



22500 Salamo Road  
West Linn, Oregon 97068  
<http://westlinnoregon.gov>

# **WEST LINN CITY COUNCIL MEETING NOTES December 16, 2024**

## **[Call to Order \[6:00 pm/5 min\]](#)**

### **Council Present:**

Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Councilor Kevin Bonnington,

### **Staff Present:**

City Manager John Williams, City Recorder Kathy Mollusky, Administrative Assistant Teresa Howard, City Attorney Kaylie Klein, and Deputy City Manager Elissa Preston.

## **[Approval of Agenda \[6:05 pm/5 min\]](#)**

Council President Mary Baumgardner moved to approve the Agenda for Monday, December 16 Special Meeting and Work Session. Councilor Leo Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Councilor Kevin Bonnington.**

**Nays: None.**

**The motion carried 5 - 0**

### [Public Comment \[6:10 pm/10 min\]](#)

There were none.

### [Mayor and Council Reports \[6:20 pm/15 min\]](#)

#### [Reports from Community Advisory Groups](#)

Mayor Bialostosky stated the Youth and Advisory Council is going to report to Council on pedestrian and traffic safety in January.

Council President Baumgardner attended the Willamette Neighborhood Association (NA) meeting. The NAs are having a challenge meeting quorum and Willamette NA is considering combining with the Savannah Oaks NA. Council needs to discuss this topic soon.

Councilor Groner attended the waterfront meeting; the project looks promising.

Councilor Bonnington attended the parade. It is impressive how fast the staff closed the streets and reopened them. In the Historic Willamette wreath decorating contest, the police department received second place. The Parks & Recreation Advisory Board discussed a conference staff went to and what they are planning for 2025. The Economic Development Committee discussed what their job is, what their role is, what Council wants them to do and are hoping for direction from Council.

Mayor Bialostosky directed staff to add the NA & Community Advisory Group items to the Council Retreat agenda.

### [Business Meeting \[6:35 pm/15 min\]](#)

#### [Agenda Bill 2024-12-16-01: City Manager Employment Agreement](#) [City Manager Employment Agreement](#)

Deputy City Manager Preston stated it is time to review and renew the City Manager's Employment Agreement. It has been reviewed by attorneys to update terms, clarify language, add an automatic one-year renewal - to ensure if there is a gap between the next renewal, the contract will cover that - and salary for December 2024 to December 2026.

Council President Mary Baumgardner moved to approve the City Manager Employment Agreement for December 2024 to December 2026. Councilor Leo Groner seconded the motion.

Mayor Bialostosky thanked City Manager Williams for being our City Manager and for his service to the community. Council is grateful to have him onboard for another two years.

Councilor Bonnington stated this is the first auto-renewal he has been excited about.

Council President Baumgardner gave her vote of confidence to City Manager Williams. The Mayor and her have been on Council long enough to have experienced two different City Managers' styles and appreciates Mr. Williams excellent leadership and is constantly reminded when speaking with regional partners who have worked with Mr. Williams what an excellent co-worker and leader he is.

Councilor Bryck commended Mr. Williams for getting the ICMA's certification, it is not easy and is really a big deal. She appreciates that he went above and beyond to get it.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Councilor Kevin Bonnington.**

**Nays: None.**

**The motion carried 5 - 0**

City Manager Williams appreciates it very much. This job has been a pleasure almost every single day and he is excited to come to work. It is a team effort. He coordinates things, connects pieces, works with Council, and the community. It is really the other 140 people who work here that do more than 100 percent of the work. It is a pleasure to work with them and Council. The contract is very much appreciated. It is a pleasure work here, to work for Council, and to live in this community. It is an honor and Council's confidence in him is appreciated. He is looking forward to 2025.

Council President Baumgardner believes West Linn is the only city that has a city manager who has run every single street in the whole entire city.

City Manager Williams said there are two small cul-de-sacs that he is running Friday. It has been a journey. He got an okay from the Tidings to write a piece about what he saw while running every street, path, and park. People may have seen him in the Willamette District today going back and forth down every alley because he must do both sides of every street. It has been educational and fantastic and now when people say I bet have never been down my street, he can guarantee he has.

Mayor Bialostosky will work on City Manager goals and bring before Council, possibly at the retreat, and get adopted in January for next year. He congratulated City Manager Williams on the outstanding job he is doing.

**[Adjourn to Work Session \[6:50 pm/5 min\]](#)**

Minutes Approved 1/6/2025.



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## CITY COUNCIL AGENDA

Monday, December 16, 2024

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6:00 p.m. – Special Meeting & Work Session – Council Chambers & Virtual\*

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1. Call to Order [6:00 pm/5 min]
2. Approval of Agenda [6:05 pm/5 min]
3. Public Comment [6:10 pm/10 min]

The purpose of Public Comment is to allow the community to present information or raise an issue regarding items that do not include a public hearing. All remarks should be addressed to the Council as a body. This is a time for Council to listen, they will not typically engage in discussion on topics not on the agenda. Time limit for each participant is three minutes, unless the Mayor decides to allocate more or less time. Designated representatives of Neighborhood Associations and Community Advisory Groups are granted five minutes.

4. Mayor and Council Reports [6:20 pm/15 min]
  - a. Reports from Community Advisory Groups
5. Business Meeting [6:35 pm/15 min]

Persons wishing to speak on agenda items shall complete the form provided in the foyer and hand them to staff prior to the item being called for discussion. A separate slip must be turned in for each item. The time limit for each participant is three minutes, unless the Mayor decides to allocate more or less time. Designated representatives of Neighborhood Associations and Community Advisory Groups are granted five minutes.

- a. Agenda Bill 2024-12-16-01: City Manager Employment Agreement
6. Adjourn to Work Session [6:50 pm/5 min]

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1. Call to Order Work Session [6:55 pm/5 min]
  2. Joint Meeting with the Historic Review Board [7:00 pm/60 min]
    - a. Adoption of a Mission Statement

- b. Adding an update of Community Development Code (CDC) Chapter 58 (Willamette Falls Drive Commercial Design District) onto Planning Docket
3. Discuss Council January Goal Setting [8:00 pm/30 min]
4. City Manager Report [8:30 pm/5 min]
5. Adjourn [8:35 pm]

*\*City Council meetings will be conducted in a hybrid format with some Councilors, staff, presenters, and members of the public attending virtually and others attending in person. The public can watch all meetings online via <https://westlinnoregon.gov/meetings> or on Cable Channel 30.*

*Submit written comments by email to City Council at [citycouncil@westlinnoregon.gov](mailto:citycouncil@westlinnoregon.gov). We ask that written comments be provided before noon on the day of the meeting to allow City Council members time to review your comments.*

*If you cannot attend the meeting in person and would like to speak live at a public meeting by videoconferencing software or by phone, please complete the form located at: <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> by 4:00 pm the day of the meeting to be input into our system. Instructions on how to access the virtual meeting will then be provided to you by email prior to the meeting. If you miss the deadline and would like to speak at the meeting, please fill out the form and staff will send you a link as time allows.*

*The City abides by Public Meetings law. If you believe a violation has occurred, please [click here](#) to inform the staff of your concern.*

*To request an interpreter or other communication aid, please contact Kathy Mollusky at 503-742-6013 or [kmollusky@westlinnoregon.gov](mailto:kmollusky@westlinnoregon.gov).*

*When needed, the Council will meet in Executive Session pursuant to ORS 192.660(2).*

**Agenda Bill 2024-12-16-01**

Date Prepared: December 9, 2024

For Meeting Date: December 16, 2024

To: Rory Bialostosky, Mayor  
West Linn City Council

From: Elissa Preston, Deputy City Manager and HR Director *EP*

Subject: City Manager Employment Agreement

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**Purpose:**

Review and approval of City Manager Employment Contract with salary increase.

**Question(s) for Council:**

Does the City Council wish to authorize the Mayor to sign a new contract with the City Manager?

**Public Hearing Required:**

None Required.

**Background & Discussion:**

It is time to review and renew the City Manager Employment Agreement for the period of December 16, 2024 to December 16, 2026. To reach the terms in this proposed Agreement, the previous employment agreement was reviewed and revised by the City's outside counsel employment attorney, and the City Attorney, to update employment terms, clarify language in the proposed Agreement, and to add a one year autorenewal term at the end of the two-year contract to cover any potential gap between the expiration date of the proposed Agreement (December 16, 2026) and the date a new contract is offered. Additionally, the City Council appointed the Mayor on November 18, 2024, to negotiate the salary with the City Manager, and notify Human Resources. Based on the City Manager's performance and a market adjustment, the negotiated salary reached for the proposed City Manager Employment Agreement is \$220,600 per year.

**Budget Impact:**

The salary increase is approximately \$18,000 per year.

**Sustainability Impact:**

None

**Council Options:**

1. Approve the City Manager Employment Agreement
2. Revise the City Manager Employment Agreement

**Staff Recommendation:**

Review the draft contract and approve the City Manager Employment Agreement on December 16, 2024.

**Potential Motion:**

I move to approve the City Manager Employment Agreement for December 2024 – December 2026.

**Attachments:**

1. City Manager Employment Agreement



# CITY OF West Linn

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## EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT ("Agreement"), is made and entered into by and between the City of West Linn, an Oregon municipal corporation ("City"), and John Williams ("Manager"), collectively the "Parties".

### RECITALS:

Whereas, the City wishes Manager to serve as City Manager and Manager wishes to serve as City Manager for City.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the Parties agree as follows:

### TERMS OF AGREEMENT:

#### SECTION I. EMPLOYMENT, DUTIES AND AUTHORITY

City agrees to employ Manager as City Manager. Manager agrees to serve as City Manager and to be responsible for administrative actions of the City exercising the authority given to the City Manager by state law, the City Charter and Code, and as otherwise delegated by the City Council to the City Manager. The authority of Manager, consistent with state law, City Charter or Code, shall include, but not be limited to the following:

1. The overall management, administration, and direction of City operations, consistent with the City Charter and Code, as well as the policies, objectives and goals for the City as identified by the City Council;
2. The selection, hiring, discipline, and termination of all City employees, not including positions which by Charter are City Council appointments;
3. The negotiation, execution, and administration of City contracts within budget appropriations pursuant to City policy and ordinance; and
4. Providing policy advice to the City Council and maintaining open communication with the community to foster responsive and courteous public service.

## SECTION 2. TERM

The term of this Agreement shall commence on December 16, 2024 and shall continue until December 16, 2026, unless terminated sooner pursuant to Section 3 below. The term of this Agreement shall automatically be extended an additional 12 months on December 16, 2026, unless Manager is notified no later than October 1, 2026 that the City does not intend to extend the Agreement. Nothing in this section prevents termination of this Agreement pursuant to Section 3.

## SECTION 3. TERMINATION AND SEVERANCE

### A. Termination by City Without Cause.

This Agreement may be terminated by the City without cause, by providing to Manager thirty (30) days' written notice of the intent to terminate, subject to the Severance Compensation terms in subsection 3.C. Termination without cause includes, but is not limited to, the following:

1. Amendment of the City Charter or Code pertaining to the role, powers, duties, or authority of Manager's position that substantially changes the form of government, if Manager declares that such amendment constitutes termination.
2. City reduces Manager's salary, unless the reduction is applied in no greater percentage than the average reduction of all department heads, and Manager declares that such reduction constitutes termination.
3. Manager resigns in response to a request for resignation consistent with a consensus of a majority of the City Council.
4. Non-renewal of this Agreement pursuant to Section 2 above.

### B. Termination by City for Cause.

This Agreement may be terminated "for cause" by a majority vote of the City Council for any the following reasons:

Manager's willful negligence, dishonesty, fraud or commission of any criminal act, willful failure or refusal to comply with the City Charter, ordinances, policies or rules of the City as are established and amended from time to time; failure to perform any provision of this Agreement or to perform the duties and responsibilities assigned to Manager; or failure to be bondable at normal rates. However, before any final decision is made to terminate employment under this subsection, Manager shall be given prior written notice of the cause(s) for termination, and shall be provided an opportunity to respond in person or in writing to such cause(s). Severance Compensation as referenced under subsection 3.C. shall not be paid to Manager if Manager is terminated pursuant to this subsection.

Notice of the City Council's intent to terminate for cause shall be given to Manager in writing,

which shall include a statement of the reasons constituting cause, and shall be given to Manager not less than fifteen (15) business days prior to the anticipated date of the discharge. Manager shall have the opportunity to respond to the charges in person or in writing, consistent with applicable law, prior to a final decision by the City Council.

C. Severance Compensation

In the event of termination of this Agreement by the City pursuant to subsection 3.A, Manager shall receive as Severance Compensation a lump sum equivalent to six (6) months' salary, less applicable tax withholding, and the City shall pay the premiums for six (6) months of COBRA continuation coverage for Manager and Manager's covered dependents, provided such continuation coverage is timely elected by Manager.

Manager agrees to immediately notify City's HR Director if Manager and/or Manager's covered dependents become covered under other group or individual health insurance, at which time the City's obligation to continue paying the COBRA premiums for such individual(s) shall cease.

As a condition precedent to receiving the Severance Compensation, Manager must sign a full general release of all claims against the City, including City's current and past elected officials, employees, insurers and representatives, whether such claims are known and unknown, arising out of Manager's employment or termination of employment.

D. Resignation by Manager

If Manager chooses to resign from employment, Manager shall give 30 days' notice of intent to resign, unless the City Council and Manager agree otherwise in writing. In the event of Manager's resignation for reasons other than those covered by subsection 3.A., Manager shall not be entitled to Severance Compensation under subsection 3.C.

SECTION 4. SALARY

City agrees to pay Manager for services rendered as City Manager an annual base salary of \$220,600, payable at the same intervals and on the same dates as other management personnel of City are paid.

SECTION 5. HOURS OF WORK

A. It is recognized that Manager shall devote Manager's full time and attention to employment referred to herein and shall have no other employment, except as provided in this subsection. Recognizing that outside teaching or similar opportunities may provide indirect benefits to the City and the Community, with prior City Council approval, Manager may accept limited teaching or similar opportunities with the understanding that such arrangements must neither interfere with, nor create a conflict of

interest with, any of Manager's responsibilities under this Agreement. Manager agrees to promptly notify the City Council of any such opportunities that Manager wishes to accept, and shall not accept nor participate in any such opportunity without written approval from the City Council.

B. Manager may set their own schedule as needed to fully discharge the duties under this Agreement, with the understanding that Manager shall work a minimum of forty (40) hours per week. Manager shall keep the Administration Office Staff aware of Manager's office schedule.

C. Manager shall provide reasonable written notice to the City Council when Manager anticipates an absence from the City for three (3) or more consecutive business days. Manager shall keep time records indicating time off from work, sufficient to comply with City's exempt employee timekeeping procedures.

## SECTION 6. PERFORMANCE EVALUATION

The City Council shall conduct a performance evaluation of Manager at least annually beginning in August of each year. The evaluation process shall be based on the process set forth within the International City/County Management Association ("ICMA") and any additional process, form, criteria, or format mutually agreed upon by the City Council and Manager. Generally, the process shall include:

- A meeting in which the City Council clarifies the Manager's performance goals and objectives for the upcoming twelve (12) month performance period;
- City Council prepares a written evaluation of Manager's performance regarding the goals and objectives for the past year;
- Council provides a mechanism for public input into the evaluation of Manager and shall consider such public input in its evaluation of the performance and tenure of the Manager, in accordance with Section 21 of the City Charter;
- Manager has an opportunity to meet with City Council and discuss the written evaluation; and
- Council presents a final written summary of the evaluation results to Manager.

A. Upon completion of each annual performance review by the Council, Manager will be eligible to receive up to a 3% merit increase to salary at the Council's discretion. Manager and Council will work together to define attainable performance metrics to be used in the evaluation for the purpose of this incentive, subject to the Council's final approval. Manager shall also be entitled to the same COLA adjustments, if any, as other City management employees, each time such a COLA is granted to management employees during the term of this Agreement.

B. Unless Manager expressly requests otherwise in writing, the employment-related performance evaluation of the Manager shall at all times be conducted in executive session of the governing body and shall be considered confidential to the extent permitted by law. Nothing herein shall prohibit the City or Manager from sharing the content of the Manager's evaluation with their respective legal counsel.

C. In the event the City Council imposes new or revised performance goals or expectations for Manager for the current review period, Manager shall be provided a reasonable period of time to demonstrate such expected performance goals or objectives before they are included in a performance evaluation.

D. The Parties agree that the performance evaluation process defined herein is designed to ensure that the parties regularly communicate effectively on matters which relate to the conduct of City business. It is understood by the Parties that any determination by the City Council that the Manager has met or exceeded expectations does not bar, in any way, the City's right to decide not to renew or terminate this Agreement.

#### SECTION 7. COUNCIL GOALS FOR THE CITY

In addition to the Manager's performance goals and objectives discussed in Section 6 above, the City Council and Manager shall work together to define City goals which they determine necessary or appropriate for the proper operation of the City and attainment of the City Council's policy objectives. The Council shall further establish a relative priority among those goals and objectives. The goals and objectives will be reduced to writing by the Manager upon approval by the City Council. Manager will provide a report on progress toward addressing the goals and objectives as requested by City Council. The City Council and Manager shall meet at least once per year to define and modify the goals and objectives.

#### SECTION 8. VACATION, MANAGEMENT AND SICK LEAVE

A. The accrual and administration of vacation benefits shall be on the same terms as other City management employees. Manager is eligible to receive a cash payout for unused vacation leave in the event of termination of this Agreement.

B. Manager shall receive 40 hours (5 days) of management leave per fiscal year, to be taken consistent with City personnel policies as applied to management employees. Management leave is on a use-it-or-lose-it basis, which means unused management leave shall not carry over into subsequent fiscal years. Manager has no right to payment for unused management leave at the time of resignation, termination, contract expiration or at any other time.

C. Manager shall be entitled to earn and accrue sick leave benefits and VEBA health contributions on the same terms as other City management employees. Manager

is not eligible to receive any cash payout for unused sick leave at the time of resignation, termination, contract expiration or at any other time.

**SECTION 9. RETIREMENT, DEFERRED COMPENSATION AND INSURANCE**

A. City agrees to contribute into the Public Employee's Retirement System, on Manager's behalf, an amount equal to that same percentage of salary contributed for City's other management employees, including the PERS Pickup.

B. The City will make a direct contribution of 5% of Manager's base salary to the City's deferred compensation plan, at the same intervals as the other City management employees.

C. City agrees to provide coverage and to make required premium payments at 90% for Manager and dependents for comprehensive medical and dental insurance, long-term disability insurance for Manager, and life insurance for Manager on the same basis as provided to other management employees. Manager shall be responsible for the remaining 10% of the premium.

**SECTION 10. VEHICLE ALLOWANCE**

A. Manager is entitled to a monthly vehicle allowance of \$500.00 to defray the cost of furnishing Manager's own vehicle for City use within a 30-mile radius of the City, with mileage reimbursed at IRS standard mileage rate for any business use of the vehicle beyond this radius. Manager shall be responsible for paying for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for all expenses attendant to the purchase, operation, maintenance, repair and regular replacement of vehicle.

B. The Parties acknowledge that this benefit is part of Manager's total compensation package.

**SECTION 11. DUES AND SUBSCRIPTIONS, PROFESSIONAL DEVELOPMENT AND GENERAL EXPENSES**

A. City agrees to pay for the professional dues and subscriptions necessary for the Manager's membership in national, regional, state and local associations and organizations necessary for Manager's continued professional participation, growth and advancement, and for the good of the City, subject to approval of the annual budget.

B. City encourages the professional growth and development of Manager and acknowledges that participation in professional conventions, short courses, seminars, and conferences can contribute to professional growth and development. Manager's attendance shall be subject to the approval of the annual budget. City shall permit a reasonable amount of time for Manager to attend.

C. Other job-related expenses incurred by Manager on behalf of the City not described in this Agreement may be reimbursed; however, expense reimbursements shall be limited to those funds designated within City's approved annual budget and which comply with the City's employment policies and procedures. The City's Finance Director is hereby authorized to disburse such monies upon Manager's submission of a duly executed expense report or petty cash vouchers, receipts, statements or personal affidavits.

#### SECTION 12. CELL PHONE

As part of Manager's compensation, City shall provide Manager with the use of a City-issued cell phone for work purposes only, as detailed in the City's Personnel Policy No. 12, beginning with the effective date of this Agreement. Manager may select the make and model of the cell phone to be used, subject to approval by the City. City approval shall not be withheld without good cause; however, the cell phone must be compatible with the City's computer system and other electronics used by City employees.

#### SECTION 13. MEDIATION

The Parties mutually agree that any dispute that may arise under this Agreement will be submitted to a mediator agreed to by both Parties as soon as such dispute arises, but in any event prior to the commencement of litigation. Such mediation shall occur in Clackamas County, Oregon, and the mediation fee and expenses shall be paid by the City. The Parties agree to exercise their best efforts in good faith to resolve all disputes in mediation.

#### SECTION 14. INDEMNITY

City agrees to defend, hold harmless, and indemnify Manager against any and all demands, claims, suits, torts, actions, and legal proceedings, whether groundless or otherwise, brought against Manager in Manager's individual capacity, or in Manager's official capacity as agent and employee of the City, as to any and all actions or omissions of Manager within the scope of employment. Manager shall have authority to select, with the approval of the City, and manage as appropriate, outside counsel retained to defend Manager. Should any such claim or suit be settled, the City shall pay the amount of any settlement or judgment.

#### SECTION 15. WAIVER OF BREACH

Waiver by the City or Manager of any breach of any provision of this Agreement shall not operate nor be construed as a waiver of any subsequent breach or a waiver of this provision.

#### SECTION 16. BONDING

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

SECTION 17. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

A. The parties may, from time-to-time, agree to modify the terms of this Agreement, provided that the amendment is reduced to writing and made a part of this Agreement.

B. All provisions of the City Charter and Code, and regulations and rules of the City relating to holidays, deferred compensation, and other fringe benefits and working conditions, as they now exist or hereafter may be amended, also shall apply to Manager as they would to other management employees of City, in addition to the benefits provided in this Agreement. In the event of a discrepancy between the City's generally applicable standards or policies and a provision of this Agreement, this Agreement shall control.

SECTION 18. SEVERABILITY

If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid or unenforceable, it shall be severed from this Agreement. The remainder of this Agreement shall not be affected and shall remain in full force and effect.

SECTION 19. NOTICES

Notices pursuant to this Agreement shall be given in writing by email. Notice required in Section 3 shall also include a written copy by deposit in the custody of the United States Postal Service, by certified mail, postage prepaid, addressed to the City Council at West Linn City Hall or to Manager at residential address on file at the City.

MANAGER

CITY OF WEST LINN, OREGON

\_\_\_\_\_  
John Williams

Date: \_\_\_\_\_

\_\_\_\_\_  
Rory Bialostosky, Mayor

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**Work Session Agenda Bill**

Date: 12/16/24

To: Rory Bialostosky, Mayor  
Members, West Linn City Council

Through: John Williams, City Manager *JRW*

From: Darren Wyss, Planning Manager *DSW*

Subject: Joint Work Session with the Historic Review Board

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**Purpose:**

To hold a joint work session with the Historic Review Board (HRB) to address the general issues and concerns surrounding historic preservation in West Linn, and to specifically focus on three key items: the proposed Mission Statement, ambiguities and conflicts within Community Development Code Chapter 58, and a request for support for the 2025 Certified Local Government (CLG) grant application to fund a new historic inventory in West Linn.

**Question(s) for Council:**

Does the Council wish to:

1. Adopt a mission statement for the Historic Review?
2. Add and prioritize Community Development Chapter 58 Code Review and Update to the planning docket?
3. Support a CLG grant request for a new historic inventory?

**Background & Discussion:****1. Proposed Draft Historic Review Board Mission Statement**

1. The existing purpose and authority of the HRB is drawn from multiple sources, including City Code, the Oregon Administrative Rules (OAR), and Federal Regulations which are administered through the Oregon Administrative Rules ([Attachment 1- HRB 6/18/24 Memo](#) & [2007 Certified Local Government Program Agreement for Historic Preservation](#)). The City's authority granted to the HRB is outlined in Chapter 99 of the Community Development Code.

The HRB has quasi-judicial decision-making authority over the 25 individually designated local landmarks, 7 national historic landmarks located throughout the City, and 1 Historic District with 38 homes that are contributing resources. The HRB also has design review authority on properties within the Willamette Falls Drive Commercial Design District that is not a historic landmark or within the Willamette Historic District.

The HRB is responsible for reviewing applications for compliance with CDC Chapters 25 - OVERLAY ZONES – HISTORIC DISTRICT and Chapter 58 - WILLAMETTE FALLS DRIVE COMMERCIAL DESIGN DISTRICT. Its authority includes:

- a) Decisions: Approving, denying, or approving with conditions applications for:
  - i) Class II Historic Design Review;
  - ii) Demolition of historic landmarks or primary contributing structures;
  - iii) Relocation of historic resources;
  - iv) Revocation or modification of previous approvals; and
  - v) Extensions for approvals where the HRB was the original decision-maker.
- b) Recommendations: Advising on matters such as:
  - i) Designation or removal of historic resource status;
  - ii) Class I or Class II design review on a property within the Willamette Falls Drive Commercial Design District that is not a historic landmark or within the Willamette Historic District;
  - iii) New construction within the Willamette Falls Drive Commercial Design District that is not a historic landmark or within the Willamette Historic District;
  - iv) Land partitions, subdivisions, or conditional uses involving historic resources; and
  - v) Conditional use of property containing a historic resource.

The HRB has recently discussed the creation of a mission statement to better define the Board's purpose, role, and authority. The goal is to enable the Board to clearly understand and better implement its responsibilities as both a quasi-judicial decision-making authority, and an advisory body on matters of historical preservation and the disbursement of grant funding for projects and public education. This clarification would also assist Council as it assigns tasks and staff support to the HRB, as well as community members seeking to engage with the city on matters of history. Adoption of a purpose statement will require review and approval by City Council. HRB members propose the following mission statement for consideration by the City Council:

*The mission of the Historic Review Board is to identify, preserve, and protect the integrity of West Linn historic resources.*

## **2. Community Development Chapter 58 Code Review and Update - Willamette Falls Drive Commercial Design District**

In 2024, the HRB had numerous discussions about the need for clearer guidelines in the Willamette Commercial Design District (WFDCDD) and the potential revision of Chapter 58 ([Attachment 1- HRB 6/18/24 Memo](#)). They noted the ambiguity in the current code and the procedures for reviewing applications in this district, emphasizing the importance of balancing preservation with improvements. Members suggested reexamining Chapter 58 to make it clearer; while acknowledging that revising it would be a massive undertaking that could take several years. The Board stressed the importance of addressing gray areas in the regulations to better balance preservation with necessary improvements.

To better understand the issues and existing conditions, HRB members conducted a tour of the WFDCDD. They expressed support for design standards that complement the historic district while acknowledging the value of incorporating other architectural styles and the need to address design standards for new construction. The historical significance of buildings, their past uses and how they have evolved over time was discussed. The discussion also focused on the architectural styles within the district, particularly the Western false fronts, and emphasized the importance of recognizing and preserving other vernacular styles in the WFDCDD. HRB members stressed the need to protect both the architectural integrity of the buildings and the historical narratives they represent.

The HRB is requesting a limited Code Revision Update for Chapter 58 to review the effectiveness and appropriateness of the design standards and approval procedures contained in Chapter 58. This work would include revisiting the appropriateness of requiring all new construction to adhere to the Western False Front style of 1880-1915. The HRB has identified the following topics as the potential scope of such a project:

- **Decision-making authority.** The CDC splits decision-making authority in Chapter 58 between the HRB and the Planning Commission. This current process overlaps and competes, challenging the City's ability to make timely and unified decisions.
- **Design Exceptions.** In situations where a design proposal cannot comply with the design standards outlined in Chapter 58 or the applicant suggests an alternative approach, the HRB may grant a design exception. However, HRB members are concerned about the potential for setting precedents within the district through this process.
- **Design Standards.**
  - Height and Massing
  - Materials
  - Architectural Styles
  - Visual Building Breaks
- **Treatment of existing structures versus new construction.** Difficulty building a contemporary commercial building in the Willamette Falls Commercial Design District while adhering to the design standards required in Chapter 58.

### 3. **Certified Local Government Grant Request for a New Historic Inventory**

The CLG Grant program is funded by a Federal apportionment to Oregon through the National Park Service. CLGs are eligible for non-competitive grants for projects promoting historic preservation including documentation, designation, and rehabilitation of historic properties, planning, review and compliance, archaeology, and public education. The City is eligible to apply for grant funds up to \$15,000 in February 2025. A 1:1 match to funds requested would be required. [Attachment 2 - Surveys of Historic Places](#) provides more background on the historic inventory process.

The City previously completed selective reconnaissance level surveys for several neighborhoods (Bolton, Sunset, and Willamette). The surveys are considered "selective" since they looked at properties over 45 years of age. A property is generally only able to be determined to be "historic" if it is over 50 years of age.

In 2006, the City prepared a [Historic Context Statement for the Willamette and Holly Grove Neighborhood](#). The field work including the recording basic architectural information for 111 properties in two survey areas, a preliminary eligibility assessment and a photograph of each property in the survey area, and the preparation of data for entry into the SHPO database.

In 2009, the City completed a [Reconnaissance-level Survey of Historic Resources for the Buck Street Neighborhood](#), evaluating 118 buildings and did not identify a potential National Register historic district.

In 2010, the City completed [Reconnaissance-level surveys for Bolton & Sunset Neighborhoods](#) evaluating structures over 50 years of age in the Bolton and Sunset neighborhoods. The survey did

not include the Buck Street area in Bolton. The Bolton survey evaluated 418 buildings. Three potential historic districts were identified in this survey. Two of the districts exclusively contain mid-century modern houses, while the third is potentially related to the Willamette Falls Industrial Area and contains early 20th century houses. Three other properties outside of these districts were identified as potentially eligible for individual listing in the National Register of Historic Places. The Sunset survey evaluated 252 buildings. This survey did not identify a potential National Register historic district.

In 2007, the City listed the Willamette Historic District on the National Register of Historic Places. Within the Willamette Historic District, there are a total of 38 officially designated historic properties. In 2012, the City conducted a [Selective Reconnaissance-level Survey of the Willamette Neighborhood](#) of 250 selected properties within the Willamette Neighborhood were built in 1965 or earlier. In addition, the project supplemented the information on 44 properties previously surveyed (some of which were subsequently listed in the National Register of Historic Places as the Willamette Historic District) with additional information on accessory structures. The purpose of the project was to provide documentation and historic district contribution of these secondary structures.

HRB members have discussed project options for the upcoming grant cycle. They identified a desire to initiate an historic inventory of three potential areas in the City: Bolton/Willamette Falls area, Historic Willamette Neighborhood, or the Highway 43 corridor north of Mary S Young Park. The goal of the inventory would be to identify historic structures that would be eligible for historic designation. Being included in a historic resource survey does not designate or protect resources but does provide valuable information that can be used by property owners who voluntarily pursue future landmark designation.

The HRB received comments supporting a grant request to refresh the city's historic inventory from Jody Carson, current Board Member of the Willamette Falls & Landings Heritage Area Coalition and Historic Willamette Mainstreet.

**Council Options:**

1. Authorize staff to develop an amendment to Municipal Chapter 2.075 to codify the HRB Mission statement.
2. Add and prioritize a Chapter 58 Code Review and Update on the Planning Docket. Further, the Council could authorize funds for consulting services during the FY2026 budgeting cycle to assist in the code review.
3. Authorize the staff to proceed with a grant request from the state to prepare a new historic inventory recognizing that City would need to provide a 50% matching fund for consulting services.

**Staff Recommendation:**

Staff recommends that the City Council and HRB engage in a discussion to explore issues, discuss the options, and provide guidance to staff on priorities.

**Attachments:**

1. [June 18, 2024 Historic Review Board Mission Statement & Updates to the CDC Chapter 58.](#)
2. [Surveys of Historic Places](#)
3. [2007 Certified Local Government Program Agreement for Historic Preservation](#)

## Memorandum

**Date:** June 18, 2024

**To:** Historic Review Board

**From:** John Floyd, Senior Planner

**Subject:** Historic Review Board Mission Statement & Updates to CDC Chapter 58

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The Historic Review Board (HRB) has recently discussed the creation of a purpose or mission statement as a way of better defining the Board's purpose, role, and authority. The goal is to enable the Board to clearly understand and better implement its responsibilities as both a quasi-judicial decision-making authority, and an advisory body on matters of historical memory and the disbursement of grant funding for preservation projects and public education. This clarification would also assist Council as it assigns tasks and staff support to the HRB, as well as community members seeking to engage with the city on matters of history.

Adoption of a purpose statement will require review and approval by City Council, and a joint meeting to discuss the topic has been scheduled with the City Council for September 16, 2023.

The purpose of this memorandum is to aid the HRB in understanding where the Board currently obtains their purpose, composition, and rules of procedure. It is hoped this understanding will inform and guide the development of a draft purpose statement.

### **Existing Purpose, Structure, and Rules of Procedure**

The existing purpose and authority of the HRB is drawn from multiple sources, including City Code, the Oregon Administrative Rules (OAR), and Federal Regulations which are administered through the Oregon Administrative Rules. Each of these sources is summarized below.

As a [Certified Local Government](#) subject to period audits by the State Historic Preservation Office (SHPO), the City must staff and support a historic preservation commission of interested and qualified residents to comply with Federal requirements to receive federal funding. In West Linn, the Historic Review Board serves this function. To the extent they are available, at least some of the members should possess [professional qualifications](#) in the disciplines of history, architecture, architectural history, archaeology, or related fields. These standards are contained in Oregon Administrative Rules (OAR) as excerpted below.

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## **OAR 736-057-0030 Certified Local Government Qualifications**

(1) The National Parks Service certifies a city or county to carry out the purposes of the NHPA [National Historic Preservation Act]. At a minimum, in accordance with federal standards, a certified local government must:

(a) Have a historic preservation commission of interested and qualified members. To the extent they are available, at least some of the commission members should meet "professional" qualifications in the disciplines of history, architecture, architectural history, archaeology, or related fields.

(b) Have a preservation ordinance that provides how the local government will address historic preservation issues.

(c) Participate in updating and expanding the state's historic building inventory program.

(d) Review and comment on and allow for public comment on any National Register of Historic Places nominations of properties within the local government boundaries.

(e) Fulfill its obligation to enforce state preservation laws.

(f) Maintain the certification at audits under section (2).

[...]

At the local level, [Municipal Code Chapter 2 \(Government and Administration\)](#) establishes the Board's composition (i.e. who may be appointed), and provides general guidance on how it conducts business. Membership requirements in MC 2.090 mirror those required at the state and federal level.

### **MC 2.045 Meetings; Rules of Procedure; Attendance.**

- (1) Meetings. Community advisory groups shall meet as needed to accomplish the duties assigned to the group, the Council goals and other business needs of the City.
- (2) Rules of Procedure. A community advisory group shall conduct its meetings in accordance with the Council Rules, West Linn Municipal Code, City Charter, and State law.
- (3) Recommendations. All recommendations to the Council shall be in writing. The staff liaison shall prepare a memorandum to the Council, signed by the community advisory group chair, stating the community advisory group's recommendation.

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- (4) Final Decisions. All final decisions by the Historic Review Board and Planning Commission shall be in writing, signed by the chair.
  - (5) Attendance. A member should provide at least 48 hours' notice to both the chair of the community advisory group and the staff liaison regarding any planned absence from a scheduled meeting of the community advisory board. In the event an unexpected emergency will cause a member to be absent from the meeting, the member must, if possible, notify the chair or the staff liaison within a reasonable time in advance of the meeting to prevent an unexcused absence. Unexcused absences are grounds for removal pursuant to Section 2.070.

#### **2.075 Community Advisory Groups.**

Establishment. The following community advisory groups are established in accordance with the provisions of Sections 2.005 to 2.099:

- (1) Budget Committee;
- (2) Economic Development Committee;
- (3) Historic Review Board;
- (4) Library Board;
- (5) Parks and Recreation Board;
- (6) Planning Commission;
- (7) Sustainability Advisory Board;
- (8) Transportation Advisory Board;
- (9) Utility Advisory Board;
- (10) Public Safety Advisory Board; and
- (11) Arts and Culture Commission.

#### **2.090 Historic Review Board.**

Each member appointed to the Historic Review Board shall have a demonstrated interest, knowledge or competence in historic preservation and, to the extent possible, in one of the following fields: archaeology, architecture, building construction, history, landscape architecture, law, local history, real estate or urban planning. If possible, at least one member shall be an architect experienced in historic preservation. The majority of the members shall reside within the City of West Linn.

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The [City of West Linn Community Advisory Handbook \(2024\)](#) summarizes the group's responsibilities, as outlined in the Municipal and Community Development Codes, with a particular focus on the Board's quasi-judicial functions.

**Historic Review Board (HRB):** The Historic Review Board is a quasi-judicial body that guides implementation of West Linn's historic preservation and related public education programs. The HRB has decision making authority for quasi-judicial actions under Chapter 25 and 58 of the CDC. Each member appointed to the Historic Review Board shall have a demonstrated interest, knowledge, or competence in historic preservation and, to the extent possible, in one of the following fields: archaeology, architecture, building construction, history, landscape architecture, law, local history, real estate or urban planning. If possible, at least one member shall be an architect experienced in historic preservation. Most of the members shall reside within the City of West Linn. All final decisions by the HRB shall be in writing and signed by the chair.

The Community Development Code assigns certain authorities to the HRB in the context of quasi-judicial decision-making. The core of this is section 99.060 (Approval Authority), and in the context of the Willamette Falls Drive Commercial Design District, CDC Section 58.090 (Design Exceptions).

#### **99.060 APPROVAL AUTHORITY**

This section explains the authority of the Planning Director, Planning Commission, City Council, and Historic Review Board as it relates to quasi-judicial and legislative action.  
[...]

D. Historic Review Board authority. The Historic Review Board shall review an application for compliance with Chapters 25 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. A demolition permit for a historic landmark or primary contributing structure within a historic district;
  - c. Relocation of a historic resource;
  - d. Revocation or modification of an approval as provided by CDC 99.330 for any application approved by the Historic Review Board; and
  - e. An extension of an approval when the Historic Review Board acted as the initial decision-making authority.

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2. Make recommendations to the approval authority specified in this section regarding the following:

- a. Designation of a historic resource;
- b. Removal of historic resource designation;
- c. Class I or Class II design review on a property within the Willamette Falls Drive Commercial Design District that is not a historic landmark or within the Willamette Historic District;
- d. New construction within the Willamette Falls Drive Commercial Design District that is not a historic landmark or within the Willamette Historic District;
- e. A partition or subdivision of property containing a historic resource;
- f. Conditional use of property containing a historic resource.

#### **58.090 DESIGN EXCEPTION PROCEDURES**

In those circumstances where a design proposal cannot meet the standards, or proposes an alternative to the standard, the Historic Review Board may grant a design exception in those cases where one of the following criteria is met:

- A. The applicant can demonstrate by review of historical records or photographs that the alternative is correct and appropriate to architecture in the region, and especially West Linn, in 1880 – 1915.
- B. The applicant is incorporating exceptional 1880 – 1915 architecture into the building which overcompensates for an omission, deviation, or use of non-period materials. The emphasis is upon superior design, detail, or workmanship.
- C. The application is for the restoration or alteration of an existing, out-of-period structure where it can be demonstrated that applicant cannot reasonably comply with the standard due to existing building setbacks, orientation, roof forms, materials, architectural style, functional design, or other existing conditions; and where the exception would further the purpose of this chapter as set forth in CDC 58.010. This exception does not apply when the structure is demolished.

In coming months, planning staff will provide drafts of a potential mission statement based on HRB direction and feedback, and any direction from Council provided at the joint meeting in September. To make the June meeting more productive, staff requests the Board provide

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feedback on preferred content and organization of the document. As a starting point, one or more of the following sections may be appropriate:

- Membership and Organization
- Meeting Times and Frequency
- Values and/or Goals
- Duties:
  - Quasi-Judicial
  - Advisory
  - Outreach
- Annual Reports

### **Scoping Updates to CDC Chapter 58 (Willamette Falls Drive Commercial Design District)**

In addition to the Mission Statement, staff will facilitate a discussion of those parts of the Willamette Falls Drive Commercial Design District standards (CDC Chapter 58) that the HRB may wish to revisit as part of a future project. This discussion is in anticipation of a joint meeting with Council on September 16, 2023, to discuss the idea of a mission statement and future code packages for the HRB to work on.

As a starting point, staff requests the HRB consider which portions of Chapter 58 should be revisited and why. The following list are topics included in recent conversations about the potential scope of such a project.

- Decision-making authority
- Exemptions
- Design Standards
  - Height and Massing
  - Materials
  - Architectural Styles
  - Visual Building Breaks
- Treatment of existing structures versus new construction

As always, please contact me with any questions about this project or related work at [ifloyd@westlinnoregon.gov](mailto:ifloyd@westlinnoregon.gov) or 503-742-6058.

**Chapter 58**  
**WILLAMETTE FALLS DRIVE COMMERCIAL DESIGN DISTRICT**

Sections:

[58.010 PURPOSE](#)

[58.020 IMPLEMENTATION](#)

[58.030 APPLICABILITY](#)

[58.040 EXEMPTIONS](#)

[58.050 PERMITTED USES](#)

[58.060 REPEALED](#)

[58.065 REPEALED](#)

[58.070 APPLICATION AND SUBMITTAL REQUIREMENTS](#)

[58.080 STANDARDS](#)

[58.090 DESIGN EXCEPTION PROCEDURES](#)

[58.100 EXPIRATION OR EXTENSION OF APPROVAL](#)

#### **58.010 PURPOSE**

- A. Implement the goals and policies of the economic element of the Comprehensive Plan relating to the rehabilitation and revitalization of the Willamette Commercial District.
- B. Enhance the historic and aesthetic quality of the Commercial District.
- C. Increase the attractiveness of the commercial areas to tourists, customers, tenants, business owners, and City residents.
- D. Reinforce the commitment to existing commercial buildings of the 1880 – 1915 period and complement the adjacent residential historic district.
- E. Encourage a sense of historic identity for the Willamette area and West Linn as a whole. (Ord. 1735 § 4 (Exh. C), 2022; Ord. 1745 § 1 (Exh. A), 2023)

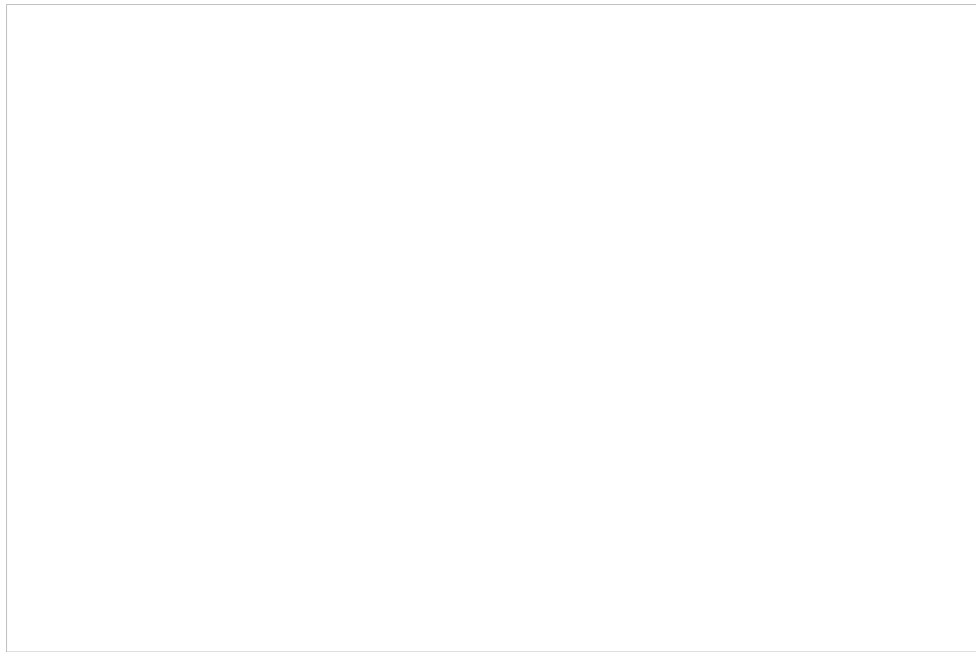
### **58.020 IMPLEMENTATION**

The intent and purpose of this chapter shall be carried out by establishing architectural standards of the 1880 – 1915 period which shall be used in new commercial construction and remodels. The provisions of this chapter shall supersede any conflicting standards found in Chapter 55 CDC. (Ord. 1735 § 4 (Exh. C), 2022; Ord. 1745 § 1 (Exh. A), 2023)

### **58.030 APPLICABILITY**

- A. The provisions of this chapter shall apply to all new commercial construction, alterations, and remodels on Willamette Falls Drive between 10th and 15th Streets. Properties that are historic resources shall comply with the provisions of Chapter 25 CDC, as applicable. Failure to obtain a permit shall constitute a Class A violation pursuant to CDC 106.050.
- B. The type of design review application required is defined in Chapter 25 CDC for properties identified on the West Linn Historic Resource Map and defined in Chapter 55 CDC for all other properties.
- C. Boundary limits. The affected area shall be as delineated in Figure 1. Generally, the area is along Willamette Falls Drive between 10th Street and 15th Street.

**Figure 1**



(Ord. 1350, 1993; Ord. 1614 § 10, 2013; Ord. 1621 § 25, 2014; Ord. 1735 § 4 (Exh. C), 2022; Ord. 1745 § 1 (Exh. A), 2023)

#### **58.040 EXEMPTIONS**

Ordinary maintenance or repair that replaces in kind and does not alter the architectural details or style of the structure is exempt from review. Remodels to exclusive single-family residential homes are exempt from the provisions of this chapter. Single-family homes that are used for businesses or home occupations are not exempt. Repainting any structure requires review and is not exempt, but does not require any notice. All exemptions must be approved by the Planning Director. (Ord. 1735 § 4 (Exh. C), 2022; Ord. 1745 § 1 (Exh. A), 2023)

### **58.050 PERMITTED USES**

All uses permitted by the underlying General Commercial zone shall be allowed pursuant to CDC 19.030, 19.040, 19.050, and 19.060 and shall require the application of the standards of this chapter. Residential use of the second floor and the rear portion only of the ground floor, with no access onto Willamette Falls Drive, is permitted by application through this chapter. Residential use may only comprise 50 percent or less of the total square footage of the building combined. Commercial uses shall dominate the first floor. (Ord. 1401, 1997; Ord. 1735 § 4 (Exh. C), 2022; Ord. 1745 § 1 (Exh. A), 2023)

**58.060 REVIEW BODY**

*Repealed by Ord. 1597.*

**58.065 APPEALS OF HISTORIC REVIEW BOARD**

*Repealed by Ord. 1597. (Ord. 1474, 2001)*

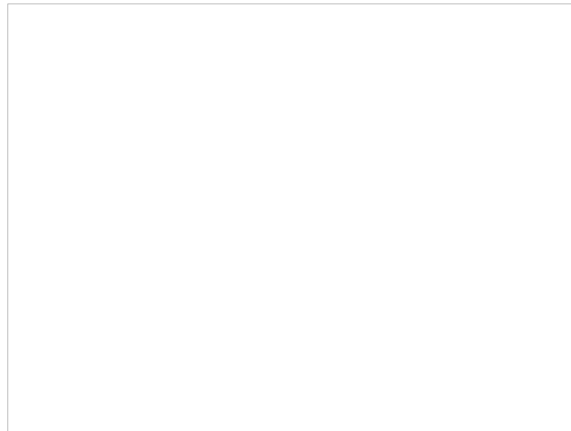
#### **58.070 APPLICATION AND SUBMITTAL REQUIREMENTS**

- A. Applicants shall attend a pre-application conference if required by CDC 99.030(B).
- B. The Director shall determine the appropriateness of the proposal and the completeness of the materials to be submitted. The Director may consult with members of the Historic Review Board in this process.
- C. The application is made with appropriate fees. A written narrative may be required explaining how the proposal meets the approval criteria.
- D. All applications for remodels and new construction shall require scaled elevation plans, site plans, and material and color board. (Ord. 1599 § 5, 2011; Ord. 1735 § 4 (Exh. C), 2022; Ord. 1745 § 1 (Exh. A), 2023)

## 58.080 STANDARDS

### A. Purpose.

1. Standards are needed to provide a clear and objective list of design elements that are needed to bring new construction and remodels into conformance with 1880 – 1915 architecture. Buildings of the period saw relatively few deviations in design. Consequently, the Historic Review Board will require conformance with the standards. Deviations or deletions from the standards are addressed in the design exception procedure of this chapter.
2. The use of neo-designs or simply contextual designs which only attempt to capture the basic or generalized elements such as building line, massing and form, etc., is not acceptable.



### b. The following standards shall apply to new construction and remodels.

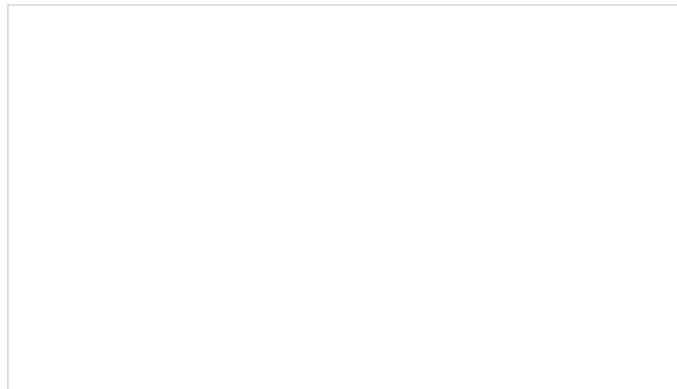
#### 1. Dimensional standards.

- a. Front: zero-foot setback. Building may not be set back from the property line unless it is consistent with predominant building line.
- b. Side and side street: zero-foot setback. Building may not be set back from the side property line except for side passageway, accessway, or stairway unless fire codes dictate otherwise. The setback shall not exceed six feet.
- c. Rear: 20-foot setback. Setbacks between zero and 20 feet are permitted only if requested by the applicant as part of a discretionary review, and only if the applicant can demonstrate that they can successfully mitigate any impacts associated with the building in current and future uses as they would relate to abutting residential and other properties.
- d. Lot coverage: up to 100 percent of lot may be developed, if the criteria in subsection (B)(1)(c) of

this section are met.

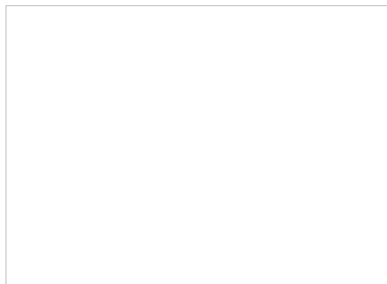
2. Minimum landscaping required. Sites in this district are exempt from landscaping requirements as identified in Chapter 54 CDC, Landscaping, with the exception of parking areas.

3. Building height limitations. Maximum building height shall be 35 feet (as measured by this code), and two stories. A false front shall be considered as the peak of the building if it exceeds the gable roof ridgeline.

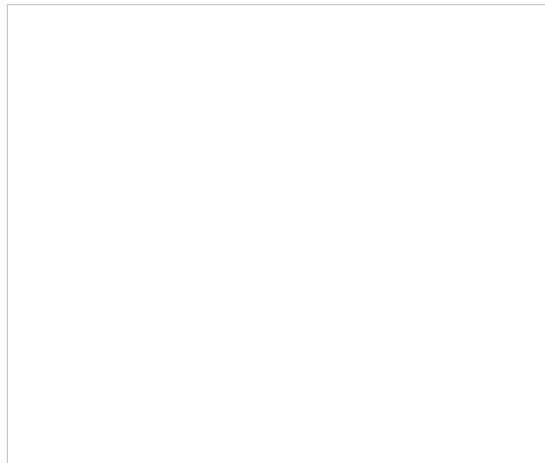


4. External ground level or first story minimum height. Ten feet to allow transoms.

5. Roof form. Flat or pitched roofs. Pitched roof ridgeline shall run from the front of the building to the back.

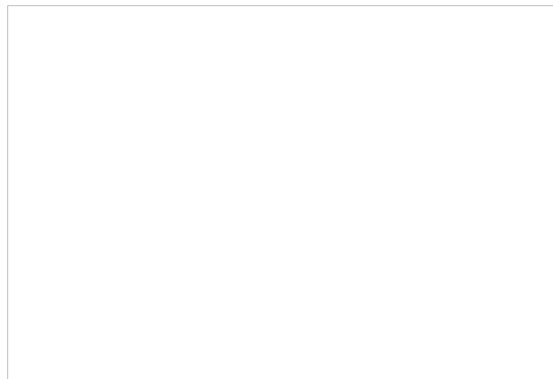


6. Building form, scale and depth. Building shall emphasize the vertical through narrow, tall windows (especially on second floor), vertical awning supports, engaged columns, and exaggerated facades creating a height-to-width ratio of 1.5:1.

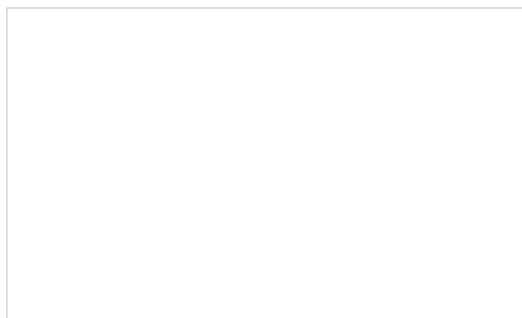


Building depth shall be flat, only relieved by awning and cornice projections and the indented doorway.

7. Visual building breaks. Strong vertical breaks or lines should be regularly spaced every 25 to 50 feet.
8. Facades. No gables, hipped, or pitched roofs shall be exposed to the street at the front. The “Western false front” shall be the preferred style although variations shall be allowed through a design exception.



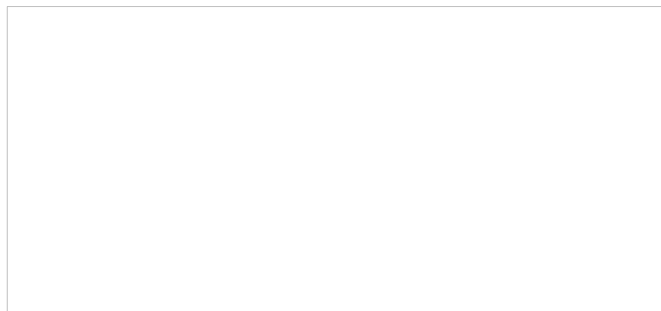
9. Cornice. Cornices shall be broad and may include regularly spaced supporting brackets. A cornice is not required, but preferred.



10. Building materials and orientation. Horizontal wood siding in one-inch by eight-inch dimensions shall be used, unless brick or other materials are permitted by a design exception obtained only under CDC [58.090](#).

11. Awnings. All buildings shall have awnings extending out from building face. Awnings are preferred for micro-climate benefits. Ideally, the building will have both transom and awnings, although transoms are not required.

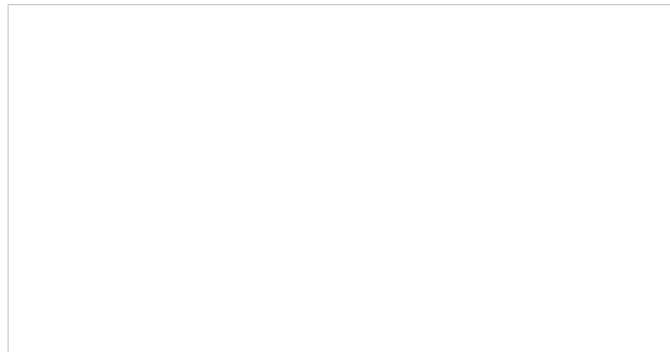
Awnings shall be either canvas or vinyl, or similar approved material, supported by an internal metal framework or metal or wood supported by a curved metal support attached to the building.



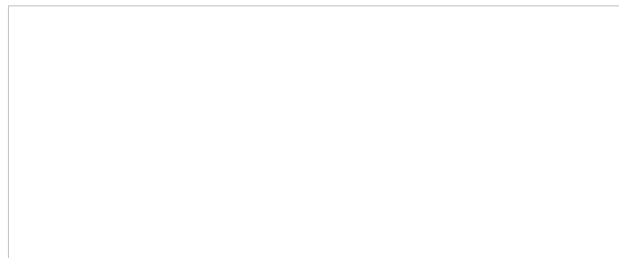
Awnings shall extend a minimum of five feet from the facade and along a minimum of 80 percent of a street facing facade to provide appropriate pedestrian coverage and shall meet ADA requirements. The pitch of the awning shall be 10 to 40 degrees. No “bubble-type” awnings are permitted. No backlit awnings are permitted. Canvas or matte-finish vinyl, or similar approved material awnings, may be one color or striped and shall have a free-hanging plain or crenelated valance. Canvas or matte-finish vinyl, or similar approved material awnings, should not be shared between two structures. Each structure should have its own awning.

12. Extruded roofs. As a substitute for an awning, extruded roofs have a 10- to 40-degree pitch and extend one to two feet from the building face just above the transom windows where the first and second stories meet. The roof runs along the entire building frontage.

Standard roofing materials are used. Transoms are required with extruded roofs.

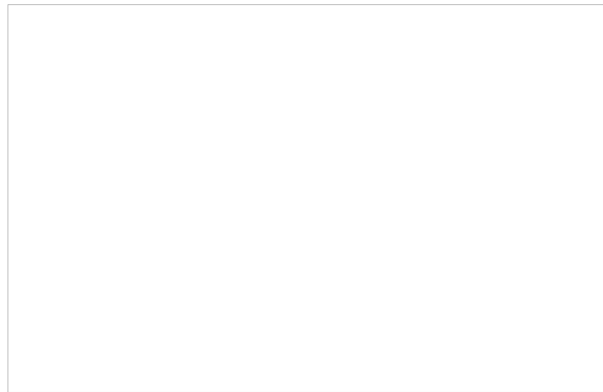


13. Doors and entryways. The entryway shall be centered in the middle of the building at grade. The buildings on street corners may position their doors on the corner at an angle as depicted in the illustration. The doors may be single or double doors. The doors shall be recessed three to five feet back from the building line. Doors shall have glazing in the upper two-thirds to half of the door. Panels should decorate the lower portions. The entryway shall have windows all the way around at the same level as the other display windows. Wood doors are preferable although alternatives with a dark matte finish may be acceptable.



14. Glazing. Clear glass only. No mirrored or tinted glass. No films applied to glass. Lettering on glass is permitted.

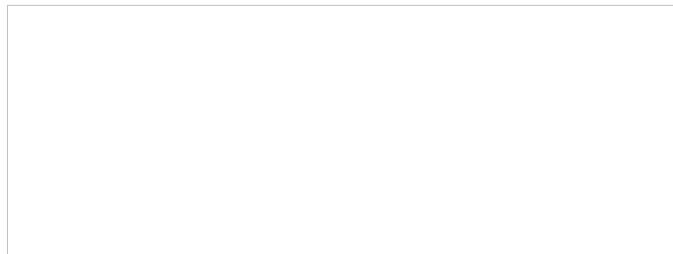
15. Display or pedestrian-level windows. Shall extend across at least 80 percent of building front. The windows shall start one and one-half to two and one-half feet above grade to a height of seven to eight feet, and shall be level with the top of the height of the adjacent entryway area, excluding transom. A single sheet of glass is not permitted. The window shall be broken up into numerous sections, also known as lights. From 1880 onwards, the number of lights was generally no more than six in a pedestrian-level window. The frames may be wood or vinyl-clad wood, or other materials so long as a matte finish is possible.



16. Second floor and other windows.

a. Standard for residential development. Windows shall be double- or single-hung and shall be evenly spaced across the horizontal width of the facade. Windows shall either have a 3:1 height to width ratio for the glass area or shall be square. Square windows shall have minimum dimensions of one and one-half feet per side and maximum dimensions of two feet per side. There shall be a minimum of two lights in each window; options include “one over one” of equal size, “two over one,” or “four over one,” as illustrated below.

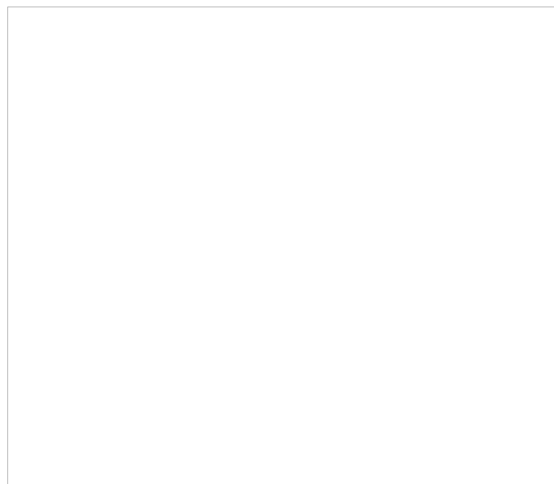
b. Standard for non-residential development. Double- and single-hung windows proportionately spaced and centered should be used. Smaller square-shaped windows may be permitted (one and one-half feet to two feet per side). A typical window should have a 3:1 height to width ratio for the glass area. There should be a minimum of two lights: “one over one” of equal size. “Two over one” or “four over one” is appropriate.



**Examples of Light Patterns**

17. Wainscotting. Wainscotting shall be consistent with primary material of the building, typically wood.
18. Shutters. Shutters are not allowed.
19. Balconies. No balconies are permitted except on rear of building.
20. Exterior stairs. Simple stairs are permitted on the rear or side of the building only.

21. Roof-mounted mechanical equipment. Equipment shall be screened from view on all sides by normal and consistent architectural features of the building. CDC 55.100(D), Privacy and noise, shall apply.
22. Air conditioning. No window types on avenue or street side are permitted. Window-mounted air conditioners are not allowed at rear where abutting residential.
23. Exterior lighting fixtures. Any lighting fixtures that can be traced to 1880 – 1915 period are permitted. Simple modern fixtures that are screened and/or do not attract attention are acceptable. Overly ornate fixtures of the Victorian era are to be discouraged.
24. Transoms. Transom windows are required with extruded roofs and optional with awnings. Transom windows shall cover the front of the building above, but not beyond, the main display windows, and the entryway area. Transoms should be broken up into sections every six inches to three feet in a consistent and equal pattern. Height should not exceed three feet. Transoms may or may not open. False ceilings are allowed behind the transoms.

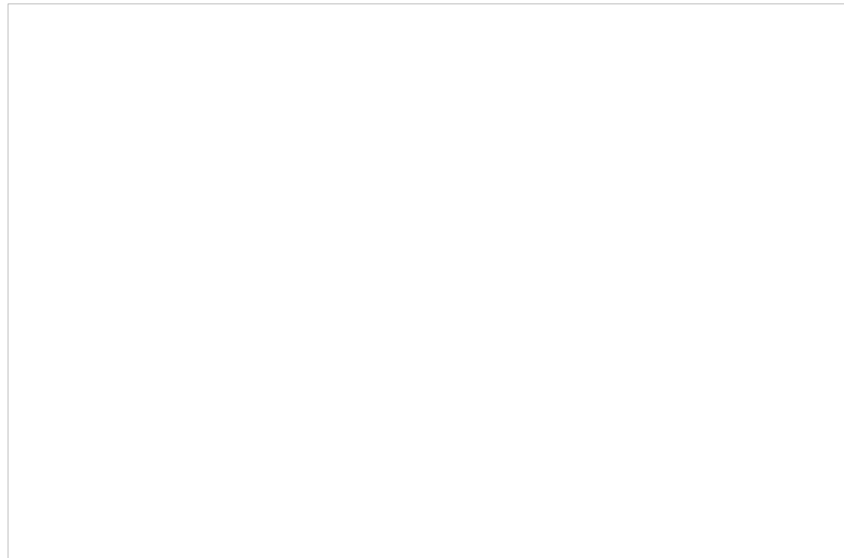


25. Paint colors. Body color typically included white, cream, or a light, warm color of low intensity. Accents, trims, windows, etc., should be dark-colored. A palette or color wheel, submitted by the applicant, of acceptable 1880 – 1915 period colors shall be the basis for color selection. Colors shall be similar to or consistent with existing buildings within the Willamette Commercial District to establish streetscape continuity. (Ord. 1391, 1996; Ord. 1401, 1997; Ord. 1604 § 59, 2011; Ord. 1613 § 18, 2013; Ord. 1621 § 25, 2014; Ord. 1675 § 47, 2018; Ord. 1735 § 4 (Exh. C), 2022. Formerly 58.090; Ord. 1745 § 1 (Exh. A), 2023)

### 58.090 DESIGN EXCEPTION PROCEDURES

In those circumstances where a design proposal cannot meet the standards, or proposes an alternative to the standard, the Historic Review Board may grant a design exception in those cases where one of the following criteria is met:

- A. The applicant can demonstrate by review of historical records or photographs that the alternative is correct and appropriate to architecture in the region, and especially West Linn, in 1880 – 1915.
- B. The applicant is incorporating exceptional 1880 – 1915 architecture into the building which overcompensates for an omission, deviation, or use of non-period materials. The emphasis is upon superior design, detail, or workmanship.



- C. The application is for the restoration or alteration of an existing, out-of-period structure where it can be demonstrated that applicant cannot reasonably comply with the standard due to existing building setbacks, orientation, roof forms, materials, architectural style, functional design, or other existing conditions; and where the exception would further the purpose of this chapter as set forth in CDC [58.010](#). This exception does not apply when the structure is demolished. (Ord. 1735 § 4 (Exh. C), 2022; Ord. 1745 § 1 (Exh. A), 2023. Formerly 58.100)

#### **58.100 EXPIRATION OR EXTENSION OF APPROVAL**

If substantial construction has not occurred within three years from the date of approval of the development plan, the approved proposal will be void, unless an extension is granted per CDC 99.325. (Ord. 1589 § 1 (Exh. A), 2010; Ord. 1735 § 4 (Exh. C), 2022; Ord. 1745 § 1 (Exh. A), 2023. Formerly 58.110)