



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

AGENDA

Virtual Meeting
Wednesday, June 02, 2021 at 7:00 PM

VIRTUAL MEETING OF THE CITY COMMISSION

The public is strongly encouraged to relay concerns and comments to the Commission in one of three ways:

- *Email at any time up to 12 p.m. the day of the meeting to recorderteam@orc.org.*
- *Phone call (Monday – Friday, 8 am – 5 pm) to 503-496-1505, all messages will be relayed and/or citizens can register to provide over-the-phone testimony during the meeting.*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

1. CONVENE MEETING AND ROLL CALL

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

3a. Commission Appointments

4. CITIZEN COMMENTS

Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Commission does not generally engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Commission.

5. PRESENTATIONS

6. ADOPTION OF THE AGENDA

7. CONSENT AGENDA

This section allows the City Commission to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may only be discussed if it is pulled from the consent agenda.

[7a.](#) Resolution No. 21-27, Establishing Eligibility to Receive State Revenues

[7b.](#) Resolution No. 21-30, Supplemental Budget for the 2019-21 Biennium

[7c.](#) Public Improvement Contract with ICON Construction & Development, LLC for the 2021 Waterline Improvements Project (CI 20-013)

[7d.](#) Resolution No. 21-25, Revocable Permanent Obstruction in the Right-of-Way at 15941 Agnes Avenue

[7e.](#) Amendment No. 1 to a Personal Services Agreement with the Friends of Willamette Falls Media Center for a Community Media Center for Production and Channel Management

[7f.](#) Minutes of the January 29, 2021 - Day One City Commission Retreat

[7g.](#) Minutes of the January 30, 2021 - Day Two City Commission Retreat

8. PUBLIC HEARINGS

[8a.](#) Resolution No. 21-28, Declaring Oregon City's Election to Receive State Revenues

[8b.](#) Resolution No. 21-29, Adopting the Budget, Making Appropriations, Imposing Taxes and Categorizing Taxes for the 2021-2023 Biennium

[8c.](#) AP 21-02 and AP-21-03: Adoption of Findings and Modified Conditions of Approval for Two Separate Appeals of the March 23, 2021 Historic Review Board Approval with Conditions of Planning Files GLUA-21-00001/ HR 21-00001 Through 21-00005 for Five Cottage Homes in the Canemah National Register District

[8d.](#) First Reading of Ordinance No. 21-1009, Annexation Code Amendments Title 14, Chapter 14.04 and LEG-21-00001

9. GENERAL BUSINESS

10. COMMUNICATIONS

City Manager

Commissioners

Mayor

11. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.

As a general practice, the City Commission does not engage in discussion with those making comments.

Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

Video Streaming & Broadcasts: The meeting is streamed live on the Oregon City's website at www.orcity.org and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WFMC at 503-650-0275 for a programming schedule.



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: Finance Director Matt Zook

Agenda Date: 6/2/2021

SUBJECT:

Resolution No. 21-27, Establishing Eligibility to Receive State Revenues

STAFF RECOMMENDATION:

Move to approve Resolution No. 21-27, A Resolution Establishing Oregon City's Eligibility to Receive State Revenues.

BACKGROUND:

The Shared Financial Services Unit of the Oregon Department of Administrative Services is responsible for certification of eligibility of cities for state shared revenues derived from cigarette, liquor, and highway taxes under ORS 221.760. The law provides that cities located within a county having more than 100,000 inhabitants must provide four or more of the following municipal services in order to be eligible to receive the shared revenues.

1. Police Protection
2. Fire Protection
3. Street construction, maintenance and lighting
4. Sanitary sewer
5. Storm sewers
6. Planning, zoning, and subdivision control
7. One or more utility services

In order for Oregon City to receive these revenues, the City Commission must submit to the Department of Administrative Services an approved Resolution which states that the City provides four or more of these services.

OPTIONS:

1. Approve Resolution No. 20-27 as is.
2. Deny Resolution No. 20-27.

BUDGET IMPACT:

Amount: General Fund Revenue = \$1,415,000; Transportation Fund
Revenue = \$5,556,000

FY(s): 2021-22 and 2022-23

Funding Source(s): State Shared Revenues

RESOLUTION NO. 21-27

A RESOLUTION ESTABLISHING OREGON CITY'S ELIGIBILITY TO RECEIVE STATE SHARED REVENUES

WHEREAS, ORS 221.760(1) provides as follows:

SECTION 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

1. Police Protection
2. Fire Protection
3. Street construction, maintenance and lighting
4. Sanitary sewer
5. Storm sewers
6. Planning, zoning, and subdivision control
7. One or more utility services

; and

WHEREAS, the City Commission desires to establish compliance with ORS 221.760(1) by certifying the provision of municipal services.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City of Oregon City, Oregon, hereby certifies that it provides the following four or more municipal services enumerated in ORS 221.760(1) in fiscal years 2021/22 and 2022/23, both years of the biennial budget:

1. Police protection
2. Street construction, maintenance, and lighting
3. Sanitary sewer
4. Storm sewers
5. Planning, zoning, and subdivision control
6. One or more utility services

Section 2. This resolution shall take effect immediately upon its adoption by the City Commission

Approved and adopted at a regular meeting of the City Commission held on the 2nd day of June 2021.

RACHEL LYLES SMITH, Mayor

Attested to this 2nd day of June 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: Finance Director Matt Zook

Agenda Date: 6/2/2021

SUBJECT:

Resolution No. 21-30, Supplemental Budget for the 2019-21 Biennium

STAFF RECOMMENDATION:

Move to approve Resolution No. 21-30, A Resolution to Adopt a Supplemental Budget for the 2019-21 Biennium

EXECUTIVE SUMMARY:

The Mayor and City Commission adopted the 2019-21 Biennial Budget on June 19, 2019. Conditions not known at the time the budget was prepared have occurred that require changes in financial planning. Oregon Budget Law allows the City Commission to make budget adjustments by resolution.

BACKGROUND:

Additional information on each adjustment is provided in the Budget Adjustment Summary attached to this staff report. The adjustments include:

- Designation and Purchase of Waterboard Park as a Charter Park
- Increase Pass Through Surcharge Revenue to the State
- Increase Pass Through Metro Excise Tax Revenue
- Increase Pass Through System Development Charge Revenue to Water Environmental Services
- Increase Vehicle Maintenance Expense in Fleet Service Fund

OPTIONS:

1. Approve Resolution No. 21-30 as is
2. Deny Resolution No. 21-30
3. Provide edits to Resolution No. 21-30

BUDGET IMPACT:

Amount: Information on each adjustment is provided in the Budget Adjustment Summary attached to this staff report

FY(s): 2019-21 biennium

Funding Source(s): Various

RESOLUTION NO. 21-30

A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET FOR THE 2019-21 BIENNIUM

WHEREAS, the City Commission adopted a budget for the 2019-21 Biennium and made appropriations by Resolution No. 19-21 on June 19, 2019; and

WHEREAS, ORS 294.338, ORS 294.463 and ORS 294.466 provide the legal basis for changes in appropriations, and ORS 294.471 and ORS 294.473 provide the legal basis for supplemental budgets, by Commission Resolution; and

WHEREAS, the need now exists to transfer and appropriate funds for the purposes and in the amounts shown in the attached Budget Adjustment Summary; and

WHEREAS, conditions not ascertained at the time the budget was prepared have occurred that require changes in financial planning, resulting in a supplemental budget.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The City Commission of Oregon City authorizes that the Budget Adjustment Summary as attached (Exhibit A) be made a part hereof and executed.

Section 2. This resolution shall take effect immediately upon adoption.

Approved and adopted at a regular meeting of the City Commission held on the 2nd day of June 2021.

RACHEL LYLES SMITH, Mayor

Attested to this 2nd day of June 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Attachment:
Exhibit A – Budget Adjustment Summary

Oregon City
Budget Adjustment Summary
 2019 - 2021 Budget Adjustment 3

<u>Description</u>	<u>Account</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
1) Designation and Purchase of Waterboard Park as a Charter Park					
General Fund					
Land	E 100-190-7010	\$ -	\$ 229,017	\$ -	\$ 229,017
Contingency (Ending Fund Balance)	E 100-190-9998	\$ 6,396,470	\$ -	\$ 229,017	\$ 6,167,453
2) Pass Through Surcharge Revenue to the State					
Building Fund					
State Surcharge Revenue	R 230-411-4575	\$ 300,000	\$ 30,000	\$ -	\$ 330,000
State Surcharge Expense	E 230-411-6702	\$ 300,000	\$ 30,000	\$ -	\$ 330,000
					\$ -
3) Pass Through Metro Excise					
General Fund					
Metro Excise Revenue	R 230-411-4573	\$ 180,000	\$ 20,000	\$ -	\$ 200,000
Metro Excise Expense	E 230-411-6708	\$ 180,000	\$ 20,000	\$ -	\$ 200,000
4) Pass Through SDC Revenue to Water Environment Services					
Wastewater Fund					
Pass Through Revenue - TCSD SDC	R 520-552-4577	\$ 900,000	\$ 300,000	\$ -	\$ 1,200,000
Pass Through Expense - TCSD SDC	E 520-552-6712	\$ 900,000	\$ 300,000	\$ -	\$ 1,200,000
5) Increase Vehicle Maintenance Expense in Fleet Service Fund					
Fleet Fund					
Internal Service Charge Revenue	R 610-561-4580	\$ 456,980	\$ 40,000	\$ -	\$ 496,980
Vehicle Maintenance Expense	E 610-561-6134	\$ 210,000	\$ 40,000	\$ -	\$ 250,000
Transportation Fund					
Contingency (Ending Fund Balance)	E 260-526-9998	\$ 34,077	\$ -	\$ 30,000	\$ 4,077
Vehicle Maintenance Expense	E 260-526-6134	\$ 80,000	\$ 30,000	\$ -	\$ 110,000
General Fund - Parks					
Contingency (Ending Fund Balance)	E 100-190-9998	\$ 6,167,453	\$ -	\$ 10,000	\$ 6,157,453
Vehicle Maintenance Expense	E 100-310-6134	\$ 41,740	\$ 10,000	\$ -	\$ 51,740

Descriptions:

1) At the November 18, 2020 meeting of the City Commission, the Commission adopted Ordinance No. 20-1010, Designating Property Adjacent to Waterboard Park as Part of Waterboard Park and Designating the Area as a Park Under Oregon City Charter Chapter X. This adjustment recognizes the costs to the General Fund associated with the acquisition of this property via a transfer of the property from the Public Works Department to the Parks and Recreation Department. Costs include the reimbursement to the City's utility funds, as well as recording fees and the cost of the demolition of existing structures.

2) A surcharge fee of 12% is applied to building permits issued in the State of Oregon. Permits are issued any time a construction activity under the State building code is authorized and will be inspected. The pass through revenue is significantly higher this biennium than the prior period, primarily due to higher than anticipated construction in the City. This adjustment increases the budget for pass through funds.

3) A construction excise tax of 0.12% is applied to building permits issued in the Metro region. Permits are issued any time a construction activity under the State building code is authorized and will be inspected. The pass through revenue is significantly higher this biennium than the prior period, primarily due to higher than anticipated construction in the City. This adjustment increases the budget for pass through funds.

4) Oregon City collects system development revenue for Water Environment Services customers and remits the money to the District as pass through payments. System development charges have been higher than anticipated due to new construction. This adjustment increases the budget for pass through funds.

5) Oregon City's vehicles are serviced by the Fleet internal service fund. Vehicle maintenance expenses are higher than anticipated in their budget for this biennium, particularly for serviced fleet vehicles in transportation and park operations. This adjustment recognizes additional internal service charge revenue to the Fleet Fund. This adjustment also transfers money from Contingency/Ending Fund Balance to appropriate the additional vehicle maintenance costs in the utility funds that incurred further expenses.



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: Public Works Director John M. Lewis, PE

Agenda Date: 06/02/2021

SUBJECT:

Public Improvement Contract with ICON Construction & Development, LLC for the 2021 Waterline Improvements Project (CI 20-013)

STAFF RECOMMENDATION:

Award the bid and authorize the City Manager to execute the Public Improvement Contract with ICON Construction & Development, LLC in the amount of \$312,000.00 for construction of the 2021 Waterline Improvements Project (CI 20-013).

EXECUTIVE SUMMARY:

The 2021 Waterline Replacement Project includes various waterline improvement components as well as some stormwater improvements located adjacent to a waterline being replaced.

BACKGROUND:

In December 2020, the City contracted with 3J Consulting, Inc. to provide design and construction administrative services for the 2021 Waterline Improvement Project.

The 2021 Waterline Replacement Project will include the following components:

- Pressure Reducing Valve (PRV) Replacement: Two existing PRV's in the Canemah area were built in 1958 and have reached the end of their useful life. The new PRV's will also connect to the City's SCADA system, which will allow Public Works to remotely monitor and control pressure in the area. PRV's are necessary to regulate the pressure of water within the City's distribution system.
- Replace a waterline that is currently isolated and out of service due to damage from ground movement in the Barclay Hills neighborhood. The waterline is located between Peter Skene Way and Chickaree Drive and provides a necessary secondary water source connection to this area.

- Replace an old and undersized waterline on 13th Street between Washington Street and John Adams Street. This line has had frequent emergency repairs in recent years and needs to be replaced.

The water components of the project have been identified by staff as needing attention to improve the water distribution system operation, redundancy, and reduce emergency repairs.

On April 26 and 28, 2021, the project was advertised in the *Daily Journal of Commerce* and the City bid site in accordance with City and State contracting procedures. The bid opening was held on May 25, 2021, and three (3) bids were received. Staff and 3J Consulting, Inc. reviewed the bids and determined that ICON Construction & Development, LLC was the low responsive bidder. The contract award value is three hundred twelve thousand dollars (\$312,000.00).

The list below includes the bidders and bid amounts received for this project:

ICON Construction & Development LLC	\$312,000.00
Black Rock Underground, LLC	\$388,980.00
Pacific Excavation, Inc.	\$418,000.00
Engineer's Estimate	\$315,812.25

OPTIONS:

1. Authorize the City Manager to execute the Contract.
2. Authorize the City Manager to execute the Contract with specific modifications.
3. Deny the Contract. If the Commission chooses to deny the Contract, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount: \$312,000.00
 FY(s): 2021/22
 Funding Source(s): Water Fund

Term of Contract: _____

SECTION III A **CONTRACT AGREEMENT**

This Agreement, made and entered into this _____ day of _____, 20____, between the CITY OF OREGON CITY (“CITY”), acting by and through the City Commission and **ICON CONSTRUCTION & DEVELOPMENT, LLC** (“CONTRACTOR”).

Witnesseth, that the CONTRACTOR and the CITY, for the considerations stated herein, agree as follows:

ARTICLE I - Scope of Work

The CONTRACTOR hereby agrees to furnish all of the materials, equipment and labor necessary, and to perform all of the work for the project entitled: **2021 WATERLINE IMPROVEMENTS (CI 20-013)** in accordance with the contract documents which are hereby made a part of this agreement.

The contract documents consist of:

Invitation to Bid Scope of Work Instructions to Bidders Bid Proposal and Bid Schedule Compliance with ORS 279C.840 Resident Bidder Status Certification of Drug Testing Program Non-Collusion Statement Asbestos Certification Registrations Certification of Non-Discrimination Certification of Compliance with Tax Law Bidder Responsibility Form Bid Bond First Tier Subcontractor Disclosure Form Customer Service Acknowledgment Form Contract Agreement Oregon City Public Improvement Standard Conditions	Statutory Conditions to Contract Agreement Performance Bond Payment Bond State of Oregon Statutory Public Works Bond General Conditions Prevailing Wage Rates for Public Works Contracts in Oregon, dated January 1, 2021 Amendments to the Prevailing Wage Rates for Public Works Contracts in Oregon dated April 1, 2020 Prevailing Wage Apprenticeship Rates dated April 1, 2021 Definitions of Covered Occupations for Public Works Contracts in Oregon dated July 1, 2018 Special Provisions Contract Drawings City of Oregon City Standard Details Technical Specifications 2018 Oregon Standard Specifications for Construction (ODOT and APWA) as referenced by these documents Addendum 1 – dated 5/18/2021 All items included within these Contract Documents.
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The order of items cited above does not constitute an order of precedence different than that established in the special or standard specifications. Equivalent titles, which may be substituted for the above listed items, are included as if specifically named.

ARTICLE II - Time of Completion

The project shall be complete within 90 days from the Beginning of Contract Time as identified in 00180.50(b) of the Special Provisions, more specifically established as _____.

ARTICLE III – Contract Amount

The Contract Amount for the work covered by this Agreement is estimated to be **three hundred twelve thousand and no/100 dollars (\$312,000.00)**.

ARTICLE IV - Warranty and Quality of Work

In addition to all other warranties, express or implied, that are part of this Agreement, the Contractor expressly warrants to the City for a period of one year from acceptance of the work by the City that all materials and equipment furnished under this contract will be new, unless otherwise specified, and that the work will be of good quality, free from faults and defects and in conformance with the City's specifications. Work that does not conform to these standards shall be considered defective.

Contractor shall, at its own expense, make good and repair any and all defects arising from faulty workmanship or materials, if the defective work is discovered within the one-year warranty period and notice thereof is given to the Contractor within 60 days after the expiration of the warranty period. If required by the City, the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment used to repair the defect.

In witness whereof, the parties hereto have executed this agreement, the day and year first above written.

CITY OF OREGON CITY**ICON CONSTRUCTION & DEVELOPMENT, LLC**

by: _____
 Anthony J. Konkol III
 City Manager

 Printed Name

by: _____
 Authorized signature

by: _____
 John M. Lewis, P.E.
 Public Works Director

 Title

 Federal Taxpayer ID Number

Approved as to Legal Sufficiency:

Address:

by: _____
 City Attorney

City Commission Award Date:

Client City of Oregon City
Project 2021 Waterline Improvements
Bid Tabulation
Date: 5/26/21 12:00 AM

Apparent Low

Other Bidders

Non-Responsive

				Engineers Estimate		Icon Construction Development LLC		Pacific Excavation, Inc.		Black Rock Underground LLC		N/A	
Item	Description	Units	Quantity	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
1	0210-MOBILIZATION	LS	1	\$ 7,500.00	\$ 7,500.00	\$ 15,000.00	\$ 15,000.00	\$ 57,305.00	\$ 57,305.00	\$ 38,000.00	\$ 38,000.00		\$ -
2	0225-TEMPORARY PROTECTION AND DIRECTION OF TRAFFIC	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00	\$ 20,000.00	\$ 20,000.00	\$ 42,000.00	\$ 42,000.00		\$ -
4	0280-EROSION CONTROL	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 6,000.00	\$ 6,000.00	\$ 15,000.00	\$ 15,000.00	\$ 13,500.00	\$ 13,500.00		\$ -
5	0305-CONSTRUCTION SURVEY WORK	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 7,500.00	\$ 7,500.00	\$ 5,000.00	\$ 5,000.00	\$ 18,000.00	\$ 18,000.00		\$ -
6	0310-REMOVAL OF STRUCTURES AND OBSTRUCTIONS	LS	1	\$ 20,000.00	\$ 20,000.00	\$ 35,000.00	\$ 35,000.00	\$ 25,000.00	\$ 25,000.00	\$ 12,300.00	\$ 12,300.00		\$ -
7	0310-TREE REMOVAL	EA	1	\$ 1,000.00	\$ 1,000.00	\$ 1,600.00	\$ 1,600.00	\$ 2,500.00	\$ 2,500.00	\$ 1,800.00	\$ 1,800.00		\$ -
8	0310-SAWCUTTING	FOOT	600	\$ 3.00	\$ 1,800.00	\$ 2.00	\$ 1,200.00	\$ 3.00	\$ 1,800.00	\$ 5.00	\$ 3,000.00		\$ -
9	0310-REMOVAL OF SURFACING	SQYD	92	\$ 9.00	\$ 828.00	\$ 25.00	\$ 2,300.00	\$ 15.00	\$ 1,380.00	\$ 27.00	\$ 2,484.00		\$ -
10	0330-GENERAL EXCAVATION	CUYD	25	\$ 10.00	\$ 250.00	\$ 50.00	\$ 1,250.00	\$ 90.00	\$ 2,250.00	\$ 12.00	\$ 300.00		\$ -
11	0330-EMBANKMENT IN PLACE	CUYD	25	\$ 8.50	\$ 212.50	\$ 52.00	\$ 1,300.00	\$ 120.00	\$ 3,000.00	\$ 40.00	\$ 1,000.00		\$ -
12	0640-AGGREGATE BASE	TON	40	\$ 35.00	\$ 1,400.00	\$ 35.00	\$ 1,400.00	\$ 50.00	\$ 2,000.00	\$ 35.00	\$ 1,400.00		\$ -
13	0744-LEVEL 3, 1/2 INCH ACP MIXTURE	TON	25	\$ 147.00	\$ 3,675.00	\$ 620.00	\$ 15,500.00	\$ 300.00	\$ 7,500.00	\$ 175.00	\$ 4,375.00		\$ -
14	0759-CONCRETE CURBS, CURB AND GUTTER	FOOT	5	\$ 38.00	\$ 190.00	\$ 70.00	\$ 350.00	\$ 240.00	\$ 1,200.00	\$ 300.00	\$ 1,500.00		\$ -
15	0759-CONCRETE WALKS	SQFT	47	\$ 8.00	\$ 376.00	\$ 12.00	\$ 564.00	\$ 45.00	\$ 2,115.00	\$ 18.00	\$ 846.00		\$ -
16	0815-BOLLARDS	EA	4	\$ 550.00	\$ 2,200.00	\$ 2,200.00	\$ 8,800.00	\$ 2,500.00	\$ 10,000.00	\$ 900.00	\$ 3,600.00		\$ -
17	1030-LAWN SEEDING	SQYD	2	\$ 14.00	\$ 28.00	\$ 100.00	\$ 200.00	\$ 250.00	\$ 500.00	\$ 200.00	\$ 400.00		\$ -
18	1140-4IN POTABLE WATER PIPE, RES JOINTS, CL 52	FOOT	150	\$ 135.00	\$ 20,250.00	\$ 90.00	\$ 13,500.00	\$ 140.00	\$ 21,000.00	\$ 140.00	\$ 21,000.00		\$ -
19	1140-6IN POTABLE WATER PIPE, RES JOINTS, CL 52	FOOT	40	\$ 145.00	\$ 5,800.00	\$ 110.00	\$ 4,400.00	\$ 250.00	\$ 10,000.00	\$ 240.00	\$ 9,600.00		\$ -
20	1140-8IN POTABLE WATER PIPE, RES JOINTS, CL 52	FOOT	275	\$ 155.00	\$ 42,625.00	\$ 120.00	\$ 33,000.00	\$ 250.00	\$ 68,750.00	\$ 175.00	\$ 48,125.00		\$ -
21	1140-BLOW OFF ASSEMBLY, 2IN	EA	1	\$ 1,000.00	\$ 1,000.00	\$ 2,500.00	\$ 2,500.00	\$ 500.00	\$ 500.00	\$ 2,200.00	\$ 2,200.00		\$ -
22	1160-HYDRANT ASSEMBLIES	EA	1	\$ 4,500.00	\$ 4,500.00	\$ 7,200.00	\$ 7,200.00	\$ 6,000.00	\$ 6,000.00	\$ 8,500.00	\$ 8,500.00		\$ -
23	1170-1 INCH COPPER SERVICE	FOOT	140	\$ 70.00	\$ 9,800.00	\$ 15.00	\$ 2,100.00	\$ 80.00	\$ 11,200.00	\$ 70.00	\$ 9,800.00		\$ -
24	1170-1 INCH METER ASSEMBLY	EA	4	\$ 1,300.00	\$ 5,200.00	\$ -	\$ -	\$ 1,200.00	\$ 4,800.00	\$ 1,200.00	\$ 4,800.00		\$ -
25	1170-6" PRESURE REDUCING VAULT ASSEMBLY (COMPLTE)	EA	2	\$ 45,000.00	\$ 90,000.00	\$ 62,000.00	\$ 124,000.00	\$ 65,000.00	\$ 130,000.00	\$ 67,000.00	\$ 134,000.00		\$ -
26	1170-1" PRESSURE REDUCING VALVE	EA	4	\$ 1,300.00	\$ 5,200.00	\$ 1,800.00	\$ 7,200.00	\$ 1,300.00	\$ 5,200.00	\$ 1,300.00	\$ 5,200.00		\$ -
27	1170-1" DOUBLE CHECK VALVE ASSEMBLY	EA	1	\$ 2,000.00	\$ 2,000.00	\$ 1,700.00	\$ 1,700.00	\$ 4,000.00	\$ 4,000.00	\$ 1,250.00	\$ 1,250.00		\$ -
-	CONTINGENCIES	LS	1	\$ 73,977.75	\$ 73,977.75		\$ -		\$ -		\$ -		\$ -
					\$ 315,812.25	-2.3%	\$ 308,564.00	32.4%	\$ 418,000.00	23.2%	\$ 388,980.00	-100.0%	\$ -

Note: 1170-1 INCH METER ASSEMBLY missing from Icon Construction Development LLC Bid

MEMORANDUM

To: John Burrell
Project Manager
City of Oregon City

From: Laura Oxsen, PE
Civil Engineer

Date: May 26, 2021

Project Name: 2021 Waterline Improvements

Project No: CI 20-013

RE: Bid Summary

John, we have had the opportunity to review the bid results from the May 25, 2021 bids associated with the 2021 Waterline Improvements Project. Attached you will find the following information:

- 2021 Waterline Improvements Project – Bid Opening Recording Sheet, dated May 25, 2021
- 2021 Waterline Improvements Project – Bid Listing, dated May 26, 2021
- 2021 Waterline Improvements Project – Bid Form List, dated May 26, 2021
- 2021 Waterline Improvements Project – Bid Tab Summary, dated May 26, 2021

A total of three (3) bids were received for the project. 3J Consulting has reviewed the information provided by each bidder and has determined that all three (3) bidders have provided the required information and are determined to be responsive. 3J Consulting has reviewed each bid in detail for errors and noted the below items on the Icon Construction & Development LLC Bid:

- No total base bid listed on Page 23 of 118
- Lump sum base bid (all work) is \$312,000.00 while summation of total cost is \$308,564.00 leading to a difference of \$3,436.00
- No unit cost or total was listed for Item 24, 1170-1 INCH METER ASSEMBLY
- Total meter cost for both Pacific Excavation, Inc. and Black Rock Underground LLC was listed at \$4,800. If this total meter cost is added to the summation of total cost (\$308,564.00+\$4,800.00), the updated summation would be \$313,364.00.
- If \$313,364.00 is assumed to be the adjusted bid amount, it would still remain the lowest bid by a significant amount

The deficiencies are noted on the Bid Listing sheet, as well as the Bid Tab Summary.

Based on the bid information provided 3J Consulting has determined **Icon Construction & Development LLC** is the apparent low responsive bidder with the total base bid amount of **\$312,000.00**. 3J Consulting recommends that the City award the 2021 Waterline Improvements Project to **Icon Construction & Development LLC**.



If you should have any questions or concerns with the attached or require additional information please do not hesitate to contact me.

Sincerely,



Laura Oxsen, PE
Civil Engineer
3J Consulting, Inc.

copy: File
copy: Brian Feeney, Senior Project Manager

- - - END OF DOCUMENT - - -



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: Public Works Director John M. Lewis, PE

Agenda Date: 06/02/2021

SUBJECT:

Resolution No. 21-25, Revocable Permanent Obstruction in the Right-of-Way at 15941 Agnes Avenue

STAFF RECOMMENDATION:

Staff recommends approval of Resolution No. 21-25, a Revocable Permanent Obstruction in the Public Right-of-Way, at 15941 Agnes Avenue.

EXECUTIVE SUMMARY:

Tri-City Sewer District constructed walls at the frontage of their wastewater treatment plant at 15941 Agnes Avenue in February 2012. Portions of the walls were constructed within the right-of-way. Oregon City Municipal Code 12.04.120 requires that permanent obstructions in a public right-of-way be approved by the City Commission by passage of a resolution.

Public Works has determined that the current right-of-way width and any road improvements required in the future will not be impacted by the location of the walls. A covenant of maintenance, release, and indemnity for permanent right-of-way obstructions will be required to be recorded and a revocable permit issued. Public Works recommends approval of Resolution No. 21-25 to allow permitting of the wall portions.

BACKGROUND:

Portions of walls were constructed in the right-of-way abutting the Tri-City Sewer District wastewater treatment plant property at 15941 Agnes Avenue in February 2012. The purpose of the walls is for security purposes to keep the general public out of the treatment plant facility.

Oregon City Municipal Code 12.04.120 requires that permanent ("permanent") obstructions in a public right-of-way be approved by the City Commission by passage of a resolution.

Portions of the walls are located within the right-of-way abutting the property. A jog in the walls protrudes 6.0 feet into the right-of-way. Three wall columns

protrude 0.7 feet into the right-of-way. The location and size of the obstruction area is as described in Exhibit C.

Agnes Avenue is a collector roadway. Right-of-way width at this property's frontage on Agnes Avenue exceeds collector width standards in industrial zoning per Oregon City Municipal Code Section 16.12.016. Agnes Avenue has a right-of-way width of at least 93 feet at the property's frontage, and collector width is 88 feet per Code. Therefore, right-of-way dedication would not be required during future property development. Public Works finds that the current right-of-way will not be impacted by the wall protrusions.

The walls are aligned behind or near the property line and will not impact road improvements. Agnes Avenue on the applicant's side of the road is currently improved with curb, sidewalk, and planter strip. The asphalt roadway is currently narrower (at 32 feet wide) and not centered in the right-of-way versus requirements of OCMC 16.12.016 (62 feet standard width), and Public Works Standard Drawing No. OC501 requires a fully improved road to be centered in the right-of-way. However, should Agnes Avenue ever be required to be widened and aligned during land use-based property development – which would require the current curb, sidewalk, and planter strip on the subject property's side of right-of-way centerline to be reconstructed closer to the property – the walls will not constrain the improvement due to their location near the property line and right-of-way width exceeding standards.

Upon approval of this resolution, the property owner will be required to record a standard maintenance and release agreement for permanent right-of-way obstructions similar to the outdated Maintenance and Indemnity Covenant attached only for reference as Exhibit B. The agreement ensures that the City is not liable for any incident related to the obstruction and that the obstruction will be maintained by the applicant.

Public Works recommends approval of this resolution to allow issuance of the corresponding permanent, revocable right-of-way obstruction permit RWOBS-20-00003 which again is attached as a draft permit assuming City Commission approval (see Exhibit A).

OPTIONS:

1. Approve Resolution No. 21-25 as requested.
2. Approve Resolution No. 21-25 with specific modifications.
3. Deny Resolution 21-05. If City Commission denies Resolution 21-25, staff respectfully requests guidance on how to proceed.

RESOLUTION NO. 21-25

A RESOLUTION TO ALLOW WALLS AS A REVOCABLE PERMANENT RIGHT-OF-WAY OBSTRUCTION AT 15941 AGNES AVENUE (TAX LOT 2-2E-20 -00503), OREGON CITY, CLACKAMAS COUNTY, OREGON

WHEREAS, walls were constructed partially in the right-of-way to keep the general public from entering the Clackamas County Tri-City Sewer District Wastewater Treatment Plant property at 15941 Agnes Avenue (Exhibit C); and

WHEREAS, the property owner seeks a Public Works permanent obstruction permit for obstruction in the right-of-way for the walls; and

WHEREAS, the property owner has met the requirements for a permanent obstruction permit; and

WHEREAS, Public Works has determined that the proposed walls will not interfere with any other uses of the right-of-way; and

WHEREAS, the Oregon City Municipal Code 12.04.120 requires that permanent obstructions in a public right-of-way be approved by the City Commission by passage of a resolution; and

WHEREAS, following passage of this resolution, Oregon City Public Works will issue a "Revocable Permanent Right-of-Way Obstruction Permit" which shall include a recorded covenant for maintenance of and release of liability for the walls (see examples shown in Exhibit A and Exhibit B).

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. Authorize the City Engineer to issue a Revocable Permanent Right-of-Way Obstruction permit at 15941 Agnes Avenue for the walls in the right-of-way adjacent to the property.

Section 2. Approval of Resolution No. 21-25, which will take effect immediately upon its adoption.

Approved and adopted at a regular meeting of the City Commission held on the 2nd day of June 2021.

RACHEL LYLES SMITH, Mayor

Attested to this 2nd day of June, 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

EXHIBIT A - REVOCABLE PERMIT



City of Oregon City
PO Box 3040 | 625 Center Street
Oregon City, Oregon 97045

Permit

Permit NO. **RWOBS-20** Item 7d.

Permit Type: **ROW Obstruction**

Work Classification: **Long Term Commission Approval**

Permit Status: **In Review**

Issue Date:

Expiration:

Location Address

Parcel Number

15941 AGNES AVE, OREGON CITY, OR 97045

2-2E-20 -00503

Contacts

CLACKAMAS COUNTY WATER
ENVIRONMENT SERVICES

Applicant

(503)742-4567

Description: Walls in the right-of-way at WES TCSD facility at 15941 Agnes Ave. See Resolution 21-25 and Exhibits B and C for more information. Permit may be revoked by the City.

Valuation: **\$0.00**

Total Sq Feet: **0.00**

Inspection Requests:

https://online.oregoncity.org/EnerGov_Prod/SelfService

Fees	Amount
------	--------

Total:

Payments	Amt Paid
----------	----------

Total Fees

Amount Due:

By signing the permit, the permittee agrees to comply with the permit conditions, provisions, and standards as provided on the following page(s). Work shall adhere to City Design and Construction Standards found at <https://www.oregoncity.org/publicworks/design-and-construction-standardsdrawings>.

Issued By: Aaron Parker

Date

Authorized Permit Holder (Permittee)

Date

AFTER RECORDING RETURN TO:

City of Oregon City, City Recorder
P.O. Box 3040
Oregon City, Oregon 97045-0304

City Resolution No.: 19-31 Public Works Permit No.: RW0BS-20-00003
Street Address: 15941 Agnes Ave, Oregon City, OR 97045
Tax Map & Lot: 2-2E-20-00503 PROPERTY OWNER: Water Environment Services

DECLARATION OF COVENANT OF MAINTENANCE, RELEASE AND INDEMNITY

This COVENANT OF MAINTENANCE, RELEASE AND INDEMNITY ("Covenant") is made between

Water Environment Services, an ORS 190 Partnership hereinafter referred to as "**Permittee**", and the CITY OF OREGON CITY, a municipal corporation of the State of Oregon formed pursuant to ORS Chapter 457 (the "**City**").

RECITALS

A. Permittee is/are the owner(s) of certain real property located in the City of Oregon City, Clackamas County, Oregon, legally described on **Exhibit A** attached hereto and commonly known as the Tri-City Wastewater Treatment Plant located at 15941 Agnes Ave., Oregon City, OR (the "**Property**").

B. Permittee has applied for City right-of-way permit ("**Permit**") to maintain a permanent obstruction that is regulated and governed by Oregon City Municipal Code Chapter 12 *Streets, Sidewalks and Public Places*, Section 12.04.120 *Obstructions Permit required*.

C. The City has approved the Permit through adoption of **Resolution No.** 19-31 (**Exhibit B** attached hereto) allowing a wall along the west side of Agnes Avenue ("**Obstruction**") within the public right-of-way as shown in the "Site Plan" **Exhibit C** attached to this Covenant. The Obstruction is solely for the Property, contingent on Permittee providing this maintenance covenant and release to the City for all activities undertaken pursuant to the Permit issued by the City pursuant to Oregon City Municipal Code section 12.04.120 *Obstructions Permit required*, which requires Permittee to maintain, and release the City from all damages resulting from, the approved permanent obstruction in the right-of-way.

D. To protect owners of neighboring properties, the City requires the Permittee to enter this Covenant as a condition to the City's approval of building permits.

COVENANT

NOW, THEREFORE, Permittee covenants as follows:

In consideration of the issuance of the City Resolution and Permit, the undersigned ("Permittee") hereby covenants and agrees to the following terms:

6. **Release.** Subject to the limitations of the Oregon Constitution and the Oregon Tort Claims Act, Permittee does hereby release and forever discharge the City of Oregon City, and its City Commissioners, officers, agents, volunteers and employees (collectively “**Indemnitees**”) from all claims, liability, loss and demands of whatever kind or nature, either in law or in equity, arising from or related to Permittee’s activity described above and/ or otherwise authorized by the Permit. Without limiting the generality of the foregoing, Permittee understands and agrees that this Covenant discharges each of the Indemnitees from any liability or claim that Permittee may have against any of them with respect to any bodily injury, personal injury, illness, death, or property damage that may arise from or relate to Permittee’s activity described above and/or otherwise authorized by the City’s Decision. Permittee hereby expressly and specifically assumes the risk of injury or harm or damage to person or property with respect to the activity described above or otherwise authorized by the Permit.

7. **Indemnity.** Permittee hereby agrees to indemnify, defend (with legal counsel acceptable to the Indemnitees) and hold the Indemnitees harmless from all claims, liability, loss, damage, cost or expense that the Indemnitees may sustain or incur arising from or relating to Permittee’s activity described above and/or otherwise authorized by the Permit. The foregoing indemnity shall include but not be limited to any claims, liability, loss, damage, cost or expense due to any bodily injury, personal injury, illness, death, or property damage arising from or related to Permittee’s activity described above and/or otherwise authorized by the Permit.

8. **Run with the Land.** The parties’ rights and obligations contained herein shall run with the land and inure to the benefit of, and shall be binding upon, the City and Permittee and their respective successors and assigns (including, without limitation, subsequent owners of the Property or lots in the Property and any homeowner’s association owning common areas in the Property).

9. **Interpretation.** The undersigned agrees that this Covenant is intended to be as broad and inclusive as is permitted by the laws of Oregon, and that if any portion of this Covenant is held invalid, it is agreed that the remaining portion shall continue in full force and effect.

10. **Enforcement.** Reserved.

11. **Authority.** In the event the undersigned is a limited liability company, corporation or other organization, the individual signing below represents and warrants he/she has authority to execute this Covenant on behalf of such organization.

12. **Binding Effect.** The indemnity described in Section 7, shall be binding upon Permittee’s agents, guests, licensees, heirs, personal representatives, executors, successors and assigns.

13. **Jurisdiction.** In the event of any dispute between the undersigned and any or all of the Indemnitees, such dispute shall be governed by Oregon law and the exclusive jurisdiction for such dispute shall be the State courts for the State of Oregon, and the exclusive venue for such dispute shall be Clackamas County, Oregon.

PERMITTEE: Water Environment Services

As shown on Page 1 (name of organization or individual property owner(s))

Signature No. 1

Jim Bernard

Signer's printed name

Chair

Title (if applicable)

STATE OF OREGON)

County of Clackamas)This record was acknowledged before me on (month & day) Nov. 7, 2019by Jim Bernard

Signer's printed name

as Chair

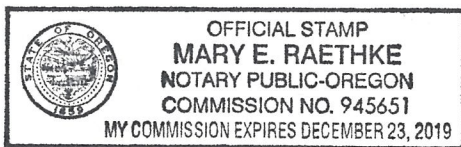
Title (write "N/A" if not applicable)

of Clackamas County

Name of Corporation on whose behalf record is executed (write "N/A" if not applicable)

Stamp notary seal:

WITNESS my hand and official seal.


Mary E. Raethke
 Signature of Notary Public
My commission expires: 12-23-19**Accepted on behalf of the City of Oregon City:**
John M. Lewis
 By: John M. Lewis, Public Works Director

Kattie Riggs
 Attest: Kattie Riggs, City Recorder

EXHIBIT A

SN2008-317 sheet 2 of 3

Clackamas County Surveyor
Received 10-10-08
Accepted for filing 11-3-08
Survey Number SN2008-317

RECORD OF SURVEY

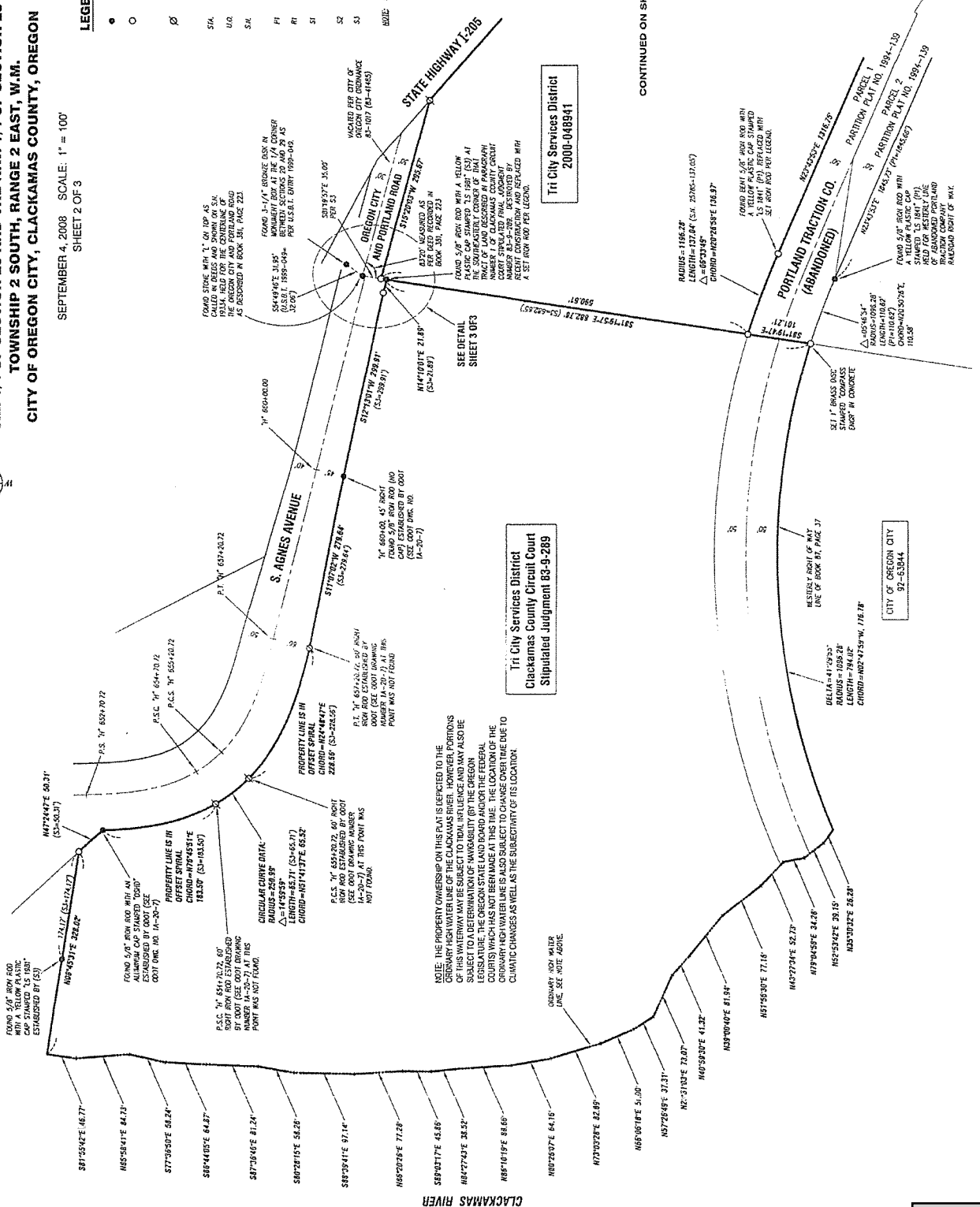
LOCATED IN THE S.W. 1/4 OF SECTION 20,
S.E. 1/4 OF SECTION 20 AND THE N.W. 1/4 OF SECTION 29
TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M.
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON



SEPTEMBER 4, 2008 SCALE: 1" = 100'
SHEET 2 OF 3

LEGEND:

- DENOTES MONUMENT FOUND AS NOTED
- DENOTES 5/8" DIAMETER BY 30" LONG IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "2000" UNLESS OTHERWISE NOTED SET ON SEPTEMBER 4, 2008
- Ø DENOTES 5/8" DIAMETER BY 30" LONG IRON ROD WITH AN ALUMINUM CAP STAMPED "COMPASS INC." SET ON SEPTEMBER 4, 2008
- STA. STATION
- U.C. UNKNOWN CORNER
- S.A. DENOTES SURVEY NUMBER ON FILE WITH CLACKAMAS COUNTY SURVEYOR'S OFFICE
- PI PARTITION PLAT NO. 1894-119
- RI DOCUMENT NUMBER 14-10037
- SI CDDT DRAWING NO. 14-20-7 (CLACKAMAS RIVER-WEST UNIT SECTION, EAST PORTLAND (FREEWAY))
- S2 S.A. 7042
- S3 S.A. 19334
- NOTE: IRON PINS NOTED ARE MEASURED INSIDE DIAMETER.



CLACKAMAS RIVER

Tri City Services District
2000-048941

Tri City Services District
Clackamas County Circuit Court
Stipulated Judgment 83-9-289

CONTINUED ON SHEET 3 OF 3

REGISTERED
PROFESSIONAL
LAND SURVEYOR
[Signature]
JULY 14, 1978
OON DEVLAMINCK
DATE OF SIGNATURE 11/3/08
EXPIRES 12/31/2008

Survey prepared by:
Compass Engineering
4105 International Way, Suite 501
Milwaukie, Oregon 97122
PHONE: 503-553-5953
5039 Buckling (mills)
JOB NO. 0589 (Survey)

RESOLUTION NO. 19-31

A RESOLUTION TO ALLOW A WALL AS A REVOCABLE RIGHT-OF-WAY OBSTRUCTION AT
15941 AGNES AVENUE (TAX LOT 2-2E-20 -00503), OREGON CITY, CLACKAMAS
COUNTY, OREGON

WHEREAS, a wall ("WALL") was constructed, to keep the general public from entering the Clackamas County Water Environment Services Tri-City Sewer District Treatment Plant property at 15941 Agnes Avenue ("PROPERTY"), partly within the adjacent right-of-way; and

WHEREAS, the PROPERTY owner seeks a Public Works long-term obstruction permit for permanent obstruction in the right-of-way for the WALL; and

WHEREAS, the PROPERTY owner has met the requirements for a long-term obstruction permit; and

WHEREAS, Public Works has determined that the proposed WALL will not interfere with any other uses of the right-of-way; and

WHEREAS, the Oregon City Municipal Code 12.04.120 requires that permanent obstructions in a public right-of-way be approved by the City Commission by passage of a resolution; and

WHEREAS, following passage of this resolution, Oregon City Public Works will issue a "Revocable Long-Term Right-of-Way Obstruction Permit," which includes a covenant for maintenance of the WALL.

NOW, THEREFORE, OREGON CITY RESOLVES:

Section 1. Authorize the City Engineer to issue a Revocable Long-Term Right-of-Way Obstruction permit at 15941 Agnes Avenue for the WALL in the right-of-way adjacent to the PROPERTY.

Section 2. Approval of Resolution No. 19-31, which will take effect immediately upon its adoption.

Approved and adopted at a regular meeting of the City Commission held on the ____ day of _____, 2019.

Dan Holladay, Mayor

Attested to this ____ day of _____ 2019:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

Carrie Richter, City Attorney

EXHIBIT C

PAGE 1 OF 2

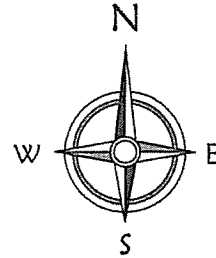
TAX LOT 503
MAP 2-2E-20
TRI-CITY SERVICES DISTRICT

7' WALL ENCROACHMENT

S78°52'58"E
7.00'

EAST EDGE OF
WALL IS 0.7' EAST
OF RIGHT OF WAY

EAST EDGE OF WALL
COLUMN IS 6.0' EAST
OF RIGHT OF WAY



Scale: 1" = 30'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAEINCK
1634

DATE OF SIGNATURE: 7/10/2012
EXPIRES 12/31/2013

POINT "A"
SOUTHEASTERLY CORNER OF
TRACT DESCRIBED IN
PARAGRAPH NO. 1, CLACKAMAS
COUNTY CIRCUIT COURT
STIPULATED FINAL JUDGMENT
NO. 83-9-289.

TRUE POINT OF BEGINNING
THIS POINT IS LOCATED N14°10'01"E 21.89',
AND N12°13'01"E 299.91', AND N11°07'02"E
14.30' FROM POINT "A"

STONE WITH "L"
N81°19'57"W
39.25'

POINT OF COMMENCEMENT
BRONZE DISK IN A MONUMENT BOX AT 1/4
CORNER BETWEEN SECTIONS 20 AND 29

6589 Exh7.dwg

engineering surveying planning
COMPASS ENGINEERING
4107 SE International Way, Suite 705 503.653.9093
Milwaukie, Oregon 97222 www.compass-engineering.com

S.W. 1/4 SECTION 20, T.2S., R.2E., W.M.
CLACKAMAS COUNTY, OREGON

2

2

EXHIBIT C

PAGE 2 OF 2

WALL ENCROACHMENT

A 7.00 FOOT WIDE STRIP OF LAND SITUATED IN SECTION 20, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRONZE DISK IN MONUMENT BOX AT THE 1/4 CORNER BETWEEN SECTIONS 20 AND 29, TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M., AS PER U.S.B.T. ENTRY 2012-018, CLACKAMAS COUNTY SURVEY RECORDS; THENCE NORTH 54°49'46" WEST 31.95 FEET TO A STONE WITH "L"; THENCE NORTH 81°19'57" WEST 39.25 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LS 1981" AT THE SOUTHEASTERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN PARAGRAPH NUMBER 1 OF CLACKAMAS COUNTY CIRCUIT COURT STIPULATED FINAL JUDGMENT NUMBER 83-9-289; THENCE ALONG THE EASTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN PARAGRAPH NUMBER 1 OF CLACKAMAS COUNTY CIRCUIT COURT STIPULATED FINAL JUDGMENT NUMBER 83-9-289 NORTH 14°10'01" EAST 21.89 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING"; THENCE CONTINUING ALONG SAID EASTERLY LINE NORTH 12°13'01" EAST 299.91 FEET TO A 5/8" IRON ROD; THENCE CONTINUING ALONG SAID EASTERLY LINE NORTH 11°07'02" EAST 14.30 FEET TO THE TRUE POINT OF BEGINNING OF THE STRIP TO BE DESCRIBED; THENCE CONTINUING ALONG SAID EASTERLY LINE NORTH 11°07'02" EAST 223.00 FEET; THENCE LEAVING SAID EASTERLY LINE SOUTH 78°52'58" EAST 7.00 FEET; THENCE SOUTH 11°07'02" WEST 223.00 FEET; THENCE NORTH 78°52'58" WEST 7.00 FEET TO THE TRUE POINT OF BEGINNING.

BASIS OF BEARINGS: SN 2008-317



DATE OF SIGNATURE: 7/10/2012

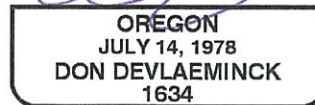
EXPIRES 12/31/2013

EXHIBIT C - SITE MAP (LEGAL DESCRIPTION)**SHEET 1 OF 2****WALL ENCROACHMENT**

A 7.00 FOOT WIDE STRIP OF LAND SITUATED IN SECTION 20, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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BASIS OF BEARINGS: SN 2008-317



DATE OF SIGNATURE: 2/10/2012
EXPIRES 12/31/2013

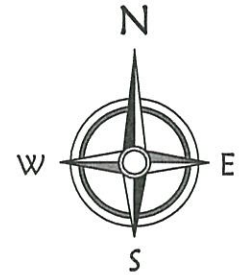
TAX LOT 503
MAP 2-2E-20
TRI-CITY SERVICES DISTRICT

7' WALL ENCROACHMENT

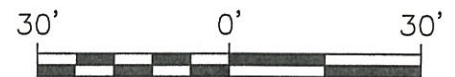
S78°52'58"E
7.00'

EAST EDGE OF
WALL IS 0.7' EAST
OF RIGHT OF WAY

EAST EDGE OF WALL
COLUMN IS 6.0' EAST
OF RIGHT OF WAY



Scale: 1" = 30'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAMINCK
1634

DATE OF SIGNATURE: 7/10/2012
EXPIRES 12/31/2013

POINT "A"
SOUTHEASTERLY CORNER OF
TRACT DESCRIBED IN
PARAGRAPH NO. 1, CLACKAMAS
COUNTY CIRCUIT COURT
STIPULATED FINAL JUDGMENT
NO. 83-9-289.

TRUE POINT OF BEGINNING

THIS POINT IS LOCATED N14°10'01"E 21.89',
AND N12°13'01"E 299.91', AND N11°07'02"E
14.30' FROM POINT "A"

STONE WITH "L"

N81°19'57"W
39.25'

N54°49'46"W
31.95'

POINT OF COMMENCEMENT
BRONZE DISK IN A MONUMENT BOX AT 1/4
CORNER BETWEEN SECTIONS 20 AND 29

S. AGNES AVENUE

EXHIBIT C

6589 Exh7.dwg

engineering surveying planning

COMPASS ENGINEERING

4107 SE International Way, Suite 705
Milwaukie, Oregon 97222

503.653.9093

www.compass-engineering.com

**S.W. 1/4 SECTION 20, T.2S., R.2E., W.M.
CLACKAMAS COUNTY, OREGON**

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Page 31



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: City Recorder Kattie Riggs

Agenda Date: 06/02/2021

SUBJECT:

Amendment No. 1 to a Personal Services Agreement with the Friends of Willamette Falls Media Center for a Community Media Center for Production and Channel Management

STAFF RECOMMENDATION:

Staff recommends the Commission approve the amendment and authorize the City Manager to execute the contract.

EXECUTIVE SUMMARY:

The City entered into an agreement with the Friends of Willamette Falls Media Center (dba Willamette Falls Studios) in July of 2019 and the contract expires June 30, 2021. There is a clause in the contract that it can be extended for an additional two years, and we are asking the Commission to exercise that clause at this time. There is a minor increase in rates, which includes an additional \$2,000 per year rates are attached.

BACKGROUND:

In May 2019, the City solicited bids for management of the City's Government and Public Access including channel management. The invitation to bid was published on the City's website and in the May 20, 2019, edition of the Daily Journal of Commerce. There was only one bid proposal received as this is a specialized field and specific to locations. The one bid was from Friends of Willamette Falls Media Center. They were able to meet the requirements of the scope of work and more, which included studio access for the public, cable broadcasting of City meetings, reader board services, government channel access, production services, and maintenance and consultation services. The contract provides for all these services, plus videography of all City board and committee meetings.

The original Personal Services Agreement was written with the option to extend the agreement for an additional two years and that is what is being asked for in this amendment, along with updating the rates charged for services.

OPTIONS:

1. Approve Amendment No. 1 to the Personal Services Agreement.
2. Edit Amendment and provide Staff direction.
3. Deny Amendment and provide Staff direction.

BUDGET IMPACT:

Amount: \$170,000 (\$170,000 was already approved for FY 2019-2021, this would be an additional \$170,000 for FY 2021 – 2023 for a total contract of \$340,000)

FY(s): 2021 - 2023

Funding Source(s): General Fund – City Recorder's Budget

CITY OF OREGON CITY
Amendment No. 1 to Personal Services Agreement

This is an Amendment to the Personal Services Agreement (“Agreement”) by and between CITY OF OREGON CITY (hereinafter called “City”), and FRIENDS OF WILLAMETTE FALLS MEDIA CENTER (hereinafter called “Consultant”) for a Community Media Center for Production, Audio/Visual Support, and Channel Management.

RECITALS

A. City and Consultant entered into a personal services agreement dated July 1, 2019 for two years, expiring June 30, 2021.

B. Section 2 of the Agreement, Compensation, states that the City agrees to pay the Consultant on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed \$170,000.00.

C. City and Consultant desire to amend the Agreement under the terms and conditions set forth below.

AGREEMENT

1. The Scope of Work is hereby amended as follows:

No change.

2. The Duration of Contract is hereby amended as follows:

Extend the terms of the agreement for an additional two years, expiring June 30, 2023.

3. The Compensation section is hereby amended as follows:

Total compensation, including reimbursement for expenses incurred, shall not exceed \$340,000.00 (this is the \$170,000 from July 1, 2019 – June 30, 2021 and \$170,000 from July 1, 2021 – June 30, 2023).

All other terms and conditions of the Agreement, except as provided herein, shall remain in full force and effect.

DATED this _____ day of _____ 2021.

FRIENDS OF THE WILLAMETTE FALLS
MEDIA CENTER:

By: _____

Printed Name: _____

Title: _____

Date: _____

CITY OF OREGON CITY:

By: _____

Anthony J. Konkol III
City Manager

Date: _____

By: _____

Kattie Riggs
City Recorder

Date: _____

Approved as to Legal Sufficiency:

By: _____

City Attorney

Date Authorized by Commission, if applicable:

_____.

RATE SUMMARY SHEET FY 21/22 EST

Public Channel and Operations Management	\$28,536
Government Channel and Operations Management	\$28,536
Population-Based Rate for Municipalities (\$5,665 PER 10,000)	
Oregon City based on 34,240 population (Certified Estimate US Census 2018)	\$19,398
	\$76,470

RATE SUMMARY SHEET FY 22/23 EST

Public Channel and Operations Management	\$29,369
Government Channel and Operations Management	\$29,369
Population-Based Rate for Municipalities (\$5,835 PER 10,000)	
Oregon City based on 34,240 population (Certified Estimate US Census 2018)	\$19,961
	\$78,699

Additional Government Meetings

Additional Meeting - (included up to 6-hour on site)	\$275/meeting
Half-Day Field Production Rate (productions requiring remote camera)	\$325
Full-Day Field Production Rate (productions requiring remote camera)	\$600

CITY OF OREGON CITY PERSONAL SERVICES AGREEMENT

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between the CITY OF OREGON CITY a municipal corporation of the State of Oregon ("City"), and Friends of Willamette Falls Media Center, an Oregon non-profit entity ("Consultant") for a Community Media Center for Production and Channel Management.

RECITALS

A. City requires services that Consultant is capable of providing under the terms and conditions hereinafter described.

B. Consultant is able and prepared to provide such services as City requires under the terms and conditions hereinafter described.

The parties agree as follows:

AGREEMENT

1. Term. The term of this Agreement shall be from July 1, 2019 until June 30, 2021, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City's right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Consultant's performance that has not been cured. City shall have the option to extend the term of this agreement up to an additional two (2) years on the same terms and rates as shown in Exhibit A for the additional period. The City may exercise this option by so notifying Consultant.

2. Compensation. City agrees to pay Consultant on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed \$170,000.00.

3. Scope of Services. Consultant's services under this Agreement shall consist of services as detailed in Exhibit A, attached hereto and by this reference incorporated herein.

4. Standard Conditions. This Agreement shall include all of the standard conditions as detailed in Exhibit B, attached hereto and by this reference incorporated herein.

5. Integration. This Agreement, along with the description of services to be performed attached as Exhibit A and the Standard Conditions to Oregon City Personal Services Agreement attached as Exhibit B, contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.

6. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, postage prepaid, or personally delivered to the addresses below. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

To the City:

City of Oregon City
 PO Box 3040
 625 Center Street
 Oregon City, OR 97045
 Attention: City Recorder

To Consultant:

Friends of Willamette Falls Media Center
 1101 Jackson Street
 Oregon City, OR 97045
 Attention: Melody Ashford, Executive Director

Consultant shall be responsible for providing the City with a current address. Either party may change the address set forth above for purposes of notices under this Agreement by providing notice to the other party in the manner set forth above.

7. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on this 17th day of July, 2019.

CITY OF OREGON CITY

FRIENDS OF WILLAMETTE FALLS MEDIA
 CENTER

By:

Anthony J. Konkol III
 Anthony J. Konkol, III

Title: City Manager

By: _____

Title: _____

DATED:

July 17, 2019

DATED: _____, 20____.

By:

Kattie Riggs
 Kattie Riggs

Title: City Recorder

APPROVED AS TO LEGAL SUFFICIENCY:

By:

[Signature]
 City Attorney

To the City:

City of Oregon City
 PO Box 3040
 625 Center Street
 Oregon City, OR 97045
 Attention: City Recorder

To Consultant:

Friends of Willamette Falls Media Center
 1101 Jackson Street
 Oregon City, OR 97045
 Attention: Melody Ashford, Executive Director

Consultant shall be responsible for providing the City with a current address. Either party may change the address set forth above for purposes of notices under this Agreement by providing notice to the other party in the manner set forth above.

7. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on this 17th day of July, 2019.

CITY OF OREGON CITY

FRIENDS OF WILLAMETTE FALLS MEDIA CENTER

By:

Anthony J. Konkol III
 Anthony J. Konkol, III

Title: City Manager

DATED:

July 17, 2019

By:

Melody Ashford
 Title: Ex Director

Title:

DATED:

8/7, 2019

By:

Kattie Riggs
 Kattie Riggs

Title: City Recorder

APPROVED AS TO LEGAL SUFFICIENCY:

By:

[Signature]
 City Attorney



Proposal for City of Oregon City Public/Government Access Services FY 2019-2021

Description of Organization

Friends of Willamette Falls Media Center Inc. /dba Willamette Falls Media Center (WFMC) located at 1101 Jackson Street, Oregon City, OR 97045 is a 501 (c) (3), EIN 80-0762454 governed by a Board of Directors. The WFMC governing board creates policy, provides a budget for facility operations, and is composed of a minimum of five and maximum of fifteen citizens from the community. Detailed information regarding the selection, role and scope of authority of the Board of Directors can be found in the By-Laws of the organization.

Willamette Falls Media Center currently manages five community Public, Education and Government (PEG) channels for Comcast, which include Milwaukie, Oregon City, Wilsonville and Unincorporated Clackamas County, as well as contributes content metro-wide on the Cable Access Network (CAN) channel. WFMC is also the head-end for CenturyLink. Additionally, staff produces media content, provides consultation and technical support, and is proficient in working with all experience levels in media production. WFMC provides full-scale video production services, studio facilities, video equipment checkout, video production education, digital media training, and access to the community cable channel's playback system. Any resident in a contracted service area is welcome to participate in the Core Media Production Classes at no out of pocket cost. WFMC is working with School Districts throughout Clackamas County, to develop and expand media education programs. WFMC provides the community with access to opportunities in communication media, which supports the sharing of ideas and facilitates solutions to strengthen and support the educational, cultural and civic fabric of Clackamas County.

System Concept and Solution

PUBLIC ACCESS

1. WFMC will provide Oregon City residents with full access to the WFMC studio to produce and edit TV programs for showing on the public access channel. WFMC maintains videography equipment and scheduling of equipment rentals for use by residents.
2. Residents of the City of Oregon City will be allowed to cablecast programs on public access channels.

3. WFMC professional staff will assist with production, editing and broadcasting of reader board notices submitted by City residents and staff on the City's regular reader board computer and public and government access channels.
4. Residents will be provided with full access to education and training for media production classes.
5. WFMC will maintain accessibility of services to Oregon City residents by:
 - Scheduling, monitoring and maintaining editing, production facilities, and studios
 - Monitoring equipment and performing maintenance as needed
 - Managing and coordinating cablecast of programming on the Public Access channel, according to an established cablecast schedule.

GOVERNMENT ACCESS

6. WFMC can and will provide the City with a videographer to operate the City-owned on-site audio/video equipment located at City Hall, 625 Center Street for two (2) Commission meetings, two (2) Planning Commission meetings, and one (1) Commission Work Session each month, for a total of sixty (60) meetings annually. The City will be provided with a videographer, as needed on call, for any additional meetings, which will be contracted according to rate schedule A.
7. In the event a meeting is cancelled, the City must notify WFMC of the cancellation 24 hours prior to the start of the meeting. If a 24 hour notification is not, given the City will incur a charge of \$100.00.
8. WFMC will produce audio/video media copies of meetings as needed.
9. WFMC will create community video boards with the information and event announcements provided by the city.
10. WFMC will monitor audio and video output of each meeting cablecast on the government channel to ensure the highest quality within equipment capacity.
11. WFMC can and will coordinate, develop, maintain, and manage the programming and playback of an established schedule for all programs and meetings.
12. As a Non-profit entity, WFMC has the benefit of providing cost effective strategies for your City. WFMC staff will work with City staff and the City's cable provider to enhance audio and video quality of all cablecasts and will coordinate selection and purchase of appropriate equipment.
13. WFMC will monitor City-owned equipment and perform basic maintenance as needed. (ie. On-site trouble shooting and assessment. Minor adjustments and repair of cables, cords or connectors replacement.) Materials will be billed at cost. Other repairs will be charged at an additional rate plus vendor fee.

14. WFMC will provide media transport, as necessary.

1. WFMC can provide staff on call (by phone) to trouble shoot playback errors, within one hour of when they are identified.
2. Videographers will arrive on site no less than one (1) hour prior to the meeting start time.

Program Management Structure

WFMC Executive Director will be the direct contact to the City of Oregon City. The Executive Director will assign appropriate WFMC staff for all projects. Assigned WFMC staff will provide lead on the project with ongoing communications with WFMC Executive Director. Any changes in scope of project will be agreed upon and approved between WFMC Executive Director and designated City of Oregon City Staff. WFMC's professional staff is cross trained with similar skills in all aspects of media production.

Staffing will be included in the contract base rates, unless otherwise stated.

PUBLIC ACCESS OPERATIONS

- Executive Director: Melody Ashford.
- Executive Assistant: Shelly Ostrowski
- Instruction/Studio Operation: Primary - Steve Tarantola; Support Staff - Steve Johnson, and Melody Ashford.
- IT/Playback Operations and Community Boards: Primary - Joshua Reynolds; Support Staff - Steve Tarantola, Steve Johnson, and Melody Ashford.
- Consultations, Facility Engineering, and Maintenance/Upgrades: Primary - Steve Johnson; Support Staff - Melody Ashford and Steve Tarantola.
- Content Delivery Specialists: Steve Tarantola.
- Production and Outreach Projects: Melody Ashford, Steve Johnson, and Steve Tarantola.
- Finance/Billing/Invoicing: Primary – Shelly Ostrowski; Support Staff - Melody Ashford, Friends of WFMC Board, and contracted CPA services.

GOVERNMENT ACCESS OPERATIONS

- Government Channel and Site Management: Melody Ashford, Executive Director.
- City Government Meetings: Professional videographer staff as assigned
- Consultations and Maintenance: Melody Ashford, Steve Johnson and contracted services as needed
- Playback Operations and Community Boards: Joshua Reynolds and Melody Ashford.
- Additional Government Videography, Productions Services and Training: Melody Ashford, Steve Tarantola, Steve Johnson, Josh Reynolds.

Prior Experience

Willamette Falls Media Center staffing currently employs six part-time staff members, as follows:

- *Executive Director:* Melody Ashford, over 30 years in media production with 27 of those years in community media services and operating an independent production company.
- *Executive Assistant/Bookkeeper:* Shelly Ostrowski, 20 years' experience in business administration, accounting, and customer service.
- *Engineering:* Steve Johnson, degree in Television Technology, 39 years in technical A/V services and engineering. Worked for WFTV/WFMC for 27 yrs.
- *Studio & Playback Operations:* Joshua Reynolds, Associate Degree in Computer Applications; 6 years' in Radio broadcasting; 4 years' experience in Playback Operations and professional-level audio and video recording equipment; Skilled in computer hardware and professional-level media production software.
- *Location Videographer:* Carl Wikman, Multi-Media Producer, over 40 years of professional production experience. The last 16 yrs. working as primary videographer for WFMC assigned to City of Milwaukie and Wilsonville. Vast background in all phases of production, design, instruction, and familiar with Granicus.
- *Location Videographer:* Steve Tarantola, A graduate of Florida State University B.S. in Media Production. 26 years' professional field production experience. digital video post-production, editing and instructor in the field of digital media and television

WFMC Board of Directors

James Kunze – President
 Dave Hedges – Vice-Chair/Treasurer
 Karen Sorbel – Board Member
 Ken Pryor – Board Member
 Richard Marlow – Board Member

Kerry Brown – Board Member
 Jordan Morris – Board Member
 Jessica Morris – Secretary
 Sherry Morisch – Board Member

Authorized Negotiator

Melody Ashford, WFMC Executive Director
 1101 Jackson Street, Oregon City, OR 97045
 Cell Phone: 503-422-7128
 Email: Melody@wfmstudios.org

Proposed Budget

Fiscal Year 2019/20		
PROGRAM AREA-Schedule A	MONTHLY AMOUNT	BUDGET AMOUNT
Public Access Operation	\$2,946.22	\$35,354.64
Government Access Operation	\$2,946.22	\$35,354.64
	\$5,892.44	\$70,709.28

Fiscal Year 2020/21		
PROGRAM AREA-Schedule A	MONTHLY AMOUNT	BUDGET AMOUNT
Public Access Operation	\$3,093.53	\$37,122.36
Government Access Operation	\$3,093.53	\$37,122.36
	\$6,187.06	\$74,244.72

Proposal for City of Oregon City Public/Government Access Services submitted on the 31 day
of May, 2019 by:



Melody Ashford,
Executive Director, Willamette Falls Media Center

RATE SUMMARY SHEET FY 19/20 EST

Public Channel and Operations Management	\$35,355
Government Channel and Operations Management	\$34,355
Population-Based Rate for Municipalities (\$5,500 PER 10,000)	
Oregon City based on 34,240 population (Certified Estimate US Census 2016)	\$18,832
Contract 5% increase is associated with facilities overall cost ranging from 3% for lease up to 10% for other increasing operations costs to support facility and employees. The 5% determination by WFMC board is determined to be equitable for all service contracts.	\$3,367

Additional Government Meetings

Additional Meeting - 12 meetings per year – Annual Rate (included up to 6-hour on site)	\$2,700
Half-Day Field Production Rate (productions requiring remote camera)	\$275
Full-Day Field Production Rate (productions requiring remote camera)	\$500

RATE SUMMARY SHEET FY 20/21 EST

Public Basic Channel Management (4) Meetings and Management	\$37,122
Government Basic Channel Management and complete facility	\$37,122
Population-Based Rate for Municipalities (\$5,500 PER 10,000)	
Oregon City based on 34,240 population (Certified Estimate US Census 2016)	\$18,832
Contract 5% increase is associated with facilities overall cost ranging from 3% for lease up to 10% for other increasing operations costs to support facility and employees. The 5% determination by WFMC board is determined to be equitable for all service contracts.	\$3,535

Additional Government Meetings

Additional Meeting - 12 meetings per year – Annual Rate (included up to 6-hour on site)	\$2,700
Half-Day Field Production Rate (productions requiring remote camera)	\$275
Full-Day Field Production Rate (productions requiring remote camera)	\$500

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 7e.

1. Contractor Identification. Contractor shall furnish to City its taxpayer identification number, as designated by the Internal Revenue Service, or Contractor's social security number, as City deems applicable.

2. Payment.

(a) Invoices submitted in connection with this Agreement shall be properly documented and shall identify the pertinent agreement and/or purchase order numbers.

(b) City agrees to pay Contractor within thirty (30) days after receipt of Contractor's itemized statement. Amounts disputed by City may be withheld pending settlement.

(c) City certifies that sufficient funds are available and authorized for expenditure to finance the cost of the services to be provided pursuant to this Agreement.

(d) City shall not pay any amount in excess of the compensation amounts set forth in this Agreement, nor shall City pay Contractor any fees or costs that City reasonably disputes.

3. Independent Contractor Status.

(a) Contractor is an independent contractor and is free from direction and control over the means and manner of providing labor or services, subject only to the specifications of the desired results.

(b) Contractor represents that it is customarily engaged in an independently established business and is licensed under ORS chapter 671 or 701, if the services provided require such a license. Contractor maintains a business location that is separate from the offices of the City and bears the risk of loss related to the business as demonstrated by the fixed price nature of the contract, requirement to fix defective work, warranties provided and indemnification and insurance provisions of this Agreement. Contractor provides services for two or more persons within a 12 month period or routinely engages in advertising, solicitation or other marketing efforts. Contractor makes a significant investment in the business by purchasing tools or equipment, premises or licenses, certificates or specialized training and

Contractor has the authority to hire or fire persons to provide or assist in providing the services required under this Agreement.

(c) Contractor is responsible for obtaining all assumed business registrations or professional occupation licenses required by state or local law (including applicable City or Metro business licenses as per Oregon City Municipal Code Chapter 5.04). Contractor shall furnish the tools or equipment necessary for the contracted labor or services. Contractor agrees and certifies that:

(d) Contractor is not eligible for any federal social security or unemployment insurance payments. Contractor is not eligible for any PERS or workers' compensation benefits from compensation or payments made to Contractor under this Agreement.

(e) Contractor agrees and certifies that it is licensed to do business in the State of Oregon and that, if Contractor is a corporation, it is in good standing within the State of Oregon.

4. Early Termination.

(a) This Agreement may be terminated without cause prior to the expiration of the agreed-upon term by mutual written consent of the parties or by the City upon ten (10) days written notice to the Contractor, delivered by certified mail, email, or in person.

(b) Upon receipt of notice of early termination, Contractor shall immediately cease work and submit a final statement of services for all services performed and expenses incurred since the date of the last statement of services.

(c) Any early termination of this Agreement shall be without prejudice to any obligation or liabilities of either party already accrued prior to such termination.

(d) The rights and remedies of the City provided in this Agreement and relating to defaults by Contractor shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

5. No Third-Party Beneficiaries. City and

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 7e.

Contractor are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

6. Payment of Laborers; Payment of Taxes.

(a) Contractor shall:

(i) Make payment promptly, as due, to all persons supplying to Contractor labor and materials for the prosecution of the services to be provided pursuant to this Agreement.

(ii) Pay all contributions or amounts due to the State Accident Insurance Fund incurred in the performance of this Agreement.

(iii) Not permit any lien or claim to be filed or prosecuted against the City on account of any labor or materials furnished.

(iv) Be responsible for all federal, state, and local taxes applicable to any compensation or payments paid to the Contractor under this Agreement and, unless Contractor is subject to back-up withholding, the City will not withhold from such compensation or payments any amount(s) to cover Contractor's federal or state tax obligation.

(v) Pay all employees at least time and one-half for all overtime worked in excess of forty (40) hours in any one week, except for individuals excluded under ORS 653.100 to 653.261 or under 29 U.S.C. §§ 201 to 209 from receiving overtime.

(b) If the Contractor fails, neglects or refuses to make prompt payment of any claim for labor or services furnished by any person in connection with this Agreement as such claim becomes due, the City may pay such claim to the person furnishing the labor or services and shall charge the amount of the payment against funds due or to become due to the Contractor by reason of this Agreement.

(c) The payment of a claim in this manner shall not relieve Contractor or Contractor's surety from obligation with respect to any unpaid claims.

(d) Contractor and subcontractors, if any, are subject employers under the Oregon workers' compensation law and shall comply with ORS 656.017, which requires provision of workers' compensation coverage for all workers.

7. SubContractors and Assignment.

Contractor shall neither subcontract any of the work, nor assign any rights acquired hereunder, without obtaining prior written approval from the City. The City, by this Agreement, incurs no liability to third persons for payment of any compensation provided herein to the Contractor.

8. Access to Records. City shall have access to all books, documents, papers and records of Contractor that are pertinent to this Agreement for the purpose of making audits, examinations, excerpts and transcripts.

9. Ownership of Work Product; License. All work products of Contractor that result from this Agreement (the "Work Products") are the exclusive property of City. In addition, if any of the Work Products contain intellectual property of Contractor that is or could be protected by federal copyright, patent, or trademark laws, or state trade secret laws, Contractor hereby grants City a perpetual, royalty-free, fully paid, nonexclusive and irrevocable license to copy, reproduce, deliver, publish, perform, dispose of, use and re-use, in whole or in part (and to authorize others to do so), all such Work Products and any other information, designs, plans, or works provided or delivered to City or produced by Contractor under this Agreement. The parties expressly agree that all works produced (including, but not limited to, any taped or recorded items) pursuant to this Agreement are works specially commissioned by City, and that any and all such works shall be works made for hire in which all rights and copyrights belong exclusively to City. Contractor shall not publish, republish, display or otherwise use any work or Work Products resulting from this Agreement without the prior written agreement of City.

10. Compliance With Applicable Law.

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT (4/2017)

Page 2 of 5

EXHIBIT B

Page 47

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Item 7e.

Contractor shall comply with all federal, state, and local laws and ordinances applicable to the services to be performed pursuant to this Agreement, including, without limitation, the provisions of ORS 279B.220, 279C.515, 279B.235, 279B.230 and 279B.270. Without limiting the generality of the foregoing, Contractor expressly agrees to comply with (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans With Disabilities Act of 1990 (Pub. L No. 101-336), ORS 659.425, and all regulations and administrative rules established pursuant to those laws; and (iv) all other applicable requirements of federal and state civil rights and rehabilitation and other applicable statutes, rules and regulations.

11. Professional Standards. Contractor shall be responsible, to the level of competency presently maintained by others practicing in the same type of services in City's community, for the professional and technical soundness, accuracy and adequacy of all services and materials furnished under this authorization.

12. Modification, Supplements or Amendments. No modification, change, supplement or amendment of the provisions of this Agreement shall be valid unless it is in writing and signed by the parties hereto.

13. Indemnity and Insurance.

(a) Indemnity. Contractor acknowledges responsibility for liability arising out of Contractor's negligent performance of this Agreement and shall hold City, its officers, agents, Contractors, and employees harmless from, and indemnify them for, any and all liability, settlements, loss, costs, and expenses, including attorney fees, in connection with any action, suit, or claim caused or alleged to be caused by the negligent acts, omissions, activities or services by Contractor, or the agents, Contractors or employees of Contractor provided pursuant to this Agreement.

(b) Workers' Compensation Coverage. Contractor certifies that Contractor has qualified for workers' compensation as required by the State of Oregon. Contractor shall provide the Owner, within ten (10) days after execution of this Agreement, a certificate of insurance evidencing coverage of all subject workers under Oregon's

workers' compensation statutes. The insurance certificate and policy shall indicate that the policy shall not be terminated by the insurance carrier without thirty (30) days' advance written notice to City. All agents or Contractors of Contractor shall maintain such insurance.

(c) Comprehensive, General, and Automobile Insurance. Contractor shall maintain comprehensive general and automobile liability insurance for protection of Contractor and City and for their directors, officers, agents, and employees, insuring against liability for damages because of personal injury, bodily injury, death, and broad-form property damage, including loss of use, and occurring as a result of, or in any way related to, Contractor's operation, each in an amount not less than \$2,000,000 combined, single-limit, per-occurrence/annual aggregate. Such insurance shall name City as an additional insured, with the stipulation that this insurance, as to the interest of City, shall not be invalidated by any act or neglect or breach of this Agreement by Contractor.

14. Legal Expenses. In the event legal action is brought by City or Contractor against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorney fees, costs, and expenses as may be set by a court. "Legal action" shall include matters subject to arbitration and appeals.

15. Severability. The parties agree that, if any term or provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected.

16. Number and Gender. In this Agreement, the masculine, feminine or neuter gender, and the singular or plural number, shall be deemed to include the others or other whenever the context so requires.

17. Captions and Headings. The captions and headings of this Agreement are for convenience only and shall not be construed or referred to in resolving questions of interpretation or construction.

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 7e.

18. Hierarchy. The conditions contained in this document are applicable to every Personal Services Agreement entered into by the City of Oregon City in the absence of contrary provisions. To the extent there is a conflict, the terms of the Personal Services Agreement will control over the terms of the standard conditions. To the extent there is a conflict between the terms of the standard conditions and any other document, including the scope of services, the terms of the standard conditions shall control those other terms.

19. Calculation of Time. All periods of time referred to herein shall include Saturdays, Sundays and legal holidays in the State of Oregon, except that, if the last day of any period falls on any Saturday, Sunday or legal holiday, the period shall be extended to include the next day that is not a Saturday, Sunday or legal holiday.

20. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, postage prepaid, or personally delivered to the addresses listed in the Agreement attached hereto. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

21. Nonwaiver. The failure of City to insist upon or enforce strict performance by Contractor of any of the terms of this Agreement or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its rights to assert or rely upon such terms or rights of any future occasion.

22. Information and Reports. Contractor shall, at such time and in such form as City may require, furnish such periodic reports concerning the status of the project, such statements, certificates, approvals, and copies of proposed and executed plans and claims, and other information relative to the project as may be requested by City. Contractor shall furnish City, upon request, with copies of all documents and other materials prepared or developed in relation with or as a part of the project. Working papers prepared in conjunction with the project are the property of City, but shall remain with Contractor. Copies as requested shall

be provided free of cost to City.

23. City's Responsibilities. City shall furnish Contractor with all available necessary information, data, and materials pertinent to the execution of this Agreement. City shall cooperate with Contractor in carrying out the work herein and shall provide adequate staff for liaison with Contractor.

24. Arbitration.

All disputes arising out of or under this Agreement shall be timely submitted to nonbinding mediation prior to commencement of any other legal proceedings. The subsequent measures apply if disputes cannot be settled in this manner.

(a) Any dispute arising out of or under this Agreement shall be determined by binding arbitration.

(b) The party desiring such arbitration shall give written notice to that effect to the other party and shall in such notice appoint a disinterested person of recognized competence in the field as arbitrator on its behalf. Within fifteen (15) days thereafter, the other party may, by written notice to the original party, appoint a second disinterested person of recognized competence as arbitrator on its behalf. The arbitrators thus appointed shall appoint a third disinterested person of recognized competence, and the three arbitrators shall, as promptly as possible, determine such matter, provided, however, that:

(i) If the second arbitrator is not appointed as described above, then the first arbitrator shall proceed to determine such matter; and

(ii) If the two arbitrators appointed by the parties are unable to agree, within fifteen (15) days after the second arbitrator is appointed, on the appointment of a third arbitrator, they shall give written notice of such failure to agree to the parties and, if the parties fail to agree on the selection of the third arbitrator within fifteen (15) days after the arbitrators appointed by the parties give notice, then, within ten (10) days thereafter, either of the parties, on written notice to the other party, may request such appointment by the presiding judge of the Clackamas County Circuit Court.

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 7e.

(c) Each party shall each be entitled to present evidence and argument to the arbitrators. The determination of the majority of the arbitrators or the sole arbitrator, as the case may be, shall be conclusive on the parties, and judgment on the same may be entered in any court having jurisdiction over the parties. The arbitrators or the sole arbitrator, as the case may be, shall give written notice to the parties, stating the arbitration determination, and shall furnish to each party a signed copy of such determination. Arbitration proceedings shall be conducted pursuant to ORS 33.210 et seq. and the rules of the American Arbitration Association, except as provided otherwise.

(d) Each party shall pay the fees and expenses of the arbitrator appointed by such party and one-half of the fees and expenses of the third arbitrator, if any.

25. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.



CITY OF OREGON CITY

CITY COMMISSION RETREAT 2021 –

DAY ONE - REVISED

DRAFT MINUTES

Virtual Meeting
Friday, January 29, 2021 at 5:00 PM

VIRTUAL MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL (5:00 PM)

Commission President Rocky Smith called the meeting to order at 5:01 PM

PRESENT: 4 - Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith, Jr.

STAFFERS: 13 - City Manager Tony Konkol, City Recorder Kattie Riggs, Assistant to the City Manager Lisa Oreskovich, Assistant City Recorder Jakob Wiley, Community Development Laura Terway, Community Coordination Coordinator Kristen Brown, Economic Development Director James Graham, Finance Director Matt Zook, Parks and Recreation Director Kendall Reid, Police Chief Jim Band, Public Works Director John Lewis, Library Director Greg Williams, and Human Resources Director Patrick Foiles.

2. WELCOME AND AGENDA OVERVIEW (5:00 PM)

2a. Agenda Review, Introductions, and Intentions

Tony Konkol, City Manager, provided an introduction to the meeting format and outlined the purpose of the retreat. Mr. Konkol introduced Sara Singer Wilson, the facilitator for the meeting.

Sara Singer Wilson, facilitator from Singer Wilson Consulting, reviewed the roles for the retreat and the meeting style. Ms. Singer Wilson outlined the roles of facilitator, commission, and the staff. She also reviewed the agenda for the first day of the retreat. Ms. Singer Wilson reviewed the goal setting process. Attendees shared their intentions for the retreat and commented on their own expectations for the goal-setting process.

2b. Review Roles and Establish Ground Rules

The City Commission identified ground rules for the retreat. These were: (1) be patient with facilitator and technology. Ask for help. (2) be active listeners, (3) use the hand raise feature or physically raise hand, (4) speak up and step back, (5) assume positive intent, (6) we can agree to disagree, (7) goals move forward with consensus or majority – otherwise the parking lot.

2c. Goal-Setting Process Overview

Ms. Singer Wilson reviewed the goal-setting process which included setting the intentions, aligning the vision, reflect, look back, and celebrating previously accomplished goals, reviewing the context, gathering all ideas, refine goals and actions, and make a plan.

2d. Citizen Input Received Through Online Form and Email

3. WARM-UP TEAM BUILDING ACTIVITY (5:30 PM)

Retreat attendees worked individually to identify their communication style, their favorite part of the job, the most frustrating/challenging part of the job, and a personal bumper sticker phrase. A short break followed the warm-up activities.

4. REVIEW AND CELEBRATE PROGRESS OF 2020 GOALS (6:00 PM)

4a. 2020 Accomplishments and Goals Progress Information

Ms. Singer Wilson asked all attendees to write in the chat one accomplishment they were proud of over the last year.

5. ENVIRONMENTAL SCAN (6:15 PM)

5a. Staff Updates:

-Infrastructure Needs - Parks, Water, Sewer, Transportation/Ped Safety

John Lewis, Public Works Director, provided a report on water, sewer, stormwater, and transportation infrastructure. He explained that the Master Plans for all had been adopted, but the System Development Charges (SDC) and rates needed to be updated to match what was outlined in the Master Plans.

Kendall Reid, Parks & Recreation Director, provided an overview on the parks infrastructure needs. He mentioned that the City would be hiring a consultant to gather more deferred maintain information along with cost recovery.

-Homelessness

Jim, Police Chief, discussed services and challenges for addressing homelessness in the community. Mr. Band suggested the effort was missing a political element and coordination with Clackamas County would be helpful to have a cohesive approach to homelessness.

-Housing/Construction Excise Tax

Laura Terway, Community Development Director, discussed housing costs and the community's interest in the "missing middle" in housing. Ms. Terway suggested that a variety of strategies could address this issue, including annexation, system development charges, and strategic investment.

-Diversity, Equity, and Inclusion

Patrick Foiles, Human Resources Director, discussed diversity, equity, and inclusion (DEI) efforts in the City. Mr. Foiles identified that Resolution 20-19 was a cornerstone of the City's new DEI efforts. He explained that staff had engaged in trainings and that there were lots of opportunities to engage the Commission and the community.

-Economic Development/Tourism

**City Commission Retreat 2021 - Day One -
REVISED**

Minutes

January 29, 2021

James Graham, Economic Development Manager, discussed the City's efforts to keep businesses open during the pandemic, the tourism strategic plan, and the Urban Renewal Commission's status, and efforts to improve downtown, and the development of the Economic Development Strategic Plan.

Mr. Konkol discussed several items that the City Commission had identified for discussion during the retreat over the past year including Charter amendments, Marijuana funding, non-profit organizations, special events, and pedestrian safety. He also mentioned that staff was still working on the railroad quiet zone, overall City Facilities Plan, Waterfront Master Plan, and the Parks & Recreation Master Plan.

5b. Context Mapping Exercise - Breakout Groups (#1)

Ms. Singer Wilson explained the context mapping exercise and what was expected by groups in the breakout rooms. The groups were to identify items for discussion of goals and priorities. These were in the categories of growth trends, community needs, political factors, tech trends, economic climate, other community trends, and uncertainties.

5c. Team Discussion

The various groups shared the discussions in the breakout groups. Each group presented the items they identified in their groups. The City Commissioners had discussion.

6. BREAK (7:00 PM)

7. VISION ALIGNMENT (7:10 PM)

7a. Vision Cover Story Team Exercise - Breakout Groups (#2)

The groups brainstormed ideas for the vision statements. The retreat attendees moved to breakout rooms to brainstorm ideas for the vision statement activity.

7b. Discussion and Debrief

Due to time concerns, the vision statement team exercised was extended to also be part of the warm-up activity for Day 2 of the retreat. The attendees briefly discussed their brainstorming progress after returning from the breakout rooms.

8. WRAP-UP, QUESTIONS, NEXT STEPS (8:15 PM)

9. ADJOURNMENT (8:30 PM)

Commission President Smith adjourned the meeting at 8:30 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



CITY OF OREGON CITY

CITY COMMISSION RETREAT 2021 –

DAY TWO

DAFT MINUTES

Virtual Meeting
Saturday, January 30, 2021 at 8:30 AM

VIRTUAL MEETING OF THE CITY COMMISSION

1. CONVENE DAY TWO RETREAT MEETING AND ROLL CALL (8:30 AM)

Commission President Rocky Smith called the meeting to order at 8:33 AM.

PRESENT: 4 - Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, and Commissioner Rocky Smith, Jr.

STAFFERS: 13 – City Manager Tony Konkol, City Recorder Kattie Riggs, Assistant to the City Manager Lisa Oreskovich, Assistant City Recorder Jakob Wiley, Community Development Laura Terway, Community Coordination Coordinator Kristen Brown, Economic Development Director James Graham, Finance Director Matt Zook, Parks and Recreation Director Kendall Reid, Police Chief Jim Band, Public Works Director John Lewis, Library Director Greg Williams, and Human Resources Director Patrick Foiles.

2. WELCOME AND AGENDA OVERVIEW (8:30 AM)

2a. Review Roles and Establish Ground Rules

Sara Singer Wilson, the retreat facilitator, welcomed everyone, reviewed the meeting agenda and the expected outcomes for the day's activities. She also reviewed the roles and expectations, and the ground rules established the day before at the retreat.

2b. Team Warm-Up

The attendees resumed the vision statement activity started on Day 1 of the retreat. The groups attended breakout rooms and completed the vision statement activity which was a news story for the year 2026. Thereafter, each group shared their homepage headline, hashtag, main points, supporting details, and future achievements accomplished. The themes heard throughout the activity were discussed and captured.

3. 2021 RETREAT DAY ONE - RECAP (8:50 AM)

4. IDEA MAPPING (9:05 AM)

4a. Idea Mapping Exercise - Breakout Groups (#3)

Ms. Singer Wilson started the idea mapping discussion by explaining some of the themes she had heard from the Day 1 activity which included Diversity, Equity, and Inclusion (DEI), COVID-19 Pandemic response and recovery, daycare, economic development opportunities, community engagement and communications, homelessness, developing partnerships, infrastructures (Parks & facilitates and maintenance), diverse housing opportunities, community identity (art, culture, history), tourism, youth engagement, and investment in technology.

The City Commission and staff broke into groups to participate in the idea mapping exercise in breakout rooms. Each group identified goals, outcomes, and supporting details identified by the participants in each breakout room. Each breakout room has a subject based on the themes from the previous vision statement activity. Following the breakout session, a break was held.

4b. Team Debrief and Discussion

Each group presented the goals, outcomes, and supporting details identified in the breakout rooms. The main ideas discussed were investing in current and future needs for infrastructure and City services, a systemic approach to economic development/tourism, creating a DEI plan or strategy, addressing homelessness, environmental health, housing, communication and community engagement, and community identity.

The lunch break was taken in the middle of the discussion of the goals debrief.

5. **BREAK (10:05 AM)**

6. **GOAL REFINEMENT (10:15 AM)**

6a. Goal Refinement Exercise - Breakout Groups (#4)

The City Commission led breakout rooms to identify actions to be taken based on the goals in the previous activity. Each group identified specific items to accomplish the goals. Commissioner O'Donnell led the communication goal breakout group topics. Commissioner Smith led the community identity, economic development, and tourism breakout group topics. Commissioner McGriff led the DEI and environmental breakout groups. Commissioner Lyles Smith led homelessness and housing breakout group.

6b. Team Debrief and Discussion

The groups returned from the breakout sessions and organized the goals, action items, and priorities gathered in each breakout group. The City Commission identified broad goals of (1) investment in current and future needs for infrastructure and City services, (2) addressing homelessness, (3) Public/Private Partnerships, holistic, (4) diversity, equity, and inclusion (DEI) and a community forum or plan for DEI, (5) a systematic approach to economic development and tourism, (6) environmental health, (7) housing, and (8) communications and community engagement.

7. **LUNCH BREAK (11:45 AM)**

8. **DEVELOPING THE PLAN (12:05 PM)**

8a. Goal Prioritization

The meeting ended without goal prioritization.

8b. Implementation and Progress Reporting

The meeting ended without discussion of implementation.

9. **TEAM AGREEMENT (1:15 PM)**

9a. Team Agreement Exercise - Staff and Commission Separate Breakout Groups (#5)

The meeting ended without completing the Team Agreement exercise.

9b. Team Debrief and Agreement Discussion

The meeting ended without completing the debrief and agreement discussion.

10. REFLECTION (2:20 PM)

The meeting ended without a reflection discussion.

11. WRAP-UP AND NEXT STEPS (2:45 PM)

The City Commission formed a consensus to complete the goal prioritization, implementation, and other items at a separate follow-up meeting to be announced.

12. ADJOURNMENT (3:00 PM)

Commission President Smith adjourned the meeting at 3:03 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

Item 8a.

To: City Commission
From: Finance Director Matt Zook

Agenda Date: 06/02/2021

SUBJECT:

Resolution No. 21-28, Declaring Oregon City's Election to Receive State Revenues

STAFF RECOMMENDATION:

Move to adopt Resolution No. 21-28, A Resolution Declaring Oregon City's Election to Receive State Revenues.

BACKGROUND:

Oregon City is eligible to receive approximately \$443,000 for 2021/22 and \$468,000 for 2022/23 in state revenue sharing funds (liquor tax revenue). In order to receive the revenue, the City must have levied property taxes in the preceding year, and:

1. Pass a resolution approving participation in the program and file a copy of that resolution with the State prior to July 31 each year,
2. Hold the following hearings on the use of state revenue sharing funds: a) a public hearing before the Budget Committee to discuss possible uses of the funds and b) a public hearing before the City Commission on the proposed uses of the funds in relation to the entire budget, and
3. Certify to the Oregon Department of Administrative Services no later than July 31 of each year.

OPTIONS:

1. Approve Resolution No. 20-28 as is.
2. Deny Resolution No. 20-28.

BUDGET IMPACT:

Amount: General Fund revenue of \$911,000 over the biennium
FY(s): 2021-22 and 2022-23
Funding Source(s): State Shared Revenues

RESOLUTION NO. 21-28

A RESOLUTION DECLARING OREGON CITY'S ELECTION TO RECEIVE STATE REVENUES

WHEREAS, ORS 221.770 provides for the apportionment of certain revenues to cities in the state of Oregon; and

WHEREAS, in order to be included in the apportionment, the city must elect to participate by enactment of a resolution and hold public hearings before the Budget Committee and the City Commission.

NOW, THEREFORE, OREGON CITY RESOLVES:

Section 1. Pursuant to ORS 221.770, the City elects to receive state revenues for fiscal years 2021/22 and 2022/23, both years of the adopted biennial budget.

Section 2. A public hearing before the Oregon City Budget Committee was held on May 3, 2021, and a public hearing before the Oregon City Commission was held on June 2, 2021, giving citizens an opportunity to comment on the use of State Revenue Sharing for both years of the biennial budget.

Section 3. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 2nd day of June 2021.

RACHEL LYLES SMITH, Mayor

Attested to this 2nd day of June 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: Finance Director Matt Zook

Agenda Date: 6/2/2021

SUBJECT:

Resolution No. 21-29, Adopting the Budget, Making Appropriations, Imposing Taxes and Categorizing Taxes for the 2021-2023 Biennium

STAFF RECOMMENDATION:

Move to adopt Resolution No. 21-29, A Resolution Adopting the Budget, Making Appropriations, Imposing Taxes, and Categorizing Taxes for the 2021-2023 Biennium

EXECUTIVE SUMMARY:

The Budget Committee approved a total budget of \$235,204,653 and a General Fund operating property tax rate of \$4.4090 per \$1,000 of assessed value for both fiscal years 2021/21 and 2022/23. Adoption of this resolution adopts the budget, makes appropriations, imposes taxes, and categorizes taxes for the 2021-2023 biennium.

BACKGROUND:

On May 3, 2021 and May 6, 2021, the Budget Committee reviewed the proposed 2021-2023 biennial budget, and on May 6, 2021, the Committee approved a total budget of \$235,204,653 and a General Fund operating property tax rate of \$4.4090 per \$1,000 of assessed value for both fiscal years 2021/21 and 2022/23. The approved property tax rates are below the established permanent rate of \$5.0571 per \$1,000 of assessed value.

The Budget Committee discussed several additional topics to be taken up by the Commission before adopting the budget. These items included:

- \$20,000 to resolve outstanding Charter Park issues
- \$100,000 to upgrade the City's website
- Potential reduction of \$300,000 transfer from General Fund to Library Fund
- Addition of \$350,000 to address the restroom facilities at the Cemetery
- Total amount of discretionary funds
- Total cost of resources being applied to address homelessness (not just the new amount)

The Commission has discretion to change the budget in any regard. Depending on the amount of the change, a second public hearing may need to occur. At this point, it does not appear that any of the changes above would require this.

The discretionary funds represented in the Budget Committee meetings were presented as reflected below. The Commission can adjust the amounts assigned to the items on the list to accommodate any additional funding for the above items.

General Fund Discretionary Spending

Deferred parks maintenance	\$ 559,000	Goal 4 - Homelessness Strategy	\$ 40,000
Parks Administrative Assistant	188,000	Goal 5 - Citywide Economic Develop Plan	400,000
Goal 1 - Diversity, Equity and Inclusion initiatives	125,000	Goal 5 - Community Event Support	100,000
Goal 2 - IT Strategic Plan implementation	258,000	Goal 5 - Tourism Strategy implementation ²	75,000
Goal 2 - IT Director position (2 nd year of biennium)	208,000	Goal 5 - Ombudsman Program	40,000
Goal 2 - Communication Infrastructure Assessment ¹	200,000	Goal 6 - Housing Code update ³	20,000
Goal 2 - Parks & Recreation Master Plan	90,000	Goal 6 - Housing Strategy ³	10,000
Goal 2 - Citywide Master Plan	40,000	Goal 7 - Cayuse Five memorial	150,000
Goal 3 - Community Engagement	45,000	Goal 7 - Arts promotion and engagement	90,000
		Goal 8 - Climate Action Plan ³	100,000
			<u>\$ 2,738,000</u>

¹ 100% Funded by ARPA

² Total Tourism Strategy implementation is \$680,000 with \$605,000 funded by existing dedicated Tourism dollars; \$75,000 is funded by ARPA

³ These goals are budgeted in Community Development, but funded by a transfer from the General Fund



Alternatively, General Fund Contingency could be reduced below the amounts recommended to allow for two months operating costs and a 10% emergency fund.

An additional, unbudgeted source of revenue for the General Fund could include FEMA grant reimbursement for the City's ice storm expenditures, which was not budgeted due to the uncertainty of approval from the federal government. The FEMA grant reimbursement and emergency declaration has subsequently been approved and the General Fund is reasonably expected to receive between \$400-\$600k in the next biennium.

Finally, the amount of funds allocated to address homelessness in the next biennial budget is at a minimum \$800,000. This includes the Homeless Liaison Officer (\$340k), Behavioral Health Specialist (\$340k), Homeless Program expenses (\$120k). In addition, other police officers, code enforcement, parks workers, and even the new Library Safety Officer (\$200k) all contribute and are not included in the \$800,000 identified above.

Staff is requesting one change to the Approved Budget; the elimination of a limited duration Building Inspector to be replaced by the addition of a permanent, full-time Building Inspector.

In preparation for the formulation of the Building Division budget, staff identifies projects either approved by the Planning Division or likely to be submitted and constructed over the next biennium. Staffing requests are adjusted accordingly. Based on this analysis, the approved Building Division budget included a limited duration building inspector to assist with plan review and inspection.

Since the last budget hearing however, staff has learned that some large projects we were told were not moving forward are now back on track. Also, some additional unanticipated projects are likely to move toward construction.

We believe in maintaining a small staff to maximize efficiency and reduce layoffs in the volatile construction industry, however the new information has highlighted that we will need an experienced inspector beyond the duration of the biennium. Further, another inspector recently informed us of an upcoming retirement in 2-3 years so the department would have the option not to backfill the other inspector position if it is not needed. The significant amount of Building Division reserve funds is indicative of how we are cautious to hire additional employees and that we have the resources to pay for the position without any impact of the General Fund. The full-time position is likely to be better received from the union and spark interest from more experienced inspectors who will perform multiple types of inspections and reviews. The Building Division requests the limited duration building inspector position approved by the budget committee be replaced by a full-time, permanent building inspector. There would be no change to the City budget of \$235,204,653. The changes to appropriations as reflected in Resolution 21-29 would be to move \$188,042 from Contingency to Community Development as follows:

BUILDING OPERATIONS	Approved	Adopted
Community Development	\$3,039,942	\$3,227,984
Contingency	\$5,671,215	\$5,483,173

Following adoption, documentation will be filed with the Oregon Department of Revenue, Clackamas County Clerk and Clackamas County Assessor as required by Oregon Revised Statutes.

OPTIONS:

1. Adopt Resolution 21-29 as approved by the Budget Committee
2. Adopt Resolution 21-29 with amendments
3. Deny Resolution 21-29 and provide staff with direction

BUDGET IMPACT:

Amount: \$235,204,653

FY(s): 2021/22 – 2022/23

Funding Source(s): Establishes the 2021-2023 Biennial Budget

RESOLUTION NO. 21-29**A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS,
IMPOSING TAXES AND CATEGORIZING TAXES FOR THE 2021 - 2023 BIENNIUM****ADOPTING THE BUDGET**

BE IT RESOLVED that the City Commission of the City of Oregon City, Oregon, hereby adopts the 2021-2023 Biennial Budget in the amount of \$235,204,653 now on file at City Hall at 625 Center Street, Oregon City, Oregon.

MAKING APPROPRIATIONS

BE IT FURTHER RESOLVED that the amounts for the biennium beginning July 1, 2021 and ending June 30, 2023 and for the purposes shown below are hereby appropriated:

Fund	Department/Function	Appropriation	Fund Total
GENERAL			
	Policy and Administration	\$13,165,423	
	Police	24,906,903	
	Parks and Recreation	10,675,699	
	General Government	4,656,030	
	Transfers Out	2,638,008	
	Special Payments (Pass-through)	700,000	
	Contingency	8,122,108	
	Total Appropriated		\$64,864,171
	Reserve for Future Expenditure		1,298,874
	Total		\$66,163,045
LIBRARY			
	Library	\$4,586,654	
	Debt Service	830,742	
	Transfers Out	40,000	
	Contingency	3,991,707	
	Total		\$9,449,103
PLANNING			
	Community Development	\$2,731,853	
	Special Payments (Pass-through)	1,200,000	
	Transfers Out	2,000	
	Contingency	107,005	
	Total		\$4,040,858
BUILDING OPERATIONS			
	Community Development	\$3,039,942	
	Special Payments (Pass-through)	400,000	
	Transfers Out	40,000	
	Contingency	5,671,215	
	Total		\$9,151,157
ENGINEERING			
	Public Works	\$2,433,269	
	Transfers Out	243,000	
	Contingency	173,918	
	Total		\$2,850,187

Fund	Department/Function	Appropriation	Fund Total
TRANSPORTATION			
	Public Works	\$15,961,649	
	Transfers Out	875,000	
	Contingency	996,252	
	Total		\$17,832,901
WATER			
	Public Works	\$18,230,756	
	Special Payments (Pass-through)	600,000	
	Transfers Out	2,000,000	
	Contingency	7,418,149	
	Total		\$28,248,905
WASTEWATER			
	Public Works	\$19,613,120	
	Special Payments (Pass-through)	11,105,856	
	Transfers Out	1,275,000	
	Contingency	6,144,504	
	Total		\$38,138,480
STORMWATER			
	Public Works	\$6,343,507	
	Transfers Out	965,000	
	Contingency	1,957,469	
	Total		\$9,265,976
SYSTEM DEVELOPMENT			
	Public Works	\$8,362,894	
	Parks and Recreation	3,911,176	
	Contingency	6,442,716	
	Total		\$18,716,786
FLEET SERVICE			
	Public Works	\$475,008	
	Contingency	78,821	
	Total		\$553,829
COMMUNITY FACILITIES			
	Public Works	\$3,103,733	
	Police	102,900	
	Library	150,000	
	Transfers Out	2,205,400	
	Contingency	6,361,593	
	Total		\$11,923,626
EQUIPMENT REPLACEMENT			
	Policy and Administration	\$33,000	
	Police	932,000	
	Parks and Recreation	352,000	
	General Government	35,208	
	Community Development	30,000	
	Public Works	1,889,500	
	Total Appropriated		\$3,271,708
	Reserve for Future Expenditure		6,241,244
	Total		\$9,512,952

Fund	Department/Function	Appropriation	Fund Total
CUSTOMER SERVICE			
	Policy and Administration	\$2,685,417	
	Transfers Out	6,000	
	Contingency	101,950	
	Total		\$2,793,367
DEBT SERVICE			
	Debt Service	\$5,544,393	
	Total Appropriated		\$5,544,393
	Reserve for Future Expenditure		1,019,088
	Total		\$6,563,481
Total Appropriations, All Funds			\$226,645,447
Total Reserve for Future Expenditure, All Funds			8,559,206
TOTAL ADOPTED BUDGET			\$235,204,653

IMPOSING THE TAX

BE IT FURTHER RESOLVED that ad valorem property taxes are hereby imposed upon the assessed value of all taxable property within the district at the rate of \$4.4090 per \$1,000 of assessed value for 2021/2022 and at the rate of \$4.4090 per \$1,000 of assessed value for 2022/2023 for general operations.

CATEGORIZING THE TAX

BE IT FURTHER RESOLVED that the taxes imposed are hereby categorized for purposes of Article XI section 11b as:

	<u>2021/2022</u>	<u>2022/2023</u>
Subject to General Government Limitation:		
Permanent Rate Tax (GENERAL FUND)	\$4.4090/\$1,000	\$4.4090/\$1,000

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 2nd day of June 2021.

RACHEL LYLES SMITH, Mayor

Attested to the 2nd day of June 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

CITY COMMISSION GOALS

In addition to regular public meetings, the Oregon City Commission meets for an extended period every two years to engage in strategic planning; the result of which is the adoption of goals. The goal setting process begins with an identification of the most critical issues currently facing the community; informed by an understanding of citizen concerns, needs, and priorities, as well as the environmental factors impacting the community. The goals are then prioritized, with strategies being developed to achieve the prioritized goals. Additionally, action plans are created that describe how the strategies will be implemented, while measurable objectives are identified to help determine if and when the goals have been met.

The City Commission Goals serve as a framework for budget development and provide guidance for how best to allocate the resources of the City. Though the budget is prepared to support and accomplish the goals, the goals should not be confused with the budget. The budget is the legal authority for spending and focuses on the near-term (the biennium). The goals, on the other hand, are long-term in nature and therefore, may continue beyond the two-year budget period.

OREGON CITY VISION

Embrace and advance Oregon City's historic role as a regional leader

MISSION

Build a dynamic community that leads the State in safety, economic opportunity, livability, and historic significance

GOALS

- Goal 1:** Promote diversity, equity and inclusion for a safe, inclusive community and organization
- Goal 2:** Invest in current and future capital needs for safe, sustainable infrastructure and City services
- Goal 3:** Improve the City's engagement efforts to reach the broader Oregon City community and inform the policy process
- Goal 4:** Adopt and implement a homelessness strategy for Oregon City
- Goal 5:** Promote tourism and support economic development to foster community sustainability
- Goal 6:** Support diverse housing options in Oregon City
- Goal 7:** Support improvements and partnerships that contribute to our hometown feel and showcase Oregon City's unique community identity
- Goal 8:** Protect and preserve our environmental health and natural resources



Oregon City Commission:
Rocky Smith, Jr., Denyse McGriff, Mayor Rachel Lyles Smith, Frank O'Donnell
and Adam Marl

2021 - 2023 COMMISSION GOALS
REVIEWED BY THE CITY COMMISSION ON APRIL 13, 2021

Goal 1 - Promote diversity, equity and inclusion for a safe, inclusive community and organization

Strategy	Approach	Proposed Amount	Funding Source	Estimated Timeline
Using the vision articulated in Resolution 20-19, develop a comprehensive internal and external DEI framework	Staff will work with a consultant to lead and develop a DEI framework that will guide the City. The framework will include: • The creation of policies and practices that advance diversity, equity and inclusion throughout City operations.	\$75,000	General Fund	12/21 - 5/23
Create a community task force to guide the external DEI work	Staff will work with a consultant to create, coordinate and lead a community task force. The project will include: • Education and discussion of the concepts lead to equality. • Discussion about the impacts of bias and racism in our community. • Identification of ways to make our community more welcoming and inclusive for all.	\$50,000	General Fund	7/21 - 3/23
Evaluate internal policies, procedures, hiring practices, purchasing, and codes to reduce barriers and systemic inequities	Staff will establish an internal project team that will discuss and explore opportunities to reduce barriers and systemic inequalities such as: • Establishing the Oregon City Municipal Diversity & Equity Purchasing Program. • Utilizing State-certified MWESB firms and local minority and women owned businesses. • Drafting municipal code that requires all city departments and subcontractors doing business with the City to initially engage businesses owned by BIPOC and MWESB. • Promoting the program and educating staff, contractors, vendors, and subcontractors seeking to do business with the City.	No additional funds requested in proposed budget. Existing staff will complete this task.		9/21 - 6/23

Goal 2 - Invest in current and future capital needs for safe, sustainable infrastructure and City services

Strategy	Approach	Proposed Amount	Funding Source	Estimated Timeline
Prioritize projects in the transportation master plan to maximize safety and connectivity	Staff with the assistance of a consultant will work with the Transportation Advisory Committee (TAC) to review the Transportation System Plan (TSP) and associated documents to create a prioritization of projects that maximize multimodal safety and connectivity. The process will include: • A public engagement process. • Outreach to the workgroups established by the Planning Department for the OC 2040 Comprehensive Plan Update process, with an emphasis on DEI. • As part of the project, the City will consider and evaluate projects within the TSP, concept plans, the budget, the 5-year pavement maintenance plan, capital improvement plans, transit plans, safety statistics, and existing conditions.	\$40,000	Transportation Fund Transportation SDC Fund	9/21-8/22

Goal 2 - Invest in current and future capital needs for safe, sustainable infrastructure and City services (continued)

Strategy	Approach	Proposed Amount	Funding Source	Estimated Timeline
Complete analysis to identify deferred maintenance and ongoing asset management costs for parks and identify funding options	The Parks and Recreation Department selected Bureau Veritas Technical Assessments LLC to help develop a plan to address the need for immediate repairs, preventative maintenance, deferred project backlog, and capital replacement. This plan will include: - Identifying facility maintenance, reducing the need for reactive repairs, and avoid deferred repairs. - Providing a roadmap for corrective recommendations to help reduce the maintenance backlog. - Identifying funding options for the City Commission to consider.	No additional funds requested in proposed budget. This is an existing project.		3/21 - 12/21
Review SDCs and utility rates to strike a balance between SDCs and rates	Staff will prepare a comprehensive review of Oregon City's Water and Stormwater System Development Charges (SDC's) and utility rates. The review will include: - Third party comparison analysis of rates and SDC's from across the Metro region. - A summary report on what innovative strategies other agencies are utilizing to manage and upgrade utility systems.	\$57,000	Water Fund & Stormwater Fund	3/21 - 10/21
Prioritize the implementation of the IT Strategic Plan	Staff will begin implementation of the IT Strategic Plan which will include: - Adoption of the IT Strategic Plan. - Upgrading the City's disaster recovery and backup systems. - Deploying mobile device management system citywide. - Completing the fiber circuit from Operations Complex to the Robert Libke Public Safety Facility. - Creation of the IT Director position beginning in July 2022.	\$466,000	General Fund	3/21 - 7/22
Complete parks master plan and update system development fees	Staff will work with a consultant to create a master plan that will provide a vision for development, maintenance, and operation of the entire park system. The master plan will include: - A public engagement process to identify goals and specific action items envisioned by City staff and the community at large. - An inventory of existing parks and recreation facilities. - Creating a vision statement, goals, and recommendations for system-level and park-specific improvements; park land acquisition strategy; suggested funding strategy. - Identification of capital needs and recommended system development charges (SDC's) to implement the improvements.	\$190,000	General Fund & Parks SDC Fund	9/21 - 9/23
Assess the communication infrastructure and equipment to improve overall quality and reliability of service to the community	Staff will work with a consultant to determine the feasibility of a public/private partnership to improve overall quality and reliability of fiber optic connectivity to the community. The assessment will include: - Conducting a feasibility study to assess the communication infrastructure needed and its marketability of the service. - A strategy to establish community-wide fiber optic connectivity to homes and businesses throughout Oregon City. - If feasible, developing a Request for Proposals and solicitation for partners.	\$200,000	General Fund, contingent upon ARPA funding	9/21 - 6/23
Develop a citywide facility master plan	Staff will work with a consultant to develop a facility master plan. This plan will include: Developing a long-term strategy for City facilities.	\$40,000	General Fund	7/22 - 12/22

Goal 3 - Improve the City's engagement efforts to reach the broader Oregon City community and inform the policy process

Strategy	Approach	Proposed Amount	Funding Source	Estimated Timeline
Refine and improve the engagement strategy to enhance two-way engagement and communication, build new relationships in the community, enhance the City's use of online engagement, and gather engagement data to track progress	Staff will work with a consultant to develop a plan to improve engagement and communication with the community. The plan will include: • An inventory of the tools and resources the City currently utilizes and a report of the effectiveness of these tools and platforms. • Creating a snapshot of followers and current engagement on the City's communication platforms. • Guidance on more effective tools and methods to increase followers and the quality of the engagement. • Providing a strategy to increase public engagement.	\$30,000	General Fund	7/21-9/22
	Staff will research and deploy an engagement website platform to enhance online engagement and disseminate information.	\$15,000	General Fund	7/21-9/22

Goal 4 - Adopt and implement a Homelessness Strategy for Oregon City

Strategy	Approach	Proposed Amount	Funding Source	Estimated Timeline
Formalize our internal strategy to address homelessness and surrounding issues, communicate the strategy with the community, and continue engaging the community	Staff will work with a consultant to create a written, formalized document that outlines the citywide efforts and approach in response to issues related to homelessness. The document will include: • Development of an internal Oregon City Homeless Solutions task force that will include representatives from multiple departments. • Engagement with existing advisory bodies and community members. • Identification of resources necessary to address the needs of the homeless population. • Identification of the challenges and constraints. • Identification of potential strategies to address the needs of the homeless population with assistance from outside partners. • Development of a communications and engagement plan to inform the community of the resources and strategies that have been identified.	\$40,000	General Fund	7/21 - 12/21
Develop partnerships with other local and regional governments to develop local and regional solutions including Oregon City's needs in serving the homeless population	Staff will update the City Commission on different aspects of the issues related to homelessness in the City and strategic opportunities for the City Commission and staff to engage governmental agencies, non-profits, and other entities. Based on the results of the formalized internal strategy the following will occur: • Creation of an inventory of potential partner organizations/agencies. • Prioritization of Oregon City needs and related strategies. • Development of proposals and requests for potential partner organizations to assist with addressing homelessness in Oregon City.	No additional funds requested in proposed budget.		12/21 - 12/22

Goal 5 - Promote tourism and support economic development to foster community sustainability

Strategy	Approach	Proposed Amount	Funding Source	Estimated Timeline
Prioritize and implement the Citywide economic development strategy	Staff will work to create a Citywide Economic Development marketing and promotion strategy to brand and highlight the recreational, business, and investment opportunities in Oregon City. The marketing and promotion strategy will include: The utilization of various promotional tools and marketing techniques such as paid digital content, Developer Familiarization Tours, publicity events, developer and business financial analysis, and social and print media.	\$400,000	General Fund	7/21 - 6/23
	Staff will implement an Ombudsman program that will assist developers, investors, and businesses with navigating through and understanding the City's regulatory process. The Ombudsman program will include: - Workshops and seminars on city regulatory processes for businesses. - Printing educational brochures and pamphlets to aid with understanding and navigating the City's regulatory process. - Working with City departments to reduce and clarify regulatory procedures. - Increasing community presence of Economic Development staff	\$40,000	General Fund	11/21 - 12/21
Determine implementation of 2020 urban renewal study.	Staff will work with the Urban Renewal Commission to complete the Urban Renewal Public Engagement Process. This process is currently ongoing.	No additional funds requested in proposed budget.		5/21 - 10/21
Implement the Tourism strategy	Staff will implement the Tourism Strategy to attract and engage the community to the Travel Oregon City website to increase participation and community opportunities. Implementation of the Tourism Strategy will include: - The marketing and promotion of Oregon City tourism assets. - Implementation of the Community Showcase, the Concierge Institute, and the Arts Treasure Trove which are programs identified in the Oregon City Tourism Strategy.	\$680,000	Transient Room Tax \$75,000 is contingent upon ARPA funding	7/21 - 6/23
Determine the City's role in supporting community events and other amenities that support tourism	Staff will work to create a program to support community events. The program will include: Providing grant funding to private nonprofits that produce city-wide special events designed to reinforce the community hometown brand.	\$100,000	General Fund	7/21 - 12/21

Goal 6 - Support diverse housing options in Oregon City

Strategy	Approach	Proposed Amount	Funding Source	Estimated Timeline
Prepare a plan to identify and implement housing strategies, tools and opportunities that work best for Oregon City	Staff will create actions the City may take to increase the supply of housing, including affordable housing. The project will include: • An online public engagement effort to identify strategies to increase the supply of housing in Oregon City. • The public engagement results will be incorporated into the strategies identified at the severely rent burdened community conversation, as well as input from the Citizen Involvement Committee, the Planning Commission, and the best practices and strategies identified from partnerships with other agencies. • Recommendations to the City Commission that will include no-cost strategies, as well as strategies which would rely on funding sources such as the Construction Excise Tax.	\$10,000	General Fund	7/22 - 7/23
Update our code to provide additional housing opportunities in Oregon City	Staff will compare existing Oregon City regulations to HB 2001 and propose amendments to the Oregon City Municipal Code to implement the new requirements. The project will include: • An analysis of the City's infrastructure capacity to determine if there is sufficient capacity for the changes. • Public engagement, such as online surveys and input, Citizen Involvement Committee and Planning Commission presentations, a virtual open house, and a mailer to property owners and tenants. • Final Legislative review by the Planning Commission and City Commission of the proposed changes.	\$20,000	General Fund	7/21 - 7/22

Goal 7 - Support improvements and partnerships that contribute to our hometown feel and showcase Oregon City's unique community identity

Strategy	Approach	Proposed Amount	Funding Source	Estimated Timeline
Determine and establish relationships with the Tribes that have a shared history with Oregon City	Staff will work jointly with all five tribes identified in the Willamette Falls Legacy Project and make connections with other tribes that reach out. The process for establishing these relationships and partnership building will include: - Arrangement of smaller introductory meetings between elected officials before a full meeting between elected bodies to form the basis of formal government-to-government relationships. - Development of a formal agreement with commitments, such as continued communication, collaboration, and a formal recognition of past harms.	No additional funds requested in proposed budget.		5/21 - 6/23
	The City would fund the installation of a memorial currently being designed by the Confederated Tribes of the Umatilla Indian Reservation to honor the Cayuse Five.	\$150,000	General Fund	5/21 - 6/22
Enhance partnerships with agencies and organizations to promote Oregon City's resources, opportunities and events	Staff will establish a six to eight week training program on the business of tourism and organizational and professional development for non-profit and for-profit businesses.	No additional funds requested in proposed budget.		9/21 - 6/23
Promote the arts as a focus of community identity and reactivate the Arts Commission	Staff will engage the arts community of Oregon City to further nurture community identification and reactivate the Arts Commission. Promotion of the arts will include: - Public display of sculptures, paintings, decorative features, horticultural enhancements and historical portrayals. - Events that include music, dance, poetry and other forms of artistic expression.	\$50,000	General Fund	8/21 - 2/22
Use art to attract and engage more community members and visitors	Staff will investigate the feasibility of the development of an arts incubator to help artists realize commercial success by establishing a facility to house studios, conference rooms, and administrative, financial, and legal services.	\$40,000	General Fund	10/21 - 3/22

Goal 8 - Protect and preserve our environmental health and natural resources

Strategy	Approach	Proposed Amount	Funding Source	Estimated Timeline
Develop a climate action plan	Staff will work with a consultant to create a Climate Action Plan focusing on actions the City can take to decrease the environmental footprint of City facilities and operations. The Climate Action Plan will include: - Engagement with PGE and other potential partners to identify opportunities to reduce the impacts created by City facilities and operations. - Recommendations for the City Commission to consider and potentially adopt via Resolution.	\$100,000	General Fund	10/22 - 12/23



Oregon City Public Library

Greg Williams, MLIS, Library Director
606 John Adams St | Oregon City OR 97045
Ph (503) 657-8269 ext 1010

May 26, 2021

To: Honorable Mayor and City Commissioners

From: Greg Williams
Director, Oregon City Public Library

Re: General Fund contribution to the Oregon City Public Library

Commissioners,

During the recent Budget Committee hearings, some Budget Committee members had questions about the level and allocation of the City's General Fund contribution to the Library budget. I hope the following information helps answer those questions.

While the Oregon City Finance Department has not historically allocated/coded specific expenses to the City's General Fund contribution to the library budget, I believe the City's General Fund contribution has historically been intended to partially offset the following categories of Library expenses:

- Debt Service
- Allocated Charges
- Library Maintenance (current and future)

LIBRARY BUILDING DEBT SERVICE

In May, 2014, City voters approved Ballot Measure 3-435 (attached), which authorized the City to issue up to \$6 million dollars of General Obligation (GO) bonds to help fund construction of the new Library Building. The City explicitly stated that, even though GO bonds were being issued, the City did not intend to raise tax rates to service the building debt. Instead, the City identified existing revenue sources which would be utilized, including City funds:

*“The City does not intend to raise taxes to fund the project, but rather plans to repay the \$6 million with existing revenue sources, including the Library District **and City funds.**” (emphasis added).*

I believe the reasoning behind explicitly pledging City support of Library debt service was 1) to respect both the voter intent and stated purpose of the Clackamas County Library District, and 2) to minimize service impacts created by using a portion of Library District operating funds for debt service.

As originally conceived and implemented, the Library District of Clackamas County was intended to provide ongoing, stable funds for Library operations, not for library capital costs. At the time of District passage, another library capital district existed within the boundaries of the proposed Library District. To ensure that the Library District did not violate the state prohibition against overlapping taxing districts collecting funds for the same purpose, the Library District was conceived, approved by voters, and explicitly formed to raise funds specifically to support library operations (not capital expenditures).

Ballot Measure 3-310 (attached), which established the Clackamas County Library Service District asked voters: *“Shall District be formed for countywide libraries to restore hours **and retain services;** \$0.3974 per \$1000 assessed value beginning FY2009?”* (emphasis added). In addition, the Library District Master Order (which officially created the Library District) defines the purpose of the Library District as *“To provide a dedicated, stable funding source for the **support of library services.**”* (emphasis added)

As recently as 2018, the Clackamas Board of County Commissioners weighed revisions to the Master Order (attached) to allow some use of District funds for capital purposes, but (based on strong community feedback, including concerns that dedicated operating funds would be used to fund capital-related costs), they declined to do so, leaving the purpose of the District unchanged.

In the 21-23 biennium, debt service on the Library building will be \$830,742. Absent any General Fund contribution, debt service will consume approximately 16% of anticipated Library District operating revenue (\$5,222,490). While the City’s ongoing General Fund contribution of \$300,000 (down from \$400,000 in previous biennia) does not entirely offset the debt service payment, it represents an ongoing recognition by the City that some Library District funds intended by voters to support Library operations are, in fact, being used for capital purposes, and demonstrates an ongoing commitment by the City to partially offset negative service impacts of redirecting dedicated operating revenue for capital purposes.

COST ALLOCATIONS

The City's General Fund contribution also addresses Library District stakeholder concerns about the use of Library District funds to pay for costs allocated by other City departments.

The Library District IGA (signed by all Library District participants) specifies that *“District funds may not be used to support general overhead or administrative costs of Cities except to the extent such overhead or administrative costs are **directly related to the provision of library services and/or the operation of a public library.**”* (emphasis added, relevant IGA section attached).

Certainly, there can be differing interpretations of the IGA language, however the City's ongoing General Fund contribution (which has historically exceeded the amount of cost allocations) demonstrates to the community that Library District funds are not being used to support general overhead or administrative costs. It should be noted however, that the amount of cost allocations has significantly increased over the past few biennia (from \$10,300 in the 15-17 biennium, to \$204,184 in the 21-23 biennium).

LIBRARY FACILITY MAINTENANCE (ongoing and future)

Each biennium, the Library expends a significant amount directly related to maintenance and upkeep of the building. In the Adopted 21-23 budget, these costs are approximately \$212,000.

In addition, the Library fund pays for 0.25 of a Parks/Maintenance employee; for the 21-23 biennium, these costs are \$61,364. As far as I am aware, this arrangement is unique among City departments; no other fund pays a direct portion of the cost of a Facilities employee (and I do not believe any other Funds pay any sort of Facilities-related allocation).

In addition, the Library routinely transfers funds into the Community Facilities Fund for future capital repair/replacement needs. In the Adopted 21-23 biennium, these transfers total \$40,000. Based on the results of the Citywide facilities assessment currently underway, we anticipate that this transfer will need to increase in the future.

The Library is a City asset, owned by the City (and not by the District). The ongoing General Fund contribution recognizes that the City both derives significant benefit from ownership of the Library facility and shares some obligation to contribute to its long-term support and upkeep.

WHAT DOES THE GENERAL FUND CONTRIBUTION PAY FOR?

Expenditures in the three categories discussed above (debt service, cost allocations, facilities) for the 21-23 biennium total approximately \$1.3 million:

Debt Service	\$830,742
Allocated Costs	\$204,184
Facilities	
.25 Maint. FTE	\$61,364
Maintenance/utilities	\$212,000
Capital Reserve	\$40,000
<u>Total Facility</u>	<u>\$313,364</u>
GRAND TOTAL	\$1,348,290
 <u>Less General Fund Contribution</u>	 <u>(\$300,000)</u>
REMAINING	\$1,048,290 <i>(funded primarily by Library District funds)</i>

LIBRARY FUND BALANCE

In previous years, a specific reserve policy for the Library Fund had not been established. For the upcoming biennium (and beyond), I am happy to report that we have established a target reserve level for the Library Fund that strikes an appropriate balance between fiscal prudence and more fully utilizing annual revenues in the provision of library services to taxpayers.

Going forward, our target reserve will be calculated as:

- 7 months' worth of operating expenses (to provide sufficient cash until initial Library District distributions are received), plus
- 1 year of debt service payments, plus
- 10% of operating expenses as a contingency

For the 21-23 biennium, this results in a target fund balance of approximately \$2 million. Current Library fund balance exceeds that amount. We anticipate, however, that the current City-wide assessment of ongoing capital repair/replace needs will reveal that our current biennial transfer into the Community Facilities fund (\$40,000) should be increased, and we anticipate some of that fund balance will be used to augment the currently transferred amount. In addition, in 2024, we will have an opportunity to refinance the library building debt; this may also be a desirable use of some of these one-time funds currently in reserve.

IMPACT OF FURTHER REDUCTION/ELIMINATION OF GENERAL FUND CONTRIBUTION

Having already made reductions to Materials and Services for the upcoming biennium, the Library would cut our proposed Personnel budget to address this shortfall and ensure a sustainable balanced budget. Specifically, we would need to cut the envisioned (and much-needed) Library Safety Officer position. The impact of this cut would significantly impact our ability to respond to long-standing patron and staff safety concerns, and would also perpetuate staffing shortages and a problematic reliance on on-call employees and volunteers in core library service areas.

RECOGNITION OF LIBRARY FUNDING ISSUES DISTRICT-WIDE

Oregon City is not alone in trying to figure out how to deal with costs rising faster than revenue, and how to provide quality library services with a permanent District rate that was never intended to fund both operations and capital expenses; this was one of the primary reasons the Board of County Commissioners authorized the creation of a Library District Task Force, so that numerous stakeholders from every community in the District could evaluate the funding challenges facing all Clackamas County libraries and build consensus support for long-term solutions (including the possibility of asking voters to approve a successor Library District with a higher rate and fewer restrictions on use of funds for capital purposes). COVID-19 has greatly impacted the work of this group, and the County is evaluating options for how best to proceed.

I am, of course, always happy to provide any additional information that the Commission may need (in writing or via a Work Session), or to address any other questions or concerns you may have.

Respectfully,

Greg Williams, MLIS
Director, Oregon City Public Library

BALLOT TITLE

**CITY OF OREGON CITY LIBRARY GENERAL OBLIGATION
BOND AUTHORIZATION**

QUESTION: Shall Oregon City issue up to \$6 million in general obligation bonds to renovate and expand the Oregon City Library? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

SUMMARY: Approval of this measure authorizes the City to issue up to \$6 million of general obligation bonds to pay capital costs related to renovation and expansion of the Oregon City Library at the Carnegie Center, including costs related to the bonds. The City intends to pay debt service on the bonds from revenues already available to the City and does not intend to levy property taxes to pay the bonds. Approval of this measure will allow the City to finance the library renovation and expansion with general obligation bonds, which have a lower interest rate than alternative financing mechanisms. The bonds may be issued in one or more series. Each series will mature in 20 years or less.

EXPLANATORY STATEMENT

The 5,000 SF Oregon City Library at the Carnegie Center is more than 100 years old and originally served a population of approximately 5,000. Today, the Library is working within its original space to serve a growing population of more than 54,000. Usage of the existing Library is active despite its limited size. Last year the Library circulated 880,250 items and had 191,934 visits. In the last several years, open hours have increased from 23 hours per week to 56 hours per week. However, usage is limited by space. The Oregon Library Association Public Library Standards indicate that Oregon City needs a much larger library than currently exists.

After studying alternatives for years, the City Commission resolved that a 15,000 SF expansion and renovation should occur at the existing Library at the Carnegie Center. The cost of the expansion/renovation is approximately \$10 million. Through responsible financial management, the City has set aside \$4 million for the project, leaving a balance of \$6 million to complete it. To obtain the lowest interest rates on financing, the City proposes to issue up to \$6 million in general obligation bonds which are secured through real property taxes. The City does not intend to raise taxes to fund the project, but rather plans to repay the \$6 million with existing revenue sources, including the Library District and City funds.

This ballot measure seeks authorization from the voters of Oregon City to allow the City to borrow up to \$6 million through the issuance of general obligation bonds over a period of up to 20 years to expand/renovate the Library. The Oregon City Charter and the Oregon Constitution require voter approval of the indebtedness even though the City does not intend to raise property taxes and intends to pay for the bonds with existing annual income streams dedicated only for this purpose.

Proceeds from the bonds may be used only for the purpose of renovating/expanding the Library. The Library project would include new spaces to read, relax and study, spaces for children and teens, space for a larger collection of library materials, a meeting room for programs and community use, more internet computers, furnishings and fixtures and other improvements.

The improvements would allow the Library to evolve into a comprehensive center for lifelong learning, with resources and services for all citizens, regardless of age or income level. The new facility would include more space for staff to guide people to the most accurate information through the use of various electronic devices and technologies. A new meeting/program room would allow for additional programs at different times of the

day and would provide more meeting space to the community. Areas for children and teens, specifically designed to captivate and inspire, would provide improved collections and a wider range of programming. These are intended to encourage literacy skills and develop a foundation for life-long learning and education.

Oregon City seeks to complete this project to improve library services today and for years to come.

Submitted by:
Nancy Ide
City Recorder
City of Oregon City

**NO ARGUMENTS IN OPPOSITION TO THIS
MEASURE WERE FILED**

For complete filing of this measure visit our website at
www.clackamas.us/elections/May2014.html or
visit us at 1710 Red Soils Ct, Suite 100, Oregon City, OR 97045

The above information has not been verified for accuracy by the county.

The above information has not been verified for accuracy by the county.

Measure 3-310

Ballot Title

ESTABLISH A COUNTYWIDE LIBRARY SERVICE DISTRICT IN CLACKAMAS COUNTY

QUESTION: Shall District be formed for countywide libraries to restore hours and retain services; \$0.3974 per \$1000 assessed value beginning FY2009?

SUMMARY: If approved, the "Library Service District of Clackamas County" ("Library District") would be formed. Its territory would be countywide, exempting the cities of Damascus, Johnson City, and that portion of Tualatin within Clackamas County. Creation of the Library District would do the following:

- Provide permanent and dedicated library funding;
- Allow libraries to make basic repairs and library improvements;
- Restore all libraries' ability in the Library District to purchase more books and materials; and
- Prevent reductions in services and closure of some city libraries.

Declining federal funding to counties creates a shortfall for local programs, including libraries. The creation of a Library Service District would ensure a dedicated long-term funding source for library services, allowing libraries to retain educational resources and programs.

The Library District would be governed by the Board of County Commissioners and advised by an independent citizen committee. All of the monies shall be spent on library operations and services. An annual audit is available to the public.

Explanatory Statement

If approved, the "Library Service District of Clackamas County" ("Library District") would be formed. Its territory would be countywide, exempting the cities of Damascus, Johnson City, and that portion of Tualatin within Clackamas County.

Current Library Services

The libraries of Clackamas County currently work together to provide important community services, including:

- **Educating youth:** Public libraries shoulder a greater proportion of this role today as school library budgets are cut.
- **Fostering literacy:** Libraries support literacy education efforts by providing teaching resources and space for tutoring.
- **Providing information and referral services:** Libraries provide information in areas of personal interest, research, business development, or to support recreational interests.
- **Serving pre-school children:** Libraries provide educational opportunities by supplying rotating collections of books to pre-school centers, holding weekly story hours and craft events and special programs directed at pre-school children.
- **Serving the elderly and home-bound:** Libraries provide rotating collections housed in retirement centers and direct loan service to home-bound, and provide large print and audio books.
- **Providing cultural opportunities:** Artistic, musical, and cultural experiences are held at libraries usually without fee and libraries in Clackamas County provide "Cultural Passes" so that patrons can take their children to museums and gardens free of charge.

This work is currently supported by annual payments from the County general fund to supplement city libraries and provide fund-

ing for County operation of three libraries serving unincorporated residents. The County also funds the Library Network allowing the libraries to connect electronically, share their collections and work together to more efficiently provide library services.

Rationale for Proposal

However, declining federal funding to counties, including Clackamas County, has created a shortfall for local programs, including libraries. Clackamas County can no longer provide supplemental funding to city libraries or operate the three existing county libraries. The county has announced that, barring new funding, the three county libraries will close on June 30, 2009, and county-provided supplemental funding to city libraries will be reduced by 20% per year for the next five years, ending completely in 2014.

What the New District Would Provide

The creation of a Library District would ensure a stable, dedicated, and long-term funding source for library services, allowing libraries to retain their educational resources and programs. The Library District would implement a permanent rate of \$0.3974 per \$1,000 assessed value to exclusively fund library services. A home assessed at \$200,000 would pay approximately \$79.48 per year. This dedicated funding would allow the libraries in Clackamas County to stay open and continue their programs.

District Governance

The Library District would be governed by the Board of County Commissioners and advised by an independent citizen committee representing each library in the District. Each of these libraries would be required to ensure representation of both city and unincorporated residents on their local library board, whose designated member will then serve and represent their library on the District Advisory Board. An annual audit of District finances would be conducted and made available to the public.

(This information furnished by Christopher B. Storey, Assistant County Counsel.)

EXHIBIT C

The purposes of the Library District of Clackamas County are:

1. To provide a dedicated, stable funding source for the support of library services.
2. To raise revenue to be distributed to the existing city and county-operated libraries in the system. Formation of the District should provide sufficient funding to raise the service levels at all facilities to the most basic ("Threshold") level recommended by the Oregon Library Association.

Section 2 **Obligations of the Cities**

- 2.1 Use of Funds. The Library Cities will use District revenue to provide public library service, and shall expend the entire library revenue paid under this Agreement in accordance with the purpose for which it was provided by implementing a plan to achieve the Service Standards. For the purposes of this Agreement, “Service Standards” shall mean (i) the standards described on Attachment C, (ii) the provision of services to all District residents on the same terms, and (iii) the proper expenditure of funds as described in this Section 2.1. District funds may not be used to support general overhead or administrative costs of Cities except to the extent such overhead or administrative costs are directly related to the provision of library services and/or the operation of a public library. It is the intention of the parties to work cooperatively in helping each city make progress in meeting the Service Standards.
- 2.2 Library Management. Library Cities retain administrative control over the library and library services in its service population. Each such City is responsible for developing library services based on the needs of its service population and the available revenue. The Library Cities will cooperate with the District Advisory Committee to assist in the review of library services to District residents.
- 2.3 Cooperation and Reporting. Each Library City will cooperate to the maximum extent practicable with other participating Cities to form standardized rules, procedures, and programs that affect the District and the provision of library services in Clackamas County as a whole. Each Library City will provide the District with (i) copies of its annual report to the State of Oregon regarding the provision of library services, (ii) a report on its efforts to meet OLA Threshold Standards as defined on Attachment C, and (iii) any supplemental reports that the District through both the District Advisory Committee and the District Board may require.

Section 3 **Term and Amendment**

- 3.1 Term. This Agreement shall commence on July 1, 2009 and continue until terminated as set forth herein.
- 3.2 Termination. This Agreement shall terminate upon the dissolution of the District.
- 3.3 Amendment. Except as specifically provided in Section 4.14, this Agreement may be amended at any time upon the agreement of the District and two-thirds of the Library Cities; *provided, however*, that any amendment that would amend that portion of the Formula providing for the return of one hundred percent (100%) of revenue collected within a City service provider’s boundaries to such City service provider shall require the unanimous consent of all Cities serving on the District Advisory Committee.



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission **Agenda Date:** 06/02/2021
From: Community Development Director Laura Terway

SUBJECT:

AP 21-02 and AP-21-03: Adoption of Findings and Modified Conditions of Approval for Two Separate Appeals of the March 23, 2021 Historic Review Board Approval with Conditions of Planning Files GLUA-21-00001/ HR 21-00001 Through 21-00005 for Five Cottage Homes in the Canemah National Register District

STAFF RECOMMENDATION:

Staff recommends that the City Commission adopt findings and modified conditions of approval for Planning Files GLUA-21-00001/ HR 21-00001 through 21-00005.

EXECUTIVE SUMMARY:

Staff has written findings and modified conditions of approval to address the City Commission's tentative decisions for the Canemah Cottages. The findings and conditions include:

1. Upholding the HRB's decision to require replacement of textured siding.
2. A modified condition for basalt rock facing on the 5-foot retaining wall adjacent to House #1.
3. A modified condition to require removal of visible skylights on Houses #2, #4, and #5.
4. A modified condition to require replacement of all windows on all five houses.

See attached findings and conditions document for full details. The record for this item is closed, meaning no testimony will be accepted unless the Commission chooses to re-open the record.

The 120-day deadline for Planning Files GLUA-21-00001/ HR 21-00001 through 21-00005 is June 2nd, 2021 and no extensions have been granted.

BACKGROUND:

All background information and attachments from previous hearings are included in the agenda packet. No additional background information has been added. The record for this item is closed, meaning no testimony will be accepted unless the Commission chooses to re-open the record.

The Historic Review Board (HRB) recently approved alterations to a cottage home development in the Canemah National Register Historic District. In 2017, the HRB approved five cottage homes over four lots of record near the corner of 4th Avenue and Miller Street (files MD-17-01 through MD-17-06, and AP-17-04). The Historic Review alteration request was limited to the following design elements of the development: retaining wall height, window placement, materials and design, skylight locations, siding material, and porch design and well as other changes (see full list in the attached List of Design Changes). The Historic Review Board unanimously approved the alteration request with modifications in the conditions of approval requiring, among other things, the removal of rough-textured cement siding installed on all of the homes and replacement with smooth fiber cement siding or wood siding. Both Appellants participated in the proceeding before the HRB – Appellant Staggs as the applicant and Appellant Edgar in opposition. Mr. Edgar recused himself from participating as a member of the HRB for this matter. The issues raised in the notice of appeal include:

AP-21-02: Appellant Edgar argues that the HRB erred by failing to sufficiently protect the integrity of the Historic District in permitting retaining wall height greater than 3.5 feet, the location and design of windows, and skylight locations visible from the right-of-way in violation of the previously approved conditions of approval, OCMC 17.40 and the design guidelines so as to “detract and degrade the ‘Integrity of the Canemah National Register Historic District.’”

AP-21-03: Appellant Staggs seeks removal of the condition of approval requiring replacement of the textured cement siding, arguing that textured fiber cement siding is appropriate and satisfies the design guidelines.

The 120-day deadline for Planning Files GLUA-21-00001/ HR 21-00001 through 21-00005 is June 2nd, 2021 and no extensions have been granted.

OPTIONS:

1. Adopt the findings and conditions as written.
2. Revise the findings and/or conditions and adopt them as a final decision.



May 25, 2021

To: City Commission
From: Kelly Reid, AICP, Planner
Carrie Richter, City Attorney
Re: Supplemental Findings and Additional Conditions – Canemah Cottages Appeals
File #s: AP 21-02 and AP-21-03: Appeals of Planning Files GLUA-21-00001/ HR 21-00001 through 21-00005

Procedural History

On February 23 and March 23, 2021, the Historic Review Board (HRB) considered an application to modify a 2017 approval for five new cottage homes within the Canemah National Register Historic District. During those hearings, the HRB considered all of the proposed alterations and concluded based on written findings dated March 24, 2021, that the overall effect of the cottages development was appropriate with the installed skylights, and with conditioned mitigation efforts for the modern windows and the retaining wall. The use of rough textured fiber cement siding would need to be replaced on the street facing facades with either wood siding or smooth textured fiber cement.

The HRB's decision was appealed by both the applicant Christopher Staggs as well as Paul Edgar. Appellant Staggs urged the City Commission to reverse the HRB's decision allowing for the use of textured fiber cement siding. Paul Edgar argued that the HRB erred by allowing the skylights, 5' retaining wall and a modern window orientation and materials to remain.

On May 5, 2021, after considering solely the issues raised on appeal and limited to record prepared before the HRB, the City Commission made a tentative decision to deny Appellant Staggs appeal and modified the condition of approval requiring that all of the textured fiber cement siding be replaced with either wood or fiber cement with a smooth finish. Further deliberation on the application was continued to May 19. At that subsequent hearing, the City Commission upheld the Paul Edgar appeal with respect to the window materials, skylight removal and additional retaining wall mitigation.

These findings, based solely on the evidence presented before the HRB, memorializing the City Commission's decision are set forth in greater detail below. These findings incorporate the procedural history set forth in the Staff Report and Recommendation dated February 22, 2021 and the findings of the HRB dated March 24, 2021, to the extent that they are not inconsistent with the findings set forth herein.

Overall Analysis

In seeking to modify the previous HRB decision, the applicant proposed to deviate from some of the specific guidelines found within the "Design Guidelines for New Construction," which is permitted by the guidelines upon a finding that the overall effect on the character of the district allows for such deviations. Page 3 of the Guidelines describes:

“It is the intent that these guidelines cover design for the wide range of projects that may occur over time. They describe a ‘safe harbor’ to allow new construction projects to be approved easily and quickly. Yet, there may be occasions when alternative designs are either desired or needed. There are also particular product configurations, or materials that are pre-approved, but for which viable alternatives may exist. Those alternative designs and substitute materials shall be first reviewed by City staff and subsequently by the Historic Review Board (HRB) for compliance with the General Principles, and design intent of the guidelines. For those situations when an exception to the guidelines is necessary, the HRB and staff shall evaluate the proposal based upon the significance of the impact, measuring how well the alternative fits into the intent of the guidelines and essentially the end effect on the historic district.”

The City Commission finds that it is “the end effect” new construction will have on the historic district that must control whether deviation from the guidelines is appropriate. The stated intent for new construction will enhance the district by “safeguard[ing] the heritage of Oregon City” and “enhance[ing] the visual character of the district” through the construction of “harmonious designs that reflect and support the character and style of buildings during the historic period.” Ensuring compatible infill serves to protect the property values, way of life and substantial community investment in the success of the Canemah Historic District. In other words, the City Commission has an obligation to protect the historic district by setting a high bar by requiring the use of historic building materials such as painted wood, double-hung wood windows or rockery retaining walls, or give the appearance of historic materials such as smooth textured fiber cement siding. Given these general principles, the City Commission finds that the applicant did not demonstrate that the proposed design changes would be compatible and respectful of the character of the Canemah National Register District.

The City Commission was further guided by LUBA’s opinion in *Friends of Canemah v. Oregon City*, where a “case-by-case inquiry, examining the wording and context” of a particular provision must be used to determine the extent to which it is mandatory. Here, as discussed in greater detail below, all of the guidelines raised in the two appeals – retaining walls, skylights, window design and siding, are all addressed in the Element Guidelines and prescribe mandatory new construction compatibility requirements.

For these reasons, the Commission added and revised a few of HRB’s conditions of approval, as follows.

1. Siding

The City Commission upholds the HRB decision that the textured siding is not approved.

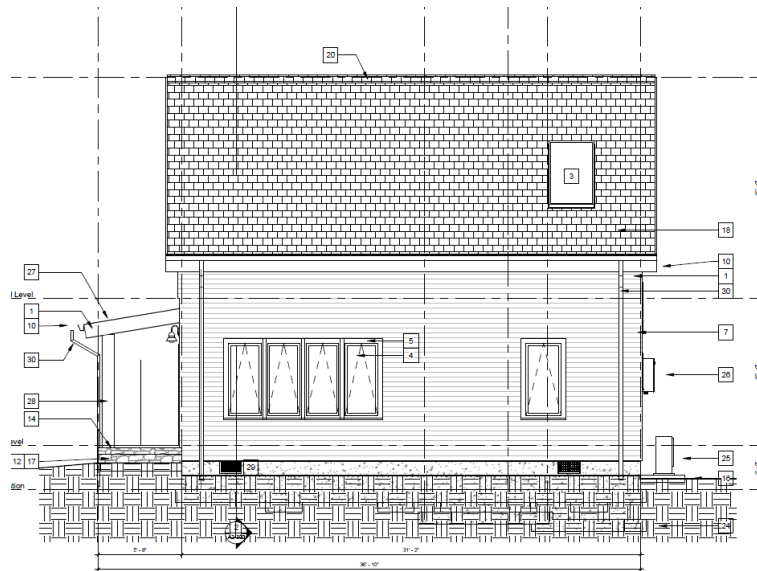
The City Commission agrees with the HRB and finds that the texture of the siding is artificial and is not consistent with the historic character of the district. The artificial texture does not have the appearance of wood, as called for in the adopted Design Guidelines for New Construction. In addition, the Commission finds that the texture is visible from the right of way and that landscaping would not fully screen or shield the siding. Although the homes individually are small, the effect of five homes all with textured siding is quite impactful and visible. The Commission does not wish to set any precedent indicating that artificially-textured siding is permissible or that it meets the design guidelines. Therefore, the Commission requires that all of the siding be replaced with wood siding or with smooth fiber cement siding.

2. Skylights

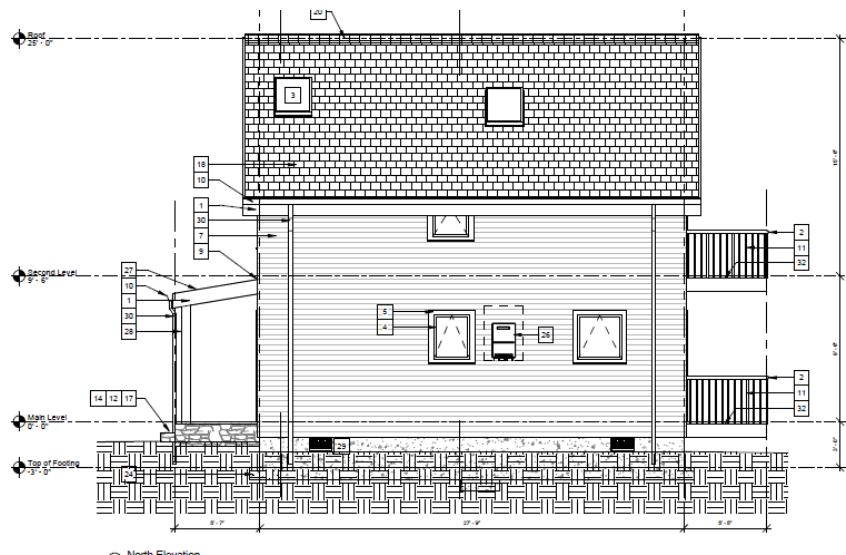
The City Commission adds a condition of approval that the visible skylights on Houses 2, 4 and 5 be removed.

The Commission finds that the guideline relating to skylights is mandatory in requiring their location on “inconspicuous roof slopes.” The Commission looks to a dictionary definition of inconspicuous: “not clearly visible or attracting attention; not conspicuous.”

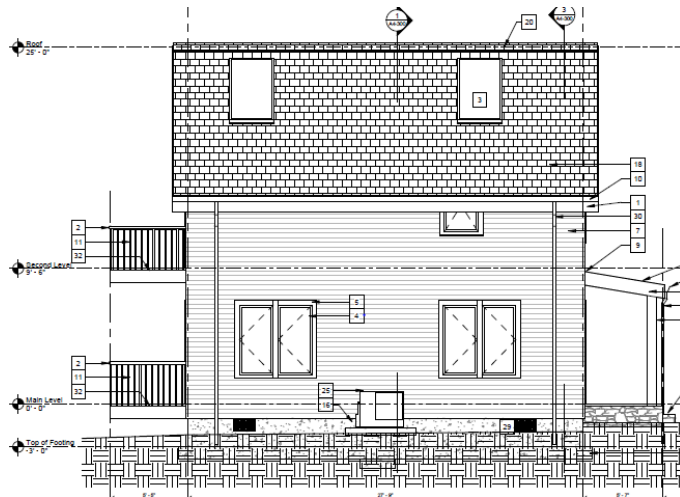
The Commission finds that the roof slopes on Houses 2, 4 and 5, though not directly facing the street, are clearly visible from the right of way, and therefore they are not “inconspicuous.” All of the roof slopes on Houses #4 and #5 are visible from the right of way making skylights on these slopes inappropriate. A skylight on the street facing side of House #2 is similarly visible. The skylights identified by the Commission for removal are shown in the architectural drawings below.



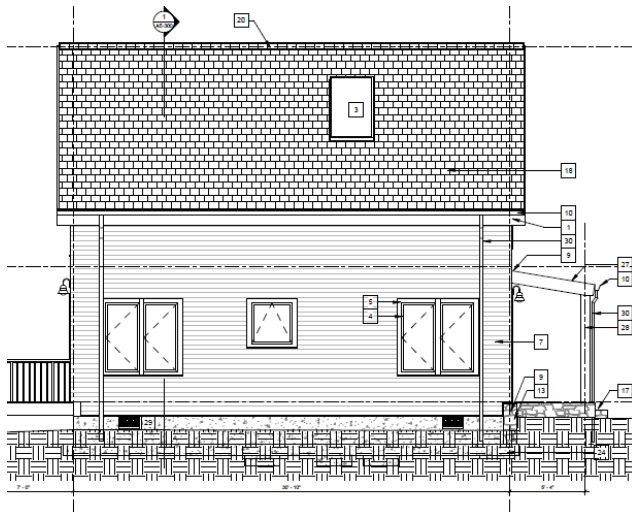
House #2 North elevation



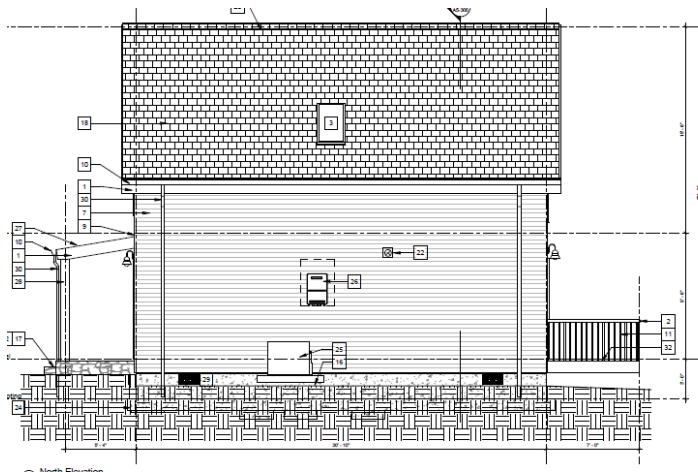
House #4 North elevation



House #4 South elevation



House #5 south elevation



House #5 North elevation

3. Windows

The City Commission removes the HRB's condition of approval to add thicker window trim around the street-facing windows and replaces it with a condition of approval requiring the replacement of all of the windows, except the sidelights, with 1-over-1 single or double-hung windows that have a historic shadowline.

The controlling design guideline states: *"Windows shall match the member sizing, thickness and shadowline of painted wood windows."*

All of the windows that have been installed are recessed 1.5 inches from the trim, which the Commission finds is not consistent with historic shadowlines. Most of the windows are casement windows with a band that divides the window into two squares to give it an appearance of a 1 over 1 window, known as "simulated divided lite." Because they are casement style windows, the upper and lower portions have the same plane and do not create the shadowline effect of a single or double-hung window. A key dimension for painted wood windows is window trim and sill depth. The Commission finds that a historic, wood, double-hung window would have a greater sill depth than 1.5 inches.

The Commission disagreed with the HRB that installation of a thicker trim around the windows would provide the necessary depth and shadowline. Instead, it concludes that the installed windows cannot be modified in any way to meet the guideline, and therefore the windows must be replaced with new windows that meet the guidelines.

The windows for all of the structures shall conform with the following:

- Except for the sidelights abutting the primary entrances, all of the windows shall be replaced with windows in a style and brand that have been approved by the HRB for use in new construction in Canemah in the past 6 years, or of a similar style and brand with the same qualities, depths, and shadowlines, as determined by staff. The applicant is encouraged to secure sign-off by staff before purchasing or installing any replacement windows.
- All rectangular 2:1 height-to-width proportioned windows shall be replaced with single hung or double hung windows.

The Commission upheld the HRB's decision on the arrangement/placement of windows and the use of sidelites, which were both the subject of the Paul Edgar appeal. Thus, window placement and sidelites is approved as proposed by the applicant.

4. Retaining Wall

The City Commission added a condition of approval to face the 5-foot height retaining wall behind House #1 with basalt stone facing that is dark gray in color, giving the impressions of variable stone sizes with rounded edges to resemble traditional historic basalt stone walls in Canemah.

The guidelines require that retaining walls and their height be "minimized". The Commission found that the 5-foot retaining wall of finished concrete was not sufficiently minimized and would detract from the more typical stacked true stone basalt walls that are commonly found throughout the district. Therefore, given its excessive 5' height, the Commission requires that the wall be faced with

a natural stone, basalt facing, , which would allow the wall the better blend in with the district and minimize its appearance.



Memorandum

To: Honorable Mayor Lyle Smith and City Commissioners

From: Kelly Reid, Planner, AICP and Carrie Richter, Deputy City Attorney

Date: May 11, 2021

Re: Canemah Cottages LLC Modification Appeals – GLUA-21-0001 / HR 21-0001 through HR 21-0005

During deliberation in the above-referenced appeal, a number of Commissioners raised questions or concerns and staff respectfully provides the following memo in response. Communications with staff during deliberation are permitted so long as they do not introduce any new evidence. *Wal-Mart Stores, Inc. v. City of Oregon City*, 50 Or LUBA 87 (2005), *rev'd and remanded* 204 Or App 359, 129 P3d 702 (2006). What is set forth below is a summary restatement of materials already contained within the record.

The Supplemental Staff Report dated April 27, 2021 responded to each issue raised on appeal, quoted the most directly relevant Historic Design Guidelines for New Construction (design guidelines) and also quoted or summarized the approach taken by the HRB and City Commission in its previous 2017 review. Every effort was made to organize and present the material in a way that was accessible and helpful. City staff does not have a practice of providing a copy of the Oregon City Municipal Code (OCMC) where relevant for every land use case appeal. For this same reason, a link to the design guidelines was not included in the agenda packet. To respond to this concern, staff has included a link to the design guidelines as well as individual links to each of the HRB record documents as opposed to a hyperlink to the HRB packet, including the 2017 decision with conditions.

The Scope of the Commission's Review is Limited to Evaluating whether the Modified Project Satisfies the Applicable Standards

The application before the City Commission on appeal is a modification of conditions. OCMC 17.50.130(D) expressly allows an applicant to modify conditions attached to a previous approval.¹ Authorization for modification of a previous decision is available whether it occurs before the requested

¹ OCMC 17.50.130(D) provides:

"Any request to modify a condition of permit approval is to be considered either minor modification or a major modification, unless otherwise authorized. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved."

construction begins or after construction is complete.² The extent to which development occurred in violation of the 2017-adopted conditions or what penalties should follow are strictly questions of enforcement which are not before the City Commission to decide in this review. OCMC 17.70.010.³ The only question before the Commission is whether the proposed application for modification, regardless of the fact that it is built, satisfies the applicable approval criteria, including the design guidelines, and nothing more.

The Guidelines are Discretionary and Require Commission Interpretation to Determine if the Project Complies in the Whole

New construction in a historic district requires that the City Commission consider a number of criteria including “the design guidelines adopted by the historic review board.” OMC 17.40.060(G)(7). As explained: “The guidelines are not mandatory standard adopted by the City Commission.” Rather:

It is the intent that these guidelines cover design for the wide range of projects that may occur over time. They describe a ‘safe harbor’ to allow new construction projects to be approved easily and quickly. Yet, there may be occasions when alternative designs are either desired or needed. There are also particular product configurations, or materials that are pre-approved, but for which viable alternatives may exist. Those alternative designs and substitute materials shall be first reviewed by City staff and subsequently by the Historic Review Board (HRB) for compliance with the General Principles, and design intent of the guidelines. For those situations when an exception to the guidelines is necessary, the HRB and staff shall evaluate the proposal based upon the significance of the impact, measuring how well the alternative fits into the intent of the guidelines and essentially the end effect on the historic district. P 3.

In other words, the guidelines are not clear and objective, but rather require the exercise of discretion. LUBA will affirm any plausible interpretation or one that is not contrary to the text, context, policy and purpose of the provision. ORS 197.829. In other words, the extent to which retaining walls have been “minimized” or skylights are “inconspicuous” is up to Commission for interpretation. For the reasons explained below, reasonable minds can differ in this regard and often do.

In the *Friends of Canemah v. Oregon City* case, explained in greater detail in a March 17, 2021 memo from this office, LUBA explained that the extent to which the City intended to treat a guideline as mandatory depends on “the wording and context of a particular provision.” Certain design elements listed in the “not allowed” column are mandatory but application of those standards may require the

² In fact, achieving compliance with the regulations through a modification review is far preferable than a protracted enforcement case.

³ OCMC 17.07.10 provides:

“Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of the zoning code is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.”

exercise of interpretative judgment. For example, dome or bubble shaped skylights or those that are located on “street-side roofs” are identified in the not allowed category so presumably they are expressly prohibited. P 60. Yet, the stated principle for siting skylights provides: “Install on inconspicuous roof slopes, mount skylight close to roof plane.” Identifying those roof slopes that are “inconspicuous” and appropriate for the siting of skylights is subjective.

Further, as explained at the hearing, the City Commission is not bound to interpret the guidelines uniformly over time but it may elect to do so to provide some level of predictability in application of highly subjective standards. If previous precedent is to be given value, it should be prioritized throughout the review or some explanation offered for deviation in approach from one element to the next. For example, the record reflects that the HRB has often approved flat, rectangular, low-relief skylights that are located on side facing facades, even where those skylights and roof planes are visible from the street. Again, it is up to the Commission to decide what weight, if any, to give that precedent.

The counterbalance of precedent in decision-making is that each individual application presents a different and discrete proposal within an existing unique topography and built context that, when considered against a standard could reveal a different result. This variability in site, location and design composition is reflected in the design guideline purpose statement quoted above and elsewhere. For example, when discussing the appropriate design composition, the guidelines explain that: “There are multiple characteristics that must work together to create a successful design composition.” P 44. This is something that Ms. Blythe talked about in her testimony noting that the guidelines all work together and require considering a proposal as a whole as well as for each of its individual parts. Given the number of issues, staff organized its presentation around discrete design elements – windows, skylights, and retaining walls. The language of the guidelines with respect to each of these elements is important but so is how the building works together as a whole to further the objectives reflected in the guidelines, which are identified as:

- “Safeguard the heritage of Oregon City.
- Encourage public knowledge, understanding and appreciation of the City’s heritage.
- Enhance the visual character of the districts by constructing harmonious designs that reflect and support the character and style of buildings during the historic period.
- Protect property values, way of life, owners’ and community investment in the districts.” P 2.

The design guidelines offer a great deal of flexibility in interpreting the relevant standards as well as deviating from the standards when considering a project as a whole and in a way that achieves the objectives for the District. None of these standards involve penalizing an applicant for proceeding with development in advance of getting approval or denying a modification request because it differs from what was previously approved. The guidelines specifically envision variety in project approaches. The question is whether the applicant’s modification with respect to the retaining wall, skylights, window materials and placement achieves a result that satisfies the design guidelines or if additional conditions of approval are necessary in order to further modify the proposal to achieve compliance.

Alternative Conditions that Might Achieve Compliance

Some of the Commissioners expressed some doubt over whether the HRB imposed conditions go far enough or whether there might be alternative conditions that would better serve the design guideline objectives. Here are some more details on the HRB's findings, along with some additional suggestions, again based entirely on evidence contained within the record:

HRB Findings on Overall Development

The HRB found that the applicant's request does not have an adverse effect on the district's key characteristics of narrow streets and informal driveways, the basalt walls and channels, or the dense vegetation. The placement of the homes continues the irregularity of the district's pattern, and the structures themselves are smaller than the average historic home in the district. Thus, the HRB's review focused on the impact of the houses' designs and materials on the historic homes in the district.

The HRB took a holistic look at the overall development when making their decision, finding that, if the siding is replaced and the mitigation measures are taken, the overall development meets the intent of the guidelines. The homes have been built with modern elements including skylights, sidelites, casement windows, and awning windows. Other modern elements in the original proposal, such as floor to ceiling windows and vertical siding, have been eliminated, resulting in a design that is, on the whole, more compatible with the Historic District than the designs that were approved with conditions in 2017. The small size of the homes and simple designs of the street-facing facades serves to direct attention not to themselves but to the larger, historic homes in the district.

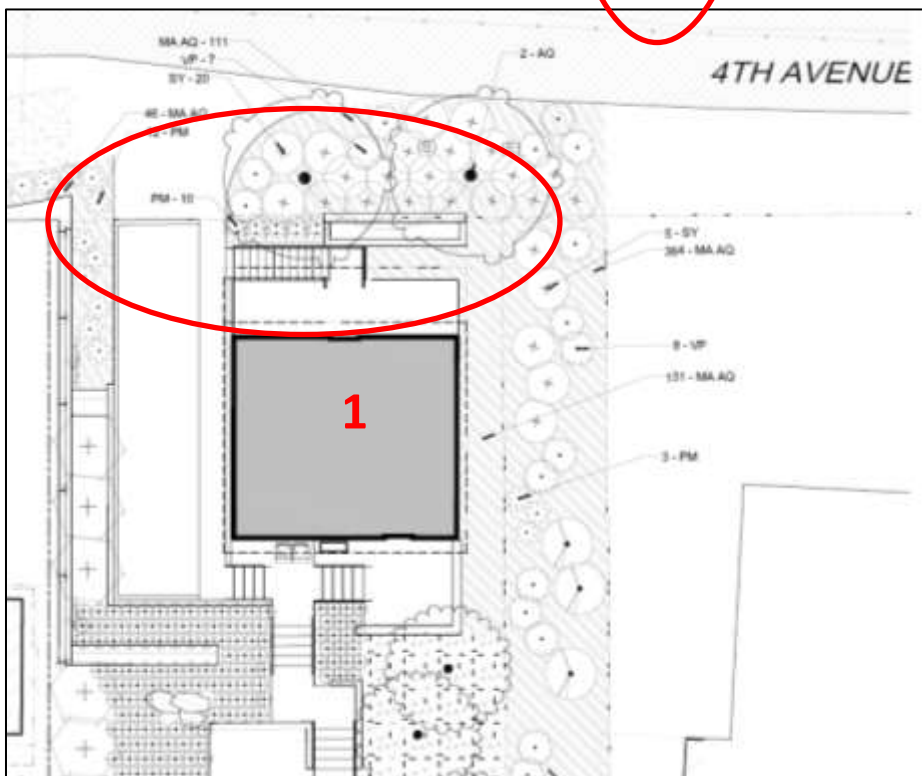
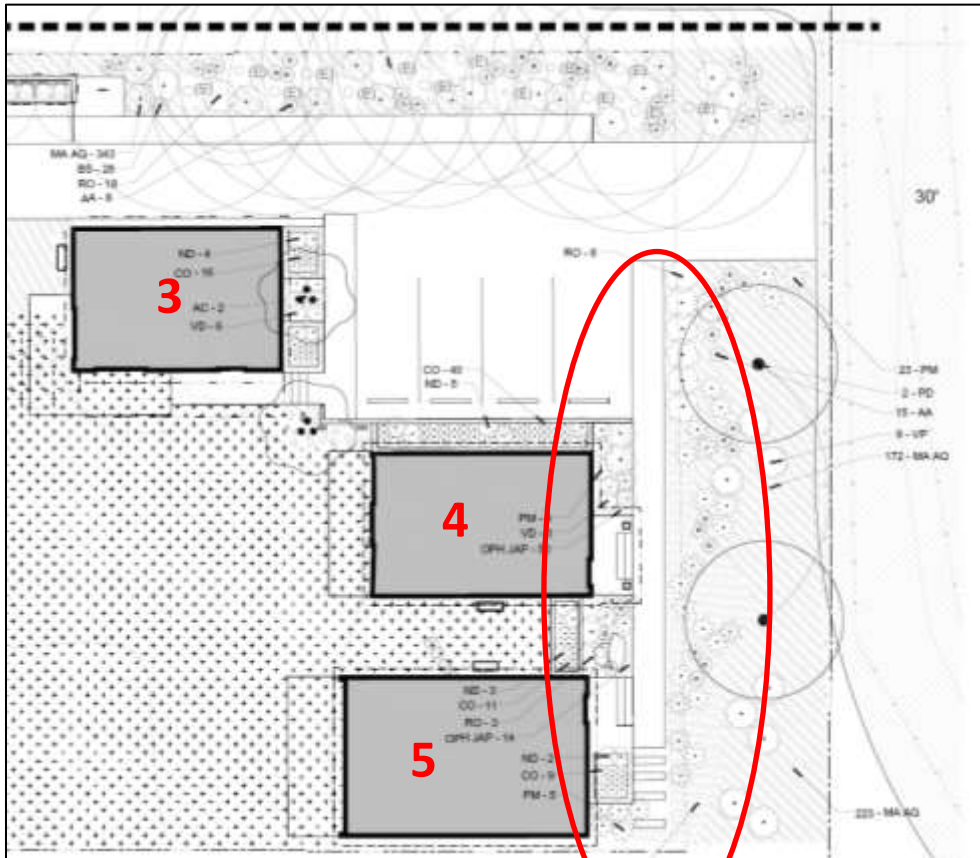
HRB Findings and Possible Alternative Conditions for Window Placement and Design

The Board discussed window design at length during the hearings. The Board acknowledged that the applicant did install aluminum-clad wood windows but that the design of the windows did not have a historic-style shadowline, and the awning windows were modern. The Board and the applicant agreed on a solution to make the windows have the shadowline of a painted wood window by adding thicker window trim, finding that it would add depth to the windows and add depth to the facades as well. The Board discussed the following factors that lessen the effect of the modern windows on the district:

- The homes are located at a distance from the street right-of-way and therefore not as visible from 4th Avenue and Miller Street, where all pedestrian and vehicle activity occurs.
- There are no sidewalks that would bring a visitor right in front of the homes to see the materials up close.
- There is landscaping proposed in front of the homes that will further obscure the view of the materials.

The additional mitigation that the Board has required includes the following:

- Additional landscaping in front of House #1, #4, and #5 in order to provide screening making these windows less visible from the street.
- Thicker window trim to provide a greater depth and shadowline on street-facing windows.



Figures 1 and 2. Landscaping proposed in front of street-side homes.

Questions raised by the Commission include: How can you add dimension to the windows? Are there photos or something in the record showing how this added trim will look?

Staff included a photo of the Cove development in the record, where thicker window trim was used to meet a design standard for 2" recessed windows. This example has limitations because the Cove development was not in a historic district and used vinyl windows and other materials that differ from Canemah Cottages. However, staff points to a different photo in the record that shows a modern window that utilizes a stool and apron at the bottom trim area. The Commission may find that the addition of a stool and apron to the thicker trim might add an element that would improve the compatibility of the windows.



Figure 3. Window with "Stool" and "Apron"

Explanation of HRB Findings on Skylight Locations

According to the design guidelines, skylights are to be located on "inconspicuous roof slopes." The skylights that have been installed are rectangular in shape with flat glass, in keeping with the design guideline.

House #1 Skylight

The skylight on the rear roof of House #1 faces completely away from the street has not been brought up specifically in the record. It has been approved by the HRB and no action of the Commission is requested.

House #2 Skylight

The skylight on House #2 does face 4th Avenue but is setback considerably from 4th Avenue, near the rear of the property. The skylight on House #2 will be at least partially obscured by trees planted on site. The Board found that because of the House #2 is located so deep into the site, along with the proposed trees and overall characteristics of the skylight, that it meets the guidelines.



Figure 4. House #2 Skylight

House #4 Skylights

The skylights on House #4 are the most visible of all the skylights, able to be seen from Miller Street. While the Board acknowledged that these skylights are visible, they also found that the skylights do not visually “jump out” because they are flat against the roofline and blend in with the dark shade of the roof. When traveling through Canemah, the eye is not drawn to the roofs of the structures, generally. The Board’s discussion pointed out that a skylight directly facing the street on a front façade would not meet the guideline, and that the skylights on House #4 are on a side-oriented roof. The Board also pointed out that there is precedent of skylights on non-street facing facades throughout Canemah, including on recently-approved buildings, and that many skylights are visible from the right of way even though they are not directly facing the right of way. The Board saw a differentiation between the words “inconspicuous” and “visible,” and interpreted the guideline to allow some visibility, in keeping with previous HRB decisions.



Figure 5. House #4 Skylights

House #5

The skylights on the south side of House #5 are mostly obscured by vegetation, especially during the summer. House #4 blocks the view of the north facing skylights on House #5. These skylights are located on rooflines that are perpendicular to the street, not directly facing the street. The Board’s discussion about House #4 Skylights also included House #5.



Figure 6. House #5 Skylight on north side (left) and south side (right)

HRB Findings and Alternative Conditions for Retaining Wall

The design guidelines do not contain a specific retaining wall height limit but rather call for minimization of retaining walls. The Board considered that the overall grading on site was reduced and the overall open space and landscaping was increased when House #2 was removed from the plans. The resulting change in the site plan meant that a retaining wall was built closer to the street. The Board found that overall, the taller retaining wall combined with the decreased grading and additional open space does not have a greater impact.

The Board required further screening of the wall through a condition of approval for climbing plants. If the Commission finds that the wall height has not been minimized, the Commission could consider the following alternative conditions:

1. Add another wall either behind or in front of the existing wall, to terrace the slope so that each wall appears to be less than 3.5 feet in height.
2. Face the retaining wall with basalt veneer to match other onsite walls.



April 27, 2021

To: City Commission
From: Kelly Reid, AICP, Planner
Carrie Richter, City Attorney
Re: Supplemental Staff Report – Canemah Cottages Appeals
File #s: AP 21-02 and AP-21-03: Appeals of Planning Files GLUA-21-00001/ HR 21-00001 through 21-00005

Executive Summary:

The Historic Review Board (HRB) recently approved alterations to a cottage home development in the Canemah National Register Historic District. In 2017, the HRB approved five cottage homes over four lots of record near the corner of 4th Avenue and Miller Street (files MD-17-01 through MD-17-06, and AP-17-04). The Historic Review alteration request was limited to the following design elements of the development: retaining wall height, window placement, materials and design, skylight locations, siding material, and porch design and well as other changes (see full list in the attached Exhibit 4. List of Design Changes). The Historic Review Board unanimously approved the alteration request with modifications in the conditions of approval requiring, among other things, the removal of rough-textured cement siding installed on all of the homes and replacement with smooth fiber cement siding or wood siding.

Two separate applications appealing the HRB approval were submitted. Both Appellants participated in the proceeding before the HRB – Appellant Staggs as the applicant and Appellant Edgar in opposition. Mr. Edgar recused himself from participating as a member of the HRB for this matter. The issues raised in the notice of appeal include:

AP-21-02: Appellant Edgar argues that the HRB erred by failing to sufficiently protect the integrity of the Historic District in permitting retaining wall height greater than 3.5 feet, the location and design of windows and porches, and skylight locations visible from the right-of-way in violation of the previously approved conditions of approval, OCMC 17.40 and the design guidelines so as to “detract and degrade the ‘Integrity of the Canemah National Register Historic District.’”

AP-21-03: Appellant Staggs seeks removal of the condition of approval requiring replacement of the textured cement siding, arguing that textured fiber cement siding is appropriate and satisfies the design guidelines.

To the extent that the Appellants allege that specific Design Guidelines are not satisfied by the HRB decision, the HRB’s interpretation and application of the Guidelines is consistent with the text of those standards. That said, the Guidelines are subjective, allowing for the exercise of discretion, and reasonable minds may differ in identifying the appropriate response. Given that there is no clear error in the HRB decision and that the HRB provided reasonable findings explaining their decision, staff recommends that the City Commission affirm the Historic Review Board’s decision approving these applications with conditions.

Background Facts:

In 2016 and 2017, the applicant submitted applications to the City for approval to construct a cottage home development. The Historic Review Board approved a development of five total cottage dwellings with conditions of approval (MD 17-01 through MD 17-06). The decision was then appealed by Friends of Canemah, and the HRB's decision was upheld by the City Commission through AP-17-04. The decision was then appealed by Friends of Canemah to the Land Use Board of Appeals (LUBA). LUBA upheld the City's decisions and the Historic Review Board's decisions were then considered final.

In addition to the Historic Review application, the applicant also submitted a required application for Site Plan and Design Review and Geologic Hazard review through SP-17-145/US-17-09, which was approved with conditions.



Figure 1: Vicinity Map

In 2018, building permits were issued for the development, allowing construction to begin. Since not all of the requirements of the approval could be confirmed when the permits were issued (such as the visibility of the skylights from the roadway), Planning staff informed the applicant that a site visit by Planning staff was needed after framing was constructed (in conjunction with the framing inspection) for an interim review related to HRB elements. Construction began on the homes in 2019. The applicant completed framing, roofing, siding, and window installation in late 2020. Upon an interim inspection, staff identified a number of discrepancies between the building plans approved by city staff, the 2017 HRB-imposed conditions, and the constructed dwellings.

Planning staff notified the applicant of the discrepancies, explained that no further City sign-off for construction would be allowed until the applicant resolved the inconsistencies either by modifying the

homes to comply with the conditions or secured a modification of the 2017 approval. In February, 2021, the applicant filed the subject application seeking modification of the 2017 approval to approve the homes as constructed, arguing that, as built, the project satisfies the Design Guidelines.

The first public hearing was held on February 23rd, 2021 and continued to March 23, 2021 where the public, including the Appellants were given the opportunity to testify.

At the March 23rd public hearing the Historic Review Board voted 5-0-0 (5 in favor, 0 against, 0 abstaining) to approve this application with conditions, finding that many of the elements of the constructed homes still met the Design Guidelines for New Construction, even though they were not consistent with the original plans that the HRB approved in 2017. The significant issues that the HRB discussed are summarized below:

Siding. Though the applicant proposed wood siding in the 2017 application, a rough-textured cement siding was installed. The recent HRB decision included a condition to remove the rough-textured fiber cement siding and replace with smooth fiber cement siding or wood siding. The Board found that the texture of the siding looks artificial and is not consistent with the historic character of the District. The artificial texture does not have the appearance of wood, as called for in the adopted Design Guidelines for New Construction and as approved in the application. In addition, the Board found that the texture is visible from the right of way and that landscaping would not fully screen or shield the siding. Although the homes individually are small, the effect of five homes all with textured siding is quite impactful and visible. The Board did not wish to set any precedent indicating that artificially-textured siding is permissible or that it meets the design guidelines.

Skylights. The 2017 HRB approval of skylights was limited to skylights that are not visible from the right-of-way. The applicant installed skylights, some of which are visible from the street, and requested approval from the HRB. The Board approved the skylights as constructed, finding that the skylights are located on rooflines that are perpendicular to the street and do not visually “jump out” because they are flat against the roofline. When traveling through Canemah, the eye is not drawn to the roofs of the structures, generally. There is precedent of skylights on non-street facing facades throughout Canemah, and many are visible from the right-of-way even though they are not directly facing the right of way. Finding that the skylights are “inconspicuous” given their location and surroundings, the Board found that they are consistent with the adopted Design Guidelines for New Construction.

Windows. The original application that led to the HRB decision in 2017 did not include any precise window design details other than the statement that 2.5’ by 5’ tall wood windows would be used, so the HRB added a condition of approval requiring that the windows utilize historic window shadowlines, citing the relevant design guidelines. The windows that the applicant installed have little depth and shadowline. Upon the 2021 review, the Board approved the window designs, with conditions of approval for thicker trim and additional landscaping. The Board found that adding thicker trim around the windows would create more depth, making the windows appear to have similar shadowlines of historic wood windows. The facades of the homes are fairly simple and flat, and the trim will serve to add depth and changes in plane not just to the window areas but to the building elevations as well.

Retaining Wall. The conditions attached to the 2017 HRB decision required: “Retaining and structural walls shall be minimized; to be faced or finished in stone, mortared basalt, or concrete, and not exceed 3 ½ feet, to complement the Canemah Neighborhood.” The applicant requested removal of the condition limiting retaining walls to 3 ½ feet and allowing the approval of a retaining

wall five feet in height. The Board approved the retaining wall height of five feet, with a condition of approval to plant a vine or espalier to obscure the wall.

Appeal:

On April 6, 2021, an appeal was filed by Paul Edgar arguing that the HRB's decision to approve with conditions the retaining wall height, skylights, and windows on the five cottage homes was in error because these elements of the development are not consistent with the Design Guidelines for New Construction.

On April 7, 2021 an appeal was filed by Christopher Staggs, the applicant and owner of the Canemah Cottages project. This appeal concerns only Condition of Approval #7, which requires that the applicant replace the siding with wither wood or smooth fiber cement horizontal siding. Mr. Staggs' appeal seeks that the Commission overturn this condition of approval.

Procedural Issues:

As a Type III decision, all appeals shall be considered by the City Commission on the record. This means that only those individuals who submitted testimony orally or in writing during the proceeding before the Historic Review Board may participate in this appeal. The City Commission's review is limited to the items identified in the notice of appeal. Further, the Commission's review of this appeal is limited solely to the evidence contained in the record before the Historic Review Board.

Applicable Standards:

The development was reviewed by the HRB as new construction within the Historic Overlay, which is subject to the approval criteria in OCMC 17.40.060. The decision criteria for the City Commission is the applicable approval criteria that the Appellant has identified in the appeal. The City Commission is tasked with a decision on whether these standards are met, given the evidence submitted into the record to date. The standards, in this case, are the adopted Design Guidelines for New Construction, which are referenced in OCMC 17.40.060.G.7:

17.40.060.G For construction of new structures in an historic or conservation district, or on an historic site, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall include the following:

(#1-6 omitted)

7. Design guidelines adopted by the historic review board.

Staff also highlights the following statement in the design guidelines regarding how new construction is reviewed: *"These principles shall guide new construction to be compatible with existing historic resources and yet offer strategies that can incorporate new materials and products. New construction is just that. It is not historic, nor shall it attempt to be historic, but rather to stand side by side with existing historic structures in a respectful manner."* Design guidelines that are specifically relevant to this appeal are included in the findings below.

Each argument presented on appeal is explained below, with a staff recommendation for each.

Issue Raised by Appellant Staggs:

Whether the textured fiber cement siding is consistent with the Design Guidelines

As part of File No. GLUA-21-00001, the applicant requested HRB approval for the use of Hardieplank Cedar mill brand textured fiber cement siding. As originally proposed and approved by the HRB, all of the homes were to be wood sided installed both horizontally on some facades and vertically elsewhere. The HRB approved the proposed wood siding in 2017, adding a condition that vertical siding not be used on any street-facing facades.

The Historic Design Guidelines for New Construction sets forth the follow standards with respect to siding:

- *Principle: Compatible with historic siding and enclosure materials in size, profile, orientation, texture, and color.*
- *Design: Wood siding or materials which have the appearance of horizontal wood siding in an allowable design. Sample approval is required for non-wood horizontal board siding.*

In other words, non-wood horizontal board siding that has “the appearance of horizontal wood siding” would be allowed.

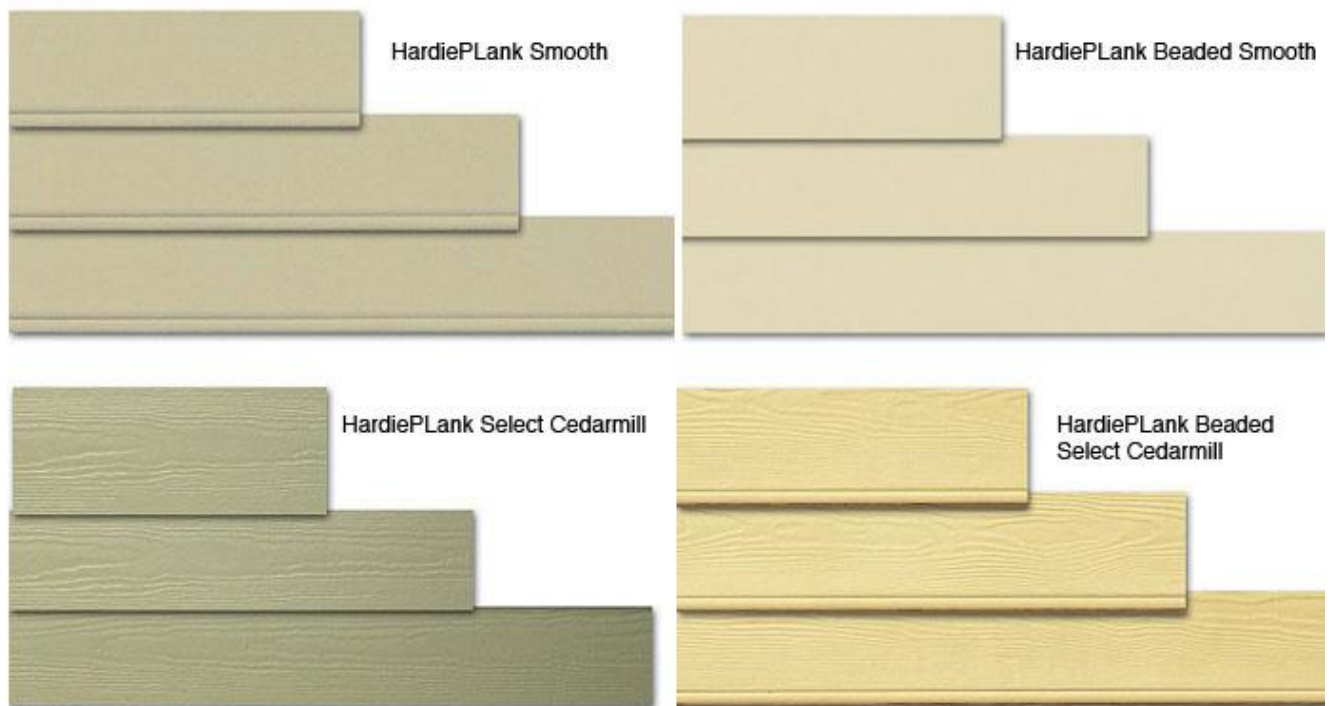


Figure 2. Product comparisons: Smooth versus Textured (Cedarmill) siding

The Appellant Christopher Staggs argues that the HRB’s finding that the textured fiber cement siding is “artificial and not consistent with the historic character of the district” is incorrect. Instead, Mr. Staggs argues, the “wood texture” cement board siding “is specifically designed to have the appearance of wood siding,” in addition to being durable and fire resistant. Mr. Staggs also cites the Design Guideline that states the vernacular style in Canemah “lacks rigid system of exterior detailing that makes it a

clearly definable architectural style; allows design flexibility and is inherently varied,” as the basis for authorizing greater flexibility and variation in design.



Figure 3. Textured fiber cement (hardieboard) siding on the constructed House #1.

First, durability and fire resistance of building materials is not included within the Design Guidelines as justification for siding that does not have the appearance of horizontal wood siding. Second, the guideline about design variability that is cited by the appellant describes the existing Vernacular style in Canemah. Staff does not disagree that design variation is allowable in the district, but points more closely to the design guidelines document, where further guidance on material selection is provided – specifically, in the “How to Use the Guidelines” section on page 8:

E. SPECIFIC DESIGN ELEMENTS

E-1 Design and choose specific design elements, products, and materials that are allowable and consistent with the design styling and framework established.

E-2 Does the design still fit the style’s ‘vocabulary’? Have extraneous or excessive details, ornamentation, or materials been chosen that detract from the neighborhood context?

E-3 Do specific elements comply with the guideline? Are materials, colors and finishes selected? Visible equipment? Landscaping and Plantings?

The instructions provided to applicants in the document ask them to refer to the specific element guidelines for materials and finishes. The specific siding guideline has been cited earlier in this report. The siding guideline does not explicitly prohibit textured fiber cement siding, but provides for the HRB to review non-wood siding on a case by case basis, requiring that “a sample be provided.” In this case, the applicant installed the siding on the buildings before submitting a sample for review by the HRB. The first opportunity HRB members had to view the proposed and installed siding was through a site visit occurring in advance of the HRB decision. (Each Board member disclosed these site visits in advance of the various public hearings.) The applicant was proceeding at its own risk by installing non-wood siding without first securing HRB sign-off.

The March 23rd Staff Report identified mitigation including the 28' distance between the homes and the public street and the level of landscaping within this setback area justified allowing textured siding in this case. Staff also pointed out that the small scale of the buildings also helped to make the buildings themselves not stand out in the District, and that the modest size also might be a factor in the Board's consideration of materials that might not be otherwise permitted. The Board did not agree that the distance and the landscaping satisfied a standard requiring that wood siding have the "appearance of horizontal wood siding", and found that the use of this siding on five homes was impactful to the historic district, even though each individual home is modestly sized.

A number of previous HRB decisions have likewise found that the textured product did not meet the guideline to use "materials which have the appearance of horizontal wood siding." In these other cases, the Board has permitted the use of fiber cement on new construction in a historic district when it has been proposed, and the Board has been consistent in allowing only smooth fiber cement board, finding that the smooth boards better resemble real painted wood siding.

The guidelines give the HRB discretion to determine which materials have the appearance of wood, and they have done so in this case. In the Canemah Historic District, wood siding is painted to be smooth. It does not have any texture, once painted. Although colored to give the appearance of paint, the heavily-textured surface does not give the appearance of wood siding. While Mr. Staggs disagrees with the Board, he has not provided any arguments that the Design Guidelines require approval of textured cement siding or that the textured siding has the appearance of wood, based on the evidence in the record. Staff's recommendation to the City Commission is to uphold the HRB's condition of approval based on the findings made by the Board at the March 23, 2021 hearing.

Issues Raised by Appellant Edgar

1. The Role of the 2017 Conditions of Approval in this Review

One of the arguments included in a number of Appellant Edgar's objections is that the subject 2021 HRB decision did not comply with the conditions of approval attached to the 2017 decision and that the HRB improperly "waived" these conditions through its subsequent review. However, OCMC 17.50.130(D) authorizes the City to process a request to modify a condition of approval through a "major" or "minor" review. A "major modification" must be processed in the same manner and subject to the same standards as the original proposal, which is what occurred in this case. There is no prohibition or other restriction on the alteration of conditions of approval through a subsequent proceeding. The procedures of the HRB were not in error and staff makes no recommendation for any City Commission action.

Appellant Edgar also argues that there are multiple violations of the conditions of approval, but his notice of appeal does not identify any specific conditions beyond those considered and reformed or removed as a result of the HRB review. Because the appellant did not specify other conditions, no additional findings are included in this report.

2. Whether the retaining wall is consistent with the Design Guidelines

The retaining wall height issue is limited to House #1, where a 5-foot-tall retaining wall has been installed at the rear of the off-street parking space to the west of the home. This retaining wall did not appear in the 2017 approval because the Board required that the development be reduced to five houses from the six that were proposed. As part of removing House #2 and its associated off-street

parking, the Applicant elected to eliminate the major site regrading in this area, leaving a larger open space area. To address the ground level elevation change, the applicant installed a 5-foot retaining wall behind House #1.

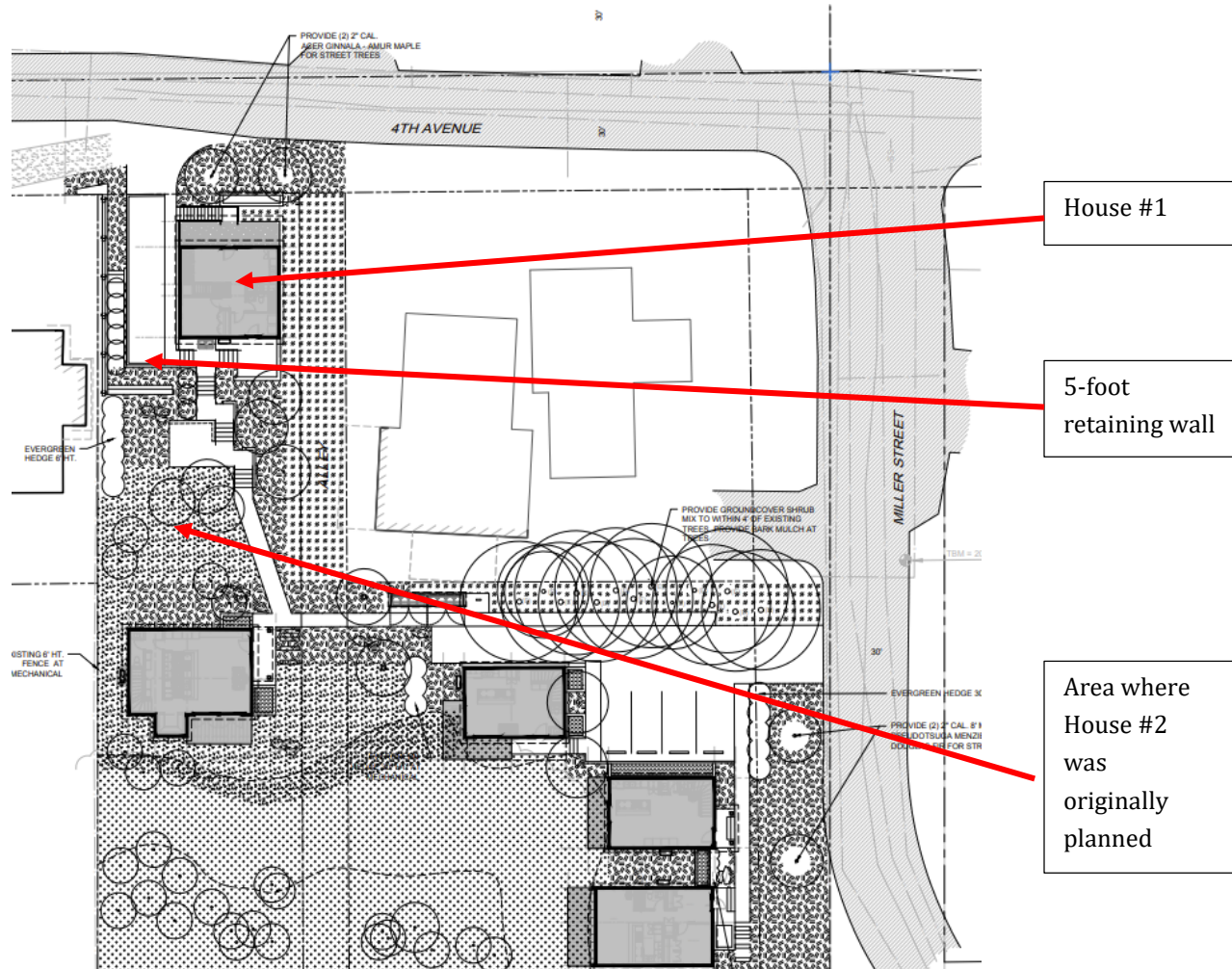


Figure 4. Site Plan with five homes; after removing House #2 from plans

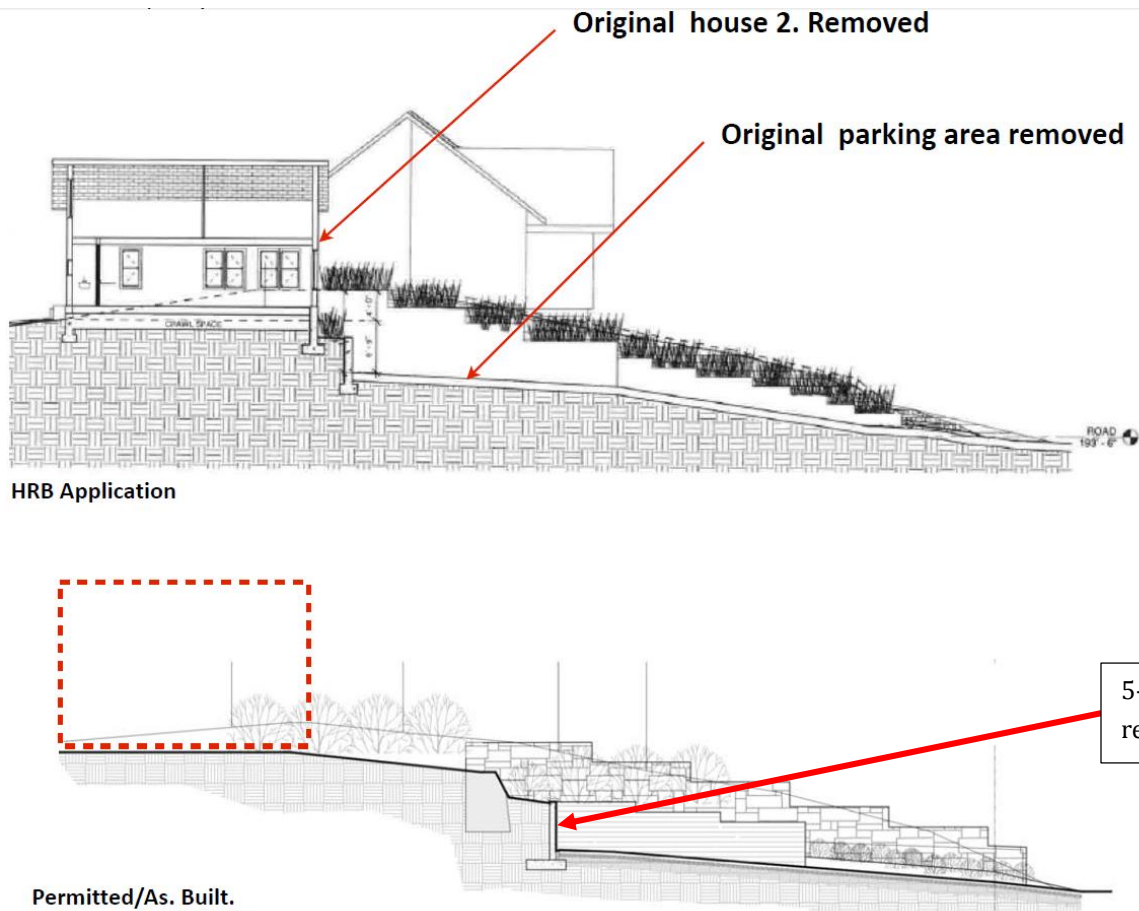


Figure 5. House #2 and surrounding grading and retaining walls in the original plans, versus the constructed plan.



Figure 6. House #1 with retaining wall shown behind.

The conditions attached to the 2017 HRB decision required: “Retaining and structural walls shall be minimized; to be faced or finished in stone, mortared basalt, or concrete, and not exceed 3 ½ feet, to complement the Canemah Neighborhood.”

The applicant requested removal of the condition limiting retaining walls to 3 ½ feet and allowing the approval of a retaining wall five feet in height. The HRB approved the wall height with a condition of approval to plant vines or espalier to cover the wall. Appellant Paul Edgar argues that the 5-foot tall retaining wall does not meet the Design Guidelines and should not have been approved; that wall height has always been limited to 3.5 feet in maximum height.

Fence and wall height in the front yard is limited to 3.5 feet throughout the City. The wall behind House #1 is in the rear yard and is therefore permitted by general city standards in OCMC 17.54.100 to be up to 6 feet in height. The Design Guidelines contain further guidance for walls in historic districts. They do not contain a specific height limit but rather call for minimization of retaining walls. The controlling guideline states:

“Minimize the height and presence of walls; Use of rock, brick, concrete with finishing; mortared or stacked true masonry or stone that was traditionally quarried in the area”

The HRB found that the height of the wall was minimized as a result of its distance from the public right-of-way. The 5-foot tall wall is more than 60 feet away from the street and fully behind House #1, which minimizes the height and presence of the wall. The HRB also imposed a new condition of approval requiring this installation of vines or espalier to minimize the visual impact.

The Appellant has not identified any Design Guidelines that is violated by the HRB’s decision with respect to the retaining wall beyond House #1, nor identified any evidence in the record which would contravene the HRB’s finding. Staff’s recommendation to the City Commission is to uphold the HRB’s decision with respect to the retaining wall height coupled with the condition of approval based on the findings made by the Board at the March 23, 2021 hearing.

3. Whether the location of the installed skylights are consistent with the Design Guidelines

The 2017 HRB approval authorized the use of skylights, subject to the condition that they be located on “*inconspicuous roof slopes*”, “*mounted close to the roof plane, and not visible from the right-of-way.*” This condition mirrors the language within the Design Guidelines which provides: “Install on inconspicuous roof slopes, mount skylight close to roof plane.”

The skylights that have been installed on a number of the homes are not in the same locations as depicted in the approved plans and although they are located on side-oriented roof slopes, they are visible from the right of way. More specifically, the skylights on House #4 are visible from the right of way. A skylight on House #2 is also currently visible but might be obstructed in the future by landscaping. Skylights on House #5 are marginally visible and are mostly obstructed by vegetation, especially outside of the winter months. The skylights are rectangular in shape with flat glass.



Figure 7. View from right-of-way on Miller Street – House #4 skylights are visible. August 2020

Through the subject 2021 request, the applicant requested an interpretation that the as-built skylights comply with the condition of approval requiring their location on “inconspicuous roof slopes.”

The HRB interpreted the Guidelines to find that the as-built skylights are “inconspicuous.” The skylights are located on rooflines that are perpendicular to the street and do not visually “jump out” because they are flat against the roofline. When traveling through Canemah, the eye is not drawn to the roofs of the structures, generally. There is precedent of skylights on non-street facing facades throughout Canemah, and many are visible from the right of way even though they are not directly facing the right of way. Given that the skylights are “inconspicuous” due to their location and surroundings, the Board found that they are consistent with the adopted Design Guidelines for New Construction.

Appellant Edgar argues that the skylights do not meet the Design Guidelines, without identifying which Guidelines he believes is not satisfied. Whether the skylights “degrade the historic district” is not the language of the controlling design guideline in any event. The Appellant does not point to any evidence in the record indicating that the skylights are conspicuous or any other explanation of why the as-built skylights are not in compliance with the Design Guidelines. Staff’s recommendation to the City Commission is to uphold the HRB’s decision with respect to the skylights based on the findings made by the Board at the March 23, 2021 hearing.

4. *Whether the windows are consistent with the Design Guidelines*

The original application that led to the HRB decision in 2017 did not include any precise window design details other than the statement that 2.5’ by 5’ tall wood windows would be used. All of the windows were drawn as casement windows with locations as depicted in the plan drawings. In response, the HRB approved Houses #2 through #5 with the following condition of approval:

“Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Nonwood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.”

As with the condition relating to skylights, this condition approval borrows and restates the exact language of the Design Guideline for windows.

As constructed, most of the windows are casement windows with a band that divides the window into two squares to give it an appearance of a 1 over 1 double-hung window. The applicant through this approval seeks approval of these casement windows, as well as a limited number of awning and picture windows in locations that are different from those set forth in the original plans.



Figures 8 and 9. Casement windows with simulated divided lite.

As staff pointed out and the HRB agreed, the member sizing, thickness, and shadowline of painted wood windows is not clearly defined as required in the condition of approval and the Guideline. Because they are casement style windows, the upper and lower portions are located on the same plane and do not create the shadowline effect of a single or double-hung window. The awning windows also lack the shadowline effect. A key dimension for painted wood windows is window sill depth. The installed windows are recessed 1.5" from face of trim, which the Board found is not sufficient to meet the condition or the Guideline. Thus, the Board required, as a condition of approval, that the applicant utilize window trim to achieve 2.5" to 3" of depth from face of trim to glass panes on the windows that face the street.

Appellant Edgar does not address the HRB-imposed condition requiring additional trim to increase the shadowline to more closely approximate that found on historic wood windows. Rather he argues that the applicant had an obligation to submit a sample of the windows first, before proceeding with installation and because that never happened, the applicant is seeking after-the-fact approval. The

guidelines do require a sample be reviewed by the HRB when non-wood windows are proposed; however, the applicant has installed aluminum-clad wood windows, so the sample is not required by the guidelines. As pointed out above, nothing prohibits an applicant from modifying a prior approval. Although it is unfortunate that this approval was sought after-the-fact, ensuring compliance with the Design Guidelines is being assured through this review. The HRB, as well as this Commission on appeal, has the authority pursuant to the modification provision of OCMC 17. 50.130(D), to approve or deny the request to for the as-built windows, their materials and location, even though they were already installed.

Appellant Paul Edgar argues that the windows are not compatible and do not meet the original conditions of approval. Mr. Edgar argues that windows are one of the most important elements of compatibility, and that the placement of the of the windows detracts from the district. Mr. Edgar specifically mentions window placement on the front of Houses #1, #4, and #5 as “incompatible,” specifying that the banks of three windows on House #1 and the sidelites next to the front doors on Houses #4 and #5 have not “been accepted before.”

The Guidelines do not prohibit a three-window bank or the inclusion of sidelites in Canemah. Rather, they speak more generally about maintaining overall design balance, proportion and rhythm in design. The use of disproportionate window elements or locating them asymmetrically or in a way that is out of balance is prohibited. HRB was persuaded by the evidence in the record showing that the Canemah District includes a wide variety of window grouping patterns, shapes and locations creating asymmetric design that is not dissimilar from these homes. With respect to House #1, two identical set of three-bank windows have been placed on either side of a central door creating a symmetrical and balanced design. The HRB concluded that the sidelites on Houses #4 and #5 were not out of balance or disproportionate considering the whole design. Given the diversity of window sizes, location and placement in Canemah and the HRB’s expertise in evaluating symmetry, proportion and rhythm in overall building design, staff recommends that the City Council affirm the HRB on this issue.



Figures 10 and 11. Sidelite on House #5 and banks of windows on House #1.

The Appellant has not identified any evidence in the record that the windows are inconsistent with the Design Guidelines for New Construction, or with OCMC 17.40.060. Staff's recommendation to the City Commission is to uphold the HRB's condition of approval based on the findings made by the Board at the March 23, 2021 hearing.

Conclusion

In summary, the question before the City Commission on appeal is whether the HRB erred in its decision that these elements do not satisfy the adopted Design Guidelines for New Construction. Since the Appellants' notices of appeal do not raise any specific arguments explaining how the Historic Review Board's decision was in error, staff recommends that the City Commission deny both appeals and uphold the Historic Review Board's approval with conditions.

Exhibits

1. AP 21-02 Submission
2. AP-21-03 Submission
3. GLUA-21-00001/HR 21-01 through HR 21-05 Staff Report and Notice of Decision
4. List of Design Changes
5. Photos
6. Public Comments on GLUA-21-00001/HR 21-01 through HR 21-05
7. Powerpoint Presentations from HRB hearings on GLUA-21-00001/HR 21-01 through HR 21-05
8. GLUA-21-00001/HR 21-01 through HR 21-05 Applicant's Submittal

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891
www.ci.oregon-city.or.us

APPEAL OF A LAND USE DECISION

FILE # AP 21-00002 (of File #) _____ DATE: 04/07/2021
NAME: PAUL D. EDGAR TELEPHONE #: 503 656-6704
ADDRESS: 211 5TH AVENUE

ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:

508 4TH AVENUE, 450, 462, 474, 480 MILLER ST. OREGON CITY
SUBJECT OF APPEAL: NOTICE OF DECISION DATE: / / For File #: CANEMAH

The undersigned hereby appeal(s) the decision of the GLUA-21-0001/NR-21-00001 THE
21-00005 HISTORIC REVIEW FOR CANEMAH BOTTLING
IN THE CANEMAH NATIONAL REGISTER HISTORIC DISTRICT
concerning the subject case. The decision to approve YES deny the application was made
at the meeting held on MARCH 23, 2021.

NOTICE OF DECISION MARCH 24, 2021

REASONS FOR APPEAL: Please include a statement identifying which approval criteria are violated by the decision and an explanation of how those criteria are violated, or stating how the decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City Municipal Code for Administration & Procedures concerning Appeals.

SEE ATTACHMENT

FILING FEE PAID: \$250 DATE PAID: 04/07/2021 RECEIPT NO.: _____

Property Owner Signature

Address

Property Owner Signature

Address

****SIGNATURES REQUIRED IF APPLICABLE****

Paul D. Edgar

Signature

Address

____ Contract Purchaser

____ Lessee

____ Prospective Purchaser

The Appeal of GLUA-21-00001/ HR 21-00001 through 21-00005: Historic Review for Canemah Cottages in the Canemah National Register Historic District.

1. This Appeal is a result of far too numerous of "Errors in Judgement" in the totality of the instructions made/given to the Oregon City Historic Review Board, by City Staff and the City Attorney. Reference: The Conditions of Approval granted for this Canemah Cottages that were not complied with could be subjectively determined and accepted even when they are in violation of the instructions of the "Conditions of Approval" and our OCMC 17.40 and Building Guidelines.
2. I am essentially wearing two hats when it comes to historic preservation in Oregon City. I am both an individual advocate for preservation, particularly in Canemah, as resident and the owner of a Historic Contributing House as well as a member of the Oregon City HRB. For this Canemah Cottages matter, I recused myself and participated as an individual. I cannot because of my recusal switch positions and lobby for an outcome based on my membership on the HRB, I have to rely on you the Oregon City, City Commission. Moreover, the HRB has not authorized me to speak on behalf of the HRB with respect to this application. I am knowledgeable with respect to our OCMC 17.40 codes and Building Guidelines and I have studied the principles of the right and wrongs of decision making in an effort sustain the integrity of our Historic Districts.
3. A Request was made: **For a Historic Review for alterations and non-compliance of a previously approved Canemah Cottage Homes development (previous file #s MD-17-01 through MD-17-06, and AP17-04) and the Conditions of Approval.** Oregon City Planning Staff in review identified a number of discrepancies between the plans approved by the HRB with conditions, and the current constructed dwellings. The discrepancies include items that are directly in conflict with a condition of approval, items that are in conflict with the applicant's proposal, and items that require interpretation by the HRB and now Oregon City, City Commission.
4. Applicant failed to come back to the City and HRB, and ask for and gain approval of and to the numerous violations of the Conditions of Approval which are in effect a Contract and requests changes to the approved designs and interpretations of the Original Conditions of Approval including but not limited to the following items: wall height, window placement and design, skylight locations, siding material, and porch design.
5. The applicant made this application to the Historic Review Board to request that the HRB to approve the homes as constructed, which would in effect waive or modify some of the previous conditions of approval, OCMC 17.40 Codes and Building Guidelines. Without mitigation, the City was asked to approve through waiving the "Conditions of Approval", our Contract of what was appropriate with the Canemah Cottages, in a National Register Historic District.
6. **Walls and Wall Height:** is and has been limited to 3.5' feet in maximum height. This wall height has always been enforced and in the notice of approval for the Canemah Cottages it is being waived for the wall to the right and behind House #1 and in doing so, this sets precedence to all of those who have been in compliance.

7. **Sky Lights:** were authorized and within the Conditions of Approval, limited where they could be placed. The Sky Lights cannot be visible – viewable from the streets – Right of Ways. In 2018, when the building permits were issued for the development to begin construction, the building plans were reviewed by planning staff. At the time, Planning Staff reviewed the conditions of approval from the Historic Review Board and noted in a written permit review memo which conditions were reflected in the building plans and which conditions remained to be addressed at a later date. The memo noted that the skylights should be reviewed after framing is up, when staff could make a determination which roof areas would be visible from the right of way.

Construction began on the homes in 2019. The applicant completed framing, roofing, and window installation in 2020. Staff was made aware that skylights had been installed without the review that was mentioned in the permit review memo. At that time, staff visited the site and informed the applicant that some of the skylights were visible from the right of way, and this was in violation of a Condition of Approval of MD-17-01 – MD17-06.

Note: House #1 is the only house where the Conditions of Approval are being adhered too, in relationship to Sky Lights and their ability to be viewed from the Right-of-Way. This failure to comply with needed Design Guidelines has a major effect in degrading the overall integrity of the Canemah National Register Historic District by introducing non-compatible designs.

8. **Siding:** The HRB approved the wood siding, and restricted vertical siding for use only on non-street facing facades. The homes have all been built with textured fiber cement siding, and no vertical siding has been used. The HRB found that the textured Hardie-Plank siding installed was not acceptable. The HRB adopted findings that are very context-specific and required that the siding for Canemah needed to be change out. We are not appealing that decision.
9. **Windows Design and Placement, in the “Conditions of Approval”:** “Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Nonwood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish.”

“If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.” A sample window design and approval were never asked for and never happened. The Canemah Cottages asked for approval after the fact, to approve what has been installed and in doing so, this violates the “Conditions of Approval” OCMC 17.40 and Building Guidelines.

The Windows and their design reflect one of the most important elements compatibility as they are seen as “The Eyes of Historically Appropriate Designs”. There is this need to not introduce new and in-compatible and detracting designs that degrade the Integrity of the Canemah National Register Historic District.

The widows that have been installed were installed without approval do not even come close to what was required in the "Conditions of Approval" and what is spelled out in OCMC 17.40 and Historic District Building Guidelines for Canemah.

The problem It is this lack of compatibility to where these windows detract and degrade the "Integrity of the Canemah National Register Historic District", that is at stake.

Setting precedence of accepting modern Window Design and Placement, without regards to this lack of compatibility to the Canemah Historic Contributing Buildings within the Vernacular House Designs, to where they have no shadow line or sill-plates found on Historically Appropriate Windows, just does not exist and that makes them unacceptable.

This act of setting precedence and approving Windows just because they are already installed, no-matter if they detract and are not compliance with our Historic District - Building Design Guidelines is again what I am Appealing in that they are also in violation of "Conditions of Approval" needs your review of if you want to approve them.

There are cluster of 3 windows on each side of the front door of House #1 that is introducing in compatible design placement, that has to the best my knowledge been accepted before. This is introducing a new inappropriate placement that detracts and it is highly visible. These windows should be replaced with compatible windows in cluster of 2-windows side-by-side.

Houses #4 and 5, have door side windows that are not appropriate and detract.in the Canemah National Register Historic District. When the siding is replaced, this is an ideal time to make changes that lead to more compatibility to where these Canemah become less detracting.

10. I am requesting for the City Commission to grant a fee waiver of this Appeal. Under OCMC 17.50.190(F), appeals of HRB decisions are "on the record and the issues under consideration shall be limited to those issues listed in the notice of appeal."

Under OCMC 17.50.290C, Appeal Fee Waivers. The planning division may waive all or any portion of an application fee if, in the opinion of the director, a particular application shall be resubmitted because of an error made by the city. Appeal fees may be waived, wholly or in part, by the city commission, if the city commission finds that, considering fairness to the applicant and to opposing parties, a full or partial waiver of the appeal fee is warranted. Appeal fees shall not be charged for an appeal filed by a city-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting. **This appeal was advanced within fairness to all previous applicants for HRB approvals for new Infill in the Canemah National Register Historic District that have been in compliance with all Conditions of Approval and complied with OCMC 17.40 Code and Historic District Guidelines.**

The Appeal of GLUA-21-00001/ HR 21-00001 through 21-00005: Historic Review for Canemah Cottages in the Canemah National Register Historic District.

1. This Appeal is a result of far too numerous of "Errors in Judgement" in the totality of the instructions made/given to the Oregon City Historic Review Board, by City Staff and the City Attorney. Reference: The Conditions of Approval granted for this Canemah Cottages that were not complied with could be subjectively determined and accepted even when they are in violation of the instructions of the "Conditions of Approval" and our OCMC 17.40 and Building Guidelines.
2. I am essentially wearing two hats when it comes to historic preservation in Oregon City. I am both an individual advocate for preservation, particularly in Canemah, as resident and the owner of a Historic Contributing House as well as a member of the Oregon City HRB. For this Canemah Cottages matter, I recused myself and participated as an individual. I cannot because of my recusal switch positions and lobby for an outcome based on my membership on the HRB, I have to rely on you the Oregon City, City Commission. Moreover, the HRB has not authorized me to speak on behalf of the HRB with respect to this application. I am knowledgeable with respect to our OCMC 17.40 codes and Building Guidelines and I have studied the principles of the right and wrongs of decision making in an effort sustain the integrity of our Historic Districts.
3. A Request was made: **For a Historic Review for alterations and non-compliance of a previously approved Canemah Cottage Homes development (previous file #s MD-17-01 through MD-17-06, and AP 17-04) and the Conditions of Approval.** Oregon City Planning Staff in review identified a number of discrepancies between the plans approved by the HRB with conditions, and the current constructed dwellings. The discrepancies include items that are directly in conflict with a condition of approval, items that are in conflict with the applicant's proposal, and items that require interpretation by the HRB and now Oregon City, City Commission.
4. Applicant failed to come back to the City and HRB, and ask for and gain approval of and to the numerous violations of the Conditions of Approval which are in effect a Contract and requests changes to the approved designs and interpretations of the Original Conditions of Approval including but not limited to the following items: wall height, window placement and design, skylight locations, siding material, and porch design.
5. The applicant made this application to the Historic Review Board to request that the HRB to approve the homes as constructed, which would in effect waive or modify some of the previous conditions of approval, OCMC 17.40 Codes and Building Guidelines. Without mitigation, the City was asked to approve through waiving the "Conditions of Approval", our Contract of what was appropriate with the Canemah Cottages, in a National Register Historic District.
6. **Walls and Wall Height:** is and has been limited to 3.5' feet in maximum height. This wall height has always been enforced and in the notice of approval for the Canemah Cottages it is being waived for the wall to the right and behind House #1 and in doing so, this sets precedence to all of those who have been in compliance.

7. **Sky Lights:** were authorized and within the Conditions of Approval, limited where they could be placed. The Sky Lights cannot be visible – viewable from the streets – Right of Ways. In 2018, when the building permits were issued for the development to begin construction, the building plans were reviewed by planning staff. At the time, Planning Staff reviewed the conditions of approval from the Historic Review Board and noted in a written permit review memo which conditions were reflected in the building plans and which conditions remained to be addressed at a later date. The memo noted that the skylights should be reviewed after framing is up, when staff could make a determination which roof areas would be visible from the right of way.

Construction began on the homes in 2019. The applicant completed framing, roofing, and window installation in 2020. Staff was made aware that skylights had been installed without the review that was mentioned in the permit review memo. At that time, staff visited the site and informed the applicant that some of the skylights were visible from the right of way, and this was in violation of a Condition of Approval of MD-17-01 – MD17-06.

Note: House #1 is the only house where the Conditions of Approval are being adhered too, in relationship to Sky Lights and their ability to be viewed from the Right-of-Way. This failure to comply with needed Design Guidelines has a major effect in degrading the overall integrity of the Canemah National Register Historic District by introducing non-compatible designs.

8. **Siding:** The HRB approved the wood siding, and restricted vertical siding for use only on non-street facing facades. The homes have all been built with textured fiber cement siding, and no vertical siding has been used. The HRB found that the textured Hardie-Plank siding installed was not acceptable. The HRB adopted findings that are very context-specific and required that the siding for Canemah needed to be change out. We are not appealing that decision.
9. **Windows Design and Placement, in the “Conditions of Approval”:** “Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Nonwood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish.”

“If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.” A sample window design and approval were never asked for and never happened. The Canemah Cottages asked for approval after the fact, to approve what has been installed and in doing so, this violates the “Conditions of Approval” OCMC 17.40 and Building Guidelines.

The Windows and their design reflect one of the most important elements compatibility as they are seen as “The Eyes of Historically Appropriate Designs”. There is this need to not introduce new and in-compatible and detracting designs that degrade the Integrity of the Canemah National Register Historic District.

The widows that have been installed were installed without approval do not even come close to what was required in the "Conditions of Approval" and what is spelled out in OCMC 17.40 and Historic District Building Guidelines for Canemah.

The problem It is this lack of compatibility to where these windows detract and degrade the "Integrity of the Canemah National Register Historic District", that is at stake.

Setting precedence of accepting modern Window Design and Placement, without regards to this lack of compatibility to the Canemah Historic Contributing Buildings within the Vernacular House Designs, to where they have no shadow line or sill-plates found on Historically Appropriate Windows, just does not exist and that makes them unacceptable.

This act of setting precedence and approving Windows just because they are already installed, no-matter if they detract and are not compliance with our Historic District - Building Design Guidelines is again what I am Appealing in that they are also in violation of "Conditions of Approval" needs your review of if you want to approve them.

There are cluster of 3 windows on each side of the front door of House #1 that is introducing in compatible design placement, that has to the best my knowledge been accepted before. This is introducing a new inappropriate placement that detracts and it is highly visible. These windows should be replaced with compatible windows in cluster of 2-windows side-by-side.

Houses #4 and 5, have door side windows that are not appropriate and detract.in the Canemah National Register Historic District. When the siding is replaced, this is an ideal time to make changes that lead to more compatibility to where these Canemah become less detracting.

10. I am requesting for the City Commission to grant a fee waiver of this Appeal. Under OCMC 17.50.190(F), appeals of HRB decisions are "on the record and the issues under consideration shall be limited to those issues listed in the notice of appeal."

HRB Options for Each Item				
1. Accept Change (Consistent w/ Approved Plans). Accept change as an adjustment that is consistent with the approved plans 2. Accept Change (Consistent w/ Design Guidelines). Accept change as an adjustment that is consistent with design guidelines 3. Accept Change (Consistent w/ Mitigation Proposed). Accept change as a significant adjustment that can be mitigated by overall site design or proposed mitigation 4. Accept Change (Consistent w/ Additional Mitigation). Require additional mitigation to achieve compatibility, beyond conditions of approval recommended by staff 5. Reject Change. Require applicant to construct as proposed or come back with additional changes.				
SITE/OVERALL				
Description of Change or Element	Reason Applicant Identified for Change	Relevant Design Guideline	Staff Recommendation	HRB Member Notes
Removal of House #2.	HRB Condition of Approval #2 to remove House #2.	N/A	Accept Change (Consistent w/ Approved Plans). The original HRB condition of approval did not specify what should be installed in place of the home or consider the effects of the removal on the site plan.	
Changes to parking and walkway layout	Overall Parking Needs Changed with removal of House #2. Meets standards for parking and pedestrian circulation through Site Plan and Design Review.	N/A	Accept Change (Consistent w/ Approved Plans). The municipal code includes min/max number of parking stalls for each cottage home. The number of off-street parking stalls was reduced to reflect the reduction in homes onsite. The reduced number of parking stalls caused the parking area adjacent to Home #1 to be redesigned from a traditional parking lot to a driveway which accommodates two cars, a design that is more common in the nearby homes and addressed some of the concerns about the parking lots voiced in the initial hearings.	
Location and height of retaining walls behind House #1. Conflict with condition of approval #5 for retaining walls to be 3.5 foot height maximum. Wall is 5 feet tall.	The changes to the parking lot adjacent to Home #1 allowed the wall to move closer to the front of the property and thus reduce the overall grading onsite.	The historic design guidelines do not have a maximum height for retaining walls; they simply say that wall heights should be minimized.	Accept Change (Consistent w/ Design Guidelines). Citywide code allows walls up to 6 feet in height (behind the front facade). The retaining wall is 5 feet in height. The wall is approximately 60 feet from the street and 7 feet behind the back edge of House #1. Previous proposals had stepped walls with lower heights but overall more grading. This design involves less grading, only one retaining wall, at a height that has been approved by the HRB in previous cases. Staff recommends changing the original condition of approval to allow this wall to be 5 feet in height. The Board may want to add a condition for vines/espalier to cover the wall. The landscaping plans do not appear to include any vines or espalier here.	
All homes have textured fiber cement siding rather than wood siding, which was proposed by the applicant and approved by the Board.	Wood siding was cost-prohibitive.	The historic design guidelines do not specifically prohibit textured fiber cement siding; rather, they call for the appearance of wood siding.	Accept Change (Consistent w/ Mitigation Proposed). The HRB has consistently been requiring siding to be smooth; smooth siding has more of a painted wood siding appearance. The modest size of the homes and distance from the street (at least 28 feet) make it difficult to see the texture of the siding. Staff recommends Conditions of Approval #1 and #2 to add landscaping to further screen the view of the homes from the right of way and mitigate/obscure for the appearance of siding from the street.	

All homes have windows that are a single lite or simulated divided lite, with sill depth of approximately 1.5". Conflict with HRB conditions of approval for windows that match the member sizing, thickness and shadowline of historic wood windows.	The condition of approval language did not specify the details of what is the appropriate member sizing, thickness and shadowline of historic wood windows.	The existing windows are not expressly prohibited by the historic design guidelines, but they do not provide a sill depth that matches historic wood windows, and due to the fact that the windows are not single or double hung, there is no depth change with an upper and lower sash.	Accept Change (Consistent w/ mitigation proposed). Staff recommends condition of approval #3 to either replace the street-facing windows or add thicker trim. Adding thicker trim on the outside could provide more shadowline and depth. The distance from the street and additional landscaping will minimize their appearance.	
Fascia width on all homes is larger than shown in HRB approved designs.	To comply with HRB condition of approval #12 to remove vertical siding from all street facing facades. Applicant changed all facades in order to be consistent.	Eaves are typically open with minimal projection beyond the wall plane and simple fascia	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
Vertical siding proposed has been replaced with horizontal siding.		Horizontal board siding is preferred in Canemah	Accept Change (Consistent w/ Design Guidelines). Horizontal siding is a preferred siding material in Canemah, and the removal of all the vertical siding creates a more compatible development overall.	
HOUSE #1				
Description of Change	Reason Applicant Identified for Change	Relevant Design Guideline	Staff Recommendation	HRB Member Notes
Front porch stair orientation - front stair changed to side stair. Stair height change to 4 feet 8 inches.	To reduce grading and meet setbacks of R-6 zone along with meeting the Condition of Approval #10 for 3.5 foot retaining wall height in front.	Exterior stairways at the building front to give access only to the main level, and to be less than five feet in height.	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
Exposed foundation area on side is larger than shown in plans; at its highest it is 4 feet 8 inches.	Topography constraints	Cover sections of exposed foundations; Concrete or masonry: exceeding 3½ feet. Piling or posts: 1½ feet; above grade; At slopes measure perpendicular to slope	Accept Change (Consistent w/ mitigation proposed). As it stands, the applicant will need to comply with the original condition of approval to use landscaping to cover the exposed foundation. This will require partial removal of the walkway to add space for planting shrubs and/or vines. The Board may add a condition of approval here if a specific type of screening is desired.	
Door and window placement on front is different - door is centered instead of off-set and windows are in groups of 3 rather than paired	Slight adjustments to accommodate floorplan	Not allowed: Visible side and rear walls with large blank or void areas Abstract compositions are generally problematic	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
Rear façade - four windows were proposed, now there is one door and one window. Also one skylight instead of two.	Slight adjustments to accommodate floorplan	Not allowed: Visible side and rear walls with large blank or void areas Abstract compositions are generally problematic. Skylights OK on inconspicuous roof planes.	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	

West side elevation - window placement includes paired windows. Square window is now rectangular.	Slight adjustments to accommodate floorplan. Window change to 2:1 proportions.	Not allowed: Visible side and rear walls with large blank or void areas Abstract compositions are generally problematic	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
East side elevation - five windows instead of two. See applicant submissions with photo comparison to plan drawings.	Slight adjustments to accommodate floorplan.	Not allowed: Visible side and rear walls with large blank or void areas Abstract compositions are generally problematic	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
HOUSE #2				
Description of Change	Reason Applicant Identified for Change	Relevant Design Guideline	Staff Recommendation	HRB Member Notes
Front door and porch added to east elevation, with square window next to entry door.	Adjustment to floor plan and to achieve better functionality.	Exterior stairways at the building front to give access only to the main level, and to be less than five feet in height.	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, the front door placement and covered porch area is consistent with the approved design of other homes in the development, and is not in conflict with any guidelines.	
Removal of side porch roof and stair	No longer needed with front entry moved; removal of stair allows for less disturbance of wetland.	N/A	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change creates a lesser impact on the wetland by removing the stair.	
Roof cutouts removed.	To comply with HRB Condition of approval #9 to remove roof cutouts	N/A	Accept Change (Consistent w/ Approved Plans). The HRB found that the roof cutouts were too modern and not compatible.	
Windows are not divided lite - single lite instead	Unclear condition of approval language.	Guidelines do not require divided lite.	Accept Change (Consistent w/ Design Guidelines). There was no condition of approval for all windows to be divided lite; only that they match the member sizing, thickness, and shadowline of wood windows. Staff sees very little difference between the single lite versus simulated divided lite on House #2, which is set back far from the street making the windows minimally visible.	
Second story window changes.	To comply with HRB condition of approval #8 that windows shall be rectangular in shape and shall not exceed door height plus a one foot transom.	N/A	Accept Change (Consistent w/ Approved Plans). The HRB found that the floor-to-ceiling windows were too modern and not compatible.	
North side elevation - skylight added		Skylights on inconspicuous roof planes. Not allowed: skylights on street-side roofs	Accept Change (Consistent w/ Design Guidelines). Roof plane is distant from street and inconspicuous. Landscaping will further obscure.	
West side elevation - window placement and sizes have changed. See applicant submissions with photo comparison to plan drawings.	Slight adjustments to accommodate floorplan.	Not allowed: Visible side and rear walls with large blank or void areas Abstract compositions are generally problematic	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	

HOUSE #3

Description of Change	Reason Applicant Identified for Change	Relevant Design Guideline	Staff Recommendation	HRB Member Notes
Window added to west elevation ground floor	Adjustment to accommodate floorplan - more light in kitchen.	N/A	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
West façade - Second story window changes.	To comply with HRB condition of approval #8 that windows shall be rectangular in shape and shall not exceed door height plus a one foot transom.	N/A	Accept Change (Consistent w/ Approved Plans). The HRB found that the floor-to-ceiling windows were too modern and not compatible.	
Roof overhang reduced on west façade.		N/A	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
Front door moved to South side elevation; window re-arrangement.	To comply with HRB Condition of approval #5a to not have the entry facing the parking lot. Window changes to accommodate changed floor plan.	N/A	Accept Change (Consistent w/ Approved Plans). The HRB found that the entry facing the parking lot was not compatible.	
Porch cover added to South side elevation	Entry has been moved to this façade, the cover will provide a covered entry/front porch.	N/A	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
Overall building height increase of 1.5 feet		1 1/2 stories maximum	Accept Change (Consistent w/ Design Guidelines). The house remains 1 1/2 stories and is not taller than other approved structures on site.	
East side elevation - porch cover and door removed, window placement and sizes have changed. See applicant submissions with photo comparison to plan drawings.	To comply with HRB Condition of approval #5a to not have the entry facing the parking lot. Adjustments to accommodate floorplan.	Not allowed: Visible side and rear walls with large blank or void areas; Abstract compositions are generally problematic	Accept Change (Consistent w/ Design Guidelines). The door has been moved to a different façade based on HRB direction; but the Board did not specify what the resulting façade without the door should look like. The new window arrangement on this street-facing elevation does not have much of a rhythm, but the wall is only 18-foot wide and setback back considerably from the street; the window placement does not have an impact on the character of the district.	

HOUSE #4

Description of Change	Reason Applicant Identified for Change	Relevant Design Guideline	Staff Recommendation	HRB Member Notes
Window added to west elevation ground floor.	Adjustment to accommodate floorplan - more light in kitchen.	N/A	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
West façade - Second story window changes.	To comply with HRB condition of approval #8 that windows shall be rectangular in shape and shall not exceed door height plus a one foot transom.	N/A	Accept Change (Consistent w/ Approved Plans). The HRB found that the floor-to-ceiling windows were too modern and not compatible.	

Roof overhang reduced on west façade.		N/A	Accept Change (Consistent w/ Design Guidelines). This may have been done to satisfy the HRB condition to approval #4d for maximum roof overhang of three feet. This change does not conflict with any design guidelines.	
North side elevation - window placement and sizes have changed. See applicant submissions with photo comparison to plan drawings.	Adjustments to accommodate floorplan.	Not allowed: Visible side and rear walls with large blank or void areas Abstract compositions are generally problematic	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
South side elevation - window placement and sizes have changed. See applicant submissions with photo comparison to plan drawings.	Adjustments to accommodate floorplan.	Not allowed: Visible side and rear walls with large blank or void areas Abstract compositions are generally problematic	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
Skylights are included on roof planes visible from the right of way and in conflict with HRB conditions of approval.		Skylights on inconspicuous roof planes. Not allowed: skylights on street-side roofs	Accept Change (Consistent w/ Design Guidelines). The skylights are not on street side roofs, rather they are on side-facing roofs. On the north facade they are visible from Miller Street, and on the south facade they are somewhat visible from Miller Street. Landscaping is unlikely to obscure the skylights in the future. The skylights are small in size and flat against the roof. The skylights could be found to meet the design guidelines, but they do not meet the original condition of approval. Staff recommends that the Board find the skylights to be consistent with the design guidelines and waive the original condition of approval.	

HOUSE #5

Description of Change	Reason Applicant Identified for Change	Relevant Design Guideline	Staff Recommendation	HRB Member Notes
Overall building height increase of approximately 3.5 feet		1 1/2 stories maximum	Accept Change (Consistent w/ Design Guidelines). The house remains 1 1/2 stories and is not taller than other approved structures on site. It will match the height of House #4 and is placed 28 feet from pavement on Miller Street, the same as House #4.	
Window placement and shape change on east (front) elevation	Adjustments to accommodate floorplan.	N/A	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
Recessed entry approved in plans is now a covered porch projection.			Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines and is consistent with the approved design of House #4.	
West façade - Second story window changes.	To comply with HRB condition of approval #8 that windows shall be rectangular in shape and shall not exceed door height plus a one foot transom.	N/A	Accept Change (Consistent w/ Approved Plans). The HRB found that the floor-to-ceiling windows were too modern and not compatible.	

Roof overhang reduced on west façade.		N/A	Accept Change (Consistent w/ Design Guidelines). This may have been done to satisfy the HRB condition of approval #5c for maximum roof overhang of three feet. This change does not conflict with any design guidelines.	
Skylights are included on roof planes that may be visible from the right of way and in conflict with HRB conditions of approval		Skylights on inconspicuous roof planes. Not allowed: skylights on street-side roofs	Accept Change (Consistent w/ Design Guidelines). The skylights are not on street side roofs, rather they are on side-facing roofs. On both roof facades the skylights are minimally visible from Miller Street. The skylights are small in size and flat against the roof. The skylights could be found to meet the design guidelines, but they do not meet the original condition of approval. Staff recommends that the Board find the skylights to be consistent with the design guidelines and waive the original condition of approval.	

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891
www.ci.oregon-city.or.us

APPEAL OF A LAND USE DECISION

FILE # **AP** _____ (of File #) _____ DATE: 4/7/2021
NAME: CHRISTOPHER STAGGS TELEPHONE #: (503) 387-5545
ADDRESS: 502 MAIN ST.

ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:

CANEMAH COTTAGES - 508 4th AVE.

SUBJECT OF APPEAL: NOTICE OF DECISION DATE: 3/24/21 For File #:

GLUA 21-0001 / HR 21-00001 - HR 21-00005

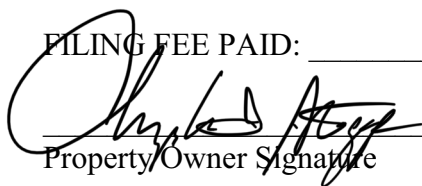
The undersigned hereby appeal(s) the decision of the HRB

concerning the subject case. The decision to approve _____ deny ☒ the application was made at the meeting held on 3/23/2021.

REASONS FOR APPEAL: Please include a statement identifying which approval criteria are violated by the decision and an explanation of how those criteria are violated, or stating how the decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City Municipal Code for Administration & Procedures concerning Appeals.

SEE ATTACHED APPEAL NARRATIVE

FILING FEE PAID: _____ DATE PAID: _____ RECEIPT NO.: _____


Property Owner Signature

502 MAIN ST.
Address

Property Owner Signature

Address

****SIGNATURES REQUIRED IF APPLICABLE****

Signature _____ Address _____
_____ Contract Purchaser _____ Lessee _____ Prospective Purchaser

INSTRUCTIONS FOR COMPLETING LAND USE APPLICATIONS

- 1. All applications must be either typed or printed (black ink). Please make the words easily readable.**
- 2. The application must be submitted with the correct fee**
- 3. If you mail in the application, please check with the Planning Division to ensure that it was received and that all necessary fees and information are with the application form.**
- 4. If you wish to modify or withdraw the application, you must notify the Planning division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary. Any refund will reflect the amount of time staff worked up until the date a letter of withdrawal is received.**
- 5. With the application form, please attach all the information you have available that pertains to the application you are submitting. All applicable standards and criteria must be addressed prior to acceptance of the application. Detailed descriptions, maps, and other relevant information should be attached and will be available for public review.**
- 6. Incomplete applications will be returned.**

Appeal of Land Use Decision - City of Oregon City

File #

Applicant Appeal -Narrative and testimony in response to “Additional Findings Adopted by the Board - Regarding Siding”

Brief History: the applicant substituted the original siding material, specified as “Wood Siding” with Fiber Cement Board Siding with a wood texture, aka Hardie Board. This is a common siding material on homes in Canemah, is more durable than actual wood and fire resistant, and is known to have a wood appearance. It is commonly used because of these reasons in both historic and non-historic neighborhoods.

Condition of Approval #7 and the associated findings by the HRB (page 3 - Notice of Decision; see exhibit below) violates the Oregon City Guidelines for New Construction in a historic district. Specifically, the statement, ***“The Board finds that the texture of the siding is artificial and is not consistent with the historic character of the district”***, contradicts and violates the allowable siding “Siding Design Criteria” on page 61 (see exhibit below). **“Wood siding or materials which have the appearance of horizontal wood siding....”**

Cement board siding with a wood texture, the material that was used for the home(s) construction, is specifically designed to have the appearance of wood siding, and meets the “Principle” and “Design” criteria for “Siding” as codified in the guidelines for new construction in a historic district. (See exhibit below). Further, fiber cement siding is fire resistant making the homes safer in a neighborhood with a great deal of trees. We believe this is an important factor. The HRB has a recent history of not allowing textured fiber cement board siding and has required smooth. This requirement is not consistent with the guidelines.

EXHIBITS

Additional Findings Adopted by the Board:

Regarding siding

The Board disagrees with staff’s recommendation that the textured fiber cement siding can be mitigated by landscaping. The Board finds that the texture of the siding is artificial and is not consistent with the historic character of the district. The artificial texture does not have the appearance of wood, as called for in the adopted Design Guidelines for New Construction. In addition, the Board finds that the texture is visible from the right of way and that landscaping would not fully screen or shield the siding. Although the homes individually are small, the effect of five homes all with textured siding is quite impactful and visible. The Board does not wish to set any precedent indicating that artificially-textured siding is permissible or that it meets the design guidelines. Therefore, the Board requires that the siding be replaced with wood siding or with smooth fiber cement siding.

ELEMENT	PRINCIPLE	DESIGN	NOT ALLOWED
Siding	Compatible with historic siding and enclosure materials in size, profile, orientation, texture, and color Commercial Buildings in McLoughlin: Cement plaster is acceptable	Wood siding or materials which have the appearance of horizontal wood siding in an allowable design; sawn wood shingles (painted) in secondary areas and for ornamental detail; Sample approval is required for non-wood horizontal board siding Cement Plaster (stucco): sand or fine finish; natural color, integral or painted; including parging on concrete; use fine joint lines; possible detailing, quoining or rustication	Aluminum, vinyl, scored plywood or sheet siding Alternative board siding not matching the approved profiles or texture Heavy textured or patterned plaster Canemah: cement plaster or similar

Applicant Appeal - Narrative and Testimony regarding Canemah Historic District, “Vernacular Design Composition” criteria

Brief History: the applicant, in its original land use application in 2017, performed an extensive survey of historic homes in Canemah studying planning, house placement, composition, building form, and design principles to ensure the homes met the criteria for the historic district. The applicant is knowledgeable of the design criteria for the historic district of Canemah.

On page 27 of the guidelines (see exhibit below) the “Design Composition” section specifically states, the Vernacular style in Canemah.....

“Lacks rigid system of exterior detailing that makes it a clearly definable architectural style; allows design flexibility and is inherently varied.”

This basic design composition criteria allows for “design flexibility” and “variation”. The HRB’s condition of approval to remove and replace the siding, which meets the “Siding” criteria, violates this criteria and ignores this specific design composition criteria allowing for variation in the Canemah district. Requiring smooth cement fiber board siding begins to set a precedence in direct contradiction to the very guidelines of the historic district.

EXHIBITS

Building Form

- Form easily allows additions and alterations such as increases in family size, activities or changing technology; generally smaller in size than McLoughlin.
- Shape: rectangular in plan, with smaller rectangular combinations to primary form; Rectangular or square form reinforced on façade. L-plan, T-plan options.
- Height: Maximum 1 ½ stories in height; Basement option.
- Proportions: Height (eave) to maximum width: 1:1 Height to Depth: can vary greatly.
- Roof: gable, of not less than 8:12 pitch, 10:12 and steeper are preferred. No cross-gable roofs; Possible wing or addition with lower ridgeline that is perpendicular or is offset.



Built: 1875



Built: 1864

Design Composition

- Lacks rigid system of exterior detailing that makes it a clearly definable architectural style; allows design flexibility and is inherently varied.
- Designed and built without assistance of a trained architect. Collaborative design evolved with homeowner and builder, based on familiar styles, features and products.
- Can combine features from other architectural styles popular during the historic period; simpler designs than McLoughlin.
- Porch: full or partial length at the front entry; if close to the ground, no railings; at main story only.
- Dormers: None.
- Materials: local, readily available.
- Windows: 1:1, double hung windows.
- Siding: horizontal board siding; typically shiplap, or channel; occasionally bevel.
- Ornament: Exterior decoration is modest, consisting of scroll-work brackets at the top of porch pillars, plain cornerboards and simple window trim. Most houses do not feature spindlework in the peaks of their gable roofs.
- Interior fireplaces and chimneys.



Built: 1885

Applicant Appeal - Conclusion

The applicant respectfully requests that the city commission remove #7 of the HRB Notice of Decision requiring removal of the existing siding and replacement with smooth siding, allowing the existing siding to remain on the homes. The built siding meets all historic criteria for approval, is consistent with the Guidelines for New Construction in Canemah, is safer and more durable, and meets the general, historic intent of the Canemah historic district.



**Historic Review Type III
Staff Report and Notice of Decision
March 24, 2021**

FILE NO.: GLUA-21-00001/ HR 21-00001 through 21-00005: Historic Review for Canemah Cottages in the Canemah National Register Historic District.

OWNER: Christopher Staggs, Aria Touch LLC

LOCATION: 508 4th Ave,
450, 462, 474, 486 Miller Street
Oregon City, OR 97045
Clackamas County Map 3-1E-01AA- Taxlots 2200, 3600, and 3700

REQUEST: Historic Review for alterations to previously approved Canemah Cottage Homes development (previous file #s MD-17-01 through MD-17-06, and AP-17-04). Applicant requests changes to the approved designs and interpretation of original conditions of approval including but not limited to the following items: window placement and design, skylight locations, siding material, and porch design.

DECISION: On March 23, 2021, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Oregon City Historic Review Board voted 4-0 to approve the proposal with conditions. The Oregon City Historic Review Board adopted as its own the Staff Report with findings and Conditions of Approval for File Number GLUA-21-00001/ HR 21-00001 through 21-00005. The complete record for the Historic Review Board decision is on file at the Planning Division.

CRITERIA: Administration and Procedures are set forth in Chapter 17.50, Chapter 17.40, Historic Overlay District in Chapter 17.40, and “R-6” Single-Family Dwelling District in Chapter 17.12 of the Oregon City Municipal Code. The City Code Book is available on-line at www.orcity.org.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the hearing, in person or by letter, with sufficient specificity to afford the Historic Review Board and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The decision of the Historic Review Board may be appealed to the City Commission by parties with standing within fourteen (14) calendar days of the notice of decision. Any appeal will be based on the record. The procedures that govern the hearing will be posted at the hearing and are found in OCMC Chapter 17.50 and ORS 197.763. A city-recognized neighborhood association

requesting an appeal fee waiver pursuant to OCMC 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

Conditions of Approval

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

1. The applicant shall add two deciduous trees to the landscape area in front of Houses #4 and #5, along with six large shrubs. The trees shall be at least 1.5" caliper and the shrubs shall have a mature height of at least 4 feet. All additional landscaping shall be native species from the City's native plant list.
2. The applicant shall replace at least four of the shrubs proposed in front of House #1 with larger shrub varieties. The shrubs shall have a mature height of at least 4 feet. All additional landscaping shall be native species from the City's native plant list.
3. If the applicant is unwilling to replace the windows on the facades identified below with windows that match the shadowline of historic wood windows, the applicant shall utilize window trim to achieve 2.5" to 3" of depth from face of trim to glass panes on the following facades:
 - a. Front of house #1
 - b. West elevation of House #1
 - c. Front of House #3
 - d. Front of House #4
 - e. North elevation of House #4
 - f. Front of House #5
4. The applicant shall plant native plants or seed mixes only within the wetland area and within 50 feet of the wetland boundaries. Plants or seed mixes with species not found on the city's native plant list are not permitted within the wetland, and any new plants within 50 feet of the wetland boundary shall be native species from the City's list as well. Non-native species within 50 feet of the wetland shall be moved to other areas of the site.
5. The applicant shall plant vines or espalier to cover and screen the 5-foot retaining wall at the back of the parking area next to house #1.
6. The applicant shall add landscaping to screen the area of exposed foundation that is taller than 3.5 feet in height on the front corner of House #1.
7. The applicant shall replace the siding on all of the homes to either horizontal wood board siding or smooth fiber cement horizontal board siding.

Additional Findings Adopted by the Board:Regarding siding

The Board disagrees with staff's recommendation that the textured fiber cement siding can be mitigated by landscaping. The Board finds that the texture of the siding is artificial and is not consistent with the historic character of the district. The artificial texture does not have the appearance of wood, as called for in the adopted Design Guidelines for New Construction. In addition, the Board finds that the texture is visible from the right of way and that landscaping would not fully screen or shield the siding. Although the homes individually are small, the effect of five homes all with textured siding is quite impactful and visible. The Board does not wish to set any precedent indicating that artificially-textured siding is permissible or that it meets the design guidelines. Therefore, the Board requires that the siding be replaced with wood siding or with smooth fiber cement siding.

Regarding skylights

The Board agrees with staff's findings and recommendations about skylights. Skylights are to be located on "inconspicuous roof slopes." These skylights are located on rooflines that are perpendicular to the street and do not visually "jump out" because they are flat against the roofline. When traveling through Canemah, the eye is not drawn to the roofs of the structures, generally. There is precedent of skylights on non-street facing facades throughout Canemah, and many are visible from the right of way even though they are not directly facing the right of way. Given that the skylights are "inconspicuous" given their location and surroundings, the Board finds that they are consistent with the adopted Design Guidelines for New Construction.

Regarding windows

The Board agrees with staff's findings and recommendations about the window design and finds that adding thicker trim around the windows would create more depth, making the windows appear to have similar shadowlines of historic wood windows. The facades of the homes are fairly simple and flat, and the trim will serve to add depth and changes in plane not just to the window areas but to the building elevations as well.

Regarding Landscaping

The Board notes that the Guidelines call for site design in Canemah to include a "native planting mixture" as well as trees and shrubs. Further, the Board finds that since the applicant proposed native plants in the original application. As a result, the applicant shall remove any non-native plants that have been planted on site within 50 feet of the wetland boundary. Some of the plants that have been planted are non-natives, including *Pachysandra*, which is not identified as invasive on the city's nuisance plant list but has the proclivity to spread invasively. Any new species or seed planted within the wetland or within 50 feet of the wetland boundary shall be native species in order to protect the wetland and preserve the natural landscape of the site and district.

I. BACKGROUND:

History of Land Use and Permit Approvals

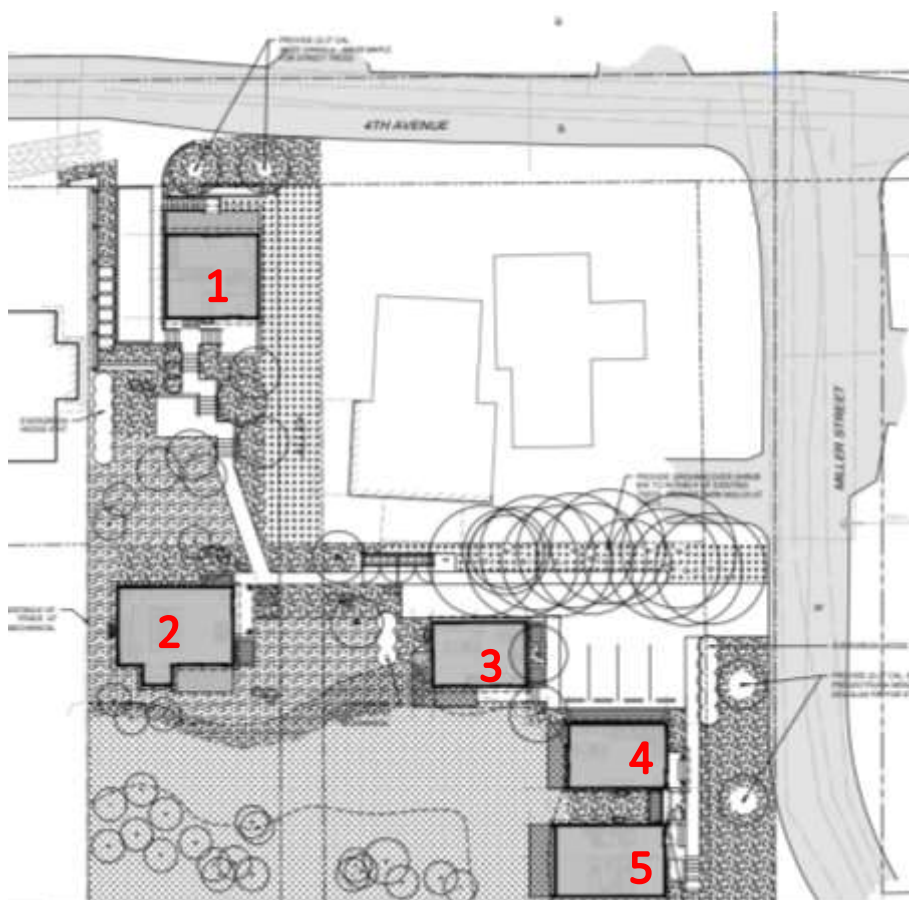
In 2016 and 2017, the applicant submitted applications to the City for approval to construct a cottage home development. The Historic Review Board approved a development of five total cottage dwellings with conditions of approval (MD 17-01 through MD 17-06). The decision was then appealed by Friends of Canemah, and the HRB's decision was upheld by the City Commission through AP-17-04. The decision was then appealed by Friends of Canemah to LUBA. LUBA did not remand the City's decisions and the approvals were then considered final.

The project also submitted for Site Plan and Design Review and Geologic Hazard review through SP-17-145/US-17-09.

In 2018, building permits were issued for the development to begin construction. The building plans were reviewed by planning staff. At the time, Planning staff reviewed the conditions of approval from the Historic Review Board and noted in a written permit review memo which conditions were reflected in the building plans and which conditions remained to be addressed at a later date. The memo noted that the skylights should be reviewed after framing is up, when staff could make a determination which roof areas would be visible from the right of way.

Construction began on the homes in 2019. The applicant completed framing, roofing, and window installation in 2020. Staff was made aware that skylights had been installed without the review that was mentioned in the permit review memo. At that time, staff visited the site and informed the applicant that some of the skylights were visible from the right of way, which was in violation of a Condition of Approval of MD-17-01 – MD17-06.

The building division was later asked to perform an inspection to approve framing and exterior work so that interior work could begin on the homes. The applicant has not yet received approval for that inspection due to the issues identified by the planning division. These issues include the skylight locations mentioned previously, along with other items identified in this report.



Site Plan for 5 cottage homes

Notice and Public Comment:

A public notice was sent to neighbors with 300 feet of the subject property, posted online, emailed to various entities, and posted on site.

Karen Blaha, who lives directly adjacent to the subject property, submitted a comment urging the HRB to approve the development so that construction can be completed. She commented that when landscaping matures, the concerns over design will be moot.

Susan Borger and Dennis Anderson also urge the approval of the development, stating:

"As homeowners on 4th Avenue, we're advocating for the completion of the Cottage homes. We want to see the construction finished, the site landscaped and homes occupied, in spite of the position of skylights, texture of the siding, proportions of windows or porch locations. This neighborhood is on the national register, but the majority of properties are not of historic significance, Canemah is not Colonial Williamsburg! Most of the residents and visitors to Canemah will not be inspecting these details in their daily travels."

Ron Bistline, who recently constructed a new home in the district on 4th Avenue, asked the Board to reject the requests regarding siding, windows, doors, and retaining walls, and instead hold the applicant to the guidelines. He expressed that other recent projects were required to meet the standards, along with a concern that future development in Canemah would also be permitted to violate the guidelines if this request is approved.

II. Findings and Analysis

Staff has identified a number of discrepancies between the plans approved by the HRB with conditions, and the current constructed dwellings. The discrepancies include items that are directly in conflict with a condition of approval, items that are in conflict with the applicant's proposal, and items that require interpretation by the HRB. The applicant has made this application to the Historic Review Board to request that the Board approve the homes as constructed, which would in effect waive or modify some of the previous conditions of approval.

The discrepancies include: siding, window design, skylights, retaining walls, porches, placement of windows and doors, and building height. Each of these items is explained in detail below with a staff recommendation.

The applicant submitted the following narrative with this application:

The five cottage homes are built according to the permitted drawings and documents submitted to the city planning and building department. (The construction is ongoing and not complete). These documents were reviewed by the planning department prior to construction starting. The last set of documents and drawings reviewed by the HRB, at the time of the hearing when approval was granted, are not reflective of the written conditions of approval. The drawings submitted for permitting do reflect the changes and modifications that were conditioned at time of approval. (We are effectively saying, the discrepancies noted by the city planning are in large part, based on conditions of approval that do not match the HRB conditions and approval of the project, and we believe the homes as they are built, are in compliance with the historic standards and historic intent). The applicant has made minor changes to the exterior elevations from the approved drawings which we believe meet the historic standards of Canemah. Further, there is specific language in the conditions of approval, that are not reflective of the HRB conditions, for example, skylights in Canemah are not to be located on roof slopes facing the right of way. The conditions of approval written for this project incorrectly states, "...skylights shall not be visible from the right of way...". This language does not reflect the historic standards which specifically allow skylights in roofs that are not facing the right of way. (House #4 and #5 have skylights that are visible from the right of way but not facing the right of way). The applicant suggests a review of the as built homes demonstrates the homes are built according to historic guidelines as outlined in the city standards, and, the as built homes meet the approved project.

The Board has a few options; it can approve the structures as they have been constructed, it can require that some designs and/or materials be replaced in order to meet the previous HRB approval, or it can require changes or actions that mitigate for the lack of adherence to the previous HRB approval.

The Historic Review Board's task for this review is to evaluate whether the changes to the structures that do not match the approved designs detract from the character of the Canemah National Register District.

The critical components of the district's character are, first and foremost, the historic contributing structures themselves, along with the development pattern and characteristics in the hillside area of Canemah including:

- Narrow streets and informal driveways
- Basalt walls and channels
- Irregular home placement
- Landscape of dense natural vegetation and mature trees on the steep hillsides

Staff finds that current request does not impact the district's characteristics of narrow streets and informal driveways, the basalt walls and channels, or the dense vegetation. The placement of the homes, which continues the irregularity of the district's pattern, has already been approved and is not proposed to change as a result of this request. Thus, the focus here is on the impact of the houses' designs and materials on the historic homes in the district.

The small size of the homes and simple designs of the street-facing facades serves to direct attention not to themselves but to the larger, historic homes in the district. While the materials that have been used on the homes are modern – textured fiber cement siding, casement and awning windows, and skylights, these elements may be found as acceptable on the modest-sized homes. Other modern elements in the original proposal, such as floor to ceiling windows and vertical siding, have been eliminated, making the homes overall more compatible with the Historic District. These modern materials have been found to be inappropriate on historic contributing homes in the district and on larger newly constructed homes that are bulkier than the historic homes in Canemah. In the past several years, all of the new structures built in Canemah have square footage that is larger than the average historic home in the district, while all five of the homes in this development are smaller than the average historic home in the district. Staff finds that may be reasonable to set the bar higher with respect to material compatibility on larger structures with greater massing that will “stick out,” within the district, and allow more flexibility in materials for smaller structures that better blend into the fabric of the district.

Other mitigating factors that may support the use of these modern materials is that at least some of the homes are located further from the street right-of-way and not as visible from 4th Avenue and Miller Street, where all pedestrian and vehicle activity occurs. There are no sidewalks that would bring a visitor right in front of the homes to see the materials up close. In addition, there is landscaping proposed in front of the homes that will further obscure the view of the materials. Staff recommends that additional landscaping may be needed in front of House #1, #4, and #5 in order to provide screening making these buildings less visible from the street. Another action that might provide some mitigation for the window design is adding thicker window trim to provide a greater depth and shadowline, assuming that the applicant is not willing to replace the windows that are visible from the street.

The following pages include an in-depth analysis of each design element that is in conflict with the approved HRB plans.

Siding

As part of MD 17-01 through MD 17-06, the applicant proposed horizontal wood shiplap siding and some vertical wood siding. The application specifically proposed *“Horizontal earth tone painted cedar rainscreen siding with architecturally significant moments of vertical stained cedar rainscreen.”* The HRB approved the wood siding, and restricted vertical siding for use only on non-street facing facades. The homes have all been built with textured fiber cement siding, and no vertical siding has been used.



Textured fiber cement (hardieboard) siding on the constructed homes.



Product comparisons: Smooth versus Textured (Cedarmill) siding

Guidance from Design Guidelines (2006):

ELEMENT	PRINCIPLE	DESIGN	NOT ALLOWED
Siding	Compatible with historic siding and enclosure materials in size, profile, orientation, texture, and color Commercial Buildings in McLoughlin: Cement plaster is acceptable	Wood siding or materials which have the appearance of horizontal wood siding in an allowable design; sawn wood shingles (painted) in secondary areas and for ornamental detail; Sample approval is required for non-wood horizontal board siding Cement Plaster (stucco): sand or fine finish; natural color, integral or painted; including parging on concrete; use fine joint lines; possible detailing, quoining or rustication	Aluminum, vinyl, scored plywood or sheet siding Alternative board siding not matching the approved profiles or texture Heavy textured or patterned plaster Canemah: cement plaster or similar

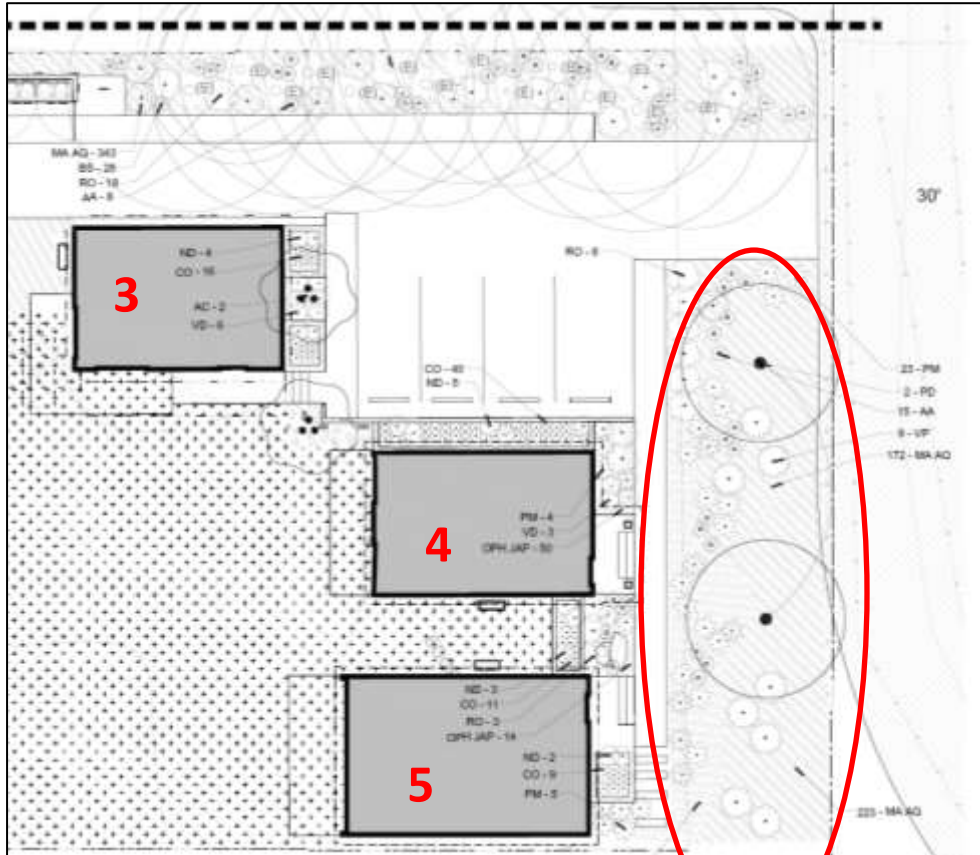
Staff Analysis and Recommendation:

Staff finds that the change from vertical siding to horizontal siding on some of the facades results in a design that is more compatible with the historic character of the district.

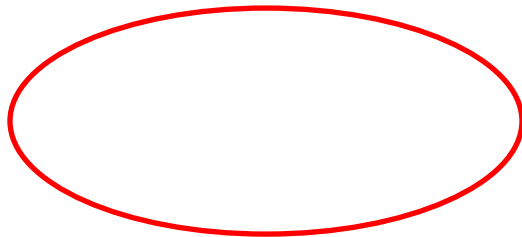
The applicant has opined that the textured hardieplank siding meets the city's guidelines, and has not proposed any possible actions that would mitigate for the siding material. For at least the past 15 years, the Board has consistently allowed only smooth hardieplank to mitigate for the use of non-wood siding material for new construction projects. The guidelines do not specifically prohibit textured hardieplank siding, but previous Boards have found that the textured product did not meet the guideline to use materials which have the appearance of horizontal wood siding. Last year, the Board required an HRB-approved project on Center Street to replace textured hardieplank siding with smooth, when textured siding was used by mistake. Board members noted that the waste caused by such a change was

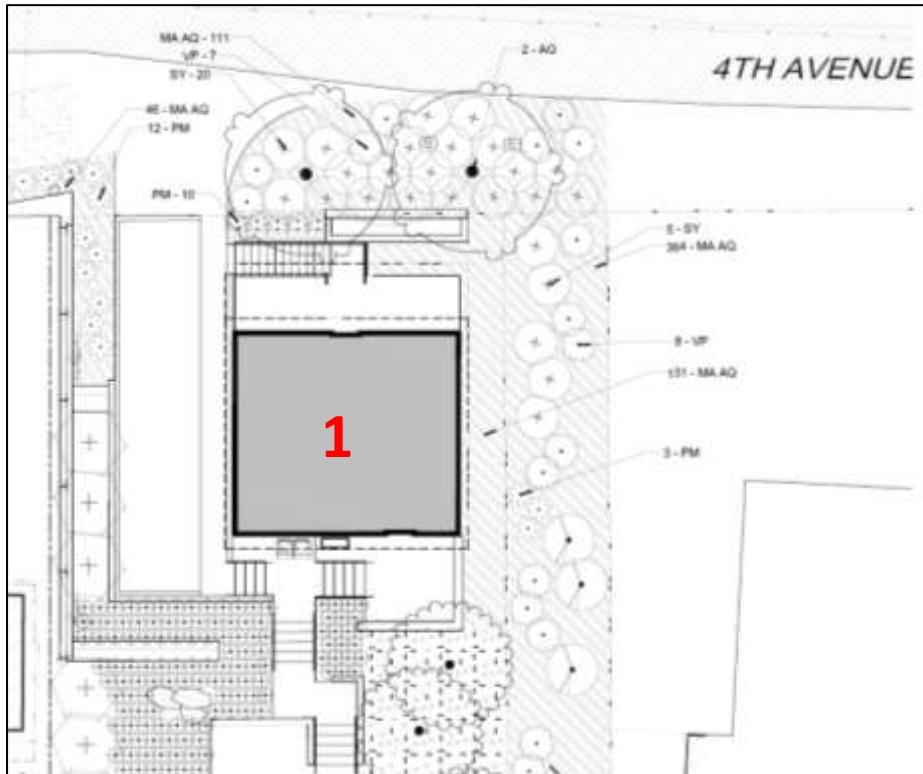
unfortunate but that the applicant should be held to the condition of approval. In the case of the Canemah Cottages, the HRB might find that given the setback, landscaping, and the small size of each residence, it might make sense to allow textured hardieplank as it would not be visible from the street and therefore not detract from the Historic District. The development project on Center Street was a commercial office building, built right up to the sidewalk and on a more visible thoroughfare.

If the HRB finds that the textured hardieplank siding is acceptable, the Board should adopt findings that are very context-specific and would not necessarily lead to an allowance for this siding for future development projects.



Landscaping in front of houses #3, 4, and 5





Landscaping in front of house #1

Window Design

As part of MD 17-01 through MD 17-06, the applicant did not include precise details on the window design, other than the statement that 2.5' wide by 5' tall wood windows would be used. All of the windows in the original application were proposed to be casement windows, according to the drawings. Houses #2 through #5 were approved with the following condition of approval:

"Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Nonwood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board."

The windows that have been installed are recessed 1.5" from the trim. Most of the windows are casement windows with a band that divides the window into two squares to give it an appearance of a 1 over 1 window. Because they are casement style windows, the upper and lower portions have the same plane and do not create the shadowline effect of a single or double-hung window.

A few of the installed windows appear to be fixed lite, while many others are awning windows, instead of the proposed casement windows. Many of the awning windows do not have the simulated divided lite horizontal band. According to the design guidelines, awning windows must be reviewed by the HRB and are not allowed to be approved by staff as a change order.



Casement windows with simulated divided lite on the front of House #1.



Casement windows with simulated divided lite on the front of House #5.

Guidance from Design Guidelines (2006):

Window, Residential	Match the member sizing, thickness and shadowline of painted wood windows	Double, single hung Casement, Fixed if style allows Wood clad acceptable if matching and if in suitable color and finish Non wood acceptable if in appropriate style, and matching wood in profile, shadowline, and if in suitable color and finish; Actual sample is required to be approved Divided lights: with exterior muntins only and if style allows	Sliding, and non rectangular windows Awning, hopper upon HRC review Prefinished windows of unsuitable colors; Unfinished or stained finish Grids between glass Tinted or reflective glass, glass block
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Staff Analysis and Recommendation: The member siding, thickness, and shadowline of painted wood windows is not clearly defined in the guidelines. Because they are casement style windows, the upper and lower portions have the same plane and do not create the shadowline effect of a single or double-hung window. The awning windows also lack the shadowline effect.

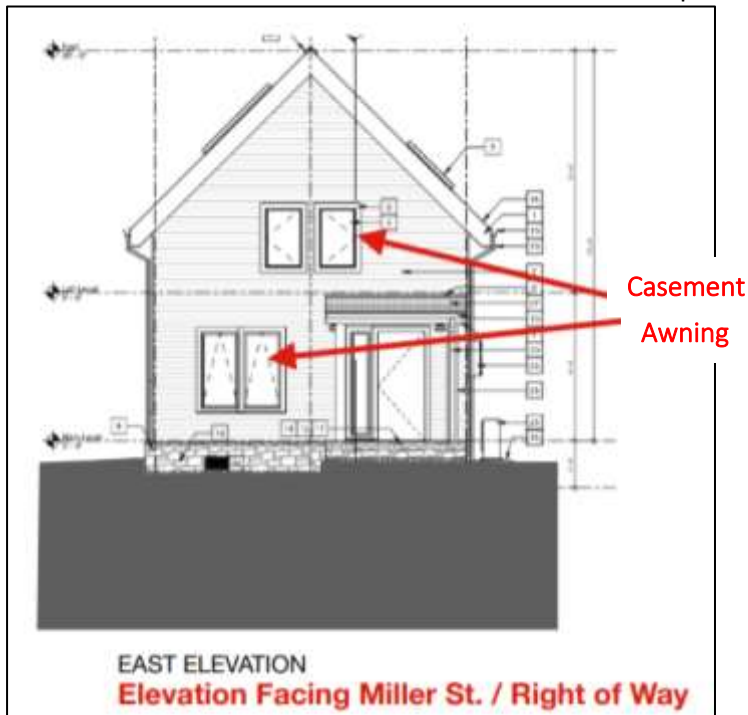
A key dimension for painted wood windows is window sill depth. The applicant states that all windows are recessed 1.5" from face of trim, but did not provide any other information comparing this to painted

wood windows or demonstrating that this dimension meets the condition of approval. A historic, wood, double-hung window would likely have a greater sill depth, and the Board may or may not find that the 1.5" recessed dimension is acceptable for these windows. If the board requires that the windows be modified in any way, staff recommends that the board be very specific about what window dimensions would be acceptable.

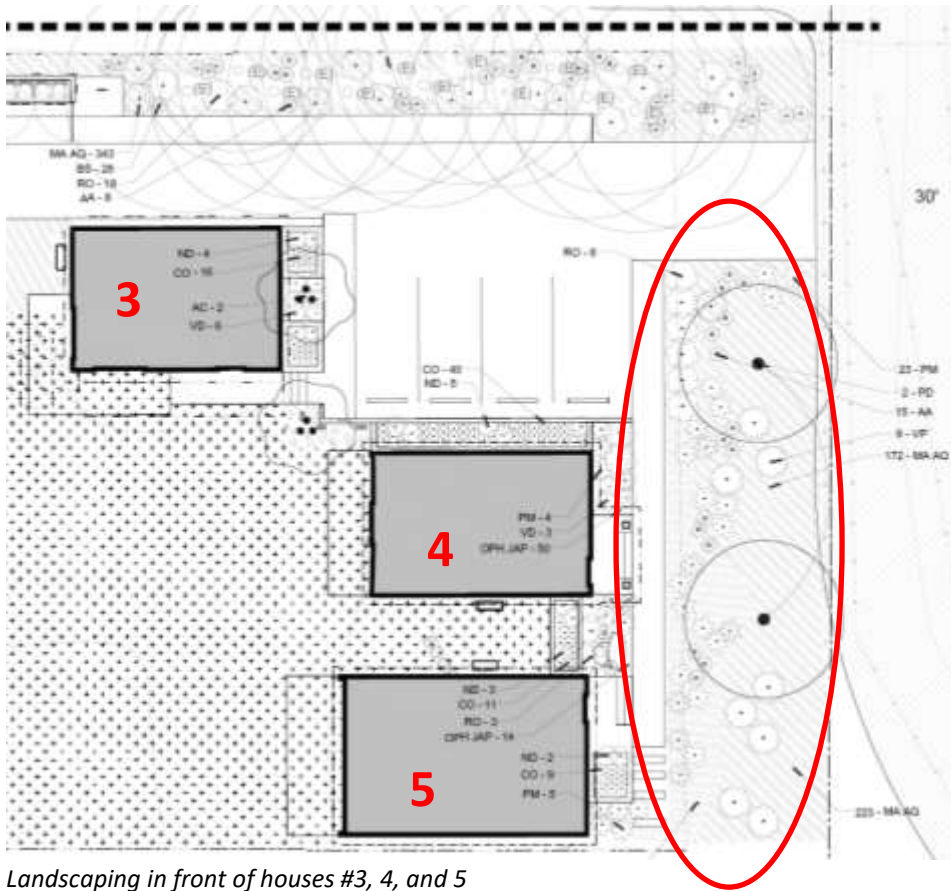
The awning windows that have been installed are in the following locations:

- On the left (east) side of House #1. As this area of the house is obscured from view, staff recommends that the HRB allow the awning windows on House #1 to remain.
- On the front and side (north and east) elevations of House #2. As these parts of the house are generally obscured from view due to the placement of other structures and the topography of the site, staff recommends that the HRB allow the awning windows on House #2 to remain.
- On the north, east, and west elevations of House #3. Some of these windows are on the front and will be visible from Miller Street.
- On the front and side of House #4, which faces Miller Street.
- On the front and side of House #5, which faces Miller Street.

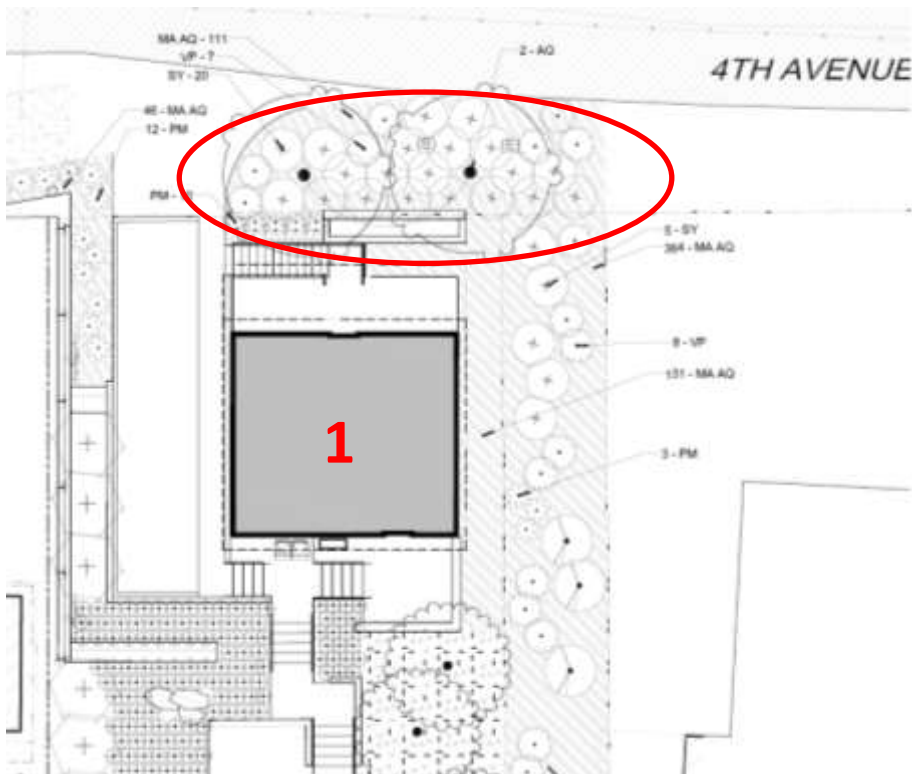
As is the case with respect to the siding, these structures are significantly setback from the street such that the shadowline may not be visible. The proposed landscaping may shield some of the buildings from view. However, the Guidelines are fairly clear in requiring shadowlines that would match a historic wood window. Staff recommends that either (1) the awning windows should be replaced with windows with shadowlines that would match historic windows or (2) additional landscaping is installed and thicker outside window trim be added to increase the depth and shadowline."



House #5 front elevation facing Miller Street contains both awning and casement windows



Landscaping in front of houses #3, 4, and 5



Landscaping in front of house #1

Skylights

As part of MD 17-01 through 17-06, the applicant proposed a number of skylights. The Historic Review Board adopted a condition of approval that skylights were only permitted if they were in *“inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.”* Skylights on House #4 are visible from the right of way. A skylight on House #2 is also currently visible but might be obstructed in the future by landscaping. Skylights on House #5 are marginally visible and are mostly obstructed by vegetation, especially in outside of the winter months.



View from right-of- way on Miller Street – House #4 skylights are visible. August 2020



View from right-of- way on Miller Street – House #4 skylights are visible. August 2020



(Left) View from right-of- way on 4th Avenue – House #2 skylight. August 2020



(Right) View from right-of- way on Miller Street – House #5 skylight. August 2020

Guidance from Design Guidelines (2006):

Skylights	Install on inconspicuous roof slopes, mount skylight close to roof plane	Rectangular in shape with rectangular flat clear (exterior sheet) glass	Skylights on street-side roofs. No dome or bubble shaped skylights; plastic, acrylic glazing
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Staff Analysis and Recommendation:

The skylights that have been installed are rectangular in shape with flat glass. They are placed on side-oriented roof slopes but are visible from the right of way, in violation of the condition. The skylight on House #2 does face 4th Avenue but is setback considerably from 4th Avenue, near the rear of the property. The skylight on House #2 will be at least partially obscured by trees planted on site. The skylights on House #5 are mostly obscured by vegetation, especially during the summer. House #4 blocks the view of the north facing skylights on House #5. Staff recommends that the skylights on House #2 and House #5 be approved.

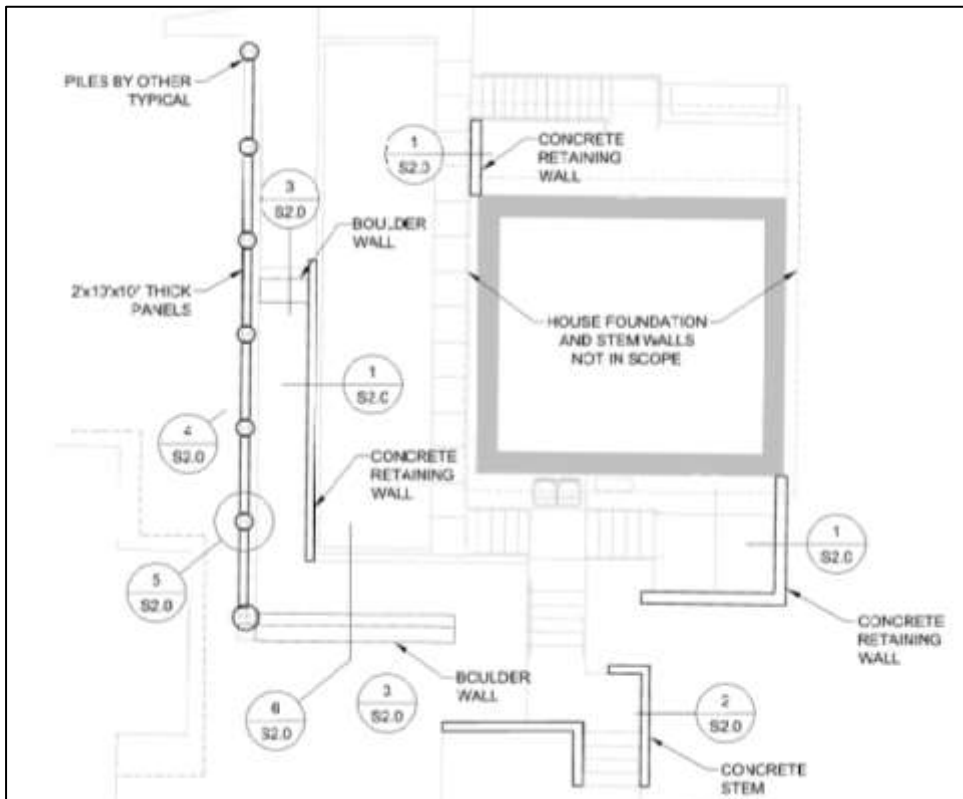
While the skylights on House #4 do not meet the original condition of approval, staff advises that the skylights might be found to be appropriate due to their low profile, reasonable size, and location on side-oriented roofs. The use of skylights is a modern design and can be found to be compatible under these circumstances, especially on a structure with modest massing and height. There do not appear to be any possible actions that would mitigate for the visibility of these skylights.

Retaining walls

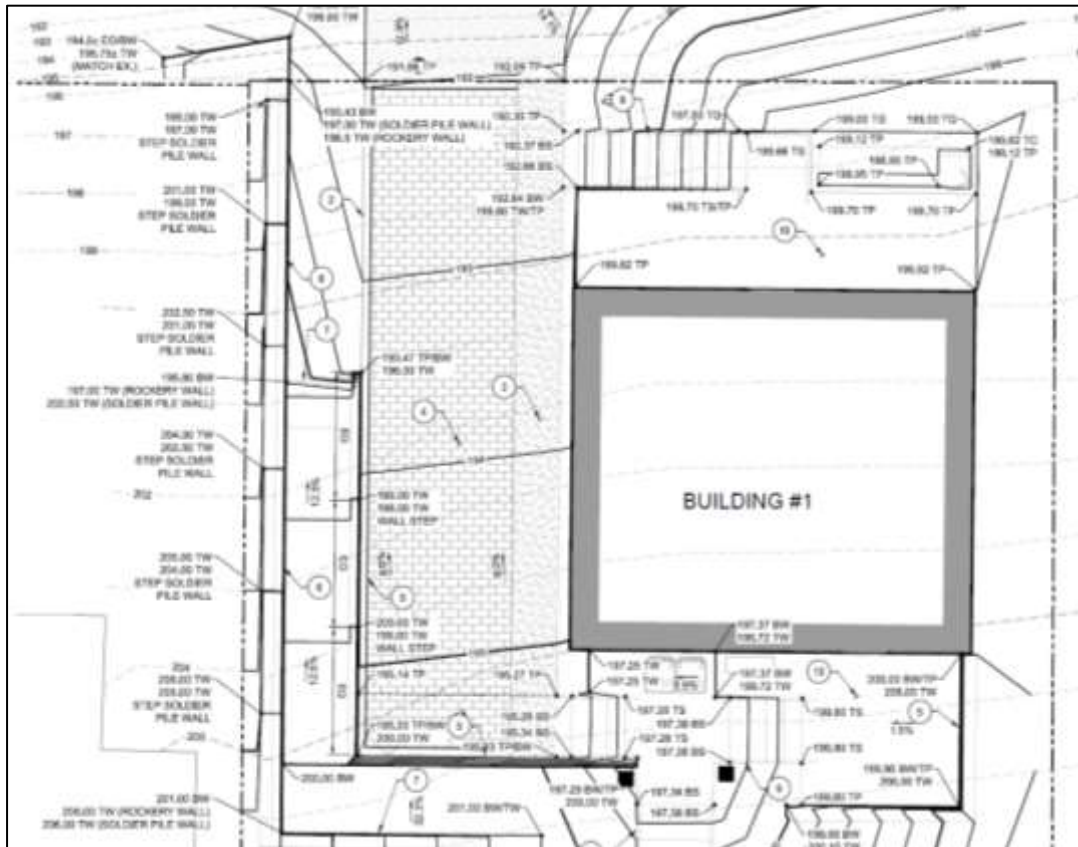
As part of MD 17-01 through MD 17-06, the applicant proposed retaining walls of concrete and layered with "basalt stone over the structural elements along with covering with planting to minimize appearance and to blend more seamlessly in with the surrounding landscape." The proposal included a retaining wall taller than 3 ½ feet in front of homes #1 and #3, and the Historic Review Board included a condition of approval for House #1 that "Retaining and structural walls shall be minimized; to be faced or finished in stone, mortared basalt, or concrete, and not exceed 3 ½ feet, to complement the Canemah Neighborhood." Another condition of approval was written to be specifically about the height of walls in front yards only. It is not clear if the HRB intended for all of the retaining walls on site to be limited to 3.5 feet in height, or just the walls in front yards. It appears that the retaining wall behind House #1 may be taller than 3.5 feet when construction is complete. The construction plans show it is approximately 5 feet in height at the back of the driveway.



Retaining wall next to House #1, at end of driveway



Construction plans: retaining wall plan sheet



Construction plans: grading plan

Guidance from Design Guidelines (2006):

Walls, Site	Low landscape walls for increased site utility Minimize retaining walls and their heights Use natural materials, finished concrete	Minimize the height and presence of walls; Use of rock, brick, concrete with finishing; mortared or stacked true masonry or stone that was traditionally quarried in the area	Gabion, rip-rap, stacked recycled concrete if unfaced Wood, railroad tie retaining walls in commercial or public setting Use of materials, stone, not regionally available during the historic period
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Staff Analysis and Recommendation:

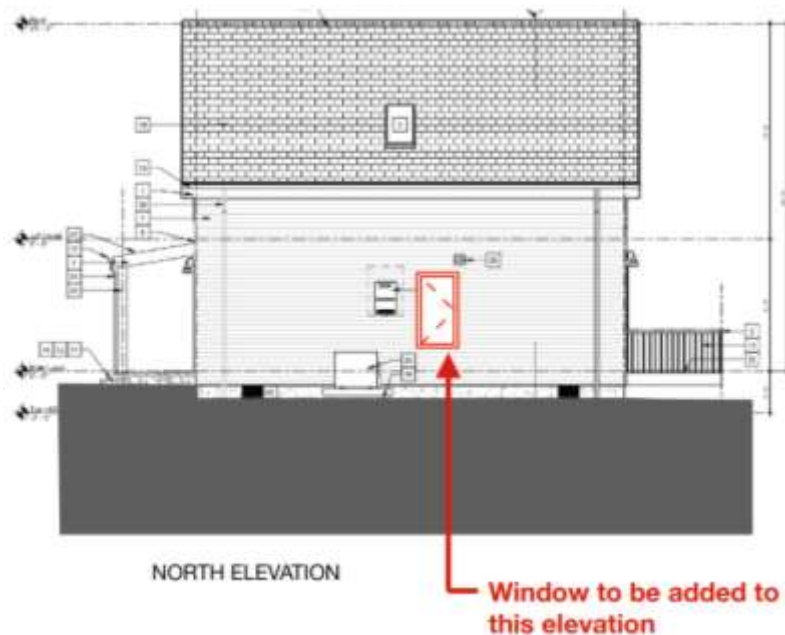
The design guidelines do not contain a specific height limit but rather call for minimization of retaining walls. The wall behind House #1 is in the rear yard and can be up to 6 feet in height based on general city standards. If the wall will end up being taller than 3.5 feet and the HRB finds that the height is not acceptable, the applicant could be required to add another wall to terrace the slope. Staff does not recommend any conditions of approval given that the wall is in the rear yard and proposed to be planted with vine coverage.

Placement and shape of windows and doors

As conditions of approval for MD 17-01 through MD 17-06, the HRB required some adjustments to windows and doors. The applicant made the required changes, but also made numerous other changes to window and door placement that were not required or approved by the HRB. It is fairly common for slight changes to window placement to occur after HRB approval due to interior design decisions that are made prior to building permit submissions.

There was a public comment submitted regarding the use of sidelites next to the entry doors. While sidelites are probably not typical in Canemah, they were approved in the original application to the HRB (MD 17-01 – MD 17-06).

Due to the sheer number of changes, staff recommends that instead of comparing what was approved to what has been built, the HRB simply considers whether the existing window and door placement is appropriate. Staff does not have any major concerns about the placement of windows and doors, except on House #5, where no windows are present on the side elevation facing House #4. The applicant has proposed to add a window to this façade, which is acceptable. Staff recommends that the HRB accept the window and door placement as proposed on all five homes.



The applicant proposes to add a window to the north elevation of House #5.

Porches

On houses #2 and #5, a partial front porch has been added. On house #2, the porch and entrance was originally proposed on the side of the home, and the HRB required that the front door be on the front instead. The applicant also modified the porch, adding a projecting porch on the front of house #2. On house #5, the applicant proposed a recessed porch, which was approved by the HRB. The house has been constructed with a projecting porch instead, with no recessed area on the front.

The porches that have been constructed are similar to those on the other homes in the development. They are of simple design and do not violate any design guidelines or conditions of approval. Staff recommends that the HRB accept the porch changes as proposed.



(Left) House #5 under construction in Fall 2020 with projecting porch.

(Right) House #2 under construction with projecting porch added.

Building Heights and Massing

The overall height of houses #3 and #5 are taller than what was approved by the HRB in MD-17-01 through MD 17-06. House #3 is approximately 1.5 feet taller than proposed, and House #5 is approximately 4.5 feet taller than proposed. This discrepancy was not discovered by staff during the review of the building plans. The additional massing is due to more second level height above the first story windows. These heights are the same or similar to the other houses in the development, and are not taller than what is allowed by the design guidelines. Staff recommends that the HRB accept the building heights as proposed.



Proposed and constructed versions of House #5. The height difference is approximately 4.5 feet.



Proposed and constructed versions of House #3. The height difference is approximately 1.5 feet.

III. APPLICABLE STANDARDS AND FINDINGS

17.40.060 - Exterior alteration and new construction.

- A. *Except as provided pursuant to subsection I of this section, no person shall alter any historic site in such a manner as to affect its exterior appearance, nor shall there be any new construction in an historic district, conservation district, historic corridor, or on a landmark site, unless a certificate of appropriateness has previously been issued by the historic review board. Any building addition that is thirty percent or more in area of the historic building (be it individual or cumulative) shall be considered new construction in a district. Further, no major public improvements shall be made in the district unless approved by the board and given a certificate of appropriateness.*

Applicable: The proposal for new construction in a historic district is being reviewed by the Historic Review Board.

B. Application for such a certificate shall be made to the planning staff and shall be referred to the historic review board. The application shall be in such form and detail as the board prescribes.

Complies as Proposed: The applicant submitted the required materials.

D. [1.] The historic review board, after notice and public hearing held pursuant to Chapter 17.50, shall approve the issuance, approve the issuance with conditions or disapprove issuance of the certificate of appropriateness.

Applicable: The proposal is being reviewed by the Historic Review Board.

2. *The following exterior alterations to historic sites may be subject to administrative approval:*
 - a. *Work that conforms to the adopted Historic Review Board Policies.*

Not Applicable: The proposal is not subject to administrative approval.

F. For construction of new structures in an historic or conservation district, or on an historic site, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall include the following:

1. *The purpose of the historic conservation district as set forth in Section 17.40.010;*

Finding: Complies with Conditions. The purpose of the district is to:

- A. *Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;***
- B. *Safeguard the city's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and districts;***
- C. *Complement any National Register Historic districts designated in the city;***
- D. *Stabilize and improve property values in such districts;***
- E. *Foster civic pride in the beauty and noble accomplishments of the past;***
- F. *Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;***
- G. *Strengthen the economy of the city;***
- H. *Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and public welfare of the city; and***
- I. *Carry out the provisions of LCDC Goal 5.***

Staff finds that current request does not impact the district's characteristics of narrow streets and informal driveways, the basalt walls and channels, or the dense vegetation. The placement of the homes, which continues the irregularity of the district's pattern, has already been approved and is not proposed to change as a result of this request. Thus, the focus here must be on whether the materials – the siding, windows and skylights - detract from the character of the protected Historic District.

The small size of the homes and simple designs of the street-facing facades serves to direct attention not to themselves but to the larger, historic homes in the district. While the materials that have been used on the homes are modern – textured fiber cement siding, casement and awning windows, and skylights, these elements may be found as acceptable on the modest-sized homes, given their location. These modern materials have been found to be inappropriate on historic contributing homes in the district and on larger newly constructed homes that are bulkier than the historic homes in Canemah. In the past several years, all of the new structures built in Canemah have square footage that is larger than the average historic home in the district, while all five of the homes in this development are smaller than the average historic home in the district. Therefore, given the unique size, massing and placement of these homes, coupled with surrounding landscaping, it might make sense to allow greater flexibility with respect to materials.

Other mitigating factors that might support the use of more modern materials are that the homes are removed from the street pavement of 4th and Miller, where all pedestrian and vehicle activity occurs. There are no sidewalks that would bring a visitor right in front of the homes to see the materials up close. In addition, there is landscaping proposed in front of the homes that will further obscure the view of the materials. Staff recommends that additional landscaping may be needed in front of House #1, #4, and #5 in order to provide ample screening. Another action that might provide some mitigation for the window design is adding thicker window trim to provide a greater depth and shadowline, assuming the HRB finds that replacement of the windows is not necessary. Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

2. *The provisions of the city comprehensive plan;*

Finding: Complies with Condition.

There are a few goals and policies in the Comprehensive Plan that pertain to this proposal:

Section 5

Open Spaces, Scenic and Historic Areas, and Natural Resources

Canemah is an important example of a relatively intact riverboat town with architectural resources dating from the 1860s. Having evolved from a community for the elite of the riverboat industry to a workers' community, Canemah retains essentially the same sense of place it had in the latter half of the 19th century. Situated above the Falls of the Willamette, it was an important portage town and the major shipbuilding center on the upper Willamette River. Canemah was listed as a Historic District in the National Register of Historic Places in 1977.

Goal 5.3 Historic Resources

Policy 5.3.1

Encourage architectural design of new structures in local Historic Districts, and the central Downtown area to be compatible with the historic character of the surrounding area.

Policy 5.3.8

Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.

Finding: Complies with Conditions. Staff finds that current request does not impact the district's characteristics of narrow streets and informal driveways, the basalt walls and channels, or the dense vegetation. The placement of the homes, which continues the irregularity of the district's pattern, has already been approved and is not proposed to change as a result of this request. Thus, the focus here is on the impact of the houses' designs and materials on the historic homes in the district.

The small size of the homes and simple designs of the street-facing facades serves to direct attention not to themselves but to the larger, historic homes in the district. While the materials that have been used on the homes are modern – textured fiber cement siding, casement and awning windows, and skylights, these elements may be found to be acceptable on these unique, modest-sized homes. These modern materials have been found to be inappropriate on historic contributing homes in the district and on larger newly constructed homes that are bulkier than the historic homes in Canemah. In the past several years, all of the new structures built in Canemah have square footage that is larger than the average historic home in the district, while all five of the homes in this development are smaller than the average

historic home in the district. Staff finds that it is reasonable to set the bar higher for materials on larger structures with greater massing that will “stick out,” within the district, and allow more flexibility in materials for smaller structures that better blend into the fabric of the district.

Other mitigating factors that support the use of these modern materials are that the homes are removed from the street pavement of 4th and Miller, where all pedestrian and vehicle activity occurs. There are no sidewalks that would bring a visitor right in front of the homes to see the materials up close. In addition, there is landscaping proposed in front of the homes that will further obscure the view of the materials. Staff recommends that additional landscaping may be needed in front of House #1, #4, and #5 in order to provide ample screening. Another action that might provide some mitigation for the window design is adding thicker window trim to provide a greater depth and shadowline.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

3. *The economic effect of the new proposed structure on the historic value of the district or historic site;*

Finding:

The development of the five structures have already been approved by the Board. The scope of the current application is limited to design details such as windows, siding material, skylights, and retaining walls. The Canemah National Register district’s historic value comes from the preservation of the historic structures in the district, and the pattern of development. The overall development and placement of structures that will become part of the pattern of the Canemah District will not change as a result of the HRB’s decision on these design details.

4. *The effect of the proposed new structure on the historic value of the district or historic site;*

Finding: The development of the five structures have already been approved by the Board. The scope of the current application is limited to design details such as windows, siding material, skylights, and retaining walls. The Canemah National Register district’s historic value comes from the preservation of the historic structures in the district, and the pattern of development. The overall development and placement of structures that will become part of the pattern of the Canemah District will not change as a result of the HRB’s decision on these design details.

5. *The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure;*

Finding: Complies with Conditions. See findings in Section II of this staff report. The applicant shall add two deciduous trees to the landscape area in front of Houses #4 and #5, along with six large shrubs. The trees shall be at least 1.5” caliper and the shrubs shall have a mature height of at least 4 feet. The applicant shall replace at least four of the shrubs proposed in front of House #1 with larger shrub varieties. The shrubs shall have a mature height of at least 4 feet. If the applicant is unwilling to replace the windows on the facades identified below, the applicant shall utilize window trim to achieve 2.5” to 3” window depth from face of trim to glass panes on the following facades:

- a. Front of house #1
- b. West elevation of House #1
- c. Front of House #3
- d. Front of House #4

- e. North elevation of House #4
- f. Front of House #5

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

6. *Economic, social, environmental and energy consequences;*

Finding: Complies as Proposed. Environmental and energy consequences of replacement of materials or re-design of the structures may be taken into account by the Board. The environmental and energy waste of discarding new building materials for five homes is significant and is in conflict with the spirit of historic preservation, which values the embodied energy in existing building materials. These consequences must be balanced with other approval criteria.

7. *Design guidelines adopted by the historic review board.*

Finding: Complies with Conditions. See Section 2 of the staff report. Design guidelines that are relevant to the application are discussed in the Section 2 of this staff report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

IV. PUBLIC NOTICE

A public notice was sent to neighbors with 300 feet of the subject property, posted online, emailed to various entities, and posted onsite.

V. CONCLUSIONS AND RECOMMENDATIONS

Based on the following findings, staff recommends that the Historic Review Board approve the proposed development of GLUA-21-00001/ HR 21-00001 through 21-00005: Historic Review for Canemah Cottages in the Canemah National Register Historic District with conditions for the property located at Clackamas County Map 3-1E-01AA- Taxlots 2200, 3600, and 3700.

Exhibits

1. Vicinity Map
2. Applicant's Submission
3. Public Comments
4. MD-17-01 – 17-076 staff report
5. MD -17-01 – 17-06 application materials
6. AP 17-04 Findings and Decision
7. Approved engineering and landscaping plans
8. Photos of homes under construction

Canemah Cottages - Changes made between HRB approved plans (2017) and current site as constructed (2021)

Disclaimer: The project is not yet fully constructed; future work to finish construction is still required to meet the approved plans and conditions.

HRB Options for Each Item	1. Accept Change (Consistent w/Approved Plans). Accept change as an adjustment that is consistent with the approved plans 2. Accept Change (Consistent w/ Design Guidelines). Accept change as an adjustment that is consistent with design guidelines 3. Accept Change (Consistent w/Mitigation Proposed). Accept change as a significant adjustment that can be mitigated by overall site design or proposed mitigation 4. Accept Change (Consistent w/Additional Mitigation). Require additional mitigation to achieve compatibility, beyond conditions of approval recommended by staff 5. Reject Change. Require applicant to construct as proposed or come back with additional changes.
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SITE/OVERALL				
Description of Change or Element	Reason Applicant Identified for Change	Relevant Design Guideline	Staff Recommendation	HRB Member Notes
Removal of House #2.	HRB Condition of Approval #2 to remove House #2.	N/A	Accept Change (Consistent w/Approved Plans). The original HRB condition of approval did not specify what should be installed in place of the home or consider the effects of the removal on the site plan.	
Changes to parking and walkway layout	Overall Parking Needs Changed with removal of House #2. Meets standards for parking and pedestrian ciruclation through Site Plan and Design Review.	N/A	Accept Change (Consistent w/Approved Plans). The municipal code includes min/max number of parking stalls for each cottage home. The number of off-street parking stalls was reduced to reflect the reduction in homes onsite. The reduced number of parking stalls caused the parking area adjacent to Home #1 to be redesigned from a traditional parking lot to a driveway which accomidates two cars, a design that is more common in the nearby homes and addressed some of the concerns about the parking lots voiced in the initial hearings.	
Location and height of retaining walls behind House #1. Conflict with condition of approval #5 for retaining walls to be 3.5 foot height maximum. Wall is 5 feet tall.	The changes to the parking lot adjacent to Home #1 allowed the wall to move closer to the front of the property and thus reduce the overall grading onsite.	The historic design guidelines do not have a maximum height for retaining walls; they simply say that wall heights should be minimized.	Accept Change (Consistent w/ Design Guidelines). Citywide code allows walls up to 6 feet in height (behind the front facade). The retaining wall is 5 feet in height. The wall is approxiately 60 feet from the street and 7 feet behind the back edge of House #1. Previous proposals had stepped walls with lower heights but overall more grading. This design involves less grading, only one retaining wall, at a height that has been approved by the HRB in previous cases. Staff recommends changing the original condition of approval to allow this wall to be 5 feet in height. The Board may want to add a condition for vines/espalier to cover the wall. The landscaping plans do not appear to include any vines or espalier here.	
All homes have textured fiber cement siding rather than wood siding, which was proposed by the applicant and approved by the Board.	Wood siding was cost-prohibitive.	The historic design guidelines do not specifically prohibit textured fiber cement siding; rather, they call for the appearance of wood siding.	Accept Change (Consistent w/ Mitigation Proposed). The HRB has consistently been requiring siding to be smooth; smooth siding has more of a painted wood siding appearance. The modest size of the homes and distance from the street (at least 28 feet) make it difficult to see the texture of the siding. Staff recommends Conditions of Aprpoval #1 and #2 to add landscaping to further screen the view of the homes from the right of way and mitigate/obscure for the appearance of siding from the street.	

SITE/OVERALL				
Description of Change or Element	Reason Applicant Identified for Change	Relevant Design Guideline	Staff Recommendation	HRB Member Notes
5 All homes have windows that are a single lite or simulated divided lite, with sill depth of approxmiately 1.5". Conflict with HRB conditions of approval for windows that match the member sizing, thickness and shadowline of historic wood windows.	The condition of approval language did not specify the details of what is the appropriate member sizing, thickness and shadowline of historic wood windows.	The exsiting windows are not expressly prohibited by the historic design guidelines, but they do not provide a sill depth that matches historic wood windows, and due to the fact that the windows are not single or double hung, there is no depth change with an upper and lower sash.	Accept Change (Consistent w/ mitigation proposed). Staff recommends condition of approval #3 to either replace the street-facing windows or add thicker trim. Adding thicker trim on the outside could provide more shadowline and depth. The distance from the street and additional landscaping will minimize their appearance.	
6 Fascia width on all homes is larger than shown in HRB approved designs		Eaves are typically open with minimal projection beyond the wall plane and simple fascia	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
7 Vertical siding proposed has been replaced with horizontal siding.	To comply with HRB condition of approval #12 to remove vertical siding from all street facing façades. Applicant changed all facades in order to be consistent.	Horizontal board siding is preferred in Canemah	Accept Change (Consistent w/ Design Guidelines). Horizontal siding is a preferred siding material in Canemah, and the removal of all the vertical siding creates a more compatible development overall.	

Canemah Cottages - Changes made between HRB approved plans (2017) and current site as constructed (2021)

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HRB Options for Each Item	1. Accept Change (Consistent w/Approved Plans). Accept change as an adjustment that is consistent with the approved plans 2. Accept Change (Consistent w/ Design Guidelines). Accept change as an adjustment that is consistent with design guidelines 3. Accept Change (Consistent w/Mitigation Proposed). Accept change as a significant adjustment that can be mitigated by overall site design or proposed mitigation 4. Accept Change (Consistent w/Additional Mitigation). Require additional mitigation to achieve compatibility, beyond conditions of approval recommended by staff 5. Reject Change. Require applicant to construct as proposed or come back with additional changes.
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HOUSE #1

Description of Change	Reason Applicant Identified for Change	Relevant Design Guideline	Staff Recommendation	HRB Member Notes
8 Front porch stair orientation - front stair changed to side stair. Stair height change to 4 feet 8 inches.	To reduce grading and meet setbacks of R-6 zone along with meeting the Condition of Approval #10 for 3.5 foot retaining wall height in front.	Exterior stairways at the building front to give access only to the main level, and to be less than five feet in height.	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
9 Exposed foundation area on side is larger than shown in plans; at its highest it is 4 feet 8 inches.	Topography constraints	Cover sections of exposed foundations; Concrete or masonry: exceeding 3½ feet, Piling or posts: 1½ feet; above grade; At slopes measure perpendicular to slope	Accept Change (Consistent w/ mitigation proposed). As it stands, the applicant will need to comply with the original condition of approval to use landscaping to cover the exposed foundation. This will require partial removal of the walkway to add space for planting shrubs and/or vines. The Board may add a condition of approval here if a specific type of screening is desired.	
10 Door and window placement on front is different - door is centered instead of off-set and windows are in groups of 3 rather than paired	Slight adjustments to accommodate floorplan	Not allowed: Visible side and rear walls with large blank or void areas Abstract compositions are generally problematic	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
11 Rear façade - four windows were proposed, now there is one door and one window. Also one skylight instead of two.	Slight adjustments to accommodate floorplan	Not allowed: Visible side and rear walls with large blank or void areas Abstract compositions are generally problematic. Skylights OK on inconspicuous roof planes.	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
12 West side elevation - window placement includes paired windows. Square window is now rectangular.	Slight adjustments to accommodate floorplan. Window change to 2:1 proportions.	Not allowed: Visible side and rear walls with large blank or void areas Abstract compositions are generally problematic	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
13 East side elevation - five windows instead of two. See applicant submissions with photo comparison to plan drawings.	Slight adjustments to accommodate floorplan.	Not allowed: Visible side and rear walls with large blank or void areas Abstract compositions are generally problematic	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	

Canemah Cottages - Changes made between HRB approved plans (2017) and current site as constructed (2021)

Disclaimer: The project is not yet fully constructed; future work to finish construction is still required to meet the approved plans and conditions.

HRB Options for Each Item	1. Accept Change (Consistent w/Approved Plans). Accept change as an adjustment that is consistent with the approved plans 2. Accept Change (Consistent w/ Design Guidelines). Accept change as an adjustment that is consistent with design guidelines 3. Accept Change (Consistent w/Mitigation Proposed). Accept change as a significant adjustment that can be mitigated by overall site design or proposed mitigation 4. Accept Change (Consistent w/Additional Mitigation). Require additional mitigation to achieve compatibility, beyond conditions of approval recommended by staff 5. Reject Change. Require applicant to construct as proposed or come back with additional changes.
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HOUSE #2					
	Description of Change	Reason Applicant Identified for Change	Relevant Design Guideline	Staff Recommendation	HRB Member Notes
14	Front door and porch added to east elevation, with square window next to entry door.	Adjustment to floor plan and to achieve better functionality.	Exterior stairways at the building front to give access only to the main level, and to be less than five feet in height.	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, the front door placement and covered porch area is consistent with the approved design of other homes in the development, and is not in conflict with any guidelines.	
15	Removal of side porch roof and stair	No longer needed with front entry moved; removal of stair allows for less distrubance of wetland.	N/A	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change creates a lesser impact on the wetland by removing the stair.	
16	Roof cutouts removed.	To comply with HRB Condition of approval #9 to remove roof cutouts	N/A	Accept Change (Consistent w/Approved Plans). The HRB found that the roof cutouts were too modern and not compatible.	
17	Windows are not divided lite - single lite instead	Unclear condition of approval language.	Guidelines do not require divided lite.	Accept Change (Consistent w/ Design Guidelines). There was no condition of approval for all windows to be divided lite; only that they match the member sizing, thickness, and shadowline of wood windows. Staff sees very little difference between the single lite versus simulated divided lite on House #2, which is set back far from the street making the windows minimally visible.	
18	Second story window changes.	To comply with HRB condition of approval #8 that windows shall be rectangular in shape and shall not exceed door height plus a one foot transom.	N/A	Accept Change (Consistent w/Approved Plans). The HRB found that the floor-to-ceiling windows were too modern and not compatible.	
19	North side elevation - skylight addded		Skylights on inconspicuous roof planes. Not allowed: skylights on street-side roofs	Accept Change (Consistent w/ Design Guidelines). Roof plane is distant from street and inconspicuous. Landsacping will further obscure.	
20	West side elevation - window placement and sizes have changed. See applicant submissions with photo comparison to plan drawings.	Slight adjustments to accommodate floorplan.	Not allowed: Visible side and rear walls with large blank or void areas Abstract compositions are generally problematic	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	

Canemah Cottages - Changes made between HRB approved plans (2017) and current site as constructed (2021)

Disclaimer: The project is not yet fully constructed; future work to finish construction is still required to meet the approved plans and conditions.

HRB Options for Each Item	1. Accept Change (Consistent w/Approved Plans). Accept change as an adjustment that is consistent with the approved plans 2. Accept Change (Consistent w/ Design Guidelines). Accept change as an adjustment that is consistent with design guidelines 3. Accept Change (Consistent w/Mitigation Proposed). Accept change as a significant adjustment that can be mitigated by overall site design or proposed mitigation 4. Accept Change (Consistent w/Additional Mitigation). Require additional mitigation to achieve compatibility, beyond conditions of approval recommended by staff 5. Reject Change. Require applicant to construct as proposed or come back with additional changes.
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HOUSE #3

	Description of Change	Reason Applicant Identified for Change	Relevant Design Guideline	Staff Recommendation	HRB Member Notes
21	Window added to west elevation ground floor	Adjustment to accommodate floorplan - more light in kitchen.	N/A	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
22	West façade - Second story window changes.	To comply with HRB condition of approval #8 that windows shall be rectangular in shape and shall not exceed door height plus a one foot transom.	N/A	Accept Change (Consistent w/Approved Plans). The HRB found that the floor-to-ceiling windows were too modern and not compatible.	
23	Roof overhang reduced on west façade.		N/A	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does nto conflict with any design guidelines.	
24	Front door moved to South side elevation; window re-arrangement.	To comply with HRB Condition of approval #5a to not have the entry facing the parking lot. Window changes to accommodate changed floor plan.	N/A	Accept Change (Consistent w/Approved Plans). The HRB found that the entry facing the parking lot was not compatible.	
25	Porch cover added to South side elevation	Entry has been moved to this façade, the cover will provide a covered entry/front porch.	N/A	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
26	Overall building height increase of 1.5 feet		1 1/2 stories maximum	Accept Change (Consistent w/ Design Guidelines). The house remains 1 1/2 stories and is not taller than other approved structures on site.	
27	East side elevation - porch cover and door removed, window placement and sizes have changed. See applicant submissions with photo comparison to plan drawings.	To comply with HRB Condition of approval #5a to not have the entry facing the parking lot. Adjustments to accommodate floorplan.	Not allowed: Visible side and rear walls with large blank or void areas; Abstract compositions are generally problematic	Accept Change (Consistent w/ Design Guidelines). The door has been moved to a different façade based on HRB direction; but the Board did not specify what the resulting facade without the door should look like. The new window arrangement on this street-facing elevation does not have much of a rhythm, but the wall is only 18-foot wide and setback back considerably from the street; the window placement does not have an impact on the character of the district.	

Canemah Cottages - Changes made between HRB approved plans (2017) and current site as constructed (2021)

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HRB Options for Each Item	1. Accept Change (Consistent w/Approved Plans). Accept change as an adjustment that is consistent with the approved plans 2. Accept Change (Consistent w/ Design Guidelines). Accept change as an adjustment that is consistent with design guidelines 3. Accept Change (Consistent w/Mitigation Proposed). Accept change as a significant adjustment that can be mitigated by overall site design or proposed mitigation 4. Accept Change (Consistent w/Additional Mitigation). Require additional mitigation to achieve compatibility, beyond conditions of approval recommended by staff 5. Reject Change. Require applicant to construct as proposed or come back with additional changes.
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HOUSE #4					
	Description of Change	Reason Applicant Identified for Change	Relevant Design Guideline	Staff Recommendation	HRB Member Notes
28	Window added to west elevation ground floor.	Adjustment to accommodate floorplan - more light in kitchen.	N/A	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
29	West façade - Second story window changes.	To comply with HRB condition of approval #8 that windows shall be rectangular in shape and shall not exceed door height plus a one foot transom.	N/A	Accept Change (Consistent w/Approved Plans). The HRB found that the floor-to-ceiling windows were too modern and not compatible.	
30	Roof overhang reduced on west façade.		N/A	Accept Change (Consistent w/ Design Guidelines). This may have been done to satisfy the HRB condition fo approval #4d for maximum roof overhang of three feet. This change does not conflict with any design guidelines.	
31	North side elevation - window placement and sizes have changed. See applicant submissions with photo comparison to plan drawings.	Adjustments to accommodate floorplan.	Not allowed: Visible side and rear walls with large blank or void areas Abstract compositions are generally problematic	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
32	South side elevation - window placement and sizes have changed. See applicant submissions with photo comparison to plan drawings.	Adjustments to accommodate floorplan.	Not allowed: Visible side and rear walls with large blank or void areas Abstract compositions are generally problematic	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
33	Skylights are included on roof planes visible from the right of way and in conflict with HRB conditions of approval.		Skylights on inconspicuous roof planes. Not allowed: skylights on street-side roofs	Accept Change (Consistent w/ Design Guidelines). The skylights are not on street side roofs, rather they are on side-facing roofs. On the north facade they are visible from Miller Street, and on the south facade they are somewhat visible from Miller Street. Landscaping is unlikely to obscure the skylights in the future. The skylights are small in size and flat against the roof. The skylights could be found to meet the design guidelines, but they do not meet the original condition of approval. Staff recommends that the Board find the skylights to be consistent with the design guidelines and waive the original condition of approval.	

Canemah Cottages - Changes made between HRB approved plans (2017) and current site as constructed (2021)

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HRB Options for Each Item	1. Accept Change (Consistent w/Approved Plans). Accept change as an adjustment that is consistent with the approved plans 2. Accept Change (Consistent w/ Design Guidelines). Accept change as an adjustment that is consistent with design guidelines 3. Accept Change (Consistent w/Mitigation Proposed). Accept change as a significant adjustment that can be mitigated by overall site design or proposed mitigation 4. Accept Change (Consistent w/Additional Mitigation). Require additional mitigation to achieve compatibility, beyond conditions of approval recommended by staff 5. Reject Change. Require applicant to construct as proposed or come back with additional changes.
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HOUSE #5					
	Description of Change	Reason Applicant Identified for Change	Relevant Design Guideline	Staff Recommendation	HRB Member Notes
34	Overall building height increase of approximately 3.5 feet		1 1/2 stories maximum	Accept Change (Consistent w/ Design Guidelines). The house remains 1 1/2 stories and is not taller than other approved structures on site. It will match the height of House #4 and is placed 28 feet from pavement on Miller Street, the same as House #4.	
35	Window placement and shape change on east (front) elevation	Adjustments to accommodate floorplan.	N/A	Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines.	
36	Recessed entry approved in plans is now a covered porch projection.			Accept Change (Consistent w/ Design Guidelines). While this was not a condition of the HRB, this change does not conflict with any design guidelines and is consistent with the approved design of House #4.	
37	West façade - Second story window changes.	To comply with HRB condition of approval #8 that windows shall be rectangular in shape and shall not exceed door height plus a one foot transom.	N/A	Accept Change (Consistent w/Approved Plans). The HRB found that the floor-to-ceiling windows were too modern and not compatible.	
38	Roof overhang reduced on west façade.		N/A	Accept Change (Consistent w/ Design Guidelines). This may have been done to satisfy the HRB condition fo approval #5c for maximum roof overhang of three feet. This change does not conflict with any design guidelines.	
39	Skylights are included on roof planes that may be visible from the right of way and in conflict with HRB conditions of approval		Skylights on inconspicuous roof planes. Not allowed: skylights on street-side roofs	Accept Change (Consistent w/ Design Guidelines). The skylights are not on street side roofs, rather they are on side-facing roofs. On both roof facades the skylights are minimally visible from Miller Street. The skylights are small in size and flat against the roof. The skylights could be found to meet the design guidelines, but they do not meet the original condition of approval. Staff recommends that the Board find the skylights to be consistent with the design guidelines and waive the original condition of approval.	



HOUSE #1



HOUSE #1



HOUSE #1



HOUSE #1



 SUSTAINABLE
FORESTRY
INITIATIVE
Certified Sourcing
www.sfi-program.org
SFI-COC-27

HOUSE #1



HOUSE #1



HOUSE #1



HOUSE #2



HOUSE #2



HOUSE #2



HOUSE #2



HOUSE #4 and 5



HOUSE #3 and 4



HOUSE #3



HOUSE #3



HOUSE #3



HOUSE #5

HOUSE #4

HOUSE #4



HOUSE #5



SIERRA
PACIFIC

HOUSE #5



HOUSE #4



HOUSE #5



HOUSE #3, 4 and 5



HOUSE #3, 4 and 5



HOUSE #4 and 5

DATE: February 12, 2021

TO: Historic Review Board

FROM: Karen Lytle Blaha
514 4th Avenue, Oregon City OR 97045
Cell Phone: 503-989-8905 Email: blahak@comcast.net

SUBJECT: Canemah Cottages Development
File #GLUA-21-0000 and HR-21-00001 through 21-0005

I am the owner of the home westerly contiguous to the Canemah Cottages. I am pleading with this board, comprised primarily of new members, to hear my plea and end this multi-year nightmare in which the City has been intimately complicit, if not fully responsible, in creating.

It is my understanding that it was City planning staff who pointed the Canemah Cottages developer to an untried City code allowing this type of development to be built on small lots in a sensitive area. It is as if the developer was ensnared into a dicey situation that was likely favored because it was a solution to the State of Oregon's push for density and infill.

If the City had objections to elements of this ongoing and years-long construction, could staff not have been more timely in pointing out elements while underway? Meanwhile my house badly suffers from soil erosion because of the project's digging into my embankment. Until the City's most recent Stop order the developer was implementing the rock wall remedy. If the developer abandons the project, who is responsible for fixing this?

Truly, most of Canemah residents want to do what is right and good to protect and enhance our widely diverse neighborhood. Accommodating the Canemah Cottages to enable completion will help, and when landscaping is allowed to mature, the City's current unbelievable fuss will likely become moot.

It is excruciatingly painful that I must again and again prepare testimony on this matter. Please help.

Sincerely,
Karen Blaha

Date: February 12, 2021

To: Chair, Historic Review Board

From: Karen Lytle Blaha, 514 4th Avenue, Oregon City

Subject: HRB Member Recusal

I respectfully request the recusal of Historic Review Board member Paul Edgar regarding any participation and/or discussion concerning the Canemah Cottages development. Mr. Edgar has been an active opponent of the Canemah Cottages and was a lawsuit litigant to halt its development. There is no possibility that Mr. Edgar can participate impartially in either discussions or decisions on the cottages.

In fact, it is shocking that Mr. Edgar has been appointed to this board in light of his track record and specious regard among so many of the Canemah residents, including his failed attempt to jettison the duly authorized Canemah Neighborhood Association and replace it with a small organization that he founded.

DATE: March 1, 2021

TO: Historic Review Board

FROM: Ken Baysinger

516 1st Avenue, Oregon City OR 97045

k.baysinger@comcast.net 503.502.5557

SUBJECT: Canemah Cottages Development

File #GLUA-21-0000 and HR-21-00001 through 21-0005

About fifteen years ago, with buildable land inside the Urban Growth Boundary becoming increasingly expensive and difficult to find, planners in Oregon City were looking for new options to increase housing density. The Cottage Development concept was one way the city addressed that need, by allowing multiple single-family housing units to occupy lots that previously could accommodate only one unit.

It took over a decade before a builder came along to share that vision and turn the cottage concept into reality. That builder was Chris Staggs, and the location for his proposed cottage development was Canemah, despite all of the challenges associated with building in the National Register Historic District, on top of multiple site issues involving wetlands, geology and topography. Mr. Staggs took the challenge and undertook the project.

In some respects, Canemah seems an ideal place to test the cottage concept: Small homes, minimal setbacks, and irregular lots have been the norm in Canemah throughout its history, though navigating the multiple layers of rules and restrictions has proven to be a much bigger task than anticipated.

I was a member of the Historic Review Board when this development was approved, following multiple public hearings and many hours of testimony and debate. Approval came with a long list of conditions that went into great detail about design and placement of the individual cottages on the building site.

At the time we made that approval, the board was faced with a dilemma. The conditions of approval that we agreed upon were different in major ways (including the complete elimination of two of the seven units shown on the drawings) from the plans submitted to us. But none of us at the time wanted to demand new drawings and force another public hearing, so we attempted to resolve all of the issues verbally.

While I believe that that was the right decision at the time, it appears to have set the stage for the issues now on the table. I think Mr. Staggs is correct when he states (on page 149 of the staff report) that there is confusion between the drawings that were approved by the HRB with conditions, and the subsequent drawings that were submitted to comply with the conditions.

Construction is now stopped, awaiting the resolution of the apparent deviations from some of the conditions of approval, as a result of what I believe was a breakdown in communication between the Planning Department and the builder as to exactly what the board approved.

As a member of the board that set the stage for that breakdown, I accept a share of the blame for the consequences. As convoluted as our conditions of approval wound up being, we probably should have insisted on seeing new plans. But what's done is done.

The design issues in question, while having only minor impact on the finished appearance of the structures, may be very costly to change, to the point of threatening the economic viability of completing the entire project. It does not serve the best interests of the neighborhood or the community to penalize the builder and risk leaving the development unfinished for an indeterminate period of time. Nor do these deviations detract from the character or integrity of the historic district.

For these reasons, I urge the board to approve the design of the structures as built and allow the completion of the project, which will be a credit to the neighborhood and the city as a model for future Cottage Developments.

Respectfully,

Ken Baysinger

From: [Paul Edgar](#)
To: [Kelly Reid](#)
Cc: [Laura Terway](#); [Paul Edgar](#)
Subject: Cottage Home Development Hearing, sharing subjective decision making criteria and what is needed to enable good decision making
Date: Monday, February 22, 2021 10:50:43 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kelly, I am having problems with getting my Thunderbird Email Browser setup with pedgar@orccity.org. With the power out and now back on I am going to try to now get started with the process of getting through 9 days of unread and/or acted upon email traffic, with 700 plus emails in my inbox. I started to think about it and work-up to early and could not go back to sleep. So here I am. I tried to create this email from within Thunderbird and use pedgar@orccity.org and could not make that happen, as yet.

In reference to the HRB hearing and review of the Cottage Homes, I would like for you to send out this document initially prepared by the Historic Preservation League of Oregon and now labeled "Restore Oregon" on Compatible Infill Design Principles for New Construction in Oregon's Historic Districts. [UPDATED-RO-Special-Report-Compatible-Infill-Devel-Final_web.pdf \(historicpreservationleague.com\)](#)

The Table of Contents: 1. Purpose, 2. Why Good Infill Matters, 3. The Value of Oregon's Historic Districts, 4. Advising, Encouraging, and Regulating, 5. What Makes a Good Guideline?, 7. Principles for Infill Construction, 8. Strategies for Implementation.

There is significant importance within writing referencing National Register Historic Districts found within this document: **"The Preservation Roundtable was organized by Restore Oregon, formerly the Historic Preservation League of Oregon, to bring together diverse stakeholders to analyze and develop solutions to the underlying issues that stymie preservation efforts. The inaugural topic in 2010 was "Healthy Historic Districts in a Changing World—Compatibility and Viability." Nearly one hundred people participated, arriving at nine recommendations published in a report titled Healthy Historic Districts – Solutions to Preserve and Revitalize Oregon's Historic Downtowns. An electronic copy is available on Restore Oregon's website."**

"The 2011 Preservation Roundtable focused in on "Design Standards for Compatible Infill," one of the recommendations from the 2010 report, to provide clarity and consistency for review of new construction projects in historic districts. The principles and approaches to implementation that follow come from the best source: the people that live, work, own property, govern, and build within the state's 123 National Register historic districts."

Please Note, that these "Standards, Principles and Guidance" are coming collectively from 100 highly knowledgeable and valued sources, from within Restore Oregon to help us better understand their definition of "Compatible Infill" for the State of Oregon with New Infill building within the state's 123 National Register Historic Districts".

"The Secretary of the Interior's Standards for the Treatment of Historic Properties

mandates that additions to historic buildings must differentiate new from old. Furthermore, the Standards imply that a Modern or Postmodern approach is best for additions on historic structures (an interpretation with which Restore Oregon does not agree). Though there is no Secretary of Interior "Standard for Compatible Infill," it has often been assumed that new construction in Oregon's historic districts must also be differentiated – with widely differing ideas of what "differentiated" means.¹

"Today, planners and politicians across the state are working to limit sprawl by diversifying and densifying existing urban areas to create walkable 20-minute neighborhoods. Although many still think there's a conflict between preserving historic places and boosting density, increasing the square footage in Oregon's historic districts represents an economic, social, and environmental opportunity."

"This report outlines seven baseline Principles for New Construction intended to promote responsible infill within Oregon's historic districts. In practice, they would function as a Secretary of the Interior's Standard for Compatible Infill. While many of our recommended principles differ from the current Secretary's Standards and some preservation theories, they are intended to chart a course for Oregon predicated on the belief that historic districts are significant resources far greater than the sum of their component properties."

"Standards: Prescriptive standards are an effective means to address elements such as height, massing, and setbacks from property lines in order to ensure new construction shares attributes typical to a particular area. Standards are generally black and white, providing a measurable box in which new construction can take shape. Standards that provide across-the-board clarity for what can and cannot be built in a historic district are objective and highly effective. However, it is difficult for standards to guide the textural compatibility needed for new construction to fit comfortably and appropriately in a historic district. Design guidelines, discussed in the next section, better address the more subjective compatibility that cannot be expressed in standards. The advantage of standards is that they are clear and objective in nature, easily applied across the board with a minimum amount of discretion and training."

"Design guidelines: The application of design guidelines blends guidance and rules. Guidelines are aspirational and descriptive; standards are prescriptive. Guidelines are discretionary in nature since judgment is required to determine whether aspects of a project are consistent with their intent. Guidelines can be advisory or serve as approval criteria applicants must meet. Design guidelines therefore require more expertise to apply on the part of city staff, project designers, and other regulatory decision makers. However, it is this expertise and judgment that is their strength. Guidelines demand more of projects, but provide for flexibility in their interpretation. In order to balance this flexibility while providing projects certainty and predictability, guidelines must be well crafted."

It again, must be noted and the HRB members should be informed that the LCDC ruled in the case of the Cottage Home Development that Oregon City's Historic District "Design Guidelines must be complied with and are equal with OCMC 17.40 Codes "Standards".

"Each principle consists of a title, statement of intent, and bulleted considerations about how each might be implemented. The principles are intended to be similar in character

to the Secretary of Interior's Standards, however, they are specific to new construction and unique in content. Since the term "standards" in Oregon typically refers to specific measurable characteristics (see page 6), this report has chosen to use the word "principles" to describe these foundational tenets."

These Seven (7) Principles, provide "Critical Thinking Criteria and Value Determination" which can be used as an aid in guidance in how we can apply subjectivity to criteria subject to OCMC 17.40 Codes within HRB Decision Making, in National Register Historic Districts like what we have with Canemah.

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

Designated historic districts are significant as a collective whole and must be considered as such, and protected in their entirety. This is the primary, overarching principle. New construction must respond to and protect the integrity of the overall historic district in much the same way as an addition does to a historic building. The National Register nomination is the primary source for district significance and defining characteristics, and should inform the design of new construction.

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

Infill buildings should relate to and strengthen the core characteristics of the district, as identified in the National Register nomination Statement of Significance. New construction should build upon the story of the district through its design, landscape, use, cultural expression, and associated interpretive displays. An understanding of the character and significance of the district should predicate any design or development activities. If applicable, cultural expressions and/or historic uses within the district should be considered in design or development activities.

3. New Construction Will Complement and Support the District

Most historic districts have a discernable aesthetic rhythm of massing, scale, and siting. Infill buildings should not deviate in a detracting manner from these elements, but appear as complementary members of the district. Lot size, massing, siting, floor area ratio, and height must correspond to the contributing buildings within the district. Whenever possible, new construction should support the viability of adjacent historic buildings through shared ADA and upper story access, structural stability, and mechanical and environmental systems. New buildings may provide uses not found within the district if such uses are in demand and if adapting historic buildings for such uses would be detrimental to the historic fabric.

4. Infill Will Be Compatible Yet Distinct

New buildings should be identifiable as being of their period of construction; however, they should not be so differentiated that they detract from – or visually compete with – their historic neighbors. Within historic districts, compatibility is more important than

differentiation. Because the district is the resource, the reconstruction of buildings that existed within the district during the period of significance is allowed. Reconstructions should be done in accordance with the Secretary of the Interior Standards for Reconstruction. New buildings should be identified through signage or other interpretative means to relate them to the context of the district's historic significance. Style is discouraged from being the primary indicator of differentiation. Means of differentiation may include materials, mechanical systems, construction methods, and signage.

5. The Exterior Envelope and Patterning of New Buildings Will Reflect District Characteristics

Infill design elements, patterning, texture, and materials should reflect the aesthetic and historic themes of the district. Patterns of fenestration, building divisions, setbacks, and landscapes that are characteristic of the district should inform the design of new buildings. Mechanical and automobile infrastructure should be appropriately concealed when not consistent with the district's character.

6. Contributing Buildings Will Not Be Demolished to Create Infill Opportunities

Properties deemed "contributing" in the National Register nomination or through subsequent research or rehabilitation must not be removed or rendered non-contributing to make way for new construction. Consideration should be given to the demolition of non-contributing buildings 50 years of age or older on a case-by-case basis, dependent on the character of the district. Buildings deteriorated beyond repair may be demolished if so determined by the State Historic Preservation Office and local preservation staff/commission. Properties deemed non-contributing to the district should be retained and/or documented if they have achieved historic significance over time.

7. Archeological Resources Will Be Preserved in Place or Mitigated

When new construction must disturb archaeological resources, mitigation measures should contribute to the story of the district. Archaeological mitigation must conform to local, state, and federal laws and accepted professional standards. When appropriate, archaeological mitigation should be accessible to the general public in an educational capacity. Information yielded from archaeological mitigation should be interpreted in the new building and throughout the district.

It will be my intent to reference this document and what is suggested as "Compatible Infill Design Principles" as subjective guidance when we are asked to make determinations with what to do within the review of OCMC 17.40 Codes, Oregon City Historic District Building Guidelines, and Conditions of Approval that were granted by previous HRB actions to the Cottage Home Development.

I also would like for you to send out to the others a pdf copy of a document I prepared some

years ago that was derived from this Restore Oregon Special Report. I will take the document over to City Hall or to the Planning Office, your choice to also be sent out to my fellow HRB members as a reference document on guidance within "Subjective Process and Thinking" when being asked to determine the extent of what to do and to what extent the builder-contractor must comply with "OCMC 17.40 Codes, Oregon City Historic District Building Guidelines, and Conditions of Approval that were granted by previous HRB actions".

This Second Document's reads on it's first line: "What, Why and How of Stewardship". Next is the heading: "The Canemah National Register Historic District, with Federal Recognition of Historic Places Status". It also includes the important "Statement of Significance in text and the "Setting" description from the National Nomination Document for Historic Places status of the Canemah National Register Historic District.

It will be my intent to inform all of the members of the Oregon City Historic Review Board and the applicant of these referenced documents and information included as guidance in our task of "Stewardship" within decision making. It appears most of what we will be asked to make decision on, will be on compliance and the extent of the need to be in compliance with the Codes, Building Guidelines and Conditions of Approval.

Can you get this out to everyone as this is important in providing greater insight and reference within creating a Value Structure within a Critical Thinking Process. When review all options with the upcoming hearing on the Cottage Home Development and what in the past has been allowed in and with developments in our Historic Districts to not comply with Codes and Standards of allowable siding with new infill, have we ever allowed all sides of new Infill Building from all aspects to **"Not to Comply with the final "Conditions of Approval"**. We see a reference with a the precedence set on a recent building on Center Street, where the decision was made that it must comply with "Conditions of Approval" and they did not just have to replace the siding material on the front side of that building, they were required to replace the siding on all sides to be in compliance with the "Conditions of Approval".

I would also like more reference of where decisions were made by the HRB to wave the total need for compliance of "Conditions of Approval" with identified violations of Windows with new Infill in all places where ever it exists. I am trying to dig deeper into the possible selective and subjective choices of where it can be shown that the HRBs in the past have allowed new infill construction to not be in total compliance with all codes and conditions associated with windows. This to me is part of "Stewardship and Precedence" of past and future and the importance of "The Eyes of Historic Building" and this is where we must compare these windows with other Contributing Historic Structures in the immediate area. We need to see with referenced pictures of what these Historic Windows had in defining features and than relate it to the codes. Without these pictures and cross reference to the codes we are in a very subjective place on what we may be asked to make determinations on.

On Cottage Home #1, we have six (6) windows across the front of this Cottage Home, which appears to not be compatible with any compatible contributing Historic Home in design, in Canemah? Is this OK, and was this approved within the "Conditions of Approval"? A picture of the six (6) windows and their design needs to be part of the decision making criteria for this hearing. Pictures of the Door Side Windows on Cottage Homes #4 and #5 need to be made available with the reasons why they are considered OK within the "Conditions of Approval.

The question of should Sky-Lights, on the roofs be visible from coming down 5th Avenue or going up Miller Street and can they be mitigated?? We need pictures of the Cottage Homes

building of the Sky-Lights that exists right on Cottage Homes #4 and #5 that face Miller Street and Cottage Home #3 from the property line on Miller Street with the house at 502 4th Avenue. With the potential that the string of evergreen trees will have to be taken out, because of how the roots were cut in construction and what mitigation of views change.

The walls constructed primarily around and associated with Cottage Home #1 and the material and height of these retaining walls needs far more information on how they violate "Conditions of Approval" and OCMC 17.40 Codes and Historic District Building Guidelines. What are all of detail of the specifics and we know everyone has to play by the same rules, so there are fears of setting a set of Precedents, with less than adequate mitigation.

In this "What, Why and How of Stewardship" document on page 4, "Stewardship - Advisory Approach" there is the wording, "While community sentiment can help inform and shape a project, there must be full and consistent advisory approach is only as strong as its weakest link. It is followed with the highlighted test:

"If the quality of the advice is not clear or, if there's and unwillingness to acknowledge advice, or if attitudes or commitments change over time, the approach can fail to protect the values of a National Register Historic District."

Everyone has to play by the same rules and in Principle #1, there is this question, of compliance as a primary, overarching principle. "New construction must respond to and protect the integrity of the overall Historic District in much the same way as an addition does to a historic building."

Paul O. Edgar, Oregon City Historic Review Board Member

PS: Is there going to be any discussion on the significant amount of fill in the Designated Wetland. In reviewing the Contour lines in relationship to the neighboring property it appears that there could be greater than 100 yards fill, behind Cottage Homes #2, #3, #4 and #5 in the boundary of this Wetland. What is spelled out in the "Conditions of Approval" for relocating fill dirt from other areas into this Wetland?

From: [Paul Edgar](#)
To: [Kelly Reid](#)
Cc: [Laura Terway](#)
Subject: Cottage Homes and Pictures of what is happening and what is allowed ?? Please include this as part of the record of GLUA-21-00001/ HR 21-00001 through 21-00005: Historic Review for Canemah Cottages in the Canemah National Register Historic District.
Date: Tuesday, February 23, 2021 6:26:55 PM
Attachments: [Attached Message Part](#)
[Attached Message Part](#)
[Attached Message Part](#)
[Attached Message Part](#)

Kelly, please include this email below sent with the attachment Photo's and make it part of the record for GLUA-21-00001/ HR 21-00001 through 21-00005: Historic Review for Canemah Cottages in the Canemah National Register Historic District, HRB Hearing 03/02/2021. I have decided that I should withdraw (recuse) myself from this agenda item.

I intend to testify at this hearing and I would like for you to send out the email to the fellow HRB members as additional statement that has come in on the above agenda item GLUA-21-00001/HR21-00001 through 21-00005. Please also include my email sent to you dated 02/22/2021 and include a copy of the Restore Oregon, Special Report on Compatible Infill Design, Principles for New Construction in Oregon's Historic Districts. (This references National Register Historic Districts with Historic Places Status, such as Canemah)

Thank you, Paul Edgar

Below sent 08/18/2020 to Nancy Bush and copying you and others

I, Paul Edgar, with this email, am filling a "Formal Code Enforcement Complaint", on the Cottage Home Development in that they are not complying with the Historic Review Board Conditions of Approval, Planning File MD 17-01-17-06.

To be prudent and respectful of adhering to the Conditions of Approval and what it would cost to change things after construction is at a high level of completion, it is the intent of this "Formal Code Enforcement Complaint, to validate if the conditions of approval are not being met at this time or not. It is less expensive and more timely (prudent) to correct errors now, better sooner than later.

1. Enclosed with this document are pictures that can be used to display that the windows on these Cottage Home Building do not comply with the conditions of approval.

"Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board."

2. The Sky Lights are not in-compliance, with the Conditions of Approval.

"Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, **and not visible from the right-of-way.**"

3. Door side windows are not approved.

"Residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted on any portion of the house."

4. Retaining Walls, with House Number 1, the wall to the right of the Cottage Home #1 appears to be collapsing, and appears to not be compliance with material and height requirements.

"Retaining and structural walls shall be minimized; to be faced or finished in, stone, mortared basalt, or concrete, and not exceed 3 2/2 feet, to complement the Canemah Neighborhood."

5. A complete review of all conditions of approval should be done in an assessment - review, to determine if additional errors/violations have taken place at this current level of completion.

Paul Edgar, Resident of Oregon City and The Canemah National Register Historic District

My previous writing (edited) and emailed to the City of Oregon City, Community Development Department

The Canemah National Register Historic District and the questions of what appears to be taking place with this Cottage Home Development, and does this represent the best example of development, or is this another example of a National Register Historic District, "**Dying the Death of a Thousand Cuts**" !!

I have tried to learn and understand our OCMC 17.40, 44, and 49 Codes and the Historic District Building Guides that are codified.

Please take a look at the pictures:

IMG_1263.JPG is of Cottage House #1 and three (3) wide, imitation double hung design, that in my opinion does not come close to our code and what was allowed and permitted, but you are the judge of that ??

IMG_1270.JPG is of Cottage House #4 and it has two sky-light of each side of the roof.

Our OCMC 17.40 and Building Guidelines and conditions of approval are to restrict these type of Sky-Lights that are visible and also look at all of these windows for their historic appearance, as to not detract from the Historic District as a whole.

IMG_1276.JPG is of Cottage House #5 and door side windows and the rest of the windows, don't even come close to having the style and image of reflecting the eyes of a Historic District Structure, my opinion ??

Come by, take a look and you don't have to even get out of your cars, these people, this developer does not care, does anyone care ??

Look at the wall of steel beams and concrete slabs and the six to seven foot high concrete wall

to the side of Cottage House #1 and the detracting density of the totality of this development and compliance to our codes.

Environmentally, the water continues to pour down from the Historic Canemah Waterworks on to this site and puddles-up and is in the ground and probably in and under the crawl spaces of the Cottage Houses #4 & 5.

Mother Nature creates the water that fills the Wetlands and everyone should examine the amount of water that comes out of the little pipe from wall of unimproved Apperson Street and 4th Avenue.

History has shown that this whole basin flooded in a extreme water event, and at that time it got so deep, because of the illegal fill that has been allowed in creating a Dam, where the water is forced to flow over Miller Street, creating a Public Safety Hazard and problematic damage to neighbor structures and property.

All of this puts tears in my eyes, because I care, but if no-one at City Hall cares anymore, let put a end to the facade of acting like we all care and lets just eliminate this National Register Historic Places status of Canemah.

My wife and I have tried to do what is right with the environment and within re-building our Historic and Contributing House at 211 5th Avenue.

Example, just compare and look at our Replica Double Hung, Wood, Low E, 4 over 4 lite, windows in a double hung design and match/compare them to the windows of these Canemah Cottages Houses.

My wife and I took every step and invested dearly to make our remodel complimentary and to do everything possible so as to not detract from this National Register Historic District, and now I feel like we have been made a fool of !! There should not be a difference between a add-on to a Contributing Historic Structure in Canemah and what is required with new Infill in Canemah, as the District has National Register Historic Places Status over everything, in what is acceptable and where it does not detract from why Canemah is a National Register Historic District.

How can we ask anyone, who wants to improve their house in this National Register Historic District and ask them to be in compliance with our OCMC 17.40, 44, and 49 Codes, with all of this appearance of selective enforcement of our OCMC Codes and Building Guidelines ??

Paul

From: Paul Edgar
To: Kelly Reid; Laura Terway
Cc: Denyse McGriff; Rachel Lyles Smith; Rocky Smith, Jr.; Frank O'Donnell
Subject: This is an example of the problem and opportunity within attempting to protect the "Integrity of the Canemah National Register Historic District"
Date: Wednesday, February 24, 2021 10:45:43 AM

The letter below is an example of the problem and opportunity within attempting to protect the "Integrity of the Canemah National Register Historic District".

Dennis and his wife Susan, bought Howard Klemens's house, and they remodeled it and put on a Metal Roof. This was in violation of Oregon City's Historic District OCMC 17.40 Code and our City Building Guide lines and somehow this violation of our code was allowed. Dennis has been an officer on the Board of the Canemah Neighborhood Association for the last 6 years.

I have decided to "Recuse Myself" from this Type III, Historic Review Process of: GLUA-21-00001 through 21-00005 Cottage Review Historic Review Board Review, February 23, 2021.

I will however ask, that I am offered all of the time necessary to defend this National Register Historic District of Canemah and it's "Integrity". Someone must step up as an advocate for the Stewardship of our Oregon City Historic Assets.

In an email to the City of Oregon City last August the 18th 2020, I advanced this need to Nancy Busch of Code Enforcement for an early on review and evaluation of if all of the "Conditions of Approval" were being met, with this Cottage Home Development and all of you were copied.

My hope, that the reason I was appointed to the Oregon City Historic Review Board was that I am a knowledgeable, honest and principled person. That I can bring pragmatism and use the Critical Thinking Skills Training I have received in the past, in my determinations of how to apply Oregon City's Historic District Codes and Building Guidelines. But again, because of my history and early involvements in litigation with this development the only reasonable thing I can do at this time is to recusing myself from this process.

It has been my belief that, "New Construction (Should Reinforce the Historic Significance of the District), not detract from it or dilute it's significance. New Construction must respond to and protect the integrity of the overall Historic District in much the same way, as an addition does to a Historic Building. New Building, should not deviate in a detracting manner from the elements codified in its Historic District Nomination Document and its "Statement of Significance" as a National Register Historic Place.

Paul O. Edgar, Board Member - Oregon City's Historic Review Board

Kelly Reid, Planner, AICP City of Oregon City Planning Department

re: GLUA-21-00001 through 21-00005 Cottage Review Historic Review Board Review, February 23, 2021

As homeowners on 4th Avenue, we're advocating for the completion of the Cottage homes. We want to see the construction finished, the site landscaped and homes occupied, in spite of the position of skylights, texture of the siding, proportions of windows or porch locations. This neighborhood is on the national register, but the majority of properties are not of historic significance, Canemah is not Colonial Williamsburg! Most of the residents and visitors to Canemah will not be inspecting these details in their daily travels.

City planning courted this project several years ago. The City, through the Historic Review Board, should use discretion with this project to enable its completion. We're concerned that a hazard will be created for immediate neighbors and the whole community if the structures were abandoned due to financial hardship for the developer. As members of the Canemah Neighborhood Association, we're also expecting Mr Edgar, as the chief opponent to this project from its inception, to recuse himself from deliberations and decisions in this matter.

Respectfully,

Susan Borger, Dennis Anderson, 804 4th Avenue Oregon City





Canemah Cottage Homes
modern living touching the human spirit



\$389,000-\$459,000

- 5 Unique Detached Cottage Condo Designs: 580-1180 sq ft
- Stainless Appliances
- Induction Cooktop
- Stone Entry/Porch/Vestibule, Bath Flooring
- Wood Floors and All Wood Operable Windows
- Bathroom Floor to Ceiling Ceramic Tiles
- Cedar Siding
- Ductless Energy Efficient Heat/Cool
- Energy Efficient Wall Assemblies, Insulation & Windows
- Oregon Energy Trust Verified Home
- Skylights & Extraordinary Natural Daylight Throughout
- Low Voltage Wiring & Smart Home Technology (Optional)
- HURRY to Choose Colors & Finishes, and Unique Interior Features by local artist Jennifer Upshurst
- TEXT 115449 to 35620 for more details

DA
CONSTRUCTION
KEY





From: [Paul Edgar](#)
To: [Kelly Reid](#)
Subject: Fwd: A picture is worth a thousand words so here is a picture of a Historic Window from 1880's, in 4 over 4 Lite, double hung configuration
Date: Monday, March 22, 2021 12:56:30 PM

FYI, A picture is worth a thousand words so here is a picture of a Historic Window from 1880's, in 4 over 4 Lite, double hung configuration, on a Vernacular Design House, in Canemah.

The question of what are the characteristics of a original Historic Wood Window and its dimensions are 68.5" inches high and 32" wide.

Sent: October 26, 2019, To: Laura Terway and Kelly Reid



Item 8c.

GLUA-21-00001/ HR 21-00001 through 21-00005: Historic Review for Canemah Cottages

Project ID: GLUA-21-00001

Project Type:

Land Use

Project Contact Information:

Kelly Reid, Planner, AICP kreid@orcity.org

Project Status: Active

Date Received:

Monday, February 1, 2021

Location:

Clackamas County Map 3-1E-01AA-

Taxlots 2200, 3600, and 3700

508 4th avenue

Oregon City, OR 97045

See map: [Google Maps](#)

Neighborhood: Canemah

Kelly,

I would like to respond to some of the changes being reviewed for this project.

After examining the submission there are 4 items that the board needs to reject and make recommendations on how to meet the code.

- 1) Change of siding and type used:
 - a. The siding in the submission was changed without HRB or City staff authorization. This is in complete violation of the code.
 - b. The Siding used is not allowed by the HRB code (Not Smooth Hardie siding). All 4 houses built under the new code in the last 5 years have been held in strict compliance and future homes being submitted also have submitted to this siding restrictions.
- 2) Window design and changes:
 - a. The windows in the submission were changed without HRB or City staff authorization. This is in complete violation of the code.
 - b. Windows are one of the top 5 code restrictions for the House design and approval. Not one of the last 4 houses approved in the last 5 years and future approved homes have all needed some type of window alterations to their original design to meet the design criteria. These homes have made changes that do not reflect the code.
- 3) Door and side lights:
 - a. I believe the code does not allow for door sidelights and some of these houses have them.
- 4) Cement retaining walls;
 - a. Code limits the heights and appearance of cement retaining walls and has been an issue with previous approved houses in the neighborhood just recently on an approval limiting the height. This approval states a limit of 3 ½ ft walls and appearance. Their walls are higher than what was approved and higher than what has been accepted recently.

Conclusion:

Private home owners in the last 5 years that have built their homes in this neighborhood have painstakingly gone through the building process following all of the guidelines and rules. However, it appears that a developer can come in and tell you he wants to improve the neighborhood and be compliant to all the restrictive covenanted restrictions and yet build multiple homes against the code and not follow the rules and instead wants acceptance.

I believe this is ethically wrong and if allowed, then the code might as well be thrown out and people allowed to build whatever they wish. Allowing these changes makes for future mitigation which allows code violations for this type of construction.

Ron Bistline

Recent Canemah home builder/owner and future Canemah home builder.

Kelly Reid, Planner, AICP
City of Oregon City
Planning Department

re: GLUA-21-00001 through 21-00005 Cottage Review
Historic Review Board Review, February 23, 2021

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Respectfully,
Susan Borger
Dennis Anderson
804 4th Avenue
Oregon City

From: [William Foster](#)
To: [Kelly Reid](#)
Cc: [Pete Walter](#); [Rachel Lyles Smith](#); [Laura Terway](#)
Subject: Re: Canemah Cottage Homes "native" landscaping
Date: Monday, March 22, 2021 1:43:42 PM

Thanks, Kelly. If you can, please let me know how the developer responds. I wasn't aware of the HRB hearing, but sure, might as well add it to the public record. And now that I understand the issue with the wetland boundary, you can also add this:

The neighborhood would be better off ecologically and aesthetically if the areas outside the wetland boundary were also landscaped with natives, regardless of what's mandated by city code. This is a perfect illustration of how developers view conservation merely as a bureaucratic obstacle, and not as a desirable feature. Thousands of people visit Canemah each year to enjoy the natural, native beauty of Canemah Bluff Nature Park. Why are developers so opposed to emulating that beauty throughout the neighborhood? I think they need more nudging from the city.

On Mon, Mar 22, 2021 at 1:01 PM Kelly Reid <kreid@orccity.org> wrote:

Thanks William. I have reached out to the developer to confirm that all plants in the wetland boundary will be native. Outside the wetland boundary, our code allows non-natives as long as they are not invasive and are part of an approved landscaping plan from a landscape architect.

Can you please indicate whether you intend for your email to be part of the public record for the Canemah Cottages HRB hearing tomorrow?

Thank you,

Kelly Reid

She/Her

Planner

Community Development

NOTE ADDRESS CHANGE: 695 Warner Parrott Rd, Oregon City, OR 97045

EMAIL IS THE BEST WAY TO REACH ME. kreid@orccity.org

503) 496-1540 Direct - **VOICEMAILS ARE SENT TO MY EMAIL.**

(503) 722-3789 Main

[Website](#)

[Interactive Maps and Apps](#)

[On-Line Submittal of Land Use Applications](#)

[COVID-19 \(Coronavirus\) Information](#)

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the

State Retention Schedule and may be made available to the public.

From: William Foster <williamjfoster@gmail.com>

Sent: Monday, March 22, 2021 8:36 AM

To: Kelly Reid <kreid@orccity.org>; Pete Walter <pwalter@orccity.org>; Rachel Lyles Smith <rlsmith@orccity.org>

Subject: Canemah Cottage Homes "native" landscaping

As you know, the Canemah Cottage Homes development is supposed to mitigate its environmental impact by landscaping with native species to recreate a native wetland environment. The planning documents include this statement:

Once construction is completed the site will be replanted with a dense mix of shrubs, trees, grasses and flowers native to the region.

I interpret that sentence to mean that the landscaping will include native plants exclusively, and that is what I would expect given the circumstances of the development.

I drove past the cottage homes yesterday and noticed that they recently completed most of the landscaping. It was obvious at first glance, even from a moving car, that a significant portion of the plants are not native. I re-visited on foot today and took a closer look. I estimate that at least 50% of the plants are not native.

I wasn't able to inspect every area, but here is a list of the non-native species that I could see:

- *Pachysandra terminalis* - this comprises the majority of the plantings. It seemed that close to half of the ground area was covered with this non-native.
- *Ophiopogon planiscapus* (Black mondo grass)
- *Viburnum davidii* - I might have the species wrong on this, but it's certainly not a native viburnum
- Rhododendron x 'Jean Marie de Montague' - this is not a native rhododendron, but even Oregon's native rhododendron isn't native to Willamette Valley wetlands

Ilex crenata (Japanese Holly)

The cottage homes development has already caused significant disruption, and this glib landscaping effort only adds insult to injury. It's a pitiful facsimile of a true native wetland, and it is especially frustrating in light of the promising rhetoric of the developer's earlier statements.

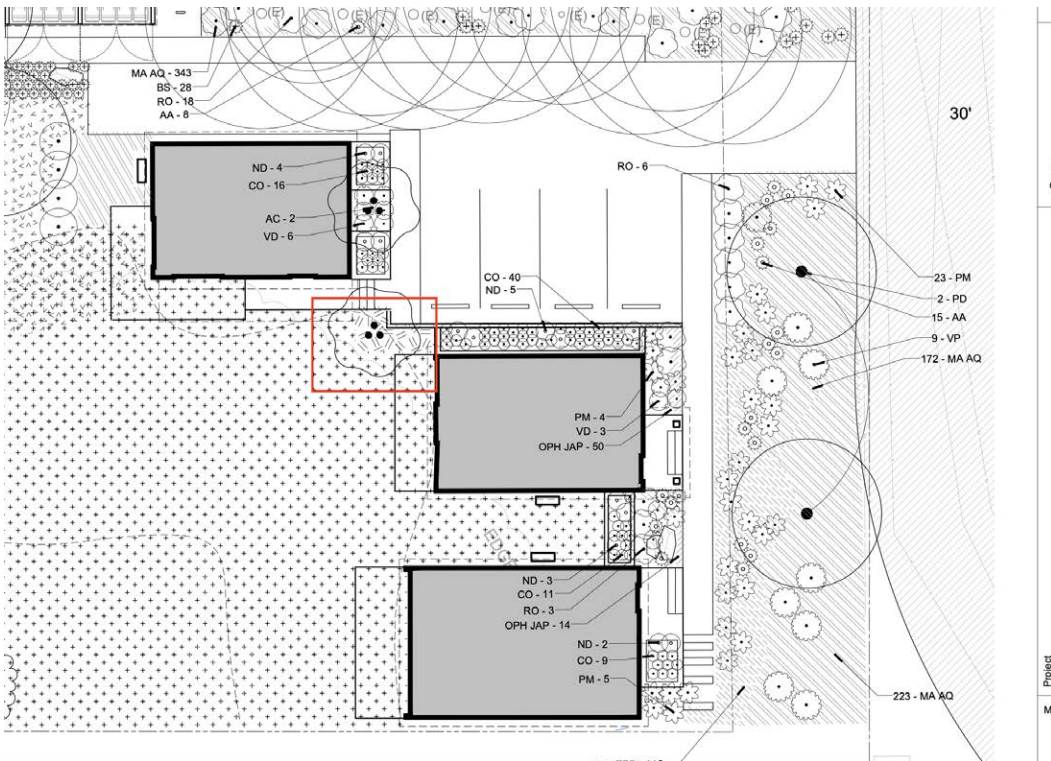
I would like to see this rectified, if possible, not just for its own sake but also to set a better standard for what native landscaping should look like in our city's "natural scenic resources."

Thanks for your time.

From: [Kelly Reid](#)
To: [Kelly Reid](#)
Subject: FW: landscaping plan Canemah cottages
Date: Tuesday, March 23, 2021 5:50:39 PM
Attachments: [Screen Shot 2021-03-23 at 5.31.55 PM.png](#)

From: William Foster <williamjfoster@gmail.com>
Sent: Tuesday, March 23, 2021 5:36 PM
To: Kelly Reid <kreid@orcity.org>
Subject: Re: landscaping plan Canemah cottages

I just visited the site and confirmed that this spot is planted with *Pachysandra*, which is not what is specified in the schematic. I think it should be removed across the board due its proclivity to spread invasively. This spot in particular is very close to the wetland area, and it will certainly spread there over time.



On Tue, Mar 23, 2021 at 12:52 PM William Foster <williamjfoster@gmail.com> wrote:

You can enter that last reply into the record, but please edit the "and/or" to just say "and."

On Tue, Mar 23, 2021 at 12:26 PM William Foster <williamjfoster@gmail.com> wrote:

I didn't explicitly state the most important point about the *Pachysandra*: it is rhizomatous and will spread aggressively beyond the immediate area where it's been planted. It could likely end up outcompeting some of the natives, and/or spread into the wetland boundary and

surrounding forested area.

It's not on the Oregon or Clackamas noxious weed lists, but it is problematic nonetheless. Here are some sources (of varying quality) to support that statement:

<https://www.brandywine.org/conservancy/blog/invasive-species-spotlight-japanese-pachysandra-pachysandra-terminalis>

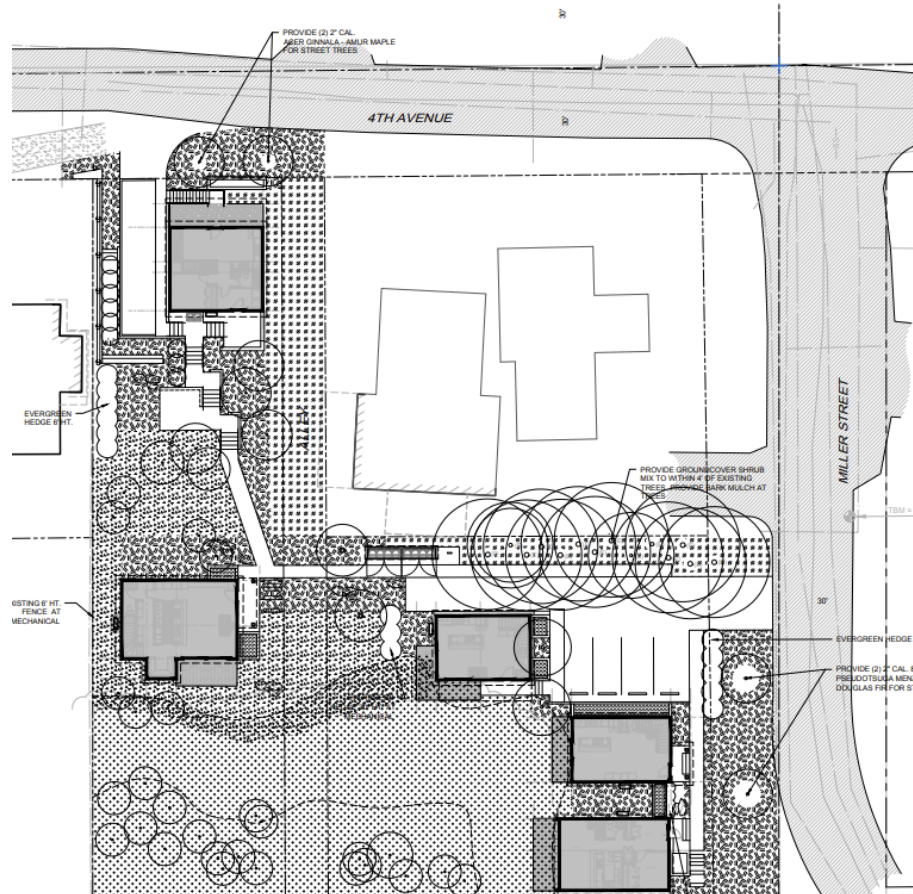
See the comments here: <https://davesgarden.com/guides/pf/go/1146/#b>

<https://plants.ces.ncsu.edu/plants/pachysandra-terminalis/>

This plant is a very common groundcover that spreads by rhizomes to form large colonies. ...
This plant can spread aggressively and it is difficult to remove.

<https://fafard.com/native-evergreen-groundcovers/>

It's time for American gardeners to move beyond Japanese spurge (*Pachysandra terminalis*), English ivy (*Hedera helix*), and periwinkle (*Vinca minor*). It's true that these ubiquitous landscape plants make excellent evergreen groundcovers, rapidly forming dense swaths of handsome foliage. But, in addition to being tiresomely common in American gardens, they're a nuisance outside of cultivation, invading natural areas and out-muscling native plants with their aggressive growth. (English ivy and periwinkle appear on invasive plant lists over much of the southeastern and far-western U.S.).



GLUA-21-00001/ HR 21-00001 through 21-00005:
 Historic Review for Canemah Cottages
 March 2, 2021

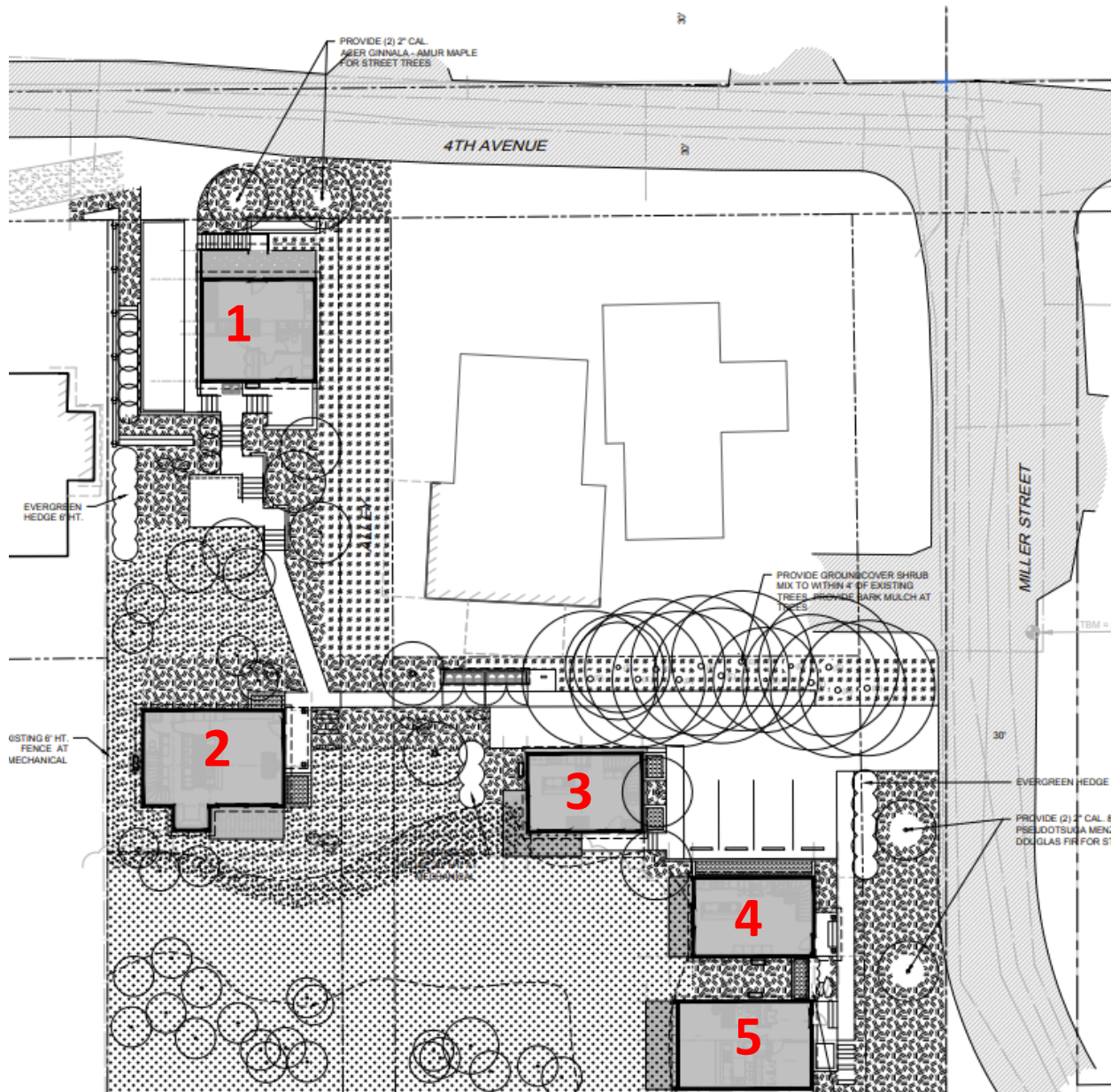
Item 8c.

Vicinity Map

Surrounding Structures



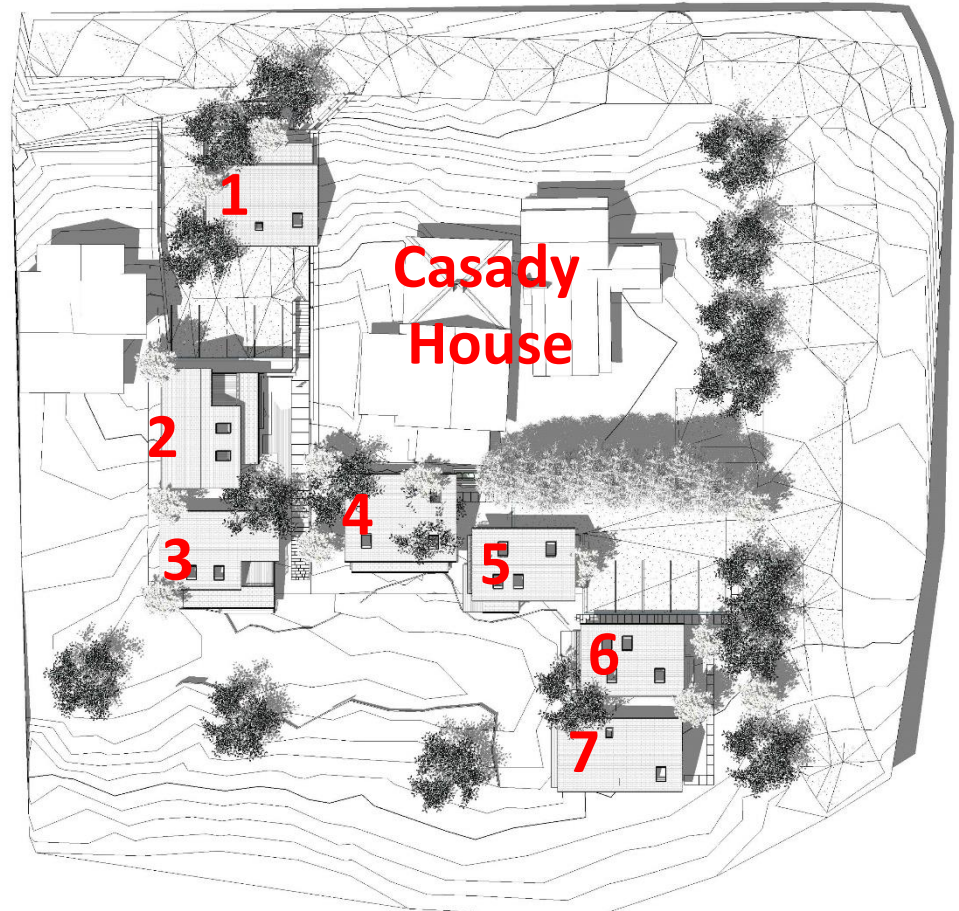




Approved Site Plan

History

- 2016 HRB proposal – 7 homes
- 2017 HRB proposal – 6 homes (HRB reduced to 5)
- Appeal to City Commission
- Appeal to LUBA
- 2017/2018 Site Plan and Design Review and Geologic Hazard Review – 5 homes
- Building permits issued in 2018



2016 Site Plan

Design Iterations



House #5



House #2

Approval Criteria (selected from Chapter 17.40)

New Construction shall:

- Safeguard the city's historic, aesthetic and cultural heritage
- Complement any National Register Historic districts designated in the city;
- Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and public welfare of the city
- Be consistent with Comprehensive Plan:
 - *“Policy 5.3.8: Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.”*
- Meet Adopted Design Guidelines

Canemah National Register District

The critical components of the district's character are:

- Narrow streets and informal driveways
- Basalt walls and channels
- Development pattern of irregular home placement
- Landscape of dense natural vegetation and mature trees on the steep hillsides



Design Guidelines

“It is the intent that these guidelines cover design for the wide range of projects that may occur over time. They describe a ‘safe harbor’ to allow new construction projects to be approved easily and quickly. Yet, there may be occasions when alternative designs are either desired or needed.

There are also particular product configurations, or materials that are pre-approved, but for which viable alternatives may exist. Those alternative designs and substitute materials shall be first reviewed by City staff and subsequently by the Historic Review Board (HRB) for compliance with the General Principles, and design intent of the guidelines.

For those situations when an exception to the guidelines is necessary, the HRB and staff shall evaluate the proposal based upon the significance of the impact, measuring how well the alternative fits into the intent of the guidelines and essentially the end effect on the historic district. These guidelines are not mandatory standards adopted by the City Commission.”

Overall Development

- Irregular House Placement/Arrangement
- 1 ½ stories
- Vernacular designs
- Small footprints and massing
- Combination of landscape preservation and new landscaping



Siding



Guideline: Wood siding or materials which have the appearance of horizontal wood siding

Not Allowed:
Alternative Board siding not matching the approved profiles or texture



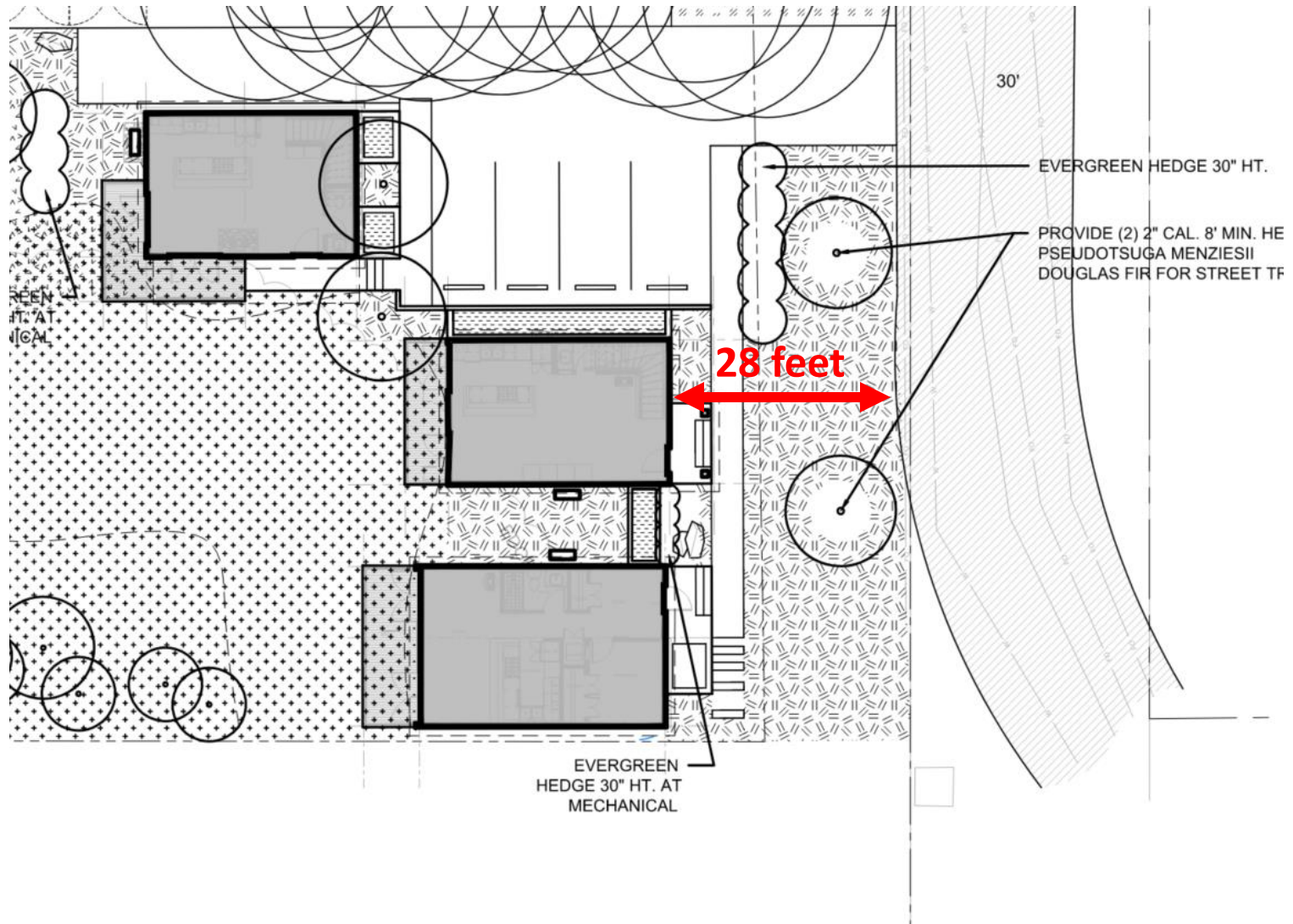
Hardie
Smooth →

Hardie
Cedarmill
↓ (textured)

→
Painted
Wood
↓ textures

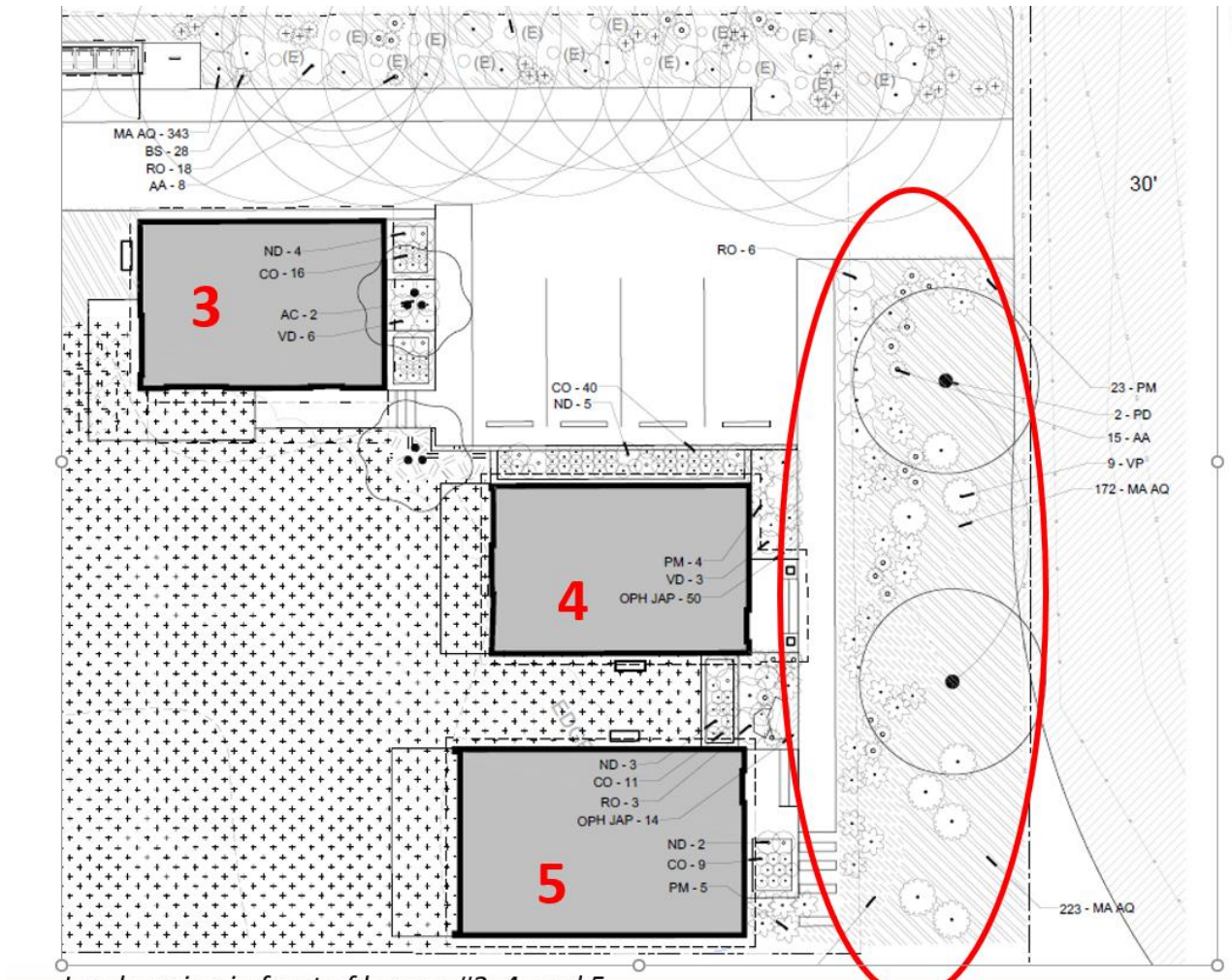


Separation from street



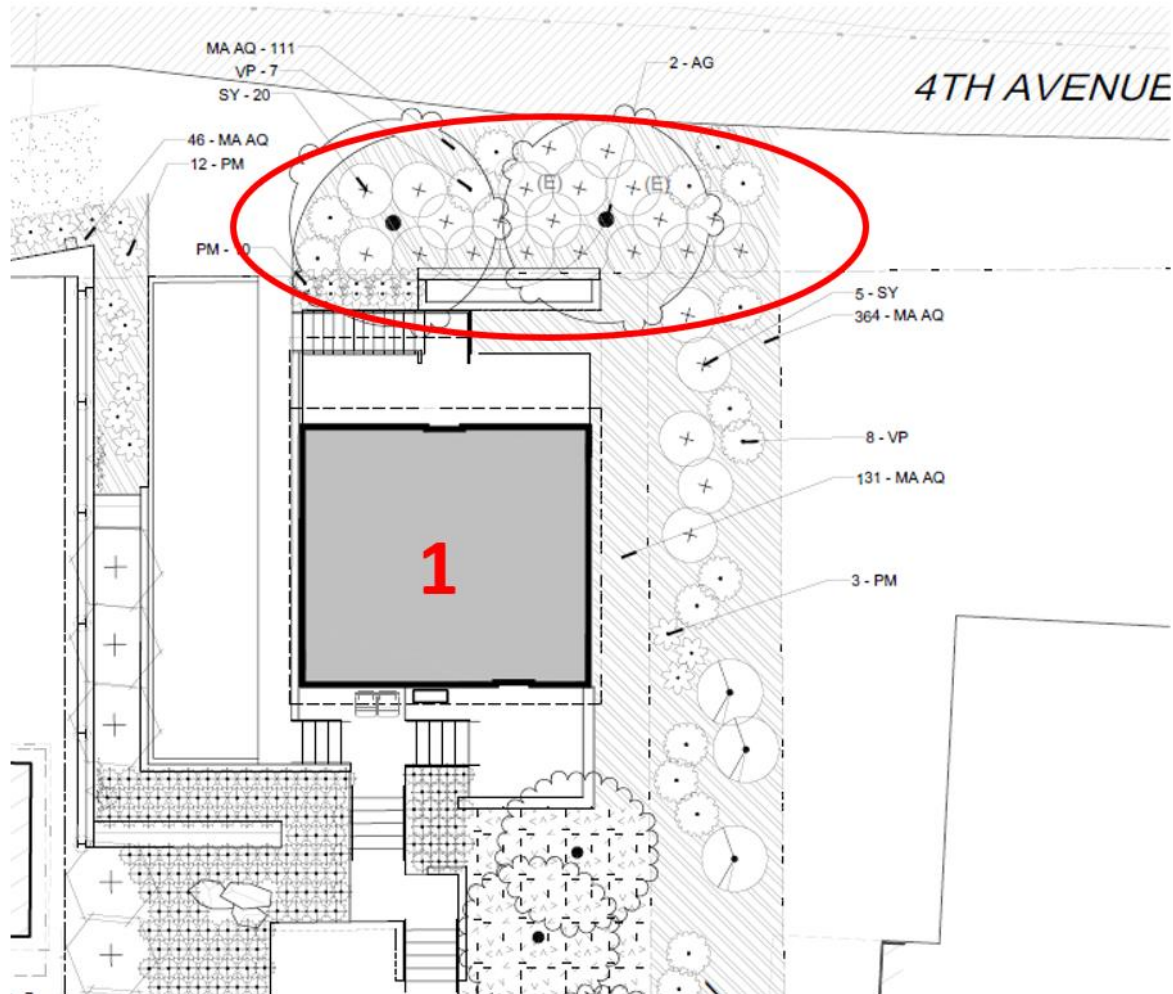
Landscaping

Additional landscaping could mitigate



Landscaping

Additional landscaping could mitigate



Windows



Guideline: match
the member sizing,
thickness, and
shadowline of
painted wood
windows



Windows



Examples of windows with a greater shadowline and sill depth

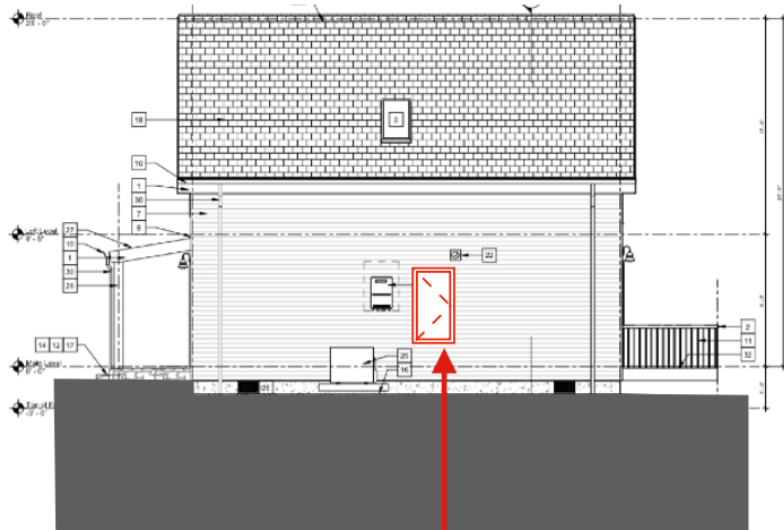
Staff recommendation - Windows



Example of thicker window trim added (note these windows are vinyl and this building is not in the district)

Staff recommends that either (1) the awning windows should be replaced with windows with shadowlines that would match historic windows or (2) additional landscaping is installed and thicker outside window trim be added to increase the depth and shadowline.

Window Placement



NORTH ELEVATION

Window to be added to
this elevation



Skylights



Guideline: Install on inconspicuous roof slopes

Skylights



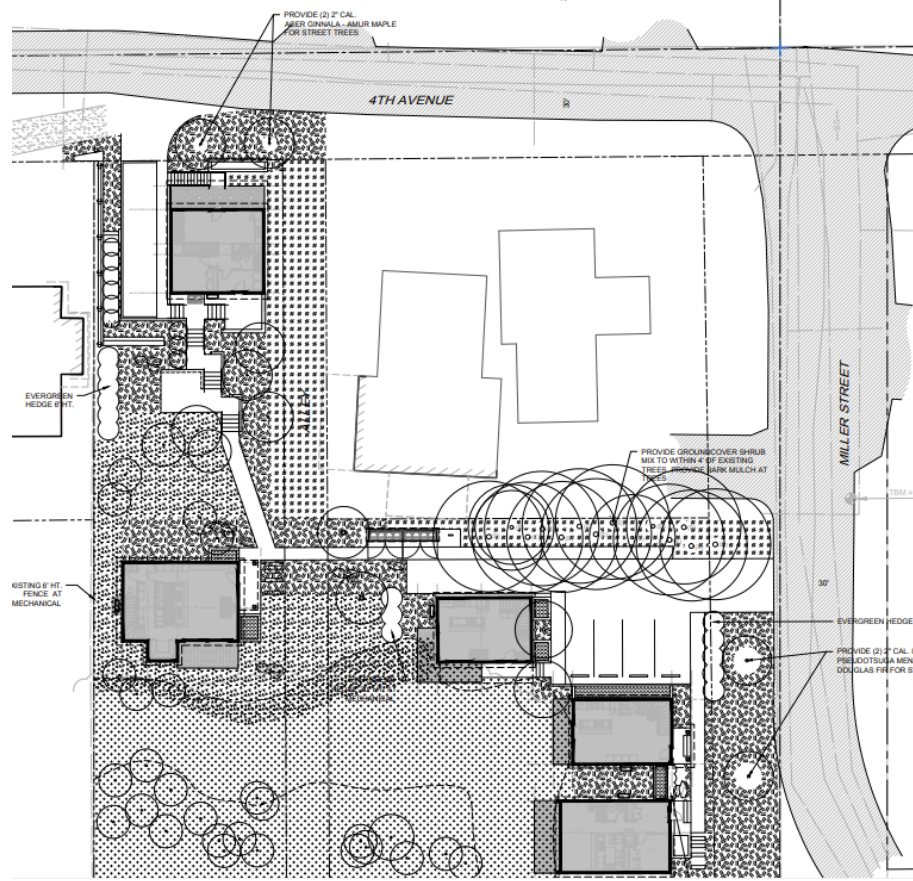
Retaining Walls



- Guideline: Minimize height and presence of walls
- Final proposed wall height behind House #1: 5 feet

Recommended Conditions of Approval

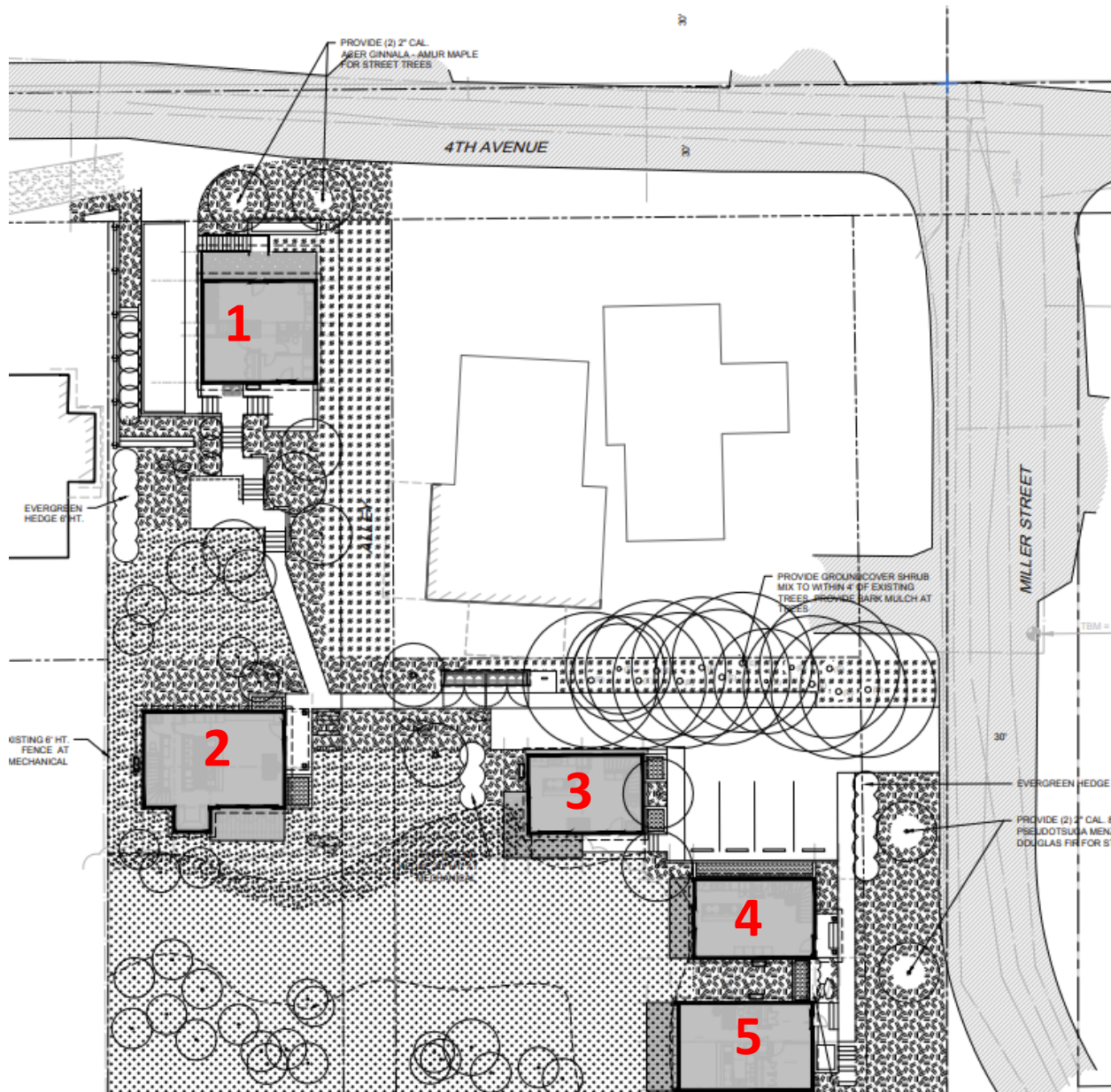
1. The applicant shall add two deciduous trees to the landscape area in front of Houses #4 and #5, along with six large shrubs. The trees shall be at least 1.5" caliper and the shrubs shall have a mature height of at least 4 feet.
2. The applicant shall replace at least four of the shrubs proposed in front of House #1 with larger shrub varieties. The shrubs shall have a mature height of at least 4 feet.
3. If the applicant is unwilling to replace the windows on the facades identified below with windows that match the shadowline of historic wood windows, the applicant shall utilize window trim to achieve 2.5" to 3" of depth from face of trim to glass panes on the following facades:
 - a. Front of house #1
 - b. West elevation of House #1
 - c. Front of House #3
 - d. Front of House #4
 - e. North elevation of House #4
 - f. Front of House #5



GLUA-21-00001/ HR 21-00001 through 21-00005:
 Historic Review for Canemah Cottages
 March 2, 2021

Item 8c.

Vicinity Map



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Overall Development

- Irregular House Placement/Arrangement
- 1 ½ stories
- Vernacular designs
- Small footprints and massing
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Landscaping

The original application for Canemah Cottages included this statement: Once construction is completed the site will be replanted with a dense mix of shrubs, trees, grasses and flowers native to the region.

The design guidelines for new construction document says the following regarding landscaping in Canemah:

Description of district characteristics:

Planting: South of 3rd Street: forest setting, native and ornamental plantings form visual screen and sense of privacy; Elsewhere on the more level portions: lawn and planted area around buildings.

Design Guideline:

Canemah, South of 3rd: native planting mixture, large shrubs and trees are appropriate for any yard. Houses to maintain a sense of privacy to each other. Minimize the removal of trees over 6" in diameter by adjusting house siting, limit tree cutting outside of the house footprint. Replant to preserve tree canopy.

Landscaping

Status: Current landscaping includes native and non-native species. Some non-native species are proposed in wetland seed mix, which has not been applied yet.

Recommendation: Condition of approval for native species only within 50 feet of wetland.



Siding



Guideline: Wood siding or materials which have the appearance of horizontal wood siding

Not Allowed: Alternative Board siding not matching the approved profiles or texture

Guidelines do not specifically prohibit textured hardieplank siding



Hardie
Smooth →

Hardie
Cedarmill
↓ (textured)

→
Painted
Wood
↓ textures



Separation from street

28 feet

A red double-headed arrow pointing left and right, indicating a distance of 28 feet.

Landscaping

Additional landscaping could mitigate



Landscaping

Additional landscaping could mitigate



Windows



Guideline: match the member sizing, thickness, and shadowline of painted wood windows.

Guidelines do not provide minimum depth or dimensions.



Windows



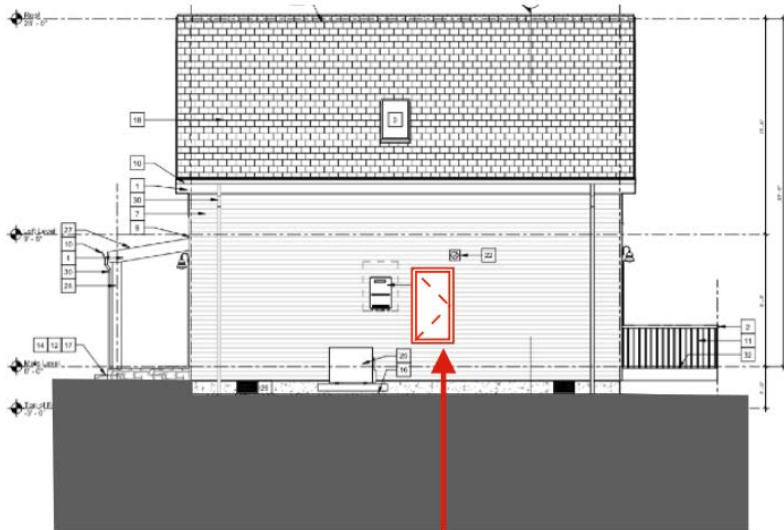
Examples of windows with a greater shadowline and sill depth

Staff recommendation - Windows

Example of thicker window trim added (note these windows are vinyl and this building is not in the district)

Staff recommends that either (1) the awning windows should be replaced with windows with shadowlines that would match historic windows or (2) additional landscaping is installed and thicker outside window trim be added to increase the depth and shadowline.

Window Placement



NORTH ELEVATION

Window to be added to
this elevation



Skylights



Guideline: Install on inconspicuous roof slopes

Guidelines do not specifically prohibit skylights that are visible from the right of way

Skylights



Retaining Walls



- Guideline: Minimize height and presence of walls
- Final proposed wall height behind House #1: 5 feet
- Guidelines do not specifically prohibit a 5 foot wall

Recommended Conditions of Approval

1. The applicant shall add two deciduous trees to the landscape area in front of Houses #4 and #5, along with six large shrubs. The trees shall be at least 1.5" caliper and the shrubs shall have a mature height of at least 4 feet. All additional landscaping shall be native species from the City's native plant list.
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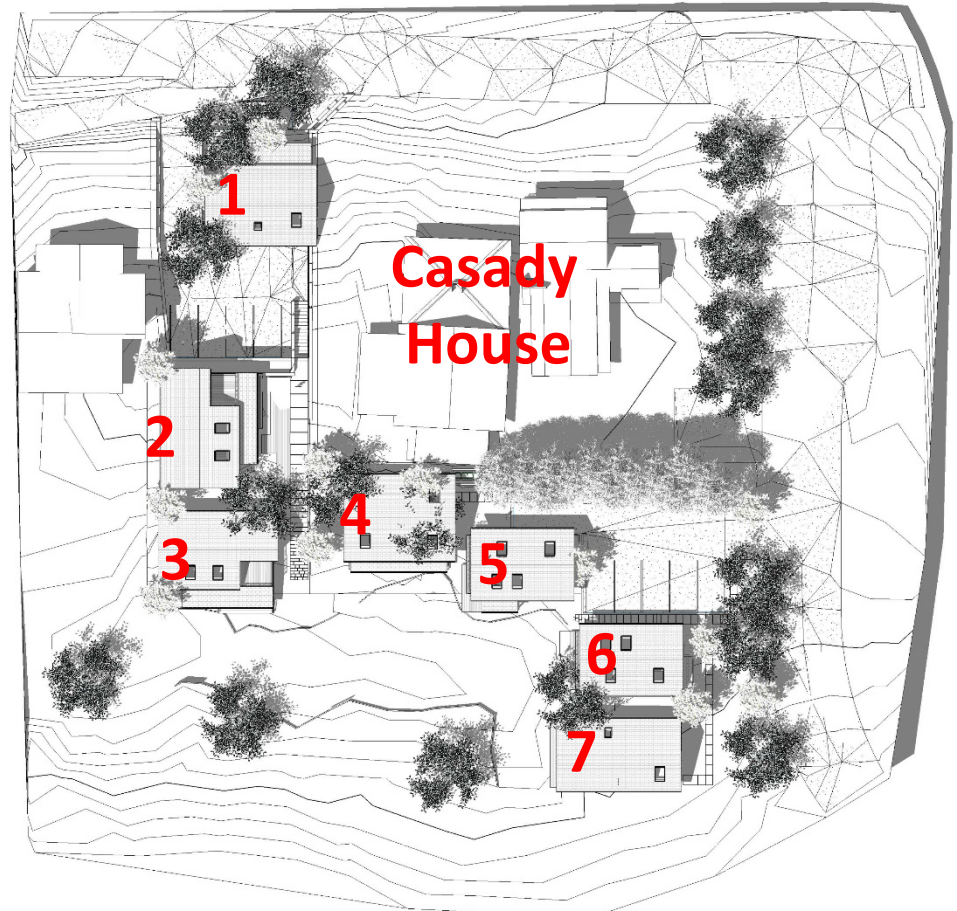
New Recommended Conditions

4. The applicant shall plant native plants or seed mixes only within the wetland area and within 50 feet of the wetland boundaries. Plants or seed mixes with species not found on the city's native plant list are not permitted within the wetland, and any new plants within 50 feet of the wetland boundary shall be native species from the City's list as well. Non-native species within 50 feet of the wetland shall be moved to other areas of the site.
5. The applicant shall plant vines or espalier on the 5 foot retaining wall at the back of the parking area next to house #1.

Surrounding Structures

History

- 2016 HRB proposal – 7 homes
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2016 Site Plan

Design Iterations



House #5



House #2



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LAND USE APPLICATION FORM

<u>Type I (OCMC 17.50.030.A)</u>	<u>Type II (OCMC 17.50.030.B)</u>	<u>Type III / IV (OCMC 17.50.030.C)</u>
☐ Compatibility Review	☐ Detailed Development Review	☐ Annexation
☐ Lot Line Adjustment	☐ Geotechnical Hazards	☐ Code Interpretation / Similar Use
☐ Non-Conforming Use Review	☐ Minor Partition (<4 lots)	☐ Concept Development Plan
☐ Natural Resource (NROD) Verification	☐ Minor Site Plan & Design Review	☐ Conditional Use
☐ Site Plan and Design Review	☐ Non-Conforming Use Review	☐ Comprehensive Plan Amendment (Text/Map)
☐ Extension of Approval	☐ Site Plan and Design Review	☐ Detailed Development Plan
	☐ Subdivision (4+ lots)	☒ Historic Review
	☐ Minor Variance	☐ Municipal Code Amendment
	☐ Natural Resource (NROD) Review	☐ Variance
		☐ Zone Change

File Number(s): GLUA-21-00001 and HR-21-00001 through HR-21-00005

Proposed Land Use or Activity: Five Cottage Homes changes to previous approvals: MD-17-01 through MD-17-07 and AP-17-04

Project Name: Canemah Cottages Number of Lots Proposed (If Applicable): _____

Physical Address of Site: 508 4th Ave, 450, 462, 474, 486 Miller Street

Clackamas County Map and Tax Lot Number(s): **Clackamas County Map 3-1E-01AA- Taxlots 2200, 3600, and 3700**

Applicant(s):

Applicant(s) Signature: 

Applicant(s) Name Printed: Christopher Staggs Date: 01/05/2021

Mailing Address: 502 Main Street, Oregon City, OR 97045

Phone: (951)236-9628 Fax: Email: chris@ariatouch.com

Property Owner(s):

Property Owner(s) Signature: same as applicant

Property Owner(s) Name Printed: Canemah Cottages LLC Date: 01/05/2021

Mailing Address: 502 Main Street, Oregon City, OR 97045

Phone: (951)236-9628 Fax: Email: chris@ariatouch.com

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

TYPE III –HISTORIC REVIEW BOARD SUBMITTAL

February 1, 2021

APPLICANT: Canemah Cottages LLC
502 Main Street, Oregon City, OR 97045

OWNER: Canemah Cottages LLC (Christopher Staggs AIA)
502 Main Street, Oregon City, OR 97045

REQUEST: Review of Exterior / As Built HOMes

LOCATION: 508 4th Ave., Oregon City, OR

I. BACKGROUND:

Note: Applicant encourages HRB members to visit site and observe homes.

1. **Existing Conditions:** The five cottage homes are built according to the permitted drawings and documents submitted to the city planning and building department. (The construction is ongoing and not complete). These documents were reviewed by the planning department prior to construction starting. The last set of documents and drawings reviewed by the HRB, at the time of the hearing when approval was granted, are not reflective of the written conditions of approval. The drawings submitted for permitting do reflect the changes and modifications that were conditioned at time of approval. (We are effectively saying, the discrepancies noted by the city planning are in large part, based on conditions of approval that do not match the HRB conditions and approval of the project, and we believe the homes as they are built, are in compliance with the historic standards and historic intent). The applicant has made minor changes to the exterior elevations from the approved drawings which we believe meet the historic standards of Canemah. Further, there is specific language in the conditions of approval, that are not reflective of the HRB conditions, for example, skylights in Canemah are not to be located on roof slopes facing the right of way. The conditions of approval written for this project incorrectly states, "...skylights shall not be visible from the right of way...". This language does not reflect the historic standards which specifically allow skylights in roofs that are not facing the right of way. (House #4 and #5 have skylights that are visible from the right of way but not facing the right of way). The applicant suggests a review of the as built homes demonstrates the homes are built according to historic guidelines as outlined in the city standards, and, the as built homes meet the approved project.
2. **Project Description:** 5 cottage homes in Canemah Historic District

CODE RESPONSES:*17.40.060 - Exterior alteration and new construction.*

- A. *Except as provided pursuant to subsection I of this section, no person shall alter any historic site in such a manner as to affect its exterior appearance, nor shall there be any new construction in an historic district, conservation district, historic corridor, or on a landmark site, unless a certificate of appropriateness has previously been issued by the historic review board. Any building addition that is thirty percent or more in area of the historic building (be it individual or cumulative) shall be considered new construction in a district. Further, no major public improvements shall be made in the district unless approved by the board and given a certificate of appropriateness.*
 - B. *Application for such a certificate shall be made to the planning staff and shall be referred to the historic review board. The application shall be in such form and detail as the board prescribes.*
 - C. *Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,*
 - 1. *A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and*
 - 2. *A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.*
- If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.*
- D. *[1.] The historic review board, after notice and public hearing held pursuant to Chapter 17.50, shall approve the issuance, approve the issuance with conditions or disapprove issuance of the certificate of appropriateness.*
 - F. *For construction of new structures in an historic or conservation district, or on an historic site, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall include the following:*
 - 1. *The purpose of the historic conservation district as set forth in Section 17.40.010;*
 - 2. *The provisions of the city comprehensive plan;*
 - 3. *The economic effect of the new proposed structure on the historic value of the district or historic site;*
 - 4. *The effect of the proposed new structure on the historic value of the district or historic site;*

5. *The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure;*
Applicant response: (Response to F.5 is applicable). Based on the historic home guidelines, the previously approved permit documents, the as built homes meet the historic standards in proportion, scale, texture and materials (see attached exterior photographs)
6. *Economic, social, environmental and energy consequences;*
7. *Design guidelines adopted by the historic review board.*

Design Guidelines for New Construction - Canemah

1. STYLE

New construction shall complement one of these styles to support the historic context. Use of other styles dilutes and distracts from the historic context of the district.

While there may be several styles dominant within the district, the specific choice of a style shall be compatible with adjacent properties, the block, and the neighborhood. It also must be fitting for the particular function of the building and its size.

Applicant response: The construction is built to compliment the Canemah historic district “Vernacular” style. During the original HRB review of our project we produced an extensive survey of the district identifying the features of the Canemah homes and character. The construction is based on these findings as well as the approval of the HRB. We have not changed the project from this original intent with the following exceptions and request for approval at this hearing:

1. **House 1: window facing south (away from right of way and not visible) removed. Window facing east added for light in upstairs bathroom.**
2. **House 2: skylight in roof facing right of way that will be covered with landscape and will not be visible. Entry elevation window changed to square. House 2 is the least visible house on the property located in the rear.**
3. **House 3: N/A**
4. **House 4: N/A**
5. **House 5: North facing Window facing House 4 moved to bathroom (to be installed)**

Note: all houses siding changed to wood simulated Hardi board in lieu of wood (allowed by historic guidelines)

Note: all primary windows facing right of way are in the 2:1 proportion as is the predominant window proportion in Canemah with some square windows and sidelight windows by front doors.

Note: all house siding is horizontal (rather than) horizontal on elevations facing right of way and vertical on elevations facing away from right of way. Historic standard and style is horizontal.

2. SITE

Siting principles involve both how the site is used and how the building(s) is placed within the site. The specific lot location and its topography can dictate many requirements.

Residential buildings are to face the street squarely with their primary face in full view, and to be set back from lot lines and be spaced from one another similar to the immediate neighborhood. The primary structure is to be placed in the primary position with accessory structures in a service or

ancillary position except where topography is an issue. Yard area between the house and street to primarily be planted with minimal paving only for pedestrian access and for vehicle movement. More private activity spaces to be located at the less public areas of the site.

SITE CHARACTERISTICS OF THE VERNACULAR STYLE IN CANEMAH

- No uniform front setback; South of 3rd Street: houses may face front or side depending on topography.
- Lots range from 50x100 to 100x100 and contain a single house.
- Properties edges often not defined; Where fenced, primarily picket or low slat at front with side or partial returns.
- Planting: South of 3rd Street: forest setting, native and ornamental plantings form visual screen and sense of privacy; Elsewhere on the more level portions: lawn and planted area around buildings.
- House Placement: to suit the existing topography and most level lot portion especially south of 3rd Street.
- Retaining walls: stone, mortared or stacked basalt, or concrete south of 3rd Street, especially in proximity with street.
- Garages: Not found historically; informal graveled or paved parking next to street or along house; New garages to be located along side or behind house. Where topography is a concern, locate garage offset from building primary façade, close to street with direct access.
- Accessory Buildings: detached, behind along side of house and located to allow use of particular function.
- Streets: South of 3rd Street: narrow, without curbs or sidewalks; casual pedestrian paths and connecting stairs are encouraged.

Applicant Response: No changes proposed to site design as approved by HRB

3. BUILDING FORM

Address the overall size, shape and bulk of the building. The architectural style used for the building defines many aspects of its appropriate form and proportions. Excessive variation in the size, shape, or configuration creates an inappropriate solution that is stylistically incorrect and not complementary to the district. The building form needs to relate to the buildings in the immediate neighborhood, and to take into account both similarities and changes on the block. The new building form shall reference the principles, proportions and scale of an historically appropriate style.

BUILDING FORM CHARACTERISTICS OF THE VERNACULAR STYLE IN CANEMAH

- Form easily allows additions and alterations such as increases in family size, activities or changing technology; generally smaller in size than McLoughlin.
- Shape: rectangular in plan, with smaller rectangular combinations to primary form; Rectangular or square form reinforced on façade. L-plan, T-plan options.
- Height: Maximum 1 ½ stories in height; Basement option.
- Proportions: Height (eave) to maximum width: 1:1 Height to Depth: can vary greatly.
- Roof: gable, of not less than 8:12 pitch, 10:12 and steeper are preferred. No cross-gable roofs; Possible wing or addition with lower ridgeline that is perpendicular or is offset.

Applicant Response: No changes proposed to site design as approved by HRB

4. DESIGN COMPOSITION

Include a range of more detailed design issues that address groups of elements, individual elements, their design and how they relate to the overall composition and finish. The principles place a traditional emphasis on the design's composition as seen from the exterior, rather than as a result of interior functional planning requirements. They also outwardly convey a sense of quality craftsmanship. The design composition principles, being more detailed, and stylistically dependent, are typically developed after the previous principles are resolved. These principles also reflect historically appropriate materials, respective finishes, and unobtrusive integration of new technology.

DESIGN COMPOSITION CHARACTERISTICS OF THE VERNACULAR STYLE IN CANEMAH

- Lacks rigid system of exterior detailing that makes it a clearly definable architectural style; allows design flexibility and is inherently varied.
- Designed and built without assistance of a trained architect. Collaborative design evolved with homeowner and builder, based on familiar styles, features and products.
- Can combine features from other architectural styles popular during the historic period; simpler designs than McLoughlin.
- Porch: full or partial length at the front entry; if close to the ground, no railings; at main story only.
- Dormers: None.
- Materials: local, readily available.
- Windows: 1:1, double hung windows.
- Siding: horizontal board siding; typically shiplap, or channel; occasionally bevel.
- Ornament: Exterior decoration is modest, consisting of scroll-work brackets at the top of porch pillars, plain cornerboards and simple window trim. Most houses do not feature spindlework in the peaks of their gable roofs.
- Interior fireplaces and chimneys.

Applicant Response: The proposed changes to the approved homes as outlined in Section 1 "Style" follow the vernacular style of Canemah by NOT being rigid, and following design flexibility and variation.

17.40.065 - Historic Preservation Incentives.

A. Purpose. Historic preservation incentives increase the potential for historically designated properties to be used, protected, renovated, and preserved. Incentives make preservation more attractive to owners of locally designated structures because they provide flexibility and economic opportunities.

B. Eligibility for Historic Preservation Incentives. All exterior alterations of designated structures and new construction in historic and conservation districts are eligible for historic preservation incentives if the exterior alteration or new construction has received a certificate of appropriateness from the Historic Review Board per OCMC 17.50.110(c).

C. Incentives Allowed. The dimensional standards of the underlying zone as well as for accessory buildings (OCMC 17.54.100) may be adjusted to allow for compatible development if the expansion or new construction is approved through historic design review.

D. Process. The applicant must request the incentive at the time of application to the Historic Review Board.

Applicant Response: We request the HRB approve the homes, as built, if necessary, through the historic incentives. We believe the homes, as built, are in the spirit of Canemah Vernacular style and are an appropriate, contemporary addition to the historic district.

ALSO

Relevant Character Guidelines:

Topography (see page 34 of Guidelines)
 Landscaping (see page 34 of Guidelines)
 Spacing (see page 36 of Guidelines)
 Heights (see page 38 of Guidelines)
 Widths (see page 38 of Guidelines)
 Context Scale (see page 40 of Guidelines)
 Volume (see page 40 of Guidelines)
 Proportion (see page 44 of Guidelines)
 Porches (see page 46 of Guidelines)
 Dormers (see page 47 of Guidelines)
 Foundations (see page 56 of Guidelines)
 Windows (see page 63 of Guidelines)

Staff will review your application based on these guidelines. If you propose anything that does not meet these character guidelines, please include an explanation in your application of how your design differs and why you think it is still compatible with the District.

Chapter 17.12 R-6 Single-Family Dwelling District

17.12.020 - Permitted uses.

Permitted uses in the R-6 district are:

- A. Single-family detached residential units;
- B. Parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- F. Accessory uses, buildings and dwellings;
- G. Family day care provider, subject to the provisions of Section 17.54.050;
- H. Residential home per ORS 443.400;
- I. Cottage housing;
- J. Transportation facilities.

Applicant Response: N/A to this application

17.12.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;

- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facility;
- G. Private and/or public educational or training facilities;
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions.
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

Applicant Response: N/A to this application

17.12.035 - Prohibited uses.

Prohibited uses in the R-8 district are:

- A. Any use not expressly listed in Section 17.12.020 or 17.12.030.
- B. Marijuana businesses.

Applicant Response: N/A to this application

17.12.040 - Dimensional standards.

Dimensional standards in the R-6 district are:

- A. Minimum lot areas, six thousand square feet;
- B. Minimum lot width, fifty feet;
- C. Minimum lot depth, seventy feet;

Applicant Response: N/A to this application

- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;

Applicant Response: N/A to this application

- E. Minimum required setbacks:

1. Front yard, ten feet minimum setback,
2. Front porch, five feet minimum setback,
3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.
4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,
5. Corner side yard, fifteen feet minimum setback,
6. Rear yard, twenty feet minimum setback,
7. Rear porch, fifteen feet minimum setback.

Applicant Response: N/A to this application

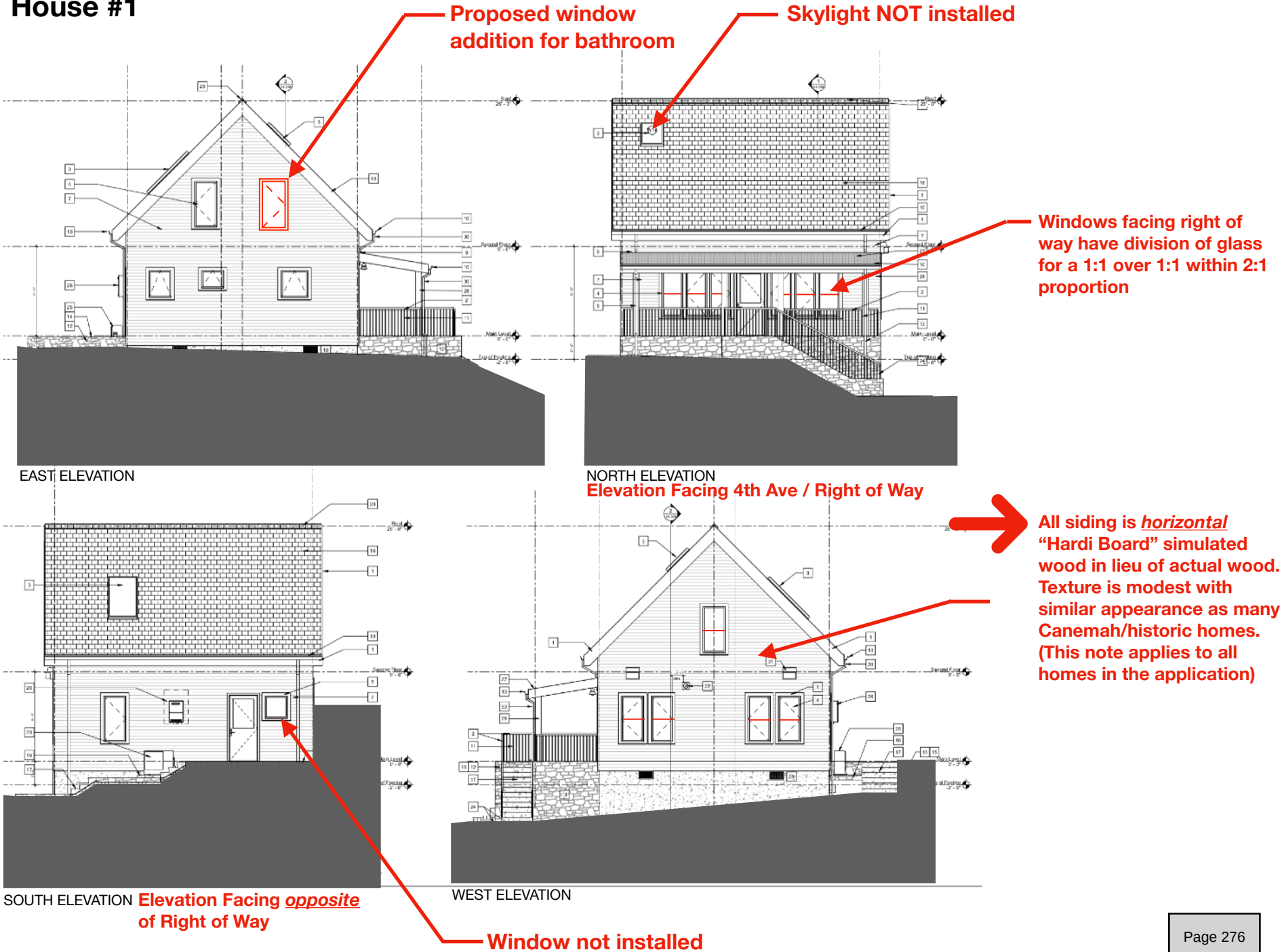
- F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.

Applicant Response: N/A to this application

- G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

Applicant Response: N/A to this application

House #1



House #2 (This home is 150' from right of way and partially visible)

➔ Note: All windows recessed 1.5" from trim. Neither Historic Guidelines, nor original COA specify a window depth

Item 8c.

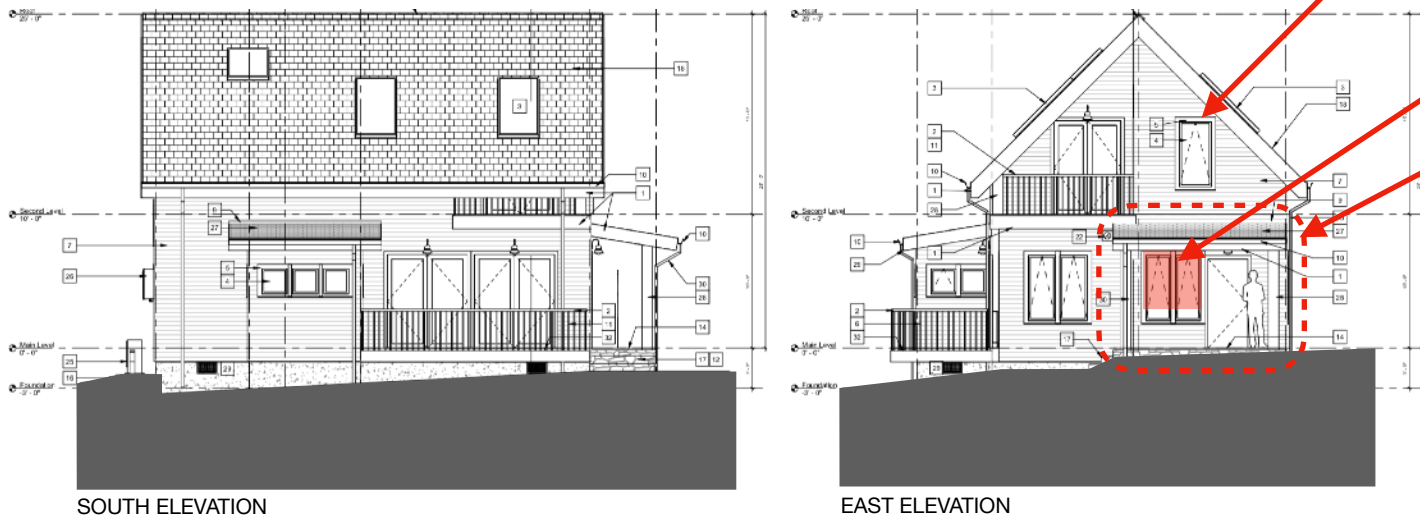
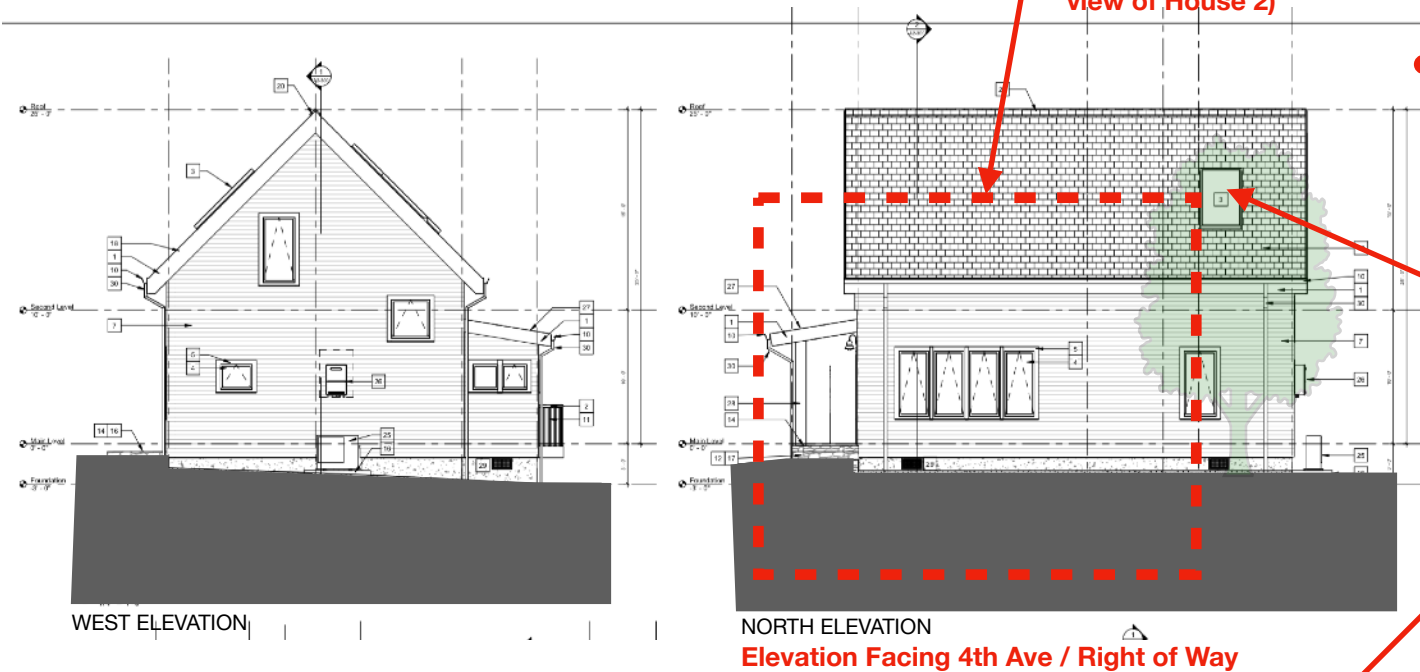
➔ Fascia width is the same on all homes, was not specified in original HRB application; there is no specific fascia width requirement in Canemah.

View of Skylight, facing 4th Ave ROW is mitigated by landscape; is flush with roof and inconspicuous.

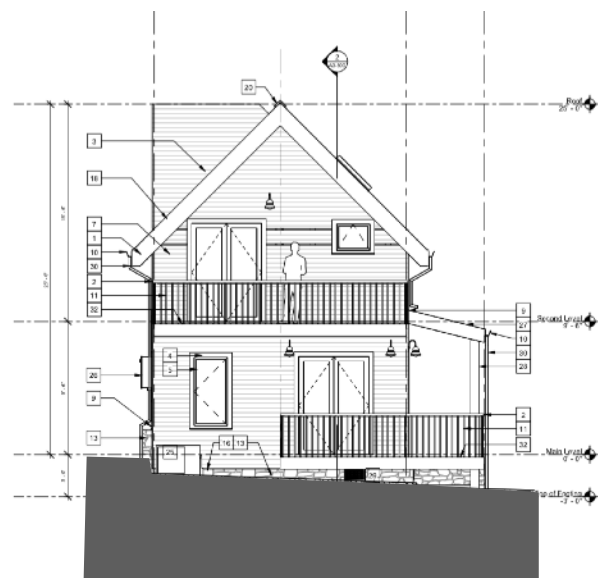
All windows facing ROW are 2:1 proportion with dividing member; see photo

Window changed to square

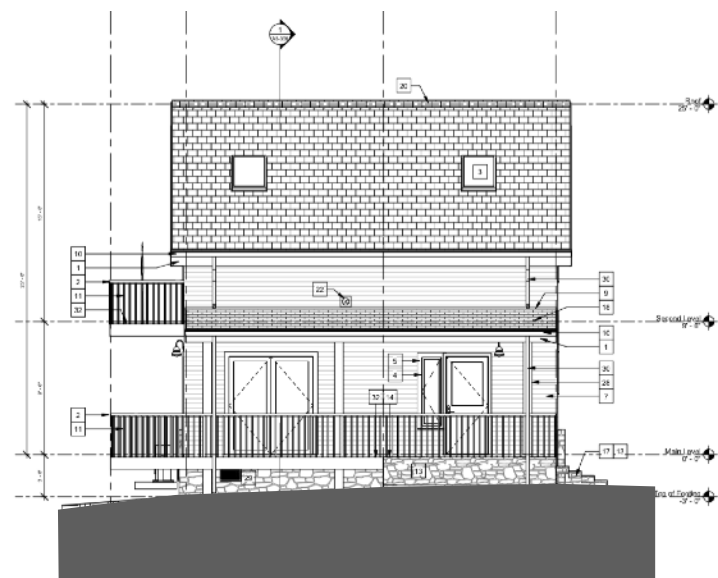
Entry porch and door added to front of home. (Original HRB application did not show an entry or porch. Meets historic guidelines and is similar to all the cottages).



House #3

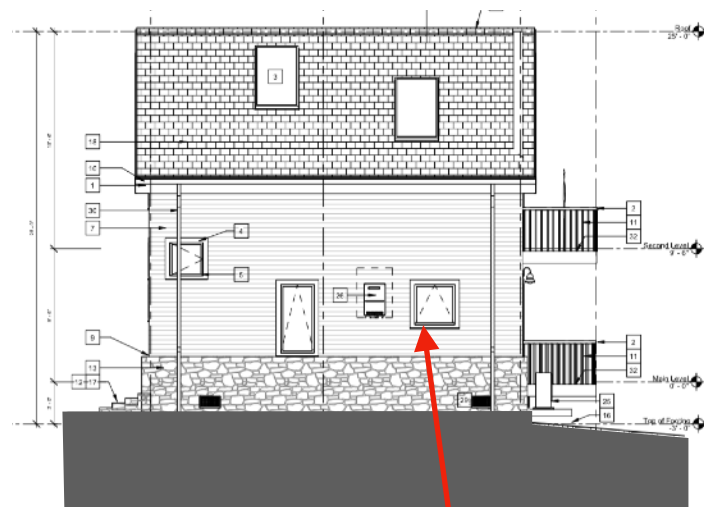


WEST ELEVATION
Elevation Facing *opposite* of Right of Way



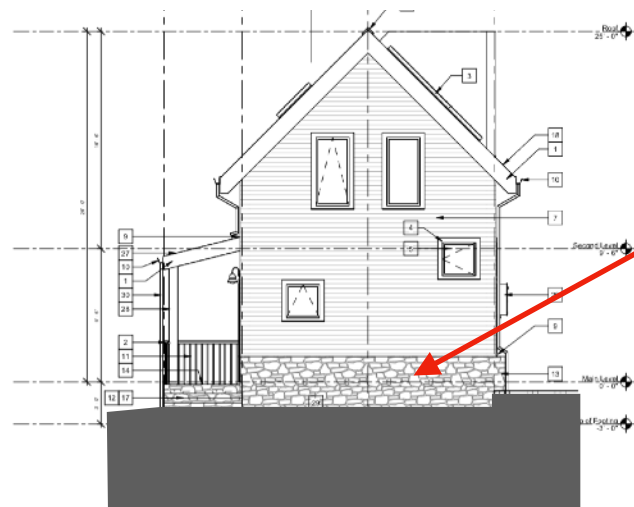
SOUTH ELEVATION

Massing and Height the same as Houses 4 and 5



NORTH ELEVATION

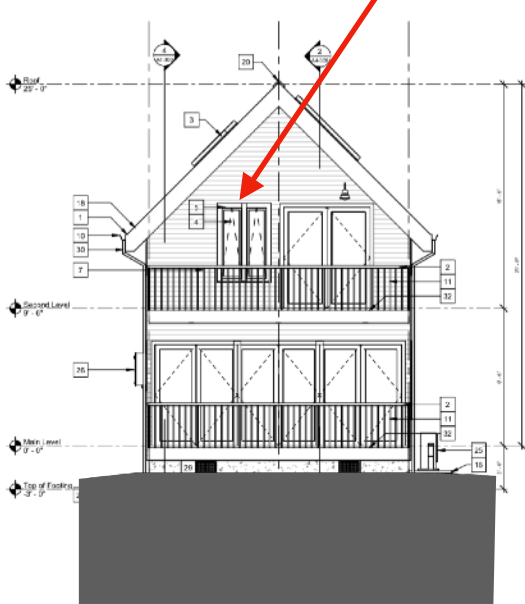
Window changed to square



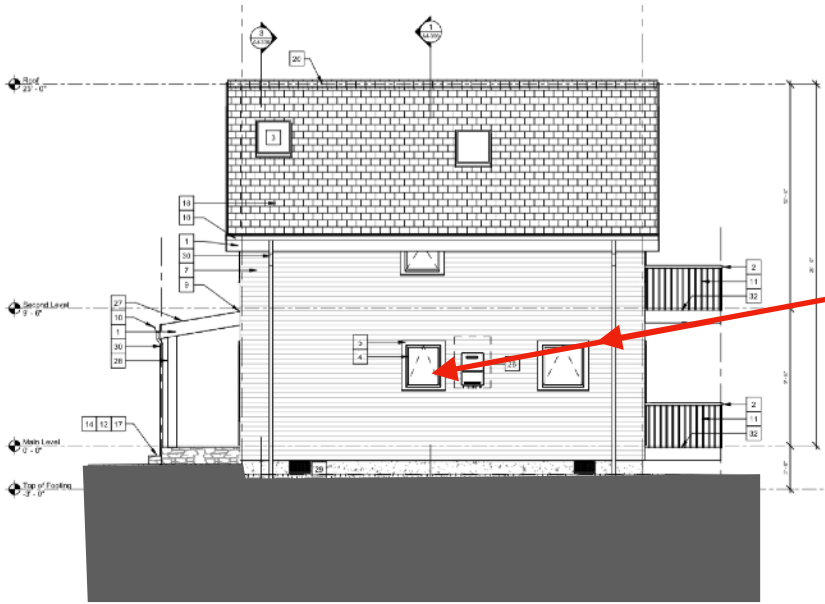
EAST ELEVATION
Elevation Facing Miller St. / Right of Way

All Homes - Stone veneer replaced with typical concrete foundation - meets historic standards

House #4



WEST ELEVATION
Elevation Facing *opposite* of Right of Way

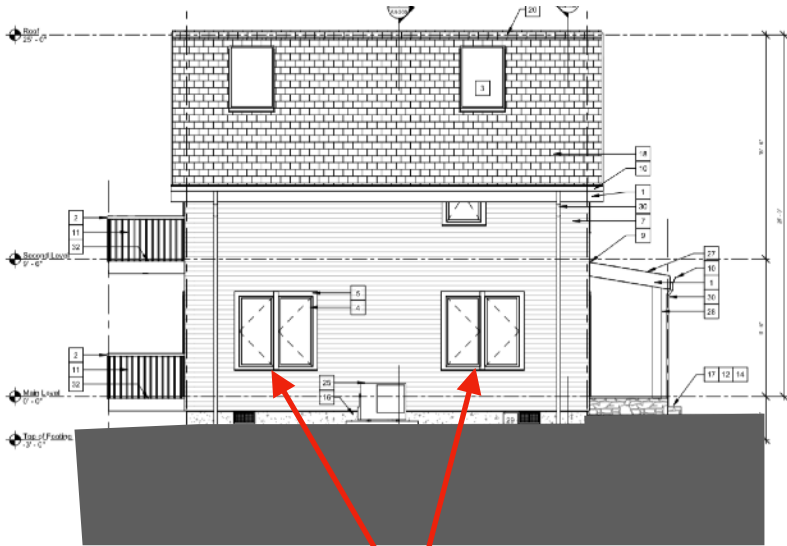


NORTH ELEVATION

Window size changed to square

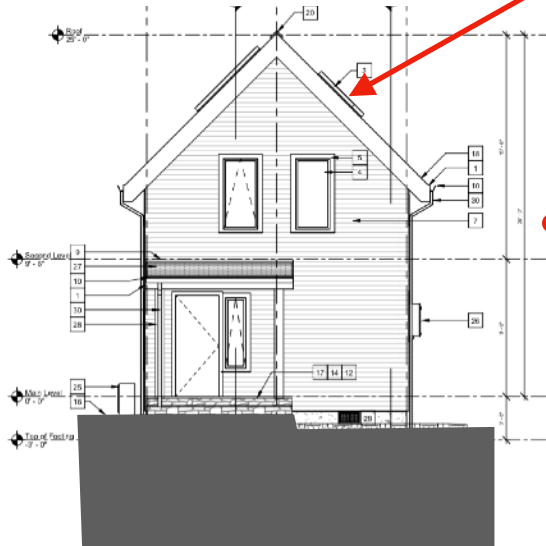
Skylight is not facing right of way and is not visible from right of way; historic guidelines reference - "skylights shall not be in roofs facing ROW"

All Homes - roof overhangs reduced; more consistent with Canemah homes than original application.



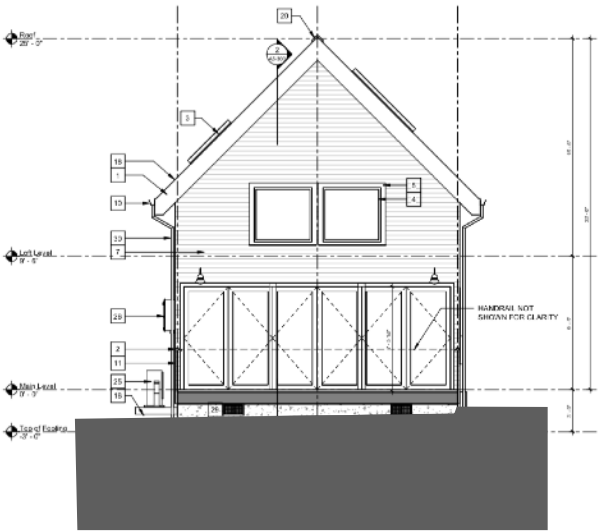
SOUTH ELEVATION

Windows added to improve natural light; more consistent with all homes



EAST ELEVATION
Elevation Facing Miller St. / Right of Way

House #5

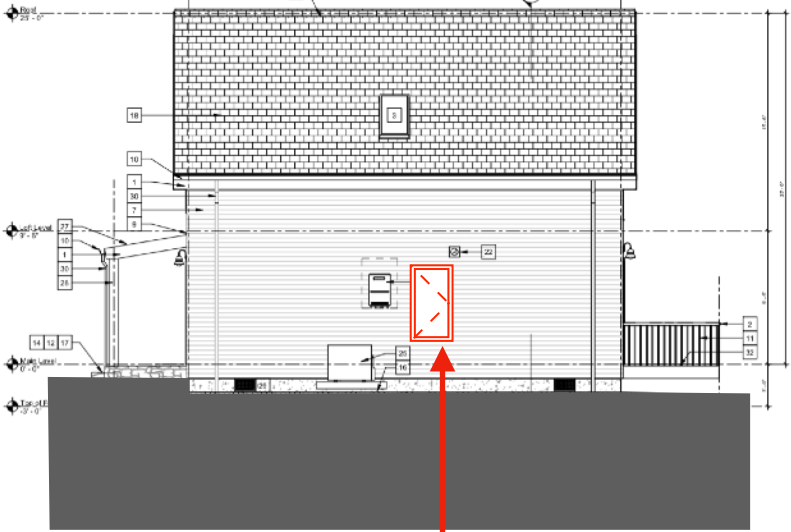


WEST ELEVATION
Elevation Facing opposite of Right of Way



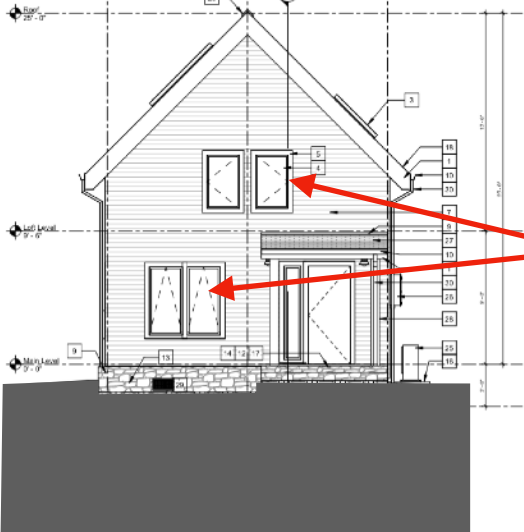
SOUTH ELEVATION

Porch projection added for consistency with other homes.



NORTH ELEVATION

Window to be added to this elevation



EAST ELEVATION
Elevation Facing Miller St. / Right of Way

Home height is same as date of permit submittal and is the same as House #3 and #4.
Windows changed for consistency with all homes.

Siding Material Views and Comparisons



4th Ave New Home



4th Ave New Home



502 4th Ave Siding



502 4th Ave Siding



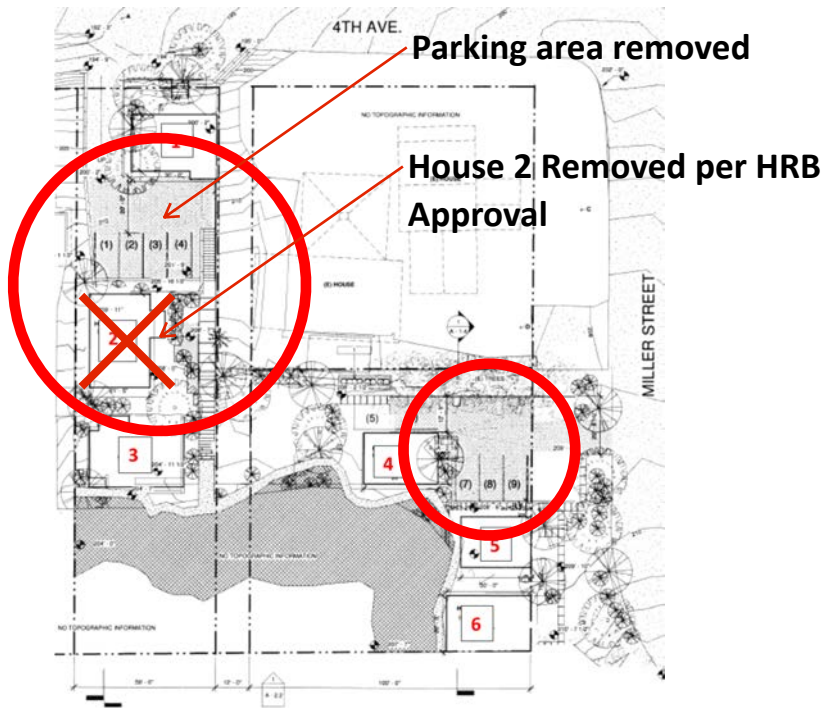
House #5 (View of siding from Right of Way demonstrating wood texture is not visible).



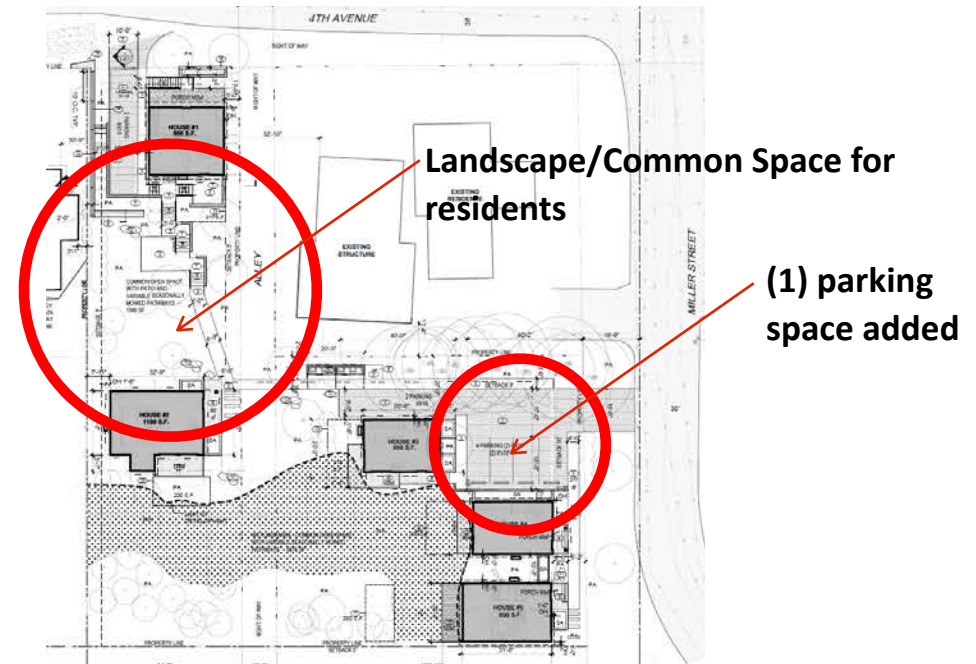
Site Planning

Site Area behind house and East Parking area.

Item 8c.



Original HRB Application - Site Plan



Permitted / As Built. - Site Plan

Conditions of Approval – House #1

Prior to issuance of a Permit Associated with the Proposed Development:

1. The property shall obtain all necessary permits including but not limited to Site Plan and Design Review, and Geologic Hazards Review by the Planning Division, a right-of-way permit from the Development Services Division, and all necessary permits from the Building Division. (P, DS, B)
2. **House number #2 on the submitted site plan shall be removed from the site, and the proposed cottage home development shall consist of five (5) cottages total.(P)**
3. In addition to street trees, the applicant shall assure one tree is planted (or retained) within 10 feet of the right-of-way or within the right-of-way for every 35 feet of lineal frontage on Miller Street and 4th Avenue and one shrub is planted (or retained) for every 4 feet of frontage in the same location. (P)
4. The applicant shall assure three trees are planted (or retained) and 20 shrubs are planted (or retained) within 20 feet of the Casady House property line and the locations which border the subject site. (P)
5. The applicant shall minimize the retaining wall height to 3 1/2 feet at maximum height, and use rock, brick, or concrete with finishing; or mortared or stacked true masonry or stone that was traditionally quarried in the area. (P)
6. All windows and door shall be made of wood. (P)
7. All double doors shall be French style doors. (P)
8. Second story windows shall be rectangular on shape and not exceed the door height plus a one foot transom. (P)
9. No roof cutouts shall be permitted on any of the proposed cottages. (P)
10. No retaining walls shall exceed 3 1/2 feet within the front of any home. (P)
11. All tiered retaining walls shall have a spacing of two feet between tiers. (P)
12. Not vertical siding shall face the public streets. (P)

Changes from HRB Approval

House 2 Removed

Parking Area removed behind house 1. One space added by house 4.

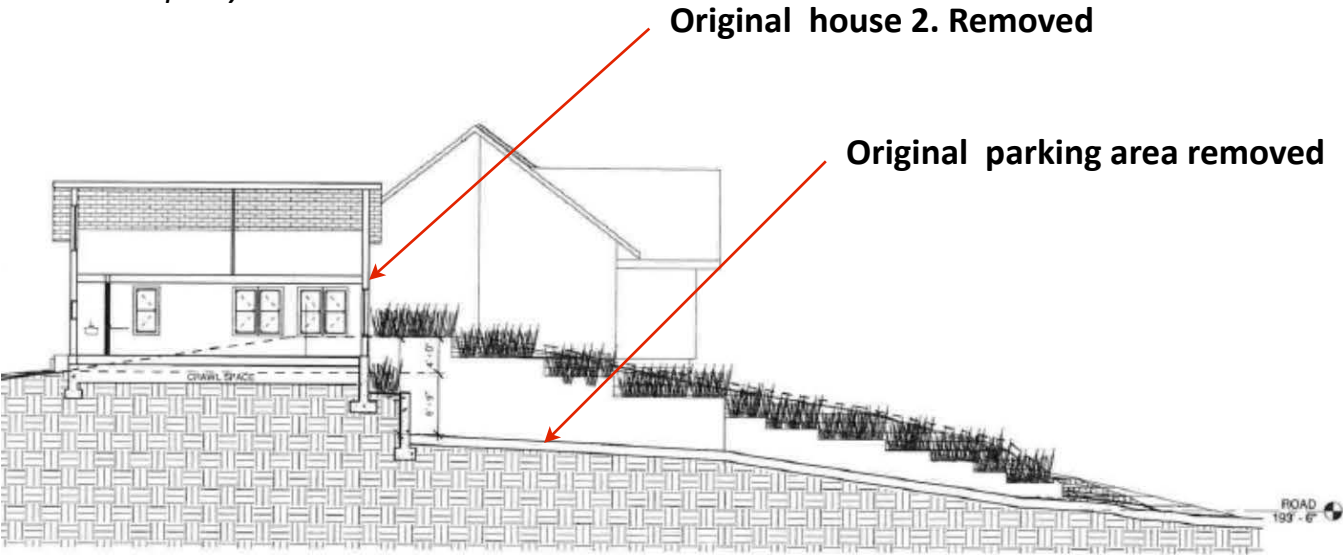
Compatibility Proposed Mitigation

Per HRB COA's

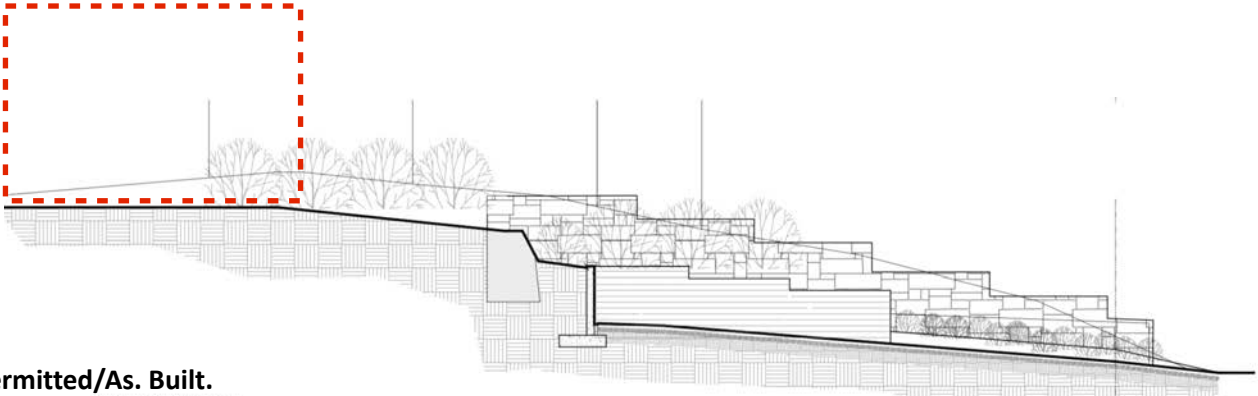
Changed due to reduced parking and to minimize grading impact; Compatible w/Historic District.

Site Walls

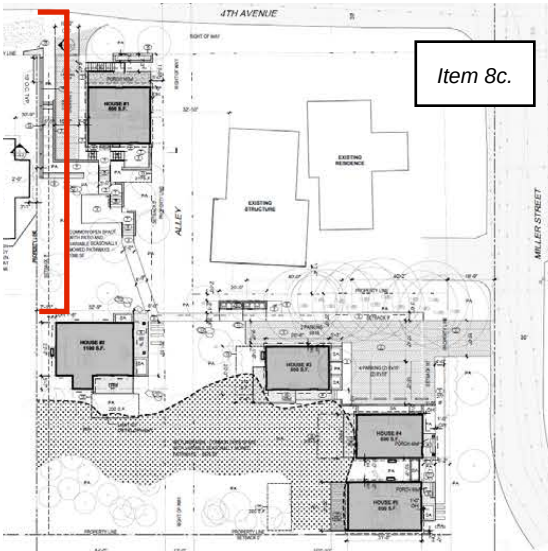
House #1 Property Line Wall



HRB Application



Permitted/As. Built.



Changes from HRB Approval	Compatibility Proposed Mitigation
House 2 Removed	Per HRB COA's
Parking Area removed behind house 1. One space added by house 4.	Changed due to reduced parking and to minimize grading. Compatible w/Historic District.

Site Planning

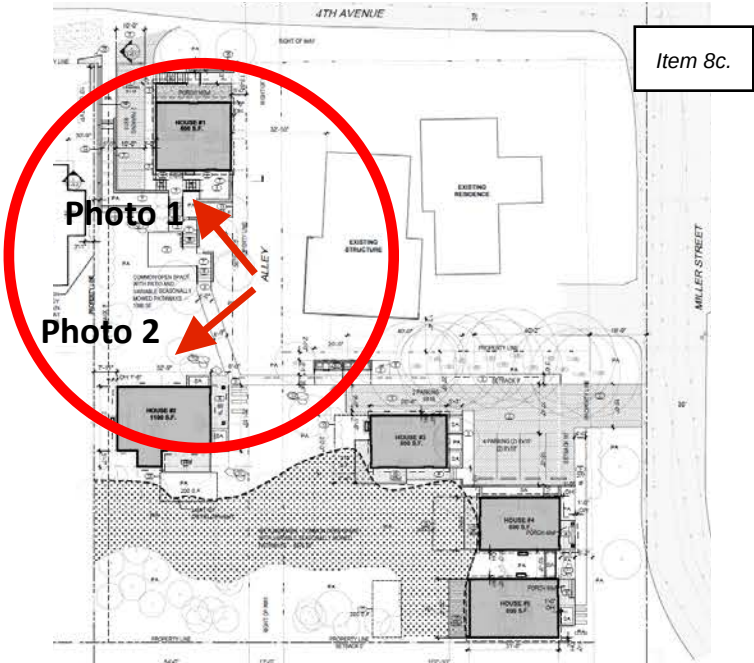
Site Area south of House 1 and North of House 2



Photo 1



Photo 2



Permitted Site Plan / As Built

Changes from HRB Approval	Reason for Change / Compatibility Proposed Mitigation
Original House 2 removed	Per HRB COA's
Parking Area removed behind house 1. One space added by house 4.	Changed due to reduced parking and to minimize grading impact. At or near original topography. Compatible w/Historic District.

"Vernacular" Style - Historic Guidelines

Principles

"Lacks rigid system of exterior detailing that makes it a clearly definable architectural style; allows design flexibility and is inherently varied."

"Can combine features from other architectural styles popular during the historic period; simpler designs than McLoughlin."



Item 8c.

Multiple Window Groupings and window shapes in one elevation; black window frame and divisions; double hung and fixed (***illustrates flexibility and variation***)



Built: 1885

Window Grouping of (2) 2:1 (***illustrates flexibility and variation***)



Built: 1864

Large entry elevation window; not 2:1 proportion (***illustrates flexibility and variation***)



Built: 1875

Large picture window (not 2:1 proportion)

Window Groupings

Change from HRB Submittal to As Built

Item 8c.



MD-17-01 Reviewed by HRB Aug 2017

**Side by Side / 2:1 Proportion
Window
(Built as 2 separate windows)**

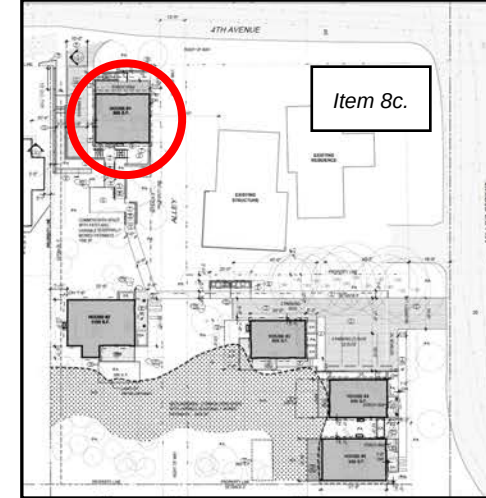


Permitted / As Built

**Side by Side / 2:1 Proportion
Window
(Built as one window assembly)**

House #1

North (front) elevation



MD-17-01 Reviewed by HRB Aug 2017

Permitted / As Built

Conditions of Approval

- All windows and doors shall be made of wood.
- All double doors shall be French style doors.
- Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
- No roof cutouts shall be permitted on any of the proposed cottages.
- No retaining walls shall exceed 3 ½ feet within the front of any home.
- All tiered retaining walls shall have a spacing of two feet between tiers.
- No vertical siding shall face the public streets. (P)
- Materials to match what was proposed:
 - Wood shiplap siding
 - Wood decking
 - Wood porch rail and balusters
- The house shall be repositioned on the site so the proposed home meets the setback standards of the underlying zoning district.
- Retaining and structural walls shall be minimized; to be faced or finished in stone, mortared basalt, or concrete, and not exceed 3 ½ feet, to complement the Canemah Neighborhood.
- Concrete foundations shall have a natural, parged or painted finish.
- Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
- A minimum of 5 shrubs and groundcover shall be installed along the façade of the front porch.
- Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
- Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB Approval	Reason for Change / Compatibility Proposed Mitigation
Front porch stair orientation	Changed to reduce grading and visual impact in ROW; More Compatible w/ Historic Canemah character.
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines.
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1" to Window Trim - only on elevations directly adjacent to ROW

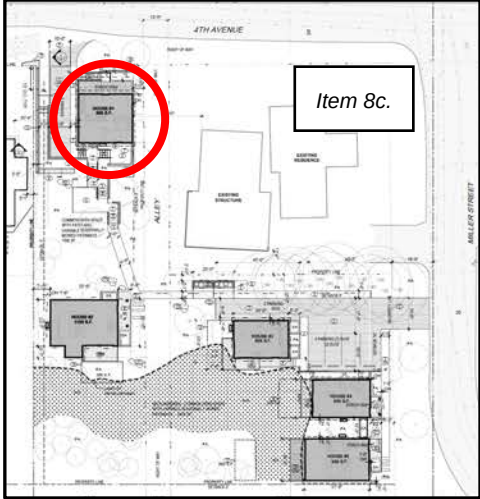
House #1
South (rear) elevation



MD-17-01 Reviewed by HRB Aug 2017



Permitted / As Built



Fascia - Permitted / As Built

Conditions of Approval

1. All windows and doors shall be made of wood.
2. All double doors shall be French style doors.
3. Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
4. No roof cutouts shall be permitted on any of the proposed cottages.
5. No retaining walls shall exceed 3 ½ feet within the front of any home.
6. All tiered retaining walls shall have a spacing of two feet between tiers.
7. No vertical siding shall face the public streets. (P)
8. Materials to match what was proposed:
 - Wood shiplit siding
 - Wood decking
 - Wood porch rail and balusters
9. The house shall be repositioned on the site so the proposed home meets the setback standards of the underlying zoning district.
- 10.Retaining and structural walls shall be minimized; to be faced or finished in stone, mortared basalt, or concrete, and not exceed 3 ½ feet, to complement the Canemah Neighborhood.
- 11.Concrete foundations shall have a natural, parged or painted finish.
- 12.Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
- 13.A minimum of 5 shrubs and groundcover shall be installed along the façade of the front porch.
- 14.Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
- 15.Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB Approval	Compatibility Proposed Mitigation
Window and door placement	Floor plan changed based on HRB COA's; Compatible w/Historic Guidelines.
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Fascia Profile - All Homes	Fascia's with rain gutter match HRB submittal; gable ends are 2" larger

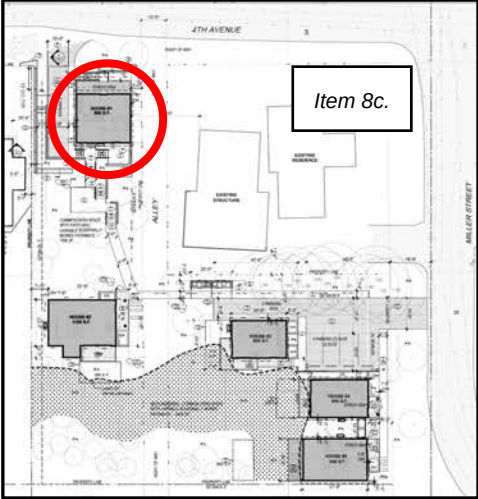
House #1
West (side) elevation



MD-17-01 Reviewed by HRB Aug 2017



Permitted / As Built

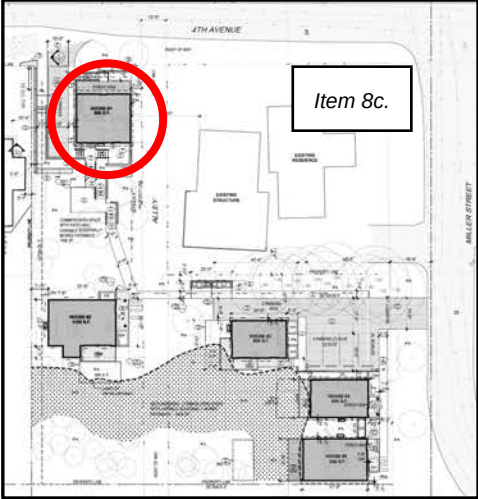
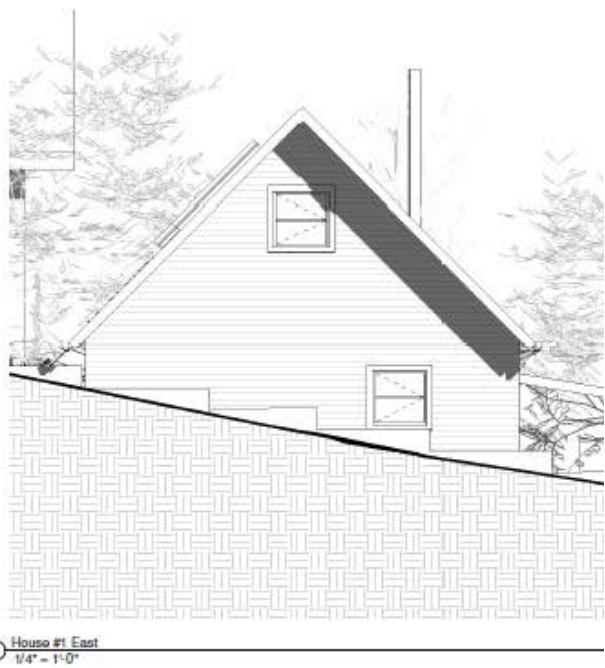


Conditions of Approval

1. All windows and doors shall be made of wood.
2. All double doors shall be French style doors.
3. Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
4. No roof cutouts shall be permitted on any of the proposed cottages.
5. No retaining walls shall exceed 3 ½ feet within the front of any home.
6. All tiered retaining walls shall have a spacing of two feet between tiers.
7. No vertical siding shall face the public streets. (P)
8. Materials to match what was proposed:
 - Wood shiplap siding
 - Wood decking
 - Wood porch rail and balusters
9. The house shall be repositioned on the site so the proposed home meets the setback standards of the underlying zoning district.
10. Retaining and structural walls shall be minimized; to be faced or finished in stone, mortared basalt, or concrete, and not exceed 3 ½ feet, to complement the Canemah Neighborhood.
11. Concrete foundations shall have a natural, parged or painted finish.
12. Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
13. A minimum of 5 shrubs and groundcover shall be installed along the façade of the front porch.
14. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
15. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB Approval	Compatibility Proposed Mitigation
Window shape and placement	Windows grouped in 2x; same number of windows as application; compatible w/historic guidelines
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window design	1:1 Divided Lights; compatible w/ historic guidelines

House #1
East (side) elevation



MD-17-01 Reviewed by HRB Aug 2017

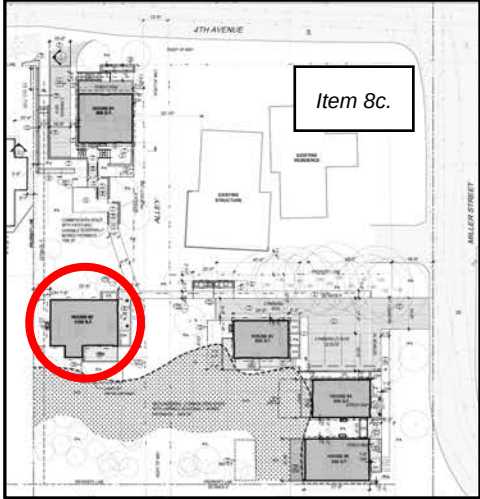
Permitted / As Built

Conditions of Approval

- All windows and doors shall be made of wood.
- All double doors shall be French style doors.
- Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
- No roof cutouts shall be permitted on any of the proposed cottages.
- No retaining walls shall exceed 3 ½ feet within the front of any home.
- All tiered retaining walls shall have a spacing of two feet between tiers.
- No vertical siding shall face the public streets. (P)
- Materials to match what was proposed:
 - Wood shiplap siding
 - Wood decking
 - Wood porch rail and balusters
- The house shall be repositioned on the site so the proposed home meets the setback standards of the underlying zoning district.
- Retaining and structural walls shall be minimized; to be faced or finished in stone, mortared basalt, or concrete, and not exceed 3 ½ feet, to complement the Canemah Neighborhood.
- Concrete foundations shall have a natural, parged or painted finish.
- Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
- A minimum of 5 shrubs and groundcover shall be installed along the façade of the front porch.
- Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
- Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB Approval	Compatibility Proposed Mitigation
Addition of windows on upper right and lower left	Added window for bathroom and back porch; Compatible w/historic guidelines
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Texture not visible from ROW
Window design	1:1 or 1:2 , Divided Lights on 1:2; compatible w/historic guidelines

House #2
East (front) elevation



MD-17-03 Reviewed by HRB Aug 2017

Permitted / As Built

Window Detail

Conditions of Approval

1. All windows and doors shall be made of wood.
2. All double doors shall be French style doors.
3. Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
4. No roof cutouts shall be permitted on any of the proposed cottages.
5. No retaining walls shall exceed 3 ½ feet within the front of any home.
6. All tiered retaining walls shall have a spacing of two feet between tiers.
7. No vertical siding shall face the public streets. (P)
8. Primary residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted.
9. Gable roof slopes shall have equal pitch. Gable primary roofs shall have a pitch of 8:12 or greater (6:12 for Bungalow). Porch or bay roofs may have lower slope, may have hip if style allows. Roofs shall have a minimum 1 foot overhang with a maximum of 3 feet.
10. Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.
11. Concrete foundations shall have a natural, parged or painted finish. Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
12. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
13. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB approval	Compatibility Proposed Mitigation
Front door and porch added	Moved from south side for site access/function; Compatible w/ Historic Guidelines
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Removal of side porch roof and stair to minimize wetland disturbance	
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1" to Window Trim - only on elevations directly adjacent to ROW

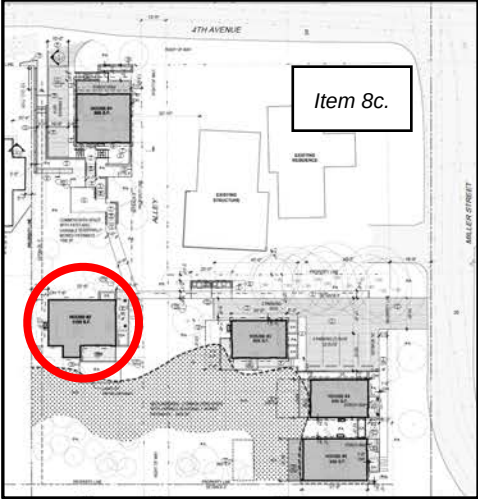
House #2 (formerly house #3)
 North (side) elevation



MD-17-03 Reviewed by HRB Aug 2017



Permitted / As Built

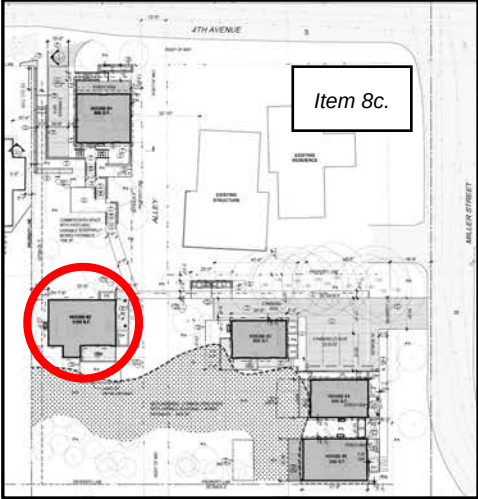


Conditions of Approval

1. All windows and doors shall be made of wood.
2. All double doors shall be French style doors.
3. Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
4. No roof cutouts shall be permitted on any of the proposed cottages.
5. No retaining walls shall exceed 3 ½ feet within the front of any home.
6. All tiered retaining walls shall have a spacing of two feet between tiers.
7. No vertical siding shall face the public streets. (P)
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11. Concrete foundations shall have a natural, parged or painted finish. Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
12. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
13. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB approval	Compatibility Proposed Mitigation
Window placement/spacing	Windows grouped similarly to application; Compatible w/historic guidelines
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Texture not visible from ROW.
Skylight may be visible from ROW. Need to see it with landscaping installed.	Skylight will be obscured by tree in landscape area and is low profile/ inconspicuous
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1" to Window Trim - only on elevations directly adjacent to ROW

House #2 (formerly house #3)
 South (side) elevation



MD-17-03 Reviewed by HRB Aug 2017

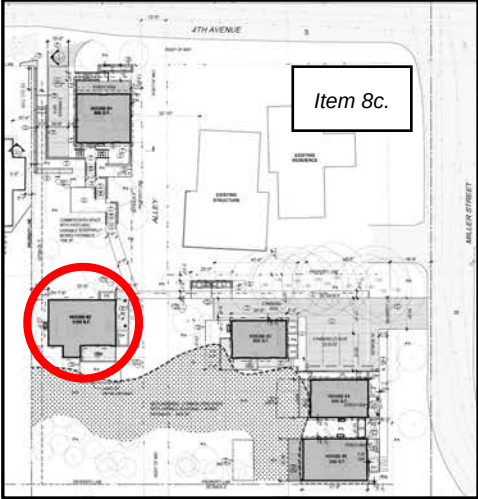
Conditions of Approval

1. All windows and doors shall be made of wood.
2. All double doors shall be French style doors.
3. Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
4. No roof cutouts shall be permitted on any of the proposed cottages.
5. No retaining walls shall exceed 3 ½ feet within the front of any home.
6. All tiered retaining walls shall have a spacing of two feet between tiers.
7. No vertical siding shall face the public streets. (P)
8. Primary residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted.
9. Gable roof slopes shall have equal pitch. Gable primary roofs shall have a pitch of 8:12 or greater (6:12 for Bungalow). Porch or bay roofs may have lower slope, may have hip if style allows. Roofs shall have a minimum 1 foot overhang with a maximum of 3 feet.
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11. Concrete foundations shall have a natural, parged or painted finish. Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
12. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
13. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Permitted / As Built

Changes from HRB approval	Compatibility Proposed Mitigation
Window on left side missing	compatible w/historic guidelines; not visible from ROW
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1" to Window Trim - only on elevations directly adjacent to ROW
Removal of side porch roof and stair	Entry Moved to east elevation; Compatible w/historic guidelines

House #2 (formerly house #3)
West (rear) elevation



MD-17-03 Reviewed by HRB Aug 2017

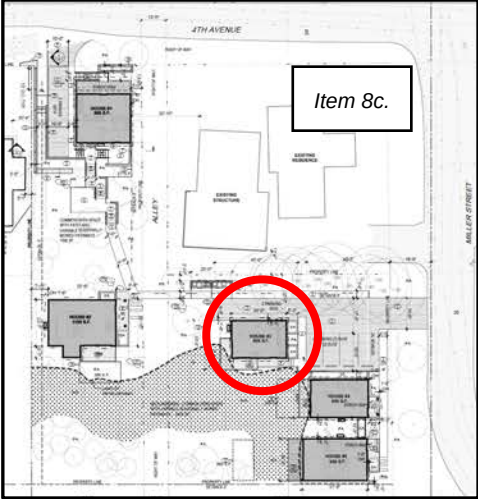
Conditions of Approval

1. All windows and doors shall be made of wood.
2. All double doors shall be French style doors.
3. Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
4. No roof cutouts shall be permitted on any of the proposed cottages.
5. No retaining walls shall exceed 3 ½ feet within the front of any home.
6. All tiered retaining walls shall have a spacing of two feet between tiers.
7. No vertical siding shall face the public streets. (P)
8. Primary residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted.
9. Gable roof slopes shall have equal pitch. Gable primary roofs shall have a pitch of 8:12 or greater (6:12 for Bungalow). Porch or bay roofs may have lower slope, may have hip if style allows. Roofs shall have a minimum 1 foot overhang with a maximum of 3 feet.
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12. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
13. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Permitted / As Built

Changes from HRB approval	Compatibility Proposed Mitigation
Window locations changed	More efficient use of windows Compatible w/historic guidelines
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1" to Window Trim - only on elevations directly adjacent to ROW

House #3
West (rear) elevation



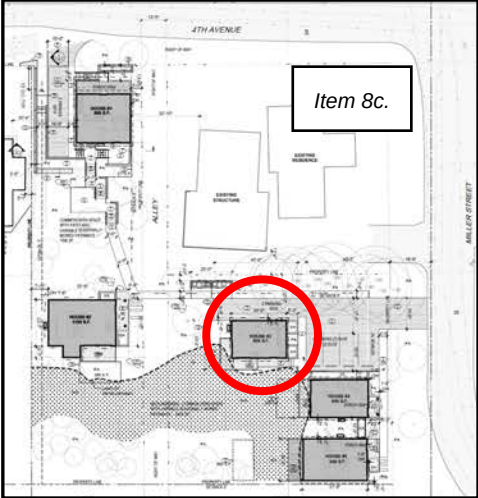
Permitted / As Built

Conditions of Approval

1. All windows and doors shall be made of wood.
2. All double doors shall be French style doors.
3. Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
4. No roof cutouts shall be permitted on any of the proposed cottages.
5. No retaining walls shall exceed 3 ½ feet within the front of any home.
6. All tiered retaining walls shall have a spacing of two feet between tiers.
7. No vertical siding shall face the public streets. (P)
8. The main entrance of the house shall not be oriented towards the adjacent parking lot.
9. Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.
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11. Concrete foundations shall have a natural, parged or painted finish.
12. Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
13. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
14. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB approval	Compatibility Proposed Mitigation
Window added on bottom left	Added for light in kitchen; Compatible w/historic guidelines
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1" to Window Trim - only on elevations directly adjacent to ROW
Vertical siding changed to horizontal (COA was to not face public streets)	Changed to be consistent with all homes/all elevations. Compatible w/ historic guidelines

House #3
North (side) elevation



MD-17-04 Reviewed by HRB Aug 2017

Permitted / As Built

Conditions of Approval

1. All windows and doors shall be made of wood.
2. All double doors shall be French style doors.
3. Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
4. No roof cutouts shall be permitted on any of the proposed cottages.
5. No retaining walls shall exceed 3 ½ feet within the front of any home.
6. All tiered retaining walls shall have a spacing of two feet between tiers.
7. No vertical siding shall face the public streets. (P)
8. The main entrance of the house shall not be oriented towards the adjacent parking lot.
9. Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.
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11. Concrete foundations shall have a natural, parged or painted finish.
12. Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
13. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
14. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB approval	Compatibility Proposed Mitigation
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1” to Window Trim - only on elevations directly adjacent to ROW

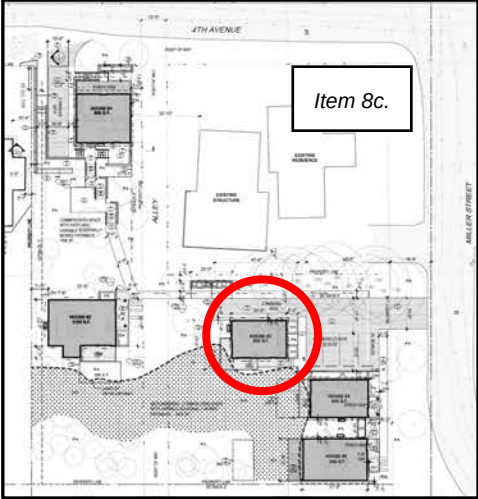
House #3
South (side) elevation - facing wetland



MD-17-04 Reviewed by HRB Aug 2017



Permitted / As Built



Conditions of Approval

1. All windows and doors shall be made of wood.
2. All double doors shall be French style doors.
3. Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
4. No roof cutouts shall be permitted on any of the proposed cottages.
5. No retaining walls shall exceed 3 ½ feet within the front of any home.
6. All tiered retaining walls shall have a spacing of two feet between tiers.
7. No vertical siding shall face the public streets. (P)
8. The main entrance of the house shall not be oriented towards the adjacent parking lot.
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13. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
14. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB approval	Compatibility Proposed Mitigation
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1" to Window Trim - only on elevations directly adjacent to ROW
Vertical siding changed to horizontal (COA was to not face public streets)	Changed to be consistent with all homes/all elevations. Compatible w/historic guidelines

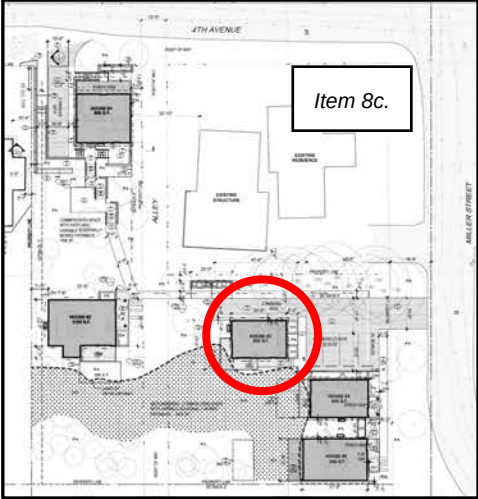
House #3
East (front) elevation



MD-17-04 reviewed by HRB Aug 2017



Permitted / As Built



Conditions of Approval

1. All windows and doors shall be made of wood.
2. All double doors shall be French style doors.
3. Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
4. No roof cutouts shall be permitted on any of the proposed cottages.
5. No retaining walls shall exceed 3 ½ feet within the front of any home.
6. All tiered retaining walls shall have a spacing of two feet between tiers.
7. No vertical siding shall face the public streets. (P)
8. The main entrance of the house shall not be oriented towards the adjacent parking lot.
9. Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.
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13. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
14. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB approval	Compatibility Proposed Mitigation
Entry moved to south elevation	to accommodate parking and storm planters; Compatible w/ historic guidelines; lower facade will have landscape cover to break up facade
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1" to Window Trim - only on elevations directly adjacent to ROW
Vertical siding changed to horizontal (COA was to not face public streets)	Changed to be consistent with all homes/all elevations. Compatible w/historic guidelines

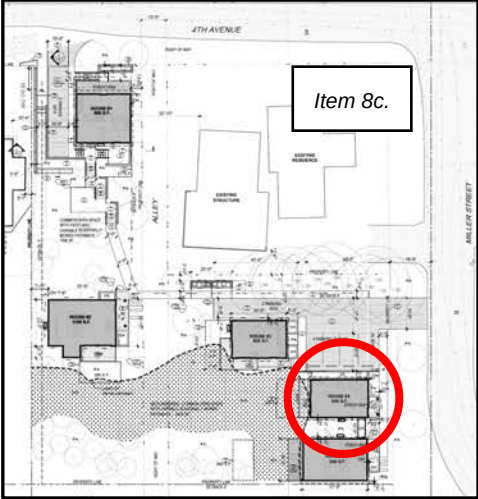
House #4
West (rear) elevation



MD-17-05 Reviewed by HRB Aug 2017



Permitted / As Built

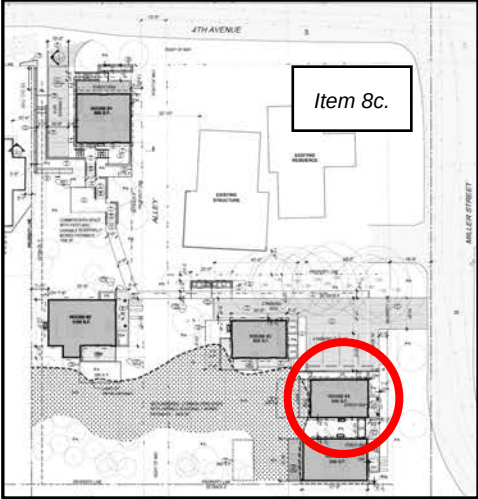


Conditions of approval

1. All windows and doors shall be made of wood.
2. All double doors shall be French style doors.
3. Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
4. No roof cutouts shall be permitted on any of the proposed cottages.
5. No retaining walls shall exceed 3 ½ feet within the front of any home.
6. All tiered retaining walls shall have a spacing of two feet between tiers.
7. No vertical siding shall face the public streets. (P)
8. The main entrance of the house shall not be oriented towards the adjacent parking lot.
9. Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.
10. Residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted on any portion of the house.
11. Gable roof slopes shall have equal pitch. Gable primary roofs shall have a pitch of 8:12 or greater (6:12 for Bungalow). Porch or bay roofs may have lower slope, may have hip if style allows. Roofs shall have a minimum 1 foot overhang with a maximum of 3 feet.
12. Concrete foundations shall have a natural, parged or painted finish.
13. Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
14. The applicant shall revise the home with a porch railing on the second story of the home.
15. The porch shall consist of simple trim at base and top, consistent with architectural style.
16. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
17. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB approval	Compatibility Proposed Mitigation
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1” to Window Trim - only on elevations directly adjacent to ROW
Vertical siding changed to horizontal (COA was to not face public streets)	Changed to be consistent with all homes/all elevations. Compatible w/ historic guidelines

House #4
North (side) elevation



MD-17-05 Reviewed by HRB Aug 2017

Permitted / As Built

Conditions of approval

- All windows and doors shall be made of wood.
- All double doors shall be French style doors.
- Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
- No roof cutouts shall be permitted on any of the proposed cottages.
- No retaining walls shall exceed 3 ½ feet within the front of any home.
- All tiered retaining walls shall have a spacing of two feet between tiers.
- No vertical siding shall face the public streets. (P)
- The main entrance of the house shall not be oriented towards the adjacent parking lot.
- Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.
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- Gable roof slopes shall have equal pitch. Gable primary roofs shall have a pitch of 8:12 or greater (6:12 for Bungalow). Porch or bay roofs may have lower slope, may have hip if style allows. Roofs shall have a minimum 1 foot overhang with a maximum of 3 feet.
- Concrete foundations shall have a natural, parged or painted finish.
- Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
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- The porch shall consist of simple trim at base and top, consistent with architectural style.
- Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
- Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB approval	Compatibility Proposed Mitigation
Window size and placement	same # of windows; smaller; Compatible w/historic guidelines
Skylights are visible from ROW	Skylights are compatible w/historic guidelines, “Skylights shall not face ROW”
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1” to Window Trim - only on elevations directly adjacent to ROW
Front and rear eave overhang length has been reduced; typical all houses	Compatible w/historic guidelines

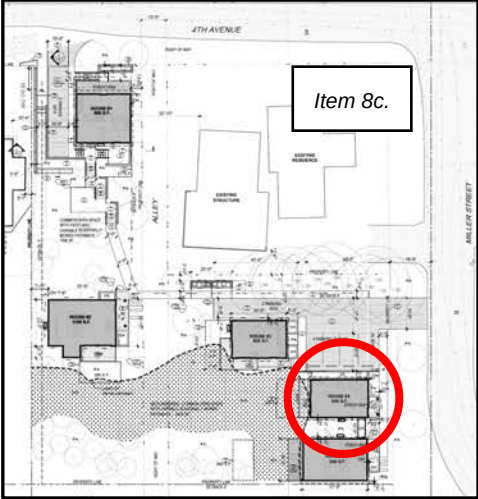
House #4
South (side) elevation



MD-17-05 Reviewed by HRB Aug 2017



Permitted / As Built



Conditions of approval

1. All windows and doors shall be made of wood.
2. All double doors shall be French style doors.
3. Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
4. No roof cutouts shall be permitted on any of the proposed cottages.
5. No retaining walls shall exceed 3 ½ feet within the front of any home.
6. All tiered retaining walls shall have a spacing of two feet between tiers.
7. No vertical siding shall face the public streets. (P)
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16. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
17. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB approval	Compatibility Proposed Mitigation
Larger/paired windows	More windows added for natural light; Compatible w/historic guidelines
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1” to Window Trim - only on elevations directly adjacent to ROW
Skylights are visible from ROW	Skylights are compatible w/historic guidelines, “Skylights shall not face ROW”

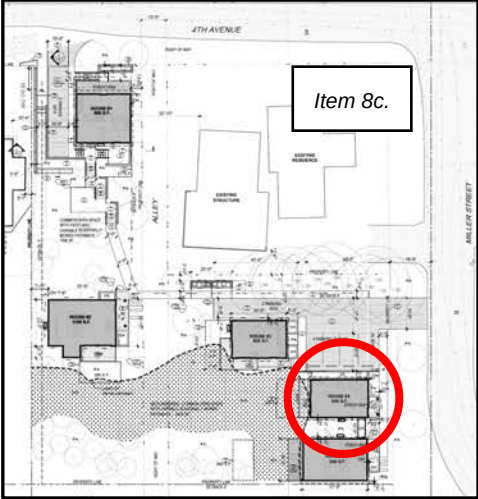
House #4
East (front) elevation



MD-17-05 Reviewed by HRB Aug 2017



Permitted / As Built

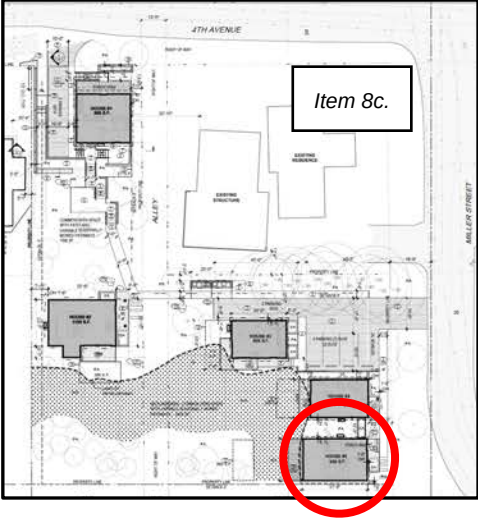


Conditions of approval

1. All windows and doors shall be made of wood.
2. All double doors shall be French style doors.
3. Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
4. No roof cutouts shall be permitted on any of the proposed cottages.
5. No retaining walls shall exceed 3 ½ feet within the front of any home.
6. All tiered retaining walls shall have a spacing of two feet between tiers.
7. No vertical siding shall face the public streets. (P)
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16. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
17. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB approval	Compatibility Proposed Mitigation
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1” to Window Trim - only on elevations directly adjacent to ROW
Skylights are visible from ROW	Skylights are compatible w/historic guidelines, “Skylights shall not face ROW”

House #5
East (front) elevation



MD-17-07 Reviewed by HRB Aug 2017

Permitted / As Built

Conditions of Approval

1. All windows and doors shall be made of wood.
2. All double doors shall be French style doors.
3. Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
4. No roof cutouts shall be permitted on any of the proposed cottages.
5. No retaining walls shall exceed 3 ½ feet within the front of any home.
6. All tiered retaining walls shall have a spacing of two feet between tiers.
7. No vertical siding shall face the public streets. (P)
8. Residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted on any portion of the house.
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13. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
14. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB approval	Compatibility Proposed Mitigation
Window placement	Compatible w/Historic materials Guidelines.
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1” to Window Trim - only on elevations directly adjacent to ROW
Porch add on rather than cut out	changed to make homes consistent; Compatible w/Historic Guidelines.

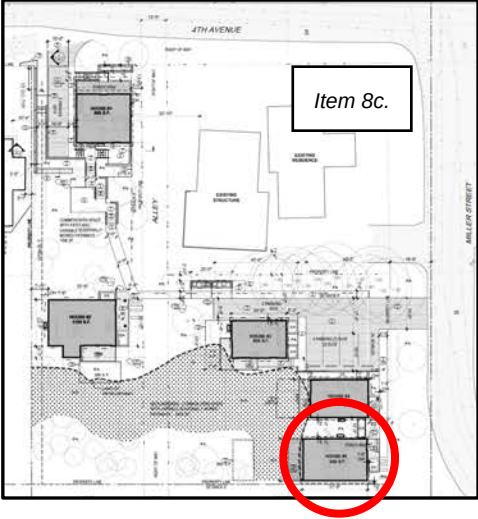
House #5
 West (rear) elevation



MD-17-07 Reviewed by HRB Aug 2017



Permitted / As Built



Conditions of Approval

- All windows and doors shall be made of wood.
- All double doors shall be French style doors.
- Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
- No roof cutouts shall be permitted on any of the proposed cottages.
- No retaining walls shall exceed 3 ½ feet within the front of any home.
- All tiered retaining walls shall have a spacing of two feet between tiers.
- No vertical siding shall face the public streets. (P)
- Residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted on any portion of the house.
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- Concrete foundations shall have a natural, parged or painted finish.
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- Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
- Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB approval	Compatibility Proposed Mitigation
Square windows on upper floor	More compatible w/historic district than original application
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1” to Window Trim - only on elevations directly adjacent to ROW
Vertical siding changed to horizontal (Condition was no vertical siding facing public streets)	Changed to be consistent with all homes/all elevations. Compatible w/ historic guidelines

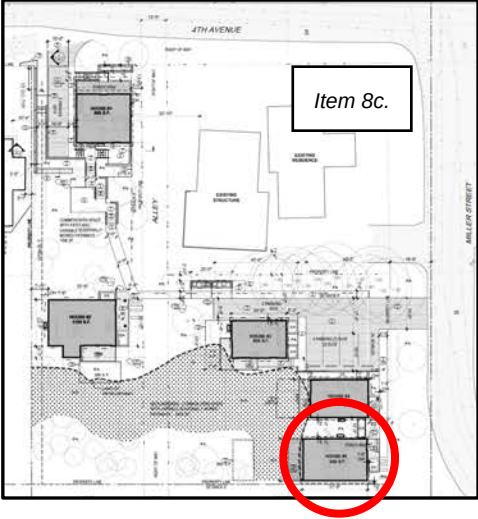
House #5
South (side) elevation



MD-17-07 Reviewed by HRB Aug 2017



Permitted / As Built

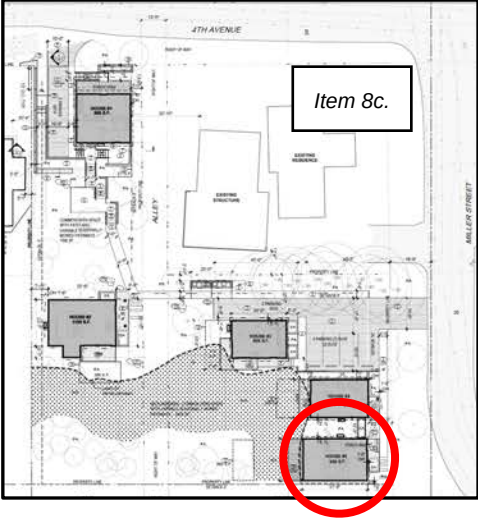
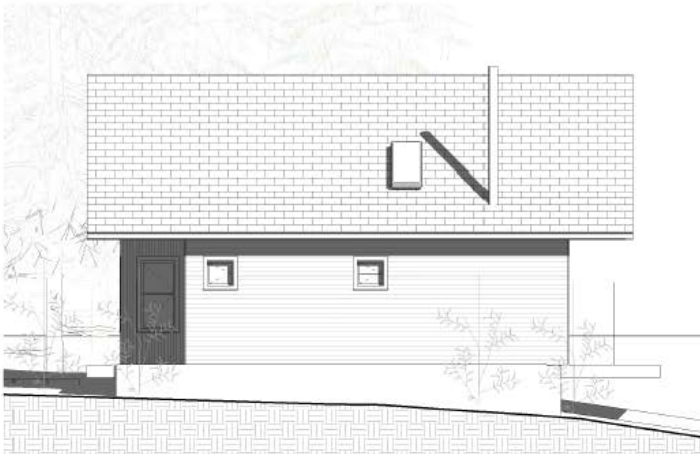


Conditions of Approval

1. All windows and doors shall be made of wood.
2. All double doors shall be French style doors.
3. Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
4. No roof cutouts shall be permitted on any of the proposed cottages.
5. No retaining walls shall exceed 3 ½ feet within the front of any home.
6. All tiered retaining walls shall have a spacing of two feet between tiers.
7. No vertical siding shall face the public streets. (P)
8. Residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted on any portion of the house.
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13. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
14. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB approval	Compatibility Proposed Mitigation
Window placement	Kitchen window changed to smaller window; Compatible w/historic guidelines; not facing ROW
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1” to Window Trim - only on elevations directly adjacent to ROW

House #5
North (side) elevation



MD-17-07 Reviewed by HRB Aug 2017

Permitted / As Built

Conditions of Approval

1. All windows and doors shall be made of wood.
2. All double doors shall be French style doors.
3. Second story windows shall be rectangular in shape and not exceed the door height plus a one foot transom.
4. No roof cutouts shall be permitted on any of the proposed cottages.
5. No retaining walls shall exceed 3 ½ feet within the front of any home.
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7. No vertical siding shall face the public streets. (P)
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13. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
14. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Changes from HRB approval	Compatibility Proposed Mitigation
No windows on this facade	Add 36” Square Window
Window Shadowline	Add 1” to Window Trim - only on elevations directly adjacent to ROW
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW

Clad Urban Casement

Known for its industrial modern aesthetics thanks to exposed locking hardware and the narrowest of sightlines, the Clad Urban Casement can be used alone or in combination with other windows types and shapes.

Standard Construction:

- 0.062" thick extruded aluminum exterior, with extruded with integral nail fin and corners sealed with silicone, corner pads and mechanically fastened.
- 5-11/16" overall frame depth with standard 4-9/16" jamb depth.
- Full 1-3/4" sash thickness. Sash available in narrow (1-7/16") or wide (2-3/16") face width.
- Seamless, compression-style frame weatherstrip. Leaf sash weatherstrip.
- Truth Encore operator and standard contemporary folding handle/cover. Optional traditional folding handle/cover.
- Independent high pressure, die-cast zinc sash locks (heights ≥40" have two sash locks). Optional tandem tie bar sash lock operation available.
- Sash opens 90 degrees for easy cleaning and removal from the inside.
- Standard aluminum screen frame. Optional Flexscreen.



MINIMUM / MAXIMUM FRAME SIZES

Additional sizes may be available upon approval.

URBAN CASEMENT – OPERATING (25 SQ/FT MAXIMUM)		URBAN CASEMENT – STATIONARY/PICTURE	
Minimum Frame Width	14.5"	Minimum Frame Width	12"
Minimum Frame Height	14.5"	Minimum Frame Height	12"
Maximum Frame Width	36"	Maximum Frame Width	120"
Maximum Frame Height	84"	Maximum Frame Height	120"
		Maximum Square Feet	42

Performance Data:



Operating Casement: 36" x 72"

AIR INFILTRATION.....0.01/0.01/A3
 WATER.....NO LEAKAGE @ 6.06 PSF
 STRUCTURAL.....CW-PG40 (+40/-40)



Operating Casement: 36" x 84"

AIR INFILTRATION.....0.01/0.01/A3
 WATER.....NO LEAKAGE @ 4.59 PSF
 STRUCTURAL.....CW-PG30 (+30/-30)



Operating Casement: 32" x 72"

AIR INFILTRATION.....0.01/0.01/A3
 WATER.....NO LEAKAGE @ 6.89 PSF
 STRUCTURAL.....CW-PG45 (+45/-45)*



Casement Picture: 72" x 60"

AIR INFILTRATION...0.01/0.01/FIXED
 WATER.....NO LEAKAGE @ 7.52PSF
 STRUCTURAL.....CW-PG50 (+50/-50)

*Single arm operator w/piano hinge.

For a comprehensive list of tested and rated sizes and configurations, please refer to the Clad Urban Casement Product Performance Guide (Structural) located in the Technical Resources Library on our website.

Thermal Performance (NFRC):

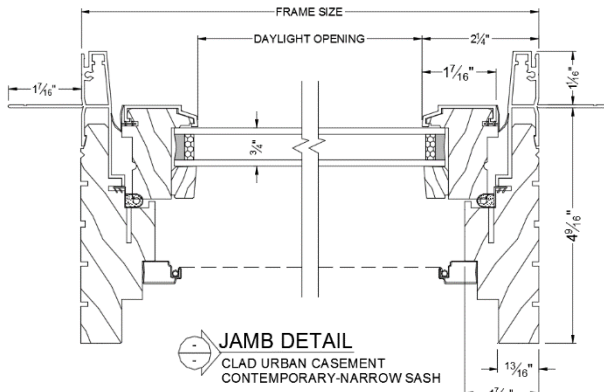
Air Filled			Argon Filled		
Low-E 272 Clear	Low-E 366	Triple IG (LE272/LE180/LEi89)*	Low-E 272 Clear	Low-E 366	Triple IG (LE272/LE180/LEi89)*
U-FACTOR.....0.33	U-FACTOR.....0.33	U-FACTOR.....0.21	U-FACTOR.....0.30	U-FACTOR.....0.29	U-FACTOR.....0.19
SHGC.....0.31	SHGC.....0.21	SHGC.....0.36	SHGC.....0.31	SHGC.....0.21	SHGC.....0.25
VT.....0.53	VT.....0.48	VT.....0.46	VT.....0.53	VT.....0.48	VT.....0.41
CR......55	CR......56	CR......55	CR......58	CR......59	CR......61

Values represent Clad Urban Casements with narrow sash. Insulated glass units using standard black warm edge spacer. Additional glazing options available.

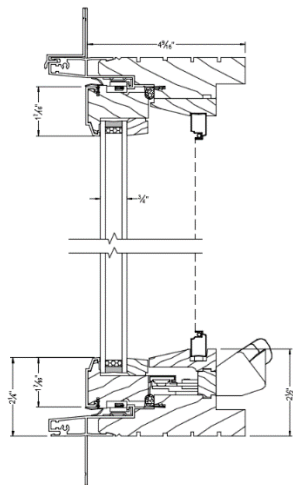
*Triple IG glass only available with the wide sash option.

For a comprehensive list of glazing configurations, please refer to the Clad Urban Casement Product Performance Guide (NFRC) located in the Technical Resources Library on our website.

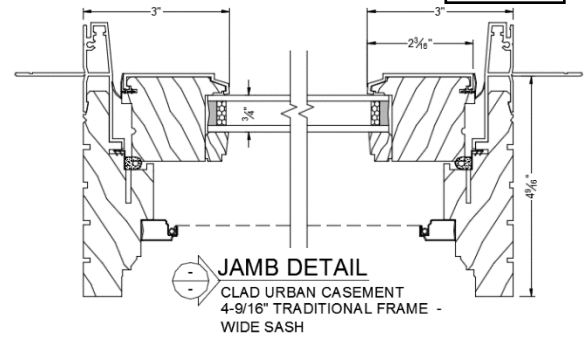
Contemporary 4 9/16" Jamb Horizontal/Operable Section - Narrow Sash



Contemporary 4 9/16" Jamb Vertical/Operable Section - Narrow Sash

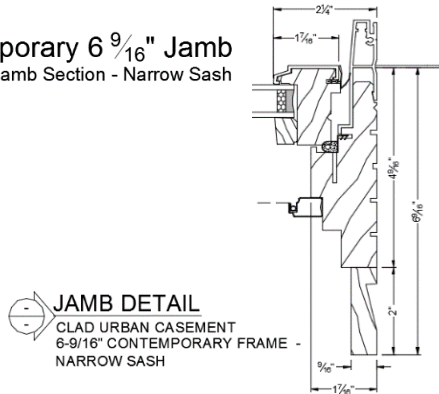


Traditional 4 9/16" Jamb Horizontal/Operable Section - Wide Sash

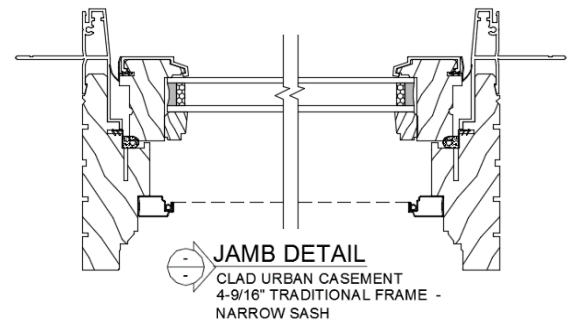


Item 8c.

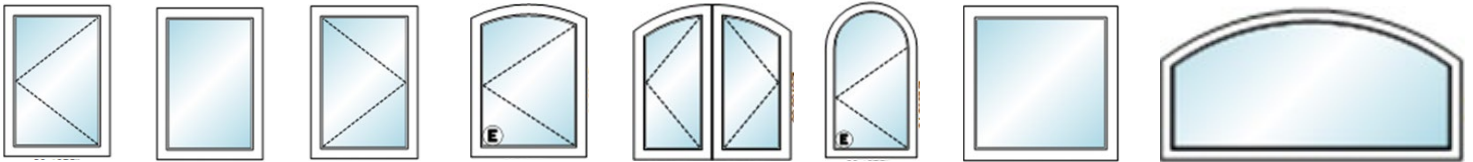
Contemporary 6 9/16" Jamb Horizontal Jamb Section - Narrow Sash



Traditional 4 9/16" Jamb Horizontal/Operable Section - Narrow Sash

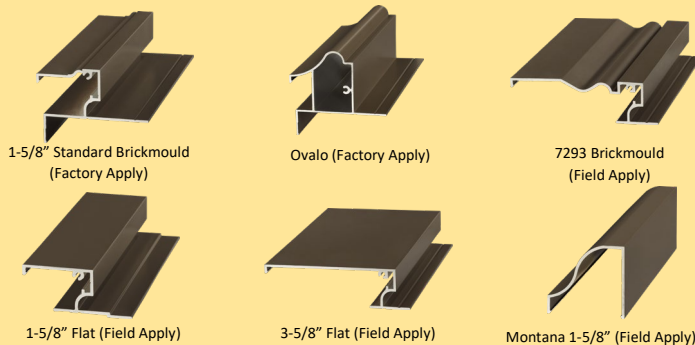


Additional product details may be found on our website www.sierrapacificwindows.com/ProfessionalResources/TechnicalLibrary

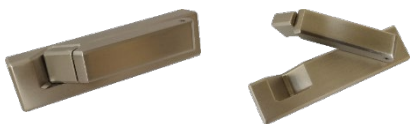


Typical configurations shown. Handing as viewed from the exterior. Contact us for additional options.

EXTERIOR TRIM OPTIONS



CONTEMPORARY FOLDING HANDLE AND COVER



Available in: Matte Black, White, and Satin Nickel finishes.

Clad Urban Casement Additional Features

- Color Palette of 75 colors in powder coated AAMA 2605. Some design collections only available in AAMA 2604.
- Extensive offering of performance glass available using black warm edge or Cardinal spacer for optimum efficiency.
- Simulated Divided Lites available in 5/8", 7/8" and 1" Putty; 5/8", 7/8", 1", 1-1/4" and 2" Traditional and Contemporary.
- Grilles-Between-The-Glass available in 5/8" and 1" flat.
- Optional veneer wrapped or Genius retractable screen.
- Factory mulling up to 5-wide. Factory stacking and structural supports available.

Please visit our website www.sierrapacificwindows.com for additional details or to contact your nearest Sierra Pacific Branch or Dealer location.

Place Business Card or
Company Information Here

GUIDELINES FOR NEW CONSTRUCTION OREGON CITY HISTORIC DISTRICTS



Historic Review Board ▪ Oregon City Staff ▪ The Office of Robert Dortignacq, Architect

September 2006

GUIDELINES FOR NEW CONSTRUCTION IN OREGON CITY HISTORIC DISTRICTS



Upper Oregon City View To West From 3rd to 6th Streets and High to Adams Streets, ca 1904 Clackamas County Historical Society, C-0250-000619

Historic Review Board • Oregon City Staff
September 2006

ACKNOWLEDGEMENTS

These Guidelines for New Construction in Oregon City's Historic Districts were developed by the Office of Robert Dortignacq, Architect in cooperation with Oregon City between January and September, 2006.

The Guidelines were adopted by the Historic Review Board (HRB) on September 18, 2006

Resolutions supporting the adoption of the Guidelines were also adopted by the Planning Commission (Resolution 06-01 August 28, 2006) and City Commission (Resolution 06-38 September 6, 2006)

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GUIDELINES FOR NEW CONSTRUCTION IN OREGON CITY HISTORIC DISTRICTS

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INTRODUCTION

The Canemah National Historic District and the McLoughlin Historic Conservation District were established by the community to recognize and preserve their historic buildings and settlement fabric. These design guidelines have been formulated to protect the buildings in the districts, and their relationships to one another in the face of development pressures. The careful, sensitive and thoughtful design of any new construction in the districts is of the utmost importance because it must harmonize with the character of the neighborhoods and also be made compatible with existing historic structures. A lack of attention to the character of the design, the materials and details, and to the context within which the building will be placed can have a significant adverse impact for the area that can last a long time. As a result, proposals for new construction receive serious scrutiny.

To guide new development in the districts, the following objectives are reflected in the guidelines:

- Safeguard the heritage of Oregon City.
- Encourage public knowledge, understanding and appreciation of the City's heritage.
- Enhance the visual character of the districts by constructing harmonious designs that reflect and support the character and style of buildings during the historic period.
- Protect property values, way of life, owners' and community investment in the districts.

The design guidelines serve two important purposes in the context of an overall preservation plan. First, they provide the Historic Review Board (HRB) and City staff with uniform standards and a framework on which to base design review decisions. Second, they provide property owners, designers, contractors and developers a similar set of standards to allow for predictable planning and timely construction. Although written for new construction, historic property owners can find useful information in these guidelines to plan their own rehabilitation projects.



Canemah ca. 1904 Clackamas County Historical Society—C-0250-00-3109

PROCESS AND PROCEDURES

Organization of the Guidelines

The guidelines are intended to be utilized early in the design process rather than as a final checklist once a design is completed. The guidelines are comprehensive in nature and take into account all aspects that define the historic character of a structure and its surroundings. They begin with the General Design Principles. These principles are explained in the McLoughlin and Canemah Historic District sections and in the Character Guidelines which more specifically define the appropriate range of design solutions. The Element Guidelines address specific construction and products.

The guidelines follow the typical manner by which a project is designed from the initial planning to the development of specific details. Reference should, however, be made to all sections to give the applicant a sense of what is expected.

Alternative Designs: It is the intent that these guidelines cover design for the wide range of projects that may occur over time. They describe a ‘safe harbor’ to allow new construction projects to be approved easily and quickly. Yet, there may be occasions when alternative designs are either desired or needed. There are also particular product configurations, or materials that are pre-approved, but for which viable alternatives may exist. Those alternative designs and substitute materials shall be first reviewed by City staff and subsequently by the Historic Review Board (HRB) for compliance with the General Principles, and design intent of the guidelines. For those situations when an exception to the guidelines is necessary, the HRB and staff shall evaluate the proposal based upon the significance of the impact, measuring how well the alternative fits into the intent of the guidelines and essentially the end effect on the historic district.

These guidelines are not mandatory standards adopted by the City Commission. In order to have any development approved, the development must be shown to comply with the adopted historic review standards found in the Oregon City Municipal Code. These guidelines were adopted by the Oregon City Historic Review Board (the "HRB"), the body who performs the initial review of development in historic districts, and are intended to provide supplemental information and additional guidance about how the HRB interprets the standards in the code. Although complying with these guidelines does not guarantee approval of any development, the guidelines should assist anyone who is seeking approval.

Areas Of Applicability For The Guidelines

The guidelines are intended for new detached construction within the Canemah National Historic District and the McLoughlin Historic Conservation District, and on Landmark property sites outside of an historic district that may add a new structure or that may be subdivided. The guidelines do not apply to additions to existing structures. These are covered by the City’s “Design Guidelines For Alterations and Additions”.

Geographic Application Areas:

- McLoughlin Historic Conservation District (See Map in Appendix)
- Canemah National Register Historic District (See Map in Appendix)
- Individually listed Landmarks outside of the districts. Including those properties involving property divisions.
- Other historic districts or subdistricts created in the future may reference these guidelines.

How To Use The Guidelines: The Process In Brief

There is a two stage review process for new construction, except for minor projects such as fences, small sheds and minor landscape projects. This allows all parties to focus on the preliminary, yet major themes and issues, and obtain resolution before proceeding to the second review that requires developing more extensive drawings including details and finishes. It also allows early discussion on a project before extensive work is performed. At the first stage review the project is reviewed for compliance with the major design features. This includes Style, Site Use, Building Placement, and Building Form. Some aspects of Design Composition can be presented or discussed at the first hearing to provide direction. The second stage review, upon successful completion of the first, addresses the building and site details and any contingent issues or revised designs. For smaller projects, and those in which there appears to be general agreement, the hearings may be held during the same meeting.

AN EXAMPLE OF THE GUIDELINE PROCESS

TASK: NEW BUILDING IS DESIRED ON A PARTICULAR LOT

A. WHERE IS THE SITE?

McLoughlin Historic Conservation District, the Canemah National Register Historic District, or on individually listed historic property outside of the districts?
What is the Immediate Context? The Block? The Neighborhood?
What are the Mix of Existing Appropriate Historic Styles?

B. DECIDE WHICH STYLE TO USE

Determining the appropriate style is the important first step toward successfully designing a compatible building in the district. Decide which style direction to use from acceptable neighborhood styles and those in the applicable specific Historic District Design Guideline. The styles noted for the district have specific District modifications indicated.

C. SITING AND BUILDING FORM

- C-1** Review basic zoning requirements for New Construction for the particular site (R3.5, R6, MUC etc) to understand basic setbacks, lot coverage issues.
- C-2** Review Siting, Building Form Principles and the Specific Historic District from Design Guideline. Note any requirements that are more specific than those found in the basic zoning.
- C-3** Establish the Site Plan and the Overall Building Form. Is the use of the site and the building's placement on the site respectful of its context? Is the size, shape and bulk of the building consistent with the style chosen? Does it complement the neighborhood context? Is there too much 'program' for the site or style?

D. DESIGN COMPOSITION

- D-1** Design the building and site starting with primary design groups and major elements, such as wings, roofline, secondary portions, porches, window groupings, dormers. Are these elements supportive or are they detractive to the historic district? Are they supportive of the style and building?
- D-2** Review the design; Is it in good proportion and is the composition balanced?

Work Up To This Point Is Reviewed At The First Stage Hearing. Upon Its Successful Completion, The Second Stage Hearing Addresses The Following More Specific Design Information

- D-3** Review the design and adjust to incorporate comments from the first review. Is the design representative of the style range and do the forms and individual features work toward a united design approach as viewed from the exterior?
- D-4** Design the finer or more detailed portions of the building and site to fit within the framework established.

Continued on next page

HOW TO USE THE GUIDELINES: THE PROCESS IN BRIEF *Continued*

E. SPECIFIC DESIGN ELEMENTS

- E-1** Design and choose specific design elements, products, and materials that are allowable and consistent with the design styling and framework established.
- E-2** Does the design still fit the style's 'vocabulary'? Have extraneous or excessive details, ornamentation, or materials been chosen that detract from the neighborhood context?
- E-3** Do specific elements comply with the guideline? Are materials, colors and finishes selected? Visible equipment? Landscaping and Plantings?



Canemah 1867 Carleton E. Watkins photo, Oregon Historical Society, #OrHi 21601

Applicable Projects For The Guidelines

The guidelines apply to new detached construction and sitework, either infill on a vacant lot or accessory structures to an existing building. They also apply to the total rebuilding of demolished structures that were previously Non-conforming under current zoning. In addition, the guidelines apply to new public works projects. They do not apply to additions to an existing building. For those projects refer to the City's "Design Guidelines For Alterations and Additions".

These guidelines fit within other pre-existing ordinances and regulations that apply to both inside and outside of the historic districts. Those ordinances may be more specific, or may address other issues, such as parking, geology or environmental, in which case they are the standard to be followed.

The guidelines are useful for owners who may wish to phase in new work over time. Some of the work may not require permits, but information included in the guidelines can provide design direction to ensure the district character is preserved.

The following are common items that are reviewed for compliance when a new project is submitted for plan review:

- New Buildings
- Garages and Sheds
- Fences and Walls
- Walks, Drives, and Paving
- Hot Tub, Swim Pools (where visible)
- Landscape Alterations if Significant
- Mechanical, Electrical Equipment on Exterior or Site

Project Information Required For Submittal

1. A written, brief scope of work; That is, describe the project, approximate size, construction schedule, and how it meets the General Design Principles, utilize the Character Guidelines for illustration of compliance.
2. Site and Neighborhood Photographs; show site, existing and adjacent buildings, and those across street
3. Drawings; scaled design drawings indicating items that require approval:
 - a. Site; show site boundaries, structures, paving, improvements, and planting.
 - b. Floor Plans; each level
 - c. Sections; each way through the building when floor heights are specified.
 - d. Roof Plan
 - e. Exterior Elevations; for every side of each structure, indicate materials and heights of structure and floor levels.
 - f. Site Line Diagram; show view lines of proposed building, street and context of existing buildings at sites having 25% slope or greater to illustrate visual effect of the design on sloping sites.
 - g. Streetscape Illustration: For commercial, institutional, multifamily and two family projects illustrate photographically or by scale drawing the size and massing of the proposed project in relation to neighboring buildings and topography along the street and across the street, Review specifics with staff.
4. Materials, Color Samples, Product Information; samples of actual finish, color, material for exterior enclosure; door, window, siding, roofing, paving, product literature for alternative materials to illustrate compliance with design intent.

Cross Links To Other Requirements

There are other codes that may have requirements applicable for the project. Often, these are written for particular uses or zones that occur throughout the city not just the historic district, and therefore are generally less restrictive. They address both new and remodel activities. They may contain requirements not addressed in these guidelines and should be reviewed. Numbers refer to Oregon City Municipal Code (OCMC) and are available for review at City offices or website.

- 17.16 R-3.5 Dwellings; Refer to zoning map
- 17.20 Residential Design Standards
- 17.26 Historic Commercial
- 17.29 MUC – Mixed Use Corridor District; Refer to zoning map
- 17.40 Historic District Overlay
- 17.44 Geologic Hazards; a separate review for steep sites (25% slopes)
- 17.49 Water Resources Overlay District; review of environmental issues
- 17.52 Off Street Parking and Loading; Required for MUC zone, reviewed by staff and/or Planning Commission
- 17.54 Supplemental Zoning Regulations and Exceptions; See accessory dwellings
- 17.62 Site Plan Design and Review; Required for MUC zone, reviewed by staff and/or Planning Commission

DESIGN GUIDELINES FOR NEW CONSTRUCTION

1. GENERAL DESIGN PRINCIPLES

There are Guiding Design Principles that govern New Construction in the Historic Districts and on the sites of individually listed historic property.

SUMMARY: The appropriate design of new buildings is an extremely important consideration for historic districts. A compatible design supports the integrity of the district, while an incompatible and historically inappropriate design diminishes the character of the district. This is especially true for portions of a district that have discontinuity among their historic properties and neighborhoods.

New construction infill projects as well as ongoing revisions to existing buildings are necessary for the economic viability of the district. While new construction methods, materials and products continue to be developed, control must be maintained over the visual form and character of the construction to preserve the historic context.

All buildings and related construction utilize the following principles in their design. These principles shall guide new construction to be compatible with existing historic resources and yet offer strategies that can incorporate new materials and products. New construction is just that. It is not historic, nor shall it attempt to be historic, but rather to stand side by side with existing historic structures in a respectful manner.

STYLE COMPATIBLE Determining the appropriate style for a new infill project is an important initial step in the design process. Each historic district has different styles that were prevalent during the historic period of significance. These styles are what create the historic context. New construction shall complement one of these styles to support the historic context. Use of other styles dilutes and distracts from the historic context of the district.

While there may be several styles dominant within the district, the specific choice of a style shall be compatible with adjacent properties, the block, and the neighborhood. It also must be fitting for the particular function of the building and its size.

SITING PRINCIPLES Siting principles involve both how the site is used and how the building(s) is placed within the site. The specific lot location and its topography can dictate many requirements.

Residential buildings are to face the street squarely with their primary face in full view, and to be set back from lot lines and be spaced from one another similar to the immediate neighborhood. The primary structure is to be placed in the primary position with accessory structures in a service or ancillary position except where topography is an issue. Yard area between the house and street to primarily be planted with minimal paving only for pedestrian access and for vehicle movement. More private activity spaces to be located at the less public areas of the site.

Commercial buildings are to face the street squarely with their primary face and display areas in full view, to engage the pedestrian, and to be set back only slightly, if at all from the front and side lot lines. Small courtyard area may be appropriate for multifamily and certain commercial uses. Vehicle access to be on the less visible sides or rear.

BUILDING FORM PRINCIPLES Address the overall size, shape and bulk of the building.

The architectural style used for the building defines many aspects of its appropriate form and proportions. Excessive variation in the size, shape, or configuration creates an inappropriate solution that is stylistically incorrect and not complementary to the district. The building form needs to relate to the buildings in the immediate neighborhood, and to take into account both similarities and changes on the block. The new building form shall reference the principles, proportions and scale of an historically appropriate style.

Existing commercial historic buildings are now less numerous in the districts. Acceptable styles will produce new infill form based on historic character qualities of the original buildings and those found in other similar districts. This new development will then successfully relate to adjacent residential neighborhoods. The appropriate style and form of the new buildings depends upon the site and neighboring, or transitioning context.

DESIGN COMPOSITION PRINCIPLES Include a range of more detailed design issues that address groups of elements, individual elements, their design and how they relate to the overall composition and finish. The principles place a traditional emphasis on the design's composition as seen from the exterior, rather than as a result of interior functional planning requirements. They also outwardly convey a sense of quality craftsmanship.

The design composition principles, being more detailed, and stylistically dependent, are typically developed after the previous principles are resolved. These principles also reflect historically appropriate materials, respective finishes, and unobtrusive integration of new technology.

PUBLIC IMPROVEMENT PRINCIPLES Involve construction in the public right of way. The work may be engineering in nature and built by government, or it may be private but adjacent to the public way serving the public in a similar capacity. These projects are important for the historic district since public space accounts for a large proportion of the district's area and has a significant impact on the setting, context, delivery of services, and movement through the district.

The Public Improvement principles indicate how current engineering and construction can be made appropriate by utilizing materials, finishes, and design that supports the historic nature of the district.

The Guidelines appreciate that certain engineering, public safety, and other institutional work may have, by nature, certain technological or regulatory requirements and that these may conflict with these design guidelines. Work may also interface, modify, or remove existing historic construction. In these situations City staff and the HRB shall work with the agencies to develop the best design and preservation solution for the district, or appropriate mitigation measures. It should be noted that extensive regrading or removal of vegetation shall also be considered for HRB review.

2. McLOUGHLIN HISTORIC CONSERVATION DISTRICT

HISTORIC STATEMENT

Oregon City stretches along a narrow shelf above the Willamette River just below its falls. It had its beginnings in 1832 when Dr. John McLoughlin, chief factor of the Hudson Bay Company at Ft. Vancouver, built both saw and flour mills at the falls to utilize its water power. In the next decade as Great Britain and the United States negotiated the final boundaries of their lands in the West, missionaries and settlers began arriving over what became the Oregon Trail. Not long before the first wagon train arrived in 1843, Dr. McLoughlin surveyed and named the town. Homes, businesses, industries and churches began building in “downtown” Oregon City.

The McLoughlin District is referred to as the “second level,” reflecting its topography and relationship to the original town of Oregon City, which lies just below at the base of a steep basalt cliff. In the 1850’s few people built homes on the second level but as the downtown area became more crowded, and after completion of the Oregon & California railroad in late 1869, more residents moved up the hill, to what is now called the McLoughlin neighborhood. Construction continued from the 1870’s into the first quarter of the 1900’s, and the buildings from this period contribute to McLoughlin’s late 19th - early 20th century ambience. Churches followed their congregants, and the high school, two elementary schools and a parochial school are within the district.

The area is a broad, relatively flat bench which begins at the western edge of the bluff above Oregon City, bounded by High Street and the Promenade. The “bowl” then rises gradually 200 feet on the east in a series of undulating terraces to the top of

the hill, the “third level.” Beyond the top of this bluff the land stretches east to the foothills of the Cascade Mountains.

This was originally an area of farms that after World War II began changing into residential subdivisions and shopping centers, a trend that continues.

To the north the land drops into a series of steep ravines, eventually leveling at the Clackamas River which flows into the Willamette just north of downtown Oregon City. On the northeast the boundary line is Fourteenth Street, but there are some important homes beyond the limits, especially in the vicinity of the Buena Vista Park. At the southeastern edge of the McLoughlin District near the crest of the second level between Van Buren and Harrison Streets, the bluff curves toward the river (the City’s Waterboard Park is near the top). The south edge of the district is Clinton Street. Less than a mile up river is the Canemah National Register Historic District.

The main street connecting downtown Oregon City to the McLoughlin District is Singer Hill Road, which angles south up the face of the bluff, turning at the top to become 7th Street at its intersection with High Street. As people moved into the second level, 7th Street became, and remains its primary commercial street. Fifth Street has become a second connecting street to the third level but remains residential. Two streets above High and parallel to the edge of the bluff is Washington Street, a major arterial that begins at the foot of the ravine to the north, channeling traffic from I-205 and McLoughlin Boulevard/99E through the neighborhood. Some traffic also enters from the south, off 99E onto South Second Street, then up Center Street to 5th or 7th.

Continued on next page

Beginning in 1982 the McLoughlin neighborhood sought designation as an Oregon City Historic Conservation District, which was achieved in 1986. Following a survey of 971 buildings, 305 were identified as architecturally or historically significant properties. In 2002 a resurvey noted approximately 200 more buildings within the district boundaries of lesser significance, but due to their age and form were seen as strengthening the overall historic character of the district. The resurvey found the district eligible for listing as an historic district on National Register of Historic Places. At the same time, historic structures beyond the Conservation District boundaries but within the city limits of Oregon City were surveyed and 72 were designated of historic significance. Some of these are close to the McLoughlin district; others are farther from the core area, either isolated in newer subdivisions or still within their larger homestead-era properties. It should be noted that some of the oldest homes have been moved into the district for their preservation, including the Barclay, McLoughlin, and Ermatinger preterritorial homes.

Since the 1970's individual properties have been placed on the National Register of Historic Places (nearly all are also city landmarks), and several have been restored. Interest in the history of the McLoughlin Neighborhood developed in the 1980's through walking tours organized by an individual, as well as by members of the Old House Forum, a group of historic home owners. In the mid-1980's concern about preserving historic buildings mounted during the city's comprehensive plan update. Residents feared that proposed rezoning to high density residential would lead to destruction of its older buildings. In 2004 Oregon City's updated Comprehensive Plan recommended that the McLoughlin Conservation District be changed to a National Register Historic District, like Canemah.

There are approximately 153 blocks in the McLoughlin Conservation District of which 121 are from the original plat of Oregon City. They are approximately 200 x 200 feet square, and generally divided into 50x100 foot lots. The exception to the square conformance are the blocks between Center and Van Buren, 10th and 11th streets where they are slightly narrower. Many of the blocks were further divided by alleys. Some of these alleys have been vacated and built upon; others, especially in the two blocks which parallel the main business thoroughfare on 7th Street, continue to be used as alleys.



7th Street, 1937 Oregon City Planning Department

Data and Current Status

The McLoughlin Conservation District is composed of pockets of development that coalesced over time. Consequently, it contains a “checkerboard” of architectural styles. Except for 7th Street, which remains a commercial and retail corridor, and Center and High Streets south of 7th, which has lost single-family homes to one-story office buildings, the neighborhood is primarily residential, with scattered churches and schools.

There are few blocks where one architectural style predominates. For example, a Queen Anne style home may be surrounded by a variety of vernacular homes, bungalows, post-1925 homes, non-historic homes, or apartment buildings. While there are clusters of homes in a related style (often fewer than a half-dozen on facing blocks), there are not large sections of just the most popular “bungalow” or “Queen Anne” houses.

The area at the southeast edge of the neighborhood (commonly called “Dutch Camp”) contains the largest concentration of old homes but they vary in style. In the 7th Street business corridor (also known as the “Arc Light” area) a few 19th-Century Falsefront stores remain, interspersed with single-story streetcar-era commercial buildings, a 1920’s stucco-finished Fire & Police station and a brick IOOF hall. Some of these are constructed of wood, others are concrete or brick. Most of the 7th Street businesses are “one building deep.” They are built to the edge of the sidewalk but extend back on either side of 7th Street to the mid-block alleys. A part of “Latourette Canyon” at the northern portion of the district near 12th and Monroe is an area of many bungalows and Four Square style homes.

Near the eastern edge of the commercial area is the city’s former Carnegie Library which has been restored and is now a community building. It is situated in a block-square park with lawn, mature trees and a plaza/play area. As 7th Street rises to the east the commercial district thins and transitions into a more residential area. At the top of the hill (the third level), 7th Street

turns south and changes into a more contemporary strip-mall commercial corridor. There are a number of rock walls and concrete stairways in the neighborhood, including the Promenade, and the steep northwest edge of the district where streets do not go through.



5th & Center Streets 1955 Clackamas County Historical Society C-0250-004473



7th Street, 1899 Clackamas County Historical Society C-0250-005000

Residential Building Styles

There are three predominant architectural styles in the McLoughlin district, Vernacular, Bungalow, and Queen Anne - Queen Anne Vernacular. These form the context for the neighborhood. There is a minority of other styles, each small in number. For the purpose of reinforcing existing context, these three primary styles are to be used in new residential construction.

VERNACULAR

In the McLoughlin Neighborhood of the almost 500 buildings evaluated in 1982, the largest number of a single style is "Vernacular. Approximately two-thirds were built in the 19th century, with the remaining third between 1900-1923. Important style characteristics as found on houses in the McLoughlin District to be used for new construction are noted below.

CHARACTERISTICS OF THE STYLE

Site

- Uniform front setback, house placed with similar sized side yards, except on sloping sites.
- Lots are usually 50x100 and contain a single house.
- Property edges may be defined by wooden fencing; low, open pickets in front, and taller privacy fencing on the sides and back yard.
- Planting: lawn is between the sidewalk and the front of the house, along the sides and behind the property; a mix of lawn, shrubs, trees and flowers. Mature trees are usually behind the house, occasionally in front or in the curb strip.
- House Placement: to suit the existing topography and most level lot portion; at near street level; on high banks, with flights of concrete steps; No extensive cut and fill for siting.
- Retaining walls: stone, mortared basalt, or concrete.
- Garages: detached and behind the front façade of the house.
- Alleys: use of graveled, or casual alley access without curbs.



Built 1884



Built 1879-1892



Built 1893

VERNACULAR *continued*

Building Form

- Form easily allows additions and alterations such as increases in family size, activities or changing technology.
- Shape: rectangular or square in plan, combinations to form L-plan, T-plan; Rectangular or square form reinforced on façade.
- Height: 1, 1½, 2 (maximum) stories in height; Basement option.
- Proportions: Height (eave) to maximum width: 1:1 Height to Depth: can vary greatly.
- Roof: gable, or cross-gable roof of not less than 8:12 pitch, often steeper.

Design Composition

- Lacks rigid system of exterior detailing that makes it a clearly definable architectural style; allows design flexibility and is inherently varied.
- Designed and built without assistance of a trained architect. Collaborative design evolved with homeowner and builder, based on familiar styles, features and products.
- Can combine minor features from architectural styles used during the historic period.
- Porch: full-length at the front entry; possible wrap around (typically not curved).
- Materials: local, readily available.
- Windows: 1:1, double hung windows.
- Siding: horizontal board siding; typically shiplap, or channel; occasionally bevel.
- Ornament: Exterior decoration is modest, consisting of scroll-work brackets at the top of porch pillars, decoratively-cut or laid shingles, often in the peak of a front-gable roof, plain cornerboards and simple window trim. Some houses feature spindlework in the peaks of their gable roofs, often arranged in a sunburst pattern.



Built 1865-1877



Built 1879-1892

BUNGALOW

In the McLoughlin Neighborhood the second most prevalent style is the Bungalow, built between 1905-1929, largely built between 1911-1919, and then continuing from 1920-29. Compared to the Vernacular style, the historic bungalows have undergone few exterior alterations. Important style characteristics as found on houses in the McLoughlin District to be used for new construction are noted below.

CHARACTERISTICS OF THE STYLE

Site

- Uniform front setback with similar sized side yards.
- Lots are usually 50x100 and contain a single house.
- Fences: Few fences around bungalows; some backyard privacy fences, of wood.
- Landscaping: primarily of lawn in front, sides and back; shrubs, smaller trees.
- Garages: detached, toward the rear of the house, accessible from the side of the lot; under the house where on a steep slope.

Building Form

- Building form is difficult to modify for additions, but has versatile floor plan.
- More emphasis on the horizontal than Vernacular or Queen Anne, this extends into porch, dormer and window design; more 'ground hugging'.
- Shape: floor plans are either rectangular, or square.
- Height: 1 or more often 1½ stories high; possible basement.
- Roof: Low-pitched (6:12 minimum) gable roof; front or side facing; occasionally hipped. Roof that often continues down to create a cover over the prominent front porch.
- Proportions: Height to width approximately 1:1½; Height to Depth: 1: no more than 2 for main building portion not including front porch.



Built 1914



Built 1905

Bungalow description continued on next page

BUNGALOW *continued*

Built 1914

Design Composition

- Front façade can be symmetrical or asymmetrical.
- Porch: full or wrap-around front porches; supported with substantial pillars; simply detailed.
- Roof Overhang: wide, over-hanging eaves and exposed rafter tails; decorative knee brackets under eaves.
- Dormers: single front facing; with lower slope gable or shed roof.
- Chimneys: projecting on side of house, usually brick.
- Siding: horizontal board siding; typically bevel profile (occasionally shiplap), shingle siding; or a combination, such as horizontal boards on the first floor with shingles on the second floor, or just in the gable or dormer.
- Bays: possible single story, cantilevered, and rectangular usually located on the side of the house.
- Windows: double-hung; 1:1 or with multiple panes in upper sash; large fixed window flanked by two smaller double-hung windows.
- Windows At Dormers: smaller, often grouped at shed dormers; fixed or casement style where smaller.
- Finishes: generally earth tones; no white doors or windows.



Built 1915



Built 1912

QUEEN ANNE & QUEEN ANNE VERNACULAR

In the McLoughlin Neighborhood the third most popular style grouping, built between 1879-1905, is Queen Anne Vernacular and Queen Anne. The Queen Anne style is a smaller, simpler and less elaborate expression than



1879 Queen Ann

found elsewhere in the Portland area. The Queen Anne Vernacular, a 'sister' style is in many ways similar to the Queen Anne. It often began 'life' as a Vernacular style building that was then embellished. The two styles can be quite similar. However, a Queen Anne generally has a more complex arrangement of building, roof, and porch forms, is more elaborate in detailing, finishes, and usually a much larger volume. Important style characteristics as found on houses in the McLoughlin District to be used for new construction are noted below.

Characteristics of the Style

Site

- Uniform front setback.
- Queen Anne houses, being larger and more ornate, usually on oversize lots.
- The Queen Anne Vernacular homes are on standard, 50x100' lots.
- Landscaping: informal arrangement of native and specimen types, bedding and borders with perennials-annuals.
- Stone or concrete retaining walls for those on sloped lots.
- Garages: detached and behind the front façade of the house.



1896 Queen Anne



1885 Queen Ann



1890 Queen Ann



1900 c Queen Ann Vernacular



1888 Queen Ann Vernacular



1895 Queen Ann Vernacular



1903 c. Queen Ann Vernacular

QUEEN ANNE & QUEEN ANNE VERNACULAR *continued*

Building Form

- A variety of plan configurations; allows some alterations and additions depending on initial complexity. Emphasis on the vertical and on combinations of volumes that play off one another.
- In plan the Queen Anne Vernacular house is simpler; symmetrical or asymmetrical combinations of rectangles; L-plan or T-plan possible.
- Queen Anne floor plan is more complex; may be symmetrical or asymmetrical combinations of rectangles; Possible L-plan or T-plan.
- Main roofs predominantly gable, cross-gable or multi-gable. Queen Anne Vernacular usually has single primary roof form with minor cross or dropped gable extension; Slope: 8:12 minimum often steeper.
- A variety of roof shapes combined in one building, is a hallmark of the larger Queen Anne style. This can include gable and hip roofs and pyramidal roofs on towers. Roof form variation helps to break up larger massing; generally not so large as to require flat roof portions at roof peaks; Slope: 9:12 minimum.
- Height: 1 ½ to 2 ½ story; possible basement. Queen Anne: First Floor ceiling height: 10 foot minimum, and Main Floor Level Height Above Grade: 2½ feet minimum.
- Porches: Front porch, full, corner or wrap around; Rear or Side: smaller, less detail, but not plain. Queen Anne: often may have small upper level porches
- Bays: Distinguishes the style; front, possible sides at main level; 1 story; occupies a portion of the façade width, width and sides mostly filled by windows.
- Garages, Accessory Buildings: Rectangular, less decorative; lower roof slope.
- Recesses and Projections are often used to create bays and entries.

Design Composition

- Front façade can be symmetrical, or asymmetrical if balanced with other elements such as porch or bay.
- Porch: full or wrap-around front porches; can integrate with bay roof; can include extensions, such as an entry gable; Porches are decorative.
- Bay windows: rectangular or faceted; essentially a combination of windows and intervening posts; area of decoration.
- Roof Overhang: over-hanging eaves often soffited on rafter slope.
- Siding: horizontal boards similar to Vernacular, patterned shingles, various combinations; Trim at corner boards, water table, floor level demarcation.
- Ornament: surface details including decorative shingles or shingles laid in patterns; spindlework in gable peaks and on porch railings; decorative eave brackets elaborate window and door trim; no roof cresting or ornament.
- Windows: Emphasis on vertical proportions; primarily double-hung, may be grouped; possible fixed units or smaller casements.
- Window Designs: A variety of window styles, but not arched; stained glass bands; a central fixed window with multi-panes or stained/decorative glass above; porthole or lancet windows some with stained glass.
- Doors: Entry doors single or paired, optional transom windows; an area of ornamentation.



1897 Queen Anne Vernacular

Commercial Building Styles

The historic commercial area was primarily along Seventh Street from Center to John Q. Adams, however, the street was not fully built out for commercial use and historic houses remain. The first commercial buildings were primarily wood framed, although some masonry and concrete buildings were constructed in the historic period. Only a handful of these historic building remain along what is known as the Seventh Street Commercial Corridor. Outside of this corridor were the residential neighborhoods. This commercial corridor remains and has been reinforced by the City's street improvements. Currently there are other commercial mixed use zoned areas that include Seventh Street east of John Q. Adams and north and south along Washington, Center and High. These areas have a mix of newer commercial buildings and historic residential styled structures.

For the Seventh Street Commercial Corridor applicable design styling includes the earlier False Front commercial buildings that were typically wood framed, but could now be masonry, or the later Streetcar Commercial and similar multifamily 'Streetcar' residential styles illustrated below. These styles used a simple, primary rectangular form that could have entry recesses or projections, or upper level vertically oriented window bays. Buildings were built close together to form a continuous row along Seventh. Rowhouses or attached townhouses are not an appropriate style in Oregon City.

New infill buildings should support the historic context of the district by providing designs compatible in design, scale and massing with the limited existing historic commercial buildings, notably the Fire Station and IOOF Hall (34 foot high parapet), those typical of that era, and the adjoining neighborhood. It is appropriate to focus new, denser commercial development

within a several block length at Washington and 7th and/or at key intersections along the corridor. New increased density will strengthen the historic pedestrian and streetcar nature of the district if successfully designed.



IOOF Hall (Odd Fellow Building)

Outside of the Seventh Street Commercial Corridor, commercial uses shall employ a residential style architecture to better integrate into the neighborhood fabric. The larger residential styles, such as Queen Anne, Vernacular [single buildings or grouped], and Foursquare, are appropriate. They create a suitable transition to adjacent residential areas and can be built relatively close together to achieve appropriate density. These styles could be utilized for any uses: retail, office or multifamily residential. The carriage building on High Street is an existing residential style structure used for commercial purposes.

Commercial Building Styles *continued on next page*

Commercial Building Styles *continued*

Important style characteristics to be used for new construction are noted below.

CHARACTERISTICS OF THE STYLES

Site

- Rectangular footprint that largely fills the width of the lot.
- Oriented to street for access, and display. No or small setback from the sidewalk along street; may not extend all way to rear lot line.
- Small front or side setback is appropriate for residential uses.
- Central or individual ground floor customer-tenant entries. Grouped residential entry to lobby or foyer. Separate service entries.
- Vehicle access and storage at side or rear; may be hidden under the building.
- Landscape: small plantings if there are setbacks; otherwise street trees. Upper story gardens visible from the sidewalk were not used in the historic period, and are discouraged.



1 Story New Falsefront



2 Story Historic False Front

Commercial Building Styles *continued*

Building Form

- Building form and foot print primarily rectangular, possible rectangular additions or wings; possible interior light court, courtyard or areaway.
- Massing: A simple rectangular primary form encompassing the primary and visible facades. a parapet or false front that provides the height boundary of the building and hides the view of the roof. Single story with retail or service use; Two or three story with single or mixed use. Basement option
- Ground floor typically has high ceilings; retail use with office or residential use above.
- Height: Main level close to grade.
 - Single story buildings: minimum 16 foot high parapet.
 - First to Second floor height to be at least 12 feet unless for multi-family use, then may be 10 feet.
 - Upper floor to floor heights at least 10 feet.
 - Maximum Height: Per City code
- Height for Commercial Buildings using a Residential Style:
 - First to Second floor height to be at least 10 feet.
 - Main Floor Level Height Above Grade: 2½ feet minimum.
 - Eave Height: 28 feet maximum.
 - Ridge Height maximum: 40 feet.
- Residential styles, including Queen Anne, or Foursquare, are encouraged on Seventh above John Q Adams and on Center and High, and where facing or adjoining residential zoning. Alternatively, the use(s) may be embodied in a grouping of smaller buildings.
- Full width one or two story porches at front (accessed by interior stair), or rear are appropriate for residential.
- Grade level or depressed parking if accessed from rear or rear end of side and generally concealed from sidewalk by building wall, provided commercial or residential use is located along primary street.



2 Story Commercial

Commercial Building Styles *continued*

Design Composition

- Mostly single or double store design to 100 feet in width. Wider than 100 feet requires style change.
- False front: covering front gable roof or just an extended wall; may have a parapet on each side (possibly not rear) hiding a low sloped roof.
- Streetcar Commercial: wood or masonry construction and finish; generous ground floor retail display with individual or grouped upper level double hung windows in an otherwise solid wall.
- Large ground floor storefront windows with short bulkhead wall below and very often with transom windows above; wood frames or appropriate metal. Trim at window/transom frame edges.
- Often recessed store entries; side entries typically not recessed. Separate entries for individual stores.
- Streetcar Multifamily: wood or masonry construction and finish. Less emphasis on retail display, but location of public and lobby areas adjoining the public way. Possible upper level window bays within the width and height of the primary or side façades. Possible entry projection.
- Upper Level Entry: typically a single shared entry with small lobby.
- Upper story wood framed windows designed as ‘punched’ openings in the otherwise solid wall, regularly spaced; individual, paired double hung design or triple units with fixed center and double hung side lights. Possible transom windows. Possible flat arch windows in masonry walls.
- Façade with modest, but defining cornice, possible belt cornice. Wood exteriors can support more detailing; masonry or plaster finished buildings with less detail and ornamentation; typically, no significant form projections or recesses except window bays or entries.
- Materials/Finish: cement plaster (stucco), brick, concrete with plaster over, horizontal board siding; fabric awnings, possible flat steel/wood building supported canopy.



1 Story Streetcar Commercial



1 Story Historic Streetcar Commercial



2 Story Multifamily Streetcar Residential



3 Story Multifamily Streetcar Residential



3 Story Multifamily Streetcar Residential



2 Story Four Square



2 ½ Story Four Square Multifamily



2 Story Four Square Multifamily

3. CANEMAH NATIONAL REGISTER HISTORIC DISTRICT

HISTORIC STATEMENT

Canemah is approximately one mile upriver (south) from Oregon City, just above the Willamette Falls. The community lies within a crescent-shaped hollow in the basalt cliffs that rise above the river. Its name is said to derive from a Native American word for “canoe place” and it was the existence of a graveled beach that gave rise to the town’s establishment in 1845. Because of the falls, cargo and passengers had to be portaged at this point. In 1849 Absalom Hedges platted Canemah and according to Howard McKinley Corning, soon Canemah had “several stores, warehouses, hotels, feed yards for oxen, a blacksmith shop and a plough factory.” The curve of the river also created a protected boat basin and in addition to providing services to travelers, Canemah became a center of riverboat construction. Corning estimates fifty-two side or sternwheel steamboats were built on the Willamette between the early 1850’s into the 1870’s; twenty-seven were built in Canemah.

In the mid-1850’s a narrow roadway was blasted along the edge of the river from Canemah to Oregon City, and the town continued to grow. Late in 1861 a tremendous flood destroyed many of the structures in the community, but they were soon rebuilt. In 1865 a portage railway was established between Canemah and Oregon City that operated until 1873. That year marked both the opening of west side locks around the falls as well as arrival of the east side Oregon & California Railroad. While Canemah’s service businesses were no longer needed and the railroad tracks established a barrier along the river bank, Corning states that at least three final riverboats were built in the 1870’s.

Canemah became a primarily residential community. Some residents who worked in nearby woolen and paper mills commuted to their jobs by boat. Between 1900 and the end of the 1920s, some modest bungalows were built, primarily along the railroad tracks. In the mid-1930’s construction of state highway 99E/McLoughlin Boulevard replaced Second Street, creating an additional barrier between residents and the river. Although there were a few businesses, a grocery store and tavern and for a time a Baptist Church, Canemah continued to be primarily residential, and in 1928 was annexed to Oregon City.

Although Canemah was laid out in 40 blocks arranged in a grid pattern, there is limited level ground, consisting primarily of the block on both sides of 99E, parallel to the river. East of 99E the terrain begins to rise steeply, up a series of narrow shelves to Fifth Street, and beyond, to South End Road which winds to the top of the “third level.” Due to its irregular terrain, few streets go through from the river and traffic within the neighborhood is via a zigzag pattern, back and forth, up and down the levels. The narrow streets are paved but lack curbs and sidewalks. With little space for a garage, many residents park their cars in front of their homes, effectively slowing traffic. Although platted with alleyways, few are recognized, and in some cases houses intrude. However, there is a great opportunity to develop pedestrian paths and stairways. This would provide more district cohesiveness.

Because of limited level building land, Canemah's older homes, especially above 99E are sited in accommodation to the existing terrain. Steep hillside lots were not re-graded or filled. Houses neither "step" down a sloping lot nor are they cantilevered out on "stilts." As a result, some homes lack setbacks, with front porches opening almost directly onto the street. For this reason houses do not uniformly face the river, but uphill, or towards other houses across the street.

The presence of many large trees, such as Douglas Fir and Big Leaf Maple, as well as brushy undergrowth, especially above Third Street, creates an aura of privacy and separation between neighbors. Early photographs indicate Canemah was densely covered with large evergreen trees, primarily Douglas Fir and Hemlock. As the community developed, the hillside "terraces" were cleared of trees, for building (homes and boats), and fuel. However, later photographs (1880's-1900) reveal that smaller trees or seedlings were allowed to regenerate, often very close to homes. In addition, deciduous trees, especially fruit trees, were planted, providing a high, thick canopy which continues to be a characteristic of Canemah. Removing trees to "clear a view" of the river is not a historic feature of Canemah. Views of the river from the hillside, even when homes face downhill, are typically only available from late fall to early spring.

Several spring-fed creeks run down the hillside, behind, and in one case, underneath, a house. At the south end of the district, between Third and Fourth streets is a flight of stone steps, providing pedestrian access between the levels, to the cemetery and playground.

DATA AND CURRENT STATUS

In 1977 Canemah was named a National Register Historic District. Boundaries are roughly from the Willamette River, east to Fourth Street, north to Ganong Street, south to Blanchard Street. There are slightly over 100 properties within the area, including single family homes, apartment buildings and a few commercial structures in the McLoughlin Boulevard/99E corridor.

In 1982 an inventory of 78 historic buildings was conducted. The period of historic significance for Canemah is between 1850-1925. These 75 years cover Canemah's settlement and expansion due to its importance as a portage point, center of boat building and related river-transportation activities, into its transformation as a residential community and its annexation into Oregon City.

In spite of its historic designation, non-compatible building has continued in the ensuing 30 years. A Canemah Neighborhood Association was established in 1982. Like its counterpart in the McLoughlin neighborhood, its members focus is self-education and appropriate restoration of the district's buildings. While some historic structures have been restored, others have been enlarged or remodeled with inappropriate materials, and others continue to be neglected.

RESIDENTIAL BUILDING STYLES

VERNACULAR

In the Canemah Neighborhood the most prevalent extant architectural style is Vernacular, built between 1867-1929. Important style characteristics as found on houses in the Canemah District to be used for new construction are noted below.



Built: 1867

CHARACTERISTICS OF THE STYLE

Site

- No uniform front setback; South of 3rd Street: houses may face front or side depending on topography.
- Lots range from 50x100 to 100x100 and contain a single house.
- Properties edges often not defined; Where fenced, primarily picket or low slat at front with side or partial returns.
- Planting: South of 3rd Street: forest setting, native and ornamental plantings form visual screen and sense of privacy; Elsewhere on the more level portions: lawn and planted area around buildings.
- House Placement: to suit the existing topography and most level lot portion especially south of 3rd Street.
- Retaining walls: stone, mortared or stacked basalt, or concrete south of 3rd Street, especially in proximity with street.
- Garages: Not found historically; informal graveled or paved parking next to street or along house; New garages to be located along side or behind house. Where topography is a concern, locate garage offset from building primary façade, close to street with direct access.
- Accessory Buildings: detached, behind along side of house and located to allow use of particular function.
- Streets: South of 3rd Street: narrow, without curbs or sidewalks; casual pedestrian paths and connecting stairs are encouraged.

Building Form

- Form easily allows additions and alterations such as increases in family size, activities or changing technology; generally smaller in size than McLoughlin.
- Shape: rectangular in plan, with smaller rectangular combinations to primary form; Rectangular or square form reinforced on façade. L-plan, T-plan options.
- Height: Maximum 1 ½ stories in height; Basement option.
- Proportions: Height (eave) to maximum width: 1:1 Height to Depth: can vary greatly.
- Roof: gable, of not less than 8:12 pitch, 10:12 and steeper are preferred. No cross-gable roofs; Possible wing or addition with lower ridgeline that is perpendicular or is offset.



Built: 1875



Built: 1864

Design Composition

- Lacks rigid system of exterior detailing that makes it a clearly definable architectural style; allows design flexibility and is inherently varied.
- Designed and built without assistance of a trained architect. Collaborative design evolved with homeowner and builder, based on familiar styles, features and products.
- Can combine features from other architectural styles popular during the historic period; simpler designs than McLoughlin.
- Porch: full or partial length at the front entry; if close to the ground, no railings; at main story only.
- Dormers: None.
- Materials: local, readily available.
- Windows: 1:1, double hung windows.
- Siding: horizontal board siding; typically shiplap, or channel; occasionally bevel.
- Ornament: Exterior decoration is modest, consisting of scroll-work brackets at the top of porch pillars, plain cornerboards and simple window trim. Most houses do not feature spindlework in the peaks of their gable roofs.
- Interior fireplaces and chimneys.



Built: 1885

BUNGALOW

The second most common architectural style in Canemah is the Bungalow, built between 1909-1928 in the later portion of the historic period. While many of the homes in this style are located on the river side of McLoughlin Boulevard, others are scattered on the hillside up to 4th Street, but generally on more level lots. Use of this style south of 3rd Street requires analysis of adjacent context houses to ensure necessary variety. Important style characteristics as found on houses in the Canemah District to be used for new construction are noted below.



Built: 1920

CHARACTERISTICS OF THE STYLE

Site

- No uniform front setback; South of 3rd Street: houses may face front or side depending on topography, and may be irregularly situated.
- Lots range from 50x100 to 100x100 and contain a single house.
- Properties edges often not defined; Where fenced, primarily low slat or picket at front with side or partial returns.
- Planting: South of 3rd Street: forest setting, native and ornamental plantings form visual screen and sense of privacy; Elsewhere, lawn, and planted area around buildings.
- House Placement: to suit the existing topography and most level lot portion especially south of 3rd Street
- Retaining walls: stone, mortared or stacked basalt, or concrete south of 3rd Street, especially in proximity with street.
- Garages: Not found historically; informal graveled parking next to street or along house; New garages to be located along side or behind house. Where topography is a concern, locate garage offset from building primary façade, close to street with direct access.
- Accessory Buildings: detached, along side or behind house and located to allow use of particular function.
- Streets: South of 3rd Street: narrow, without curbs or sidewalks; casual pedestrian paths and connecting stairs are encouraged.

Building Form

- Building form is difficult to modify for additions, but has versatile floor plan.
- More emphasis on the horizontal than Vernacular; this extends into porch, dormer and window design; more 'ground hugging'.
- Shape: floor plans are either rectangular, or square
- Height: One, or more often one-and-a-half stories high; possible basement.
- Proportions: Height to width approximately 1:1½; Height to Depth: 1: no more than 2 for main building portion not including front porch.
- Roof: Low-pitched (6:12 minimum) gable roof; front or side facing.
- Bays: possible single story, cantilevered, and rectangular located on side of house.
- Porch: Prominent front porch, roof supported with simple posts (less bulky than in McLoughlin); roof often continues down to create cover over porch; at main story only.



Built: 1916



Built: 1913

Design Composition

- Front façade can be symmetrical or asymmetrical
- Porch: full, not typically wrap-around front porches.
- Roof Overhang: wide, over-hanging eaves and exposed rafter tails; decorative knee brackets under eaves.
- Dormers: single front facing; with lower slope gable or shed roofs
- Chimneys: at interior or projecting on side of house, usually brick.
- Siding: horizontal board siding; typically bevel profile (occasionally shiplap), shingle siding; or a combination, such as horizontal boards on the first floor with shingles on the second floor, or just in the gable or dormer.
- Windows: double-hung; 1:1; large fixed window flanked by two smaller double-hung windows.
- Windows At Dormers: smaller, often grouped at shed dormers; fixed or casement style where smaller.
- Finishes: generally earth tones; no white doors or windows.

COMMERCIAL BUILDING STYLES

The established commercial area in Canemah was along the Willamette River from the shore to 2nd (now Highway 99E). An 1867 photograph shows some two and a half story Classical Revival or large Vernacular buildings (probably hotels) with full length, covered porches on the first and second floors; a building similar in style without the porches (possibly a store) and a long, one-story shed.

New infill buildings are to support the context of the district by providing designs compatible with the existing residential buildings and wood commercial buildings typical of that era. Rowhouses or attached townhouses are not appropriate. Important style characteristics as found on houses in the Canemah District to be used for new construction are noted below [Photographs of appropriate buildings from the Aurora Colony].



CHARACTERISTICS OF THE STYLE

Site

- Rectangular footprint may fill a large portion of the lot.
- Oriented to McLoughlin Blvd for access and display, or ninety degrees to the side street, or the river. Small setback from the street; may not extend to rear lot line.



Building Form

- Building form rectangular, possible rectangular additions or wings; a larger version of the Vernacular residential style.
- Gable roofed.
- Single story retail or service; 2 or 2 ½ story height with commercial, residential or mixed use.
- First to second floor height to be at least 12 feet; upper floor to floor heights at least 10 feet; Maximum Eave Height: 28 feet maximum; Ridge Height maximum: 40 feet.
- Ground floor typically have high ceilings with office or residential use above.
- Porches: partial or full width; one or two stories, all covered.

Design Composition

- Ground floor storefront windows, possibly divided with low wall below and transom windows above; possible shed or sliding doors; all set in wood or wood clad frames.
- Possible recessed store entries; side entries typically not recessed. Separate entries for individual stores, common upper level entry or within lower level.
- Upper story windows in the residential style, regularly spaced; individual, double hung design.
- Materials/Finish: horizontal board siding, often white in color; fabric awnings, residential materials. No cement plaster or similar.



4. INDIVIDUAL PROPERTIES

There are a variety of ways new construction can occur in relation to an Individual Historic Property. Often it is the result of property division. For small developments the guidelines should apply to adjacent and (as applicable) opposite infill. Larger developments could create 1) an adequate historic resource boundary, 2) develop a buffer zone, or 3) develop an immediate neighborhood of complementary infill.. Beyond these areas there can then be more freedom in design, style and materials without causing an adverse effect on the historic property.

A variety of styles may be encountered on individually listed resources. The appropriate style is determined by what is complementary to the existing resource and that provides some variety. Infill at the largest, to be slightly smaller than the historic building and not to overpower it. The following considerations, as well as the Character and Element Guidelines, should be addressed in planning and design.

Site

- Establish adequate property boundaries for the historic property with consideration to its use (residence, farm including out-buildings, etc.), existing neighborhood context, other historic resources, site attributes, and visual context. Consult with the State Historic Preservation Office (SHPO).
- Adequate spacing, appropriate setbacks, and landscaping depend greatly on the individual site and the proposed new construction. New infill should respect rather than detract from the historic building and its context. Mitigation is a secondary measure, appropriate program and design is more important. Moving the building is a last resort solution that minimizes the importance of the building's relationship to its site.

Style and Building Form

- For a basis of design choose a new building style that is compatible with the historic building, such as one from its historic period, or one that is often found in conjunction with it in the neighborhood or area.
- Use simple and well proportioned building forms and rooflines, especially at the primary façade and when new is viewed alongside the historic. Avoid complicated, non-rectangular forms, and 'busy' compositions.
- Maintain the approximate historic building roof and floor heights; neither too high nor too low.
- Create an interesting and long lasting design, rather than one that becomes dated in a short time.

Design Composition

- Historic buildings can embrace new construction that has detail and ornamentation if it is used skillfully, systematically, in good proportion, and is not excessive.
- Avoid designing an overly plain, unattractive building with minimal texture.
- Utilize materials and design that conveys a sense of quality and craftsmanship.
- If needing to economize, carefully eliminate less important design features beginning with the least visible sides. Utilize similar economic measures of former builders.

5. CHARACTER GUIDELINES

I: SITE

USE OF SITE	<i>How the site is planned to be used.</i>	
ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Access	Houses and Commercial buildings to have direct pedestrian access from the public sidewalk street to the main entry. Typically, the shortest path, unless topographic considerations Vehicle access to be along side of building, at rear or from alley 	Lack of sidewalk to main entry, circuitous path. Vehicle drive in front of primary façade 
Building to Open Area	Lot Coverage: Houses to cover less than half a typical lot. Commercial buildings can cover most of a lot; 20% Landscape area requirement may be reduced upon approval by HRB. 	Residences with R3.5 or R6 zoning of more than 40% lot coverage Canemah: Residences with R2 zoning of more than 40% lot coverage Canemah South of 3rd Residences on lots of 5,000 square feet or less with R6 zoning: More than 30% lot coverage 

I: SITE *continued*

USE OF SITE	How the site is planned to be used.	
ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Topography Use	Site houses according to neighboring or contextual practice. At sloping sites, houses were sited at most the easily built portions of the lot and close to grade. At upsloping sites the main level was raised. At downslope sites the main level was lowered. Cross-slope sites utilized the easiest access. 	Extensive regrading of lot to raise or lower the main level of a house. Tall walls to alter the natural topography for building siting or yard leveling purposes. 
	Residential garages may extend to front property line at up or down sloping sites.  Commercial buildings requiring a larger footprint utilized level lots in close proximity to the street.  Buildings may be set back to better integrate with houses where adjacent, and to facilitate grade changes.	Commercial buildings without the main level close in height to the public way Foundations, piers or piling more than 1 story in height above natural grade
Landscaping	Residences to utilize a front yard with lawn panel, small-scale shrubs or perennials, and annuals for interest. Similar treatment at side yards facing the public way. Larger scale plantings to be at rear yard.  Canemah, South of 3rd: native planting mixture, large shrubs and trees are appropriate for any yard. Houses to maintain a sense of privacy to each other. Minimize the removal of trees over 6" in diameter by adjusting house siting, limit tree cutting outside of the house footprint. Replant to preserve tree canopy.	Canemah, South of 3rd: clear cutting of lot

I: SITE *continued*

USE OF SITE	<i>How the site is planned to be used.</i>	
ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Paving	Pavement at front and side yards facing the public way is limited to sidewalks and driveway. 	Patios, courtyards and parking spaces between the front (or side where exposed) of the building and the street Commercial buildings may have limited paving for pedestrian use 
Site Features	Secondary features to support the design and character of the building and to not obscure its visibility from the public way. Decorative walls, fences and hedges at front yard to face of building to be no more than 3½ feet high; entry arbors and gates are excepted. Retaining and structural walls to be minimized; to be faced or finished to complement the district where constructed. 	Elements that significantly obscure or detract from the primary sides of the building Tall walls and fences in the front and front portion of side yards Large decorative landscape elements in the front yard, such as a gazebo, fountain, pool, statue Temporary structures in the front yard to face of building Unfinished structural walls; Cribbing, gabion walls unless obscured with plant covering
Equipment, Technology	Site located equipment and technology developed after the period of significance to be minimized in appearance and located at less visible areas. Required utility, public safety, and governmental equipment should follow the guidelines as possible; where difficulties arise review mitigation measures with City design staff and the HRB	Obtrusive equipment such as solar collectors, mechanical units, satellite dishes [other future technology] in the front yard 

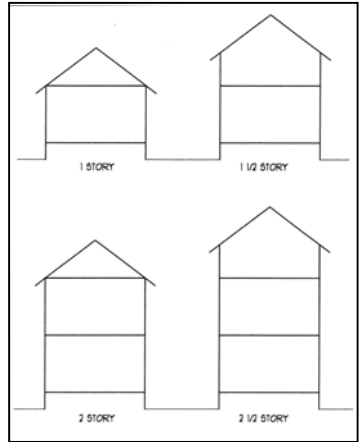
I: SITE *continued*

BUILDING PLACEMENT		
		How buildings are located on the site
ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Orientation	Locate the primary side and entry of the building facing the public way. Typically, this side is parallel to the street. Maintain similar orientation of neighboring historic buildings. At reverse corner lots [the entry faces the side street on the end of the block], both sides must respect orientation. Canemah on McLoughlin Blvd: Commercial buildings may orient to McLoughlin Blvd, the river, or side street. Canemah, South of 3rd: orientation depends on specific site topography, but generally orthogonal or square to the street.	Skewed and angled building placement Primary building side facing the interior or side lot line
Spacing	Maintain similar spacing to context buildings and the neighborhood. Canemah, South of 3rd: House spacing is more irregular, but privacy is to be maintained. Adjust the siting to preserve mature plantings. Houses closer than 15 feet to the lot line require visual screening from one another. Lot Divisions and Individual Historic Properties: Use spacing of similarly styled and sized historic context buildings.	Irregularly spaced buildings within a regularly spaced neighborhood context, or regularly spaced buildings within a irregularly spaced neighborhood context Crowded building sites from too large of building or too small of lot dimension Houses spaced tightly together, or disrupting the neighborhood rhythm Spacing that diminishes the historic quality of existing historic resources

I: SITE *continued*

BUILDING PLACEMENT	<i>How buildings are located on the site</i>	
ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Setbacks	Maintain setbacks at front and sides similar to context buildings and the neighborhood. McLoughlin Commercial use buildings on 7th Street from Center to John Q. Adams: minimize or delete side yards and front setback. McLoughlin Commercial use buildings on Center and High: provide front setback of 6 feet, or fit to existing historic and newer building context; provide side setbacks of 6 feet for buildings using a residential style. Canemah, South of 3rd: houses with downslope lots may have greatly reduced front yard.	Building placement that is uncharacteristic to the block or neighborhood
Accessory Buildings	Accessory buildings are subservient to the primary building and provide auxiliary use. They are to be located at less visible areas such as the side or back of the primary building. Where topography issues arise, detached garages may be located in the front yard if offset from the main façade.	Placement of buildings that diminishes the historic resource or neighborhood quality Accessory buildings in the front yard in front of the main façade Temporary structures in the front yard in front of the face of the building

II BUILDING FORM

SIZE	<i>The overall size of the building and that relationship to its style and context</i>	
ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Heights	The building heights to be similar to the neighborhood historic context and appropriate to the style chosen. Important Heights include: • Main level height above grade • Grade to eave and main ridge • Grade to parapet • Individual story height • Number of stories  McLoughlin Commercial Style buildings on 7th Street from Center to John Q. Adams can range from a tall single story to the approximate height of the existing historic buildings to provide new, but appropriately sized context. McLoughlin Commercial Use Buildings in a Residential Style: maximum height similar to residential use. Canemah Commercial use buildings: maximum height is higher than residential use; Maximum 2 ½ stories.	Residential buildings that vary more than 20% from heights of the historic neighborhood context buildings unless approved by the HRB.  Residential building ground levels that are elevated less than 18" above grade, unless there are topographic considerations Canemah Residential: greater than 1½ story maximum height plus basement McLoughlin Residential: greater than 2½ story maximum height plus basement Commercial use buildings greater than 3 stories
Widths	Residential: maintain historic height to width ratio range for style Commercial: maximum approximately 1:3 height to width ratio 	Use of building widths that are out of proportion, or exceed the range for their historic style 
Depths	McLoughlin Commercial use buildings on 7th Street except from John Q. Adams to Harrison: typically built to front lot line; possible small setback for public use	Use of building depths that are out of proportion, or exceed the range for their historic style

II BUILDING FORM *continued*

SHAPE	<i>The overall geometry of the building created by its primary and secondary volumes</i>	
ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Primary	Residential buildings formed with a primary single rectangular form or with the addition of subordinate rectangular form to create a wing, 'L', or addition Commercial buildings typically single rectangular primary form; possible rectangular additions at rear or wing where site or context allows 	Oblique, skewed, diagonal primary exterior walls Curved or rounded walls 
Secondary	Rectangular for additions, porches, bays, and detached buildings; joined to primary form at a right angle (orthogonally). Rectangular, faceted bays or porches where style allows Commercial buildings: forms shorter than the parapet and contained within the width of the façade	Commercial buildings: excessive, out of scale secondary forms that are wider or taller than the primary form; Special features (tower or similar) by HRB approval
Roof	Gable roof slopes to have equal pitch Residential: Gable primary roofs with pitch 8:12 or greater [6:12 for Bungalow]; Porch or bay roofs may have lower slope, may have hip if style allows. Roofs to have a minimum 1 foot overhang with a maximum of 3 feet; where soffitted the enclosure is typically parallel to the rafters Commercial: simple roof form, typically one shape-one main roof; low slope roofs if behind parapet or false front with side returns; may also be barrel or curved 	Mansard, clipped gable, shed, for primary roofs Canemah: cross gabled roofs; a secondary wing or addition with a perpendicular gable at the main roof ridgeline; allowable if it is a lower story or lower ridgeline.

II BUILDING FORM *continued*

MASS & BULK	<i>A measure of the overall size of the building.</i>	
ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Context Scale	Context scale is the relative or apparent size of the building in relation to its neighbors and includes siting and use. 	Buildings out of scale to their context or use 
Volumes	Residential buildings incorporated space within the roofline [a half story] and the basement for added space. McLoughlin Commercial Style buildings on 7th Street from Center to John Q. Adams: dense building along this historic commercial corridor is appropriate. Respect massing and scale of IOOF Hall and Fire Station   Canemah: maintain historic residential massing. Non rectangular volumes are more difficult to integrate into historic styles	Buildings with excessive mass for the style chosen or neighborhood in which located Long, uninterrupted wall planes facing the public way; utilize projections, recesses or wall elements to breakup such planes 

II BUILDING FORM *continued*

MASS & BULK	<i>A measure of the overall size of the building.</i>	
ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Recesses	Provide recessed volumes in proportion to the main volume to provide interest, weather protection and the break up large volumes. Residential Buildings: Provide recesses, cut away bays to create style appropriate bay windows, porches and entries. Commercial Buildings: utilize recesses for entries, upper level residential porches, building equipment and trash, rear vehicle parking.	Recesses used excessively or in a way that diminishes or over elaborates the traditional style Repetitive or cumulative recesses that detract from the rhythm or style of the building form
Projections	Provide projected volumes in proportion to the main volume to provide interest and the break up large volumes. Residential Buildings: Provide projections, bays, porches to express style provide interest. Commercial Buildings: Provide projections to break up long wall expanses and to create interest. 	Projections used excessively or in a way that diminishes or over elaborates the traditional style Repetitive or cumulative projections that detract from the rhythm or style of the building form 
Special Features	Style appropriate features such as a commercial building entry or tower may be designed for limited applications. Features can create interest and vitality in the business district when thoughtfully designed 	Avoid special features that are not of quality materials and construction or that stylistically clash with the historic fabric

III DESIGN COMPOSITION

The particular building design and character.

Traditional building facades were designed from the exterior, not as a result of only interior needs.

ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
STYLE	Select a particular style that is appropriate for the building use and size. Maintain stylistic consistency in the design of the building; some variety is typical. The districts have variety of styles developed over a period of time. There were no large scale developments that produced multiple buildings of the same style over a short period. Canemah: adjacent historic houses vary in form, design and style, new infill to differentiate, but continue this pattern. 	Combination of various stylistic elements in a manner that detracts from the primary design  Duplication of the same, slightly altered or mirrored design on adjoining sites – no ‘cookie cutter’
FUNCTIONAL SPACE ARRANGEMENT	Arrange interior and site spaces in traditional ways. Public use areas toward the front and exposed sides of the building; service and private spaces at the interior, sides and rear	Locating service or utilitarian spaces at the building front

III DESIGN COMPOSITION *continued*

COMPOSITION CHARACTERISTICS	<i>There are multiple characteristics that must work together to create a successful design composition</i>	
ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Symmetry	Symmetry is the balance of elements and materials on the façade and of the volumes of the building. Historic buildings extensively utilized symmetrical arrangements in their composition. Some styles are asymmetric in organization but yet ‘balanced’ such as a bay on the left side balancing a porch or tower on the right side. 	Composition without symmetry or balance 
Building Scale	Building Scale is the relative or apparent size of the building and its elements in relation to people. 	Building elements out of scale with each other or in relation to people 

III DESIGN COMPOSITION *continued*

COMPOSITION CHARACTERISTICS	There are multiple characteristics that must work together to create a successful design composition	
ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Proportion	Proportion is the relationship of height to width dimension of windows, doors and other building elements, their sizing to each other and to the facade of the building. Utilize the proportional relationships found in the traditional styles. 	Buildings and elements on buildings with disproportionate or exaggerated dimensions Residential windows having width to height dimensions other than the historic range, generally 1:1-2½ Commercial Windows: storefront glazing not having traditional proportions or glazing division 
Rhythm	Rhythm is the spacing and repetition of elements on a façade of the building. It is also the spacing and mixture of repetitive fronts of buildings along a street. It can be thought of the ‘music’ made by the building. For Example: Windows placed proportionally along all four elevations and in context with the architecture 	Visible side and rear walls with large blank or void areas Abstract compositions are generally problematic 

III DESIGN COMPOSITION *continued*

COMPOSITION CHARACTERISTICS	There are multiple characteristics that must work together to create a successful design composition	
ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Pattern & Texture	Pattern refers to the effect of large areas of smaller dimensional elements; such as created by horizontal siding or shingles. Texture refers to the surface of the façade and its flatness and finish; such as a sanded plaster or rough stone. Most traditional materials provide sufficient texture and pattern. 	Excessive pattern changes and differences in pattern scale 

III DESIGN COMPOSITION *continued*

GROUPED ELEMENTS	Elements that are often grouped into assemblies to be consistent with the architectural style	
ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Porches	Residential front porches to define the main entry, provide shelter, and outdoor living space. Porches are typically close to the main floor level, with roof covering, skirting to grade, and accessed from the public way and yard, typically with stairs. May be projecting, recessed or a combination depending on style chosen. Porches to be designed and finished as part of the architecture, often with slightly more ornamentation than the main structure to highlight the entry. Side and rear porches to be secondary in nature, but to be consistent in design with the primary porch. Multifamily Porches: Upper level porches with roofs are allowed and may be common or private. Commercial Buildings: main level entry or service porches or covered areas and upper level porches are allowed if consistent with building style. 	Wrap around front porches where not stylistically appropriate  Upper level porches except at multifamily or commercial buildings where style allows Porches that are not consistent with the architectural style, without roofs (except secondary service accesses or those at grade), or those that are overly ornate for the chosen style 

III DESIGN COMPOSITION *continued*

GROUPED ELEMENTS	Elements that are often grouped into assemblies to be consistent with the architectural style	
ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Dormers	Dormers provide additional use and light for upper half story floor areas and further define and enrich the building architecture. Design and materials to match the chosen style. Dormers here were typically modest in size and number; Design dormers to fit the scale and proportions of the house 	 Dormers not consistent with the architecture and scale of the building Excessive number of dormers Canemah: Dormers are not allowed on Vernacular style houses
	Shed dormer roofs are typically lower sloped than the main roof and join that roof below its main ridge. Houses generally have no more than one front facing dormer.	

III DESIGN COMPOSITION *continued*

GROUPED ELEMENTS	Elements that are often grouped into assemblies to be consistent with the architectural style	
ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Exterior Stairways	Exterior stairways at the building front to give access only to the main level, and to be less than five feet in height. They are to be consistent with the building style. Upper level stairways to be within the building envelope, except as noted below. Multifamily Buildings: rear or secondary stairways may be on the exterior if designed and finished as part of the architecture. Lower Level Stairs: uncovered stairs may be used for basements and lower levels.	Exterior stairways exceeding five feet in height at the front of buildings Stairways not designed or finished consistent with the buildings style and architecture
Breezeways & Connectors	Breezeways and covered walkways provide sheltered links between buildings and accessory structures. They can provide access to or separation from different building uses, as a means for reducing large building massing and to promote use of accessory buildings. Mixed use commercial: breezeways may provide a means of connecting grouped smaller buildings.	Canemah, South of 3rd: Use of breezeways or covered walkways by HRB approval.



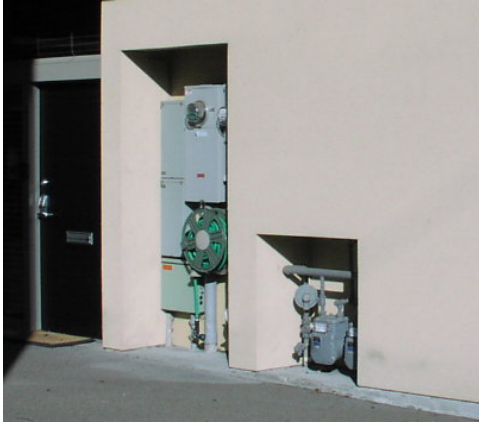
III DESIGN COMPOSITION *continued*

GROUPED ELEMENTS	<i>Elements that are often grouped into assemblies to be consistent with the architectural style</i>	
ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Storefronts	Storefronts to be located at the front of commercial buildings to facilitate patron use. Storefronts to utilize traditional composition containing lower wall area, primary large glazing area, smaller transom glazing area, with signage area above or below transom. Storefronts may have doors including full width sliding or folding panels. Weather and sun protection from awnings or canopies may be provided.	Storefronts longer than twenty feet without interruption by building columns and wall sections Storefront detailing, materials and finishes inconsistent with traditional buildings; examples include flush framing, butt glazing, bright colors, offset doors, frameless doors Storefront glazing not having traditional proportions or glazing division
		
ORNAMENTATION	Ornamentation in McLoughlin and more so in Canemah is to be limited. On residential buildings it should be primarily located on the porches, and primary building sides. Commercial structures used a limited amount of ornament at pedestrian areas and the parapet for interest. New buildings should not overstate the historic style reference.	Excessive ornamentation or that which is inconsistent with the building style Commercial buildings that introduce excessive stylistic elements that are inconsistent with the historic period Lighting used by itself as architectural ornament, including neon and fiber optic
		

III DESIGN COMPOSITION *continued*

ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
DETAILS	Utilize detailing in a consistent manner throughout the design and in such a way that it is historically appropriate. Traditional buildings developed detail by the use of available products and materials. Use of similar products can produce compatible designs with modern materials. For example, while certain wood molding shapes are not available, there are replacements offering a complementary design, dimension, and sense of craft. Detail can also be achieved through material textures. 	Commercial buildings that are void of detail, express modern products detailing, and finishes or are ‘brutalistic’ in nature Inconsistent use of details on the building 
MATERIALS	Utilize materials that are both appropriate for the particular application and for the historic style. A wide variety of currently available materials, and products are acceptable provided the resultant appearance is complementary with the buildings of the historic period. 	Materials that through their nature are not historically appropriate Materials that are not appropriate for the particular application or in that specific context 

III DESIGN COMPOSITION *continued*

ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
FINISHES & COLOR	Use color and finishes that are historically and contextually appropriate. The colors of the building should complement those of surrounding buildings. Color and texture can be applied or can be integral to the material, such as stone and brick. Consider those differences and the effects of aging for appropriate selection. Particular styles use different colors. Typically, there are no more than three building colors.	 Use of color and finishes to create an appearance unsympathetic to the historic district Use of bright colored building finishes, reflective, fritted glass, stainless or aluminum finish, or painting integrally colored materials such as brick Use of too many colors and textures
EQUIPMENT, TECHNOLOGY	Minimize the presence and visibility of building equipment and technology. Locate in lesser or out of view areas. Organize equipment and systems to consolidate and create ordered appearance. Conceal pipes and conduit inside the building. Recess meters, panels, other equipment, or screen from apparent view. Paint equipment to blend into the background of the building. Allow for future revisions and new technology. 	Equipment and technological systems that distract from the primary views of the building, are disorganized and cluttered, or installed distractingly Required utility, public safety, and regulatory equipment should follow the guidelines as possible; where difficulties arise review mitigation measures with City design staff and the HRB [Good installation at side of building illustrated to left]

IV PUBLIC IMPROVEMENTS, UTILITIES

Improvements in the public right of way

Utilities and related equipment

ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
STYLE	Construction to complement the nature of the historic district, but flexibility is necessary to allow a system wide approach, parts standardization and use of available materials. New utility work to be minimized in appearance. Support pedestrian use and scale. 	Visible 'high tech' installations Insertion of stylistic elements and systems that do not complement the district The Guideline appreciate that there is necessary public safety and engineering work that may be difficult to alter; Installations should follow the guidelines as possible, often simple measures can reduce an adverse impact; Review with City design staff and HRB
DESIGN	For visible features, use design that was typical or similar to that of the historic period; where unable, screen or cover the installation in an historically appropriate manner. Construction to not significantly alter the district's built pattern. Locate equipment away from primary views to maximum extent practicable. Utilize landscape or fabricated screening to minimize disruptive appearance. Minimize street signage as allowable by codes.	Construction out of scale with the district Street, sidewalk, stairs, walls that significantly alter the historic pattern and dimension of the district. Modern details and construction in visible locations unless screened or appearance mitigated. Excessive regrading or removal of vegetation that adversely affects the historic context of the district and surrounding area without mitigation
MATERIALS	Materials and Products For Visible Features: Use those that were typical of the historic period or those that offer a similar appearance. Use of stone, concrete, wood and metal in finishes and textures similar to that of the historic period is most appropriate. 	Obvious synthetic materials, non historic finishes or colors. Historic materials used in ways not found in the district Bright stainless, galvanized, aluminum, exposed aggregate concrete, other non historic finishes 

6. ELEMENT GUIDELINES

ELEMENT	PRINCIPLE	DESIGN	NOT ALLOWED
Antenna/Satellite Dish	Minimize visual impact by screening their view from the street	Do not mount directly to front or street side of house	Roof top cell towers, except as necessary for emergency and public safety facilities
Artwork	Public Art: not to conflict with historic context; may be interpretive; should be enduring and high quality; possible temporary pieces	Wide range of appropriate designs, and memorials Avoid themes and designs that will not be enduring Avoid excessive or large displays that compete with historic context	Inconsistent with colors and finishes for large installations Disruptive work for the historic context Excessive amount or numbers of installations
Awnings, Residential	Not used historically		Any type of awning at front
Awnings/Canopies, Commercial	Awnings with a cloth appearance like canvas; Shape: traditional rigid or collapsible form with valance or side panels	Awnings should be no steeper than 45 degrees from horizontal; solid color or traditionally striped; Provide separate awnings for each bay or opening rather than a continuous run; prevent obscuring architectural detail	Shiny, plastic, or coated awnings; Square or barrel extension awnings; Internally illuminated awnings
Benches, Commercial	The style, design, and materials should be site appropriate within the district Possible district or city system	Historic period appropriate design; high quality, correct scale and materials; located not to impede pedestrian traffic	Heavily scaled or contemporary design or materials
Bike Racks, Commercial	Maintain the pedestrian character of the Historic Districts; Provide secure installations out of pedestrian traffic flow, in parking or public plaza, near building entries	Design should be simple and not conflict with historic context High quality materials Securing rails or similar on buildings are possible alternative to racks	Graphic designs discouraged

ELEMENT	PRINCIPLE	DESIGN	NOT ALLOWED
Chimney, Fireplace	Traditional in appearance If utilitarian, diminish presence	Projecting fireplaces and chimneys should be constructed or faced with brick or plaster consistent with historic masonry; Projecting or cantilevered direct vent fireplace may be wood sided where less than one story in height Vent metal flues through the interior of the house and directly through the roof to minimize appearance - painted	Metal flues attached to the outside wall then continuing above the roof line Wood sided enclosures for chimney
Cornice, Commercial	Adds interest at the roofline and defines the top of the building Simple cornice & entablature most appropriate	Horizontal, broad fascia with running moldings, or detail to add relief and shadow lines; Evenly spaced brackets are also appropriate Range of appropriate dimensions Wood, metal or Plaster	
Doors, Commercial	Primary: Signifies building or store entry; style and size appropriate; possible feature Secondary: Typically utilitarian and service oriented Historically appropriate hardware	Primary: stile and rail with panel and glass; single or paired Materials: wood (clad, painted or stained), steel or finished aluminum Secondary: May be flush or sliding types Secondary: may be solid; groups of sliding for retail	Bare aluminum, flush design, frameless glass doors
Doors, Commercial, garage	Typically utilitarian and service oriented and located at minor view areas Finished to match swinging doors	Design should reflect the overall character of the building. Panel, plank, cross-buck, bar grille styles; Materials: wood, painted metal; Overhead, swinging, or sliding are allowed.	Garage doors on front or forward side elevations Bare aluminum, flush design
Doors, Institutional, garage	Similar to Commercial; Where required (Fire station, etc.) may face primary street as needed	Similar to Commercial;	Similar to Commercial as noted;

ELEMENT	PRINCIPLE	DESIGN	NOT ALLOWED
Doors, Residential	Primary: Complement the design and detailing of the historic style with similar appearance to wood Secondary: Typically utilitarian	Primary: stile and rail type; panel design; with upper portion glass; May be solid panel door Materials: painted or stained wood, fiberglass clad, or metal clad Secondary: May be solid panel or French door style Prefinished doors to be in color and finish suitable for the style	Sliding doors, large wide openings that are not divided into smaller traditional openings Design: Flush doors, 6 or 8 panel design Colors and finishes that are not suitable for the style Not allowed finishes: bare aluminum/stainless or anodized metal
Doors, Residential garage	Maintain historic scale and materials of traditional accessory structures	Design should reflect the overall character of the building; Panel, plank, cross-buck; Panel, plank, cross-buck styles; Overhead, swinging, or sliding Materials: wood, painted metal Limit of twelve feet (12') in width and eight feet (8') in height	Oversized doors are conditional to HRC approval Flush doors are not allowed
Driveways	Locate to the side or rear of the primary building; Maintain historic scale in dimension	Driveway or Dual wheel tracks (runways) Materials: concrete, patterned concrete, brick, rectangular shaped pavers, asphalt; or combination of two; Gravel beyond paved apron at residential	Oversize driveways, or located in front of the main façade of the house Emergency services may require exception
Equipment, Electronic & Security	As possible locate equipment and installations in discreet locations or away from primary view; Security devices, cameras and ATM equipment have special needs generally requiring visible locations	Consider alternative design solutions that enhance the overall project, provide natural security; Mitigation measures include quality design, concealed conduit and wiring or wireless, sympathetic equipment finishes	Installations that overly detract from the project through design or quality of installation
False front, Commercial	A parapet formed by extending the front wall in height, often to conceal the gable end of a steep roof, or to give the effect of a taller building	Stepped or flat front; front as a false front, with side returns, or on each side; not required on the visible sides or rear	
Fences, Front and Corner Side Yards	Low, open fencing and gates at the front yard to front face of house [Please refer to HRB Policy #6 – Fences]	Simple, painted vertical iron, wooden pickets or slates	Chain-link, vinyl, split rail, ornate wrought iron, stockade, plywood or hard panel; Fences over forty two (42) inches in height

ELEMENT	PRINCIPLE	DESIGN	NOT ALLOWED
Fences, Interior Side Yards, Rear Yards and Alleyways	Taller fences suitable as privacy screening beyond the front face of the house [Please refer to HRB Policy #6 – Fences]	Staggered vertical or horizontal boards; woven wire supported on wood or steel	Chain-link, vinyl, split rail, stockade, plywood or hard panel; Fences over six (6) feet in height
Finishes, Commercial	Finishes and colors should complement the adjacent buildings and be consistent with the historic style and period Accent colors used for ornamentation should harmonize with the overall building color	Utilize historic colors and finishes; metal finishes include brass, bronze, medium-dark anodized aluminum, natural lead or copper; Stained wood only for limited use or elements; Refer to approved list 2-4 colors total; Building field color: 1-2 colors; Building Trim color: 1-3 colors	Use of fluorescent, bright, neon or garish colors. Use of heavily reflective surfaces. Unfinished ferrous and galvanized steel metals; stainless steel, chrome, silver aluminum colors Unfinished wood
Finishes, Residential	Paint is the typical finish and should be selected to be historically and contextually appropriate. Many publications are available which illustrate appropriate paint colors Historic colors in the districts are typically white or muted earth tone colors that blend with the surroundings	Utilize historic colors and finishes; metal finishes include brass, bronze, medium-dark anodized aluminum, natural lead or copper; Stained wood only for limited use or elements 2-4 colors total; Building field color: 1-2 colors; Building Trim color: 1-3 colors	Use of fluorescent, bright, neon or nonhistoric colors; Use of heavily reflective surfaces Unfinished metals; stainless steel, chrome, silver aluminum colors Unfinished wood
Foundations	Typical residential foundations are poured concrete or post and beam construction on brick or stone piers	Foundations of poured concrete either natural finish, parged or painted. Possible brick faced concrete Cover sections of exposed foundations; Concrete or masonry: exceeding 3½ feet, Piling or posts: 1½ feet; above grade; At slopes measure perpendicular to slope Keep visibly noticeable areas of waterproofing under 12” above grade	Veneer facing of foundations with stone or synthetic materials Tall or expansive areas of exposed foundations Exposed waterproofing on the foundation
Gazebo, Pergola, Arbor	Large scale exterior structures to be located at side or rear yards; Complement to primary structure style and detail	Painted, wood, metal	Vinyl structures

ELEMENT	PRINCIPLE	DESIGN	NOT ALLOWED
Gutters & Downspouts	Exposed gutters and downspouts are typical on residential buildings; less typical at commercial buildings; Commercial buildings: locate downspouts away impact areas; use interior drainage	Rectangular, ogee, or K-shaped gutters are preferable; Rectangular or round downspouts are typical; Paint to match the trim or house body color, whichever is appropriate Materials: painted wood, metal	Vinyl, unpainted plastic pipe or metal
Lighting, Commercial	Walkway illumination for access and security Highlight or wall wash building or portions to create interest Minimize fixture visibility, or historically appropriate decorative; Consider glare	Choose and locate fixtures to be unobtrusive, or to be decorative; color match to building Utilize medium to warm colored lamping Signs should be externally lit.	Industrial, high tech, contemporary, out of scale fixtures Excessively bright, or numerous fixtures Blinking, flashing, moving lighting Lighting used as substitute for architectural ornament or detail
Lighting, Residential	Walkway or outdoor living space lighting Integrate into the design, building or appropriate fixture design	Simple designs that are compatible with the style of the structure; Mount fixtures to the porch ceiling and adjacent to entries; smaller floodlighting from walls; Utilize warm colored lamping	Industrial, high tech, contemporary, out of scale fixtures Excessively bright, or numerous fixtures Blinking, flashing, moving lighting
Lighting, Site	Onsite design style to complement building; Designs for personal use in landscape, parking area lighting Utilize building for lighting where possible; Integrate with other site features and furnishings	Recessed or surface mounted small fixtures in site walls or structures; Posts: painted wood, metal, fiber glass, unpainted concrete Minimize view of security type fixtures Maintain lower light level and casual nature in Canemah	If used, post-mounted lights should not exceed 8 feet in height for residential yards and patios, or 12-14 feet for commercial areas including parking; Use quality materials and non-yellowing lens
Lighting, Street	Lighting on the street and within the public way	Continue the City's existing ornamental pole and bracket design with teardrop style lamps as authorized by the City; variations may be suitable for interior circulation within developments	Variation on the existing style is possible to define neighborhoods or areas; avoid excessive style expressions; Use quality materials and non-yellowing lens

ELEMENT	PRINCIPLE	DESIGN	NOT ALLOWED
Masonry	Traditional type of masonry that is used in traditional manner	Brick: red or buff, standard size units and joints, traditional finish; possible quoining or rustication Stone: dimensioned or rough basalt, or local stone for sitework only Concrete Block: allowed if plaster coated Terra Cotta: glazed or unglazed, for trim or detail only	Non-traditional size, color or type of materials; glazed brick or block; uncoated concrete block, glass block, cultured stone Joint: non traditional size or tooling or color Non traditional patterning
Mechanical Equip.	Locate in the most inconspicuous area, usually behind the building; Locate portable window air-conditioning units on rear or inconspicuous side elevations	Minimize visual impact by screening their view from the street	Mechanical equipment in locations that compromise roof slopes visible from the street; Visible vending machines
Parapet, Commercial	Use on Streetcar Commercial and Institutional buildings at front, and sides usually above a cornice; can conceal a low roof and equipment	Stepped or flat front; front may be taller than sides, especially if interior	Commercial style buildings only: Lack of a parapet at front or visible sides
Paving	Paved areas provide a network for pedestrians and vehicles Paving material should be compatible with the function and historic use patterns Paved areas might include sidewalks, walkways, driveways, patios, courtyards, parking areas and shared use areas	Appropriate paving materials include: poured concrete, concrete stepping stones, unit pavers, stone, and asphalt; gravel in limited applications such as residential landscapes Concrete Finish: broomed, or fine finish; score into squares or rectangles 36" or less Unit pavers should be or rectangular or square shape and of grey, tan or red brick color Differentiate vehicle paving from pedestrian	Contemporary style, colored, textured paving Concrete finish, scoring and coloring not consistent with the historic period; avoid smooth troweled borders, large unscored panels, sawcut joints, exposed aggregate and heavily textured finish
Planters, commercial	Planters are encouraged to enhance the visual aspects of a buildings façade or streetscape Materials, scale, finish and color should complement the building's exterior Plantings to be complementary to the historic district	Free standing walkway planters of cast: stone, iron, concrete, composite materials, or clay; Historic period appropriate Pole supported pots in scale Building wall supported planter boxes Perennials, annuals, evergreens	Planters that obscure architectural details or impede pedestrian traffic Planters or plantings not in scale
Porch, Decking	Where visible from public way: Appearance of traditional painted wood decking	Painted 1x4 abutted boards or similar	Where visible from public way: synthetic materials, spaced boards

ELEMENT	PRINCIPLE	DESIGN	NOT ALLOWED
Porch, Enclosure	Open or enclosed with low walls or balustrade Space under porch enclosed with continuation of siding or lattice Primary porches have more detail; secondary porches similar or less details and smaller porch – lesser feature	Enclosed with low wall: Use of same material and finish as siding, integrated posts; extend to grade level; water drains cut into enclosure at deck level; Cap at top of wall Balustrade: Square or simple balusters with molded top and bottom rails; finished and painted wood Possible painted lattice enclosure below decking; equal spaces lath to opening	Vinyl siding, lattice, handrails, or balusters Use of metal handrails or balusters; wrought iron Unfinished, unpainted, rough shaped members
Porch, Posts	Square or beveled; may be slightly more detailed at Queen Anne style	Simple trim at base and top, consistent with architectural style	Metal or synthetic materials unless similar in design, dimension, and finish to wood
Roof Decks, Commercial	Design occupied area to be set back from view from public way		On Residential buildings Color: white, metallic
Roof, Railing	Not historic in the districts; Where necessary: appropriate design and materials and set back so not visible from public way	Design to integrate with parapet finish, style and design	Glass, plastic, cable or open pipe systems
Roofing, Commercial	Low sloped: Roof is hidden from street view by parapet Sloped and visible: similar to residential, but possible roll type materials	Roofing material: any where not visible, built-up, roll types, single ply; Color: tan, grey, neutral; any if hidden under pavers Sloped and visible: granule covered membrane, shingle types noted under residential	Low sloped color: white, metallic Sloped and visible: shakes, clay tile, standing seam metal, metal panel, corrugated, single ply or liquid applied types
Roofing, Residential	Traditional materials: wood shingles, composition, and metal shingles Secondary and low sloped: roll type materials with or without granules, soldered metal	3-tab composition, standard or “architectural style” is preferable; Rolled composition roofing is allowed on secondary roofs with slopes less than 4/12; Darker colors are encouraged; Metal roofing acceptable at small areas such as bays; copper, painted steel	Sloped and visible: shakes, clay tile, standing seam metal, metal panel (except at bays), corrugated, single ply or liquid applied types Color: white
Shutters	Not used on the historic styles		Shutters not allowed

ELEMENT	PRINCIPLE	DESIGN	NOT ALLOWED
Siding	Compatible with historic siding and enclosure materials in size, profile, orientation, texture, and color Commercial Buildings in McLoughlin: Cement plaster is acceptable	Wood siding or materials which have the appearance of horizontal wood siding in an allowable design; sawn wood shingles (painted) in secondary areas and for ornamental detail; Sample approval is required for non-wood horizontal board siding Cement Plaster (stucco): sand or fine finish; natural color, integral or painted; including parging on concrete; use fine joint lines; possible detailing, quoining or rustication	Aluminum, vinyl, scored plywood or sheet siding Alternative board siding not matching the approved profiles or texture Heavy textured or patterned plaster Canemah: cement plaster or similar
Signs, Building Name	A sign to name the building; Complement and integrate with the overall design and its materials	Sized sufficiently to be read from sidewalk, but in scale to the building; Mount directly on parapet, or other wall area; 1 sign per street face allowed; Utilize quality and lasting materials	Signs and materials out of scale and not designed to coordinate with the building
Signs, Date Built	Residential Historic: Encouraged, in keeping with historic precedent Commercial Infill: required	Residential Historic: per district and City guidelines Commercial Infill: Small (up to 1 square foot) permanent plaque or engraving indicating date constructed visibly located near building base	
Signs, Commercial Tenants	Historically appropriate tenant signs, especially for retail and services. Wide range of appropriate types of signs and materials and locations Building directories are necessary for upper level tenants rather than individual signs Signs on the interior of the building are not regulated for size or materials	Oriented signs to pedestrians and to slow moving vehicle traffic; Sign materials should complement the building materials; Panel and hanging signs should incorporate applied edge molding to provide depth and a finished look; Wall or projecting signs may be illuminated by concealed sources or by compatible exposed fixtures Size: 1 square foot per lineal foot of storefront is total allowance	Internally illuminated cabinet signs, blinking, moving or flashing lights; plastic lettering or face material Neon signs only in traditional style and by HRB approval Design and graphics not produced in a professional manner Materials that are not quality or lasting
Skylights	Install on inconspicuous roof slopes, mount skylight close to roof plane	Rectangular in shape with rectangular flat clear (exterior sheet) glass	Skylights on street-side roofs. No dome or bubble shaped skylights; plastic, acrylic glazing
Spas	Locate inconspicuously		In front yard

ELEMENT	PRINCIPLE	DESIGN	NOT ALLOWED
Storm Windows	Storm windows are not typical for new construction Interior storm windows are encouraged for salvaged historic windows if they match the window design	If salvaged wood windows are used; match the design of the storm window with design of the salvaged window; Appropriate materials are painted wood, baked enamel or anodized aluminum; Paint to match or complement existing window trim [Please refer to HRB Policy #2 – Storm Windows and Doors]	Mill finish aluminum
Swimming Pools	Locate in backyard		In front yards
Tile, commercial	Wall tile used for detail or weather protection Entry way tile at commercial buildings	Tile of 6 inch size or less used as accents and detail on commercial building walls Tile at lower storefront walls for aesthetics and weather protection Mosaics or tile of 6 inch size or less for entry way flooring	Excessive use or color and graphic composition that detracts from the building design
Trash Receptacles	Commercial: Locate inconspicuously; screen from view Public: historically, stylistically appropriate; quality materials	Hide from apparent view by landscaping, screening or fencing; keep inside until collection date	
Trim, Doors, Windows	Trim at openings allows opportunity for design detail and some ornamentation while providing weather protection of enclosure	Commercial or residential buildings with wood siding: Typically flat painted boards consistent with architectural style, 4” nominal width or greater, often 6”, with hood molding; Simple designs with appropriate decoration; Main entry doors are often embellished with decorative moldings Plaster and Masonry Finishes: trim is less detailed; painted wood, masonry	Excessive or out of scale ornamentation
Trim, Eave, Gable	Trim at wall to roof: Use simple detailing	Eaves are typically open with minimal projection beyond the wall plane and simple fascia; Gable trim consists of a simple bargeboard with molding at roofline and a wide molded rake board	Excessive or out of scale ornamentation

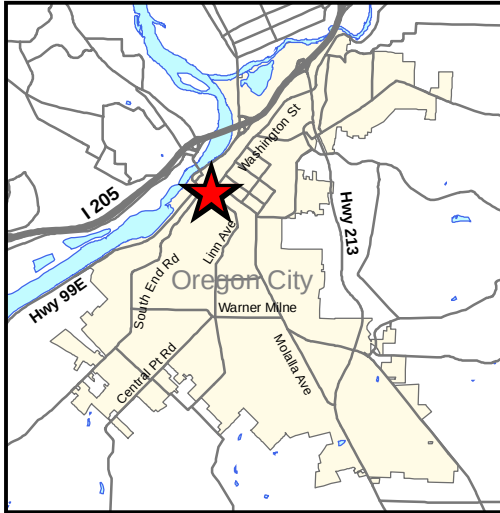
ELEMENT	PRINCIPLE	DESIGN	NOT ALLOWED
Trim, Wall	Trim at wall edges: Ends, corners and intersections of wall siding to have wood trim, consistent with architectural style, 4" nominal width or greater, often 6", Use simple detailing	Corner boards are often used on wood sided buildings; A band board is used as a transition between the wall and gable; A water table and apron protects the foundation and adds interest; These elements are usually painted the trim color	Excessive or out of scale ornamentation Lack or minimal sized wall trim
Vents, Roof	Utilize traditional attic venting such as gable wall louver vents Locate roof vents as inconspicuously as possible	Employ painted wood louver gable wall vents Roof Vents: locate on less visible roofs; Choose vent colors that blend with roofing material or paint out; Use ridge vent instead of multiple individual vents	Vents or ventilation assemblies that detract from the primary façade or roof exposure
Vents, Foundation	Minimize their presence from the street.	Paint to match foundation color or use landscaping to hide	
Vents, Wall, Other	Mechanical exhaust vents for odors and fumes: Minimize their presence from the street or sidewalk	Locate on side or rear elevations; Paint to match wall color or use screening or landscaping to hide	
Wall Finish, Commercial	Traditional materials include cement plaster (stucco), coated and painted concrete	Cement plaster in a sand or fine texture; integrally finished or painted or materials having a similar appearance; smooth surfaced or fine textured, painted concrete	Metal siding, sandwich panel systems, spandrel glass systems
Walls, Site	Low landscape walls for increased site utility Minimize retaining walls and their heights Use natural materials, finished concrete	Minimize the height and presence of walls; Use of rock, brick, concrete with finishing; mortared or stacked true masonry or stone that was traditionally quarried in the area	Gabion, rip-rap, stacked recycled concrete if unfaced Wood, railroad tie retaining walls in commercial or public setting Use of materials, stone, not regionally available during the historic period
Window, Commercial Storefront	Retail display: Framed large glazing with shadowline and detail to composition	Frames set on low bulkhead wall within building wall or wide columns; typically includes transom beam with smaller upper windows in the opening; and large lower display glazing with minimum of 1½ inch wide glass stops; painted or appropriate finish; Metal or wood	Glazing system starting at ground; curtain wall type, spandrel glazing, metal panels; butt or flush glazed systems Vinyl storefront glazing or door systems

ELEMENT	PRINCIPLE	DESIGN	NOT ALLOWED
Window, Commercial	Single or grouped main level and upper level windows: similar in design and materials to residential styled; possible slightly larger member scale	Wood, or clad wood designed to provide an appearance of traditional wood windows Non wood acceptable if in appropriate style, and matching wood in profile, shadowline, and if in suitable color and finish; Actual sample is required to be approved	Narrow profile metal, or frameless windows; butt or flush glazed systems
Window, Glazing	Clear glass, typical Small areas of decorative glass Privacy Glass: locate away from primary facades	Clear glazing for typical use; insulated or not Decorative glass for small or ornamental areas	Glazing: tinted, reflective, fritted, plastic
Window, Residential	Match the member sizing, thickness and shadowline of painted wood windows	Double, single hung Casement, Fixed if style allows Wood clad acceptable if matching and if in suitable color and finish Non wood acceptable if in appropriate style, and matching wood in profile, shadowline, and if in suitable color and finish; Actual sample is required to be approved Divided lights: with exterior muntins only and if style allows	Sliding, and non rectangular windows Awning, hopper upon HRC review Prefinished windows of unsuitable colors; Unfinished or stained finish Grids between glass Tinted or reflective glass, glass block

Appendix

McLoughlin Historic Conservation District

Item 8c.

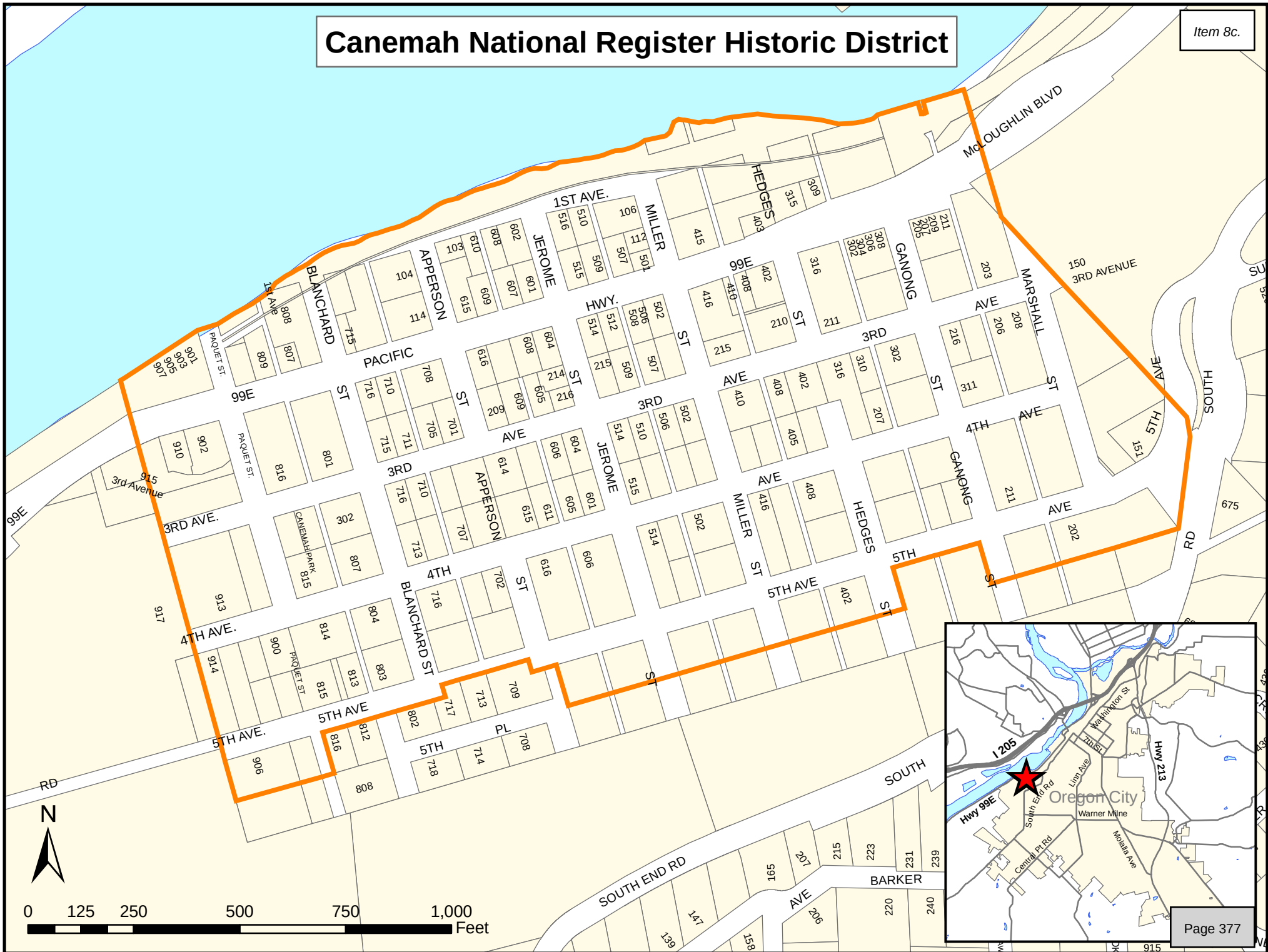


0 250 500 1,000 1,500 2,000 Feet

N

Canemah National Register Historic District

Item 8c.



New Building Design in Oregon City's Historic Districts

A. The Project and Location

1. What do you want to build?
2. Where is the site? (circle one)
 - McLoughlin Conservation District
 - Canemah National Register Historic District
 - Outside either district, but in the vicinity of a historic property.
3. The immediate context:
 - What buildings are already next to the site? Style? Use?
 - What buildings are across the street? Style? Use?
4. Are there existing historic buildings in the vicinity of your site?

B. Style

What styles are appropriate? (See: *Acceptable styles in Historic District Design Guidelines*). Pick an appropriate style for the use See below for list.

C. Site Considerations/Principles

1. What does current zoning allow?
2. Are there any specific requirements beyond the basic zoning regulations?
3. What is the setback requirement?
4. What lot coverage is allowed?
5. Where is the pedestrian access?
6. Where is the vehicle access?
7. If your project is a multifamily-use, Can common space be shared (courtyard)?

Assessment Question:

Is the building respectful of its neighbors?

Is the shape/bulk of the building consistent with its style?

D. Site Plan Development

1. What is size of lot?
2. Where is the lot located on the block?
3. Is the site flat or on a slope?
4. Are there any existing, significant trees that should be saved?
5. Where on the lot is the building to be placed?
6. Where on the lot are additional structures to be placed (garage, shed)?
7. Where on the lot is the yard/private area?

E. Design Composition – What Will the Building Look Like?

1. Shape.
2. Any wings, extensions?
3. Roof shapes; secondary roofs.
4. Porches.
5. Window placement.
6. Dormers.
7. Bay windows.

Assessment Question:

Do these details add to or detract from the historic district?

Styles Appropriate For New Construction In:

McLoughlin Historic Conservation District

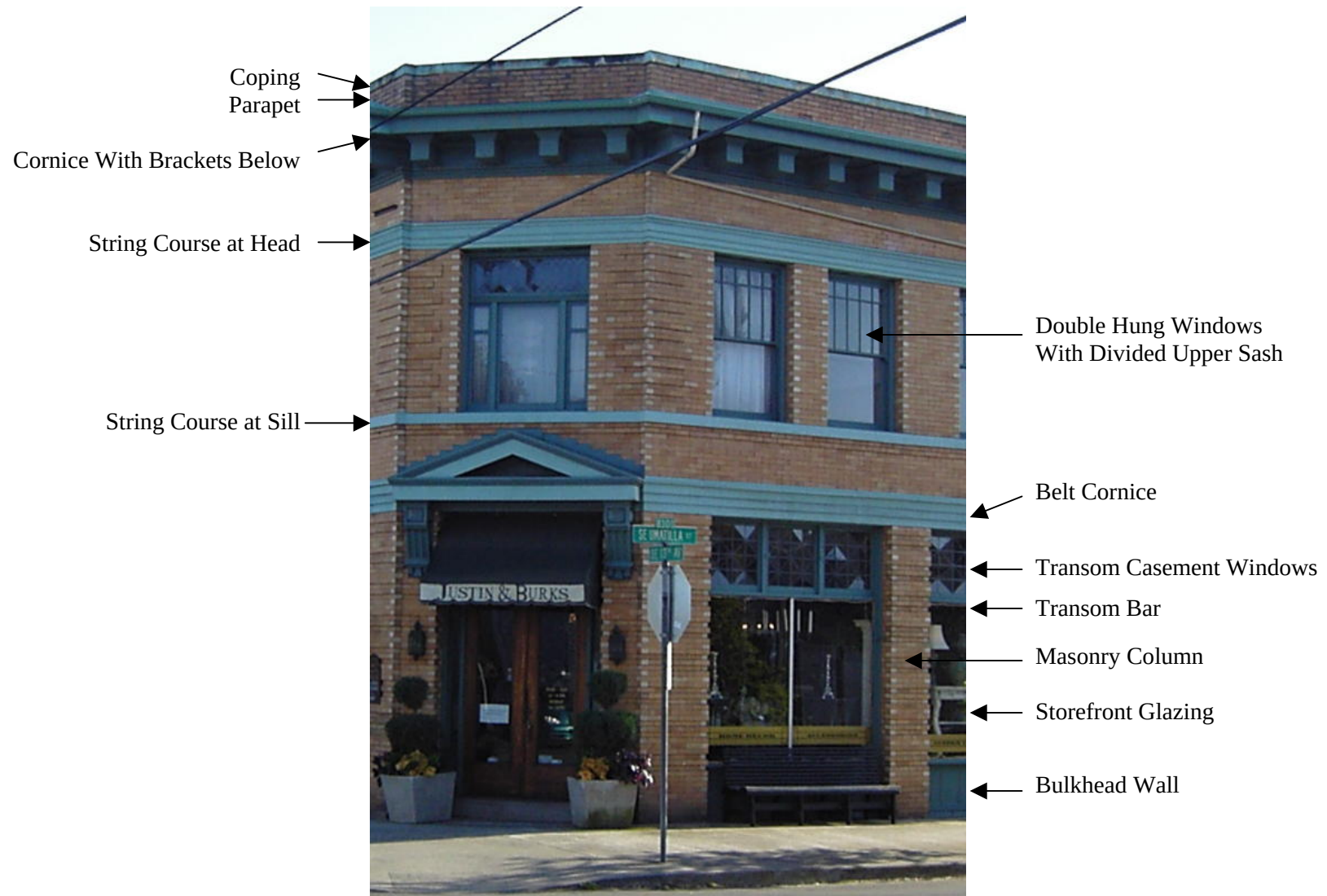
Residential: Vernacular, Bungalow, Queen Anne, Queen Anne Vernacular
 Commercial On 7th Street Corridor: 20th Century Streetcar Commercial or
 Multifamily, Western False Front
 Commercial Elsewhere: Above Residential Styles and Four Square

Canemah National Register Historic District

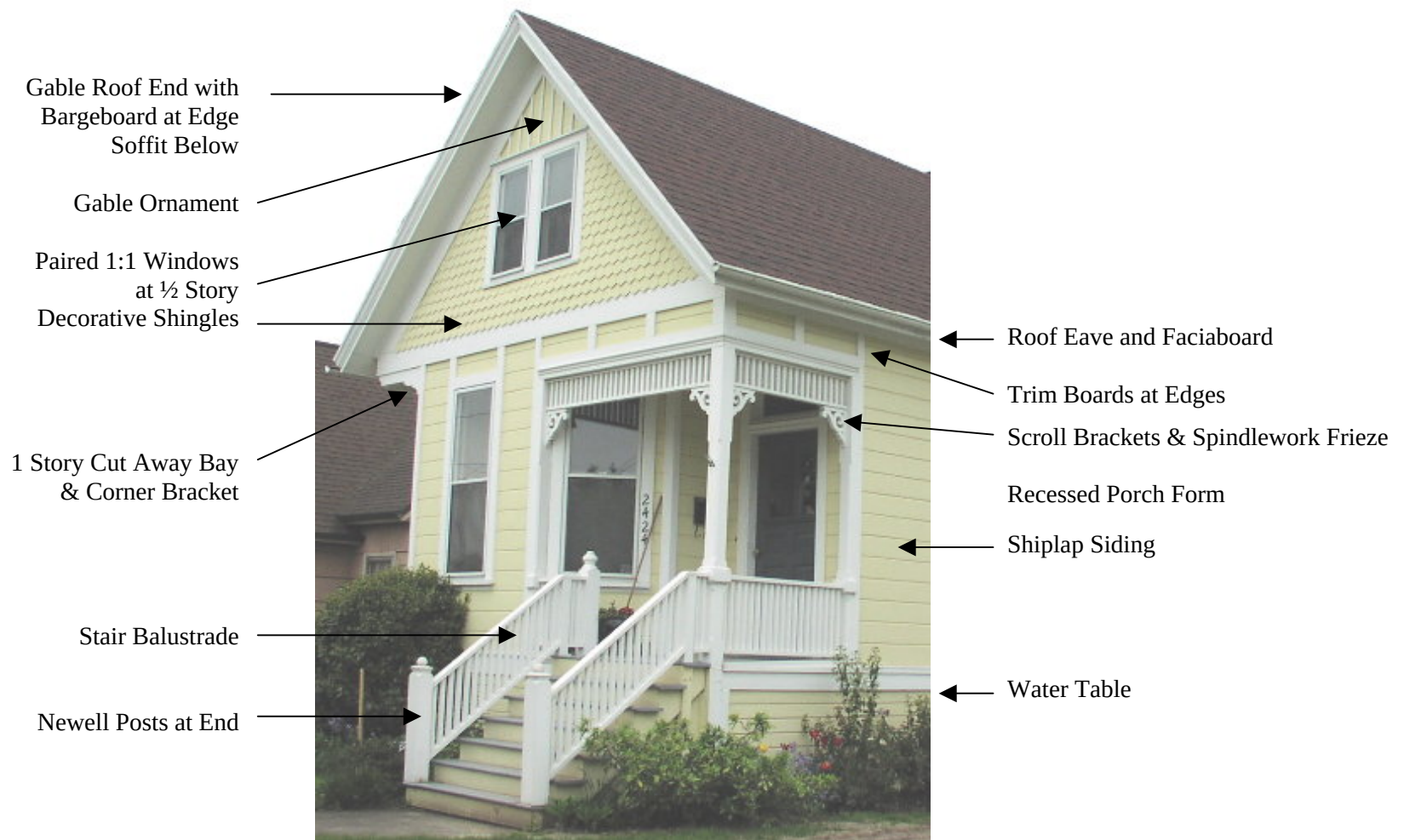
Residential: Vernacular, Bungalow
 Commercial/Mixed Use: Similar to above with larger allowable sizes

ILLUSTRATED GLOSSARY

Item 8c.



2 Story Streetcar Commercial



1½ Story Queen Anne Vernacular



2½ Story Four Square

WOOD SIDING PROFILES

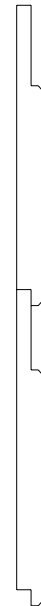
Item 8c.



Bevel Siding
Nominal Sizes: 1x4, 1x6, 1x8



Shiplap Siding #WP-11
Nominal Sizes: 1x6, 1x8



Channel Siding #WP131 or #105
Nominal Sizes: 1x6, 1x8



Canemah Cottages Conditions of Approval Status (File No. MD 17-01 through MD 17-06)		
Number	Condition	Status
Overall		
1	The property shall obtain all necessary permits including but not limited to Site Plan and Design Review, and Geologic Hazards Review by the Planning Division, a right-of-way permit from the Development Services Division, and all necessary permits from the Building Division.	Met
2	House number #2 on the submitted site plan shall be removed from the site, and the proposed cottage home development shall consist of five (5) cottages total.	Met
3	In addition to street trees, the applicant shall assure one tree is planted (or retained) within 10 feet of the right-of-way or within the right-of-way for every 35 feet of lineal frontage on Miller Street and 4th Avenue and one shrub is planted (or retained) for every 4 feet of frontage in the same location.	Not yet installed
4	The applicant shall assure three trees are planted (or retained) and 20 shrubs are planted (or retained) within 20 feet of the Casady House property line and the locations which border the subject site.	Not yet installed
5	The applicant shall minimize the retaining wall height to 3 ½ feet at maximum height, and use rock, brick, or concrete with finishing; or mortared or stacked true masonry or stone that was traditionally quarried in the area.	5-foot wall behind House #1. Part of current HRB review. This condition could be replaced by a new HRB decision.
6	All windows and door shall be made of wood.	Met. Windows are aluminum clad wood.
7	All double doors shall be French style doors.	Met. No doors are sliding doors.
8	Second story windows shall be rectangular on shape and not exceed the door height plus a one foot transom.	Met
9	No roof cutouts shall be permitted on any of the proposed cottages.	Met
10	No retaining walls shall exceed 3 ½ feet within the front of any home.	Met
11	All tiered retaining walls shall have a spacing of two feet between tiers.	Met
12	No vertical siding shall face the public streets.	Met
House #1		
a	The house shall be repositioned on the site so the proposed home meets the setback standards of the underlying zoning district.	Met
b	Retaining and structural walls shall be minimized; to be faced or finished in stone, mortared basalt, or concrete, and not exceed 3 ½ feet, to complement the Canemah Neighborhood.	5-foot wall behind House #1. Part of current HRB review. This condition could be replaced by a new HRB decision.
c	Concrete foundations shall have a natural, parged or painted finish.	Not yet installed
d	Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.	Screening will be needed at front corner of House #1. Not yet installed.
e	A minimum of 5 shrubs and groundcover shall be installed along the façade of the front porch.	Not yet installed
f	Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.	Met
g	Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.	Met
House #2		
a	Primary residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted.	Met
b	Gable roof slopes shall have equal pitch. Gable primary roofs shall have a pitch of 8:12 or greater (6:12 for Bungalow). Porch or bay roofs may have lower slope, may have hip if style allows. Roofs shall have a minimum 1 foot overhang with a maximum of 3 feet.	Met

c	Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.	Part of current HRB review. This condition could be replaced by a new HRB decision.
d	Concrete foundations shall have a natural, parged or painted finish.	Not yet installed
e	Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.	Met
f	Roofing shall use traditional materials such as wood shingles, composition, and metal	Met
g	Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.	Skylight on north façade part of current HRB review.
House #3		
a	The main entrance of the house shall not be oriented towards the adjacent parking lot.	Met
b	Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.	Part of current HRB review. This condition would be over-ruled by a new HRB condition.
c	Residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted on any portion of the house.	Met
d	Concrete foundations shall have a natural, parged or painted finish.	Not yet installed
e	Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.	Met
f	Roofing shall use traditional materials such as wood shingles, composition, and metal	Met
g	Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.	Met
House #4		
a	The main entrance of the house shall not be oriented towards the adjacent parking lot.	Met
b	Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.	Part of current HRB review. This condition would be over-ruled by a new HRB condition.
c	Residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted on any portion of the house.	Met
d	Gable roof slopes shall have equal pitch. Gable primary roofs shall have a pitch of 8:12 or greater (6:12 for Bungalow). Porch or bay roofs may have lower slope, may have hip if style allows. Roofs shall have a minimum 1 foot overhang with a maximum of 3 feet.	Met
e	Concrete foundations shall have a natural, parged or painted finish.	Not yet installed
f	Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.	Met
g	The applicant shall revise the home with a porch railing on the second story of the home.	Not yet installed
h	The porch shall consist of simple trim at base and top, consistent with architectural style.	Not yet installed
i	Roofing shall use traditional materials such as wood shingles, composition, and metal	Met
j	Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.	Part of current HRB review. This condition would be over-ruled by a new HRB condition.
House #5		
a	Residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted on any portion of the house.	Met

b	Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.	Part of current HRB review. This condition would be over-ruled by a new HRB condition.
c	Gable roof slopes shall have equal pitch. Gable primary roofs shall have a pitch of 8:12 or greater (6:12 for Bungalow). Porch or bay roofs may have lower slope, may have hip if style allows. Roofs shall have a minimum 1 foot overhang with a maximum of 3 feet.	Met
d	Concrete foundations shall have a natural, parged or painted finish.	Not yet installed
e	Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.	Met
f	Roofing shall use traditional materials such as wood shingles, composition, and metal	Met
g	Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.	Part of current HRB review. This condition would be over-ruled by a new HRB condition.



Memorandum

To: HRB

From: Kelly Reid, Planner, AICP

Date: March 16, 2021

Re: Canemah Cottages application – additional information

The purpose of this memorandum is to explain what additional information has been provided for the second public hearing for Canemah Cottages.

Last hearing, the Board granted a continuance and asked the applicant to submit a complete inventory of all the discrepancies in the development proposal between the plans that the HRB approved with conditions in 2017 and the current state of the partially constructed site. The Board also asked for direction from staff on how their decision would interact with the previous HRB decisions made for this project.

The new materials included in your agenda packet include:

- 1. Applicant's Inventory of Changes between approved plans and constructed homes.**

The applicant has provided side-by-side plan drawings with site photos to demonstrate how each building façade differs from the version that was approved by HRB in 2017. As requested, the inventory also includes sitework changes to parking and walkways. Staff recommends reviewing this document together with the next item (#2). A window cut sheet has also been provided.

- 2. Staff's Table of Changes with relevant design guidelines and staff recommendations**

Staff placed the list of all changes into a table that also identifies the reason the change was made (if known), the relevant design guideline, and a staff recommendation for each item on the list. The intended use of this document is for the HRB members to walk through the changes line by line, while also looking at the photo comparisons provided by the applicant. There is a space at the end of each row in the table for HRB members to add their own personal notes to aid in the deliberations at the public hearing.

- 3. Memorandum from City Attorney Carrie Richter**

This memorandum responds to the public comments made about how the design guidelines work and whether they are treated as black and white standards or as general guidelines.

- 4. Conditions of Approval Status Matrix**

To provide further clarity to the Board, staff has provided the entire list of conditions of approval from the 2017 review (MD-17-01 through MD 17-06) and the status of each.

If HRB members have any questions regarding the additional information, staff welcomes questions before and/or during the hearing. No new public comments have been received since the last hearing; all comments received previously are included in the agenda materials.



MEMORANDUM

TO: Oregon City Historic Review Board

FROM: Carrie A. Richter, Deputy City Attorney

DATE: May 11, 2021

RE: GLUA-21-00001/ HR 21-0001 through 21-00005: Historic Review for Canemah Cottages in the Canemah National Register Historic District

At the last HRB meeting, there was some discussion about the scope of the HRB's review in the above-reference case. First, the question was asked about the extent to which the HRB is reviewing this proposal anew. The applicant has requested that the HRB consider only those changes that differ from the 2017 Canemah Cottages approval. This 2017 approval consists of the application coupled with the conditions modifying that proposal. Where the new construction does not comply with the application, as modified by the conditions, the HRB must consider whether what has been built (or is proposed) complies with the applicable Design Guidelines or other standards. If the HRB decides that that the changed element complies with the Design Guidelines, memorializing that decision may require revising the condition of approval or may allow interpreting the requirement of the condition of approval differently as justified through written findings.

With respect to some of the building components, what has been built does not comply with the condition of approval so that element must be considered against the controlling standards anew. For example, the condition requiring retaining walls not exceed 3½ feet cannot be satisfied for House #1 where the retaining wall at the rear of the parking space exceeds 5 feet. In a different example, the condition requiring that skylights be installed on "inconspicuous roof slopes" may be satisfied without changing the condition but rather a finding that as built, the skylights satisfy the condition. If the HRB finds that the skylights are not "inconspicuous," mitigation or removal may be required as will be memorialized in new findings and conditions. City staff has worked with the applicant to identify those construction elements that deviate from the 2017 approval.

The second question that has come up is the extent to which the Design Guidelines set forth mandatory approval criteria that the identified alterations must satisfy. This issue was considered by LUBA in the *Friends of Canemah v. Oregon City* case which dealt with this same Canemah Cottages, LLC proposal. 77 Or LUBA 434 (2018). In this case, the Petitioner Friends of Canemah argued that each individual guideline or component concept set forth in the Design Guidelines were mandatory approval criteria that must be satisfied. The City, in conjunction with Canemah Cottages, LLC, argued that the Guidelines were "non-mandatory guidance" against which the proposal must "be generally compatible." LUBA explained that it did not agree with either position. What LUBA said was that it was "not clear" what legal status the City Commission intended to give to the Design Guidelines. As a result, LUBA would apply "a case-by-case inquiry, examining the wording and context" of the particular provision to determine whether it was intended to serve as a mandatory standard.

OREGON CITY HISTORIC REVIEW BOARD

May 11, 2021

From there, LUBA proceeded through each of the guidelines identified by Petitioner in that case. With respect to the “Characteristics of the Vernacular Style” provisions (page 26), LUBA explained that this set forth a description of existing development within the Historic District that do not mandate anything with respect to new construction i.e. all new construction need not be located on their own lot or include garages. These are not issues that have been raised by any party to date with respect to the subject Alteration Review request.

Next, LUBA considered the Character Historic Guidelines set forth on pages 33 through 52. Although there was some question, LUBA concluded that the items identified in the “NOT ALLOWED” column “are prohibited.” For example, “[e]xtensive regrading of lot to raise or lower the main level of a house...” is listed as NOT ALLOWED (p 34), but LUBA found that the City could exercise discretion to determine when grading is “extensive.” LUBA affirmed the City’s interpretation that the grading associated with House 1 would not be “extensive” because the grading was only the amount necessary to allow vehicle access and lowering the prominence of the new dwelling would elevate the prominence of the surround historic homes. In other words, LUBA found that this guideline was “subjective,” giving the City a fair amount of latitude to interpret the standard given the facts of the case presented.

There are a couple of lessons that come from this decision. First, it is not correct to say that all of the Design Guidelines are mandatory approval standards that must be independently satisfied. Rather, in order to be mandatory, the language of the guideline must be unambiguously directed at new construction. Second, even where a guideline is directed at new construction, it may be interpreted in different ways depending on the facts of any given proposal. For example, with respect to skylights, the Guideline identifies as a Design Principle: “Install on inconspicuous roof slopes, mount skylight close to roof plane.” The NOT ALLOWED column prohibits: “Skylights on street-side roofs. No dome or bubble shaped skylights; plastic or acrylic glazing.” Therefore, skylights are prohibited on the portion of a roof that faces a street. They are allowed on other roof sides so long as they are “inconspicuous.” Nothing requires that skylights not be visible from a street but it is up to the HRB to decide whether the skylights on Houses #2, #4, and #5 are sufficiently “inconspicuous” to satisfy the standard.

In conclusion, the HRB review is limited to those building component parts that deviate from the 2017 application coupled with the conditions. Where deviation exists, the HRB must consider whether the constructed element complies with those Design Guidelines that are directed at new construction but may be interpreted based on the unique circumstances of this case.



REVISED NOTICE OF HISTORIC REVIEW BOARD DECISION

DATE OF MAILING OF NOTICE OF DECISION: September 6, 2017

FILE NO.: MD 17-01, MD 17-02, MD 17-03, MD 17-04, MD 17-05, and MD 17-06:
Historic Review for the designs of six (6) cottage style homes in the Canemah Historic District.

OWNER/APPLICANT: Christopher Staggs
8903 Nordic Drive, Portland, OR 97223

REQUEST: The applicant is requesting design approval for the construction of six (6) new construction cottage style dwelling units, with preservation incentives to adjustment the front, side, and rear setbacks, in the Canemah Historic District.

LOCATION Properties located in between 502 and 514 4th Ave., in the vicinity of 4th Ave. and Miller St.
Clackamas County Map 3-1E-01AA- Tax Lots 02200, 3600, and 03700

RECOMMENDATION: Approval with Conditions

REVIEWER Trevor Martin, Planner

DECISION: On August 22, 2017, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Oregon City Historic Review Board voted 4-0-0 to approve with modified conditions the requested six (6) unit cottage style development. Accordingly, the Oregon City Historic Review Board adopted as its own the Staff Report with findings and Conditions of Approval for File Numbers MD 17-01, MD 17-02, MD 17-03, MD 17-04, MD 17-05, and MD 17-06. The complete record for the Historic Review Board decision is on-file at the Planning Division.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. The process for these land use decisions is controlled by ORS 197.763 and identified in OCMC 17.50. The decision of the Historic Review Board is appealable to the City Commission within fourteen days of the issuance of the final decision. Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the hearing, in person or by letter, with sufficient specificity to afford the Historic Review Board and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The decision of the Historic Review Board may be appealed to the City Commission by parties with standing. Any appeal will be based on the record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The City Commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

**Historic Review Board Conditions of Approval
Planning File MD 17-01 – 17-06**

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

Prior to issuance of a Permit Associated with the Proposed Development:

1. The property shall obtain all necessary permits including but not limited to Site Plan and Design Review, and Geologic Hazards Review by the Planning Division, a right-of-way permit from the Development Services Division, and all necessary permits from the Building Division. (P, DS, B)
2. House number #2 on the submitted site plan shall be removed from the site, and the proposed cottage home development shall consist of five (5) cottages total. (P)
3. In addition to street trees, the applicant shall assure one tree is planted (or retained) within 10 feet of the right-of-way or within the right-of-way for every 35 feet of lineal frontage on Miller Street and 4th Avenue and one shrub is planted (or retained) for every 4 feet of frontage in the same location. (P)
4. The applicant shall assure three trees are planted (or retained) and 20 shrubs are planted (or retained) within 20 feet of the Casady House property line and the locations which border the subject site. (P)
5. The applicant shall minimize the retaining wall height to 3 ½ feet at maximum height, and use rock, brick, or concrete with finishing; or mortared or stacked true masonry or stone that was traditionally quarried in the area. (P)
6. All windows and door shall be made of wood. (P)
7. All double doors shall be French style doors. (P)
8. Second story windows shall be rectangular on shape and not exceed the door height plus a one foot transom. (P)
9. No roof cutouts shall be permitted on any of the proposed cottages. (P)
10. No retaining walls shall exceed 3 ½ feet within the front of any home. (P)
11. All tiered retaining walls shall have a spacing of two feet between tiers. (P)
12. Not vertical siding shall face the public streets. (P)

House 1

- a. The house shall be repositioned on the site so the proposed home meets the setback standards of the underlying zoning district.
- b. Retaining and structural walls shall be minimized; to be faced or finished in stone, mortared basalt, or concrete, and not exceed 3 ½ feet, to complement the Canemah Neighborhood.
- c. Concrete foundations shall have a natural, parged or painted finish.
- d. Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
- e. A minimum of 5 shrubs and groundcover shall be installed along the façade of the front porch.
- f. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
- g. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

House 2

- a. House #2 shall be removed from the Cottage House Historic Review Board Design Application.

House 3

- a. Primary residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted.
- b. Gable roof slopes shall have equal pitch. Gable primary roofs shall have a pitch of 8:12 or greater (6:12 for Bungalow). Porch or bay roofs may have lower slope, may have hip if style allows. Roofs shall have a minimum 1 foot overhang with a maximum of 3 feet.
- c. Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.
- d. Concrete foundations shall have a natural, parged or painted finish.
- e. Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
- f. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
- g. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

House 4

- a. The main entrance of the house shall not be oriented towards the adjacent parking lot.
- b. Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.
- c. Residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted on any portion of the house.
- d. Concrete foundations shall have a natural, parged or painted finish.
- e. Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
- f. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
- g. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

House 5

- a. The main entrance of the house shall not be oriented towards the adjacent parking lot.
- b. Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in

color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.

- c. Residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted on any portion of the house.
- d. Gable roof slopes shall have equal pitch. Gable primary roofs shall have a pitch of 8:12 or greater (6:12 for Bungalow). Porch or bay roofs may have lower slope, may have hip if style allows. Roofs shall have a minimum 1 foot overhang with a maximum of 3 feet.
- e. Concrete foundations shall have a natural, parged or painted finish.
- f. Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
- g. The applicant shall revise the home with a porch railing on the second story of the home.
- h. The porch shall consist of simple trim at base and top, consistent with architectural style.
- i. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
- j. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

House 6

- a. Residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted on any portion of the house.
- b. Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.
- c. Gable roof slopes shall have equal pitch. Gable primary roofs shall have a pitch of 8:12 or greater (6:12 for Bungalow). Porch or bay roofs may have lower slope, may have hip if style allows. Roofs shall have a minimum 1 foot overhang with a maximum of 3 feet.
- d. Concrete foundations shall have a natural, parged or painted finish.
- e. Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
- f. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
- a. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

PROPOSED DEVELOPMENT:

The applicant is requesting Historic Review Board approval for the design of six (6) cottage style homes located along 4th Ave. and Miller Street in the Canemah Historic District. The requests include preservation incentives to allow a portion of the proposed development within the setbacks. The homes average 800 square feet in size and are each modestly sized:

- House #1: 600 Square Feet
- House #2: 1,100 Square Feet
- House #3: 1,100 Square Feet
- House #4: 800 Square Feet
- House #5: 800 Square Feet
- House #6: 600 Square Feet

The existing site contains no buildings and has an approximately 1200 square foot alley right-of-way running through the middle of the four tax lots. Directly to the south of the Casady House located at 502 4th Ave. which is an individually listed home.

These applications are a modification of a previously submitted series of applications to construct seven (7) cottage style homes in the same location. The previous Planning files are identified as HR 16-09, HR 16-10, HR 16-11, HR 16-12, HR 16-13, and HR 16-14. Prior to the Historic Review Board's decision on the previous applications, the applications were withdrawn. The applicant substantially revised the design of the applications and submitted these modification requests. The primary changes include but are not limited to:

- Reducing the number of cottage homes from seven (7) to six (6)
- Revised the site configuration so the parking stalls associated with the application are located onsite and not within the right-of-way.

The modified applications address a majority of the Historic Review Board concerns identified during the previous hearings. As a result the analysis for the proposed cottages homes has been altered to reflect the applicant new proposal.

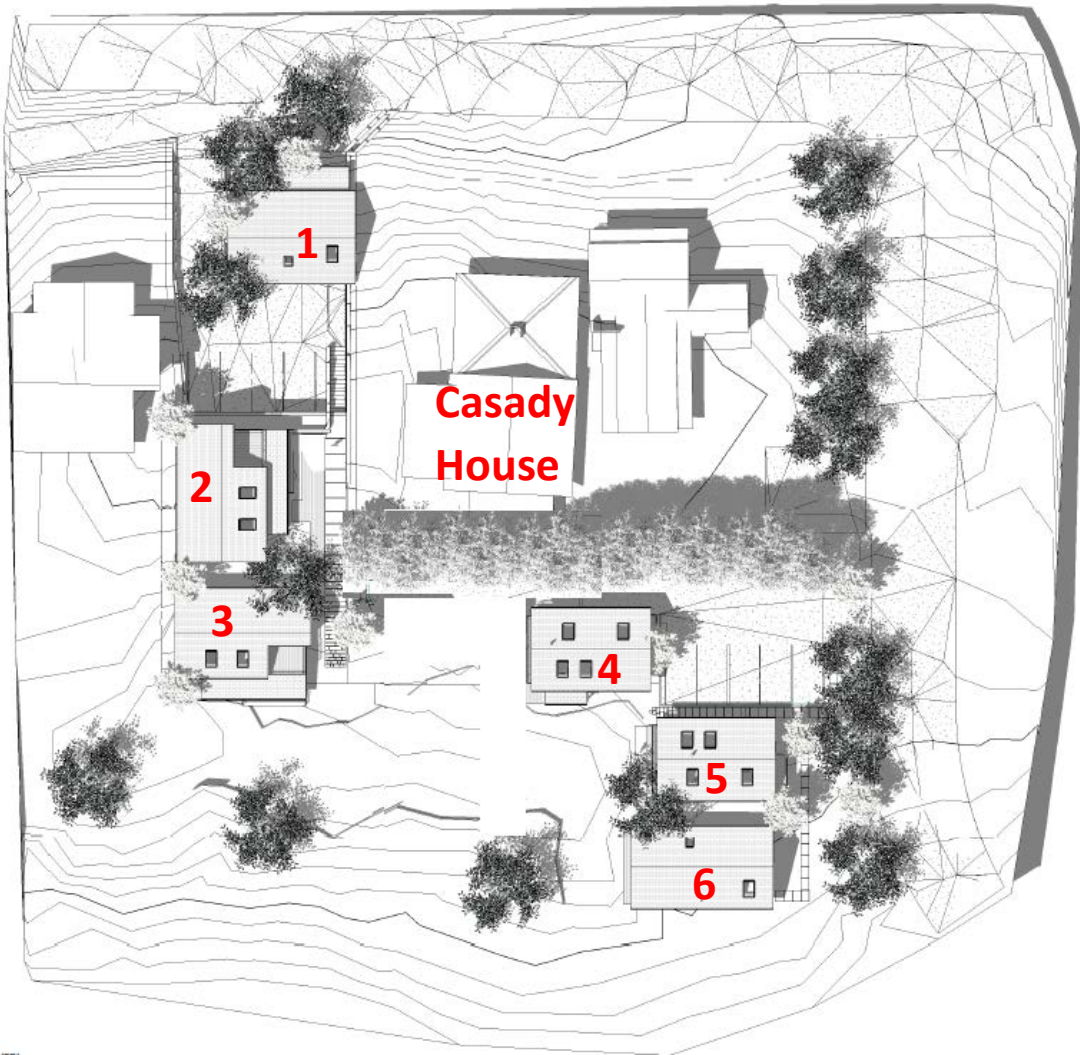
In order to construct the proposed development, approval of separate processes are required including Site Plan and Design Review, and Geologic Hazards Review by the Planning Division, a right-of-way permit from the Development Services Division, and a variety of permits from the Building Division.

On August 22, 2017 the Historic Review Board (HRB) reviewed the proposal, listed to the public comments, and thoroughly reviewed the staff report. The HRB made findings, included in the report below, outlining the reasoning for the approval of five (5) cottage style homes within the Canemah National Historic District. Even though the design of the development does not meet the strict design standards of the Canemah National Historic District, page three of the Design Guidelines for New Construction States

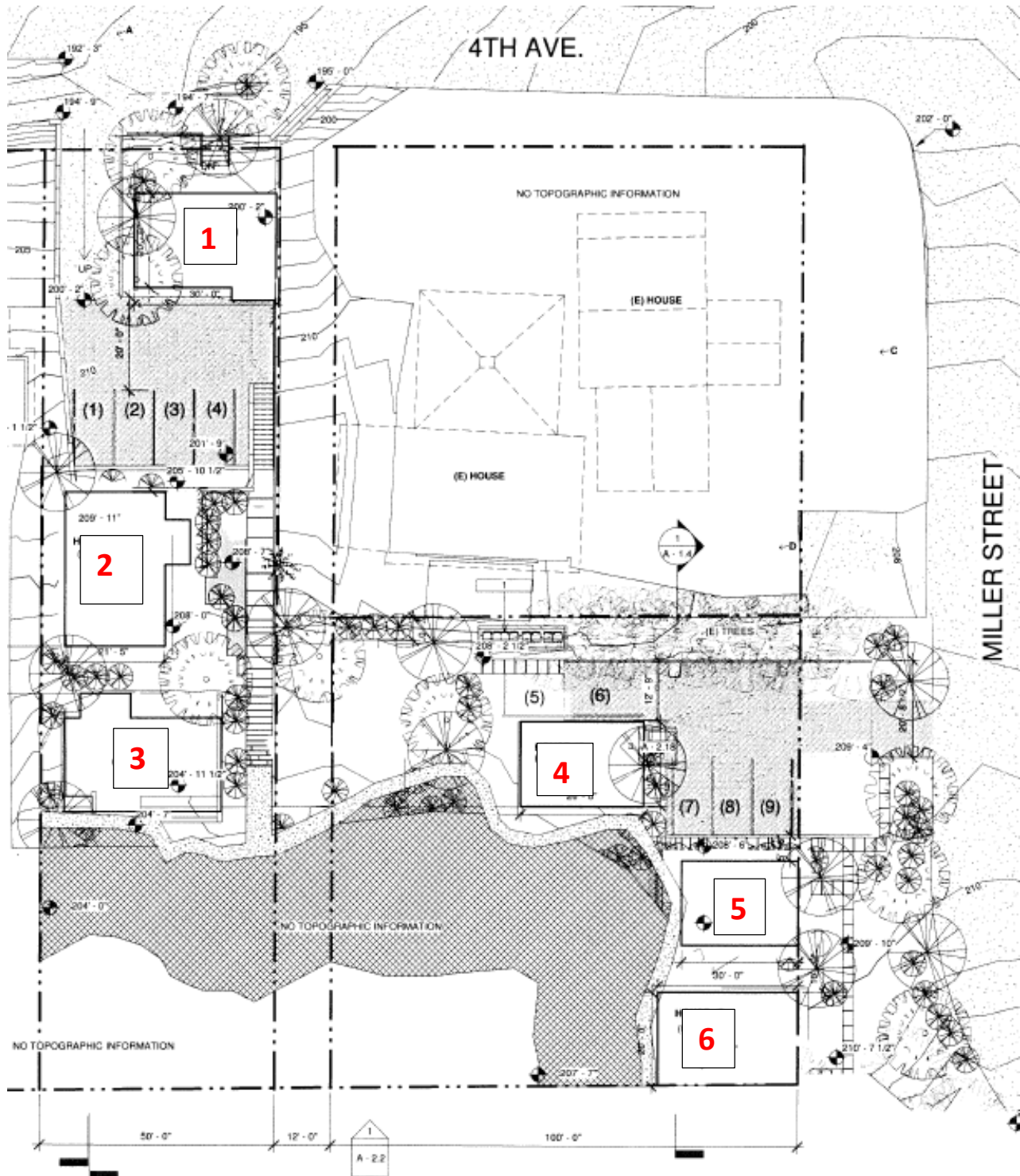
“Alternative Designs: It is the intent that these guidelines cover design for the wide range of projects that may occur over time. They describe a ‘safe harbor’ to allow new construction projects to be approved easily and quickly. Yet, there may be occasions when alternative designs are either desired or needed. There are also particular product configurations, or materials that are pre-approved, but for which viable alternatives may exist. Those alternative designs and substitute materials shall be first reviewed by City staff and subsequently by the Historic Review Board (HRB) for compliance with the General Principles, and design intent of the guidelines. For those situations when an exception to the guidelines is necessary, the HRB and staff shall evaluate the proposal based upon the significance of the

impact, measuring how well the alternative fits into the intent of the guidelines and essentially the end effect on the historic district. These guidelines are not mandatory standards adopted by the City Commission. In order to have any development approved, the development must be shown to comply with the adopted historic review standards found in the Oregon City Municipal Code. These guidelines were adopted by the Oregon City Historic Review Board (the "HRB"), the body who performs the initial review of development in historic districts, and are intended to provide supplemental information and additional guidance about how the HRB interprets the standards in the code. Although complying with these guidelines does not guarantee approval of any development, the guidelines should assist anyone who is seeking approval."

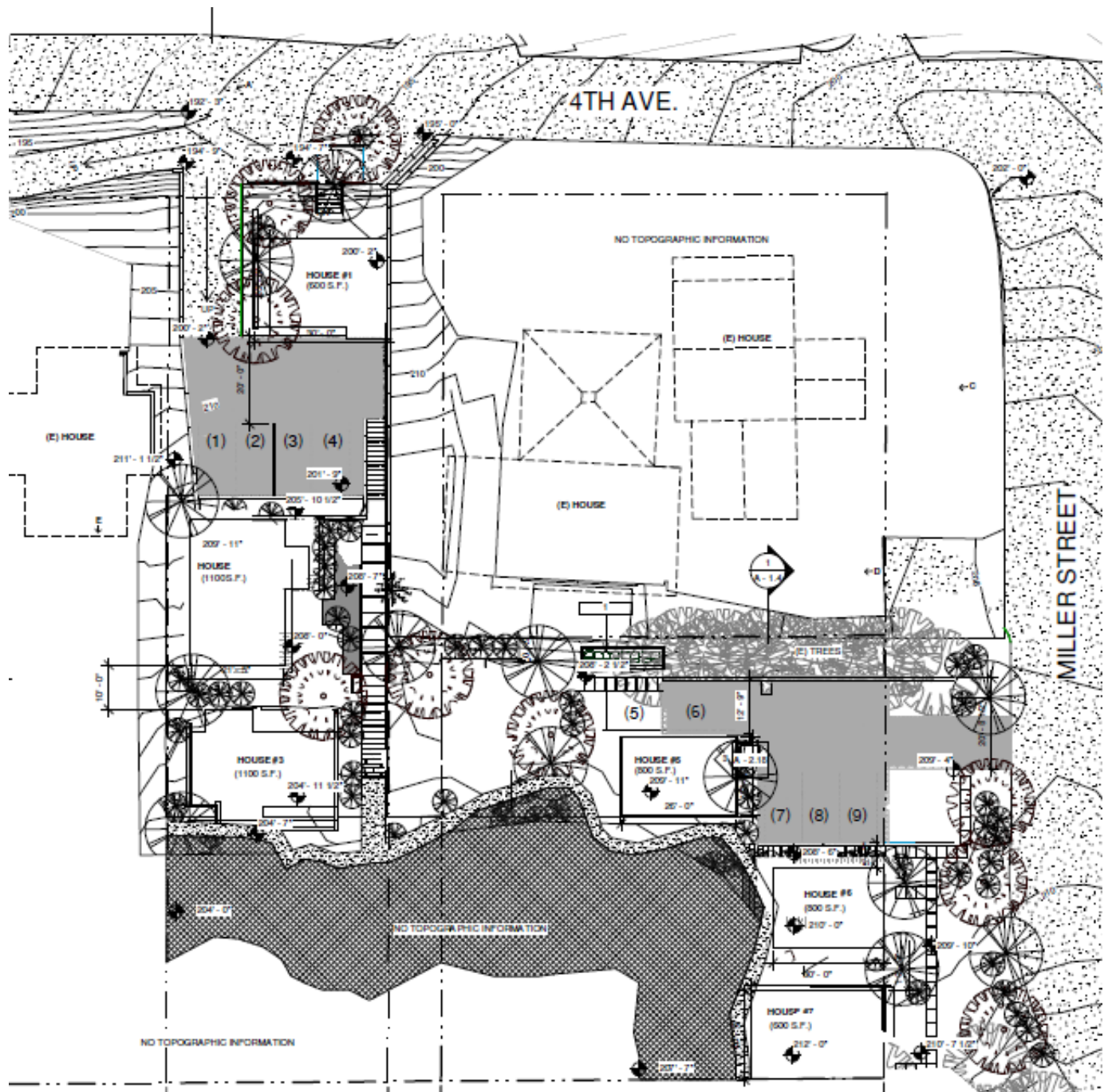
The application can be conditioned to fit within the Canemah National Historic District. The Historic Review Board has reviewed the conditions and determined that if the applicant is willing to comply with the conditions of approval, the design may be deemed compatible with the Canemah National Historic District.



Proposed Layout



Proposed Layout



Site Plan with Delineated Wetlands

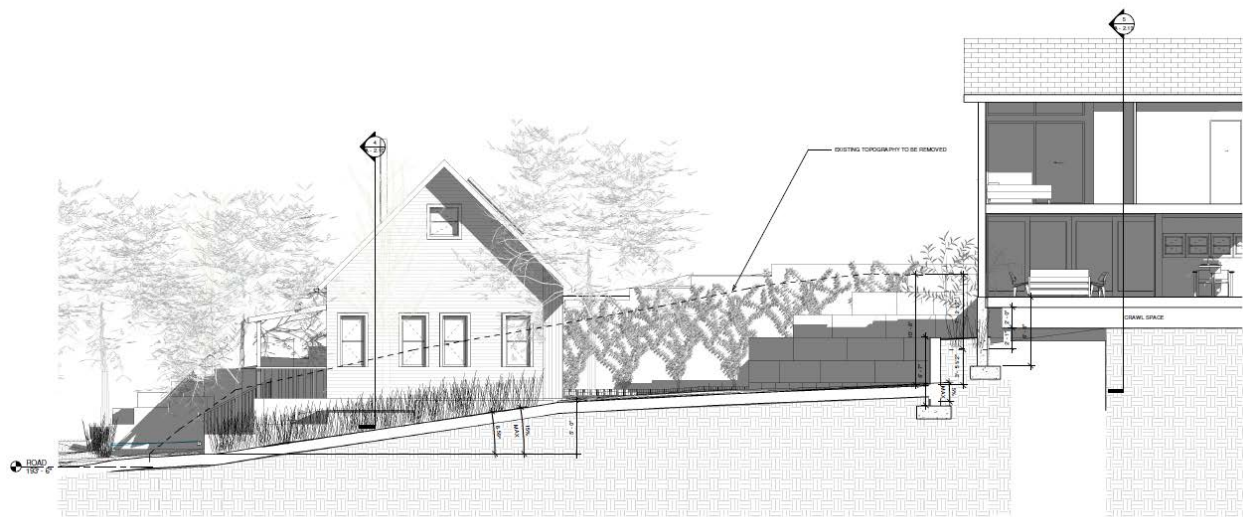


Figure 1: Driveway Section

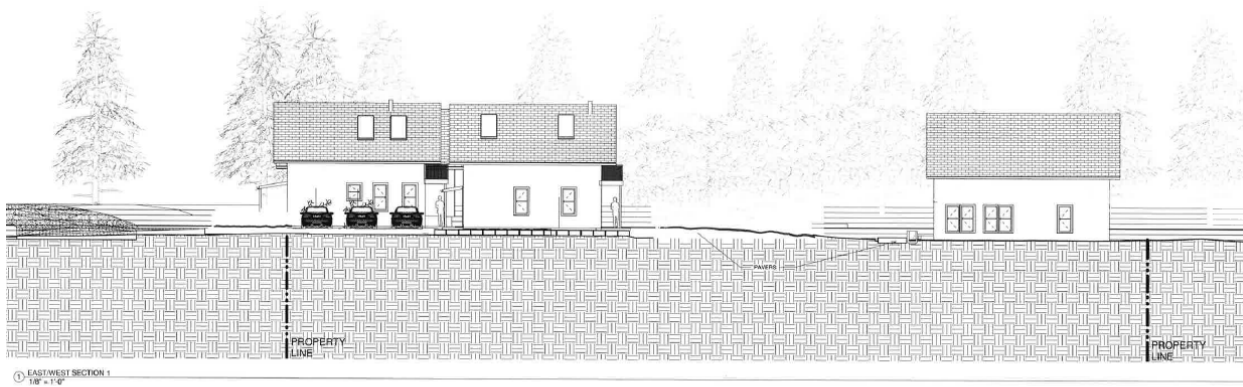


Figure 2: East/West Section 1 & 2

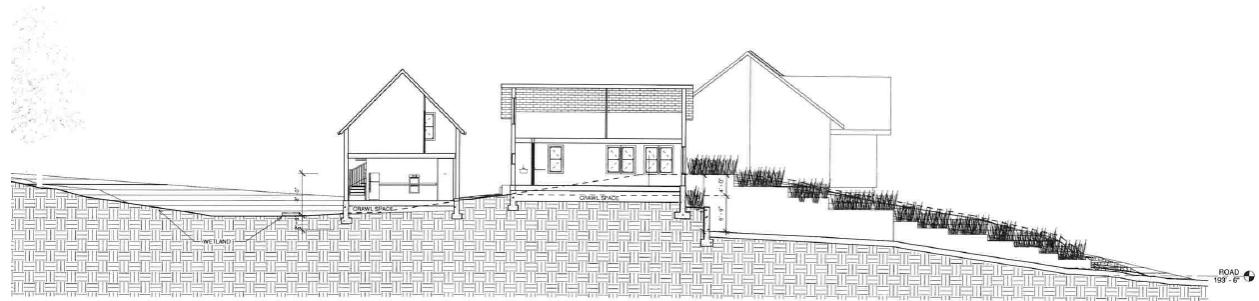


Figure 3: North/South Section Looking East Above / North/South Section Looking West Below



Figure 4: 4th Ave. / Miller St. Elevation

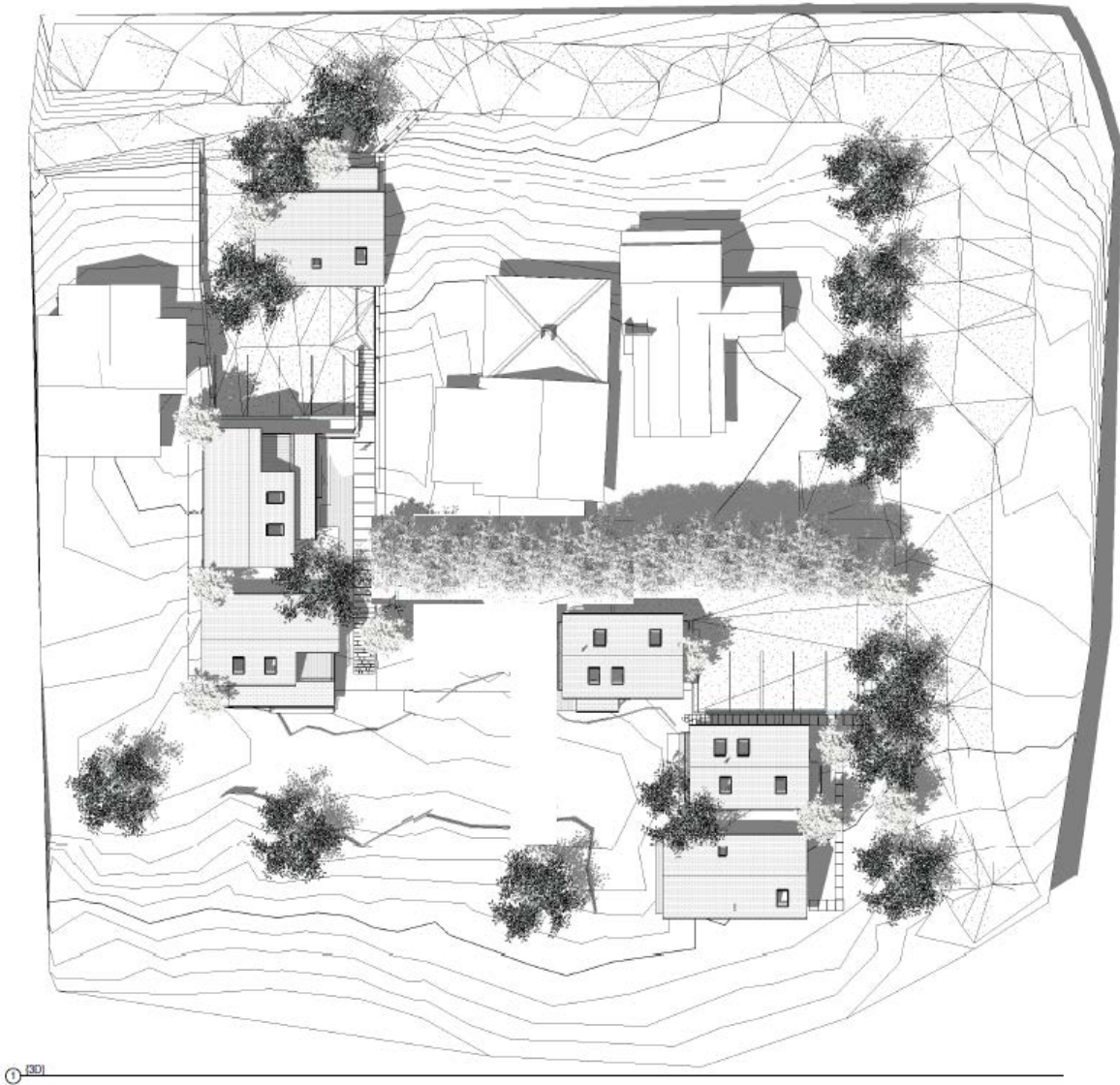


Figure 1: 3D Aerial

Site and Context:

The Canemah Historic District is located at the southwesterly edge of the city limits of Oregon City, on the southerly (rocky ledged) bank of the Willamette River, just above the Willamette Falls. 4th Ave. is a blacktop street, without curb, gutter, and sidewalk, and increases in elevation from Ganong to Blanchard St. 4th Ave. is primarily lined with single family dwellings on lots of 5,000 and 10,000 square feet oriented towards the Willamette River. Additionally, the subject site along with all of the parcels directly surrounding the site are zoned R-6 – Single Family Dwelling District.



Vicinity Map



Figure 2: Historic Tax Map



The lots directly surrounding the proposed development are composed of the following homes:
416 4th Ave.



Directly to the east of the proposed development is the John and Bertha Searle Residence. The 2 story house has a north gable with a pent-gable porch. The main portion of the building has ship lap siding on the east façade with shingle siding on the rest of the house with front and rear porches. Statement of Significance: *John T. Searle was an employee in the Oregon City Manufacturing Company. Bertha was his second wife; his first, Ellen, died in 1904. Searle worked in the dye section of the Oregon City Woolen Mills; he eventually died of dye poisoning. Searle was related by marriage to the William Freeman family. His sister was Mary*

502 4th Ave.

Directly to the northeast of the proposed development is the Captain William & Elizabeth Casady House, a listed home building within the Canemah District. "The 1 1/2 story house is located on a level bench slightly above 4th Avenue at Miller Street. The main portion of the building has a side gable roof with a rear attached full width one story shed and full width front porch with low sloped roof supported on four posts. The shed extends east beyond the house as an addition with its own north facing porch. A separate north-south addition with shallow side porches extends south from the rear house

wall. The main foot print of this addition is indicated on a 1911 Sanborn map that also show a 'T' on the east end."

Statement of Significance: William Caseday (also spelled Casady, Cassidy) was an engineer, riverboat captain and pilot. He was co-owner of the 'Clinton' with J.S. Gibson and John Cochran, the first riverboat to successfully navigate the Willamette River as far as Eugene. He also built the 'Relief' in Oregon City and within two years had sold it to Capt. Cochran. Caseday, who was born in Pennsylvania in 1823, married Kentucky born (1815) Elizabeth Barker in Clackamas County in 1856. The Casedays may have moved to New Era, as a William Cassidy died there on 6/10/1903, where "he and his wife had lived for 8 years."

514 4th Ave.

Image taken from Google Maps

Directly to the west of the proposed development is the Stanford Ely Rental. This single story home has a cross gabled roof with a multi-pane enclosed porch, beveled siding, and cornerboards.

Statement of Significance: This house was built as a rental by Stanford Ely, a general contractor in the Oregon City area. Ely is a descendant of Fred Ely, whose donation land claim in Oregon City was known for many years as Elyville; the area neighborhood still is known by that name. Stanford's uncles, Duane and

George Ely, had a store in Elyville near the site of their father Fred's original house. The uncles then moved the store down to the second level on 7th Street. Stanford served as Clackamas County Commissioner for 12 years, beginning in 1957, and is currently on the Clackamas County Fair Board and Vector Control Board. The house has some significance for its association with the Ely family.

515 4th Ave.

Image taken from Google Maps

Directly to the northwest of the proposed development is the John & Belle Rutter Residence. This 1 1/2 story house has a gable foot with a central gable and a porch pent-roof on the south end of the home and is primarily composed of shiplap siding.

Statement of Significance: Belle P. Rutter, born in California in 1852, was the wife of John Rutter, a Canemah farmer who emigrated to the United States in 1872. Belle (whose first husband was Ross Spencer (902, 910 S. McLoughlin Blvd.) and John were married late in life, when he was 55 and she 51. This house is an example of a

transitional style from vernacular to bungalow, and is typical of simple dwellings built in the second decade of the century in the Oregon City area. In the Canemah NR District, this house is classified as a Secondary structure.

Three of the four houses mentioned above have significant landscaping adjacent to the home (in front or on the side) and are located on lots that are 50 feet wide. The home at 502 is slightly different than the other three. This home has been expanded in the past, and landscaping for this home is located on the back and side of the home (where the cottage housing development has been proposed) and this home is located on a lot that has 100 feet of frontage. This home is located by itself on the corner of 4th Ave. and Miller St., and is a significant feature in the neighborhood. The proposed cottage housing development will remove the landscaping and expose the site to be significantly more visible, breaking up the rhythm of the street and removing the Casady house from its context.



Miller St. traveling south



Casady House from the corner of 4th Ave. and Miller St.



Casady House from the corner of 4th Ave. and Miller St.



4th Ave. traveling west

As seen in the street view images, there is significant landscaping adjacent to the Casady House that will be removed as part of the proposed development, and as a result will look completely different than the elevation of the Casady House. The applicant has identified that landscaping would be planted as mitigation.

CRITERIA:
OREGON CITY MUNICIPAL CODE

17.40.030 Designated.

- A. *The historic overlay district shall apply to the following:*
 - 1. *Historic districts, upon designation in accordance with this section;*

2. *Conservation districts designated in accordance with this section;*
3. *Landmarks as designated by this section; and*
4. *Historic corridors designated in accordance with this section.*
- B. *The boundaries of the historic districts, the boundaries of conservation districts, historic corridors, the location of buildings and structures in conservation districts and the location of landmarks shall be designated on a special city zoning map or maps.*
- C. *The following are designated within the historic overlay district:*
 1. *The Canemah Historic District; the minimum boundaries of which are those designated by the United States Department of the Interior on the National Register of Historic Places as indicated in the city comprehensive plan.*
 2. *The McLoughlin Conservation District; the surveyed buildings indicated by map in the comprehensive plan shall constitute the designated structures in the McLoughlin Conservation District, along with any structures designated through the Historic Review Board designation process since initial adoption of the comprehensive plan on March 13, 1980.*
 3. *The Oregon Trail-Barlow Road Historic Corridor: properties identified in the 1993 Barlow Road Historic Corridor inventory of the Barlow Road by Clackamas County.*
 4. *Designations undertaken pursuant to Section 17.40.050. The established historic overlay district shall allow for the designation of two types of districts so that areas with a high concentration of historic structures are designated historic districts and areas with a lower concentration are designated conservation districts. Also allowed is the designation of structures of historic or architectural significance not located in an historic or conservation district as landmarks.*

Finding: Complies as Proposed. The subject site is within the boundary of the Canemah Historic District.

17.40.060 Exterior alteration and new construction.

- A. *Except as provided pursuant to subsection I of this section, no person shall alter any historic site in such a manner as to affect its exterior appearance, nor shall there be any new construction in an historic district, conservation district, historic corridor, or on a landmark site, unless a certificate of appropriateness has previously been issued by the historic review board. Any building addition that is thirty percent or more in area of the historic building (be it individual or cumulative) shall be considered new construction in a district. Further, no major public improvements shall be made in the district unless approved by the board and given a certificate of appropriateness.*

Finding: Complies as Proposed. The applicant has submitted this application for review and determination by the Historic Review Board.

17.040.060.B. *Application for such a certificate shall be made to the planning staff and shall be referred to the historic review board. The application shall be in such form and detail as the board prescribes.*

Finding: Complies as Proposed. The applicant has submitted this application for review and determination by the Historic Review Board.

17.040.060.C. *Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,*

1. *A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State*

Historic Preservation Office had not commented within forty-five days of notification by the applicant; and

2. *A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.*

If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

Finding: Complies as Proposed. A notice was sent upon submittal of a pre-application conference, more than 45 days before completion of this application.

17.040.060.D.

1. *The historic review board, after notice and public hearing held pursuant to Chapter 17.50, shall approve the issuance, approve the issuance with conditions or disapprove issuance of the certificate of appropriateness.*
2. *The following exterior alterations to historic sites may be subject to administrative approval:*
 - a. *Work that conforms to the adopted Historic Review Board Policies.*

Finding: Complies as Proposed. The application is being reviewed as identified in the Oregon City Municipal Code.

17.040.060.E. *For exterior alterations of historic sites in an historic district or conservation district or individual landmark, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall be:*

Finding: Not Applicable. The proposal is for new construction in a historic district.

17.040.060.F.1: *The purpose of the historic conservation district as set forth in Section 17.40.010.*

Finding: Complies as Proposed. The purpose is as follows:

It is declared as a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

The residential use proposed is consistent with a majority of uses within the district. In addition, the proposed homes are modest in size and designed in the vernacular style to compliment the historical district. Furthermore, the layout of the development will preserve a large amount of open space.

- A. *Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;*

Finding: Complies as Proposed. The proposed development is intended to develop a series of cottage homes in the Canemah Historic district. The application includes installation of modest sized homes designed in the vernacular style to remain contextually appropriate with the

surrounding homes that currently exist in the historic district. The proposed development will be considered at a public hearing in front of the Historic Review Board and examined based upon City Code, public comment, Staff's recommendation, and the Applicant's Submittal.

B. Safeguard the city's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and districts;

Finding: Complies with condition. The proposed development is a six (6) dwelling unit development that has been designed the Vernacular style with modern updates. This report, with the conditions of approval analyze the appropriateness of the proposal with the historic district and recommend approval with conditions. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Complement any National Register Historic districts designated in the city;

Finding: Complies with condition. The subject site is within a National Registered Historic District. The proposed development has been designed in the Vernacular style with modern components, and an analysis of each individual home can be found in the Housing Analysis section below. The appropriateness of those components is analyzed within this report for compliance with applicable standards.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

D. Stabilize and improve property values in such districts;

Finding: Complies as Proposed. The applicant has proposed to construct additional housing opportunities. This investment in the property may encourage additional investments into the historic district which would result in stabilization of property values.

E. Foster civic pride in the beauty and noble accomplishments of the past;

Finding: Complies as Proposed. The applicant has proposed to construct a series of cottage style homes in the Canemah Vernacular style with modern characteristics. The applicant has mentioned throughout the submitted narrative that the approach is to be as cohesive and contextually appropriate with the surrounding homes, but with a modern approach that would continue to complement the historic district. The review process will occur in a public forum whereby the public is asked to participate.

F. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;

Finding: Complies as Proposed. The proposed development will provide additional housing opportunities to support employment for business and industry.

G. Strengthen the economy of the city;

Finding: Complies as Proposed. The proposed development will add additional housing to the Canemah Historic district, where the current housing stock is low.

H. Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and public welfare of the city; and

Finding: Complies as Proposed. The applicant will be adding additional housing stock and protect an area of delineated wetlands within the historic district. The applicant will also be increasing the housing stock within an area currently with low housing stock. Providing more housing options for

people within the City, and an opportunity for people looking to move into Oregon City, an opportunity to invest within the City and the Canemah National Historic District.

I. Carry out the provisions of LCDC Goal 5.

Finding: See policy 5.3.1 below.

17.040.060.F.2. *The provisions of the city comprehensive plan*

Section 5, Open Spaces, Scenic and Historic Areas, and Natural Resources

Canemah. Canemah is an important example of a relatively intact riverboat town with architectural resources dating from the 1860's. Having evolved from a community for the elite of the riverboat industry to a workers' community, Canemah retains essentially the same sense of place it had in the latter half of the 19th Century. Situated above the Falls of the Willamette, it was an important portage town and the major shipbuilding center on the upper Willamette River.

Present Status. Canemah was listed as a Historic District in the National Register of Historic Places in 1977. The area was zoned in 1954 for industry along the river, commercial and multifamily along McLoughlin Boulevard, and multifamily along Third Avenue and portions of Fifth Avenue. In 1982, a majority of the area was rezoned as residential except for a small strip on McLoughlin Boulevard, which was rezoned to Historic Commercial. In the last 20 years, many homes within the district have been rehabilitated, but some have not been maintained to a level that ensures their significance and status as contributing structures. New construction and exterior alterations need to be reviewed for their long-term effect on the neighborhood and National Register Historic District status.

Goal 5.3 Historic Resources - *Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.*

Finding: Complies with Condition. As demonstrated within this report, the proposal, with the implementation of the conditions listed above, can comply with the applicable sections of the Oregon City Municipal Code as well as the Design Guidelines for New Construction. Compliance will result in protection of existing homes within the district. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Policy 5.3.1 - Encourage architectural design of new structures in local Historic Districts, and the central Downtown area to be compatible with the historic character of the surrounding area.

Finding: Complies with condition. The applicant identified the following:

The surrounding residences are a mix of age and architecture. The neighbor on the corner of 4th and Miller was built in 1890 in the Queen Anne Vernacular Style, but has had several additions and two additional buildings constructed over time increasing the density significantly. One building is a barn/garage built in 1990. If the same development was built now, it would exceed maximum density allowed by Oregon City code. The home to the west of our site was built in 1899 in the bungalow style. It too has been altered including the addition of multiple large single pane view windows. The two homes directly across the street are large, modern homes that do not fit within the historical context in their massing or facade styles.

As we will demonstrate in greater depth within this application, the proposed development is rendered in the Vernacular style to be consistent with the typical original historic development style and the spirit of the neighborhood. Through these design choices, the project enhances the visual character of the district, reflecting and supporting the character of the historic buildings using the following criteria:

- 1. The size of the homes.*

2. *The location of the homes within the property lines.*
3. *The architectural facades of the homes - window, door and porch placement along with materials and colors*
4. *The parking areas.*
5. *The density of plantings and foliage of the site.*
6. *The natural environment of the site.*
7. *The retaining wall conditions.*

In alignment with the cottage housing code, the footprints and massing of the proposed homes are small and modest which naturally fit in with the original historic footprints of the existing surrounding homes. The exterior facades have minimal orientation keeping with the style of the Canemah historic vernacular and bungalow homes. (See Canemah Neighborhood Analysis) Many of the historic homes have been altered and additions have been added to their original footprint which have increased their size and shape. Most of the new homes constructed in this neighborhood are significantly larger buildings than the historic context. (See Canemah Neighborhood Analysis) The proposed cottage homes are more consistent with the footprint, size and shape of the historic homes as they were originally built and what the historic preservation designation is intended to preserve. We have studied the Oregon Inventory of Historic Properties Historic Resource Inventory Forms for the qualifying Historic homes in the neighborhood, and have determined what additions and alterations have been done to the properties and homes from their original construction. The small footprint, minimal facade and placement of the homes on the proposed project site ensure consistency with the original character of the historic neighborhood. The proposed development is made up of six small homes on four property lots. As seen in the density diagram, due to the small size of the homes, the proposed project is less dense than the context of the surrounding neighborhood including the adjacent property of 502 4th Avenue.

To further separate parking from the street, (4) parking spaces will be in a small lot behind the 4th Street house. Due to the maximum driveway slope allowable by code and the grade of the natural slope on the North end of the site, the parking area is required to have multiple retaining walls. The majority of Canemah is nestled within the side of a hill. Retaining walls are a necessary part of constructability in this context and is evident throughout the entire neighborhood. The neighborhood is made up of terraced land held back by various shapes and sizes of retaining walls throughout the entire landscape. Some covered with moss and ivy, some exposed as seen in the construction of a new home along 4th street. The retaining wall condition in this proposed project is not unique. Our intention is to layer basalt stone over the structural elements along with covering with planting to minimize appearance and to blend more seamlessly in with the surrounding landscape. Our design is directly mimicking the retaining walls seen through the neighborhood.

The Oregon City Municipal Code permits cottage housing, though cottage housing has not been constructed within Canemah and is subject to compliance with the applicable criteria in the Oregon City Municipal Code to determine appropriateness.

Though the City agrees with a majority of the applicant's responses, and as demonstrated within this report, the structures and context will comply with the applicable criteria, when the City examines density, the City examines the number of dwelling units per square foot. The historic district is platted with 5,000 square foot lots, most of which are entitled to a single-family dwelling. The applicant has proposed 6 homes over 4 lots of record, but has mitigated the number of units with substantially smaller homes, both in square footage, footprint, and height. Furthermore, the homes are spread throughout

the site and the applicant proposed the installation of a landscaped buffer, which will create further separation and help reduce the impacts of a development on the neighboring properties. In addition to street trees, the applicant shall assure one tree is planted (or retained) a within 10 feet of the right-of-way or within the right-of-way for every 35 feet of lineal frontage on Miller Street and 4th Avenue and one shrub is planted (or retained) for every 4 feet of frontage in the same location.

The analysis for each home is provided within this report.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

Policy 5.3.2 - Evaluate the establishment of Historic and Conservation Districts to preserve neighborhoods with significant examples of historic architecture in residential and business structures.

Finding: Complies with Condition. As demonstrated within this report, and the housing analysis below, the proposal can comply with the applicable sections of the Oregon City Municipal Code as well as the Design Guidelines for New Construction, thus preserving the historic district. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Policy 5.3.7 - Encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.

Finding: Not Applicable. There are no existing structures onsite.

Policy 5.3.8 - Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.

Finding: Complies with condition. The applicant provided the following:

The LCDC Statewide Planning Goal 5 (OAR 660-015-0000(5)) requires that open spaces and natural scenic and historic resources be protected. When learning there was a potential historic wetland on the property, the project owner worked with the Department of State Lands, the Army Corp of Engineers, and EVREN Northwest and Turnstone Environmental to determine the location of the wetland. The resulting wetland delineation (See Figure 1 - Wetland Delineation Report Pg9) outlined 4,200 sq. ft. of the site as an existing wetland to be preserved to protect the natural water flows of the site - which is especially important in this historical landslide area (see Figure 5 - Geologic Landslide Hazard Zone pg15). The preservation will also be increasing wildlife habitat and native plant species. Due to the significant area of property being preserved for this geo-and hydrologically important historic wetland, the property owner is requesting a Historic Preservation Incentive to build against the east property line in order to fit the project between the boundaries of the property and the wetland.

In addition to not constructing development on the wetland identified onsite, the proposed homes are each buffered from the adjacent Casady House with setbacks and landscaping. In order to allow for such buffering, the applicant has proposed to utilize preservation incentives to place structures 5 and 6 within the setbacks of the zoning designation, a practice common within the historic district. The use of preservation incentives is described in OCMC 17.40.065 of this report. The applicant has also designed the site so that the necessary facilities, such as parking areas, are contained completely within the boundaries of the four lots of record. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.040.060.F.3 *The economic effect of the new proposed structure on the historic value of the district/historic site*

Finding: Complies with Condition. The applicant provided the following:

The project is converting a vacant lot covered in blackberries and at some point used as a dump (soil sample recovered large amounts of rubbish) into 6 new homes while preserving and protecting the natural water flow and increasing natural habitat.

Preserving and protecting the inherent value of the land through the preservation of the wetland increases the human value in the land. The increased number of new families/individuals in the Canemah community will increase the tax revenue of the area, allowing for more improvements and preservation opportunities for the community.

The proposed development will add additional housing to the Canemah Historic District and invest in the subject site, which may encourage other property owners to also invest in their property within the district. With the conditions of approval, the development of the site will comply with the adopted criteria, resulting in protection of the historic value of the district. Further findings on the site can be found in the Site Plan and Density Analysis below. The proposed development will also add additional housing stock to a portion of the City where the housing stock is very low and where only one new single family home has been constructed within the last 5 years. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.040.060.F.4 *The effect of the new proposed structure on the historic value of the district/historic site*

Finding: Complies with Condition. The applicant provided the following:

The design compliments and preserves the architectural language of the historic buildings by closely following the Oregon City Historic Districts Guidelines for New Construction. The design reflects and supports the character and style of the historic district. This small cottage home development not only exists lightly on the site through its small footprint, allowing for more natural landscaping, but it is creating a sense of community within the development itself translating into the larger Canemah community in a way that building one large single family home could not.

With the conditions of approval, the development of the site will comply with the adopted criteria, resulting in protection of the historic value of the district. The proposed new homes have been designed using elements of the Vernacular style with small building footprints. This approach to new construction will help to create contextual cohesiveness along 4th Ave. and within the Canemah Historic District. However, the new development will increase the density along 4th Ave. and create a cottage development in the Canemah Historic District, which does not currently have any cottage developments. On August 22, 2017 The Historic review Board approved by a vote of 4-0-0 to approve, with conditions, the designs of five cottage homes on the subject site. The number of cottages was reduced from six to five because the reduction of the one additional home would bring the proposed cottage development more into line with the density of the other sites found throughout the Canemah National Historic District. Reducing the number of dwelling would also reduce the impact of the development on the neighbors directly adjacent the subject site.

Additionally, many of the proposed homes have design elements that are not typically on homes within the Canemah Historic District, Staff and the HRB evaluated the design elements and have incorporated them into the housing analysis findings below and the conditions listed above. Please reference the Housing Analysis further in the document to review an additional analysis on each individual home. **Staff**

has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

17.040.060.F.5 *The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure;*

Finding: Complies with Condition. The applicant provided the following:

Our goal is to blend in with and respect the historic homes of the neighborhood. The design and composition of the new homes is derived from a deliberate and extensive study, analysis and derivation of the home patterns in Canemah. We are designing in the spirit of the historic vernacular style of architecture with a 12"/12" pitch roof and 1 1/2 story roof height. We are also keeping the exterior minimally designed with painted horizontal and vertically hung board siding (natural shiplap siding and wood slats in architecturally significant locations) and wood windows. The windows are at a 1:2 proportion as is consistent with the historical houses in the area at 2.5' x 5'. We are providing recessed porches and breakfast nook projections in proportion to the main volume to provide variation of the massing, visual interest, weather protection, and to break up the volume. The homes are not cookie cutters of each other. Each home is designed with its specific location and orientation in mind making it unique, which is a common pattern of the Canemah district. We are building with Structurally Insulated Panels (SIPS) to improve buildability and construction schedule with the added benefit of high energy performance and durability. We are painting the homes with a palate of earth tone colors selected from the nature around the neighborhood. (See Figure 2 - Color Palette Pg9) The homes will be fitted with skylights where appropriate to maximize daylighting in the homes. (See Canemah Neighborhood Analysis - Windows for precedence of skylights in the neighborhood) We will have skylights where appropriate to maximize daylighting into the homes but will mount closely to roof plan to minimize appearance. As stated in the Design Guidelines; "New construction is just that. It is not historic, nor shall it attempt to be historic, but rather to stand side by side with existing historic structures in a respectful manner."

The use of preservation incentives is described in OCMC 17.40.065 of this report. The applicant has located all of the homes and associated parking onsite with screening from the public view. At the public hearing on August 22, 2017, The HRB determined that house number one on the submitted design should not receive any preservation incentives and that the house should reoriented to meet the dimensional standards of the underlying zoning district. Doing this would create an additional buffer between the site and the adjacent Casady House.

The proposed homes have been using elements from the Vernacular and modern elements. A breakdown of each home can be found in the Housing Analysis below.

The applicant has proposed to construct a retaining wall on site that will need to comply with a future geotechnical review. The Oregon City Municipal code and Design Guidelines for New Construction specify that retaining walls shall not exceed a maximum of 3 ½ feet within the front yard of a proposed home. The applicant has proposed a retaining wall that will exceed 3 ½ feet within the front of home 1 and 3. The applicant shall minimize the retaining wall height to 3 ½ feet at maximum height, and use rock, brick, or concrete with finishing; or mortared or stacked true masonry or stone that was traditionally quarried in the area.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

17.40.060.F.6 *Economic, social, environmental and energy consequences*

Finding: Complies with Condition. The applicant provided the following:

The increase of residences will increase tax revenue and potentially provide additional users of local businesses. The increased number of individuals will increase social interactions, and neighborhood support-advocates. The SIPS panel construction will make the envelope of the homes super energy efficient, decreasing energy use and cost. The preservation of the wetland and water flows will help increase habitat and native plants, along with maintaining the natural water flows through the site.

The owner has proposed to construct six (6) new cottage style homes, which will bring additional housing to the Canemah Historic district. The property owner will mitigate for the increased number of dwellings with the modest size of each building, placement of the structures, and installation of landscaping. In addition to street trees, the applicant shall assure one tree is planted (or retained) a within 10 feet of the right-of-way or within the right-of-way for every 35 feet of lineal frontage on Miller Street and 4th Avenue and one shrub is planted (or retained) for every 4 feet of frontage in the same location. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.040.060.E.7 *Design guidelines adopted by the historic review board.*

Finding: Please refer to the analysis below.

17.040.060.G *For construction of new structures in an historic corridor, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall include the following:*

Finding: Not Applicable. The proposal is for new construction in a historic district.

17.040.060.H *The following standards apply to development within historic corridors:*

Finding: Not Applicable. The proposal is for new construction in a historic district.

17.040.060.I. *In rendering its decision, the board's decision shall be in writing and shall specify in detail the basis therefore.*

Finding: Complies with Condition. The decision includes this staff report as well as any notice of decision and findings adopted by the Historic Review Board to demonstrate compliance with the applicable criteria. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.040.060.J. *Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which does not involve a change in design, material or the outward appearance of such feature which the building official shall certify is required for the public safety because of its unsafe or dangerous condition.*

Finding: Not Applicable. The proposal is for new development.

17.040.060.K. *The following exterior alterations may be made subject to the administrative procedures as outlined below:*

Finding: Not Applicable. The proposal is being reviewed as a Type III decision.

17.40.065 - Historic Preservation Incentives

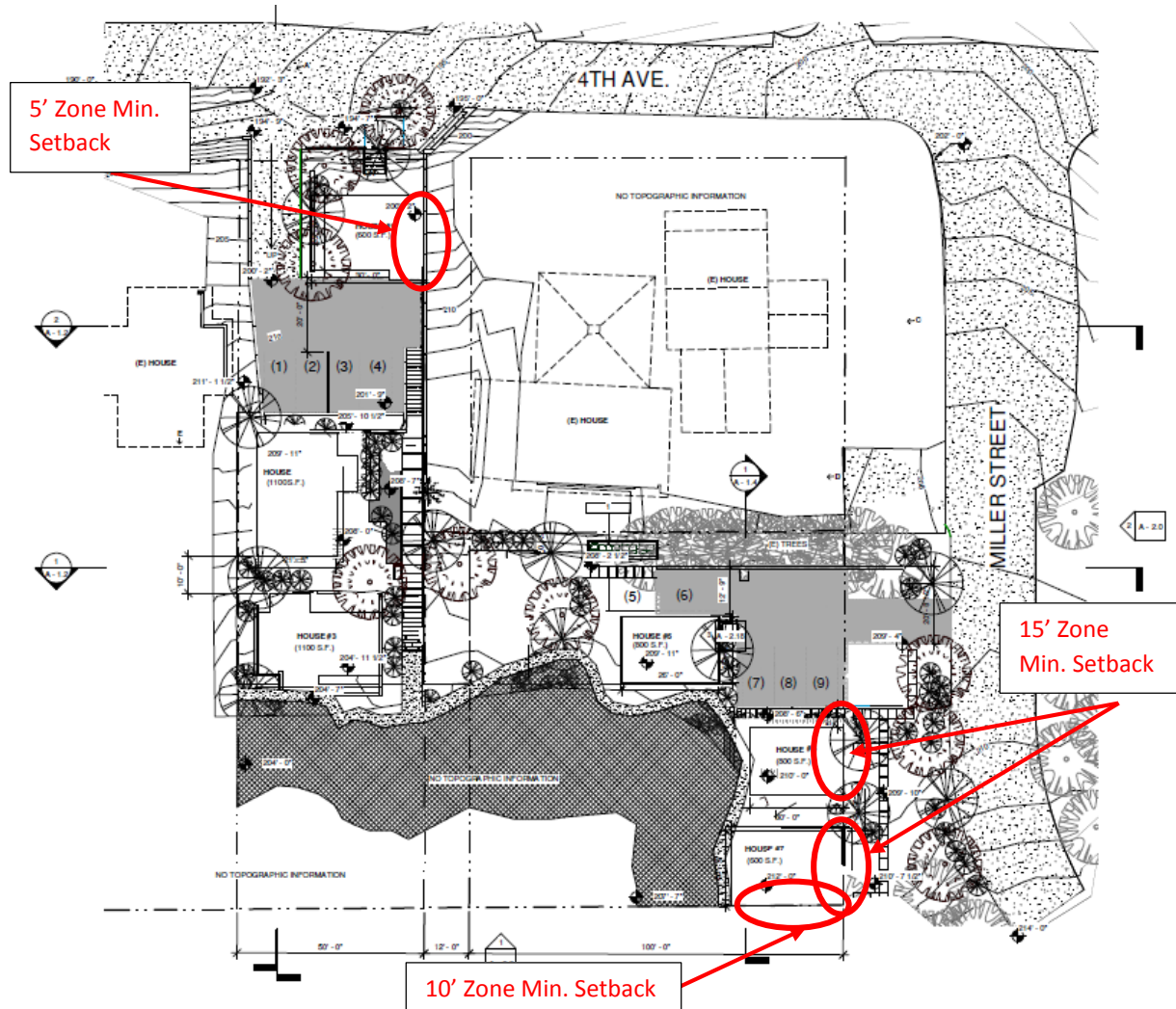
- A. Purpose.** *Historic preservation incentives increase the potential for historically designated properties to be used, protected, renovated, and preserved. Incentives make preservation more attractive to owners of locally designated structures because they provide flexibility and economic opportunities.*
- B. Eligibility for Historic Preservation Incentives.** *All exterior alterations of designated structures and new construction in historic and conservation districts are eligible for historic preservation incentives if the exterior alteration or new construction has received a certificate of appropriateness from the Historic Review Board per OCMC 17.50.110(c).*
- C. Incentives Allowed.** *The dimensional standards of the underlying zone as well as for accessory buildings (OCMC 17.54.100) may be adjusted to allow for compatible development if the expansion or new construction is approved through historic design review.*
- D. Process.** *The applicant must request the incentive at the time of application to the Historic Review Board.*

Complies with Condition. The applicant provided the following:

We are requesting a Historic Review Incentive based on the preservation of the wetland which is of significant importance to the geology and hydrology of this historic landslide area. The owner has worked with the Department of State Lands, the Army Core of Engineers, and EVREN Northwest and Turnstone Environmental to determine the location of the wetland. The resulting wetland delineation outlines a 4,200 sq. ft. of the site as an existing wetland to be preserved to protect and increasing habitat for wildlife and native plant species along with the natural water flows of the site. This preservation area has pushed our housing footprints to the south and east property lines. It is important not to disrupt the water flow or increase water retention in a landslide hazard area so our construction and development will not touch the wetland or water flow into, through or out of the wetland. We are building uphill from the wetland and the development will not impact the natural water flows on the site. All of the runoff from our development will be directed into storm water planters which then overflow into the city's sewer. Due to the historic nature of this wetland and its significance to the hydrology of the surrounding historic district, we are requesting a Historic Preservation Incentive to build on the east and south property line.

Development is required to be located outside of the delineated wetlands, as identified by the Department of State Lands. The wetland is located in the rear of the site, and would cover a majority of 3 of the 4 historic lots encompassed by the proposed development. Compliance with applicable overlay districts is required prior to development onsite.

Per OCMC 17.40.065(A-D) – Historic preservation incentives are used to allow for compatible development and increase the potential for historically designated properties to be used, protected, renovated, and preserved. All exterior alterations of designated structures and new construction in historic and conservation districts are eligible for historic preservation incentives if the exterior alteration or new construction has received a certificate of appropriateness from the Historic Review Board per OCMC 17.50.110(c).



Three of the six proposed dwellings, numbers 1, 5, and 6, appear to be encroaching within the setbacks of the zoning designation as demonstrated above. None of the listed properties extend into the public right of way. The historic preservation incentives should be used in situations where an existing property is being threatened to or where topographical constraints limit the development, and not necessarily used as a tool to increase the density. It has been common within Canemah to grant preservation incentives to single family homes to allow for a zero lot line setback as to reduce the impact of the proposed single family home on the existing topography of the site.

The site contains delineated wetlands, topographic constraints, and an adjacent historic home which limit the location of structures on the site. The wetlands extend over a majority of 3 of the 4 historically platted lots the site encumbers. The preservation incentives allow the structures to locate near the property lines, but in the case of buildings 5 and 6, also allow the structures to be spaced apart from each other which result in an overall more compatible design with the district. In addition, the site is surrounded by a right-of-way which acts as a buffer between the development and other structures as well as the public. Structure #1 is separated from the neighboring property by an alleyway while 5 and 6 are located at the corner of two platted streets. The frontage along Miller is constructed with pavement a distance away from the property line and the 5th Avenue frontage is not developed at all.

The requested preservation incentives within the submitted application could be viewed as appropriate for the requested development with installation of additional landscaping. In addition to street trees,

the applicant shall assure one tree is planted (or retained) a within 10 feet of the right-of-way or within the right-of-way for every 35 feet of lineal frontage on Miller Street and 4th Avenue and one shrub is planted (or retained) for every 4 feet of frontage in the same location.

On August 22, 2017, the HRB specified why proposed house number one should not be allowed to use the preservation incentives. The HRB specified they wanted to create an additional between the subject site and the neighboring Casady House. By removing proposed house number two and repositioning proposed house number one, the applicant can comply with the HRB condition to remove the home from the property line. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.40.070 - Demolition and moving.

Finding: Not Applicable. The proposal does not include demolition or relocation of a building.

GUIDELINES FOR NEW CONSTRUCTION: OREGON CITY HISTORIC DISTRICTS

A. LOCATION: Where is the Site

McLoughlin Historic Conservation District, the Canemah National Register Historic District, or on individually listed historic property outside of the districts? What is the Immediate Context? The Block? The Neighborhood? What are the Mix of Existing Appropriate Historic Styles?

Finding: Complies as proposed. The applicant provided the following:

Surrounding immediate block and historic district is a mix of historically registered single family homes and newer, more recently built residential single family homes. According to the New Construction Design Guide lines for Oregon City Historic Districts, (NCDGOCHD), the most prevalent architectural style is the Vernacular. To be consistent with this, the cottage home development will be designed in the Vernacular style. (See Canemah Neighborhood Analysis for more details)

The subject site is within the Canemah National Register Historic District. The context of the site and surroundings are described within this report. There are currently no cottage house developments within the Canemah Historic District. Traveling in a block in each direction from the subject site, many of the existing homes have been developed in a traditional design which consists of a single family dwellings on a 5,000 or 10,000 square foot lot, though much of the district has 5,000 square foot lots which have been historically platted. Though many of the newer homes in Canemah are larger in size, the applicant has mitigated the proposed development with smaller building footprints and heights, spacing the structures away from each other and through the installation of landscaping. The site has been designed with revised preservation incentives to balance density and placement of the proposed homes, as mentioned above, the historic preservation incentives could be approved in the current configuration.

On August 22, 2017, the HRD denied Preservation incentives for proposed house number one, and reduced the number of cottages from six to five. The reason for the denial in requesting preservation incentive for proposed house number one and the reduction in the number of structures is order to reduce the impact of the development on neighbors directly adjacent the site and to help maintain the one dwelling unit per 5,000 square foot lot context in which the majority of Canemah is composed. A reduction in one dwelling would create a density of 1.2 dwelling units per 5,000 square foot lot, which is closer to the siting standards which currently exist in the Canemah National Historic District.

B. Style:

Determining the appropriate style is the important first step toward successfully designing a compatible building in the district. Decide which style direction to use from acceptable neighborhood styles and those in the applicable specific Historic District Design Guideline. The styles noted for the district have specific District modifications indicated.

VERNACULAR: *In the Canemah Neighborhood the most prevalent extant architectural style is Vernacular, built between 1867-1929. Important style characteristics as found on houses in the Canemah District to be used for new construction are noted below.*

Staff Response: Complies with Condition. The applicant indicated they have chosen to take our design cues from the Vernacular form as it seems to be the most prominent historic home in the immediate neighborhood that fits best with the use of our site.

Many of the proposed home have been designed using elements from the Vernacular style mixed with modern elements. Staff has listed concerns of the contextual appropriateness of each cottage home. The findings can be found in the Housing Analysis below. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Siting and Building Form

C-1 Review basic zoning requirements for New Construction for the particular site (R3.5, R6, MUC etc) to understand basic setbacks, lot coverage issues.

C-2 Review Siting, Building Form Principles and the Specific Historic District from Design Guideline. Note any requirements that are more specific than those found in the basic zoning.

C-3 Establish the Site Plan and the Overall Building Form. Is the use of the site and the building's placement on the site respectful of its context? Is the size, shape and bulk of the building consistent with the style chosen? Does it complement the neighborhood context? Is there too much 'program' for the site or style?

Building Form

- *Form easily allows additions and alterations such as increases in family size, activities or changing technology; generally smaller in size than McLoughlin.*
- *Shape: rectangular in plan, with smaller rectangular combinations to primary form; Rectangular or square form reinforced on façade. L-plan, T-plan options.*
- *Height: Maximum 1 ½ stories in height; Basement option.*
- *Proportions: Height (eave) to maximum width: 1:1 Height to Depth: can vary greatly.*
- *Roof: gable, of not less than 8:12 pitch, 10:12 and steeper are preferred. No cross-gable roofs; Possible wing or addition with lower ridgeline that is perpendicular or is offset.*

Finding: Complies with Condition. The applicant provided the following:

We are using a combination of 17.62.059 -Cottage Housing code, 17.44 Geologic Hazards code, 17.40.010 Historic Overlay District, along with Oregon City R6 Zoning building codes for new construction.

The Canemah Historic District does not have uniform setbacks. As a result of this and the preserved wetland area, two of our cottage homes are against east property line and one along the south property line. Although the Canemah Historic District lots are traditionally 50x100 with a single house, we are designing to the City of Oregon's Cottage Housing Code which is allowed in this zone. We will have the equivalent of one and half houses per lot. The spacing between the houses will be at least 10' as required by the Cottage Housing Code. There is a precedence in the Canemah neighborhood of the historical homes adding smaller additions to the existing home or beside the home to suite the owners' needs. Many properties have several buildings as

accessories to the main house increasing the density on the lots. From this group of maps we are able to determine that the majority of historic homes are at the base of the hillside where the precedence was to build more densely on the lots.

Where retaining walls are needed they will be concrete and or basalt stone. Each home will have its own rainwater planter which will collect all of the rainwater runoff from the impervious surfaces for its own footprint. The water will collect in the planters and overflow into the city's storm water sewer.

The applicant has proposed 6 modest size dwelling units and associated parking all within the subject site. The additional dwellings are mitigated by the spacing of the structures, the small footprint relative to other structures in the district, and a modest height. Lot coverage means the area of a lot covered by the footprint of all structures two hundred square feet or greater (excluding decks and porches), expressed as a percentage of the total lot area. Given that many homes within Canemah include accessory structures, the number of buildings will not detract from the rhythm of the historic district.

The installation of additional landscaping will mitigate the impact of the proposed development. In addition to street trees, the applicant shall assure one tree is planted (or retained) a within 10 feet of the right-of-way or within the right-of-way for every 35 feet of lineal frontage on Miller Street and 4th Avenue and one shrub is planted (or retained) for every 4 feet of frontage in the same location.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

Site Plan and Density Analysis:

Finding: Complies as proposed. Currently, there are no areas adjacent to the proposed development with densities as high as the proposal. The parcels directly adjacent to the proposed site contain approximately one dwelling unit (though multiple structures) per 5,000 square feet and one dwelling unit (though multiple structures) per 10,000 square feet. As demonstrated in the above plat of Canemah and Tax Map, the site was historically platted with 5,000 square foot lots. In the current zoning designation of "R-6" Single-Family Dwelling District, each lot may be accommodated with a single-family home, though environmental studies and compliance are required. The proposal mitigates the increased density with decreased building sizes, though the development of the site has extended into the right-of-way with the construction of required parking lots and the applicant has asked for preservation incentives to allow a majority of the homes.

The site contains 4 lots of record which would otherwise be able to be constructed with a single-family home on each. The Oregon City Municipal Code allows the construction of up to 8 cottage homes on the site, however, the density must comply with the development requirements within the Oregon City Municipal Code for the historic district and referenced documents. The applicant proposed six cottage homes, but asked for a preservation incentive to accommodate the dwellings with the required parking and protection from an onsite wetland.

In addition to the findings above, City staff has examined the submitted site plan and has identified several items for consideration by the Historic Review Board:

Preservation Incentives

- Three of the six proposed dwellings, numbers 1, 5, and 6, appear to be encroaching on one of their property lines. All proposed structures appear to be contained on their subject properties and that if a property owner places a structure they need to acquire a right-of-way use permit or go through the process to vacate a portion of the public right-of-way. The historic preservation incentives should be used in situations where an existing property is being threatened to or where environmental or topographical constraints limit the development, and not as a tool to increase the density for a potential new development. The applicant's revised application better balances density and siting to reduce the overall impact on the surrounding neighborhood.
- On August 22, 2017, the HRB denied Preservation incentives for proposed house number one, and reduced the number of cottages from six to five. The reason for the denial in requesting preservation incentive for proposed house number one and the reduction in the number of structures is order to reduce the impact of the development on neighbors directly adjacent the site and to help maintain the one dwelling unit per 5,000 square foot lot context in which the majority of Canemah is composed. A reduction in one dwelling would create a density of 1.2 dwelling units per 5,000 square foot lot, which is closer to the siting standards which currently exist in the Canemah National Historic District.

Site and Context

Finding: Complies with Condition.

- Two parking lots are proposed onsite. The applicant has revised the site plan so that all of the proposed homes and parking spaces are contained within the property lines of the subject site.
- Along the entrance off of 4th Ave. the applicant has proposed to construct a large retaining wall. Per the Guidelines for New Construction the following site features are prohibited in Historic Districts – Elements that significantly obscure or detract from the primary sides of the building, and tall walls and fences in the front and front portion of side yards. The proposal will be reviewed for compliance with maximum retaining wall height limits in OCMC 17.54.100 during the Site Plan and Design Review.
- The Canemah Historic district has many single family homes irregularly spaced on 5,000 and 10,000 square foot parcels, however, many of the homes contain additional accessory structures.

Landscaping

- The applicant has provided illustrations of the development to the proposed grade, staff is still concerned with the landscaping and the effect of the proposed development on the existing neighboring homes. Therefore, prior to obtaining a Certificate of Occupancy, the applicant shall submit a landscape plan that appropriately buffers the proposed development from the adjacent homes and streets in accordance with OCMC 17.52.060(B).
- The applicant shall assure two trees are planted (or retained) and one shrub is planted (or retained) for every 4 feet of property length within 10 feet of the subject site and the adjacent Cassady House. **Staff has determined that it is possible, likely and reasonable that the applicant cannot meet this standard through the Conditions of Approval.**

D. Design Composition

D-1 Design the building and site starting with primary design groups and major elements, such as wings, roofline, secondary portions, porches, window groupings, dormers. Are these elements

supportive or are they detractive to the historic district? Are they supportive of the style and building?

D-2 Review the design; Is it in good proportion and is the composition balanced?

D-3 Review the design and adjust to incorporate comments from the first review. Is the design representative of the style range and do the forms and individual features work toward a united design approach as viewed from the exterior?

D-4 Design the finer or more detailed portions of the building and site to fit within the framework established.

Design Composition

- *Lacks rigid system of exterior detailing that makes it a clearly definable architectural style; allows design flexibility and is inherently varied.*
- *Designed and built without assistance of a trained architect. Collaborative design evolved with homeowner and builder, based on familiar styles, features and products.*
- *Can combine features from other architectural styles popular during the historic period; simpler designs than McLoughlin.*
- *Porch: full or partial length at the front entry; if close to the ground, no railings; at main story only.*
- *Dormers: None.*
- *Materials: local, readily available.*
- *Windows: 1:1, double hung windows.*
- *Siding: horizontal board siding; typically shiplap, or channel; occasionally bevel.*
- *Ornament: Exterior decoration is modest, consisting of scroll-work brackets at the top of porch pillars, plain cornerboards and simple window trim. Most houses do not feature spindlework in the peaks of their gable roofs.*
- *Interior fireplaces and chimneys.*

Finding: Complies with Condition. The applicant provided the following:

The homes are a simple rectangular form with pushing and pulling of the form providing recessed porches and breakfast nook projections in proportion to the main volume to provide variation of the massing, visual interest, weather protection, and to break up the volume. Our goal is to blend in with and respect the historic homes of the neighborhood. The design and composition of the new homes is derived from a deliberate and extensive study, analysis and derivation of the home patterns in Canemah. We are designing in the spirit of the historic vernacular style of architecture with a 12"/12" pitch roof and 1 1/2 story roof height. We are also keeping the exterior minimally designed with painted horizontal and vertically hung board siding (natural shiplap siding and wood slats in architecturally significant locations) and wood windows. The windows are at a 1:2 proportion as is consistent with the historical houses in the area at 2.5' x 5'. The homes are not cookie cutters of each other. Each home is designed with its specific location and orientation in mind making it unique, which is a common pattern of the Canemah district. We are building with Structurally Insulated Panels (SIPS) to improve buildability and construction schedule with the added benefit of high energy performance and durability. We are painting the homes with a palette of earth tone colors selected from the nature around the neighborhood. (See Figure 2 - Color Palette Pg9) The homes will be fitted with skylights where appropriate to maximize daylighting in the homes. (See Canemah Neighborhood Analysis - Windows for precedence of skylights in the neighborhood) As stated in the Design Guidelines; "New construction is just that. It is not historic, nor shall it attempt to be historic, but rather to stand side by side with existing historic structures in a respectful manner." To this

effect, we are respecting the street facing facades to be more traditional and historic while allowing the interior facing facades be more stripped down. Facades facing the wetland or interior of the site will have a vertical, natural stained cedar and large panes of glass to open the homes to their setting as much as possible. (See Figure 11)

All of the proposed homes incorporate elements of the Vernacular style, but also incorporate more modern elements not found along 4th Ave. such as window walls, full light doors, stepped windows, and rood cutouts. A further analysis of each home can be found in the Housing Analysis section below. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Specific Design Elements

E-1 Design and choose specific design elements, products, and materials that are allowable and consistent with the design styling and framework established.

E-2 Does the design still fit the style's 'vocabulary'? Have extraneous or excessive details, ornamentation, or materials been chosen that detract from the neighborhood context?

E-3 Do specific elements comply with the guideline? Are materials, colors and finishes selected? Visible equipment? Landscaping and Plantings?

Finding: Complies with Condition. The applicant provided the following:

Nestled within the side of a hill along the Willamette River at the head of the Willamette Falls, Canemah has amazing views from almost every location in the neighborhood. The focus of which for the observed homes is facing downhill and northwest towards the river. All of the homes, historic and modern have taken advantage of these spectacular views with numerous and/or large window openings facing this direction. We found the sizes and types of windows varied significantly within all housing types to the point where we did not find an obvious standard window type. The most consistent feature is that there are multiple large openings facing towards the views. Many homes, modern and historic, have a mix of rectangular vertical windows, large single pane square picture windows facing the streets and large, long, horizontal openings along the frontage of the homes made up of multiple vertical windows. Even within an individual home, there are multiple different window types. Many homes have skylights; some are visible from the street. The overall orientation of the neighborhood is focused on the views towards the river and the natural features of the place. Our development is taking these cues from the neighborhood and respecting the general proportions, placement and shape of the windows while keeping with this tradition of providing large openings towards the natural views of the place, one of the most beautiful features of the neighborhood. This is why we have large sliding glass doors and large windows facing the wetland. While respecting the more "historic" look from the street, the window walls provide a deeper more direct connection to the surrounding environment - important aspect of living in Canemah. We believe enhancing and encouraging this connection is in direct line of the spirit of this place.

Retaining Wall: The majority of Canemah is nestled within the side of a hill. As you enter Canemah, you are confronted with steep cliffs of basalt rock. Retaining walls are a necessary part of constructability in this context and is evident throughout the entire neighborhood. The neighborhood is made up of terraced land held back by various shapes and sizes of retaining walls throughout the entire landscape. Some covered with moss and ivy, some exposed as seen in the construction of a new home along 4th street. The retaining wall condition in this proposed project is not unique. Our intention is to layer basalt stone over the structural elements along

with covering with planting to minimize appearance and to blend more seamlessly in with the surrounding landscape. Through the use of basalt stone and native plantings, the design is directly mimicking the retaining walls seen through the neighborhood and in the images below.

Porches: As mentioned previously, the views are the predominant feature to which the homes, historic and modern, all have in common and are all designed to maximize. There are multiple wide openings on the north facing facades as well as porches, many times two or three on almost every home in the neighborhood. There are two major types of porch forms in the neighborhood. The first kind is the “attached” porch. It is seemingly independent of the building mass “tacked” onto the side of the building. The second type is a more “built in” porch both with and without roof overhangs. The proposed development has both approaches in keeping with the variety within the neighborhood.

Parking: Like setbacks, parking seems to be influenced by the topography as well as occurring where ever a car can find a place. Most homes have their primary parking alongside the roadway itself providing parking areas for multiple cars. Some do not have driveways at all and the only parking for the home is along the street. Our proposed development will have parking areas consistent with the other multi-family buildings in Canemah, however they will be made with permeable pavers and heavily planted to lessen the visual impact. The single space along 4th Ave will be similar to 900 4th Ave. in that it will be heavily planted to lessen the visual impact of the car along the street while also providing more safety and privacy. By Cottage home code the development is required to provide 11 parking spaces. 1.5 spaces for each cottage home. Parking in lots allows for more of the site to be open to natural landscaping and open views instead of being taken up by driveways. It is safer, more compact and more efficient.

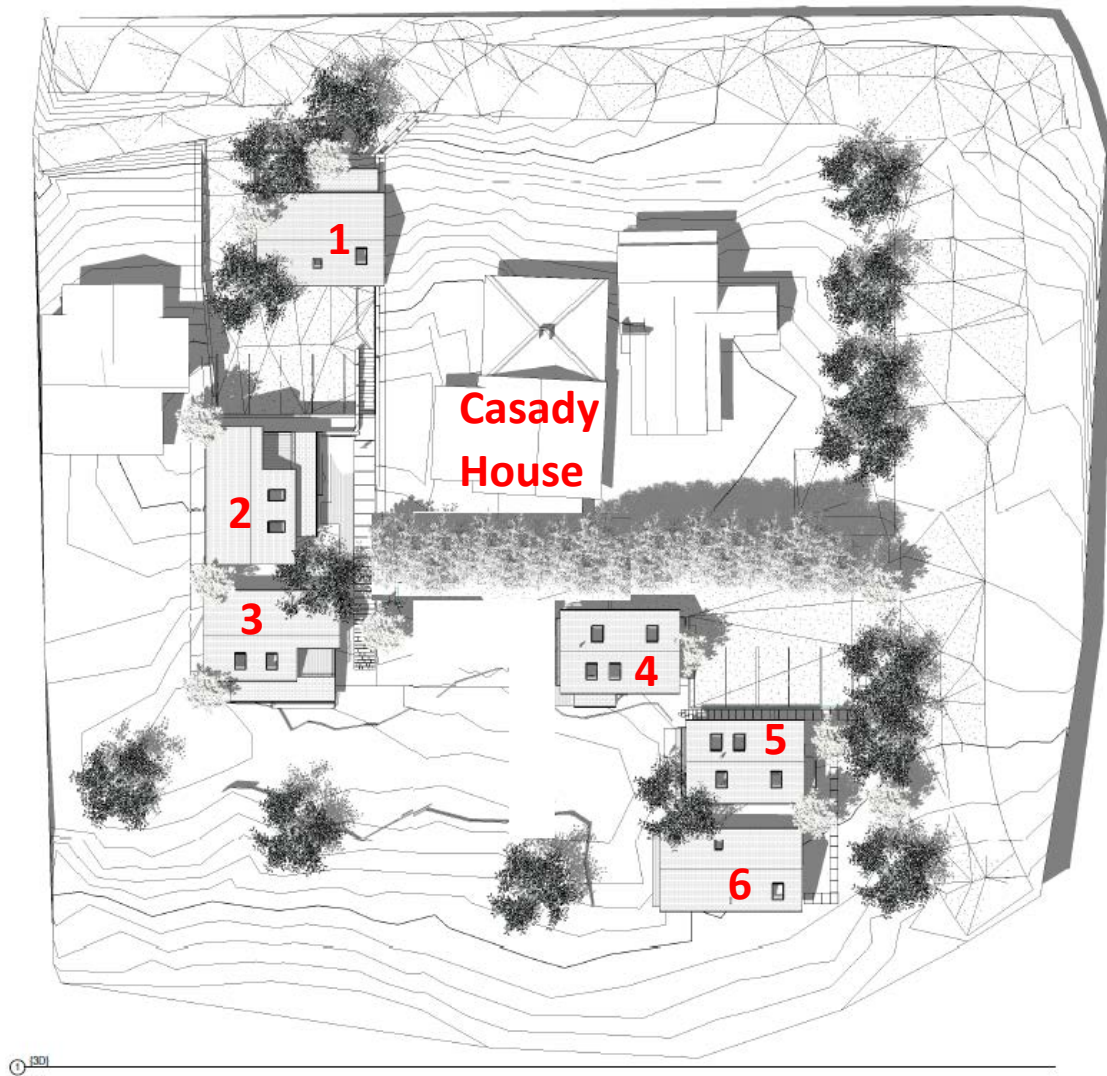
Many of the proposed homes have design elements that are not typically on homes within the Canemah Historic District, Staff and the HRB evaluated the design elements and have incorporated them into the findings below and the conditions listed above. Please reference the Housing Analysis further in the document to review an additional analysis on each individual home.

A geotechnical review has yet to be submitted and the proposed fill removal and retaining wall construction has yet to be addressed. The applicant has proposed to construct a retaining wall on site that will need to comply with a future geotechnical review. The Oregon City Municipal code and Design Guidelines for New Construction specify that retaining walls shall not exceed a maximum of 3 ½ feet within the front yard of a proposed home. The applicant has proposed a retaining wall that will exceed 3 ½ feet within the front of home 1 and 3. The applicant shall minimize the retaining wall height to 3 ½ feet at maximum height, and use rock, brick, or concrete with finishing; or mortared or stacked true masonry or stone that was traditionally quarried in the area.

Additionally, the steps, separate from the proposed homes, that are located within the site are appropriate with the overall context of the Canemah National Historic District. The Design guidelines for new construction call for exterior stairways exceeding five feet in height at the front of buildings is the design composition section and not within the siting. This means this section is talking about the steps leading into a home and not steps within the general site.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

HOUSING ANALYSIS:

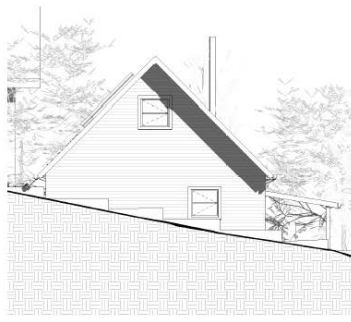


The staff analysis of each home is provided below.

Proposed House 1:



House #1 South
1/4" = 1'-0"



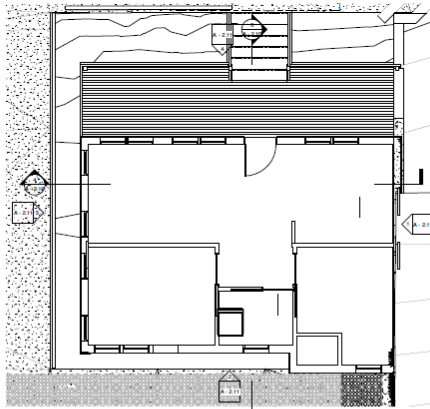
House #1 East
1/4" = 1'-0"



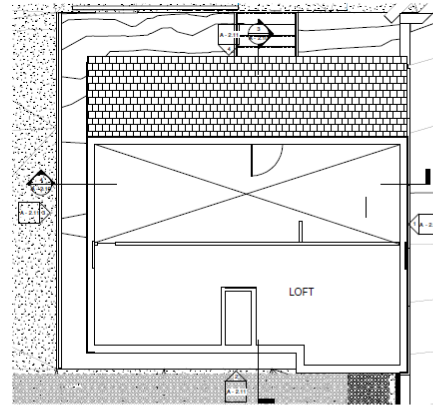
House #1 West
1/4" = 1'-0"



House #1 North
1/4" = 1'-0"



HOUSE #1 LEVEL 1
1/4" = 1'-0"



HOUSE #1 LOFT
1/4" = 1'-0"



HOUSE #1 N-S SECTION
1/4" = 1'-0"



HOUSE #1 E-W SECTION
1/4" = 1'-0"



HOUSE #1
1/4" = 1'-0"

Finding: Complies with Condition. This house is designed to be a 600 square foot 1 ½ story home oriented towards 4th Ave. with an elevated front deck on the front of the house. The deck will have approximately seven steps up to the main level. The deck is encircled by a railing on the north and west side of the house with thin vertical spindles and topped by a rail cap. The east side of the deck will abut a retaining wall separating the porch from the neighboring topography.

The house appears to be designed as a small Vernacular bungalow with six large double hung windows and a half light door on the front of the house. Four large rectangular double hung windows and one small square window on the west side of the house. The east side of the home appears to have two small square double hung windows. The south side of the home includes a four large double hung windows with a small bump out abutting a retaining wall on the southeast corner.

The siding appears to be a vertical shiplap siding along the north, east, and west sides of the home. The south side of the home has been designed with vertical shiplap siding.

The roof of the home appears to be designed as a shingle covered with a pitch greater than 8:12 (12:12 according to the applicant narrative). The north side of the roof appears to have a small chimney, and the south side of the roof appears to have one large rectangular and one small square skylight window.

In the design of home number one, the applicant has indicated that they are planning to remove a significant portion of the abutting topography, creating a cutout for the home and a twelve (12) foot wide driveway on the existing lot. This home will also be located directly upon the east property line.

The proposed landscaping in front of the front of the home is unclear. The applicant will need to go through Geotechnical Review along with Site Plan and Design Review.

To ensure compatibility, conditions of approval have been that coincide with the existing Design Standards for the Canemah Historic District, the following conditions are proposed:

- Retaining and structural walls shall be minimized; to be faced or finished in stone, mortared basalt, or concrete, and not exceed 3 ½ feet, to complement the Canemah Neighborhood.
- Concrete foundations shall have a natural, parged or painted finish.
- Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
- A minimum of 5 shrubs and groundcover shall be installed along the façade of the front porch.
- Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
- Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.
- At the August 22, 2017 Historic Review Board meeting the HRB approved the design of the proposed cottage housing development with a set of conditions. One of the specified conditions was for no preservation incentives to be permitted on house number one. Repositioning the house would create enough separation from the property lines, so no preservation incentive would be necessary for this home.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

Proposed House 2:



① House #2 West
1/4" = 1'-0"



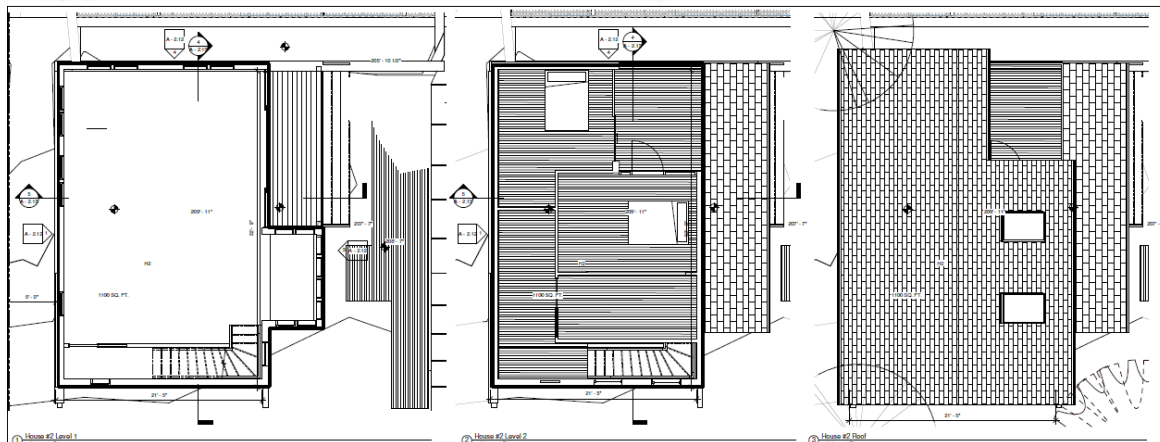
② House #2 South
1/4" = 1'-0"



③ House #2 East
1/4" = 1'-0"



④ House #2 North
1/4" = 1'-0"



① House #2 Level 1
1/4" = 1'-0"

② House #2 Level 2
1/4" = 1'-0"

③ House #2 Roof
1/4" = 1'-0"



① HOUSE#2 S SECTION
1/4" = 1'-0"



② HOUSE#2 E SECTION
1/4" = 1'-0"



③ HOUSE #2

Finding: Complies with Condition. On August 22, 2017, the HRB decided by a vote of 4-0-0 to approve the proposed cottage development with condition. One of the conditions is the removal of house number two from the proposed development. Removing house number two will reduce the density of the overall site and create a siting pattern more commonly seen throughout the Canemah National Historic District. Additionally, removing house number two will allow the application more space to reposition house number one.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

Proposed House 3:



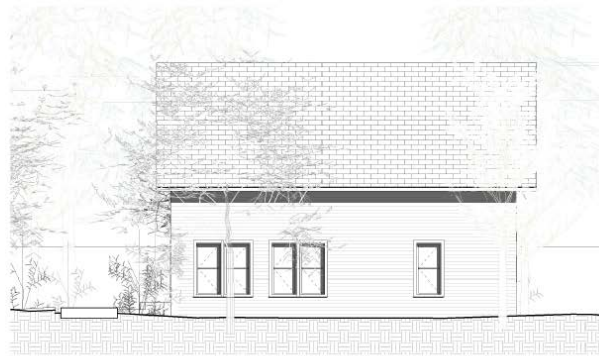
① House #3 South
1/4" = 1'-0"



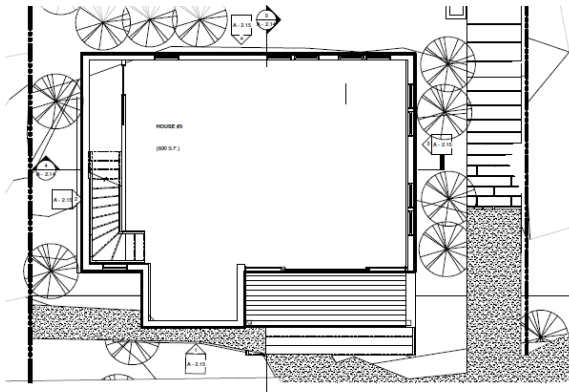
② House #3 West
1/4" = 1'-0"



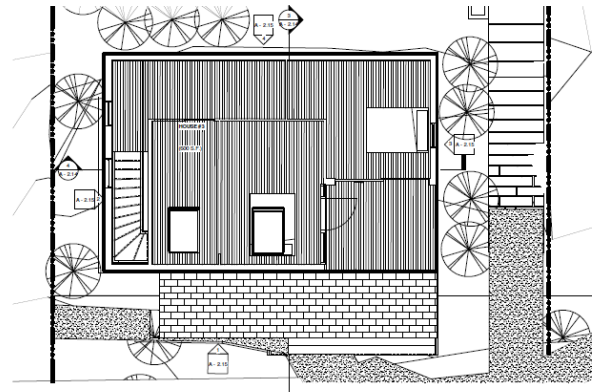
③ House #3 East
1/4" = 1'-0"



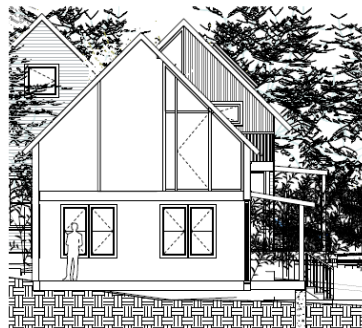
④ House #3 North
1/4" = 1'-0"



① House #3 Level 1
1/4" = 1'-0"



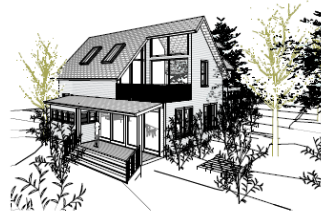
② House #3 Level 2
1/4" = 1'-0"



③ HOUSE #3 N-S SECTION
1/4" = 1'-0"



④ HOUSE #3 E-W SECTION
1/4" = 1'-0"



⑤ HOUSE #3

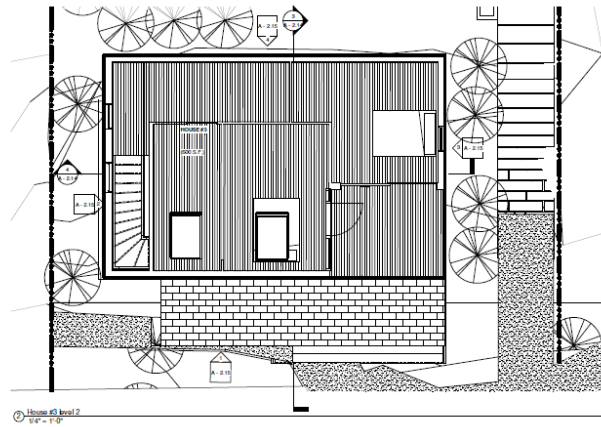
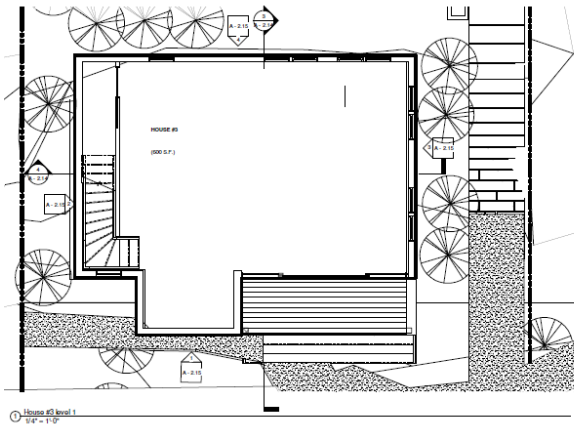
Finding: Complies with Condition. House number three is located approximately ten feet south of house number 2, and is exactly the same as house two but oriented north/south instead of east/west.

To ensure compatibility, conditions of approval have been created that incorporate the existing Design Standards for the Canemah Historic District, the following conditions are proposed:

- Primary residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted.
- Gable roof slopes shall have equal pitch. Gable primary roofs shall have a pitch of 8:12 or greater (6:12 for Bungalow). Porch or bay roofs may have lower slope, may have hip if style allows. Roofs shall have a minimum 1 foot overhang with a maximum of 3 feet.
- Roof cut-outs do not appear to be a feature found on homes within the Canemah neighborhood and the home shall be redesigned incorporating a continuous roof line with no breaks, or cut-outs, for second story patios.
- Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.
- Concrete foundations shall have a natural, parged or painted finish.
- Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
- Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
- Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

Proposed House 4:



Finding: Complies with Condition. House four is an 800 square foot 1 ½ story modern Vernacular, completely sided in horizontal shiplap on the north, vertical shiplap on the south and west side, and vertical and horizontal shiplap on the east side. This house is located approximately 60 feet to the east of house number three.

The front of the house is on the east side of the building and has been designed with a small elevated deck, covered by an eave, leading into a solid front door with a tall and narrow vertical fixed window to the left of the front door. There is one medium rectangular window on the main floor and two large double hung rectangular windows on the second story.

On main level of south side of the house there are four full light sliding style doors leading out to small covered deck. There is also one small double hung rectangular window and one medium window. On the west side of the home there is another set of full light glass doors leading out to a covered deck. On the second story of the west side is a second story deck encircled by a railing with narrow spindles and a top rail. Half of the second story on the west side of the building is composed of windows. Additionally, there is one small rectangular window on the second story.

There are two large double hung rectangular windows on the north side of the building. The roof appears to greater than an 8:12 slope with two skylights on both the south side and north side of the roof.

To ensure compatibility, conditions of approval have been created that incorporate the existing Design Standards for the Canemah Historic District, the following conditions are proposed:

- The main entrance of the house shall not be oriented towards the adjacent parking lot.
- Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.
- Residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted on any portion of the house.
- Concrete foundations shall have a natural, parged or painted finish.
- Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
- Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
- Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

Proposed House 5:



① House #5 East
1/4" = 1'-0"



② House #5 South
1/4" = 1'-0"



③ House #5 West
1/4" = 1'-0"



④ House #5 North
1/4" = 1'-0"



Finding: Complies with Condition. House four is an 800 square foot 1 ½ story modern Vernacular, completely sided in vertical shiplap on the west side, horizontal shiplap on the north and south, and vertical and horizontal shiplap on the east side. This house is located approximately 12 feet to the southeast of house number four.

The front of the house is on the east side of the building and has been designed with a small elevated deck, covered by an eave, leading into a solid front door with a tall and narrow vertical fixed window to the right of the front door. There is one medium rectangular window on the main floor and two large double hung rectangular windows on the second story.

The main level of west side of the house has four full light sliding style doors leading out to small covered deck. On the second story of the west side is a second story deck without any form of railing. Additionally, half of the west side second story is composed of windows. The south side of the house there is one large double hung rectangular and one small rectangular double hung window. There are two large double hung rectangular windows and one small double hung rectangular window on the north side of the house.

The roof appears to greater than an 8:12 slope with two skylights on both the south side and north side of the roof.

To ensure compatibility, conditions of approval have been created that incorporate the existing Design Standards for the Canemah Historic District, the following conditions are proposed:

- The main entrance of the house shall not be oriented towards the adjacent parking lot.

- Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.
- Residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper portion glass. The primary door may be a solid panel door. Sliding doors are not permitted on any portion of the house.
- Gable roof slopes shall have equal pitch. Gable primary roofs shall have a pitch of 8:12 or greater (6:12 for Bungalow). Porch or bay roofs may have lower slope, may have hip if style allows. Roofs shall have a minimum 1 foot overhang with a maximum of 3 feet.
- The applicant shall revise the home with a porch railing on the second story of the home.
- The porch shall consist of simple trim at base and top, consistent with architectural style.
- Concrete foundations shall have a natural, parged or painted finish.
- Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
- Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
- Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

House 6:



① House #7 North
1/4" = 1'-0"



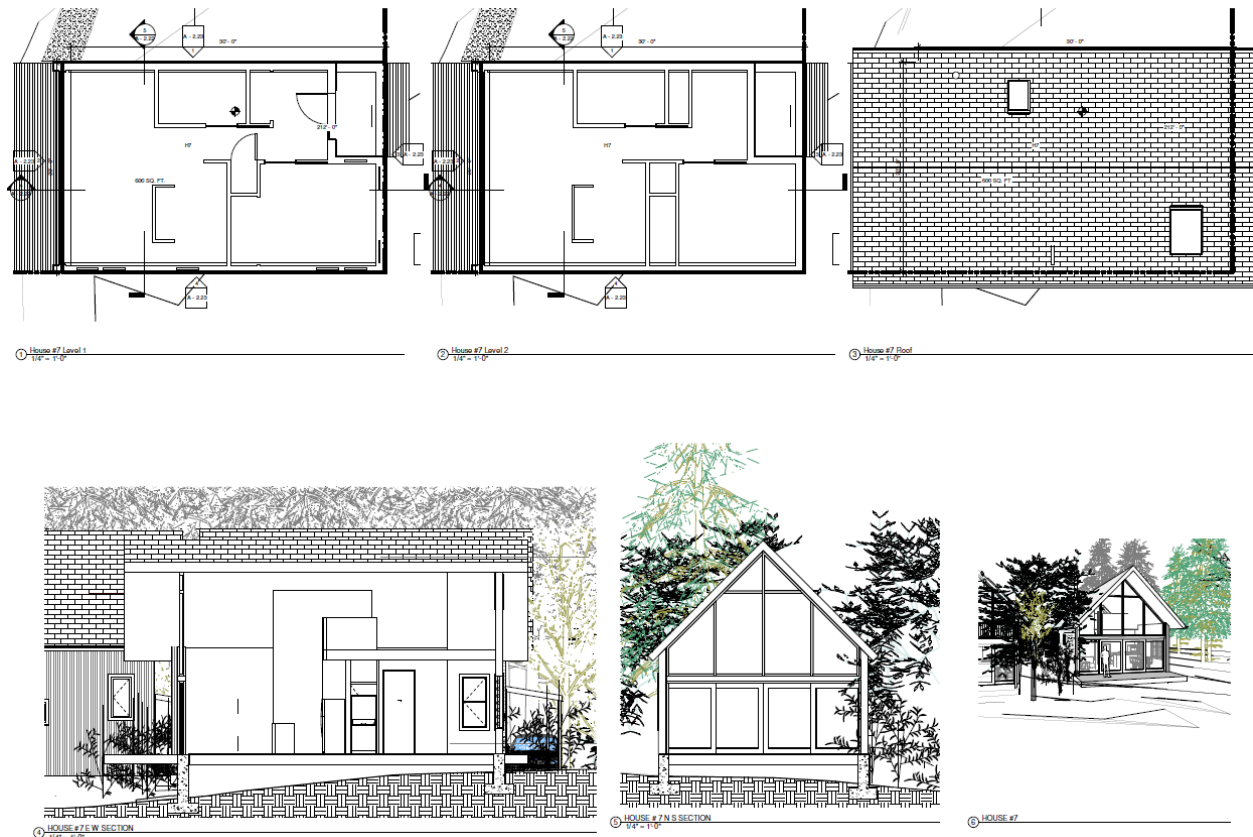
② House #7 West
1/4" = 1'-0"



④ House #7 South
1/4" = 1'-0"



③ House #7 East
1/4" = 1'-0"



Finding: Complies with Condition. House four is a 600 square foot 1½ story modern Vernacular, completely sided in horizontal shiplap on the north and south side of the house, horizontal and vertical and horizontal shiplap on the east side of the house, and primarily windows with minor vertical shiplap on the west side of the house. This house is located approximately 10 feet to the south of house number six.

The front of the house is on the east side of the building and has been designed with a small elevated deck tucked into an alcove, leading into a solid front door with a tall and narrow vertical fixed window to the left of the front door. There is also a large double hung rectangular window on the inside of this alcove looking into the front doorway. Additionally, there are two large double hung rectangular windows on the main floor and one medium widow on the second story.

There is one small fixed window and one small double hung window on the north side of the house. There are five large double hung rectangular windows on the south side of the house. The west side of the house is primarily composed of windows with set of full light glass doors leading out onto a slightly elevated deck.

The roof appears to greater than an 8:12 slope with one skylight on the north and south side of the roof.

To ensure compatibility, conditions of approval have been created that incorporate the existing Design Standards for the Canemah Historic District, the following conditions are proposed:

- Residential doors shall complement the design and detailing of the historic style with similar appearance to wood. Doors shall be designed in a stile and rail type; panel design; with upper

portion glass. The primary door may be a solid panel door. Sliding doors are not permitted on any portion of the house.

- Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single hung, or casement. Wood clad shall be matching in color and finish. Non-wood fiberglass and aluminum windows are acceptable if in appropriate style, and matching wood in profile, shadowline, and if similar in color and finish. If a non-wood style is proposed, a sample is required to be approved by the Historic Review Board.
- Gable roof slopes shall have equal pitch. Gable primary roofs shall have a pitch of 8:12 or greater (6:12 for Bungalow). Porch or bay roofs may have lower slope, may have hip if style allows. Roofs shall have a minimum 1 foot overhang with a maximum of 3 feet.
- Concrete foundations shall have a natural, parged or painted finish.
- Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
- Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
- Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the roof plane, and not visible from the right-of-way.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

PUBLIC NOTICE:

Notice of the proposal was sent to property owners within three hundred feet of the subject property and the Canemah Neighborhood Association in addition to a variety of agencies. Additionally, the property was posted with a Notice of Land Use sign with details about the proposal. Transmittals were sent to various City departments and other agencies regarding the proposed development plan. Relevant comments from City departments are addressed in this report as appropriate.

Prior to the first open public hearing, the Planning Division received one written comment relating to the contextual appropriateness of the cottage development in the Canemah Historic district.

- Mr. Paul Edgar identified concerns with the wetlands on the property, parking, and the building guidelines.
 - The proposed application is for the historic review of the historic appropriateness of the proposed project. Parking, wetlands, and geologic hazards are not reviewed by the Historic Review Board as part of a design review. Additional review for compliance with the Oregon City Municipal Code is required.
 - An analysis for compliance with the applicable standards is provided within this report.

Written Public Comments Received After July 25, 2017:

Mr. Dave Green submitted comments concerning the architecture and whether or not the design of the proposed homes are accurate and adheres to the Vernacular description put forth by the Oregon City Design guidelines. Additionally, he addressed his concerns with the potential density of the proposed project within the neighborhood and the impact such a development will have on the surrounding properties.

Staff Response: The concerns addressed above are some of the concerns staff has had with the application as well. Through the findings and conditions of approval, the submitted concerns should be addressed in the staff report above. The HRB has the obligation to review the proposed application against the Design Guidelines and the context of the Canemah National Historic District and determine whether or not application

Friends of Canemah submitted comments addressing several concerns, those concerns are as follows:

1. There should not be more than one house per each 5,000 Sq. Ft. Lots of record!

Staff Response: This criteria is addressed in the staff report above. Cottage housing has not been developed or proposed with the City limits. The applicant has submitted an application requesting the HRB to evaluate the historic appropriateness of cottage homes in the Canemah National Historic District.

2. There should be standard acceptable set-backs from all bodies of water, right-of-ways and frontages.

Staff Response: The HRB does not evaluate wetlands and wetland designations as part of their evaluation. In the application, there are delineated wetlands on the site, but there is not established buffer from the delineated wetlands.

3. All cuts and fills that require review, these reviews must happen before any HRB process with approvals by City Planning and Natural Resources committees, must be in hand to advance.

Staff Response: Geotechnical reviews are done independently of the HRB review of an application. Geotechnical finding may alter a HRB application, and the applicant may need to resubmit for HRB design review.

4. Parking Lots are incompatible Building Guidelines for Historic Districts.

Staff Response: The applicant has submitted materials referencing why the parking lots may be deemed appropriate for the proposed development. The HRB has the obligation to evaluate the contextual design appropriateness of a parking lot feature within the area the applicant has proposed to develop. If the applicant has contained the proposed development on the site and has mitigate for the impacts of the parking lot on any of the neighboring properties, the HRB may find the proposed parking lots compatible with the application.

5. Impervious surfaces exceed limits for the lot with Houses #1 & 2, NO more than 40%.

Staff Response: There are no areas where the proposed lot coverage, per the definition in the OCMC, exceeds 40% lot coverage.

6. Impervious surfaces exceed limits for the lot with Houses #4, 5 & 6, NO more than 40%.

Staff Response: There are no areas where the proposed lot coverage, per the definition in the OCMC, exceeds 40% lot coverage.

7. There are State of Oregon Standards for Vernacular houses and the designs offered are in violation of those standards found in Oregon Revised Statutes Chapter 358. Violations include Cut-a-Way Roofs. Which also detract from OCMC 17.40 Historic District Building Guidelines.

Staff Response: Staff has addressed the Vernacular criteria of the application and has reflected those criteria within the conditions of approval for the HRB review. The HRB will evaluate the staff findings and conditions and may make alterations where they feel is necessary in staff report.

8. House density on each lot of record must be adjudicated lot by lot, not as a cluster until approved by the Planning Commission.

Staff Response: The concept of cottage housing is addressed through the design guidelines and precedents set within the Canemah National Historic District. Cottage housing has not been proposed within the City of Oregon City in the past. Since this is the first time cottage house has been proposed, the HRB needs to evaluate the proposal and how it relates to the criteria.

9. We see NO Justification and value based criteria for any of the Preservation Incentives! Any Preservation Incentives are to enhance a Historic District @ OCMC 17.40.065 and there are NO referenced Value Based Justifications to receive any of the asked for Historic Preservation Incentives.

Staff Response: The applicant has cited the wetlands on the site and preserving the delineated wetlands as a reason for justifying the preservation incentives. The HRB will evaluate whether or not the proposal from the application justifies the request for preservation incentives.

10. In OCMC 17.40 code we do not accept Flag Lots.

Staff Response: There are no flag lots associated with this development.

11. We are asking for continuance of this meeting and approval process to a future date, until all understanding are adjudicated for any mitigation from standard Set-Backs rules and codes, that are asked for and required of other applicants with ruling from the Planning Commission and Natural Resources Committee.

Staff Response: There was a request for continuance during the first evidentiary hearing (July 25, 2017). The HRB does not have to grant a continuance during the second evidentiary hearing.

12. The Historic Wagon Roads cannot be altered from the current look and feel and what is in these HRB requests changes that.

Staff Response: There do not appear to be any proposed changes to the street within the proposed application.

RECOMMENDATION:

Based on the analysis and findings as described above, Staff recommends that the proposed Modification for Historic Review located on the south side of 4th Ave., in the vicinity of 4th Ave. and Miller St. and identified as Clackamas County Map 3-1E-01AA, TL 02200, 03600, and 03700, meets the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends the Historic Review Board approve file MD 17-01 – MD 17-06 with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map (On File)
2. Applicant's Narrative and Plans (On File)_
3. Previous Proposal for HR 16-09, HR 16-10, HR 16-11, HR 16-12, HR 16-13, and HR 16-14 (On File)
4. Public Comments (On File)

Previous Public Hearings

The following meeting videos and agendas for this project are available for viewing and are part of the record.

Date	City Website Link	Youtube Link
March 2, 2021 HRB hearing	Video: https://www.orcity.org/bc-hrb/historic-review-board-6 Agenda: https://meetings.municode.com/adaHtmlDocument/index?cc=OREGONCITY&me=cfa1d3f421ba4b729b20b2009a92e87e&ip=True	https://www.youtube.com/watch?v=KksufDMBuAU
March 23, 2021 HRB hearing	Video: https://www.orcity.org/bc-hrb/historic-review-board-7 Agenda: https://meetings.municode.com/adaHtmlDocument/index?cc=OREGONCITY&me=90be4fd064f047b38549ab0c31a74fe6&ip=True	https://www.youtube.com/watch?v=GUh_N2Tq4cg



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission **Agenda Date:** 6/02/2021
From: Community Development Director Laura Terway

SUBJECT:

First Reading of Ordinance No. 21-1009, Annexation Code Amendments Title 14, Chapter 14.04 and LEG-21-00001

STAFF RECOMMENDATION:

Staff recommends that the City Commission approve the first reading of Ordinance No. 21-1009 and approve LEG-21-0001 with the changes recommended by the Planning Commission.

EXECUTIVE SUMMARY:

City Commission directed staff to prepare amendments to Chapter 14.04 – City Boundary Changes and Extension of Services. The intent of the amendments is to provide greater specificity and clarity to the factors in OCMC 14.04.060 by which annexations are evaluated, while recognizing that annexations are highly discretionary decisions of the City Commission that change city boundaries and are not development applications in and of themselves.

On May 10, 2021, the Planning Commission held a Public Hearing to consider LEG-21-00001, and following discussion, recommended forwarding the proposed code amendments to the City Commission with additional suggestions for factors 6(b), 8, 10, 11 and 12, as discussed in the background below, as well as including wireless communication infrastructure in the statements of availability of services and utilities under “Contents of Application”.

Please refer to the legislative staff report for recommended findings, and the “Detailed Summary of Changes” document that presents a summary of the proposed amendments in tabular format.

BACKGROUND:

The Oregon City Municipal Code (OCMC) 14.04.040 sets out a series of “factors” that must be “considered” to approve an annexation request. Successful annexations must

demonstrate a “positive balance” of factors. Adopted in 1999, these standards provide the City with a great deal of discretion, but can be problematic, not only because they offer “factors” for consideration rather than criteria, but also because they are quite vague. For example, the Commission has a great deal of latitude to determine the extent to which utilities must be adequate or available to satisfy this factor.

Annexations are highly discretionary decisions that are filed prior to or concurrently with other required and land use applications, such as zone changes, land divisions and site plan and design review. Annexation decisions, aside from emergency annexations, are made by a recommendation of the Planning Commission with a final decision by the City Commission.

PLANNING COMMISSION RECOMMENDATIONS

At the public hearing on May 10, 2021 Planning Commission suggested several additional changes for the City Commission’s consideration.

Factor 6(b).

Factor 6(b) is on of three subfactors that are intended to show whether the annexation is “in the best interest” of the City.

Planning Commission recommended that factor 6(b), the subfactor that addresses land needs, be amended to include the terms “jobs and/or housing”, and suggested that the City Commission weight this factor more heavily than factors 6(a) or (6c), or even allow it to stand on it’s own if the land to be annexed includes significant jobs and / or housing.

Factor 8.

Factor 8 concerns natural hazards, both mapped and unmapped by the City.

Planning Commission recommended that the word “landslides” be added to factor 8 since natural hazards include steep slopes and landslides.

Factors 10 and 11.

Factors 10 and 11 are concerned with adverse impacts to the economic, social and physical environment of the community and on specially designated open space, scenic, historic or natural resource areas.

Planning Commission discussed the differences and similarities between factors 10 and 11 and found the language confusing. They there recommended that the factors be combined in some manner while adding specificity regarding what the terms “identified” and “designated” mean. Staff has attempted to provide a suitable combination of the factors for the City Commission’s considerations.

Factor 12 (will be renumbered to 11 if factors 10 and 11 are combined)

This factor concerns significant site grading or tree removal that may occur following application for annexation. Planning Commission did not make any recommendations for changes to this factor, however some Planning Commissioners felt that the factor was an overreach by the City. Other Planning Commissioners felt this factor was important since the factor originally arose to complaints from neighboring properties.

Planning Commission also cautioned about the “law of unintended consequences” since the factor could incentivize prospective annexation applicants who wish to develop their property to cut down trees or grade land *even sooner*, if they know that they will not be allowed to do so, or face consequences, once they file an annexation application. In other words, this factor could backfire and result in the opposite of what it was intended to do, which was to avoid significant tree removal and site grading prior to land use approval.

DIRECTION FROM CITY COMMISSION

The City Commission provided the following direction to guide staff in amending the code:

- Identify precisely which public services and infrastructure must be analyzed;
- Assure that the impact of future development within the annexation is identified and has already been accounted for in the City’s infrastructure master plans;
- Require the applicant to identify the funding sources for future infrastructure improvements;
- Emphasize the desire for timely and efficient annexations;
- Prioritize annexations by requiring the applicant to demonstrate a need for annexation;
- Provide more specificity within the annexation factors to identify the level of planning and infrastructure analysis required to determine that future development can be adequately served.
- Add more language regarding the funding sources for mitigation, such as public improvements.
- Lower the threshold size of annexation triggering the master planning (OCMC Chapter 17.65) requirement to five acres.
- Add a factor identifying all historically designated and potentially eligible historic structures be identified.
- Research other city codes such as the City of Sandy for additional criteria.
- Explore the “Concentric Circles” idea.
- Make explicit the option for the Commission to utilize development agreements.

OPTIONS:

1. Approve the first reading of Ordinance 21-1009 with the changes to OCMC 14.04 as recommended by the Planning Commission.

2. Approve the first reading of Ordinance No. 21-1009 with modifications by the City Commission.
3. Do not approve the first reading of Ordinance No. 21-1009 and continue the public hearing for LEG-21-00001 to a date certain.

ORDINANCE NO. 21-1009

AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING OREGON CITY MUNICIPAL CODE (OCMC) TITLE 14, ANNEXATIONS, CHAPTER 14.04 – CITY BOUNDARY CHANGES AND EXTENSION OF SERVICES

WHEREAS, Oregon City Municipal Code (OCMC) Title 14, Annexations, Chapter 14.04 – City Boundary Changes and Extension of Services provides the standards, procedures, and factors by which the City evaluates annexation proposals; and

WHEREAS, the City Commission recognizes that annexations are discretionary decisions of the City Commission pursuant to OCMC 17.50, 14.04, ORS Ch. 222 and Metro Code 3.09; and

WHEREAS, the City Commission desires to provide greater clarity and specificity to the annexation approval process to ensure that annexations are timely, orderly and efficient; and

WHEREAS, the proposed amendments OCMC 14.04 provide such assurance as well as greater clarity to applicants; and

WHEREAS, the City Commission held three Work Sessions on December 16th, 2020, January 12th, 2021, and March 3, 2021 to review the Code amendments; and

WHEREAS, the Planning Commission held a public hearing on May 10, 2021 and recommended approval of the proposed Code amendments with modifications; and

WHEREAS, the City Commission held a public hearing on June 2, 2021 and found that the proposed Code amendments meet all of the criteria for Legislative approval as discussed in the Staff Report and Recommended Findings.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. OCMC 14.04 - City Boundary Changes and Extension of Services is hereby amended (Attachment A).

Read for the first time at a regular meeting of the City Commission held on the 2nd Day of June, 2021, and the City Commission finally enacted the foregoing Ordinance this 16th day of June, 2021.

RACHEL LYLES SMITH, Mayor

Attested to this 16th day of June 2021,

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney



Oregon City Municipal Code

Chapter 14.04 – City Boundary Changes and Extension of Services

14.04.010 - Purpose.

It is the purpose and general intent of the ordinance codified in this chapter to delineate the appropriate procedures to be followed to annex territory to the City and to undertake other major and minor boundary changes. It is recognized that annexations to the corporate limits are major land use actions affecting all aspects of city government, and that other boundary changes and extensions of services shall also be regulated.

- A. With respect to annexations, the procedures and standards established in this chapter are required for review of proposed annexations in order to:
 - 1. Provide adequate public information and sufficient time for public review before an annexation election, where applicable;
 - 2. Maximize citizen involvement in the annexation review process;
 - 3. Establish a system for measuring the physical, environmental, fiscal and related social effects of proposed annexations; and
 - 4. Ensure adequate time for staff review.
- B. With respect to major and minor boundary changes or extensions of services other than annexations, it is the purpose and general intent of this chapter to provide a method by which such changes or extensions may be reviewed in a rational way and in accordance with applicable comprehensive plans.

14.04.020 - State and regional regulations regarding annexations, other boundary changes and extensions of services.

The regulations and requirements of ORS Ch. 222, and Metro Code Section 3.09, are concurrent obligations for annexation and are not affected by the provisions of this chapter.

14.04.030 - Definitions.

Unless the context requires otherwise, the following definitions and their derivations shall be used in this chapter:

"City" means the City of Oregon City, Oregon.

"Commission" or "City Commission" means the City Commission of Oregon City, Oregon.

"District" means an entity described in ORS 198.010, 198.710(1) to (4) or 199.420.

"Major boundary change" means the formation, merger, consolidation or dissolution of a city or district.

"Minor boundary change" means an annexation or withdrawal of territory to or from a city or district or from a city-county to a district. "Minor boundary change" also means an extra-territorial extension of water or sewer service by a city or district.

"Planning Commission" means the Oregon City Planning Commission.

"Withdrawal" means the detachment, disconnection, or exclusion of territory from the City or service district.

14.04.040 - Procedures for major boundary changes and for minor boundary changes other than annexations.

- A. With respect to major boundary changes and for minor boundary changes other than for annexations, the procedures that shall be followed shall be those provided by the laws of the State of Oregon.
- B. The City Commission may provide for the withdrawal of territory from a district described in ORS 222.111, when land is annexed into the City. Any such withdrawal shall be specifically set forth in the final order of the City Commission approving the annexation.

14.04.050 - Annexation procedures.

- A. Application Filing Deadlines. If applicable, annexation elections shall be scheduled for March, May, September and November of each year. Each application shall first be approved by the City Commission, which shall provide a valid ballot title in sufficient time for the matter to be submitted to the voters as provided by the election laws of the state of Oregon.
- B. Pre-application Review. Prior to submitting an annexation application, the applicant shall confer in the manner provided by OCMC 17.50.050 with City staff.
- C. Neighborhood Contact. Prior to filing an annexation application, the applicant shall meet with the City-recognized neighborhood association or associations within which the property proposed to be annexed is located. Proactive efforts by the applicant to meet with a neighborhood association shall be deemed a positive factor in the evaluation of the annexation application.
- D. Signatures on Consent Form and Application. The applicant shall sign the consent form and the application for annexation. If the applicant is not the owner of the property proposed for annexation, the owner shall sign the consent form and application in writing before the Community Development Director may accept the same for review.
- E. Contents of Application. An applicant seeking to annex land to the City shall file with the City the appropriate application form approved by the Community Development Director. The application shall include the following:
 - 1. Written consent form to the annexation signed by the requisite number of affected property owners, electors or both, provided by ORS 222, if applicable;
 - 2. A legal description of the territory to be annexed, meeting the relevant requirements of the Metro Code and ORS 308. If such a description is not submitted, a boundary survey may be required. A lot and block description may be substituted for the metes and bounds description if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description;
 - 3. A list of property owners within three hundred feet of the subject property and, if applicable, those property owners that will be "islanded" by the annexation proposal, on mailing labels acceptable to the City Manager;
 - 4. Two full quarter-section county tax assessor's maps, with the subject property(ies) outlined;
 - 5. A site plan, drawn to scale (not greater than one inch = fifty feet), indicating:
 - a. The location of existing structures (if any);
 - b. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed;
 - c. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing

- water. Base flood data showing elevations of all property subject to inundation in the event of one hundred year flood shall be shown;
- d. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands), wooded areas, identified habitat conservation areas, isolated preservable trees (trees with trunks over six inches in diameter—as measured four feet above ground), and significant areas of vegetation; and
 - e. General land use plan indicating the types and intensities of the proposed, or potential development.
6. If applicable, a double-majority worksheet, certification of ownership and voters. Certification of legal description and map, and boundary change data sheet on forms provided by the City.
 7. Narrative statements explaining the conditions surrounding the proposal and addressing each of the annexation factors contained in section 14.04.060, as relevant.
 - a. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, wireless communications infrastructure, park and school facilities;
 - b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
 - c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
 - d. Statement outlining method and source of financing required to provide additional facilities, if any;
 - e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;
 - f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any; and
 - g. Statement indicating the type and nature of any comprehensive plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development.
 - h. The narrative statements described above, and the analyses contained therein should be based on the reasonably “worst case development scenario”. This means that the required analysis of impacts on city services and utilities should assume the most reasonably intense development scenario given the anticipated city zoning for the annexation area using commonly accepted measures such as number of residential units, overall residents, commercial floor area, etc.
 8. The application fee for annexations established by resolution of the City Commission and any fees required by Metro. In addition to the application fees, the City Manager shall require a deposit, which is adequate to cover any and all costs related to the election.
 9. Paper and electronic copies of the complete application as required by the community development director.

14.04.060 - Annexation factors.

- A. When reviewing a proposed annexation, the commission shall consider the following factors, as relevant and approve an annexation only when it finds that on balance these factors are satisfied:
 1. Adequacy of access to the site;
 2. Consistency of the proposal with the City's adopted Comprehensive Plan, including but not limited to goals and policies for urbanization, housing, cultural, historic and natural resources, infrastructure, and provision of public infrastructure and community services;

3. Adequacy and availability of the following public facilities and services to serve potential development at time of development;
 - a. Transportation. The urbanization of the site is accounted for in the Transportation System Plan. The application demonstrates that the annexation is consistent with the Transportation Planning Rule (TPR) or explain why a TPR analysis is not required;
 - b. Sewer. The urbanization of the site is accounted for in the Sewer Master Plan;
 - c. Water. The urbanization of the site is accounted for in the Water Master Plan;
 - d. Stormwater. The urbanization of the site is accounted for in the Stormwater Master Plan;
 - e. Police, Fire, and Emergency Services. Police, fire, and emergency services can adequately serve the site;
 - f. Parks. The urbanization of the site is accounted for in the Parks and Recreation Master Plan; and
 - g. Schools. The urbanization of the site is analyzed for school capacity in a Concept Plan or in a school forecast approved by Oregon City School District.
4. Demonstration of how the impacts of future development to City public facilities and services will be mitigated. Mitigation may include on-site or off-site infrastructure or improvements to existing infrastructure to City standards and specifications, payment of system development charges, etc. Funding for the mitigation must be identified. The City Commission reserves the right to enter into a development agreement with the applicant that governs the extent and timing of infrastructure improvements.
5. Annexations over 5 acres shall obtain Master Plan approval at a public hearing before the Planning Commission prior to or concurrent with a Land Division or Site Plan and Design Review application. The Master Plan will identify the details of development including the overall impact of development on the city infrastructure and mitigating improvements.
6. The annexation is in the best interest of the City. Generally, the Commission may consider the annexation is in the best interest of the city if it meets two or more of the following criteria:
 - a. It provides a needed solution for existing problems, resulting from insufficient sanitation, water service, or other urban service-related problems; or
 - b. It provides land for development to meet urban needs including housing and/or jobs in an orderly and logical growth pattern; or
 - c. It provides needed routes for utility and transportation networks.
7. Compliance with applicable sections of ORS 222, and Metro Code Section 3.09 including a demonstration that the proposed annexation is timely, orderly, and efficient;
8. All natural hazards identified by the City, such as wetlands, floodplains, steep slopes and landslides, including those mapped and unmapped by the City, County, State or other government agencies are identified;
9. All historically designated and potentially eligible historic structures are identified;
10. Any significant adverse impacts on the economic, social and physical environment of the community or on specially designated open space, scenic, historic or natural resource areas identified in the Comprehensive Plan by urbanization of the subject property at time of annexation can be avoided or mitigated;
11. The extent to which the proposed annexation territory includes preservation of natural features, landforms and significant tree canopy since the date when the annexation application was filed with the City, excluding properties under farm or forest tax deferment or farm or forest practices as defined under ORS 30.930. Annexations which demonstrate efforts to avoid significant site

grading or tree removal will be viewed more favorably than those upon which such activities have occurred.

14.04.070 - Action by the Planning Commission.

The Planning Commission shall conduct a public hearing in the manner provided by OCMC 17.50.170(B) to evaluate the proposed annexation and make a recommendation to the City Commission regarding how the proposal has or has not complied with the factors set forth in OCMC 14.04.060 of this chapter. The Planning Commission shall provide findings in support of its recommendation.

14.04.080 - Action by City Commission.

- A. Upon receipt of the Planning Commission's recommendation, the City Commission shall hold a public hearing in the manner provided by OCMC 17.50.170(C). The City Commission shall endeavor to review all proposals prior to the City application deadline for submitting ballot measures to the voters, if applicable. The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in OCMC 14.04.060. The City Commission shall make findings in support of its decision to schedule an annexation for an election.
- B. The City Commission reserves the right to enter into a development agreement with the owners of property that is proposed for annexation to the City.

14.04.090 - Legal advertisement of pending election.

After City Commission review and approval, the Community Development Director shall cause a legal advertisement describing the proposed annexation and pending election to be published in at least one newspaper of general circulation in the City in the manner provided by state election law. The advertisement shall be placed at least fourteen days prior to the election. The size of the advertisement shall be determined by the City Manager. The advertisement shall contain: a description of the location of the property, size of the property, its current zoning and any proposal for zone changes upon annexation, a general description of the potential land uses allowed, any required comprehensive plan text or map amendment or zoning ordinance text or map amendment, and where the City Commission's evaluation of the proposed annexation may be found. Any statement regarding development of the property proposed for annexation that is dependent upon future action by the City shall be accompanied by a disclaimer to the effect that such development would not be affected by the annexation vote.

14.04.100 - Election procedures.

- A. Pursuant to ORS 222.130(1), the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed one hundred fifty words. The City Attorney shall prepare the ballot title wording.
- B. Pursuant to ORS 222.130(2), the notice of an annexation shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.
- C. Pursuant to ORS 222.111(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.

14.04.110 - Setting of boundaries and proclamation of annexation.

Upon approval by the voters of the proposed annexation, the City Commission, by ordinance, shall set the boundaries of the area to be annexed by a legal description, adopt findings, and proclaim the results of the election.

14.04.120 - Exceptions.

The City Commission may authorize an exception to any of the requirements of this chapter. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for identified health hazards and for those matters which the City Commission determines that the public interest would not be served by undertaking the entire annexation process. All annexations, however, shall be referred to the voters of the City except those exempted by state law. An exception referring to an annexation application that meets the approval criteria to an election cannot be granted except as provided for in the Oregon Revised Statutes.



OREGON CITY

Community Development – Planning

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Oregon City Municipal Code

Chapter 14.04 – City Boundary Changes and Extension of Services

14.04.010 - Purpose.

It is the purpose and general intent of the ordinance codified in this chapter to delineate the appropriate procedures to be followed to annex territory to the City and to undertake other major and minor boundary changes. It is recognized that annexations to the corporate limits are major land use actions affecting all aspects of city government, and that other boundary changes and extensions of services shall also be regulated.

- A. With respect to annexations, the procedures and standards established in this chapter are required for review of proposed annexations in order to:
 1. Provide adequate public information and sufficient time for public review before an annexation election, where applicable;
 2. Maximize citizen involvement in the annexation review process;
 3. Establish a system for measuring the physical, environmental, fiscal and related social effects of proposed annexations; and
 4. Ensure adequate time for staff review.
- B. With respect to major and minor boundary changes or extensions of services other than annexations, it is the purpose and general intent of this chapter to provide a method by which such changes or extensions may be reviewed in a rational way and in accordance with applicable comprehensive plans.

14.04.020 - State and regional regulations regarding annexations, other boundary changes and extensions of services.

The regulations and requirements of ORS Ch. 222, and Metro Code Section 3.09, are concurrent obligations for annexation and are not affected by the provisions of this chapter.

14.04.030 - Definitions.

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"Planning Commission" means the Oregon City Planning Commission.

"Withdrawal" means the detachment, disconnection, or exclusion of territory from the City or service district.

14.04.040 - Procedures for major boundary changes and for minor boundary changes other than annexations.

- A. With respect to major boundary changes and for minor boundary changes other than for annexations, the procedures that shall be followed shall be those provided by the laws of the State of Oregon.
- B. The City Commission may provide for the withdrawal of territory from a district described in ORS 222.111, when land is annexed into the City. Any such withdrawal shall be specifically set forth in the final order of the City Commission approving the annexation.

14.04.050 - Annexation procedures.

- A. Application Filing Deadlines. ~~If applicable, a~~ Annexation elections shall be scheduled for March, May, September and November of each year. Each application shall first be approved by the City Commission, which shall provide a valid ballot title in sufficient time for the matter to be submitted to the voters as provided by the election laws of the state of Oregon.
- B. Pre-application Review. Prior to submitting an annexation application, the applicant shall confer in the manner provided by OCMC 17.50.050 with City staff.
- C. Neighborhood Contact. Prior to filing an annexation application, the applicant shall meet with the City-recognized neighborhood association or associations within which the property proposed to be annexed is located. ~~Unwillingness or unreasonable unavailability~~ Proactive efforts by the applicant to meet with a -of a neighborhood association to meet shall not be deemed a negative-positive factor in the evaluation of the annexation application.
- D. Signatures on Consent Form and Application. The applicant shall sign the consent form and the application for annexation. If the applicant is not the owner of the property proposed for annexation, the owner shall sign the consent form and application in writing before the Community Development Director may accept the same for review.
- E. Contents of Application. An applicant seeking to annex land to the City shall file with the City the appropriate application form approved by the Community Development Director. The application shall include the following:
 - 1. Written consent form to the annexation signed by the requisite number of affected property owners, electors or both, provided by ORS 222, if applicable;
 - 2. A legal description of the territory to be annexed, meeting the relevant requirements of the Metro Code and ORS 308. If such a description is not submitted, a boundary survey may be required. A lot and block description may be substituted for the metes and bounds description if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description;
 - 3. A list of property owners within three hundred feet of the subject property and, if applicable, those property owners that will be "islanded" by the annexation proposal, on mailing labels acceptable to the City Manager;
 - 4. Two full quarter-section county tax assessor's maps, with the subject property(ies) outlined;
 - 5. A site plan, drawn to scale (not greater than one inch = fifty feet), indicating:
 - a. The location of existing structures (if any);
 - b. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed;
 - c. The location and direction of all water features on and abutting the subject property.

water. Base flood data showing elevations of all property subject to inundation in the event of one hundred year flood shall be shown;

- d. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands), wooded areas, identified habitat conservation areas, isolated preservable trees (trees with trunks over six inches in diameter—as measured four feet above ground), and significant areas of vegetation; and
 - e. General land use plan indicating the types and intensities of the proposed, or potential development.
6. If applicable, a double-majority worksheet, certification of ownership and voters. Certification of legal description and map, and boundary change data sheet on forms provided by the City.
7. ~~A narrative statements~~ explaining the conditions surrounding the proposal and addressing each of the annexation factors contained in ~~the ordinance codified in this chapter section 14.04.060~~, as relevant, ~~including:~~
- a. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, wireless communications infrastructure, park and school facilities;
 - b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
 - c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
 - d. Statement outlining method and source of financing required to provide additional facilities, if any;
 - e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;
 - f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any; and
 - g. Statement indicating the type and nature of any comprehensive plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development.
 - h. The narrative statements described above, and the analyses contained therein should be based on the reasonably “worst case development scenario”. This means that the required analysis of impacts on city services and utilities should assume the most reasonably intense development scenario given the anticipated city zoning for the annexation area using commonly accepted measures such as number of residential units, overall residents, commercial floor area, etc.
8. The application fee for annexations established by resolution of the City Commission and any fees required by Metro. In addition to the application fees, the City Manager shall require a deposit, which is adequate to cover any and all costs related to the election.
9. Paper and electronic copies of the complete application as required by the community development director.

Commented [PW1]: Planning Commission recommendation

14.04.060 - Annexation factors.

- A. When reviewing a proposed annexation, the commission shall consider the following factors, as relevant and approve an annexation only when it finds that on balance these factors are satisfied:
 - 1. Adequacy of access to the site;

2. ~~Conformity~~ Consistency of the proposal with the City's adopted Comprehensive Plan, including but not limited to goals and policies for urbanization, housing, cultural, historic and natural resources, infrastructure, and provision of public infrastructure and community services;
3. Adequacy and availability of the following public facilities and services to ~~serve~~ meet potential development at time of development;
 - a. Transportation. The urbanization of the site is accounted for in the Transportation System Plan. The application demonstrates that the annexation is consistent with the Transportation Planning Rule (TPR) or explain why a TPR analysis is not required;
 - b. Sewer. The urbanization of the site is accounted for in the Sewer Master Plan;
 - c. Water. The urbanization of the site is accounted for in the Water Master Plan;
 - d. Stormwater. The urbanization of the site is accounted for in the Stormwater Master Plan;
 - e. Police, Fire, and Emergency Services. Police, fire, and emergency services can adequately serve the site;
 - f. Parks. The urbanization of the site is accounted for in the Parks and Recreation Master Plan; and
 - g. Schools. The urbanization of the site is analyzed for school capacity in a Concept Plan or in a school forecast approved by Oregon City School District.
4. Demonstration of how the impacts of future development to City public facilities and services will be mitigated. Mitigation may include on-site or off-site infrastructure or improvements to existing infrastructure to City standards and specifications, payment of system development charges, etc. Funding for the mitigation must be identified. The City Commission reserves the right to. An applicant may enter into a development agreement with the City applicant that governs the extent and timing of infrastructure improvements.
5. Annexations over 5 acres shall obtain Master Plan approval at a public hearing before the Planning Commission prior to or concurrent with a Land Division or Site Plan and Design Review application. The Master Plan will identify the details of development including the overall impact of development on the city infrastructure and mitigating improvements.
6. The annexation is in the best interest of the City. Generally, the Commission may consider the annexation is in the best interest of the city if it meets two or more of the following criteria:
 - a. It provides a needed solution for existing problems, resulting from insufficient sanitation, water service, or other urban service-related problems; or
 - b. It provides land for development to meet urban needs including housing and/or jobs in an orderly and logical growth pattern; or
 - c. It provides needed routes for utility and transportation networks.
7. Compliance with applicable sections of ORS 222, and Metro Code Section 3.09 including a demonstration that the proposed annexation is timely, orderly, and efficient;
8. All natural hazards identified by the City, such as wetlands, floodplains, and steep slopes and landslides, including those mapped and unmapped by the City, County, State or other government agencies are identified;
9. All historically designated and potentially eligible historic structures are identified;
10. Any significant adverse effects/impacts on the economic, social and physical environment of the community or on specially designated open space, scenic, historic or natural resource areas identified in the Comprehensive Plan by urbanization of the subject property at time of annexation are identified can be avoided or mitigated;
11. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.

Commented [PW2]: Planning Commission recommended that factor 6(b) should be weighted more heavily or even be allowed to stand on its own if the land to be annexed includes significant jobs and / or housing.

Commented [PW3]: Planning Commission recommended that this be added since geologic hazards include both steep slopes and landslide areas.

Commented [PW4]: Planning Commission discussed the differences between factors 10 and 11 and recommended that they be combined in some manner while adding specificity regarding what the terms "identified" and "designated" mean.

~~129118. The extent to which the proposed annexation territory includes preservation of natural features, landforms and significant tree canopy since the date when the annexation application was filed with the City. Whether significant site grading or tree removal (greater than fifty percent of the "forest canopy"), excluding properties under farm or forest tax deferment or farm or forest practices as defined under ORS 30.930. Annexations which demonstrate efforts to avoid significant site grading or tree removal will be viewed more favorably than those upon which such activities have occurred. , has occurred on the property since the date when the annexation application was filed with the City.~~

Commented [PW5]: Planning Commission did not make any recommendations for changes to this factor, however some Planning Commissioners felt that this factor was an overreach by the City. Other Planning Commissioners felt this factor was important since the factor originally arose to complaints from neighboring properties. Planning Commission was concerned about the factor but cautioned about the law of unintended consequences, since the factor could result in prospective applicants who wish to develop their property have incentive to cut down their trees *even sooner* if they know that they will not be allowed to once they file an annexation application.

14.04.070 - Action by the Planning Commission.

The Planning Commission shall conduct a public hearing in the manner provided by OCMC 17.50.170(B) to evaluate the proposed annexation and make a recommendation to the City Commission regarding how the proposal has or has not complied with the factors set forth in OCMC 14.04.060 of this chapter. The Planning Commission shall provide findings in support of its recommendation.

14.04.080 - Action by City Commission.

A. Upon receipt of the Planning Commission's recommendation, the City Commission shall hold a public hearing in the manner provided by OCMC 17.50.170(C). The City Commission shall endeavor to review all proposals prior to the City application deadline for submitting ballot measures to the voters, if applicable. The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in OCMC 14.04.060. The City Commission shall make findings in support of its decision to schedule an annexation for an election.

B. The City Commission may reserves the right to enter into~~adopt~~ a development agreement with the owners of property that is proposed for annexation to the City.

14.04.090 - Legal advertisement of pending election.

After City Commission review and approval, the Community Development Director shall cause a legal advertisement describing the proposed annexation and pending election to be published in at least one newspaper of general circulation in the City in the manner provided by state election law. The advertisement shall be placed at least fourteen days prior to the election. The size of the advertisement shall be determined by the City Manager. The advertisement shall contain: a description of the location of the property, size of the property, its current zoning and any proposal for zone changes upon annexation, a general description of the potential land uses allowed, any required comprehensive plan text or map amendment or zoning ordinance text or map amendment, and where the City Commission's evaluation of the proposed annexation may be found. Any statement regarding development of the property proposed for annexation that is dependent upon future action by the City shall be accompanied by a disclaimer to the effect that such development would not be affected by the annexation vote.

14.04.100 - Election procedures.

- A. Pursuant to ORS 222.130(1), the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed one hundred fifty words. The City Attorney shall prepare the ballot title wording.
- B. Pursuant to ORS 222.130(2), the notice of an annexation shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.

- C. Pursuant to ORS 222.111(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.

14.04.110 - Setting of boundaries and proclamation of annexation.

Upon approval by the voters of the proposed annexation, the City Commission, by ordinance, shall set the boundaries of the area to be annexed by a legal description, adopt findings, and proclaim the results of the election.

14.04.120 - Exceptions.

The City Commission may authorize an exception to any of the requirements of this chapter. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for identified health hazards and for those matters which the City Commission determines that the public interest would not be served by undertaking the entire annexation process. All annexations, however, shall be referred to the voters of the City except those exempted by state law. An exception referring to an annexation application that meets the approval criteria to an election cannot be granted except as provided for in the Oregon Revised Statutes.

Summary of Proposed Draft Amendments to Oregon City Municipal Code Chapter 14.04 – City Boundary Changes and Extension of Services

For City Commission – 6/3/2021 First Reading of Ordinance 21-1009. Includes recommendations and suggestions of the Planning Commission on May 10, 2021. This is a summary. Please notify staff of any errors or omissions.

Page Number / Section	Summary	Explanation
Page 1 - OCMC 14.04.010.A	Added “where applicable”	The statement refers to annexations and adding “where applicable” acknowledges not all annexations go to a vote.
Page 2 – OCMC 14.04.050.A	Added “If applicable”	The statement refers to annexations and adding “where applicable” acknowledges not all annexations go to a vote.
Page 2 – OCMC 14.04.050.C.	Deleted “Unwillingness or unreasonable availability of a [neighborhood association] to meet..shall be deemed a negative...” Added “Proactive efforts by an applicant to meet with a [neighborhood association] shall be deemed a positive...”	City Commission directed staff to rephrase this section of code to be positive in tone rather than negative. Note that contact with the neighborhood association is a procedural requirement for a complete annexation application, but not a factor for approval of an annexation.
Page 3- OCMC 14.04.050.E.7	Rewording and added a direct reference to the annexation factors.	Reworded for clarity
Page 3 – OCMC 14.04.050.E.7.(a)	Added “wireless communication facilities” to statements of availability	Planning Commission recommended this language be added since the availability of broadband, small cell or wireless communications is an important public necessity / facility that may have been overlooked in the past when evaluating annexation proposals.
Page 3 – OCMC 14.04.050.E.7.(h)	Added (h) to assure that narrative statements of impact be based on a “reasonably worst case scenario”.	Include specific language that requires that the required infrastructure analysis prepared for annexation applications be based on the “reasonably worst case scenario”. This means that the required analysis of impacts on city services and utilities must assume the most reasonably intense development scenario given the anticipated city zoning for the annexation area in terms of numbers of residential units, commercial floor area, etc.
Page 3 - OCMC 14.04.060.A	Added “and approve an annexation only when it finds that on balance these factors are satisfied”	Clarified that the annexation factors require a positive balance. As factors and not criteria, the Commission has an opportunity to weigh each factor
Page 3 - OCMC 14.04.060.A.2	Added references to topics of goals and policies which are applicable in the Comprehensive Plan.	Adds more clarity about the types of goals and policies which are analyzed in this factor.

Page 3 - OCMC 14.04.060.A.3	Clarified that adequacy and availability of public facilities applies to future availability at time of development. Listed the public facilities to be analyzed: transportation, sewer, water, stormwater, police, fire, emergency services, parks, and schools. Identified threshold for analysis.	Clarifies the time of impact as well as the specific services which should be analyzed. The services identified have been consistently analyzed in annexation reports. The extent to which each service or facility must be analyzed was added for clarity.
Page 4 – OCMC 14.04.060.A.4	Demonstration of how the impacts of future development to City public facilities and services will be mitigated, including funding sources. Added “The City Commission reserves the right to enter into...[a development agreement]. Removed “An applicant may...”	Required applicant to clearly demonstrate anticipated impacts of development and associated funding sources. Development agreements that govern the extent and timing of infrastructure improvements, and which specify who pays for them, may be required as a condition of annexation.
Page 4 - OCMC 14.04.060.A.5	Added new factor “Annexations over 5 acres shall obtain Master Plan approval prior to or concurrent with a Land Division or Site Plan and Design Review application”.	Adds a new factor that large annexation applications (over 5 acres) secure a Master Plan approval prior to development. This will allow for a robust evaluation of the impacts and timing of infrastructure needs through a public hearing procedure at the time when there is more certainty of the development proposed for construction. Development includes a series of steps as land is planned, annexed, construction occurs. A summary of the general steps is attached. Infrastructure is analyzed throughout the process to ensure that the city services can be provided in a timely and efficient manner as development occurs. Due to market conditions, property transactions, cost associated with furthering plans, and others, applicants may have an idea that they would like a particular use in the future, but may not know exactly the intensity or design of the use at time of annexation. Annexation itself does not result in any substantial physical change on the ground, but rather transfers the land to different taxing and service districts. Annexations thus focus on whether the City has updated infrastructure master

		plans, and potentially capital improvement plans that contemplate the service demands. Annexations may also include a request to change the zoning to an urban scale density which would not authorize construction onsite, but would eventually allow higher-density development which would put significantly more demand on city infrastructure. Thus, the analysis of impacts on the infrastructure at each stage of development will become gradually more detailed as it becomes clear what is being proposed for construction. The Oregon City Municipal Code sets forth regulations for a Master Plan (synonymous with a Planned Unit Development) in chapter 17.65. The purpose of the Master Plan is to foster the growth of major institutions, phased residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner. In addition, Master Plans allow infrastructure adequacy and timing to be analyzed holistically at a public hearing before the Planning Commission with citizen participation. Master Plans are currently an option for applicants to choose, but are not required for large annexations which will likely be constructed in a phased manner over time. If applicants for annexations volunteer to have a Master Plan prior to a land division or site plan and design review application, a condition of approval would be placed on the annexation. If applicants do not, the Commission could weigh that against the application when considering the factor.
Page 4 – OCMC 14.04.060.A.6	Added factor identifying if the annexation is in the best interest of the City if it meets one<u>two</u> of three needs: a. <u>A needed solution for existing problems, resulting from insufficient sanitation, water service, or other urban service-related problems; or</u>	Responds to prioritization, timeless, and order of annexation. Prioritize annexations by requiring the applicant to demonstrate a need for the annexation. City Commission directed on 3.1.2021 that this section be revised to specify that two of the three needs must be satisfied in order to determine that the factor is met.

	b. <u>Land for development to meet urban needs in an orderly and logical growth pattern; or</u> c. <u>Needed routes for utility and transportation networks.</u>	
Page 4 – OCMC 14.04.060.A.6(b)	Added “including jobs and/or housing”	Planning Commission recommended that factor 6(b) should be weighted more heavily or even be allowed to stand on its own if the land to be annexed includes significant jobs and / or housing.
Page 4 – OCMC 14.04.060.A.7	Added “including a demonstration that the proposed annexation is timely, orderly, and efficient”	Emphasizes the specific language in the annexation factors that requires an affirmative determination that the proposed annexation is “timely, orderly and efficient”. This language or variations upon it are embodied by reference in ORS 222 and Metro Code 3.09, but the specific phrase is now part of Oregon City’s code.
Page 4 – OCMC 14.04.060.A.8	Added “are identified” Added “County, State or other government agencies”.	Clarified that natural hazards should be identified in the annexation application. Review and identify hazard information available from other government agencies to the extent it is available.
Page 4 – OCMC 14.04.060.A.8	Added “and landslides”.	Planning Commission recommended that this be added to the Natural Hazards factor since geologic hazards include both steep slopes and landslide areas.
Page 4 – OCMC 14.04.060.A.9	Added factor to identify historically designated and potentially eligible historic structures in the annexation application.	Allow the property owner and public to be aware of potential local historic designation.
Page 4 – OCMC 14.04.060.A.10	Added “are identified”	Clarified that significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization should be identified in the annexation application.
Page 4 – OCMC 14.04.060.A.(10) and (11)	Combine factors (10) and (11) to state: “Any significant adverse impacts on the economic, social and physical environment of the community or on specially designated open space, scenic, historic or natural resource areas identified in the Comprehensive Plan by urbanization of the subject	Planning Commission discussed the differences between factors 10 and 11 and recommended that they be combined in some manner while adding specificity regarding what the terms “identified” and “designated” mean.

	property at time of annexation can be avoided or mitigated;"	
Page 4 – OCMC 14.04.060.A.11 (formerly factor 12)	Added "properties under farm or forest tax deferral" Renumber to (11) if factors 10 and 11 are combined.	Adds language to factor #12, the factor that addresses significant site grading and tree removal, to mention that the exclusion applies to properties which have forest and/or farm tax deferral or assessment status, not just those properties on which "forest or farm practices" are occurring. Note that the current reference to ORS 30.930 will be retained.
Page 4 – OCMC 14.04.060.A.11 (formerly factor 12)	Modify and reorganize factor to be a positive incentive rather than a negative penalization. Renumber to (11) if factors 10 and 11 are combined.	Modifies the language in factor #12, the factor that addresses significant site grading and tree removal, to make it a positive incentive rather than a negative penalization. In other words, the criterion has been restated so that that efforts to preserve the natural landform and preserve significant trees prior to annexation will be viewed favorably, as opposed to the current language which implies a negative determination because of significant grading or tree removal. Planning Commission did not make any recommendations for changes to this factor, however some Planning Commissioners felt that this factor was an overreach by the City. Other Planning Commissioners felt this factor was important since the factor originally arose to complaints from neighboring properties. Planning Commission also cautioned about the law of unintended consequences, since the factor could result in prospective applicants who wish to develop their property have incentive to cut down their trees even sooner if they know that they will not be allowed to once they file an annexation application.
Page 5 – OCMC 14.04.080	Added "A" and "B" sections. Added "if applicable behind voter approval. Added language acknowledging potential for development agreement.	Reorganized for clarity and added language that the City Commission "reserves the right" to enter into a development agreement with an applicant.

This is a summary. Please notify staff of any errors or omissions. Please refer to complete code amendment chapters for all changes.



OREGON CITY

Planning Division

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LEGISLATIVE STAFF REPORT AND RECOMMENDATION

A preliminary analysis of the applicable approval criteria for a legislative proposal is enclosed within the following report.

Date of Report: May 26, 2021

HEARING DATES: **June 2, 2021** – City Commission – First Reading of Ordinance 21-1009

May 10, 2021 - Planning Commission

FILE NUMBER: **LEG-21-00001**

APPLICATION TYPE: Legislative (OCMC 17.50.170)

APPLICANT: City of Oregon City, c/o Planning Division, PO Box 3040, Oregon City, OR 97045
Laura Terway, AICP, Community Development Director
Pete Walter, AICP, Senior Planner

REQUEST: Amendments to Chapter 14.04 of the Oregon City Municipal Code - *City Boundary Changes and Extension of Services.*

LOCATION(S): City Wide

RECOMMENDATION: Approval.

PROCESS: 17.50.170 - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use shall begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

2. The Community Development Director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with OCMC 17.50.090.C and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.

3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.

C. City Commission Review.

1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.

2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

I. BACKGROUND:

File No. LEG-21-00001 amends Chapter 14.04 of the Oregon City Municipal Code, which contains the procedures and conditions for annexation. The amendment clarifies and expands the annexation criteria upon which the Planning Commission and City Commission evaluate proposed annexations.

Annexations in Oregon City are governed at local (city), regional (Metro), and State levels. Locally, annexations are regulated by Title 14 of the Oregon City Municipal Code, and by goals and policies in the adopted Comprehensive Plan. Regionally, annexations are regulated by Metro's Code Section 3.09, which establishes requirements for local government boundary changes.

Annexations are required to demonstrate a "positive balance of factors" to comply with the approval criteria in Chapter 14.04.060.

The City Commission directed staff to identify amendments to the annexation factors in Chapter 14.04 of the Oregon City Municipal Code to add clarity and a more detailed analysis of utilities and services necessary to serve annexed territory.

Adoption of the code amendments is a legislative action that requires review and recommendation from the Planning Commission prior to adoption by the City Commission following public hearings.

The Oregon City Municipal Code (OCMC) 14.04.040 sets out a series of "factors" that must be "considered" to approve an annexation request. As currently adopted, these factors include:

1. Adequacy of access to the site;
2. Conformity of the proposal with the city's comprehensive plan;
3. Adequacy and availability of public facilities and services to service potential development;
4. Compliance with applicable sections of ORS 222, and Metro Code Section 3.09;
5. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes;
6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;

7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation;
8. Whether significant site grading or tree removal (greater than fifty percent of the "forest canopy"), excluding farm or forest practices as defined under ORS 30.930, has occurred on the property since the date when the annexation application was filed with the city.

Adopted in 1999, these standards provide the City with a great deal of discretion, but can be problematic, not only because they offer "factors" for consideration rather than criteria, but also because they are quite vague. For example, the Commission has a great deal of latitude to determine the extent to which utilities must be adequate or available to satisfy this factor, creating uncertainty and lack of predictability.

Annexations are highly discretionary decisions that are filed prior to or concurrently with other required and land use applications, such as zone changes, land divisions and site plan and design review. All annexation decisions are made through a recommendation by the Planning Commission with a final decision by the City Commission.

DIRECTION FROM CITY COMMISSION

The following direction was provided to guide staff in further amending the code:

- Identify precisely which public services and infrastructure must be analyzed;
- Assure that the impact of future development within the annexation is identified and has already been accounted for in the City's infrastructure master plans;
- Require the applicant to identify the funding sources for future infrastructure improvements;
- Emphasize the desire for timely and efficient annexations;
- Prioritize annexations by requiring the applicant to demonstrate a need for annexation;
- Provide more specificity within the annexation factors to identify the level of planning and infrastructure analysis required to determine that future development can be adequately served.
- Add more language regarding the funding sources for mitigation, such as public improvements.
- Lower the threshold size of annexation triggering the master planning (OCMC Chapter 17.65) requirement to five acres.
- Add a factor identifying all historically designated and potentially eligible historic structures be identified.
- Research other city codes such as the City of Sandy for additional criteria.
- Explore the "Concentric Circles" idea.
- Make explicit the option for the Commission to utilize development agreements.

The Legislative Process as it relates to the Oregon City Comprehensive Plan

The applicable approval criteria for a legislative action are set forth in the applicable goals and policies of the Oregon City Comprehensive Plan, and any applicable statewide planning goals.

Section 2 – *Land Use* of the 2004 Oregon City Comprehensive Plan indicates that the regular review and updated of the Comprehensive Plan should consider the following:

1. Plan implementation process.

2. Adequacy of the Plan to guide land use actions, including an examination of trends.
3. Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.
4. Addition of updated factual information including that made available to the City of regional, state and federal governmental agencies.

Oregon City Comprehensive Plan (P.16)

Regular Review and Update

Plan maintenance and updating is a continuous technical review of the Plan by the Planning staff. This review and any subsequent recommendations for Plan updating should be presented to the Neighborhood Associations, Planning Commission and City Commission for input and discussion in the same manner as requested Plan changes. The continuous review should consider:

1. Plan implementation process;

The City Commission initiated the code amendment process starting with a series of work sessions held on December 16, 2020, January 12, 2021, and March 3, 2021. The feedback provided at these work sessions provided the basis for the draft code amendments.

Staff presented the amendments to the Citizen Involvement Committee on April 5th, 2021.

The first evidentiary public hearing for the proposed amendments will be held with the Planning Commission and will follow the notice procedures for a legislative action per OCMC 17.50. The City Commission public hearing will be scheduled once the Planning Commission has completed their review and provided a recommendation on the proposed amendments.

The Department of Land Conservation and Development was notified as required by ORS 197.610 – 197.625. The Staff Report will be made available at least seven days prior to the public hearing and the application was processed according to the Legislative Hearing Process as required under Oregon City Municipal Code 17.50.170. Implementation of the Plan is discussed further in Criterion 2.

2. Adequacy of the Plan to guide land use actions, including an examination of trends.

One of the principal reasons for the proposed code amendments is so that the City can reduce the uncertainty associated with annexations and provide greater clarity about infrastructure costs and timing. “Concept Plans” pursuant to Metro Title 11 are required for areas brought into the UGB prior to annexation and the City has successfully completed three such plans for major portions of the UGB. These are the South End Concept Plan, Park Place Concept Plan, and Thimble Creek Concept Plan (formerly named the Beaver Creek Road Concept Plan). These plans are sufficient for initial public facility analysis in the context of general long-range planning but require further refinement in order to ensure adequate public utilities and services as additional detail about proposed development comes to light. Master planning review pursuant to OCMC 17.65 or a development agreement, as a condition of annexation are the means by which the City may ensure concurrency. Recent annexations approved in 2018 included a requirement for Master Plan / PUD applications to be submitted concurrently with any site development proposal.

Perhaps by virtue of being on the edge of the Portland Metro urban area, the number of annexation “factors” in Oregon City exceeds other cities. That said, annexation decisions in Oregon City have not been predictable. Rather, the high level of discretion and voter approval have led to very little predictability in the process.

3. *Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.*

The Commission emphasized a need to add greater certainty when analyzing the impact of development at the time of annexation and discomfort with the level of discretion associated with annexation decisions. The City Commission expressed the following concerns with the current annexation processes and factors:

- Adequate infrastructure (in particular, transportation infrastructure) is not in place at the time of development.
- There is a disconnect between the expectations in the community and the criteria that the city follows to build out infrastructure, and there is significant uncertainty about how to pay for infrastructure.
- There are inequalities in infrastructure, such as a lack of sidewalks in existing parts of the city, and new development cannot pay to correct all these deficiencies.
- Development is only required to pay for its direct impacts and its proportional share of off-site improvements, which may happen incrementally.
- County and other non-Oregon City vehicular traffic uses capacity within the city’s transportation system but does not pay for it.
- The City should not wait until infrastructure is failing to “fix” it.
- Cultural, natural, and historic resources on proposed annexation properties need to be more clearly identified in the process.

4. *Addition of updated factual information including that made available to the City by regional, state and federal governmental agencies.*

The annexation code was last updated in 2016 with the addition of Factor #8 relating to tree retention. Also, the passage of SB 1573, also in 2016, requires that annexation bypass voter approval if it meets certain criteria. No additional specific updated factual information from regional, state or federal agency policies has been identified that requires these code amendments. However, the following city projects currently underway are mentioned here as context due to their similar subject matter.

OC2040 Comprehensive Plan Update

The city is in the process of updating the Comprehensive Plan while this legislative process is underway (www.OC2040.com). Staff anticipates that the Comprehensive Plan update will result in new goals and policies that address many of the same infrastructure and growth issues that are discussed in this Staff Report.

Additional Studies Underway or Completed

As part of the background information for the update process, a city-wide Economic Study and Housing Needs Analysis are being prepared by consultants ECONorthwest. Early drafts of these documents indicate that there will be demand for a greater variety of housing types through the City and that this will affect how annexed areas are zoned and developed. Since 2002, a great deal of planning has already

been done to support annexation within the City's Urban Growth Boundary, including the adoption of three concept plans as mentioned previously, and the updates of the Transportation, Sewer, Water, and Stormwater Master Plans.

Public Notice and Comments

This is a legislative action that requires public notice pursuant to OCMC 17.50.090.C. - *Notice of Public Hearing on a Legislative Proposal*. The Community Development Director provided the required Post Acknowledgement Plan Amendment (PAPA) notice to the Oregon Department of Land Conservation and Development on March 26, 2021. Notice of the May 10, 2021 Planning Commission public hearing was also provided to the Citizen Involvement Committee, Natural Resources Committee, Neighborhood Associations, and affected service districts, agencies and parties by email on April 20, 2021.

II. DECISION-MAKING CRITERIA

The remainder of this staff report provides additional findings to demonstrate that the proposed annexation code amendments are consistent with applicable approval criteria.

Chapter 17.68 - Zoning Changes and Comprehensive Plan Amendments

17.68.010 - Initiation of the amendment.

A text amendment to the comprehensive plan, or an amendment to the zoning code or map or the Comprehensive Plan map, may be initiated by:

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division; or.*
- D. A Legislative request by the Planning Division.*

All requests for amendment or change in this title shall be referred to the Planning Commission.

Finding: The proposal qualifies as initiated as a legislative request by the Planning Division at the direction of the City Commission.

17.68.015 –Procedures.

Applications shall be reviewed pursuant to the procedures set forth in Chapter 17.50.

17.50.170 - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use shall begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

C. City Commission Review.

1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.

2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

Finding: This legislative action followed the procedures found in OCMC 17.50.170 including meetings with the Citizen Involvement Committee, Planning Commission, and City Commission.

17.68.020 - Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

A. The proposal shall be consistent with the applicable goals and policies of the comprehensive plan;

Finding: This legislative action is consistent with the applicable goals and policies of the comprehensive plan as detailed in the responses below. Therefore, the proposed amendments are consistent with Criterion (A).

Conformity of the proposal with the city's comprehensive plan;

Goal 1: Citizen Involvement

Goal 1.1 – Citizen Involvement Program

Policy 1.1.1 Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.

Goal 1.4 – Community Involvement

Policy 1.4.1 Notify citizens about community involvement opportunities when they occur.

Finding: This proposal makes no changes to the City's citizen involvement program or public notification procedures. Citizens will continue to receive notification about annexations through the procedures in OCMC 17.50.170 for a legislative action. Residents and taxpayers within 300 feet of the annexation property will continue to receive public notice of annexation.

Comprehensive Plan Section 2 Land Use

Goal 2.1 Efficient Use of Land

Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.

Policy 2.1.3 *Encourage sub-area master planning for larger developments or parcels, including re-development, where it may be feasible to develop more mixed uses, or campus-style industrial parks, with shared parking and landscaping areas. Allow developments to vary from prescriptive standards if planned and approved under this provision.*

Finding: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. The proposed annexation code amendments may assist in achieving more efficient land use (Goal 2.1).

Goal 2.4 Neighborhood Livability

Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Policy 2.4.1 *Develop local neighborhood plans to strengthen and protect residential neighborhoods and historic areas from infill development; such as development along linear commercial corridors.*

Policy 2.4.2 *Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.*

Policy 2.4.3 *Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.*

Policy 2.4.4 *Where environmental constraints reduce the amount of buildable land, and/or where adjacent land differs in uses or density, implement Comprehensive Plan and zoning designations that encourage compatible transitional uses.*

Policy 2.4.5

Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and childcare facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.

Finding: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. The proposed annexation code amendments may assist in achieving more livable neighborhoods (Goal 2.4).

Goal 2.5 Retail and Neighborhood Commercial

Policy 2.5.1 *Encourage the redevelopment of linear commercial corridors in ways that encourage expansion of existing businesses and infill development, and at the same time reduces conflicting traffic movements, improves the aesthetic character of these commercial areas, and encourages trips by transit, bicycling and walking.*

Policy 2.5.2 *Allow and encourage the development of small retail centers in residential neighborhoods that provide goods and services for local residents and workers. Generally, these centers should be located at the intersections of two or more streets that are classified as neighborhood collectors or higher.*

Policy 2.5.3 Review design standards and the sign code to ensure compatibility with existing neighborhoods.

Policy 2.5.4 Encourage the development of successful commercial areas organized as centers surrounded by higher density housing and office uses, rather than as commercial strips adjacent to low-density housing.

Policy 2.5.5 Encourage commercial and industrial development that enhances livability of neighborhoods through the design of attractive LEEDTM-certified buildings and environmentally responsible landscaping that uses native vegetation wherever possible, and by ensuring that development is screened and buffered from adjoining residential neighborhoods and access is provided by a variety of transportation modes.

Finding: This proposal makes no changes to the Comprehensive Plan, zoning map, or land use designations for lands within the Urban Growth Boundary. The proposed annexation code amendments may assist in promoting retail and neighborhood commercial development while meeting the (Goal 2.4).

Goal 2.7 Oregon City Comprehensive Plan Land-Use Map

Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.

Policy 2.7.2 Use the following 11 land-use classifications on the Oregon City Comprehensive Plan Land-Use Map to determine the zoning classifications that may be applied to parcels:

- Low Density Residential (LR)
- Medium Density Residential (MR)
- High Density Residential (HR)
- Commercial (C)
- Mixed Use Corridor (MUC)
- Mixed Use Employment (MUE)
- Mixed Use Downtown (MUD)
- Industrial (I)
- Public and Quasi-Public (QP)
- Parks (P)
- Future Urban Holding (FUH)

Finding: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. The proposal will maintain the existing Oregon City Land Use Map as the official long range planning guide for land use development of the city by types, density and location (Goal 2.7).

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

Goal 5.1 – Open Space

Policy 5.1.1 Conserve open space along creeks, urban drainage ways, steep hillsides, and throughout Newell Creek Canyon.

Policy 5.1.2 Manage open space areas for their value in linking citizens and visitors with the natural environment, providing solace, exercise, scenic views and outdoor education. Built features in open space sites should harmonize with natural surroundings.

Finding: This proposal makes no changes to the existing inventories of open space, scenic and historic areas, and natural resources or the adopted maps, code and policies pertaining thereto. The proposal will assist in the identification, conservation and management of new resources that will be brought into the city limits during the annexation review process (Goal 5.1).

Goal 5.2 Scenic Views and Scenic Sites

Policy 5.2.1 *Identify and protect significant views of local and distant features such as Mt. Hood, the Cascade Mountains, the Clackamas River Valley, the Willamette River, Willamette Falls, the Tualatin Mountains, Newell Creek Canyon, and the skyline of the city of Portland, as viewed from within the city.*

Policy 5.2.2 *Maximize the visual compatibility and minimize the visual distraction of new structures or development within important viewsheds by establishing standards for landscaping, placement, height, mass, color, and window reflectivity.*

Finding: This proposal makes no changes to the existing inventories of open space, scenic and historic areas, and natural resources or the adopted maps, code and policies pertaining thereto. The proposal will assist in the identification, conservation and management of new resources that will be brought into the city limits during the annexation review process (Goal 5.1 and 5.2).

Goal 5.3 Historic Resources

Policy 5.3.3 *Promote the designation of qualifying properties outside Historic and Conservation Districts as historic.*

Policy 5.3.8 *Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.*

Finding: This proposal makes no changes to the existing inventories of open space, scenic and historic areas, and natural resources or the adopted maps, code and policies pertaining thereto. The proposal will assist in the identification, conservation and management of new resources that will be brought into the city limits during the annexation review process (Goal 5.1 – 5.3).

Goal 5.4 Natural Resources

Policy 5.4.1 *Conserve and restore ecological structure, processes and functions within the city to closely approximate natural ecosystem structure, processes, and functions.*

Policy 5.4.5 *Ensure that riparian corridors along streams and rivers are conserved and restored to provide maximum ecological value to aquatic and terrestrial species. This could include an aggressive tree and vegetation planting program to stabilize slopes, reduce erosion, and mitigate against invasive species and stream impacts where appropriate.*

Policy 5.4.9 *Protect and enhance riparian corridors along streams in Oregon City to increase shade, reduce streambank erosion and intrusion of sediments, and provide habitat for a variety of plants, animals, and fish.*

Policy 5.4.12 Use a watershed-scale assessment when reviewing and planning for the potential effects from development, whether private or public, on water quality and quantity entering streams.

Policy 5.4.13 Adopt and/or establish standards for all new development that promote the use of pervious surfaces and prevent negative ecological effects of urban stormwater runoff on streams, creeks and rivers.

Policy 5.4.16 Protect surfacewater quality by:

- providing a vegetated corridor to separate protected water features from development
- maintaining or reducing stream temperatures with vegetative shading
- minimizing erosion and nutrient and pollutant loading into water
- providing infiltration and natural water purification by percolation through soil and vegetation

Policy 5.4.18 Encourage use of native and hardy plants such as trees, shrubs and groundcovers to maintain ecological function and reduce maintenance costs and chemical use.

Finding: This proposal makes no changes to the existing inventories of open space, scenic and historic areas, and natural resources or the adopted maps, code, policies, or regulations pertaining thereto. The proposal will assist in the identification, conservation and management of natural resources that will be brought into the city limits during the annexation review process (Goal 5.4).

Goal 6: Quality of Air, Water, and Land Resources

Goal 6.1 Air Quality

Policy 6.1.1 Promote land-use patterns that reduce the need for distance travel by single occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Goal 6.2 Water Quality

Policy 6.2.1 Prevent erosion and restrict the discharge of sediments into surface- and groundwater by requiring erosion prevention measures and sediment control practices.

Policy 6.2.2 Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.

Goal 6.3 Nightlighting

Policy 6.3.2 Encourage new developments to provide even and energy-efficient lighting that ensures safety and discourages vandalism. Encourage existing developments to retrofit when feasible.

Goal 6.4 Noise

Policy 6.4.1 Provide for noise abatement features such as sound-walls, soil berms, vegetation, and setbacks, to buffer neighborhoods from vehicular noise and industrial uses.

Goal 7: Natural Hazards

Policy 7.1.1 *Limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.*

Policy 7.1.8 *Provide standards in City Codes for planning, reviewing, and approving development in areas of potential landslides that will prevent or minimize potential landslides while allowing appropriate development.*

Policy 7.1.9 *Locate, design, and construct structures in conformance with current building codes and standards for seismic-resistant design.*

Policy 7.1.11 *Prioritize roadways needed for public service, medical, and emergency vehicles during emergencies.*

Finding: This proposal makes no changes to the City's development regulations or inventories of air, water, and land resources, nightlighting, noise or natural hazards. The proposed annexation code amendments may assist in identifying potential impacts to these resources at the time of annexation application (Goal 6).

Goal 8: Parks and Recreation

Policy 8.1.1 *Provide an active neighborhood park-type facility and community park-type facility within a reasonable distance from residences, as defined by the Oregon City Park and Recreation Master Plan, to residents of Oregon City*

Policy 8.1.5 *Identify and construct a network of off-street trails throughout the city for walking and jogging.*

Policy 8.1.6 *Provide land for specialized facilities such as sports fields and indoor recreational facilities.*

Policy 8.1.9 *Emphasize retaining natural conditions and the natural environment in proposed passive recreation areas.*

Policy 8.1.12 *Identify and protect land for parks and recreation within the Urban Growth Boundary.*

Policy 8.1.14 *Require or encourage developers to dedicate park sites as part of the subdivision review process. When possible, require or encourage developers to build parks to City standards and give them to the City to operate and maintain.*

Finding: The proposed annexation code amendments may assist in identifying potential parks and recreation lands at the time of annexation application. All such lands that have been identified as potential parks and recreation areas have been identified in the various concept plans adopted for urban growth expansion areas (Goal 8).

Goal 10: Housing

Policy 10.1.1 *Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.*

Policy 10.1.3 *Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.*

Policy 10.1.4 *Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.*

Policy 10.1.7 *Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.*

Policy 10.2.2 *Allow increases in residential density (density bonuses) for housing development that would be affordable to Oregon City residents earning less than 50 percent of the median income for Oregon City.*

Finding: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Metro Urban Growth Boundary. The City's buildable land supply – those lands currently designated and identified for development as set forth in the City's adopted Housing Needs Analysis or Buildable Lands Inventory - will remain unaffected by this change. The proposed amendments will not alter the City's residential land supply in terms of its types, locations and affordability ranges in any respect. Because these amendments have no effect on the City's overall supply of land, these policies are either inapplicable or they are met. With respect to Policy 10.2.2, the amendments specifically elevate annexations that will provide affordable housing and prioritize it as satisfying "the best interests of the City" annexation factor, above other objectives identified by this factor. This will help to incentivize the provision of affordable housing. Requiring development agreement or master plan review will ensure that promised affordable housing will be provided.

The Fair Housing Council of Oregon (FHCO) and Housing Land Advocates (HLA) submitted written comments raising concerns that the proposed annexation amendments would impact the City's residential land supply and development standards in a way that contravenes Goal 10. The City Commission provides the following findings in response to those concerns.

First, there is an outstanding question about whether Goal 10 applies directly to this code amendment. As already stated, no Comprehensive Plan text or map changes are proposed. Therefore, the Statewide Planning Goals do not apply by virtue of ORS 197.175(2)(a). The City's Comprehensive Plan has been acknowledged to fully implement Goal 10. These amendments need comply with the applicable comprehensive plan policies and nothing more. ORS 197.175(2)(d) and (e). *See also Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139, 170-71 (1998), *aff'd* 158 Or App 1, 970 P2d 685 (1999).

Second, Goal 10 is inapplicable for the same reason why most, if not all, of the City's Goal 10 plan policies are inapplicable; the amendments do not alter the City's inventory of buildable lands. In a very old case, *Homebuilders Association of Corvallis v. City of Corvallis*, the Homebuilders challenged a Corvallis ordinance requiring voter approved annexation, arguing that it would add unreasonable cost, variability, and delay in the provision of housing, in violation of Goal 10. (the Corvallis ordinance implemented the voter approval charter limitation triggering SB 1573 and the litigation that followed.) LUBA agreed that the ordinance added uncertainty to the annexation process, but that uncertainty alone did not constitute a violation of Goal 10. 1 Or LUBA 14 (1980), *aff'd* 49 Or App 576, 620 P2d 67

(1980). LUBA's holding makes sense given that Goal 10 is directed at retaining a needed housing inventory and, if there is a shortfall, zoning lands as necessary to ensure a diversity of needed housing options and makes no mention of restricting local government abilities to manage for efficient and orderly growth.

Finally, to the extent that Goal 10 applies, it is satisfied because the amendment injects greater clarity and predictability into the annexation process. First, the amendments identify precisely which public services and infrastructure availability necessary to serve the development must be analyzed. It requires that all calculated infrastructure and service demand be included within the City's adopted utility or transportation master plans. Further, these amendments require the identification of infrastructure funding sources necessary for construction allowing for orderly and efficient growth. Finally, by requiring master plan review as an additional step for any annexation over 5 acres, the City will have an additional opportunity to conduct a site-specific evaluation of not just the public utility adequacy, but also to ensure that parks, natural areas, and whatever existing historic and cultural resources that may exist are protected for the public's benefit. Everyone deserves adequate public amenities and as a result, planning for and ensuring the provision of complete communities does further the City's equity objectives.

As noted above, all of the City's infrastructure master plans have been updated to include service to all of the lands adjacent to the City and within the urban growth boundary at planned and zoned densities. These plans remain in effect regardless of this refinement of the City's annexation criteria and will continue to be revised in future when changes in planned density or services dictate doing so and whether such a such updating has occurred in advance is a factor that the City Commission should consider when evaluating an annexation proposal.

Goal 11: Public Facilities

Policy 11.1.1 *Ensure adequate public funding for the following public facilities and services, if feasible:*

Transportation infrastructure • Wastewater collection • Stormwater management • Police protection • Fire protection • Parks and recreation • Water distribution • Planning, zoning and subdivision regulation • Library services • Aquatic Center • Carnegie Center • Pioneer Community Center • City Hall • Buena Vista House • Ermatinger House

Policy 11.1.2 *Provide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible.*

Policy 11.1.3 *Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land-use planning goals and regulations. Facilities that serve the public will be centrally located and accessible, preferably by multiple modes of transportation.*

Policy 11.1.5 *Design the extension or improvement of any major public facility and service to an area to complement other public facilities and services at uniform levels.*

Policy 11.1.6 *Enhance efficient use of existing public facilities and services by encouraging development at maximum levels permitted in the Comprehensive Plan, implementing minimum residential densities, and adopting an Accessory Dwelling Unit Ordinance to infill vacant land.*

Policy 11.2.4 *Seek economical means to reduce inflow and infiltration of surface- and groundwater into the wastewater collection system. As appropriate, plant riparian vegetation to slow stormwater, and to reduce erosion and stream sedimentation.*

Policy 11.3.3 *Maintain adequate reservoir capacity to provide all equalization, operational, emergency, and fire flow storage required for the City's distribution system.*

Policy 11.4.1 *Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing Urban Growth Boundary and plan strategically for future expansion areas.*

Policy 11.4.2 *Adopt "green streets" standards to reduce the amount of impervious surface and increase the use of bioswales for stormwater retention where practicable.*

Policy 11.4.4 *Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.*

Policy 11.4.5 *Design stormwater facilities to discharge surface water at pre-development rates and enhance stormwater quality in accordance with criteria in City of Oregon City Public Works Stormwater and Grading Design Standards.*

Finding: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. The proposed annexation code amendments may assist in ensuring adequate public funding for the public facilities and services listed above (Goal 11).

Goal 12: Transportation

Policy 12.1.1 *Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.*

Policy 12.1.2 *Continue to develop corridor plans for the major arterials in Oregon City, and provide for appropriate land uses in and adjacent to those corridors to optimize the land use-transportation connection.*

Policy 12.1.3 *Support mixed uses with higher residential densities in transportation corridors and include a consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems.*

Policy 12.1.4 *Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.*

Policy 12.3.1 *Provide an interconnected and accessible street system that minimizes vehicle-miles-traveled and inappropriate neighborhood cut-through traffic.*

Policy 12.3.2 *Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.*

Policy 12.3.3 *Provide a well-defined and accessible bicycle network that links residential areas, major bicycle generators, employment centers, recreational areas, and the arterial and collector roadway network.*

Policy 12.3.4 *Ensure the adequacy of pedestrian and bicycle connections to local, county, and regional trails.*

Policy 12.3.5 *Promote and encourage a public transit system that ensures efficient accessibility, mobility, and interconnectivity between travel modes for all residents of Oregon City.*

Policy 12.3.6 *Establish a truck route network that ensures efficient access and mobility to commercial and industrial areas while minimizing adverse residential impacts.*

Policy 12.6.1 *Provide a transportation system that serves existing and projected travel demand.*

Policy 12.6.2 *Identify transportation system improvements that mitigate existing and projected areas of congestion.*

Policy 12.6.3 *Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.*

Policy 12.6.4 *Identify and prioritize improved connectivity throughout the city street system.*

Finding: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. The proposed annexation code amendments may assist in ensuring that annexations are consistent with the City's transportation system plan and achieving greater functionality of the transportation system for all uses, whether vehicular, pedestrian, transit, and bicycle (Goal 12).

Goal 13 – Energy

Policy 13.1.2 *Encourage siting and construction of new development to take advantage of solar energy, minimize energy usage, and maximize opportunities for public transit.*

Policy 13.2.1 *Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).*

Policy 13.2.2 *Create commercial nodes in neighborhoods that are underserved to reduce vehicle miles traveled.*

Policy 13.2.3 *Plan for complementary mixed uses when considering annexation of new, under- or undeveloped areas so that new urban residential areas have closer access to jobs and services.*

Finding: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. The proposed annexation code amendments may assist in promoting renewable energy and more efficient use of energy in public transit, land use, daily living, and business (Goal 13).

Section 14 Urbanization

Goal 14.3 Orderly Provision of Services to Growth Areas

Plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan.

Policy 14.3.1

Maximize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.

Policy 14.3.2

Ensure that the extension of new services does not diminish the delivery of those same services to existing areas and residents in the city.

Policy 14.3.3

Oppose the formation of new urban services districts and oppose the formation of new utility districts that may conflict with efficient delivery of city utilities within the Urban Growth Boundary.

Policy 14.3.4

Ensure the cost of providing new public services and improvements to existing public services resulting from new development are borne by the entity responsible for the new development to the maximum extent allowed under state law for Systems Development Charges.

Finding: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. The proposed annexation code amendments may assist in assuring the orderly provision of services to growth areas (Goal 14.3).

Goal 14.4 Annexation of Lands to the City

Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.

Policy 14.4.1 *Promote compact urban form and support efficient delivery of public services by ensuring that lands to be annexed are within the City's Urban Growth Boundary, and contiguous with the city limits. Do not consider long linear extensions, such as cherry stems and flag lots, to be contiguous with the city limits.*

Policy 14.4.2 *Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.*

Policy 14.4.3 *Evaluate and in some instances require that parcels adjacent to proposed annexations be included to:*

- *avoid creating unincorporated islands within the city;*
- *enable public services to be efficiently and cost-effectively extended to the entire area;*
or
- *implement a concept plan or sub-area master plan that has been approved by the Planning and City Commissions.*

Policy 14.4.4

Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.

Finding: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. The proposed annexation code amendments assure that the impacts of development after annexation are properly evaluated in accordance with the Comprehensive Plan, city ordinances and the City Charter (Goal 14.4).

Goal 14.5 Urbanization**Policy 14.5.2**

Coordinate public facilities, services and land-use planning through intergovernmental agreements with the school district, Clackamas Community College, Clackamas County Fire District #1, Tri-Cities Services District and other public entities as appropriate.

Finding: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. The proposed annexation code amendments may assist in coordination of public facilities and services with other government agencies and service districts as appropriate.

Statewide Planning Goals

Finding: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. Since the City's Comprehensive Plan and its ancillary documents are already acknowledged by the Oregon Department of Land Use and Conservation (DLCD), no further analysis for consistency with Statewide Planning Goals is required.

Chapter 17.50 Administration and Procedures**17.50.050 – Pre-application conference.**

- A. *Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.*
- 1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
 - 2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*
 - 3. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*
- B. *A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community*

Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

- C. *Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

Finding: Staff held a pre-application conference meeting (File PA-20-00052), on December 18, 2020. The pre-application conference notes are attached to the application.

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

- A. *Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- B. *The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*
- C. *A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.*
- D. *If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.*
- E. *To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Finding: staff presented the amendments to the Citizen Involvement Committee on April 5th, 2021. A copy of the PowerPoint presentation is attached to the application.

17.50.070 - Completeness review and one hundred twenty-day rule.

- C. *Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application*

complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:

- 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
 - 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
 - 3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
 - 4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.*
- D. A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:*
- 1. The project includes five or more residential units, including assisted living facilities or group homes;*
 - 2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and*
 - 3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.*
- E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.*
- F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.*

Finding: Legislative actions are not subject to the 120-day deadline.

III. RECOMMENDATION

Based on the findings in this report, staff recommends amendments to OCMC 14.04 to provide greater clarity and predictability within the annexation review process. Staff will prepare an Ordinance when the matter is before the City Commission for its consideration and adoption.

Pete Walter

From: Samuel Goldberg <sgoldberg@fhco.org>
Sent: Monday, May 10, 2021 10:31 AM
To: Pete Walter
Cc: Young, Kevin
Subject: HLA and FHCO Comment Letter on LEG-21-00001
Attachments: HLA and FHCO 5-10-21 Letter re Oregon City LEG-21-00001.PDF

Hello Peter,

Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO) wish to submit the attached comments on LEG-21-00001.

Thank you,

Samuel Goldberg
Program and Administrative Assistant
Fair Housing Council of Oregon
1221 SW Yamhill St. #305
Portland, Oregon 97205
(503) 223-8197 ext. 104
Preferred Pronouns: He/Him/His



May 10, 2021

Oregon City Planning Commission
625 Center Street
Oregon City, OR 97045

Re: File No. LEG-21-00001 amends Chapter 14.04 of the Oregon City Municipal Code, which contains the procedures and conditions for annexation. The amendment clarifies and expands the annexation criteria upon which the Planning Commission and City Commission evaluate proposed annexations. (LEG-21-00001)

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you know, all amendments to the City's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change. Goal 10 findings are also required for code changes affecting residential development feasibility, such as parking standards and setbacks.

The staff report for the proposed amendments to clarify and expand the annexation criteria recommends approval of the amendments. This conclusion is contingent on the Goal 10 findings contained within the report, articulating that since the proposed amendments "may assist in achieving preservation of existing housing stock, promoting a greater and more balanced variety of housing, reducing the isolation of income groups, providing incentives for better designed development, and promoting more affordable housing", Statewide Planning Goal 10 is satisfied. However, the findings provide no support for this statement. For example, how do elements of the proposed changes minimize discretion in the annexation process, and how does this help facilitate promoting a greater and more balanced variety of housing? The required Goal 10 findings must demonstrate that the changes do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane Cty. v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Further, because the proposed

amendments have the potential to impact the addition of future housing units to the City, the City should reference its HNA and BLI to illustrate a need for these changes. Only with the context provided by the HNA and BLI, and a discussion of the proposed changes and their impact on the housing supply, can planners and advocates understand whether the City is achieving its goals through LEG-21-00001.

To the extent that the City's HNA may rely on future annexations to meet the city's housing needs, have the existing referenced infrastructure master plans referenced in amended OCMC 14.04.060.A.3 been updated to reflect the necessary infrastructure needs for such housing? It is unclear whether the code is meant to require a potential annexation scheme to first seek amendments to those master plans prior to seeking annexation and on what grounds the City would contemplate such updates. If the HNA does rely on future annexations as a method of meeting the City's housing needs, please give further thought to how housing is or will be planned for in the referenced master plans. Finally, in 2017, 3J Consulting prepared a code audit for Oregon City about Equitable Housing, and suggested:

"Review annexation procedures against state law (ORS Chapter 222) and Metro Code (Section 3.09) to identify any opportunities to simplify code language and process." Technical Memorandum, October 17, 2017, p. 8. (Emphasis added).

The Planning Commission should consider whether the proposed amendments simplify code language, and actually support the City's housing goals, including equity.

It should be noted that the planning department has offered to work with HLA and FHCO after the planning commission meeting to amend the findings to comply with Goal 10, and this effort should be commended. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Allan Lazo, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Allan Lazo at information@fhco.org or reach him by phone at (503) 223-8197 ext. 104.

Thank you for your consideration.



Allan Lazo
Executive Director
Fair Housing Council of Oregon

/s/ Jennifer Bragar

Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (kevin.young@state.or.us)