CITY OF OREGON CITY
CITY COMMISSION REGULAR MEETING
AGENDA

Virtual Meeting
Wednesday, May 05, 2021 at 7:00 PM

VIRTUAL MEETING OF THE CITY COMMISSION

This meeting will be held online via Zoom and streamed on the City's YouTube; please contact recorderteam@orcity.org for assistance.

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@orcity.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. Proclamation Declaring May 16-22, 2021, as National Public Works Week

3b. Preservation Month Proclamation

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. 21-23, Declaring an Emergency and Temporarily Exempting Oregon Department of Transportation Road Safety Improvements from the Prohibition Against Unlawful Noises

7b. Acceptance of Settlement Agreement for the Fox Property for the Molalla Avenue Streetscape Project (CI 18-004)

7c. Personal Services Agreement with Barney & Worth, Inc for the 2021 Water Ballot Community Engagement (PS 21-014)

7d. Selection of On-call Consultants for Transportation Design and Engineering Services

7e. 2020 Heritage Tree Nominations

7f. OLCC: Liquor License Application – Off-Premises, applying as an LLC, The Hive Catering Co., LLC (dba The Hive Social), 602 7th Street, Oregon City

7g. OLCC: Liquor License Application – Full On-Premises, Commercial, applying as an LLC, SPHOC, LLC (dba Schmizza Public House – Oregon City), 818 Main Street, Oregon City

7h. Minutes of the April 13, 2021 Work Session

7i. Minutes of the April 21, 2021 Regular Meeting

8. PUBLIC HEARINGS

8a. Appeal Fee Waiver associated with AP 21-02: Appeal 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

8b. AP 21-02 and AP-21-03: 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

9. GENERAL BUSINESS

9a. Resolution No. 20-37, Update to the Guidelines for Transportation Impact Analyses

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 **Agenda Date:** 05/05/2021

From: Public Works Director John M. Lewis, PE

SUBJECT:

Proclamation Declaring May 16-22, 2021, as National Public Works Week

PROCLAMATION

Whereas, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Oregon; and

Whereas, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

Whereas, it is in the public interest for the citizens, civic leaders and children in the United States of America to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and

Whereas, the efficiency of the qualified and dedicated personnel who staff the Oregon City Public Works Department is materially influenced by the people's understanding of the importance of the work they perform; and

Whereas, National Public Works Week was instituted in 1960 by the American Public Works Association to call attention to the importance of public works in community life, and the United States Senate passed a resolution affirming the first National Public Works Week; and

Whereas, the year 2021 marks the 61st annual National Public Works Week and it should be recognized with the theme "Stronger Together."

Now, Therefore, I, Rachel Lyles Smith, Mayor of the City of Oregon City, do proclaim

The week of May 16-22, 2021

as

National Public Works Week in Oregon City

And, urge all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works professionals make every day to protect our health, safety, comfort, and quality of life.

In Witness Whereof, I have hereunto set my hand this 5th day of May, 2021.

_____

RACHEL LYLES SMITH, Mayor

NATIONAL PUBLIC WORKS WEEK
MAY 16-22, 2021
Stronger Together
APWA

STATE OF OREGON

PROCLAMATION

OFFICE OF THE GOVERNOR

WHEREAS: Public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of Oregon; and

WHEREAS: These infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals—engineers, managers, and employees—at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for Oregonians; and

WHEREAS: It is in the public interest for the residents, civic leaders, and children of Oregon to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS: The year 2021 marks the 61st annual National Public Works Week sponsored by the American Public Works Association.

NOW, THEREFORE: I, Kate Brown, Governor of the State of Oregon, hereby proclaim **May 16 – 22, 2021** to be

NATIONAL PUBLIC WORKS WEEK

in Oregon and encourage all Oregonians to join in this observance.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Great Seal of the State of Oregon to be affixed. Done at the Capitol in the City of Salem in the State of Oregon on this day, April 12, 2021.

Kate Brown

Kate Brown, Governor

Shemia Fagan, Secretary of State

PROCLAMATION

HISTORIC PRESERVATION MONTH
MAY 2021

Whereas, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

Whereas, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

Whereas, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people.

Now, Therefore, I, Rachel Lyles Smith, Mayor of the City of Oregon City, do proclaim

May 2021
as
National Preservation Month

And, call upon the people of Oregon City to join their fellow citizens across the United States in recognizing and participating in this special observance.

In Witness Whereof, I have hereunto set my hand this 5th day of May 2021.

_____
RACHEL LYLES SMITH, Mayor

CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 05/05/2021

From: Public Works Director John M. Lewis, PE

SUBJECT:

Resolution No. 21-23, Declaring an Emergency and Temporarily Exempting Oregon Department of Transportation Road Safety Improvements from the Prohibition Against Unlawful Noises

STAFF RECOMMENDATION:

Approve Resolution No. 21-23, authorizing night work, to allow the Oregon Department of Transportation Rumble Strips Project to perform construction activities that impact through travel on OR 99E and OR 213.

EXECUTIVE SUMMARY:

The Oregon Department of Transportation (ODOT) Rumble Strips Project is a safety focused project, aimed at reducing roadway departures and fatalities. The contractor is requesting a noise variance from the Oregon City Municipal Code 9.1.023(E) noise ordinance in order to complete the work without impacting travel on OR 99E and OR 213.

BACKGROUND:

The ODOT Rumble Strips Project is a safety focused project, to reduce roadway departure crashes and fatalities. Of fatal crashes in Oregon, 66% are due to road departure, and ODOT is focusing on installing rumble strips on roadway shoulders and centerlines in order to reduce that number. These important safety treatments significantly reduce fatal crashes on highways when drivers inadvertently depart their travel lane. The locations of the rumble strips were chosen based on where documented safety concerns and crashes occur.

Rumble strips are grooved patterns installed in the center and shoulder of highways that create noise and vibration when driven over by vehicles. This alert immediately warns drivers that they are veering from their driving lane. Rumble strips allow drivers to self-correct, return to their lane, and avoid a crash. Shoulder rumble strips are used to

reduce run-off-road crashes. Centerline rumble strips are used to reduce head-on and side-swipe crashes.

ODOT plans to primarily install mumble strips - a new design of rumble strips - that uses a different wave pattern and still provides sufficient warning to drivers of lane departure, but with reduced roadside noise. Mumble strips aren't as disruptive to adjacent neighbors who may hear the noise generated by drivers hitting the grooved pavement.

Rumble strips will have gaps at intersections, interchanges, across on- and off-ramps, and across bridges. The strips are installed in a bike-friendly gap pattern along the shoulders. Shoulder rumble strips are only installed where there is adequate shoulder width to accommodate a bike rider comfortably (four feet or more).

The project includes approximately 400 miles of rumble strips across 17 highways in the Portland metro area. The locations of the rumble strips were chosen based on where documented safety concerns and crashes occur. Rumble strips are an inexpensive and very effective safety treatment available to reduce the incidence of drivers departing their lanes. Installing rumble strips in shoulders and centerlines have been shown to reduce fatal crashes by 40%.

Specialized Pavement Markings, Inc. (SPM) will be installing shoulder rumble strips at two locations within Oregon City as part of the project, identified in the attached maps and listed below:

- Location C3: OR99E from MP 13.0 (S 2nd Street) to MP 15.0
- Location C8: OR213 from MP 3.0 (Beavercreek Road) to MP 6.0 (Monte Carlo Way)

The anticipated duration for work for each location is one shift, with two shifts total for project completion. The projected schedule will be mid-May, but SPM is requesting a timeframe of May 1, 2021, through June 30, 2021, to allow for any weather delays or unforeseen schedule changes.

ODOT's recorded traffic volumes on OR 99E and OR 213 requires that all lanes need to be open during morning and afternoon commute times. SPM is requesting a variance for seven days a week, 8:00 p.m. to 7:00 a.m. daily.

The operation will be moving at approximately 1 mile an hour. The process will not be stationary and will be completed in two shifts, excluding any unforeseen challenges. Attached you will find a corresponding noise variance filed by ODOT with Clackamas County that also includes these identified locations.

The operation will consist of asphalt grooving equipment which will have the highest projected decibel(dBA) at 73 dBA. There will also be a sweeper and heavy dump trucks operating, all at lower dBA.

OPTIONS:

1. Approve Resolution No. 21-23.
2. Approve Resolution No. 21-23, with specific modifications.
3. Deny Resolution No. 21-23. If the Commission chooses to deny the Resolution, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount: N/A/

FY(s):

Funding Source(s):

RESOLUTION NO. 21-23

A RESOLUTION DECLARING AN EMERGENCY AND TEMPORARILY EXEMPTING OREGON DEPARTMENT OF TRANSPORTATION ROAD SAFETY IMPROVEMENTS FROM THE PROHIBITION AGAINST UNLAWFUL NOISES

WHEREAS, Oregon City Municipal Code (OCMC) 2.52.020 defines "emergencies" to include "utility or transportation emergencies"; and

WHEREAS, OCMC 2.52.040(L) authorizes the City, in cases of emergency, to "order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency"; and

WHEREAS, the City would be acting in the best public interest by facilitating the completion of the transportation safety improvement on OR 99E from S. 2nd to mile marker 15 and OR 213 from Beavercreek Road to mile marker 6; and

WHEREAS, the Oregon Department of Transportation, that has jurisdiction over OR 99E and OR 213, requires that safety rumble strip installation in travel lanes occur at night due to the traffic volumes that exist during the day; and

WHEREAS, transportation in the vicinity of the project is vital to the community, and completing the needed work at night is vital to the safety and mobility interests of the City; and

WHEREAS, OCMC 9.12.023(E) declares the construction, demolition, alteration or repair of any building or the excavation of any streets and highways in a residentially-zoned neighborhood between the hours of ten p.m. and seven a.m., Monday through Saturday, and between eight p.m. and nine a.m. on Sunday, to be a violation.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City Commission declares an emergency, limited to safety rumble strip construction shown in the map attached to this resolution. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an emergency from May 1, 2021, at 8:00 PM to June 30, 2021, at 5:00 AM.

Section 2. Based on the emergency identified above, the City Commission grants the rumble strip safety construction activities on OR 99E and OR 213 rights-of-way an exemption from Section 9.12.020 of the Oregon City Municipal Code for construction activities during the period identified above in Section 1 of this resolution.

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

Section 4. The City Commission hereby directs the City Manager and City staff to undertake all appropriate and practical measures to lessen the impacts of night-time work on City residents and businesses as authorized by this resolution.

Section 5. The City Commission adopts these procedures to prevent, minimize, respond to, or recover from the emergency consistent with OCMC 2.52.040.

Approved and adopted at a regular meeting of the City Commission held on the 5th day of May 2021.

RACHEL LYLES SMITH, Mayor

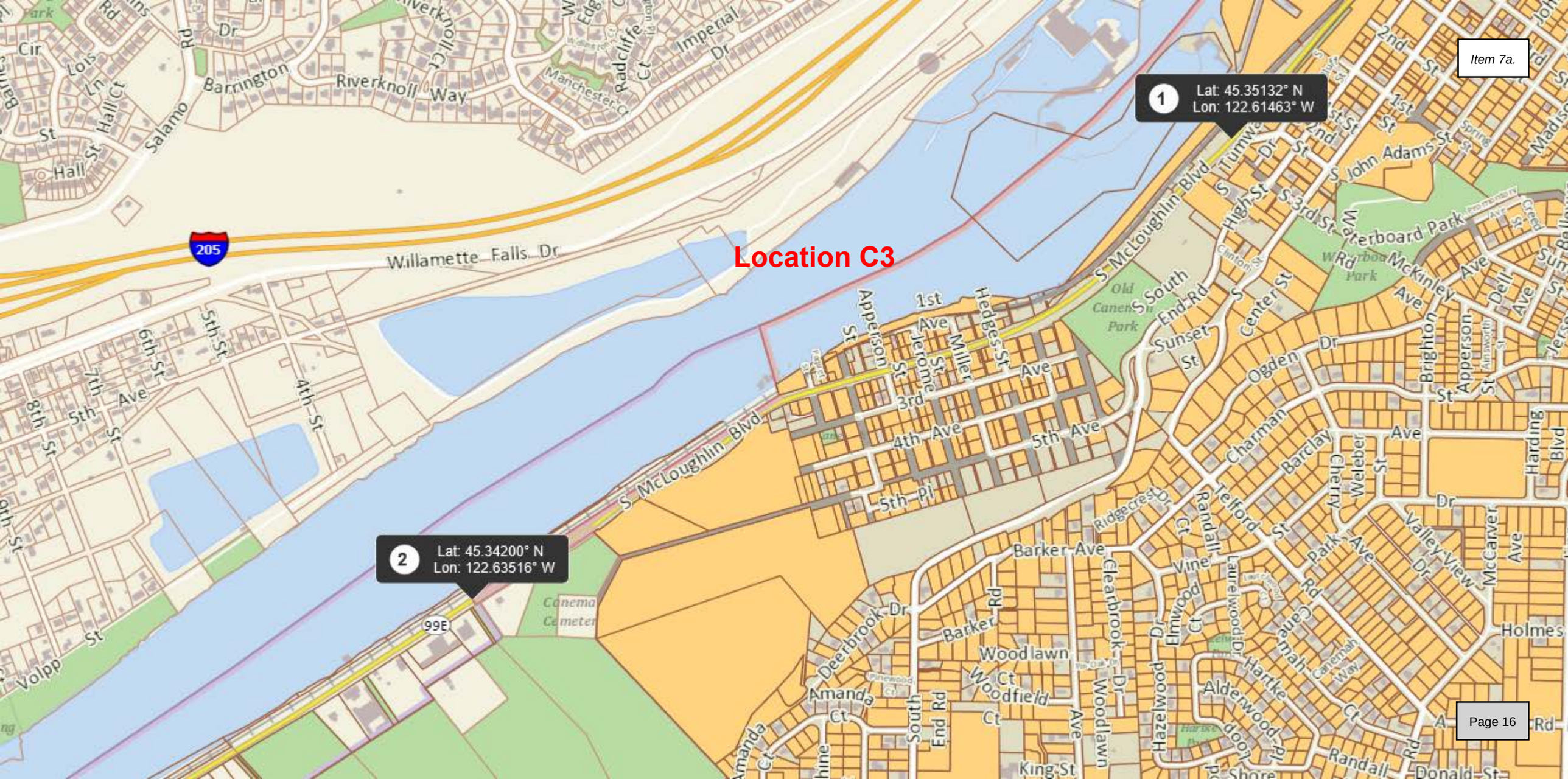
Attested to this 5th day of May 2021:

Kattie Riggs, City Recorder

Approved as to legal sufficiency:

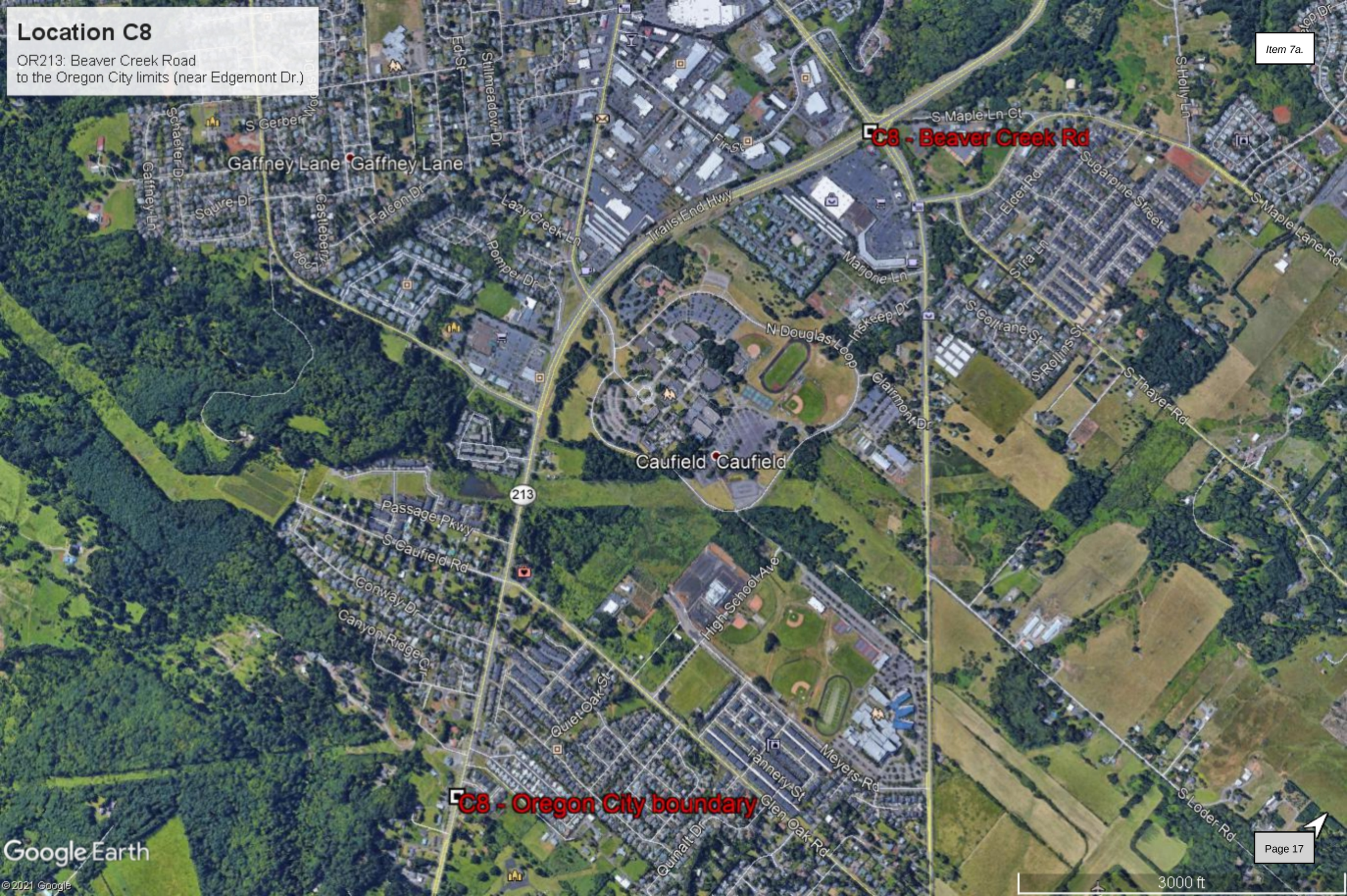
City Attorney

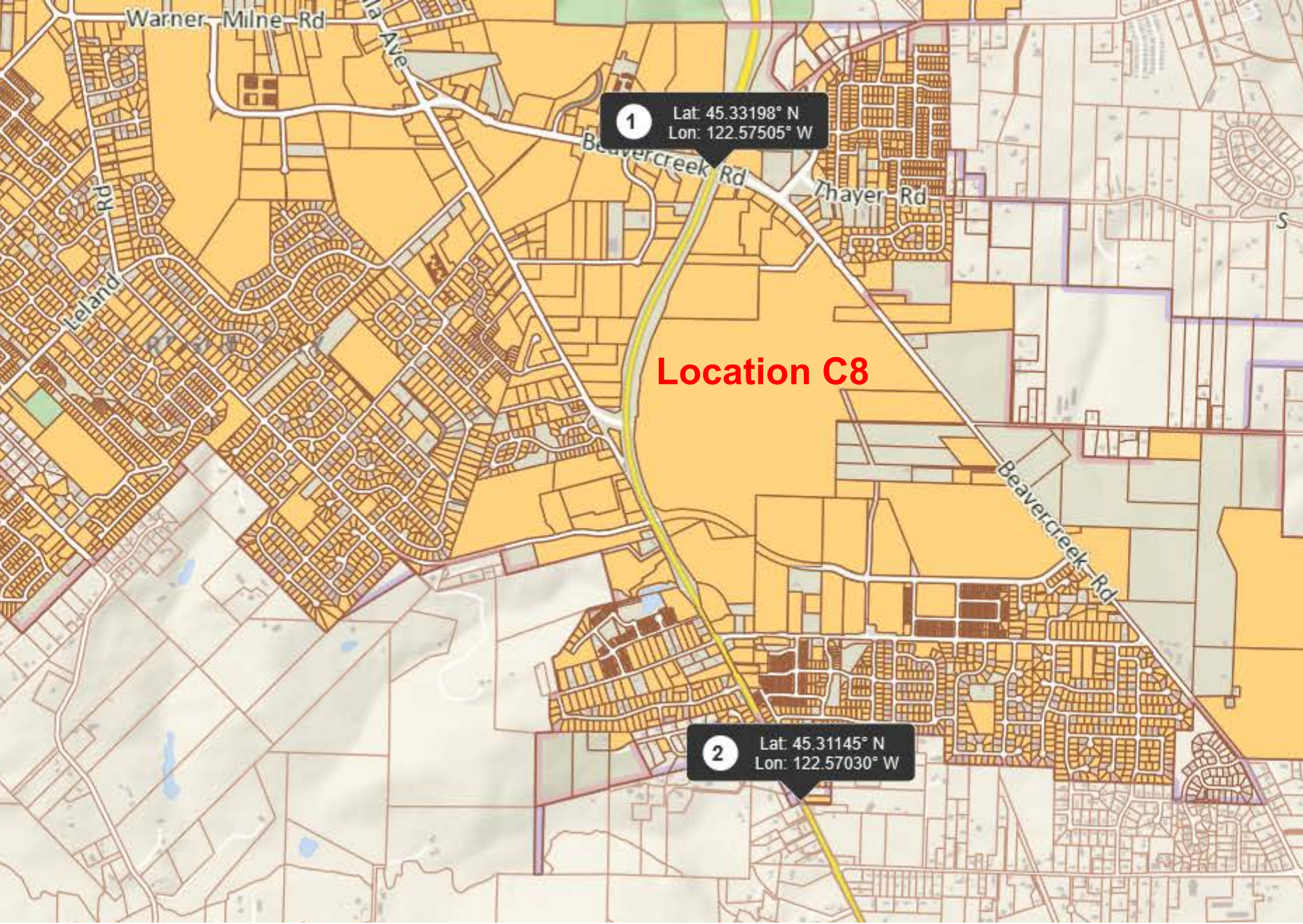
Location C3
OR99E: 2nd Street
to the Oregon City limits
C3 - 2nd Street
C3 - Oregon City Boundary
Abernethy Island
Moores Island
Barrington Heights
Canemah
South End
Rivercrest
Willamette Falls Dr
War Veterans Memorial Fwy
Pacific Hwy E
S McLoughlin Blvd
S 2nd St
McKinley Ave
Clinton St
Sunset St
Ogden Dr
Barclay Ave
Barker Ave
Barker Rd
Clearbrook Dr
Hazelwood Dr
Weber Way
Brighton Ave
Valleyview Dr
Cherry Ave
Charman St
Canemah Ct
Hartley Rd
Vine St
Woodfield Ct
King St
King Rd
South End Rd
Boynton St
Glacier Ct
Netzel St
Deerbrook Dr
Amanda Ct
1st Ave
3rd Ave
4th Ave
5th Ave
5th Pl
Sussex St
Norfolk St
Riverview Dr
Rockridge Dr
Fairhaven Dr
Wellington Dr
Radcliffe Ct
Beacon Hill Dr
Riverknoll Way
5th St
6th St
7th St
4th St
205
Google Earth
© 2021 Google
2000 ft


Location C3
1
Lat: 45.35132° N
Lon: 122.61463° W
2
Lat: 45.34200° N
Lon: 122.63516° W
205
99E
Willamette Falls Dr
S McLoughlin Blvd
Barrington
Riverknoll Way
Imperial Dr
Radcliffe Ct
Manchester Ct
Salamo Rd
Hall St
Lois Ln
Hall Ct
Volpp St
6th St
5th St
4th St
7th Ave
8th St
9th St
Apperson St
1st Ave
Jerome St
Miller St
Hedges St
3rd St
4th Ave
5th Ave
5th Pl
Old Canemah Park
S South End Rd
Sunset St
Center St
High St
S 3rd St
Trumwater Dr
S John Adams St
2nd St
1st St
Waterboard Park
W Rd
McKinley Ave
Ogden Dr
Charman Ave
Barclay Ave
Cherry St
Weleber St
Brighton St
Apperson St
Harding Blvd
Telford St
Randall Ct
Ridgecrest Dr
Barker Ave
Vine St
Park Ave
Valley View Dr
McCarver Ave
Holmes
Canemah Rd
Canemah Way
Hartke Ct
Alderwood Dr
Elmwood Ct
Lauriewood Dr
Hazelwood Dr
Clearbrook Dr
Woodlawn Ave
Woodlawn Ct
Woodfield Ct
Barker Rd
Deerbrook Dr
Amanda Ct
South End Rd
King St
Shore Dr
Donald St
Randall Rd
Canemah Cemetery

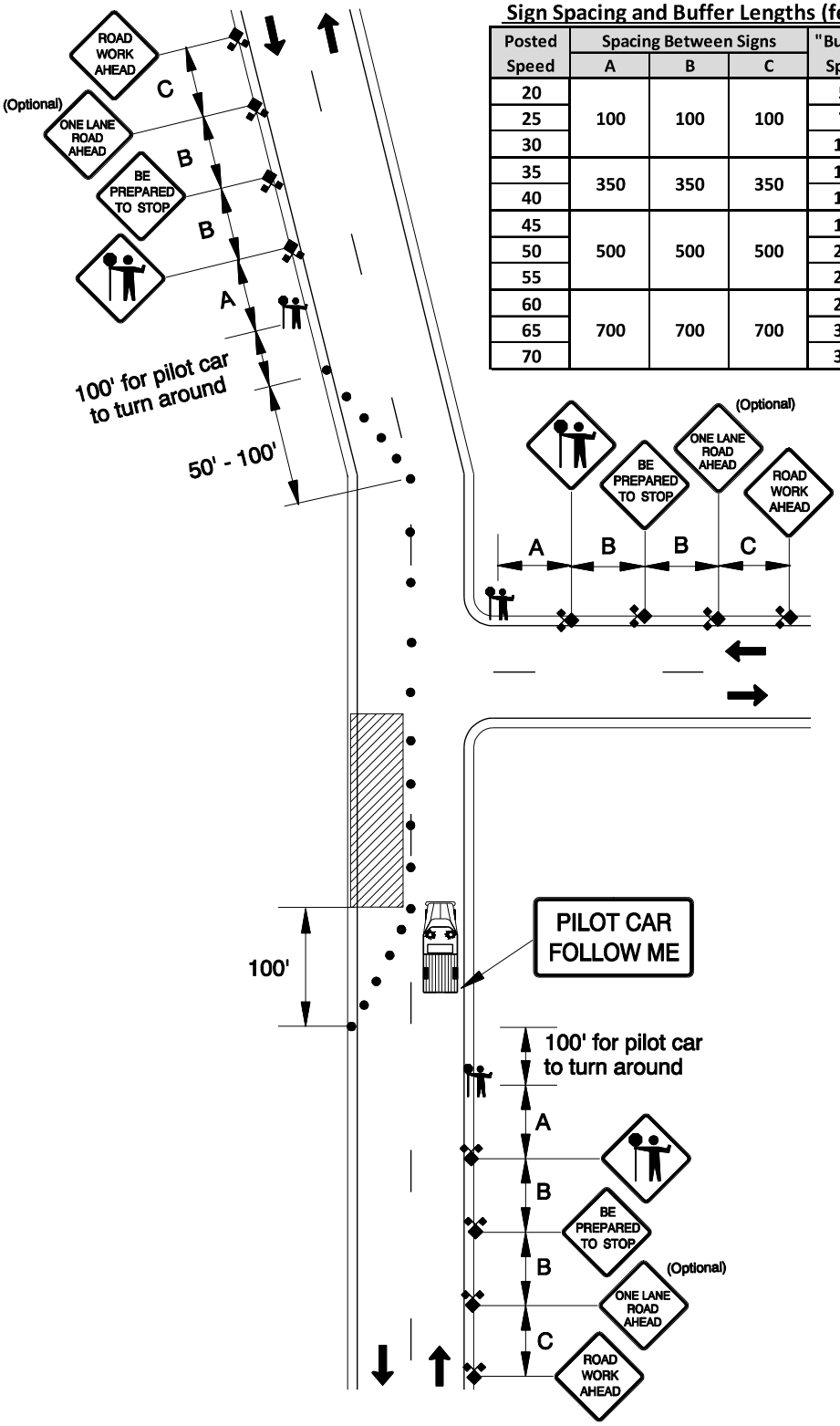
Location C8

OR213: Beaver Creek Road
to the Oregon City limits (near Edgemont Dr.)




Warner-Milne Rd
Ave
1
Lat: 45.33198° N
Lon: 122.57505° W
Beavercreek Rd
Thayer Rd
Rd
Leland
Location C8
Beavercreek Rd
2
Lat: 45.31145° N
Lon: 122.57030° W

12. Lane Closure with Pilot Car Diagram 340



Sign Spacing and Buffer Lengths (feet)

Posted Speed	Spacing Between Signs A	B	C	"Buffer" Space
20	100	100	100	50
25				75
30				100
35	350	350	350	125
40				150
45	500	500	500	180
50				210
55				250
60	700	700	700	285
65				325
70				365

SPECIALIZED PAVEMENT MARKING, INC.

Power Sweeping • Striping • Related Services

April 12, 2021

City of Oregon City
Attn: Dante Posadas
625 Center St
Oregon City OR 97045

Subject: ODOT Contract # 15228 / Rumbles Strips Various Hwys:
Oregon City Noise Variance

Specialized Pavement Marking, Inc. (SPM) is requesting a noise variance from the Oregon City noise ordinance. SPM will be installing shoulder rumble strips at the two following locations (also see attached maps):

Location C3: OR99E from MP 13.0 (S 2nd Street) to MP 15.0
Location C8: OR213 from MP 3.0 (Beaver creek) to MP 6.0 (Monte Carlo Way)

The anticipated duration for work for each location is one shift, with two shifts total for completion. The projected schedule will be mid-May, but we are requesting a timeframe of May 1, 2021 thru June 30, 2021 to allow for any weather delays or unforeseen schedule changes. ODOT's recorded traffic volumes will require that all lanes need to be open during morning and afternoon commute times. SPM is requesting a variance for seven days a week, 8:00pm to 7:00am daily.

The operation will be moving at approximately 1 mile an hour. The process will not be stationary and will keep moving and, as previously stated, will be completed in two shifts, excluding any unforeseen challenges. Attached you will find a corresponding noise variance filed by ODOT with Clackamas County that also includes these locations.

The operation will consist of asphalt grooving equipment which will have the highest projected dBA at 73 dBA. There will also be a sweeper and heavy dump trucks operating all at a much lower dBA.

Please feel free to contact me with any questions or concerns at 503-885-0420 or candice@spmnw.com.

Respectfully,

Candice Tavernier
Project Administrator

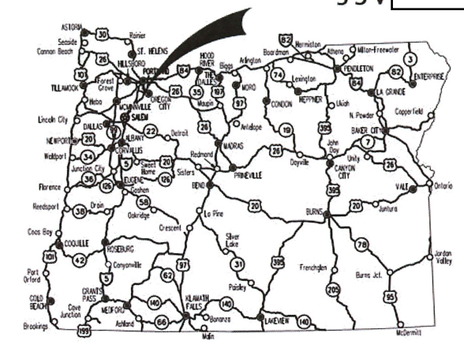
Attachments: Map and Table of Locations (from contract plans), Clackamas County Approved Noise Variance and Traffic Control Plan

11095 SW Industrial Way, Suite A • Tualatin, OR 97062 • Ph. (503) 885-0420 • Fax: (503) 582-8629 • CCB#138591

INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
A01	Title Sheet
A02	Index Of Sheets Cont'd. & Std. Drg. Nos.

STATE OF OREGON
DEPARTMENT OF TRANSPORTATION
PLANS FOR PROPOSED PROJECT
PAVEMENT MARKINGS

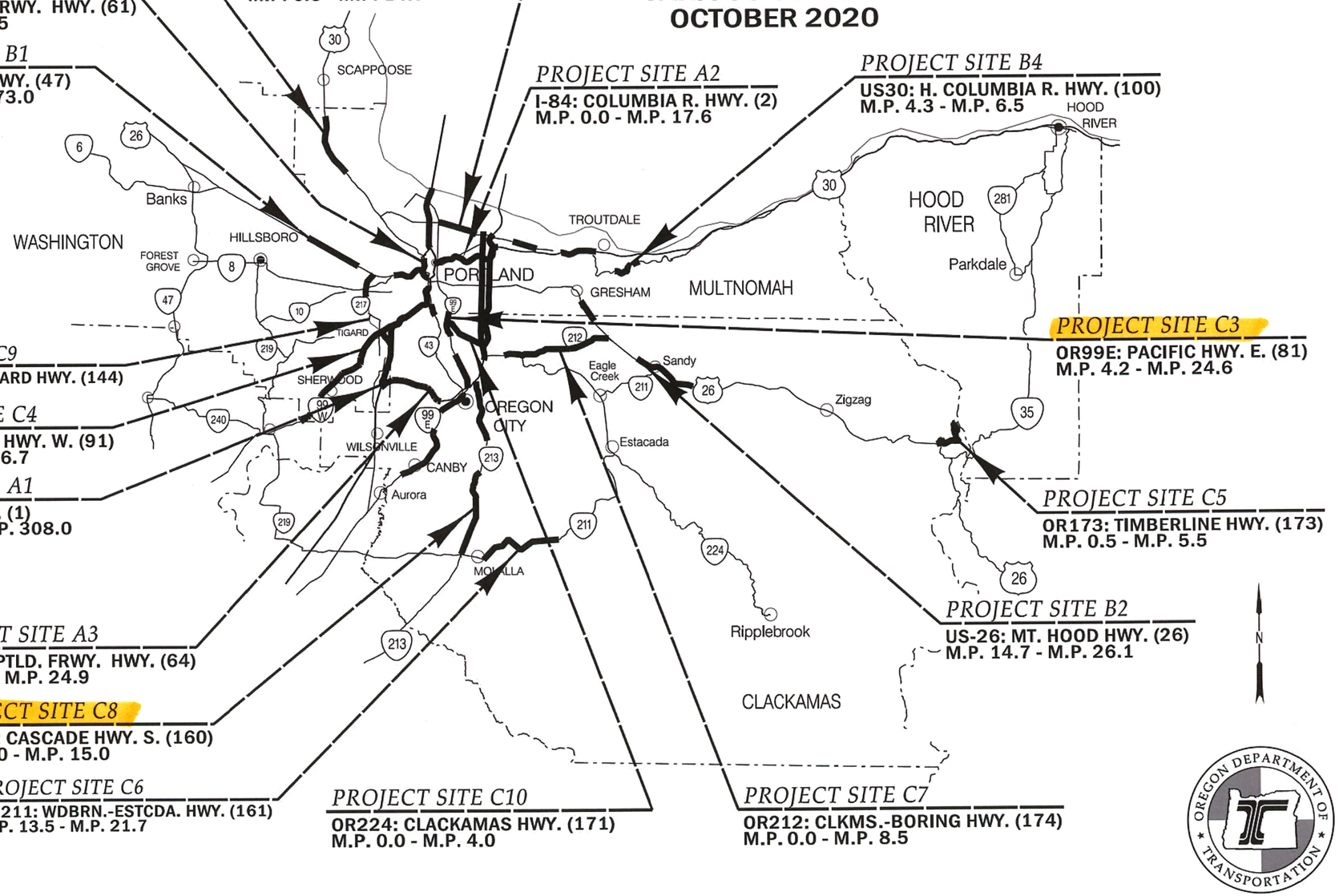
RUMBLE STRIPS (ODOT) PROJECT
VARIOUS HIGHWAYS
VARIOUS COUNTIES
OCTOBER 2020



Overall Length Of Project – N/A (Various Locations)

ATTENTION:
Oregon Law Requires You To Follow Rules Adopted By The Oregon Utility Notification Center. Those Rules Are Set Forth In OAR 952-001-0010 Through OAR 952-001-0090. You May Obtain Copies Of The Rules By Calling The Center. (Note: The Telephone Number For The Oregon Utility Center Is (503) 232-1987.)

SAFETY FIRST
LET'S ALL WORK TOGETHER TO MAKE THIS JOB SAFE



OREGON TRANSPORTATION COMMISSION

Robert Van Brocklin	CHAIR
Alando Simpson	COMMISSIONER
Martin Callery	COMMISSIONER
Julie Brown	COMMISSIONER
Sharon Smith	COMMISSIONER
Kris Strickler	DIRECTOR OF TRANSPORTATION

These plans were developed using ODOT design standards. Exceptions to these standards, if any, have been submitted and approved by the ODOT Chief Engineer or their delegated authority.

Approving Authority: MIRANDA Eduardo P — Digitally signed by MIRANDA Eduardo P Date: 2020.09.10 09:18:32 -07'00'
Eduardo Miranda, PE
Region 1 Technical Center Manager

Steven B Cooley Sep 10 2020 2:13 PM
Concurrence by ODOT Chief Engineer

RUMBLE STRIPS (ODOT) PROJECT
VARIOUS HIGHWAYS
VARIOUS COUNTIES

FEDERAL HIGHWAY ADMINISTRATION	PROJECT NUMBER	SHEET NO.
OREGON DIVISION	SA00(168)	A01

PE002953 000

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Rotation: 0°

RUMBLE STRIP INSTALLATION SCHEDULE / TABLES

Site No.	Route No.	Highway Name	Highway No.	From	To	Notes	INSTALLATION SCHEDULE									
							Sinusoidal Rumble Strips						Rumble Strips		Emulsified Asphalt in Fog Coat	Pavement Marking (Paint)
							16"		12"			8"	12"			
							LT shldr Cont. Pattern	RT shldr Gap Pattern	C.L. (or LT shldr) Cont. Pattern	C.L. Gap Pattern	Shldr Gap Pattern	C.L. Cont. Pattern	C.L. Cont. Pattern	Shldr Gap Pattern		
C1	NOT USED						NOT USED						NOT USED		NOT USED	
C2	NOT USED						NOT USED						NOT USED		NOT USED	
C3	OR99E	Pacific Hwy East	81	MP 4.2 (SE Nehalem St)	MP 5.4 (OR224 Junction)	Install continuous RS on left shoulder both directions			X							
				MP 13.0 (S 2nd St)	MP 15.0						X					
				MP 15.0	MP 20.2 (Canby city limit - S Sequoia Parkway)								X	X		
				MP 22.0 (Canby CL - Molalla Rvr)	MP 24.6 (R1/R2 boundary - at Pudding River)								X	X		
C4	OR99W	Pacific Hwy W	91	MP 2.5 (SW Hamilton St)	MP 3.7 (SW Brier Pl)							X			X	
				MP 12.1 (Tualatin River Bridge)	MP 16.7 (R1/R2 boundary - SW Sunset Blvd.)				X		X					
C5	OR173	Timberline	173	MP 0.5 (Timberline Lodge)	MP 5.5 (US26 Junction)								X			
C6	OR211	Woodburn-Estacada	161	MP 13.5 (S Mathias Rd)	MP 21.7 (S Schieffer Rd)				X	X						
C7	OR212	Clackamas-Boring	174	MP 0.0 (Junction OR224)	MP 8.5 (US26 Junction)	Install RS after project paving K18772 completion			X	X						
C8	OR213	Cascade Highway South	160	MP 3.0 (Beaver Creek Rd)	MP 6.0 (S Monte Carlo Way)				X		X					
				MP 9.0 (Union Hall)	MP 15.0 (S Toliver rd)	Some existing centerline RS to remain			X	X	X					
C9	OR217	Beaverton-Tigard	144	MP 0.0 (US26 Junction)	MP 2.2 (SW 5th Ave)				X		X					
				MP 6.0 (OR99W)	MP 7.3 (SW Bangy Rd - Kruse Way)				X		X					
C10	OR224	Clackamas	171	MP 0.0 (OR99E)	MP 4.0 (I-205)				X		X					

Legend for stripe lines:

WB: white broken
D: double yellow
ND: narrow double yellow
NPL: no-pass left
NPR: no-pass right
TWL: two-way left turn yellow
RPM: reflective pavement markers

Construction Notes:

1- No rumble strips on bridge decks and end panels.
2- No rumble strips on Portland cement concrete surfaces.
3- No rumble strips at interchange ramps or intersection with public road as shown.
4- No rumble strips at TWL stripes.
5- No rumble strips at narrow shoulders
(see Drawing QA01 and QA03 for minimum width of shoulder requirements).
6- Retain and protect existing stripe lines and RPM's.

REGISTERED PROFESSIONAL ENGINEER
79,084PE
digitally signed Sep 8 2020 4:24 PM
OREGON
MAY 21, 2014
JEFFREY D. HAYES
RENEWS: 6-31-2021
FINAL ELECTRONIC DOCUMENT AVAILABLE UPON REQUEST

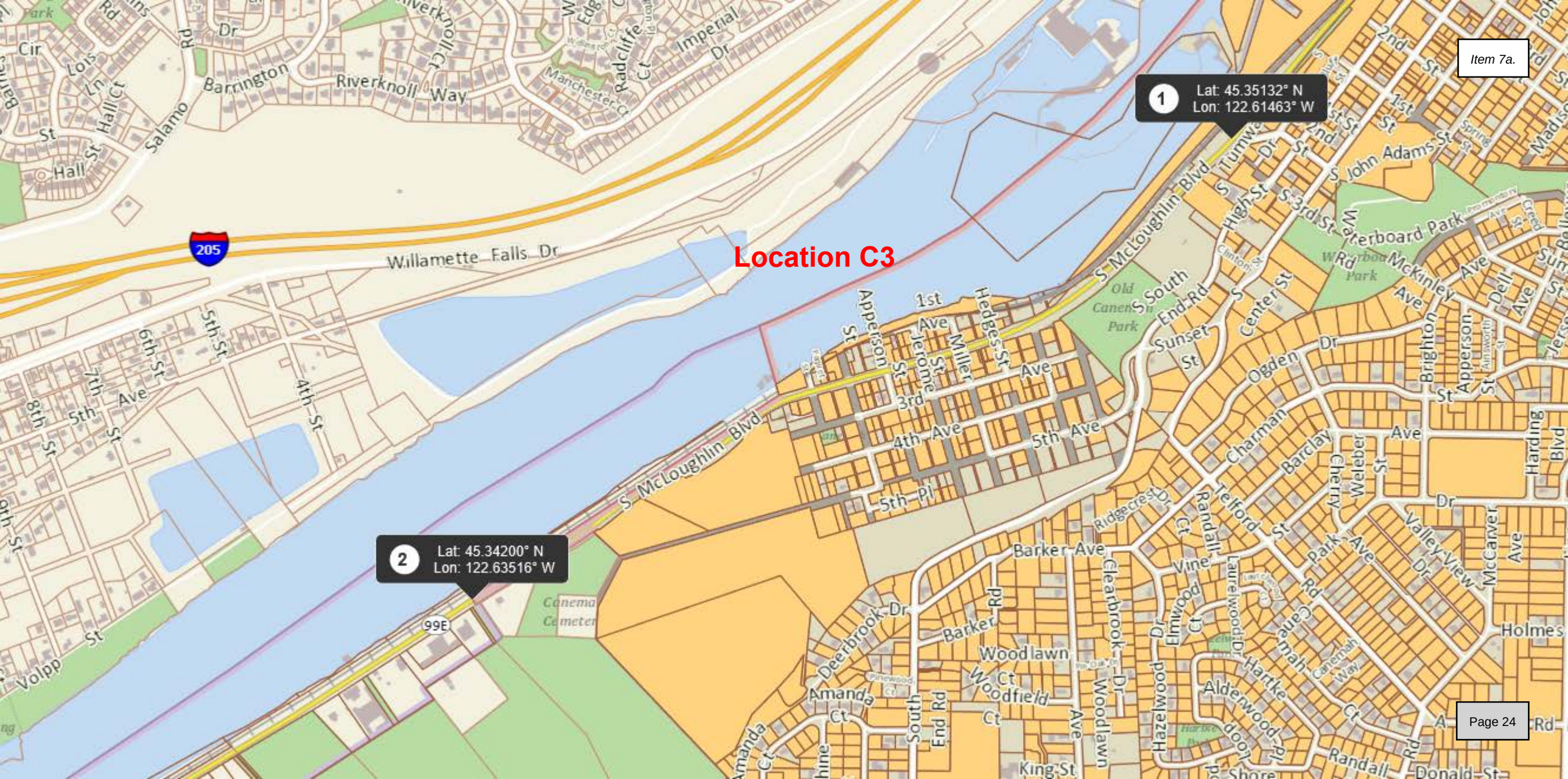
OREGON DEPARTMENT OF TRANSPORTATION

RUMBLE STRIPS (ODOT) PROJECT
VARIOUS HIGHWAYS
VARIOUS COUNTIES

Designer: C. Mao
Reviewer: J. Seitz
Drafter: D. Haase
Checker: J. Hayes

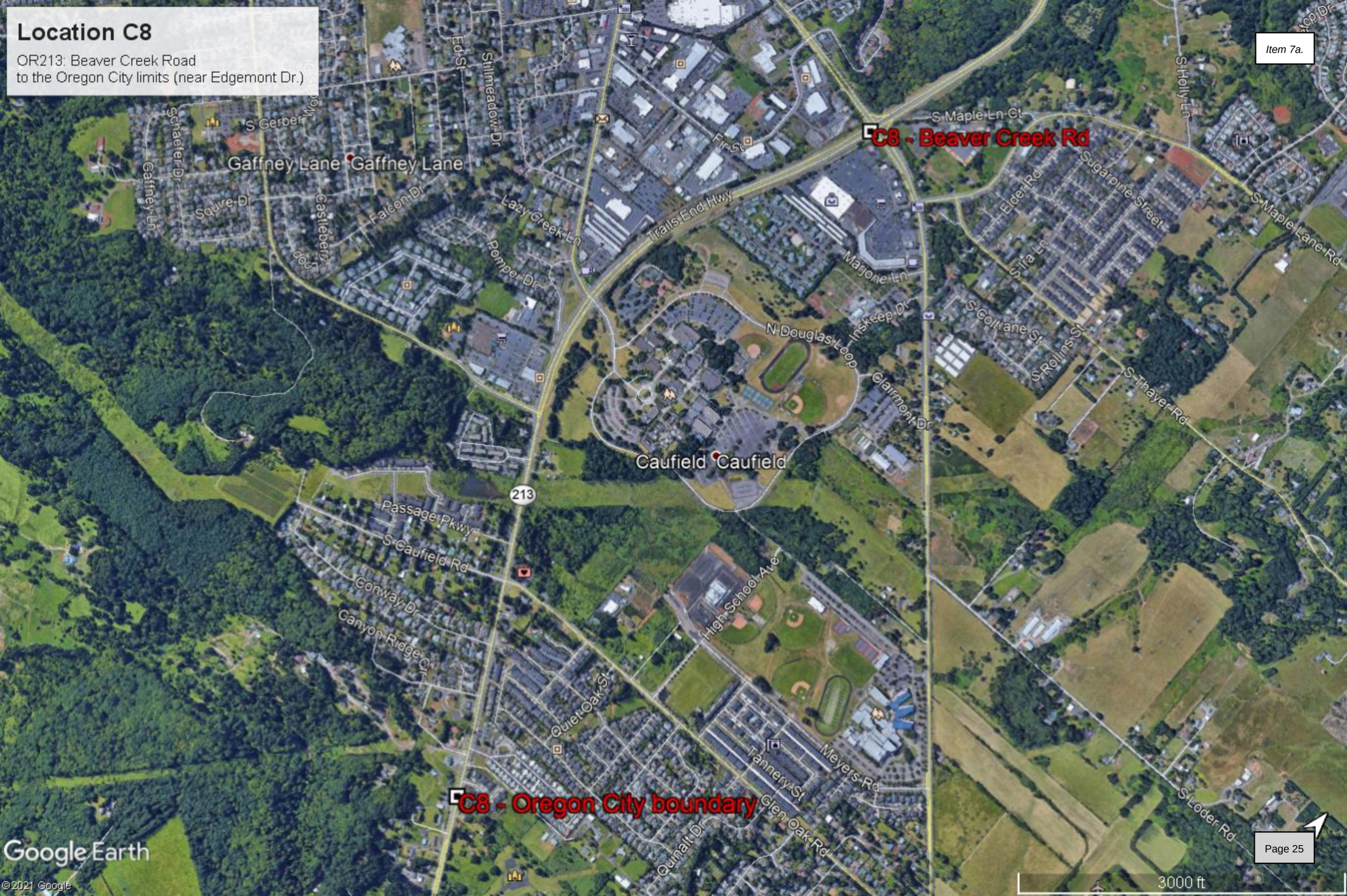
PAVEMENT MARKING PLAN
SHEET NO.

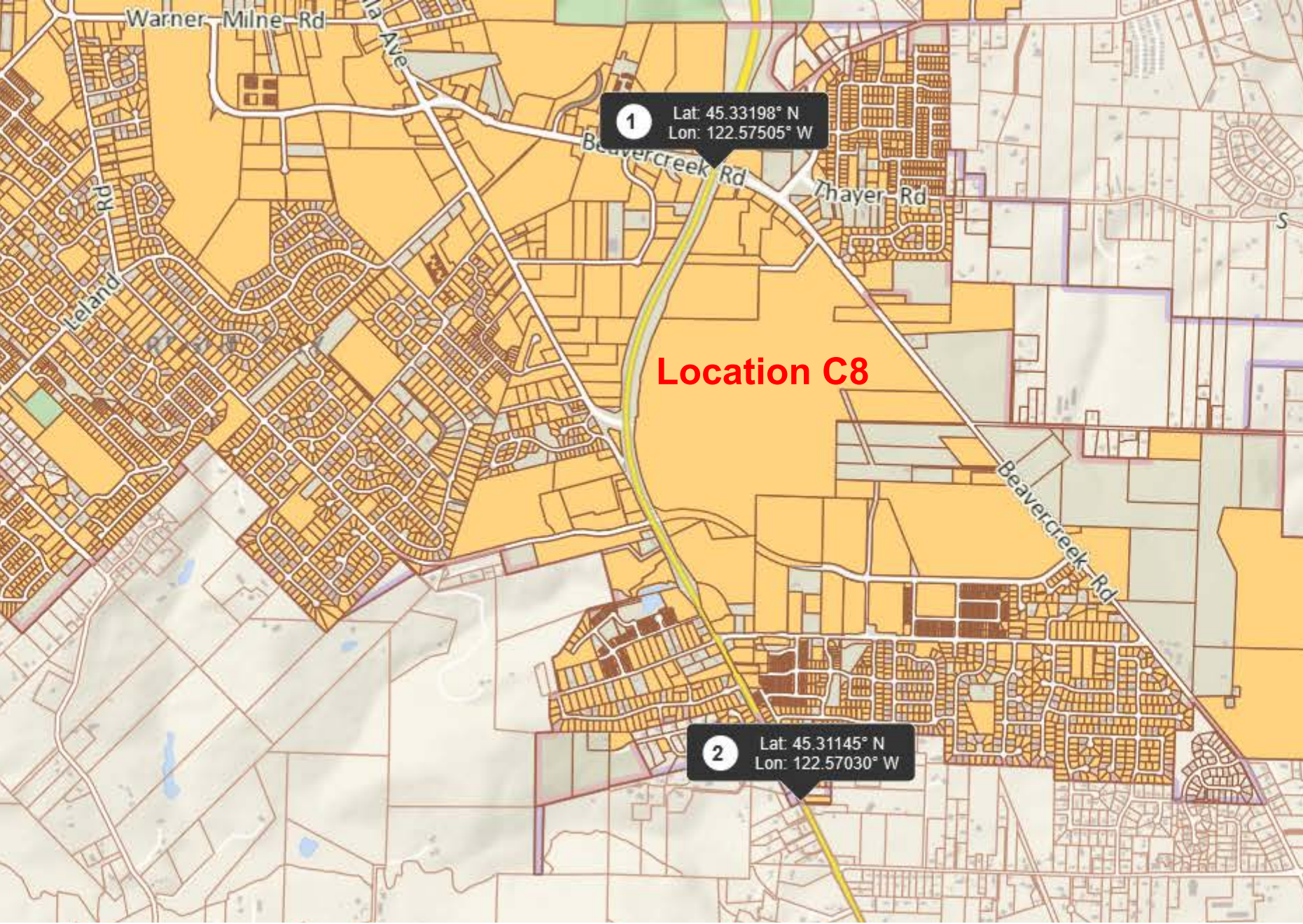
Location C3
OR99E: 2nd Street
to the Oregon City limits
C3 - 2nd Street
C3 - Oregon City Boundary
Abernethy Island
Moores Island
Barrington Heights
Canemah
South End
Rivercrest
Willamette Falls Dr
War Veterans Memorial Fwy
Pacific Hwy E
S McLoughlin Blvd
S 2nd St
McKinley Ave
Clinton St
Sunset St
Ogden Dr
Barclay Ave
Weber Way
Brighton Ave
Valleyview Dr
Cherry Ave
Charman St
Canemah Ct
Hartley Ct
Barker Ave
Vine St
Clearbrook Dr
Hazelwood Dr
Barker Rd
Woodfield Ct
King St
King Rd
South End Rd
Netzel St
Glacier Ct
Boynton St
Deerbrook Dr
Amanda Ct
1st Ave
3rd Ave
4th Ave
5th Ave
5th Pl
Sussex St
Norfolk St
River View Dr
Rockridge Dr
Fairhaven Dr
Wellington Dr
Radcliffe Ct
Beacon Hill Dr
Riverknoll Way
5th St
6th St
7th St
4th St
205
Google Earth
© 2021 Google
2000 ft


Location C3
1
Lat: 45.35132° N
Lon: 122.61463° W
2
Lat: 45.34200° N
Lon: 122.63516° W
205
99E
Willamette Falls Dr
S McLoughlin Blvd
Barrington
Riverknoll Way
Imperial Dr
Radcliffe Ct
Manchester Ct
Salamo Rd
Hall St
Lois Ln
Hall Ct
Volpp St
6th St
7th Ave
8th St
5th St
4th St
9th St
Apperson St
1st Ave
Jerome St
Miller St
Hedges St
3rd St
4th Ave
5th Ave
5th Pl
Old Canemah Park
S South End Rd
Sunset St
Center St
High St
S 3rd St
Trumwater Dr
S John Adams St
2nd St
1st St
Waterboard Park
W Rd
McKinley Ave
Ogden Dr
Charman Ave
Barclay Ave
Cherry St
Weleber St
Brighton St
Apperson St
Harding Blvd
Dell Ave
Telford St
Randall Ct
Ridgecrest Dr
Barker Ave
Barker Rd
Vine St
Elmwood Ct
Lauriewood Dr
Park Ave
Valley View Dr
McCarver Ave
Holmes
Canemah Rd
Canemah Way
Hartke Ct
Alderwood Dr
Hazelwood Dr
Clearbrook Dr
Woodlawn Ct
Woodfield Ct
Woodlawn Ave
Deerbrook Dr
Amanda Ct
South End Rd
King St
Randall Rd
Donald St
Canema Cemeter

Location C8

OR213: Beaver Creek Road
to the Oregon City limits (near Edgemont Dr.)




Warner-Milne Rd
Ave
1
Lat: 45.33198° N
Lon: 122.57505° W
Beavercreek Rd
Thayer Rd
Rd
Leland
Location C8
Beavercreek Rd
2
Lat: 45.31145° N
Lon: 122.57030° W

Clackamas County Sheriff's Office

CRAIG ROBERTS, Sheriff

08/26/20

Oregon Department of Transportation
Attn: Kyle Crate
123 NW Flanders
Portland, Oregon 97209
Work: (503) 731-3015

Dear Mr. Crate,

Our agency received a request for a noise variance for night work from 01/22/21 to 08/10/21 at multiple sites to include I5, I205, US26, OR173, OR211, OR212, OR 213 & OR 224 (K20341 Region 1) to install rumble strips during the evening hours of 10 PM -7 AM. I presume that as ODOT has done in the past, it will provide the standard complaint investigation and noise mitigation / abatement process, and provide the County notice or involve it where appropriate.

Based on past performance and the information provided, I believe that the project as outlined is essential to the economic, social, political, educational and technical advancements of the citizens of the County. I believe that while the plan necessarily requires the production of sounds which may offend, disrupt, intrude or otherwise create hardship among the citizenry, if granted a variance your agency will implement reasonable notification and noise mitigation measures, and noise levels shall remain reasonable for the community. Therefore **a variance has been granted** for the dates as outlined above.

Please contact me to request any modifications, extensions or conditions to the variance, and on behalf of the citizens of Clackamas County, thank you for your professionalism and consideration of community and public safety impacts.

Sincerely

CRAIG ROBERTS, SHERIFF

Shane Strangfield, Captain
Patrol Division

Cc: Board of County Commissioners
Information Patrol
Roll Call Board / CCOM

Clackamas County Sheriff's Office

CRAIG ROBERTS, Sheriff

Request for Noise Ordinance Variance

NOTICE TO APPLICANTS

The Sheriff's Office must have no less than ten (10) days before the first date of your event, in order to process & respond to your variance request application.
****You must check with the Planning Department and OLCC before your event takes place.****

Clackamas County Planning Dept.: 503 742-4500 or 503 742-4501 OLCC: 503 872-5218

Q: WHAT IS THE COUNTY POLICY ON NOISE ORDINANCE ENFORCEMENT?

A: It is the policy of the Board of Commissioners for Clackamas County to prevent and regulate excessive sound wherever it is deemed to be harmful to the health, safety, welfare, and quality of life of our citizens. The Sheriff's Office administers, supervises and performs all acts necessary to enforce County Ordinance Chapter 6.05 Noise Control, which is liberally construed to reduce the deleterious effects of excessive sound. In deciding whether to deny an application for a variance, approve it or approve it subject to conditions, the Sheriff considers the following: 1. The nature and duration of the sound emitted; 2. Whether the public health, safety or welfare is endangered; 3. If compliance with the noise ordinance would produce a benefit to the public; and, 4. Whether previous permits have been issued and the applicant's record of compliance.

Q: WHEN DO YOU NEED A VARIANCE?

A: *If you anticipate making sounds which are likely to disturb your neighbors or the surrounding neighborhood because of volume, you should consider applying for a variance.* Generally, you need not apply for a variance if the sounds produced do not exceed 50 dBA (decibels) between 10PM & 7AM, or 60 dBA (decibels) between 7AM & 10PM measured near a Noise Sensitive Unit (defined in question 7, page 2 of 3), or are exempted by ordinance (common examples follow):

A. Sounds caused by organized athletic, religious, educational, civic or racing activities on property generally used for such purposes, including stadiums, parks, schools, churches, athletic fields, race tracks, airports and waterways, between the hours of 7:00 a.m. and 11:00 p.m. the same day;

B. Sounds caused by blasting activities when performed under a permit issued by appropriate governmental authorities and only between the hours of 9 a.m. and 4 p.m. excluding weekends, unless such permit expressly authorizes otherwise;

C. Sounds caused by animals, animal husbandry, or agricultural operations, when the source of such sound is located outside of urban residential zoning districts;

D. Sounds caused by motor vehicles operated on public roads, which are regulated by state law (ORS 815.250) which the Sheriff has a mandate to enforce; or,

E. Sounds caused by construction activity or by tools, including drills, chain saws, lawnmowers, saws, hammers, and similar tools, between the hours of 6 a.m. to 10 p.m. of the same day."

The citizen / group / organization hosting an event and requesting a noise ordinance variance must provide the information below, as well as completely answer the sixteen (16) questions which follow. The Sheriff's Office may require further information based on answers and event nature.

Street Address of Event:	Multiple sites, see Attachment 1
City & Zip Code:	Clackamas OR 97015
Date(s) of the Event:	1/22/2021 to 8/10/2021
Start & End Time(s) (indicate AM / PM):	10pm to 7am

Full Name of Person / Group Hosting the event (Applicant):	Kyle Crate, Transportation Project Manager, ODOT
Date of Birth of Hosting Person (mm/dd/yyyy):	Not applicable
Mailing Address (if different from event location):	123 NW Flanders St
City & Zip Code:	Portland OR 97209
Contact Phone Number(s):	503.731.8496
Fax number(s):	
Email Address:	kyle.w.crate@odot.state.or.us

Property Owner(s) Name & Contact Information (if different from applicant)(include address, phone numbers & emails if known):	Same as applicant

Are documents (such as maps, pictures, plans, etc.) attached for consideration?	Yes. See Attachment 1

The following 16 Questions must be answered completely by the applicant(s):

1. Have previous permits been issued to the event address or applicant(s)? (Yes / No / Unknown)	Yes
2. Have there been previous complaints or law enforcement responses regarding violation(s) of the noise ordinance involving the applicant or event address? (Yes / No / Unknown) *****If "Yes," please explain*****	Unknown – complaints and public outreach are handled on a project by project basis.
3. Type of event (example: charity fundraiser, construction project, concert, etc.):	Construction project, installation of rumble strips
4. What is /are the Sound Source(s)? (Sound Sources include but are not limited to 1. Loudspeakers, public address systems; 2. Radios, tape recorders and/or tape players, phonographs, television sets, stereo systems including those installed in a vehicle; 3. Musical instruments, amplified or un-amplified; 4. Sirens, bells; 5. Vehicle engines or exhausts, when the vehicle is not on a public right-of-way; 6. Motorboats; 7. Vehicle tires, when caused to squeal by excessive speed or acceleration; 8. Tools, including drills, chain saws, lawnmowers, saws, hammers, and similar tools, but only between 10 p.m. and 6 a.m. of the following day; 9. Heat pumps, air conditioning units, generators and refrigeration units, including those mounted on vehicles; and, 10. Animals located in urban residential zoning districts.)	Equipment list: Pavement scarafier, vacuum street sweeper, and pickup truck (painting).
5. What is / are the nature & duration of the anticipated sound(s)?	Nature of sounds – heavy equipment and construction activities. Duration of construction windows are listed above in Date(s) of Event.
6. Specifically, where will the Sound Source(s) be located at the event, & projecting in what direction?	The direction of sound projection will propagate in all directions from the work site.
7. How close to the event location and Sound Source (s) are the nearest Noise Sensitive Units? (Noise Sensitive Units are neighboring buildings regularly used for the overnight accommodation of persons, including, but not limited to individual residential units, individual apartments, hospitals, and nursing homes.)	Multiple sites and noise sensitive receptors, see Attachment 1

8. Are there any environmental / topographic / man-made features between the Sound Source(s) and Noise Sensitive Units which would tend to mitigate noise impacts?	There is a noise wall at site A1-NB, and there is over 200 feet of forest and a berm at C8-MidNorth. See Attachment 1.

9. Approximately how many people will be attending?	Not applicable

10. Will parking be on private property or on a public roadway, and is there a parking control plan?	Not applicable

11. Will Emergency Vehicles be able to respond on your road or will it be blocked?	A full closure will not occur. Emergency vehicles will be able to respond.

12. Have you provided notice to potentially impacted neighbors / neighborhoods? When did you provide notice, and by what method(s)? (please provide a sample if in written form)	Public notice of this construction phase will be sent out and monitored. A 24-hour noise hot-line will be available during all night time construction activity.

13. If the applicant is not the property owner, did the property owner approve of the event type, location, sound source(s), number of attendees, parking plan and notice to potentially impacted neighbors?	Applicant is the property owner.

14. Will medical staff be hired? How many?	Not applicable

15. Will security staff be hired? How many?	Not applicable

16. If you are serving alcohol, have you notified OLCC?	Not applicable

Date & time received by CCSO: 8/24/20 @ 1:47 pm (SD) → SS Initials: _____

Date & time received by decision maker: _____ Initials: _____

Attachment 1

Clackamas County Noise Variance
K20341 Region 1 Rumble Strips
I5, I205, US26, OR99E, OR173, OR211, OR212, OR 213, and OR224

Mitigation Measures

- All equipment used shall have sound control devices no less effective than those provided on the original equipment. No equipment shall have an unmuffled exhaust.
- All equipment shall comply with pertinent equipment noise standards of the U.S. Environmental Protection Agency.
- The contractor may install temporary or portable barriers around stationary construction noise sources should a specific noise impact complaint occur.
- Idling equipment will be turned off when not in use.

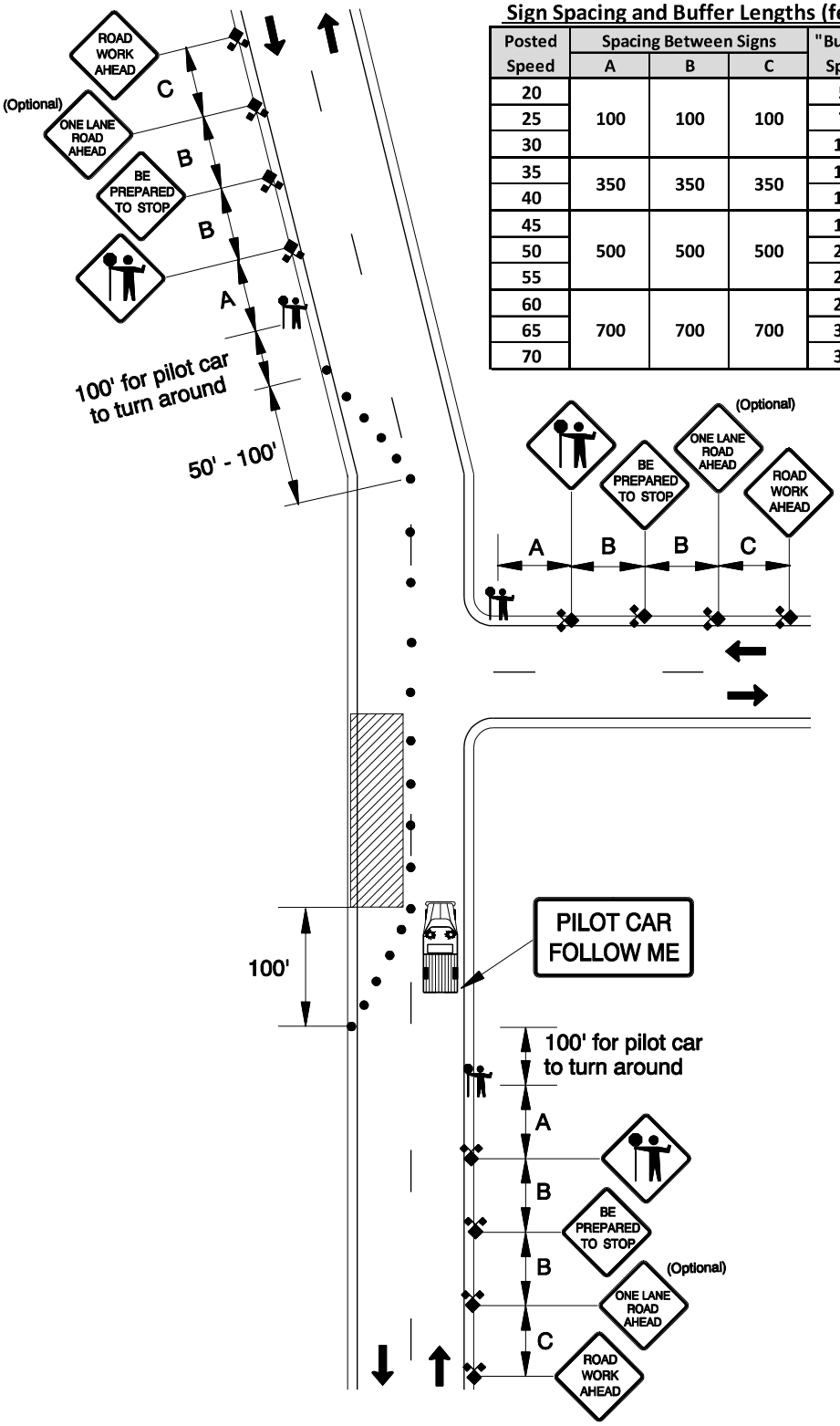
General Noise Impacts

Equipment list: Pavement scarafier, vacuum street sweeper, and pickup truck (painting).

Distance	L_{max}	L_{eq}
50 feet	90 dBA	83 dBA
100 feet	84 dBA	77 dBA
150 feet	80 dBA	74 dBA
200 feet	78 dBA	71 dBA

** Due to the mobile nature of rumble strip scarification, the maximum noise impact will be temporary at any location.*

12. Lane Closure with Pilot Car Diagram 340



Sign Spacing and Buffer Lengths (feet)

Posted Speed	Spacing Between Signs A	B	C	"Buffer" Space
20	100	100	100	50
25				75
30				100
35	350	350	350	125
40				150
45	500	500	500	180
50				210
55				250
60	700	700	700	285
65				325
70				365

CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 05/05/2021

From: Public Works Director John M. Lewis, PE

SUBJECT:

Acceptance of Settlement Agreement for the Fox Property for the Molalla Avenue Streetscape Project (CI 18-004)

STAFF RECOMMENDATION:

Staff recommends that the City Commission adopt a motion authorizing payment of the attached Settlement Agreement, in the amount of $90,000, for the Fox Property, also known as Tax Map 32E08AB Lot # 1100.

EXECUTIVE SUMMARY:

Staff is seeking City Commission approval of the Permanent Slope and Public Utility Easement and Settlement Agreement allowing the construction of the utilities along Molalla Avenue.

BACKGROUND:

Molalla Avenue from Beavercreek Road to Oregon Highway 213 in Oregon City is a key corridor for motorists, transit users, pedestrians, and bicyclists. The corridor connects Oregon City's Downtown and Regional Center with Clackamas Community College and the Clackamas County Red Soils Campus and connects residential areas on the west side to commercial areas on the north and east sides.

With some of the highest population and employment densities in Oregon City adjacent to the Molalla Avenue corridor, this project will consist of constructing roadway improvements mostly on the west side of Molalla Avenue to make the corridor safer for people biking, walking, and taking transit. The project will also include critical new and replacement waterlines within the corridor in order to minimize future impacts to the roadway.

Molalla Avenue Streetscape Project (CI 18-004)

Biking, Walking, and Transit Improvements:

- New pavement on Molalla Avenue.
- New 10-foot wide sidewalks on the west side of Molalla Avenue.
- New streetscape amenities such as trash receptacles, benches and upgraded TriMet bus stop amenities including relocating some stops to more convenient and safer locations.
- Addition of a continuous bike lane to fill in the areas where there are gaps on the east and west sides of Molalla Avenue.
- Relocation of utility poles that currently impact safe use of the sidewalk.
- Driveway sizing and locations will be designed to maximize safety for people biking and walking, creating safer crossings.

Streetscape and Utility Improvements:

- New decorative streetlights and trees along the entire west side of the corridor.
- Installation of a new 18” transmission waterline along the entire corridor and a new 8” distribution waterline at the north end of the project area to replace an aging distribution line.

The City’s engineering consultant, DOWL, LLC, has completed design of the Molalla Avenue Streetscape Project improvements and finalized the property acquisition needs. The property rights acquired from the Fox property located as shown on acquisition map as exhibit RW-06 includes 1,788 square feet (SF) of Permanent Slope and Public Utility Easement.

The City Commission adopted Resolution No. 19-14 in June 2019, authorizing acquisition of property and property interests through Eminent Domain when deemed necessary to accomplish public purposes. Between September 2019 and February 2020, the City’s right of way and staff agent made a good faith effort to negotiate and acquire the necessary right of way and easements. The parties were not able to come to an agreement on the value of the property being acquired.

On April 22, 2020 the City filed Complaint Proceedings in Eminent Domain in the Circuit Court of Clackamas County. Subsequently, on May 28, 2020, the City filed Motion for Entry of Order of Immediate Possession. The court granted immediate possession of the property which allowed the project to continue moving forward on schedule. On April 27, 2021, the City attended mediation with the property owners and judge to work toward an agreement on the acquisition. At that meeting, the parties agreed to the attached Settlement Agreement.

OPTIONS:

1. Approve Settlement Agreement as negotiated.
2. Approve Settlement Agreement, with specified modifications.

3. Deny Settlement Agreement. If the Commission chooses to deny the Settlement Agreement, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount:	$90,000.00
FY(s):	2020/2021
Funding Source(s):	Street SDC

DocuSign Envelope ID: 578E5DC7-00B3-4815-B104-1D6A938F63B7

Settlement Terms

City of Oregon City v. John Morris Fox and Kathryn Eileen Fox, as Trustees of the Fox Revocable Trust Dated November 21, 2019, John Morris Fox, Pamela Ellen Fox-Collis, and Tim Lloyd Fox; Case No. 20CV15976

1. Landscaping:

Landscaping will be reestablished as a part of the project in an approximate five foot strip across Molalla Avenue frontage from engineering station 61 plus 75 to engineering station 62 plus 75. Drawing attached. City to install landscaping and Defendants to maintain landscaping.

2. Easement Language:

The City of Oregon City is granted a permanent easement for the sole purpose to construct, reconstruct, operate, and maintain the utility pole located at or about engineering station 61 plus 25 and any overhead utility infrastructure. No additional surface mounted utility structures will be installed without written permission from the GRANTOR.

GRANTOR reserves the right to use the permanent easement area for all uses that do not interfere with or are not inconsistent with use of the subject easement area by the City, including for walkways, plantings, parking, drive isle and related uses.

Sign:

Defendants will alter the overhanging signs to remove any portions currently overhanging the sidewalk within twenty-eight (28) days.

3. Fees/Compensation:

Just compensation and attorney/expert fees and costs is a sum total of $90,000 ($78,700 plus deposit of $11,300) to be paid within 30 days of approval of this Settlement by the City Commission.

4. Settlement is subject to approval by the City Commission.

5. Form of settlement shall be by stipulated general judgement and shall include disbursement of deposited funds to Defendants.

6. KHR to serve as settlement czar for any disputes involving this Settlement.

Dated this 27th day of April, 2021.

Brian Best of Attorney for Defendants

DocuSigned by:
Cynthia Fraser
568A9A62B22C4B4...

Cynthia Fraser of Attorney for Plaintiff

FG:11576313.1
FG:11576327.1

CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 05/05/2021

From: Public Works Director John M. Lewis, PE

SUBJECT:

Personal Services Agreement with Barney & Worth, Inc for the 2021 Water Ballot Community Engagement (PS 21-014)

STAFF RECOMMENDATION:

Award the contract and authorize the City Manager to execute the Contract Agreement with Barney & Worth, Inc in the amount of $ 92,340 for community engagement services for the 2021 Water Ballot Measure (PS 21-014).

EXECUTIVE SUMMARY:

A water rate increase over the 3% limit set by City Charter, which will require voter approval, is needed to support the Water Master Plan. The City Commission confirmed its interest in pursuing voter approval during the November 2021 election. Professional services are needed to assist in development of the ballot measure and educate and engage the community. This contract will provide the needed community engagement services for the ballot measure.

BACKGROUND:

The Water Master Plan identifies water system improvements needed to serve Oregon City customers. The master plan was adopted in 2012 with a plan amendment adopted January 20, 2021. This amendment identified over $80 million in needed improvements. A study was completed by the FCS Group to evaluate the water rates and system development charges needed to support the water system improvements. Revised water system development charge fees were adopted by the City Commission at their March 3, 2021, City Commission meeting. Water rate increases greater than 3% require voter approval. At the January 12, 2021, City Commission Work session, pursuit of voter approval at the November 2021 election was confirmed by the Commission. Community engagement is needed to support this ballot measure effort.

The City issued requests for proposals for Community Engagement Services. Four local firms all of which have appropriate experience were contacted in addition to the

published RFP. The City received two proposals and Barney and Worth, Inc. was selected to provide the professional services. The attached scope of work (Exhibit A) outlines the detail by which the services will be provided through December 2021.

OPTIONS:

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

BUDGET IMPACT:

Amount:	$92,340
FY(s):	FY 20/21 and FY 21/22
Funding Source(s):	Water Fund

Point of Contact: Patty Nelso
Term of Contract: December 31, 2021

CITY OF OREGON CITY
PERSONAL SERVICES AGREEMENT

2021 WATER BALLOT COMMUNITY ENGAGEMENT

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between the CITY OF OREGON CITY ("City") and **BARNEY & WORTH, INC.** ("Consultant").

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 the date the contract is fully executed until **December 31, 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.

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 **ninety-two thousand, three hundred and forty dollars ($92,340)**.

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. Schedule. The components of the project described in the Scope of Services shall be completed according to Term, above.

6. 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.

7. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, by hand delivery or by electronic means. 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: John M. Lewis
To Consultant:	**Barney & Worth, Inc.** **121 SW Morrison Street, Suite 820** **Portland, OR 97204** **Attention: Libby Barg Bakke**

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

8. 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 _____ day of _____, 20____.

CITY OF OREGON CITY

By: _____
Anthony J. Konkol III
Title: City Manager

DATED: _____, 20___.

By: _____
John M. Lewis
Title: Public Works Director

DATED: _____, 20___.

BARNEY & WORTH, INC.

By: _____
Elizabeth Barg Bakke
Title: President

DATED: _____, 20___.

P:\PublicWorks\CIP_PS_RFQ_RFP\PS_Open\PS 21-014 2021 Water Ballot Community Engagement\CONTRACT\PS 21-014 PSA Barney & Worth Contract.docx

EXHIBIT A

Scope of Services and Cost

Oregon City 2021 Water Ballot Community Engagement

Consultant Tasks

Consultant tasks to support public education for Oregon City's water funding proposal are outlined below.

Task 1 – Research/Ballot Title

The consultant will compile and review Oregon City's information/documents regarding the water utility's funding needs, rate and SDC history, recent public opinion research, priority projects, and the funding proposal, along with related information on other recent public infrastructure ballot measures in Clackamas County. Stakeholder interviews and additional public opinion research (telephone poll, two focus groups) will also be conducted to gauge the attitudes and preferences of Oregon City voters, and confirm a ballot title and effective messaging.

The research task will culminate in development of a recommended ballot title (or ballot titles if more than one measure is required). The recommended ballot title will be submitted to the City Attorney and policymakers for their consideration.

Task 2 – Communication Plan

Results of the research will contribute to development of a Communication Plan for the ballot measure. The Plan will identify target audiences, key messages, public education materials and tools, outreach roles / assignments, outreach partnerships, and schedule. Public information / education materials and tools will be developed as necessary to support the plan: fact sheet, frequently asked questions, webpage content, community presentations, feedback mechanisms. The Communication Plan needs to be responsive to the preferred communication channels of Oregon City residents (see right).

Preferred Information Source

39%	*Trail News* (quarterly)
20%	Social Media
18%	City Website
13%	*E-Trail News* (monthly)
13%	Newspaper

Source: Oregon City Community Survey, 2020

Task 3 – Themes / Messaging / Materials

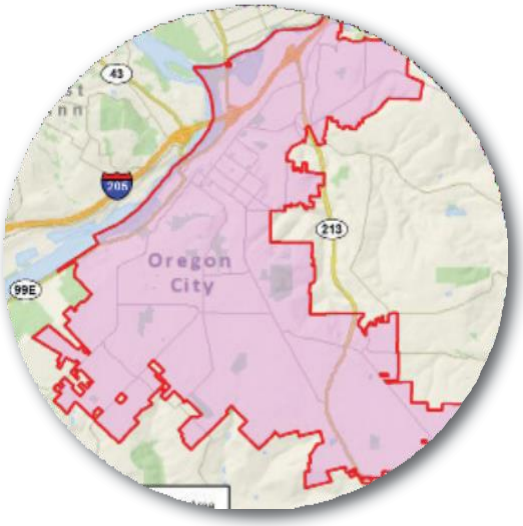
To help educate water customers and voters, the consultant will assist in developing themes and messages that best communicate the City's current funding situation and water funding proposal, and the materials to convey that effective messaging to voters.

As an option, the consultant will be prepared to design, develop, host and maintain a ballot measure website. This option will require separate authorization by the client before the consultant can proceed.

Task 4 – Client Consultation

The consultant will organize and attend a kickoff meeting, then will be available to meet and consult with staff and other groups as requested by the client. Periodic presentations will be given to policymakers, leading up to the final decision on the ballot title for the funding measure, and authorization of the election.

The next sections provide additional details on the opinion research methodology and a preliminary project schedule.



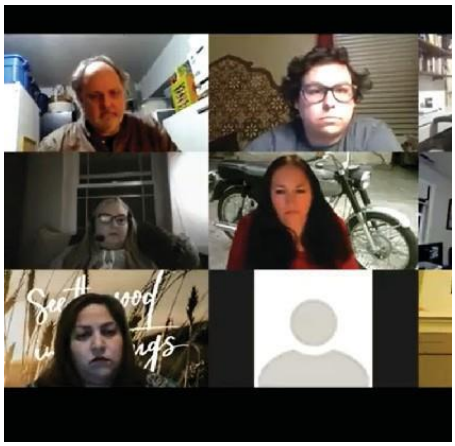
Opinion Research Approach

Public opinion research is vital to the success of any ballot measure. The following research approach is recommended to assess voter support for ballot measure(s) to increase water rates above the 3% limit and approve debt financing. In the first phase we will conduct two online focus groups. The second phase entails a telephone/online survey that establishes baseline voter support for the ballot measure(s), evaluates key messages, and tests potential ballot titles. We anticipate the City Commission, staff and consultant team will use this information to refine the funding approach and to develop a public education campaign.

The survey will include demographic questions. This will allow data analysis by key groups (such as likely voters) to identify voters who are most supportive of the measure(s), those who are resistant, and the best communication opportunities for both.

A note on sample size feasibility: Oregon City is a relatively small community with around 27,000 registered voters. Of these, about 17,000 have a known telephone number where they can be reached to take the survey (either by live interviewer or online with a text message invitation). Survey response rates are lower now than in the past. The recommended approach reflects the total (200 completed surveys) that are feasible for Oregon City given these limitations.

Due to the short time available, it will not be possible or desirable to conduct two telephone surveys. The first (and only) survey will be fielded in June. The City Commission must approve ballot title(s) in late July or early August—leaving no time for a second survey.



ONLINE FOCUS GROUPS

Where surveys are best for assessing what voters think about an issue, focus groups are better at evaluating why they hold their opinions. Focus groups delve into the values, emotions, and experiences that shape voter opinions and choices.

Focus groups will be conducted prior to survey research to help identify themes and frame the issues to test in the survey. DHM recommends two focus groups per target audience.

In the time of COVID-19, DHM has successfully shifted to conducting online focus groups using Zoom. These groups offer some cost savings compared to in-person groups. If health conditions allow, in-person groups are also an option at a small added cost.

SURVEY: BASELINE SUPPORT AND COMMUNICATIONS

A hybrid survey will pair traditional telephone dialing with a text-to-online conversion method wherein voters are texted a link to participate via an online platform. As it becomes more difficult to reach a representative group of voters through phone calls alone, hybrid methodologies that combine live interview calls with text messages directing potential participants to an online survey have become increasingly widespread and successful. Whether reached by call or text, respondents will be asked the same questions. For verification, all respondents will be matched to their voter registration record.

This approach maintains a high standard of reliability and random sampling, while maximizing sample size, and reducing cost. Traditionally hard-to-reach audiences such as people under 35, people of color, and cellphone-only individuals are more effectively contacted via text message.

DHM will work with Oregon City staff to design and conduct the following hybrid survey:

- Phone/text survey of 200 voters matched to active voter records
  - Margin of error: ±6.9%
  - Participants are contacted by landline, cell phone, and SMS message
- Quotas set by age, gender, area of the city, and political party to ensure a representative sample of participants; final data is weighted to match demographics exactly
- Length: 10-minute survey (20-25 questions);
  - Survey length includes 7–10 demographic questions
  - The number of questions can vary depending on the type and complexity of the questions
  - Responses to two open-ended questions are collected verbatim and coded into similar categories for analysis

Schedule

OREGON CITY 2021 WATER BALLOT
PRELIMINARY SCHEDULE

Date	Task
April 2021	Consultant Notice-to-Proceed
April	Project Kick-off Meeting
April - May	Stakeholder Interviews
May	Public Opinion Research: Focus Group
June	Public Opinion Research: Survey
June	Ballot Title
June	Communication Plan
July - October	Public Education Campaign
July - November	Website (option)
July 21 or August 4	City Commission Approves Ballot Measure/Title
August	Filing Deadline to Refer Ballot Title/ Publication Notice
September 2	Filing Deadline for Ballot Measure (Form SEL 8020)
October 13 - 19*	Ballot Mailed
November 2, 2021	Election Day

***October 4 - 15** >

Ballots mailed to out-of-state voters.

FEE PROPOSAL

The Community Engagement Services for Oregon City's 2021 Water Ballot will be completed based on the not-to-exceed (NTE) amount shown below for Total Project Cost. This NTE limit covering fees for professional services and direct expenses will not be exceeded without written approval from the City of Oregon City.

The fee proposal was prepared without input from Oregon City on a budget target. We recognize there may be a need to right-size the workscope and budget to align with the City's available resources

Budget Summary

PROFESSIONAL SERVICES

Barney & Worth, Inc.	
Barney & Worth, Inc.	$49,240
DHM Research*	37,000
Total Professional Services	**86,240**
Ballot Measure Website (optional)	5,400
Direct Expenses +	700
TOTAL PROJECT COST	**$92,340**

**DHM Research costs are based on standard 2 focus groups and fees for a hybrid telephone/text survey (n=200; 10 minutes) rather than hourly rates.*

+ Assumes client will be responsible for: website maintenance; mass printing and distribution of public education materials; advertising, public notice, room rental and refreshments for public meetings.

Budget Detail (Hours by Task)

Barney & Worth, Inc.					
Task	**Principal**	**Project Assistant**	**Research Associate**	**DHM**	**Totals**
Task 1 – Research/ Ballot Title	76	24	8	*	108
Task 2 - Communication Plan	10	4	0		14
Task 3 - Themes/ Messaging/Materials	52	40	0		92
Task 4 - Client Consultation	28	8	0		36
TOTAL	**166**	**76**	**8**	*	**250**

Hourly Rates

Professional services are billed at standard hourly rates (shown below). Direct expenses will be reimbursed at actual cost plus 15% for administration.

HOURLY RATES FOR PROFESSIONAL SERVICES

Barney & Worth, Inc.	
Principal	$240
Senior Managing Associate	$240
Senior Associate	$210
Managing Associate	$190
Research Associate	$130
Project Assistant	$110
Graphic Design	$100

DHM Research	
Director	$225
Project Manager	$190

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

1. Consultant Identification. Consultant shall furnish to City its taxpayer identification number, as designated by the Internal Revenue Service, or Consultant'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 Consultant within thirty (30) days after receipt of Consultant'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 Consultant any fees or costs that City reasonably disputes.

3. Independent Consultant Status.

(a) Consultant is an independent consultant 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) Consultant 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. Consultant 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. Consultant provides services for two or more persons within a 12-month period or routinely engages in advertising, solicitation or other marketing efforts. Consultant makes a significant investment in the business by purchasing tools or equipment, premises or licenses, certificates or specialized training and Consultant has the authority to hire or fire persons to provide or assist in providing the services required under this Agreement.

(c) Consultant 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). Consultant shall furnish the tools or equipment necessary for the contracted labor or services. Consultant agrees and certifies that:

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

(e) Consultant agrees and certifies that it is licensed to do business in the State of Oregon and that, if Consultant 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 Consultant, delivered by certified mail, email, or in person.

(b) Upon receipt of notice of early termination, Consultant 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 Consultant 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

Consultant 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) Consultant shall:

(i) Make payment promptly, as due, to all persons supplying to Consultant 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 Consultant under this Agreement and, unless Consultant is subject to back-up withholding, the City will not withhold from such compensation or payments any amount(s) to cover Consultant'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 Consultant 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 Consultant by reason of this Agreement.

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

(d) Consultant and subconsultants, 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. Subconsultants and Assignment. Consultant 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 Consultant.

8. Access to Records. City shall have access to all books, documents, papers and records of Consultant 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 Consultant 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 Consultant that is or could be protected by federal copyright, patent, or trademark laws, or state trade secret laws, Consultant 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 Consultant 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. Consultant 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

Consultant 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, Consultant 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. Consultant 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. Consultant acknowledges responsibility for liability arising out of Consultant's negligent performance of this Agreement and shall hold City, its officers, agents, Consultants, 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 Consultant, or the agents, Consultants or employees of Consultant provided pursuant to this Agreement.

(b) Workers' Compensation Coverage. Consultant certifies that Consultant has qualified for workers' compensation as required by the State of Oregon. Consultant 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 Consultants of Consultant shall maintain such insurance.

(c) Comprehensive, General, and Automobile Insurance. Consultant shall maintain comprehensive general and automobile liability insurance for protection of Consultant 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, Consultant's operation, each in an amount not less than $2,000,000 combined, single-limit, per-occurrence/$4,000,000 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 Consultant.

(d) Errors and Omissions Insurance Consultant shall provide City with evidence of professional errors and omissions liability insurance for the protection of Consultant and its employees, insuring against bodily injury and property damage arising out of Consultant's negligent acts, omissions, activities or services in an amount not less than $500,000 combined, single limit. Consultant shall maintain in force such coverage for not less than three (3) years following completion of the project. Such insurance shall include contractual liability.

Within ten (10) days after the execution of this Agreement, Consultant shall furnish City a certificate evidencing the dates, amounts, and types of insurance that have been procured pursuant to this Agreement. Consultant will provide for not less than thirty (30) days' written notice to City before the policies may be revised, canceled, or allowed to expire. Consultant shall not alter the terms of any policy without prior written authorization from City. The provisions of this subsection apply fully to Consultant and its Consultants and agents.

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

14. Legal Expenses. In the event legal action is brought by City or Consultant 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.

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 Consultant 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. Consultant 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. Consultant 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 Consultant. Copies as requested shall be provided free of cost to City.

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

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

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

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.

(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

Staff Report

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

To: City Commission **Agenda Date:** 05/05/2021

From: Public Works Director John M. Lewis, PE

SUBJECT:

Selection of On-call Consultants for Transportation Design and Engineering Services

STAFF RECOMMENDATION:

Authorize the City Manager to use the Transportation Planning and Engineering (TP), and the Civil Engineering for Transportation Infrastructure (TI) On-call Consultant Lists for planning, analysis, design, and engineering services for our transportation system.

EXECUTIVE SUMMARY:

Staff requests to establish two short lists of consultant firms to perform transportation planning and engineering services.

BACKGROUND:

Staff requests to establish a short list of consultant firms to perform civil engineering and related professional services for projects involving the planning, analysis, construction, reconstruction, or rehabilitation of our transportation system and facilities, and to otherwise assist the City in completing selected engineering, planning, and capital improvement projects.

On January 22, 2021, the City solicited statements of qualifications for two categories using its online bidding system. On March 2, 2021, Public Works received eight (8) submittals for Transportation Planning and Engineering, and eleven (11) submittals for Civil Engineering for Transportation Infrastructure. Staff evaluated the qualifications of each firm individually and then met collectively to reach consensus on the firms most qualified to complete the work anticipated over the next few years.

City staff reached unanimous agreement that the following consulting firms presented the best experience and offered the most qualified teams based on the projects and work types anticipated.

Transportation Planning and Engineering (TP):

1) DKS Associates
2) DOWL
3) Fehr & Peers
4) Keller Associates
5) Kittelson & Associates, Inc.
6) Replinger & Associates LLC
7) Wallis Engineering, PLLC

Civil Engineering for Transportation Infrastructure:

1) AKS Engineering & Forestry, LLC
2) DOWL
3) Kittelson & Associates, Inc.
4) KPFF Inc
5) Murraysmith
6) Wallis Engineering, PLLC

Oregon Administrative Rule (OAR) 137-048 requires Qualifications-Based Selection (QBS) for the procurement of engineers, architects, land surveyors, photogrammetrists, and transportation planners. OAR 137-048 prohibits the use of fees in making these kinds of procurement decisions until after a firm or firms have been selected using the QBS process. This recommended action is in conformance with OAR 137-048.

Consultants selected to be on the on-call short list will actually perform work under contract with the City using the City's standard Personal Services Agreement. The on-call short list is expected to remain in place for a three (3) year period with the option to renew up to two (2) additional one-year periods. The total time of on-call short list use is not intended to exceed five (5) years.

Following the City's selection of the Transportation Planning & Engineering, and Civil Engineering for Transportation Infrastructure On-call Consultant List, the City will negotiate separate Personal Service Agreements for specific projects on an as needed basis. Each Agreement will identify the type of services, work scope, fee, and terms of payment for services. For specific projects, the City may determine that additional expertise is required (such as landscape architecture, electrical engineering, surveying, etc). The City can elect to assemble or augment project teams to cover all required disciplines.

Personal Service Agreements exceeding $50,000 will be presented to the City Commission for authorization.

OPTIONS:

1. Approve consultant lists as requested.
2. Approve consultant lists with specific modifications.

3. Deny consultant list. If the Commission chooses to deny the request, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount: $0

FY(s): N/A

Funding Source(s): N/A

OREGON CITY

Public Works

625 Center Street | Oregon City OR 97045
Ph (503) 657-0891 | Fax (503) 657-7829

TRANSPORTATION DESIGN & ENGINEERING SERVICES ON-CALL CONSULTANT LIST

May 5, 2021

TRANSPORTATION PLANNING AND ENGINEERING (TP)

REVIEW TEAM: Dayna Webb, Josh Wheeler, Laura Terway, Vance Walker, Jayson Thornberg

Short-listed firms:

1) DKS Associates
2) DOWL
3) Fehr & Peers
4) Keller Associates
5) Kittelson & Associates, Inc.
6) Replinger & Associates LLC
7) Wallis Engineering, PLLC

Firms not selected to be short-listed:

1) Lancaster Mobley

CIVIL ENGINEERING FOR TRANSPORTATION INFRASTRUCTURE (TI)

REVIEW TEAM: Dayna Webb, Josh Wheeler, Vance Walker, Jayson Thornberg, Brian Van Smoorenburg

Short-listed firms:

1) AKS Engineering & Forestry, LLC
2) DOWL
3) Kittelson & Associates, Inc.
4) KPFF Inc
5) Murraysmith
6) Wallis Engineering, PLLC

Firms not selected to be short-listed:

1) 3J Consulting
2) Keller Associates
3) Century West
4) RH2 Engineering
5) CES|NW

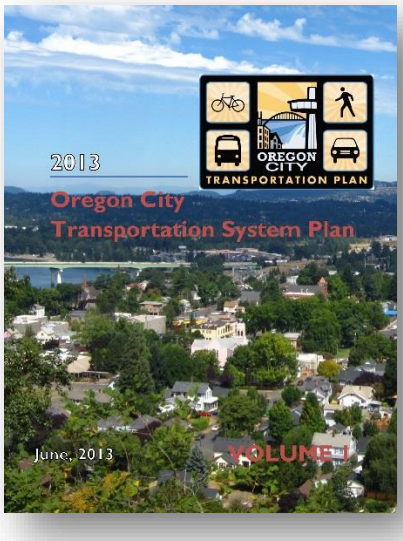
\\depot\departments\PublicWorks\CIP_PS_RFQ_RFP\RFP_RFQ\2021 On Call TI & TP\Engineering RFQ - Master Short List 2021.docx

REQUEST FOR QUALIFICATIONS (RFQ)
For Engineering Services
City of Oregon City

January 22, 2021

Design and Engineering Services for:

- Transportation Planning and Engineering
- Civil Engineering for Transportation Infrastructure



City of Oregon City
Public Works Department
625 Center Street
P. O. Box 3040
Oregon City, OR 97045

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REQUEST FOR QUALIFICATIONS (RFQ)
For Transportation Engineering Services
City of Oregon City

The City of Oregon City seeks proposals from qualified firms or individuals to provide engineering and other professional services related to Transportation Planning and Engineering, and Civil Engineering for Transportation Infrastructure.

Proposals will be received until **4:00 P.M. local time on Tuesday, March 2, 2021,** at the City of Oregon City Public Works Department, 625 Center Street, Oregon City, Oregon, 97045. Late proposals will not be considered. There will be no formal Proposal opening.

Solicitation documents may be obtained from the City's online plan center free of charge at http://bids.orcity.org/. Solicitation documents may be obtained by creating a new user account and registering for the project. General information including the planholder list is available to the public without registering.

Solicitation documents are also available for review at the City of Oregon City, Public Works Department, 625 Center Street, Oregon City, Oregon (telephone: 503-657-0891), between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays.

Addenda, clarifications, and notices will be distributed through the City's online planholder system. Potential proposers are responsible for ensuring contact information is registered correctly and that email updates are being received and not being sent to spam folders. It is in the best interest of potential proposers to check the website periodically to ensure all updates are received. The City is not responsible for failure of proposers to receive notifications of changes or corrections made by the City and posted as stated above.

Proposers are required to certify non-discrimination in employment practices and identify resident status as defined in ORS 279A.120(1). Pre-qualification of proposers is not required. All proposers are required to comply with the provisions of Oregon Revised Statutes and the Oregon City Municipal Code.

In order to provide efficiencies in service with other public agencies and in order to fulfill an opportunity for cooperative purchasing, any publicly funded city, county, district, agency or similar entity shall have the authority to acquire services directly from the successful proposer(s) under the terms and conditions of this RFQ.

The City of Oregon City reserves the right to (1) reject any or all proposals not in compliance with public bidding procedures if it is in the best interest of the public to do so, (2) postpone establishment of a short list for a period not to exceed sixty (60) days from date of proposal opening, (3) waive informalities in the proposals, and (4) to select the proposals which appear to be in the best interest of the City.

PUBLISHED: Daily Journal of Commerce, January 22 and 25, 2021

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SECTION 1
GENERAL INFORMATION

1.1 SUMMARY OF REQUEST

The City of Oregon City seeks proposals from qualified firms or individuals to provide engineering and other professional services related to Transportation Planning and Engineering, and Civil Engineering for Transportation Infrastructure for projects involving the planning, design, construction, reconstruction or rehabilitation of transportation infrastructure and facilities and to otherwise assist the City in completing selected engineering and capital improvement projects.

The City seeks to establish a short list of consultants or consultant teams for the following categories:

- Transportation Planning and Engineering
- Civil Engineering for Transportation Infrastructure

It is the City's intent to develop a short list of between four and six qualified individuals and/or firms in each category. Consultants selected to perform work under contract with the City using the City's standard Personal Services Agreement (attached) will agree to provide services for the City for a three (3) year period with the option to renew up to two (2) additional one-year periods. The total term of the short list shall not exceed five (5) years.

Following the City's selection of short-listed individuals and/or firms, the City will negotiate separate Personal Service Agreements for specific projects on an as needed basis. Each Agreement will identify the type of services, work scope, fee, and terms of payment for services. For specific projects, the City may determine that additional expertise is required (such as landscape architecture, electrical engineering, surveying, etc). The City can elect to assemble or augment project teams to cover all required disciplines.

The City makes no representation as to the frequency or amount of service, if any, to be obtained by any short-listed consultant.

A tentative schedule for this process appears below:

January 22 and 25, 2021	Advertise RFQ in DJC
March 2, 2021 @ 4:00 PM	Proposals Due
April 2, 2021	Completion of Proposal Evaluations
April 12, 2021	Notify Consultants of Results of Selection Process
May 5, 2021	City Commission Confirmation of Short List

SECTION 2
NATURE OF WORK

2.1 INTRODUCTION

Selected consultants will provide engineering services for City projects involving planning, design, construction, reconstruction or rehabilitation of transportation infrastructure and facilities as needed by the City.

The City views its relationship with consultants as a partnership where they assist the City as needed in planning, design, and construction of public improvements. The consultants will provide technical expertise, services, and resources as needed. Consulting engineers will be expected to participate with the City to resolve construction issues, including construction claims, as needed.

Construction projects will normally be designed and constructed in accordance with the American Public Works Association, MUTCD, AASHTO, American Water Works Association, Oregon Administrative Rules, and Oregon City Public Works standards. Construction contracts are currently prepared in accordance with the Oregon Standard Specifications for Construction, latest edition, and as modified by the City. The consultant shall use City provided contract forms as the base or template for construction contracts supplemented by special provisions to the applicable reference standards as needed.

2.2 PROFESSIONAL SERVICES

The City seeks professional services in the following areas:

A) TRANSPORTATION PLANNING AND ENGINEERING (TP)

The consultant shall perform planning and engineering services for City transportation facility improvement projects.

The consultant may provide project management, transportation system analysis and planning, preliminary engineering, final design, construction engineering, and/or any combination of these services. Projects may include assistance with corridor planning and studies, traffic analyses, general technical support at Transportation Advisory Committee meetings, and grant application assistance.

Work tasks may include, but are not limited to, the following:

1) Project Management

a. Work scope and proposal development.
b. Preparation and maintenance of the project schedule, including adding and managing staff, subconsultants, and other resources as needed to meet scheduled milestones.
c. Monthly progress reports and analysis of cost versus progress.

d. Scheduling and staffing project team meetings during design phase including preparation of agendas and meeting notes.

2) Planning and Engineering

a. Transportation system planning and analysis including modeling, alternatives analysis, and geometric evaluation. Familiarity with Metro regional transportation planning and modeling is a must.
b. Perform traffic analyses which may include signal studies.
c. Research “as-built” records and other historical data.
d. Gather field information and other data, including utility information, traffic counts, existing conditions, turning movement, geometry, and other salient features.
e. Participate in preliminary design(s) preparation that may show roadway and existing utility configuration and rights-of-way location, including reports, traffic analysis, supporting data, survey information, and preliminary construction cost estimate(s). (A specific project may require several design alternatives.)
f. Revise preliminary design as appropriate following City review, including possible downscaling to minimize need for rights-of-way acquisition.
g. Submit preliminary engineering plans to City for review.
h. Participate in public meetings, to include preparation of graphics and visual aids, and assistance in the presentation of design concepts to neighborhood groups, advisory committees, the City Commission, and the general public.
i. Attend land use hearings if needed.

B) CIVIL ENGINEERING FOR TRANSPORTATION INFRASTRUCTURE (TI)

Transportation infrastructure projects often require one or more civil engineering disciplines to address all project needs. This category is intended to typically fulfill the prime consultant role in delivering complex transportation infrastructure projects that may include drainage, water and sewer facilities, retaining and sound walls, landscaping, and other unique project features, as well as simple sidewalk infill projects.

Work tasks may include, but are not limited to, the following:

1) Project Management

a. Work scope and proposal development.
b. Preparation and maintenance of the project schedule, including adding and managing staff, subconsultants, and other resources as needed to meet scheduled milestones (such as land survey, geotechnical, wetlands, or other specialized consultants). These resources likely will be planned and assembled when scoping an individual project with the City.

c. Monthly progress reports and analysis of cost versus progress.
d. Scheduling and staffing project team meetings during both design and construction phases, including preparation of agendas and meeting notes.

2) Planning and Engineering

a. Research "as-built" records and other historical data.
b. Gather field information and other data, including utility locations, and other salient features.
c. Coordinate and evaluate subsurface utility investigation services to verify existing utility locations and identify potential utility conflicts.
d. Provide geotechnical studies to evaluate existing roadway or foundation conditions (subconsultant would perform this task).
e. Conduct field surveying that includes collecting topographic information and locating and referencing any survey monumentation endangered by the project.
f. Conduct environmental studies to evaluate impacts of a project on existing areas, including air quality, noise, wetlands, streams and rivers, threatened and/or endangered species, or natural resources.
g. Assist in writing and obtaining permits and service provider letters.
h. Prepare preliminary design(s) that may show roadway and existing utility configuration and rights-of-way locations, including reports, traffic analysis, supporting data, survey information, and preliminary construction cost estimate(s). (A specific project may require several design alternatives.)
i. Revise preliminary design as appropriate following City review, including possible downscaling to minimize need for rights-of-way acquisition.
j. Submit preliminary engineering plans to City for review.
k. Participate in public meetings, to include preparation of graphics and visual aids, and assistance in the presentation of design concepts to neighborhood groups, advisory committees, the City Commission, and the general public.
l. Reestablish centerlines and benchmarks per the Clackamas County Surveyor.

3) Final Design

a. Prepare final engineering plans.
b. Prepare construction specifications, including contract special provisions and supplemental standard specifications for construction contract documents.
c. Prepare right-of-way survey maps, right-of-way descriptions, parcel maps, and additional information needed to purchase right-of-way.
d. Submit final plans, survey construction notes, staking details, traffic plans and signal design, and other documents to the City for review and approval.

e. Prepare permit applications as appropriate for a specific project, including City land use applications.
f. Attend land use (if needed), utility, pre-bid, and preconstruction meetings.

4) Construction Engineering

a. Provide surveying services for and during construction.
b. Provide pertinent engineering support during construction.
c. Provide construction inspection services.
d. Review contractor's progress payment requests and certify that quantities claimed accurately reflect work performed and materials supplied during the payment period.
e. Review materials and other contract submittals.
f. Provide record drawings as necessary following completion of construction.
g. Establish required final centerlines and monumentation and file maps with the Clackamas County Surveyor.

2.3 CONSULTANT'S WORK PRODUCTS

Consultants shall submit work products to the City that may include but are not limited to the following:

A) Property descriptions for right-of-way acquisition including easements.

B) Preliminary and final plans, reports, exhibits, and other information in digital format or hard copy reproducible media as requested by the City.

C) Construction drawings in both a 22" x 34" format and a reduced 11" x 17" format, on paper and in digital format.

D) Survey maps and placement of monuments as required by the City.

E) As-built record drawings, in digital and hard copy reproducible format as requested by the City.

F) Project files, including permits, correspondence, memoranda, telephone logs, inspection reports, and testing results.

G) Land use permit applications in accordance with Oregon City Municipal Code, Chapter 17.

H) Completed permit applications from other agencies.

2.4 SERVICES TO BE PROVIDED BY THE CITY

For projects contracted directly with the City, the City will provide the following services:

A) Provide a project engineer/manager who is responsible for overall project management and will provide coordination and oversight.

B) Establish the work scope and design parameters for each project, including related standards.

C) Make available mapping and design information previously developed.

D) Make available survey control data, if available, to establish road centerline.

E) Make available guidelines, policies, and regulations to be used in review and/or developing design.

F) Submit applications to the State and/or County for required permits. (Note consultant will prepare and may be requested to submit applications.)

G) Maintain records and process payment requests.

H) Provide the base or template provisions for the construction contract to which the consultant shall add terms, conditions and special provisions unique to the project.

I) Legal review of all contracts, bid forms, and real property conveyances.

J) Public involvement and communication with the City Commission and private citizens.

K) Liaison between other agencies and private utility providers.

L) Provide review and comments from Operations staff and other Public Works employees on deliverables.

2.5 PROPOSED CITY PROJECTS

Projects that could be anticipated by the City over the next five years requiring the services covered by this Request for Qualifications would typically be included in adopted City master plans, corridor plans and associated capital improvement plans. These plans can be viewed on the City website at www.orcity.org/publicworks/public-works-master-plans.

We are currently working on budgeting, and as such do not have a final list of anticipated projects that will utilize these services. The need for studies or problem-solving expertise may also arise from time to time.

A) TRANSPORTATION PLANNING AND ENGINEERING (TP)

The Oregon City Transportation System Plan (TSP) adopted in 2013 (http://www.orcity.org/publicworks/2013-transportation-system-plan) includes proposed capital improvement projects. Additionally, many supplemental plans have been adopted that include future projects as well. Following is a list of the typical types of projects that could be included in future work under this category.

- Third Party Review of submitted Transportation Impact Analysis as part of Land Use Review
- Corridor Planning and Studies
- Development of Street Design Standards
- Traffic Analysis
- Grant Application Assistance

B) CIVIL ENGINEERING FOR TRANSPORTATION INFRASTRUCTURE (TI)

The Oregon City Transportation System Plan (TSP) adopted in 2013 (http://www.orcity.org/publicworks/2013-transportation-system-plan) includes proposed capital improvement projects. Additionally, many supplemental plans have been adopted that include future projects as well. Following is a list of the typical types of projects that could be included in future work under this category.

- Pavement Management Projects
- Sidewalk Infill Projects
- Pedestrian Safety Projects, including but not limited to Rectangular Rapid Flashing Beacons
- Beavercreek Road Corridor All Roads Transportation Safety Grant Project
- Hwy 213 and Beavercreek Road Westbound Right Turn Merge Lane
- Linn/Leland/Meyers/Warner Parrot/Central Point Operational Enhancement

SECTION 3
PROPOSAL INSTRUCTIONS

3.1 GENERAL REQUIREMENTS

A) Proposals must be computer generated, printed double-sided, and be three hole punched and unbound in an 8.5” x 11” format. Do not staple proposals. Proposals with 11” x 17” pages are allowed but must be folded into an 8.5” x 11” format. Text font size of printed proposals must be 11 point font or greater.

B) Submit eight (8) complete hard copies of proposal and one (1) electronic copy (USB flash drive).

C) Proposals are limited to a set number of pages as identified in Section 3.8. A proposal cover page and divider pages will not be included in the count of pages. Refer to Proposal Content in Section 3.8 for further information regarding the format of proposals and the number of pages each section of the proposal is not to exceed. Each printed side of 8.5" x 11" sheets will count as one page. Each side of printed 11" x 17" sheets will count as two pages.

D) The firm may propose a consultant team. If a consultant team is proposed, résumé information must be provided for each key team member from each subconsultant. Résumé information may be located in the Key Personnel or Supporting Information sections (refer to Section 3.8, Proposal Content).

E) An authorized representative of the proposer must sign the proposal and their name and title must appear below the person’s signature. The signing of the proposal certifies:

1. The person signing the proposal has the legal authority to do so on behalf of the proposer;

2. The proposer has not made and will not make any attempt to induce any other person or firm to submit or not submit a proposal;

3. That to the best of proposer’s knowledge, no employee of the City of Oregon City, or any partnership or corporation in which a City employee has an interest, will or has received any remuneration of any description from proposer, either directly or indirectly, in connection with the letting or performance of any contract resulting from this RFQ; and

4. The statements contained in the proposal are true and complete to the best of the proposer’s knowledge.

3.2 PROCEDURE FOR PROPOSAL SUBMITTAL

A firm may submit a proposal for one or both of the categories of professional services requested in this RFQ. If submitting for both categories of work, two separate proposals that clearly distinguish qualifications for the category for which consideration is being sought shall be submitted.

3.3 COST OF PREPARING A PROPOSAL

The RFQ does not commit the City to pay any costs incurred by Proposer in the submission or presentation of a proposal, or in making the necessary studies for the preparation thereof.

3.4 PROPOSAL VALIDITY PERIOD

The information included in the proposal shall remain valid for 120 days from the proposal due date or until City Commission selection is made.

3.5 SUBMISSION REQUIREMENTS

If submitting in one or both categories, eight (8) complete copies of each proposal(s) as identified in Section 3.1, General Requirements, as well as a digital copy of each proposal on a USB flash drive shall be included in sealed envelopes marked as follows:

"**SEALED QUALIFICATIONS – TRANSPORTATION PLANNING AND ENGINEERING**"

and/or

"**SEALED QUALIFICATIONS – CIVIL ENGINEERING FOR TRANSPORTATION INFRASTRUCTURE"**

Proposals shall be submitted no later than **4:00 PM on Tuesday, March 2, 2021** to:

Dayna Webb, P.E., City Engineer
City of Oregon City
625 Center Street
Oregon City, OR 97045

There will be no formal opening of proposals. Postmarks and late proposals will not be considered.

If sealed proposal(s) are forwarded by mail or messenger service, it is the responsibility of the proposer to get the sealed proposal(s) to the above location by the proposal due date and time.

3.6 INTERPRETATIONS AND ADDENDA

Questions regarding this project proposal shall be submitted through the online bid center at http://bids.orcity.org/. If necessary, interpretations or clarifications in response to such questions will be made by issuance of an "Addendum" to all prospective proposers within a reasonable time prior to proposal closing, but in no case less than 72 hours before the proposal closing. If an addendum is necessary after that time, the City, at its discretion, can extend the closing date.

Any Addenda issued as a result of any change in the RFQ must be acknowledged in the proposer's "Qualifications Checklist."

Only questions answered by formal written addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.

3.7 BUSINESS LICENSE/FEDERAL ID REQUIRED

A City of Oregon City Business License is required. Chapter 5.04 of the City Code states no person shall do business within Oregon City without a current, valid City license. No payment shall be made to any consultants without having received a W-9 form or prior to the obtaining of the City of Oregon City Business License.

3.8 PROPOSAL CONTENT

For consistency in proposals, please arrange content in the order listed in the table below, (i.e., introductory letter first, proposer qualifications checklist second, etc.) Please note the maximum number of pages allowed for each section. An explanation of the information sought about the content is set out below.

PROPOSAL CONTENT		MAXIMUM NO. OF PAGES
A.	Introductory Letter	1
B.	Proposer Qualifications Checklist	4
C.	Firm Qualifications	4
D.	Key Personnel Qualifications	3
E.	Subconsultant Relationships	2
F.	Quality of Client Service	2
G.	Supporting Information (Including Key Personnel Résumés)	15

A) INTRODUCTORY LETTER – [Maximum 1 Page / 5 points]

Provide a brief introductory letter describing why your firm is interested in working for the City of Oregon City. This may include the following:

- Your understanding of the opportunities and challenges of working in Oregon City.
- Previous experience your firm has had working with the Oregon City.
- Unique capabilities your firm provides including what makes your firm leading edge and/or distinctive.

B) PROPOSER QUALIFICATIONS CHECKLIST – [Maximum 4 Pages / Pass or Fail]

Provide a completed Proposer Qualifications Checklist in your proposal.

C) FIRM QUALIFICATIONS – [Maximum 4 Pages / 25 points]

Provide a statement that portrays the firm's qualifications as related to the local office and experience in relation to the described work. The response should address the following:

1. General qualifications and experience of the firm. Please limit information to that which is specific to the local office.

2. Areas of expertise applicable to the described work.

   In addition to engineering and other professional services related to Transportation Planning and Engineering, and Civil Engineering for Transportation Infrastructure including design and engineering services, the City is also interested in proposers' experience in the following areas:

   a) <u>Transportation Planning and Engineering (TP)</u>

      The City is seeking consultants with the ability to assist with a wide variety of transportation and traffic-related items. Consultants shall describe their experience with each of the following:

      - Alternative Mobility Studies
      - Corridor Planning and Studies
      - Traffic Signal Analyses
      - Traffic Analyses
      - Intersection Analyses
      - Support at Transportation Advisory Committee Meetings
      - Grant Application Assistance
      - Local Agency Projects
      - Regional Planning
      - Transportation Land Use Planning
      - Public and Neighborhood Involvement

b) Civil Engineering for Transportation Infrastructure (TI)

The City is seeking consultants with the ability to assist with multi-discipline transportation projects. Consultants shall describe their experience with each of the following:

- Simple and Complex Transportation Projects
- Sidewalk Infill Projects
- Pavement Analyses
- Pavement Maintenance
- Grant Application Assistance
- Local Agency Projects

3. Similar projects which have been performed by the firm, by type, location, and total project cost. If your firm does not have similar past projects performed by the firm for a category, please explain what has changed that now provides your firm with the necessary qualifications for this category. This shall include how you will ensure that this new service you are offering will be successfully integrated into your firm, as well as similar projects performed by your key personnel while at another firm.

4. Awards the firm has received and experience with grants.

5. If including a subconsultant, include their role in the described work: prime consultant or subconsultant.

6. Verification that the selected consultants' computer services and submittals are compatible with current City equipment. The City has largely converted to the Microsoft Windows 10 environment and uses the following software:

- Word processing and financial tracking (spreadsheets) with Microsoft Office 365 (Word and Excel).
- Blue Beam for Redline Markups.
- Computer aided drafting (CAD) with AutoCAD 2020 or most recent version. As-built submittals shall be in .DWG and .PDF format and include all reference and plotting files.
- Geographic information system (GIS) with ESRI ArcGIS 10.6.1 or most recent version.

D) KEY PERSONNEL QUALIFICATIONS – [Maximum 3 Pages / 25 points]

Provide a statement that portrays how the qualifications and experience of the firm's proposed key personnel relate to the described work. Only provide information for those personnel that the firm is proposing to perform the work.

The response should address qualifications and experience of principals and proposed key personnel with respect to the work as described in this RFQ. Identify

any applicable registrations. Clearly note projects performed by personnel that were performed while working for another firm.

E) SUBCONSULTANT RELATIONSHIPS – [Maximum 2 Pages / 15 points]

1. Subconsultant Experience

If subconsultants were used as an integral part on past projects, provide a narrative of subconsultants' history with consultant. Include the history of any successes with similar projects identified in this RFQ. List no more than three (3) projects per subconsultant meeting this criteria which have been completed in the past five years.

2. Proposed Subconsultants

Irrespective of identifying a consultant team under 3.1, General Requirements, all proposers shall, as an example of who a firm might use for future projects, provide a list of subconsultants proposed to be used by the consultant in the following specialties:

a) Transportation Planning and Engineering (TP)

- Right-of-Way Acquisition
- Surveying
- Traffic Counting Services
- Public Involvement Outreach Services

b) Civil Engineering for Transportation Infrastructure (TI)

- Electrical Engineering
- Right-of-Way Acquisition
- Landscape Architecture
- Surveying
- Structural Engineering
- Geotechnical Engineering

This is an example of who your firm might utilize for future services; however, the consultant shall not be limited to utilizing in-house services or the services of the subconsultants identified in their proposal. In the event your firm provides all anticipated specialties in-house and does not require use of any subconsultants, please use this section to elaborate on those specialties your firm provides.

F) QUALITY OF CLIENT SERVICE – [Maximum 2 pages / 20 points]

One of the City's interests will be the commitment of the consultant's project team during the life of the project. The consultant's demonstrated commitment to the project will be a consideration in future engagements with the consulting firm.

Provide examples that demonstrate the quality of service provided to clients and provide a minimum of five references with the names, addresses, and telephone numbers of current and past clients for whom the proposer has provided similar professional services. The response should address the following:

1. Availability for meetings, joint field work, and other combined efforts; commitment to timely delivery of work products; and commitment to timely communication with City staff.

2. Internal procedures and/or policies for quality assurance and cost control.

3. Firm strategies to ensure Project Managers meet performance expectations.

4. Success in minimizing the number of contract change orders on design and construction projects managed by the firm. This may include company statistics for projects occurring over the previous five years to help establish project measurables on schedule, budget, and cost overruns.

5. Long-term client/firm relationships. Preferably, this information shall be in the form of a matrix reflecting 3 to 10 years of repeat work for various clients, preferably those clients also listed as a reference. For example:

SAMPLE
Category: Civil Engineering for Transportation Infrastructure (TI)

Client	2016	2017	2018	2019	2020
Client A				Bremer Rd Re-construction	
Client B			Orchard Road Widening & Streetscape Improvements		High Street Extension Project
Client C	I 90 & Springwater Road Interchange Improvements	Brooks Lane Widening and Pedestrian Improvements		Reconstruc-tion of Main, High and Center Streets	
Client D					Champoeg Park Entrance Re-configuration
Client E		2012 Roadway Re-construction Projects	2013 Preventive Maintenance Improvements		

G) SUPPORTING INFORMATION – [Maximum 15 Pages / 10 points]

Examples of supporting materials that should be included with the proposal include:

- Graphs, charts, photos, plans, reports, or similar documentation.
- Résumés of lead staff (Principal in Charge, Project Manager, and lead technical staff).
- Narrative explaining potential Oregon City challenges.
- Experience with local agency projects.
- Experience with each discipline.
- Project examples and materials that illustrate innovative solutions.

3.9 COST SCHEDULE

Following the selection process, proposers short listed to perform work for the City shall provide a schedule of costs for services that include the following:

- Company name and address
- Date that the cost schedule is valid - example: January 1, 2021 - December 31, 2021
- Position titles
- Direct hourly rates for each position (use mid-point if range exists)
- Multiplier (e.g., overhead rate)
- Billing rate for each position
- Non-salary costs (e.g., travel or mileage, printing, cell phone use, etc.)

Different multipliers may be used for different positions. If a consultant does not use multipliers to calculate billing rates, the multiplier may be omitted. However, consultants not using multiplier rates shall provide the actual rates and billing rates for each position using a midpoint or range.

The Cost Schedule submitted shall remain in effect throughout the first year of the agreement. For the second, third, fourth and fifth year of the agreement (if extended), the billing rate for each position listed on the Cost Schedule shall be adjusted on the following January 1 of each year. The adjustment shall be based on the increase or decrease of the United States Bureau of Labor Statistics' **Consumer Price Index for all Urban Wage Earners and Clerical Workers (CPI-W)**, US City Average (http://www.bls.gov/CPI/), or its successor report issued by the Federal Government covering the change for the year ending in September as follows:

- The second term January 1, 2022, to December 31, 2022, adjusted for the CPI-W US City Average Percent Change year ending September 2021.
- The third term January 1, 2023, to December 31, 2023, adjusted for the CPI-W US City Average Percent Change year ending September 2022.
- The fourth term (if short list extended) January 1, 2024, to December 31, 2024, adjusted for the CPI-W US City Average Percent Change year ending September 2023.
- The fifth term (if short list extended) January 1, 2025, to December 31, 2025,

adjusted for the CPI-W US City Average Percent Change year ending September 2024.

The City may, at its sole discretion, accept or reject any proposed change in cost schedule beyond the scope of adjustments described in this section.

SECTION 4
EVALUATION AND SELECTION OF CONSULTANTS, AND ADMINISTRATION OF PERSONAL SERVICE AGREEMENTS

4.1 EVALUATION CRITERIA

Based on the evaluations, between three and five firms will be selected in each short listed category as on-call consultants. Scoring will be as follows:

PROPOSAL CONTENT AND EVALUATION CRITERIA	MAXIMUM SCORE
A. Introductory Letter	5
B. Proposer Qualifications Checklist	Pass/Fail
C. Firm Qualifications	25
D. Key Personnel Qualifications	25
E. Subconsultant Relationships	15
F. Quality of Client Service	20
G. Supporting Information	10
Total Possible Points	100

NOTE: Each proposal will initially be reviewed based upon the criteria of correct number of pages, insurance coverage, and computer equipment compatibility. Firms may be excluded from further consideration or no points awarded in the applicable section if the number of pages in each section are not correct or if the firm's insurance coverage is unsatisfactory.

4.2 CITY MAY REQUEST MORE INFORMATION

It is the intent of the City to make selections from the proposals submitted. However, more information may be requested to fully and accurately evaluate proposals if two or more proposals seem to be equally qualified. The City reserves the right to obtain clarification of

any point in a firm's proposal or to obtain additional information necessary to properly evaluate a particular proposal. Failure of a Proposer to respond to such a request for additional information or clarification could result in rejection of the firm's proposal.

4.3 INTERVIEWS

Interviews of selected proposers may be held at the City's option for informational purposes only and will not be scored.

The City reserves the right to investigate the references and past performance of any proposer with respect to its successful performance of similar services, compliance with specifications and contractual obligations, and its lawful payment of suppliers, subcontractors, and workers. The City may postpone the establishment of the short list to complete the investigation of references.

4.4 SELECTION RECOMMENDATION

The City's Notice of Intent to Select shall be posted on the City's bid site at http://bids.orcity.org/. Official selection is anticipated to occur at the City Commission meeting of May 5, 2021.

The decision by the City Commission to establish a short list for on-call consultants shall constitute the final decision of the City.

4.5 CONSULTANT SELECTION FOR SPECIFIC WORK

To maximize distribution of City work among all consultants, a list will be maintained by the City for each category. Project contracts will be awarded on an as-needed basis, and the City makes no representations as to the actual amount of work, if any, to be obtained from any particular firm. While the City intends to rotate through the short list of firms as projects come up, the City may ask for proposals and fee estimates for individual projects. The City reserves the right to not rotate the firms, depending on proven expertise, previous involvement in a similar project, or if it is in the best interest of the City to do so. If a firm is offered a project and declines it, they will lose their turn in the rotation list and the City will offer the project to the next consultant on the list.

As the need may arise with regard to a particular project, the City reserves the right to award work covered under this solicitation using a different procurement method, if use of such alternative solicitation process for the particular project is deemed by the City to be in the best interest of the City.

4.6 COOPERATIVE PURCHASING ARRANGEMENT

Proposers shall understand that a cooperative purchasing arrangement is available as follows:

- Any publicly funded city, county, district, agency or similar entity shall have the authority to acquire services from the short-listed proposers under the terms and conditions of this proposal.
- The proposer(s) agrees to extend identical pricing to local public agencies for the same terms.
- Each contracting agency will execute a separate contract with the successful proposer(s) for its requirements.
- Any proposer, by written notification at the time of the proposal due date and time, may decline to extend the prices and terms of their proposal to any, and/or all other public agencies.
- Additional costs may be incurred by the successful proposer(s) in contracting with another public agency. All demonstrable costs (shipping, etc.) may be passed on to that public agency.
- Proposer(s) shall provide information regarding total usage of proposal upon request of the City of Oregon City.

4.7 RESERVATION OF CITY RIGHTS

The City reserves all rights regarding this RFQ, including without limitation, the right:

A) To waive any minor irregularity, informality, or non-conformity with the provisions or procedures of this RFQ, and to seek clarification from the proposer if required.

B) To reject any proposal that fails to substantially comply with all prescribed solicitation procedures and requirements.

C) To base awards with due regard to quality of services, experience, compliance with specifications, and other such factors as may be necessary in the circumstances.

D) To make the award to any consultant whose proposal, in the opinion of the Commission, is in the best interest of the City.

To investigate the references and past performance of any proposer with respect to its successful performance of similar services, compliance with specifications and contractual obligations, and its lawful payment of suppliers, subcontractors, and workers, the City may postpone the award or establishment of the short list after the announcement of the apparent successful proposer(s) in order to complete its investigation.

SECTION 5
ATTACHMENTS

Attachments to this 2021 Oregon City Transportation Engineering Request for Qualifications:

Exhibit 1 Proposer Qualifications Checklist
Exhibit 2 Standard Personal Services Agreement
Exhibit 3 Standard Conditions to Oregon City Personal Services Agreement
Exhibit 4 Business License Application

CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 05/05/2021

From: Community Development Director Laura Terway

SUBJECT:

2020 Heritage Tree Nominations

STAFF RECOMMENDATION:

Approve the 2020 Heritage Tree Nominations

BACKGROUND:

Nominations on Public Property

Dorothy (Didi) Dahlsrud submitted 2020 heritage tree nominations for two Camperdown Elm (*Acer glabrum*) trees in burial plots in Mountainview Cemetery. The nominations are attached to this report.

The Natural Resources Committee reviewed the nominations for the trees on February 10, 2021 and recommended that they be approved as Heritage Trees.

The Parks and Recreation Advisory Committee reviewed the nominations for the trees on March 25, 2021 and recommended that they be approved as Heritage Trees.

Per city code OCMC 12.32.040 – *Consent of Owner*; “A. Nominations for trees or tree stands on city-owned property, other than right-of-way, may be submitted by any citizen of Oregon City and the city commission shall make the final decision… If the nomination is for a city park, the parks and recreation advisory committee shall also review the nomination and provide an advisory opinion …”

Nomination on Private Property

Dorothy (Didi) Dahlsrud submitted a 2020 heritage tree nomination a Camperdown Elm (*Acer glabrum*) tree at 415 Dewey Street. The nomination is attached to this report.

The Natural Resources Committee reviewed the nomination on February 10, 2021 and recommended that it be approved as a Heritage Tree.

To be nominated as a heritage tree, a tree must meet the requirements in OCMC 12.32 (Attached). The criteria are:

A. Heritage criteria (at least one heritage criterion must be met):
    1. The tree or stand of trees is associated with events that have made a significant contribution to the broad pattern of Oregon City's history; or
    2. The tree or stand of trees is associated with the life of a person or group of historic significance to Oregon City; or
    3. The tree or stand of trees represents a significant and distinguishable presence within Oregon City; or
    4. The tree or stand of trees has age, size, or species significance (horticultural or ecological), which contributes to Oregon City's heritage status;

B. Site and Condition Criteria (all criteria must be satisfied):
    1. The tree species is not listed as invasive on any regionally accepted plant list;
    2. If the proposed heritage tree or stand is located on private property or on public property owned by a public agency other than the city of Oregon City, the property owner or, if the tree or stand of trees is located on a public right-of-way, the abutting private property owner consents to the designation and agrees to sign a protective covenant.

The nominations appear to meet the applicable criteria.

Please see attached nomination applications for further details.

OPTIONS:

1. Recommend approval of the nominations as proposed.
2. Recommend approval of some of the nominations.
3. Do not recommend approval of the nominations.

Pete Walter

From: Dorothy Dahlsrud <dorothydahlsrud@gmail.com>
Sent: Wednesday, December 30, 2020 6:50 PM
To: Jonathan Waverly; Kendall Reid; Pete Walter
Subject: 500 Hilda St. Mt.View Cemetery Camperdown Elm HT Nomination 1

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.

Dear Pete, Kendall and Jon,
As short possible.
Soon after I submitted the 3 Sequoias I forwarded a picture of this Camperdown Elm (Ulmus glabra) and track its cycle for the last 16 months. I've known this tree for years 35 years.
These are very unique trees and Oregon City is lucky enough to have an incredible specimen in our City Park. Attaching is to such a beautiful and rich history of the Clarke - Joy family headstones. It is not known for a fact but many family members planted family memorial trees like this one and others in our Cemetery.
With the Headstones dating back from Early at 1910 to 1922 it can help in our estimated centurion aging.
If planted in 1922 it would estimate 108 yrs. Measuring at MBH and aged by species from
www.goodcalculators.com/tree-age-calclator would be + or - 10% 114 yrs.
These are trees that bring community pride but rich with history and very important tree canopy.
I want to thank Friends of Mt.View, Karin Morey for sourcing a brief history of the Clarke - Joy family and should be considered putting on the website after nomination.
All the supporting documents are attached and will follow with a series of pictures over the 2019-2020 year.
I would assume Pete will want to submit both of these trees together for the NRC,PRAC and Commision review because of the connection of the two being the same.
Its a nice example of how a tree in our Parks can effect another person to connect to nature and home for the rest of their life. and the tree lives on.

I appreciate your time and please feel free to reach out if you have any questions. I am intimate with each of the nominations I bring forth. The are two other Private Camperdowns that were to come forth, but I did not hear back on the private owners $$ responsibility for filing registration.

Thank you all for your time attachments to follow
Dorothy Dahlsrud (Didi)
503-502-0610

Pete Walter

From: Dorothy Dahlsrud <dorothydahlsrud@gmail.com>
Sent: Wednesday, December 30, 2020 7:01 PM
To: Dorothy Dahlsrud; Jonathan Waverly; Kendall Reid; Pete Walter
Subject: 500 Hilda St. Mt.View Cemetery Camperdown Elm HT Nomination 2

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.

Peter, Kendal and Jon,
To follow are more supportive documents that are required.
Again,
Thank you for your time and consideration.
Dorothy Dahlsrud (Didi)
Please feel free to contact me if you have any questions or concerns.

OREGON CITY
Community Development Department
221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

HERITAGE TREE NOMINATION FORM (CITY-OWNED PROPERTY)

(PLEASE USE ONE FORM PER TREE OR GROVE)

OCMC 17.04.1365 - Tree (or Grove), Heritage. "Heritage Tree" or "Grove" means a tree or group of trees that have been designated by the city as having unique importance, and subject to the Heritage Tree Regulations of Section 12.08.040. Where a grouping of two or more Heritage Trees is separated by no more than twenty feet on a property or properties, the term Heritage Grove may be used.

OCMC 12.08.040.B.1. If the proposed Heritage Tree or Grove is located on city property or public right-of-way under city jurisdiction, the recommendation shall be submitted to the community development director. The community development director shall submit the recommendation to the city commission.

Site Address: 500 Hilda Street, Oregon City, OR 97045
Clackamas County Map and Tax Lot: Mt View Cemetery

Nominator(s):
Nominator(s) Signature: _____
Nominator(s) Name Printed: Oregon City Parks Foundation Date: 1/30/20
Mailing Address: P.O. Box 963, Oregon City OR 97045
Phone: 503-503-0610 Fax: _____ Email: dorothydahlsrude@gmail.com

City Property Information:
Listed Property Owner: City of Oregon City

HERITAGE IMPORTANCE: Please explain why the tree(s) qualify for heritage tree or grove status pursuant to the heritage tree or grove definition in the city code above. Please add a separate attachment if needed.

Its a beautiful Example of a deciduous tree that is estimated to be 90+ years. Its sets just behind the family headstone of the Clarke - Joy family & thought to be possible planted by the family.

TREE SPECIES AND SIZE

Tree	Species	DBH* (inches)	Height (ft)	Canopy Spread (ft)
1.	(Camperdown Elm Tree) Ulmus glabra	72"	22'	30'
2.				
3.				
4.				
5.				
6.				

*DBH = Diameter at Breast Height, which is the diameter of the trunk measured 4.5' above the ground.

As the historian for Friends of Mountain View Cemetery I support the nomination of the Campe
Elm in 1st Addition, Lot 130, as a heritage tree.

Karin D. Morey

Mountain View Cemetery was established as the city cemetery after the first burial in January 1848. Burials from that time until the late 1890s occurred in what is known as the Old Cemetery as well as in the privately owned Masonic and International Order of Odd Fellows sections, all on the far north side of the current cemetery. In 1897 all identifiable lots in the Old Cemetery were considered to have been sold and the city purchased property south of the Old Cemetery/Masonic/IOOF sections, which became known as the 1st Addition. Newspaper articles in the 1890s refer to a fire on the cemetery property that destroyed many trees and bushes. Up to that time many native trees had still been in place as well as trees and bushes planted by families on their family lots.

The Camperdown Elm being nominated is in Lot 130, 1st Addition, Mountain View Cemetery. This is a family lot. The tree is close to a single upright headstone for six members of one family. I have not been able to reach any family members to confirm that it was planted by the family, but this would have been common in the early 1900s. All of Lot 130 is burials for four generations of the Clarke Family: Sarah (Strong) Clarke, her daughter Lucy Peters (Clarke) Lovelace, Lucy's daughter Lucia Maria "Lucy" (Lovelace) Joy, her husband "Fred" Joy and their son William.

Burials:

Mrs. Sarah Almira (Strong) Clarke, born 1834 – died November 19, 1916, on her 82nd birthday. Survived by daughter, Mrs. Lucy Clark of Portland, granddaughter Mrs. Lucy Bruce, Gladstone and one grandson, Thomas Lovelace plus 10 grandchildren and 11 great-grandchildren. Husband Wheeler Fanning Clarke died in 1887 in New York City and was buried there. Two of their sons grew up and married, both lived in Connecticut as have their descendants. Sarah came to Oregon sometime after the death of her husband to rejoin her daughter Lucy.

Sarah and Wheeler's daughter Lucy Peters Clarke born November 26, 1858, died January 7, 1922. Married Arnold Lovelace 1884 in New York. She appears to have divorced him as her obituary and headstone use her maiden name. She was survived by her son, Thomas B. Lovelace, of Portland and daughter Mrs. Walter Bruce of Gladstone, 14 grandchildren. Her obituary states she came to Oregon 31 years before her death.

Lucy Peters Clarke's daughter, Lucia Maria "Lucy" Lovelace, married Alfred "Fred" Joy. They had four children, ages five months to five years when Fred was killed in an accident at Crown-Columbia Pulp & Paper Company.

Alfred L. "Fred" Joy – born 1872- died August 5, 1910. Born in Iowa. Fred worked at Crown-Willamette Pulp & Paper Company on the west side of the falls. He was rolling logs into the wood room of the mill, when one of the logs rolled, broke his ankle and crushed his abdomen. He died of internal injuries 25 minutes after the accident although medical was summoned.

William C. Joy, 1910 – November 24, 1921. Youngest child of Fred & Lucy Joy. Died in Portland – no death notice or funeral notice found.

Website

Tree Age Calculator - Good Calculators

Tree Age Calculator

Circumference at Breast Height (CBH): 72 inches

Tree Type: American Elm

Calculate

Reset

Results

Estimated Age of Tree: **91.7** years old

Note: It is important to note that the data provided in the table is more precise for trees that are grown in a forest environment as t
typically thinner than those found in open conditions. Trees that are in urban environments tend to suffer from being exposed to stre
such as pollution, inhibited growing areas, and damage.

Tree Species & Growth Factors

Species	Growth Factor
American Beech	6
American Elm	**4**
American Sycamore	4
Austrian Pine	4.5
Basswood	3
Black Cherry	5
Black Maple	5
Black Walnut	4.5
Black Willow	2
Box Elder	3
Common Horsechestnut	8
Colorado Blue Spruce	4.5
Cottonwood	2
Dogwood	7
Douglas Fir	5
European Beech	
European White Birch	
Green Ash	4
Honeylocust	3

1/14/2020

German website

Tree Age Calculator | tree guide

cm ▼

stem circumference ▼

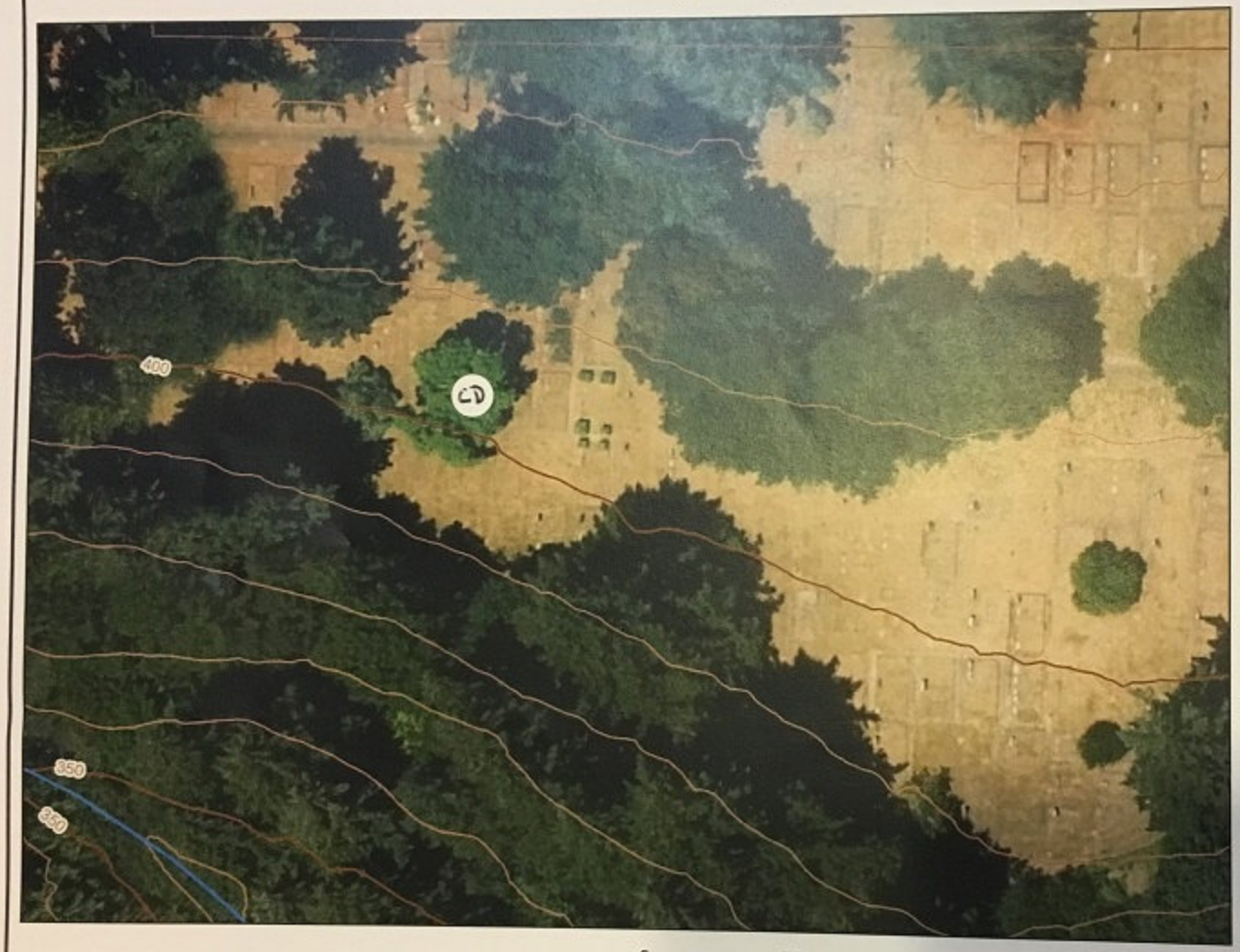
submit

Result:
The Elm with stem circumference of 72 inch is approximately 114 years old. More information about American Elm, Wych Elm, Dutch Elm and European White Elm.

Note: the tree of old estimators is based on a comprehensive tree data survey carried out by baumportal.de. An exact determination of the tree age is not possible over the thickness growth, because too many factors (soil conditions, sunlight, precipitation, etc.) play a role. Nevertheless, an approximation is possible. For trees less than 20 cm in diameter the tree age applied the

* Note: CD on map = Camperdown

Oregon City GIS Map



Legend

- Street Names
- Streams
  - Above Ground
  - Below Ground
- Contours (10ft) - 1:3,600 and closer
  - 50 foot
  - 10 foot
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes

Overview Map

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

Map created 1/14/2020

N

0 50 100 Feet

1: 600

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org

OREGON CITY

2018

*Note: CD on Map is Camperdown

Oregon City GIS Map

Legend

- Street Names
- Streams
  - Above Ground
  - Below Ground
- Contours (10ft) - 1:3,600 and closer
  - 50 foot
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Map created 1/14/2020

N

0 50 100 Feet

1: 600

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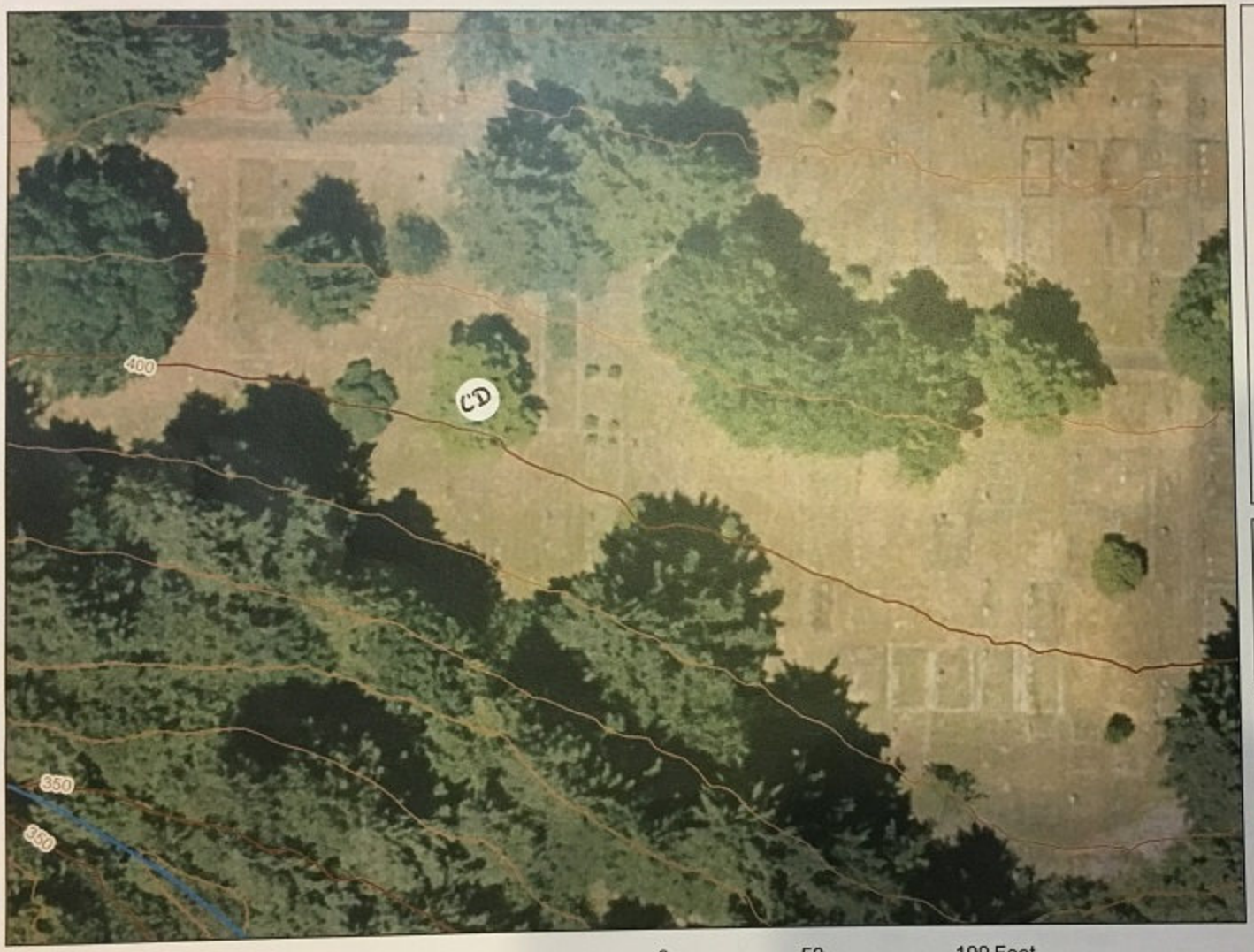
OR 97045
(503) 657-0891
www.orcity.org

OREGON CITY

2009

Note CD on map = Camperdown

Oregon City GIS Map



Legend

- Street Names
- Streams
  - Above Ground
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- Contours (10ft) - 1:3,600 and closer
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Notes

Overview Map

0 50 100 Feet

1: 600

N

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Map created 1/14/2020

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OREGON CITY

2003

CD = Camperdown

Oregon City GIS Map

Legend

- Street Names
- Streams
  - Above Ground
  - Below Ground
- Contours (10ft) - 1:3,600 and closer
  - 50 foot
  - 10 foot
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
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- Basemap

Notes

Overview Map

0 50 100 Feet

1: 600

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Map created 1/14/2020

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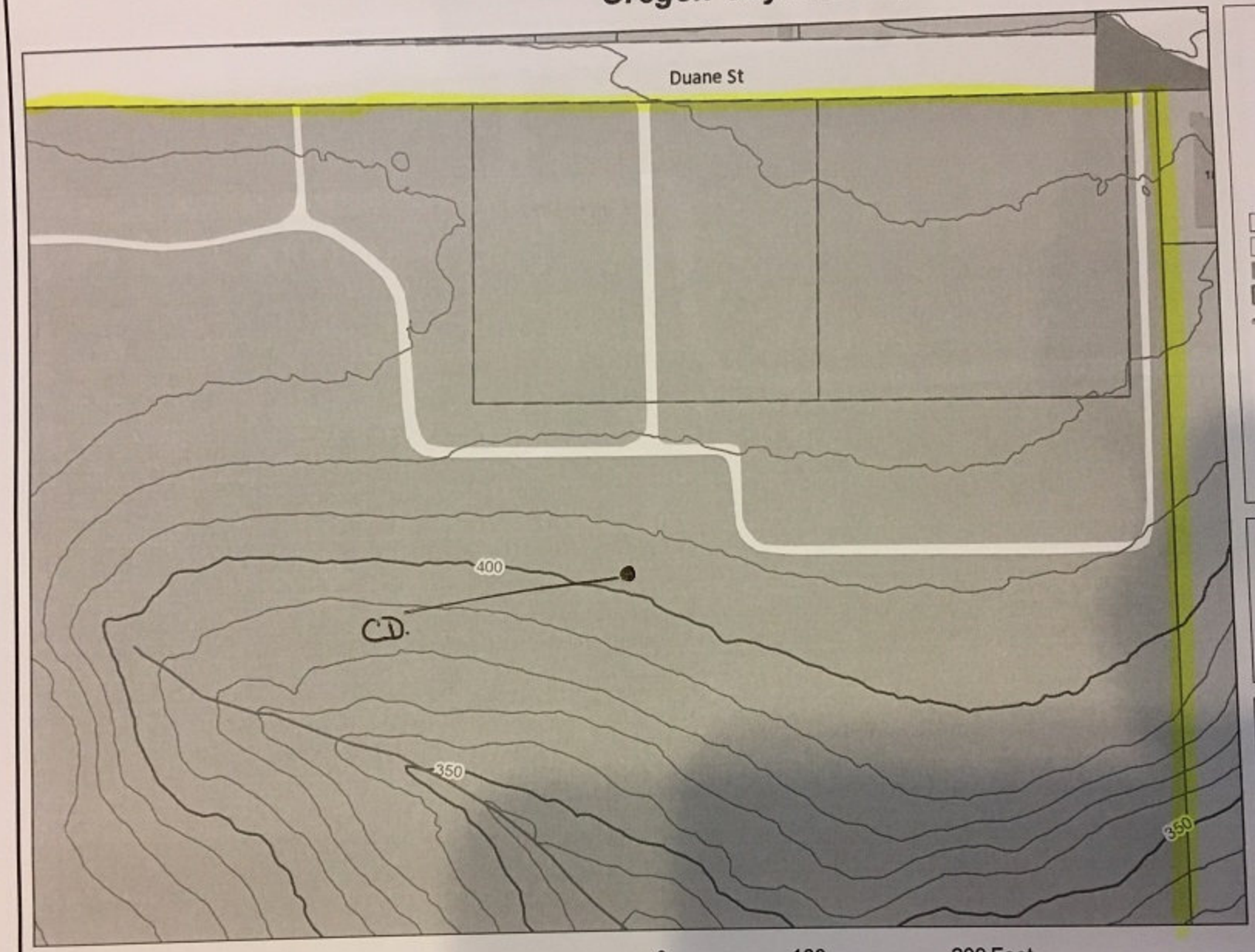
Oregon City GIS Map



Legend

Streams

Above Ground

Below Ground

Contours (10ft) - 1:3,600 a

50 foot

10 foot

Taxlots

Taxlots Outside UGB

Unimproved ROW

City Limits

UGB

Basemap

Notes

Overview M

0 100 200 Feet

1: 1,200

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Map created 1/14/2020

City of Oregon City
PO Box 3040
625 Center St
Oregon City

CLARKE — JOY
SARAH A.
1834 — 1916
ALFRED L.
1872 — 1910
LUCY P.
1858 — 1922
WILLIAM C.
1910 — 1921

Pete Walter

From: Dorothy Dahlsrud <dorothydahlsrud@gmail.com>
Sent: Thursday, February 4, 2021 3:46 PM
To: Pete Walter
Subject: Re: Heritage Tree Nominations

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.

Hey Pete,
There are two very old Camper Down Elm trees at MtView Cemetery. One is not your desk.

Not sure if I can add a second to the nomination because it's past it's deadline.
However it is at the back of the same area and is approximately 80 yr old.

I have attached picturesque uoi can see and I can update the park graft if needed.
Thanks look to your reply,
Cheers
Didi

On Wed, Jan 13, 2021 at 5:11 PM Dorothy Dahlsrud <dorothydahlsrud@gmail.com> wrote:

> No worries it on your desk and the last ones have not been finished but had to waist the HT budget if it does not roll over. You should push for that. Other departments do. Just sayin.
> Who's to say we will even have an Arbor Day this year so we can store all the grand display of HT over the last couple years and give it a good tip of the hat.
> Hey we might have an online application by then to announce too.
> See there is a bright side.
> Didi
> Wish the other two could have been a 2020 nominations too.
> When we have the facts and responsibilities clear I'll give them acall.
> DD

DAVID PENMAN
PENMAN

ALBRIGHT
F. L. ALBRIGHT
ANNETTE

OREGON CITY

Community Development Department

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

HERITAGE TREE OR STAND NOMINATION FORM

12.32.010 - Purpose.
A. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of certain trees, because their age, species, natural resource value, ecological or horticultural value, or historical association, are of special importance to the city. These trees may grow on private or public property.

Site Address: 415 Dewey Street Oregon City, OR 97045
Clackamas County Map and Tax Lot(s): 22E32CC02400
062-002

Nominator(s):
Nominator(s) Signature: _____
Nominator(s) Name Printed: _____ Date: _____
Address: _____
Phone: _____ Fax: _____ Email: _____

Property Owner(s):
Property Owner(s) Signature: Dorothy [signature]
Property Owner(s) Name Printed: Dorothy J. Dahlsrud Date: 6/01/2020
Mailing Address: 415 Dewey Street, Oregon City, OR 97045
Phone: 503-502-0610 Fax: _____ Email: dorothydahlsrud@gmail.com

Ownership Type:
- [x] Private Property
- [x] Public Tree in the Right-of-Way (Abutting owner is responsible and must consent to nomination)
- [ ] Public Property
  - [ ] City-Owned Park [ ] County-Owned [ ] Metro
  - [ ] Other _____

OWNER CONSENT AND UNDERSTANDING. Signature below indicates that the owner has read and understands the requirements for heritage tree designation and protection as described in section OCMC 12.32, consents to the nomination, and agrees to subject the property to a restrictive covenant or other legal document to assure protection and replacement of the heritage tree or trees in the event of removal.

[signature]
Owner Signature(s)

STAFF USE ONLY:

OREGON CITY

Community Development Department

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

TREE SPECIES, SIZE AND CONDITION

Tree	Species	DBH* (inches)	Height (ft)	Canopy Spread (ft)
1.	Camperdown Elm Tree (Ulmbsglabra)	61"	17'	16'
2.				
3.				
4.				
5.				
6.				

*DBH = Diameter at Breast Height, which is the diameter of the trunk measured 4.5' above the ground.

TREE CONDITION. Although optional, it is strongly recommended that the nomination include an assessment of the tree's health and any potentially hazardous conditions that may be present.

Tree	Condition
1.	Excellent - Sense of Place Permaculture
2.	LCB#8195
3.	
4.	
5.	
6.	

CRITERIA FOR DESIGNATION

❑ Please include a detailed explanation why the nominated tree or stand is consistent with the Criteria for Designation in OCMC 12.32.070. Attach additional sheets as needed.

- ❑ A. Heritage criteria (at least one heritage criterion must be met).
- ❑ B. Site and Condition Criteria (all criteria must be satisfied)

❑ **SITE PLAN.** Please identify the location of the tree or grove on a site plan and attach.

❑ **PHOTOGRAPHS.** Please provide current photos of the tree or trees. These may be emailed to the Planning Division at planning@orcity.org. Please include "heritage tree photos" in subject line.

STAFF USE ONLY:

Pursuant to *Oregon City Municipal Code 12.32 - Heritage Trees*

Sense of Place Permaculture, LLC

Arborist Report

By Nick Bezzerides
Sense of Place Permaculture, LLC
ISA Certification #MW4383A
LCB#8795
Ph#971-344-0810

To Whom It May Concern,

On Friday, 3/27/2020, I started health treatments for the Camperdown elm (*Ulmus glabra* 'Camperdownii') at 415 Dewey Street, Oregon City, currently under the care of property owner Dorothy Dahlsrud. The Camperdown elm is uncommon in Portland, and while not an exceptional regional specimen, this one is quite spectacular and unusual for Oregon City.

The root collar and area within the dripline of the tree had been buried by extensive mulch applications. Wounding on the trunk showed evidence of bacterial wetwood (oozing, white staining). Several dead branches had extensive decay, and the property owner was concerned about overall tree vigor.

Using a compressed air excavation tool, I exposed the root collar of the tree and re-established appropriate grade and drainage. Landscape fabric under the tree dripline was removed to allow soil decompaction using the compressed air tool, and to restore free movement of water and nutrients to the roots of the tree.

Additional treatments included pruning to remove deadwood, and trunk application of phosphite, a systemic fungicide/tree immune system booster.

Growth this spring has been spectacular and treatments appear to have given tree a jump start to renewed health. Additional pruning to improve canopy airflow is warranted in 1-2 years, after tree has improved energy balance and stored reserves to aid in healing after pruning cuts.

Sincerely,

Nick Bezzerides

Camperdown Elm Tree – *Ulmus glabra*

The Wych Elm cultivar ***Ulmus glabra*** **'Camperdownii'**, commonly known as the **Camperdown Elm**, was discovered about 1835–1840 (often mis-stated as '1640') as a young contorted elm (a sport) growing in the forest at Camperdown House, in Dundee, Scotland, by the Earl of Camperdown's head forester, David Taylor. The young tree was lifted and replanted within the gardens of Camperdown House where it remains to this day. The original tree, which grows on its own roots, is less than 3 m tall, with a weeping habit and contorted branch structure. The earl's gardener is said to have produced the first of what are commonly recognised as Camperdown elms by grafting a cutting to the trunk of a wych elm (*U. glabra*).

The history of the Camperdown elm started over 100 years ago in Scotland. In 1835, a forester for the Earl of Camperdown found an elm tree growing with contorted branches in Dundee, Scotland. He transplanted the young tree within the gardens of Camperdown House, where it still stands under 9 feet tall with a weeping habit and contorted structure. Later, he grafted branches of it to other elms, producing the Camperdown weeping elm cultivar. Camperdown Elm Tree Care You can grow your own Camperdown weeping elm if you live in a mild to cool climate. The tree thrives in U.S. Department of Agriculture plant hardiness zones 5 through 7. Carefully selecting a planting site reduces the Camperdown elm tree care required to keep the tree happy and healthy. Position it in a location that gets full sun and offers moist, sandy, alkaline soil. Camperdown elm tree care includes generous and regular irrigation, especially in times of drought. You'll also have to spray it often to keep off leaf miners. The trees can contract Dutch Elm disease, though this doesn't happen very often in this country.

Camperdown is a weeping elm tree with gorgeous twisted branches and dense foliage. Camperdown elm information tells us that the tree only grows to 25 feet tall, but can spread even wider than its height. The tree you'll find in commerce in this country is generally a Camperdown weeping elm crown grafted to an Ulmus americana rootstock. Camperdown elm information gives you an idea of why the tree is so popular. Its crown is domed and dense, and the twisted, root-like branches, thick with green foliage, droop to the ground if left unpruned. In spring, Campberdown weeping elm trees are covered with blossoms. Although the flowers are small and, individually, insignificant, many of them appear at the same time. When the entire dome is covered, the plant turns from dark green to light, silvery green.

Read more at Gardening Know How: What Is A Camperdown Elm Tree: Camperdown Elm History And Information https://www.gardeningknowhow.com/ornamental/trees/elm/camperdown-elm-tree-information.htm

Pete Walter

From: Dorothy Dahlsrud <dorothydahlsrud@gmail.com>
Sent: Wednesday, December 30, 2020 2:19 PM
To: Dorothy Dahlsrud; Jonathan Waverly; Kendall Reid; Pete Walter
Subject: 415 Dewey Street Camperdown Elm tree HT Nomination

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.

Dear Pete,
You can see I Cc Kendal and Jon on my nomination submission.
I am pleased to bring forth my Camperdown Elm Tree Heritage Tree nomination.
I planted this beautiful tree because of one of our City Parks Camperdown Elm located at Mt.View Cemetery.
I used to walk with my long time neighbor for years and sit under that tree and solve the worries of the world. Then return home. We nicknamed ourselves Sarah and Lucy as the two women's names are listed on the headstone.
Later we both purchased Camperdown Elms for our own yards.
This brings me to when I purchased a 25 year old Camperdown of my own. I had a local nursery deliver it, dig the whole and we planted it in 1995 as a family tree.
I am able to age this tree by two methods. One is I know when I planted it and how old it was when I purchased it. So it would be estimated at 50 yrs.by my calendar and cross referenced with Goodcalculators.com Tree Age by Species. BHM aged it at 51 yrs.
I hope you find the passion I have for these very unusual trees and you can see why I am endorsing the Camperdown Elm at Mt View Cemetery.
So please consider this my letter of endorsement for both Camperdowns.
Attachments will follow with same subject.
With respect to our city Canopy,
Sincerely,
Dorothy Dahlsrud

Pete Walter

From: Dorothy Dahlsrud <dorothydahlsrud@gmail.com>
Sent: Wednesday, December 30, 2020 2:35 PM
To: Dorothy Dahlsrud; Jonathan Waverly; Kendall Reid; Pete Walter
Subject: Re: 415 Dewey Street Camperdown Elm tree HT Nomination 3

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.

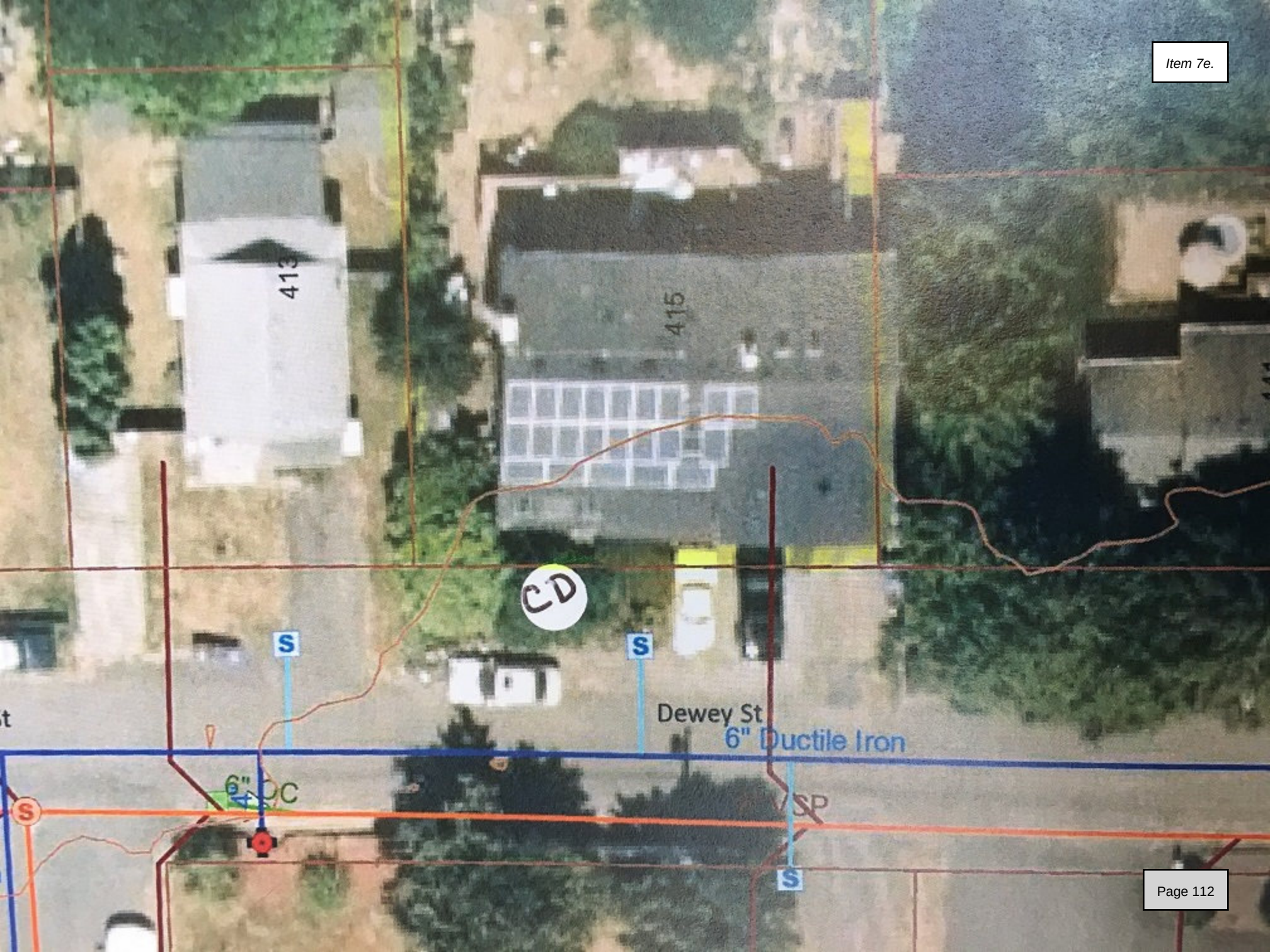
Pete you will see the Nominator is blank because technically my Camperdown is in the city Street. The property lines up here in the old Ely /BHN are pretty off set. My home was built in 1910. Ha
I will forward the Arborists report on the Dewey Street Elm.

Pete Walter

From: Dorothy Dahlsrud <dorothydahlsrud@gmail.com>
Sent: Wednesday, December 30, 2020 2:43 PM
To: Dorothy Dahlsrud; Jonathan Waverly; Kendall Reid; Pete Walter
Subject: Re: 415 Dewey Street Camperdown Elm tree HT Nomination 4

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.

Here is the Arborists report
This should complete the Private and I will send the Mt.View application the same way.
Sorry Kendal and Jon for all the extra mail on a city/Private tree but the Camperdowns kinda go together.
I have two more Camperdown to Nominate but I did not know the fees applied now.
Regards
Dorothy Dahlsrud
503-502-0610


413
415
CD
S
S
Dewey St
6" Ductile Iron
6" CC
SP
S
S

Oregon City GIS Map

Legend

Street Names

Contours (10ft) - 1:3,600 and closer

- 50 foot
- 10 foot

Taxlots

Taxlots Outside UGB

Unimproved ROW

Proposed Pumping Stations

- Priority 1 Project
- Priority 2 Project
- Concept Area

Existing Pumping Station Improveme

Proposed Force Mains

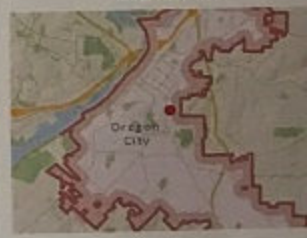
- Priority 1
- Priority 2
- Concept Area

Proposed Sewer Extensions

- Priority 1 Project

Notes

Overview Map



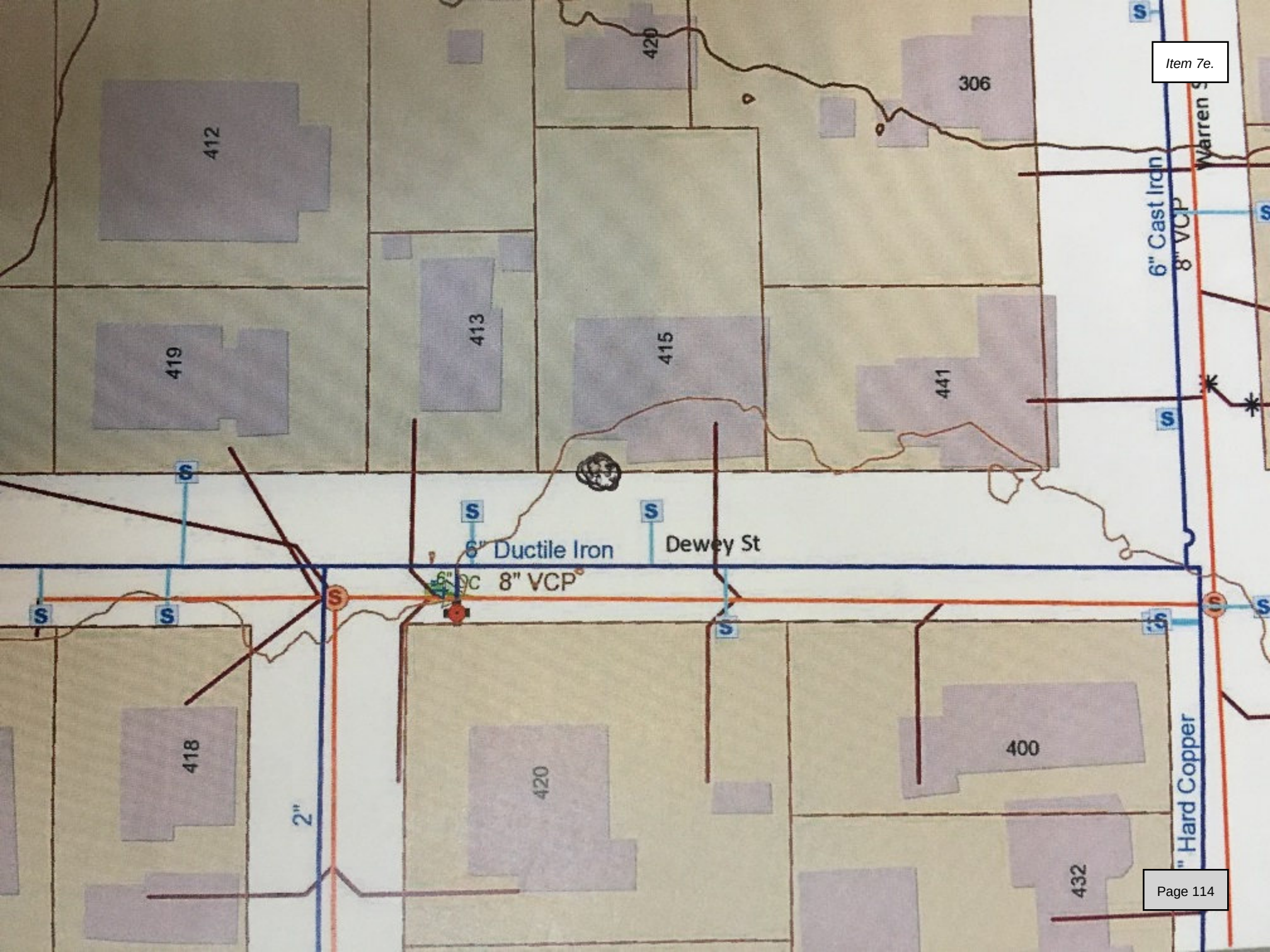
0 30 60 Feet

1: 360

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

City of Oregon City
PO Box 3040
625 Cent
Oregon C
OR 970
(503) 657-0891
www.orcity.org

Property Owner(s) Name Printed:


412
420
306
419
413
415
441
6" Cast Iron
8" VCP
Warren S
6" Ductile Iron
Dewey St
8" VCP
418
420
400
432
2"
" Hard Copper

Chapter 12.32 - HERITAGE TREES[5]

Footnotes:

--- (**5**) ---

Editor's note— Ord. No. 19-1016, § 1, adopted November 6, 2019, repealed the former Chapter 12.32, §§ 12.32.010—12.32.080, and enacted a new Chapter 12.32 as set out herein. The former Chapter 12.32 pertained to similar subject matter and derived from Ord. No. 16-1002, adopted February 17, 2016.

12.32.010 - Purpose.

A. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of certain trees, because their age, species, natural resource value, ecological or horticultural value, or historical association, are of special importance to the city. These trees may grow on private or public property.

B. In particular, the following trees are considered significant, and therefore will be eligible for heritage tree nomination in Oregon City, if they meet the minimum size requirements of the table below:

Tree Eligibility Based on Size

Common Name	Species	Size (d.b.h)*
Oregon White Oak	Quercus garryana	8"
Douglas Fir	Pseudotsuga menziesii	18"
Western Red Cedar	Thuja plicata	12"
Ponderosa Pine	Pinus ponderosa	12"
Western Yew	Taxus brevifolia	6"
Pacific Dogwood	Cornus nuttallii	5"
Other broadleaf tree species		20"
Other conifer trees		20"
*d.b.h = Diameter at breast height, means a measurement of the trunk or stem diameter of a mature tree at a height four and one-half feet above the ground level at the base of the tree.		

(Ord. No. 19-1016, § 1, 11-6-2019)

12.32.020 - Definitions.

For the purposes of this chapter the following definitions are used:

"Diseased tree" means a tree that has a naturally occurring disease that is expected to kill the tree, or which harbors communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees as determined by a certified arborist, forester or horticulturist.

"Hazardous tree" means a tree that presents a significant risk to life or property as determined by a certified arborist, forester, or horticulturalist. An otherwise healthy tree that may become a hazard to a proposed future development shall not be considered a hazardous tree. Hazardous trees may include, but are not limited to dead, diseased, broken, split, cracked, leaning, and uprooted trees. A tree harboring communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees may also be identified as a hazardous tree.

"Heritage stand" means a group of two or more trees that have been designated by the city as having unique importance, subject to the heritage tree regulations of OCMC 12.32.

"Heritage tree" means a tree that has been designated by the city as having unique importance, and subject to the heritage tree regulations of OCMC 12.32. Where a grouping of two or more heritage trees has been so designated, the term "heritage stand" may be used.

"Imminent hazard tree" means a hazardous tree, all or more than thirty percent of which has already fallen or is estimated to fall within seventy-two hours into the public right-of-way or onto a target that cannot be protected, restricted, moved, or removed. (See also Tree, hazard.) Determination of imminent hazard may be made by the city of Oregon City public works or emergency personnel, a PGE forester, or a certified arborist.

"Native tree" or "native tree stand" refers to a regulated native tree or stand of trees that are defined as such on regionally recognized plant lists. Significant native trees are those that contribute to the landscape character of the area.

"Tree stand" means a stand of three or more trees which together create a mutual canopy continuous over eighty or more percent of the area within the boundaries of the stand.

(Ord. No. 19-1016, § 1, 11-6-2019)

12.32.030 - Nomination and review process.

All nominations require approval of the city commission.

A. A tree or stand of trees may be nominated for consideration as a heritage tree or heritage stand by any citizen. The tree or stand of trees may be located anywhere in the city, regardless of whether the property is public or private, or if it is within a right-of-way.

B. Completed heritage tree nominations shall be submitted by December 31, and nominations announced prior to or concurrent with the proclamation of Arbor Day.

C. The community development director shall schedule all nominations for review by the natural resources committee at a regularly scheduled meeting, with notice to the general public, applicant, consenting property owner, abutting property owner, parks and recreation advisory committee, and the chair of any recognized neighborhood association in which the tree or stand is located as applicable.

D. The community development director shall prepare a staff report that analyzes the nomination pursuant to the criteria in this chapter and shall include a staff recommendation to support or not support the nomination.

E. The natural resources committee shall review the nomination and staff report at a regular meeting and make a recommendation regarding the nomination to the city commission. In the absence of a functioning natural resources committee then the community development director shall forwarded the nomination directly to the city commission.

F. The city commission shall make the final decision on all nominations forwarded to them by the natural resources committee at a public meeting.

G. Notice of the city commission meeting shall be provided to the general public, the nominating applicant, natural resources committee, the property owner or abutting property owner (if located on city right-of-way), the chair of any recognized neighborhood association in which the tree or stand is located, and the parks and recreation advisory committee, if applicable.

H. After considering the recommendation and any testimony by interested persons or groups, the city commission shall vote to approve or deny the nomination.

I. Notice of the city commission's decision shall be provided to the NRC, property owner, abutting property owner, and the parks and recreation advisory committee as applicable.

(Ord. No. 19-1016, § 1, 11-6-2019)

12.32.040 - Consent of owner.

Consent of the property owner or jurisdiction responsible for maintenance of the tree proposed for designation shall be required, pursuant to the following provisions.

A. Nominations for trees or tree stands on city-owned property, other than right-of-way, may be submitted by any citizen of Oregon City and the city commission shall make the final decision following the general procedure identified in Section 12.32.030 above. If the nomination is for a city park, the parks and recreation advisory committee shall also review the nomination and provide an advisory opinion prior to the natural resources committee recommendation to the city commission.

B. Nominations for trees or tree stands located in city public rights-of-way, including alleys, require the consent of the abutting property owner responsible for the care and maintenance of the nominated tree pursuant to OCMC 12.08.

C. Nominations for trees or tree stands on property owned by other public agencies that are not the city (for example, Clackamas County, the Oregon Department of Transportation, Urban Renewal Agency), shall require the written consent of the applicable public agency before the nomination is considered by the city.

D. Nominations for trees or tree stands located on private property may only be submitted by the property owner or if accompanied by the property owner's written consent.

(Ord. No. 19-1016, § 1, 11-6-2019)

12.32.050 - Nomination submittal requirements.

A. Trees and stands of trees shall be nominated by completing a form provided by the community development director and attaching the required information.

B. For individual trees, the applicant shall provide, at a minimum, the approximate height, canopy spread, diameter, approximate age, species, and condition of the tree, if known. For a stand of trees, the nomination shall be accompanied by sufficient information to describe the overall condition of the stand.

C. The nomination shall include a narrative explaining how the tree or stand of trees meets the review criteria identified in Section 12.32.050 of this chapter.

D. The nomination shall be accompanied by the written consent of the property owner or agency as described in Section 12.32.030(B) of this chapter.

E. The community development director may request further information from the applicant to support the nomination request.

(Ord. No. 19-1016, § 1, 11-6-2019)

12.32.060 - Designation.

Following approval by the city commission, the designation shall be completed pursuant to the following procedures:

A. For private property, the designation shall be complete upon the property owner's execution of a restrictive covenant running with the land for the benefit of the city and suitable for recordation by the city. The covenant shall describe the subject property, generally describe the location of the heritage tree or stand of trees, and covenant that the tree or stand of trees is protected as a "heritage tree" or "heritage stand" by the city of Oregon City and therefore subject to special protection as provided in this chapter.

B. If the tree or stand of trees is located on city right-of-way, the designation shall be complete upon the staff's listing of the tree or stand of trees on the city of Oregon City heritage tree and stand records and official maps. The city shall condition any future property owner-requested vacation of the public right-of-way upon the execution of a protective covenant in accordance with subsection A, above, which shall be recorded by the city upon the vacation of the right-of-way.

C. For designation of heritage trees and stands on city parks and other city owned property, the designation shall be complete upon the city commission's approval of the nomination and any documents determined by the commission to be legally necessary to ensure the preservation of the heritage tree or stand of trees, whether this be in the form of a restrictive covenant, or other instrument or agreement applicable to the specific site.

D. For designation of heritage trees and stands on public property or right-of-way other than city property or right-of-way, the designation shall be complete upon the city commission's approval of the nomination and any documents determined by the commission to be legally necessary to ensure the preservation of the heritage tree or stand of trees, whether this be in the form of a restrictive covenant, or other instrument or agreement applicable to the specific site.

(Ord. No. 19-1016, § 1, 11-6-2019)

12.32.070 - Criteria for designation.

The city commission may designate a tree or stand of trees as a heritage tree or heritage stand if the commission determines that the tree or stand of trees is consistent with a positive balance of the factors set forth below.

A. Heritage criteria (at least one heritage criterion must be met):

1. The tree or stand of trees is associated with events that have made a significant contribution to the broad pattern of Oregon City's history;

2. The tree or stand of trees is associated with the life of a person or group of historic significance to Oregon City;

3. The tree or stand of trees represents a significant and distinguishable presence within Oregon City; or

4. The tree or stand of trees has age, size, or species significance (horticultural or ecological), which contributes to Oregon City's heritage status.

B. Site and condition criteria (all criteria must be satisfied):

1. The tree species is not listed as invasive on any regionally accepted plant list;

2. If the proposed heritage tree or stand is located on private property or on public property owned by a public agency other than the city of Oregon City, the property owner or, if the tree or stand of trees is located on a public right-of-way, the abutting private property owner consents to the designation and agrees to sign a protective covenant.

(Ord. No. 19-1016, § 1, 11-6-2019)

12.32.080 - Protection of heritage trees and stands.

A. No heritage tree or stand may be removed, topped, or otherwise altered unless permitted by this section.

B. An application to remove a heritage tree or stand shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way under city jurisdiction, then the burden imposed on the city by the continued presence of the tree, outweighs the public benefit provided by the tree. For the purposes of making this determination, the following tree impacts shall not be considered unreasonable burdens on the property owner, or if appropriate, the city:

1. View obstruction;

2. Routine pruning, leaf raking and other maintenance activities; and

3. Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.

C. Replacement. If the heritage tree is permitted to be removed due to poor health or hazard as determined by the city, the applicant shall be required to mitigate for the loss of the tree pursuant to the following priorities:

1. Replanting On-Site. Replacement trees shall measure a minimum of two-inch caliper. Priority shall be to plant larger caliper trees if practicable provided that the equivalent number of overall caliper inches is planted. For example:

Eighteen inches of replacement trees required equals:

Priority 1) Four by four-inch caliper trees, + one two-inch caliper tree.

Priority 2) Six by three-inch caliper trees.

Priority 3) Nine by two-inch caliper trees.

Table 12.32.080 Heritage Tree Replacement Requirements

Size of Tree Removed (DBH)	Number of 2" Trees to be Planted/Total Caliper Inches Required
6 to 12"	3 (6")
13 to 18"	6 (12")

19 to 24"	9 (18")
25 to 30"	12 (24")
31 and over"	15 (30")

2. Replanting Off-Site. If site constraints do not permit the planting of all mitigation trees on-site, alternative off-site planting areas may be considered and approved by the community development director.

D. The removal of or damage to a heritage tree or stand in violation of this chapter shall constitute a civil infraction, subject to the code enforcement procedures of Chapter 1.16 and/or Chapter 1.20, except that the penalty for unlawful removal of a heritage tree shall be six hundred dollars for each tree removed or damaged.

E. Native heritage trees that are removed shall be replaced with native tree species.

(Ord. No. 19-1016, § 1, 11-6-2019)

12.32.090 - Recognition of heritage trees and stands.

A. A heritage tree plaque may be designed and furnished by the city to the property owner or, if the tree is in the public right-of-way, to the appropriate city official, of a designated heritage tree or stand. The city may charge a fee to cover the costs of the providing the plaque. The plaque shall be posted at a location at or near the heritage tree or stand and, if feasible, visible from a public right-of-way.

B. The community development director shall maintain a list and map of designated heritage trees and stands.

(Ord. No. 19-1016, § 1, 11-6-2019)

12.32.100 - Removal of heritage tree or stand designation.

A designated heritage tree or stand may have that designation removed if the tree or stand dies or is removed pursuant to this chapter. The natural resources committee, parks and recreation advisory committee, and city commission shall be notified of the pending de-designation prior to the removal as applicable. If removed from private property, the city shall record a document extinguishing the covenant.

(Ord. No. 19-1016, § 1, 11-6-2019)

CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 05/05/2021

From: Chief of Police Jim Band

SUBJECT:

OLCC: Liquor License Application – Off-Premises, applying as an LLC, The Hive Catering Co., LLC (dba The Hive Social), 602 7th Street, Oregon City

STAFF RECOMMENDATION:

Staff recommends the City Commission approve OLCC Application for The Hive Catering Co., LLC (dba The Hive Social), 602 7th Street, Oregon City.

EXECUTIVE SUMMARY:

The attached application is for an OLCC Off-Premises license for The Hive Catering Co., LLC

BACKGROUND:

The Oregon City Police Department ran background checks on Ashley A. Baldwin, Joseph P. Hunt, and D. Linette Dobbins, and they are eligible to hold a liquor license. The applicant already holds an approved liquor license and is adding off-premises. All applicants must obtain an Oregon City business license before submitting their application for an OLCC liquor license. The Oregon City business license application process includes routing of the application for review through various City departments.

OPTIONS:

1. Approve the OLCC Liquor License for The Hive Catering Co., LLC.
2. Deny the OLCC Liquor License and provide staff further direction.

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
☐ Brewery 1st Location	Date application received and/or date stamp:
Brewery Additional location (2nd) ☐ (3rd) ☐	
☐ Brewery-Public House (BPH) 1st location	
BPH Additional location (2nd) ☐ (3rd) ☐	Name of City or County:
☐ Distillery	
☐ Full On-Premises, Commercial	
☐ Full On-Premises, Caterer	Recommends this license be:
☐ Full On-Premises, Passenger Carrier	☐ Granted ☐ Denied
☐ Full On-Premises, Other Public Location	By:
☐ Full On-Premises, For Profit Private Club	
☐ Full On-Premises, Nonprofit Private Club	Date:
☐ Grower Sales Privilege (GSP) 1st location	
GSP Additional location (2nd) ☐ (3rd) ☐	**OLCC USE ONLY**
☐ Limited On-Premises	**Date application received:** 3-22-2021
☒ Off-Premises	**Date application accepted:** 3-22-2021
☐ Warehouse	
☐ Wholesale Malt Beverage & Wine	
☐ Winery 1st Location	**License Action(s):**
Winery Additional location (2nd) ☐ (3rd) ☐ (4th) ☐ (5th) ☐	A/Priv

2. Identify the applicant(s) applying for the license(s). ***ENTITY (example: corporation or LLC) or INDIVIDUAL(S)***[1] applying for the license(s):

The Hive Catering Co., LLC	Ashley Baldwin
App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT	App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT
~~D. Linette Dobbins~~	Joseph Hunt
App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT	App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See)
The Hive Social

4. Business Address (Number and Street Address of the Location that will have the liquor license)
602 7th Street

City	County	Zip Code
Oregon City	Clackamas	97045

[1] **Read the instructions on page 1 *carefully.*** If an entity is applying for the license, list the name of the entity as an applicant. If an individual is applying as a sole proprietor (no entity), list the individual as an applicant.

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See) The Hive Social			
6. Does the business address currently have an OLCC liquor license? ☒ YES ☐ NO			
7. Does the business address currently have an OLCC marijuana license? ☐ YES ☒ NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your license certificate, renewal application and other mailings as described in OAR 845-004-0065[1].) 29491 S Molalla Forest Road			
City Canby	State OR	Zip Code 97013	
9. Phone Number of the Business Location 503-908-8750	**10.** Email Contact for this Application and for the Business hello@thehivecatering.com		
11. Contact Person for this Application Ashley Baldwin	Phone Number 503-807-9704		
Contact Person's Mailing Address (if different)	City	State	Zip Code

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

ATTESTATION: **READ CAREFULLY AND MAKE SURE YOU UNDERSTAND BEFORE SIGNING THIS FORM**

I understand that marijuana is **prohibited** on the licensed premises. This includes marijuana use, consumption, ingestion, inhalation, samples, give-away, sale, etc. I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application are true and complete.

I affirm that I have read OAR 845-005-0311 and all individuals (sole proprietors) or entities with an ownership interest (other than waivable ownership interest per OAR 845-005-0311[6]) are listed as license applicants in #2 above. I understand that failure to list an individual or entity who has an unwaivable ownership interest in the business may result in denial of my license or the OLCC taking action against my license in the event that an undisclosed ownership interest is discovered after license issuance.

Applicant(s) Signature

- Each individual (sole proprietor) listed as an applicant must sign the application below.
- If an applicant is an entity, such as a corporation or LLC, at least one ***INDIVIDUAL who is authorized to sign for the entity*** must sign the application.
- An individual with the authority to sign on behalf of the applicant (such as the applicant's attorney or an individual with power of attorney) may sign the application. If an individual other than an applicant signs the application, please provide written proof of signature authority. Attorneys signing on behalf of applicants may list the state of bar licensure and bar number in lieu of written proof of authority from an applicant. ***Applicants are still responsible for all information on this form.***

App. #1: (PRINT NAME)	App #1: (SIGNATURE)	App #1: Signature Date	Atty. Bar Information (if applicable)
The Hive Catering Co., LLC	Ashley Baldwin	3/22/2021	
App. #2: (PRINT NAME)	**App #2: (SIGNATURE)**	**App #2: Signature Date**	**Atty. Bar Information (if applicable)**
Ashley Baldwin	Ashley Baldwin	3/22/2021	
App. #3: (PRINT NAME)	**App #3: (SIGNATURE)**	**App #3: Signature Date**	**Atty. Bar Information (if applicable)**
D. Linette Dobbins		3/22/2021	
App. #4: (PRINT NAME)	**App #4: (SIGNATURE)**	**App #4: Signature Date**	**Atty. Bar Information (if applicable)**
Joseph Hunt		3/22/2021	

CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 05/05/2021

From: Chief of Police Jim Band

SUBJECT:

OLCC: Liquor License Application – Full On-Premises, Commercial, applying as an LLC, SPHOC, LLC (dba Schmizza Public House – Oregon City), 818 Main Street, Oregon City

STAFF RECOMMENDATION:

Staff recommends the City Commission approve OLCC Application for SPHOC, LLC (dba Schmizza Public House – Oregon City), 818 Main Street, Oregon City

EXECUTIVE SUMMARY:

The attached application is for an OLCC Full On-Premises, Commercial license for Schmizza Public House – Oregon City

BACKGROUND:

The Oregon City Police Department ran background checks on Claud DaCorsi and Hannah DaCorsi, and they are eligible to hold a liquor license. All applicants must obtain an Oregon City business license before submitting their application for an OLCC liquor license. The Oregon City business license application process includes routing of the application for review through various City departments.

OPTIONS:

1. Approve the OLCC Liquor License for Schmizza Public House – Oregon City.
2. Deny the OLCC Liquor License and provide staff further direction.

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
☐ Brewery 1st Location	Date application received and/or date stamp:
Brewery Additional location (2nd) ☐ (3rd) ☐	
☐ Brewery-Public House (BPH) 1st location	
BPH Additional location (2nd) ☐ (3rd) ☐	Name of City or County:
☐ Distillery	
☒ Full On-Premises, Commercial	Recommends this license be:
☐ Full On-Premises, Caterer	☐ Granted ☐ Denied
☐ Full On-Premises, Passenger Carrier	By:
☐ Full On-Premises, Other Public Location	
☐ Full On-Premises, For Profit Private Club	Date:
☐ Full On-Premises, Nonprofit Private Club	
☐ Grower Sales Privilege (GSP) 1st location	OLCC USE ONLY
GSP Additional location (2nd) ☐ (3rd) ☐	Date application received: 3-8-2021
☐ Limited On-Premises	
☐ Off-Premises	Date application accepted: 3/15/21
☐ Warehouse	
☐ Wholesale Malt Beverage & Wine	
☐ Winery 1st Location	License Action(s): ~~N/A~~ C/O; C/TN
Winery Additional location (2nd) ☐ (3rd) ☐ (4th) ☐ (5th) ☐	

2. Identify the applicant(s) applying for the license(s). ***ENTITY (example: corporation or LLC) or INDIVIDUAL(S)***[1] applying for the license(s):

SPHOC LLC

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See)

Schmizza Public House - Oregon City

4. Business Address (Number and Street Address of the Location that will have the liquor license)

818 Main St

City	County	Zip Code
Oregon City	Clackamas	97045

[1] **Read the instructions on page 1 *carefully.*** If an entity is applying for the license, list the name of the entity as an applicant. If an individual is applying as a sole proprietor (no entity), list the individual as an applicant.

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See)			
6. Does the business address currently have an OLCC liquor license? ☐ YES ☒ NO			
7. Does the business address currently have an OLCC marijuana license? ☐ YES ☒ NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your license certificate, renewal application and other mailings as described in OAR 845-004-0065[1].) 1887 SE Milport Rd			
City Milwaukie	State Oregon	Zip Code 97222	
9. Phone Number of the Business Location TBD	**10.** Email Contact for this Application and for the Business claude@schmizzaph.com		
11. Contact Person for this Application Claude DaCorsi	Phone Number 503-516-7368		
Contact Person's Mailing Address (if different) 1887 SE Milport Rd	City Milwaukie	State Or	Zip Code 97222

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

ATTESTATION: **READ CAREFULLY AND MAKE SURE YOU UNDERSTAND BEFORE SIGNING THIS FORM**

I understand that marijuana is **prohibited** on the licensed premises. This includes marijuana use, consumption, ingestion, inhalation, samples, give-away, sale, etc. I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application are true and complete.

I affirm that I have read OAR 845-005-0311 and all individuals (sole proprietors) or entities with an ownership interest (other than waivable ownership interest per OAR 845-005-0311[6]) are listed as license applicants in #2 above. I understand that failure to list an individual or entity who has an unwaivable ownership interest in the business may result in denial of my license or the OLCC taking action against my license in the event that an undisclosed ownership interest is discovered after license issuance.

Applicant(s) Signature

- Each individual (sole proprietor) listed as an applicant must sign the application below.
- If an applicant is an entity, such as a corporation or LLC, at least one ***INDIVIDUAL who is authorized to sign for the entity*** must sign the application.
- An individual with the authority to sign on behalf of the applicant (such as the applicant's attorney or an individual with power of attorney) may sign the application. If an individual other than an applicant signs the application, please provide written proof of signature authority. Attorneys signing on behalf of applicants may list the state of bar licensure and bar number in lieu of written proof of authority from an applicant. ***Applicants are still responsible for all information on this form.***

Claude DaCorsi **App. #1: (PRINT NAME)**	**App #1: (SIGNATURE)**	**App #1: Signature Date**	Atty. Bar Information (if applicable)
App. #2: (PRINT NAME)	**App #2: (SIGNATURE)**	**App #2: Signature Date**	Atty. Bar Information (if applicable)
App. #3: (PRINT NAME)	**App #3: (SIGNATURE)**	**App #3: Signature Date**	Atty. Bar Information (if applicable)
App. #4: (PRINT NAME)	**App #4: (SIGNATURE)**	**App #4: Signature Date**	Atty. Bar Information (if applicable)

CITY OF OREGON CITY
CITY COMMISSION WORK SESSION
DRAFT MINUTES

Virtual Meeting
Tuesday, April 13, 2021 at 6:00 PM

CONVENE WORK SESSION AND ROLL CALL

Mayor Rachel Lyles Smith called the meeting to order at 6:01 PM.

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

STAFFERS: 12 - City Manager Tony Konkol, City Attorney Bill Kabeiseman, Community Development Director Laura Terway, Public Works Director John Lewis, City Recorder Kattie Riggs, Police Chief Jim Band, Human Resources Director Patrick Foiles, Finance Director Matt Zook, Library Director Greg Williams, Parks & Rec. Director Kendall Reid, Asst. City Engineer Josh Wheeler, Economic Development Manager James Graham

FUTURE AGENDA ITEMS

1. List of Future Work Session Agenda Items

There were none.

DISCUSSION ITEMS

2. Review and Discussion of the Proposed 2021-2023 City Commission Goals

The City Commission held three retreat meetings to identify and discuss the 2021-2023 City Commission goals and strategies. Staff prepared the draft 2021-2023 Commission Goals based on the Commission discussion and project prioritization. Each strategy included additional information describing the preliminary project approach to implement the strategy as well as the estimated investment to complete the task, the funding source, the Department lead on the task and the estimated timeline to begin the project and complete.

Tony Konkol, City Manager, provided an overview of the City Commission proposed Goals and the ranking and prioritization process.

Commissioner McGriff thought that other opportunities for funding, such as grants, should be referenced.

Mayor Lyles Smith asked if the City staff anticipated to have the same consultant for both diversity, equity, and inclusion Goal Strategy 8.2 and 8.3. Mr. Konkol indicated it would likely be the same consultant for both goal strategies.

Mr. Konkol indicated Goal 8.1 was anticipated to be completed internally by staff. Commissioner McGriff felt Goal Strategy 8.1 should be an ongoing item instead of having a start and stop timeline. She also felt it should be broader in scope to specifically include Minority, Women, Emerging, Small Business (MWESB) references. Staff should work with the consultant on communications, which would be important. Mr. Konkol agreed with Commissioner McGriff's comments.

Mayor Lyles Smith asked a few questions on the timelines. Mr. Konkol explained the rationale on some dates selected for the various goals and that some would be ongoing. Commissioner O'Donnell agreed with the Mayor's comments.

For Goal Strategy 1.5 Prioritize the implementation of the IT Strategic Plan, the current disaster recovery work was mentioned. There was discussion about Mobile Device Management, double-authentication and updating the City's website. Mr. Konkol indicated the website updating was not included in the goals.

For Goal Strategy 1.1 Complete parks master plan and update system development fees, Commissioner Smith asked about undesignated Charter parks. Ms. Riggs indicated there are three properties currently and they have complicated histories. Mr. Konkol and the Commissioners discussed the encroachments into some of the historic properties.

The Commissioners had discussion about Charter park work with Parks & Recreation Director Kendall Reid. There are dog park plans and Wesley Lynn Park projects coming to the Budget Committee.

There was discussion on the need to actively work on the Facilities Master Plan, rather than trying to accomplish at the end of the biennium.

Commissioner McGriff expressed concerns about Goal Strategy 1.4, Assess the communication infrastructure and equipment to improve overall quality and reliability of service to the community, especially in the hilltop section of town and the ARPA (American Rescue Plan Act) funding. The Commissioners had additional discussion on the funding and the use of consultants. Commissioner O'Donnell advocated learning from other cities that have entered public/private partnerships with fiber optics companies. Mr. Konkol and Mr. Graham provided some context around the ARPA funds and what they can and can not be spent on and how that relates to this goal.

There was discussion about City communications and online community engagement. Commissioner O'Donnell would like to see what existing City staff can possibly accomplish rather than hiring a consultant to do the work of revamping the City website and online engagement options. Mr. Konkol explained there is currently one dedicated employee to do the communications work. The Commissioners had further discussion regarding the need for hiring additional staff to complete the kind of community engagement discussed, including attending neighborhood association meetings.

For Goals 6.1 and 6.2, there were discussions about homelessness. Police Chief Jim Band commented the public perception is that the City is not doing anything about the homeless situation, when in fact quite a bit of work is being done. Part of the goal is composing publicly accessible website information regarding the issue. Chief Band provided other ideas that the department would like to pursue, including drafting a formal policy outlining existing efforts and communicating those efforts.

For Goals 4.2 and 4.3, there were discussions about the amount of funds proposed for Economic Development, where the funding comes from, and the amount that could be accomplished with the proposed funds. The Commissioners felt the funding amount was inadequate for what lies ahead in the coming years. Related to Goal 4.4, Commissioner McGriff expressed that good economic strategy relies on strong partnerships with community organizations, such as the Chamber of Commerce and the Downtown Association.

Commissioner McGriff suggested a change to the word "choices" used in Goal Strategy 5.1 and preferred a switch to "opportunities" for housing. She explained that there were not multiple affordable housing options. The City Commission's consensus was to change the wording to "opportunities."

Staff had proposed that 5.2 would be delayed due to lack of planning department staffing and funding. Commissioner McGriff felt the City should work towards finding grant funding to accomplish this item. There was consensus to postpone Goal Strategy 5.2 and place it in the "parking lot" for future discussion.

For Goal Strategy 3.1, there was discussion about the Confederated Tribes of the Umatilla Indian Reservation and if a memorial to the Cayuse Five would unintentionally exclude other tribes. Mr. Konkol noted that no other tribes had approached the City regarding memorials but hoped such a memorial would be relationship-building, rather than an exclusion of others. Commissioner Smith had concerns about the proper location for a tribute marker and noted that this issue had been present for several decades. Commissioner O'Donnell noted that his discussion with tribal members did not indicate the memorial would generate conflict among tribes.

For Goal Strategy 3.2, Mayor Lyles Smith suggested the idea of community gardens to enhance the hometown feel and community identity and possibly adding this idea to the Parks Master Plan.

For Goal Strategy 7.5, Commissioner O'Donnell had concerns regarding the funding amount and a further survey of other cities as to their climate action plans. Ms. Terway provided some further details on what the City of Milwaukie had achieved.

There was consensus to remove Goal Strategy 7.6 from the goals and place on hold for future goals. The City Commission discussed that the two additions from this review were updating the City's website and finishing the work on Charter parks. There was discussion about electric vehicle charging stations on City-owned property.

Mr. Konkol noted staff would renumber the goals and include the strategies, but not the proposed approaches. Mr. Konkol suggested revising the goals approval after the upcoming budget process. Commissioner McGriff asked that the goals are presented in a new manner, rather than the booklet used in the past.

The Commission took a five-minute break at 8:28 PM

3. Proposed Amendments to Chapter 17.44 – Geologic Hazards

This item was postponed.

4. Restoring Tree Canopy Damage from the 2021 Ice Storm

In February 2021, a snow and ice storm resulted in significant damage to our urban forest. Trees throughout the City were encapsulated with a thick layer of heavy ice and as a result, many trees fell over or had significant limb breakage. The severe weather event changed the urban canopy as not seen in the recent past.

Laura Terway, Community Development Director, provided a presentation on the tree and storm damage. She explained that since the storm, staff realized there needed to be not only new trees planted to replace the ones lost, but also proper future pruning so that there is not as much damage in future ice storms. Ms. Terway explained when a permit was needed and the many variations that were possible. She brought the question to the Commission about waiving permitting and replanting requirements or altering the fee and process for replanting.

Staff recommended the City Commission waive tree removal permits and replanting requirements for trees damaged in the 2021 ice storm, with the exception of a modified replanting and review process for a majority of the trees subject to overlay district review. In addition, staff proposed to spend $200,000 of the tree mitigation funds from development to replant new trees, arborists support, support the long-term health of existing trees with pruning and pruning education, urban forestry programming, tree giveaways, stump griding, and a crowdsourced tree inventory.

Commissioner McGriff thought the timeline was too short and the fee waivers needed to be extended due to the overbooking of companies for appointments until at least July 2021. Commissioner McGriff supported waiving the tree removal permits but the replanting requirements needed to remain.

Ms. Terway agreed with Commissioner McGriff's comments and that the Friends of Trees group would be a good resource.

Commissioner Smith felt good about the proposal and supported extending the deadline into the summer of 2021.

Commissioner O'Donnell supported waiving the permit fee and thought the stump grinding fund was not enough.

Mayor Lyles Smith asked about citizen self-reporting and code enforcement and urged the City to encourage replanting for now but wait to focus on enforcement later.

There was further discussion focusing on certain street corridors and business areas and the impact on tourism. Mr. Konkol discussed some of the costs and how the City could utilize aerial technology to assess the tree canopy and that may ultimately help code enforcement. Mr. Konkol noted that it would be difficult to determine violations compared to legitimate pruning due to the volume of tree breakages. He also mentioned that generating records for each tree removal would take considerable staff time with minimal benefit.

CITY MANAGER'S REPORT

Mr. Konkol announced Judge Laraine McNiece would be retiring. He thanked her for her service and discussed the process to move forward with recruitment, directed by the HR Director, Patrick Foiles. Judge Daniel Woram Pro Tem wouldl be filling the role in the interim.

COMMISSION COMMITTEE REPORTS

Due to the length of the meeting, the Commissioners did not provide individual reports. Commissioner O'Donnell asked Mr. Konkol about the RestoreCap agreement and Mr. Konkol indicated he was waiting for a response from them.

A. **Beavercreek Employment Area Blue Ribbon Committee** - *Commissioner Frank O'Donnell*

B. **Brownfield Grant Committee** - *Commissioner Frank O'Donnell*

C. **Citizen Involvement Committee Liaison** - *Commissioner Denyse McGriff*

D. **Clackamas County Coordinating Committee (C4)** - *Commissioner Rachel Lyles Smith*

E. **Clackamas County I-205 Tolling Diversion Committee** - Appointed: *Commissioner Rachel Lyles Smith* Alternate: *Commissioner Frank O'Donnell*

F. **Clackamas Heritage Partners** - *Commissioner Rocky Smith, Jr.*

G. **Clackamas Water Environment Services Policy Committee** - Appointed: *Commissioner Rocky Smith, Jr.* Alternate: *Commissioner Denyse McGriff*

H. **Downtown Oregon City Association Board** - *Commissioner Denyse McGriff*

I. **Metro Policy Advisory Committee (MPAC)** - Appointed: *Commissioner Rachel Lyles Smith* Alternate: *Commissioner Denyse McGriff*

J. **OC 2040 Project Advisory Team** - Appointed: *Commissioners Denyse McGriff and Rocky Smith, Jr.*

K. **Oregon Governor's Willamette Falls Locks Commission** - *Vacant until State Appoints Commissioner Rachel Lyles Smith*

L. **Oregon City Tourism Stakeholder's Group** - Appointed: *Commissioners Denyse McGriff and Rocky Smith, Jr.*

M. **Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan Project Advisory Committee** - Appointed: *Commissioner Denyse McGriff*

N. **South Fork Water Board (SFWB)** - *Commissioners Rachel Lyles Smith, Frank O'Donnell, and Rocky Smith, Jr.*

O. **Willamette Falls and Landings Heritage Area** - *Commissioner Denyse McGriff*

P. **Willamette Falls Legacy Project Liaisons** - *Commissioners Frank O'Donnell and Rachel Lyles Smith*

ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 9:41 PM.

Respectfully submitted,

_____
Kattie Riggs, City Recorder

CITY OF OREGON CITY
CITY COMMISSION REGULAR MEETING
DRAFT MINUTES

Virtual Meeting
Wednesday, April 21, 2021 at 7:00 PM

VIRTUAL MEETING OF THE CITY COMMISSION

1. CONVENE MEETING

Mayor Rachel Lyles Smith convened the meeting at 7:02 PM.

2. ROLL CALL

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

STAFFERS: 10 - City Manager Tony Konkol, City Attorney Bill Kabeiseman, Library Director Greg Williams, Police Chief Jim Band, Parks and Recreation Director Kendall Reid, Community Development Director Laura Terway, Public Works Director John Lewis, Finance Director Matt Zook and Asst. City Recorder Jakob Wiley

3. CEREMONIES AND PROCLAMATIONS

4. CITIZEN COMMENTS

Tom Geil, resident of Oregon City, received a letter from the City regarding the buckling sidewalks caused by street tree roots and the residents of the Trailview Neighborhood received the same letter. Mr. Geil requested that the City provide assistance to the neighborhood due to the costs of tree removal, sidewalk replacement, and fees. Mr. Geil referred to a separate letter with enclosures submitted prior to the meeting to supplement his testimony.

Don Dodson, resident of Oregon City, also spoke regarding the letter received by the residents of the Trailview Neighborhood and opposed the removal of trees in the area in response to the letter. He requested that the City develop another approach that would avoid tree removal.

Tony Konkol, City Manager, provided a summary of the situation in the Trailview area regarding the sidewalk buckling and that a citizen complained regarding trip hazard incidents in that neighborhood. Mr. Konkol and the Commissioners discussed the letter sent by City staff was sent by mistake and not the typical letter used to contact residents with these issues. The City typically sends a standard letter and brochure with recommendations for resolving buckling sidewalks. There was discussion about what strategies should be considered to resolve this issue going forward and the need to investigate how the neighborhood was developed with incorrect tree species installed as street trees. There was consensus for this topic to be a future work session item.

5. PRESENTATIONS

5a. Metro's Regional Priorities Presentation by Metro Council President Lynn Peterson

Lynn Peterson, Metro Council President, presented an update on Metro priorities and efforts. Christine Lewis, Metro Councilor, began the presentation with a brief overview of how the pandemic had affected its operations, most visibly the laying off of nearly 750 employees in the first three weeks of the pandemic

last March. Metro helps to operate not only more than a dozen parks and recreation sites throughout the region, but also the Oregon Zoo and performing arts venues in Portland such as the Arlene Schnitzer Concert Hall, Keller Auditorium, Expo Center and the Convention Center.

Ms. Peterson commented that one of Metro's efforts that has been on hold throughout the pandemic was the update to the regional 2040 Growth Concept Plan. Peterson said that plan had been on the backburner for the better part of 12 months as Metro turned its time and energy to working with Greater Portland, Inc., on a five-year economic recovery plan with jurisdictional partners across the region as everyone focused on pulling out of the economic crisis caused by the pandemic.

Ms. Peterson also noted that the agency is in the process of distributing $475 million in bond funding to Metro-area jurisdictions for natural projects and preservation passed by voters in 2019, as well as an additional $652 million for affordable housing passed by voters in 2018. Both funds have spurred development of new projects in Clackamas County.

Ms. Lewis also briefly touched on transportation, saying that Metro's Joint Policy Advisory Committee on Transportation (JPACT) had come up with a list of Clackamas County infrastructure assets that should be prioritized for earmarks in the upcoming congressional transportation bill. Ms. Lewis said that JPACT had met with some members of Oregon's federal delegation to talk about earmarking projects such as the I-205 Abernethy Bridge, Highway 43 and others in Gladstone, Oregon City, and Happy Valley.

Ms. Peterson also covered affordable housing and supportive housing projects in the region. Metro has committed 34 percent of the money approved by the voters, which is supporting the construction of 2,100 units – more than halfway to the original goal. Nearly 700 of those units already funded are for families who earn annual incomes lower than $26,000.

Metro is working towards the opening of the 240-acre Newell Creek Nature Park in the Fall.

Commissioner O'Donnell asked the Metro staff to investigate the recycling rates on the Portland eastside compared to the westside and come back to the Commission with that information. Commissioner O'Donnell and Ms. Lewis discussed the issues concerning the Willamette Falls Legacy Project and how they can move the project forward.
Mayor Lyles Smith asked about how the Newell Creek Nature Park can open given the current COVID situation and transient camps in the canyon. Ms. Lewis provided information on Metro's efforts to mitigate the homeless camps and the ongoing COVID concerns.
Commissioner Smith commented on the fire concerns in the Newell Creek canyon. Mayor Lyles Smith would like to see a coordinated effort with Clackamas Fire and Metro on fire response. Ms. Peterson and Ms. Lewis provided comment on efforts being made to be more responsive, as Metro now has a dedicated emergency response staff person.

5b. I-205 Improvements: Stafford Road to OR 213 Project Update

Mandy Putney, the I-205 Improvement Project Director with the Oregon Department of Transportation (ODOT), and Allen Hendy, Resident Engineer with the Oregon Department of Transportation, discussed the engineering aspects of the future I-205 project.

The I-205 Improvement Project is part of a Comprehensive Congestion Management and Mobility Plan to reduce congestion and crashes, while also making travel times shorter and more predictable. As part of the plan, ODOT is evaluating tolling as a way of raise revenue and manage congestion on I-205 between Stafford Road and Highway 213 under the National Environmental Policy Act process.

Mr. Hendy presented on the phases of the project and the stages of the bridge construction, including seismic upgrades. Currently the designs of Phase 1 are in development. Oregon City staff had assisted with design considerations for Clackamette Drive and Main Street. Nighttime and weekend detours will be required while these different phases are worked on. An online open house is being offered through April 30, 2021.

Commissioner Smith asked about the process of installing sound walls while development was going on. Mr. Hendy indicated there is a process, but he was not sure of the details at the time of the presentation. Also, clarification on the extension of sidewalk from the Cove apartments to Main Street.

Commissioner McGriff expressed concerns about how the nighttime closures and detours would be done. Mr. Hendy indicated detailed plans were being worked on with City staff.

Commissioner O'Donnell asked if there had been any discussions about alternatives to tolling. Ms. Putney responded that it had been mandated by recent legislation. Commissioner O'Donnell commented whether the local cities impacted by the construction and potential tolling could address their concerns with the Governor and whether companies that provide variable tolling had contacted ODOT.

Lucinda Brousard, Director of the Tolling Program, joined the meeting and indicated that ODOT had not been contacted by any companies, but would be using such vendors when the time came.

6. ADOPTION OF THE AGENDA

Commissioner McGriff requested to move items 9c, 9d, and 9e to the beginning of the General Business before considering the remaining items (9a and 9b). There was consensus to approve the re-arrangement of the agenda and the agenda was adopted as amended.

7. CONSENT AGENDA

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the Consent Agenda. The motion passed by the following vote:

Yea: 4 - Mayor Lyles Smith, Commissioner Smith, Jr., Commissioner O'Donnell, Commissioner McGriff

7a. Resolution No. 21-19, Declaring an Emergency and Temporarily Exempting the Construction Activities in Center Street Right-of-Way and Associated with the Union Pacific Railroad 12th Street Bridge Replacement Project from Prohibition Against Unlawful Noises

7b. Resolution No. 21-21, Declaring an Emergency and Temporarily Exempting the Water and Sewer Construction Activities in Beavercreek Road Right-of-Way and Travel Lanes Associated with the Timberview Multi-Family Development Offsite Utility Improvements from the Prohibition Against Unlawful Noises

7c. Personal Services Agreement with ACMS Northwest, LLC for the Timberview Private Development for Night Inspection Services (PS 21-012)

7d. Cost Reimbursement Agreement with Pahlisch Commercial, Inc. for the Timberview Private Development for Night Inspection Services (PS 21-011)

7e. Banner Permit Fee Waiver Request for the Oregon City Farmers Market and the Oregon City High School Graduation Committee

7f. Public Improvement Contract with Clackamas Construction, Inc. for the Trillium Park Drive Sanitary Sewer Relocation Project (CI 20-003)

7g. OLCC: Liquor License Application – Full On-Premises, Commercial, applying as LLJJ, Inc. (dba Lucky Rooster), 13547 S. Redland Rd, Oregon City

7h. Minutes of the February 16, 2021 Special Emergency City Commission Meeting

7i. Minutes of the February 17, 2021 City Commission Regular Meeting

7j. Minutes of the March 3, 2021 Regular Meeting

7k. Minutes of the March 9, 2021 Work Session

7l. Minutes of the March 29, 2021 Special City Commission Meeting

8. PUBLIC HEARINGS

There were no public hearings.

9. GENERAL BUSINESS

The Commissioners took a five-minute break prior to discussing items 9a and 9b.

9a. Discussion of Vehicular Access through Park Place Park

At the March 17, 2021 City Commission meeting, a representative for the Park Place Neighborhood Association testified that the neighborhood association was concerned about future development of a vacant property adjacent to Park Place Park. The property, located at Clackamas County Map 2-2E-28BB, Tax Lot 1201, had right of way frontage/access only on Hiram Avenue. This section of Hiram Avenue is platted at 34' in width and is currently developed with a 14' wide gravel maintenance access which is located in the park. The neighborhood expressed concern about the impacts that a future improved street or an improved single-family driveway could have on the park and suggested the City acquire the vacant property to avoid the need for access improvements and instead expand the park.

Tony Konkol, City Manager, provided a review of the current right of way path running through Park Place Park. Mr. Konkol reviewed the Park Place Park Master Plan and the planned road to a vacant lot north of the park boundary (APN 2-2E-28BB-01201, tax lot 1201 located in Section 28 of T.2S, R.2E., W.M.). The planned road would provide access to the vacant lot through the parking lot. Mr. Konkol noted that two lots would potentially use the platted, but never developed, Hiram Avenue. The other vacant lot farther to the north (APN 2-2E-21CC-00600, tax lot 600 located in Section 21 of T.2S., R.2E., W.M.) does not have any existing plans for development and is currently used as a back yard for an adjacent parcel.

Commissioner Smith asked clarification regarding access on Hiram Avenue.

Lisa Novak, resident of Oregon City, discussed the need to prevent development of Hiram Avenue and supported purchase of the vacant parcel and adoption of the 1996 Park Place Master Plan.

Armondo Borboa, resident of Oregon City, provided public comment regarding his use of the park, suggested development of the right of way as a nature trail, provided a graphical depiction of his proposed development, and noted that several adjacent landowners had proposed to purchase and donate or lease the properties to the City. The Commissioners discussed Mr. Borboa's proposal.

Dorothy Dahlrud, resident of Oregon City, commented on access to the park from Hiram Avenue and encouraged the Commissioners to not pursue this access through the park and preserve heritage trees.

Dara Kramer, resident of Oregon City, did not support access through the park via Hiram Avenue and encouraged the City to support other options and support City parks.

Commissioner McGriff recommended looking for other solutions than allowing access through the middle of Park Place Park via Hiram Avenue as currently surveyed.

Mayor Lyles Smith desired to find a workable resolution.

Mr. Konkol provided information on some of the vacant property lots adjacent to the park and the difficulty in developing the lots. The two parcels are land-locked with slope issues with no right of way access. The parcels appear to have originated from before the City annexed the area into the City limits and would not have been allowed under the modern City Code.

Bill Kabeiseman, City Attorney, noted that the property to the far north indicated on the map provided by the City Manager does not have frontage to Hiram Avenue. However, the landowner could sue for an easement by necessity to access the adjacent property corners to access the right of way. This outcome is possible but unlikely, since the vacant lot is currently under common ownership and adjacent parcel with street access. Mr. Kabeiseman noted that the home at the end of the Park Place Park parking lot does not have clear access at this time through the parking lot, but such access was contemplated in the Park Place Master Plan. He outlined that the access through the parking lot had been used for 25 years, since the time of the adoption of the Park Place Master Plan. He noted that the Park Place Park was not designated as a charter park until a few years ago, so a vote related to the charter park designation may not be required since the use was established prior to the designation. A validation suit could be used to ensure that the approach is legally valid.

The Commissioners discussed possible next steps and explored other options which include encouraging the neighborhood association to seek if the vacant lot can be purchased by area residents and dedicate to park use.

9b. Resolution No. 20-37, Update to the Guidelines for Transportation Impact Analyses

There was consensus by the Commissioners to move this item to the next meeting on May 5, 2021.

9c. Resolution No. 21-22, Adopting the Undergrounding Private Utilities Standard Operating Policy

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve Resolution No. 21-22. Adopting the Undergrounding Private Utilities Standard Operating Policy. The motion passed by the following vote:

Yea: 4 - Mayor Lyles Smith, Commissioner Smith, Jr., Commissioner O'Donnell, Commissioner McGriff

9d. Second Reading of Ordinance No. 21-1007, Amending the Oregon City Municipal Code; Title 13: Public Services, Title 16: Land Divisions, and Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #2)

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the second reading and final adoption of Ordinance No. 21-1007, Amending the Oregon City Municipal Code; Title 13: Public Services, Title 16: Land Divisions, and Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #2) and continuance to the meeting of May 19th. The motion passed by the following vote:

Yea: 4 - Mayor Lyles Smith, Commissioner Smith, Jr., Commissioner O'Donnell, Commissioner McGriff

9e. Second Reading of Ordinance No. 21-1008, Approving an Emergency Annexation Proposal GLUA-20-00030: AN-20-00002 and Approving the Annexation of Certain Property Located at 11330 Forest Ridge Road to the City of Oregon City

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the second reading and final adoption of Ordinance No. 21-1008, Approving an Emergency Annexation Proposal GLUA-20-00030: AN-20-00002 and Approving the Annexation of Certain Property Located at 11330 Forest Ridge Road to the City of Oregon City. The motion passed by the following vote:

Yea: 4 - Mayor Lyles Smith, Commissioner Smith, Jr., Commissioner O'Donnell, Commissioner McGriff

10. COMMUNICATIONS

City Manager

Mr. Konkol announced the drug take-back would be held at the Police Department on Saturday, April 24, 2021. He also announced the airing of the 2021 State of the City on Tuesday, April 27, 2021.

Commissioners

There were no Commissioners communications.

Mayor

There were no Mayor communications.

11. ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 10:04 PM.

Respectfully submitted,

_____

Kattie Riggs, City Recorder

CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 05/05/2021

From: Community Development Director Laura Terway

SUBJECT:

Appeal Fee Waiver associated with AP 21-02: Appeal 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 deny the appeal fee waiver.

EXECUTIVE SUMMARY:

On April 6, 2021, Paul Edgar filed an appeal of the Canemah Cottages decision by the Historic Review Board. The appeal filing includes a request for a waiver of the $250 appeal fee. OCMC 17.50.290(C) allows the City Commission to waive fees wholly or in part based on a consideration of the “fairness to the applicant and opposing parties.”

Appellant Edgar identified that the fee waiver should be granted “in fairness to all previous applicants” who have been in compliance with their conditions of approval. No specific arguments or explanation of why the appeal fee is unfair or why “fairness to the applicant and opposing parties” requires relief from the fee, given the facts in this case was included in the request. Staff does not recommend waiving the appeal fee given that the appellant has not provided facts or evidence supporting a fee waiver.

BACKGROUND:

On April 6, 2021, Paul Edgar filed an appeal of the Canemah Cottages decision by the Historic Review Board. The appeal filing includes a request for a waiver of the $250 appeal fee. The City allows appellants of a land use decision to request a waiver of the relevant appeal fee pursuant to Oregon City Municipal Code (“OCMC”) 17.50.290.C. Unlike in a land use application process where the burden of proof is on the Applicant, here the burden is on the Appellant Edgar to offer reasons, supported by facts, which explain why the appeal fee should be waived in whole or in part.

Appellant Edgar argues that the fee waiver should be granted “in fairness to all previous applicants” who have been in compliance with their conditions of approval. Appellant Edgar does not offer any specific arguments or explanation of why the appeal fee is unfair or why “fairness to the applicant and opposing parties” requires relief from the fee, given the facts in this case, particularly when Appellant Staggs also paid the fee seeking Commission review. OCMC 17.50.290(C) allows the City Commission to waive fees wholly or in part based on a consideration of the “fairness to the applicant and opposing parties.” Thus, the “fairness standard” may not be judged simply by what is fair to one Appellant and not the other, with respect to the appeal at hand.

Staff does not recommend waiving the appeal fee given that the appellant has not provided facts or evidence supporting a fee waiver.

OPTIONS:

1. Deny the appeal fee waiver.
2. Approve the appeal fee waiver based on modified findings adopted by the City Commission. This would likely require a closure of the record and continuance to adopt final findings.

OREGON CITY

Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

April 27, 2021

To:	City Commission
From:	Kelly Reid, AICP, Planner
	Carrie Richter, City Attorney
Re:	Appeal Fee Waiver Request
File #s:	AP 21-02: Appeal of Planning Files GLUA-21-00001/ HR 21-00001 through 21-00005

On April 6, 2021, Paul Edgar filed an appeal of the Canemah Cottages decision by the Historic Review Board. The appeal filing includes a request for a waiver of the $250 appeal fee.

Procedural Issues

The City allows appellants of a land use decision to request a waiver of the relevant appeal fee pursuant to Oregon City Municipal Code ("OCMC") 17.50.290.C, which is set forth below:

> *"C. 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 must 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."*

Thus, the City Commission must decide whether a fee waiver is justified "considering fairness to the applicant and to opposing parties." As such, it would be appropriate for the City Commission to accept testimony limited to this issue and not the issues raised by the appeal.

Description of Request

Unlike in a land use application process where the burden of proof is on the Applicant, here the burden is on the Appellant Edgar to offer reasons, supported by facts, which explain why the appeal fee should be waived in whole or in part. The appeal filing from Mr. Edgar is provided below:

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**.

OREGON CITY

Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

Appellant Edgar argues that the fee waiver should be granted "in fairness to all previous applicants" who have been in compliance with their conditions of approval. Appellant Edgar does not offer any specific arguments or explanation of why the appeal fee is unfair or why, given the facts in this case, "fairness to the applicant and opposing parties" requires relief from the fee. The HRB decision was similarly appealed by the property owner who paid the fee seeking Commission review. OCMC 17.50.290(C) allows the City Commission to waive fees wholly or in part based on a consideration of the "fairness to the applicant and opposing parties." Thus, the "fairness standard" may not be judged simply by what is fair to one Appellant and not the other, with respect to the appeal at hand.

Staff Recommendation

Staff does not recommend waiving the appeal fee given that the appellant has not provided facts or evidence supporting a fee waiver.

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** AP21-00002 (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, 458, 462, 474, 480 MILLER ST. OREGON CITY CANEMAH

SUBJECT OF APPEAL: NOTICE OF DECISION DATE: ___/___/___ For File #:

The undersigned hereby appeal(s) the decision of the GLUA-21-0881/HR-21-00001 THRU 21-00005 HISTORIC REVIEW FOR CANEMAH COTTAGES 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****

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.
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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.

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 minimzed.	**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/obsecure 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 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.	
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.	
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).** Horizintal 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 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.	
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 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.	
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 nto 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 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.	

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 fo 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 fo 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

Staff Report

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

To: City Commission **Agenda Date:** 05/05/2021

From: Community Development Director Laura Terway

SUBJECT:

AP 21-02 and AP-21-03: 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 deny the appeals and affirm the Historic Review Board's March 24, 2021 decision approving these applications.

EXECUTIVE SUMMARY:

In 2017, the HRB approved five cottage homes over four lots of record near the corner of 4th Avenue and Miller Street in the Canemah National Register Historic District (files MD-17-01 through MD-17-06, and AP-17-04). The Historic Review Board (HRB) recently approved alterations limited to: 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. The City received two appeals of the recent HRB approval.

The appeals shall be considered by the City Commission on the record. Only those individuals who submitted testimony orally or in writing during the proceeding before the Historic Review Board (HRB) may participate in this appeal and the appeal is limited to the evidence within the record. The City Commission's review is limited to the items identified in the notice of appeal.

BACKGROUND:

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 Board (HRB) recently approved alterations to the cottage home development in the Canemah National Register Historic District. The alteration request was limited to the following design elements: 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.

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 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.'" In addition, this appellant requests waiver of the appeal fee which is considered as a separate agenda item.

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.

The appeals shall be considered by the City Commission on the record. Only those individuals who submitted testimony orally or in writing during the proceeding before the Historic Review Board (HRB) may participate in this appeal and the appeal is limited to the evidence within the record. The City Commission's review is limited to the items identified in the notice of appeal.

OPTIONS:

1. Deny the appeal(s) and affirm the Historic Review Board's March 24, 2021 decision approving these applications with Conditions.

2. Deny the appeal(s) and affirm the Historic Review Board's March 24, 2021 decision approving these applications with Conditions as Modified by the City Commission. This would likely require a closure of the record and continuance to adopt final findings.
3. Approve the appeal(s) based on modified findings adopted by the City Commission. This would likely require a closure of the record and continuance to adopt final findings.

OREGON CITY

Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

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 Cedarmill 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 horizonal wood siding in an allowable design. Sample approval is required for non-wood horizonal board siding.*

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

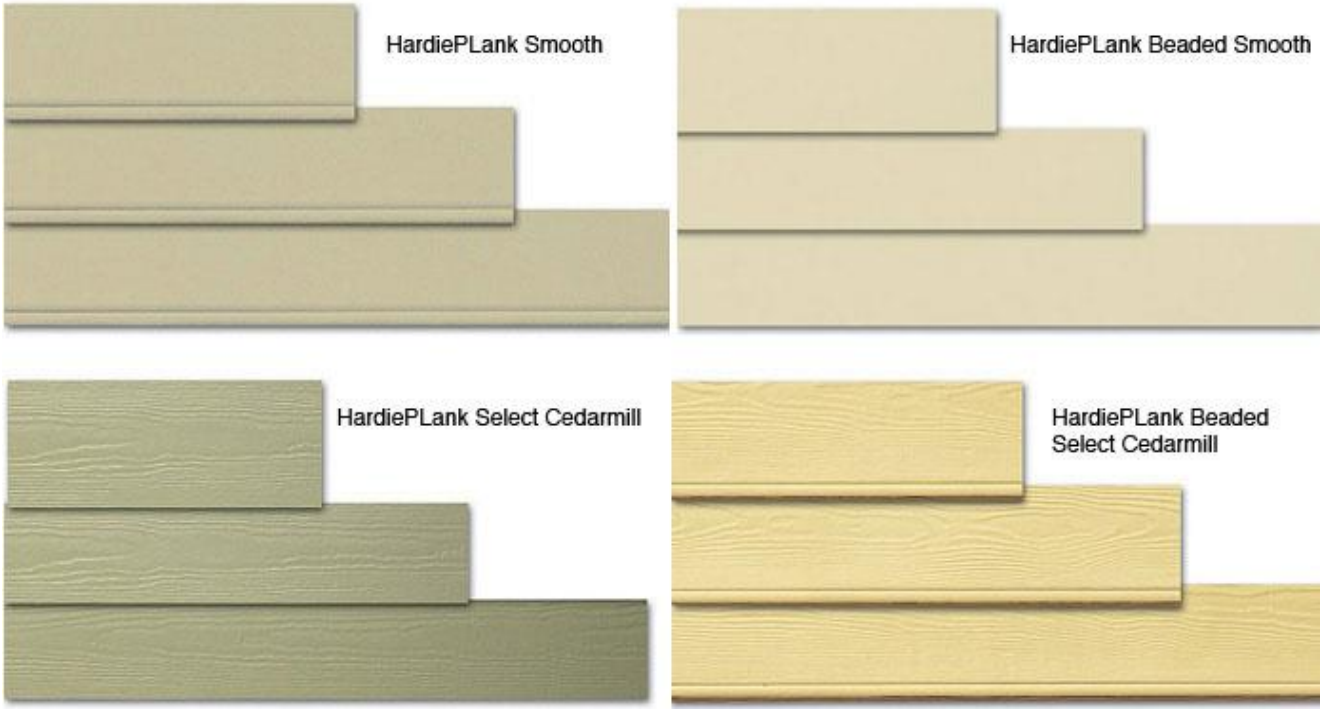

Figure 2. Product comparisons: Smooth versus Textured (Cedarmill) siding

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.

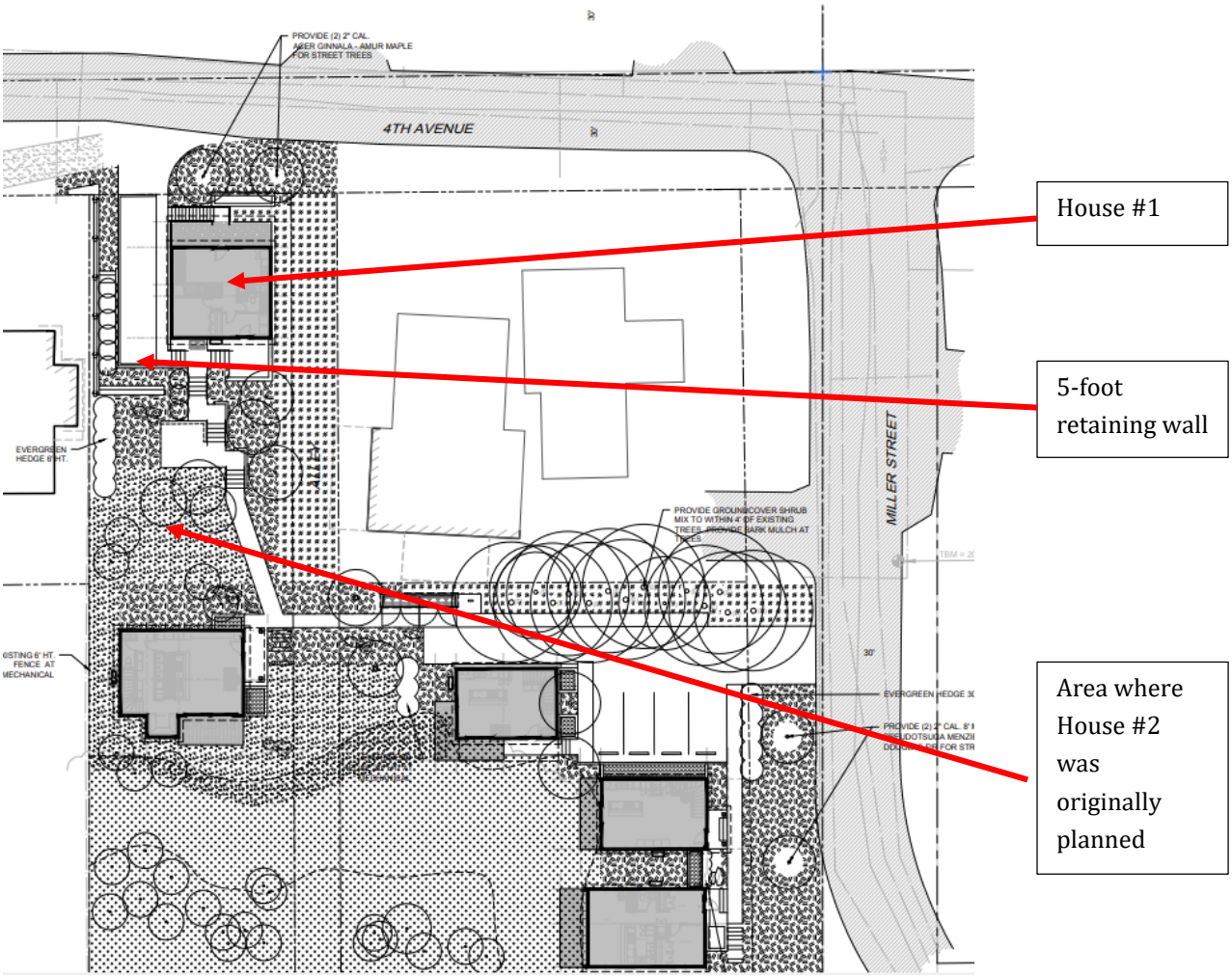

Figure 4. Site Plan with five homes; after removing House #2 from plans

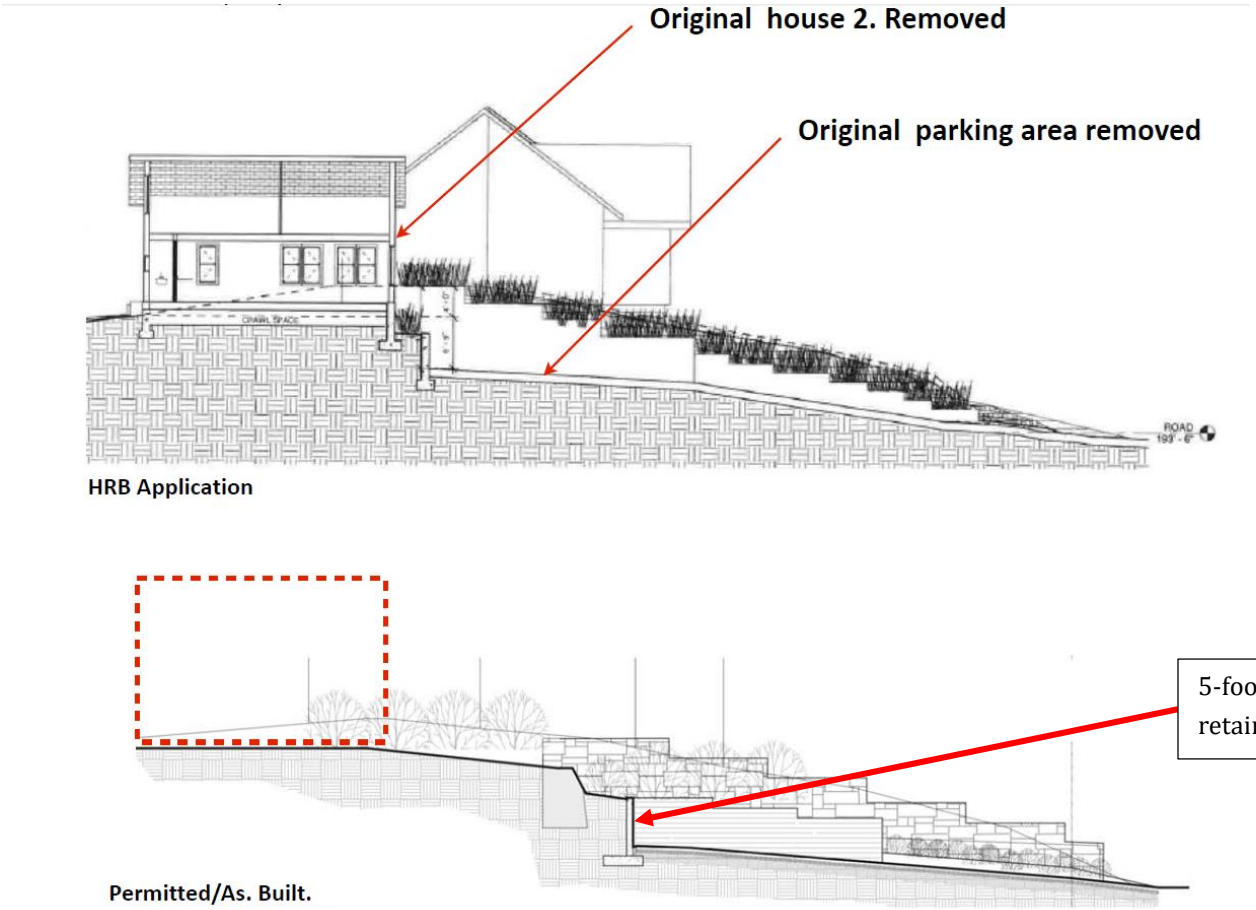

Figure 5. House #2 and surrounding grading and retaining walls in the original plans, versus the constructed plan.

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** AP21-00002 (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, 458, 462, 474, 480 MILLER ST. OREGON CITY CANEMAH

SUBJECT OF APPEAL: NOTICE OF DECISION DATE:___/___/___ For File #:

The undersigned hereby appeal(s) the decision of the GLUA-21-0881/HR-21-00001 THRU 21-00005 HISTORIC REVIEW FOR CANEMAH COTTAGES 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****

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.
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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.

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 minimzed.	**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/obsecure 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 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.	
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.	
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).** Horizintal 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 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.	
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 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.	
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 nto 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 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.	

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 fo 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 fo 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 — Address: 502 MAIN ST.

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 accceptance 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 knowledgable 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.

OREGON CITY

Community Development – Planning

695 Warner Parrott Rd. | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

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. <u>All additional landscaping shall be native species from the City's native plant list.</u>

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. <u>All additional landscaping shall be native species from the City's native plant list.</u>

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

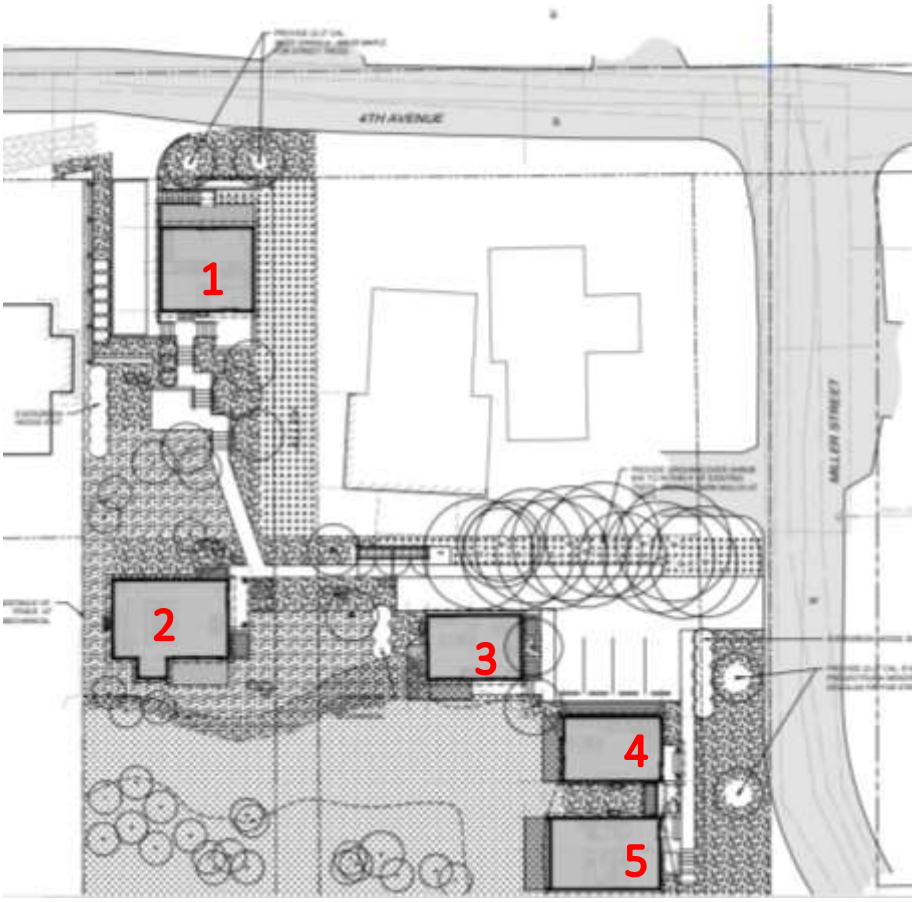
In 2016 and 2017, the applicant submitted applications to the City for approval to construct a cottage home development. The Historic Review Board approved a development of five total cottage dwellings with conditions of approval (MD 17-01 through MD 17-06). The decision was then appealed by Friends 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.

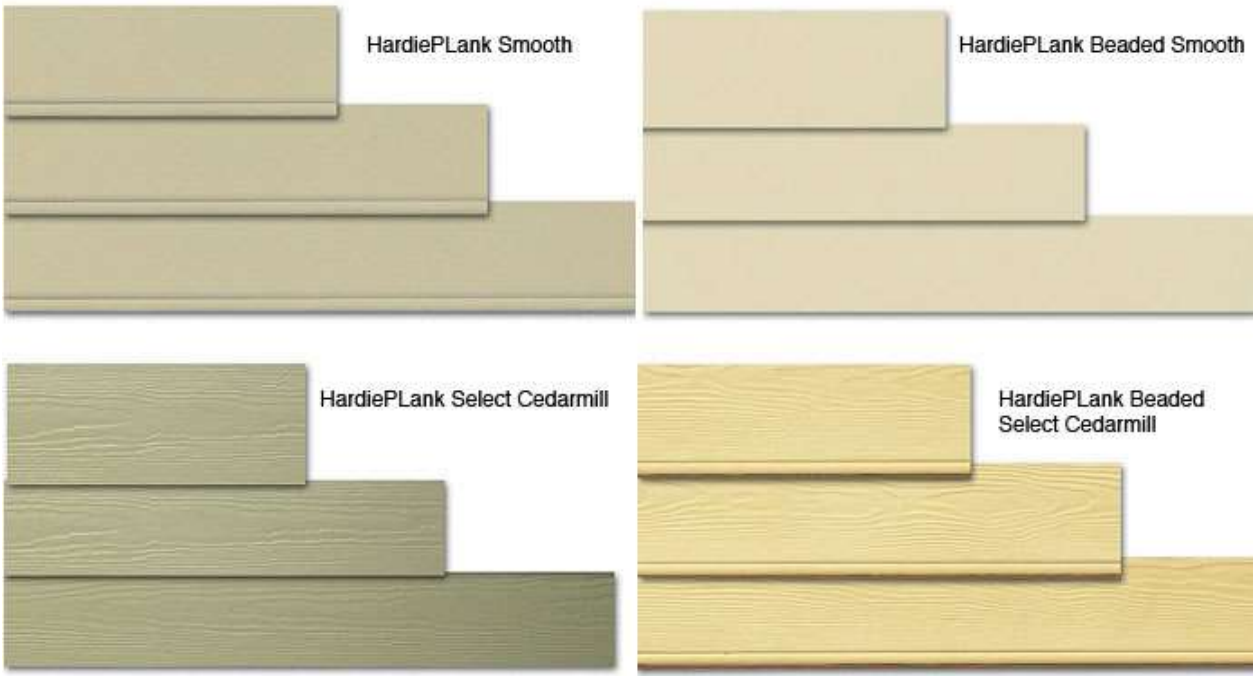
Other mitigating factors that may support the use of these modern materials is that at least some of the homes are located further from the street right-of-way and not as visible from 4th Avenue and Miller Street, where all pedestrian and vehicle activity occurs. There are no sidewalks that would bring 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):

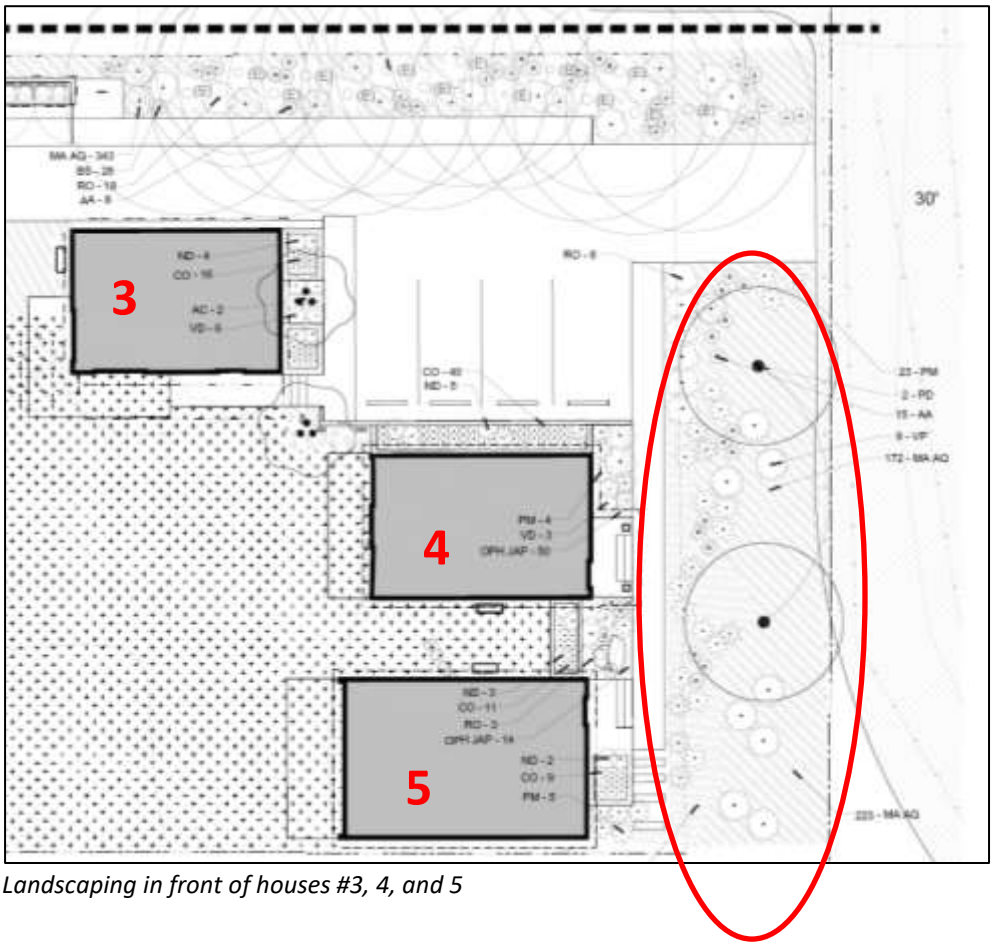
Element	Principle	Design	Not Allowed
Siding	Compatible with historic siding and enclosure materials in size, profile, orientation, texture, and color Commercial Buildings in McLoughlin: Cement plaster is acceptable	Wood siding or materials which have the appearance of horizontal wood siding in an allowable 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.

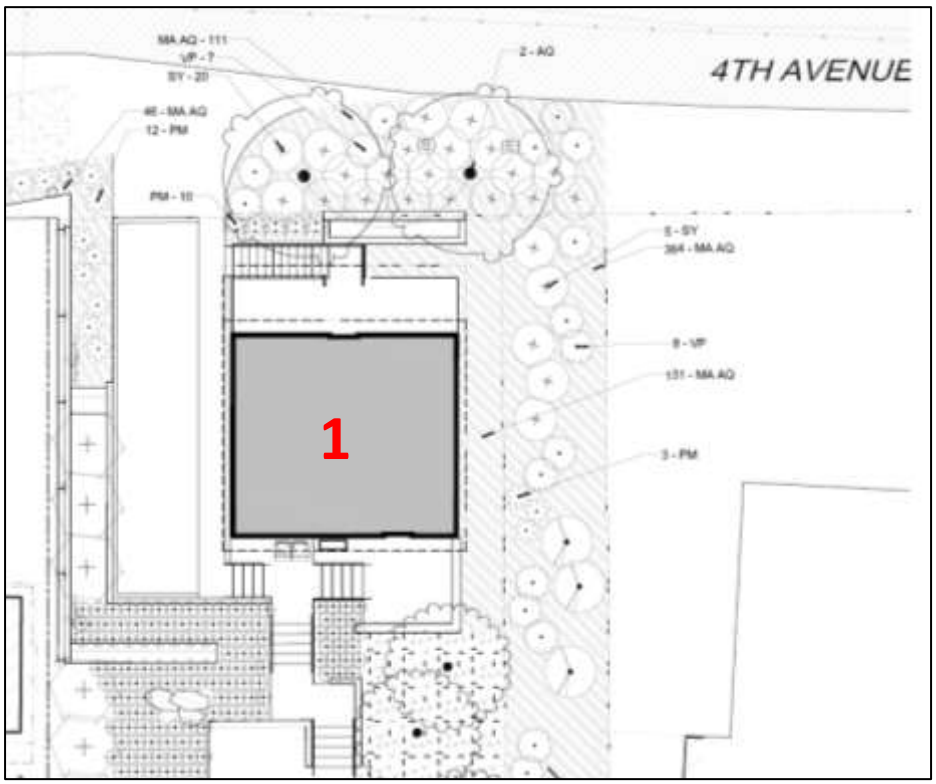
The applicant has opined that the textured hardieplank siding meets the city's guidelines, and has not proposed any possible actions that would mitigate for the siding material. For at least the past 15 years, the Board has consistently allowed only smooth hardieplank to mitigate for the use of non-wood 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 form 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

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.

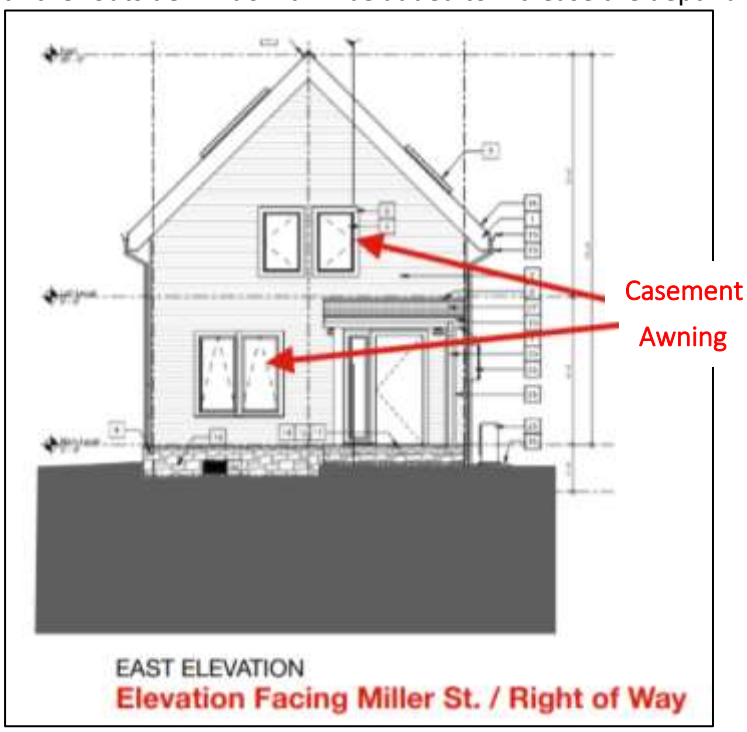
A key dimension for painted wood windows is window sill depth. The applicant states that all windows are recessed 1.5” from face of trim, but did not provide any other information comparing this to painted

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.

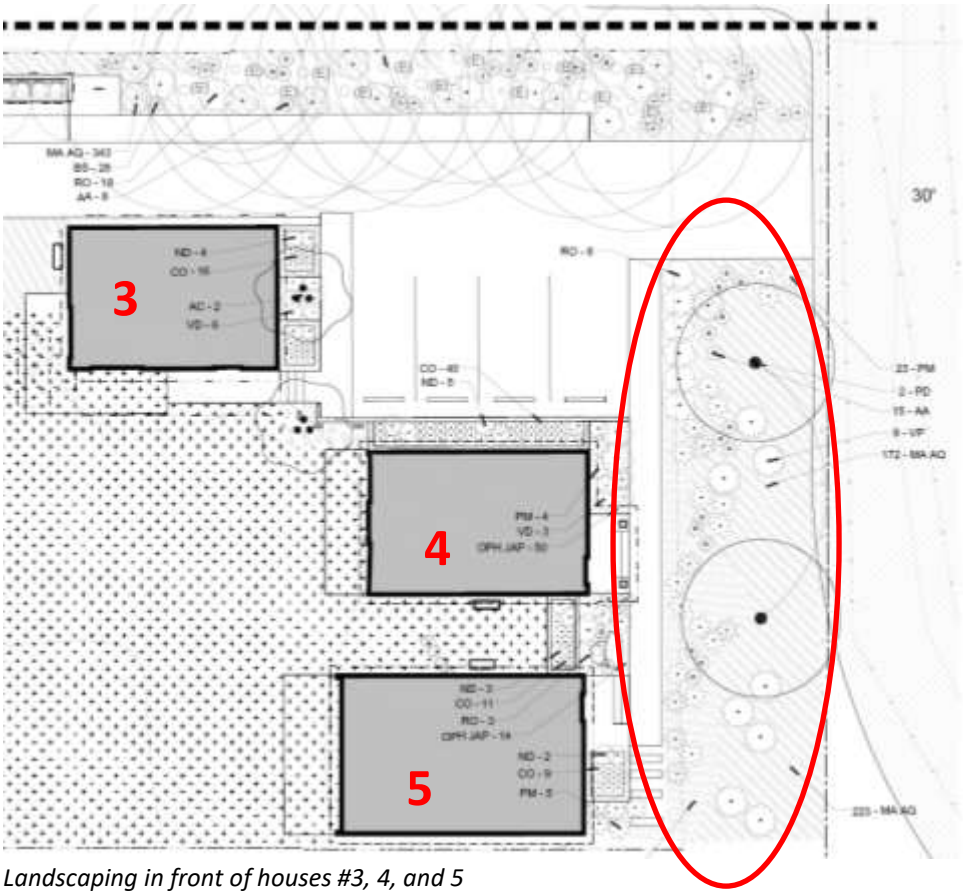
The awning windows that have been installed are in the following locations:

- 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.

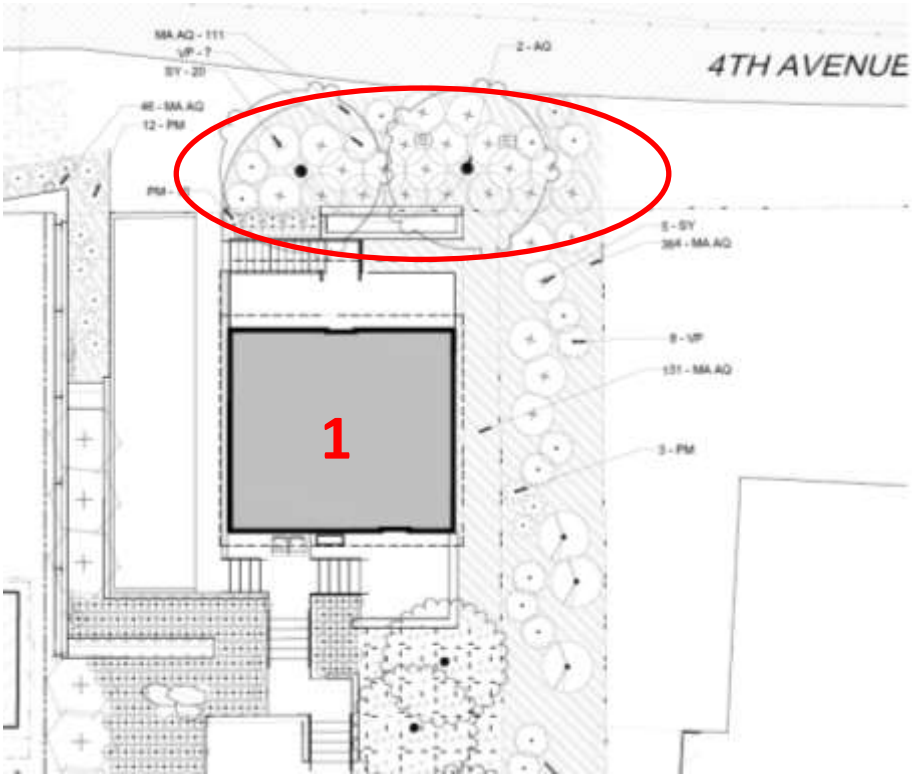
As is the case with respect to the siding, these structures are significantly setback from the street such that the shadowline may not be visible. The proposed landscaping may shield some of the buildings from view. However, the Guidelines are fairly clear in requiring shadowlines that would match a 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

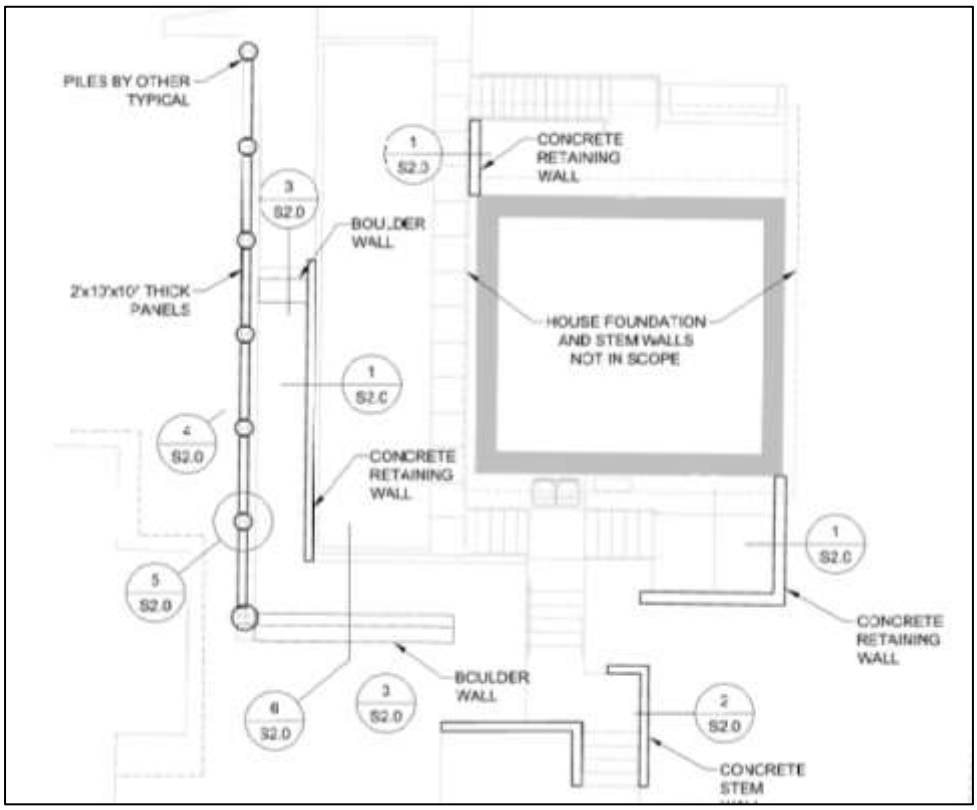
Staff Analysis and Recommendation:
The skylights that have been installed are rectangular in shape with flat glass. They are placed on side-oriented roof slopes but are visible from the right of way, in violation of the condition. The skylight on House #2 does face 4th Avenue but is setback considerably 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.

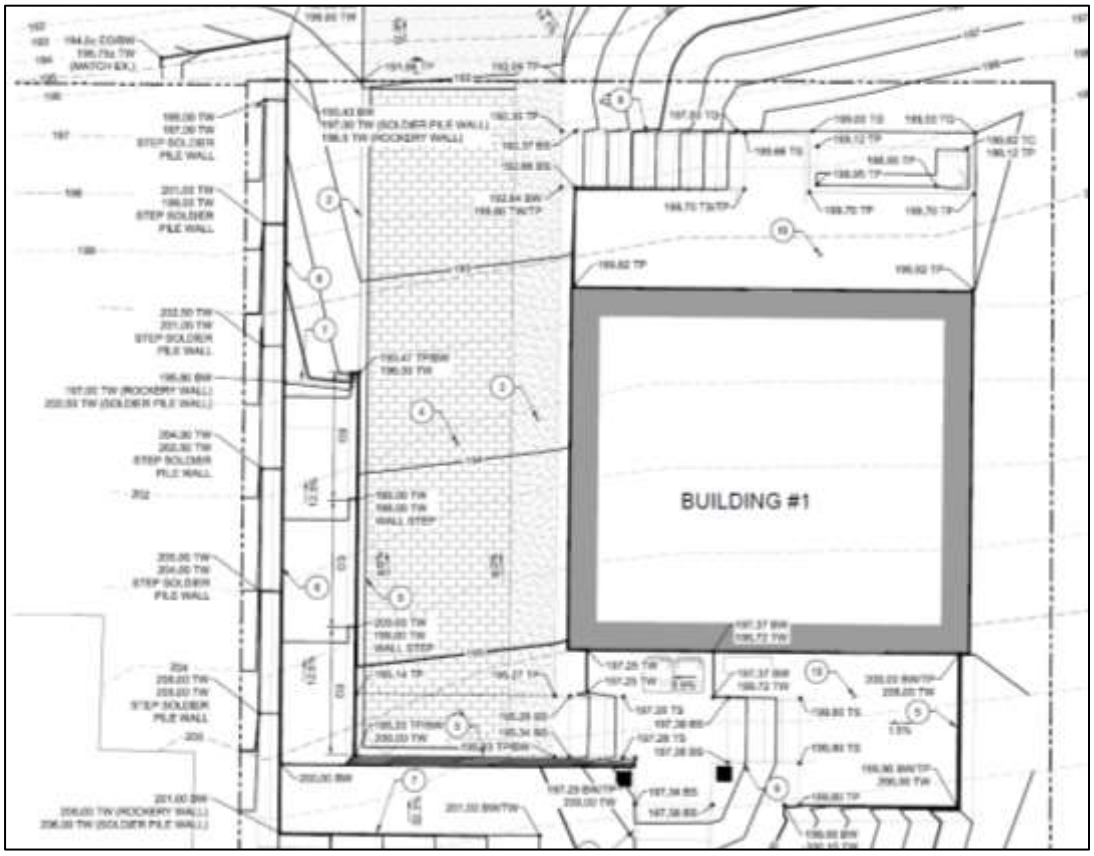
Retaining walls

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

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.

SITE/OVERALL

	Description of Change or Element	Reason Applicant Identified for Change	Relevant Design Guideline	Staff Recommendation	HRB Member Notes
1	Removal of House #2.	HRB Condition of Approval #2 to remove House #2.	N/A	**Accept Change (Consistent w/Approved Plans). The original HRB c**ondition 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.	
2	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.	
3	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 minimzed.	**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.	
4	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/obsecure 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)

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.

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.

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.

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.

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)

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.

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

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HOUSE #1

HOUSE #1

HOUSE #1

HOUSE #2

SIERRA PACIFIC
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PACIFIC
HOUSE #3

HOUSE #5

SIERRA PACIFIC
HOUSE #4

HOUSE #4

SIERRA
PACIFIC
HOUSE #5

HOUSE #5

HOUSE #4

HOUSE #5

HOUSE #3, 4 and 5

HOUSE #3, 4 and 5
WEATHERSmart DRAINABLE
SIERRA PACIFIC
Honey Bucket
HardiePlank

HOUSE #4 and 5
SIERRA PACIFIC
WEATHERSmart DRAINABLE
Honey Bucket
HardiePlank

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 enbankment. 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@orcity.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@orcity.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 ow 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 flowed 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

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Text 'KNIPE' to 35620
Canemah Cottage Homes
modern living touching the human spirit
Cathedral Ceilings
Induction Cooktop & Stainless Appliances
Cozy gas fireplace
$389,000-$459,000
• 5 Unique Detached Cottage Condo Designs 1360-1,180 sf
• Stainless Appliances
• Induction Cooktop
• Stone Entry/Porch, Kitchen, 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 Urquhart
• TEXT 115469 to 35620 for more details
450-486 Miller Street (5 Unique Designs) | Oregon City, OR 97045 | MLS #19611521
Cottage Community Characterization
Interior Finish Materials
Louise Barakat
Page 205

Want to Learn More?
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HURRY to Choose Colors & Finishes, and Unique Interior Features by Knock artist Jennifer Urquhart
TEXT 11SAVP to 35620 for more details
450-486 Miller Street (5 Unique Designs)
Cottage Community Characteristics
Louise Barakat
Honey Bucket
CONST
KEI
WEATHERSHIELD

WEATHERSmart
DRAINABLE
SIERRA PACIFIC
Honey Bucket

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

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.

Classified as Internal

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 coveted 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.

Classified as Internal

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

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@orcity.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@orcity.org**
>
> 503) 496-1540 Direct - **VOICEMAILS ARE SENT TO MY EMAIL.**
>
> (503) 722-3789 Main

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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@orcity.org>; Pete Walter <pwalter@orcity.org>; Rachel Lyles Smith <rlsmith@orcity.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:

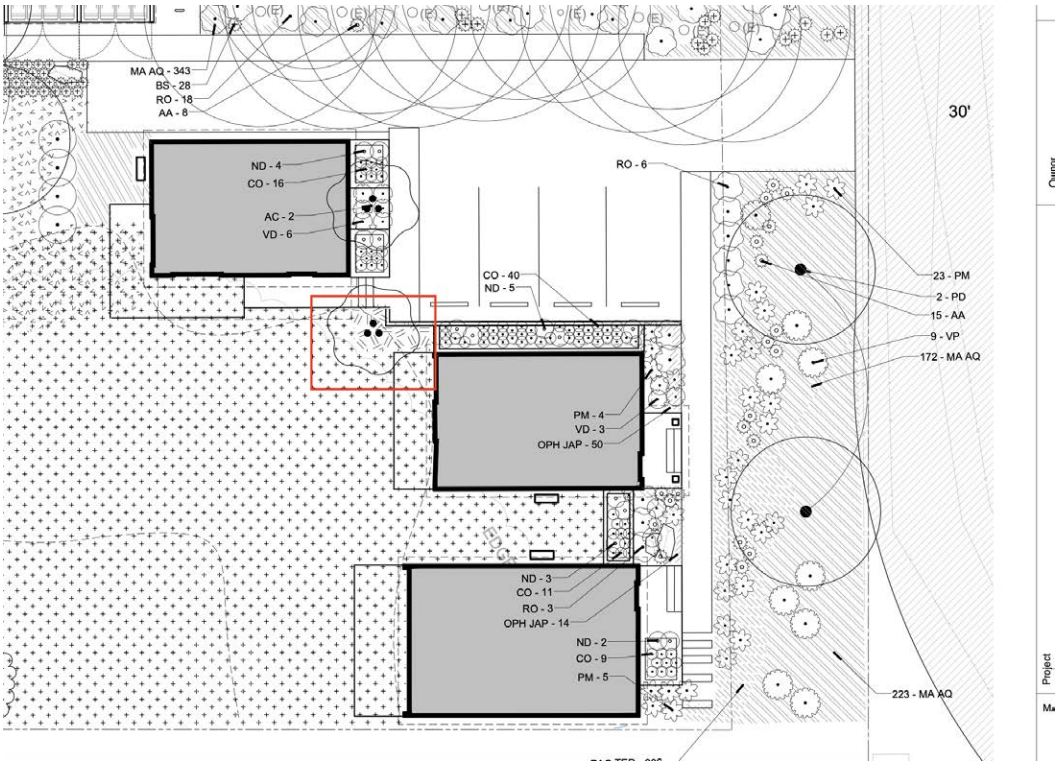
- *Pachysandra terminalis* - this comprises the majority of the plantings. It seemed that close to half of the ground area was covered with this non-native.
- *Ophiopogon planiscapus* (Black mondo grass)
- *Viburnum davidii* - I might have the species wrong on this, but it’s certainly not a native viburnum
- 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

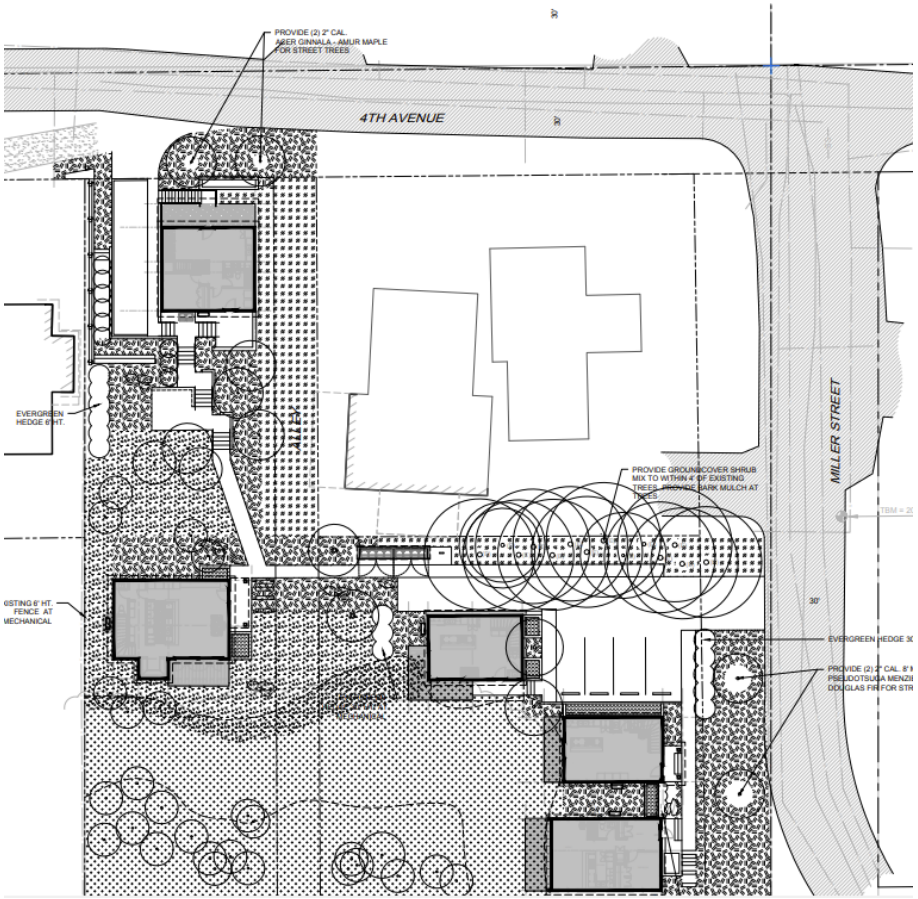
See the comments here: https://davesgarden.com/guides/pf/go/1146/#b

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.).

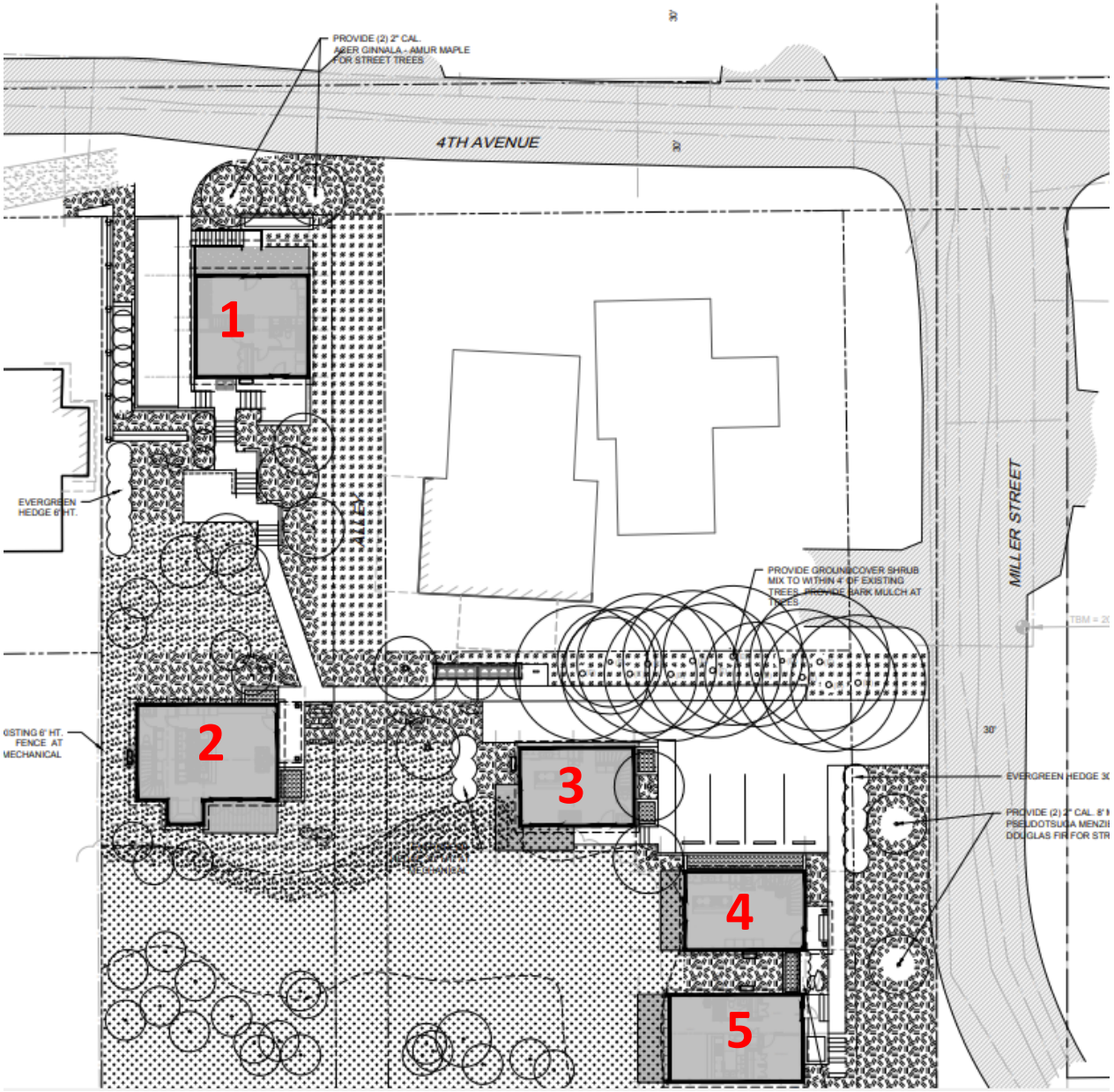


GLUA-21-00001/ HR 21-00001 through 21-00005: Historic Review for Canemah Cottages

March 2, 2021

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
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- 2017/2018 Site Plan and Design Review and Geologic Hazard Review – 5 homes
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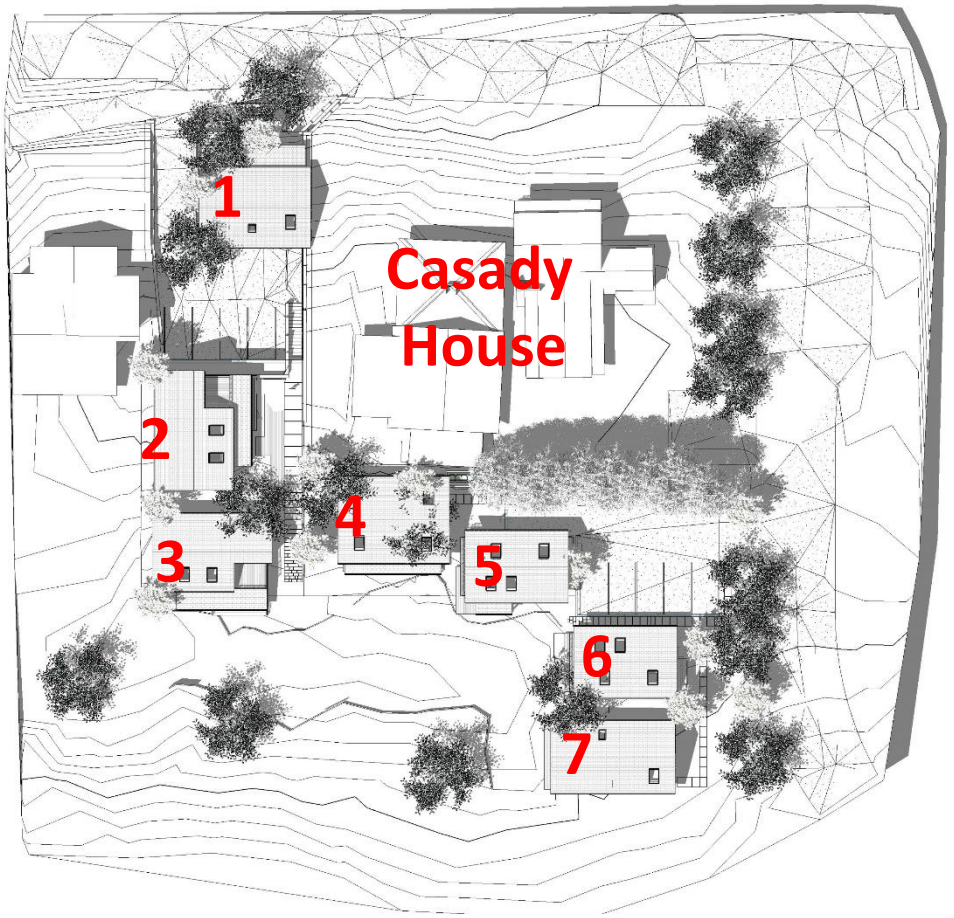


2016 Site Plan

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

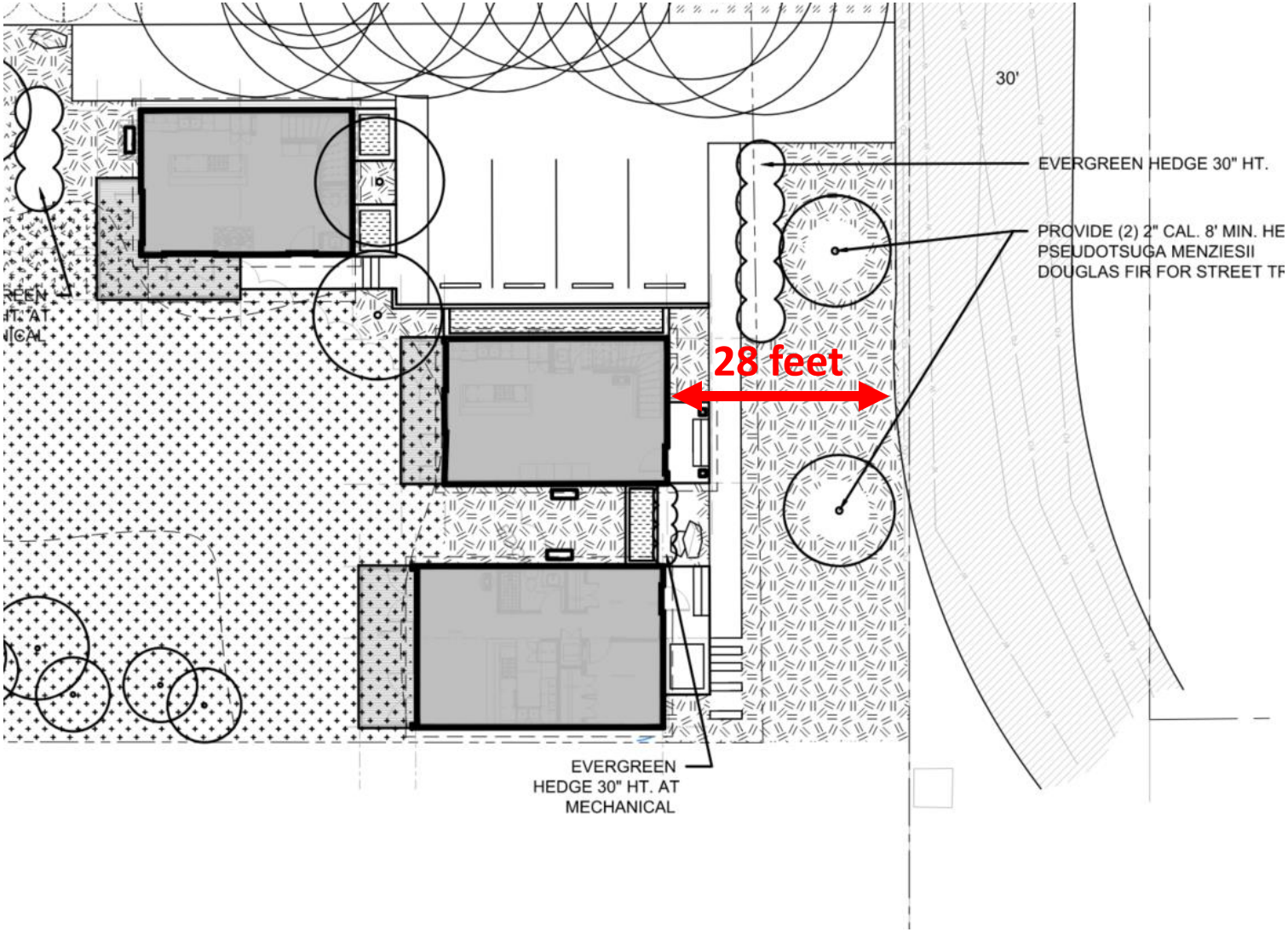
Not Allowed:
Alternative Board siding not matching the approved profiles or texture

Hardie Smooth

Hardie Cedarmill (textured)

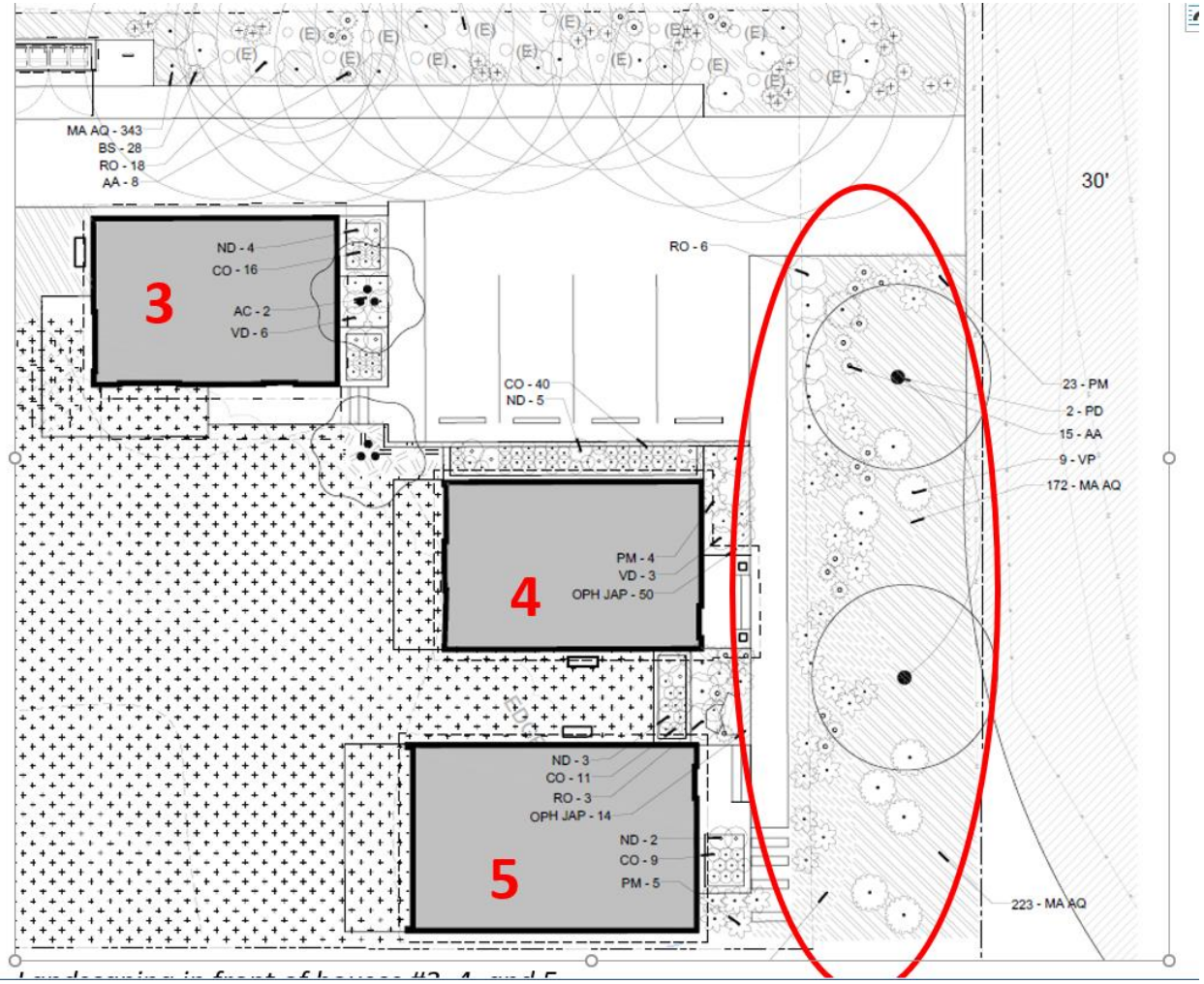
Painted Wood textures

Separation from street



Landscaping

Additional landscaping could mitigate



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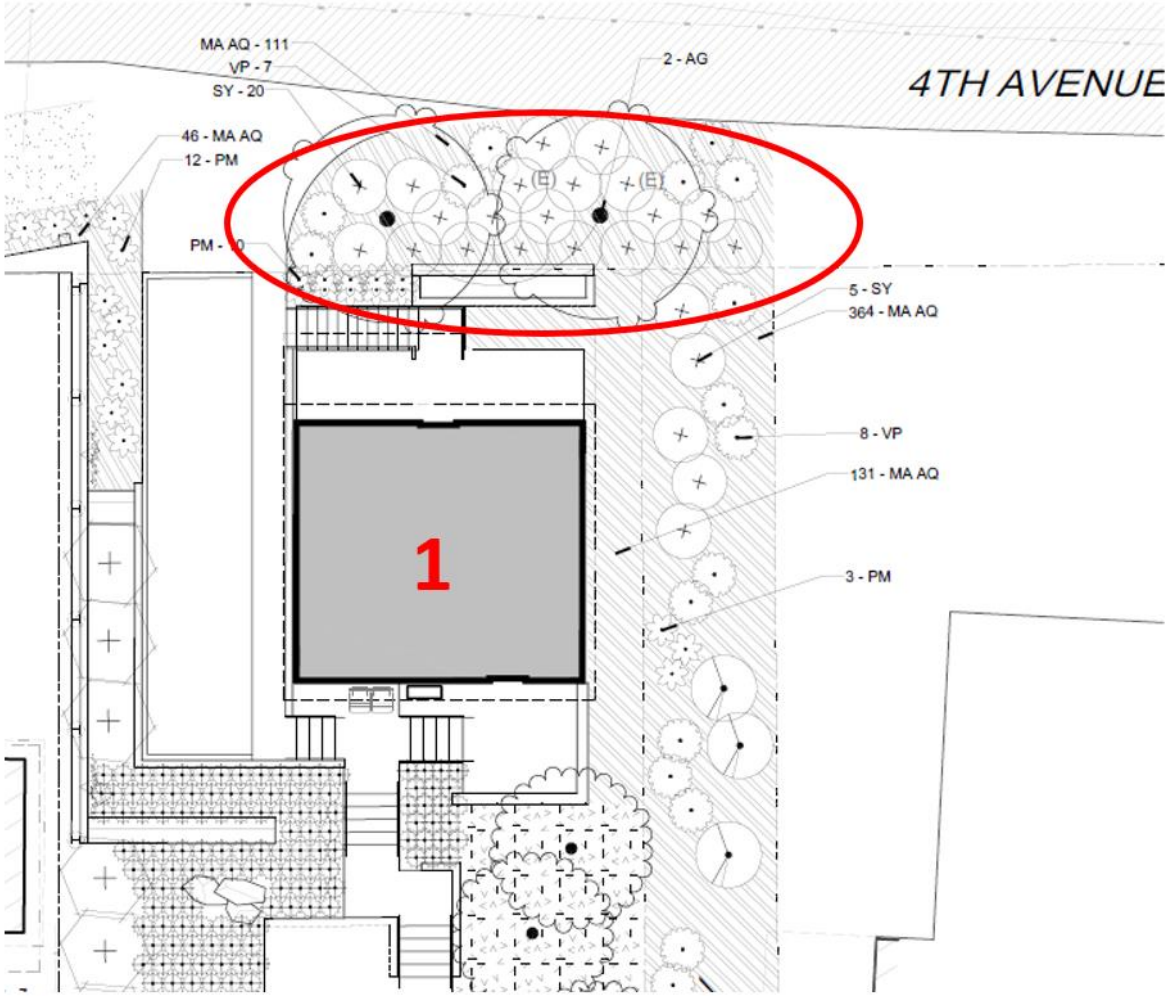


Windows

Guideline: match the member sizing, thickness, and shadowline of painted wood windows

Windows

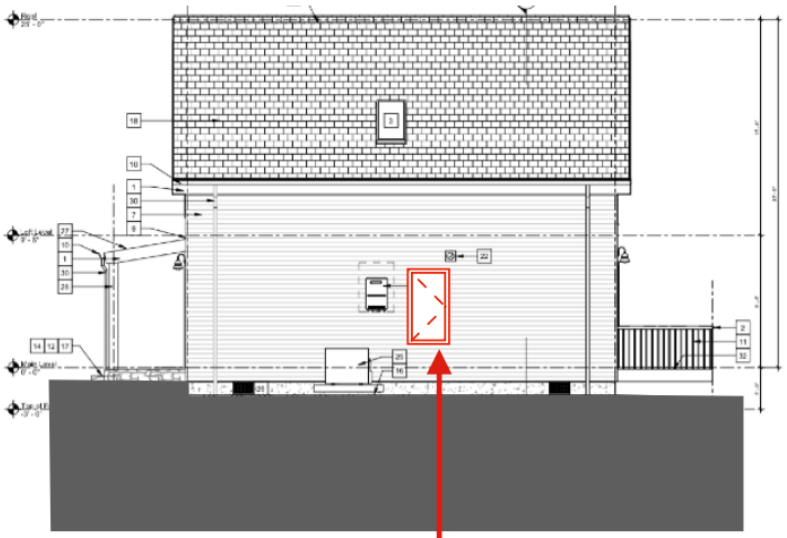
Examples of windows with a greater shadowline and sill depth

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

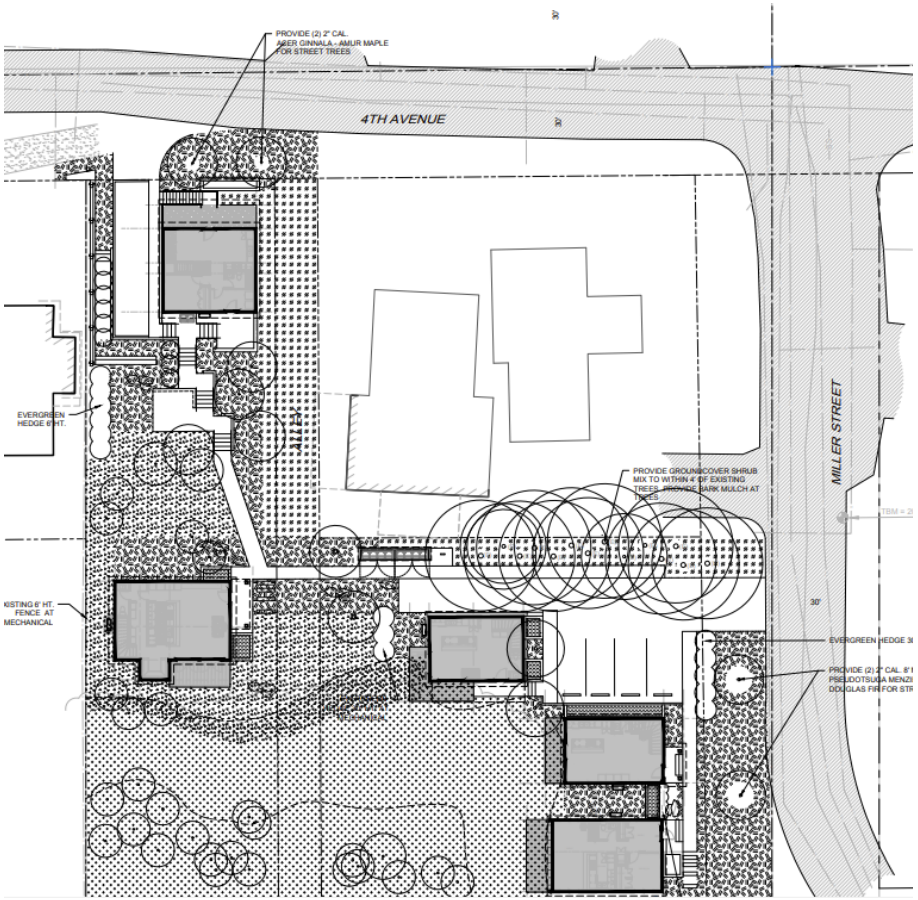
Skylights

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



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March 2, 2021

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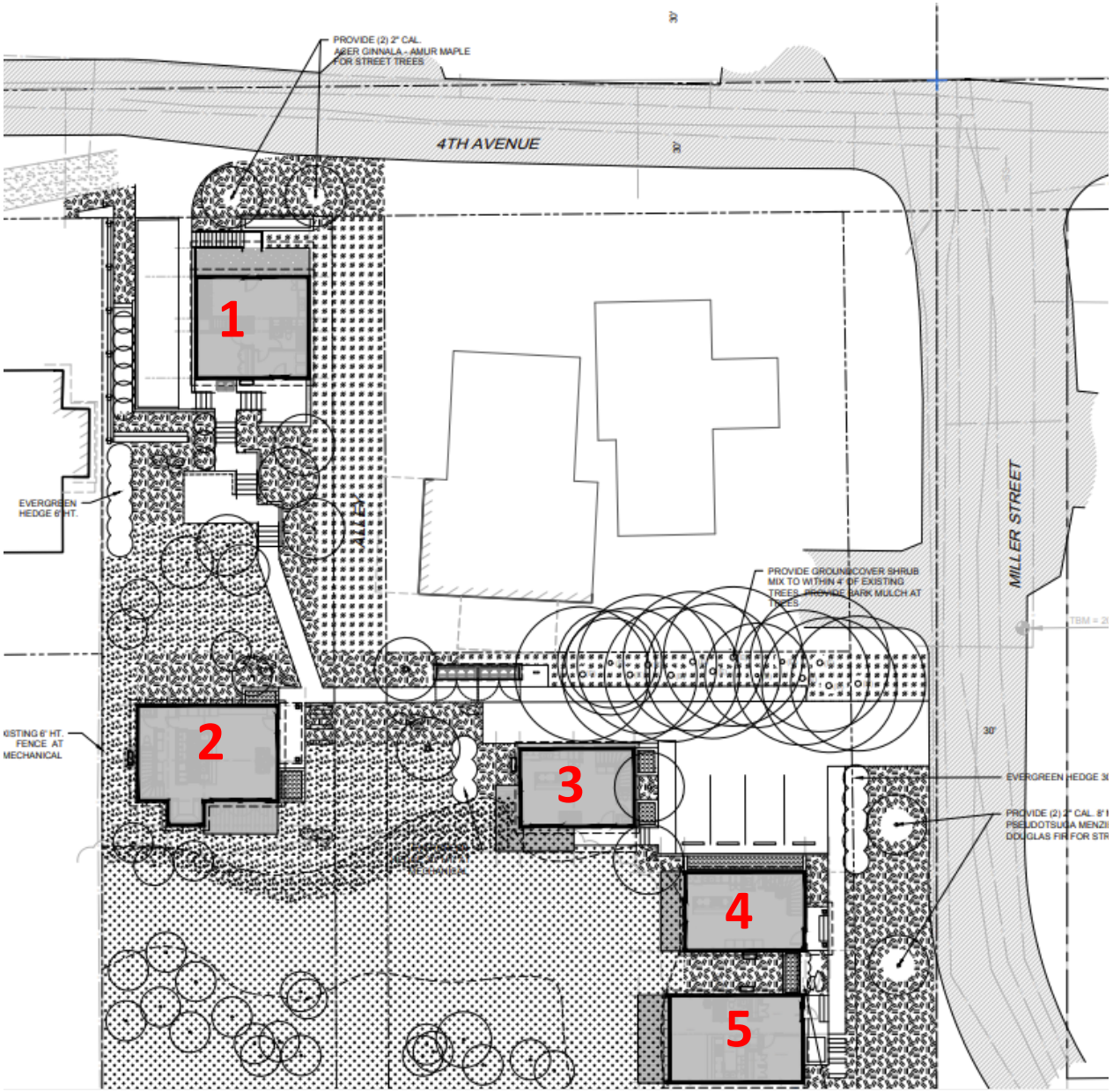

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Overall Development

- Irregular House Placement/Arrangement
- 1 ½ stories
- Vernacular designs
- Small footprints and massing
- Combination of landscape preservation and new landscaping

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

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

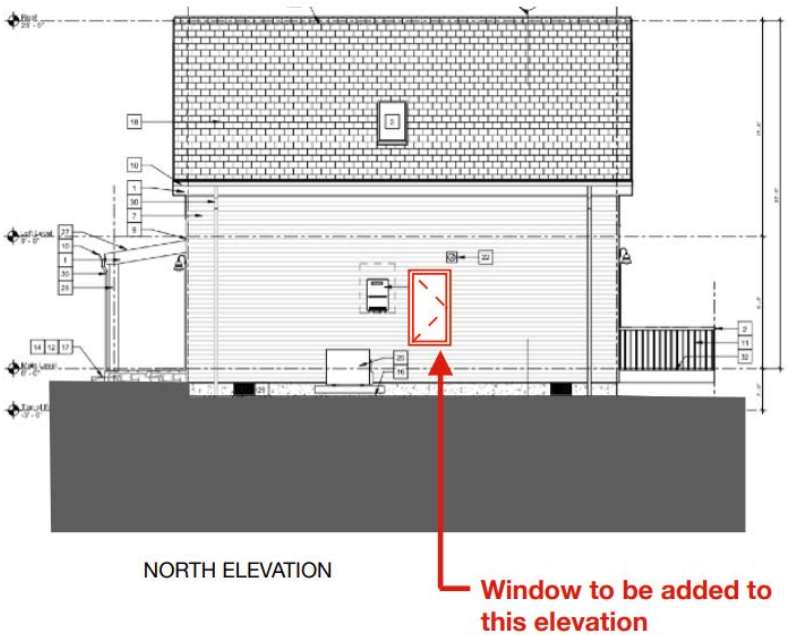
Examples of windows with a greater shadowline and sill depth

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



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. <u>All additional landscaping shall be native species from the City’s native plant list.</u>
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   - Front of House #4
   - North elevation of House #4
   - Front of House #5

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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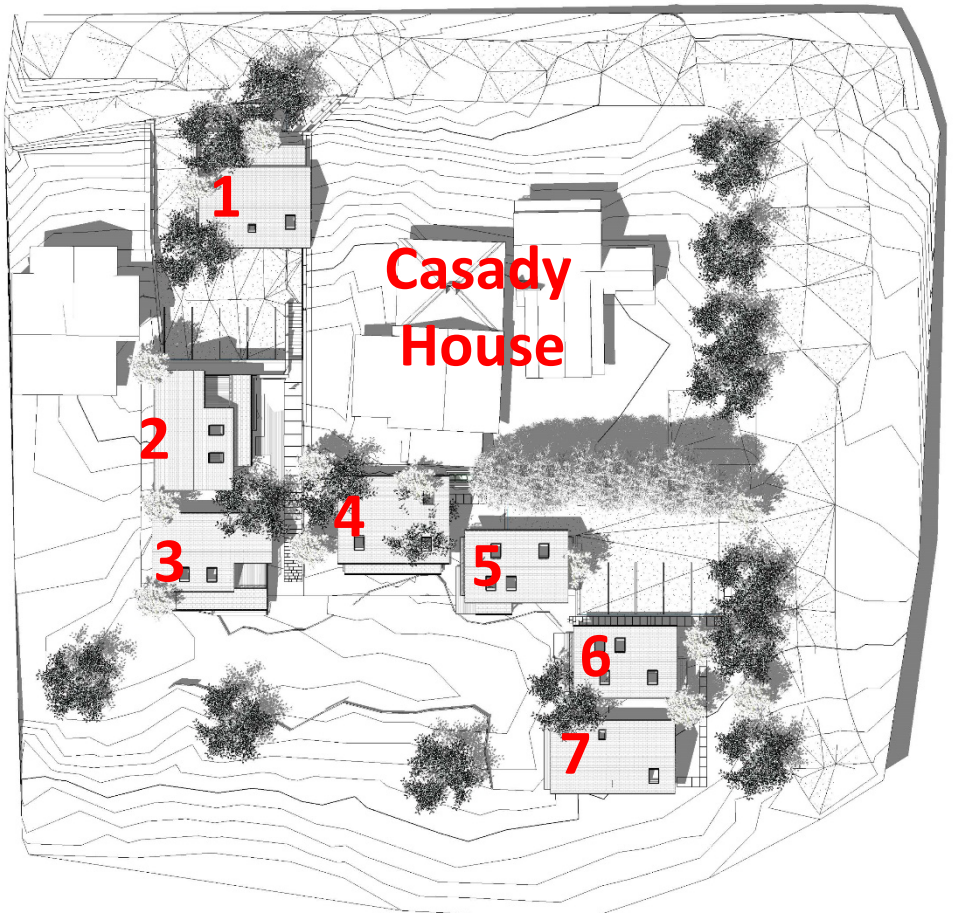

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House #5

House #2

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698 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)	Type II (OCMC 17.50.030.B)	Type III / IV (OCMC 17.50.030.C)
❑ 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

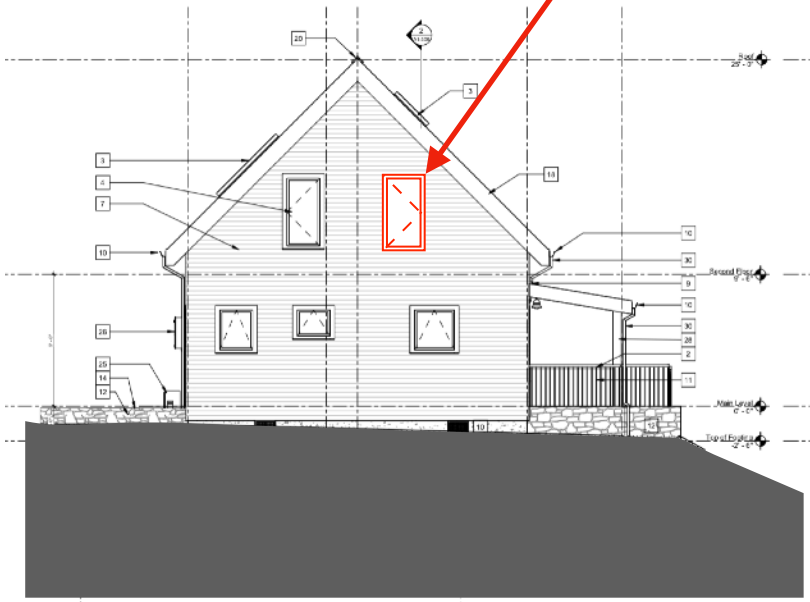
G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

Applicant Response: N/A to this application

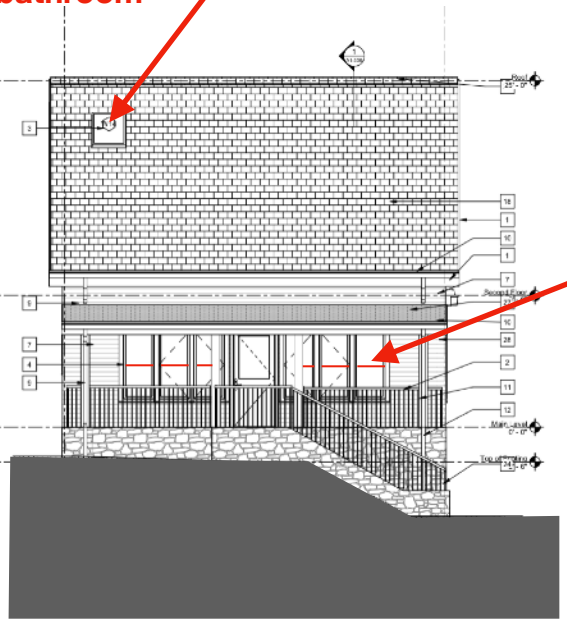
House #1

Proposed window addition for bathroom

Skylight NOT installed



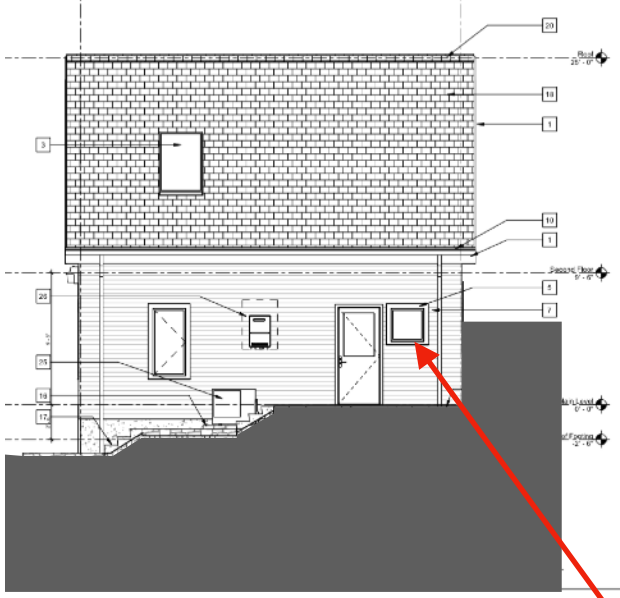
EAST ELEVATION



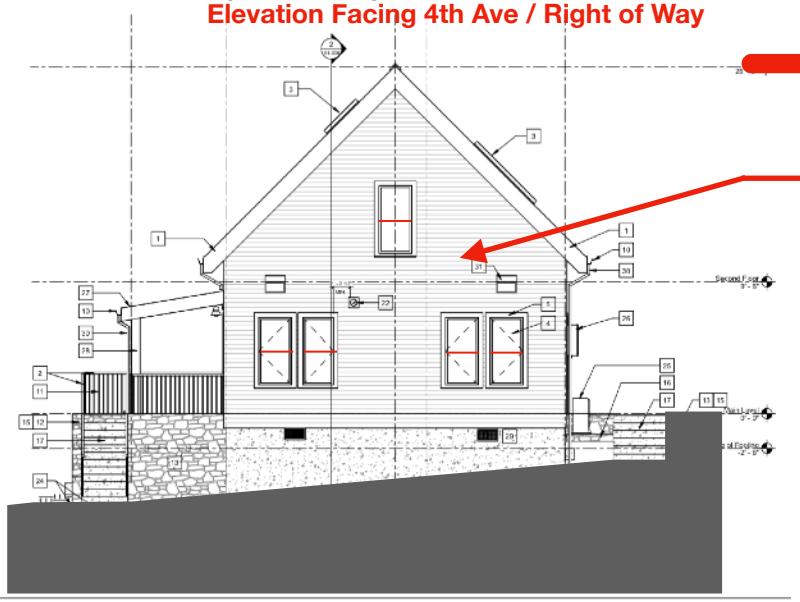
NORTH ELEVATION

Elevation Facing 4th Ave / Right of Way

Windows facing right of way have division of glass for a 1:1 over 1:1 within 2:1 proportion



SOUTH ELEVATION Elevation Facing *opposite* of Right of Way



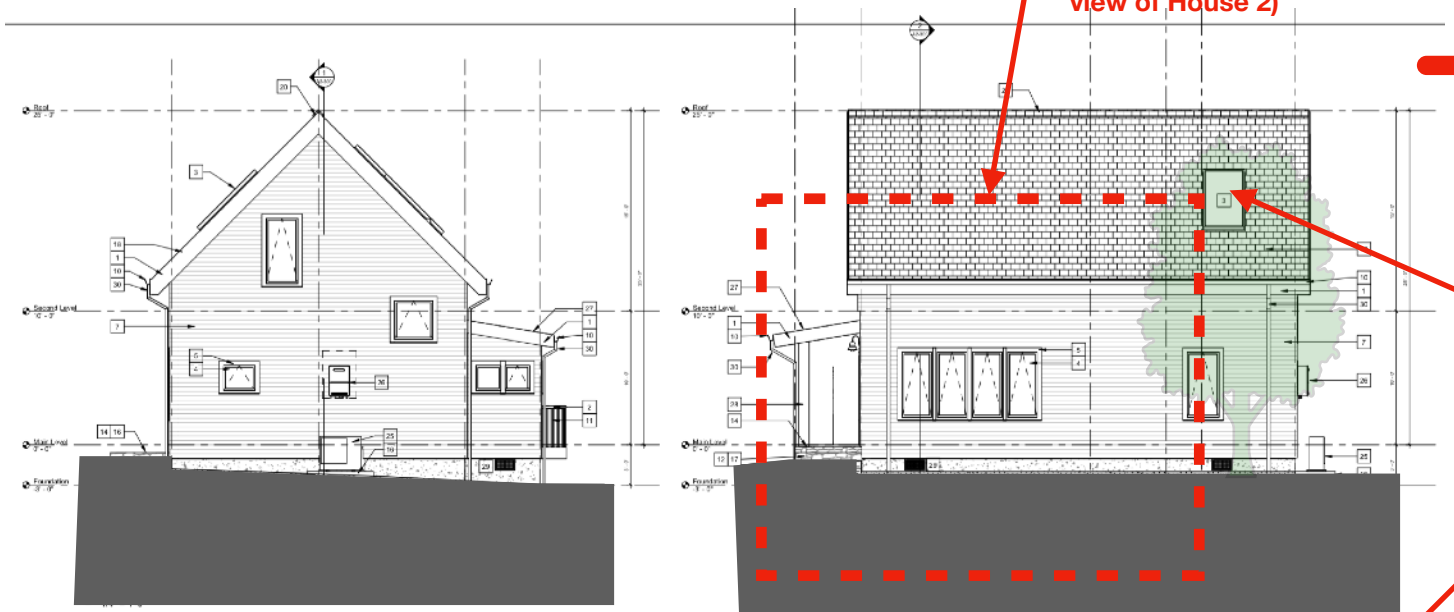
WEST ELEVATION

All siding is ***horizontal*** "Hardi Board" simulated wood in lieu of actual wood. Texture is modest with similar appearance as many Canemah/historic homes. (This note applies to all homes in the application)

Window not installed

House #2 (This home is 150' from right of way and partially visible)

House 1 Outline (blocks view of House 2)

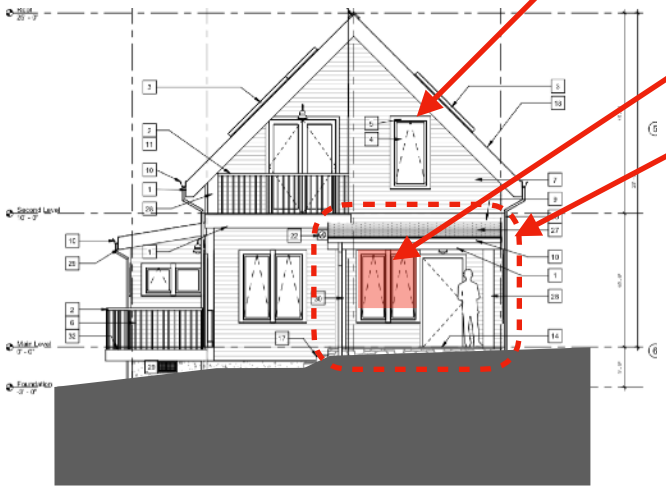


WEST ELEVATION

NORTH ELEVATION

Elevation Facing 4th Ave / Right of Way

SOUTH ELEVATION



EAST ELEVATION

Note: All windo[illegible] recessed 1.5" f[illegible] of trim. Neither Historic Guidelines, nor original COA specify a window depth

Fascia width is the same on all homes, was not specified in original HRB application; there is no specific fascia width requirement in Canemah.

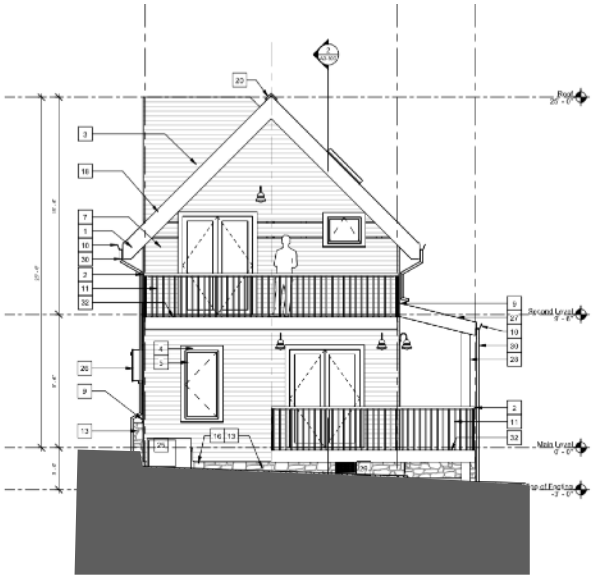
View of Skylight, facing 4th Ave ROW is mitigated by landscape; is flush with roof and inconspicuous.

All windows facing ROW are 2:1 proportion with dividing member; see photo

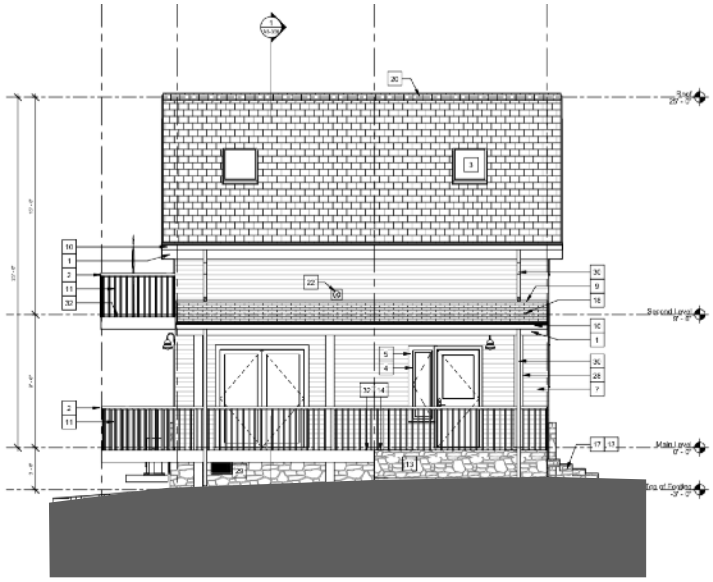
Window changed to square

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

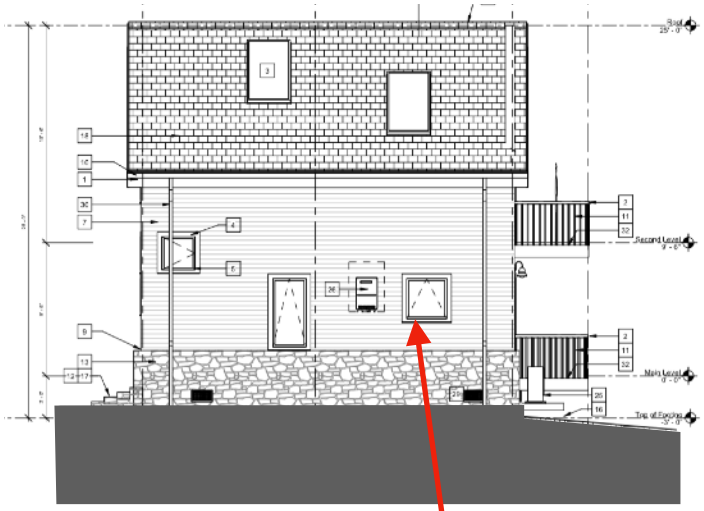


WEST ELEVATION
Elevation Facing *opposite* of Right of Way



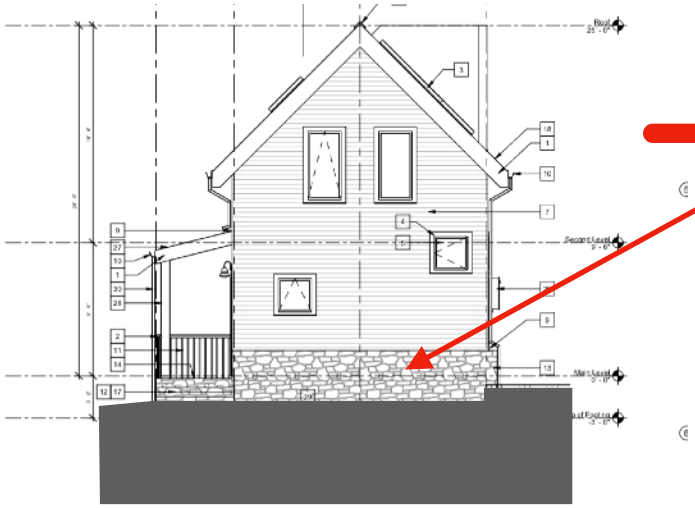
SOUTH ELEVATION

Massing and Height the same as Houses 4 and 5



NORTH ELEVATION

Window changed to square

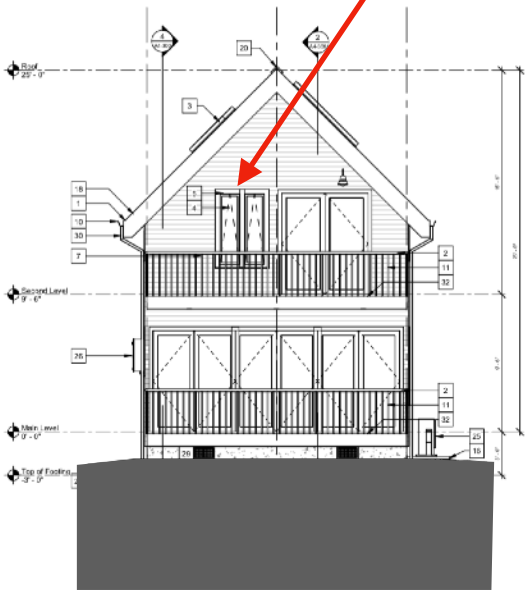


EAST ELEVATION
Elevation Facing Miller St. / Right of Way

All Homes - Stone veneer replaced with typical concrete foundation - meets historic standards

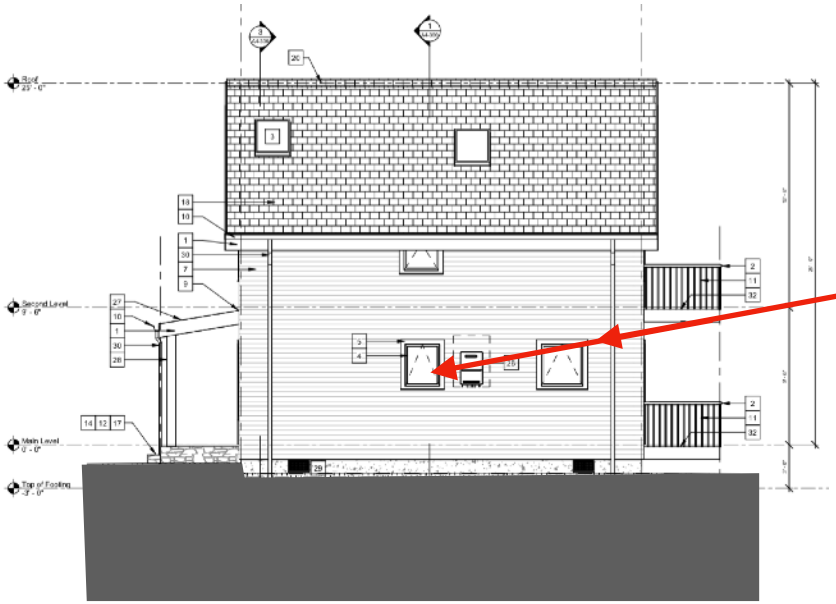
House #4

Window changed to improve natural light



WEST ELEVATION

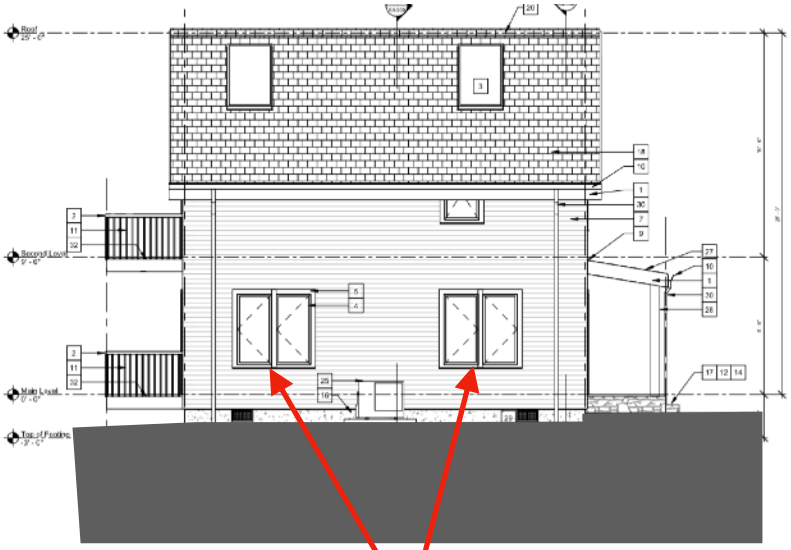
Elevation Facing *opposite* of Right of Way



NORTH ELEVATION

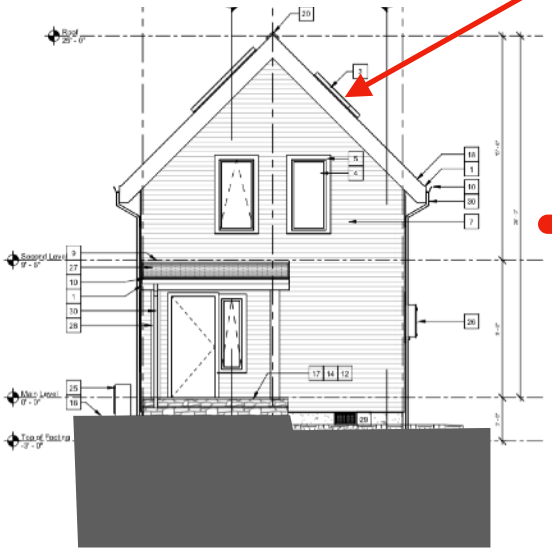
Window size changed to square

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"*



SOUTH ELEVATION

Windows added to improve natural light; more consistent with all homes

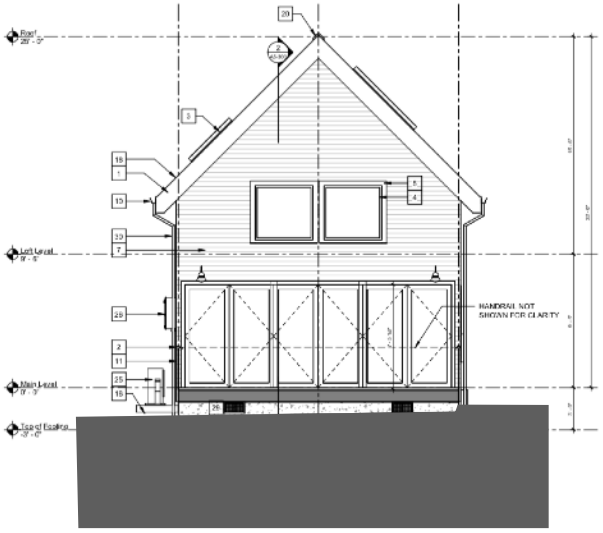


EAST ELEVATION

Elevation Facing Miller St. / Right of Way

All Homes - roof overhangs reduced; more consistent with Canemah homes than original application.

House #5

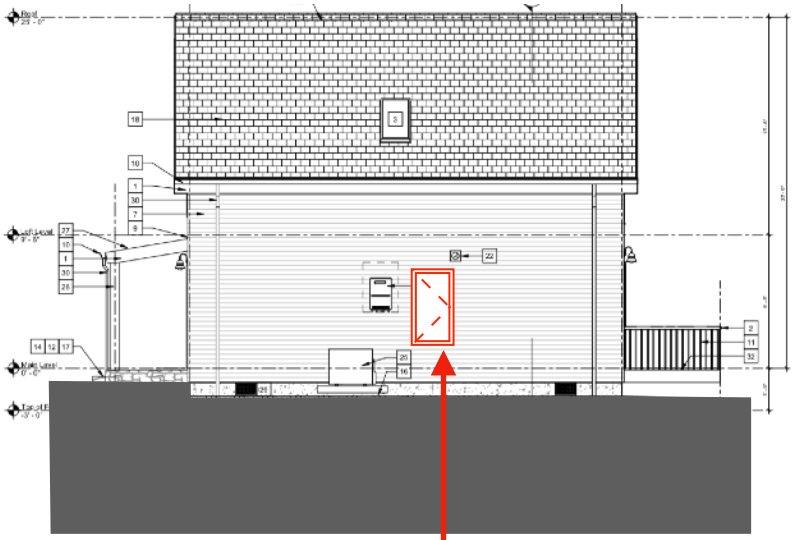


WEST ELEVATION

Elevation Facing opposite of Right of Way

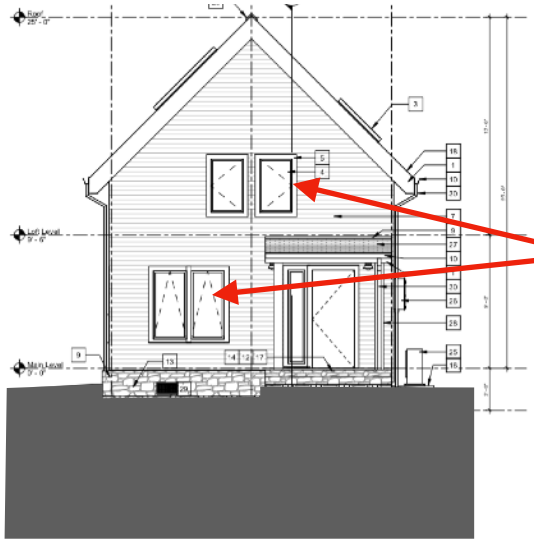
SOUTH ELEVATION

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

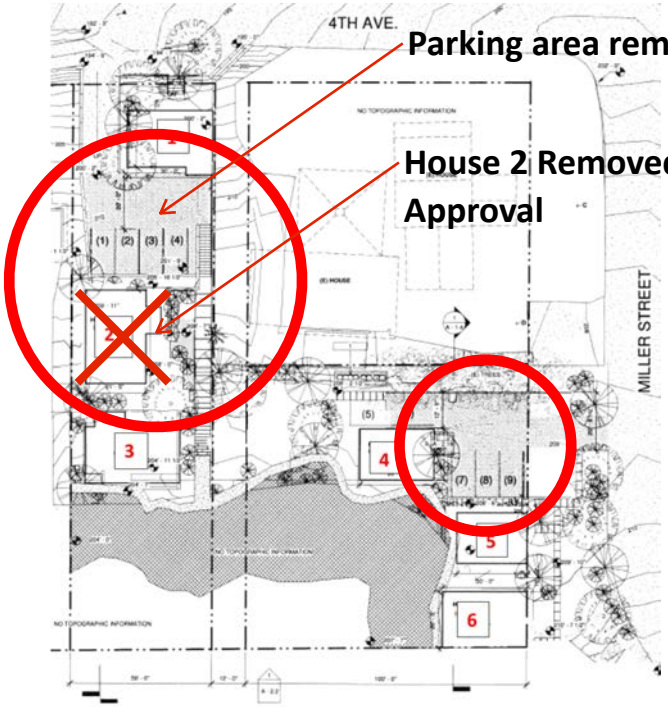
502 4th Ave Siding

502 4th Ave Siding

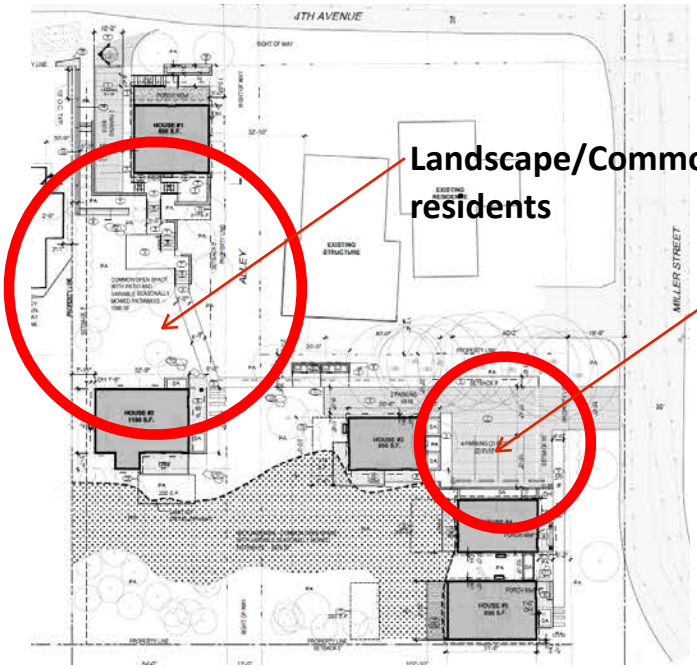
House #5 (View of siding from Right of Way demonstrating wood texture is not visible).

Site Planning

Site Area behind house and East Parking area.



Original HRB Application - Site Plan



Permitted / As Built. - Site Plan

Conditions of Approval – House #1

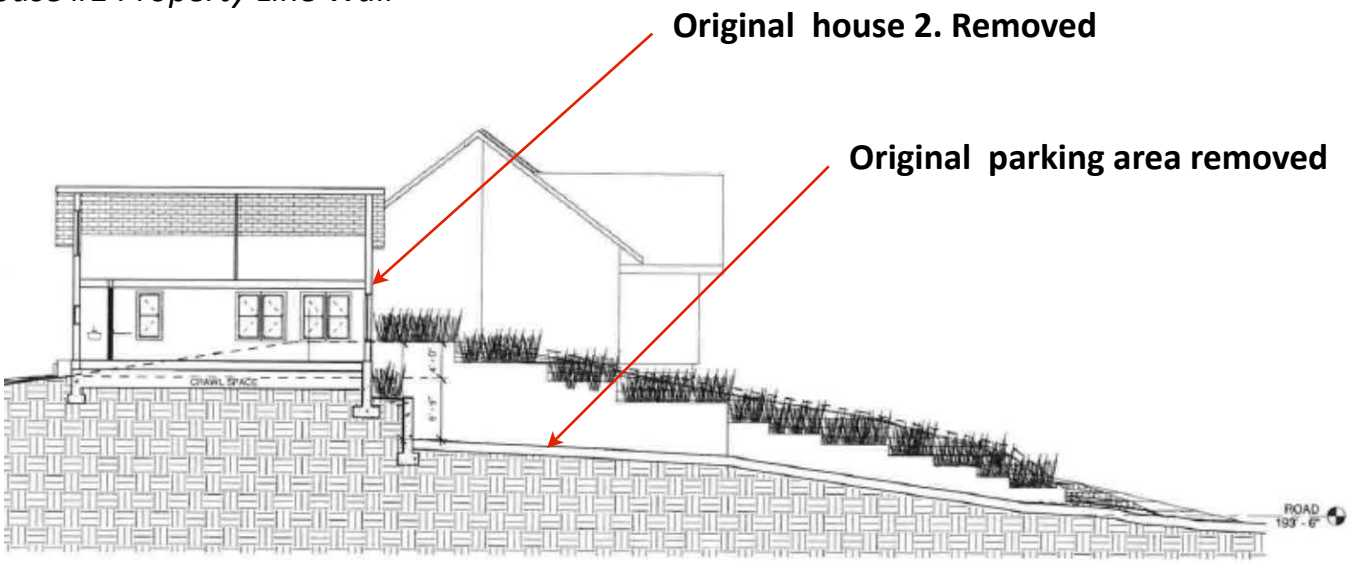
Prior to issuance of a Permit Associated with the Proposed Development:

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 consisted 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 boarder 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)

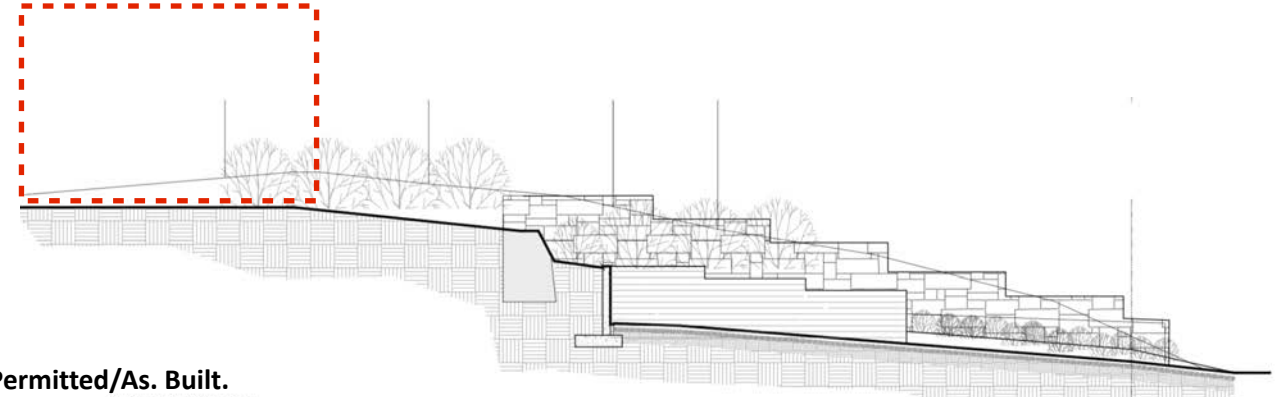
Changes from HRB Approval	Compatibility Proposed Mitigation
House 2 Removed	Per HRB COA's
Parking Area removed behind house 1. One space added by house 4.	Changed due to reduced parking and to minimize grading impact; Compatible w/Historic District.

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 gradi 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."

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

MD-17-01 Reviewed by HRB Aug 2017

Permitted / As Built

Side by Side / 2:1 Proportion Window
(Built as 2 separate windows)

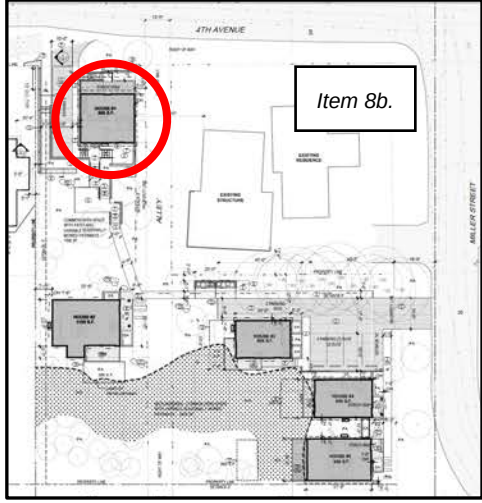
Side by Side / 2:1 Proportion Window
(Built as one window assembly)

House #1

North (front) elevation

MD-17-01 Reviewed by HRB Aug 2017

Permitted / As Built



Conditions of Approval

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.

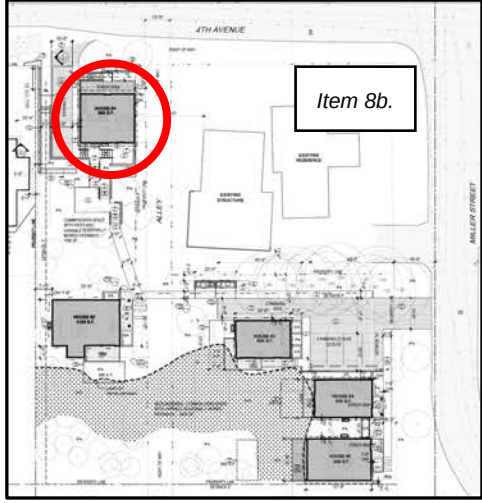
Changes from HRB Approval	Reason for Change / Compatibility Proposed Mitigation
Front porch stair orientation	Changed to reduce grading and visual impact in ROW; More Compatible w/ Historic Canemah charachter.
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic 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

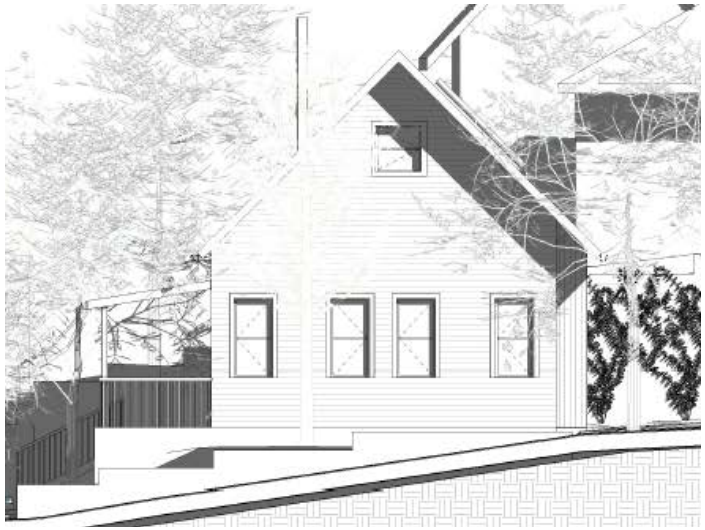
Conditions of Approval

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 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 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

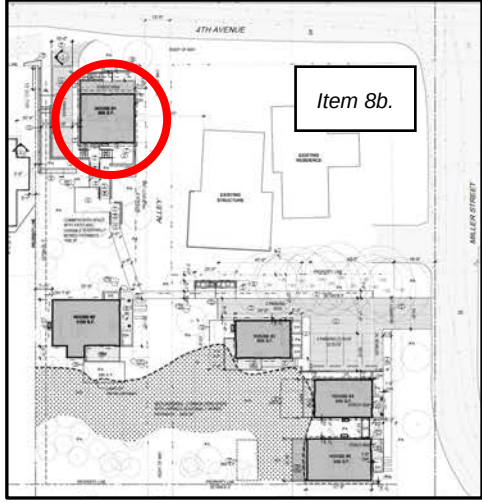
House #1

West (side) elevation



MD-17-01 Reviewed by HRB Aug 2017

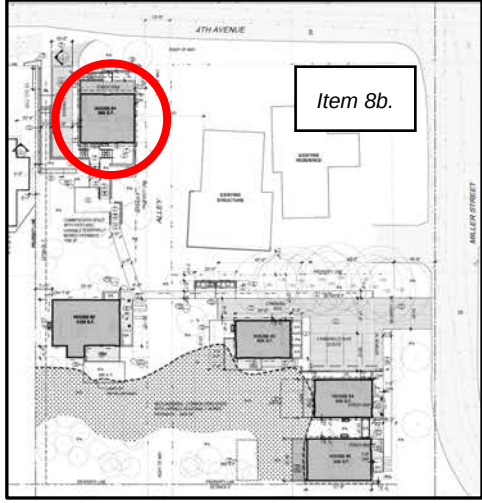
Permitted / As Built



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

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
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

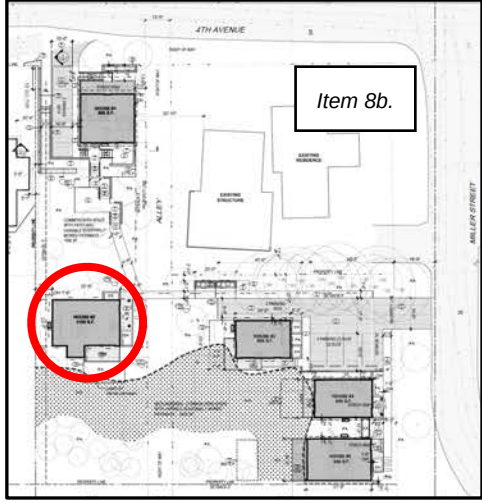
House #2

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.

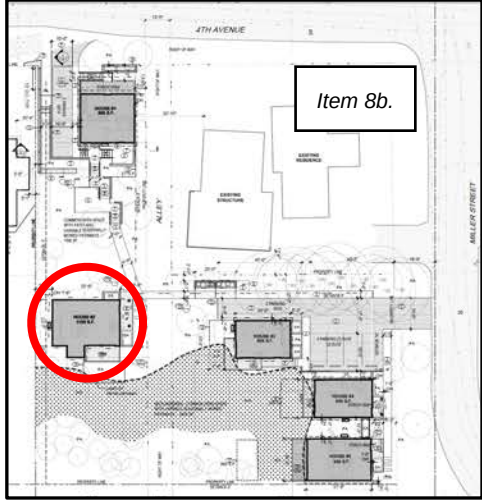
Changes from HRB approval	Compatibility Proposed Mitigation
Front door and porch added	Moved from south side for site access/function; Compatible w/ Historic Guidelines
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Removal 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)
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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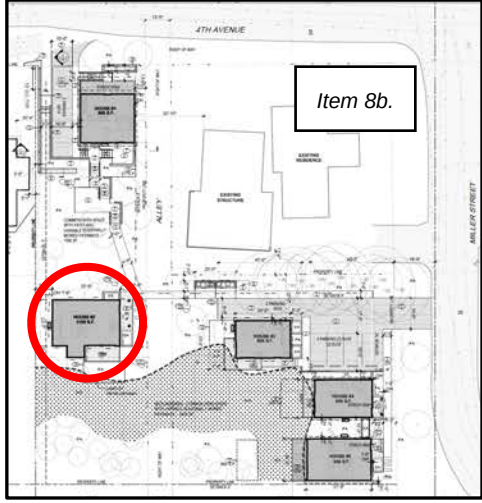
11. Concrete foundations shall have a natural, parged or painted finish. Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
12. Roofing shall use traditional materials such as wood shingles, composition, and 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.

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



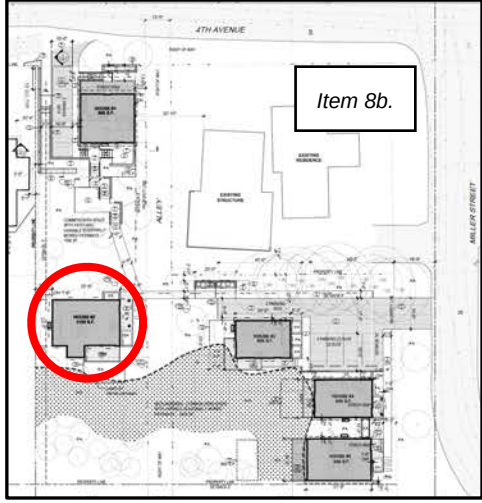
MD-17-03 Reviewed by HRB Aug 2017

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. 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
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

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. 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.

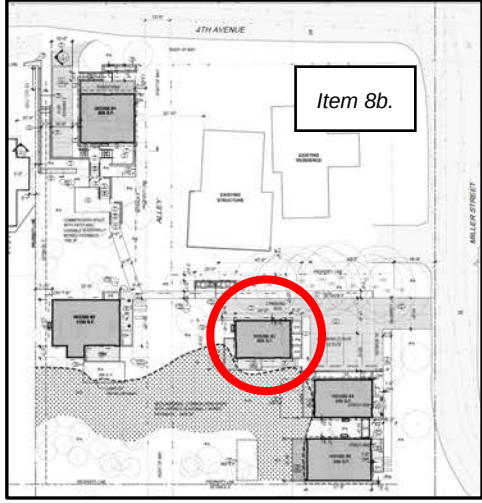
Changes from HRB approval	Compatibility Proposed Mitigation
Window locations changed	More efficient use of windows Compatible w/historic guidelines
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, 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

MD-17-04 Reviewed by HRB Aug 2017

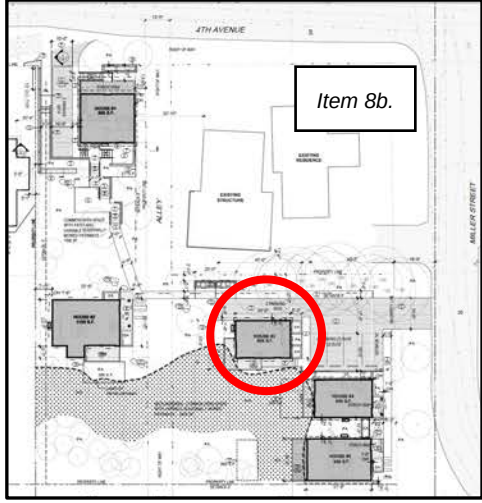
Permitted / As Built



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.
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. 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.
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. 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.

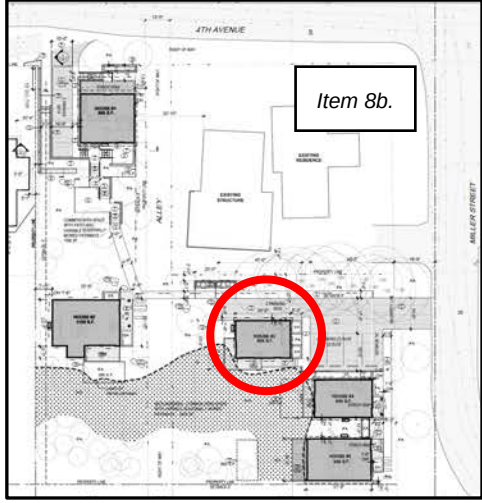
Changes from HRB approval	Compatibility Proposed Mitigation
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1” to Window Trim - only on 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.
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. 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.

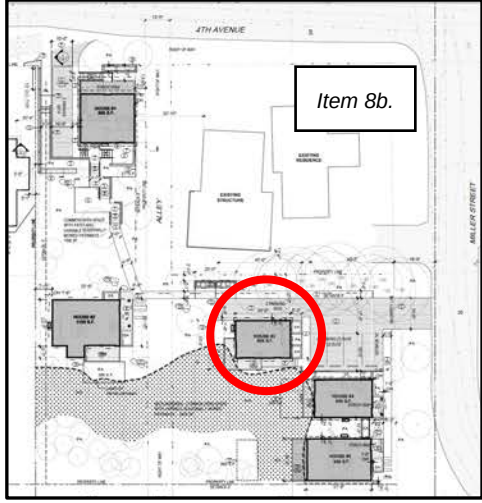
Changes from HRB approval	Compatibility Proposed Mitigation
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, and shadowline does not match painted wood windows	Add 1” to Window Trim - only on elevations directly adjacent to ROW
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.
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5. No retaining walls shall exceed 3 ½ feet within the front of any home.
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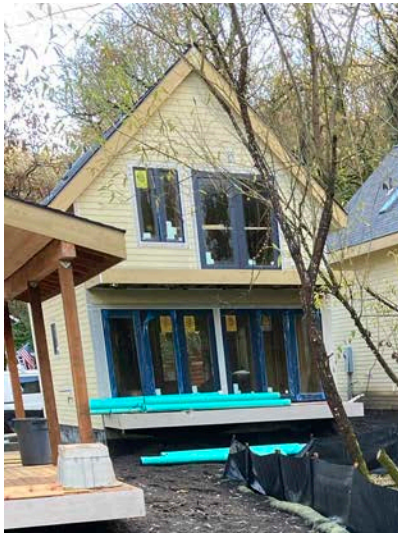
7. No vertical siding shall face the public streets. (P)
8. The main entrance of the house shall not be oriented towards the adjacent parking lot.
9. Windows shall match the member sizing, thickness and shadowline of painted wood windows. Windows shall also consist of the following designs: double, single 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. 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
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

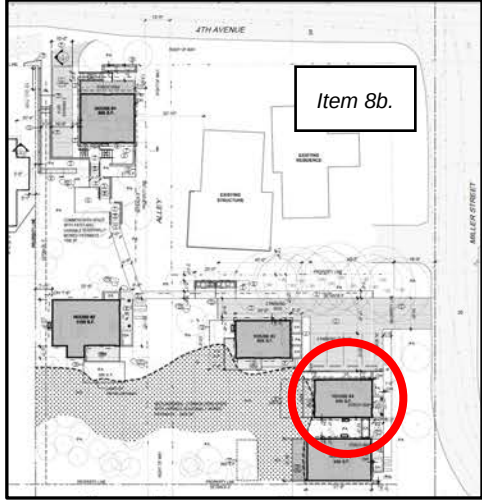
House #4

West (rear) elevation

MD-17-05 Reviewed by HRB Aug 2017



Permitted / As Built



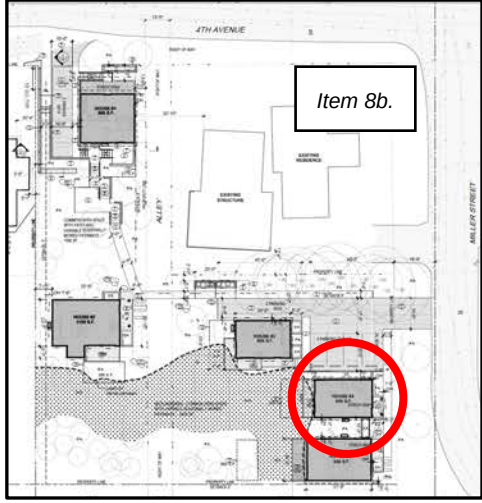
Conditions of approval

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

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.

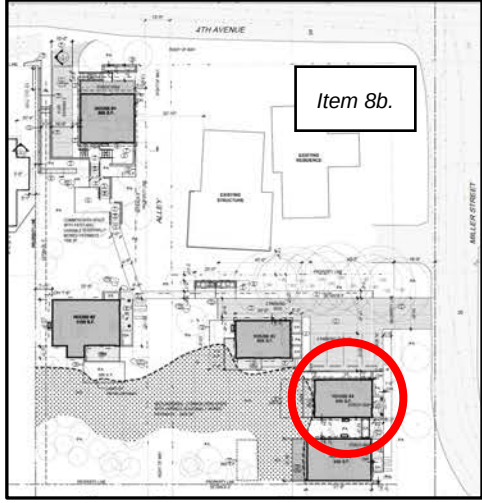
Changes from HRB approval	Compatibility Proposed Mitigation
Window size and placement	same # of windows; smaller; Compatible w/historic guidelines
Skylights are visible from ROW	Skylights are compatible w/historic guidelines, “Skylights shall not face ROW”
Siding is textured hardie plank, not wood	Actual 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)
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.
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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.

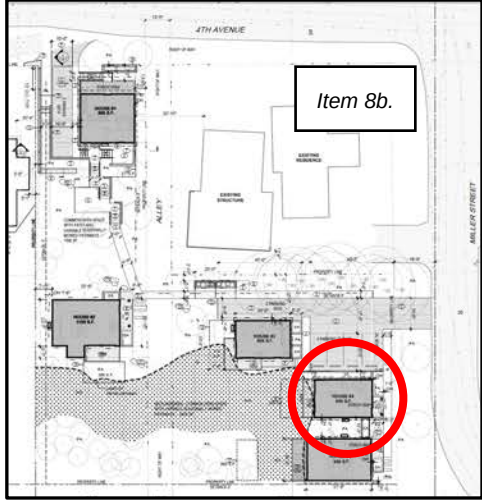
Changes from HRB approval	Compatibility Proposed Mitigation
Larger/paired windows	More windows added for natural light; Compatible w/historic guidelines
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, 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)
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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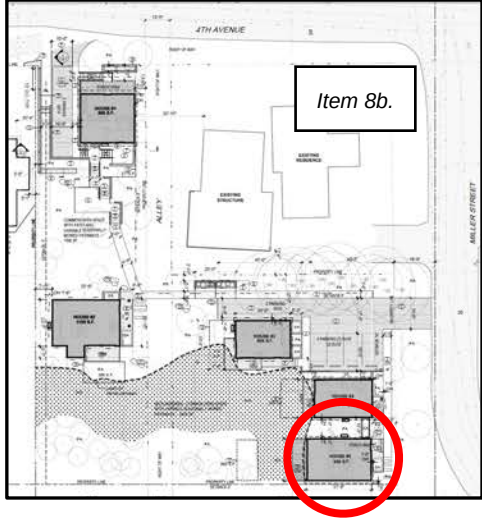
15. The porch shall consist of simple trim at base and top, consistent with architectural style.
16. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
17. Skylights shall be installed in inconspicuous roof slopes and skylights shall be mounted close to the 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
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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10. 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.
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.

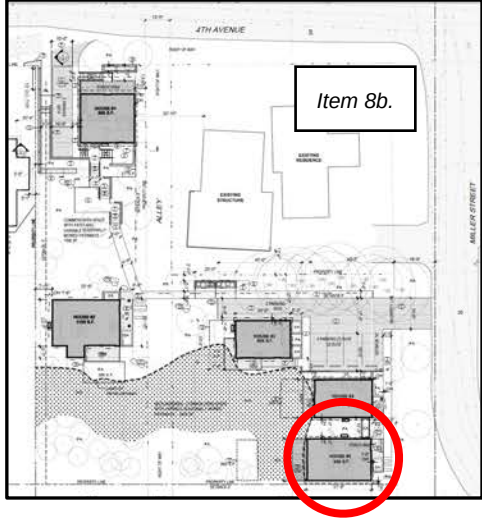
Changes from HRB approval	Compatibility Proposed Mitigation
Window placement	Compatible w/Historic materials Guidelines.
Siding is textured hardie plank, not wood	Actual wood cost prohibitive; Compatible w/Historic Guidelines. Not visible from ROW
Window member sizing, thickness, and shadowline does 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

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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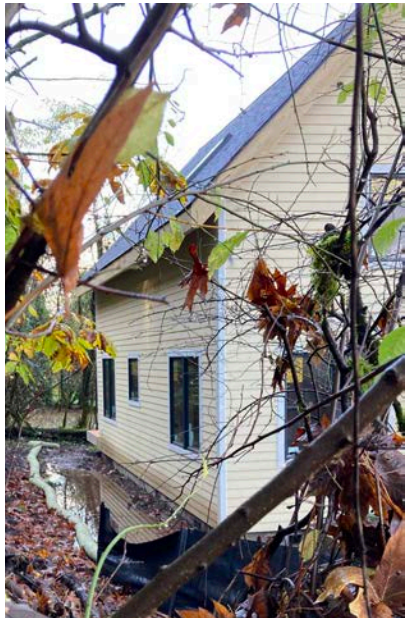
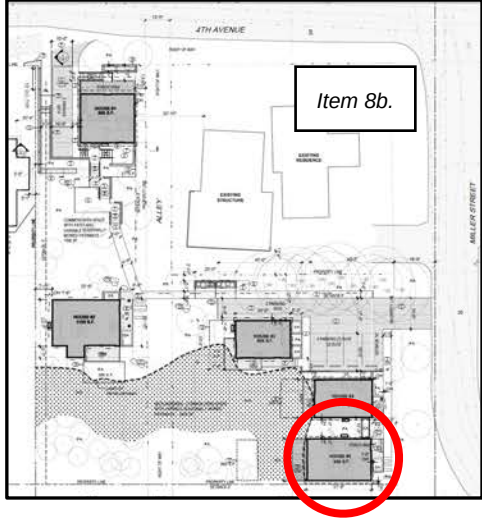
11. Concrete foundations shall have a natural, parged or painted finish.
12. Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
13. Roofing shall use traditional materials such as wood shingles, composition, 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
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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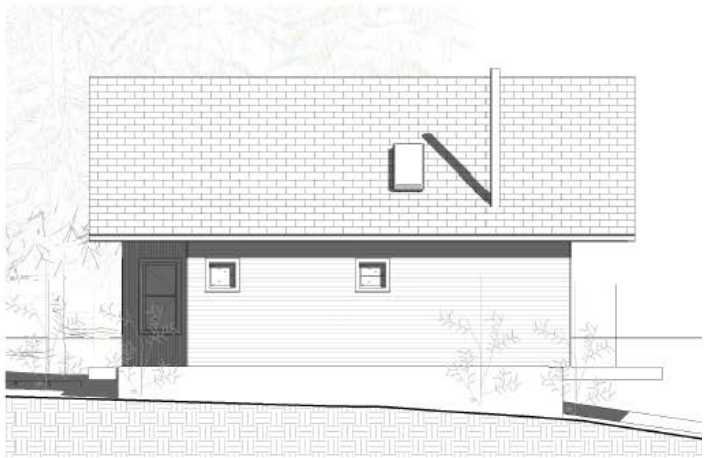
12. Exposed foundations shall be site screened with vegetation if concrete or masonry exceeds 3½ feet, or if pilings or posts are 1½ feet above grade.
13. Roofing shall use traditional materials such as wood shingles, composition, and metal shingles.
14. Skylights shall be installed in inconspicuous 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 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

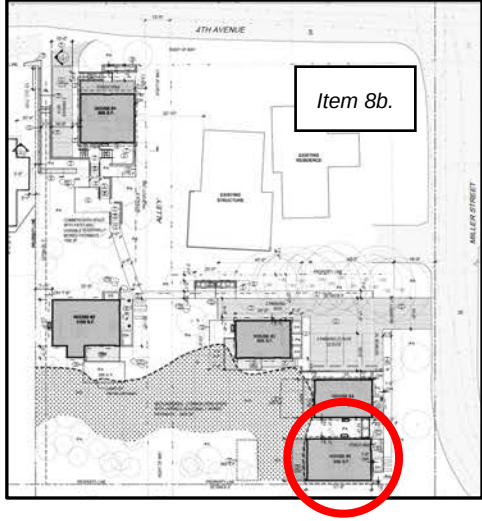
House #5

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.
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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

Item 8b.

Clad Urban Casement

SIERRA PACIFIC WINDOWS

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)*

*Single arm operator w/piano hinge.

Casement Picture: 72” x 60”

AIR INFILTRATION...0.01/0.01/FIXED
WATER.....NO LEAKAGE @ 7.52PSF
STRUCTURAL.....CW-PG50 (+50/-50)

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.

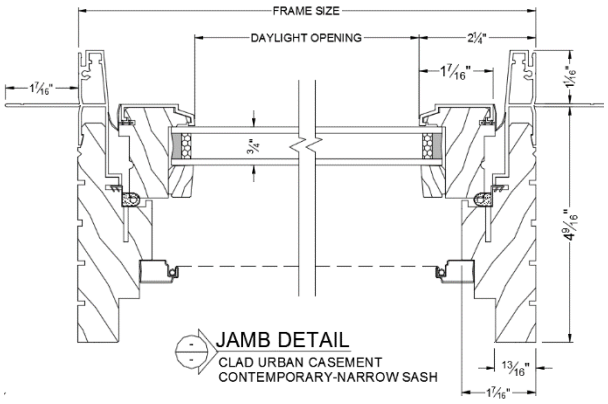
Thermal Performance (NFRC):

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

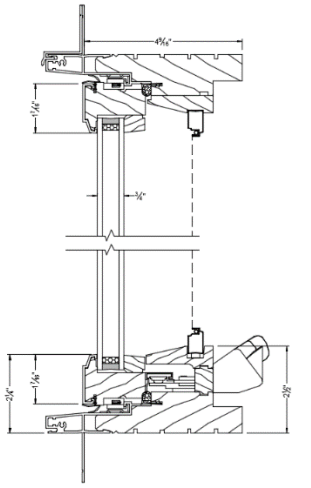
Values represent Clad Urban Casements with **narrow sash**. Insulated glass units using standard black warm edge spacer. Additional glazing options available.
*Triple IG glass only available with the wide sash option.

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.

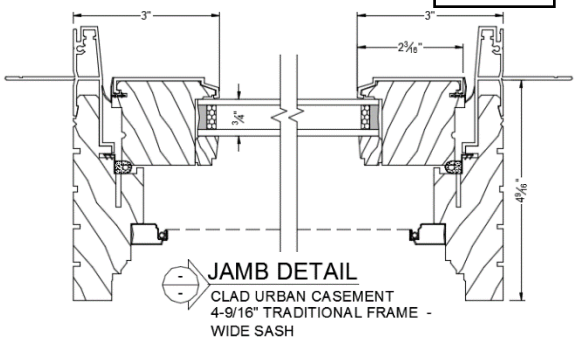
Contemporary 4 9/16" Jamb
Horizontal/Operable Section - Narrow Sash



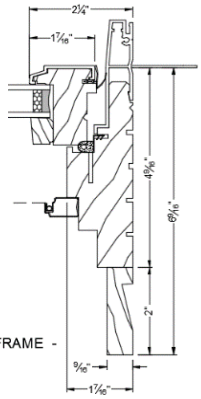
Contemporary 4 9/16" Jamb
Vertical/Operable Section - Narrow Sash



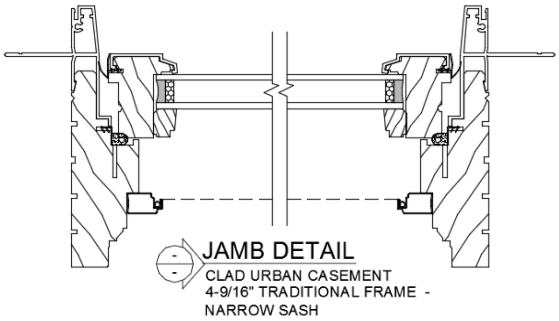
Traditional 4 9/16" Jamb
Horizontal/Operable Section - Wide Sash



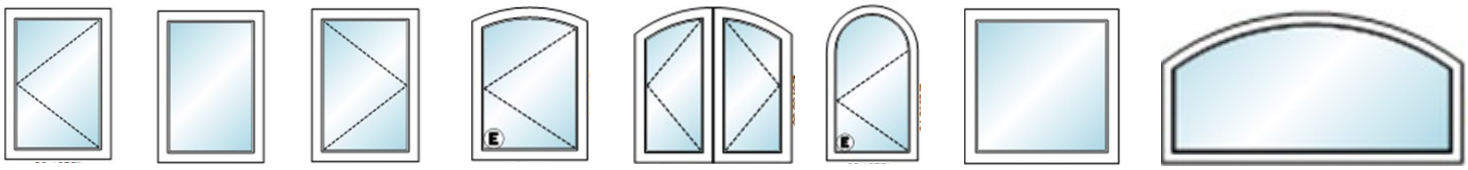
Contemporary 6 9/16" Jamb
Horizontal Jamb Section - Narrow Sash



Traditional 4 9/16" Jamb
Horizontal/Operable Section - Narrow Sash

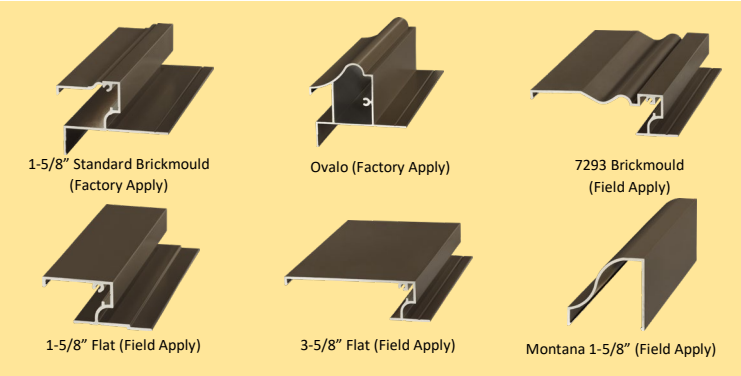


Additional product details may be found on our website www.sierrapacificwindows.com/ProfessionalResources/TechnicalLibrary



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

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:** 05/05/2021

From: Community Development Director Laura Terway

SUBJECT:

Resolution No. 20-37, Update to the Guidelines for Transportation Impact Analyses

STAFF RECOMMENDATION:

Approval of Resolution No. 20-37.

EXECUTIVE SUMMARY:

The Guidelines for Transportation Analyses is used by consultants to assemble the components of a proper traffic study to address transportation impacts created by new development. The results of the analysis demonstrate how much impact a development will have on the existing transportation system. The impact is reviewed against the criteria in the Oregon City Municipal Code in order to determine if the City infrastructure can accommodate the development and if any capacity or safety improvements such as a turn lane or traffic signal are needed.

The Guidelines for Transportation Impact Analyses were last updated in 2005 and the proposed minor changes bring the Guidelines in line with current codes, standards, and practices. No significant changes are proposed.

The City Commission reviewed the proposed changes on December 2, 2020, January 6, 2021 and has since had numerous discussions regarding transportation and infrastructure planning.

BACKGROUND:

The Guidelines for Transportation Analyses is used by developers' consultants to complete proper Traffic Impact Study (TIS) documents and Transportation Analysis Letters (TAL) to address impacts created by new development. The Guidelines identify the items which transportation engineers need to analyze to demonstrate that development will minimize traffic impacts. The Guidelines themselves simply identify the data that needs to be collected, not what is done with that data.

Transportation Impact Analyses (TIAs) are one element of a multi-pronged approach to assessing the transportation needs of the community and implementing projects and policies to satisfy those needs in conformance with the city's Comprehensive Plan. Regional or citywide plans identify the overall transportation needs. Subarea plans and corridor studies help to refine the needs identified in the larger plans and help move the earlier planning efforts toward implementation. Analyses required of developers identify specific requirements needed to support that development and assure the city that the development complies with the criteria in the Municipal Code, such as construction of portions of the transportation system. The TIA is also used to assess transportation SDC fees and to help the city identify timing of TSP project implementation.

The results of the analysis demonstrate how much impact a development will have on the transportation system. The impact is reviewed against the criteria in the Oregon City Municipal Code in order to determine if the City infrastructure can accommodate the development and if any capacity or safety improvements such as a turn lane or traffic signal are needed. The TIAs are undertaken by developers' traffic engineers and are submitted to the city as part of the land use application. City staff and transportation engineering consultant review the TIAs and use the results to help develop conditions of approval for the land use action to comply with the criteria in the Municipal Code.

In Oregon City, there are two levels of TIAs: Transportation Analysis Letters (TALs) and full TIAs. The former are for smaller projects where the impact is fairly limited; full TIAs require more extensive data collection and traffic operations analyses.

Site Traffic Impact Study procedures were first approved on December 15, 1990 and replaced by the Guidelines for Transportation Analyses (Resolution 05-30) on November 2, 2005. No significant changes are proposed, and the proposed update would bring the Guidelines in line with current codes, standards, and policies. Staff has proposed to update the Guidelines for Transportation Analyses. The proposed updates include:

1. Amending the Transportation System Plan (TSP) Goals to be consistent with the currently adopted TSP.
2. Clarifications and details to direct consultants how to properly address Traffic Impacts created by a development.
3. Revisions based on current standards in the area of Traffic Engineering.
4. Revisions based on the most recent adopted Mobility Standards.
5. Clarifications on who is qualified to submit a TIS or TAL.

OPTIONS:

1. Approval of Resolution No. 20-37.
2. Approval of Resolution No. 20-37 with amendments.
3. Deny Resolution No. 20-37 and provide staff further direction.

RESOLUTION NO. 20-37

A RESOLUTION ADOPTING UPDATED GUIDELINES FOR TRANSPORTATION IMPACT ANALYSES

WHEREAS, the impact of traffic generated from new development is a serious concern of the City of Oregon City; and

WHEREAS, the City recognizes the balance between property owner's rights to develop their property and the need for a safe, reliable, and adequate transportation system; and

WHEREAS, previously a Site Traffic Impact Study Procedures document, Policy No. 23 dated December 15, 1990 was published; and

WHEREAS, the Site Traffic Impact Study Procedures document, Policy No. 23 dated December 15, 1990 was replaced by the Guidelines for Transportation Analyses by Resolution 05-30 on November 2, 2005; and

WHEREAS, the City desires to update the document once again to bring the document into compliance with current City Code and practices for Traffic Impact Letters and Traffic Impact Studies.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. That the Commission, by this Resolution, adopts the Guidelines for Transportation Analyses, attached to this Resolution as Exhibit "A".

Section 2. The effective date for the Guidelines for Transportation Analyses shall be 30 days from the date this Resolution is adopted, signed, and approved.

Section 3. The Guidelines for Transportation Analyses adopted by this Resolution shall supersede the Guidelines for Transportation Analyses, as adopted November 2, 2005.

Approved and adopted at a regular meeting of the City Commission held on the 5th day of May 2021.

RACHEL LYLES SMITH,
Mayor

Attested to this 5th day of May 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibit:
Exhibit A. Guidelines for Transportation Analyses

CITY OF OREGON CITY

GUIDELINES FOR

TRANSPORTATION IMPACT ANALYSES

Adopted : NOVEMBER 2, 2005
Revised : January 6, 2021

1.0 PURPOSE

1.1 TRANSPORTATION PLANNING AND TRANSPORTATION IMPACT ANALYSES (TIAs)

Oregon City strives to accommodate growth in a responsible and sustainable manner. With regard to land use and transportation, this involves a need to balance property owners' rights to develop their land and the City's goal to plan for and provide a transportation system that serves its intended function in a safe, reliable, and predictable manner for the public.

It should be noted that the transportation system includes "transportation facilities" as defined by OCMC 17.04.1312 which more commonly include the roadway, sidewalk, and offsite pathways for vehicles, bicycles, pedestrians, transit, freight, and other modes of transportation.

The City adopted its Transportation System Plan (TSP) in 2001 and was updated on August 16, 2013, outlining a plan to provide a multi- modal transportation system to accommodate expected growth through year 2035.*The Guidelines for Transportation Impact Analyses* are consistent with the TSP Goals (summarized below):

1. **Health and Safety:** *Enhance the health and safety of residents*
   Ensure that the transportation system maintains and improves individual health and safety by maximizing the comfort and convenience of multi-modal transportation options in the City.
2. **Effective and Efficient:** *Emphasize effective and efficient management of the transportation system*
   Optimize travel capacity and improve travel conditions by better managing residents' travel demands, meeting more daily needs within our own community, making transportation facilities as smart and efficient as possible, and being strategic about transportation investments.
3. **Sustainability:** *Foster a sustainable transportation system*
   Build a transportation system that is environmentally and fiscally sustainable and that focuses on decreasing vehicle emissions and transportation related greenhouse gas emissions.
4. **Equitable, Balanced, and Connected:** *Provide an equitable, balanced, and connected multi-modal transportation system.*
   Provide a complete transportation system throughout Oregon City that provides multi-modal travel options and connects people to jobs, schools, services, recreation, social and cultural institutions within the City.
5. **Fundable:** *Identify solutions and funding to meet system needs.*
   The City will identify transportation investments that can be made with available funding to accommodate community growth.
6. **Convenient and Available**: *Increase the convenience and availability of pedestrian, bicycle, and transit modes.*
   Strengthen the pedestrian and bicycle systems in all areas of the City, and work with local transit providers such as TriMet, Canby Area Transit (CAT), South Clackamas Transportation District (SCTD), etc. to cost-effectively improve coverage and frequency to achieve greater ridership productivity.
7. **Prosperity:** *Ensure the transportation system supports a prosperous and competitive economy.*
   Support a prosperous and competitive economy by preserving and enhancing business opportunities and ensuring the efficient movement of people and goods.
8. **Compliant:** *Comply with state and regional transportation plan.*
   The City will meet the requirements of state and regional transportation plans, such as the Oregon Transportation Planning Rule, the Oregon Highway Plan, the Metro 2035 Regional Transportation Plan (RTP) and the Metro Regional Functional Transportation Plan (RFTP).

In addition, *The Guidelines for Transportation Impact Analyses* are intended to be consistent with the provisions of the Oregon City Municipal Code (OCMC); however, if differences or conflicting language are found, the OCMC governs.

1.2 THE NEED FOR TRANSPORTATION ANALYSES FOR INDIVIDUAL DEVELOPMENTS

The City's development review process is designed to help the City achieve its goal of managing growth in a

responsible and sustainable manner. The applicant for development is required to submit full and accurate information upon which the City staff and elected officials can base decisions. A developer-submitted transportation study prepared by a professional engineer qualified in the traffic engineering field is a critical tool used by the City to assess the expected transportation system impacts associated with a proposed development and the long-term viability of the transportation system. A study must highlight development-specific issues, present a mitigation plan to mitigate for traffic impacts, and alert the City to the potential need to program specific projects from the TSP into the Capital Improvement Program (CIP).

1.3 THE LEVEL OF ANALYSIS AND DOCUMENTATION

This document establishes analysis and submittal requirements for developments in accordance with their expected transportation impacts. Under certain conditions, the City allows a lesser level of analysis and documentation for small developments. In addition, other developments meeting specific criteria are exempted from long-range analyses.

The City's overriding concern, as stated in Oregon City Municipal Code (OCMC) 17.02.015, is "to promote public health, safety, and general welfare through standards and regulations…and to facilitate adequate provision for transportation…." It is the responsibility of the applicant to help the City achieve this goal through the analysis and submittal of appropriate documentation.

2.0 OVERVIEW

2.1 DIFFERENT DOCUMENTATION FOR DIFFERENT DEVELOPMENTPROPOSALS

This document describes the City's required content for a **Transportation Analysis Letter** (TAL) and for a **Transportation Impact Study** (TIS). In general terms, the TAL is applicable to smaller developments that are presumed to have a lesser transportation impact. The TIS applies to larger developments that are presumed to have a greater transportation impact.

Whether the development requires a TAL or a TIS, a professional engineer must prepare it and must use appropriate data, methods, and standards. TAL and TIS documents share many common elements, but the scope of TALs is more limited. Furthermore, there will be more variability in the scope for TISs depending on the type, location, and size of the development being proposed.
Section 3.1 provides criteria used to determine whether a TAL or TIS is required.

2.2 CONTENT OF TRANSPORTATION IMPACT ANALYSES GENERALLY

Transportation analyses, whether conducted to support a TAL or a TIS, are required to provide an objective assessment of the potential multi-modal transportation impacts associated with a specific land use action (e.g., the development of vacant land, the redevelopment of an existing land use, a comprehensive plan amendment or zoning change). The analysis and the documentation provided by the applicant must help answer several important transportation related questions including:

- Will the existing transportation system accommodate the proposed development from a capacity and safety standpoint?
- What on-site and off-site transportation system improvements will be necessary to accommodate the proposed development?
- How will access to the proposed development affect the traffic operations on the existing transportation system and how will each study area intersection operate relative to the city's mobility standards?
- How will transportation impacts of the proposed development impact the land uses, including commercial, institutional, industrial, and residential uses within the development's influence area?
- How will the proposed development meet current city standards for roadway design?
- How will the proposed development ensure the safe and efficient circulation on and adjacent to the site?
- How will the proposed development provide needed connections to abutting parcels (developed or undeveloped) for motorized as well as non-motorized traffic?
- What TSP projects or elements of TSP projects and projects consistent with and derived from specific polices in the TSP will be needed to accommodate the proposed development?

- If the development or certain public improvements are proposed to be completed in phases, how will the various phases impact the transportation system throughout the development timeline, and how will the future phases be developed?

2.3 RESPONSIBILITIES OF THOSE PREPARING TRANSPORTATION ANALYSES GENERALLY

The responsibility for assessing the traffic impacts associated with a proposed land use action rests with the landowner or land use permit applicant. Transportation analyses submitted to the City must be prepared by or under the direct supervision of a Professional Engineer with competence in traffic engineering and registered in the State of Oregon. The report shall be signed and stamped by the professional engineer.

Under state law, engineers shall recognize at all times that their primary obligation is to protect the safety, health, property and welfare of the public in the performance of their professional duties.

These Guidelines in no way serve as a substitute for the application of sound professional engineering judgement expected to be used by practitioners in the preparation and submittal of transportation analyses.

2.4 RESPONSIBILITIES AND AUTHORITY FOR THE CITY

Throughout this document the term "City Engineer" is used as the individual with authority for certain actions and for interpretation of aspects of these guidelines. For the purposes of this document, the term "City Engineer" should be taken to mean the "City Engineer or his/her designee including but not limited to designated staff or City consultant." The City's review of the TAL or TIS shall include a Professional Traffic Engineer registered in the State of Oregon or a Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030.

3.0 TRANSPORTATION IMPACT ANALYSIS DOCUMENTS

An analysis and appropriate documentation is generally required when a development application and/or application for re-zoning is filed with the City. A transportation impact analysis (TIA) is required when application is made for land to be subdivided as provided for in OCMC 16.12; when application is made for a conditional use as specified in OCMC 17.56; and when application is made for a change in zoning districts as provided for in OCMC 17.68.

A transportation analysis is not required for modification of a single-family dwelling, construction of a replacement dwelling, accessory dwelling unit (ADU), lot line adjustment, or an application for work in the right of way. In most other circumstances and for most other development applications, some level of transportation analysis is required.

Recognizing that not all developments will have a significant impact on the transportation system, these guidelines include criteria to help determine the need for and level of transportation analysis required in relation to the proposed development.

3.1 DETERMINING THE REQUIRED LEVEL OF TRANSPORTATION ANALYSIS AND DOCUMENTATION

A Transportation Impact Study (TIS) is required for developments that are expected to have an impact on the transportation system. When specific criteria generally associated with small developments are met, a Transportation Analysis Letter (TAL) may be substituted for the required TIS.

At the discretion of the City Engineer, a TAL may satisfy the City's transportation analysis requirements, in lieu of a TIS, when a development meets <u>all</u> of the following criteria:

A. The development generates fewer than 24 peak hour trips during either the AM or PM peak hour and fewer than 250 daily trips.
Examples of common developments generating fewer trips than these threshold levels are: a subdivision

containing 24 or fewer single-family residences, a general office building less than 15,000 square feet, a multi-family building with 42 or fewer units, or any proposed partition.

B. The development is not expected to further impact intersections that currently fail to meet the City's mobility standards or intersections that are operating near the limits of the acceptable thresholds during a peak operating hour. (Mobility standards are defined in 7.9.1)
C. The development is not expected to significantly impact adjacent roadways and intersections that are high accident locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones

The specific requirements for and content of a TAL are contained in Section 5.0. The specific requirements for and content of a TIS are contained in Section 6.0.

4.0 PROCESS AND PROCEDURES

This section describes in general terms the process and procedures followed by the City in relation to the processing and review of transportation impact analyses. Nothing in this section is intended to replace or supercede the City's process, code requirements, or obligations under state law with regard to land use actions.

4.1 PRE-APPLICATION MEETING

A landowner or developer seeking to develop/redevelop property shall contact the City and schedule a pre-application meeting as required by OCMC 17.50.050. The City's pre-application form specifies the City's requirements applicable to land use actions. An applicant should be prepared to present, preferably in writing, the following:

- type of uses within the development
- the size of the development
- the location of the development
- proposed new accesses or roads
- estimated trip generation and source of data
- proposed study area

4.2 ESTABLISHING THE SCOPE OF WORK

During, or within a reasonable time following the pre-application meeting, the City will establish whether a TAL or TIS is required. (See Section 3.1). If a TIS is required, the City will provide a scoping summary detailing the study area and any special parameters or requirements beyond the requirements set forth in this document. An applicant is encouraged, but not required, to propose a scope of work and a study area using the guidance presented in Section 7.2.

4.2.1 Potential for Expansion of the Scope of Work

In the scoping summary the City will establish expectations and a study area within which significant impacts of the development are expected. The City's final decision on the land use criteria cannot be bound by the specifications or limitations in the scoping summary because additional information or concerns may come to light over the course of the analysis that causes the City to require additional analysis or information. Ultimately, it is the applicant's responsibility to demonstrate compliance with the criteria in the Oregon City code.

The City Engineer reserves the right to require additional analysis, especially when the need for such analysis becomes evident from information gathered by or presented by the applicant. The applicant's engineer should be alert to this possibility and expand his/her scope of work to address issues, especially those of public safety, or at least advise the City of such issues if they arise.

The City Engineer may at his/her discretion expand the requirements and/or study area of a TIS or TAL if needed to address any issue that comes to light after the preparation of the scoping summary.

4.2.2 Time Limit on the Scoping Summary

The City's scoping summary and review requirements are to be considered valid for a reasonable period of time, but are not to be considered binding on the city. Applicants are advised that delays of more than a few months before submitting TAL or TIS documents significantly increases the likelihood that the City will need additional information to adequately evaluate the impacts of a proposed development.

4.3 COMPLETENESS REVIEW

Upon completion of the TIS or TAL, the applicant will submit the number of copies specified by the City in accordance with OCMC 17.50.080 to the City for review. At that time, City staff will perform an initial review of the document to determine whether there are obvious omissions or concerns. The City will rely upon and make use of the TIS checklist, described in more detail in Section 9.0.The lack of a submission of a TIS or TAL will result in a determination of "Incomplete".

A determination of Completeness is not a determination that the applicant's data, methods, accuracy of the analysis, or conclusions and recommendations are valid.

Once the overall development application, including the required TAL or TIS, as appropriate, is deemed "complete," the 120-day land use review process will begin.

4.4 TECHNICAL REVIEW

Once the land use review process is initiated, the City Engineer will conduct a technical review of the TIA to determine the adequacy and quality of the work including, but not limited to the study data sources, methods, findings and recommendations. The City Engineer and/or his/her designee(s) will provide findings for use by the City regarding expected transportation impacts from the proposed development.

If substantive errors or omissions are discovered during review, the applicant will be notified and asked to address the comments prior to a land use decision. The applicant should promptly rectify omissions and respond with any additional analysis or information; a delay or refusal to respond may result in the denial of an application if the information and analysis submitted is insufficient to show compliance with the applicable criteria.

The lack of specificity on the part of the City in the scoping summary or confusion in its interpretation does not alter the applicant's responsibility to perform a thorough and comprehensive transportation analysis nor does it preclude City decision maker from determining that a TAL or TIS that fully complies with the scoping requirement is insufficient to show compliance with all applicable criteria.

Issues or problems discovered during the Technical Review may, at the discretion of the City's decision maker, be resolved through the use of condition of approval.

5.0 TRANSPORTATION ANALYSIS LETTER CONTENTS

If the City determines based on information provided by the applicant and in accordance with the criteria specified in Section 3.1 that a TAL is the appropriate document to submit, the following requirements shall apply.

The TAL shall be prepared by or prepared under the direct supervision of a Professional Engineer registered in the State of Oregon who shall sign and stamp the TAL.
The TAL shall include the following:

1. The expected trip generation of the proposed development including the AM peak hour, the PM peak hour, daily traffic, and other germane periods as may be appropriate, together with appropriate documentation and references.
2. Site plan showing the location of all access driveways, private streets, or alleys where they intersect with public streets plus driveways of abutting properties and driveways on the opposite side of the street from the proposed development. Dimensions of driveway spacing as measured at the right of way from edge to edge

of driveway shall be shown and shall meet or exceed the minimum driveway spacing standards.

3. Site plan showing width of all driveways and shall meet Oregon City Driveway Approach Size Standards.
4. Site plan showing that all public roads meet Oregon City's Street Design Standards including alignment, intersection angles, cul-de-sacs, and block standards.
5. Documentation that all new site accesses and/or public street intersections meet AASHTO intersection sight distance guidelines.
6. Preliminary analysis that all new streets comply with traffic sight obstructions in OCMC 10.32.
7. Documentation that there are no inherent safety issues associated with the design and location of the site access driveways.
8. Documentation that the applicant has reviewed the City's TSP and that proposed streets and frontage improvements do or will comply with any applicable standards regarding the functional classification, typical sections, access management, traffic calming and other attributes as appropriate.
9. When required of the development, documentation that no inherent safety issues are associated with the design and location of pedestrian, bicycle, or transit safety.

6.0 TRANSPORTATION IMPACT STUDY (TIS) CONTENTS

The following information shall be included in each TIS submitted to the City. Additional information specified by the City in the scoping summary or through the pre-application meeting or other project meetings shall also be included.

1. Table of Contents – Listings of all sections, figures, and tables included in the report.
2. Executive Summary – A summary of key points, findings, conclusions, and recommendations including a mitigation plan.
3. Introduction:
   - Proposed land use action including site location, zoning, building size, and project scope.
   - Map showing the proposed site, building footprint (s), access driveways, and/or parking facilities.
   - Map of the study area that shows site location and surrounding roadway facilities
4. Existing Conditions:
   - Existing site conditions and adjacent land uses.
   - Roadway characteristics of transportation facilities located within the study area, including roadway functional classifications, street cross-section, posted speeds, general sight distance, bicycle and pedestrian facilities, on-street parking, and transit facilities.
   - Existing lane configurations and traffic control devices at the study area intersections.
   - Existing traffic volumes and operational analysis of the study area roadways and intersections.
   - Roadway and intersection crash history analysis.
   - Intersection and stopping sight distance related to new and impacted (existing) driveways and intersections.
5. Background Conditions (without the proposed land use action)
   - Approved in-process developments and funded transportation improvements in the study area.
   - Traffic growth assumptions.
   - Addition of traffic from other planned developments.
   - Background traffic volumes and operational analysis.
6. Full Buildout Traffic Conditions (with the proposed land use action)
   - Description of the proposed development plans.
   - Trip generation characteristics of proposed project (including trip reduction documentation).
   - Trip distribution assumptions.
   - Full buildout traffic volumes and intersection operational analysis including the performance relative to the applicable mobility standards for each intersection.
   - Site circulation and parking.
   - Intersection and site-access driveway queuing analysis. Recommended roadway and intersection

mitigation measures (if necessary).

7. Conclusions and recommendations
8. Appendix- With dividers or tabs
   - Traffic count summary sheets.
   - Crash analysis summary sheets.
   - Existing, Background, and Full Buildout traffic operational analysis worksheets with detail to review capacity calculations.
   - Signal, left-turn, and right-turn lane warrant evaluation calculations.
   - Intersection analysis – Roundabout vs. Traffic Signal
   - Other analysis summary sheets such as queuing.

To present the information required to analyze the transportation impacts of development, the following figures shall be included in the TIS:

1. Vicinity Map
2. Existing Lane Configurations and Traffic Control Devices
3. Existing Traffic Volumes and Levels of Service for each required time period
4. Future Year Background Traffic Volumes and Levels of Service for each required time period
5. Proposed Site Plan, including access points for abutting parcels and for those across the street from the proposed development
6. Future Year Assumed Lane Configurations and Traffic Control Devices
7. Estimated Trip Distribution/Assignment Pattern
8. Trip reductions (pass-by trips at site access (es))
9. Site-Generated Traffic Volumes for each required time period
10. Full Buildout Traffic Volumes and Levels of Service for each required time period

7.0 STANDARDS AND PROCEDURES

To help ensure consistency in the preparation and review of each TIS and TAL, the City of Oregon City has established a set of guidelines and procedures. These standards and procedures include the following:

- Preparer qualifications
- TIS study area
- Analysis years and time periods
- Data collection guidelines
- Trip generation guidelines
- Trip distribution and assignment guidelines
- Minimum intersection operational standards
- Minimum access spacing standards
- Other analysis guidelines

7.1 PREPARER QUALIFICATIONS

Each TIS and TAL shall be prepared by or under the direct supervision of a Professional Traffic Engineer registered in the State of Oregon or a Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030. The engineer must have background and experience in the methods and concepts associated with transportation impact studies. Each TIS and TAL shall be sealed and signed by the Professional Engineer registered in the State of Oregon prior to acceptance by the City for a technical review.

7.2 TIS STUDY AREA

Each TIS shall include a vicinity map that shows the site, the study area, and the surrounding transportation system. A brief description of the site location and study area shall be provided. The study area shall be based on engineering judgement and an understanding of existing and future land use and traffic conditions in the

vicinity of the site. The following considerations shall form the basis of establishing the study area. The following facilities shall be included in the study area for all TIS's:

- All site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. In particular, if the proposed site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage, including those serving parcels on the opposite side of the street(s) and parcels directly adjacent to the proposed development.
- Roads through and adjacent to the proposed development.
- Any intersection of two streets, each with a classification of collector or arterial, where site traffic will exceed 20 vehicles during a peak hour or, in the case of a rezone, if the trip differential resulting from the rezone will exceed 20 vehicles during a peak hour.
- All intersections needed for signal progression analysis

As indicated in Section 4.1, the applicant is encouraged to propose a study area at the pre-application meeting or in response to the discussions between the applicant and the City's representatives.

In addition to these requirements, the City Engineer may determine any additional intersections or roadway links that may be adversely affected as a result of the proposed development. The applicant reduces his risk of having an adverse staff report if the applicant reaches agreement with the City Engineer prior to the start of the transportation impact analysis.

7.3 ANALYSIS YEARS TO BE ANALYZED IN THE TIS

To adequately assess the impacts of a proposed land use action, several study periods should be addressed in the transportation impact analysis. These study periods or horizon years consist of the following:

- **Existing Year**
- **Background** – The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should include all in-process developments, or city approved developments that are expected to be fully built out in the proposed land use action horizon year. It should also account for all in-process/planned transportation system improvements.
  Note: Depending on funding or project development issues, it may not be appropriate to assume that certain planned transportation system improvements will be in place on opening day. Applicants should contact the City Engineer to confirm appropriate assumptions.
- **Full Buildout –** The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.
- **Phased Years of Completion** – If the project involves construction or occupancy in phases or for master plans, the applicant is expected to assess the expected roadway, intersection, and land use conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.
- **20-Year or TSP Horizon Year** – For master plans, zone changes, and conditional uses, the applicant shall assess the expected future roadway, intersection, and land use conditions resulting from deviations from approved comprehensive planning documents.

A twenty-year or TSP Horizon Year analysis will not be required for the following development proposals:

- For out-right permitted uses under the current zoning.
- For residential-to-residential rezoning proposals when the rezoning produces an increase of twenty-five (25) or fewer peak hour trips.

7.4 ANALYSIS PERIODS TO BE ANALYZED IN THE TIS

Within each analysis year, specific consideration should be directed to the time period(s) that experience the highest degree of network travel. These periods typically occur during the weekday morning (7:00AM to 9:00AM) and weekday evening (4:00 PM to 6:00 PM) peak commuting hours.

The TIS shall address the weekday AM and PM peak hours when the proposed land use action is expected to generate 25 trips or more during the peak time periods. If the applicant can demonstrate that the peak hour trip generation of the proposed land use action is fewer than 25 trips during one of the two peak study periods and the peak trip generation of the land use action corresponds to the roadway system peak, then only the worse of the two peak periods must be analyzed. This does not mean, however, that all aspects of the other peak period can be ignored. The applicant should consider, for example, the possibility that inbound and outbound trips at the site driveway have specific operational issues that may need to be addressed for both peak hours.

Depending upon the proposed land use action and the expected trip generating characteristics of that development, other time periods may be specified, either as a substitute for, or in addition to the AM and PM peak hours. Examples of land uses that have non-typical trip generating characteristics include schools, restaurants, movie theatres, nightclubs, and churches. Applicants should assume that the City will require additional analysis periods for certain uses as summarized below:

- Schools – End of the school day (early afternoon) peak hour
- Churches and worship facilities – Peak period prior to and after worship services.
- Restaurants – Mid-day weekday peak hour
- Shopping centers, home improvement centers, superstores, and retail facilities of more than 60,000 square feet – Saturday peak hour.

When the additional hours for analysis are specified, the applicant need not necessarily carry the analysis through all steps if the data and the engineer's analysis shows that some time periods clearly represent the worst case. If, for example, the mid-day peak period traffic volumes at a restaurant are lower than the other peak periods, except at the site driveway, the mid-day peak need only be analyzed for the driveway location. The engineer preparing the TIS is advised to provide thorough documentation of the reasons for reducing the scope of the extra time periods. The applicant may choose to bring such issues to the attention of the City Engineer for discussion prior to submittal of the TIS.

The above list is not necessarily an all-inclusive list of uses for which additional analysis periods is required. The City Engineer and applicant should discuss the potential for additional study periods prior to the start of the transportation impact analysis.

7.5 APPLICATIONS INVOLVING ZONE CHANGES

In the case of a land use proposal involving a zone change, the TIS must analyze a 20-year horizon period as required by the Oregon Transportation Planning Rule (TPR) and may require interim years in the case of a master plan that also requires a zone change. Applicants seeking a rezoning are advised that in addition to any requirements specified by the City, it is their obligation to address requirements in OAR 660-12-0060. The City's exemption from the requirement for 20-year analysis for certain rezoning actions as specified in Section 7.3 may not exempt the applicant from addressing TPR requirements.

For proposals involving rezoning, the applicant shall compare the traffic generated by his/her development proposal, a reasonable worst-case development under the proposed zoning and a reasonable worst-case development under current zoning.

7.6 TRAFFIC COUNT REQUIREMENTS

Once the TIS study area and analysis periods have been determined, turning movement counts shall be collected at all study area intersections to determine the base traffic conditions. These turning movement counts should typically be conducted during the weekday (Tuesday through Thursday) between 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m. and for other periods depending upon the proposed and/or surrounding land uses. Historical turning movement counts may be used if the data is not more than 12 months old at the time the TIS is deemed complete for review. Historical counts shall be factored accordingly to meet the existing traffic conditions. In high traffic locations where congestion is present or traffic peaks early or late, extended or altered count periods may be required.

7.7 TRIP GENERATION FOR THE PROPOSED DEVELOPMENT

To determine the impacts of a proposed development on the surrounding transportation network, the trip generation characteristics of that development must be estimated. Trip generation characteristics should be obtained from one of the following acceptable sources:

- Institute of Transportation Engineers (ITE) *Trip Generation* (latest edition).
- Specific trip generation studies that have been conducted for the particular land use for the purposes of estimating peak hour trip generating characteristics, subject to approval by the City Engineer prior to their inclusion in the transportation impact analysis.

In addition to new site generated trips, several land uses typically generate additional trips that are not added to the adjacent traffic network. These trips include pass-by trips and internal trips and are considered to be separate from the total number of new trips generated by the proposed development. The procedures listed in the (ITE) *Trip Generation Handbook* should be used *where appropriate* (emphasis added) to account for pass-by trips and internal trips. The applicant's engineer shall not use any pass-by or internal trip reductions with prior approval of the method or data sources by the City Engineer.

Special Attention Items

The ITE *Trip Generation Handbook* maintains limited data regarding pass-by, diverted-linked, and internal shared trip-making characteristics. Professional judgment needs to be used in applying this data. For example, it is not appropriate to apply PM peak hour pass-by percentages to AM or daily periods where AM and daily percentages do not exist. Also, ITE's internal shared trip characteristics are based on a limited number of studies from the early 1990's in Florida. These sites included a mix of commercial, residential, retail, and other uses. For developments that contain only one or two of these uses, a maximum shared trip reduction of five (5) percent will be allowed without appropriate justification and supporting data from the applicant.

The ITE *Trip Generation Handbook* outlines specific guidelines for use of weighted average trip rates versus regression equations. These guidelines shall be followed unless the applicant provides valid justification for deviation.

7.8 TRIP DISTRIBUTION AND ASSIGNMENT

Estimated site generated traffic for the proposed development should be distributed and assigned to the existing or proposed arterial and collector street network. Trip distribution methods should be based on a reasonable assumption of local travel patterns and the locations of off-site origin/destination points within the site vicinity. Acceptable trip distribution methods should be based on one or more of the following procedures:

- A select zone analysis of the proposed site can be obtained from METRO's regional planning model. When using the regional planning model for distribution purposes, the engineer preparing the TIS should make sure that the model assumes the proper existing and future year land use and zoning designations and that he/she understands model load points (centroid connectors). The applicant should also be aware that Metro's model is a regional model and that professional judgement must be applied when using it for specific developments.
- An analysis of local traffic patterns and intersection turning movement counts can be used as long as the data has been gathered within the previous twelve months.
- A detailed market study specific to the proposed development and surrounding land uses may be used to determine the specific influence area. Site generated traffic within the identified influence area should be distributed based on principles and concepts associated with the gravity model theory. Note that if a market study is to be used as a basis for trip distribution, the entire market study must be made available to the City and it shall become part of the public record and, as such, any client confidentiality is lost.

Special Attention Items

In the case of retail developments, the applicant shall clearly distinguish between pass-by and non- pass-by trips to allow the reviewer to understand how the pass-by trips were accounted for and applied throughout the study

area. The treatment of pass-by trips at the site entrance may be most easily addressed through separate figures depicting the total site trips and the individual pass-by and non-pass-by components.

7.9 INTERSECTION OPERATIONAL STANDARDS

To assess the impacts of the proposed land use action on the transportation system, the TIS shall compare the existing, background, and full buildout intersection traffic volumes to the minimum intersection operational standards.

The City of Oregon City evaluates intersection operational performance based on the volume-to-capacity ratio (v/c) or the Level of Service (LOS) as defined in the *Highway Capacity Manual (HCM)* published by the Transportation Research Board depending on the specifics of the intersection and location
All LOS definitions should be consistent with the most recent version of the *HCM*. The v/c ratio used by Oregon City is based on the Oregon Department of Transportation's *Analysis Procedures Manual*.

7.9.1 Intersection Level of Service Standards

The City of Oregon City requires all intersections within the study area to maintain an acceptable performance upon full buildout of the proposed land use action as defined below.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the city of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan (TSP) or as otherwise identified by the city engineer.

A. For intersections within the regional center, the following mobility standards apply:
   1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
   2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
   3. Intersections located on the regional center boundary shall be considered within the regional center.
B. For intersections outside of the regional center but designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:
   1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
C. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.For intersections outside the boundaries of the regional center and not designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:
   1. For signalized intersections:
      a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements. For unsignalized intersections outside of the boundaries of the regional center:
   a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

D. For the intersection of OR 213 and Beavercreek Road, the following mobility standards apply:
   1. During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.

E. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

   I-205/OR 99E Interchange.

   State intersections located within or on the regional center boundaries.

   1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
      a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the code in place at the time the detailed development plan is submitted; and
      b. Only those trips approved by a detailed development plan review are vested.
   2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the transportation system plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the code.

7.9.2 Intersection Design Features and QueuingCalculations

The TIS shall contain sufficient data and information derived from the traffic analysis to provide the roadway/intersection designer and City staff with information on which to assess intersection design features such as the length of storage required for lanes on each approach.

Queue lengths shall be calculated for each lane of all approaches to signalized intersections for the 95th percentile queue. Queue lengths shall also be calculated for unsignalized locations, such as site driveways, where standing queues can interfere with other movements, especially if such interference can contribute to safety problems. Appropriate analysis methods should be used that account for the actual arrivals of vehicles at an intersection.

Special Attention Items

The applicant's engineer shall use professional judgment in selecting the appropriate analysis tools and methods for evaluation of intersection operations. The HCM, for example, states "The [HCM] methodology does not take into account the potential impact of downstream congestion on intersection operation. Nor does the methodology detect and adjust for the impacts of turn-pocket overflows on through traffic and intersection operation." If these conditions are present or can reasonably be expected to exist as a result of the proposed development, the applicant's engineer shall supplement his/her initial analysis with other analysis tools and methods that account for such conditions.

The applicant's engineer also must use reasonable signal timing and consider corridor timing plans where appropriate.

When calculating queues, Poisson distribution may be used for locations subject to random arrivals. Other analysis methods shall be used where signal systems cause different arrival patterns and when congestion causes accumulation from one cycle to the next. Queue lengths shall be based on average vehicle length of twenty-five (25) feet, or longer where appropriate.

7.10 ACCESS SPACING STANDARDS

Access locations on roadway sections must be located to ensure safe and efficient travel along a transportation facility to limit potential conflicting turning movements, weaving maneuvers over short distances, and congestion along facilities. Access management standards vary depending upon the functional classification and purpose on a given roadway. Roadways in the upper echelon of the functional classification system (i.e. arterials) tend to have stringent spacing standards, while facilities ranked lower in the functional classification system allow more closely spaced accesses.

The applicant shall use the standards in OCMC 16.12 and discuss whether the following standards are met through their proposed development:

- Minimum city street intersection spacing (the distance between adjacent intersections),
- Minimum private access spacing (the distance between adjacent driveways and between driveways and street intersections),
- Minimum traffic signal spacing (the distance between adjacent signalized intersections),
- Minimum private access driveway widths (the measurement of the individual driveway surface)

Exception Process:

In cases where physical constraints or unique site characteristics limit the ability for the above access spacing standards to be met, the City decision maker may grant an access spacing exception. Typically, access exceptions are available only for a parcel whose roadway frontage, topography, or location would otherwise preclude issuance of a conforming permit and the parcel would either have no reasonable access or cannot otherwise obtain reasonable alternate access to the public road system. However, if the limitation or condition is one that the applicant or owner has contributed to by any previous subdivision of property, sale, building activity, or site development, the limitation or condition shall not constitute a basis for an access exception. Note also that the City may choose to prohibit some movements (e.g. left turns) at the site access location, especially if such access is in a location where an access exception is needed.

When an exception is required, the transportation impact analysis must show that the new access will not adversely impact the existing transportation system. A high burden is placed on the applicant and his/her engineer to prove that the system will not be adversely impacted and that public safety will not be compromised.

7.11 SIGHT DISTANCE

For all new proposed site driveways and public street intersections, an evaluation of stopping sight distance (SSD) and intersection sight distance (ISD) shall be conducted consistent with procedures outlined in the current version of the AASHTO *Policy on Geometric Design of Highways and Streets.* At the discretion of the City Engineer, the applicant may be exempted from a need to assess sight distance.

The City standard for new driveways and intersections requires that ISD meet the minimum distance specified in AASHTO. The applicant may apply for a design exception allowing a driveway or intersection that meets SSD rather than ISD. A high burden is placed on the applicant and his/her engineer to prove that the system will not be adversely impacted and that public safety will not be compromised. The City Engineer may grant a design exception if the following conditions are met:

1. The intersection or driveway is proposed to intersect with a local or neighborhood collector street (not a major collector or arterial street), and
2. The approach is forecast to serve fewer than forty (40) vehicles per day, and
3. The intersection will not adversely impact the existing transportation system.

The City Engineer may also grant a design exception if the intersection is forecast to serve less than 100 vehicles per day for a period of not more than twenty-four (24) months. Should the City Engineer choose to grant a design exception, he/she may place additional conditions on the applicant, such as, but not limited to placement of warning signs or the use of flaggers for manual traffic control as prescribed by the *Manual on Uniform Traffic*

Control Devices (MUTCD).

Special Attention Items
Under AASHTO procedures, intersection sight distance is evaluated based on the roadway design speed – not the roadway posted speed. Where design speed is not known, it shall be estimated using procedures outlined in the AASHTO *Policy on Geometric Design of Highways and Streets*. This generally results in a design speed anywhere from 5 to 10 mph above prevailing posted speed.

7.12 CRASH HISTORY
Within the study area for each TIS, a crash history evaluation shall be conducted for the most recent four-year period. The intent of the evaluation is to identify any apparent trends in the data that reflect a safety issue that may be exacerbated by the proposed development and to identify mitigation to resolve the issue(s). At a minimum, the analysis shall summarize the number of crashes per year by type and severity. Intersection crash rates shall be calculated and evaluated. The engineer shall assess the overall results of the safety analysis.

7.13 SAFE ROUTES TO SCHOOL
For proposed residential developments, the TIS shall include a brief discussion of routes to the nearest schools. The applicant shall identify the primary walking/biking route between the proposed development and the nearest elementary, middle, and high school. Specifically, the applicant shall describe the general bicycle and pedestrian environment between the proposed development and each school, including the presence and condition of pedestrian and bicycle facilities and the roadway environment (speed, lanes, etc.) along the routes. This section requires applicants to address the special need to link residential areas to area schools.

7.14 WARRANTS (TURN LANE, TRAFFIC CONTROL)
The following section provides guidance on evaluating turn lane and traffic signal warrants.

7.14.1 Traffic Control Warrants
An evaluation of traffic signal warrants shall be conducted for all unsignalized study area intersections where any approach is shown to operate at LOS E or worse under existing, background, or total traffic conditions. Signal warrant analysis shall be conducted in accordance with the current version of the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD).

Warrants to evaluate conversions between yield control, two-way STOP control, and multi-way- STOP control shall, as deemed necessary by the applicant's traffic engineer, comply with the MUTCD.

Special Attention Items
The reduction of minor street right turns is an important factor in evaluating traffic signal warrants and care must be taken to ensure the practice is not overlooked or improperly applied as it can affect warrant determinations. Both the MUTCD and the National Cooperative Highway Research Program (NCHRP) Report 457- *Evaluating Intersection Improvements: An Engineering Study Guide*, 2001 offer detailed discussions of the proper methods to address right turn reductions.

For state highways, ODOT's Transportation Planning Analysis Unit maintains specific guidelines regarding right turn reductions that shall be applied to highway intersections. Other methods such as delay-based reduction methods may be considered if reasonably explained and justified by the applicant.
The construction of a lane to accommodate right turns shall be considered as a mitigation measure before or in addition to the analysis of traffic signal warrants for the installation of a traffic signal.
Note that Warrant 3, Peak Hour according to the MUTCD "shall be applied only in unusual cases." The burden of proof is on the applicant that the case is truly unusual. The applicant must evaluate the conditions using other warrants before attempting to justify the use of the Peak Hour warrant.

7.14.2 Turn Lane Warrants
The provision of dedicated left- and right-turn lanes on the major approach to an unsignalized intersection can significantly improve operations and safety at an intersection. The provision of a second lane on minor street approaches at unsignalized intersections can significantly reduce side street delay for right-turning motorists.

The applicant's engineer shall exercise professional judgement in evaluating the need for, and benefits of, providing dedicated left-turn and right-turn lanes. Documentation of the engineer's analysis of turn lanes shall be provided in the TIS.

The following is a non-exclusive list of conditions where an evaluation of turn lanes is appropriate:

- When no lane is currently provided for left turns and when left turn movements from the major street are predicted to increase because of the proposed development. This is especially appropriate when a turn lane is included as part of the standard cross-section for a street of this classification in the *Transportation System Plan*.
- When an intersection has a crash rate above 1.0 crashes per million entering vehicles and includes crash types subject to improvement from a turn lane.
- When the speed and volume of through traffic and increases predicted in right turn volumes raise concerns in the engineer's professional judgment about safety or about impeding through traffic.
- When only a single lane is provided for minor street approaches and the approach LOS is calculated to be "E" or worse.

The following are some of the references that should be considered by the applicant's engineer.

- **State Highways –** The Oregon Department of Transportation (ODOT) maintains criteria that shall be used for evaluating development of left- and right-turn lanes along state highways at Unsignalized Grade Intersections.
- **Local Streets –** Much of the published information regarding warrant criteria are centered on highway facilities and practitioners have therefore applied these criteria to local streets. The applicant shall refer to pages 686-89 of the 2001 *AASHTO Policy on Geometric Design of Highways and Streets* when evaluating turn lane warrants. Specifically, the applicant shall draw from other sources [see sources 2, 11, 12, and 13] cited by AASHTO. This criteria shall be updated coinciding with future revisions to the AASHTO *Policy*. An additional resource not cited by AASHTO is the National Cooperative Highway Research Program (NCHRP) Report 457- *Evaluating Intersection Improvements: An Engineering Study Guide,* 2001.

8.0 COMMON ERRORS AND OMISSIONS

The following are some common errors and omissions. Special care should be taken to address these items that are part of the TIS requirements identified herein.

- Failure to include a crash analysis.
- Failure to conduct a warrant analysis or incorrect methods, particularly a failure to account for right turns from minor streets.
- Failure to address access spacing.
- Lack of discussion of observed traffic flow.
- Failure to address intersection and/or stopping sight distance.
- Failure to discuss bicycle, pedestrian and transit facilities.
- Failure to present justification for some assumptions.
- Failure to account for downstream congestion, turn-pocket overflow, or signal timing of adjacent traffic signals (particularly with regard to the selection of software analysis tools)
- Use of unrealistic signal timing
- Use of inappropriate tools and assumptions for calculation of queues.

TRANSPORTATION IMPACT STUDY CHECKLIST

Project Name: _____

City Reference Code: _____

Provided?		Page No.	
Yes	No	_____	Study Required Comment:_____Date: _____
			BACKGROUND INFORMATION
Yes	No	_____	Oregon PE Stamp and Signature
Yes	No	_____	**INTRODUCTION AND SUMMARY**
			EXISTING CONDITIONS
Yes	No	_____	Roadway Network - summary of roadway classifications, lanes, speeds, transit service and facilities, alternative mode service and facilities (e.g., sidewalks, bike lanes, crosswalks) and description of study area
Yes	No	_____	Analysis Periods Correct (AM, Mid-day, PM Afternoon_, Saturday_____,
Yes	No	_____	Existing Traffic Operations (Existing LOS, traffic volumes (new counts), speeds , crash data)
			IMPACTS
Yes	No	_____	Trip Generation - Daily, peak hour trips generated by site development
Yes	No	_____	Level of Service Analysis -projected LOS with site build out, existing, and background traffic growth
Yes	No	_____	Future year 20-year analysis required for zone change or conditional use
Yes	No	_____	Signal Warrant Analysis
Yes	No	_____	Turn Lane Warrant Analysis
Yes	No	_____	Access Spacing Standards
Yes	No	_____	Analysis of intersection and stopping sight distance at frontage road access point(s)
Yes	No	_____	Identify safe route to school or school bus stop (Contact with school district)
Yes	No	_____	Analysis of safe pedestrian/bicycle access to nearest transit stop (if within 1/2 mile of project site)
Yes	No	_____	Identify accessibility to public transit
Yes	No	_____	Account for planned roadway improvements at future build year and 20-year horizon
			MITIGATION
Yes	No	_____	Identify need for right/left turn lanes, storage capacity and length
Yes	No	_____	Identify possible corrections of any LOS deficiencies
Yes	No	_____	Identify any access deficiencies (including transit/pedestrian/bicycle connections)
Yes	No	_____	Identify any TDM measures
			FIGURES
Yes	No	_____	Vicinity Map
Yes	No	_____	Site Plan
Yes	No	_____	Existing peak hour turn movement volumes (counts conducted within previous 12 months)
Yes	No	_____	Trip Distribution (%) including Added Project Peak Hour Traffic Volumes (see sample)
Yes	No	_____	Approved Projects Peak Hour Traffic Volumes (see sample)
Yes	No	_____	Programmed transportation improvements and transportation mitigation outlined in study
			TABLES
Yes	No	_____	Intersection Performance Existing Conditions
Yes	No	_____	Project Trip Generation
Yes	No	_____	Intersection Level of Service
			OTHER
Yes	No		Technical appendix - sufficient material to convey complete understanding of traffic issues (e.g. HCM or similar analyses, trip generation calculations, signal warrant analyses, turn lane warrant analyses, queuing calculations, signal timing sheets, traffic counts, etc.)

Completed By: _____ [SEAL]

Date: _____

CITY OF OREGON CITY

GUIDELINES FOR

TRANSPORTATION IMPACT ANALYSES

Adopted : NOVEMBER 2, 2005
Revised : January 6, 2021

1.0 PURPOSE

1.1 TRANSPORTATION PLANNING AND TRANSPORTATION IMPACT ANALYSES (TIAs)

Oregon City strives to accommodate growth in a responsible and sustainable manner. With regard to land use and transportation, this involves a need to balance property owners' rights to develop their land and the City's goal to plan for and provide a transportation system that serves its intended function in a safe, reliable, and predictable manner for the public.

It should be noted that the transportation system includes "transportation facilities" as defined by OCMC 17.04.1312 which more commonly include the roadway, sidewalk, and offsite pathways for vehicles, bicycles, pedestrians, transit, freight, and other modes of transportation.

The City adopted its Transportation System Plan (TSP) in 2001 and was updated on August 16, 2013, outlining a plan to provide a multi- modal transportation system to accommodate expected growth through year 2035~~20~~. *The Guidelines for Transportation Impact Analyses* are consistent with the TSP Goals (summarized below):

1. **Health and Safety:** *Enhance the health and safety of residents*
   Ensure that the transportation system maintains and improves individual health and safety by maximizing the comfort and convenience of multi-modal transportation options in the City.
2. **Effective and Efficient:** *Emphasize effective and efficient management of the transportation system*
   Optimize travel capacity and improve travel conditions by better managing residents' travel demands, meeting more daily needs within our own community, making transportation facilities as smart and efficient as possible, and being strategic about transportation investments.
3. **Sustainability:** *Foster a sustainable transportation system*
   Build a transportation system that is environmentally and fiscally sustainable and that focuses on decreasing vehicle emissions and transportation related greenhouse gas emissions.
4. **Equitable, Balanced, and Connected:** *Provide an equitable, balanced, and connected multi-modal transportation system.*
   Provide a complete transportation system throughout Oregon City that provides multi-modal travel options and connects people to jobs, schools, services, recreation, social and cultural institutions within the City.
5. **Fundable:** *Identify solutions and funding to meet system needs.*
   The City will identify transportation investments that can be made with available funding to accommodate community growth.
6. **Convenient and Available**: *Increase the convenience and availability of pedestrian, bicycle, and transit modes.*
   Strengthen the pedestrian and bicycle systems in all areas of the City, and work with local transit providers such as TriMet, Canby Area Transit (CAT), South Clackamas Transportation District (SCTD), etc. to cost-effectively improve coverage and frequency to achieve greater ridership productivity.
7. **Prosperity:** *Ensure the transportation system supports a prosperous and competitive economy.*
   Support a prosperous and competitive economy by preserving and enhancing business opportunities and ensuring the efficient movement of people and goods.
8. **Compliant:** *Comply with state and regional transportation plan.*
   The City will meet the requirements of state and regional transportation plans, such as the Oregon Transportation Planning Rule, the Oregon Highway Plan, the Metro 2035 Regional Transportation Plan (RTP) and the Metro Regional Functional Transportation Plan (RFTP).

1. Health and Safety – Enhance the health and safety of residents.Mobility – Develop a transportation system that serves the mobility needs of all Oregon City residents.
2. Effective and Efficient – Emphasize effect tiveeffective and efficient management of the transportation system.Safety – Develop a transportation system that provides adequate safety for the transportation system users.
3. Sustainable – Foster a sustainable transportation system.Capacity – Develop a transportation system that provides adequate capacity to serve the system user's needs.
4. Equitable, Balanced, and Connected – Provide an equitable, balanced, and connectd connected multi-modal transportation system.Travel Options – Develop a transportation system that incorporates, provides for, and encourages a variety of multi-modal travel options.
5. Fundable – Identify solutions and funding to meet system needs.Environment – Develop a transportation system that preserves, protects, and supports the environmental integrity of the Oregon City community.
6. Convenient and Available – Increase the convenience and availability of pedestrian, bicycle, and transit modes.Economic Development – Develop a transportation system that facilitates the desired economic development and viability of the community.
7. Prosperity – Ensure the transportation system supports a prosperous and competitive economy.Transportation Funding – Develop reasonable and effective funding and financing strategies for the recommendations and improvements contained within the Transportation System Plan.
8. Compliant – Comply with state and regional transportation plan.Accessibility – Develop a transportation network that ensures adequate and efficient accessibility for all desired land uses, modes of travel, and system users.
9. Coordination – Develop a transportation system plan that is consistent with the goals, objectives, and vision of Oregon City residents, participating agencies, and the community in general.
10. Consistency – Provide Oregon City with a transportation system and transportation policies that allow the community to manage its transportation facilities in a manner consistent with the City's goals and philosophies.

In addition, *The Guidelines for Transportation Impact Analyses* are intended to be consistent with the provisions of the Oregon City Municipal Code (OCMC); however, if differences or conflicting language are found, the OCMC governs.~~.~~

OCMC 17.68.020 sets forth the criteria for a zone change and includes the provisions:

B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy.

C.

Service shall be sufficient to support the range of uses and development allowed by the zone.

The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the

~~proposed zoning district.~~

~~OCMC 16.04.060 specifies that:~~

> ~~The decision-maker may impose reasonable conditions of approval on any approval granted under this title to ensure that the application meets, or will meet, any application approval standard.~~

~~OCMC 16.12.010 specifies that:~~

> ~~All land divisions shall be in conformance with the policies and design standards established by this chapter [Chapter 16] and with applicable standards in the city's public facility master plan and city design standards and specifications.~~

1.2 THE NEED FOR TRANSPORTATION ANALYSES FOR INDIVIDUAL DEVELOPMENTS

The City's development review process is designed to help the City achieve its goal of managing growth in a responsible and sustainable manner. The applicant for development is required to submit full and accurate information upon which the City staff and elected officials can base decisions. A developer-submitted transportation study prepared by a professional engineer qualified in the traffic engineering field is a critical tool used by the City to assess the expected transportation system impacts associated with a proposed development and the long-term viability of the transportation system. A study must highlight development-specific issues, present a mitigation plan to mitigate for traffic impacts, and alert the City to the potential need to program specific projects from the TSP into the Capital Improvement Program (CIP).

1.3 THE LEVEL OF ANALYSIS AND DOCUMENTATION

This document establishes analysis and submittal requirements for developments in accordance with their expected transportation impacts. Under certain conditions, the City allows a lesser level of analysis and documentation for small developments. In addition, other developments meeting -specific criteria are exempted from long-range analyses.

The City's overriding concern, as stated in Oregon City Municipal Code (OCMC) 17.02.015~~20~~, is "to promote public health, safety, and general welfare through standards and regulations…and to facilitate adequate provision for transportation…." It is the responsibility of the applicant to help the City achieve this goal through the analysis and submittal of appropriate documentation.

2.0 OVERVIEW

2.1 DIFFERENT DOCUMENTATION FOR DIFFERENT DEVELOPMENT PROPOSALS

This document describes the City's required content for a **Transportation Analysis Letter** (TAL) and for a **Transportation Impact Study** (TIS). In general terms, the TAL is applicable to smaller developments that are presumed to have a lesser transportation impact. The TIS applies to larger developments that are presumed to have a greater transportation impact.

Whether the development requires a TAL or a TIS, a professional engineer must prepare it and must use appropriate data, methods, and standards. TAL and TIS documents share many common -elements, but the scope of TALs is more limited. Furthermore, there will be more variability in the scope for TIS

depending on the type, location, and size of the development being proposed.

Section 3.1 provides criteria used to determine whether a TAL or TIS is required.

2.2 CONTENT OF TRANSPORTATION IMPACT ANALYSES GENERALLY

Transportation analyses, whether conducted to support a TAL or a TIS, are required to provide an objective assessment of the potential multi-modal transportation impacts associated with a specific land use action (e.g., the development of vacant land, the redevelopment of an existing land use, a comprehensive plan amendment or zoning change). The analysis and the documentation provided by the applicant must help answer several important transportation related questions including:

- Will the existing transportation system accommodate the proposed development from a capacity and safety standpoint?
- What on-site and off-site transportation system improvements will be necessary to accommodate the proposed development?
- How will access to the proposed development affect the traffic operations on the existing transportation system and how will each study area intersection operate relative to the city's mobility standards?
- How will transportation impacts of the proposed development impact the land uses, including commercial, institutional, industrial, and residential uses within the development's influence area?
- How will the proposed development meet current city standards for roadway design?
- How will the proposed development ensure the safe and efficient circulation on and adjacent to the site?
- How will the proposed development provide needed connections to abutting parcels (developed or undeveloped) for motorized as well as non-motorized traffic?
- What TSP projects or elements of TSP projects and projects consistent with and derived from specific polices in the TSP will be needed to accommodate the proposed development?
- If the development or certain public improvements are proposed to be completed in phases, how will the various phases impact the transportation system throughout the development timeline, and how will the future phases be developed?

2.3 RESPONSIBILITIES OF THOSE PREPARING TRANSPORTATION ANALYSES GENERALLY

The responsibility for assessing the traffic impacts associated with a proposed land use action rests with the landowner or land use permit applicant. Transportation analyses submitted to the City must be prepared by or under the direct supervision of a Professional Engineer with competence in traffic engineering and registered in the State of Oregon. The report shall be signed and stamped by the professional engineer.

Under state law, engineers shall recognize at all times that their primary obligation is to protect the safety, health, property and welfare of the public in the performance of their professional duties.

These Guidelines in no way serve as a substitute for the application of sound professional engineering judgement expected to be used by practitioners in the preparation and submittal of transportation analyses.

2.4 RESPONSIBILITIES AND AUTHORITY FOR THE CITY

Throughout this document the term "City Engineer" is used as the individual with authority for certain actions and for interpretation of aspects of these guidelines. For the purposes of this document, the term "City Engineer" should be taken to mean the "City Engineer or his/her designee including but not limited to designated staff or City consultant." The City's review of the TAL or TIS shall include a Professional Traffic Engineer registered in the State of Oregon or a Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030.

~~The term "City decision maker" is used to identify the individual or body with responsibility for certain actions. The "City decision maker" and city decision-making process are defined in OCMC Section 17.50.030.~~

3.0 TRANSPORTATION IMPACT ANALYSIS DOCUMENTS

An analysis and appropriate documentation is generally required when a development application and/or application for re-zoning is filed with the City. A transportation impact analysis (TIA) is required when application is made for land to be subdivided as provided for in OCMC 16.12; when application is made for a conditional use as specified in OCMC 17.56; and when application is made for a change in zoning districts as provided for in OCMC 17.68.

A transportation analysis is not required for modification of a single-family dwelling, ~~or for~~ construction of a replacement dwelling, accessory dwelling unit (ADU), lot line adjustment, or an application for work in the right of way. In most other circumstances and for most other development applications, some level of transportation analysis is required.

Recognizing that not all developments will have a significant impact on the transportation system, ~~the City of Oregon City has developed~~ these guidelines include criteria to help determine the need for and level of transportation analysis required in relation to the proposed development.

3.1 DETERMINING THE REQUIRED LEVEL OF TRANSPORTATION ANALYSIS AND DOCUMENTATION

A Transportation Impact Study (TIS) is required for developments that are expected to have an ~~-~~impact on the transportation system. When specific criteria generally associated with small developments are met, a Transportation Analysis Letter (TAL) may be substituted for the required TIS.

At the discretion of the City Engineer, a TAL may satisfy the City's transportation analysis requirements, in lieu of a TIS, when a development meets all of the following criteria:

A. The development generates fewer than 24 peak hour trips during either the AM or PM peak hour and fewer than 250 daily trips.

E~~Two e~~xamples of common developments generating fewer trips than these threshold levels are: a subdivision containing 24 or fewer single-family residences, ~~or~~ a general office ~~-~~building less than 15,000 square feet, a multi-family building with 42 or fewer units, or any proposed partition.

B. The development is not expected to further impact intersections that currently fail to meet the City's ~~level of service~~mobility standards or intersections that are operating near the limits of the acceptable ~~level of service~~ thresholds during a peak operating hour. ~~(LOS~~ Mobility

standards are defined in 7.9.1)

~~B.~~C. The development is not expected to significantly impact adjacent roadways and intersections that are high accident locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones

The specific requirements for and content of a TAL are contained in Section 5.0. The specific requirements for and content of a TIS are contained in Section 6.0.

4.0 PROCESS AND PROCEDURES

This section describes in general terms the process and procedures followed by the City in relation to the processing and review of transportation impact analyses. Nothing in this section is intended to replace or supercede the City's process, code requirements, or obligations under state law with regard to land use actions.

4.1 PRE-APPLICATION MEETING

A landowner or developer seeking to develop/redevelop property shall contact the City and schedule a pre-application meeting as required by OCMC 17.50.050. The City's pre-application form specifies the City's requirements applicable to land use actions. An applicant should be prepared to present, preferably in writing, the following:

- type of uses within the development
- the size of the development
- the location of the development
- proposed new accesses or roads
- estimated trip generation and source of data
- proposed study area

4.2 ESTABLISHING THE SCOPE OF WORK

During, or within a reasonable time following the pre-application meeting, the City will establish whether a TAL or TIS is required. (See Section 3.1). If a TIS is required, the City will provide a scoping summary detailing the study area and any special parameters or requirements beyond the requirements set forth in this document. An applicant is encouraged, but not required, to propose a scope of work and a study area using the guidance presented in Section 7.2.

4.2.1 Potential for Expansion of the Scope of Work

In the scoping summary the City will establish expectations and a study area within which significant impacts of the development are expected. The City's final decision on the land use criteria cannot be bound by the specifications or limitations in the scoping summary because additional information or concerns may come to light over the course of the analysis that causes the City to require additional analysis or information. Ultimately, it is the applicant's responsibility to demonstrate compliance with the criteria in the Oregon City code.

The City Engineer reserves the right to require additional analysis, especially when the need for such analysis becomes evident from information gathered by or presented by the applicant. The applicant's engineer should be alert to this possibility and expand his/her scope of work to address issues, especially those of public safety, or at least advise the City of such issues if they arise.

The City Engineer may at his/her discretion expand the requirements and/or study area of a TIS or TAL if needed to address any issue that comes to light after the preparation of the scoping summary.

4.2.2 Time Limit on the Scoping Summary

The City's scoping summary and review requirements are to be considered valid for a reasonable period of time, but are not to be considered binding on the city. Applicants are advised that delays of more than a few months before submitting TAL or TIS documents significantly increases the likelihood that the City will need additional information to adequately evaluate the impacts of a proposed development.

4.3 COMPLETENESS REVIEW

Upon completion of the TIS or TAL, the applicant will submit the number of copies specified by the City in accordance with OCMC 17.50.080 to the City for review. At that time, City staff will perform an initial review of the document to determine whether there are obvious omissions or concerns. The City will rely upon and make use of the ~~completed and signed~~ TIS checklist, described in more detail in Section 9.0.~~, and which is to be incorporated as one of the first inside pages of the submittal to determine whether or not it is "complete."~~The lack of a submission of a TIS or TAL will result in a determination of "Incomplete".

A determination of Completeness is not a determination that the applicant's data, methods, ~~of~~ accuracy of the analysis, or conclusions and recommendations are valid.

Once the overall development application, including the required TAL or TIS, as appropriate, is deemed "complete," the 120-day land use review process will begin.

4.4 TECHNICAL REVIEW

Once the land use review process is initiated, the City Engineer will conduct a technical review of the TIA~~S~~ to determine the adequacy and quality of the work including, but not limited to the study data sources, methods, findings and recommendations. The City Engineer and/or his/her designee(s) will provide findings for use by the City regarding expected transportation impacts from the proposed development.

If substantive errors or omissions are discovered during review, the applicant will be notified and asked to address the comments prior to a land use decision. The applicant should promptly rectify omissions and respond with any additional analysis or information; a delay or refusal to respond may result in the denial of an application if the information and analysis submitted is insufficient to show compliance with the applicable criteria.

The lack of specificity on the part of the City in the scoping summary or confusion in its interpretation does not alter the applicant's responsibility to perform a thorough and comprehensive transportation analysis nor does it preclude City decision maker from determining that a TAL or TIS that fully complies with the scoping requirement is insufficient to show compliance with all applicable criteria.

Issues or problems discovered during the Technical Review may, at the discretion of the City's decision maker, be resolved through the use of condition of approval.

5.0 TRANSPORTATION ANALYSIS LETTER CONTENTS

If the City determines based on information provided by the applicant and in accordance with the criteria specified in Section 3.1 that a TAL is the appropriate document to submit, the following requirements shall apply.

The TAL shall be prepared by or prepared under the direct supervision of a ~~Registered~~ Professional Engineer registered in the State of Oregon who shall sign and stamp the TAL.

The TAL shall include the following:

1. The expected trip generation of the proposed development including the AM peak hour, the PM peak hour, daily traffic, and other germane periods as may be appropriate, together with appropriate documentation and references.
2. Site plan showing the location of all access driveways, ~~or~~ private streets, or alleys where they intersect with public streets plus driveways of abutting properties and driveways on the opposite side of the street from the proposed development. Dimensions of driveway spacing as measured at the right of way from edge to edge of driveway shall be shown and shall meet or exceed the minimum driveway spacing standards.
3. ~~Documentation~~Site plan showing width of all~~that all site access~~ driveways and shall meet Oregon City ~~Private Access~~ Driveway Approach Size~~Width~~ Standards.
4. ~~Documentation~~Site plan showing that all ~~site access driveways~~public roads meet Oregon City's ~~Minimum City~~ Street Design~~Intersection Spacing~~ Standards including alignment, intersection angles, cul-de-sacs, and block standards.
5. Documentation that all new site accesses and/or public street intersections meet AASHTO intersection sight distance guidelines.

~~5.~~6.Preliminary analysis that all new streets comply with traffic sight obstructions in OCMC 10.32.

~~6.~~7.Documentation that there are no inherent safety issues associated with the design and location of the site access driveways.

~~7.~~8.Documentation that the applicant has reviewed the City's TSP and that proposed streets and frontage improvements do or will comply with any applicable standards regarding the functional classification, typical sections, access management, traffic calming and other attributes as appropriate.

9. When required of the development, documentation that no inherent safety issues are associated with the design and location of pedestrian, bicycle, or transit safety.

6.0 TRANSPORTATION IMPACT STUDY (TIS) CONTENTS

The following information shall be included in each TIS submitted to the City. Additional information specified by the City in the scoping summary or through the pre-application meeting or other project meetings shall also be included.

~~1. Completed TIS checklist signed by the Professional Engineer responsible for the preparation of the TIS.~~

~~2.~~1. Table of Contents – Listings of all sections, figures, and tables included in the report.

~~3.~~2. Executive Summary – A summary of key points, findings, conclusions, and recommendations

including a mitigation plan.

~~4.~~3. Introduction:
- Proposed land use action including site location, zoning, building size, and project scope.
- Map showing the proposed site, building footprint (s), access driveways, and/or parking facilities.
- Map of the study area that shows site location and surrounding roadway facilities ~~.~~

~~5.~~4. Existing Conditions:
- Existing site conditions and adjacent land uses.
- Roadway characteristics of ~~important~~ transportation facilities ~~and modal opportunities~~ located within the study area, including roadway functional classifications, street cross-section, posted speeds, general sight distance, bicycle and pedestrian facilities, on-street parking, and transit facilities.
- Existing lane configurations and traffic control devices at the study area intersections.
- Existing traffic volumes and operational analysis of the study area roadways and intersections.
- Roadway and intersection crash history analysis.
- Intersection and stopping sight distance related to new and impacted (existing) driveways and intersections.

~~6.~~5. Background Conditions ~~-~~(without the proposed land use action)
- Approved in-process developments and funded transportation improvements in the study area.
- Traffic growth assumptions.
- Addition of traffic from other planned developments.
- Background traffic volumes and operational analysis.

~~7.~~6. Full Buildout Traffic Conditions (with the proposed land use action)
- Description of the proposed development plans.
- Trip generation characteristics of proposed project (including trip reduction documentation).
- Trip distribution assumptions.
- Full buildout traffic volumes and intersection operational analysis including the performance relative to the applicable mobility standards for each intersection.
- Site circulation and parking.
- Intersection and site-access driveway queuing analysis.
- Recommended roadway and intersection mitigation measures (if necessary).
-

~~8.~~7. Conclusions and recommendations

~~9.~~8. Appendix- With dividers or tabs
- Traffic count summary sheets.
- Crash analysis summary sheets.

- Existing, Background, and Full Buildout traffic operational analysis worksheets with detail to review capacity calculations.
- Signal, left-turn, and right-turn lane warrant evaluation calculations.
- ~~Signal timing sheets depicting the timing and phasing used in analysis.~~
- Intersection analysis – Roundabout vs. Traffic Signal
- Other analysis summary sheets such as queuing.

To present the information required to analyze the transportation impacts of development, the following figures shall be included in the TIS:

1. Vicinity Map
2. Existing Lane Configurations and Traffic Control Devices
3. Existing Traffic Volumes and Levels of Service for each required time period
4. Future Year Background Traffic Volumes and Levels of Service for each required time period
5. Proposed Site Plan, including access points for abutting parcels and for those across the street from the proposed development
6. Future Year Assumed Lane Configurations and Traffic Control Devices
7. Estimated Trip Distribution/Assignment Pattern
8. Trip reductions (pass-by trips at site access (es))
9. Site-Generated Traffic Volumes for each required time period
10. Full Buildout Traffic Volumes and Levels of Service for each required time period

7.0 STANDARDS AND PROCEDURES

To help ensure consistency in the preparation and review of each TIS and TAL, the City of Oregon City has established a set of guidelines and procedures. These standards and procedures include the following:

- Preparer qualifications
- TIS study area
- Analysis years and time periods
- Data collection guidelines
- Trip generation guidelines
- Trip distribution and assignment guidelines
- Minimum intersection operational standards
- Minimum access spacing standards
- Other analysis guidelines

7.1 PREPARER QUALIFICATIONS

Each TIS and TAL shall be prepared by or under the direct supervision of a Professional Traffic Engineer registered in the State of Oregon or a Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030. The engineer must have background and experience in the methods and concepts associated with transportation impact studies. Each TIS and TAL shall be sealed and signed by the Professional Engineer registered in the State of Oregon prior to acceptance by the City for a technical review.

7.2 TIS STUDY AREA

Each TIS shall include a vicinity map that shows the site, the study area, and the surrounding transportation system. A brief description of the site location and study area shall be provided. The study area shall be based on engineering judgement and an understanding of existing and future land use and traffic conditions in the vicinity of the site. The following considerations shall form the basis of establishing the study area.

The following facilities shall be included in the study area for all TIS's:

- All site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. In particular, if the proposed site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage, including those serving parcels on the opposite side of the street(s) and parcels directly adjacent to the proposed development.
- Roads through and adjacent to the proposed development~~site~~.
- Any intersection of two streets, each with a classification of collector or arterial, where site traffic will exceed 20 vehicles during a peak hour or, in the case of a rezone, if the trip differential resulting from the rezone will exceed 20 vehicles during a peak hour.

- All intersections needed for signal progression analysis~~.~~

As indicated in Section 4.1, the applicant is encouraged to propose a study area at the pre-application meeting or in response to the discussions between the applicant and the City's representatives.

In addition to these requirements, the City Engineer may determine any additional intersections or roadway links that may be adversely affected as a result of the proposed development. The applicant reduces his risk of having an adverse staff report if the applicant reaches agreement with the City Engineer prior to the start of the transportation impact analysis.

7.3 ANALYSIS YEARS TO BE ANALYZED IN THE TIS

To adequately assess the impacts of a proposed land use action, several study periods should be addressed in the transportation impact analysis. These study periods or horizon years consist of the following:

- **Existing Year**
- **Background** – The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should include all in-process developments, or city approved developments that are expected to be fully built out in the proposed land use action horizon year. It should also account for all in-process/planned transportation system improvements.

  Note: Depending on funding or project development issues, it may not be appropriate to assume that certain planned transportation system improvements will be in place on opening day. Applicants should contact the City Engineer to confirm appropriate assumptions.
- **Full Buildout –** The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.
- **Phased Years of Completion** – If the project involves construction or occupancy in phases or for master plans, the applicant is expected to assess the expected roadway, intersection, and land use conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.
- **20-Year or TSP Horizon Year** – For master plans, zone changes, and conditional uses, the applicant shall assess the expected future roadway, intersection, and land use conditions resulting from deviations from approved comprehensive planning documents.

A twenty-year or TSP Horizon Year analysis will not be required for the following development proposals:

- For out-right permitted uses under the current zoning.
- For residential-to-residential rezoning proposals when the rezoning produces an increase of twenty-five (25) or fewer peak hour trips.

7.4 ANALYSIS PERIODS TO BE ANALYZED IN THE TIS

Within each analysis year, specific consideration should be directed to the time period(s) that experience the highest degree of network travel. These periods typically occur during the weekday morning (7:00AM to 9:00AM) and weekday evening (4:00 PM to 6:00 PM) peak commuting hours.

The TIS shall address the weekday AM and PM peak hours when the proposed land use action is

expected to generate 25 trips or more during the peak time periods. If the applicant can demonstrate that the peak hour trip generation of the proposed land use action is fewer than 25 trips during one of the two peak study periods and the peak trip generation of the land use action corresponds to the roadway system peak, then only the worse of the two peak periods must be analyzed. This does not mean, however, that all aspects of the other peak period can be ignored. The applicant should consider, for example, the possibility that inbound and outbound trips at the site driveway have specific operational issues that may need to be addressed for both peak hours.

Depending upon the proposed land use action and the expected trip generating characteristics of that development, other time periods may be specified, either as a substitute for, or in addition to the AM and PM peak hours. Examples of land uses that have non-typical trip generating characteristics include schools, restaurants, movie theatres, nightclubs, and churches. Applicants should assume that the City will require additional analysis periods for certain uses as summarized below:

- Schools – End of the school day (early afternoon) peak hour
- Churches and worship facilities – Peak period prior to and after worship services.
- Restaurants – Mid-day weekday peak hour
- Shopping centers, home improvement centers, superstores, and retail facilities of more than 60,000 square feet – Saturday peak hour.

When the additional hours for analysis are specified, the applicant need not necessarily carry the analysis through all steps if the data and the engineer's analysis shows that some time periods clearly represent the worst case. If, for example, the mid-day peak period traffic volumes at a restaurant are lower than the other peak periods, except at the site driveway, the mid-day peak need only be analyzed for the driveway location. The engineer preparing the TIS is advised to provide thorough documentation of the reasons for reducing the scope of the extra time periods. The applicant may choose to bring such issues to the attention of the City Engineer for discussion prior to submittal of the TIS.

The above list is not necessarily an all-inclusive list of uses for which additional analysis periods is required. The City Engineer and applicant should discuss the potential for additional study periods prior to the start of the transportation impact analysis.

7.5 APPLICATIONS INVOLVING ZONE CHANGES

In the case of a land use proposal involving a zone change, the TIS must analyze a 20-year horizon period as required by the Oregon Transportation Planning Rule (TPR) and may require interim years in the case of a master plan that also requires a zone change. Applicants seeking a rezoning are advised that in addition to any requirements specified by the City, it is their obligation to address requirements in OAR 660-12-0060. The City's exemption from the requirement for 20-year analysis for certain rezoning actions as specified in Section 7.3 may not exempt the applicant from addressing TPR requirements.

For proposals involving rezoning, the applicant shall compare the traffic generated by his/her development proposal, a reasonable worst-case development under the proposed zoning and a reasonable worst-case development under current zoning.

7.6 TRAFFIC COUNT REQUIREMENTS

Once the TIS study area and analysis periods have been determined, turning movement counts shall be collected at all study area intersections to determine the base traffic conditions. These turning

movement counts should typically be conducted during the weekday (Tuesday through Thursday) between 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m. and for other periods depending upon the proposed and/or surrounding land uses. Historical turning movement counts may be used if the data is not more than 12 months old at the time the TIS is deemed complete for review. Historical counts shall be factored accordingly to meet the existing traffic conditions. In high traffic locations where congestion is present or traffic peaks early or late, extended or altered count periods may be required.

7.7 TRIP GENERATION FOR THE PROPOSED DEVELOPMENT

To determine the impacts of a proposed development on the surrounding transportation network, the trip generation characteristics of that development must be estimated. Trip generation characteristics should be obtained from one of the following acceptable sources:

- Institute of Transportation Engineers (ITE) *Trip Generation* (latest edition).
- Specific trip generation studies that have been conducted for the particular land use for the purposes of estimating peak hour trip generating characteristics, subject to approval by the City Engineer prior to their inclusion in the transportation impact analysis.

In addition to new site generated trips, several land uses typically generate additional trips that are not added to the adjacent traffic network. These trips include pass-by trips and internal trips and are considered to be separate from the total number of new trips generated by the proposed development. The procedures listed in the (ITE) *Trip Generation Handbook* should be used *where appropriate* (emphasis added) to account for pass-by trips and internal trips. The applicant's engineer shall not use any pass-by or internal trip reductions with prior approval of the method or data sources by the City Engineer.

Special Attention Items

The ITE *Trip Generation Handbook* maintains limited data regarding pass-by, diverted-linked, and internal shared trip-making characteristics. Professional judgment needs to be used in applying this data. For example, it is not appropriate to apply PM peak hour pass-by percentages to AM or daily periods where AM and daily percentages do not exist. Also, ITE's internal shared trip characteristics are based on a limited number of studies from the early 1990's in Florida. These sites included a mix of commercial, residential, retail, and other uses. For developments that contain only one or two of these uses, a maximum shared trip reduction of five (5) percent will be allowed without appropriate justification and supporting data from the applicant.

The ITE *Trip Generation Handbook* outlines specific guidelines for use of weighted average trip rates versus regression equations. These guidelines shall be followed unless the applicant provides valid justification for deviation.

7.8 TRIP DISTRIBUTION AND ASSIGNMENT

Estimated site generated traffic for the proposed development should be distributed and assigned to the existing or proposed arterial and collector street network. Trip distribution methods should be based on a reasonable assumption of local travel patterns and the locations of off-site origin/destination points within the site vicinity. Acceptable trip distribution methods should be based on one or more of the following procedures:

- A select zone analysis of the proposed site can be obtained from METRO's regional planning model. When using the regional planning model for distribution purposes, the engineer preparing the TIS should make sure that the model assumes the proper existing and future year land use and zoning designations and that he/she understands model load points (centroid

- connectors). The applicant should also be aware that Metro's model is a regional model and that professional judgement must be applied when using it for specific developments.
- An analysis of local traffic patterns and intersection turning movement counts can be used as long as the data has been gathered within the previous twelve months.
- A detailed market study specific to the proposed development and surrounding land uses may be used to determine the specific influence area. Site generated traffic within the identified influence area should be distributed based on principles and concepts associated with the gravity model theory. Note that if a market study is to be used as a basis for trip distribution, the entire market study must be made available to the City and it shall become part of the public record and, as such, any client confidentiality is lost.

Special Attention Items

In the case of retail developments, the applicant shall clearly distinguish between pass-by and non-pass-by trips to allow the reviewer to understand how the pass-by trips were accounted for and applied throughout the study area. The treatment of pass-by trips at the site entrance may be most easily addressed through separate figures depicting the total site trips and the individual pass-by and non-pass-by components.

7.9 INTERSECTION OPERATIONAL STANDARDS

To assess the impacts of the proposed land use action on the transportation system, the TIS shall compare the existing, background, and full buildout intersection traffic volumes to the minimum intersection operational standards.

The City of Oregon City evaluates intersection operational performance based on the volume-to-capacity ratio (v/c) or the Level of Service (LOS) as defined in the *Highway Capacity Manual (HCM)* published by the Transportation Research Board depending on the specifics of the intersection and location.

~~LOS calculations for signalized intersections are based on the average control delay per vehicle, while LOS calculations for unsignalized intersections are based on the average control delay and volume-to-capacity (v/c) ratio for the worst or critical movement.~~ All LOS definitions should be consistent with the most recent version of the *HCM*. The v/c ratio used by Oregon City is based on the Oregon Department of Transportation's *Analysis Procedures Manual.*

7.9.1 Intersection Level of Service Standards

The City of Oregon City requires all intersections within the study area to maintain an acceptable ~~level of service (LOS)~~performance upon full buildout of the proposed land use action as defined below.

~~Oregon City's minimum acceptable Level of Service (LOS) is defined as follows for signalized intersections in the city that are located outside the Regional Center (Downtown Community Plan) boundaries:~~

~~LOS "D" or better for the intersection as a whole *and* no approach operating at worse than LOS "E" *and* a v/c ratio not higher than 1.0 for the sum of critical movements.~~

~~For signalized intersections within the Regional Center boundaries, the following minimum LOS standards will be allowed:~~

~~LOS "D" can be exceeded during the AM and PM peak hour; however, during the second hour of each two-hour peak period, LOS "D" or better will be required for the intersection as a whole *and* no approach operating at worse than LOS "E" *and* a v/c ratio not higher than 1.0 for the sum of the critical movements.~~

~~Oregon City's minimum acceptable LOS is defined as follows for unsignalized intersections throughout the city:~~

~~LOS "E" or better for the poorest operating *and* with no serving more than 20 peak hour vehicles operating at worse than LOS "E." In other words, LOS "F" will be tolerated for minor movements during a peak hour.~~

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the city of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan (TSP) or as otherwise identified by the city engineer.

A. For intersections within the regional center, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

3. Intersections located on the regional center boundary shall be considered within the regional center.

B. For intersections outside of the regional center but designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a

whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

C. For intersections outside the boundaries of the regional center and not designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:

1. For signalized intersections:

a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. For unsignalized intersections outside of the boundaries of the regional center:

a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

D. For the intersection of OR 213 and Beavercreek Road, the following mobility standards apply:

1. During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.

E. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205/OR 99E Interchange.

State intersections located within or on the regional center boundaries.

1. In the case of conceptual development approval for a master plan that impacts the above references intersections:

a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the code in place at the time the detailed development plan is submitted; and

b. Only those trips approved by a detailed development plan review are vested.

2. Development which does not comply with the mobility standards for the intersections identified in OCMC -16.12.033 -shall provide for the improvements identified in the transportation system plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the code, the applicant shall provide a traffic impact study that includes an assessment of the development's

impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the code.

7.9.2 Intersection Design Features and Queuing Calculations

The TIS shall contain sufficient data and information derived from the traffic analysis to provide the roadway/intersection designer and City staff with information on which to assess intersection design features such as the length of storage required for lanes on each approach.

Queue lengths shall be calculated for each lane of all approaches to signalized intersections for the 95th percentile queue. Queue lengths shall also be calculated for unsignalized locations, such as site driveways, where standing queues can interfere with other movements, especially if such interference can contribute to safety problems. Appropriate analysis methods should be used that account for the actual arrivals of vehicles at an intersection.

Special Attention Items

The applicant's engineer shall use professional judgment in selecting the appropriate analysis tools and methods for evaluation of intersection operations. The HCM, for example, states "The [HCM] methodology does not take into account the potential impact of downstream congestion on intersection operation. Nor does the methodology detect and adjust for the impacts of turn-pocket overflows on through traffic and intersection operation." If these conditions are present or can reasonably be expected to exist as a result of the proposed development, the applicant's engineer shall supplement his/her initial analysis with other analysis tools and methods that account for such conditions.

The applicant's engineer also must use reasonable signal timing and consider corridor timing plans where appropriate.

When calculating queues, Poisson distribution may be used for locations subject to random arrivals. Other analysis methods shall be used where signal systems cause different arrival patterns and when congestion causes accumulation from one cycle to the next. Queue lengths shall be based on average vehicle length of twenty-five (25) feet, or longer where appropriate.

7.10 ACCESS SPACING STANDARDS

Access locations on roadway sections must be located to ensure safe and efficient travel along a transportation facility to limit potential conflicting turning movements, weaving maneuvers over short distances, and congestion along facilities. Access management standards vary depending upon the functional classification and purpose on a given roadway. Roadways in the upper echelon of the functional classification system (i.e. arterials) tend to have stringent spacing standards, while facilities ranked lower in the functional classification system allow more closely spaced accesses.

The applicant shall use the standards in OCMC 16.12 ~~Section 2.2 – Access Management Standards of Oregon City's Design Standards Manual~~ and discuss whether the following standards are met through their proposed development:

- Minimum city street intersection spacing (the distance between adjacent intersections),
- Minimum private access spacing (the distance between adjacent driveways and between driveways and street intersections),
- Minimum traffic signal spacing (the distance between adjacent signalized intersections),
- Minimum private access driveway widths (the measurement of the individual driveway

surface)

Exception Process:

In cases where physical constraints or unique site characteristics limit the ability for the above access spacing standards to be met, the City decision maker may grant an access spacing exception. Typically, access exceptions are available only for a parcel whose roadway frontage, topography, or location would otherwise preclude issuance of a conforming permit and the parcel would either have no reasonable access or cannot otherwise obtain reasonable alternate access to the public road system. However, if the limitation or condition is one that the applicant or owner has contributed to by any previous subdivision of property, sale, building activity, or site development, the limitation or condition shall not constitute a basis for an access exception. Note also that the City may choose to prohibit some movements (e.g. left turns) at the site access location, especially if such access is in a location where an access exception is needed.

When an exception is required, the transportation impact analysis must show that the new access will not adversely impact the existing transportation system. A high burden is placed on the applicant and his/her engineer to prove that the system will not be adversely impacted and that public safety will not be compromised.

7.11 SIGHT DISTANCE

For all new proposed site driveways and public street intersections, an evaluation of stopping sight distance (SSD) and intersection sight distance (ISD) shall be conducted consistent with procedures outlined in the current version of the AASHTO *Policy on Geometric Design of Highways and Streets.* At the discretion of the City Engineer, the applicant may be exempted from a need to assess sight distance.

The City standard for new driveways and intersections requires that ISD meet the minimum distance specified in AASHTO. The applicant may apply for a design exception allowing a driveway or intersection that meets SSD rather than ISD. A high burden is placed on the applicant and his/her engineer to prove that the system will not be adversely impacted and that public safety will not be compromised. The City Engineer may grant a design exception if the following conditions are met:

1. ~~1)~~ T~~t~~he intersection or driveway is proposed to intersect with a local or neighborhood collector street (not a major collector or arterial street), and
2. ~~2)~~ T~~t~~he approach is forecast to serve fewer than forty (40) vehicles per day, and
3. ~~3)~~T~~t~~he intersection will not adversely impact the existing transportation system.

The City Engineer may also grant a design exception if the intersection is forecast to serve less than 100 vehicles per day for a period of not more than twenty-four (24) months. Should the City Engineer choose to grant a design exception, he/she may place additional conditions on the applicant, such as, but not limited to placement of warning signs or the use of flaggers for manual traffic control as prescribed by the *Manual on Uniform Traffic Control Devices* (MUTCD).

Special Attention Items

Under AASHTO procedures, intersection sight distance is evaluated based on the roadway design speed – not the roadway posted speed. Where design speed is not known, it shall be estimated using procedures outlined in the AASHTO *Policy on Geometric Design of Highways and Streets*. This generally results in a design speed anywhere from 5 to 10 mph above prevailing posted speed.

7.12 CRASH HISTORY

Within the study area for each TIS, a crash history evaluation shall be conducted for the most recent

four~~three~~-year period. The intent of the evaluation is to identify any apparent trends in the data that reflect a safety issue that may be exacerbated by the proposed development and to identify mitigation to resolve the issue(s). At a minimum, the analysis shall summarize the number of crashes per year by type and severity. Intersection crash rates shall be calculated and evaluated. The engineer shall assess the overall results of the safety analysis.

7.13 SAFE ROUTES TO SCHOOL

For proposed residential developments, the TIS shall include a brief discussion of routes to the nearest schools. The applicant shall identify the primary walking/biking route between the proposed development and the nearest elementary, middle, and high school. Specifically, the applicant shall describe the general bicycle and pedestrian environment between the proposed development and each school, including the presence and condition of pedestrian and bicycle facilities and the roadway environment (speed, lanes, etc.) along the routes. This section requires applicants to address the special need to link residential areas to area schools.

7.14 WARRANTS (TURN LANE, TRAFFIC CONTROL)

The following section provides guidance on evaluating turn lane and traffic signal warrants.

7.14.1 Traffic Control Warrants

An evaluation of traffic signal warrants shall be conducted for all unsignalized study area intersections where any approach is shown to operate at LOS E or worse under existing, background, or total traffic conditions. Signal warrant analysis shall be conducted in accordance with the current version of the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD).

Warrants to evaluate conversions between yield control, two-way STOP control, and multi-way- STOP control shall, as deemed necessary by the applicant's traffic engineer, comply with the MUTCD.

Special Attention Items

The reduction of minor street right turns is an important factor in evaluating traffic signal warrants and care must be taken to ensure the practice is not overlooked or improperly applied as it can affect warrant determinations. Both the MUTCD and the National Cooperative Highway Research Program (NCHRP) Report 457- *Evaluating Intersection Improvements: An Engineering Study Guide*, 2001 offer detailed discussions of the proper methods to address right turn reductions.

For state highways, ODOT's Transportation Planning Analysis Unit maintains specific guidelines regarding right turn reductions that shall be applied to highway intersections. Other methods such as delay-based reduction methods may be considered if reasonably explained and justified by the applicant.

The construction of a lane to accommodate right turns shall be considered as a mitigation measure before or in addition to the analysis of traffic signal warrants for the installation of a traffic signal.

Note that Warrant 3, Peak Hour according to the MUTCD "shall be applied only in unusual cases." The burden of proof is on the applicant that the case is truly unusual. The applicant must evaluate the conditions using other warrants before attempting to justify the use of the Peak Hour warrant.

7.14.2 Turn Lane Warrants

The provision of dedicated left- and right-turn lanes on the major approach to an unsignalized intersection can significantly improve operations and safety at an intersection. The provision of a

second lane on minor street approaches at unsignalized intersections can significantly reduce side street delay for right-turning motorists.

The applicant's engineer shall exercise professional judgement in evaluating the need for, and benefits of, providing dedicated left-turn and right-turn lanes. Documentation of the engineer's analysis of turn lanes shall be provided in the TIS.

The following is a non-exclusive list of conditions where an evaluation of turn lanes is appropriate:

- When no lane is currently provided for left turns and when left turn movements from the major street are predicted to increase because of the proposed development. This is especially appropriate when a turn lane is included as part of the standard cross-section for a street of this classification in the *Transportation System Plan*.

- When an intersection has a crash rate above 1.0 crashes per million entering vehicles and includes crash types subject to improvement from a turn lane.

- When the speed and volume of through traffic and increases predicted in right turn volumes raise concerns in the engineer's professional judgment about safety or about impeding through traffic.

- When only a single lane is provided for minor street approaches and the approach LOS is calculated to be "E" or worse.

The following are some of the references that should be considered by the applicant's engineer.

- **State Highways –** The Oregon Department of Transportation (ODOT) maintains criteria that shall be used for evaluating development of left- and right-turn lanes along state highways at Unsignalized Grade Intersections.

- **Local Streets** – Much of the published information regarding warrant criteria are centered on highway facilities and practitioners have therefore applied these criteria to local streets. The applicant shall refer to pages 686-89 of the 2001 *AASHTO Policy on Geometric Design of Highways and Streets* when evaluating turn lane warrants. Specifically, the applicant shall draw from other sources [see sources 2, 11, 12, and 13] cited by AASHTO. This criteria shall be updated coinciding with future revisions to the AASHTO *Policy*. An additional resource not cited by AASHTO is the National Cooperative Highway Research Program (NCHRP) Report 457- *Evaluating Intersection Improvements: An Engineering Study Guide*, 2001.

8.0 COMMON ERRORS AND OMISSIONS

The following are some common errors and omissions-. Special care should be taken to address these items that are part of the TIS requirements identified herein.

- Failure to include a crash analysis.
- Failure to conduct a warrant analysis or incorrect methods, particularly a failure to account for right turns from minor streets.
- Failure to address access spacing.
- Lack of discussion of observed traffic flow.
- Failure to address intersection and/or stopping sight distance.
- Failure to discuss bicycle, pedestrian and transit facilities.
- Failure to present justification for some assumptions.
- Failure to account for downstream congestion, turn-pocket overflow, or signal timing of adjacent traffic signals (particularly with regard to the selection of software analysis tools)
- Use of unrealistic signal timing
- Use of inappropriate tools and assumptions for calculation of queues.

~~9.0 TIS CHECKLIST~~

~~All TISs submitted to the City of Oregon City must include the City's *Transportation Impact Study Checklist*. This checklist, presented on the following page, is designed to help the applicant address the City's requirements and to help the City staff determine whether it is complete as specified in Section 4.3.~~

~~The completed and signed checklist shall be incorporated into the bound TIS following the inside cover page and preceding the Table of Contents.~~

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TRANSPORTATION IMPACT STUDY CHECKLIST

Project Name: _____
City Reference Code: _____

Provided? Yes	No	Page No.	
		_____	Study Required Comment:_____Date: _____
			BACKGROUND INFORMATION
Yes	No	_____	Oregon PE Stamp and Signature
Yes	No	_____	**INTRODUCTION AND SUMMARY**
			EXISTING CONDITIONS
Yes	No	_____	Roadway Network - summary of roadway classifications, lanes, speeds, transit service and facilities, alternative mode service and facilities (e.g., sidewalks, bike lanes, crosswalks) and description of study area
Yes	No	_____	Analysis Periods Correct (☐AM, ☐Mid-day, ☐PM ☐Afternoon_, Saturday_____,
Yes	No	_____	Existing Traffic Operations (Existing LOS, traffic volumes (new counts), speeds , crash data)
			IMPACTS
Yes	No	_____	Trip Generation - Daily, peak hour trips generated by site development
Yes	No	_____	Level of Service Analysis -projected LOS with site build out, existing, and background traffic growth
Yes	No	_____	Future year 20-year analysis required for zone change or conditional use
Yes	No	_____	Signal Warrant Analysis
Yes	No	_____	Turn Lane Warrant Analysis
Yes	No	_____	Access Spacing Standards
Yes	No	_____	Analysis of intersection and stopping sight distance at frontage road access point(s)
Yes	No	_____	Identify safe route to school or school bus stop (Contact with school district)
Yes	No	_____	Analysis of safe pedestrian/bicycle access to nearest transit stop (if within 1/2 mile of project site)
Yes	No	_____	Identify accessibility to public transit
Yes	No	_____	Account for planned roadway improvements at future build year ☐and 20-year horizon
			MITIGATION
Yes	No	_____	Identify need for right/left turn lanes, storage capacity and length
Yes	No	_____	Identify possible corrections of any LOS deficiencies
Yes	No	_____	Identify any access deficiencies (including transit/pedestrian/bicycle connections)
Yes	No	_____	Identify any TDM measures
			FIGURES
Yes	No	_____	Vicinity Map
Yes	No	_____	Site Plan
Yes	No	_____	Existing peak hour turn movement volumes (counts conducted within previous 12 months)
Yes	No	_____	Trip Distribution (%) including Added Project Peak Hour Traffic Volumes (see sample)
Yes	No	_____	Approved Projects Peak Hour Traffic Volumes (see sample)
Yes	No	_____	Programmed transportation improvements and transportation mitigation outlined in study
			TABLES
Yes	No	_____	Intersection Performance Existing Conditions
Yes	No	_____	Project Trip Generation
Yes	No	_____	Intersection Level of Service
			OTHER
Yes	No		Technical appendix - sufficient material to convey complete understanding of traffic issues (e.g. HCM or similar analyses, trip generation calculations, signal warrant analyses, turn lane warrant analyses, queuing calculations, signal timing sheets, traffic counts, etc.)

Completed By: _____ [SEAL]
Date: _____

Summary of Proposed Draft Amendments to the Guidelines for Traffic Impact Analyses
For City Commission
This is a summary. Please notify staff of any errors or omissions.

Page Number / Section	Summary	Explanation
Cover Sheet		
Page 1	Added original adoption date and new revision date.	This is a date change to show the most recent version of the guideline
1.1 Transportation Planning and Transportation Impact Analyses		
Page 2	Update TSP Goals to plain language and add specificity.	Allow the goals of the Transportation System Plan which were included as a cross-reference to be more readable.
Page 2	Added the acronym TIA	TIA is the acronym for Traffic Impact Analyses and is a commonly used expression
Page 2	Added a statement about what transportation facilities are defined as.	This summarizes for applicants the entire list of modes of transportation that should be considered.
Page 2	Changed the Transportation System Plan (TSP) Goals. Expected growth from the TSP is through 2035.	Goals changed from 2001 to 2013. Updated the expected growth year.
Page 3	Added a statement on what to do when conflicts occur with other documents. Deleted general potential conflicts with OCMC	Allows OCMC to govern if/when a conflict exists rather than trying to list potential conflicts.
1.3 The Level of Analysis and Documentation		
Page 4	Adjusted reference of code.	Code reference has changed.
2.2 Content of Transportation Impact Anlayses Generally		
Page 4-5	Added that the impacts are “multi” modal. Added that mobility standards shall be addressed. Added the TSP projects should be addressed. Added that phasing should be addressed.	These additions were items that have been regularly required by the City’s traffic consultant but were not listed within this document.
2.4 Responsibilities and Authority for the City		
Page 5	Added designated City staff and City consultant as authority persons for review using the document	This reflects current practices.
Page 5	Added that the City’s review of the TAL or TIS shall include a Professional Traffic Engineer registered in the State of Oregon or a	Requires city review of studies to include certification or qualification in transportation engineering.

	Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030.	
3.0 Transportation Impact Analysis Documents		
Page 5	Added ADUs, lot line adjustments and right of way permits as exempt from completing a Traffic Impact Analysis. Some clarification wording was also added.	The items of exemption have historically been exempted, but were not stated in the document. Cleaned up some wording for clarification.
3.1 Determining the Required Level of Transportation Analysis and Documentation		
Page 6	Changed multi-family review requirement to 42 or fewer units.	This has been changed to be in compliance with industry standards.
Page 6	Changed LOS to Mobility	This change was made to reflect what we now called Level of Service (LOS) standards which is Mobility Standards.
4.3 Completeness Review		
Page 8	Defined that incompleteness will result if no TIS or TAL is received as part of the application. Defined what completeness is.	This is the current process. This was provided for clarification.
5.0 Transportation Analysis Letter Contents		
Page 9	Added that all engineers preparing TALs should be registered in the State of Oregon	Provides clarification
Page 9	Added requirement to show driveway spacing.	Enhances study to capture all possible traffic conflicts and align with City Code
Page 9	Added requirement for driveway width	Enhances study to capture all possible traffic conflicts and align with City Code
Page 9	Added requirement to consider sight obstructions	Enhances study to capture all possible traffic conflicts and align with City Code
Page 9	Added requirement to address safety issues	Enhances study to capture all possible traffic conflicts and align with City Code
6.0 Transportation Impact Study Contents		
Page 9	Removed requirement to use a checklist	Current practice only recommends, does not require
Page 10	Added clarification language to existing conditions criteria	Based on current practice
Page 10	Added a reference of mobility standards to item 6	Mobility standards were added to the code since the creation of this guideline.

Page 11	Add an intersection analysis of roundabout vs. traffic signal	The TSP suggests intersection improvements but analysis has not been completed to determine the best solution for an intersection improvement
7.1 Preparer Qualifications		
Page 12	Required the preparer by a Professional Engineer registered in the State of Oregon	Creates consistency within document
7.2 TIS Study Area		
Page 12	Better defined the study area	Clarified the study area
7.9 Intersection Operational Standards		
Page 17	Clarifies situational standards as well as references the ODOT standard	Provides clarification
7.9.1. Intersection Level of Service Standards		
Pages 17-22	Replaced existing guideline with the most recently adopted Mobility Standards, line for line	Updates the guideline to current standards
7.10 Access Spacing Standards		
Page 23	Changed reference to City Code 16.12	Updates guideline to current reference and standard
7.12 Crash History		
Page 25	Changed crash history data to a four year period from a three year period	Updates to current industry standard
9.0 TIS Checklist		
End of document	Removed requirement to use a checklist	Updates to current practices

This is a summary. Please notify staff of any errors or omissions. Please refer to complete document for all changes.