CITY OF OREGON CITY
HISTORIC REVIEW BOARD
AGENDA

Commission Chambers, 1234 Linn Avenue, Oregon City, OR 97045
Tuesday, April 26, 2022 at 7:00 PM

This meeting will be held both in-person and online via Zoom; please contact planning@orcity.org for the meeting link.

CALL TO ORDER

PUBLIC COMMENT

Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. To assist in tracking your time, refer to the timer at the dais. Prior to speaking, citizens shall complete a comment form and deliver it to the Staff Member. When the Chair calls your name, proceed to the speaker table and state your name and city of residence into the microphone. The Historic Review Board Officers do not generally engage in dialog with those making comments but may refer the issue to the City Manager.

OTHER BUSINESS

1. Middle Housing Design Guidelines Work Session

PUBLIC HEARING

2. GLUA-22-00004 and HR 22-00001: Historic Review for modification of HRB decision HR-20-04, for a proposed single dwelling with detached garage at 4th Avenue and Hedges Street in the Canemah National Register Disrict

COMMUNICATIONS

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.

OREGON CITY

Community Development – Planning

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

To: Historic Review Board
From: Kelly Reid, Planner and Christina Robertson-Gardiner, Senior Planner
RE: Discussion Draft Middle Housing Design Guidelines
Date: April 8, 2022

The Housing Choices Code Update (House Bill 2001) proposes amendments to Title 16 (Land Divisions) and Title 17 (Zoning) of the Oregon City Municipal Code in order to permit a greater range of middle housing types, including duplexes, triplexes, quadplexes, townhouses and cottage clusters in residential zones where single-family detached residential units are permitted. These code amendments affect all areas currently zoned to allow single-family uses, including Historic Districts and Landmarks. House Bill 2001 does not allow cities to limit middle housing in historic areas.

These code changes were approved by the Planning Commission on March 28, 2022, and the City Commission will hold its first hearing on the topic on April 20, 2022.

The Historic Review Board currently uses OCMC 17.40 Historic Overlay District and the Design Guidelines for New Construction to determine if a proposal is compatible with the district/landmark and will not create an adverse effect. Both the McLoughlin Conservation District and Canemah Historic District have parcels that currently have the opportunity to develop middle housing, and the existing regulations provide Historic Review Road the ability to review the proposals for compatibility. However, with more areas about to be zoned to allow middle housing, a design guideline supplement addressing the specific design consideration for middle housing would provide additional direction to applicants, the HRB, and neighbors.

Historic Review Board members, please review the discussion draft, send your initial thoughts to Kelly Reid, kreid@orcity.org by April 18, 2022 (if possible), and be ready to provide your comments at the April 26, 2022 Historic Review Board meeting. The discussion draft will be shared with the Mcloughlin and Canemah neighborhood associations.

Exhibits
Discussion Draft

April 8, 2022
DISCUSSION DRAFT

Middle Housing Design Guidelines – (New Section to be inserted into Design Guidelines for New Construction)

Middle housing types include duplex, tri-plex, quadplex, townhomes, and cottage clusters.

Many of these housing types were historically permitted and built throughout the state prior to World War II, and can still be found in many older neighborhoods in Oregon City. These housing types were added as permitted uses to the city's low and medium-density districts in 2019 and 2022.

The following design guidelines provide further direction on middle housing within historic districts and landmarks to ensure that design is compatible and does not adversely affect the significance of the district or landmark. Consult the background guidance in this document for the applicable district or landmark before incorporating the middle housing guidelines into your design.

All Middle Housing Types

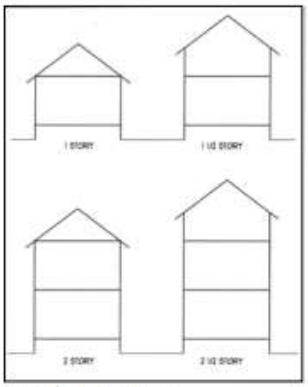
DRAFT GUIDELINE #1. The materials, siting, scale, roof form, architectural style, and design elements of the structure should be consistent with the adopted design guidelines that apply to residential construction.

QUESTIONS FOR DISCUSSION:
What is appropriate and not appropriate when it comes to massing and height for middle housing?
Is anything needed beyond what is already in the guidelines?

Current guidance on volumes:

PRINCIPLE		NOT ALLOWED	
Residential buildings incorporated space within the roofline [a half story] and the basement for added space. McLoughlin Commercial Style buildings on 7th Street from Center to John Q. Adams: dense building along this historic commercial corridor is appropriate. Respect massing and scale of IOOF Hall and Fire Station		Buildings with excessive mass for the style chosen or neighborhood in which located Long, uninterrupted wall planes facing the public way; utilize projections, recesses or wall elements to breakup such planes	
Canemah: maintain historic residential massing. Non rectangular volumes are more difficult to integrate into historic styles			

Current guidance on heights:

PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
The building heights to be similar to the neighborhood historic context and appropriate to the style chosen. Important Heights include: • Main level height above grade • Grade to eave and main ridge • Grade to parapet • Individual story height • Number of stories McLoughlin Commercial Style buildings on 7th Street from Center to John Q. Adams can range from a tall single story to the approximate height of the existing historic buildings to provide new, but appropriately sized context. McLoughlin Commercial Use Buildings in a Residential Style: maximum height similar to residential use. Canemah Commercial use buildings: maximum height is higher than residential use; Maximum 2 ½ stories.	Residential buildings that vary more than 20% from heights of the historic neighborhood context buildings unless approved by the HRB.  Residential building ground levels that are elevated less than 18" above grade, unless there are topographic considerations Canemah Residential: greater than 1½ story maximum height plus basement McLoughlin Residential: greater than 2½ story maximum height plus basement Commercial use buildings greater than 3 stories

DRAFT GUIDELINE #2. Entryways should be located on the street-facing facade of the structure and should be designed to read as a single entryway. This may be achieved through the location of doorways around a central recessed entry or using a single exterior doorway leading to an interior entry hall. Alternatively, units may be accessed from secondary entrances located on the side or rear of the structure.

QUESTIONS FOR DISCUSSION:

Are mutliple front doors appropriate or should the guideline be for singular entryways?

Fourplex with four exterior doors on a single front porch

Various entryway design options for dupelxes

DRAFT GUIDELINE #3. Entryways should be defined by a single traditional-styled porch.

DRAFT GUIDELINE #4. Parking areas and attached garages are to be located to the side or rear of the structure.

Fourplex in McLoughlin district; built circa 2013

DRAFT GUIDELINE #5. Front yard areas should be comprised of landscaping. Paving front yard areas for parking is inappropriate. Driveway widths should be consistent with the predominant driveway width of the district or landmark.

DRAFT GUIDELINE #6. Setbacks should be consistent with surrounding historic single-family structures.

Townhomes

Townhomes are not a historically represented type in either the Canemah National Register District or the McLoughlin Conservation District.

- Care should be taken to ensure that the total building mass is no larger than 1 ½ times the size of the largest historic single-family residence in the district.

- In the Canemah District, no more than three units are to be attached together as one building mass. *Note: citywide code allows up to six attached townhomes.*
- Front-facing attached garages are not allowed.

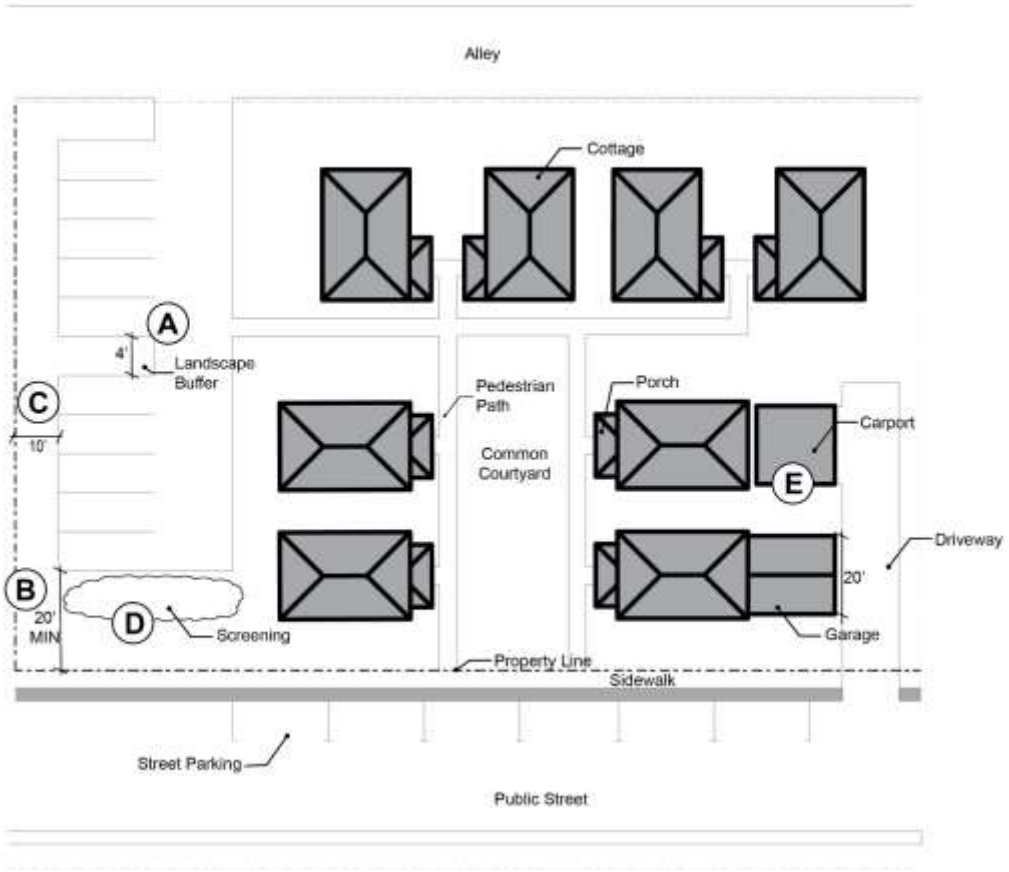
Examples of townhomes in and around Oregon City (outside of historic districts):

Examples of townhomes in other jurisdictions:

Cottage Clusters

Cottage clusters are groups of smaller detached housing units, typically 800-1200 square feet, clustered around a common open space.

- Cottage cluster unit designs and forms should vary within the cluster to avoid identical or near-identical designs.
- Flexibility in materials and design elements for units that are visually removed from public streets is appropriate.



Cottage Cluster example diagram

1209
1211

HISTORIC SPOKANE DISTRICT
8th St
MONROE ST
918
916
914

1005

909
911
SUBARU
820 NEZ
GLADSTONE

1720
1202
1202
SPEED
25
END
SCHOOL
ZONE
COUNTRYMAN
740 GLF
00985

JETTA
BND0518
WE RECYCLE
B&B LEASING CO. INC
503-655-8403

1206
1206
ADT

1110
1108

Housing Choices Code Update (House Bill 2001)

Frequently Asked Questions

1. ***What is House Bill 2001? Why are you calling it the "Housing Choices Code Update" project?***
   House Bill 2001 (HB 2001) is a law passed by the Oregon Legislature in 2019 to increase housing choice and supply. The law requires large cities, including Oregon City, to amend their land use regulations to allow more housing types like duplexes, triplexes, fourplexes, cottage clusters, and townhouses in residential areas where single-family homes are allowed, by June 30, 2022. These housing types are often called "middle housing" because they are between a single-family house and an apartment building in terms on number of units.

2. ***What parts of Oregon City will be affected by HB 2001?***
   All residentially zoned areas within the city limits that currently allow single-family homes will be affected. In Oregon City, this includes the following zones: Low density Residential,(R6,R8, R10) Medium Density Residential (R3,5, R5) and Historic Commercial. Land that is not zoned for single family residential use, including but not limited to Multi-family, commercial, industrial, and public land are not affected. In addition, land that is outside of the city limits (not annexed) is also not affected by HB 2001 (but will be, once inside the city limits).

3. ***What is a "zone" and how do I find out the zoning of a specific property?***
   Land within Oregon City is divided into different areas called "zones." These are intended to provide areas suitable for certain types of development or uses (examples include commercial, residential or industrial). Each zone provides a set of regulations governing the uses and development of a property within that zone, and includes such regulations as maximum building height or minimum building setbacks. To find out the zoning of a specific property in Oregon City, use the City's searchable zoning map. To learn more about what uses are allowed in a specific zone, you can check out Oregon City's land use code or visit our project website. While all middle housing types are currently allowed in Oregon City, not all middle housing types are allowed in all residential areas.

4. ***Can I still build a single-family home?***
   Yes. House Bill 2001 does not prohibit single-family homes or make it more difficult to build single-family homes where they are currently allowed, rather it allows middle housing types to be built in the same residential areas where single family homes are allowed.

5. ***Some properties have CC&Rs (Covenants, Conditions, and Restrictions) or other agreements between private parties that do not allow for the construction of multiple units or certain types of units. Does HB 2001 override CC&Rs? How do I know if a property has CC&Rs?***
   While HB 2001 does prohibit the creation of new CC&Rs that conflict with HB 2001, it does not affect existing CC&Rs. To find out if a specific property has CC&Rs, contact the Homeowner's Association (if applicable) or a title company or conduct a search through Clackamas County Deeds & Records. If you own property, the title report produced when you purchased your property should disclose any CC&Rs. If you are buying property, realtors are required to disclose existing CC&Rs before you purchase the property. The City of Oregon City does not enforce CC&Rs or other such private agreements.

6. ***If House Bill 2001 rules are written for the entire state, how do we make sure the implementation meet Oregon City's specific needs?***
   The Oregon Land Conservation and Development Commission adopted new rules that include three ways or choices for cities to comply with House Bill 2001: a model code, minimum compliance standards, and a performance metric approach. The model code is a set of ready-made land use regulations that cities can directly apply; the minimum standards are, at minimum, actions that cities must take to comply with the house bill; and the performance metric requires that middle housing be allowed on a certain percentage of lots around the city and within census tracts. The new rules were adopted on December 9, 2020 and contain some prescriptive requirements (such as parking standards) as well as areas where cities have flexibility in implementation (such as minimum lot size in some districts). Staff are still reviewing the new rules but are anticipating using the minimum standards rather than the model code because it will allow more flexibility that is tailored to Oregon City, though the city may choose to adopt a portion of the model code if the approach to a specify topic make sense for the community. If cities do not adopt land use regulations that comply with HB 2001 by the June 2022 deadline, then the model code will directly apply.

7. ***When will the public know what kind of code concepts the city is considering?***
As noted above, the state adopted final rules on December 9, 2020 and staff is currently reviewing it to determine what these mean for Oregon City. Staff will begin exploring possible code concepts informed by the public involvement work of Fall 2021. The code concepts will be options for different ways we can comply with the bill within the sideboards created by HB 2001 and the implementing OAR 660-046-0000.

8. ***Didn't Oregon City just adopt Missing Middle Code?***
Oregon City's recent equitable housing code amendments, adopted by the City Commissions in 2019, have already implemented many of the requirements of House Bill 2001, such as the creation of clear and objective siting standards. However, additional updates will be needed for full compliance, such as allowing more middle housing types in the Low Density Residential District (R6, R8, R10) and allow duplexes on all lots in all residential zones. The equitable housing code amendment project was initiated by the City prior to the Statewide housing bill HB2001, and primarily affected the medium and high-density residential zone districts, mixed use and commercial zone districts, although corner-lot duplexes are now permitted within low-density zones as a result of this project. The goal of this project is to identify barriers to "missing middle" housing in the zoning code and reduce those barriers in order to incentivize a greater variety of housing types. The results have been incorporated into the current zoning code, which includes a streamlined processes with clear and objective standards for permitting small and large scale multi-family development, single-family attached, duplexes, tri-plexes and four-plexes, manufactured homes and home parks, cluster housing, internal conversions, and accessory dwelling units.

9. ***Who are the decision makers in this process?***
Because this project will result in changes to Oregon City's land use regulations (which requires a legislative process), the Oregon City City Commission will be the decision-maker. Staff will provide a recommendation on the changes to the Oregon City Planning Commission, based on public engagement and consultant input to bring forward to a formal adoption process. The formal adoption process for any new or changed land use regulations includes a mailed postcard and public hearings before the Planning Commission, who will make a recommendation to City Commission. Then, City Commission will hold a public hearing and make the final local decision. The public hearing process is anticipated to begin in February 2022.

10. ***What outreach efforts are happening?***
There are community involvement and engagement opportunities happening in the fall and winter of 2021 which include, but not limited to: Boards and Commissions listening sessions, drop in open house, student outreach, city-wide digital survey, water bill mailing, outreach to the previous equitable housing project advisory committee and current OC2040 PAT among others.

11. ***The website talks about equity. What does social and racial equity have to do with housing policy?***

This project has an intentional focus on equity and inclusion in outreach and decision making. Planning projects affect the entire community; however, traditional engagement efforts face challenges in reaching certain parts of the community. This structure has created disproportionate representation in the planning process and has resulted in exclusion of some people and groups who are directly impacted by plans and policies.

As summarized by Oregon Land Conservation and Development (LCDC) Commissioner Anyeley Hallova during a rulemaking meeting on the House Bill, "before racial segregation through zoning, some neighborhoods had more diverse housing types with mixed incomes that are part of our beloved neighborhood fabric. As intentional as racially segregating housing policy was, we need to be as equally intentional about providing equitable housing outcomes for all."

Across the country, we have a difficult history of exclusion to grapple with, and our intent with this project is to acknowledge that history, and move forward with a focus on inclusion for all, including renters, low income people, people with disabilities, young people, seniors, and Black, Indigenous, and People of Color.

12. ***What if I have concerns with the requirements of House Bill 2001?***

As noted above, the House Bill was passed in 2019 by the Oregon Legislature and is now Oregon law. Changes to the language of HB 2001 can only be made by the Oregon Legislature. The City of Oregon City must comply with HB 2001 and the newly adopted rules by June 30, 2022, or the state model code will apply directly. However, we recognize that people will have questions and concerns about implementation. As staff, we want to hear what you think – please reach out. We can help explain what things the City has control and choice over during implementation, and what things are predetermined by the house bill and new rules.

13. ***Will new middle housing be affordable?***

There is a difference between true "Affordable Housing" and "naturally occurring affordable housing." Affordable Housing is housing that is directly subsidized by an organization or the government. This housing usually has waitlists and serves people with specific income ranges and housing needs. Naturally occurring affordable housing is market-rate housing that is usually older, smaller, or both. Newly constructed middle housing is anticipated to be sold or rented at market rate, and it will have a wide range of prices. New housing, however, tends to have a higher price tag than older housing, simply because it's new. A new house that is very similar to a house 30 years old is likely to command a higher price, because of that lack of wear and tear. The newer house will have a higher up-front cost but will have lower maintenance costs. Middle housing can be 'affordable by design.' Middle housing tends to be relatively small, which leads to lower operating and long-term maintenance costs. A 1,500 square foot house is likely to cost its occupants much less than a 2,500 square foot house. There's less square footage to heat, a

smaller roof to maintain, less exterior space to paint. The cost of housing includes maintenance costs, not just the upfront price.

As part of implementation of House Bill 2001, the City will be required to consider ways to increase the affordability of middle housing. We know that housing affordability is an issue of importance for our community, as has been reiterated during the public engagement for this project. We will be looking for ways to address affordability to the degree possible in this project, as well as connecting the policy decisions made for HB 2001 to other city policies affecting affordability.

14. ***Doesn't new market-rate housing cause gentrification, so prices in the neighborhood increase?***

Some people worry that new market-rate apartment buildings in gentrifying neighborhoods raise nearby rents and accelerate gentrification. The concern is that new buildings could change nearby amenities or neighborhood reputation, increasing demand for the neighborhood enough to offset the effect of increasing supply. Research by economists at the Upjohn Institute have shown that new market-rate apartment buildings in low-income areas do not accelerate gentrification. Instead, they slow rent increases in nearby apartments. This implies that new developments serve mainly to absorb existing demand for an area rather than to generate new demand. In turn, this reduces pressures on nearby rents because many high-income households move to the new building rather than outbidding lower-income households for nearby apartments. New developments are associated with gentrification, but they follow it rather than precede it. Stay tuned for more information on economic impacts of HB 2001 implementation.

15. ***Who can I contact if I want to know more?***

You can contact the City's project manager Christina Robertson-Gardiner crobertson@orcity.org 503-496-1564. You can also visit our webpage to sign up for the project mailing list.

Middle Housing and Goal 5 Historic Resources

Policy Summary: The intention of adopted rules implementing House Bill 2001 relating to middle housing is to ensure that local jurisdictions continue to be empowered to protect the designated historic resources within their communities, as authorized under Goal 5 and associated administrative rules. These rules *do not* enable the exclusion of middle housing or the continuation of the single-family exclusionary zone in historic districts.

Background

The Oregon Legislature passed House Bill 2001 in 2019 in order to begin to address the housing affordability crisis in Oregon. The legislature determined that limitations of housing types have contributing to rising costs for Oregonians across the state. The new law requires that local jurisdictions update local ordinances and zoning that currently limits the types of housing people can build. As the implementation of House Bill 2001 continues, DLCD staff has received questions on the relationship between middle housing and Goal 5 Historic Resources, including questions related to the historic significance of middle housing and the single-family exclusionary zone. To address this question more comprehensively, this document includes a brief summary of the historic context of housing.

Fig 1. Smith Duplex. Ashland, OR. C. 1945. Image courtesy of the State Historic Preservation Office (SHPO).

The History of "Missing" Middle Housing

Many of the middle housing types legalized by House Bill 2001 were common and integral to historic neighborhoods in Oregon and throughout the United States. We do not see many examples of middle housing today, because they were effectively banned in single-family neighborhoods nationwide through the application of zoning policies around the middle of the 20th century.

"Missing middle" housing refers to a spectrum of housing types that were common in the United States before World War II, such as duplexes (Fig 1), townhouses (Fig 2), and courtyard apartments (Fig 3). While these housing types contained more dwelling units than a single-family home, the height and form of these housing types were similar to single-family homes.

Fig 2. Campbell Townhouses. Portland, OR. C. 1893. Image courtesy of SHPO.

These housing types once played a significant role in the provision of more modest and less expensive

housing in the United States. Even throughout World War II, cities like Portland leveraged middle housing to address the immediate housing need during a national emergency by allowing the internal conversion of existing housing to middle housing.[1] However, since the postwar period, jurisdictions increasingly implemented zoning ordinances that prohibited all forms of "multi-family housing" in single-family zones. This effectively banned many forms of housing ranging from small-scale duplexes and cottage clusters to mid-rise apartments on the majority of residential lands in cities throughout the United States.[2] These policies largely bifurcated the housing market into two predominant forms of housing: single-family detached homes and multi-family, mid-rise apartments, and middle housing became increasingly less common in cities throughout the United States.

Fig 3. Swain Court. Corvallis, OR. C.1929. Image courtesy of the State Historic Preservation Office (SHPO).

The Single-Family Exclusionary Zone and Racial/Economic Segregation in the United States

The single-family exclusionary zone is one part of a larger historical context of racial and economic segregation policies that deliberately barred homeownership for communities of color and disinvested in the neighborhoods they lived in. The effects of these policies persist today because of the continuation of exclusionary policies and practices.

Since its inception, zoning has been used to exclude black and indigenous people and other people of color (BIPOC) from white neighborhoods. In the early part of the twentieth century, many zoning ordinances maintaining residential segregation were overt. While the Supreme Court invalidated these types of ordinances in *Buchanan v. Warley*, many communities implemented other zoning tools to maintain racial and economic segregation; in particular, many communities implemented exclusionary single-family detached residential zones, which could achieve similar effects while remaining racially neutral. These policies had the effect of perpetuating racial and economic segregation in U.S. cities, locking BIPOC households out of homeownership and high-opportunity neighborhoods, and reinforced disinvestment and displacement of the communities in which BIPOC lived and worked.[3]

Today, restrictive residential zoning and development ordinances – while typically based on race-neutral purposes – continue to reinforce patterns of racial and economic segregation and prevent equal access to neighborhoods, schools, parks, and employment. These patterns of segregation continue to entrench racial injustice, including the 10:1 wealth gap between white and black households in the United States today.[4]

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[1] Franey, K. (2019). *Early Densification in an Urban Center: Portland, Oregon and the War Code Housing Program.* Accessed via: https://www.oregon.gov/oprd/OH/Documents/Fellow2019KFraneyAmericasAdventureinHospitality.pdf
[2] City of Eugene. (2020). *History of Middle Housing and Exclusion in Zoning.* Accessed via: https://www.eugene-or.gov/DocumentCenter/View/58347/Fact-Sheet-History-of-Residential-Zoning-#:~:text=Middle%20housing%20is%20considered%20%E2%80%9Cmissing,war%20neighborhoods%20(see%20sidebar).
[3] Adams-Schoen, S., (2020). *Dismantling Segregationist Land Use Controls*. Accessed via: https://www.eugene-or.gov/DocumentCenter/View/61750/DISMANTLING-SEGREGATIONIST-LAND-USE-CONTROLS
[4] Sullivan et. al. (2016). *The Racial Wealth Gap: Why Policy Matters.* Accessed via: https://www.demos.org/sites/default/files/publications/RacialWealthGap_2.pdf

Goal 5 and Protecting Historic Resources

It's important to recognize that House Bill 2001 fits into a broader statewide regulatory framework that governs how housing is permitted on lands, including lands that contain Goal 5 historic resources. The purpose of Goal 5 is to protect natural resources and conserve scenic and historic areas and open spaces. The goal and its implementing statutes and administrative rules require cities to inventory these resources and adopt regulations that conserve and protect them for present and future generations.[5]

With regard to historic resources, OAR 660-023-0200 outline the specific parameters and responsibilities for local jurisdictions in how they inventory and protect historic resources. These provisions are intended to preserve the historic character of resources, including both individual historic properties and historic districts and the implementation of these new rules relating to middle housing will not change these provisions. However, local historic design review regulations are not intended to regulate who owns or is able to occupy a particular resource. Even adaptive reuse, the process of repurposing a historic resource for a use other than what was originally intended, the use of the structure is only considered in so far that it changes the historic character to use a property in a different manner.[6] These standards do not permit cities to maintain exclusionary zoning practices or regulate who is able to live in and access neighborhoods.

For most forms of housing, local governments are required to apply clear and objective standards to the development of housing, and these regulations may not cause unreasonable cost or delay. A hearings body cannot deny a housing proposal unless the proposal does not comply with a clear and objective standard identified in their development code. However, housing built on land containing Goal 5 historic resources are exempt from the requirement for standards to be clear and objective, because many of the standards related to historic integrity, such as architectural design and historic context, are inherently discretionary.

House Bill 2001 and Goal 5 Historic Resources

The statutes and administrative rules implementing House Bill 2001 enable cities and counties to continue applying standards and procedures that preserve the integrity of historic resources under Goal 5 and the National Register program. The statute and rules *do not* enable the exclusion of middle housing or the continuation of the single-family exclusionary zone in historic districts.

House Bill 2001 requires cities above a certain size to allow middle housing in areas that allow single-family detached homes. Cities are still permitted to apply goal protections, including protections specific to Goal 5 historic resources. Administrative rules implementing House Bill 2001 (OAR Chapter 660, Division 046) allow cities to continue the application of discretionary historic design standards, but *they do not allow for the categorical exclusion of middle housing from previously exclusionary single-family neighborhoods.*[7]

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[5] Oregon Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. Accessed via: https://www.oregon.gov/lcd/OP/Documents/goal5.pdf
[6] Restore Oregon. Preservation Toolkit: An Orientation to Preservation & Adaptive Reuse. Accessed via: http://restoreoregon.org/wp-content/uploads/2016/06/RestoreOregon_01-orientation_r401.pdf
[7] OAR 660-046-0010(3)(a)(B)

Specifically, the rule reaffirms local government obligations to protect the historic integrity of Goal 5 historic resources. The rule requires that local governments either apply regulations adopted under OAR 660-023-0200 to Middle Housing or – if they do not have adopted historic regulations – apply a set of backstop historic criteria outlined in OAR 660-023-0200(8)(a) to Middle Housing until they adopt their own set of regulations. These regulations are not required to be clear and objective under ORS 197.307 and do not cause "unreasonable cost or delay" to the development of Middle Housing. To prevent the application of historic review in a manner that excludes the development of Middle Housing, the rule restricts the application of two types of standards:

1. Use, density, and occupancy restrictions that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings; and
2. Standards that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings.

Through discussion with historic preservation, land use, and housing experts and stakeholders via the House Bill 2001 rulemaking process, these provisions were considered critical to prevent the application of historic standards in a manner that would preclude any development of Middle Housing and perpetuate patterns of racial and economic segregation associated with the single-family exclusionary zone. The rule enables and reinforces local responsibility to maintain the integrity of Goal 5 historic resource through the application of historic design standards.

If you have questions about this document, House Bill 2001, or housing planning, please contact Sean Edging at sean.edging@dlcd.oregon.gov.

If you have questions about statewide historic preservation, please contact Ian Johnson at ian.johnson@oregon.gov.

CITY OF OREGON CITY

Staff Report

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

To: Historic Review Board **Agenda Date:** 4/26/2022

From: Planner Kelly Reid

SUBJECT:
GLUA-22-00004 and HR 22-00001: Historic Review for modification of HRB decision HR-20-04.

STAFF RECOMMENDATION:

Staff recommends denial of the request.

EXECUTIVE SUMMARY:

The HRB held a hearing for this item on March 29, 2022. The HRB granted a continuance with a request for the applicant to provide an arborist report as well as more information on the geologic hazard factors that led to the proposed changes. The applicant has provided the requested materials: a report and tree protection plan from a certified arborist, and a letter from Design Providence LLC. These items are in the published agenda packet.

In 2020, the HRB approved a single dwelling and detached garage on a 10,000 square foot lot on 4th Avenue in the Canemah National Register District (File No. HR 20-04). The applicant has returned to the Board with a modification to relocate the detached garage and revise the tree preservation plan. The detached garage, approved in HRB decision HR 20-04 in a location near the back corner of the site, is now proposed to be moved closer to 4th Avenue and located directly next to the house. The applicant proposes this change to limit disturbance and excavation within the steep-sloped area of the site. The proposed plan with the change to the garage location was approved through the City's Geologic Hazard process in 2021, subsequent to the HRB approval of the project in 2020.

The visibility of the garage from 4th Avenue will be increased due to the relocation of the structure. The exposed foundation of the garage facing 4th Avenue is proposed to be approximately 6 feet in height. The Design Guidelines for New Construction contain a provision regarding foundations – under "Not allowed:" – "Tall or expansive areas of exposed foundations." The 6 feet of exposed foundation is significant, especially when sited next to the home, which itself has a lower level that is greatly exposed. The applicant has proposed mitigation in the form of vegetative screening as well as

extending the horizontal siding all the way down to the ground on the street-facing façade.

The applicant's revised tree removal and protection plan includes the removal of an additional tree on site, which the arborist deems to be structurally compromised due to large limb loss. This will result in a clear-cutting of the lot, which is neither consistent with the design guidelines for the Canemah district nor with the previous HRB decision HR 20-04. The arborist's report also describes tree protection measures that are recommended during various stages of construction on the property.

The staff report and recommendation includes findings for a denial of the proposal. If the Board determines that the applicant's proposed mitigation is adequate, a continuance will be needed to allow time to provide revised written findings and conditions. For a continuance, the City will need the applicant to grant an extension of the 120-day deadline to July 21, 2022.

BACKGROUND:

See Staff Report and Recommendation document in the agenda item attachments.

OPTIONS:

1. Deny the proposal.
2. Approve the proposal with conditions, close the record and continue to May 24, 2022 to adopt final findings. An extension to the 120-day deadline to July 21, 2022 would be necessary.
3. Continue the hearing to a date certain of May 24th, 2022. An extension to the 120-day deadline to July 21, 2022 would be necessary.

OREGON CITY

Community Development – Planning

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

Historic Review
Staff Report and Recommendation
April 19, 2022

A preliminary analysis of the applicable approval criteria is enclosed within the following staff report. All applicable criteria shall be met, or met with conditions, in order to be approved. The Historic Review Board may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.

FILE NO.:	GLUA-22-00004 and HR 22-0001: Historic Review
HEARING DATE:	April 26, 2022 7:00 PM Historic Review Board 1234 Linn Avenue Oregon City, OR 97045
APPLICANT/OWNER:	Igor & Lyudmila Ezersky 14891 Smithfield drive Oregon City, OR 97045
LOCATION:	4th and Hedges Oregon City, Oregon 97045 3-2E-6BB tax lot 400
ZONING:	R-6 Low Density Residential District
REQUEST:	Historic Review for a revision to the location of the detached garage and tree mitigation plan for an approved (GLUA-20-00007: HR 20-04) single family home and detached garage in the Canemah National Register District.
RECOMMENDATION:	Findings and conditions for denial are provided should the Board wish to proceed with a denial of this request.
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.

I. BACKGROUND:

Site and Context

The subject property is currently an undeveloped parcel in the Canemah National Historic District and is located on the south side of 4th Ave., at the intersection of 4th Ave. and unimproved Hedges Street. The subject property is within the Geologic Hazards Overlay District and the Willamette River Greenway overlay, which will be reviewed through a separate process. There are unimproved sections of City right-of-way located on the east and west side of this property. Primary access to the property would be from the unimproved portion of Hedges St.

In 2020, the HRB approved a single family home and detached garage on the site through HR-20-04. The proposed plan with the change to the garage location was approved through the City's Geologic Hazard process in 2021 (GEO-21-00006), subsequent to the HRB approval of the project in 2020.

Aerial photo and topography (2ft contours)

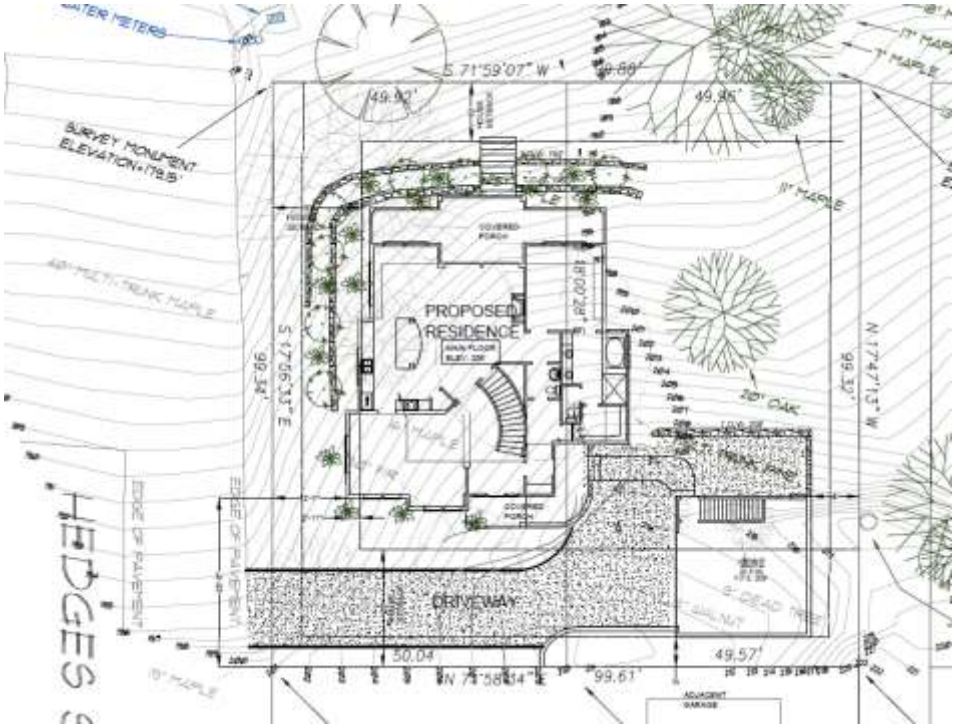
Vicinity Map

Existing Conditions

HR 22-00001

The following images are the proposal that was approved by the Historic Review board in 2020 through HR 20-04.

APPLICANT'S APPROVED SITE PLAN (2020)



Site Plan (Revised – March 2020 Plans)

Site Line diagram (original application plans – January 2020)

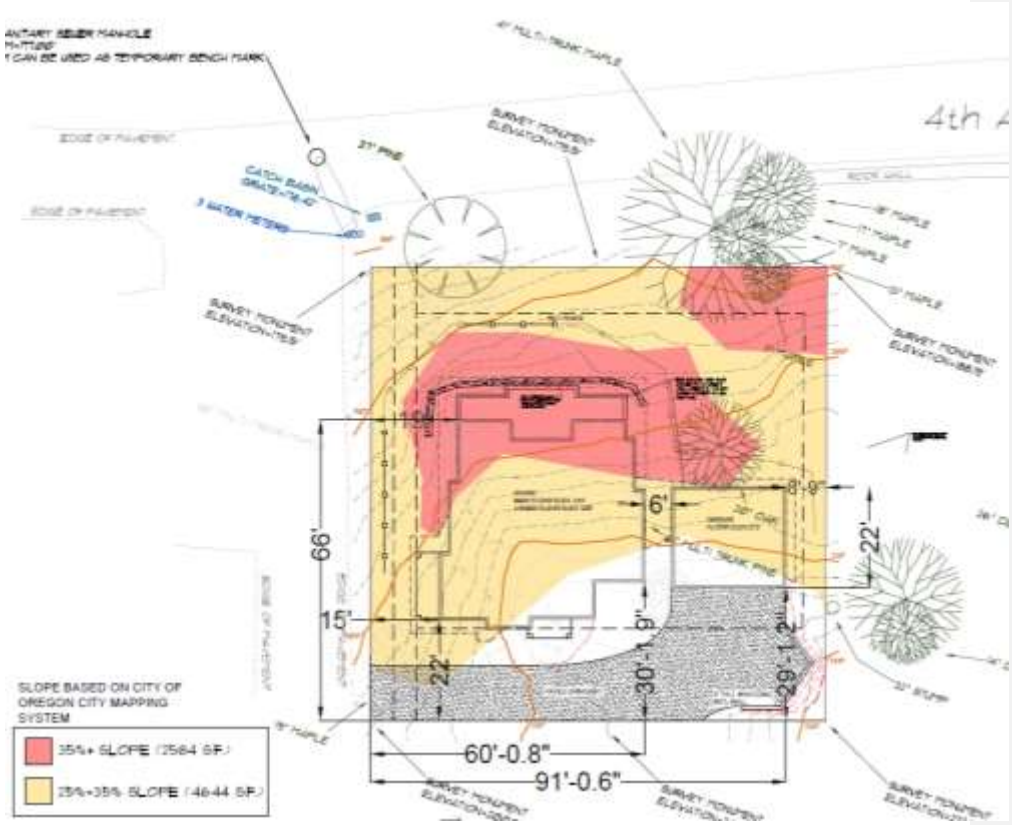
East elevation (original application plans – January 2020)

West elevation (original application plans – January 2020)

Rear (South) elevation (Revised – March 2020 Plans)

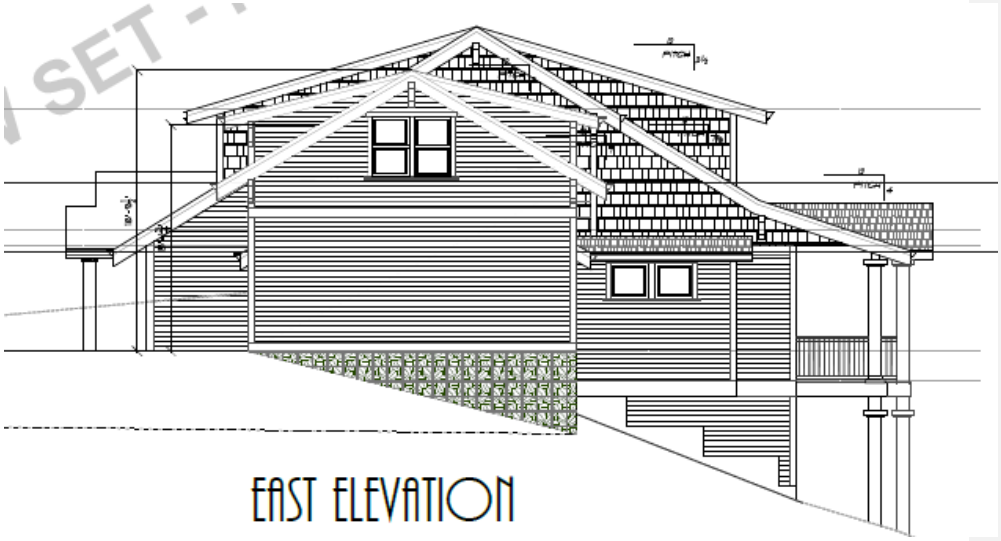
Project Summary:

The applicant submitted a revised site plan and elevation drawings showing a relocation of the garage structure.

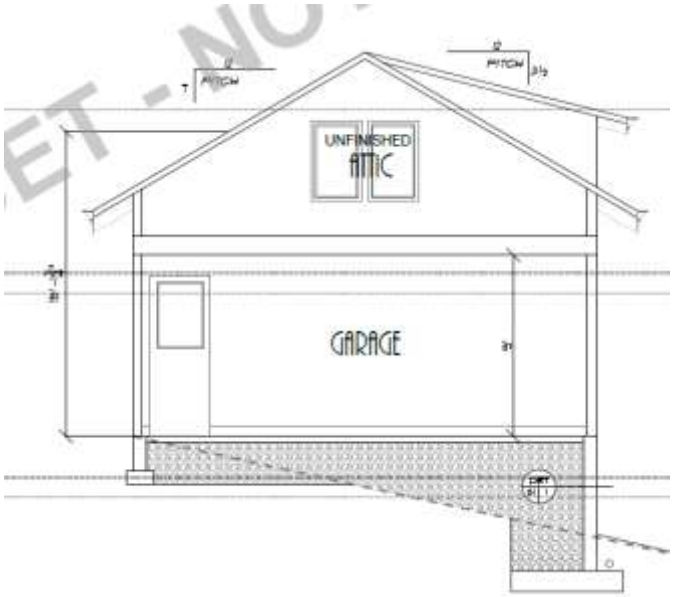


Revised Site Plan – proposed 2022

Revised 4th Ave elevation



Revised east elevation



Revised Cross Section

The applicant submitted the following narrative:

> *"During the last two years, since our Historic Approval in May 2020, we have been working with the city's engineering department and had multiple engineers at the city involved with our project working through best solutions and possible recommendations on how to meet disturbance requirements. The goal was to limit soil disturbance and minimize excavation to ensure the ground remains stable and disturbance meets the code.*
>
> *During the review process their recommendation was to move the detached garage to be alongside of the house and keep it at this elevation in order to meet Geologic Hazard code for maximum amount of disturbance allowed. When our architect and engineer updated drawings following this recommendation and ran disturbance calculations, it showed that they are meeting the standard.*
>
> *During the March 2022 Historic Board Meeting the board recommended to cover foundation of the garage in the new location with siding, which we have done.*
>
> *Garage in the currently proposed location is at a lower elevation than it was before during the May 2020 approval. Current location of the garage is set back 48 feet from the property line. New plantings alongside the foundation of the garage will help reduce the visual impacts. Trellis type wall covering over the foundation is an option as well.*

We believe all these things combined are not increasing visual impact of the garage from the originally approved location. Bungalow characteristic for garages to be detached and alongside of the house are within guidelines as well. "

The applicant also submitted a letter explaining the reason for the garage relocation:

"We proposed to move the house to the South on the property again to minimize cut and fill and reduce the amount of disturbance in the higher sloped areas of the property. In doing this, the direct entrance to the garage was no longer feasible where it was originally located and approved. Moreover, moving the house to the South also reduced the overall height of the building by a few feet. Which was originally desired by the HRB."

The applicant proposes the following mitigation for the massing of the garage from 4th Avenue:

"Siding will be used alongside the foundation of the garage to reduce visual exposure. Trellis type vegetative mitigation can be utilized as well."

The conditions of approval from HR-20-04 pertaining to tree removal and mitigation included the following:

9. The applicant shall consult an arborist on how to protect the six trees proposed to be preserved during construction, submit the arborist recommendations to the City, and follow all recommendations of the arborist. If the arborist's report indicates that the survival of the trees proposed to be preserved is doubtful, the applicant must return to the Historic Review Board with a revised site layout that achieves better tree preservation. This shall occur prior to the release of any grading, Right-of-Way or Building Permits.
10. The applicant shall indicate all trees on a revised site plan. If the maple trees not shown on the site plan are to be removed, the condition of approval for tree mitigation should be revised to increase the mitigation amount by one tree.
11. The applicant shall plant six native 1.5" caliper replacement trees in the side or front yard, a mixture of coniferous and deciduous species, as a replacement for the trees that will be removed.

The applicant submitted a report from Peter van Oss, Certified Arborist with SavaTree Consulting Group, who provided recommendations on tree protection during construction. The report also indicated that the deciduous tree in the center of the site near the footprint of the relocated garage (Tree #14) is in poor health and should be removed. Other trees within the 4th Avenue right-of-way are recommended for retention and protection during construction. The arborist states:

Formatted: Superscript

"Currently the trees pose little to no risk given that they do not have immediate targets should any tree parts fail. Once the home is built the status of the trees changes dramatically and they could pose a higher risk than in their current condition. The crowns of the deciduous trees are in poor condition. It is fair to assume that the ice storm of '21 is to blame as a cause.

Tree #14
The Bigleaf Maple is currently shown to be retained on the site plans. The tree used to have a co-dominant structure and one of its stems failed. It is recommended that the

remaining tree stem is removed to avoid future implications as far as tree failure is concerned. The root structure of the tree may be compromised by the decaying tree part. The bio-mechanical strength of the tree could be comprised given that 50% of the tree is missing. This could elevate the risk of complete tree failure during weather events. The remaining tree part has a lean directly toward the location of the proposed home."

Recommended tree protection fencing from arborist's report

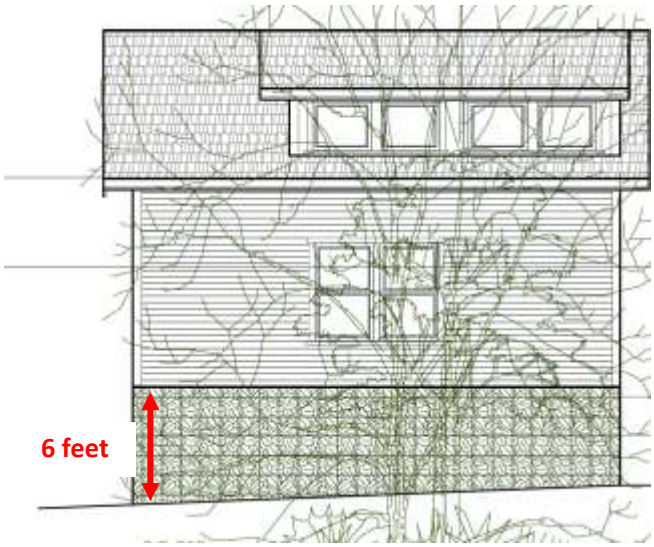
Zoning:
The property is zoned R-6 Single-Family Dwelling District and Low-Density Residential in the Comprehensive Plan. The property is also located within the Willamette River Greenway, Geologic Hazard and Natural Resource Overlay Districts. The applicant must receive approval through the Geologic Hazard, NROD, and Willamette River Greenway review processes prior to the issuance of building permits. The applicant has received the required land use approvals for these overlay districts.

Staff Analysis:
The applicant has returned to the Board with a modification to relocate the detached garage and revise the tree preservation plan. The detached garage, approved in HRB decision HR 20-04 in a location near the back corner of the site, is now proposed to be moved closer to 4th Avenue and located directly next to the house. The visibility of the garage will be increased from 4th Avenue, and ~~an oak~~a maple tree that is located next to the house will also be impacted to the extent that the applicant is proposing to remove it. In HR 20-04, the HRB included a condition of approval to require special care for tree preservation on site through arborist involvement, given that the applicant proposed to remove most of the large mature trees on site. The condition required that "If the arborist's report indicates that the

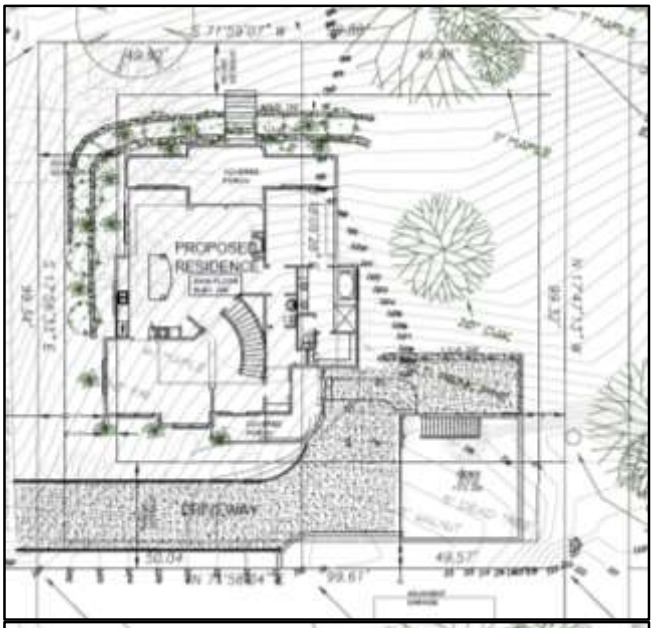
survival of the trees proposed to be preserved is doubtful, the applicant must return to the Historic Review Board with a revised site layout that achieves better tree preservation."

The revised proposal includes preservation of 5 of the 6 trees originally proposed for preservation. The 6th tree (Tree #14, the maple next to the proposed house) is in poor condition and is recommended to be removed by the arborist. While the proposed plan does not "achieve better tree preservation" as required by the HRB condition of approval from HR 20-04, the Board does have the authority to approve the proposed plan. If the Board determines the proposal can meet the standards, staff recommends additional tree mitigation as well as all of the tree protection measures recommended by the arborist.

The applicant is attempting to limit grading and excavation on site, and as a result, the exposed foundation of the garage facing 4th Avenue is approximately 6 feet in height. The height of the garage is less than that of the house, but it is a 2-story structure. The garage is about 25 feet wide, and will be set back about 48 feet from the property line. The house is set back about 24 feet from the property line and is 37 feet wide, with the main floor elevation at 210 feet. The garage floor plate is proposed at 212 feet.

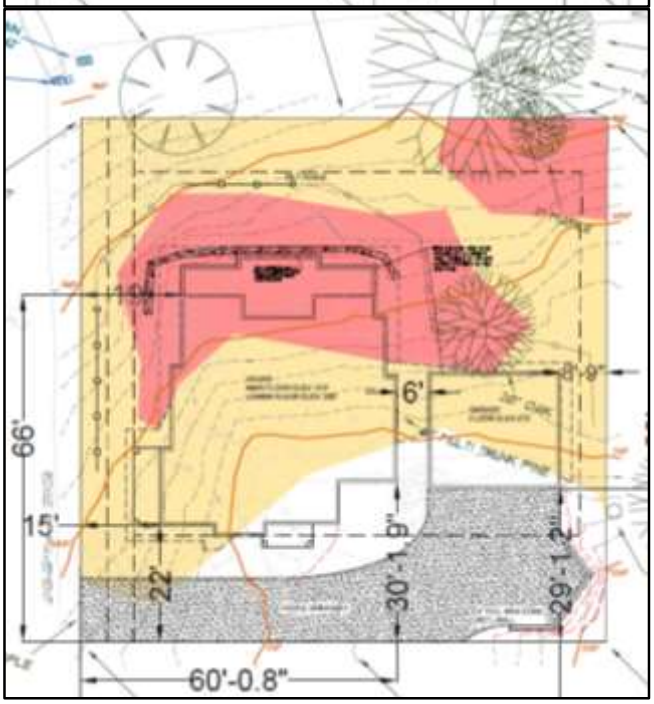


The design guidelines for New Construction contain a provision regarding foundations – under "Not allowed:" – "Tall or expansive areas of exposed foundations." The 6 feet of exposed foundation is significant, especially when sited next to the home, which itself has a lower level that is greatly exposed. On the other hand, the foundation exposure is set back 48 feet from the property line, and vegetative mitigation may be possible to reduce the visual impacts. The applicant has proposed mitigation in the form of vegetative screening as well as extending the horizontal siding all the way down to the ground on the street-facing façade.



Approved site plan

2020



Proposed revision

2022

HR 22-00001

I. PUBLIC NOTICE AND COMMENT

A public notice was sent to neighbors with 300 feet of the subject property, posted online, emailed to various entities, and posted onsite. Comments received include the following:

Josh Wheeler of the City's Development Services Department comments that the plan previously approved by the HRB exceeded the code allowance for disturbance and grading within the Geologic Haard Overlay District. The revised plans were able to be approved through the Geologic Hazard process, with conditions. Josh indicates that the plans are still not clear enough to determine if tree removal proposed will be consistent with the approved plans.

Chrissy Gress comments that the garage foundation does not meet the guidelines, will be highly visible, and is not compatible with the district, and questions the ability of landscaping to provide adequate screening. She also raises concerns about the tree removal and large driveway area.

Dave Green comments that the relocation of the garage will create more visual massing exceeding anything else in the neighborhood, and that the previous plan was less impactful. If approved, Dave supports the mitigation of bringing the siding down over the foundation area.

The findings in the staff report respond to the public comments.

II. 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.

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.

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.

Complies as Proposed. Oregon SHPO and the Native American tribes listed above were notified of the proposed ground disturbance in 2019. A response was received from SHPO and is in the City's files for this project. The letter indicates the level of recommended archaeological monitoring on the site.

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.

E. For exterior alterations of historic sites in an historic district or conservation district or individual landmark, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall be:

Not Applicable: The proposal is not an exterior alteration.

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;

The purpose of the district is:

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.

Finding: Does Not Comply.

The applicant proposes to adjust the location of a detached garage, moving it closer to the proposed house and to 4th Avenue. Additional tree removal, beyond what was previously approved, is also proposed. See detailed findings in the design guidelines section of this staff report.

2. The provisions of the city comprehensive plan;

Finding: Does Not Comply.

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.

The character of the Canemah district is one of mature trees and sites with limited ground disturbance. The applicant proposes to remove almost all trees on the site in order to have an oversized garage and ample driveway space to allow for vehicular circulation. See detailed findings in the design guidelines section of this staff report.

3. The economic effect of the new proposed structure on the historic value of the district or historic site;
Finding: Complies as proposed. The single family home is proposed in the Canemah National Register District. The single family use matches the dominant use of the district. Approving this development will add additional housing stock in an area with currently low housing stock and increasing the housing options for people within Oregon City or looking to move to Oregon City.

4. The effect of the proposed new structure on the historic value of the district or historic site;
Finding: Does Not Comply. The character of the Canemah district is one of mature trees and sites with limited ground disturbance. The applicant proposes to remove almost all trees on the site in order to have an oversized garage and ample driveway space to allow for vehicular circulation. See detailed findings in the design guidelines section of this staff report.

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: Does Not Comply. The applicant is attempting to limit grading and excavation on site, and as a result, the exposed foundation of the garage facing 4th Avenue is approximately 6 feet in height. The height of the garage is less than that of the house, but it is a 2-level structure. The garage is about 25 feet wide, and will be set back about 48 feet from the property line. The house is set back about 24 feet from the property line and is 37 feet wide, with the main floor elevation at 210 feet. The garage floor plate is proposed at 212 feet.
See detailed findings in the design guidelines section of this staff report.

6. Economic, social, environmental and energy consequences;
Finding: Complies as Proposed. The addition of housing stock in an existing single family neighborhood provides more needed housing and is located in an already-developed area in close proximity to goods and services.

7. Design guidelines adopted by the historic review board.

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.

Finding: Not applicable. The proposed style was already approved by the HRB. This application only pertains to the location of the garage structure and the proposed tree removal on site.

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 BUNGALOW STYLE IN CANEMAH

- No uniform front setback; South of 3rd Street: houses may face front or side depending on topography, and may be irregularly situated.
- Lots range from 50x100 to 100x100 and contain a single house.
- Properties edges often not defined; Where fenced, primarily 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.

Finding: Complies/Does Not Comply.

Elevation of this lot is sloped and has cascading topography from 5th Ave down to 4th Ave. The house is proposed to face directly north towards 4th Ave. There is a historic basalt rock wall that lines 4th Ave and the northern side of the property.

GARAGE:

Page 27 of the design guidelines states that accessory structures should be subservient to the primary building and be located at less visible areas such as the side or back of the primary building. The garage is proposed detached and behind the home in the SE corner of the lot. The proposal complies with this guideline.

The applicant is attempting to limit grading and excavation on site, and as a result, moving the garage closer to the 4th Avenue right-of-way. The exposed foundation of the garage facing 4th Avenue is a approximately 6 feet in height. The height of the garage is less than that of the house, but it is a 2-story structure. The garage is about 25 feet wide, and will be set back about 48 feet from the property line. The house is set back about 24 feet from the property line and is 37 feet wide, with the main floor elevation at 210 feet. The garage floor plate is proposed at 212 feet.

The design guidelines for New Construction contain a provision regarding foundations – under "Not allowed:" – "Tall or expansive areas of exposed foundations." The 6 feet of exposed foundation is significant, especially when sited next to the home, which itself has a lower level that is greatly exposed. On the other hand, the HRB may find that the foundation exposure is acceptable because it is set back 48 feet from the property line and vegetative mitigation may be possible to reduce the visual impacts. See findings under "3. building form" for additional discussion.

TREE REMOVAL:

Significant tree removal is proposed. Page 34 of the design guidelines calls for minimization of tree removal of trees over 6" in diameter by adjusting house siting, and replanting to preserve tree canopy. Clear cutting of lots is listed as "Not allowed" in the design guidelines. It appears that all the trees on the lot will be removed, with only a few trees in the right-of-way preserved.

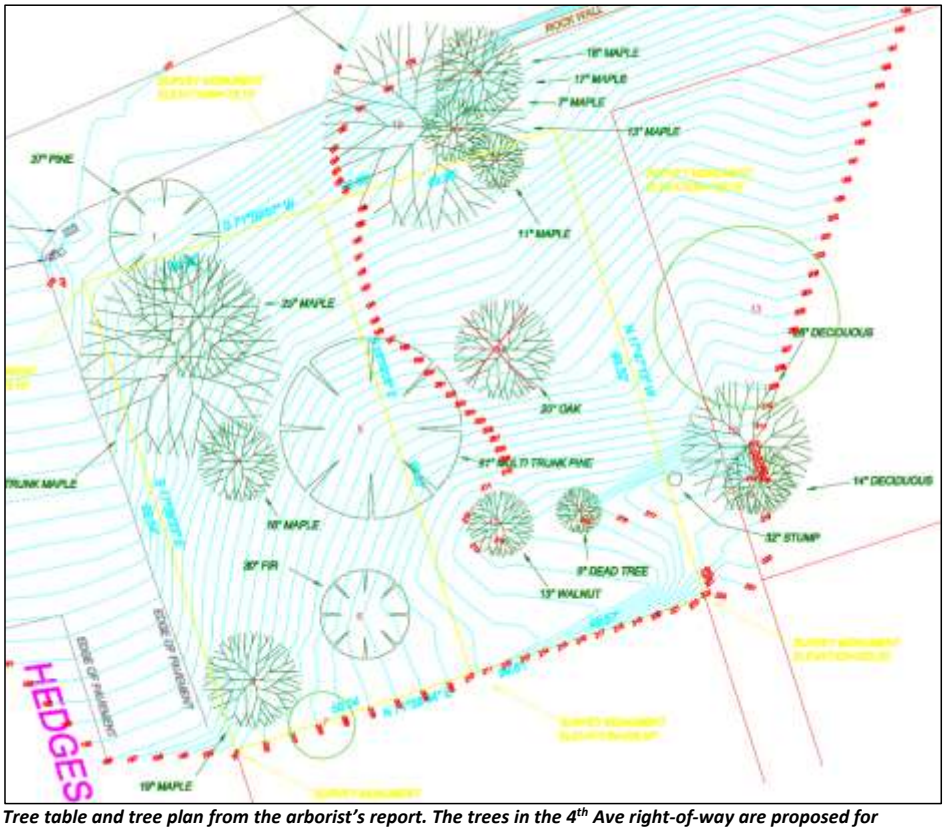
The applicant has indicated with the revised plans that the deciduous tree in the center of the site (Tree #14 in the arborist report) would be removed. The arborist deems this tree to be structurally compromised due to large limb loss. In 2020, the HRB included a condition of approval to require special care for tree preservation on site through arborist involvement, given that the applicant proposed to remove most of the large mature trees on site. The condition required that "If the arborist's report indicates that the survival of the trees proposed to be preserved is doubtful, the applicant must return to the Historic Review Board with a revised site layout that achieves better tree preservation."

The applicant has not addressed this condition of approval. No revisions to the layout have been discussed or proposed that would reduce tree removal. The applicant has not provided an analysis of how the site could be reconfigured to preserve the trees on site that are proposed for removal. While the arborist report indicates that many of the trees are in poor condition, there are a few, such as tree #7 and tree #6, that are in fair condition and may be good candidates for preservation.

The arborist report also discusses protection of some trees to the west that are on neighboring property. These trees, however, are on a property where the HRB approved development in 2019 and 2021 and are outside of the applicant's control.

The arborist's tree protection plan includes robust recommendations for tree protection during construction. If the Board finds that the applicant can meet the standards, staff recommends that all the tree protection measures recommended by the arborist be required as conditions of approval.

ObjectID	Common Name	Scientific Name	DBH	Crown Spread	Condition Health	Condition Structure	Field Notes
1	Douglas Fir	Pseudotsuga menziesii	44	40	Fair	Fair	Heavy ivy growth
2	Bigleaf Maple	Acer macrophyllum	24.4	35	Poor	Poor	Heavy ivy growth
3	Bigleaf Maple	Acer macrophyllum	34.5	45	Fair	Poor	Heavy ivy growth
4	Bigleaf Maple	Acer macrophyllum	22	35	Fair	Poor	Heavy ivy growth
5	Grand Fir	Abies grandis	64.5	50	Fair	Poor	
6	Douglas Fir	Pseudotsuga menziesii	42	30	Fair	Fair	
7	Bigleaf Maple	Acer macrophyllum	22	45	Fair	Fair	
8	Bigleaf Maple	Acer macrophyllum	38.6	45	Poor	Fair	
9	Bigleaf Maple	Acer macrophyllum	23	35	Poor	Fair	
10	Bigleaf Maple	Acer macrophyllum	32.5	35	Fair	Fair	
11	Empress tree	Ailanthus altisima	11.5	25	Poor	Fair	
12	Empress tree	Ailanthus altisima	17	25	Poor	Fair	
13	Black Cottonwood	Populus trichocarpa	54.5	60	Fair	Very poor	
14	Bigleaf Maple	Acer macrophyllum	26	35	Fair	Poor	One stem failed
15	Bigleaf Maple	Acer macrophyllum	20	35	Fair	Fair	
16	Bigleaf Maple	Acer macrophyllum	16	35	Poor	Fair	
17	Bigleaf Maple	Acer macrophyllum	18	20	Fair	Very poor	
18	Bigleaf Maple	Acer macrophyllum	18	20	Fair	Very poor	
19	Bigleaf Maple	Acer macrophyllum	31	20	Fair	Very poor	



Tree table and tree plan from the arborist's report. The trees in the 4th Ave right-of-way are proposed for preservation. Otherwise, all trees on the property itself are proposed for removal.

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 BUNGALOW STYLE IN CANEMAH

- Building form is difficult to modify for additions, but has versatile floor plan.
- More emphasis on the horizontal than Vernacular; this extends into porch, dormer and window design; more 'ground hugging'.
- Shape: floor plans are either rectangular, or square
- Height: One, or more often one-and-a-half stories high; possible basement.
- Proportions: Height to width approximately 1:1½; Height to Depth: 1: no more than 2 for main building portion not including front porch.
- Roof: Low-pitched (6:12 maximum) gable roof; front or side facing.
- Bays: possible single story, cantilevered, and rectangular located on side of house.
- Porch: Prominent front porch, roof supported with simple posts (less bulky than in McLoughlin); roof often continues down to create cover over porch; at main story only.

Finding: Does not comply. The applicant is attempting to limit grading and excavation on site, and as a result, moving the garage closer to the 4th Avenue right-of-way. The exposed foundation of the garage facing 4th Avenue is a approximately 6 feet in height. The height of the garage is less than that of the house, but it is a 2-level structure. The garage is about 25 feet wide, and will be set back about 48 feet from the property line. The house is set back about 24 feet from the property line and is 37 feet wide, with the main floor elevation at 210 feet. The garage floor plate is proposed at 212 feet.

The design guidelines for New Construction contain a provision regarding foundations – under "Not allowed:" – "Tall or expansive areas of exposed foundations." The 6 feet of exposed foundation is significant, especially when sited next to the home, which itself has a lower level that is greatly exposed. Six feet of height is greater than half a story. While the applicant proposes to extend the horizontal siding down along the building to cover the foundation to mitigate for the large foundation exposure, the result is a larger blank wall with massing that is beyond typical historic residential mass. The garage itself, at 25 feet wide and 2 stories, is similar in size to some of the smaller historic homes in the district; which range from approximately 24 to 36 feet.

Width of nearby historic homes

ASPECT	PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Volumes	Residential buildings incorporated space within the roofline [a half story] and the basement for added space. McLoughlin Commercial Style buildings on 7th Street from Center to John Q. Adams: dense building along this historic commercial corridor is appropriate. Respect massing and scale of IOOF Hall and Fire Station Canemah: maintain historic residential massing. Non rectangular volumes are more difficult to integrate into historic styles 	Buildings with excessive mass for the style chosen or neighborhood in which located Long, uninterrupted wall planes facing the public way; utilize projections, recesses or wall elements to breakup such planes

The design guideline for volumes (see screenshot from guidelines document above) disallows long uninterrupted wall planes facing the public way. The proposal to bring siding down creates a larger blank wall plane. Since it is set back considerably, at 48 feet, the impact may not be significant.

Applicant's alternative option for horizontal siding on foundation area.

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 BUNGALOW STYLE IN CANEMAH

- Front façade can be symmetrical or asymmetrical
- Porch: full, not typically wrap-around front porches.
- Roof Overhang: wide, over-hanging eaves and exposed rafter tails; decorative knee brackets under eaves.
- Dormers: single front facing; with lower slope gable or shed roofs
- Chimneys: at interior or projecting on side of house, usually brick.
- Siding: horizontal board siding; typically bevel profile (occasionally shiplap), shingle siding; or a combination, such as horizontal boards on the first floor with shingles on the second floor, or just in the gable or dormer.
- Windows: double-hung; 1:1; large fixed window flanked by two smaller double-hung windows.
- Windows At Dormers: smaller, often grouped at shed dormers; fixed or casement style where smaller.
- Finishes: generally earth tones; no white doors or windows.

Finding: Complies as Proposed. The design composition of the garage has been approved. The façade that faces the public right-of-way is a different side of the building, due to the change in orientation. The

design of the façade includes a shed dormer, and is simple in nature, designed appropriately for an accessory structure.

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.*
Finding: Not Applicable. The proposed setbacks on the site plan meet the dimensional standards in the underlying R-6 zone.

III. CONCLUSIONS AND RECOMMENDATIONS

Staff recommends that the Historic Review Board deny the proposal for a modification to the approval HR 20-00004.

Exhibits

1. Vicinity Map
2. Applicant Submittal
3. Public Comments
4. HR-20-04 Staff Report and Decision
5. GEO-21-00006 Staff Report and Decision
6. Applicant's Geotechnical Report

HR 22-01 Revisions to HR 20-04

Item #2.

Legend

- Street Names
- 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 3/8/2022

N

0 200 400 Feet

1: 2,400

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

OREGON CITY

Community Development – Planning

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-22-00004/ HR-22-00001

Proposed Land Use or Activity: New single family dwelling on an existing lot in Canemah

Project Name: N/A Number of Lots Proposed (If Applicable): _____

Physical Address of Site: None - Undeveloped parcel

Clackamas County Map and Tax Lot Number(s): 3-2E -6BB tax lot 400

Applicant(s):

Applicant(s) Signature: Igor E.

Applicant(s) Name Printed: Igor Ezersky Lyudmila (Mila) Ezersky Date: 02/28/2022

Mailing Address: 14891 Smithfield Dr Oregon city OR 97045

Phone: 360-607-7965 Fax: N/A Email: Ezersky.igor@gmail.com

Property Owner(s):

Property Owner(s) Signature: Igor E.

Property Owner(s) Name Printed: Igor & Lyudmila (Mila) Ezersky Date: 02/28/2022

Mailing Address: 14891 Smithfield Drive, Oregon City, OR 97045

Phone: 503-329-3572 Fax: N/A Email: lyudmila.ezersky@gmail.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.

www.orcity.org/planning

Date: April 12, 2022

To: Oregon City Planning Division
Historic Review Board
698 Warner Parrott Road
Oregon City, OR 97045
(503) 496-1540

From property owners: Igor & Lyudmila Ezersky
14891 Smithfield drive
Oregon city, OR 97045
503-329-3572
Lyudmila.ezersky@gmail.com

Project: GLUA-22-00004 and HR 22-0001:
Historic Review for modification of HRB decision HR20-04.
New Single-Family Residence at
4th and Hedges
Oregon City, Oregon 97045
3-2E-6BB tax lot 400

Architect: Bo Robinson
Design Providence LLC
12042 SE Sunnyside Rd.
Clackamas, OR 97015
503-760-0446
DesignProvidence@gmail.com

Re: Relocation of the detached garage to comply with Geohazard Code

In 2020, the HRB approved a single-family home and detached garage on a 10,000 square foot lot on 4th Avenue in the Canemah National Register District. We are returning with a modification to relocate the detached garage. The detached garage approved in HRB decision HR 20-04 was in the back corner of the site is now proposed to be alongside to the house. This change allows us to meet the disturbance code and is compliant with Bungalow characteristic for garages to be detached and alongside of the house.

During the last two years, since our Historic Approval in May 2020, we have been working with the city's engineering department and had multiple engineers at the city involved with our project working through best solutions and possible recommendations on how to meet disturbance requirements. The goal was to limit soil disturbance and minimize excavation to ensure the ground remains stable and disturbance meets the code.

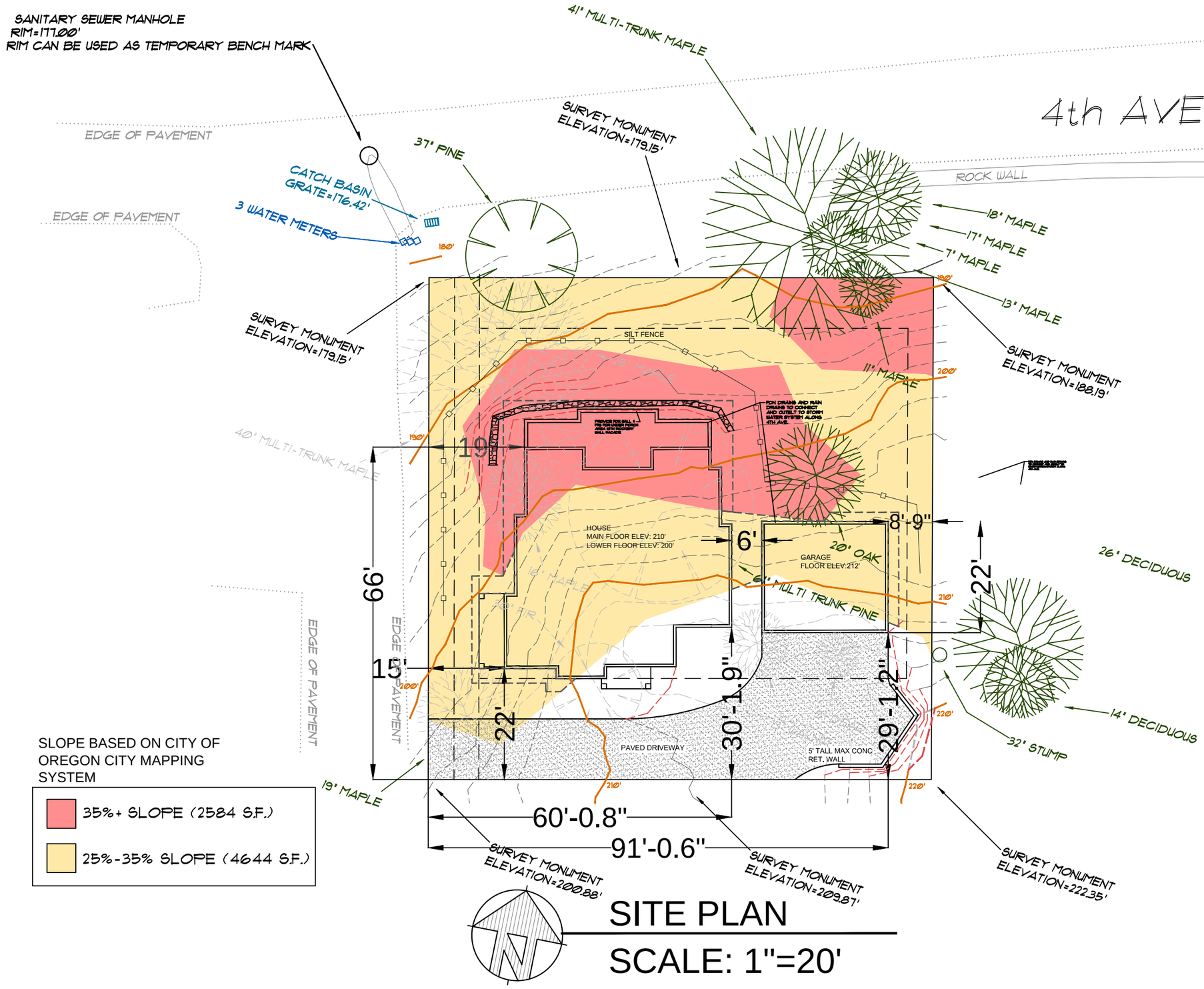
During the review process their recommendation was to move the detached garage to be alongside of the house and keep it at this elevation in order to meet Geologic Hazard code for maximum amount of disturbance allowed. When our architect and engineer updated drawings following this recommendation and ran disturbance calculations, it showed that they are meeting the standard.

During the March 2022 Historic Board Meeting the board recommended to cover foundation of the garage in the new location with siding, which we have done.

Garage in the currently proposed location is at a lower elevation than it was before during the May 2020 approval. Current location of the garage is set back 48 feet from the property line.
New plantings alongside the foundation of the garage will help reduce the visual impacts. Trellis type wall covering over the foundation is an option as well.

We believe all these things combined are not increasing visual impact of the garage from the originally approved location. Bungalow characteristic for garages to be detached and alongside of the house are within guidelines as well.

Thank you,
Igor and Lyudmila Ezersky



SITE PLAN

SCALE: 1"=20'

NOTE: EARTHWORK WILL BE RESTRICTED TO BETWEEN MAY 1 AND OCTOBER 31

SLOPE BASED ON CITY OF OREGON CITY MAPPING SYSTEM

- 35%+ SLOPE (2584 S.F.)
- 25%-35% SLOPE (4644 S.F.)

DISTURBANCE AREA CALCS

MAIN BLDG:
2085 S.F. TOTAL
1245 S.F. 25%-35% SLOPE
653 S.F. 35%+ SLOPE

GARAGE:
550 S.F. TOTAL
369 S.F. 25%-35% SLOPE
0 S.F. 35%+ SLOPE

GROUND DISTURBANCE:
265 S.F. 25%-35% SLOPE
290 S.F. 35%+ SLOPE

TOTAL DISTURBANCE:
1879 S.F. 25%-35% SLOPE
(1879 / 4644) = 40.4%
943 S.F. 35%+ SLOPE
(943 / 2584) = 36.5%

CUT AND FILL ESTIMATES

CUTS:
GARAGE: 60 C.Y.
BASEMENT: 45 C.Y.
TOTAL: 105 C.Y.

FILL:
EXT. RET/ WALLS: 90 C.Y.
BASEMENT: 18 C.Y.
TOTAL: 108 C.Y.

SOUTH ELEVATION

WEST ELEVATION

REVIEW SET - NOT FOR CONSTRUCTION

PLAN NO:

DATE: 7-16-21

SCALE: 1/4" = 1'-0"

CLIENT NAME: EZERSKY RESIDENCE

LOCATION

SHEET TITLE: ELEVATIONS

SQUARE FEET:

DESIGN PROVIDENCE, LLC
R.P. R.III
PMB 182 12042 S.E. SUNNYSIDE RD. CLACKAMAS, OR 97015
Phone & Fax: 503-782-0448 Email: Designprovidence@gmail.com
http://designprovidence.com

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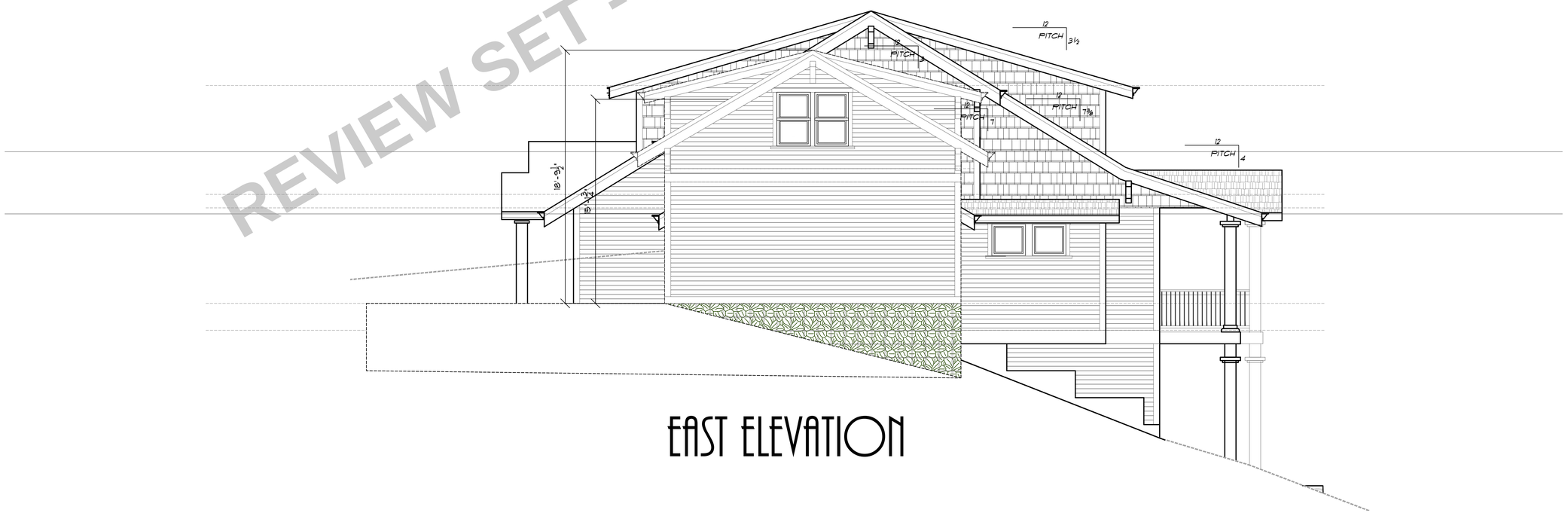
SHEET NR:

1

NORTH ELEVATION



EAST ELEVATION

REVIEW SET - NOT FOR CONSTRUCTION

PLAN NO:

DATE: 7-16-21

SCALE: 1/4" = 1'-0"

CLIENT NAME: EZERSKY RESIDENCE

LOCATION

SHEET TITLE: ELEVATIONS

SQUARE FEET:

DESIGN PROVIDENCE, LLC
PMB 362 12042 S.E. SUNNYSIDE RD. CLACKAMAS, OR 97015
Phone & Fax: 503-658-3199 Cell: 503-704-4145 Dan: danielrance@gmail.com
Web: Design-providence-llc.com

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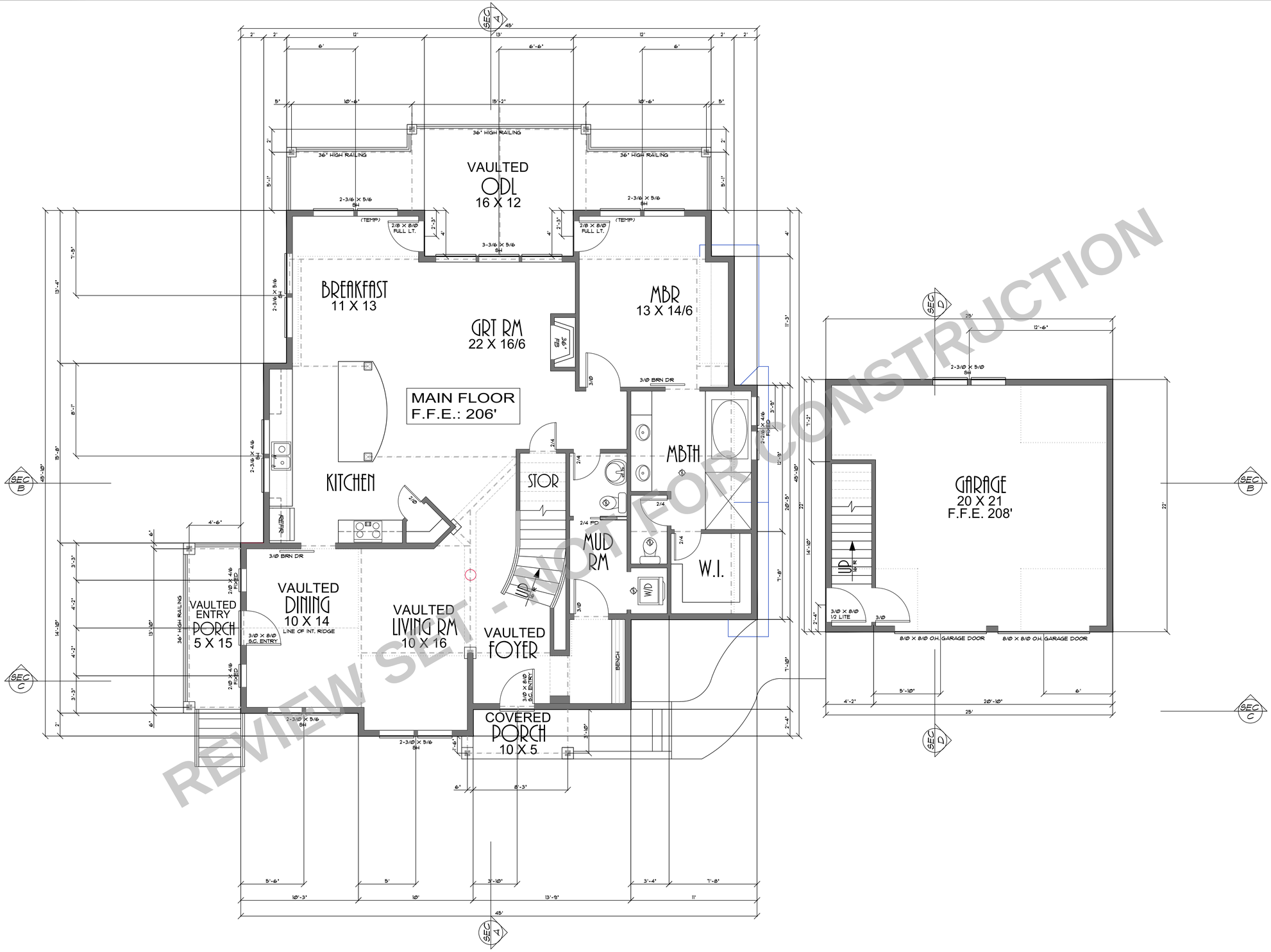

REVIEW SET - NOT FOR CONSTRUCTION

PLAN NO:

DATE: 7-16-21

SCALE: 1/4" = 1'-0"

CLIENT NAME: EZERSKY RESIDENCE

LOCATION

SHEET TITLE: MAIN FLOOR PLAN

SQUARE FEET: 1690 SQUARE FEET

DESIGN PROVIDENCE, LLC
RDP
PMB 302 12042 S.E. SUNNYSIDE RD. CLACKAMAS, OR 97015
Phone & Fax: 503-656-4884 Cell: 503-799-5884 Email: Designprovidence@gmail.com
Web: Designprovidence.com

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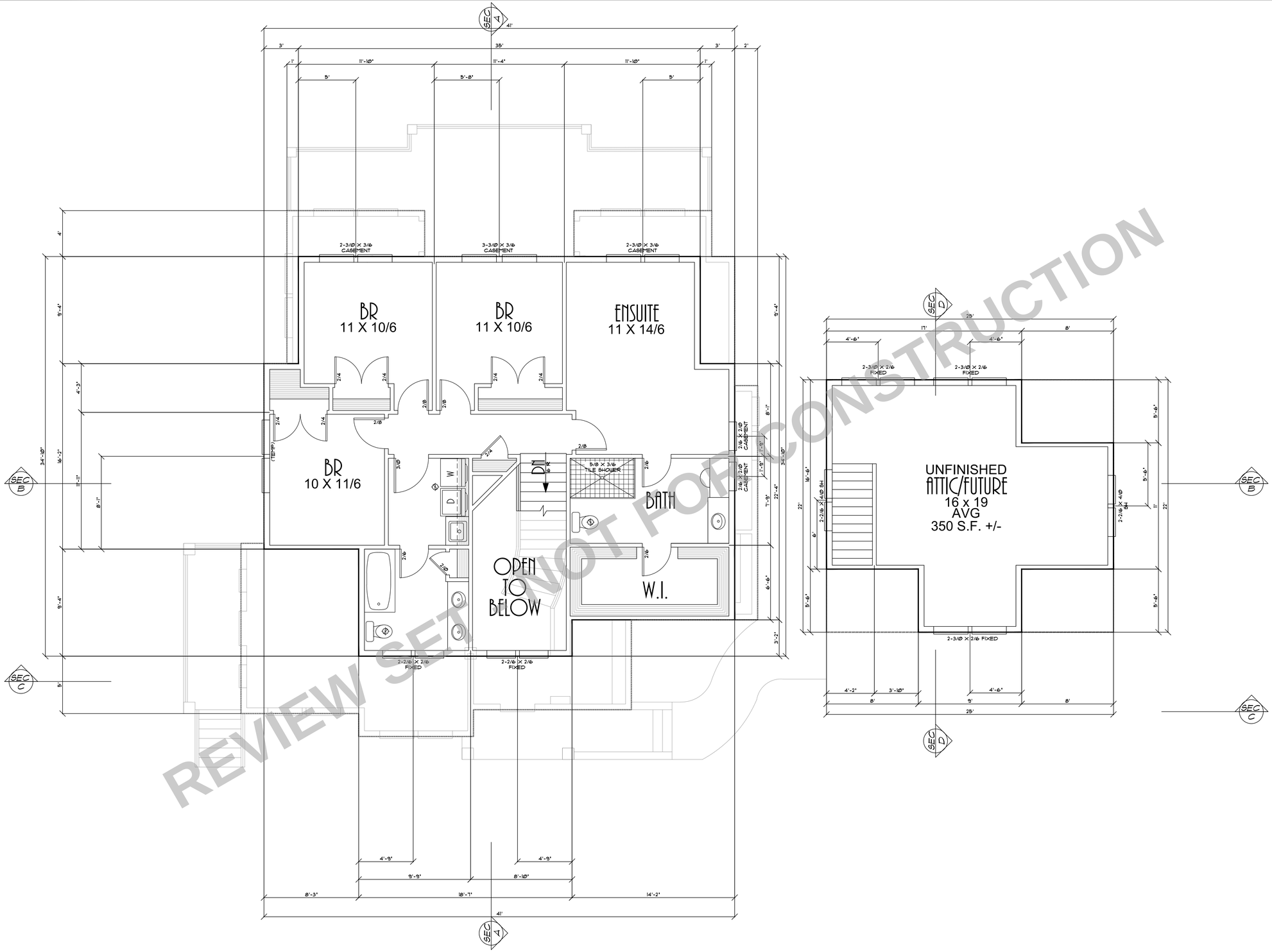
SHEET NR:

3



REVIEW SET NOT FOR CONSTRUCTION

PLAN NO:

DATE: 7-16-21

SCALE: 1/4" = 1'-0"

CLIENT NAME: EZERSKY RESIDENCE

LOCATION

SHEET TITLE: UPPER FLOOR PLAN

SQUARE FEET: 1122 SQUARE FEET

DESIGN PROVIDENCE, LLC
R.P. R.III
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Web: Designprovidence.com

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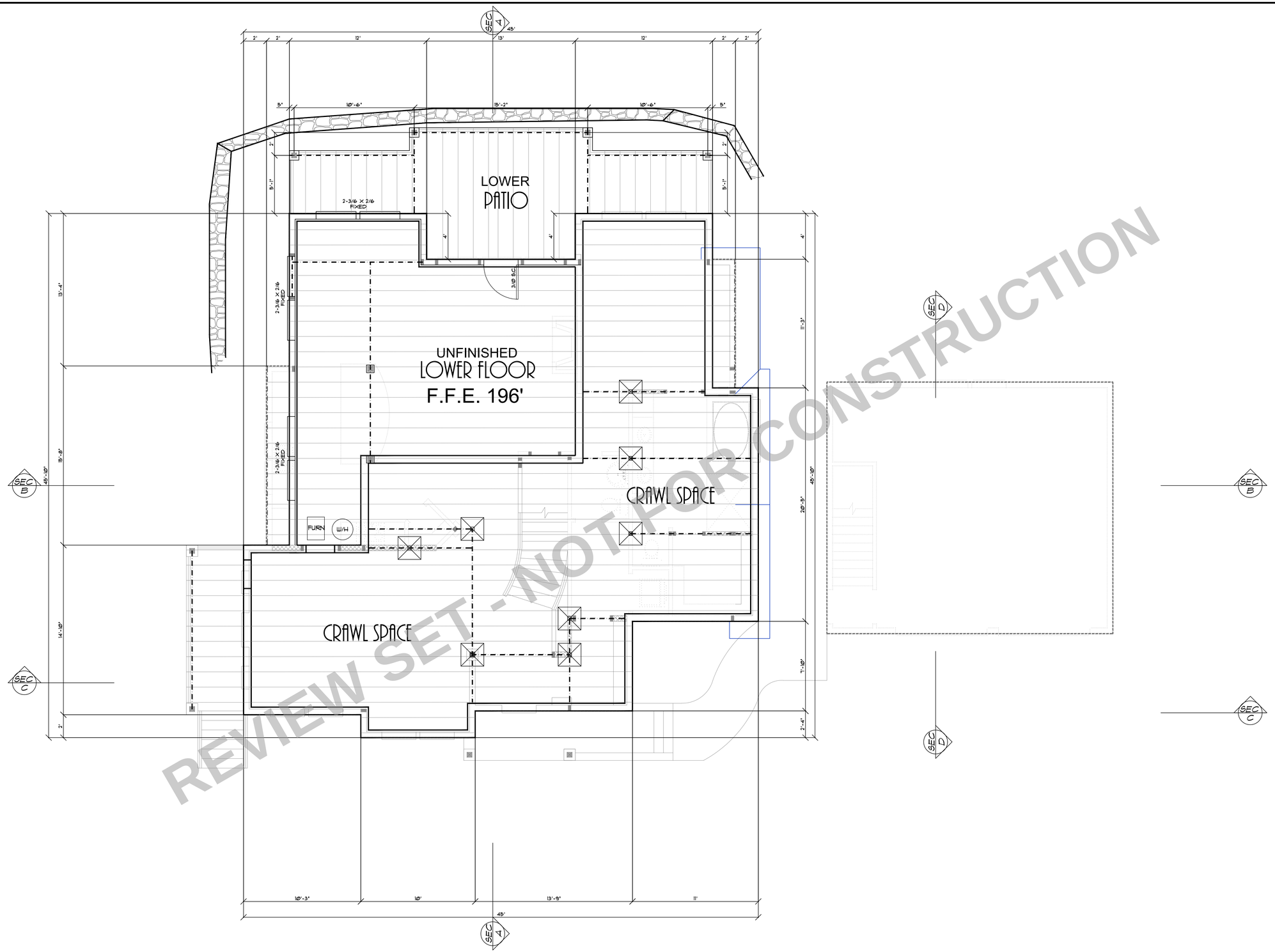
DIMENSIONS OR OPENINGS, & SLOPES OF 1/4" INCHES OR LESS, ARE NOT CONSIDERED ERRORS. ALL DIMENSIONS ARE TO FACE OF STUDS, UNLESS NOTED OTHERWISE.
MINIMUM ROOF SLOPE IS 1/4:12 UNLESS OTHERWISE NOTED



REVIEW SET - NOT FOR CONSTRUCTION

PLAN NO:

DATE: 7-16-21

SCALE: 1/4" = 1'-0"

CLIENT NAME: EZERSKY RESIDENCE

LOCATION

SHEET TITLE: LOWER FLOOR PLAN

SQUARE FEET: 550 SQUARE FEET

DESIGN PROVIDENCE.llc
RP RM
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Web: Designprovidence.com

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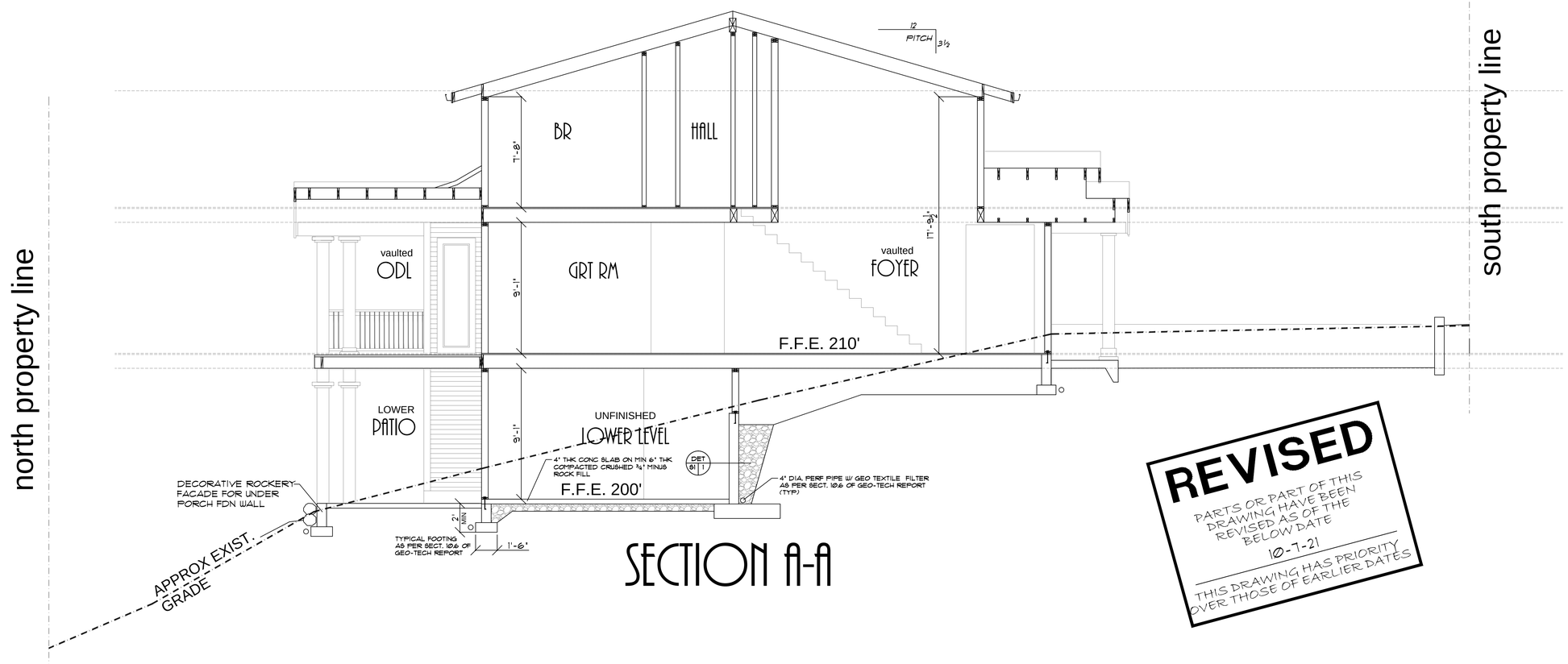
SHEET NR:

5



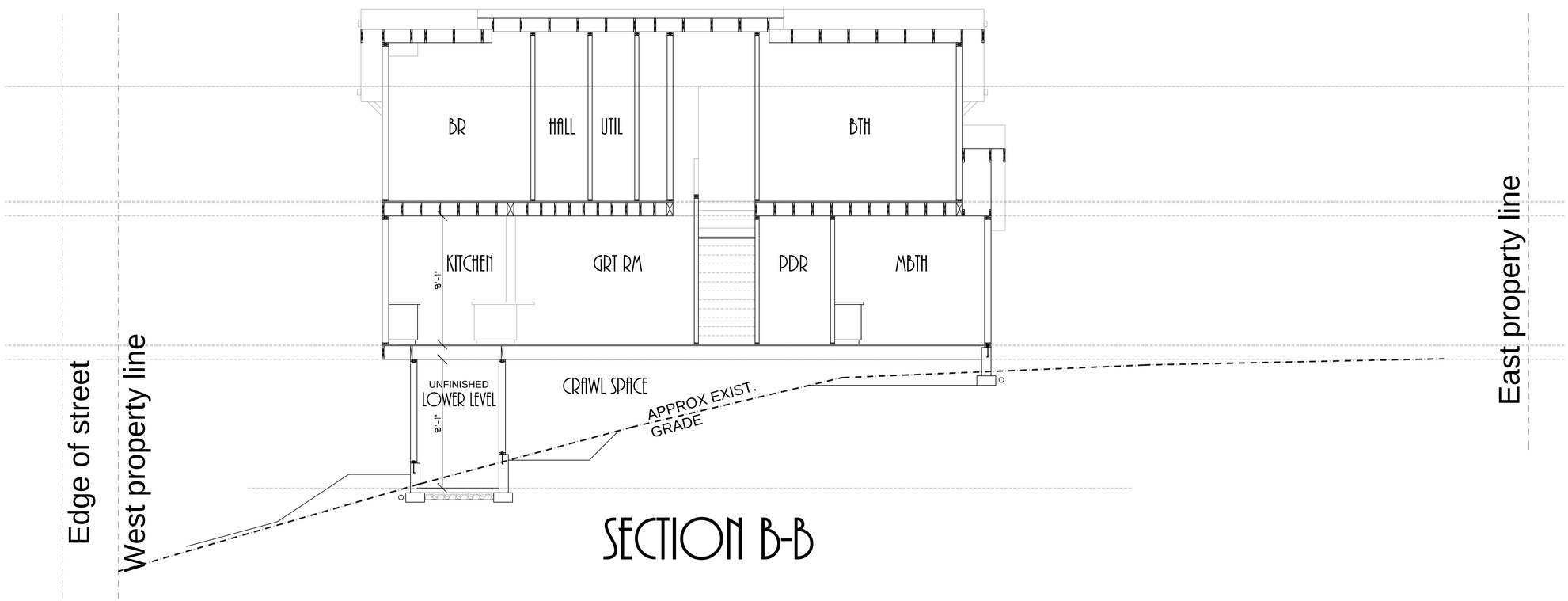
SECTION A-A

REVISED

PARTS OR PART OF THIS DRAWING HAVE BEEN REVISED AS OF THE BELOW DATE

10-7-21

THIS DRAWING HAS PRIORITY OVER THOSE OF EARLIER DATES



SECTION B-B

PLAN NO.:

DATE: 8-5-20

SCALE: 1/4" = 1'-0"

CLIENT NAME: EZERSKY RESIDENCE

LOCATION

SHEET TITLE: CROSS SECTIONS

SQUARE FEET:

DESIGN PROVIDENCE, LLC
R.D. & J.M.
PMB 302 1042 S.E. SUNNYSIDE RD. CLACKAMAS, OR 97015
Phone & Fax: 503.760.0449 Email: Designprovidence@gmail.com
Web: Designprovidence.com

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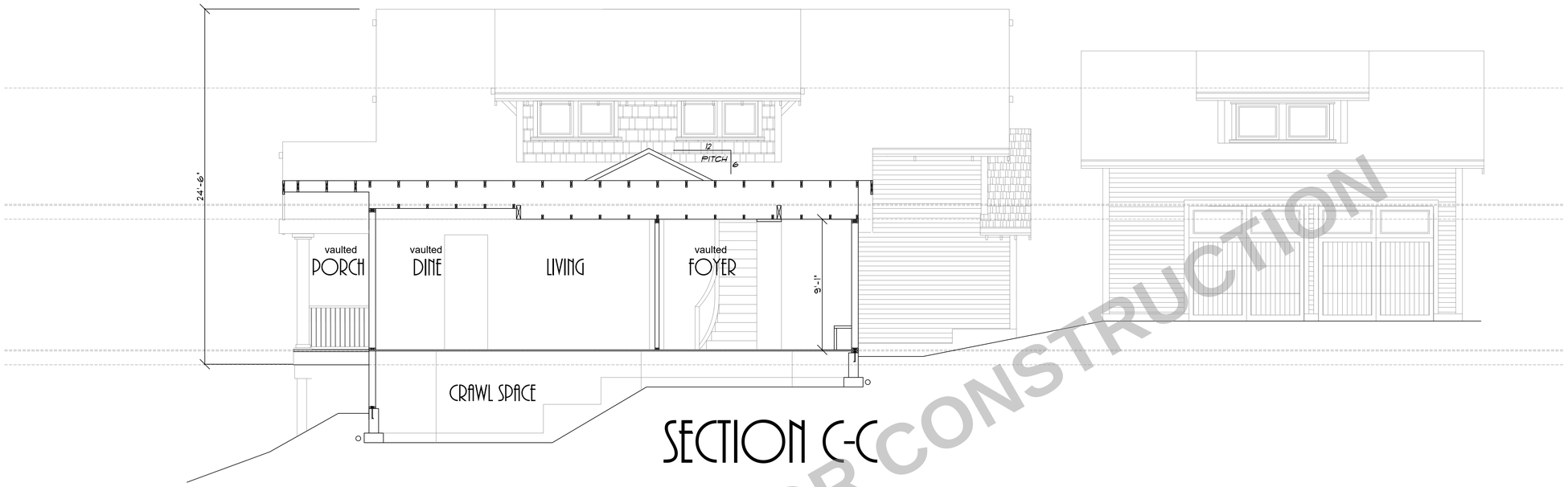
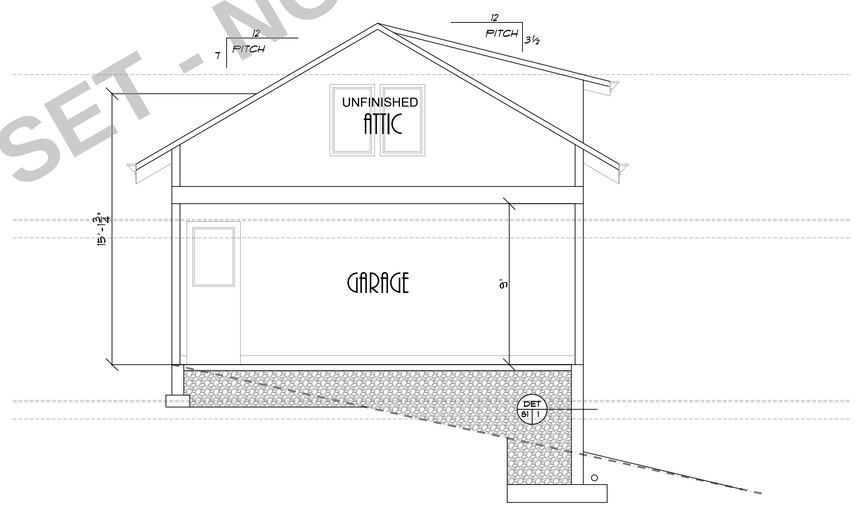


SECTION C-C



SECTION D-D

REVIEW SET - NOT FOR CONSTRUCTION

PLAN NO:

DATE: 7-16-21

SCALE: 1/4" = 1'-0"

CLIENT NAME: EZERSKY RESIDENCE

LOCATION

SHEET TITLE: CROSS SECTIONS

SQUARE FEET:

DESIGN PROVIDENCE LLC
R.P. R.III
PMB 392 - 20420 S.E. SUNNYSIDE RD. CLACKAMAS, OR 97015
Phone & Fax: 503-760-0448 Email: Designprovidence@gmail.com
Web: Designprovidence.com

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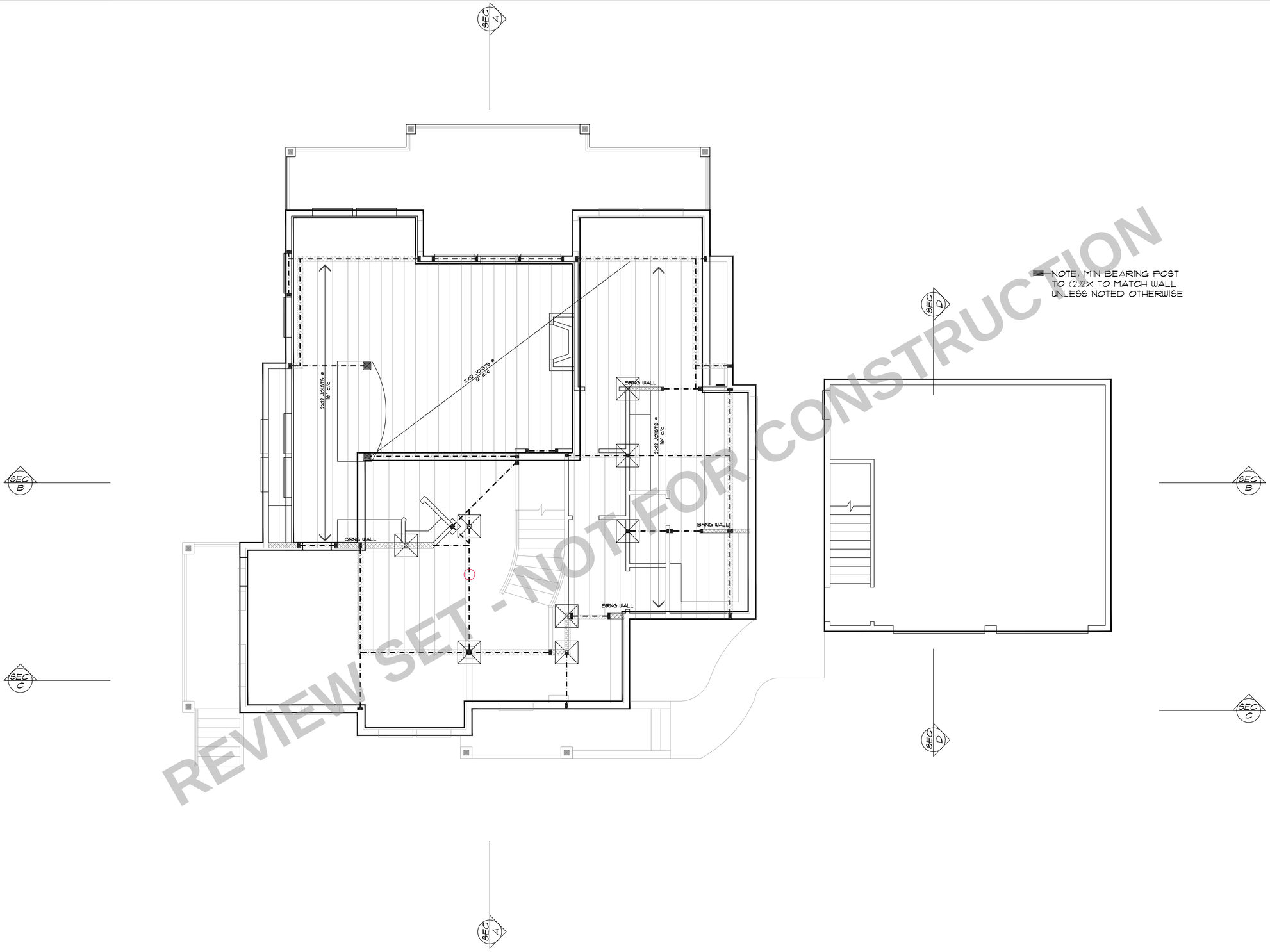
SHEET NR: 7



REVIEW SET - NOT FOR CONSTRUCTION

PLAN NO:

DATE: 7-16-21

SCALE: 1/4" = 1'-0"

CLIENT NAME: EZERSKY RESIDENCE

LOCATION

SHEET TITLE: CEILING FRAMING

SQUARE FEET:

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Phone & Fax: 503-702-9440 Email: designprovidence@gmail.com
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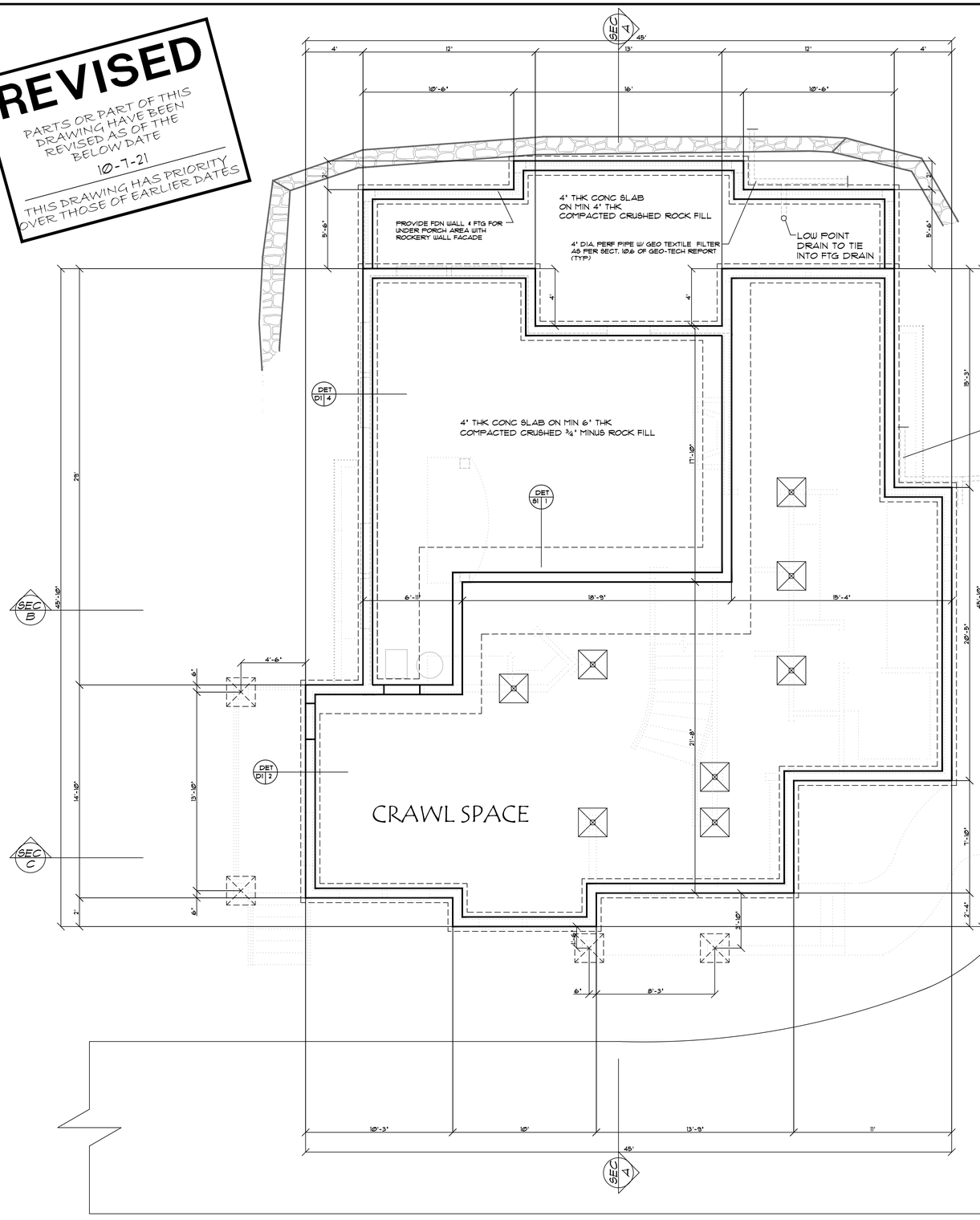
REVISED

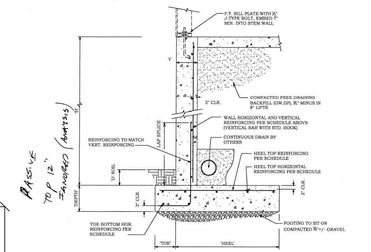
PARTS OR PART OF THIS DRAWING HAVE BEEN REVISED AS OF THE BELOW DATE

10-7-21

THIS DRAWING HAS PRIORITY OVER THOSE OF EARLIER DATES

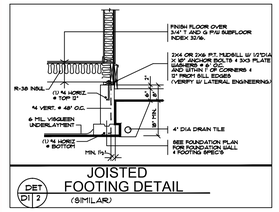


NOTE:
1. ASSUMPTIONS:
ACTIVE SOIL PRESSURE = 35 PSF
ALLOWABLE SOIL BEARING PRESSURE = 1500 PSF
(INCREASED TO 3000 PSF WITH SEISMIC LOADING)
COEFFICIENT OF FRICTION = .35 (GRAVEL BASE)
PASSIVE SOIL PRESSURE = 150 PSF
SEISMIC Sb = Sds/(1.5 (MONROE-OKASS)
FV. = 2500 PSI. AT 28 DAY STRENGTH, 5" SLUMP.
REINF. STEEL = 60 KSI
SOIL WEIGHT = 110 PCF
2. CONCRETE FOUNDATION WALL DESIGNED TO CARRY SOIL LOAD ONLY.
3. COMPACTED BACKFILL TO BE INSTALLED BEFORE DETACHED WOOD FORMS.
4. BACKFILL WITH FOOT COMPACTING WITH BACKFILL.
5. REINFORCING BARS TO BE ASTM A615, GRADE 60, DEFORMED BARS (REF. LAP SPLICE 48 BAR DIAM.).
6. DEFORMED WELDED WIRE TO BE ASTM A185.
7. FILL UNDER SLABS-ON-GRADE TO BE CLEAN GRAVEL (OR GRAVEL WITH SAND).
SW/20' WELL GRADED (OR POORLY GRADED SAND) OR GRAVEL (OR GRAVEL WITH SAND).
8. SEE GEOTECHNICAL REPORT BELOW!
9. REFER TO GEO-TECH REPORT H.G. SCHLICER & ASSOCIATES PROJECT #T174102 FOR ADDITIONAL REQUIREMENTS.

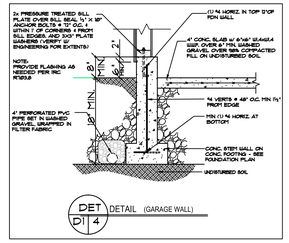


RETAINING WALL/FOOTING SCHEDULE						WALL REINFORCEMENT		FOOTING REINFORCEMENT		
HEIGHT	T	TOE	HEEL	DEPTH	EQ. SOIL	WALL VERT. REINF.	WALL HOR. REINF.	HEEL TOP HORIZ.	HEEL TOP	TOE BTM. HORIZ.
4'-0"	8"	1'-6"	2'-8"	8'-10"	35 #/	#4 @ 11'-0" O.C.	#4 @ 1'-0" O.C.	#4 @ 1'-0" O.C.	#4 @ 11'-0" O.C.	#4 @ 1'-0" O.C.
6'-0"	8"	2'-0"	3'-0"	4'-0"	35 #/	#4 @ 9'-0" O.C.	#4 @ 1'-0" O.C.	#4 @ 1'-0" O.C.	#4 @ 9'-0" O.C.	#4 @ 1'-0" O.C.
8'-0"	8"	2'-0"	3'-0"	1'-0"	35 #/	#4 @ 9'-0" O.C.	#4 @ 1'-0" O.C.	#4 @ 1'-0" O.C.	#4 @ 9'-0" O.C.	#4 @ 1'-0" O.C.
10'-0"	8"	2'-0"	7'-0"	1'-0"	35 #/	#4 @ 9'-0" O.C.	#4 @ 1'-0" O.C.	#4 @ 1'-0" O.C.	#5 @ 9'-0" O.C.	#4 @ 1'-0" O.C.

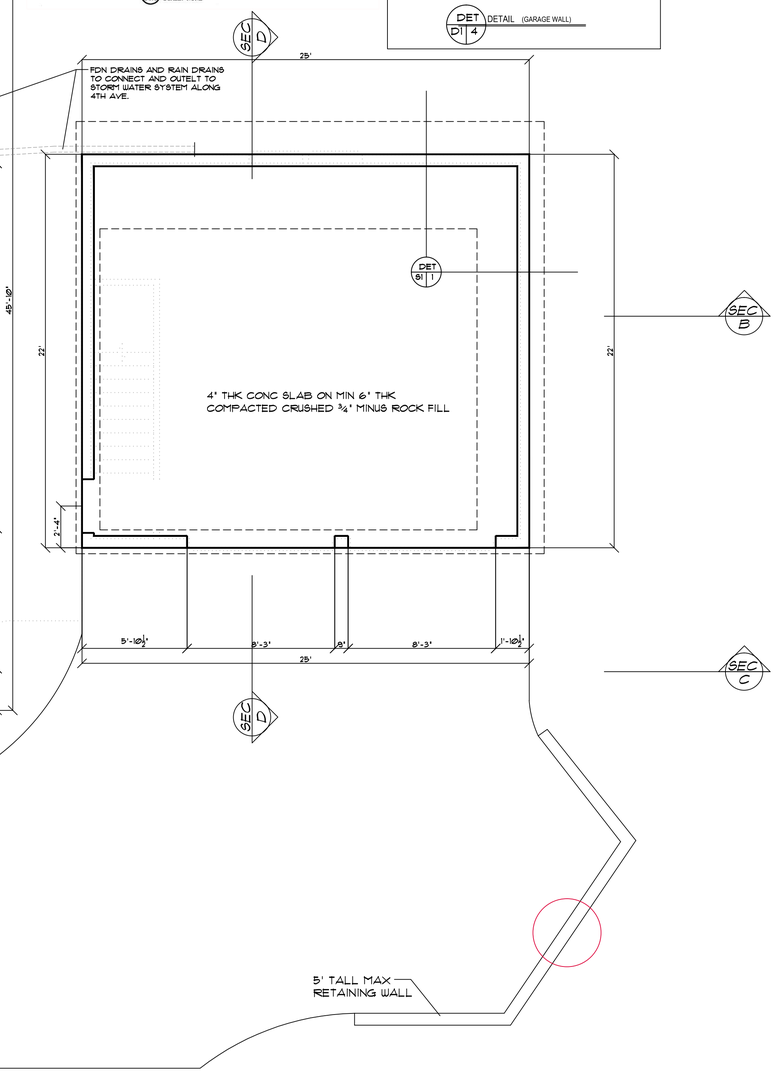
1 FOOTING SECTION
S1.0 SCALE: NONE



DET D1 2 JOISTED FOOTING DETAIL (SIMILAR)



DET D1 4 DETAIL (GARAGE WALL)



PLAN NO.:	
DATE:	8-5-20
SCALE:	1/4" = 1'-0"
CLIENT NAME:	EZERSKY RESIDENCE
LOCATION	
SHEET TITLE:	FOUNDATION PLAN
SQUARE FEET:	

DESIGN PROVIDENCE,LLC
R.P. R.D.
PMB 362 12042 S.E. SUNNYSIDE RD. CLACKAMAS, OR 97015
Phone & Fax: 503-658-3449 Email: Design@providence@gmail.com

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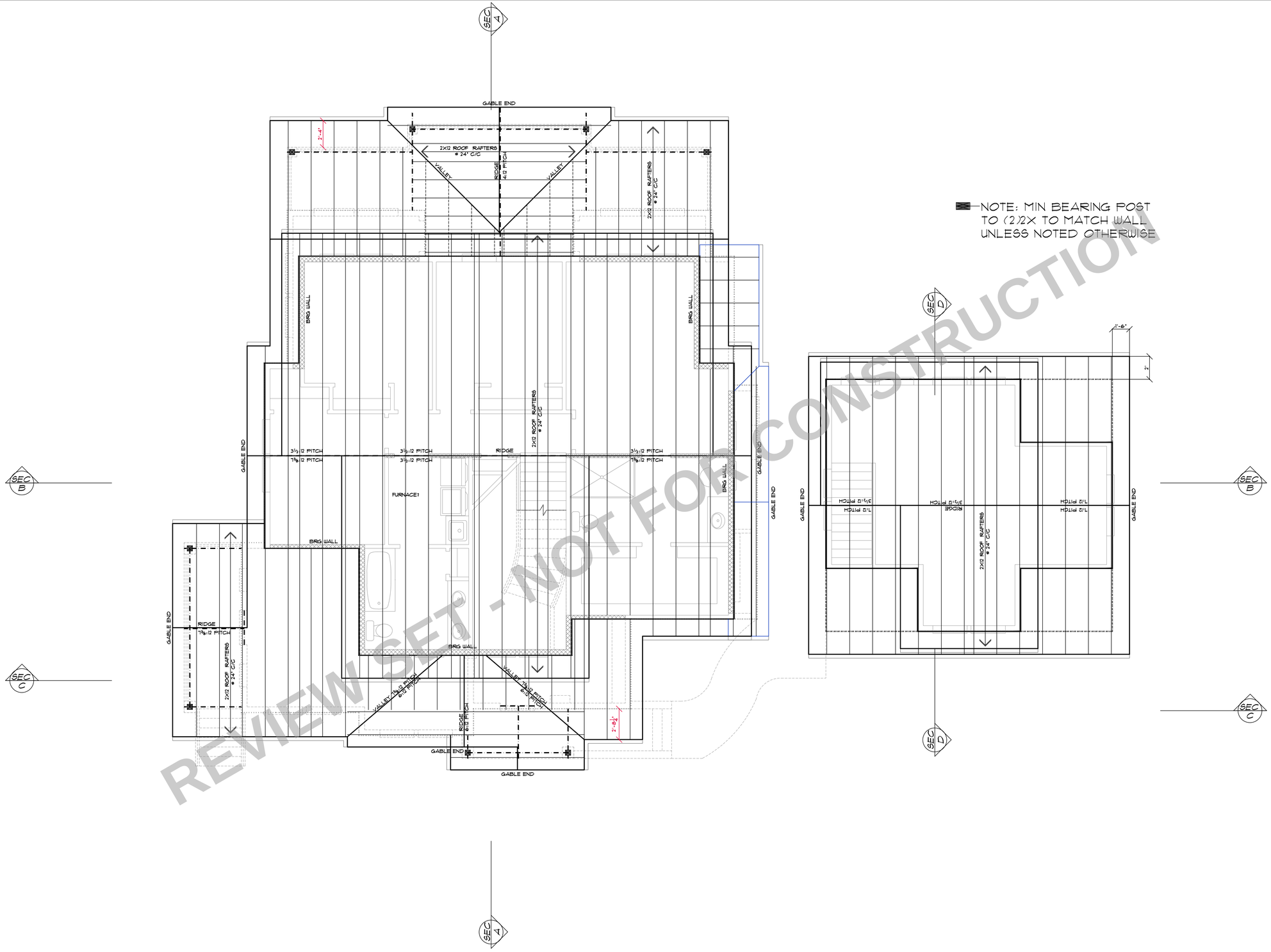
SHEET NR:

9



REVIEW SET - NOT FOR CONSTRUCTION

PLAN NO:

DATE: 7-16-21

SCALE: 1/4" = 1'-0"

CLIENT NAME: EZERSKY RESIDENCE

LOCATION

SHEET TITLE: ROOF FRAMING PLAN

SQUARE FEET:

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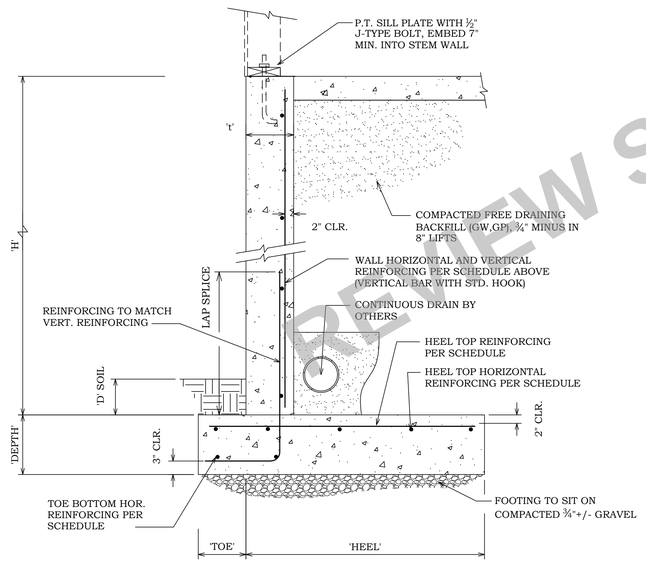
SHEET NR:

10

NOTE:
1. ASSUMPTIONS:
MAX DESIGN PRESSURE = 35 PSF
ALLOWABLE SOIL BEARING PRESSURE = 1500 PSF
(INCREASED TO 2000 PSF WITH SEISMIC LOADING)
SURCHARGE (GARAGE LOAD): 50 PSF
COEFFICIENT OF FRICTION = .35 (GRAVEL BASE)
PASSIVE SOIL PRESSURE = 150 PSF
SEISMIC Kh = Sds/2.5 (MONONOBE-OKABE)
F'C = 2500 PSI AT 28 DAY STRENGTH, 5" SLUMP.
Fy (STEEL) 60 KSI
SOIL WEIGHT = 110 PCF
2. CONCRETE FOUNDATION WALL DESIGNED TO CARRY SOIL LOAD ONLY.
3. COMPACTED BACKFILL TO BE INSTALLED BEFORE INSTALLING WOOD FLOOR.
4. SHORE WALL BEFORE COMPACTING WITH BACKFILL.
5. REINFORCING BARS TO BE ASTM A615, GRADE 60, DEFORMED BARS (MIN. LAP SPLICE 40 BAR DIAM.).
6. DEFORMED WELDED WIRE TO BE ASTM A185.
7. GW/GP: WELL GRADED OR POORLY GRADED GRAVEL OR GRAVEL WITH SAND.
SW/SP: WELL GRADED OR POORLY GRADED SANDY OR SAND WITH GRAVEL. **(NOTE #8 BELOW)**
8. REFER TO GEOTECH REPORT H.G. SCHLIKER & ASSOCIATES PROJECT #Y174102 FOR ADDITIONAL REQUIREMENTS.



RETAINING WALL/FOOTING SCHEDULE						WALL REINFORCEMENT		FOOTING REINFORCEMENT		
HEIGHT	't'	TOE	HEEL	DEPTH	'D' SOIL	WALL VERT. REINF.	WALL HOR. REINF.	HEEL TOP HORIZ.	HEEL TOP	TOE BTM. HORIZ.
4'-0"	8"	1'-6"	2'-9"	0'-10"	0'-6"	#4 @ 0'-11" O.C.	#4 @ 1'-0" O.C.	#4 @ 1'-0" O.C.	#4 @ 0'-11" O.C.	#4 @ 1'-0" O.C.
6'-0"	8"	2'-0"	4'-6"	0'-10"	0'-6"	#4 @ 0'-9" O.C.	#4 @ 1'-0" O.C.	#4 @ 1'-0" O.C.	#4 @ 0'-9" O.C.	#4 @ 1'-0" O.C.
8'-0"	8"	2'-0"	6'-0"	1'-0"	0'-6"	#4 @ 0'-5" O.C.	#4 @ 1'-0" O.C.	#4 @ 1'-0" O.C.	#4 @ 0'-5" O.C.	#4 @ 1'-0" O.C.
10'-0"	8"	2'-0"	7'-6"	1'-2"	0'-6"	#5 @ 0'-4" O.C.	#4 @ 1'-0" O.C.	#4 @ 1'-0" O.C.	#5 @ 0'-4" O.C.	#4 @ 1'-0" O.C.

1 / S1.0 FOOTING SECTION
SCALE: NONE

REVIEW SET - NOT FOR CONSTRUCTION

Item #2.

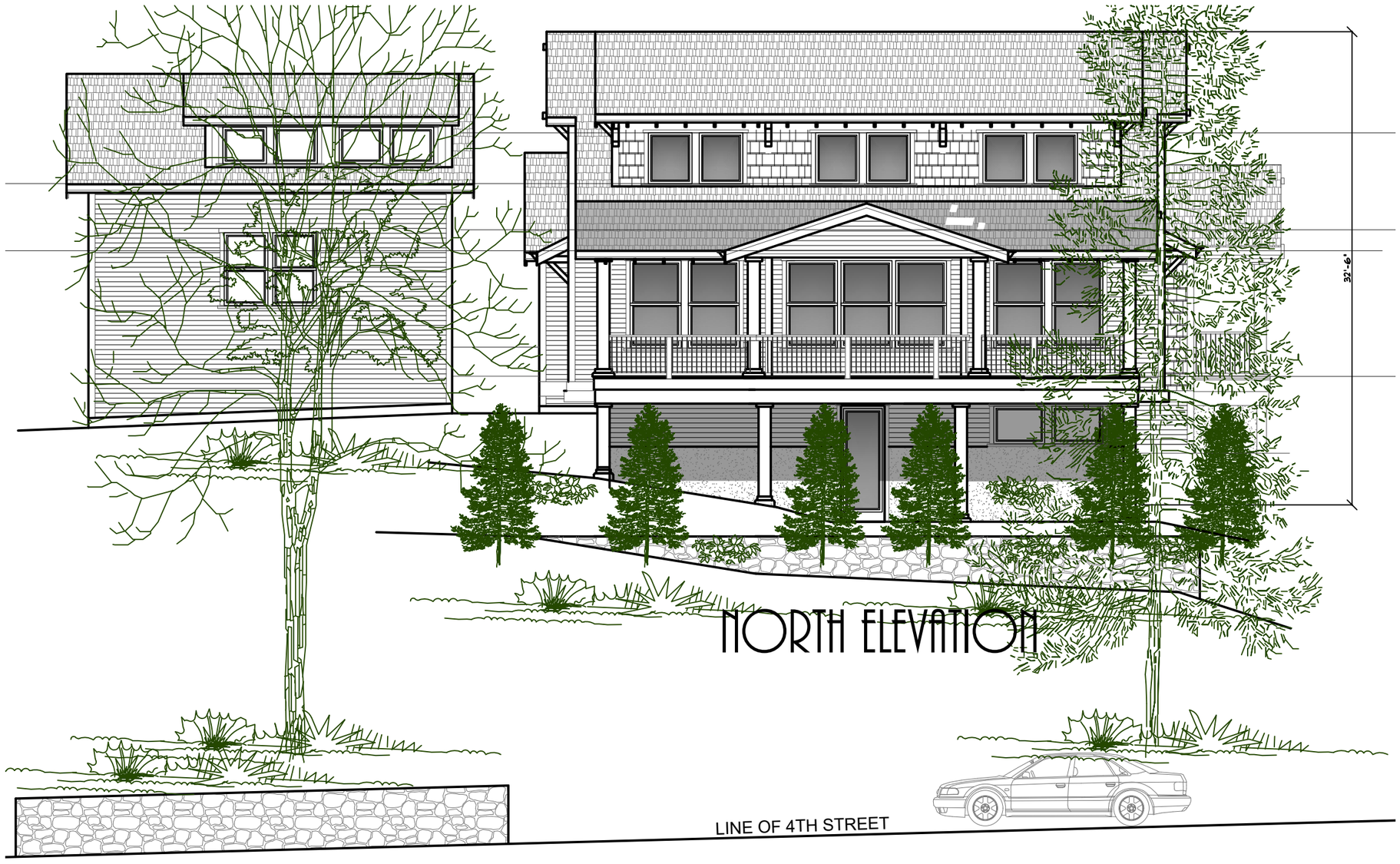
No.	DATE	DESCRIPTION

PROJECT NAME
EZERSKY
STRUCTURAL DETAILS

TURNER ENGINEERING & DESIGN
Office/Cell: (503) 970-8807
Email: turnerengineerdesign@gmail.com
PO BOX 220
EAGLE CREEK, OREGON 97022

ENGINEERS STAMP
REGISTERED PROFESSIONAL ENGINEER 58949PE OREGON JULY 15, 2003 RICHARD J. TURNER

EXP. DATE: 06-30-22
ISSUE CD
DESIGNED BY RJT
DRAWN BY RJT
CHECKED BY RJT
DATE 07/19/21
PROJECT NO. R20356
SHEET NO. S1.0


32'-6"
NORTH ELEVATION
LINE OF 4TH STREET

550 Bedford Road, Bedford Hills NY
phone: (914) 241-4999 • fax: (914) 244-9375
email: consultinggroup@savatree.com

savatree.com/consulting

TREE PROTECTION PLAN

THE EZERSKY RESIDENCE

APRIL 12, 2022

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City of Oregon City, Oregon – The Ezersky Residence

Arboricultural Assessment and Tree Plan.

Report Summary:

This report includes the location and status of the trees that fall within the perimeters of the proposed development of the project. The trees are marked on the site plan (Appendix C), including their location and corresponding number. The findings documented in this report summarize the accordance with the local municipal codes.

General Information:

Project Location and Identification

The property is in the City of Oregon City, Oregon. The physical address is not yet established. The closest address is:

- 306 4th Ave, Oregon City, Oregon. (Address of the property to the east)

Proposal

The project proposes to construct a single-family home including site improvements in the form of utilities and landscaping.

Assignment:

- Locate and identify the trees that will be affected based on the proposed construction according to the provided site plan (Appendix C)
- Provide findings/ recommendations pertaining to the trees.

Tree Inventory and assessment

On 04/12/2022 I completed the inventory of the trees on the property. The trees in question were evaluated for the impacts by the construction project, their overall condition, and verified in comparison to the provided site plan which indicates the site improvements Appendix C. The trees were tagged with aluminum tags corresponding to the tree ID numbers provided. The trees were inventoried using an iPad 11 Pro and its integrated GPS system. The program used is ArcGIS. The location of the trees is relatively accurate. The provided inventory in this report should not be used for architectural purposed, however. It should only be used as a reference.

Purpose and Use of this Report

The purpose of this report is to establish a Tree Protection Plan that will serve as directions that need to be followed during the construction project. This report documents this information and is intended to be used by the owner, construction contractor, the sub-contractors, the tree care, and landscape professionals who are involved in the construction project.

Limits of the report

The site was not staked out at the time of my visit. The trees were evaluated from the ground only. No tools were used to examine the tree parts and no soil was moved to inspect the root system.

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email: consultinggroup@savatree.com

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Observations

The topography of the property has significant differences between the front yard and the backyard. The front yard is located on the north side of the property and the backyard on the south side. The trees located on-site are primarily native trees and the trees show naturally growing characteristics. The understory growth is primarily English Ivy and Blackberry. Most of the trees on the property have large clumps of Ivy growing on them. Since the trees are growing in a more natural environment, compared to landscape trees, the overall health and condition rating may be impacted. Currently the trees pose little to no risk given that they do not have immediate targets should any tree parts fail. Once the home is built the status of the trees changes dramatically and they could pose a higher risk than in their current condition.

The crowns of the deciduous trees are in poor condition. It is fair to assume that the ice storm of '21 is to blame as a cause. The trees proposed for retention should be pruned for safety and it is highly recommended to remove the Ivy from the trunks of the trees.

Tree #13 was added to the inventory due to its size and the proximity to the construction site. The tree is located in the easement east of the property and is technically not directly on-site.

Proposed Tree Removals

Trees #2 through #8
The trees are proposed for removal since they are in the direct footprint of the proposed site improvements. The Maples are in poor to fair condition health wise. Their structure may be considered poor due to the co-dominant structures and or crown die-back within the canopies.

Trees #11 and #12
The Empress trees are proposed for removal due to the driveway location. Empress Trees or *Ailanthus altisima* are typically considered to be nuisance trees.

Tree #14
The Bigleaf Maple is currently shown to be retained on the site plans. The tree used to have a co-dominant structure and one of its stems failed. It is recommended that the remaining tree stem is removed to avoid future implications as far as tree failure is concerned. The root structure of the tree may be compromised by the decaying tree part. The bio-mechanical strength of the tree could be comprised given that 50% of the tree is missing. This could elevate the risk of complete tree failure during weather events. The remaining tree part has a lean directly toward the location of the proposed home.

Discussion and Tree Protection

The tree protection zone can be measured at a rate of 1-foot per diameter inch of the tree. For example: a 10" DBH tree has a protection zone of 10-feet in circumference of the tree. *The project arborist assigned to the project should be on-site during ground disturbing activities to monitor the impacts. If the trees are impacted too greatly the project arborist may require alternative measures to accomplish the construction goals.*

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Grubbing of the site should be done using a toothless bucket and equipment with a low PSI rating. Grubbing within the tree protection zones must be supervised by the project arborist. If he/she decides that the impacts are too great, the grubbing me need to be completed by use of hand tools.

Given the topography of the terrain there may be concern for hydrology changes. Care must be taken to ensure that the existing grade fully remains undisturbed as much as possible. Excess soil should be removed from the site. Adding fill to the root systems of the trees or removing too much soil can be detrimental and could cause tree failure.

Utilities should be installed using directional drilling or hand excavation within the tree protection zones. Activities within the tree protection zones must be monitored by the project arborist.

If large roots are encountered during excavation the project arborist may require that the roots remain, and the foundation is constructed around the roots. Bridging and/ or gapping the roots may be a viable option as well as pier and beam style foundations.

Tree Protection Fencing Placement
The fencing can be placed at the CRZ or Critical Root Zone of the trees. The CRZ is measured at a rate of 6" per diameter inch of the tree. For example: a 10" DBH tree has a CRZ of 5-feet.

The fencing shall be placed in circumference of the tree unless it meets the property lines. Groupings of trees can be protected by encompassing the CRZ of the outer trees and the fencing can be placed around the group of trees. For detailed information on the CRZ measurements refer to Appendix C-Inventory.

Important
Spoils from the excavation should not be spread down the hill. Grade changes can be detrimental to the trees especially fill. The soil must stay outside the RPZ of the trees. The RPZ is measured at 1-foot per diameter inch of the tree in circumference.

The fencing can be placed as shown in Appendix C. It is important to note that the project arborist must oversee ground disturbance and related impacts within 1-foot per diameter inch of the trees. It is highly recommended to hold a meeting on site to go over the tree protection plans.

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email: consultinggroup@savatree.com

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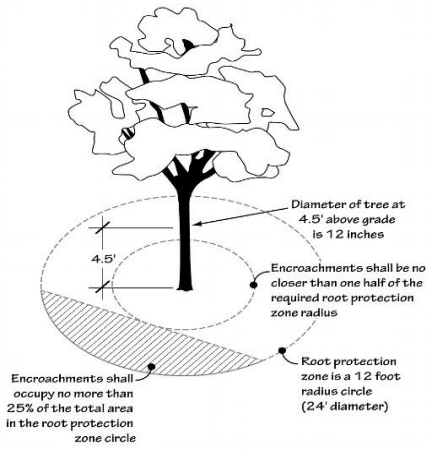
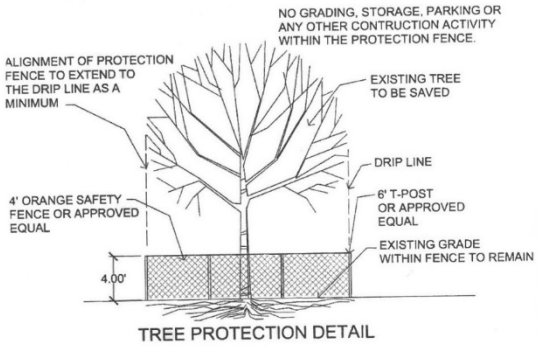
Excavation near the TPZ (Tree Protection Zone)



- All excavation, demolition, install of concrete forms…. etc. within 1 foot per diameter inch shall be monitored by one of our Certified Arborists assigned to the project to ensure that the impacts are minimal to the trees to be preserved. Techniques used by the project arborist will follow arboricultural guidelines and best management practices to preserve the trees (such as: City code, ANSI a300 standards… etc.)
- The excavator and/ or equipment shall stay outside the critical root zone/ drip line (tips of the branches) and carefully remove layers of soil while the project arborist probes the soil for roots 2" and larger.
- Exploratory pneumatic excavation may be necessary to determine the exact location of roots 2" diameter and larger, if found the project arborist may deem them to be substantially significant in the retention of the trees. *Alternative construction measures may be recommended if large roots are found.*
- Trees scheduled for removal located in proximity of the RPZ of the trees to be retained, should be cut, and not pulled over by excavator to minimize root impacts. Use of a stump grinder is recommended to remove stumps.

Tree Protection Fencing



- The tree protection fencing shall be a minimum of 4-feet tall and should be placed as far away from the tree as possible, while still allowing the construction project to commence. The fencing shall be metal.
- The temporary fencing shall be secured with 6-foot metal posts placed 8 feet apart, two feet deep at the edge of the tree protection zone.
- The sign 'Vegetation/ Tree Protection Zone' shall be placed prominently on the fence designated for the tree protection zone and list the penalties for violation.
- The fencing shall be installed prior to any ground disturbance taking place, including clearing, grading, or construction.
- The tree protection fencing may be removed after the final inspection is completed and the project arborist has met with the landscape contractor to go over their plans.

Prohibited Activities Inside the Tree Protection Zone

Construction activities are prohibited inside any part of the Tree Protection Zone. *Should access be required due to unforeseen circumstances, prior approval from the project arborist is mandated and he/ she shall be onsite to determine mitigation to the proposed activity.*

SAVATREE Consulting Group

550 Bedford Road, Bedford Hills NY
phone: (914) 241-4999 • fax: (914) 244-9375
email: consultinggroup@savatree.com

savatree.com/consulting

Prohibited activities include but are not limited to:

- Ground disturbance
- Construction activity involving vehicular or equipment access.
- Storage of equipment and materials (including soil and gravel)
- Temporary or permanent stockpiling
- Proposed buildings
- Impervious surfaces such as pavement
- Underground utilities
- Excavation or fill
- Trenching
- In ground irrigation system installations
- All other work activities (no person shall work inside the Tree Protection Zone)

Violations of the provisions may result in liability for damages and applicable fines

Conclusion:

The trees are in poor to good condition taking species and age into consideration. Provided with the information I received, it is in my professional opinion that the trees will be adequately protected provided that the foregone measures are followed.

Recommendations

- Hold a site meeting to discuss the retention efforts and details of the tree protection plan.
- Additional watering of the trees using a soaker hose during the warm periods.
- Establishing a PHC program for impacted trees.
- Pruning of the trees for safety.
- Removing the Ivy from the trees.

Appendix A Assumptions and Limitations
Appendix B Certification of Performance
Appendix C Site plan with tree locations, RPZ and TPZ

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Appendix A - Assumptions and Limitations

1. A field examination of the site was made. My observations and conclusions are as of that date.
2. Care has been taken to obtain all information from a reliable source, however the Arborist can neither guarantee nor be responsible for accuracy of information provided by others.
3. Unless stated otherwise, information contained in this report covers only those trees that were examined and reflects the condition of those trees at the time of inspection. The inspection is limited to visual examination of the subject trees without dissection, excavation, probing, or coring. There is no warranty or guarantee that problems or deficiencies of the subject tree may not arise in the future.
4. All trees possess the risk of failure. Trees can fail at any time, with or without obvious defects or applied stress. Trees are living biological organisms, and I cannot predict nor guarantee their stability or failure.
5. Sketches or drawings in this report are intended as visual aids and are not necessarily to scale and should not be used as engineering or architectural reports or surveys.
6. This report and any values/opinions expressed herein represents my opinion as an arborist. Inaction on the part of those receiving the report is not the responsibility of the Arborist.
7. Loss or alteration of this report invalidates the entire report.
8. *It is the contractor's/ owner's responsibility to contact us in a timely matter to ensure that a project arborist is available when inspections and/ or observations are required. Please allow two weeks for scheduling purposes*.
9. Any legal description provided to the consultant/ appraiser is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. All property is appraised or evaluated as though free and clear, under responsible ownership and competent management.
10. The consultant/ appraiser shall not be required to give testimony or attend court by reason of this report unless subsequent contractual arrangements are made, including payment for such services.
11. Possession of this report does not imply right of publication or use for any other purpose by any other than the person to whom it is addressed, without the prior expressed written consent of the consultant/ appraiser.

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email: consultinggroup@savatree.com

savatree.com/consulting

Appendix B - Certification of Performance

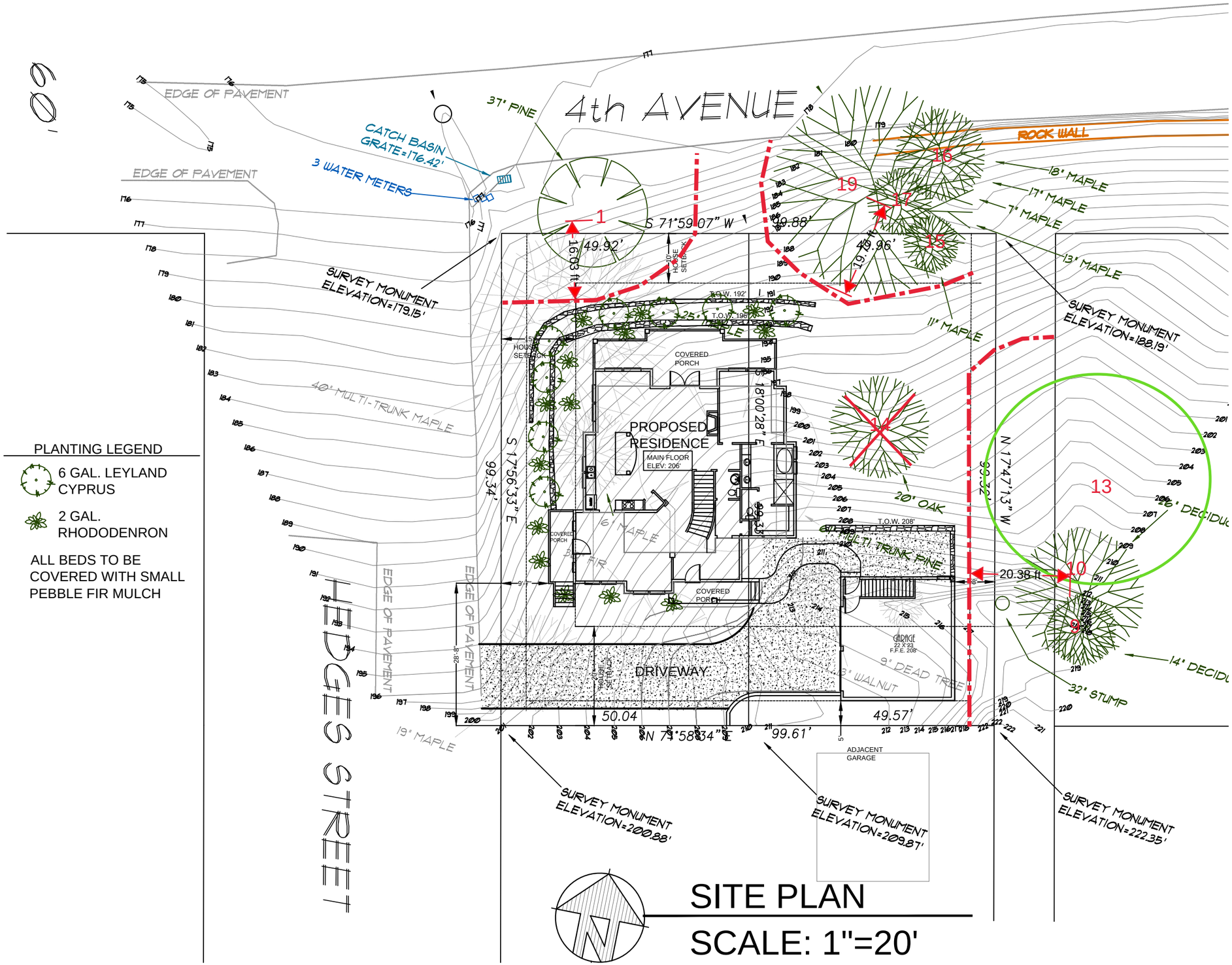
I, Peter van Oss, certify that:

- I have personally inspected the trees and the property referred to in this report and have stated my findings accurately. The extent of the evaluation or appraisal is stated in the attached report and the Terms of the Assignment.
- I have no current or prospective interest in the vegetation or the property that is subject of this report and have no personal interest or bias with respect to the parties involved.
- The analysis, opinions and conclusions stated herein are my own and are based on current scientific procedures and facts.
- My analysis, opinions and conclusions were developed, and this report has been prepared according to commonly accepted arboricultural practices.
- No one provided significant professional assistance to me, except as indicated in the report.
- My compensation is not contingent upon reporting of a predetermined conclusion that favors the cause of the client or any other party nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events.

I further certify that I am a member of, and certified by the ISA. I have been involved in the arboricultural field in a full- time capacity for a period of 15 years.

Sincerely,

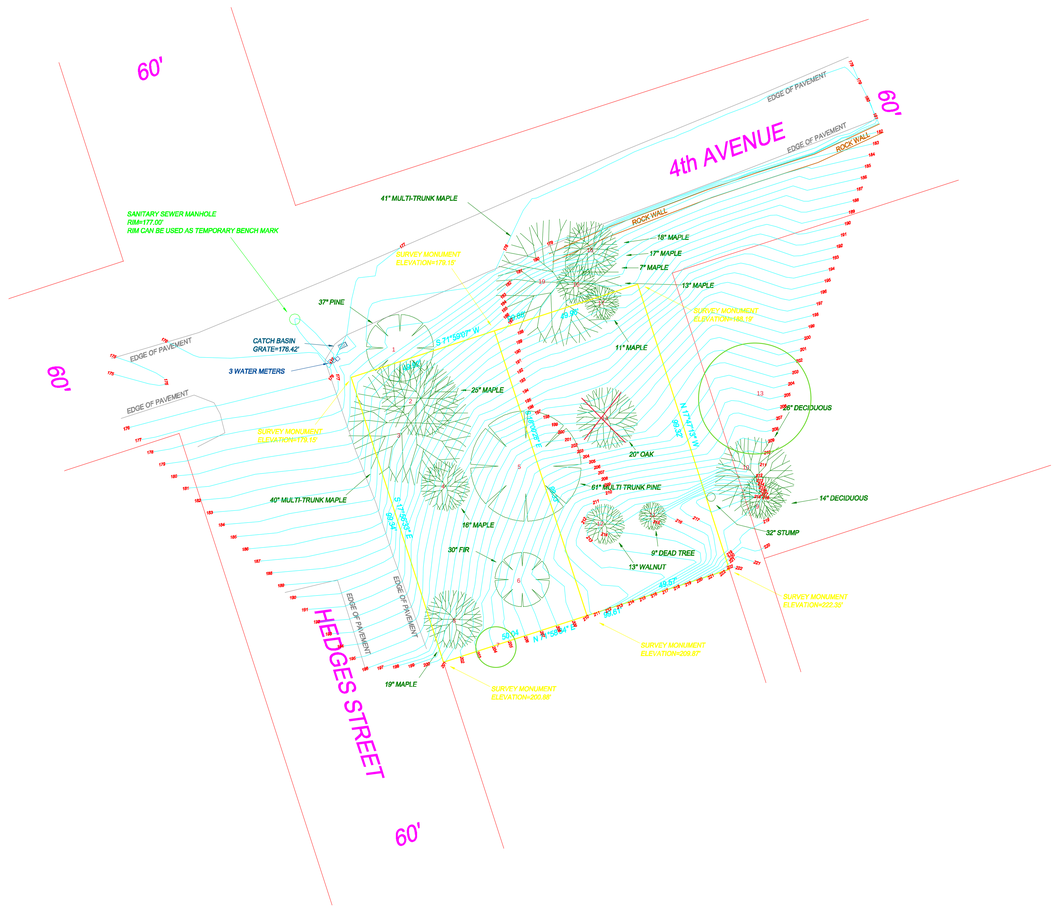
Peter van Oss
NW Tree Specialists
Certified Arborist PN-8145A
ISA Qualified Tree Risk Assessor
ASCA Member
503-512-3826 (Direct/ Cell)
pvanoss@savatree.com


4th AVENUE
EDGE OF PAVEMENT
EDGE OF PAVEMENT
CATCH BASIN GRATE=176.42'
3 WATER METERS
37" PINE
ROCK WALL
18" MAPLE
17" MAPLE
7" MAPLE
13" MAPLE
11" MAPLE
SURVEY MONUMENT ELEVATION=179.15'
SURVEY MONUMENT ELEVATION=188.19'
40" MULTI-TRUNK MAPLE
S 71°59'07" W
49.92'
19.88'
19.96'
19.03 ft
10' HOUSE SETBACK
5' HOUSE SETBACK
T.O.W. 192'
T.O.W. 198'
COVERED PORCH
PROPOSED RESIDENCE
MAIN FLOOR ELEV: 206'
18°00'28" E
S 17°56'33" E
99.34'
N 17°47'13" W
99.32'
20' OAK
T.O.W. 208'
61 MAPLE
31 FIR
71" MULTI-TRUNK PINE
20.38 ft
26" DECIDU
14" DECIDU
32" STUMP
GARAGE 22' X 33' F.F.E. 208'
9" DEAD TREE
8" WALNUT
DRIVEWAY
50.04
49.57'
N 79°58'34" E
99.61'
ADJACENT GARAGE
19" MAPLE
EDGE OF PAVEMENT
EDGE OF PAVEMENT
HEDGES STREET
SURVEY MONUMENT ELEVATION=200.88'
SURVEY MONUMENT ELEVATION=209.87'
SURVEY MONUMENT ELEVATION=222.35'
PLANTING LEGEND
6 GAL. LEYLAND CYPRUS
2 GAL. RHODODENRON
ALL BEDS TO BE COVERED WITH SMALL PEBBLE FIR MULCH
SITE PLAN
SCALE: 1"=20'

NOTES:

CONTOUR INTERVALS ARE EVERY FOOT.
THE VERTICAL DATA IS ASSUMED.
ELECTRONIC VERSIONS OF THIS FILE ARE AVAILABLE UPON REQUEST.
INDIVIDUAL SPOT ELEVATIONS ARE AVAILABLE BY TURNING ON THE PNT LAYERS.

0' 20' 40' 60'



SCALE: 1" = 20'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 11, 2006
LEE A. SPURGEON
65603LS

EXPIRES 6/30/18

PROJECT: SITE MAP AND TOPOGRAPHY	
LOCATION: NW 1/4 OF SECTION 6, T.3S., R.2E., W.M. CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON	
CLIENT: IGOR EZERSKY	JOB No.: 17-6959
	DATE: DECEMBER 14, 2017
	SCALE: 1"=20'
TOWNSHIP LAND SURVEYS, LLC 1415 WASHINGTON STREET, OREGON CITY, OR 97045 (503) 656-4015 info@townshipsurveys.com	

APPENDIX C - Inventory

ObjectID	Common Name	Scientific Name	DBH	Crown Spread	Condition Health	Condition Structure	Field Notes
1	Douglas Fir	Pseudotsuga menziesii	44	40	Fair	Fair	Heavy ivy growth
2	Bigleaf Maple	Acer macrophyllum	24.4	35	Poor	Poor	Heavy ivy growth
3	Bigleaf Maple	Acer macrophyllum	34.5	45	Fair	Poor	Heavy ivy growth
4	Bigleaf Maple	Acer macrophyllum	22	35	Fair	Poor	Heavy ivy growth
5	Grand Fir	Abies grandis	64.5	50	Fair	Poor	
6	Douglas Fir	Pseudotsuga menziesii	42	30	Fair	Fair	
7	Bigleaf Maple	Acer macrophyllum	22	45	Fair	Fair	
8	Bigleaf Maple	Acer macrophyllum	38.6	45	Poor	Fair	
9	Bigleaf Maple	Acer macrophyllum	23	35	Poor	Fair	
10	Bigleaf Maple	Acer macrophyllum	32.5	35	Fair	Fair	
11	Empress tree	Ailanthus altisima	11.5	25	Poor	Fair	
12	Empress tree	Ailanthus altisima	17	25	Poor	Fair	
13	Black Cottonwood	Populus trichocarpa	54.5	60	Fair	Very poor	
14	Bigleaf Maple	Acer macrophyllum	26	35	Fair	Poor	One stem failed
15	Bigleaf Maple	Acer macrophyllum	20	35	Fair	Fair	
16	Bigleaf Maple	Acer macrophyllum	16	35	Poor	Fair	
17	Bigleaf Maple	Acer macrophyllum	18	20	Fair	Very poor	
18	Bigleaf Maple	Acer macrophyllum	18	20	Fair	Very poor	
19	Bigleaf Maple	Acer macrophyllum	31	20	Fair	Very poor	

April 12, 2022

From: Bo Robinson
Design Providence LLC

To: Oregon City Planning Division
Historic Review Board

Project: GLUA-22-00004 and HR 22-0001
Historic Review for modification of HRB decision HR20-04.
New Single Family Residence at
4th and Hedges
Oregon City, Oregon 97045

RE: Relocation of the garage to meet the disturbance requirements

In 2020, the HRB approved a single family home and detached garage on a 10,000 square foot lot on 4th Avenue in the Canemah National Register District. The detached garage approved in HRB decision HR 20-04 to be located in the S.E. corner of the site is now proposed to be located directly to the East of the house, or alongside the house. This was primarily done for 2 reasons:

1. The original location required a large amount of excavation at the high corner of the lot. It was recommended by the city engineers based on the plans approved by the HRB that we needed to take measures to reduce the total amount of cut and fill and also minimize the amount of disturbance on the higher sloped areas of the lot.

2. In conjunction with these recommendations, we proposed to move the house to the South on the property again to minimize cut and fill and reduce the amount of disturbance in the higher sloped areas of the property. In doing this, the direct entrance to the garage was no longer feasible where it was originally located and approved. Moreover, moving the house to the South also reduced the overall height of the building by a few feet. Which was originally desired by the HRB.

By implementing these changes based on the engineers' recommendations disturbance calculations showed that we were meeting the standard and allowed for Type II Geo application decision of approval with conditions.

The current garage placement is set back 48 feet from the property line. Siding will be used alongside the foundation of the garage to reduce visual exposure. Trellis type vegetative mitigation can be utilized as well.

Please let me know if you have any question.

Bo Robinson
Design Providence LLC
Phone & Fax: 503-760-0446
DesignProvidence@gmail.com
www.DesignProvidencellc.com

OREGON CITY

Community Development – Planning

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

TYPE III – HISTORIC REVIEW
NOTICE OF DECISION
May 28, 2020

FILE NO.: GLUA-20-00007/HR 20-04: Historic Review Board review of a new single-family home in the Canemah National Register Historic District.

OWNER: Igor & Lyudmila Ezersky
14891 Smithfield drive
Oregon City, OR 97045

APPLICANT: Bo Robinson
Design Providence LLC
12042 SE Sunnyside Rd.
Clackamas, OR 97015

LOCATION: 4th and Hedges
Oregon City, Oregon 97045
3-2E-6BB tax lot 400

REQUEST: New single-family home in the Canemah National Register Historic District.

Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. The process for these land use decisions is controlled by ORS 197.763 and identified in OCMC 17.50. The decision of the Historic Review Board is appealable to the City Commission within fourteen days of the issuance of the final decision. Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the hearing, in person or by letter, with sufficient specificity to afford the Historic Review Board and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The decision of the Historic Review Board may be appealed to the City Commission by parties with standing. Any appeal will be based on the record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The City Commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

Additional Findings by the Historic Review Board

During the deliberation of this application, the Board found that the revised May design that includes a Hedges Street side entry, reduced 4th Avenue porch width to 37 feet at grade (not including the new side entry), a revise ground floor that more closely resembles a basement in function and appearance, and the inclusion of new Leland Cypress trees, all provide the needed additional mitigation to reduce the massing of the bungalow design on a complicated cross sloped lot in the Canemah National Register District.

Applicant's 120 Day Land Use Decision Deadline.

As part of the hearings process, the applicant provided an extension to the 120-land use deadline that requires a final city decision by June 30,2020. Therefore, if the application were to be appealed within the 14 day appeal period, the Appeal Hearing for this application will be heard at 7:00PM at the June 17, 2020 City Commission Meeting, held at Oregon City- City Hall, 625 Center Street, Oregon City Oregon 97045.

Any appeal hearing would be confined to the issues raised in the Grounds for Appeal. Only the applicant and those persons who participated in writing are allowed to participate either orally or in writing**.** Written comments can be sent to the Planning Division (crobertson@orcity.org or PO Box 3040, Oregon City Oregon, 97045) NOTE: FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 503-657-0891, 48 HOURS PRIOR TO MEETING DATE. Agendas and meeting materials are available seven days before meetings at https://oregon-city.legistar.com/Calendar.aspx

Conditions of Approval

HR 20-01

(P) = Verify that condition of approval has been met with the Planning Division.
(DS) = Verify that condition of approval has been met with the Development Services Division.
(B) = Verify that condition of approval has been met with the Building Division.
(F) = Verify that condition of approval has been met with Clackamas Fire Department.

Prior to issuance of Building Permits:

1. The applicant shall obtain all other required land use approvals including Willamette River Greenway and Geologic Hazard Overlay reviews, before permits are issued or trees are removed onsite.
2. The applicant shall minimize grading and comply with any applicable standards in the Geologic Hazard Overlay Chapter 17.44. (P, DS)
3. Additional natural rockery walls that are less than 4 feet in height are allowed in the site without further Historic Review Board review, but will be subject to review for compliance with the Geologic Hazard Overlay District. (P, DS)
4. The applicant shall ensure that the proposed stairs in the front yard are rock or smooth concrete and not a constructed wood stair. (P)
5. The applicant shall utilize two smaller garage doors of less than 12 feet each instead of a single large garage door.
6. Minor changes to window location or size on the side and rear facades will be acceptable and may be approved at a staff level prior to building permit issuance. (P)

7. The applicant shall modify the entryway to remove or close the gable on the 4th Avenue elevation.
8. The applicant shall modify the basement level to eliminate or reduce the size of the windows on the front facade, to move the entry door to a less conspicuous location, and utilize a half-lite or solid door. The Basement siding shall be smooth concrete, stucco, or natural basalt with a maximum of 30% smooth cement board siding.
9. The applicant shall consult an arborist on how to protect the six trees proposed to be preserved during construction, submit the arborist recommendations to the City, and follow all recommendations of the arborist. If the arborist's report indicates that the survival of the trees proposed to be preserved is doubtful, the applicant must return to the Historic Review Board with a revised site layout that achieves better tree preservation. This shall occur prior to the release of any grading, Right-of-Way or Building Permits.
10. The applicant shall not use stamped concrete or visible gabion walls for the retaining walls; rockery, real basalt veneer, or smooth poured concrete are acceptable.
11. The retaining walls in the front yard shall be reduced to 3.5 feet in height or less.
12. A pre-construction meeting with preservation staff is highly encouraged.
13. The applicant shall indicate all trees on a revised site plan. If the maple trees not shown on the site plan are to be removed, the condition of approval for tree mitigation should be revised to increase the mitigation amount by one tree.
14. The applicant shall reduce the full width of the porch to be a maximum of 37 feet at grade. The east elevation bump out may be allowed at grade or cantilevered. The side porch proposed in the May revised plan is allowed and shall be revised to show a closed gable with lap siding or square wood lattice beneath.

Prior to issuance of a Certificate of Occupancy:

15. Incised lumber or pressure-treated wood shall not be used on any visible surfaces. Any lap siding shall be 4 inch or 6-inch smooth cement board or wood siding. (P)
16. The window sash shall be the darkest color of the three-color paint scheme.(P)
17. The applicant shall use simple bungalow styled exterior lighting.(P)
18. The applicant shall ensure that shakes/shingles are straight across and not jagged. (P)
19. Windows in the garage door are acceptable but not required. (P)
20. Doors on the front façade (4th Avenue) shall be solid or half-lite; no full-lite doors are permitted.
21. Vinyl windows are not permitted. The applicant shall utilize fiberglass of Marvin Integrity quality or equivalent, or wood windows (P)
22. The porch and stair railings shall be painted wood, with both top and bottom rail, and balusters attached between the rails rather than on the outside.
23. Slider windows are not permitted.
24. The applicant shall plant six native 1.5" caliper replacement trees in the side or front yard, a mixture of coniferous and deciduous species, as a replacement for the trees that will be removed.
25. Landscaping shall be utilized to visually shield the massing of the exposed basement level. A maximum of ten shrubs with a minimum mature height of 5 feet may be required, with final number and locations selected by staff after construction. The proposed landscaping may be utilized, or the applicant may propose different landscaping that meets this condition. (P)
26. The applicant shall revise the porch/house design to reduce the width 5-inches to meet the underlying zone side yard setback.
27. The applicant shall revise the plans to show square columns on all elevations.

From: Bo Robinson
To: Christina Robertson-Gardiner
Cc: Lyudmila.ezersky
Subject: Updates for Ezersky project
Date: Friday, May 15, 2020 10:35:45 AM
Attachments: Ezersky West elev 5-15-20.pdf
Ezersky North elev 5-15-20.pdf

Good morning,

Here are some updated drawings depicting the proposed changes to the project to meet some of the concerns from last review.

To sumarize what we did:

1. Reduced foundation (grade) dimension on the East-West axis to 37' as mandated. Reduced the main and upper levels to keep symmetry and hold side cantilevers to 4' max.

2. Eliminated landscape stair from North side towards 4th St.

3. Added "entry" porch and door to Southwest corner of building to create sense of entry and connectivity to Hedges. This will require a variance on the setback off Hedges, which we were already aksing for, just a couple more feet.

4. Proposed concept to visually create more of a cellar basement feel to bottom level by using concrete walls full height on the West wall with metal foliage trellis on those walls and an appropriate vine planting. And providing concrete walls up to bottom of transom style window height and reducing exterior door on North exterior to a single door.

Finding 1:

There seems to be a disconnect between the hypothetical nature of this process and the topographical reality we are up against. There is approx. 35' of elevation change from 4th st. to the doors that exit the house to the porch on the North side facing 4th. (See attached diagrams). In reality, those doors will either not be visible at all or barely visible from 4th st. Adding a stair from this porch area to grade will require a tall imposing structure to both street side facades and in fact take away from the historical appearance. In fact, it will give the passer by the impression of a contemporary residence. Because, subconsciously one will recognize how

impractical such a concept is, and in the era that the original historical houses were built, humans still had some sense of practicality and reality. I state this finding with all sincerity with the same goal as all involved. I am more intimately attuned to this property and it's challenges than anyone.

Finding 2. Most of the adjacent houses have their entries on Hedges. With the topography we are dealing with, it is much more realistic to create a sense of connectivity to the house from the more reasonable height differential of approx. 14'. And much much less imposing visually.

Christina, question on the new West side entry porch: Would it be appropriate to add siding screening to the perimeter of the porch under the deck? It seems like the right thing to me.

I have the other drawings close to complete with these changes.

Thanks,

--
Bo Robinson,
Design Providence LLC
Phone & Fax: 503-760-0446
DesignProvidence@gmail.com
www.DesignProvidencellc.com

From: Christina Robertson-Gardiner
To: Christina Robertson-Gardiner
Subject: FW: Updates for Ezersky project
Date: Tuesday, May 19, 2020 1:00:59 PM

From: Bo Robinson <designprovidence@gmail.com>
Sent: Tuesday, May 19, 2020 12:45 PM
To: Christina Robertson-Gardiner <crobertson@orcity.org>
Cc: Lyudmila.ezersky <lyudmila.ezersky@gmail.com>
Subject: Re: Updates for Ezersky project

Here are responses to pertinent conditions:

4. We have removed the landscape stairs on the North side to coincide with our efforts to move the "front" to Hedges.

5. We revised the garage doors to meet this requirement although doing so added some safety and structural concerns.

7. I can only harp on this so much before it falls on deaf ears, but trying to make the 4th st. facade the "front" of the house is
not at all feasible due to the topography that exists. Like I had iterated before, there is approx 35' in height difference from 4th st. to doors at main level.
They will barely be visible from the street on that side if at all. adding a wood exterior stair will only add to the massing of the building and make it look more contemporary. One last time, if we were to comply with these conditions, the final result will look like a huge mistake and I won't participate in that.

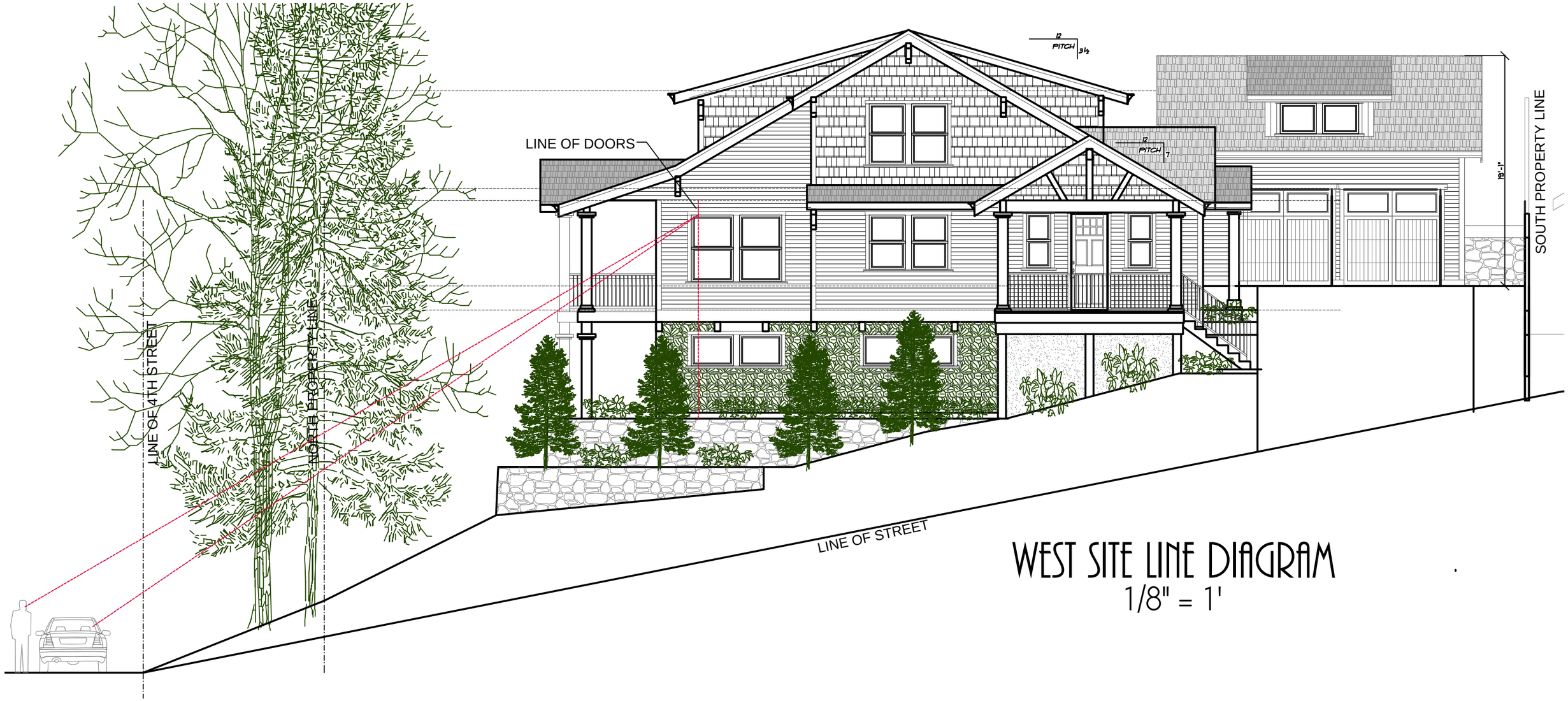
8. We have attempted to mitigate the exposure of the

lower level by reducing windows, adding concrete up higher, and adding metal trellis work for vine plantings. We are open to additional mitigation in regards to this concern within the real geometry that we have been handed.

14. We have reduce the grade width of the house to 37' as stipulated.

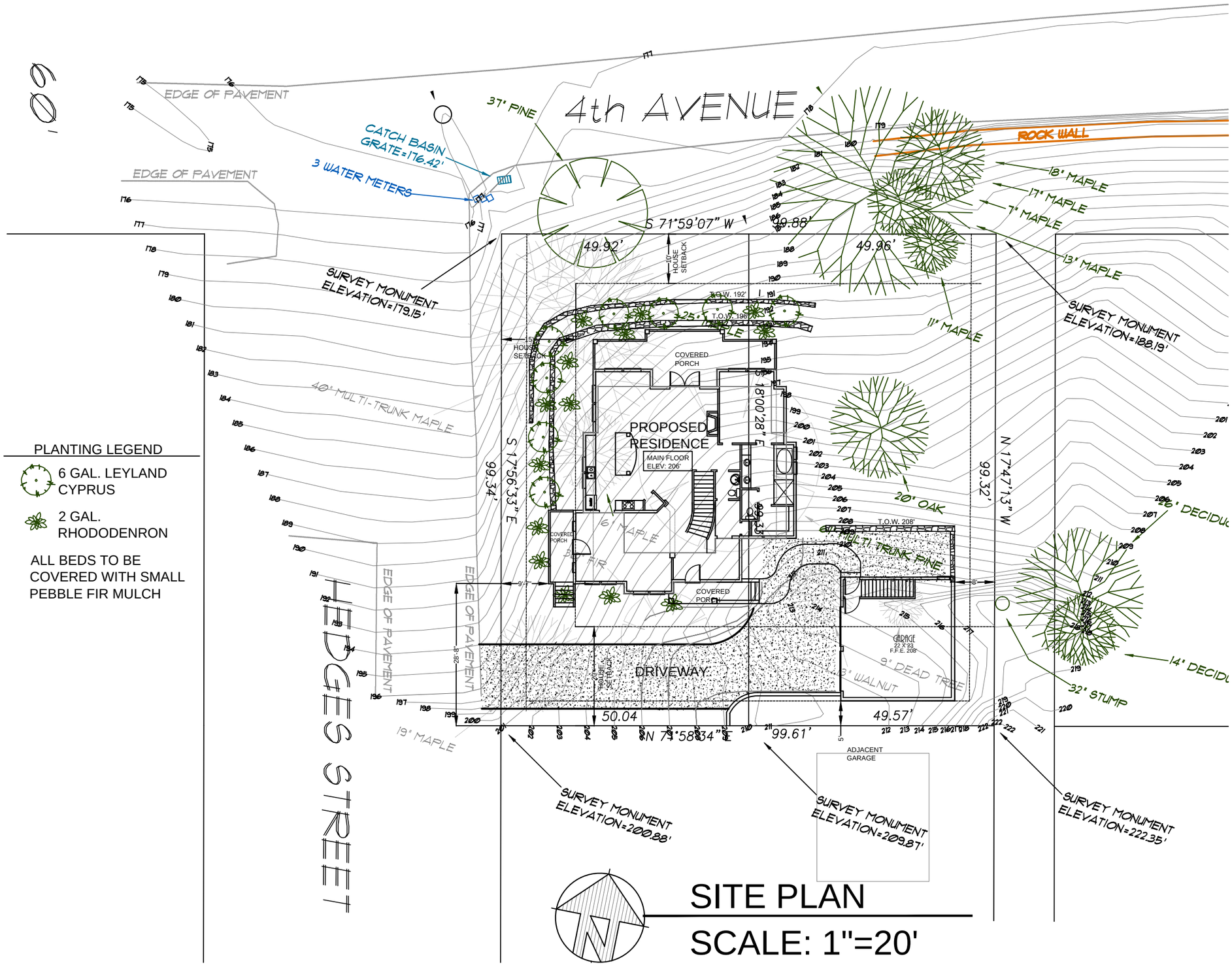
Thank you,
Bo Robinson
Design Providence LLC

NORTH ELEVATION
1/8" = 1'



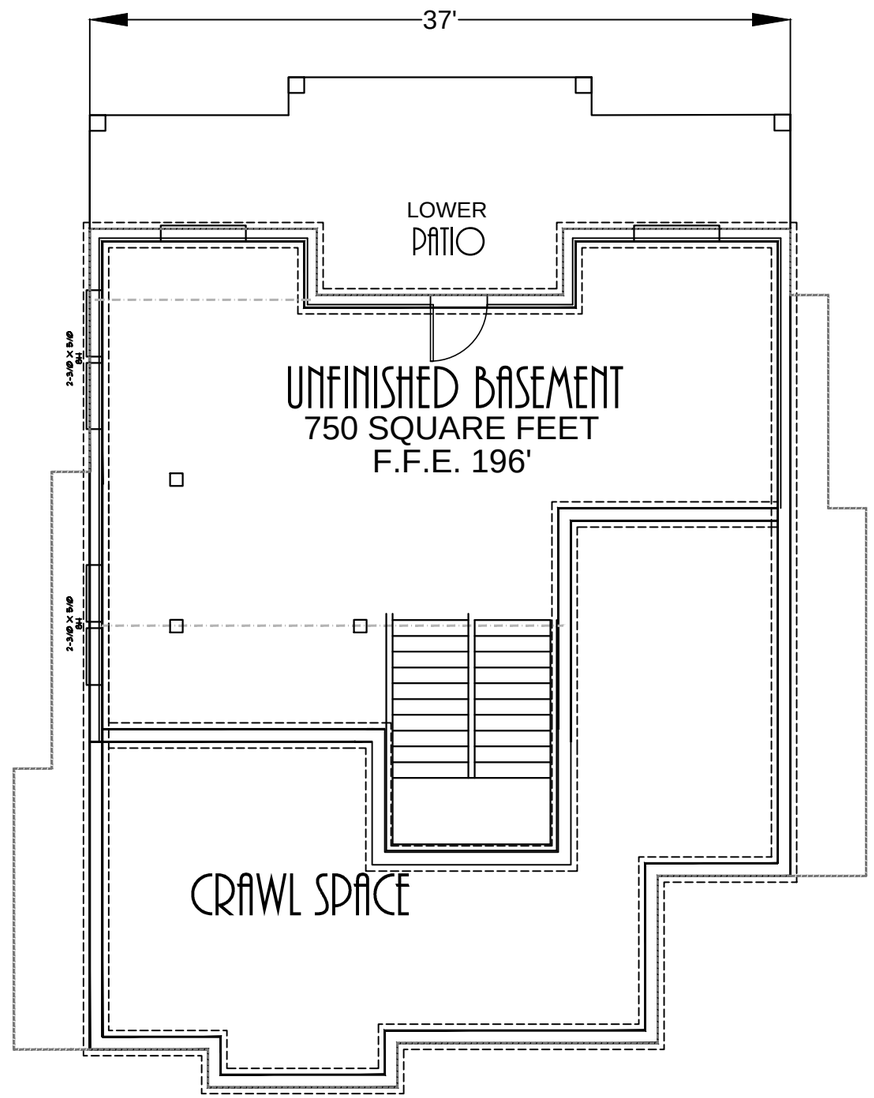
WEST SITE LINE DIAGRAM

1/8" = 1'

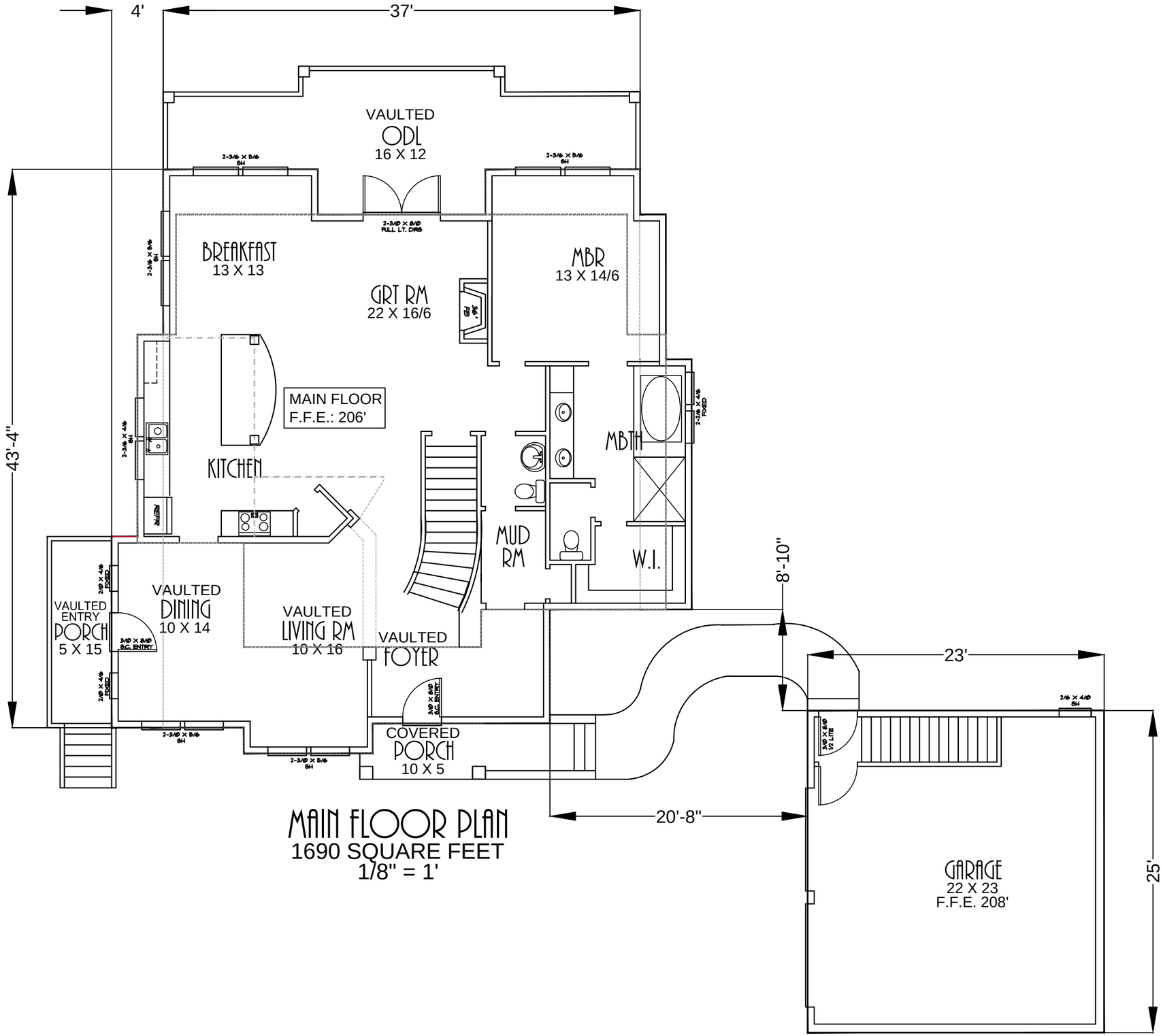


SITE PLAN

SCALE: 1"=20'



LOWER FLOOR PLAN
1/8" = 1'



MAIN FLOOR PLAN
1690 SQUARE FEET
1/8" = 1'

OREGON CITY

Community Development – Planning

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

Historic Review
Staff Report and Recommendation
April 21, 2020
REVISED

A preliminary analysis of the applicable approval criteria is enclosed within the following staff report. All applicable criteria shall be met, or met with conditions, in order to be approved. The Historic Review Board may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.

FILE NO.: GLUA-20-00007/HR 20-04: Historic Review Board review of a new single-family home in the Canemah National Register Historic District.

HEARING DATE: April 28, 2020
7:00 p.m. – City Hall
625 Center Street
Oregon, City, Oregon 97045

OWNER: Igor & Lyudmila Ezersky
14891 Smithfield drive
Oregon City, OR 97045

APPLICANT: Bo Robinson
Design Providence LLC
12042 SE Sunnyside Rd.
Clackamas, OR 97015

LOCATION: 4th and Hedges
Oregon City, Oregon 97045
3-2E-6BB tax lot 400

REQUEST: New single-family home in the Canemah National Register Historic District.

RECOMMENDATION: Staff recommends that the Historic Review Board conditionally approve the proposal if the applicant revises the plans to demonstrate a maximum house width of 37 feet at grade.

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.

At the February 26, 2020 Historic Review Board Hearing, Staff recommended continuing the hearing to allow the Applicant to come back with a design that decreases the width and overall footprint of the home to be more compatible with the historic widths and volumes in the district. Staff also recommended conditions to address tree removal, the front entry design, basement level design elements, and materials.

The Applicant submitted a letter on March 10, indicating that they will reduce the width of the house. "*We got the response back requesting to revise the design to get the width down to less than 40 feet. We are compromising more and reducing the width by 6.5 feet as requested. Also, as recommended, we will be doing more screening, removing the sense of entrance from the 4th to make the appearance of a one and a half story bungalow.*"

Staff contacted the applicant to see if they wished to continue the application to the April 27, 220 Historic Review Board Meeting. They chose not to and are requesting a decision from the Historic Review Board at the March 24, 2020 Historic Review Board Meeting. The March meeting was continued to April 28, 2020. On March 23, 2020, the applicant submitted a revised plan with a reduced front porch width of 40 feet that widens out to 48 feet with bump-outs on the side elevation. It appears that the West elevation (Corner Side yard-Hedges) is cantilevered, and the East elevation (internal side yard) bump out is at grade. These revised plans can be found as an exhibit to the staff report.

The 120- Day Land Use Deadline for this application is May 30, 2020, which does not provide enough time to process any appeals within State mandated deadline for Land Use Decisions. In order to continue the application to another meeting, the applicant will need to provide an oral or written waiver of the 120-day to a date certain of August 6, 2020

The Historic Review Board has three options for this application at the April 28, 2020 Historic Review Board Hearing.

1. Deny GLUA-20-00007/HR 20-04

2. Request the Applicant provide a 120-day extension to August 6, 2020 and return at the May 2020 Hearing with revised drawings reducing the house width by an amount directed by the Historic Review Board.

3. Approve the application with revised conditions of approval that address the specific width of the house and any other items the Boards finds are needed to mitigate the impact of the design on the Historic District. Staff has recommended a maximum house width of 37 feet at grade.

   Staff has provided Denial findings within the staff report that the Historic Review Board can utilize or supplement if they choose to move forward with a Denial of the application. If the Historic Review Board wished to approve the application with conditions. They will need to provide staff additional findings to supplement the decision.

Recommended Conditions

If the Historic Review Board finds that the applicant can comply with the applicable criteria, the following conditions of approval apply.

(P) = Verify that condition of approval has been met with the Planning Division.
(DS) = Verify that condition of approval has been met with the Development Services Division.
(B) = Verify that condition of approval has been met with the Building Division.
(F) = Verify that condition of approval has been met with Clackamas Fire Department.

Prior to issuance of Building Permits:

1. The applicant shall obtain all other required land use approvals including Willamette River Greenway and Geologic Hazard Overlay reviews, before permits are issued or trees are removed onsite.
2. The applicant shall minimize grading and comply with any applicable standards in the Geologic Hazard Overlay Chapter 17.44. (P, DS)
3. Additional natural rockery walls that are less than 4 feet in height are allowed in the site without further Historic Review Board review, but will be subject to review for compliance with the Geologic Hazard Overlay District. (P, DS)
4. The applicant shall ensure that the proposed stairs in the front yard are rock or smooth concrete and not a constructed wood stair. (P)
5. The applicant shall utilize two smaller garage doors of less than 12 feet each instead of a single large garage door.

6. Minor changes to window location or size on the side and rear facades will be acceptable and may be approved at a staff level prior to building permit issuance. (P)
7. To ensure that the 4th Avenue elevation can function as a front elevation, the applicant shall modify the entryway to close the gable, use a single entry door on the main floor of the North elevation, and connect the front porch to the ground through the use of a side stair.
8. The applicant shall modify the basement level to eliminate or reduce the size of the windows on the front facade, to move the entry door to a less conspicuous location, and utilize a half-lite or solid door.
9. The applicant shall consult an arborist on how to protect the six trees proposed to be preserved during construction, submit the arborist recommendations to the City, and follow all recommendations of the arborist. If the arborist's report indicates that the survival of the trees proposed to be preserved is doubtful, the applicant must return to the Historic Review Board with a revised site layout that achieves better tree preservation. This shall occur prior to the release of any grading, Right-of-Way or Building Permits.
10. The applicant shall not use stamped concrete or visible gabion walls for the retaining walls; rockery, real basalt veneer, or smooth poured concrete are acceptable.
11. The retaining walls in the front yard shall be reduced to 3.5 feet in height or less.
12. A pre-construction meeting with preservation staff is highly encouraged.
13. The applicant shall indicate all trees on a revised site plan. If the maple trees not shown on the site plan are to be removed, the condition of approval for tree mitigation should be revised to increase the mitigation amount by one tree.
14. The applicant shall reduce the full width of the house to be a maximum of 37 feet at grade. (or an alternate measurement as approved by the Historic Review Board.)

Prior to issuance of a Certificate of Occupancy:

15. Incised lumber or pressure-treated wood shall not be used on any visible surfaces. (P)
16. The window sash shall be the darkest color of the three-color paint scheme.(P)
17. The applicant shall use simple bungalow styled exterior lighting.(P)
18. The applicant shall ensure that shakes/shingles are straight across and not jagged. (P)
19. Windows in the garage door are acceptable but not required. (P)
20. Doors on the front façade shall be solid or half-lite; no full-lite doors are permitted.
21. Vinyl windows are not permitted. The applicant shall utilize fiberglass of Marvin Integrity quality or equivalent, or wood windows (P)
22. The porch and stair railings shall be painted wood, with both top and bottom rail, and balusters attached between the rails rather than on the outside.
23. Slider windows are not permitted.
24. The applicant shall plant six native 1.5" caliper replacement trees in the side or front yard, a mixture of coniferous and deciduous species, as a replacement for the trees that will be removed.
25. Landscaping shall be utilized to visually shield the massing of the exposed basement level. A maximum of ten shrubs with a minimum mature height of 5 feet may be required, with final number and locations selected by staff after construction. The proposed landscaping may be utilized, or the applicant may propose different landscaping that meets this condition. (P)

I. BACKGROUND:

Site and Context

The subject property is currently an undeveloped parcel in the Canemah National Historic District and is located on the south side of 4th Ave., at the intersection of 4th Ave. and unimproved Hedges Street. The subject property is within the Geologic Hazards Overlay District and the Willamette River Greenway overlay, which will be reviewed through a separate process. There are unimproved sections of City right-of-way located on the east and west side of this property. Primary access to the property would be from the unimproved portion of Hedges St.

The segment of 4th Ave between Miller and Ganong has two vernacular homes constructed prior to 1910, a bungalow likely built about 1910 and two new homes constructed in the vernacular style. The home on the north side of the street at 311 Ganong is a non-historic home with Queen Anne elements. A majority of the lots fronting 4th Ave as well as the unimproved right of ways for Hedges and Ganong Streets are vacant due to steeply sloping terrain.

In 2005, a Bungalow-style home on this site was proposed and approved by the HRB under the previous design guidelines. The approval has since expired.

Aerial photo and topography (2ft contours)

Vicinity Map

Existing Conditions

HR 20-04

The lot directly to the east of the subject site is currently vacant, with a Bungalow approved by HRB in 2019 not yet under construction. The homes located at 311 Ganong St. and 349 5th Ave., are not listed on either the local or national register of historic places. There are two homes listed on the Historic Register or potentially eligible directly adjacent to the subject site, and those homes are located at 207 4th Ave. and 211 5th Ave.

207 4th Ave.
Directly to the north of the proposed development is the Charles and Sarah Toole Residence. This 2 story house has a gabled roof and one over one shingles. Currently, Masonite shingles cover the original shiplap siding.

211 5th Ave.
This home is located to the southeast of the subject site and listed as the Mary Graves House on the register. This is a 2 story home with gabled roof with, wide rakeboards, and four over four double-hung windows and shiplap siding.

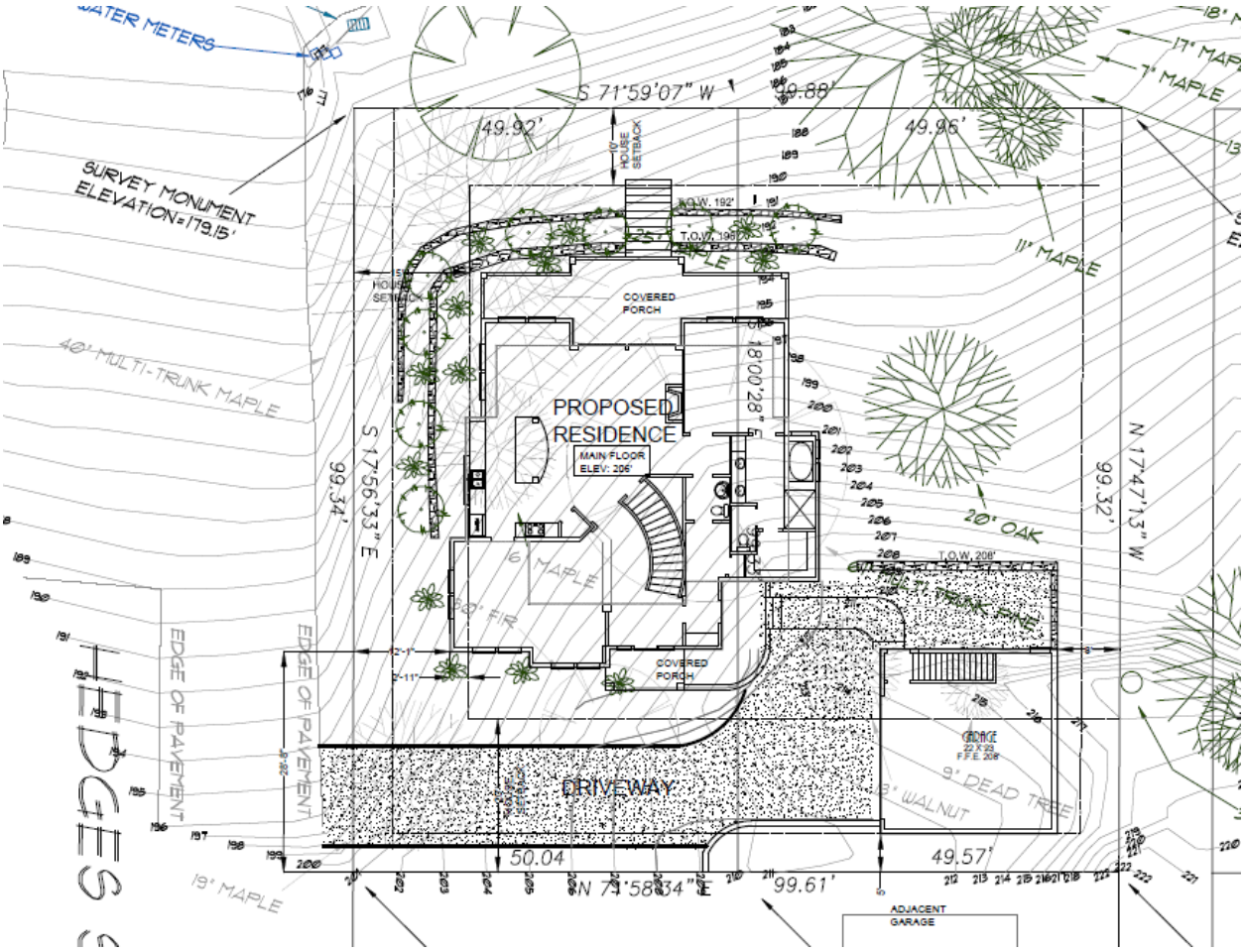
349 5th Ave.
This is a Canemah Bungalow style home that was built circa 2006 prior to the adoption of the current Design Guidelines for New Construction and is not listed on the Register of Historic Places

311 Ganong St.
This home is a Queen Anne Vernacular home that was built circa 1996 prior to the adoption of the current Design Guidelines for New Construction and is not listed on the Register of Historic Places

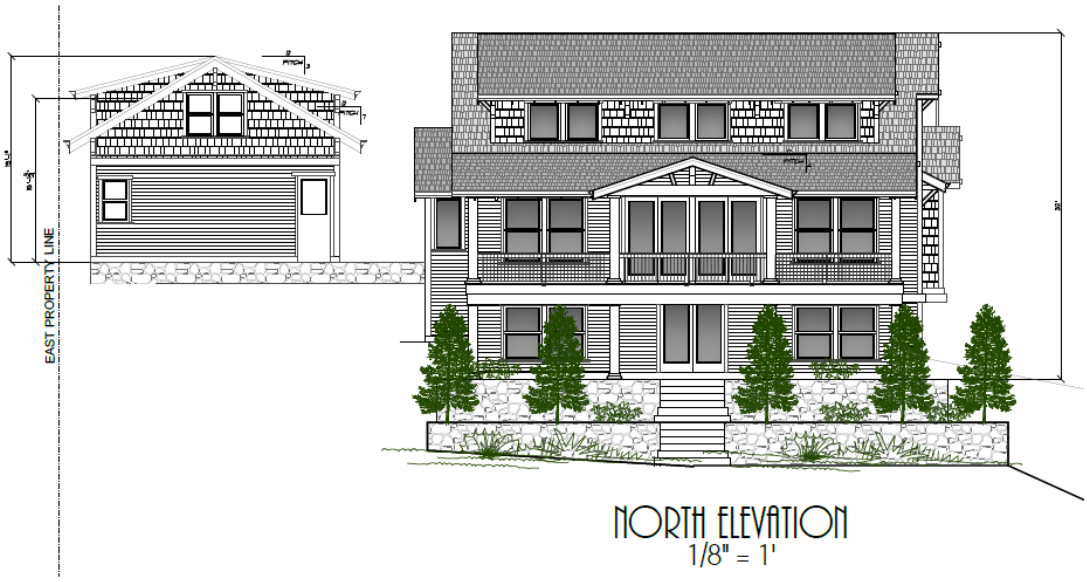
408 4th Avenue
This home is contributing within the district but has no historical information associated with it. Built circa 1910, the bungalow features a shed dormer on the front, a wrap-around front porch that may have been a later addition, and eclectic styling elements.

APPLICANT'S REVISED SUBMITTAL (March 2020):

The applicant submitted a revised site plan, floor plans, and North and South elevation plans. The site line plans and East and West elevation plans were not provided in the revised set of plans and included and identified below for reference.

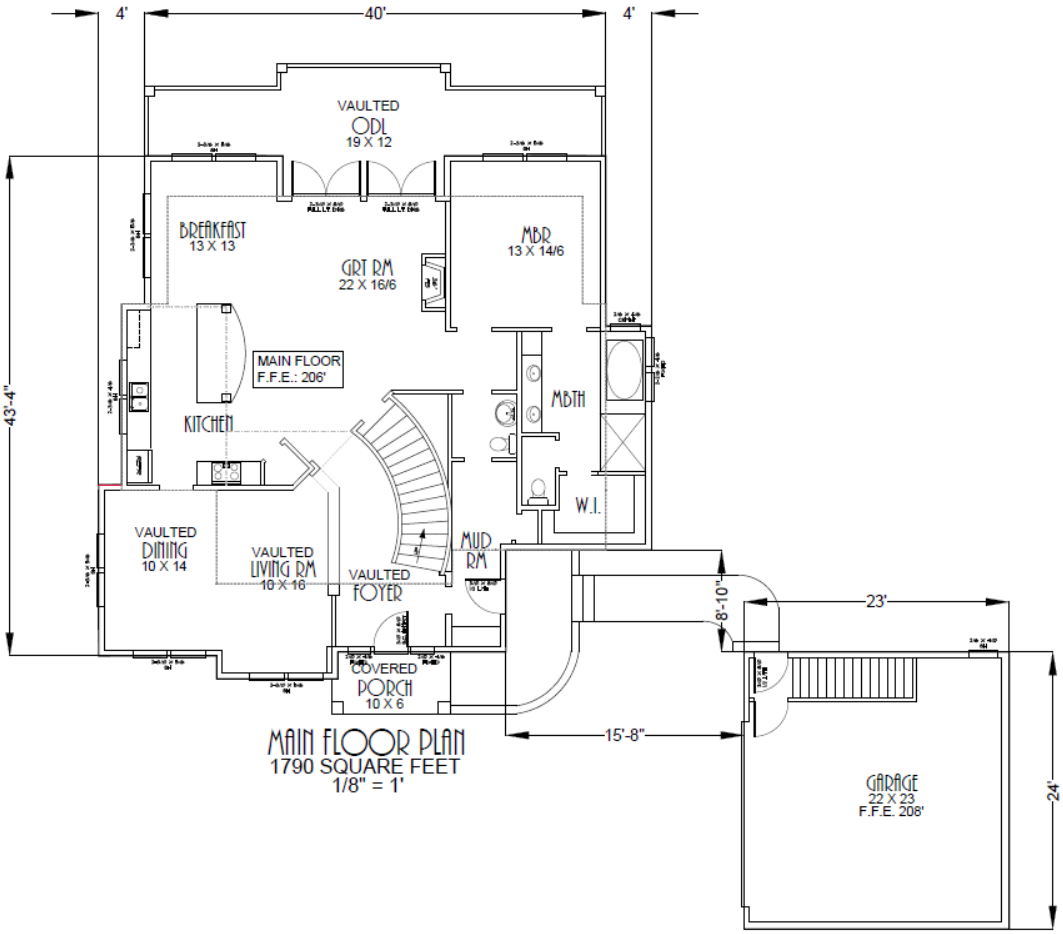


Site Plan (Revised – March 2020 Plans)

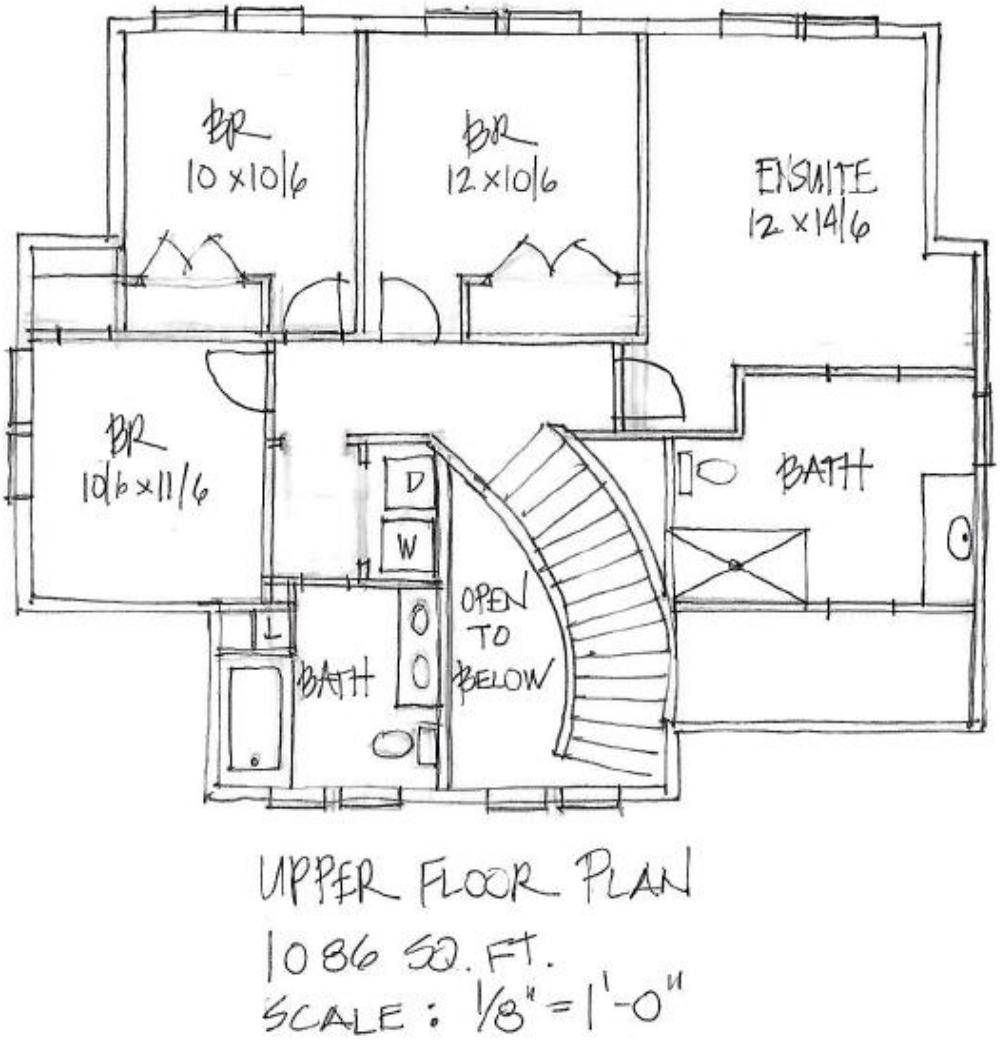


Front (North) elevation (Revised – March 2020 Plans)

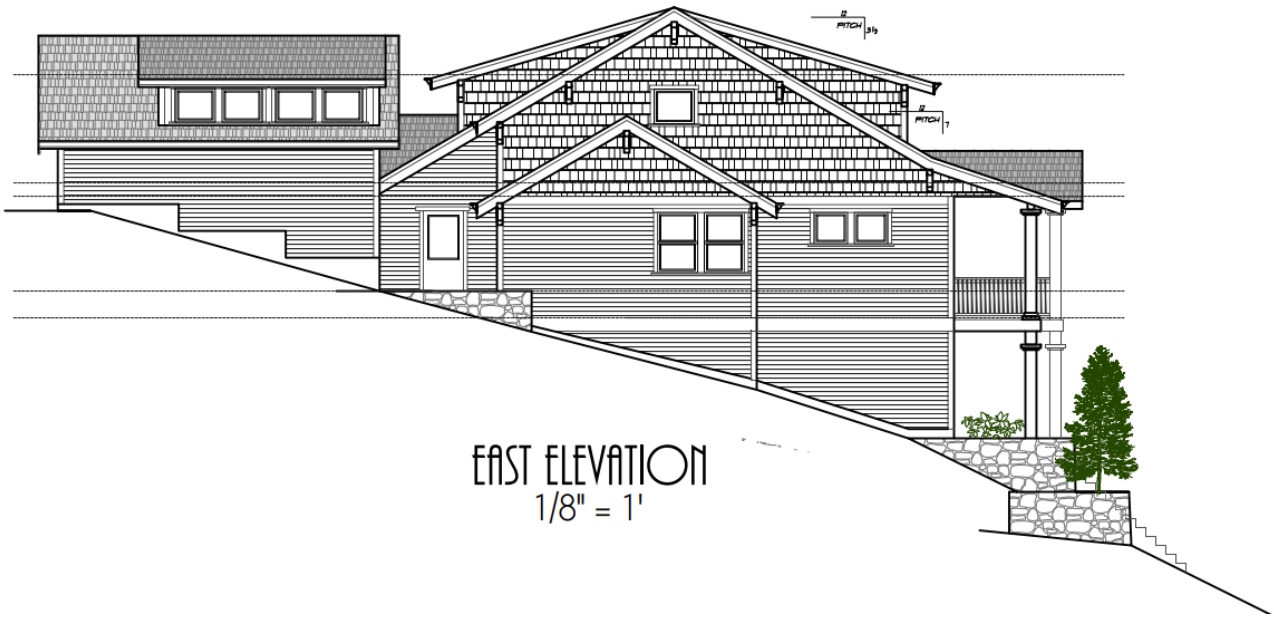
Site Line diagram (original application plans – January 2020)



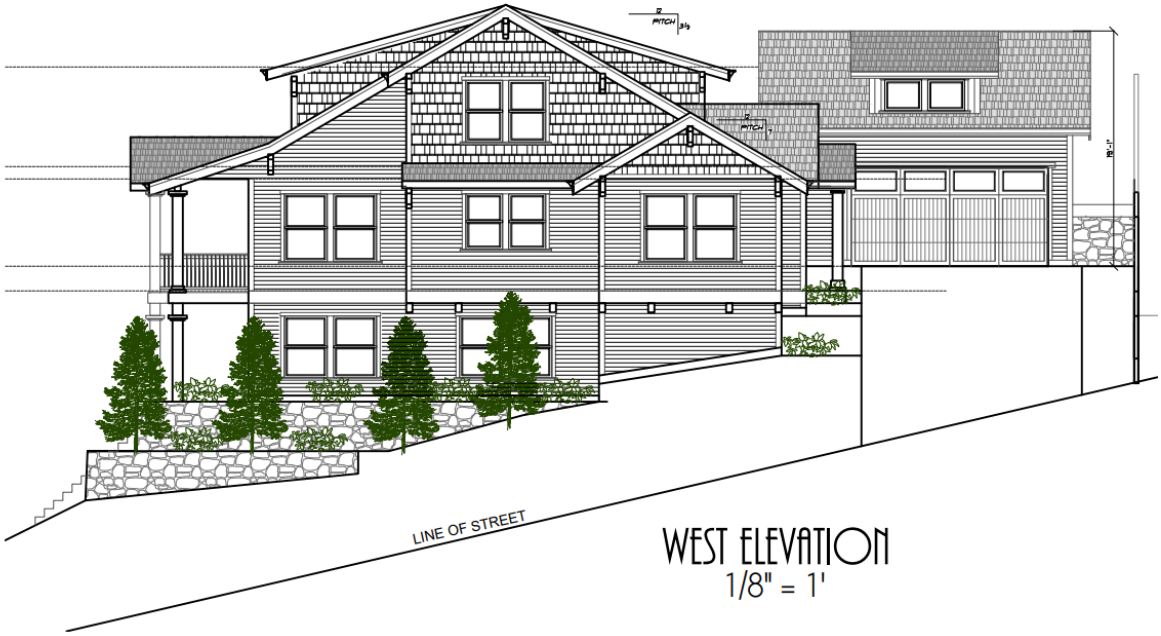
Floor plan – main - (Revised – March 2020 Plans)



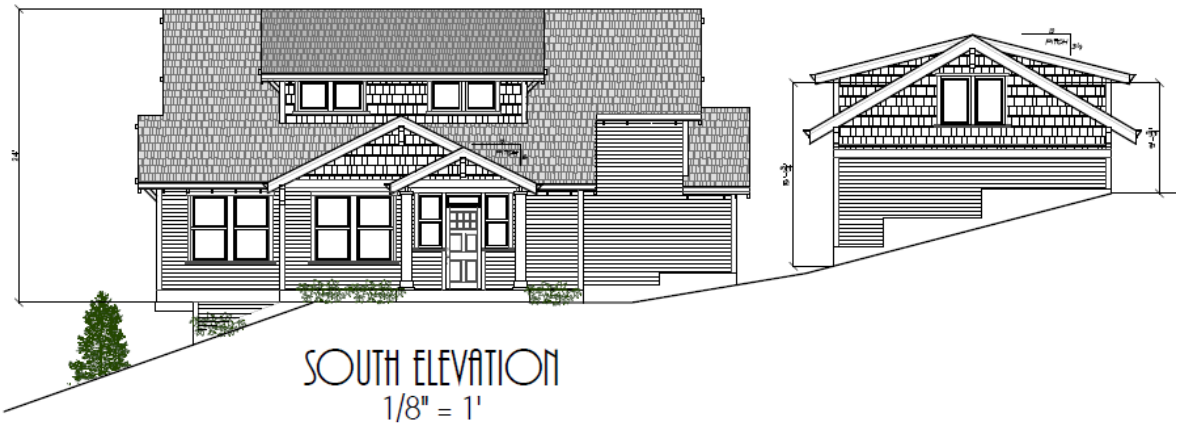
Floor plan – upper- (Revised – March 2020 Plans)



East elevation (original application plans – January 2020)



West elevation (original application plans – January 2020)



Rear (South) elevation (Revised – March 2020 Plans)

Project Summary:
The applicant submitted the following narrative:

"The proposed project consists of the construction of a new single family residence. We are proposing a bungalow style home with a main level, an upper level partially within the roof line, and a partial unfinished daylight basement. In addition we are proposing a detached double car garage situated behind the house. The residence will be built on a vacant lot located adjacent on 4th Ave and accessed by a driveway off the Hedges. The property on which the proposed residence will be located is a steeply sloping 10,000 sf lot sloping uphill from 4th Ave. This property is in an identified geological hazard area and natural resource overlay zone. This application is being submitted in conjunction with a geotechnical hazard and natural resource reviews.

We are requesting a "preservation incentive" for 4 foot variance on West property line to allow positioning of the detached garage per historic guidelines and topography.

The frontage along 4th Ave has a historic rock wall which will be preserved as part of the construction of the new home and landscaping which will remove invasive plantings that are causing deterioration.

The residence has a total living area 3,220 sf of and the detached garage will be 506 s.f.. The style of the residence is Bungalow, intended to blend in with the other Bungalow style homes in the Canemah neighborhood. The garage will be back entry to not detract from the bungalow style front elevation. The exterior will consist of painted fiber-cement lap siding and fiber cement shingle siding and trim; one-over-one black vinyl single hung and casement windows, fiberglass entry doors and composition roof shingle.

Landscaping Walls

Rockery Landscaping walls will be used as they fit historically into the landscape. They will be kept under the code limit, which is 4', so no engineering on the landscaping walls will be required."

Zoning:
The property is zoned R-6 Single-Family Dwelling District and Low-Density Residential in the Comprehensive Plan. The property is also located within the Willamette River Greenway, Geologic Hazard and Natural Resource Overlay Districts. The applicant must receive approval through the Geologic Hazard, NROD, and Willamette River Greenway review processes prior to the issuance of building permits.

Notice and Public Comment:
William Foster – provided an email concerned about the number of trees being removed on the site.
Paul Edgar- submitted comments relating to the massing and design of the proposed home.

Staff Analysis Executive Summary:
The applicant has proposed a home with a detached garage on a 10,000 square foot property. The home is designed as a bungalow with a full-width front porch and a single front dormer.

On March 23, 2020, the applicant submitted a revised plan with a reduced front porch width of 40 feet that widens out to 48 feet with bump-outs on the side elevation. It appears that the West elevation (Corner Side yard-Hedges) is cantilevered, and the East elevation (internal side yard) bump out is at grade. These revised plans can be found as an exhibit to the staff report. The length of the revised house is a little over 45 feet which includes an approximately 2 foot rear bump-out on the South elevation

The revised main level will be 1790 sqft and the top floor will be 1086 sqft with the lower level having an additional 196 sqft unfinished basement space. The footprint of the garage is 550 sqft with a proposed attic that could be finished in the future of 400 sqft. The total square footage, not counting the basement and upper garage space, is 3,426 sqft. This overall size is on the larger end for the historic district, exceeding all, if not most of the home sizes approved under the current design guidelines and exceeding any historic volumes in the upper area of Canemah.

The design guidelines state that "use of building depths and widths that are out of proportion or exceed the range for their historic style" are not allowed. The proposed depth is in the range of the historic bungalow widths, and the proposed width, 46.5 feet, is outside of the range of historic bungalow sizes. The widest historic bungalow is at most, 37 feet in width. The modern bungalows that have been approved or built in the district in recent years are similar in width to the historic averages, ranging between 30 to 36 feet. The width of the home is out of proportion and exceeds the range for bungalows in Canemah. Staff does not recommend approval of the structure with the proposed width.

Staff recommends that the Historic Review Board conditionally approve the proposal if the applicant revises the plans to demonstrate a maximum house width of 37 feet at grade.Staff also recommends conditions to address tree removal, the front entry design, basement level design elements, and materials.

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.

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.

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.

Complies as Proposed. Oregon SHPO and the Native American tribes listed above were notified of the proposed ground disturbance in 2019. A response was received from SHPO and is in the City's files for this project. The letter indicates the level of recommended archaeological monitoring on the site.

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.

E. For exterior alterations of historic sites in an historic district or conservation district or individual landmark, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall be:

Not Applicable: The proposal is not an exterior alteration.

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;

The purpose of the district is:

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.

Finding: Does not comply .

A new single family home is proposed on vacant land within the Canemah National Register District. The proposed size and width of the home is out of proportion with the historic district. See detailed findings in the design guidelines section of this staff report.

2. The provisions of the city comprehensive plan;

Finding: Does not comply.

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.

The proposed home and will be located along the 4th Avenue corridor in the Canemah Historic District, which is primarily a street with single family homes on lots of 5,000 to 10,000 square feet. The proposed

size and width of the home is out of proportion with the historic district. See detailed findings in the design guidelines section of this staff report.

Policy 5.3.8
Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.
Finding: Does not comply.
The segment of 4th Ave between Miller and Ganong has two vernacular homes constructed prior to 1910, a bungalow likely built about 1910 and two new homes constructed in the vernacular style. The home on the north side of the street at 311 Ganong is a non-historic home with Queen Anne elements. A majority of the lots fronting 4th Ave as well as the unimproved right of ways for Hedges and Ganong Streets are vacant due to steeply sloping terrain.

The proposed home is located adjacent to an existing vacant property which has been approved for a bungalow as of 2019. The site is across the street from one historic resource, the Toole residence, a 1910 Vernacular style home that has been altered and was deemed not contributing in 2008 after being identified as a secondary resource in 1983. Other historic resources are located down the block and will not be impacted by the siting or massing of the proposed home.

The bungalow design differentiates the new construction from the nearby Vernacular homes. One block away is a historic bungalow at 408 4th Avenue. This home features a shed dormer on the front and an embellished front porch.

The proposed design of the new home is differentiated from the historic bungalow. However, the proposed size and width of the home is out of proportion with the historic district. See detailed findings in the design guidelines section of this staff report.

3. *The economic effect of the new proposed structure on the historic value of the district or historic site;*
Finding: Complies as proposed. The single family home is proposed in the Canemah National Register District. The single family use matches the dominant use of the district. Approving this development will add additional housing stock in an area with currently low housing stock and increasing the housing options for people within Oregon City or looking to move to Oregon City.

4. *The effect of the proposed new structure on the historic value of the district or historic site;*
Finding: Does not comply. The proposed home is located on a site that is specifically referenced in the register nomination for the Canemah Historic District. There is a basalt wall that runs east to west along 4th Ave. This wall runs parallel to the subject site and is an important feature in Canemah. The basalt wall is not proposed to be disturbed during the development of the property.

   The proposed design of the new home is differentiated from the historic bungalow. However, the proposed size and width of the home is out of proportion with the historic district. See detailed findings in the design guidelines section of this staff report.

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: Does not comply.

The proposed design of the new home is differentiated from the historic bungalow. However, the proposed size and width of the home is out of proportion with the historic district. See detailed findings in the design guidelines section of this staff report.

6. *Economic, social, environmental and energy consequences;*

Finding: Complies as Proposed. The addition of housing stock in an existing single family neighborhood provides more needed housing and is located in an already-developed area in close proximity to goods and services.

7. *Design guidelines adopted by the historic review board.*

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.

Finding: Complies as Proposed. The applicant has proposed a bungalow style. Bungalows have a lower pitch roof than the typical vernacular style homes with a full-width front porch, shed dormers and a more horizontal emphasis. The Canemah district contains both bungalow and vernacular homes, although most of the homes in the immediate vicinity are vernacular style. One block away is a historic bungalow at 408 4th Avenue, which features a shed dormer on the front and an embellished front porch. The proposed design of the new home is differentiated from the historic bungalow due to its size and design.

The guidelines do not state that the home has to be the same style as the adjacent homes, but that it shall be compatible with adjacent properties. Page 42 of the design guidelines states that in Canemah, adjacent homes vary in form, design, and style, and that new infill should differentiate but continue this pattern. While the style of the home is proposed to be the same as the recently approved home next door, the actual design is quite different.

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 BUNGALOW STYLE IN CANEMAH

- No uniform front setback; South of 3rd Street: houses may face front or side depending on topography, and may be irregularly situated.
- Lots range from 50x100 to 100x100 and contain a single house.
- Properties edges often not defined; Where fenced, primarily 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.

Finding: Complies with Conditions.

Elevation of this lot is sloped and has cascading topography from 5th Ave down to 4th Ave. The house is proposed to face directly north towards 4th Ave. There is a historic basalt rock wall that lines 4th Ave and the northern side of the property. The front corner of the porch is approximately 40 feet away from the basalt rock wall.

HOUSE PLACEMENT:

The proposed building site is 100x100 steeply sloping up from 4th Ave.

The house is proposed to face 4th Avenue. The home is proposed to be set back more than 35 feet from the 4th avenue rockery wall to allow for more separation between the wall and the home.

RETAINING WALLS:

The proposed home is located on a site that is specifically referenced in the register nomination for the Canemah Historic District. There is a basalt wall that runs east to west along 4th Ave. This wall runs parallel to the subject site and is an important feature in Canemah. The basalt wall shall not be disturbed during the development of the property.

Two new rock retaining walls are proposed on site along the front and side of the home and the downhill of the driveway area. The applicant's narrative indicates that all the retaining walls on site will be 4 feet or less in height. Any additional natural rockery walls that are less than 4 feet are allowed on the site without further Historic Review Board review. The proposed retaining wall material is indicated as rockery or stamped concrete. The applicant shall not use stamped concrete for the retaining walls; rockery, basalt veneer, or smooth poured concrete are acceptable. The retaining walls in the front yard shall be reduced to 3.5 feet in height or less.

GARAGE:

Page 27 of the design guidelines states that accessory structures should be subservient to the primary building and be located at less visible areas such as the side or back of the primary building. The garage is proposed detached and behind the home in the SE corner of the lot.

GRADING AND TREE REMOVAL:

The applicant has provided information on grading; the site is within the geologic hazard overlay and some grading is proposed. Page 34 of the design guidelines states that extensive regrading of the lot to raise or lower the main level of the house is not allowed. The applicant shall minimize grading and comply with any applicable standards in the geologic hazard overlay zone.

Significant tree removal is proposed. Trees on the site plan proposed to be removed are listed below with their diameter sizes:

- 40" Maple

- 16” Maple
- 30” Fir
- 19” Maple
- 13” Walnut
- 61” Pine
- 25” Maple

Four medium sized trees in the right of way in front of the property are proposed to remain, along with one 11” maple and one 20” oak on site. It appears there are two additional large maples near the Hedges Street side of the site that are not shown on the site plan. It is not clear if removal of the two maples would be required for construction. The applicant shall indicate all trees on a revised site plan. If the maple trees not shown on the site plan are to be removed, the condition of approval for tree mitigation should be revised to increase the mitigation amount by one tree.

Page 34 of the design guidelines calls for minimization of tree removal of trees over 6” in diameter by adjusting house siting, and replanting to preserve tree canopy. Clear cutting of lots is listed as “Not allowed” in the design guidelines. The applicant is cutting all but two trees on the lot, so, while it is not considered clear cutting, it will constitute significant tree removal. The applicant shall consult an arborist on how to protect the six trees proposed to be preserved during construction, submit the arborist recommendations to the City, and follow recommendations of the arborist. If the arborist’s report indicates that the survival of the trees proposed to be preserved is doubtful, the applicant must return to the Historic Review Board with a revised site layout that achieves better tree preservation. Staff also recommends that the applicant plant six native 1.5” caliper replacement trees in the side or front yard, a mixture of coniferous and deciduous species, as a replacement for the trees that will be removed. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 BUNGALOW STYLE IN CANEMAH

- Building form is difficult to modify for additions, but has versatile floor plan.
- More emphasis on the horizontal than Vernacular; this extends into porch, dormer and window design; more ‘ground hugging’.
- Shape: floor plans are either rectangular, or square
- Height: One, or more often one-and-a-half stories high; possible basement.
- Proportions: Height to width approximately 1:1½; Height to Depth: 1: no more than 2 for main building portion not including front porch.
- Roof: Low-pitched (6:12 maximum) gable roof; front or side facing.
- Bays: possible single story, cantilevered, and rectangular located on side of house.
- Porch: Prominent front porch, roof supported with simple posts (less bulky than in McLoughlin); roof often continues down to create cover over porch; at main story only.

Finding: Does not comply

OVERALL SIZE, FORM, AND PROPORTIONS:
On March 23, 2020, the applicant submitted a revised plan with a reduced front porch width of 40 feet that widens out to 48 feet with bump-outs on the side elevation. It appears that the West elevation (Corner Side yard-Hedges) is cantilevered, and the East elevation (internal side yard) bump out is at grade. These revised plans can be found as an exhibit to the staff report. The length of the revised house is a little over 45 feet which includes an approximately 2 foot rear bump-out on the South elevation

The revised main level will be 1790 sqft and the top floor will be 1086 sqft with the lower level having an additional 196 sqft unfinished basement space. The footprint of the garage is 550 sqft with a proposed attic that could be finished in the future of 400 sqft. The total square footage, not counting the basement and upper garage space, is 3,426 sqft. This overall size is on the larger end for the historic district, exceeding all, if not most of the home sizes approved under the current design guidelines and exceeding any historic volumes in the upper area of Canemah.

The height to roof peak is 32 feet from the grade at the front and 23.5 feet from rear grade, with width of 46.5 feet. This ratio is approximately 1:1.5 as described in the guidelines.
The depth of the home is approximately is a little over 45 feet (which includes the rear at grand bumpout), making the height to depth ratio less than one. The basement level and ground floors are 9'1" and the upper floor is proposed with a wall height of 8'1".

The revised floor plan is a square/rectangular shape with a footprint of approximately 1790 square feet. The proposed porch width is 40 feet, with a depth of a little over 45 feet. Staff has provided a rough analysis of the majority of the existing historic bungalows in Canemah (see images in Exhibit 4) and determined that the footprint of the home is significantly larger than other bungalows in Canemah. The footprint is larger than any of the historic examples except for 602 1st Avenue, which has a footprint of approximately 1900 square feet. The average historic bungalow footprint is 1323 as shown in the table below.

The design guidelines state that "use of building depths and widths that are out of proportion or exceed the range for their historic style" are not allowed (page 38). The proposed depth is in the range of the historic bungalow widths, and the proposed width is outside of the range of historic bungalow sizes. The widest historic bungalow is at most, 37 feet in width. The modern bungalows that have been approved or built in the district in recent years are similar in width to the historic averages, ranging between 30 to 36 feet. The width of the home is out of proportion and exceeds the range for bungalows in Canemah. Staff does not recommend approval with the proposed width.

Table 1. Canemah Historic Bungalow Dimensions Compared to Proposed Home

Address	**Width (approximate in feet)***	**Depth (approximate in feet)***	**Footprint (approximate in square feet)***
Proposed Home	46 (revised with 40 foot porch, 44 feet with add grade bup-out)	43 (45 feet with including rear bump-out)	2000 (revised 1790)
208 3rd Avenue	33	40	1370
302 Blanchard St.	36	28	1060

402 5th Avenue	32	32	1030
408 4th Avenue	36	33	1240
510 1st Avenue	30	47	1390
512 S McLoughlin	30	40	1250
514 4th Avenue	36	26	1230
601 S McLoughlin	30	45	1400
602 1st Avenue	37	50	1900
609 S McLoughlin	34	32	1130
716 S McLoughlin	30	41	1300
AVERAGE of historic homes	*33*	*38*	*1323*

**The estimated width and depths do not necessarily account for roof eave overhangs; actual widths and depths may be 2 to 4 feet less.*

HEIGHT:
The design guidelines on page 38 contain a prohibition of residential buildings that vary more than 20% from the heights of the historic neighborhood context unless approved by HRB. The proposed height of the home is approximately 25.5 feet from the main floor to the peak of the roof, not including the basement. The basement is exposed on the north side, facing 4th Avenue. The total height is 32 feet, including the basement. Many historic homes in Canemah are of the 24-28 range in height.

The guidelines also state that in Canemah, no greater than 1.5 stories plus a basement is permitted. The second story of the home has a wall height of 8'1". The roof pitch is 7:12, which is slightly high for a bungalow. The combination of the floor height, roof pitch, and overall mass of the home, at 3200sf not including basement space, make this home out of proportion for the district.

The basement is exposed on the north side of the home, making the front appear as 2.5 stories. The windows, entry doors, and stairs leading to the door further exacerbate and highlight the additional story on the front façade.

Staff recommends revising the width to be no wider than the widest historic bungalow, which as identified above, is 37 feet wide.

ROOF PITCH:
The side-facing gable roof pitch is proposed as 7:12 with the front and rear shed dormer roofs are at 3.5:12. The front entry has a gable roof front-facing with a 4:12 pitch. The 7:12 pitch is greater than the guideline for 6:12 maximum, and is greater than most Canemah bungalows. A lower pitch would reduce the height and massing of the home.

PORCH AND STAIR:
The home includes a prominent front porch that extends the width of the home. The front porch posts are straight, not thick and tapered in the typical bungalow style. The front stairs lead to the lower level, rather than the main level, and appear to number about 13 steps, which is more than allowed under the guidelines for exterior stairways on Page 48, which says exterior stairs exceeding five feet in height at the front of buildings are not allowed. However, these stairs appear to be on the ground and not a raised, constructed staircase. The applicant shall ensure that the proposed stairs in the front yard are rock or concrete and not a constructed wood stair.

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 BUNGALOW STYLE IN CANEMAH

- Front façade can be symmetrical or asymmetrical
- Porch: full, not typically wrap-around front porches.
- Roof Overhang: wide, over-hanging eaves and exposed rafter tails; decorative knee brackets under eaves.
- Dormers: single front facing; with lower slope gable or shed roofs
- Chimneys: at interior or projecting on side of house, usually brick.
- Siding: horizontal board siding; typically bevel profile (occasionally shiplap), shingle siding; or a combination, such as horizontal boards on the first floor with shingles on the second floor, or just in the gable or dormer.
- Windows: double-hung; 1:1; large fixed window flanked by two smaller double-hung windows.
- Windows At Dormers: smaller, often grouped at shed dormers; fixed or casement style where smaller.
- Finishes: generally earth tones; no white doors or windows.

Finding: Complies with Conditions.
The applicant states:
"The building design is relatively clean and simple, as typical with the Bungalow style. The home is square in form with simple low-pitched gable roof at the dormers with a full width covered porch facing 4th Ave.
The building exterior is proposed to consist of fiber-cement horizontal board siding with 5" corner and window trim and a 12" verge trim at the gable ends. A combination of one-over-one single hung and casement style black vinyl windows and fiberglass entry doors will be utilized. Porch and deck detailing, including posts and trim are proposed to be simple and unadorned. The design of all typical detailing is simple and true to the Bungalow style."

The applicant also provided a materials list.

HOUSE DESIGN:
The front façade is symmetrical. The porch is full width and does not wrap around the home. The home includes a single, long shed dormer on the front facade. The design utilizes overhanging eaves, exposed rafter tails, and decorative knee brackets, which are all typical of the bungalow style.

Windows on the front facade include paired 1 over 1 double hung windows on each side of the front door. The dormer is proposed to have a bank of three windows in the center, and paired windows on either side. It is not clear if these are casement windows or another type. Slider windows are not permitted. Windows on the sides are paired 1:1 double hung. Rear windows are paired 1 over 1 and single lite paired windows in a shed dormer.

ENTRYWAY:
The proposed front entry on the main level is not accessible; instead, the “front porch” is a balcony that does not have a pedestrian entrance. The front doors include two paired full-lite French-style double entry doors. The double entry is not typical craftsman or bungalow design and is not compatible with the historic character of the district.

The entryway is framed by a long open gable with 4:12 pitch. The applicant shall modify the entryway to close the gable, use a single entry door, and connect the front porch to the ground through the use of a side stair.

BASEMENT LEVEL:
The basement is exposed on the north side of the home, making the front appear as 2.5 stories. The windows, entry doors, and stairs leading to the door on the basement level further exacerbate and highlight the additional story on the front façade.
The applicant shall modify the basement level to eliminate or reduce the size of the windows, to move the entry door to a less conspicuous location, and utilize a half-lite or solid door.
Landscaping shall be utilized to visually shield the massing of the exposed basement level. A maximum of ten shrubs with minimum mature height of 5 feet may be required, with final number and locations selected by staff after construction. The proposed landscaping may be utilized, or the applicant may propose different landscaping that meets this condition.

MATERIALS:
Materials proposed are composition roofing, smooth fiber cement siding (the plans and the narrative contain conflicting information about the exposure of the siding, stating both 4” and 7”), fiber cement shingles, vinyl windows, fiber cement shingles on the second story, cedar barge board, and ornamental cedar brackets. Roofing is proposed as architectural shingles, and doors are proposed to be steel, full-lite double doors on the front and steel craftsman ¼ lite on the rear. The proposed materials meet design guidelines with the following recommended conditions:

- The applicant shall utilize fiberglass or wood windows rather than vinyl.
- The front entry doors shall be modified to eliminate the double doors and shall utilize half-lite rather than full-lite.
- The applicant shall ensure that shakes/shingles are straight across and not jagged.
- The porch and stair railing shall be painted wood.
- The window sash shall be the darkest color of the three color paint scheme.
- The applicant shall use simple bungalow styled exterior lighting.

The garage door is proposed to be a single door more than 12 feet wide, which is counter to the design guidelines. The applicant shall utilize two smaller garage doors of less than 12 feet each instead of a single large garage door.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

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.*
Finding: Not Applicable. The applicant proposed a preservation incentive, but it does not appear to be necessary. The proposed setbacks on the site plan meet the dimensional standards in the underlying R-6 zone.

II. 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.

III. CONCLUSIONS AND RECOMMENDATIONS

Based on the following findings, Staff recommends that the Historic Review Board conditionally approve the proposal if the applicant revises the plans to demonstrate a maximum house width of 37 feet at grade of HR 20-05 with conditions for the property located at Hedges Street and 4th Avenue, Oregon City, Oregon 97045.

Exhibits

1. Vicinity Map
2. Applicant Submittal
3. Applicant's Letter for March Historic Meeting 3-10-20
4. March 23, 2020 Revised Plans
5. Bungalow size comparison images
6. 408 4th Inventory Form
7. 207 4th Inventory Form
8. 211 5th Inventory Form
9. Design Advice Items
10. Letter from SHPO
11. Public Comment

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

TYPE II STAFF REPORT AND NOTICE OF DECISION WITH CONDITIONS OF APPROVAL
January 6, 2022

FILE NUMBER: GLUA 21-0040 GEO 21-00006 WRG 21-0003

Application Submitted: 07/20/2021
Application Complete: 11/03/2021
120-Day Decision Deadline: 03/03/2022
NOD: 01/06/2022

APPLICANT/ OWNER: Igor and Lyudmila Ezersky
14891 Smithfield Dr.
Oregon City, OR 97045

REQUEST: Geohazard and Willamette River Greenway Review for a new single-family residence in Canemah.

LOCATION: No address, 4th Avenue
Oregon City, OR 97045
Clackamas County Map 3-2E-06BB-00400

REVIEWER: Christina Robertson-Gardiner, Senior Planner crobertson@orcity.org
Sang Pau, Development Engineer spau@ocity.org

DECISION: Approval with Conditions.

PROCESS: Pursuant to OCMC 17.50. The decision of the Community Development Director is final unless appealed to the City Commission within fourteen (14) days following the mailing of this notice. Only persons who commented in writing to the Community Development Director may appeal this limited land use decision. The request for a hearing shall be in writing. The request for a hearing shall demonstrate how the party is aggrieved or how the proposal does not meet the applicable criteria. The application, decision (including specific conditions of approval), and supporting documents are available for inspection at the Oregon City Planning Division. Copies of these documents are available (for a fee) upon request. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 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. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

Conditions of Approval
Planning File GLUA 21-0040 GEO 21-00006 WRG 21-0003

(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.

The applicant shall include the following information prior to issuance of Oregon City Public Works and/or Building permit(s) associated with the proposed application.

1. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. (DS)
2. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards. (DS)
3. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. (DS)
4. The applicant shall submit engineered stamped calculations for any retaining walls showing compliance with applicable building codes. The applicant shall provide sliding, overturning, bearing capacity, and global stability design calculation for any free-standing retaining walls over 4 feet in height or walls on slopes. Calculations shall be reviewed and approved by the City's geotechnical consultant. (DS)
5. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. (DS)
6. The applicant's geotechnical consultant shall review the final erosion control plan, construction plans, and drainage and stormwater plans associated with the development and certify that they are consistent with the conclusions and recommendations stated in their geologic assessment and geotechnical report. Costs associated with geologic hazard review performed by the City's geotechnical engineer shall be paid by the applicant. (DS)
7. Grading, drainage improvements or other land disturbances shall be restricted to between May 1 and October 31, unless extended by the City Engineer consistent with 17.44. The applicant shall submit a work schedule which has been reviewed and approved by a licensed geotechnical engineer regarding the viability of completing necessary project goals within the aforementioned time period. Erosion control measures shall be installed and functional prior any soil disturbance. Temporary protective fencing shall be established adjacent to all trees and vegetation designated for protection which are within five feet of a construction area prior to any soil disturbance. (DS)
8. The developer shall submit cross-sections at locations of greatest cut or fill showing finished grade, existing ground, proposed slopes, proposed retaining walls, and proposed and existing structures and property lines. (DS)
9. For any structural fill proposed for the development, the applicant's geotechnical engineer shall observe placement of the fill and certify, in writing, that the structural fill used on the site meets the provided design specifications and is placed as designed. (DS)

10. Retaining walls shall be designed by a professional engineer qualified for the design of such walls in accordance with the Oregon Structural Specialty Code. The applicant shall obtain building permits for all retaining walls proposed by the development. (DS)
11. The proposed development shall have no more than fifty percent or four thousand square feet of the lot surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces within areas with slopes between twenty-five and thirty-five percent. The applicant has submitted a site plan and provide calculations demonstrating compliance with the aforementioned requirement. (DS)
12. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer and the City's peer reviewer shall agree with geotechnical evaluation/investigation report submitted for the development prior to issuance of building permit(s). (DS)
13. All new service utilities, both on-site and off-site, shall be placed underground and under roadbeds where practicable. The applicant shall provide plans showing placement of dry utilities (gas, communications and electrical) underground for review and approval by the City. The applicant shall obtain city permits for work in city rights-of-way as necessary. (DS)
14. The applicant shall submit a permanent and complete stormwater control plan. (DS)
15. The geotechnical engineer of record shall observe all excavations and geologic conditions exposed during construction and document that the subsurface conditions are consistent with the assumptions made as part of their geotechnical evaluation/investigation. If the conditions are different than assumed in the preliminary report, the effect of the new observations shall be evaluated, and mitigation provided as required. Additional geologic hazards review may be required at the City's discretion. (DS)
16. The applicant shall retain the services of a licensed geotechnical engineer to conduct inspections prior to and during construction activities which involve removal or addition of vegetation, building structures, retaining walls or earth. The geotechnical engineer shall provide a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations. (DS)
17. The applicant shall submit waiver of damages, indemnity and hold harmless agreement completed by owners of properties impacted by construction associated with the development. The applicant shall pay all fees associated with processing and recording the document. (DS)
18. A city issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. (DS)
19. Conditions contained in this report shall not relieve the developer of the duty to comply with any other provision of law. In the case of a conflict, the more restrictive regulation shall apply. (DS)

20. This application was reviewed for compliance with the Historic Overlay District (HR 20-04). Prior to issuance of Building Permits, the applicant is required to show compliance with the applicable conditions of approval of HR 20-04 and meet the requirements of GLUA 21-0040 GEO 21-00006 WRG 21-0003 and HR 20-04. Revision to the approved HR 20-04 plans that are needed to comply with the requirements of this approval may require additional review by the Historic Review Board. Please coordinate with the Planning Decision as soon as possible to ensure that plans submitted for Building Permit can comply with the conditions set forth in HR 20-04 and GLUA 21-0040 GEO 21-00006 WRG 21-0003 (P)

The applicant shall include the following information prior to issuance of an occupancy permit associated with the proposed application.

21. Pavement cuts or other improvement made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (DS)
22. The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report. As-builts conforming to City standards shall be provided within 90 days of completion of the project. (DS)
23. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city (DS)

I. BACKGROUND:

1. Existing Conditions

The subject property is currently an undeveloped parcel in the Canemah National Historic District and is located on the south side of 4th Ave., at the intersection of 4th Ave. and unimproved Hedges Street. The subject property is within the Geologic Hazards Overlay District and the Willamette River Greenway overlay, which will be reviewed through a separate process. There are unimproved sections of City right-of-way located on the east and west side of this property. Primary access to the property would be from the unimproved portion of Hedges St.

A majority of the lots fronting 4th Ave as well as the unimproved right of ways for Hedges and Ganong Streets are vacant due to steeply sloping terrain.

Figure 1. Vicinity Map

Photo 2 - Southeasterly view from 4th Avenue towards the northwestern property corner. Note that the excavator is digging TP-4.

Figure 2: Existing Conditions

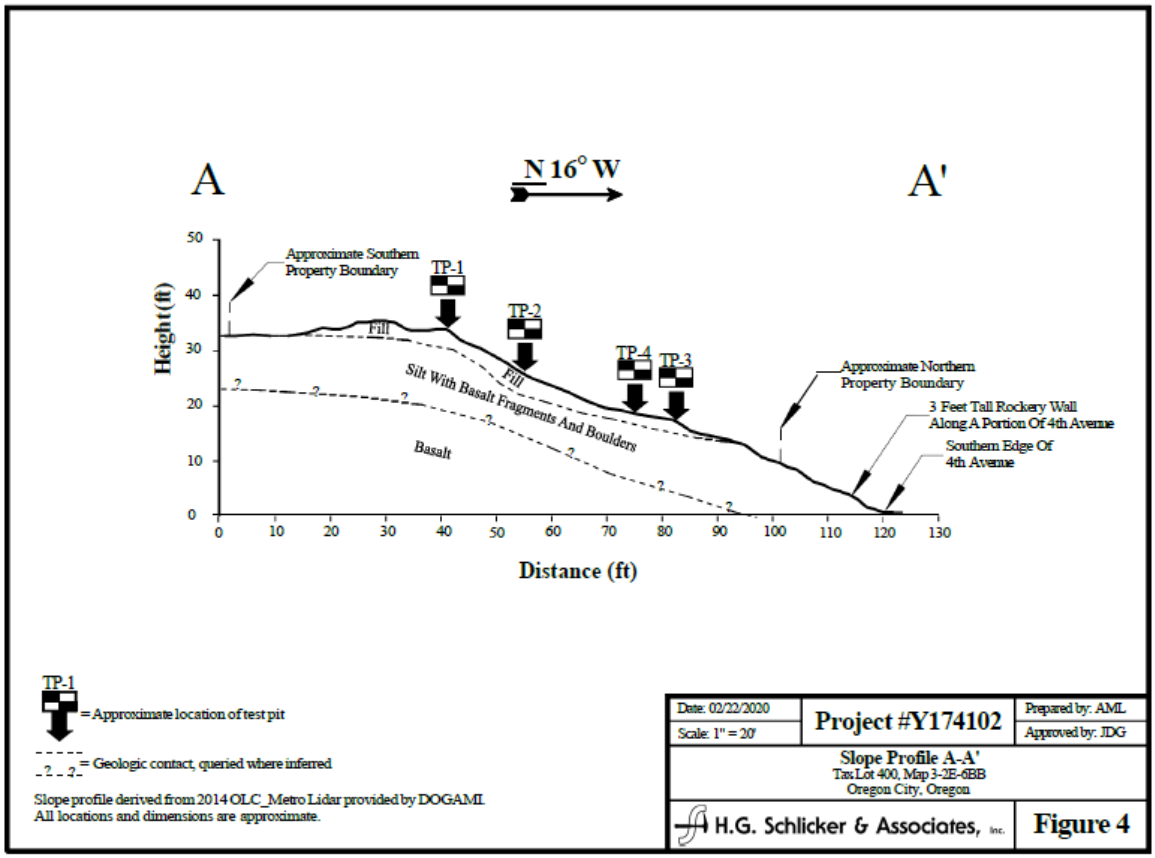


Figure 3: Slope Profile

2. Project Description

The proposed project consists of the construction of a new single-family residence. The applicant received approval for the infill single family residence from the Historic Review Board on May 26, 2020 GLUA-20-00007/HR 20-04 proposing a bungalow style home with a main level, an upper level partially within the roof line, and a partial unfinished daylight basement and a detached double car garage situated behind the house. The residence will be built on a vacant lot located adjacent on 4th Ave and accessed by a driveway off the Hedges. The property on which the proposed residence will be located is a steeply sloping 10,000 sf lot sloping uphill from 4th Ave. This property is in an identified geological hazard area and natural resource overlay zone.

The property also received a Natural Resource Overlay District project exemption (NROD 20-0006) as the site is more than 50 feet and across the street from a regulated resource.

It is the applicant's responsibility to reconcile conditions from this review (GLUA 21-0040 GEO 21-00006 WRG 21-0003) and those from HR 20-04. Prior to issuance of Building Permits, the applicant is required to show compliance with the applicable conditions of approval of HR 20-01 to ensure that the submitted plans can meet the requirements of GLUA 20-0024: GEO 20-0002 SP 20-0052 and HR 20-01 to meet.

The City of Oregon City adopted revisions to OCMC 17.44 Geohazard Overlay District that went into effect on July 21, 2021. This application was submitted on July 20, 2021 and is subject to the code in place t the time of submittal., which does not include the recent Geohazard revisions.

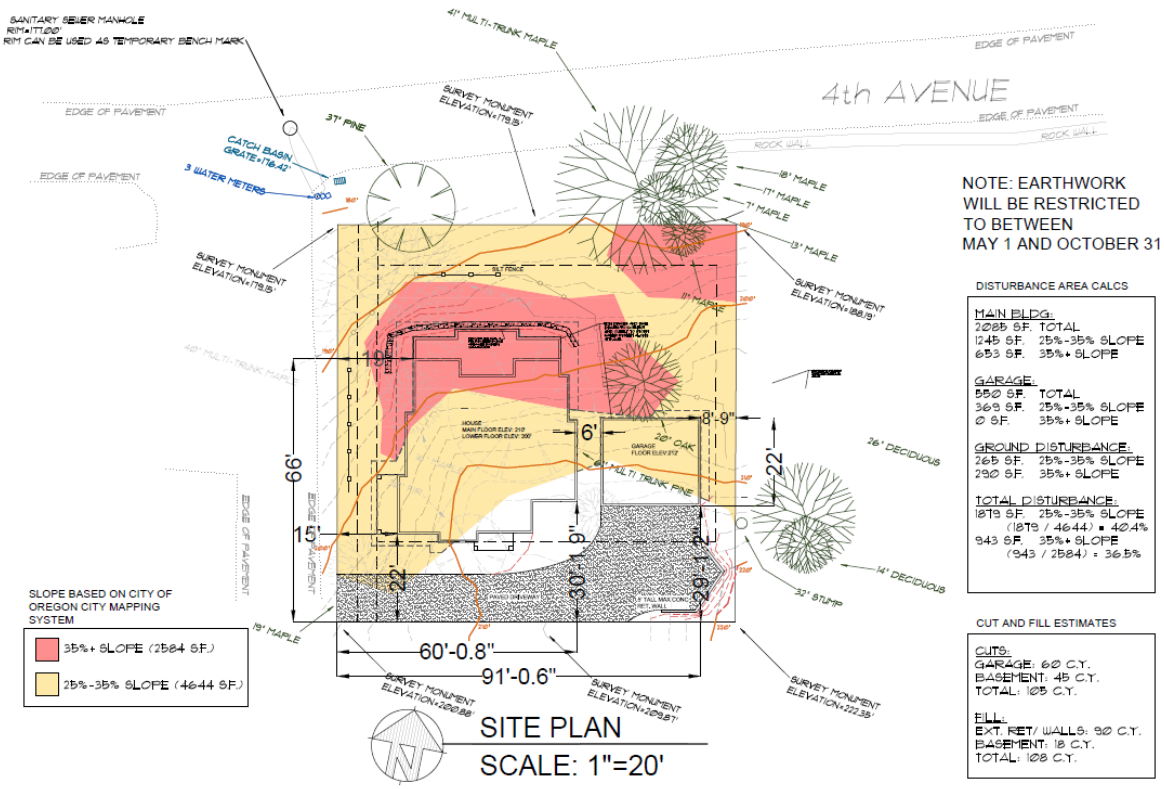


Figure 3: Proposed Site Plan

3. **Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City, including but not limited to the Engineering and Building Divisions.

4. **Public Comment**
   No public comment was received for this application.

II. ANALYSIS AND FINDINGS:

Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code are applicable to this land use approval:

CHAPTER

CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES .....

CHAPTER 13.12 – STORMWATER MANAGEMENT .....

CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING .....

CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT .....

CHAPTER 17.08 – LOW DENSITY RESIDENTIAL DISTRICTS .....

CHAPTER 17.44 – GEOLOGIC HAZARDS .....

CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL .....

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES.....

CHAPTER 17.08 LOW DENSITY RESIDENTIAL DISTRICTS .....

CHAPTER 17.44 - US—GEOLOGIC HAZARDS .....

CHAPTER 17.48 WILLAMETTE RIVER GREENWAY

<u>CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES</u>

12.04.005 - Jurisdiction and management of the public rights-of-way.

A. The City has jurisdiction and exercises regulatory management over all public rights-of-way within the City under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.

C. The City has jurisdiction and exercises regulatory management over each public right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way. The City has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

D. No person may occupy or encroach on a public right-of-way without the permission of the City. The City grants permission to use rights-of-way by franchises, licenses and permits.

E. The exercise of jurisdiction and regulatory management of a public right-of-way by the City is not official acceptance of the right-of-way, and does not obligate the City to maintain or repair any part of the right-of-way.

Finding: Applicable. The City of Oregon City has jurisdiction over 4th Avenue and Hedges Street.

12.04.025 - Driveways.

Driveways shall be reviewed in accordance with OCMC 16.12.035. Driveway requirements may be modified through the procedures in OCMC 16.12.013.

Finding: Applicable. See 16.12.035 for more information.

12.04.030 - Maintenance and repair.

The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

Finding: Not applicable. There are no existing sidewalks because the site is within the Canemah Historic District.

12.04.032 - Required sidewalk repair.

A. When the Public Works Director determines that repair of a sidewalk is necessary, written notice shall be provided to the owner of property adjacent to the defective sidewalk.

B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the City may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.

1. All sidewalks hereafter constructed in the City on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan and OCMC 16.12. Sidewalks and curbs are to be constructed according to plans and specifications approved by the City Engineer.
2. Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades approved by the City Engineer. On unimproved streets, curbs do not have to be constructed.

C. The Public Works Director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the Public Works Director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

D. The person serving the notice shall file with the City recorder a statement stating the time, place and manner of service or notice.

Finding: Not applicable. There are no existing sidewalks because the site is within the Canemah Historic District.

12.04.050 - Retaining walls—Required.

Every owner of a lot within the City, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

Finding: Not Applicable. There are no retaining wall proposed adjacent to a city street.

12.04.100 - Excavations—Restoration of pavement.
Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.
Finding: Complies with Condition. Pavement cuts are proposed within 4th Avenue due to needed utility service installations. Pavement cuts or other improvement made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.120 - Obstructions—Permit required.

A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the City, without obtaining approval for a right-of-way permit from the City Commission by passage of a resolution.

1. *The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.*
2. *The applicant shall submit at least the following information in the permitting process in order to allow the City Commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:*
   a. *Site plan showing right-of-way, utilities, driveways as directed by staff;*
   b. *Sight distance per OCMC 10.32, Traffic Sight Obstructions;*
   c. *Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
   d. *Alternative routes if necessary;*
   e. *Minimizing obstruction area; and*
   f. *Hold harmless/maintenance agreement.*

3. *If the City Commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the City Engineer shall issue a right-of-way permit with any conditions deemed necessary by the City Commission.*

4. *Signage that acts as an obstruction is approved through OCMC 15.28*

B. Temporary Obstructions.

1. *A "temporary obstruction" is defined as an object placed in a public street, sidewalk, road, or alley which is not permanently anchored to another surface such as the pavement, sidewalk, or a building. A "temporary obstruction" includes, but is not limited to, moving containers, debris dumpsters, and seating.*
   a. Planters and benches are exempt from permitting unless the City Engineer finds by inspection that the planter or bench is impeding use of the right-of-way. If deemed an impeding use, a planter or bench will comply with the requirements for temporary obstructions.
2. *The City Engineer, or designee, is authorized to grant a permit for a temporary obstruction.*
3. *The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.*

4. *The applicant shall submit, and the City Engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the City Engineer:*
   a. *Site plan showing right-of-way, utilities, driveways as directed by staff;*
   b. *Sight distance per OCMC 10.32, Traffic Sight Obstructions;*
   c. *Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
   d. *Handicap accessible route complying with Americans with Disability Act (ADA) standards.*
   e. *Alternative routes if necessary;*
   f. *Minimizing obstruction area; and*
   g. *Hold harmless/maintenance agreement.*
5. *In determining whether to issue a right-of-way permit to allow a temporary obstruction, the City Engineer may issue such a permit only after finding that the following criteria have been satisfied:*
   a. *The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;*
   b. *The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;*
   c. *No alternative locations are available that would not require use of the public right-of-way; and;*
   d. *Any other factor that the City Engineer deems relevant.*
6. *The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.*
7. *Types*
   a. *A short-term temporary obstruction is allowed for a period of not more than 60 consecutive calendar days. It is permitted with a temporary obstruction in the right-of-way permit.*
   b. *A long-term temporary obstruction is allowed for a period of not more than one year, and it is permitted with a renewable right-of-way permit.*
8. *Signage that acts as an obstruction is approved through OCMC 15.28*

C. *Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the City Commission.*

Finding: Not Applicable. No obstructions are proposed within the right of way.

12.04.150 - Street and alley vacations—Cost.
At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by City Commission resolution shall be paid to the City. The City Commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.
Finding: Not Applicable. No vacations are proposed as part of this application.

12.04.170 - Street design—Purpose and general provisions.
All development shall be in conformance with the city's public facility master plans, public works policies, standard drawings and engineering specifications. All streets shall be reviewed and approved by the city engineer prior to construction. All streets and driveway connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat or site planning and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.
Finding: Complies with condition. See findings from chapter 16.12 of this report.

12.04.270 - Standard construction specifications.
The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the current edition of the "Oregon Standard Specifications for Construction" as prepared by

the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Standard Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Standard Drawings shall control. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Finding: Complies with Condition. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 13.12 – STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.

A. Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:

1. The conveyance facilities are located entirely on one privately owned parcel;

2. The conveyance facilities are privately maintained; and

3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.

Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the Building Official.

Finding: Applicable. Connection to a public stormwater conveyance system is required to serve this development.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:

1. Activities located wholly or partially within water quality resource areas pursuant to OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or

2. Activities that create or replace more than five thousand square feet of impervious surface, cumulated over any given five-year period.

Finding: Not Applicable. The proposed development will not meet the threshold triggers for stormwater management.

C. Exemptions. The following exemptions to subsection B of this section apply:

1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in OCMC 17.42, provided that the following conditions are met:

a. The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and

b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.
2. Projects in the following categories are generally exempt from the water quality and flow control requirements:
a. Stream enhancement or restoration projects approved by the City.
b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.
c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.
d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.
e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.
f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.
g. Maintenance or repair of existing utilities.
Finding: Not Applicable. The proposed development does not meet the criteria for exemption to the flow control requirements of this chapter.

D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:
1. Bulk petroleum storage facilities;
2. Above ground storage of liquid materials;
3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;
4. Exterior storage of bulk construction materials;
5. Material transfer areas and loading docks;
6. Equipment and/or vehicle washing facilities;
7. Development on land with suspected or known contamination;
8. Covered vehicle parking for commercial or industrial uses;
9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and
10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.
Finding: Not Applicable. The development has not proposed use of the land that requires additional management practices as defined in the Public Works Stormwater and Grading Design Standards.

CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.
A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:
1. Grading activities in excess of ten cubic yards of earth;
2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;
3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;

4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or
5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.
B. Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.
Finding: Applicable. The preliminary plans propose grading activities in excess of ten cubic yards of earth. However, fill and grading activities are proposed to be undertaken in conjunction with a land use application. A separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

15.48.040 - Grading permit exemptions.
The following filling and grading activities shall not require the issuance of a grading permit:
A. Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies;
B. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a grading permit if:
1. It exceeds fifty cubic yards,
2. More than ten cubic yards are removed from the site, or
3. The fill is placed on the site to a depth greater than one foot;
C. Farming practices as defined in ORS 30.930 and farm uses as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter;
D. Excavation for cemetery graves;
E. Sandbagging, diking, ditching, filling or similar work when done to protect life or property during an emergency;
F. Repaving of existing paved surfaces that does not alter existing drainage patterns;
G. Maintenance work on public roads performed under the direction of the city, Clackamas County or Oregon State Department of Transportation personnel.
Finding: Not Applicable. The application does not qualify for an exemption.

15.48.090 Submittal requirements.
An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.
A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:
1. No portion of the proposed site is within the flood management area overlay district pursuant to Chapter 17.42, the unstable soils and hillside constraints overlay district pursuant to Chapter 17.44, or a water quality resource area pursuant to Chapter 17.49; and
2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.
B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.

C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:
1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;
2. When an embankment for a stormwater pond is created by the placement of fill;
3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.
D .Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.
Finding: Complies with Conditions. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

16.12.010 - Purpose and general provisions.
The purpose of this chapter is to identify the standards for development in and adjacent to spaces which benefit the public including right-of-way, access to the right-of-way, public off-street pedestrian and bicycle accessways, and easements. All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's public facility master plans and City design standards and specifications. In reviewing applications for development, the City Engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development shall be reviewed and approved by the City Engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way shall be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.
Finding: Complies with Condition. Compliance with the "purpose and general provisions" of chapter 16.12 can be met by adhering to the following: The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.011 - Applicability.
A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements that are required in conjunction with a land use decision.
B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all 3-4 plexes, single and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable 3-4 plexes, single and two -family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:
    1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
    2. Plant street trees.

The cost of compliance with the standards identified in 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the State of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

C. Exemptions. The following are exempt from review by this chapter unless public improvements, driveways, PUEs, or other items regulated by this chapter are proposed.

1. Minor Site Plan and Design Review applications
2. Work within the right-of-way
3. Lot Line Adjustments and Abandonments
4. Public capital improvement projects

Finding: Applicable. The application is for new construction of a new single-family dwelling. However, street frontage improvements are not required because the development is within the Canemah Historic Neighborhood.

16.12.013 - Modifications.

The applicant may request and the review body may consider modification of the standards in this chapter resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications, except for adjustments approved by the City Engineer for tree preservation purposes pursuant to 16.12.013.A, shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

A. Compliance with the following criteria is required:

1. *The modification meets the intent of the standard;*
2. *The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;*
3. *The modification is consistent with an adopted transportation or utility plan; and*
4. *The modification is complementary with a surrounding street design; or, in the alternative;*
5. *If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.*

Finding: Not Applicable. No modification has been requested.

B. The following modifications shall be processed as a Type I modification by the City Engineer using the criteria in 16.12.13.A.

1. Modifications to driveway location, size, and sharing standards in 16.12.035
2. Modifications to sidewalk and planter strips widths and location in 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards.

Finding: Not Applicable. No modification has been requested.

16.12.014 - Administrative provisions.

An applicant shall submit the following items to the City and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:

A. Pre-Design Meeting;
B. Final Engineering Plans, Stamped and Signed by an Oregon Licensed Professional Engineer;
C. Stormwater Report, Stamped and Signed by an Oregon Licensed Professional Engineer;

D. Geotechnical Report, Stamped and Signed by an Oregon Licensed Professional Engineer (if applicable);
E. Engineer's Preliminary and Final Cost Estimates (also may be known as engineer's opinion of probable construction cost);
F. Plan Check and Inspection Fees (as set by City resolution);
G. Certificate of Liability Insurance for City funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);
H. Preconstruction Meeting;
I. Financial Guarantee(s) per OCMC 17.50.140;
J. Applicable Approvals/Permits from other agencies or entities;
K. Developer/Engineer Agreement for public works improvements.

An applicant shall submit the following additional items to the City and complete the following tasks prior to completing construction of proposed development plans. These items include the following:
L. Project Engineer's Certificate of Completion;
M. Stormwater Operation and Maintenance Easement (if applicable);
N. Deed of Dedication (Bargain and Sale Deed);
O. Recorded Plat and/or Easements (if applicable);
P. Recorded Non-Remonstrance Covenant Agreement;
Q. Land Division Compliance Agreement (if applicable);
R. Permanent Stabilization and/or Restoration of the impact from the development;
S. Fulfillment of all Conditions of Approval;
T. Payment of all Outstanding Fees;
U. Maintenance Guarantee(s). per OCMC 17.50.141;
V. Indemnity Agreement (if applicable);
W. Completed Punchlist;
X. As-Built Drawings;

Details on individual items required by this subsection can be obtained by contacting Public Works. Many items, such as the engineer's cost estimate and plan check and inspection fee, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).
Finding: Complies with Condition. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.015 - Street design—Generally.
Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the Transportation System Plan, Trails Master Plan, and/or Parks and Recreation Master Plan and this chapter, subject to constitutional limitations. The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the City Engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with OCMC 16.12.017 shall be required to preserve the objectives of street extensions.
C. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the City's Transportation System Plan. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.
Finding: Complies as proposed. The location, widths, and grades of the existing street system provides for the continuation or appropriate projection of existing principal streets in the surrounding area and gives access for future development of adjoining land. The development is within the Canemah Historic Neighborhood so street improvement requirements are not applicable. Therefore, the remainder of this chapter is not applicable.

CHAPTER 17.08 LOW DENSITY RESIDENTIAL DISTRICTS

17.08.020 - Permitted uses.

Permitted uses in the R-10, R-8 and R-6 districts are:
A. Single-family detached residential units;
B. Accessory uses, buildings and dwellings;
C. Internal conversions;
D. Corner duplexes;
E. Cluster housing;
F. Residential homes;
G. Parks, playgrounds, playfields and community or neighborhood centers;
H. Home occupations;
I. Family day care providers;
J. 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);
K. 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;
L. Transportation facilities.
Finding: Complies as Proposed. The Applicant has proposed a single family dwelling and detached garage.

17.08.025 - Conditional uses.

The following uses are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 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 facilities;
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;
Finding: Not applicable. No conditional uses are proposed.

17.08.030 - Master plans.
The following are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.65.
A. Single-family attached residential units.
Finding: Not applicable. No single family attached units are proposed.

17.08.035 - Prohibited uses.
Prohibited uses in the R-10, R-8 and R-6 districts are:
A. Any use not expressly listed in OCMC 17.08.020, 17.08.025 or 17.08.030;
B. Marijuana businesses.
Finding: Complies as Proposed. No prohibited uses are proposed.

17.08.040 - Dimensional standards.
Dimensional standards in the R-10, R-8 and R-6 districts are as follows:
Table 17.08.040

Standard	*R-6*
Minimum lot size1	*6,000 sq. ft.*
Maximum height	*35 ft.*
Maximum building lot coverage With ADU	*40%, except 45%*
Minimum lot width	*50 ft.*
Minimum lot depth	*70 ft.*
Minimum front yard setback	*10 ft., except 5 ft. - Porch*
Minimum interior side yard setback	*5 ft.*
Minimum corner side yard setback	*10 ft.*
Minimum rear yard setback	*20 ft, except 15 ft - Porch 10 ft - ADU*
Garage setback	*20 ft. from ROW, except 5 ft. Alley*

Notes:
For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.
Finding: Complies as Proposed. This lot consist of two 5000 sf lot of record. Setbacks will be reviewed upon building permit application.

17.08.045 - Exceptions to setbacks.

A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.
B. Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.
Finding: Setbacks will be reviewed upon building permit application.

17.08.050 - Density standards.
A. Density standards in the R-10, R-8 and R-6 districts are as follows:
Table 17.08.050

Standard	*R-10*	*R-8*	*R-6*
Minimum net density	*3.5 du/acre*	*4.4 du/acre*	*5.8 du/acre*
Maximum net density	*4.4 du/acre*	*5.4 du/acre*	*7.3 du/acre*

B. Exceptions.
1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.08.050.
2. Corner duplexes shall count as a single dwelling unit for the purposes of calculating density.
3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.08.050; see OCMC 17.20.020.
Finding: Not applicable. This lot consist of two 5000 sf lot of record; no land divisions are proposed. The Applicant meets the density standard.

CHAPTER 17.44 – GEOLOGIC HAZARDS

17.44.025 - When required; regulated activities; permit and approval requirements.
No person shall engage in any of the following regulated activities within the adopted Oregon City Geologic Hazards Overlay Zone as defined in section 17.04.515 of the Oregon City Municipal Code without first obtaining permits or approvals as required by this chapter:
A. Installation or construction of an accessory structure greater than 500 square feet in area;
B. Development of land, construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which permission is required pursuant to the Oregon City Municipal Code;
C. Tree removal on slopes greater than 25 percent where canopy area removal exceeds 25 percent of the lot.
D. Excavation which exceeds two feet in depth, or which involves twenty-five or more cubic yards of volume;
The requirements of this chapter are in addition to other provisions of the Oregon City Municipal Code. Where the provisions of this chapter conflict with other provisions of the Oregon City Municipal Code, the provisions that are the more restrictive of regulated development activity shall govern.

Finding: Complies as conditioned. The proposed application involves excavation and development exceeding the stated thresholds and requires permitting pursuant to the Oregon City Municipal Code. The project site is within the adopted Oregon City Geologic Hazards Overlay Zone based on steep slopes and landslide hazards. Therefore, the project is subject to the provisions for the Geologic Hazards Overlay District.**Error! Reference source not found.** The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies (Also written in 16.12.010). **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.030 - Procedures.
No building or site development permit or other authorization for development shall be issued until the plans and other documents required by this chapter have been reviewed and found by the review authority to comply with the requirements of this chapter.

A. Where the development is part of a land use permit application, review shall occur in the manner established in Chapter 17.50 for review of land use decisions.
B. Where the development is part of a limited land use permit application, review shall occur in the manner established in Chapter 17.50 for review of limited land use decisions.
C. Where the development is solely part of a grading permit or building permit, the city engineer may allow review to occur in the manner established in Title 15, Chapters 15.04 and 15.48 if the application meets Section 17.44.060 development standards.
D. For any other proposed development not otherwise subject to review as a land use or limited land use permit application, review shall occur in the manner established in Chapter 17.50 for limited land use decisions.
Finding: Applicable. The development is within the adopted Oregon City Geologic Hazards Overlay Zone and is required to apply for a land use permit.

17.44.035 - Exemptions.
The following activities, and persons engaging in same, are EXEMPT from the provisions of this chapter.
A. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;
B. A fill which does not exceed two feet in depth or twenty-five cubic yards of volume;
C. Structural alteration of any structure of less than five hundred square feet that does not involve grading as defined in this chapter;
D. Installation, construction, reconstruction, or replacement of utility lines in city right-of-way, or public easement, not including electric substations;
E. The removal or control of noxious vegetation;
F. Emergency actions which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property. The person undertaking emergency action shall notify the building official on all regulated activities associated with any building permit or city engineer/public works director on all others within one working day following the commencement of the emergency activity. If the city engineer/public works director or building official determine that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken.
Finding: Not Applicable. Proposed activities associated with the development do not meet the criteria for exemption from this chapter.

17.44.050 Development - Application Requirements and Review Procedures and Approvals.
Except as provided by subsection B of this section, the following requirements apply to all development proposals subject to this chapter:
17.44.050.A. *A geological assessment and geotechnical report that specifically includes, but is not limited to:*

1) *Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:*

   a) *The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area;*
   b) *Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);*
   c) *Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);*

d) DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);

e) "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);

2) Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;

3) Comprehensive information about site topography;

4) Opinion as to the adequacy of the proposed development from an engineering standpoint;

5) Opinion as to the extent that instability on adjacent properties may adversely affect the project;

6) Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;

7) Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;

8) Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;

9) Recommendations and types of considerations as appropriate for the type of proposed development:

a. General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill,

b. Location of residence on lot,

c. Building setbacks from slopes,

d. Erosion control techniques applicable to the site,

e. Surface drainage control to mitigate existing and potential geologic hazards,

f. Subdrainage and/or management of groundwater seepage,

g. Foundations,

h. Embedded/retaining walls,

i. Management of surface water and irrigation water, and

j. Impact of the development on the slope stability of the lot and the adjacent properties.

10) Scaled drawings that describe topography and proposed site work, including:

a. Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and manmade structures or features all fully dimensioned, trees six- inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities;

b. All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.

c. A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills.

11) For properties greater than 1 acre, a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.

Finding: Complies as conditioned. The applicant has provided the following documents: *Geologic Hazards and Geotechnical Investigation Tax Lot 400, Map 3-2E-6BB Oregon City, Oregon, by H.G. Schlicker and Associates, dated February 22, 2020, architectural plans and elevations dated July 16, 2021, grading plan with existing slopes, and a Plan Review letter by H.G. Schlicker and Associates, dated July 20, 2021.* The applicant shall submit engineered stamped calculations for any retaining walls showing compliance with applicable

building codes. The applicant shall provide sliding, overturning, bearing capacity, and global stability design calculation for any free-standing retaining walls over 4 feet in height or walls on slopes. Calculations shall be reviewed and approved by the City's geotechnical consultant. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.050.B. *Review Procedures and Approvals require the following:*

1) *Examination to ensure that:*
   a) *Required application requirements are completed;*
   b) *Geologic assessment and geotechnical report procedures and assumptions are generally accepted; and*
   c) *All conclusions and recommendations are supported and reasonable.*
2) *Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.*
3) *All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or geologic engineering and geotechnical engineering, respectively, as determined by the city. The city will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.*

Finding: Complies as conditioned. The applicant's geotechnical consultant has provided a geologic assessments and geotechnical report. The applicant's geotechnical consultant shall review the final erosion control plan, construction plans, and drainage and stormwater plans associated with the development and certify that they are consistent with the conclusions and recommendations stated in their geologic assessment and geotechnical report. Costs associated with geologic hazard review performed by the City's geotechnical engineer shall be paid by the applicant. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.050.C *The city engineer may waive one or more requirements of subsections A and B of this section if the city engineer determines that site conditions, size or type or development of grading requirements do not warrant such detailed information. If one or more requirements are waived, the city engineer shall, in the staff report or decision, identify the waived provision(s), explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority.*
Finding: Not Applicable. The City Engineer has not waived the code provisions.

17.44.060 Development Standards.
Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter. Requirements of this chapter are in addition to other provision of the Oregon City Municipal Code. Where provision of this chapter conflict with other provision of the Oregon City Municipal Code, the provisions that are more restrictive of regulated development activity shall govern.

17.44.060.A *All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal and fill and grading for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.*
Finding: Complies as proposed. Grading including excavation and compaction of engineered fill is proposed. Proposed excavations are generally confined to building footprints and driveways.

17.44.060B *All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Erosion control measures shall be installed and functional prior to any disturbances. The City Engineer may allow grading, drainage improvements or other land disturbances to begin before May 1 (but no earlier than March 16) and end after October 31 (but no later than November 30), based upon weather conditions and in consultation with the project geotechnical engineer. The modification of dates shall be the minimum necessary, based upon the evidence provided by the applicant, to accomplish the necessary project goals. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.*
Finding: Complies as conditioned. Excavation and compaction of engineered fill is proposed. Grading, drainage improvements or other land disturbances shall be restricted to between May 1 and October 31, unless extended by the City Engineer consistent with 17.44. The applicant shall submit a work schedule which has been reviewed and approved by a licensed geotechnical engineer regarding the viability of completing necessary project goals within the aforementioned time period. Erosion control measures shall be installed and functional prior any soil disturbance. Temporary protective fencing shall be established adjacent to all trees and vegetation designated for protection which are within five feet of a construction area prior to any soil disturbance. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.060.C *Designs shall minimize the number and size of cuts and fills.*
Finding: Complies as proposed. Applicant has submitted a grading plan which shows that the number and size of cuts and fills are minimized to a reasonable extent.

17.44.060.D *Cut and fill slopes, such as those for a street, driveway accesses, or yard area, greater than seven feet in height (as measured vertically) shall be terraced. Faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut and fill slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut or fill slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.*
Finding: Complies as conditioned. The application shows areas with cuts and terracing. To verify compliance with cut and fill limitations from city code, the developer shall submit cross-sections at locations of greatest cut or fill showing finished grade, existing ground, proposed slopes, proposed retaining walls, and proposed and existing structures and property lines.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

17.44.060.E *Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter.*
Finding: Complies as conditioned. The Geologic Hazards and Geotechnical Investigation includes recommendation for structural fill. For any structural fill proposed for the development, the applicant's geotechnical engineer shall observe placement of the fill and certify, in writing, that the structural fill used on the site meets the provided design specifications and is placed as designed. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.060.F Retaining walls shall be constructed in accordance with the Oregon Structural Specialty Code adopted by the State of Oregon.

Finding: Complies as conditioned. Retaining walls shall be designed by a professional engineer qualified for the design of such walls in accordance with the Oregon Structural Specialty Code. The applicant shall obtain building permits for all retaining walls proposed by the development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.060.G *Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the City's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.*
Finding: Complies as proposed. There are no new roads proposed or required for this development. Driveway for the proposed development does not exceed 150 feet in length and provides adequate vehicular and emergency access.

17.44.060.H *Density shall be determined as follows*

1) *For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district;*
2) *For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;*
3) *For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection I 4 of this section.*

Finding: Complies as proposed. The single-family dwelling is proposed on Tax Lot 400, Map 3-2E-6BB will have the footprint on a predominately 25 to 35% slopes with areas exceeding 35% and areas less than 25%. Therefore, the proposed density of 1 unit is allowed per the R-6 zoning district and the provisions of section I 4.

17.44.060.I *For properties with slopes of twenty-five to thirty-five percent between grade breaks:*

1. *For those portions of the property with slopes of twenty-five to thirty-five percent, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;*
2. *An individual lot or parcel with slopes between twenty-five and thirty-five percent shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.*
3. *No cut into a slope of twenty-five to thirty-five percent for the placement of a housing unit shall exceed a maximum vertical height of 15 feet for the individual lot or parcel.*
4. *For those portions of the property with slopes over thirty-five percent between grade breaks:*
   a. *Notwithstanding any other City land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence.*

Any development approved under this chapter shall be subject to compliance with all other applicable City requirements as well as any applicable State, Federal or other requirements;

b. *To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.*

Finding: Complies as conditioned. The preliminary plans provided by the applicant proposes disturbance of 2,822 square feet (less than 4,000 square feet and less than half the lot surface area). To ensure final plans for the project comply with this code requirement the following condition has been written. The proposed development shall have no more than fifty percent or four thousand square feet of the lot surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces within areas with slopes between twenty-five and thirty-five percent. The applicant has submitted a site plan and provide calculations demonstrating compliance with the aforementioned requirement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.060.J *The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report.*

Finding: Complies as conditioned. The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report. As-builts conforming to City standards shall be provided within 90 days of completion of the project. **Staff has determined that it isa possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.060.K *At the City's discretion, peer review shall be required for the geotechnical evaluation/investigation report submitted for the development and/or lot plans. The peer reviewer shall be selected by the City. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer prior to issuance of building permit.*

Finding: Complies as conditioned. The city has selected a peer reviewer for the geotechnical evaluation/investigation report submitted for the development. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer and the City's peer reviewer shall agree with geotechnical evaluation/investigation report submitted for the development prior to issuance of building permit(s). **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.060.L *The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the City's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur.*

Finding: Complies as conditioned. Per standard procedure, the City's on-call geotechnical engineer provides peer review services to determine whether the proposed methods of rendering a known or potential hazard

site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. Costs associated with geologic hazard review performed by the City's geotechnical engineer shall be paid by the applicant (also written in 17.44.050.B). **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.070 Access to Property.
Shared private driveways may be required if the city engineer or principal planner determines that their use will result in safer location of the driveway and lesser amounts of land coverage than would result if separate private driveways are used.
Innovations in driveway design and road construction shall be permitted in order to keep grading and cuts or fills to a minimum and to achieve the purpose and policy of this chapter.
Points of access to arterials and collectors shall be minimized.
The city engineer or principal planner shall verify that adequate emergency services can be provided to the site.

Finding: Complies as proposed. The applicant has proposed a driveway approach that does not exceed 24 feet in width connecting from a local street, which meets the requirements of Chapter 12.04.025.B. The development property is adjacent to an existing local street that currently provides emergency services to the neighborhood.

17.44.080 Utilities.
All new service utilities, both on-site and off-site, shall be placed underground and under roadbeds where practicable. Every effort shall be made to minimize the impact of utility construction. Underground utilities require the geologic hazards permitting and review prescribed herein.
Finding: Complies as conditioned. All new service utilities, both on-site and off-site, shall be placed underground and under roadbeds where practicable. The applicant shall provide plans showing placement of dry utilities (gas, communications and electrical) underground for review and approval by the City. The applicant shall obtain city permits for work in city rights-of-way as necessary. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.090 Stormwater Drainage.
The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to City standards as set out in the City's drainage master plan and design standards. The review authority may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality consistent with Oregon City's Title III section of the Oregon City Municipal Code Chapter 17.49 and the Oregon City Public Works Stormwater Management Design Manual and Standards Plan or other adopted standards subsequently adopted by the City Commission. Drainage design shall be approved by the city engineer before construction, including grading or other soil disturbance, has begun.
Finding: Complies as conditioned. The proposal does not propose activities to trigger requirements of Chapter 17.49 but the applicant has not provided a design for discharge of stormwater from the site. The applicant shall submit a permanent and complete stormwater control plan. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.100. Construction Standards.

During construction on land subject to this chapter, the following standards shall be implemented by the developer:

17.44.100.A *All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47 – Erosion and Sediment Control.*

Finding: Complies as conditioned. See findings from section 17.47 of the staff report.

17.44.100.B *No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the city engineer shall authorize the site access, brush to be cleared and the location of the test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The grading plan shall be approved by the city engineer as part of the city's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.*

Finding: Complies as conditioned. See findings from section 17.44.060.J of the staff report.

17.44.100.C *Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).*

Finding: Complies as conditioned. See findings from section 17.44.100.J of the staff report.

17.44.100.D *All disturbed vegetation shall be replanted with suitable vegetation upon completion of the grading of the steep slope area.*

Finding: Complies as conditioned. See findings from section 17.44.100.J of the staff report.

17.44.100.E *Existing vegetative cover shall be maintained to the maximum extent practicable. No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip* line of trees designated for protection, unless approved by the City.

Finding: Complies as conditioned. See findings from section 17.44.100.J of the staff report.

17.44.100.F *Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts.*

Finding: Not applicable. The applicant does not propose to disturb existing perennial and intermittent watercourses.

17.44.100.G *All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the city engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the City may order work to be stopped.*

Finding: Complies as conditioned. See findings from section 17.44.100.J of the staff report.

17.44.100.H *All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of 35% or less.*

Finding: Not applicable. The applicant does not propose new lots or partitions.

17.44.100.I *The applicant's geotechnical engineer shall provide special inspection during construction to confirm that the subsurface conditions and assumptions made as part of their geotechnical evaluation/investigation are appropriate. This will allow for timely design changes if site conditions are encountered that are different from those anticipated.*
Finding: Complies as conditioned. The geotechnical engineer of record shall observe all excavations and geologic conditions exposed during construction and document that the subsurface conditions are consistent with the assumptions made as part of their geotechnical evaluation/investigation. If the conditions are different than assumed in the preliminary report, the effect of the new observations shall be evaluated, and mitigation provided as required. Additional geologic hazards review may be required at the City's discretion. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.100.J *Prior to issuing an occupancy permit, the geotechnical engineer shall prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations.*
Finding: Complies as Conditioned. The applicant shall retain the services of a licensed geotechnical engineer to conduct inspections prior to and during construction activities that involve removal or addition of vegetation, building structures, retaining walls or earth. The geotechnical engineer shall provide a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.110 Approval of Development.
The city engineer shall review the application and verify, based on the applicant's materials and the land use record, whether the proposed development constitutes a hazard to life, property, natural resources or public facilities. If, in the city engineer's opinion, a particular development poses such a hazard, the city engineer shall recommend to the review authority permit conditions designed to reduce or eliminate the hazard. These conditions may include, but are not limited to, prohibitions on construction activities between November 1st and March 31st.
Finding: Applicable. The application has been reviewed and permit conditions have been written in accordance with this section.

17.44.120 Liability.
Approval of an application for development on land subject to this chapter shall not imply any liability on the part of the city for any subsequent damage due to earth slides. Prior to the issuance of a building permit, a waiver of damages and an indemnity and hold harmless agreement shall be required which releases the City from all liability for any damages resulting from the development approved by the City's decision.
Finding: Complies with Condition. Development on land subject to this chapter shall not imply any liability on the part of the city for any subsequent damage due to earth slides. The applicant shall submit a waiver of damages, indemnity, and hold harmless agreement completed by owners of properties impacted by construction associated with the development. The applicant shall pay all fees associated with processing and recording the document. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.130 Compliance.
Nothing contained in this chapter shall relieve the developer of the duty to comply with any other provision of law. In the case of a conflict, the more restrictive regulation shall apply.

Finding: Complies with Condition. Conditions contained in this report shall not relieve the developer of the duty to comply with any other provision of law. In the case of a conflict, the more restrictive regulation shall apply. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.
A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.
B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.
Finding: Applicable. The application disturbs more than 1,000 square feet of earth; therefore, erosion and sediment control standards shall be followed.

17.47.060 - Permit required.
The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other city-issued permit that may cause visible or measurable erosion.
Finding: Complies as conditioned. A city issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.070 - Erosion and sediment control plans.
A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.
B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:
1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;
2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.
C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.
D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.
E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.

F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.
G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).
Finding: Complies as conditioned. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.080 - Plan implementation.
An approved erosion control and sediment control plan shall be implemented and maintained as follows:
A. Plan approval, where required, shall be obtained prior to clearing or grading. No grading, clearing or excavation of land requiring a plan shall be undertaken prior to approval of the plan.
B. The erosion and sediment control facilities shall be constructed prior to any clearing and grading activities, and maintained in such a manner as to ensure that sediment laden water does not enter the drainage system or violate applicable water standards.
C. The implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities is the responsibility of the owner or his/her designated representative until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.
D. The erosion and sediment control facilities herein are the minimum requirements for anticipated site conditions. During the construction period, these erosion and sediment control facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment-laden water does not leave the site.
E. Any observation of visible or measurable erosion, or an observation of more than a ten-percent increase in downstream channel turbidities, will result in an enforcement action by the city.
F. The owner or his/her designated representative shall implement the measures and construct facilities as provided for and according to the implementation schedule in the approved plan. The manager shall be allowed reasonable access to the development site for inspection purposes.
Finding: Applicable. Plan approval is required and is required to be obtained per chapter 16.12. The Oregon City Erosion Control Officer ensures that the development will comply with the city's Erosion and Sediment Control Standards. The Oregon City Erosion Control Officer will access the development site and perform inspections to ensure compliance prior to any clearing and grading activities are permitted. The Oregon City Erosion Control Officer ensures implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities. The Oregon City Erosion Control Officer may issue a Stop Work Order if the owner or his/her designated representative fails to implement and maintain the approved erosion control and sediment control plan until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.

17.47.090 - Plan performance guarantee and security.
After the plan is approved by the manager and prior to construction or grading, the owner shall provide a financial guarantee. Erosion and sediment control shall be included in the cost estimate for the primary project, such as land division or site plan, and included in that project's performance guarantee.

Finding: Complies as conditioned. See findings in Section 17.50.140.

Chapter 17.48 - WRG WILLAMETTE RIVER GREENWAY OVERLAY DISTRICT

17.48.040 - Uses allowed.
All uses permitted pursuant to the provisions of the underlying zoning district are permitted on lands designated WRG; provided, however, that any development, change of use or intensification of use shall be subject, in addition to the provisions of the underlying district, to the provisions of this chapter.
17.48.050 - Permit required—Exceptions.
A Willamette River Greenway permit shall be required for all developments and changes or intensification of uses, except the following:
A. The propagation of timber or the cutting of timber for public safety or personal use, except the cutting of timber along the natural vegetative fringe along the river;
B. Gravel removal from the bed of the Willamette River when conducted under a permit from the state;
C. Customary dredging and channel maintenance;
D. Placing by a public agency of signs, markers, aids and similar structures to serve the public;
E. Activities to protect, conserve, enhance and maintain public recreation, scenic, historical and natural uses on public lands;
F. Acquisition and maintenance of scenic easements by the Oregon Department of Transportation;
G. Partial harvesting of timber shall be permitted beyond the natural vegetative fringe and those areas not covered by a scenic easement and when the harvest is consistent with an approved plan under the Oregon Forest Practices Act. Commercial forest activities and harvesting practices providing for vegetative buffers, shading, soil stabilization, and water filtering effects required under the Oregon Forest Practices Act;
H. The use of a small cluster of logs for erosion control;
I. The expansion of capacity or the replacement of existing communication or energy distribution and transmission systems, except utility sub-stations;
J. The maintenance and repair of existing flood control facilities;
K. Uses lawfully existing on the effective date of the provisions codified in this chapter; provided, however, that any change or intensification of use or new development shall require a Willamette River Greenway permit.
Finding: Applicable. The structures are considered development that is subject to this chapter.

17.48.060 - Administrative procedure.
Except as specifically provided for in Section 17.48.090, the procedure for action on a Willamette River Greenway permit shall be as provided for under the administrative action provisions in Chapter 17.50. In addition to those provisions, however, notice of a pending Willamette River Greenway permit under Sections 17.48.070 through 17.48.090 or of a compatibility review hearing under Section 17.48.100, shall be given to all persons requesting the same and paying a reasonable fee therefore, as determined by the community development director.
Finding: Complies as Proposed. The Applicant has applied for overlay review in accordance with this Chapter.

17.48.070 - Development standards—Specific use.
In approving any development or change or intensification of use, the approving officer or body shall apply the following standards:
Considerations for Specific Uses.
A. With respect to recreational uses only: the considerations set forth in section C.3.b of Goal 15.
B. With respect to those fish and wildlife habitats identified in the city comprehensive plan only: the considerations set forth in section C.3.d. of Goal 15.
C. With respect to those scenic qualities and views identified in the city comprehensive plan only: the considerations set forth in section C.3.e. of Goal 15.
D. With respect to timber resources only: the considerations set forth in section C.3.h. of Goal 15.
E. With respect to aggregate extraction only: the considerations set forth in section C.3.i. of Goal 15.
Finding: Not Applicable. None of these uses are proposed. The site is a residential use.

17.48.080 - Development standards—General considerations.

The following considerations shall be applicable to all Willamette River Greenway permits.
A. Access. Adequate public access to the Willamette River shall be considered and provided for.
B. Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.
C. Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.
D. Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of Chapter 17.58 of this title.
E. A Greenway Setback. In each Application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses.
F. Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.

Finding: Complies as Proposed. The proposed home is in an established residential neighborhood. The proposed structure faces the river, but is at a significant distance from the river and will not be visible due to other development and vegetation. While the project area is within the overlay, the structures do not affect river access, or public safety. Tree removal is proposed; however, the trees proposed to be removed are not along the Willamette River.

17.48.090 - Procedure.
The planning director shall make findings, and may impose reasonable conditions to carry out this chapter, regarding all general, and any applicable specific, considerations of this section. The community development director shall then give notice of a pending Willamette River Greenway permit Application, and proposed action thereon, in the manner provided for, and to those persons for whom notice shall be given, under Chapter 17.50 of this Code, and to all other interested persons who wish to be notified and who pay a reasonable fee for such notification. If no interested person requests a hearing on such permit application within ten days of giving notice, the Application shall be approved, either with or without conditions, or denied, as proposed by the community development director and in accordance with the findings required by this subsection. If there be objection, the matter shall be heard by the planning commission as an administrative action.

Finding: Complies as Proposed. The Applicant has applied for overlay review in accordance with this Chapter.

17.48.100 - Compatibility review.
A. In all areas within one hundred fifty feet of the ordinary low-water line of the Willamette River, hereinafter referred to as the "compatibility boundary," the provisions of this subsection shall be applicable to all developments and changes or intensification of uses, so as to ensure their compatibility with Oregon's Greenway statutes, and to assure that the best possible appearance, landscaping and public access be provided.
B. All development or changes or intensifications of uses in the compatibility area shall be approved only if the following findings be made by the planning commission.
1. That to the greatest extent possible, the development or change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.
2. That to the greatest degree possible, necessary public access is provided to and along the Willamette River by appropriate legal means.
C. Procedure for action on compatibility review shall be as set forth in Section 17.48.060 and shall include Application of the relevant use management considerations and requirements provided in Sections 17.48.070 and 17.48.080. The planning commission, after notice and public hearing held pursuant to Chapter 17.50 shall approve issuance, approve issuance with conditions or disapprove issuance of the Willamette River Greenway conditional use permit. The Application shall be accompanied by the fee listed in Chapter 17.52 to defray the costs of publication, investigation and processing.

Finding: Not Applicable. The site is more than 800 feet from the water line and is not within the compatibility boundary.

17.48.110 - Prohibited activities.
The following are prohibited within the Willamette River Greenway:
A. Any main or accessory residential structure exceeding a height of thirty-five feet, except for areas located within the Willamette Falls Downtown District;
B. Structural bank protection, except rip rap or a channelization used as an emergency measure only to protect existing structures. Any such rip rap or channelization to stabilize undeveloped sites shall be prohibited as well;
C. Subsurface sewage disposal drainfields within one hundred feet of the ordinary mean low-water line of the Willamette River.
Finding: Complies as Proposed. No prohibited activities are proposed.

17.48.120 - Additional procedural requirements.
In addition to the requirements of Chapter 17.50, the following procedural requirements shall be applicable to all matters arising out of Sections 17.48.070 through 17.48.100:
A. Applications submitted for review under Sections 17.48.070 through 17.48.100 shall be accompanied by such materials as are reasonably necessary for adequate review, including, as necessary:
1. A site and landscaping plan showing existing vegetation and development and location of proposed development for activities;
2. Elevations of any proposed structures;
3. Materials list for any proposed structures, including type and colors of siding and roofing; and
4. Cross-sections of any area within the vegetative fringe where grading, filling, timber harvesting or excavating will occur.
B.
1. Written notice, including a copy of the Application, shall be sent immediately upon receipt to the Oregon Department of Transportation by certified mail, return receipt requested. The Oregon Department of Transportation shall have seven working days from the date of mailing to respond before a decision be rendered.
2. Written notice shall be given to the Oregon Department of Transportation by certified mail, return receipt requested, within seven days of the entry of a final order on the disposition of all applications made under Sections 17.48.070 through 17.48.100.
Finding: Complies as Proposed. The Applicant has applied for overlay review in accordance with this Chapter.

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

17.50.050 – Pre-application conference.
A Pre-application Conference. Prior to a Type II – IV or Legislative Application, excluding Historic Review, being deemed complete, the Applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the Applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.
To schedule a pre-application conference, the Applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.
At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.
The Planning Division shall provide the Applicant (s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.
B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the Applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

C. Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

Finding: Complies as Proposed. The Applicant held a pre-application conference PA-21-00048 on November 3, 2021. The Application was deemed complete on November 4, 2021 within 6 months of the conference.

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the Application is proposed no earlier than one year prior to the date of Application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

B. The Applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.

C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the Applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the Applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.

D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the Applicant shall request a meeting with the Citizen Involvement Committee.

E. To show compliance with this section, the Applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the Applicant held a separately noticed meeting, the Applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

Finding: Not applicable. A neighborhood association meeting is not required for Geologic Hazard or Willamette River Greenway applications.

17.50.070 - Completeness review and one hundred twenty-day rule.

C. Once the Community Development Director determines the Application is complete enough to process, or the Applicant refuses to submit any more information, the City shall declare the Application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the Application is determined to be or deemed complete unless the Applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:

1. Any hearing continuance or other process delay requested by the Applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.

2. Any delay in the decision-making process necessitated because the Applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.

3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.

4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.

D. A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:

1. The project includes five or more residential units, including assisted living facilities or group homes;

2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and
3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.
E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the Applicant. The total of all extensions may not exceed two hundred forty-five calendar days.
F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the Application was first submitted.

Finding: Complies as Proposed. The Applicant turned in the Application on July 20, 2011. It was deemed complete on November 4, 2021. The 120-day deadline is March 3, 2021.

17.50.090 - Public notices.

All public notices issued by the City announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.
A. Notice of Type II Applications. Once the Community Development Director has deemed a Type II application complete, the City shall prepare and send notice of the Application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The Applicant shall provide or the City shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. The City's Type II notice shall include the following information:
1. Street address or other easily understood location of the subject property and city-assigned planning file number;
2. A description of the Applicant's proposal, along with citations of the approval criteria that the City will use to evaluate the proposal;
3. A statement that any interested party may submit to the City written comments on the Application during a fourteen-day comment period prior to the City's deciding the Application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;
4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the City to respond to the issue;
5. A statement that the Application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;
6. The name and telephone number of the planning staff person assigned to the Application or is otherwise available to answer questions about the Application.
7. The notice shall state that 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.
B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any City-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080H., the Applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:
1. The time, date and location of the public hearing;
2. Street address or other easily understood location of the subject property and city-assigned planning file number;
3. A description of the Applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
5. A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;

6. The notice shall state that a City-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290C. 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.
7. A statement that the Application and all supporting materials and evidence submitted in support of the Application may be inspected at no charge and that copies may be obtained at reasonable cost at the Planning Division offices during normal business hours; and
8. The name and telephone number of the planning staff person responsible for the Application or is otherwise available to answer questions about the Application.
C. Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the City's land use regulations or Comprehensive Plan is to be considered, the Community Development Director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published on the City website. Notice issued under this subsection shall include the following information:
1. The time, date and location of the public hearing;
2. The City-assigned planning file number and title of the proposal;
3. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and
5. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.
Finding: Complies as Proposed. The public notices were mailed as required by this section.

17.50.100 - Notice posting requirements.
Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.
A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the Applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the Applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the Applicant's failure to correctly post the subject property for the required period of time and in the correct location, the Applicant agrees to extend the applicable decision-making time limit in a timely manner.
B. Number and Location. The Applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the Applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The Applicant shall remove all signs within ten days following the event announced in the notice.
Finding: Complies as Proposed. The property was posted with a notice as required by this section.

CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

17.54.100 Fences, Hedges, Walls, and Retaining Walls.
A. A fence, hedge, wall, retaining wall, or combination thereof may be located on real property, not within the right-of-way, subject to all of the following:
1. A fence, hedge, wall, retaining wall, or combination thereof located in front of a building may be up to 3.5-feet in total height as measured from the finished grade at any point on the fence.
2. A fence, hedge, wall, located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less may be up to:
a. Six feet in total height for residential properties with less than five units as measured from the finished grade at any point on the fence; or
b. Eight feet in total height for all other uses as measured from the finished grade at any point on the fence.
3. A retaining wall or combination of a fence, hedge, wall located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less, may be up to (as measured from the finished grade) 8.5 feet in height from the finished grade.

4. Fences, hedges, and/or walls located within two feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining height.
5. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.

Finding: Complies with Condition. Any retaining walls or grading associated with this project is required to meet the city's code for fences, hedges and walls in OCMC 17.54-100-fences. **Staff has determined that it is possible, likely, and reasonable that the Applicant can meet this standard through the Conditions of Approval.**

OREGON CITY

Community Development – Planning

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

CONCLUSION AND DECISION:

Based on the analysis and findings as described above, Staff concludes that the proposed development located on 4th Avenue Oregon City, OR 97045 Clackamas County Map 3-2E-06BB-00400 can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director approves file GLUA 21-0040 GEO 21-00006 WRG 21-0003 with conditions based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map (On File)
2. Applicant's Narrative and Plans (On File)
3. GLUA-20-00007/HR 20-04 Notice of Decision (on File)

Geologic Hazards
and Geotechnical Investigation
Tax Lot 400, Map 3-2E-6BB
Oregon City, Oregon

Prepared for:
Mr. Igor Ezersky
14891 Smithfield Drive
Oregon City, Oregon 97045

Project #Y174102

February 22, 2020

H.G. Schlicker & Ass

H.G. Schlicker & Associates, Inc.
607 Main Street, Suite 200 · Oregon City, Oregon 97045
(503) 655-8113 · FAX (503) 655-8173

Project #Y174102 February 22, 2020

To: **Mr. Igor Ezersky**
14891 Smithfield Drive
Oregon City, Oregon 97045

Subject: **Geologic Hazards and Geotechnical Investigation Tax Lot 400, Map 3-2E-6BB Oregon City, Oregon**

Dear Mr. Ezersky:

The accompanying report presents the results of our geologic hazards and geotechnical investigation for the above subject site.

After you have reviewed our report, we would be pleased to discuss it and to answer any questions you might have.

This opportunity to be of service is sincerely appreciated. If we can be of any further assistance, please contact us.

H.G. SCHLICKER & ASSOCIATES, INC.

J. Douglas Gless, MSc, RG, CEG, LHG
President/Principal Engineering Geologist

JDG:am1

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H.G. Schlicker & Associates, Inc.
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Project #Y174102 February 22, 2020

To: **Mr. Igor Ezersky**
14891 Smithfield Drive
Oregon City, Oregon 97045

Subject: **Geologic Hazards and Geotechnical Investigation**
Tax Lot 400, Map 3-2E-6BB
Oregon City, Oregon

Dear Mr. Ezersky:

1.0 Introduction

At your request and authorization, representatives of H.G. Schlicker and Associates, Inc. (HGSA) visited the subject site on December 6 and 27, 2019 to complete a geologic hazards and geotechnical investigation of Tax Lot 400, Map 3-2E-6BB in Oregon City, Oregon (Figures 1 and 2; Appendix A). It is our understanding that you plan to construct a single-family residence on the site.

This report addresses the geologic hazards and geotechnics at the site with respect to constructing a home. The scope of our work consisted of site visits, site observations and measurements, subsurface test pit explorations, a slope profile, limited review of the geologic literature, review of topographic maps, lidar, and aerial photography, and preparation of this report with our findings, conclusions and recommendations.

2.0 Comprehensive Information and Data Regarding the Underlying Geology [OCMC 17.44.050(A)1]

Mapping by Madin (2009), supersedes the "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" [OCMC 17.44.050(A)1(e)]. This mapping locates the site in an area of Quaternary landslide deposits consisting of chaotically mixed and deformed masses of rock, colluvium and soil that have moved downslope in one or more events. Landslide deposits at the site overlie older volcanic rocks mapped as Miocene Basalt of Gingko, which is a characteristic unit of the Wanapum Basalt, Frenchman Springs Member of the

Columbia River Basalt Group (CRBG). The Basalt of Gingko consists of black medium-grained flows with abundant plagioclase phenocrysts and well developed columnar jointing (Madin, 2009). The Columbia River Basalt Group is comprised of flood basalts which were erupted from fissures in eastern Oregon and Washington and western Idaho from approximately 16.5 to 6 million years ago. The CRBG generally consists of reddish-brown to gray-brown weathered, and blue-black unweathered, tholeiitic basalt lava flows with minor interbeds of basalt breccia, ash and baked tuffaceous sediments. These flows are typically massive columnar jointed to close cubic jointed, dense, and with vesiculation near the tops of most flows (Madin, 1990). Miocene Basalt of Gingko is mapped as the primary geologic unit north, west and northwest of the site along the southeast bank of the Willamette River (Madin, 2009). Madin (2009) supersedes the "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" [OCMC 17.44.050(A)1(e)]

Schlicker and Finlayson (1979) [OCMC 17.44.050(A)1(a)] also mapped the area as Columbia River Basalt and the area just to the south of the site as having thin soils and landslide topography. Information obtained during our site visits indicate that the mapping is correct; the site clearly lies in ancient landslide topography with widespread hummocks in the area and numerous scarps including headscarps, lateral scarps and scarps on the body of the slide.

2.1 Slope Stability and Erosion

Review of the papers by Burns (1993) and Burns et al. (1998) do not lend pertinent information regarding landsliding in the area of the site [OCMC 17.44.050(A)1(b and c)].

The site is located along a moderately sloping hillside overlooking the Willamette River to its northwest. The property slopes moderately to steeply down to the northwest (Figures 3 and 4). DOGAMI's SLIDO-3 landslide mapping, which incorporates and supersedes mapping by Madin and Burns (2006) [OCMC 17.44.050(A)1(d)], shows that the subject site lies within the toe area of a large, northwest facing complex deep-seated earth slide (Oregon_City_200), with a similar northwest facing slide (Oregon_City_201) mapped adjacent to it and approximately 50 feet west of the subject site (Burns and Madin, 2006; Burns and Mickelson, 2010). Based on the mapping, the headscarps of these two landslides join along the area of South End Road approximately 500 feet southeast of the site. No other significant landslide features are mapped within a ¼ mile radius of the subject site (Burns and Mickelson, 2010; Burns and Watzig, 2014). The site is mapped in an area of very high landslide susceptibility ("very high" means an existing landslide in this rating system) based on the DOGAMI methodology (Burns, Mickelson, and Madin, 2016). Ground movement has been historically reported in the Canemah area, some of it within the last few decades. The subject site does not appear to have experienced any differential movement for many hundreds of years and probably thousands. There also is no pavement distress in the area that would indicate recent ground movement.

2.2 Structures

A potentially active fault named the Bolton fault is located approximately 1.3 miles northeast of the site. This fault is upthrown to the southwest and has several intersecting secondary, northeasterly trending faults to its west. The Bolton fault displaces late Pleistocene flood deposits approximately 11,000 to 14,000 years old and is believed to have a low probability of being active (Geomatrix, 1995). The Bolton fault is part of the Portland Hills Fault Zone that includes the Oatfield fault located approximately 2.7 miles northeast of the site, the Portland Hills fault, and the East Bank fault. These are northwest trending, normal faults with their downthrown sides to the southwest, northeast, and southwest, respectively and are characterized by dextral strike-slip motion. Data is scarce regarding the age of displacement along the Portland Hills faults, but they are believed to have a potential of generating magnitude 6.6 to 7.1 earthquakes (Geomatrix, 1995; Wong et al., 2000). The Bolton fault is believed to have a potential of generating a magnitude 6.1 to 6.3 earthquake (Wong et al., 2000).

The Concord fault, River Forest fault, and Marylhurst fault all lie north and northwest of the site, roughly paralleling the trend of the Oatfield fault (Beeson et al., 1989; Madin 1990). They appear to be conjugate splays off of the Oatfield fault, and the level of activity on these faults is unknown. They are recognized by the offset of well-defined stratigraphy (typically the Columbia River Basalt Group) in limited exposures along the Willamette River (Madin, 1990).

The site lies approximately 7 miles southwest of the Damascus-Tickle Creek Fault Zone (Personius et al., 2003; Geomatrix, 1995). The Damascus-Tickle Creek Fault Zone is believed to be comprised of primarily and typically north-northwest to northwest trending, right-lateral strike-slip to high-angle oblique, en echelon wrench faults, with some internal fault strands which trend northeast and are left-lateral strike-slip to high-angle oblique (Personius, 2003; Geomatrix, 1995). These faults offset the Pliocene-Pleistocene Springwater Formation and Pleistocene Boring Lavas as young as 100,000 years old, and evidence from trench excavations indicate that latest Pleistocene to early Holocene catastrophic flood sediments (Missoula Floods) may be deformed or offset, indicating possible recent activity within the zone (Madin, 1994).

The faults within the Damascus-Tickle Creek Fault Zone are considered to be potentially active by Geomatrix (1995), with a probability of 0.5 given for certainty of activity. Slip rates have been estimated at 0.01 mm/year to 0.1 mm/year, with the maximum and minimum slip rates in this range being given equal probability (0.2), and the median rate (0.05 mm/yr) being given the highest probability (0.6) due to the lack of continuity of the fault traces. Individual fault strands average approximately 4 miles long (7 km), with maximum lengths of approximately 6 miles (10 km), and an overall total combined length of approximately 11 miles (17 km).

The historical earthquake record for the Willamette Valley and Portland basin is dominated by small to moderate earthquakes and an appreciable lack of significantly large earthquakes. Most of the earthquakes which have occurred within the Portland metropolitan area and surrounding areas could not be associated with any known faults. There have been at least 17 earthquake events of Richter magnitude (M) 4 or larger which have occurred in the Portland area in historic time, of which 6 of these events have been of magnitude (M) 5.0 and greater. The largest historic earthquakes within the Willamette Valley and adjacent areas have been the 1993 Scotts Mills earthquakes (M 5.6) northeast of Salem, Oregon, the 1964 Vancouver, Washington earthquake (M 5.3), the 1962 Portland earthquake (M 5.5), and the 1961 earthquake (M 5.0) northwest of Portland. There are at least three crustal faults beneath the Portland metropolitan area which researchers believe could generate earthquakes of M 6.5 or larger (Wong et al., 2000). These larger earthquakes may occur at an average interval of approximately 1,000 years (Bott and Wong, 1993).

Abundant evidence indicates that a series of geologically recent large earthquakes related to the Cascadia Subduction Zone have occurred along the coastline of the Pacific Northwest. Evidence suggests that more than 40 great earthquakes of magnitude 8 and larger have struck western Oregon during the last 10,000 years. The calculated odds that a Cascadia earthquake will occur in the next 50 years range from 7–15 percent for a great earthquake affecting the entire Pacific Northwest, to about a 37 percent chance that the southern end of the Cascadia Subduction Zone will produce a major earthquake in the next 50 years (OSSPAC, 2013; OSU News and Research Communications, 2010; Goldfinger et al., 2012). Evidence suggests the last major earthquake occurred on January 26, 1700 and may have been of magnitude 8.9 to 9.0 (Clague et al., 2000). Locally, these great coastal earthquakes would likely have about the same effects as a possible local large earthquake.

As noted above, faults within the Portland Fault Zone have a potential of generating magnitude 6.5 to 7.1 earthquakes (Geomatrix, 1995; Wong et al., 2000). Based on mapping from Clackamas County's CMap online GIS, the subject site lies in an area designated as having relatively higher hazards associated with earthquakes. This mapping was derived from unpublished maps produced by DOGAMI during 2001-2003 for Clackamas County, with methodology similar to that used for the 1997 Relative Earthquake Hazard Map of the Portland Metro Region (Mabey et al., 1997). The degree of relative hazard was based on the factors of ground motion amplification, liquefaction, and slope instability.

3.0 Information and Recommendations Regarding Existing Local Drainage, Impacts of Proposed Activity and Mitigation to Address Adverse Impacts [OCMC 17.44.050(A)2]

Stormwater at the site generally flows north-northwesterly and towards the river. No streams, seeps or springs were observed at the site during our December 6 or 27, 2019 site visits. Impacts on the existing drainage by the proposed development are expected to be minimal and any potential adverse impacts will be mitigated by following the recommendations given below (Sections 9.5, 9.6 and 9.9).

4.0 Comprehensive Information About Site Topography [OCMC 17.44.050(A)3]

As mentioned above in Section 2.1, the site is located along a moderately sloping hillside overlooking the Willamette River to its northwest. Figure 3 illustrates the topography of the site with 2 feet and 10 feet contour intervals derived from Lidar data provide by Oregon Department of Geology and Mineral Industries (DOGAMI). Figure 4 illustrates a slope profile across the site also derived from DOGAMI Lidar.

5.0 Opinion as to the Adequacy of the Proposed Development [OCMC 17.44.050(A)4]

It is our understanding that the proposed location for construction of the house on the site is towards the western half of the lot with access to a garage near the southwest corner off of Hedges Street. From an engineering geologic standpoint, the site is suitable for the construction of the proposed house, and the effect of the geologic conditions on the proposed development, tree removal or grading activity will be negligible, provided that the recommendations herein are adhered to during design and construction.

6.0 Opinion as to the Extent That Instability on Adjacent Properties May Adversely Affect the Project [OCMC 1744.050(A)5]

We expect that this development will not negatively affect or be affected by slope stability on the subject lot or adjacent lots, and no specific building setbacks from slopes are recommended at this time. As with all hillside sites lying in ancient landslide terrain, the subject property has some inherent risk of ground movement. Based on our research, site reconnaissance observations, subsurface exploration and analysis, the risk of landslide-related ground movement is typical, to less risk than typical, of the Canemah area and no evidence of recent ground movement was observed at or near the site.

7.0 Description of the Field Investigations and Findings [OCMC 17.44.050(A)6]

During our December 27, 2019 site visit we explored the subsurface with four test pits using a John Deere 35C tracked excavator with 24" bucket. Soils encountered in the test pit explorations were visually classified by a Geologist from our office according to the Unified Soil Classification System (USCS). Approximate locations of the test pits are shown on Figure 3, and detailed logs are provided in Appendix B. The test pits generally encountered clayey, sandy silt fill soils with basalt fragments and boulders up to 2 feet in diameter, and demolition debris to depths of approximately 1 to 4.5 feet (Figure 4). The upper fill material is underlain by native clay and silt soils with angular to sub-angular basalt fragments up to 3 feet in diameter. Based on other test pits on the adjacent lot, we suspect that the native soils overly hard basalt at depths of approximately 10 feet, just beyond the reach of the excavator. No free groundwater was encountered in any of the excavations.

8.0 Conclusions Regarding the Effect of Geologic Conditions on the Proposed Development, Tree Removal, or Grading Activity [OCMC 17.44.050(A)7]

As mentioned above (Section 4.0), the effect of the geologic conditions on the proposed development, tree removal or grading activity will be negligible, provided that the following recommendations are adhered to during design and construction.

9.0 Specific Requirements and Recommendations for Plan Modification, Corrective Grading, and Special Techniques and Systems to Facilitate a Safe and Stable Site [OCMC 17.44.050(A)8]

We do not anticipate any additional specific requirements and recommendations to facilitate a safe and stable site beyond the recommendations provided below.

10.0 Recommendations and Types of Considerations as Appropriate for the Type of Proposed Development [OCMC 17.44.050(A)9]

The structure and all structural elements shall be designed to meet current ORSC seismic requirements. Based on our knowledge of subsurface conditions at the site, and our analysis using the guidelines recommended in the ORSC, the structure shall be designed to meet the following seismic parameters:

SEISMIC DESIGN PARAMETERS	
Site Class	D
Seismic Design Category	D_1
Mapped Spectral Response Acceleration for Short Periods	$S_S = 0.829$ g
Site Coefficients	$F_a = 1.200$ $F_v = 1.927$
Design Spectral Response Acceleration at Short Periods	$S_{DS} = 0.663$ g

10.1 General Earthwork Considerations, Including Recommendations for Temporary and Permanent Cut and Fill Slopes and Placement of Structural Fill [OCMC 17.44.050(A)9(a)]

In general, we anticipate that native soils and existing fill at the site can be excavated with standard equipment (dozers, backhoes, and trackhoes). Hard basaltic volcanic rock may be encountered, and excavation into the rock may require larger and specialized equipment such as rock breakers.

The depth, extent and approximate volume of excavations required cannot be determined at this time as no grading plans or architectural plans have been provided to us yet.

All footing areas shall be stripped of all organic soils, organic debris, and any existing fills. We anticipate that non-organic, firm soils will be encountered at depths of approximately 2 to 5 feet. Depths may vary substantially which will necessitate HGSA's professional site observations during excavation for the foundations.

Care shall be taken during excavation so that materials exposed in the excavation are not disturbed or softened. Protection of footing areas from deterioration may be necessary, and can be accomplished by placing 2 to 3 inches of well compacted crushed aggregate in footing and slab areas.

Any tree stumps, including the root systems, shall be removed from beneath footing and pavement areas, and the resulting holes backfilled with compacted non-organic structural backfill placed in lifts not exceeding 8 inches and compacted to a dry density of at least 90 percent of the Modified Proctor maximum dry density (ASTM D1557). Each test pit exploration at the site as shown in Figure 3 shall be backfilled with structural fill in a similar manner.

Structural fills supporting building or wall loads, and slabs shall consist of granular material, free of organics and deleterious materials, and contain no particles greater than 1½ inches in diameter so that nuclear methods (ASTM D2922 & ASTM D3017) can be easily used for field density and moisture testing. All areas to receive fill shall be stripped of all soft soils, organic soils, organic debris, existing fill, and disturbed soils.

Proper test frequency and earthwork documentation usually require daily observation during stripping, rough grading, and placement of structural fill. Field density testing shall conform to ASTM D2922 and D3017, or D1556. To minimize the number of field and laboratory tests, fill materials shall be from a single source and of a consistent character. Structural fill shall be approved and periodically observed by HGSA and tested by a qualified testing firm. All failing areas shall be re-tested after additional compaction. Test results will need to be reviewed and approved by HGSA. We recommend that three density tests be performed for at least every 18 inches of fill placed and every 200 cubic yards, whichever requires more testing. Because testing is performed on an on-call basis, we recommend that it be scheduled by the earthwork contractor. Relatively more testing is typically needed on these smaller projects.

STRUCTURAL FILL	
Compaction Requirements	A minimum of 92% of ASTM D1557, compacted in 8-inch lifts maximum, at or near the optimum moisture content (± 2%).
Benching Requirements [a]	Slopes steeper than 5H:1V which are to receive fill shall be benched. Fills shall not be placed along slopes steeper than 3H:1V, unless approved by H.G. Schlicker & Associates, Inc.
[a] Benches shall be cut into native, non-organic, firm soils. Benches shall be a minimum of 6 feet wide with side cuts no steeper than 1H:1V and no higher than 6 feet. The lowest bench shall be keyed in a minimum of 2 feet into native, non-organic, firm soils.	

The thickness, extent and approximate volume of fill material required cannot be determined at this time as no grading plans or architectural plans have been provided to us yet.

Temporary unsupported cut slopes less than 8 feet high shall be no steeper than 1 horizontal to 1 vertical (1H:1V). All cuts greater than 8 feet high shall be approved by a representative of HGSA. All permanent unsupported cut or fill slopes shall be no steeper than 2 horizontal to 1 vertical (2H:1V), or as approved by a representative of our firm.

TEMPORARY AND PERMANENT CUTS AND FILLS	
Temporary Cuts	1H:1V (maximum) [a]
Permanent Cuts And Fills	2H:1V (maximum) [a]
[a] All cuts greater than 8 feet high, or cuts where water seepage is encountered shall be approved by a representative of H.G. Schlicker & Associates, Inc.	

Temporary or permanent retention of cut and fill slopes shall be required, as determined by a representative of our firm if the above cut and fill slope recommendations cannot be achieved due to construction and property line constraints.

10.2 Location of Residence on Lot [OCMC 17.44.050(A)9(b)]

It is our understanding that the proposed location for construction of the house on the site is towards the western half of the lot with access to a garage near the southwest corner, off of Hedges Street. Provided that the recommendations herein are adhered to, the proposed home location on the site is reasonable from an engineering geologic perspective.

10.3 Building Setbacks from Slopes [OCMC 17.44.050(A)9(c)]

No specific building setbacks from slopes are required for this site.

10.4 Erosion Control Techniques Applicable to Site [OCMC 17.44.050(A)9(d)]

Vegetation shall be removed only as necessary and exposed areas shall be replanted following construction. Disturbed ground surfaces exposed during the wet season (November 1 through April 30) shall be temporarily planted with grasses, or protected with erosion control blankets or hydromulch.

Temporary sediment fences shall be installed downslope of any disturbed areas of the site until permanent vegetation cover can be established. Exposed sloping areas steeper than 3 horizontal to 1 vertical (3H:1V) shall be protected with a straw erosion control blanket (North American Green S150 or equivalent) to provide erosion protection until permanent vegetation can be established. Erosion control blankets shall be installed as per the manufacturer's recommendations.

10.5 Surface Drainage Control to Mitigate Existing and Potential Geologic Hazards [OCMC 17.44.050(A)9(e)]

Surface water shall be diverted from the site to approved disposal points by grading the ground surface to slope a minimum of 2 percent towards a suitable gravity outlet to prevent ponding.

10.6 Subdrainage and/or Management of Groundwater Seepage [OCMC 17.44.05(A)9(f)]

Footing drains shall be installed adjacent to the perimeter footings and sloped a minimum of 1.5 percent to a gravity outlet. A suitable perimeter footing drain system would consist of 4-inch diameter, perforated PVC pipe (typical) embedded below and adjacent to the bottom of footings and backfilled with approved drain rock. The type of PVC pipe to be utilized shall depend on building agency requirements and shall be verified before construction. HGSA also recommends lining the drainage trench excavation with a non-woven geotextile filter such as Mirafi® 140N or equivalent to increase the life of the footing drain and prevent the drain from being clogged by soil. The perimeter drain excavation shall be constructed in a manner which prevents undermining of foundation or slab components or any disturbance to supporting soils.

In addition to the perimeter foundation drain system, drainage of any crawlspace areas is required. Each crawlspace shall be graded to a low point for installation of a crawlspace drain that is tied into the perimeter footing drain and tightlined to an approved disposal point.

All roof drains shall be collected and tightlined in a separate system independent of the footing drains, or an approved backflow prevention device shall be used. All roof and footing drains shall be discharged to an approved disposal point. If water is discharged to the ground surface, energy dissipaters, such as splash blocks or a rock apron, shall be utilized at all pipe outfall locations. Water collected on the site shall not be concentrated and discharged to adjacent properties.

10.7 Foundations [OCMC 17.44.050(A)9(g)]

A stepped foundation design would be appropriate for the site.

Building loads shall be supported on individual and continuous spread footings bearing in undisturbed, native, non-organic, firm soils or properly designed and compacted structural fill placed on these soils.

Footings bearing in undisturbed, native, non-organic, firm soils or properly compacted structural fill placed on these soils shall be designed for the following:

ALLOWABLE SOIL BEARING CAPACITIES	
Allowable Dead Plus Live Load Bearing Capacity [a]	1,500 psf
Passive Resistance	200 psf/ft embedment depth
Lateral Sliding Coefficient	0.30
[a] Allowable bearing capacity shall be increased by one-third for short-term wind or seismic loads.	

Our recommended minimum footing widths and embedment depths are as follows:

MINIMUM FOOTING WIDTHS & EMBEDMENT DEPTHS			
Number of Stories	One	Two	Three
Minimum Footing Width	12 inches	15 inches	18 inches
Minimum Exterior Footing Embedment Depth [a]	12 inches	18 inches	24 inches
Minimum Interior Footing Embedment Depth [b]	6 inches	6 inches	6 inches
[a] All footings shall be embedded as specified above, or extend below the frost line as per Table R301.2(1) of the 2014 ORSC, whichever provides greater embedment. [b] Interior footings shall be embedded a minimum of 6 inches below the lowest adjacent finished grade, or as otherwise recommended by HGSA during construction. In general, interior footings placed on sloping or benched ground shall be embedded or set back from cut slopes in such a manner as to provide a minimum horizontal distance between the foundation component and face of the slope of one foot per every foot of elevation change.			

All areas beneath slabs shall be excavated a minimum of 6 inches into native, non-organic, firm soils. The exposed subgrade in the slab excavation shall be cut smooth, without loose or disturbed soil and rock remaining in the excavation.

SLABS-ON-GROUND	
Minimum thickness of 3/4 inch minus crushed rock beneath slabs	6 inches
Compaction Requirements	Minimum of 92% ASTM D1557, compacted in 8-inch lifts maximum

The slab excavation shall then be backfilled with a minimum of 6 inches of ¾ inch minus, clean, free-draining, crushed rock placed in 8-inch lifts maximum which are

compacted to a minimum of 92 percent of the Modified Proctor (ASTM D1557). Reinforcing of the slab is recommended and the slab shall be fully waterproofed in accordance with structural design considerations. An underslab drainage system is recommended for all below grade slabs, such as basement slabs, as per the architect's recommendations.

Foundations designed and constructed in accordance with the recommendations provided in this report are expected to have total settlements of less than ½ inch and differential settlements of less than ¼ inch in 20 feet.

10.8 Embedded/Retaining Walls [OCMC 17.44.050(A)9(h)]

Free-standing retaining walls shall be designed for a lateral static active earth pressure expressed as an equivalent fluid density (EFD) of 35 pounds per cubic foot, assuming level backfill. An EFP of 45 pounds per cubic foot shall be used assuming sloping backfill of 2H:1V.

At rest retaining walls shall be designed for a lateral at-rest pressure expressed as an equivalent fluid density (EFD) of 60 pounds per cubic foot, assuming level backfill behind the wall equal to a distance of at least half of the height of the wall. Retaining walls need to be fully drained to prevent the build-up of hydrostatic pressures.

The above EFDs assume static conditions and no surcharge loads from vehicles or structures. If surcharge loads are applied to the retaining walls, forces on the walls resulting from these loads will need to be added to the pressures given above.

RETAINING WALL EARTH PRESSURE PARAMETERS	
Static Case, Active Wall (level backfill/grades)	35 pcf [a]
Static Case, Active Wall (2H:1V backfill/grades)	45 pcf [a]
Static Case, At-Rest Wall (level backfill/grades)	60 pcf [a]
Seismic Loading (level backfill/grades)	7.6 pcf $(H)^2$ [b]

[a] Earth pressure expressed as an equivalent fluid density (EFD). The location of the earth pressure can be assumed to act at a distance of 0.33H above the base of the wall.

[b] Seismic loading expressed as a pseudostatic force, where H is the height of the wall in feet. The location of the pseudostatic force can be assumed to act at a distance of 0.6H above the base of the wall.

For seismic loading, a unit pseudostatic force equal to 7.6 pcf $(H)^2$, where H is the height of the wall in feet, shall be added to the static lateral earth pressure. The location of the pseudostatic force can be assumed to act at a distance of 0.6H above the base of the wall.

Backfill for walls shall be placed in 8-inch horizontal lifts and machine compacted to 90 percent of the maximum dry density as determined by ASTM D1557. Compaction within 2 feet of the wall shall be accomplished with lightweight hand-operated compaction equipment to avoid applying additional lateral pressure on the walls. Drainage of the retaining wall shall be slotted drains placed at the base of the wall on the backfilled side. The backfill shall consist of free-draining crushed rock (less than 5% passing the 200-mesh sieve using a washed sieve method) protected by non-woven filter fabric (Mirafi® 140N or equivalent) placed between the native soil and the backfill. Filter fabric protected free-draining crushed rock shall extend to within 2 feet of the ground surface behind the wall, and the filter fabric shall be overlapped at the top per the manufacturer's recommendations. All walls shall be fully drained to prevent the build-up of hydrostatic pressures. All retaining walls shall have a minimum of 2 feet of embedment at the toe or be designed without passive resistance. The EFDs provided above assume that free draining granular material (less than 5% passing the 200 mesh sieve on a wet sieve analysis) will be used for the retaining wall backfill.

10.9 Management of Surface Water and Irrigation Water [OCMC 17.44.050(A)9(i)]

Surface water shall be diverted from building foundations and walls to approved disposal points by grading the ground surface to slope away from foundations a minimum of 2 percent for at least 6 feet towards a suitable gravity outlet to prevent ponding near the structures. Permanent subsurface drainage of the building perimeter using footing drains is required. Irrigation water shall not be allowed to pond on the surface.

10.10 Impact of the Development on the Slope Stability of the Lot and the Adjacent Properties [OCMC 17.44.050(A)9(j)]

We expect that this development will not negatively affect or be affected by slope stability on the subject lot or adjacent lots, and no specific building setbacks from slopes are recommended at this time. As with all hillside sites lying in ancient landslide terrain, the subject property has some inherent risk of ground movement. Based on our research, site reconnaissance observations, subsurface exploration and analysis, the risk of landslide-related ground movement is typical, to less than typical, of the Canemah area and no evidence of recent ground movement was observed at the site.

11.0 Scaled Drawings That Describe Topography and Proposed Site Work [OCMC 17.44.050(A)10(a, b and c)]

Figure 3 illustrates, with the use of satellite imagery, the natural physical features on the site, two and ten-foot contour intervals derived from DOGAMI provided Lidar data, and locations of all test excavations. No rock outcroppings, drainage facilities, watercourses, both perennial and intermittent, ravines or any existing and manmade structures or features presently exist on the site [OCMC 17.44.050(A)10(a)].

Trees 6-inch caliper or greater measured four feet from ground level are not indicated in Figure 3 and will need to be identified by an independent surveyor [OCMC 17.44.050(A)10(a)].

HGSA has not received architectural plans, a site plan or grading plan for the proposed development at this time [OCMC 17.44.050(A)10(b)].

Figure 4 illustrates a cross-section diagram, indicating the depth of existing fills. The extent and approximate volume of all excavations and fills cannot be determined until a site plan and grading plan have been developed [OCMC 17.44.050(A)10(c)].

12.0 For Properties Greater Than One Acre, a Preliminary Hydrology Report Addressing the Effect Upon the Watershed in Which the Proposed Development is Located; the Effect Upon the Immediate Area's Stormwater Drainage Pattern of Flow, the Impact of the Proposed Development Upon Downstream Areas and Upon Wetlands and Water Resources; and the Effect Upon the Groundwater Supply [OCMC 17.44.050(A)11]

The site is less than one acre; therefore, a Preliminary Hydrology Report is not required.

13.0 Plan Review and Site Observations

We shall be provided the opportunity to review all site development, foundation, drainage, and grading plans prior to construction to assure conformance with the intent of our recommendations (Appendix C). The plans, details, and specifications shall clearly show that the above recommendations have been implemented into the design.

We shall observe foundation excavations before placing structural fill, forming and pouring concrete to assure that suitable bearing materials have been reached (Appendix C). Please provide us with at least five (5) days' notice prior to any needed site observations. There will be additional costs for these services.

14.0 Limitations

Our investigation was based on engineering geological reconnaissance, limited review of published information, and our subsurface exploration and analyses. The data presented in this report are believed to be representative of the site. The conclusions herein are professional opinions derived in accordance with current standards of professional practice and budget constraints. No warranty is expressed or implied. The performance of the site during a seismic event has not been evaluated. If you would like us to do so, please contact us.

The test pit logs and related information depict generalized subsurface conditions only at these specific locations and at the particular time the subsurface exploration was completed. Soil and groundwater conditions at other locations may differ from the conditions at these test pit locations. Also, the passage of time may result in a change in the soil and groundwater conditions at the site.

This report pertains to the subject site only, and is not applicable to adjacent sites nor is it valid for types of development other than that to which it refers. Geologic conditions including materials, processes, and rates can change with time and therefore a review of the site and this report may be necessary as time passes to assure its accuracy and adequacy. This report shall only be copied in its entirety.

15.0 Disclosure

H.G. Schlicker & Associates, Inc. and the undersigned Certified Engineering Geologist have no financial interest in the subject site, the project or the Client's organization.

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It has been our pleasure to serve you. If you have any questions concerning this report, or the site, please contact us.

Respectfully submitted,

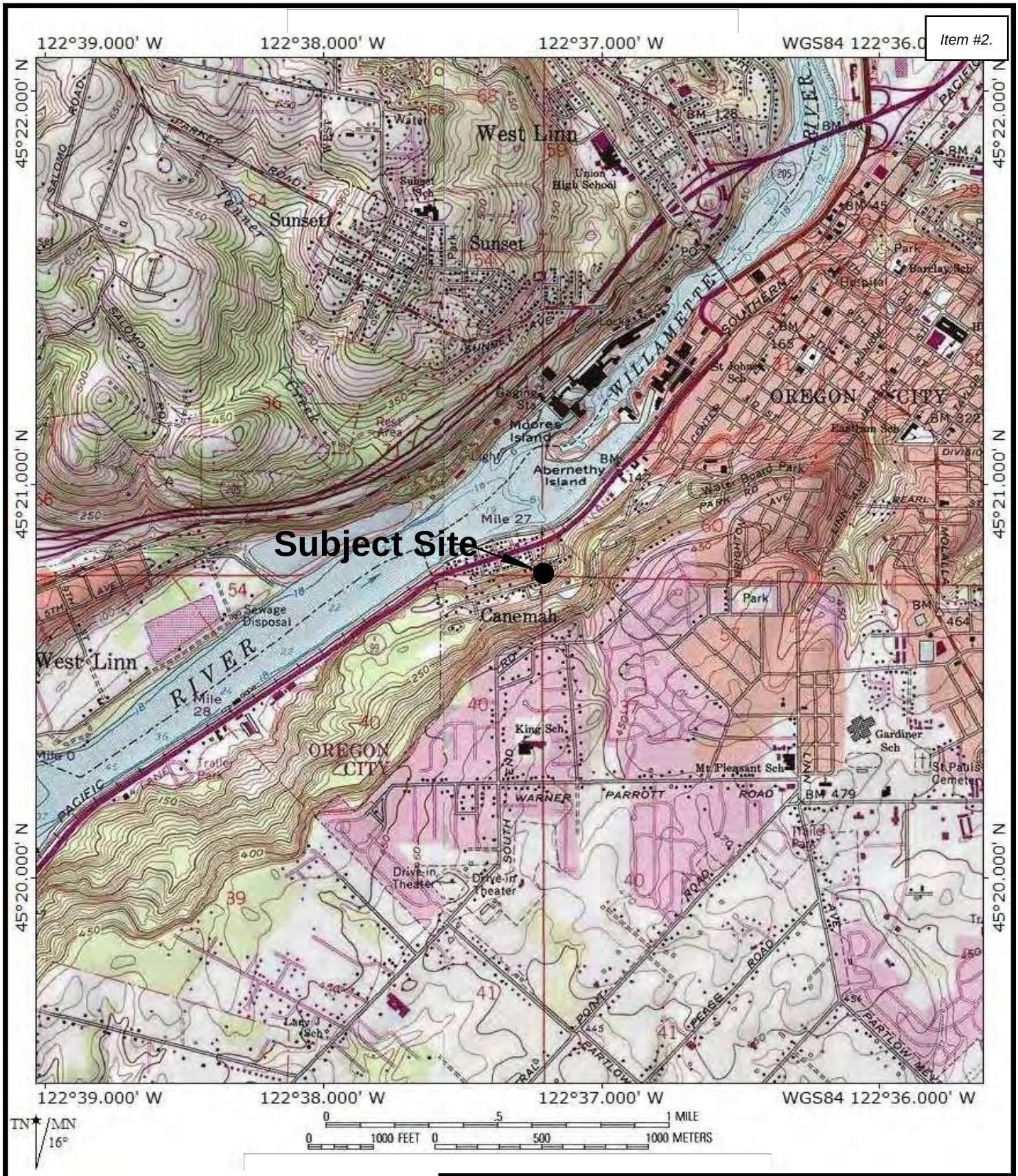
H.G. SCHLICKER AND ASSOCIATES, INC.

EXPI YES: 11/01/2020

J. Douglas Gless, MSc, RG, CEG, LHG
President/Principal Engineering Geologist

Adam M. Large, MSc, GIT
Project Geologist

JDG:aml



N

Date: 02/22/2020	**Project #Y174102**	Prepared by: AML
Scale: 1" = 2,000'		Approved by: JDG

Location Map
Tax Lots 400, Map 3-2E-6BB
Oregon City, Oregon

H.G. Schlicker & Associates, Inc.

Figure 1

N

50 0 50 100 ft

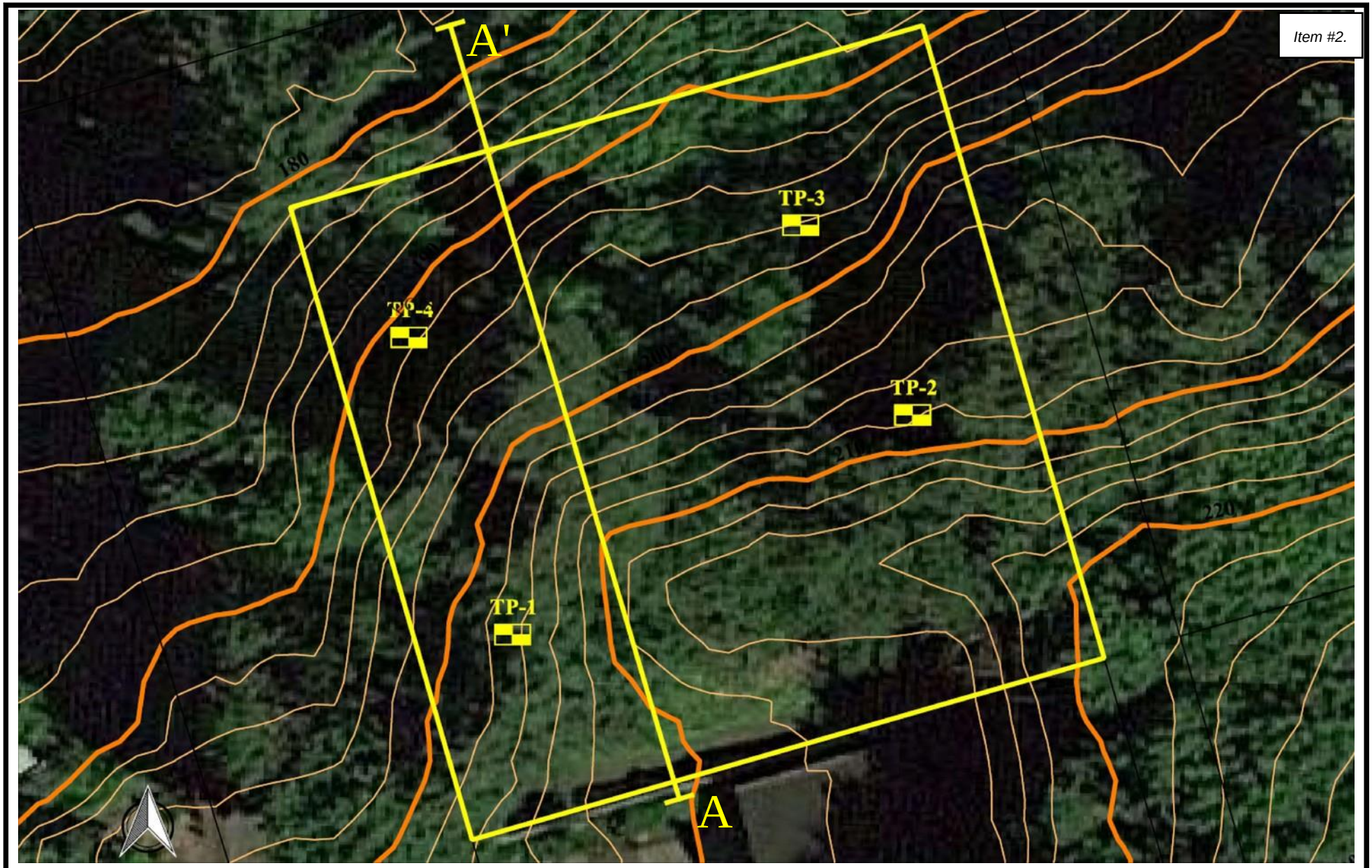
Imagery and Tax Lot lines provided by Clackamas County's online CMap webpage.
All locations and dimensions are approximate.

Date: 02/22/2020	**Project#Y174102**	Prepared by: AML
Scale: 1" = 50'		Approved by: JDG

Site Map
Tax Lot 400, Map 3-2E-6BB
Oregon City, Oregon

H.G. Schlicker & Associates, Inc.

Fig



20 0 20 40 ft

TP-1 = Approximate location of test pit

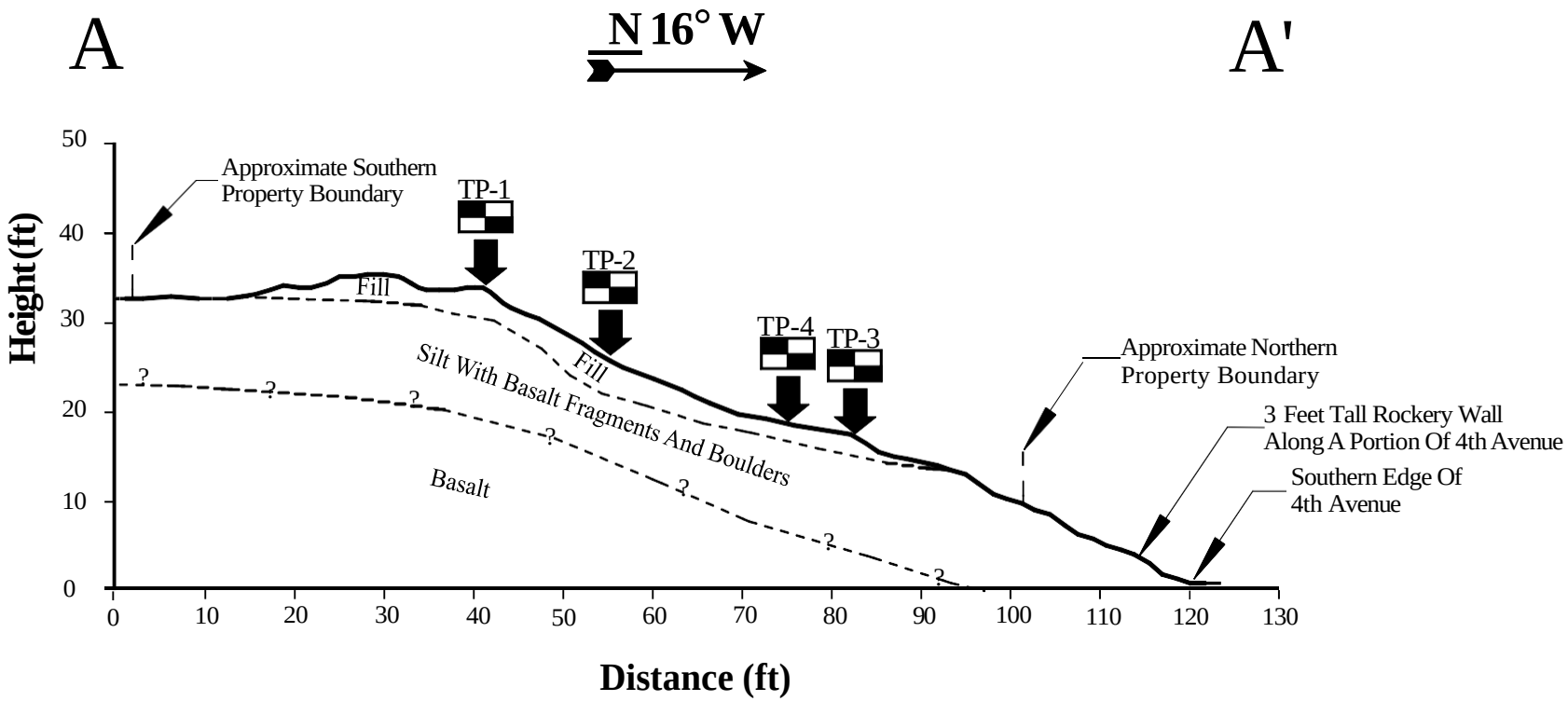
Imagery provided by Google.
Topography derived from 2014 OLC_Metro Lidar provided by DOGAMI.
All locations and dimensions are approximate.

Date: 02/22/2020	**Project#Y174102**	Prepared by: AML
Scale: 1" = 20'		Approved by: JDG

Site Topographic Map
Tax Lot 400, Map 3-2E-6BB
Oregon City, Oregon

H.G. Schlicker & Associates, Inc.

Fig



TP-1 = Approximate location of test pit

- - - - - - ? - ? - = Geologic contact, queried where inferred

Slope profile derived from 2014 OLC_Metro Lidar provided by DOGAMI.
All locations and dimensions are approximate.

Date: 02/22/2020	**Project #Y174102**	Prepared by: AML
Scale: 1" = 20'		Approved by: JDG

Slope Profile A-A'
Tax Lot 400, Map 3-2E-6BB
Oregon City, Oregon

H.G. Schlicker & Associates, Inc.

Fig

Appendix A
- Site Photographs -

Photo 1 - Easterly view along the southern property boundary.

Photo 2 - Southeasterly view from 4th Avenue towards the northwestern property corner. Note that the excavator is digging TP-4.

Photo 3 - View to the east from Hedges Street of the southwest corner of the lot.

Photo 4 - Westerly view of the central part of the site from the eastern property line. Note the disturbed soils at the center left and center right of the photo; these are TP-2 and TP-3, respectively.

Appendix B
- Test Pit Logs -

TEST PIT LOG EXPLANATION

UNIFIED SOIL CLASSIFICATION SYSTEM (USCS), ASTM D2487			
MAJOR DIVISIONS		GROUP SYMBOL *	GROUP NAME
COARSE-GRAINED SOILS	GRAVELS	GW	Well-graded gravel
		GP	Poorly-graded gravel
		GM	Silty gravel
		GC	Clayey gravel
	SANDS	SW	Well-graded sand
		SP	Poorly-graded sand
		SM	Silty sand
		SC	Clayey sand
FINE-GRAINED SOILS	SILTS AND CLAYS Liquid Limits Less than 50	ML	Silt with low plasticity
		CL	Clay with low plasticity
		OL	Organic silt or organic clay with low plasticity
	SILTS AND CLAYS Liquid Limits 50 or more	MH	Silt with high plasticity
		CH	Clay with high plasticity
		OH	Organic silt or organic clay with high plasticity
HIGHLY ORGANIC SOILS		PT	Peat, Muck, and other highly organic soils.

Project #Y174029

TEST PIT LOGS

TP-1

Depth (ft.)	USCS	Description
0 - 1.5	ML (Fill)	SILT FILL, dark brown, wet, loose. Several boulders up to 2' diameter, numerous small roots and debris.
1.5 - 3.0	ML	SILT, medium brown, wet, loose. Several roots up to 2" in diameter.
3.0 - 4.0	ML	SILT, medium brown, wet, loose. Few small roots < 1" in diameter.
4.0 -7.0	ML	Sandy SILT, light brown, wet, stiff. The sand is coarse and comprised of angular fragments of weathered basalt.

TP-2

Depth (ft.)	USCS	Description
0 - 2.0	ML (Fill)	SILT FILL, dark brown, wet, loose. Several boulders up to 2' diameter, numerous roots up to 2" and debris.
2.0 - 4.5	CL (Fill)	Silty CLAY FILL, medium gray/orange-brown, wet, loose. Contains bricks and other debris
4.5 - 7.0	ML	SILT, medium brown, wet, loose. Contains angular to subangular basaltic rock fragments and boulders up to 3' diameter.

TP-3

Depth (ft.)	USCS	Description
0 - 1.0	ML (Fill)	SILT FILL, dark brown, wet, loose. Several boulders up to 2' diameter, numerous roots up to 2" and debris.
1.0 - 2.0	ML	Clayey SILT, light brown, wet, loose. Contains angular to subangular basaltic rock fragments generally < 12" diameter, in clayey silt matrix.
2.0 - 8.0	ML	SILT, medium brown, wet, loose. Contains angular to subangular basaltic rock fragments and boulders up to 3' diameter, in slightly clayey, silt matrix.

TP-4

Depth (ft.)	USCS	Description
0 - 0.5	ML (Fill)	SILT FILL, dark brown, wet, loose. Several rock fragments to 4" diameter, numerous roots up to 2" and debris.
0.5 - 3.5	CL	Silty CLAY, light gray and red-brown mottling, wet, medium stiff. Contains angular to subangular basaltic rock fragments < 1" diameter, in silty clay matrix.
3.5 - 7.5	ML	SILT, brown, wet, dense. Contains angular to subangular basaltic rock fragments up to 4" diameter, in slightly clayey, silt matrix.
7.5 - 8.0	ML	SILT, brown, wet, dense. Contains angular to subangular basaltic rock fragments and boulders up to 2' diameter, in slightly clayey, silt matrix.

Appendix C
- Checklist of Recommended Plan Reviews and Site Observations -

Project #Y174102

APPENDIX C
Checklist of Recommended Plan Reviews and Site Observations
To Be Completed by a Representative of H.G. Schlicker & Associates, Inc.

Item No.	Date Done	Procedure	Timing
1*		Review site development, foundation, drainage, grading and erosion control plans.	Prior to construction.
2*		Observe foundation excavations.	Following excavation of foundations, and prior to placing fill, forming and pouring. **
3*		Review Proctor (ASTM D1557) and field density test results for all fills placed at the site.	During construction.

* There will be additional charges for these services.
** Please provide us with at least 5 days' notice prior to all site observations.

From: Josh Wheeler
To: Kelly Reid
Cc: Sang Pau
Subject: Ezersky HRB
Date: Monday, March 28, 2022 10:37:12 AM

Hello Kelly,

Engineering would like to provide comment in the public record for the HRB meeting for the property in Canemah being developed by the Ezersky's.

1. The applicant chose to relocate the garage to minimize grading.
    a. The previous plan showed grading which exceeds the threshold by code
    b. The new plan shows minimized grading; however, the grading will need to be provided in better detail with a permit submittal to confirm.
    c. The threshold is that only, 4,000 sf or 50% of the hazard area, whichever is smaller, is allowed to be disturbed. The lot is 10,000 sf in size; therefore, the 4,000 sf is the threshold.
        i. Disturbance includes grading, cutting, filling, houses, driveways, patios, etc…generally anywhere a shovel goes into the ground or dirt is added
        ii. The entire lot is in a geologic hazard area
2. The applicant is showing some trees to be removed. It is unclear which standard below would apply based on the proposed plan. More clarity is needed from their submittal.
    a. Trees are allowed to be removed within a hazard area if the tree canopy is disturbed by less than 25%.
    b. When more than 25% of the tree canopy is proposed to be removed, tree removal can only occur with a Type II land use decision and an approved (thru permit) geologic hazards report
    c. When trees exist in an active right of way (one being used by a road)
        i. A Tree removal permit is required from the Planning Division
        ii. If the tree is 42" or greater in size located within a right of way, the removal requires commission approval
        iii. Geologic Hazard code does not apply
    d. When trees exists in a platted only right of way (one which shows on a map, but is not improved with no road existing)
        i. Geologic Hazard code is applied – see items 2a and 2b
        ii. The area is treated as private property for administrative purposes. Tree removal in these unimproved right of ways do not have the requirements of item 2c

Josh Wheeler, PE
Assistant City Engineer
Public Works Department
City of Oregon City
13895 Fir Street
Oregon City, Oregon 97045

Email: jwheeler@orcity.org
503.496.1548 Office
971.322.9745 Cell

Engineering Development Services Public Counter Hours at 13895 Fir Street are 9:00 AM to 4:00 PM Monday through Thursday. We are available for in-person discussions on Friday by appointment only.

We have moved! Starting November 15, 2021, Engineering Development Services is now located at 13895 Fir Street.

The City of Oregon City continues to offer services and programs in-person and online - find facility hours of operation here.

Website: www.orcity.org
Visit us on Facebook! and Twitter
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

Hello,

My name is Chrissy Gress and I am a resident in the Canemah neighborhood in Oregon City. I have some concerns regarding GLUA-22-00004 and HR 22-0001 that I would like to express for the record. I have included page numbers from the New Construction Design Guidelines For Oregon City Historic Districts, to support my concerns.

1. **Proposed garage foundation massing:**

As the staff report pointed out, the proposed garage foundation matches precisely with what is explicitly stated as “Not Allowed” in the guidelines. I think that in itself should be reason enough to find this proposal not compatible with the district and for it to be denied. However, I worry based on past HRB decisions there may be a temptation to want to believe vegetation will mitigate the massive foundation. I feel a tendency has developed to depend on new landscaping (and to some degree road distance) to shield what are clearly incompatible structures in Canemah.

I find this troubling for a myriad of reasons, the first one being the sheer amount of years it takes for plantings to mature to the point where they can actually hide the violations behind them. What is one supposed to do for the years until then, put on blinders as they pass by? Six feet is close to being a whole story to someone walking by, thus looking like a 25 foot long 2.5 story garage.

Secondly I think as we all learned from the ice storm, Mother Nature can undo decades of growth in a snap. That is to say if the plants even grow well to begin with. Will there be enough sun for plantings to thrive in a north facing bed up against a towering garage behind them and a gigantic home to the west? Conversely, if there are more heat waves, what if the vegetation dies? Too much risk and not enough guarantee.

Lastly, I like to think the homes and structures of Canemah will outlive its current residents. What is stopping the next homeowner from removing the mitigating vegetation and exposing the significant foundation? I hope the HRB not only thinks about the Canemah of today, but a compatible Canemah for future generations.

I find the distance from the road to be a moot point. The stretch of 4th avenue this garage and its foundation would face is a main artery of Canemah, thus most people will go past it. I think what we have learned and seen with previous homes is that it does not matter how far things are set back from the road, unless there is another building in front of it, we are definitely going to see it. Especially when nearly all the trees on the lot are removed and the garage is beside an already large home, with an exposed basement, further drawing one’s eye up the hill.

- “Not Allowed- Tall or expansive areas of exposed foundations” pg 56

2. **Trees:**

Canemah is known for its tree canopy, more specifically a mature tree canopy. Removing even more trees to place an oversized garage on a lot with an already oversized house is simply not Canemah. It's quite frankly the opposite. I do not see how being one step away from clear cutting the lot to make room for concrete foundations and a sweeping asphalt driveway, or rather drive + parking lot, is beneficial to the historic district. It's literally paving paradise.

I hope the board will see the vital importance of the mature tree canopy to Canemah's identity, and deny this proposed layout. Even with replanting trees, it cannot make up for what would be lost cutting down trees of great height and circumference. This is especially important considering the number of large trees that we already lost due to the ice storm.

- "Not Allowed- Canemah, South of 3rd: clear cutting of lot" pg 34
- "Minimize the removal of trees over 6" in diameter by adjusting house siting, limit tree cutting outside of the house footprint." pg 34
- "...a high, thick canopy which continues to be a characteristic of Canemah. Removing trees to "clear a view" of the river is not a historic feature of Canemah." pg 25

I appreciate your time in reading my concerns. Being a resident of Canemah who walks past this lot everyday, I felt I needed to make my uneasiness and opinions known. I hope the board will find adhering to the pertinent guidelines the rightful thing to do to preserve Canemah.

SIncerely,
Chrissy Gress

From: Robert D Green
To: Kelly Reid
Subject: HR 22-00001
Date: Friday, April 22, 2022 6:22:48 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.

Greetings Kelly,
I'm unsure if the comment period is open on the noted application but I do have misgivings regarding the proposed changes to what was previously approved based on two considerations:
> Moving the garage forward towards 4th avenue will create more visual massing on a development that already appears to exceed anything else in the neighborhood.
> The area of development will be increased by the amount the garage is moved and it appears would necessitate a fairly large retaining wall in the SE corner to accommodate the cut for the driveway access that it seems would be more discreetly accomplished with the garage in that location as originally proposed.
If it is decided to approve the changes I feel it would be more suitable to bring the siding down over the foundation rather than screening with vegetation in a potential wildfire environment.
Thank you- Dave Green

Sent from my iPad