROUS COMMUNITY DEVELOPMENT CODE
SECTIONS, AND REPEALING AND REPLACING CHAPTERS 25 AND 26**

Annotated to show deletions and additions to the code sections being modified. Deletions are ~~bold lined through~~ and additions are bold underlined.

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

WHEREAS, the above referenced grant of power has been broadly interpreted as affording all legislative powers that home rule constitutional provisions can grant to Oregon Cities, City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop, 20 Or. App. 293, 531 P 2d 730, 734 (1975); and

WHEREAS, the City of West Linn is a Certified Local Government and must meet federal requirements to maintain this status, including having a qualified review body, and enforcing local legislation for the designation and protection of historic resources; and

WHEREAS, the City of West Linn has developed proposed amendments to the zoning map and Community Development Code (CDC) regarding the designation and protection of historic resources in the City; and

WHEREAS, the City of West Linn notified the Department of Land Conservation and Development more than 35 days prior to the first evidentiary hearing on the proposed amendments to the zoning map and CDC; and

WHEREAS, the City of West Linn provided legislative notice of its intent to undertake a review of the zoning map and CDC and propose revisions pursuant to the applicable notice provisions; and

WHEREAS, the City of West Linn published notice of the Planning Commission public hearing regarding the proposed amendments on April 17, 2013, respectively; and

WHEREAS, the West Linn Planning Commission held public hearings regarding the proposed amendments to the zoning map and CDC on April 17, 2013, and May 1, 2013; and

WHEREAS, after considering the public testimony regarding the proposed zoning map and CDC amendments, the West Linn Planning Commission recommendation adoption of the proposed zoning map and CDC amendments; and

WHEREAS, the City of West Linn published notice of the City Council public hearing for the proposed zoning map and CDC amendments on July 4, 2013; and

WHEREAS, on July 15, 2013, the City Council conducted a public hearing regarding the proposed zoning map and CDC amendments; and

WHEREAS, the proposed zoning map and CDC amendments meet the criteria for approval of legislative amendments stated in Section 98.100 of the CDC; and

WHEREAS, the proposed zoning map and CDC amendments are compliant with the goals and policies of the Comprehensive Plan; and

WHEREAS, the proposed zoning map and CDC amendments are compliant with the Statewide Planning Goals; and

WHEREAS, the measures adopted by this Ordinance comply with the state and other governing laws and are reasonably related to the public health, safety and welfare; and

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION 1: Section 02.030 of the City of West Linn Community Development Code is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- ~~1. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or~~
- ~~2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

SECTION 2: Subsection 11.070(5) of the City of West Linn Community Development Code is amended to read as follows:

5. Except as specified in CDC Section 25.070(C)(1-4) for the Willamette Historic District, ~~the~~ the minimum yard dimensions or minimum building setback area from the lot line shall be:
 - a. For the front yard, 20 feet; ~~except for steeply sloped lots where the provisions of CDC 41.010 shall apply; and as specified in CDC 26.040(D) for the Willamette Historic District.~~
 - b. For an interior side yard, seven and one-half feet; ~~except as specified in CDC 26.040(D) for the Willamette Historic District.~~
 - c. For a side yard abutting a street, 15 feet.
 - d. For a rear yard, 20 feet.

SECTION 3: Section 13.030 of the City of West Linn Community Development Code is amended to read as follows:

The following uses are permitted outright in this zoning district:

1. Single-family detached residential unit.
2. Single-family attached residential unit, ~~except within the Historic District as provided under Chapter 26 CDC.~~
3. Duplex residential unit.
4. Community recreation.
5. Family day care.
6. Residential home.
7. Utilities, minor.
8. Transportation facilities (Type I).

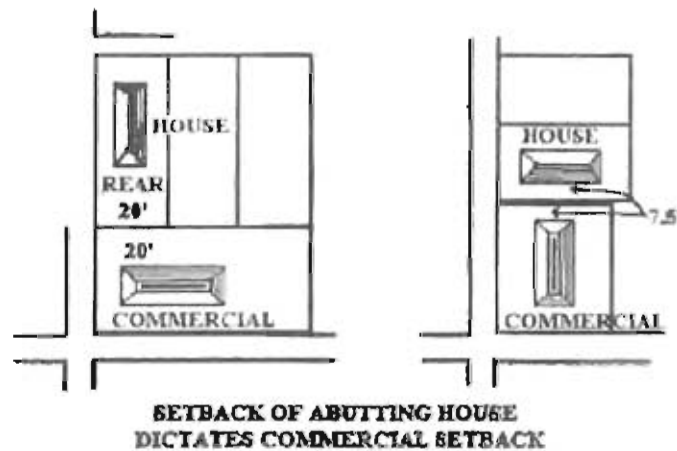
SECTION 4: Subsection 13.070(E) of the City of West Linn Community Development Code is amended to read as follows:

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

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

SECTION 5: Subsections 19.070(A)(4) through (5) of the City of West Linn Community Development Code are amended to read as follows:

4. Where the use abuts a residential district, except as provided in CDC 58.090(C)(1), the setback distance of the residential zone shall apply. For example, when the rear of a residential property abuts the side of a commercial property, the residential 20-foot setback shall apply to the commercial property. When the side of a residential property abuts the rear of a commercial property, the residential five- to seven-and-one-half-foot setback shall apply to the commercial property. In addition, a buffer of up to 50 feet may be required.



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

SECTION 6: Chapter 25 of the City of West Linn Community Development Code is repealed in its entirety and replaced as follows:

Section 25.010 PURPOSES

The purposes of this chapter are to:

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

1. Provide a process to enable thoughtful consideration of the proposed demolition of historic structures.

Section 25.020 USE OF THIS CHAPTER

A. APPLICABILITY

This chapter shall apply to all properties designated as historic resources as shown on the City's zoning map and properties listed on the National Register. Specific sections apply as noted in subsections 25.020(B) and (C) below.

B. HIERARCHY OF REGULATION

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

1. Exemptions. The items listed in CDC 25.040(A), EXEMPT FROM HISTORIC DESIGN REVIEW, are exempt from historic review provided that they comply with any applicable requirements in CDC 25.040(A).
2. Design Standards. CDC 25.060, DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES, applies to historic reviews for designated properties, except for CDC 25.060(B), STANDARDS FOR ACCESSORY STRUCTURES, which applies only to accessory structures on sites containing historic resources.
3. Additional Design Standards. CDC 25.070, ADDITIONAL DESIGN STANDARDS APPLICABLE TO HISTORIC DISTRICTS, provides additional standards that are applicable to historic design review for historic district properties.
 - a. CDC 25.070(A), STANDARDS FOR ALTERATIONS AND ADDITIONS, applies only to historic design review in a historic district.
 - b. CDC 25.070(B), STANDARDS FOR NEW CONSTRUCTION, applies only to new development or construction in a historic district beyond alterations and additions, and including accessory structures.
 - c. CDC 25.070(C), WILLAMETTE HISTORIC DISTRICT GENERAL STANDARDS, applies only to alterations and additions, new construction, and accessory structure construction in the Willamette Historic District.

C. APPLICABILITY OF HISTORIC DESIGN STANDARDS

Development subject to this chapter must comply with applicable historic design review standards unless otherwise approved through the modifications process under Section 25.080. The "X" in the following chart indicates which standards are applicable to different types of development.

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

Section 25.030 PERMITTED USES

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

Section 25.040 HISTORIC DESIGN REVIEW PROCESSES

Proposed changes to historic resources that are not exempted by CDC 25.040(A), Exemptions from Historic Design Review, are subject to CDC 25.040(B), Class I Historic Design Review; or CDC 25.040(C) Class II Historic Design Review. Class I Historic Design Review addresses significant changes that warrant staff review. Class II Historic Design Review addresses major changes including additions and new construction, subject to Historic Review Board approval. The processes for conducting Class I and Class II Historic Design Review are in CDC Chapter 99.

A. EXEMPTIONS FROM HISTORIC DESIGN REVIEW

The following are exempt from historic design review:

1. Ordinary Maintenance. Ordinary maintenance or repair including a change of facade colors, unless the color is specifically listed in the historic resource inventory, historic resource nomination, or National Register nomination as an attribute that contributes to the resource's historic significance.
2. Gutters and Downspouts. Replacement or addition of gutters and downspouts that are rectangular, ogee, or K-shaped and composed 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.
3. Foundation. Repair of a foundation with the same material or construction of a foundation in the same location that does not result in raising or lowering the building elevation.
 4. Building Material. Replacement of building material, when required due to deterioration of material, with building material that matches the original material.
 5. Roof Material. Repair or replacement of roof material with material comparable to the existing roof, or replacement of the roof in its entirety with cedar shingles, three tab asphalt shingles, or architectural composition shingles.
 6. 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.
 7. Storm Windows. Storm windows made of painted wood, baked enamel, anodized aluminum, or other materials with forms that complement or match the color, detail, and proportions of the building.
 8. Egress Windows. Addition of egress windows on secondary facades with wood windows or windows that are consistent with Subsection (A)(6) above.
 9. Landscaping. Landscaping changes unless the landscaping is identified in the historic resource inventory, historic resource nomination, or National Register nomination, as an attribute that contributes to the resource's historic value.
 10. Fences. Construction of fences that meet the following requirements in addition to the requirements of CDC Chapter 44:
 - a. Traditional Fences. Any fence along a front lot line or along the portion of a side lot line between the street and the primary structure (see figures 1 and 2) which:
 - 1) Consists of pickets, each of which are between one and three inches wide and spaced equally;
 - 2) Does not have solid portions exceeding 50 percent; and
 - 3) Is no greater than 36" in height.
 - b. General Fences. Any fence that is not located along a front lot line or along the portion of a side lot line between the street and the primary structure that is:
 - 1) Constructed of wood fence boards, rails, posts, and associated hardware only; and
 - 2) No greater than 72" in height.

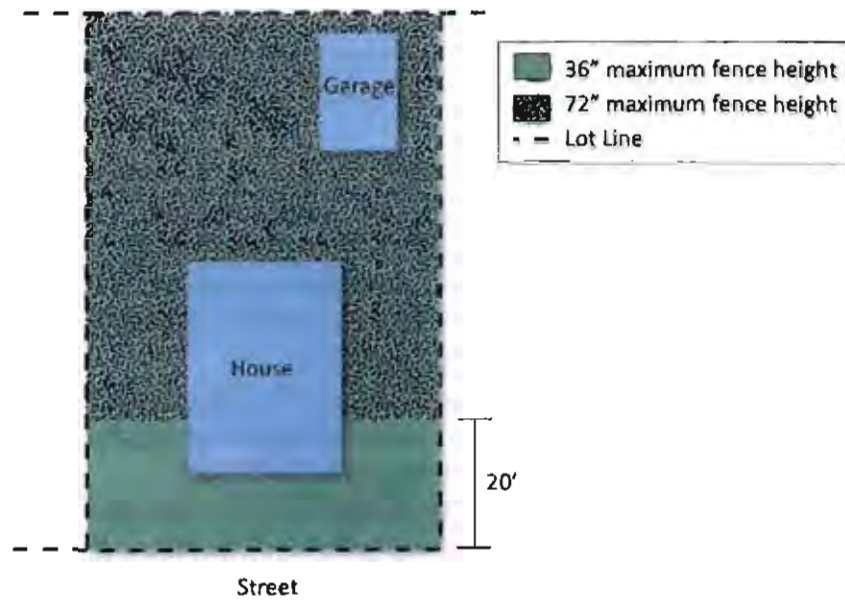


Figure 1: Example of Exempt Interior Lot Fence Locations

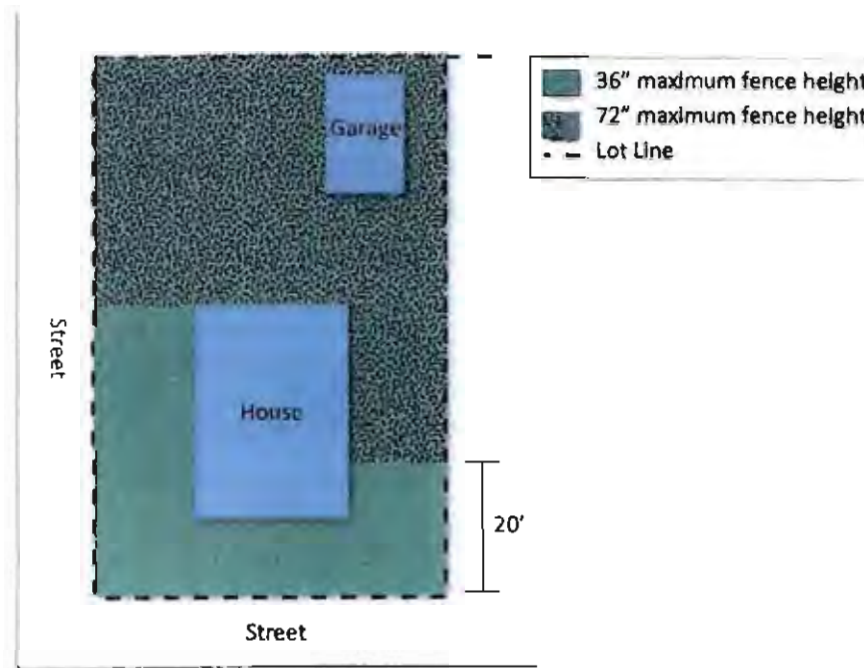


Figure 2: Example of Exempt Corner Lot Fence Locations

11. Retaining Walls. Construction of retaining walls that meet the following requirements:

- a. No greater than three feet high; and**
- b. Project above upper grade no more than 12\".**

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

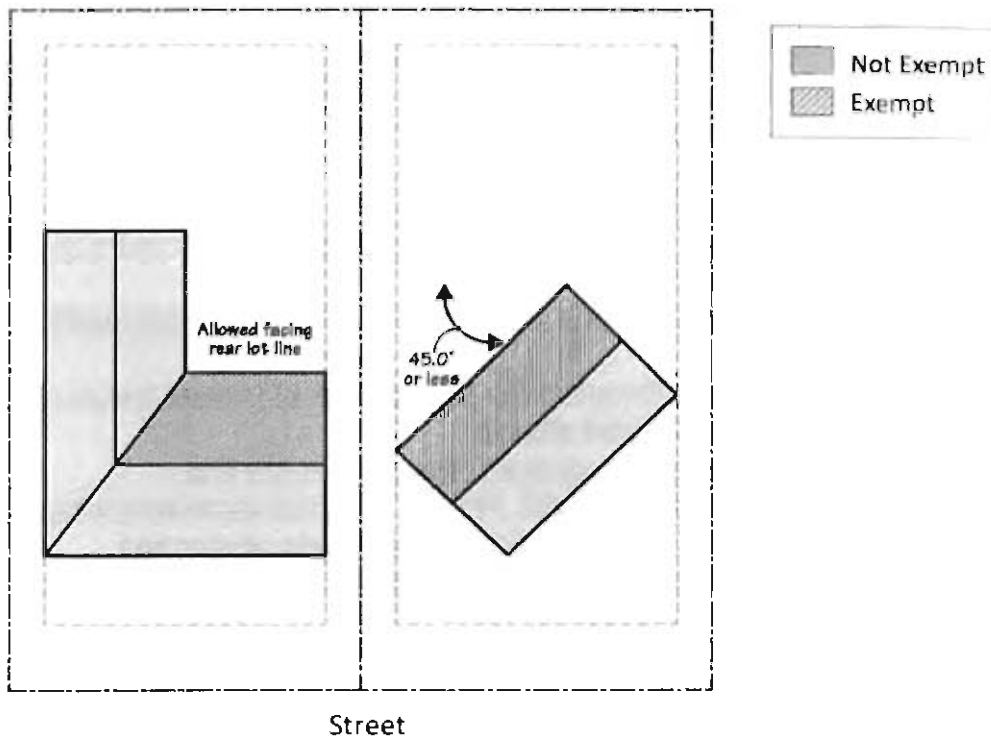


Figure 3: Exempt Solar Energy System Locations

15. Skylights. Replacement or installation of skylights that are not part of a project that includes other elements subject to historic design review, provided the following requirements are met:

- a. For skylights that are on a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface, the skylight must be screened from view from all streets by:
 - 1) An existing parapet along the street-facing façade that is as tall as the tallest part of the skylight, or
 - 2) Setting the skylight back from the roof edges facing the street four feet for each foot of skylight height.
- b. For skylights that are on a pitched roof, the skylight must be flat and must face a side or rear lot line or be located on a section of a pitched roof that faces within 45 degrees of a rear lot line. (See the right side of Figure 3).

16. Utilities, Street Infrastructure, and Street Furniture. Replacement or installation of utilities, street infrastructure, or street furniture except for streetlights, utility boxes, benches, receptacles, and the installation of curbs where there are none. Replacement and new sidewalks shall not exceed four feet in width except as required to comply with the Americans with Disabilities Act and shall be compatible in location, pattern, spacing, dimensions, and

materials with existing sidewalks.

17. Accessory Structures. Construction of accessory structures under 120 square feet and 10 feet in height (greenhouses, storage sheds, jacuzzis, spas, structures, gazebos, etc.) in a side or rear yard.

B. CLASS I HISTORIC DESIGN REVIEW

The following are subject to Class I Historic Design Review to determine their compliance with the applicable approval standards:

1. Non-exempt. Items listed in CDC 25.040(A)(1-17) that do not qualify for an exemption;
2. Facade Alteration. Alteration of a facade when 100 square feet or less of the structure's facade is being altered;
3. Ingress/egress. Revised points of ingress/egress to a site;
4. Americans with Disabilities Act. Proposals seeking compliance with the Americans with Disabilities Act, not including the public right-of-way; and
5. Art and Statuary. Construction of freestanding art and statuary over 10 feet tall.

C. CLASS II HISTORIC DESIGN REVIEW

All proposed new construction, alterations, and additions, not identified as exempt under CDC 25.040(A), or subject to Class I Historic Design Review under CDC 25.040(B), are subject to Class II Historic Design Review and must meet the applicable approval standards.

Section 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 sections 25.060 and 25.070, as applicable;
2. Existing Plan and Elevation Drawings. Plan and elevation drawings of the existing structure, if applicable, including materials;
3. Proposed Plan and Elevation Drawings. Plan and elevation drawings of the proposed changes, including materials;
4. Current Photographs. Photographs of the existing structure, if applicable;
5. Historic Photographs. Historic photographs and/or drawings of the existing structure, if available; and
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.

B. DESIGNATION OF A HISTORIC RESOURCE

Applications for designation as an historic resource shall include the following:

1. Narrative. Written narrative description of the proposed historic resource and how it meets one or more of the approval criteria in Section 25.090(A);

2. Site Plan. Site plan depicting the property boundaries and all structures and features on the site;
3. Current Photographs. Current photographs of all elevations of the existing structure and any significant features;
4. Historic Photographs. Historic photographs, plans, or maps, if available;
5. Supplementary Documentation. Any other documentation demonstrating the significance of the proposed historic resource; and
6. Owner Consent. Owner consent as follows:
 - a. Historic Landmarks. The property owner must consent, in writing, to a proposed Historic Landmark designation with the exception that properties listed on the National Register shall be regulated as historic landmarks regardless of the owner's consent.
 - b. Historic Districts. A property owner may refuse to consent to historic district designation at any point during the designation process. Properties in historic districts listed on the National Register shall be regulated as historic properties regardless of the owner's consent.

C. REMOVAL OF HISTORIC RESOURCE DESIGNATION

Applications for removal of historic resource designation shall include the following:

1. Narrative. Written narrative description of the historic resource proposed for removal of designation that addresses the considerations identified in Section 25.100;
2. Site Plan. Site plan depicting the property boundaries and all structures and features on the site;
3. Current Photographs. Current photographs of all elevations of the existing structure and any significant features;
4. Historic Photographs. Historic photographs, plans, or maps, if available; and
5. Supplementary Documentation. Documentation that the property owner objected, on the record, at the time of designation, if applicable.

D. RELOCATION OF A HISTORIC RESOURCE

Applications for relocation of an historic resource shall include the following:

1. Examination of Alternatives. Documentation that all reasonable alternatives to relocation have been explored and that relocation is the preferred alternative.
2. Structure and Site Documentation. Documentation of the historic structure and site conditions prior to relocation, including detailed photography, notes, drawings, and reference measurements.
3. Moving Procedures. Clearly stated moving procedures that will be utilized to protect historic elements and document the relocation, including: plans for minimizing damage to historic materials, labeling system for dismembered elements to assure accurate reconstruction in the new location, and plans for protecting the historic resource until reconstruction is complete.

E. DEMOLITION OF A HISTORIC RESOURCE

1. Historic Landmark or Contributing Primary Structure. An application for the demolition of a historic landmark or contributing primary structure shall include:
 - a. A statement of the historic significance of the structure or resource to the community, taking into consideration its designation as a historic landmark or its contributing status in a historic district.
 - b. A statement demonstrating good faith efforts of the property owner to sell or relocate the structure or resources, including, but not limited to:
 - 1) Real estate taxes for the two years immediately preceding the application;
 - 2) Assessed value for the two years immediately preceding the application;
 - 3) Current fair market value of the structure or resource as determined by an appraiser;
 - 4) All listings for the structure or resource for the past two years including prices asked and offers received; and
 - 5) Documentation of all attempts to relocate the structure or resource.
 - c. Documentation of the historic structure and site conditions prior to demolition, including detailed photography, notes, drawings, and reference measurements.
 - d. A report from a structural engineer on the condition of the structure or resource.
 - e. The estimated cost of rehabilitation of the structure or resource.
 - f. A report from a real estate or other market professional identifying potential alternative uses for the structure or resource permitted within the existing zoning classification.
 - g. A report identifying available economic incentives for adaptive reuse of the structure or resource.
 - h. A proposed plan for redevelopment of the site on which the structure or resource is located.
2. Non-contributing or Not in Period Primary Structure and Accessory Structure. An application for the demolition of a non-contributing or not in period primary structure or an accessory structure shall include:
 - a. A statement of the historic significance of the structure or resource to the community, taking into consideration its location on the site of a historic landmark or within a historic district.
 - b. A site plan depicting the property boundaries and all structures and features on the site.
 - c. A proposed plan for redevelopment of the site on which the structure or resource is located.

Section 25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES

The following design standards apply to all changes, including alterations, additions, and new construction proposed on a designated historic resource. These standards are intended to preserve the features that made the resources eligible for historic designation. Development must comply with all applicable standards, or be approved through the modifications process specified in 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.
2. Retention of Historic Material. Removal or alteration of historic materials and features shall be avoided during the construction of new additions or exterior alterations. Whenever possible, deteriorated materials and architectural features shall be repaired rather than replaced. In the event replacement of an existing feature is necessary, new materials shall, to the extent possible, match those of the original building in terms of composition, design, color, texture, and other visual features.
3. Time Period Consistency. Buildings shall be recognizable as a physical record of their time and place. Alterations which have no historical basis or which seek to create a false sense of historical development are not allowed.
4. Significance over Time. Changes to a property that have acquired historic significance in their own right, and during the period of significance, shall be retained and preserved.
5. Differentiate Old from New. Alterations and additions shall be differentiated from the original buildings and shall be compatible with the historic materials, features, size, scale, proportion, and massing to protect the integrity of the property.
6. Reversibility. Additions and alterations shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its context would be unimpaired.
7. Building Additions. Building additions shall be subordinate to the original building, smaller in scale, and attached to the rear or set back along the side. Features of building additions, including the proportions of window and door openings, shall be consistent with those of the existing building. Dimensional and other requirements in the underlying zone, as applicable, shall apply.
8. Building Height and Roof Pitch. Existing or historic building heights and roof pitch shall be maintained.

9. Roof Materials. Replacement 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.
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.
11. New Exterior Walls and Siding. Wood siding or shingles shall be used unless the applicant demonstrates that an alternative material has a texture and finish typically used on similar style buildings of the era, or the era the building style references. Vinyl or other materials that do not match those that were typically used on similar style buildings of the era, or the era the building style references, are not permitted.
12. Gutters and Downspouts. Replacement or new gutters and downspouts shall be rectangular, ogee, or K-shaped and comprised of wood or metal material, or styles and materials that match those that were typically used on similar style buildings of the era, or the era the building style references. Vinyl or other materials and styles that do not match those that were typically used on similar style buildings of the era, or the era the building style references, are not permitted.
13. New Windows. New windows shall match the appearance of the original windows as closely as possible. Wood window frames and sashes shall be used unless the applicant demonstrates that the non-wood windows 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.
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.
15. Window Replacement. Replacement of windows or window sashes shall be consistent with the original historic appearance, including the profile of the sash, sill, trim, window plane relative to the building wall plane, light pattern, glass color, profile of mullions and muntins, and color.
16. Doors. Doors shall be painted or stained wood, fiberglass clad, or metal clad, or another material that is consistent with the original historic appearance.
17. Porches. Front porches are allowed on new construction. No front porch shall be 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
 - b. Maintain the height, detail, and spacing of the original balustrade.
18. Decks. Decks shall be located in rear yard or the portion of the side yard

behind the front 50% of the primary structure.

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

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

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.

B. STANDARDS FOR ACCESSORY STRUCTURES

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

1. All Accessory Structures.

a. Location.

- 1) Accessory structures in the Willamette Historic District are subject to the setback requirements of CDC 25.070(C)(1) through 25.070(C)(4);
- 2) Accessory structures on historic landmark properties must meet the setback requirements of the underlying zone and Chapter 34;
- 3) Detached accessory structures shall be in the rear yard; and
- 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.

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

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:

- a. The structure is located behind the house's front building line;
- b. A structure in the front yard cannot be converted to a heated accessory structure;
- c. A story may be added to an existing non-contributing garage or similar accessory structure, provided that the final design meets the setback standards of this chapter for a two story accessory structure (see CDC 25.070(C)(1) through CDC 25.070(C)(4)) for the historic district, or the setbacks in CDC Chapter 34 for a historic landmark; and
- d. The conversion of an existing structure is not required to meet

the design standards in CDC 34.030, but it must conform to all applicable requirements of this chapter.

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

B. STANDARDS FOR NEW CONSTRUCTION

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 CDC 25.020).

1. New Construction Shall Complement and Support the District. The historic district's defining characteristics include a discernible aesthetic rhythm of massing, scale, and siting. Infill buildings shall not deviate in a detracting manner from these elements, but appear as complementary members of the district, by conforming to the following:
 - a. Lot size, massing, scale, proportion, form, siting, floor area ratio, window patterns, building divisions, and height shall correspond to the contributing buildings within the district, and any specific historic district standards and the applicable requirements of the underlying zone.
 - b. Infill buildings shall relate to and strengthen the defining characteristics, including architectural style, without replicating the historic buildings. Buildings shall differentiate by use of materials, mechanical systems, construction methods, and, if applicable, signage. Architectural style shall not be the primary indicator of differentiation.

- c. Mechanical and automobile infrastructure must be appropriately concealed when not consistent with the district's character.
- 2. Reconstruction. Reconstruction of buildings that existed within the district during the period of significance is allowed. Reconstructions shall be done in accordance with the Secretary of the Interior's Standards for Reconstruction.
- 3. Archeological Resources Shall Be Preserved in Place or Mitigated. When new construction must disturb archaeological resources, mitigation measures shall be carried out consistent with applicable state and federal laws. As appropriate, information yielded from archaeological mitigation shall be interpreted in the new building or site.

C. WILLAMETTE HISTORIC DISTRICT GENERAL DESIGN STANDARDS

This subsection applies only to alterations and additions, new construction, and accessory structure construction of residential and historically residential properties in the Willamette Historic District. Other buildings are subject to the requirements in CDC Chapter 58. 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.
 - b. Unenclosed porches with no living space above may encroach into the front yard setback six feet from the dominant vertical face of the building.

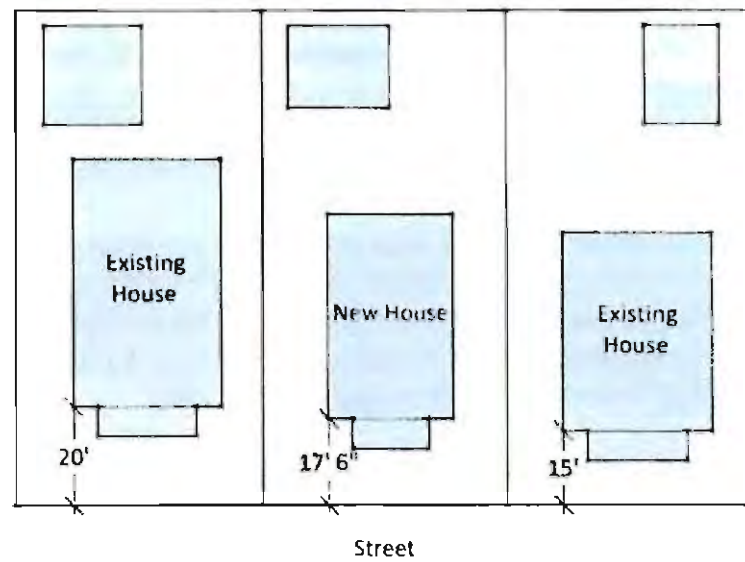


Figure 4: Front Yard Setback

2. **Side Yard Setback.** Side yard setbacks shall be five feet, except:
 - a. **Bays, porches and chimneys and other projections that are cumulatively no more than twenty percent of the overall respective building wall length may intrude 18 inches into the side yard setback; and**
 - b. **One story accessory structures may be sited within three feet of the side property line and two story accessory structures shall be a minimum of 15 feet from the side property line.**
3. **Side Street Setback.** Setbacks from side streets shall be 10 feet for both developed and undeveloped streets, except:
 - a. **Bays, porches and chimneys and other projections may intrude two feet into side street yard setback; and**
 - b. **One and two story accessory structures may be sited within five feet of the side street property line.**
4. **Rear Yard Setback.** The rear yard setback shall be a minimum of 20 feet, except for accessory structures, which may be sited to within three feet of the rear property lines.
5. **Orientation.** New home construction on corner lots shall be oriented the same direction as the majority of homes on the street with the longest block frontage.
6. **New Lot Configuration.** In addition to other requirements of the CDC, all new lots in the historic district shall be perpendicular to the street and extend directly from the lot line along the street to the opposite lot line. The primary structure and any other contributing structures on the original property shall not be located on separate lots.
7. **Building Height.**

- a. Residential structures are limited to 28 feet in height. Cupolas and towers shall not exceed 50 feet in height.
 - b. One story accessory structures shall not exceed a height of 15 feet. For the purposes of this chapter, any one story accessory structure over 15 feet is considered a two story structure.
 - c. Two story accessory structures shall not exceed the maximum height of 23 feet as measured per CDC Chapter 41.
 - d. Accessory structures shall not exceed the height of the primary dwelling.
8. Building Shapes and Sizes. No building shall exceed 35 feet in overall width. Front facade gables shall not exceed 28 feet in overall width.
9. Roof Pitch. Roofs shall have a pitch of at least 6:12.
10. Garage Access and Parking Areas.
- a. Garages shall be accessed from an alley, if present. No garage door may face or have access onto a street except when alley access is not available.
 - b. Parking areas.
 - 1) No residential lot shall be converted solely to parking use.
 - 2) No rear yard area shall be converted solely to parking use.
 - 3) When a lot is adjacent to an alley, all parking access shall be from the alley.

Section 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 CDC Chapter 75, 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;
- 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;
- 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

4. Exceptional Architecture. The proposal incorporates exceptional and appropriate architectural elements into the building.

Section 25.090 DESIGNATION OF A HISTORIC RESOURCE

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

A. APPROVAL CRITERIA

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

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

B. PENDING DESIGNATION - ISSUANCE OF PERMITS

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

Section 25.100 REMOVAL OF HISTORIC RESOURCE DESIGNATION

These provisions allow for the removal of the 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–B) below.

A. ASSESSMENT OF DESIGNATION

The approval authority shall consider:

1. Criteria. Whether the historic resource meets the criteria for listing under Subsection 25.090(A);
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 affect on the district if the designation is removed.

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.

Section 25.110 RELOCATION OF A HISTORIC RESOURCE

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

A. ASSESSMENT OF RELOCATION

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

1. Setbacks. Maintaining relatively similar setbacks, side yard conditions, and relationship to other structures on the site;
2. Site Characteristics. Maintaining character similar to the historic site in terms of neighboring structures, materials, site relationships and age (for example, it should not be moved to the back of a lot if that was not the character of the historic location, nor should it be located on a corner lot if historically it was on an interior lot); and
3. Economic and Physical Feasibility. Demonstrating that it is not economically or physically feasible to locate the structure on a site that meets the characteristics in (1) and (2); if so, an alternate site may be considered.

B. WRITTEN COMMITMENT

There must be a written commitment accepted by the City Attorney to complete the relocation and subsequent rehabilitation of the structure and its new site. Bonding or other assurances may be required. Temporary relocations for interim construction

may be necessary and must require a plan for protecting the structure at the interim site as well as a commitment to a schedule for completion of relocation to the proposed new site.

Section 25.120 DEMOLITION OF A HISTORIC RESOURCE

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

A. APPROVAL CRITERIA

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

B. ISSUANCE OF PERMITS

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

Section 25.130 DEMOLITION BY NEGLECT

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

A. CRITERIA FOR DETERMINATION OF DEMOLITION BY NEGLECT

If one or more of the following is promoted, allowed to occur, or exist in a historic resource, the property is determined to meet the criteria for demolition by neglect

and enforcement action to remedy the applicable criteria may be taken pursuant to CDC Chapter 106, Enforcement:

1. Structural Integrity. Faults, defects, or other conditions which render the structure or resource structurally unsafe or not properly watertight.
2. Walls and Other Support Members.
 - a. Walls or support members that are deteriorated due to failure to paint or otherwise maintain the structure or resource;
 - b. Members of walls, or other vertical supports that split, lean, list or buckle due to defective material or deterioration; and/or
 - c. Members of walls, or other vertical supports that are insufficient to carry imposed loads with safety.
3. Windows and Doors. Failure to keep windows and doors secured in a manner that prevents entry by unauthorized persons.
4. Security.
 - a. Failure to maintain parts of the resource so they are securely attached and will not fall or injure persons or property.
 - b. Failure to secure the resource from vandals, animals, or pests.
 - c. Failure to prevent infiltration of water through inadequate gutters, landscaping or other site features.
5. Foundation. Deteriorated or inadequate foundation.
6. Floor Supports. Deteriorated floor supports or floor supports that are insufficient to carry imposed loads with safety.
7. Ceiling and Roof Supports.
 - a. Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration.
 - b. Members of ceilings, roofs, or their supports, or other horizontal members that are insufficient to carry imposed loads with safety.
8. Fireplaces or chimneys. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.

B. ABATEMENT

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

SECTION 7: CDC Chapter 26 is repealed in its entirety. Any municipal code provisions in conflict with the provisions contained in this ordinance are also repealed.

SECTION 8: Section 34.020 of the City of West Linn Community Development Code is amended to read as follows:

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.

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.

SECTION 9: Section 43.020 of the City of West Linn Community Development Code is amended to read as follows:

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

~~A. The Willamette Historic District.~~

~~B. Historic landmark structures.~~

SECTION 10: Subsection 58.030(A) of the City of West Linn Community Development Code is amended to read as follows:

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

SECTION 11: Section 59.080 of the City of West Linn Community Development Code is amended to read as follows:

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

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

SECTION 12: Section 59.100 of the City of West Linn Community Development Code is amended to read as follows:

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

- 1. Chapter 28 CDC, Willamette and Tualatin River Protection.
- 2. Chapter 36 CDC, Manufactured Homes.
- 3. Chapter 32 CDC, Water Resource Area Protection.
- 4. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
- 5. Chapter 35 CDC, Temporary Structures and Uses.
- 6. Chapter 37 CDC, Home Occupations.
- 7. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
- 8. Chapter 40 CDC, Building Height Limitations, Exceptions.
- 9. Chapter 42 CDC, Clear Vision Areas.
- 10. Chapter 44 CDC, Fences.
- 11. Chapter 48 CDC, Access, Egress and Circulation.
- 12. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas, except for the provisions of CDC 46.140, apply to all uses.
- 13. Chapter 55 CDC, Design Review.
- 14. Chapter 54 CDC, Landscaping.
- 15. Chapter 53 CDC, Sidewalk Use.

SECTION 13: Subsection 60.070(E) of the City of West Linn Community Development Code is added to read as follows:

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

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

SECTION 14: Subsections 99.030(B)(1) and (2) of the City of West Linn Community Development Code are amended to read as follows:

B. Pre-application conferences.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:
 - a. Boundary changes, per Chapter 81 CDC;
 - b. Amendments to the Comprehensive Plan;
 - c. Amendments to the Zoning Map;
 - d. Conditional uses;
 - e. Design review (Class I and Class II);
 - ~~f. Historic design review (Class I and Class II); New construction or remodels in an historic district, except as provided for in subsection (B)(2)(h) of this section;~~
 - g. Designation of a historic resource or removal of a historic resource designation;
 - h. Demolition of a historic resource;
 - i. Relocation of a historic resource;
 - jg. New construction or remodels in the Willamette Falls Drive Commercial District, except as provided for in subsection (B)(2)(hi) of this section;
 - ~~h. Alteration of historic landmarks, except as provided for in subsection (B)(2)(j) of this section;~~
 - ki. Minor partitions;
 - lj. Land divisions;
 - mk. Enlargement of non-conforming uses or alteration of a structure containing a non-conforming use;
 - nl. Planned unit developments;
 - ~~om. Variances;~~
 - pn. Development subject to Chapter 32 CDC, Water Resource Area Protection;
 - qe. Development subject to Chapter 27 CDC, Flood Management Areas;
 - rp. Development subject to Chapter 28 CDC, Willamette and Tualatin River Protection; and
 - sq. Right-of-way and easement vacations.

2. Subject to subsection (B)(3) of this section, the following applications are exempt from subsection (B)(1) of this section, pre-application conference requirement:
 - a. Signs;
 - b. Home occupations;
 - c. Temporary use permits;
 - d. Sidewalk uses;
 - e. Final plats;
 - f. Lot line adjustments;
 - g. Re-vegetation plans;
 - ~~h. Minor alterations and maintenance in an historic district, as specified in CDC 25.100;~~
 - hi. Painting, signage, awnings, or architectural in-kind replacements in the Willamette Falls Drive Commercial District; and
 - ~~j. Minor alteration of an historic landmark, as specified in CDC 26.060(B); and~~
 - jk. Appeals of land use decisions.

SECTION 15: Section 99.060 of the City of West Linn Community Development Code is amended to read as follows:

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

...

 - v. Class I Historic Design Review (Chapter 25).
 - w. A demolition permit for a non-contributing or not in period primary structure or an accessory structure (Chapter 25).

...
- D. Historic Review Board authority. The Historic Review Board shall review an application for compliance with CDC Chapters 25, 26, and 58 CDC, as applicable. The Historic Review Board shall have the authority to:
 1. Approve, deny, or approve with conditions an application regarding the following:
 - a. Class II Historic Design Review;
 - ~~b. Major or minor remodel, alteration, or addition to a historic landmark or property within a historic district;~~
 - ~~b. New construction within a historic district;~~
 - ~~c. Construction of a non-exempt accessory structure or garage on a historic landmark property, or property within a historic district;~~
 - b d. A demolition permit for a historic landmark or primary contributing structure within a historic district;
 - c. Relocation of a historic resource;

- ~~de.~~ Revocation or modification of an approval as provided by CDC 99.330 for any application approved by the Historic Review Board; and
 - ~~ef.~~ An extension of an approval when the Historic Review Board acted as the initial decision-making authority.
2. Make recommendations to the approval authority specified in this section regarding the following:
- a. Designation of a historic ~~resource~~~~landmark or a historic district~~;
 - ~~b.~~ ~~Removal of historic resource designation~~;
 - ~~cb.~~ ~~Class I or Class II Design Review on Major or minor remodel, alteration, or addition to~~ a property within the Willamette Falls Drive Commercial District that is not a historic landmark or within the Willamette Historic District;
 - ~~de.~~ New construction within the Willamette Falls Drive Commercial District that is not a historic landmark or within the Willamette Historic District;
 - ~~ed.~~ A partition or subdivision of property containing a historic ~~resource~~~~landmark or property within a historic district~~;
 - ~~fe.~~ Conditional use of property containing a historic ~~resource~~~~landmark~~; and
 - ~~gf.~~ A zone change for property containing a historic ~~resource~~~~landmark or property within a historic district~~.

SECTION 16: Subsection 99.080(E) of the City of West Linn Community Development Code is amended to read as follows:

Table of notices. The following notice summary identifies the appropriate type of notice for the various land use applications of CDC 99.060.

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

SECTION 17: The City of West Linn Zoning Map is hereby amended as shown in attached Exhibit A.

SECTION 18: The City of West Linn Zoning Map is hereby amended to show the following as historic landmarks:

1. 4600 Alder Street
2. 1448 Buck Street
3. 1562 Buck Street
4. 1646 Buck Street
5. 1690 Buck Street
6. 1715 Buck Street
7. 5495 Grove Street
8. 5350 River Street
9. 5575 River Street
10. 4708 Riverview Avenue
11. 4742 Riverview Avenue
12. 5797 Robert Moore Street
13. 20375 Willamette Drive
14. 20685 Willamette Drive

15. 20725 Willamette Drive
16. 22825 Willamette Drive
17. 22830 Willamette Drive
18. 22840 Willamette Drive
19. 21420 Willamette Drive
20. 1742 Willamette Falls Drive
21. 1832 Willamette Falls Drive
22. 4835 Willamette Falls Drive
23. 4845 Willamette Falls Drive
24. 4865 Willamette Falls Drive
25. 4891 Willamette Falls Drive

SECTION 19: The City of West Linn Zoning Map is hereby amended to remove historic landmark designation from the following properties:

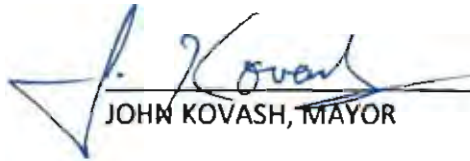
1. 1850 Buck Street
2. 1739 Dollar Street
3. 4918 Summit Drive
4. 1352 Willamette Falls Drive

SECTION 20. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 21. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

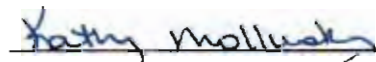
SECTION 22. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 20-22) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 23. Effective Date. This ordinance shall take effect on the 30th day after its passage.

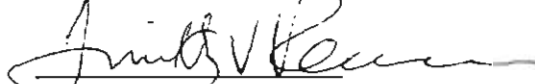

JOHN KOVASH, MAYOR

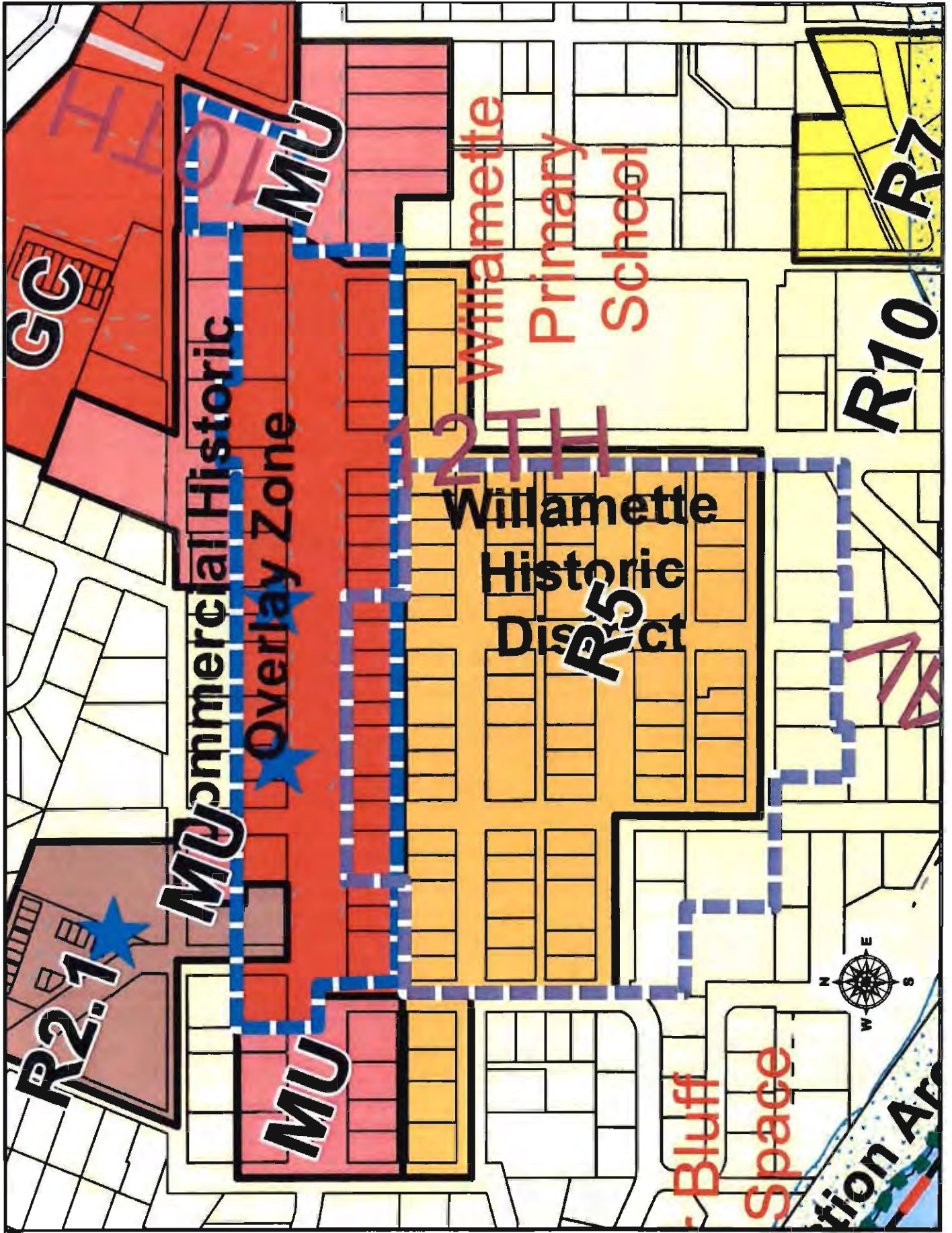
The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 2(C) of the City Charter on the 15th day of July 2013, and duly PASSED and ADOPTED this 15th day of July, 2013.

ATTEST:


KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:


CITY ATTORNEY





PLANNING DEPT
22500 Salamo Road #1000
West Linn, Oregon 97068

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Devt.
635 Capitol St. NE, Ste. 150
Salem, OR 97301-2540

DEPT OF

JUL 23 2013

LAND CONSERVATION
AND DEVELOPMENT