



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, February 16, 2022 at 7:00 PM

REGULAR MEETING OF THE CITY COMMISSION

Ways to participate in this public meeting:

- *Attend in person, location listed above*
- *Register to provide electronic testimony (email recorderteam@orcity.org or call 503-496-1509 by 3:00 PM on the day of the meeting to register)*
- *Email recorderteam@orcity.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

- 1. CONVENE MEETING AND ROLL CALL**
- 2. FLAG SALUTE**
- 3. CEREMONIES AND PROCLAMATIONS**
- 4. CITIZEN COMMENTS**

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

- 5. PRESENTATIONS**
- 6. ADOPTION OF THE AGENDA**
- 7. CONSENT AGENDA**

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

[7a.](#) Resolution No. 22-10, Amend Current Parks and Recreation Advisory Committee Bylaws

[7b.](#) Approval of Pro Tem Judges

[7c.](#) Public Improvement Contract with Trench Line Excavation for the 12th Street Priority Storm Main Replacement (PS 21-041)

[7d.](#) Change Order #7 for Hazel Grove Park

[7e.](#) Minutes of the November 17, 2021 Regular Meeting

[7f.](#) Minutes of the January 11, 2022 Joint Work Session with the Historic Review Board

[7g.](#) Minutes of the January 11, 2022 Joint Work Session with the Planning Commission

[7h.](#) Minutes of the January 11, 2022 Work Session

8. PUBLIC HEARINGS

[8a.](#) Appeal of Historic Review Board Approval of an ADA Ramp and Foundation Height Change Located at 1020 5th St (AP-21-00006, GLUA 21-00052, HR-21-00020, Modification of HR 20-00001)

9. GENERAL BUSINESS

10. COMMUNICATIONS

City Manager

Commissioners

Mayor

11. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

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

As a general practice, the City Commission does not engage in discussion with those making comments. Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

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

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

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



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 02/16/2022
From: Parks and Recreation Director, Kendall Reid

SUBJECT:

Resolution No. 22-10, Amend Current Parks and Recreation Advisory Committee Bylaws

STAFF RECOMMENDATION:

Staff recommends the City Commission approve Resolution No. 22-10.

EXECUTIVE SUMMARY:

The current Parks and Recreation Advisory Committee (PRAC) Bylaws are being updated to meet the current needs of the PRAC and improve the longevity and continuity of the Committee.

BACKGROUND:

Each year the Parks and Recreation Advisory Committee looks at their bylaws and goals to determine if changes are needed to be made or new items should be added. At the January 27th meeting, the chair of the Committee recommended that there be three changes made to the PRAC Bylaws. These changes are made to make the meetings like other public meetings as well as streamlining processes between the chair and vice chair and Parks and Recreation staff. The vote was 8-0 in favor of the suggested changes.

With this new Resolution, the following changes are proposed:

V. 4. Propose removal of this item

Committee Reasoning: We have struggled over the years to fill all positions on the PRAC. The current required one-year break after serving two (2) consecutive terms could eliminate a potential candidate. Removing this one-year gap in between terms will allow an additional candidate. Since the Mayor appoints members to the PRAC he/she could choose not to appoint someone he/she thinks has served on the Committee enough, or who needs a break.

VI. 6. Propose removing "*Staff Representative 10*" and add "*the PRAC Chair 10*"

"Formal agenda items must be submitted to the PRAC Chair 10 working days prior to the meeting date."

Committee Reasoning: Since the PRAC's purpose is to aid the City of Oregon City and advocate for the citizens, agenda items that come from the PRAC or the community should go through the Chair. City staff will continue to have their agenda items to add, as well.

VI. 7. Propose changing "(limited to 5 minutes)" to "(limited to 3 minutes)". Add "make comments and"

"Citizens may make comments and introduce future agenda items at the beginning of each meeting (limited to 3 minutes)."

Committee Reasoning: Most public meetings allow 3 minutes for public comment, but our current bylaws allow for 5 minutes. Changing PRAC bylaws to be in line with standard practice will be more consistent with what is typically expected. Currently our bylaws allow for citizens to introduce future agenda items but do not allow for the citizens to share comment, although we have been allowing them to do so. This change will be consistent with what we have already been doing.

OPTIONS:

1. Approve Resolution No. 22-10
2. Instruct staff to return with modifications to Resolution No. 22-10
3. Do not approve Resolution No. 22-10 and provide staff direction.

RESOLUTION NO. 22-10

A RESOLUTION AMENDING BYLAWS FOR THE PARKS AND RECREATION ADVISORY COMMITTEE

WHEREAS, the Parks and Recreation Advisory Committee serves as an advisory body providing advice to the City Commission; and

WHEREAS, the City Commission adopted the Parks and Recreation Advisory Committees' current bylaws on June 5, 2019, establishing the new bylaws to govern the conduct and business of the Parks and Recreation Advisory Committee; and

WHEREAS, the Parks and Recreation Advisory Committee reviewed the proposed changes to its bylaws at the January 27, 2022 PRAC meeting; and

WHEREAS, PRAC requests the City Commission approve the revised bylaws attached to this resolution.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City Commission approves and adopts the amendments to the Bylaws for the Parks and Recreation Advisory Committee attached as Exhibit A.

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

Approved and adopted at a regular meeting of the City Commission held on the 16th day of February 2022.

Rachel Lyles Smith, Mayor

Attested to this 16th day of February 2022:

Approved as to legal sufficiency:

Jakob S. Wiley, City Recorder

City Attorney

Attachment:

Exhibit A – Amended Parks and Recreation Advisory Committee Bylaws

**OREGON CITY PARKS & RECREATION
ADVISORY COMMITTEE
BY-LAWS**

Last amended June 2019

I. CREATION

The Oregon City Parks and Recreation Advisory Committee was established by the City Commission of Oregon City to advocate for recreational opportunities for the City, and to oversee the implementation of the Oregon City Park and Recreation Master Plan.

II. NAME

Title name of this organization is the Oregon City Parks and Recreation Advisory Committee, hereinafter referred to as the PRAC.

III. PURPOSE

The PRAC exists to aid the City of Oregon City in providing ample and diverse recreational opportunities for City residents, in part by advising the City Commission, through the Community Services Director, on the implementation of the Park and Recreation Master Plan. The following partially lists the objectives and responsibilities relative to the purpose; objectives may be added to or deleted as necessary:

1. Maintain active communications with the Community Services Director and other relevant City staff.
2. Provide recommendations to the City Commission relative to parks and recreation.
3. Solicit citizen opinions relative to parks and recreation.
4. Request information from, and consult with, service organizations, special interest groups, neighborhood associations, and other professionals as appropriate.
5. Oversee implementation of the Parks and Recreation Master Plan through periodic reviews, updates, and recommended revisions.
6. Provide public meeting time for citizen input.

IV. ORGANIZATION

1. There will be nine (9) members-at-large. Members shall represent a broad range of interests and experience necessary to achieve the goals and objectives of the Committee.
2. There may be one (1) non-voting, member representing youth perspective on the PRAC. The non-voting member shall be younger than 18 years of age at the beginning of their term and serve a one-year term.
3. There will be Chair and Vice-Chair positions for the PRAC. Each position will be for a one-year term. The PRAC will select members as Chair and Vice-Chair each January with a nomination and voice vote process.
4. The Chair is responsible for identification of subcommittees and subsequent member selection.
5. The Community Services Director or designee shall attend all meetings. Their purpose is to aid the PRAC through information, initiation of projects, perspective, referrals, and other customary staff support services.
6. The PRAC encourages citizen participation and will, from time to time, request specific or general citizen/expert input.

V. MEMBER ELIGIBILITY

1. Appointment to the PRAC will be made by the Mayor of Oregon City.
2. The terms for voting members of the PRAC will be three (3) years and non-voting members for one (1) year.
3. The terms will be structured so that no more than three members' terms expire during any one-year.
4. No more than two (2) members shall reside within the same Neighborhood Association.
5. No more than two (2) members shall reside outside the city limits.
6. Member resignations will be filed with the Chair as soon as possible after the member has decided to resign. The newly appointed member shall assume the remainder of the existing term.
7. After two (2) consecutive unexcused absences, the Chair will contact the committee member. The remainder of the committee shall then determine continued membership.

VI. MEETINGS

1. A minimum of 9 regular meetings shall be schedule annually, at a time and place agreed upon by the committee. The meetings shall ordinarily begin at 7:00 PM and end no later than 10:00 PM.
2. The Chair, Community Services Director, or the City Commission may call special meetings, as needed. A minimum notice of 48 hours must be provided for any called special meeting.
3. A quorum shall exist when half plus one (1) of the appointed, voting, membership is present.
4. Parks and Recreation Staff shall be responsible for recording minutes for all meetings.
5. Voting will be by voice vote. No voting by proxy.
6. Formal agenda items must be submitted to the PRAC Chair 10 working days prior to the meeting date.
7. Citizens may make comments and introduce future agenda items at the beginning of each meeting (limited to 3 minutes).
8. Meeting Procedure: The parliamentary procedure for meeting and operations of the Committee shall be the responsibility of and within the authority of the Chair. In the event there is a disagreement or objection to the procedures pursued by the Chair, Roberts Rules of Order, Newly Revised, shall constitute the authority.

VII. AMENDMENTS

1. Modification of these By-Laws must be approved by the City Commission before they become effective.
2. The procedure to recommend modification of these By-Laws to the City Commission shall be:
 - a. All recommended modifications are to be presented and discussed at a regularly scheduled PRAC meeting; recommendation to the City Commission may be made at the same meeting if consensus is reached.
 - b. A majority vote of the PRAC membership present is necessary to recommend a change in the By-Laws.
 - c. With a majority vote of the PRAC members, an exception to these bylaws for a specific and unique purpose may be presented to the City Commission for approval and implementation.

* * * * *

**OREGON CITY PARKS & RECREATION
ADVISORY COMMITTEE
BY-LAWS**

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I. CREATION

The Oregon City Parks and Recreation Advisory Committee was established by the City Commission of Oregon City to advocate for recreational opportunities for the City, and to oversee the implementation of the Oregon City Park and Recreation Master Plan.

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3. There will be Chair and Vice-Chair positions for the PRAC. Each position will be for a one-year term. The PRAC will select members as Chair and Vice-Chair each January with a nomination and voice vote process.
4. The Chair is responsible for identification of subcommittees and subsequent member selection.
5. The Community Services Director or designee shall attend all meetings. Their purpose is to aid the PRAC through information, initiation of projects, perspective, referrals, and other customary staff support services.
6. The PRAC encourages citizen participation and will, from time to time, request specific or general citizen/expert input.

V. MEMBER ELIGIBILITY

1. Appointment to the PRAC will be made by the Mayor of Oregon City.
2. The terms for voting members of the PRAC will be three (3) years and non-voting members for one (1) year.
3. The terms will be structured so that no more than three members' terms expire during any one-year.
4. ~~No committee member shall serve more than two consecutive terms. A one (1) year absence is required before the member can be reappointed to a new term.~~ [JM1]
5. ~~4.~~ No more than two (2) members shall reside within the same Neighborhood Association.
6. ~~5.~~ No more than two (2) members shall reside outside the city limits.
7. ~~6.~~ Member resignations will be filed with the Chair as soon as possible after the member has decided to resign. The newly appointed member shall assume the remainder of the existing term.
8. ~~7.~~ After two (2) consecutive unexcused absences, the Chair will contact the committee member. The remainder of the committee shall then determine continued membership.

VI. MEETINGS

1. A minimum of 9 regular meetings shall be schedule annually, at a time and place agreed upon by the committee. The meetings shall ordinarily begin at 7:00 PM and end no later than 10:00 PM.
2. The Chair, Community Services Director, or the City Commission may call special meetings, as needed. A minimum notice of 48 hours must be provided for any called special meeting.
3. A quorum shall exist when half plus one (1) of the appointed, voting, membership is present.
4. Parks and Recreation Staff shall be responsible for recording minutes for all meetings.
5. Voting will be by voice vote. No voting by proxy.
6. Formal agenda items must be submitted to the PRAC Chair 10 Staff Representative 5 working days prior to the meeting date. [JM2]
7. Citizens may make comments and introduce future agenda items at the beginning of each meeting (limited to 5, 3 minutes). [JM3]
8. Meeting Procedure: The parliamentary procedure for meeting and operations of the Committee shall be the responsibility of and within the authority of the Chair. In the event there is a disagreement or objection to the procedures pursued by the Chair, Roberts Rules of Order, Newly Revised, shall constitute the authority.

VII. AMENDMENTS

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CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Finance Director Matt Zook

Agenda Date: 2/16/2022

SUBJECT:

Approval of Pro Tem Judges

STAFF RECOMMENDATION:

Approve Ron Oberdorfer, Daniel Woram and Rod Grafe as Pro Tem Judges

EXECUTIVE SUMMARY:

On October 6, 2021, Oregon City Commission approved the employment agreement of Amy Lindgren as Municipal Court Judge, effective November 1, 2021. Judge Lindgren has actively engaged in the Oregon City Municipal Court operations and services. An important component of this process is the selection of Pro Tem Judges. Judge Lindgren presents the Commission with the list of three qualified candidates – Richard Oberdorfer, Daniel Woram, and Rod Grafe. Attached to this staff report is a memo directly from Judge Lindgren regarding these candidates.

BACKGROUND:

In accordance with Section 7 of the Employment Agreement between the City of Oregon City and Amy Lindgren, the Judge shall be responsible to arrange for a Pro Tem Judge if Judge is unable to perform Judge's regular duties for any reason. The use and selection of Pro Tem Judges shall be selected from a list of qualified candidates and approved by the City Commission. The City will be responsible for employing and paying for such Judge Pro Tem services.

OPTIONS:

1. Approve the Judge's selection of candidates as proposed.
2. Deny the Judge's selection in part or full

BUDGET IMPACT:

Amount: Paid on a per-hour basis to be used on as-needed (approx..30-50 hours per year)

FY(s): FY 2021-2023

Funding Source(s): Municipal Court Budget, which is from the General Fund

**MEMORANDUM**

TO: OREGON CITY COMMISSION

FROM: AMY LINDGREN, OREGON CITY MUNICIPAL COURT JUDGE

DATE: FEBRUARY 8, 2022

RE: APPOINTMENT OF PRO-TEM JUDGES

The Oregon City Municipal Court has two pro-tem judges currently, Daniel Woram and Rodney Grafe. I ask that the City Commission continue the appointment of both Mr. Woram and Mr. Grafe, and also ask it to consider the addition of Richard Oberdorfer as an additional pro-tem judge for the municipal court. Mr. Oberdorfer's proposal and resume are included. Due to Judge Woram and Judge Grafe's other court commitments, I believe it would be in the court's best interest to have three pro-tem judges appointed.

On a personal note, I have known all three proposed judges for years. Mr. Oberdorfer has been a colleague for approximately 20 years. He has been opposing counsel on cases I've handled as a prosecutor, and he has also appeared in front of me in St. Helens Municipal Court for a jury trial and numerous appearances. I have always found him to be straightforward and honest, and I know him to be a highly respected member of the Oregon State Bar.

Recently, Mr. Oberdorfer began to serve as a pro-tem judge for me in the St. Helens Municipal Court. He has handled the standard criminal and traffic dockets, as well as a criminal trial involving a sovereign citizen. Mr. Oberdorfer's patience and judicial demeanor have been outstanding in the face of very difficult and legally challenging matters. He also has followed all procedures that the St. Helens Municipal Court has in place. I believe he would serve the Oregon City Municipal Court well.

Judge Woram and Judge Grafe also have been colleagues of mine for a number of years. Judge Grafe was the Molalla Municipal Court Judge for close to twenty years and currently serves as the judge for Canby, Troutdale and Fairview Municipal Courts. I appeared in front of Judge Grafe for seven years when I served as the Molalla City Prosecutor. He is highly respected and treats everyone in his courtroom with respect, no matter what their reason for being there. His judgments are sound, and I trust him to handle all matters for the Oregon City Municipal Court.

Judge Woram has been serving for the Oregon City Municipal Court as its pro-tem judge for Judge McNiece for years. On a personal note, I have worked with Judge Woram in his capacity as a defense attorney when I've been a prosecutor and I have also appeared in front of Judge Woram when he has pro-tem judged for West Linn and Molalla Municipal Courts. Similar to Mr. Oberdorfer and Judge Grafe, Judge Woram handles the courtroom with a commanding presence, while also being fair and respectful to everyone in the courtroom, attorneys and defendants alike.

RICHARD E. OBERDORFER

339 N SHAVER ST, PORTLAND, OREGON 97227

PHONE 503-997-1895 · E-MAIL RICHBERDORFERLAW@GMAIL.COM · OREGON STATE BAR 013714

January 27, 2022

City Hall, Oregon City
625 Center Street
Oregon City, OR 97045

Dear Oregon City:

I am excited to apply for the Municipal Judge pro tem position. I have had great experiences appearing as a lawyer in your court, and would be happy to serve as judge. I started municipal judge work in Gaston, Oregon, in March, 2021, and found I love it. I want people who come to court to feel well served – to feel like they got a fair shake.

I went to law school to work for a more equal, diverse, inclusive world. My work in municipal courts has largely been the outgrowth of a thriving DUII practice across the state. *Oregon Super Lawyers* recognized me as a Rising Star in DUII defense, 2008-2012, and currently recognizes me as a *Top Rated DUI-DWI Attorney*. I am rated a “10” in Avvo.com’s professional listings. I have been a frequent Continuing Legal Education speaker, including events sponsored by the Oregon State Bar, the Oregon Criminal Defense Lawyer Association, and PSU Student Legal Services. Topics generally focus on the Oregon Vehicle Code, alcohol and drug toxicology and addiction, and driving-related issues.

People who end up in court are sensitive to issues of fairness and due process. That is especially true for defendants suffering from alcohol or substance abuse disorder. Root causes of the disorder are often grounded in trauma and distrust. This dynamic is part of why I am such a big believer in the work of our municipal courts. Municipal courts can often provide effective and creative resolutions to complicated legal problems.

People cited or arrested are often humbled and bewildered. At hearings and trial, I watch as arresting officers recount in sober language the facts as they perceived them, and I see something change within defendants. They start to see how the world sees them and their conduct. It helps them objectively judge the strength or weakness of the evidence against them. They get to see a neutral, independent judge adjudicate their case. If they wish they can examine witnesses, introduce evidence or testify. It is a heavy dose of due process. I would model my behavior on the municipal judges I have appeared before who represent neutrality, efficiency, and fairness.

When remote work is necessary, my private workspace has a broadband internet connection that works well.

I was asked to address compensation, and my usual rate is \$100 / hour for municipal judge work. I would bill at increments of the \$100 / hour rate for signing warrants and the like.

Thank you for your time and your consideration of my application. I'd be happy and honored to work as a pro tem judge in your court!

Best Regards,

Richard E. Oberdorfer

Richard E. Oberdorfer

RICHARD E. OBERDORFER

339 N SHAVER ST, PORTLAND, OREGON 97227

PHONE 503-997-1895 · E-MAIL RICHBERDORFERLAW@GMAIL.COM · OREGON STATE BAR 013714

Experience

March, 2021 – present
CITY OF GASTON
Municipal Judge

- Adjudicate traffic violations, arraignments and trials
- Administer and oversee violation bureau established by local rule
- Participate in the Oregon Municipal Judges Association

October, 2021 – present
CITY OF SAINT HELENS
Municipal Judge Pro Tempore

- Adjudicate misdemeanors and violations in a court of record
- Administer arraignments and consider pretrial release, community/victim safety and ensuring return to court

March, 2002 – present
OBERDORFER LAW FIRM LLC
Managing Partner

- Manage state-wide DUII practice
- Litigate DUII prosecutions with police, experts, forensic scientists, lay witnesses
- Treat witnesses, opposing counsel and court staff with respect and sensitivity to cultural, educational, and professional backgrounds
- Screen, review and prepare files for hearing / trial, ensure a complete file
- Issue spotting – distinguish important legal issues from irrelevant or immaterial ones
- Draft criminal and administrative motions and memoranda of law
- Draft briefs and participate in oral argument in the Oregon Supreme Court and Court of Appeals
- Review proposed rule-making, serve on DMV Rule Advisory Committee
- Review proposed legislation, help achieve compromise among factions
- Pro bono prosecution of FAPA restraining orders with Multnomah County Legal Aid's Volunteer Lawyer Project, representing victims of domestic violence, culminating in Michael E. Haglund Pro Bono Award, 2004
- Conversant with practice management software, word processing, internet
- High-speed internet at home and office

March, 1997 – March, 2002

RIEKE & SAVAGE PC

Portland Indigent Defense & Plaintiffs' Civil Law Firm, 15 lawyers, 6 assistants

Lawyer; Clerk; Legal Assistant

- Meet indigent defense clients in jail, coordinate family and witnesses
- Identify topics for investigation and legal research
- Draft pleadings and memos, take and defend depositions

Education

LEWIS & CLARK LAW SCHOOL
Juris Doctor, cum laude, 2001

UNIVERSITY OF OREGON
Bachelor of Arts, History, 1996

Honors

- Speaker, DMV Collateral Consequences, Metro Public Defender, 2021
- Speaker, DUII Skills Presentation, Trial Practice and Client Relations, Public Defender of Marion County, 2020
- Speaker, Investigation, Discovery, Cross-Exam, DUII Conference, 2018
- Speaker, Cross-Exam of Forensic Scientists, DUII Conference, 2016
- Participant, DMV Ignition Interlock Device (IID) Rule Advisory Committee, 2013-14
- Speaker, Jury Selection in DUII Cases, OCDLA Annual Conference, 2013
- Speaker, Traffic Prosecutions, PSU Student Legal Services, 2013
- Speaker, DUII Diversion, Oregon State Bar DUII Seminar, 2012
- Coordinator, OCDLA DUII Conference, 2010
- Speaker, Understanding Oregon DUII Cases, Oregon State Bar DUII Seminar, 2009
- Speaker, OCDLA DUII and Driving Offenses, 2007
- Section Editor, The DUII Trial Notebook, Discovery, 2004
- Section Editor, Criminal Law Formbook, Release from Custody, 2006
- Section Editor, Criminal Law Formbook, Witnesses, 2006
- Recipient of the Michael E. Haglund Pro Bono Award, 2004

References

The Honorable Amy B. Lindgren, Oregon City Municipal Judge
Email amyindgrenlaw@gmail.com / Phone 503 806-1436

The Honorable Ulanda L. Watkins, Clackamas County Circuit Court Judge
Email ulanda.l.watkins@ojd.state.or.us / Phone 503-655-8686

The Honorable Rebecca D. Guptill, Washington County Circuit Court Judge
Email rebecca.d.guptill@ojd.state.or.us / Phone 503-507-4307



CITY OF OREGON CITY

Staff Report

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

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

Agenda Date: 02/16/2022

SUBJECT:

Public Improvement Contract with Trench Line Excavation for the 12th Street Priority Storm Main Replacement (PS 21-041)

STAFF RECOMMENDATION:

Award the bid and authorize the City Manager to execute the Public Improvement Contract with Trench Line Excavation in the amount of \$56,998.00 for construction of the 12th Street Priority Storm Main Replacement (PS 21-041).

EXECUTIVE SUMMARY:

During a heavy rain event in December 2021, the Public Works Department Stormwater Division was made aware of an issue on 12th Street. Upon investigation, it was determined that the underground storm pipe in 12th Street, located between JQ Adams Street and Monroe Street, was failing. The 12th Street Priority Storm Main Replacement Project addresses these concerns and repairs the failing storm main.

BACKGROUND:

On December 22, 2021, during a heavy rain event, the Public Works Department Wastewater/Storm Division was made aware of an issue on 12th Street. Upon investigation, it was determined that the underground storm main in 12th Street, located between JQ Adams Street and Monroe Street, was failing. The existing pipe had collapsed causing sinkholes and exfiltration in the road sub-base of 12th Street. The existing pipe has been temporary capped off until it can be replaced.

Staff reviewed the area and determined what needed to be replaced to resolve the problem. The estimate of the work to be completed was less than \$65,000.

ORS 279C.412 allows competitive quotes for intermediate procurements not to exceed \$100,000. Since the estimate to complete this work was less than \$100,000, staff moved forward in accordance with ORS 279A.065 and City procurement rules to obtain competitive quotes from at least 3 contractors qualified to complete the work.

Additionally, as the contract value is estimated to be over \$50,000, Prevailing Wage rates would apply.

During December 2021 and early January 2022, written quotes were requested and received from 3 contractors. Trench Line Excavation was the low responsive bidder. The contract award value is fifty-six thousand, nine hundred, ninety-eight dollars (\$56,998.00).

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

Trench Line Excavation	\$56,998.00
S-2 Contractors Inc.	\$66,517.47
Canby Excavation Inc.	\$68,750.00

Work is anticipated to be completed by March 18, 2022.

OPTIONS:

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

BUDGET IMPACT:

Amount: \$56,998.00

FY(s): 21/22

Funding Source(s): Stormwater Fund, Account # 530-553-7040

**CITY OF OREGON CITY
SMALL CONSTRUCTION CONTRACT – PUBLIC IMPROVEMENT**

12th STREET PRIORITY STORM LINE REPLACEMENT (PS 21-041)

This SMALL CONSTRUCTION PROJECT – PUBLIC IMPROVEMENT (“Agreement”) is entered into between the CITY OF OREGON CITY (“City”) and **TRENCH LINE EXCAVATION** (“Contractor”).

RECITALS

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

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

The parties agree as follows:

AGREEMENT

1. Term. The term of this Agreement shall be from the date the contract is fully executed until **March 31, 2022**, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City’s right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Contractor’s performance that has not been cured.

2. Compensation. City agrees to pay Contractor a single lump-sum basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed **Fifty-six thousand, nine hundred ninety-eight and 00/100 dollars (\$56,998.00)**.

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

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

5. Statutory Conditions. This Agreement shall include all of the statutory conditions as detailed in Exhibit C (also titled Section III C), attached hereto and by this reference incorporated herein.

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

7. Integration. This Agreement, along with the bid documents, attached as Exhibit A, the Standard Conditions to Oregon City Small Construction Contract - Public Improvement, attached as Exhibit B, and the Statutory Conditions to Contract Agreement as Exhibit C contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.

8. Notices. Any notices, bills, invoices, reports or other documents required by this

Agreement shall be sent by the parties by United States mail, by hand delivery or by electronic means. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

To the City:	City of Oregon City PO Box 3040 625 Center Street Oregon City, OR 97045 Attention: City Manager
To Contractor:	Trench Line Excavation 33871 SE Eastgate Circle Corvallis, OR 97333 Attention: Chris Stoddard

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

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

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on this _____ day of _____, 2022.

CITY OF OREGON CITY

TRENCH LINE EXCAVATION

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

By: _____
Title: _____

DATED: _____, 2022.

DATED: _____, 2022.

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

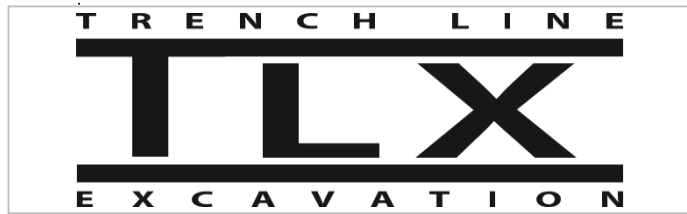
ORIGINAL CITY COMMISSION APPROVAL (IF APPLICABLE):

DATE: _____

DATED: _____, 2022.

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
City Attorney



33871 SE Eastgate Circle
 Corvallis, OR 97333
 Phone: 541-752-0481
 Fax: 541-752-5523
 CCB # 105905

PRICE QUOTE

Project: Oregon City 12 Street Storm Drain Repair
Location Oregon City, Oregon
Bid to: Eric Hand
Attn: Eric Hand
Phone: [503-657-8241](tel:503-657-8241)
Fax: [503-650-9590](tel:503-650-9590)

Bid Date: 21-Dec-21
Arch/Engr. N/A
Plan Sheets N/A
Plans Dated N/A
Addenda Rec'd: 0
Sheets Attached: 0

Trench Line Excavation proposes to provide Labor, Equipment, and Materials to perform the following:

Scope of Work:

Remove & install 240' 12" 3034
 Tie-in existing lats to new main line
 Connect new main to existing MH's

Included:

Traffic Control, Erosion control, sawcut, equipment, material, 4" AC trench patch.

Excluded:

Testing. & permits.

Bid Cost: \$ 49,998.00
Profit: \$ 7,000.00
Bid Total: \$ 56,998.00

Questions Contact:

Chris Stoddard
 541-760-8741

**STANDARD CONDITIONS TO OREGON CITY
SMALL CONSTRUCTION CONTRACT - PUBLIC IMPROVEMENT**

Item 7c.

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

2. Payment.

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

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

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

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

3. Independent Contractor Status.

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

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

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

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

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

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

4. Early Termination.

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

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

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

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

5. No Third-Party Beneficiaries. City and

STANDARD CONDITIONS TO OREGON CITY SMALL CONSTRUCTION CONTRACT (9/2019)

Page 1 of 5

EXHIBIT B

Page 25

**STANDARD CONDITIONS TO OREGON CITY
SMALL CONSTRUCTION CONTRACT - PUBLIC IMPROVEMENT**

Item 7c.

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

6. Payment of Laborers; Payment of Taxes.

(a) Contractor shall:

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

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

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

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

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

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

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

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

7. SubContractors and Assignment.

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

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

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

10. Compliance With Applicable Law.

STANDARD CONDITIONS TO OREGON CITY SMALL CONSTRUCTION CONTRACT (9/2019)

**STANDARD CONDITIONS TO OREGON CITY
SMALL CONSTRUCTION CONTRACT - PUBLIC IMPROVEMENT**

Item 7c.

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

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

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

13. Indemnity and Insurance.

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

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

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

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

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

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

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

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

**STANDARD CONDITIONS TO OREGON CITY
SMALL CONSTRUCTION CONTRACT - PUBLIC IMPROVEMENT**

Item 7c.

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

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

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

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

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

be provided free of cost to City.

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

24. Arbitration.

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

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

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

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

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

**STANDARD CONDITIONS TO OREGON CITY
SMALL CONSTRUCTION CONTRACT - PUBLIC IMPROVEMENT**

Item 7c.

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

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

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

SECTION III C
STATUTORY CONDITIONS
To CONTRACT AGREEMENT

ORS 279C.505(1)(a) CONTRACTOR shall make payment promptly, as due, to all persons supplying to such CONTRACTOR labor or material for the performance of the work provided for in such contract.

ORS 279C.505(1)(b) CONTRACTOR shall pay all contributions or amounts due the Industrial Accident Fund from such CONTRACTOR or subcontractor incurred in the performance of the contract.

ORS 279C.505(1)(c) CONTRACTOR shall not permit any lien or claim to be filed or prosecuted against the state, county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.

ORS 279C.505(1)(d) CONTRACTOR shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

ORS 279C.505(2) CONTRACTOR shall demonstrate that an employee drug testing program is in place.

ORS 279C.510 CONTRACTOR shall salvage or recycle construction and demolition debris, if feasible and cost-effective. In a public improvement contract for lawn and landscape maintenance, CONTRACTOR shall compost or mulch yard waste material at an approved site, if feasible and cost-effective.

ORS 279C.515(1) If the CONTRACTOR fails, neglects or refuses to pay promptly a person's claim for labor or services that the person provides to the CONTRACTOR or a subcontractor in connection with the public contract as the claim becomes due, the proper officer that represents the state or a county, school district, municipality, or municipal corporation or a subdivision, of the state, county, school district, municipality or municipal corporation, may pay the amount of the claim to the person that provides the labor or services and charge the amount of the payment

against funds due or to become due the CONTRACTOR by reason of the contract.

ORS 279C.515(2) If the CONTRACTOR or a first-tier subcontractor fails, neglects or refuses to pay a person that provides labor or materials in connection with the public improvement contract within 30 days after receiving payment from the contracting agency or a contractor, the CONTRACTOR or first-tier subcontractor owes the person the amount due plus interest charges that begins at the end of the 10-day period within which payment is due under ORS 279C.580 (4) and that end upon final payment, unless payment is subject to a good faith dispute as defined in ORS 279C.580. The rate of interest on the amount due is nine percent per annum. The amount of interest may not be waived.

ORS 279C.515(3) If the CONTRACTOR or a subcontractor fails, neglects or refuses to pay a person that provides labor or materials in connection with the public improvement contract, the person may file a complaint with the Construction Contractors Board, unless payment is subject to a good faith dispute as defined in ORS 279C.580.

ORS 279C.520

(1) A contractor may not employ an employee for more than 10 hours in any one day, or 40 hours in any one week, except in cases of necessity, emergency or when the public policy absolutely requires otherwise, and in such cases, the contractor shall pay the employee at least time and a half pay for:

(a)(i) All overtime in excess of eight hours in any one day or 40 hours in any one week if the work week is five consecutive days, Monday through Friday; or

(ii) For all overtime in excess of 10 hours in any one day or 40 hours in any one week if the work week is four consecutive days, Monday through Friday; and

(b) All work the employee performs on Saturday and on any legal holiday specified in ORS 279C.540.

(2) A contractor shall give notice in writing to employees who work on a public contract,

SECTION III C
STATUTORY CONDITIONS
To CONTRACT AGREEMENT

either at the time of hire or before work begins on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the contractor may require the employees to work.

ORS 279C.525 In addition to any other laws, rules and regulations dealing with the prevention of environmental pollution and the preservation of natural resources he following environmental and natural resources, laws, rules and regulations affect the performance of the contract:

- City of Oregon City Erosion Control Ordinance (Ref. Oregon City Municipal Code Chapter 17.47 Erosion and Sediment Control).

ORS 279C.530 The CONTRACTOR shall promptly, as due, make payment to any person, copartnership, association or corporation, furnishing medical, surgical and hospital care, or other needed care and attention, incident to sickness or injury, to the employees of the CONTRACTOR, of all sums which the CONTRACTOR agrees to pay for such services and all moneys and sums which the CONTRACTOR collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.

ORS 279C.530(2) All employers, including CONTRACTOR, that employ subject workers who work under this Contract in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under ORS 656.126. CONTRACTOR shall ensure that each of its subcontractors complies with these requirements.

ORS 279C.545 Any worker employed by the CONTRACTOR shall be foreclosed from the right to collect for any overtime provided in ORS 279C.540 unless a claim for payment is filed with the CONTRACTOR within 90 days from the completion of the contract, providing

the CONTRACTOR has caused a circular clearly printed in boldfaced 12-point type and containing a copy of this section to be posted in a prominent place alongside the door of the timekeeper's office or in a similar place that is readily available and freely visible to workers employed on the work and maintained the circular continuously posted from the inception to the completion of the contract on which workers are or have been employed.

ORS 279C.550 - 570 Retainage and payment under the terms of this Agreement shall be governed by the terms of ORS 279C.550 – 570.

ORS 279C.570 The CITY shall make progress payments on the contract monthly as work progresses on the contract. Payments shall be based upon estimates of work completed that are approved by the CITY. A progress payment is not considered acceptance or approval of any work or waiver of any defects therein. The CITY shall pay to the CONTRACTOR interest if any payment becomes overdue.

ORS 279C.580(3)

(a) CONTRACTOR shall pay first-tier subcontractors for satisfactory performance under subcontract out of amounts that are paid by the CITY to the CONTRACTOR within 10 days of CONTRACTOR's receipt of such payments from the CITY. If CONTRACTOR does not pay the first-tier subcontractor within 30 days after receiving payment from the contracting agency, the CONTRACTOR shall pay the first-tier subcontractor an interest penalty as provided in ORS 279C.580(3)(d). The CONTRACTOR shall include this requirement as further detailed in the Special Provisions in all subcontracts worded appropriately to require prompt payment of said subcontractors to lower tier subcontractors.

ORS 279C.605 A notice of claim required by ORS 279C.600 must be sent by registered or certified mail or hand delivered no later than 120 days after the day the person last provided labor or furnished materials or 120 days after the worker listed in the notice of claim by the

SECTION III C

STATUTORY CONDITIONS

To CONTRACT AGREEMENT

Commissioner of the Bureau of Labor and Industries last provided labor. The notice may be sent or delivered to the CONTRACTOR at any place the CONTRACTOR maintains an office or conducts business or at the residence of the CONTRACTOR. Notwithstanding the preceding, if the claim is for a required contribution to a fund of an employee benefit plan, the notice required by ORS 279C.600 must be sent or delivered within 200 days after the employee last provided labor or materials.

ORS 279C.825 A fee established by administrative order, is required to be paid to the Commissioner of the Bureau of Labor and Industries at the time the City notifies the Commissioner under ORS 279C.835 that a contract subject to the provisions of ORS 279C.800 to ORS 279C.870 has been awarded.

ORS 279C.830(1) (1) The existing prevailing rate of wage and, if applicable, the federal prevailing rate of wage required under the Davis-Bacon Act (40 U.S.C. 3141 et seq.) that may be paid to workers in each trade or occupation required for the public works employed in the performance of the contract either by the CONTRACTOR or subcontractor or other person doing or contracting to do the whole or any part of the work contemplated by the contract is included in Section IX of these contract documents. The workers shall be paid not less than the specified minimum hourly rate of wage.

ORS 279C.830(2) The CONTRACTOR and every subcontractor must have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt. CONTRACTOR shall:

- (a) Have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt.
- (b) Include in every subcontract a provision requiring the subcontractor to have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt.

ORS 279C.845(7) If CONTRACTOR is required to file certified statements, the public agency **shall** retain 25 percent of any amount earned by the CONTRACTOR on the public works until the CONTRACTOR has filed with the public agency certified statements as required by ORS 279C.845. The public agency shall pay the CONTRACTOR the amount retained under this subsection within 14 days after the CONTRACTOR files the certified statements as required by ORS 279C.845, regardless of whether a subcontractor has failed to file certified statements as required by this section.

ORS 279C.845(8) CONTRACTOR shall retain 25 percent of any amount earned by a first-tier subcontractor on a public works until the subcontractor has filed with the public agency certified statements as required by ORS 279C.845. CONTRACTOR shall verify that the first-tier subcontractor has filed the certified statements before the CONTRACTOR may pay the subcontractor any amount retained under ORS 279C.845(7). CONTRACTOR shall pay the first-tier subcontractor the amount retained under this subsection within 14 days after the subcontractor files the certified statements as required by this section.

ORS 305.385(6) CONTRACTOR shall certify in writing, under penalty of perjury, that CONTRACTOR is, to the best of the person's knowledge, not in violation of any tax laws described in ORS 305.380 (4).

OAR 137-049-0200(2). CONTRACTOR shall not assign, sell, dispose of, or transfer rights, or delegate duties under the Contract, either in whole or in part, without the CITY's prior Written consent. Unless otherwise agreed by the CITY in Writing, such consent shall not relieve CONTRACTOR of any obligations under the Contract. Any assignee or transferee shall be considered the agent of CONTRACTOR and be bound to abide by all provisions of the Contract. If the CITY consents in Writing to an assignment, sale, disposal or transfer of CONTRACTOR's rights or delegation of

SECTION III C
STATUTORY CONDITIONS
To CONTRACT AGREEMENT

CONTRACTOR's duties, CONTRACTOR and its surety, if any, shall remain liable to the CITY for complete performance of the Contract as if no such assignment, sale, disposal, transfer or delegation had occurred unless the City otherwise agrees in Writing.

Quotes for purchases

Item 7c.

Vendor #1	Items	Date	Amount	Comments
Trench Line Excavation Chris Stoddard 541-760-8741	Emergency replacement of 255' of 8" storm main	12/21/2021	56,998.00	Replacing with 12" pipe Prevailing wage
Vendor #2	Items	Date	Amount	Comments
S-2 Contrators Inc. Kerry Robitsch 503-651-4000	Emergency replacement of 255' of 8" storm main	12/23/2021	66,517.47	Replacing with 12" pipe Prevailing wage
Vendor #3	Items	Date	Amount	Comments
Canby Excavation Inc. Kelli Knutson 503-266-2792	Emergency replacement of 255' of 8" storm main	1/5/2022	68,750.00	Replacing with 12" pipe Prevailing wage
Vendor Selected -	Trench Line Excavation Chris Stoddard 541-760-8741			
Total Amount -	56,998.00			
Comments -				

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CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Parks and Recreation Director, Kendall Reid

Agenda Date: 02/16/2022

SUBJECT:

Change Order #7 for Hazel Grove Park

STAFF RECOMMENDATION:

Authorize the City Manager to execute Change Order #7 for \$36,737.00 for Hazel Grove Park to remove hazardous trees and limbs from the park.

EXECUTIVE SUMMARY:

Change Order #7 is necessary for the development of Hazel Grove Park to remove hazardous trees and limbs.

BACKGROUND:

Hazel Grove Park is nearing the end of construction and there are trees and limbs that have been labeled hazardous and require removal.

The designated trees and limbs that are dead, dying, weak, broken, hazardous, and hanging limbs over ~1.5"-2" diameter will be removed from the following trees:

- 15 Douglas Fir Trees
- 36 White Oak Trees
- 3 Big Leaf Maple Tree
- 3 Doug Fir Trees
- 1 Cascara Tree

OPTIONS:

1. Approve Change Order #7
2. Approve Change Order #7 with conditions
3. Deny Change Order #7 and provide staff direction

BUDGET IMPACT:

Amount: \$36,737.00

FY(s): FY 2022 - 2023

Funding Source(s): Parks Fund

CHANGE ORDER 07

DATE OF ISSUANCE February 03, 2022 EFFECTIVE DATE February 03, 2022OWNER City of Oregon CityCONTRACTOR Paul Brothers Inc

Contract: _____

Project: Filbert Run ParkENGINEER Lango Hansen Landscape Architects

You are directed to make the following changes in the Contract Documents.

Description: **Tree Pruning**

Reason for Change Order: Attachments: (List documents supporting change)

Added to Contract

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$986,105.60	Original Contract Times: Substantial Completion: <u>November 07, 2021</u> Ready for final payment: <u>November 22, 2021</u> (days or dates)
Net Increase (Decrease) from previous Change Orders No. <u>1</u> to No. <u>6</u> : +\$24,418.91	Net change from previous Change Orders No. <u>0</u> to No. <u>0</u> Substantial Completion: Ready for final payment: (days)
Contract Price prior to this Change Order: \$1,011,542.51	Contract Times prior to this Change Order: Substantial Completion: <u>January 14, 2022</u> Ready for final payment: <u>January 28, 2022</u> (days or dates)
Net Increase (Decrease) of this Change Order: \$36,737.00	Net Increase (Decrease) of this Change Order: Substantial Completion: <u>February 1, 2022</u> Ready for final payment: <u>February 15, 2022</u> (days)
Contract Price with all approved Change Orders: \$1,048,279.51	Contract Times with all approved Change Orders: Substantial Completion: <u>February 1, 2022</u> Ready for final payment: <u>February 15, 2022</u> (days or dates)

RECOMMENDED:

By: [Signature]
ENGINEER (Authorized Signature)Date: 2.3.22

APPROVED:

By: _____
OWNER (Authorized Signature)

Date: _____

ACCEPTED:

By: _____
CONTRACTOR (Authorized Signature)

Date: _____

EJCDC No. 1910-8-B (1996 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute.



8601 SE Revenue Rd., Boring, OR 97009
 503-663-1220 office 503-663-7208 fax
 www.paulbrothersinc.com info@paulbrothersinc.com

WBE# 10685
 OR CCB#64461
 WA #PAULBI*239LG
 Landscape License #5331

Project: Filbert Run Park
 Job #: 4347
 COP #: 007.1

CHANGE ORDER PROPOSAL (COP)

Contractor: Paul Brothers, Inc. Associated RFI/ASI #: _____
 Contact: Peggy Paul Date: 10/29/2021 – revised 2/1/2022

Title: Tree removal

Reason for Change Order:

- A) Tree Removal Crown clean and hazard prune: remove large dead, dying, weak, broken, hazardous and hanging limbs over ~1.5"-2" diameter from the following trees.
- B) Front of park: 6 Doug Fir trees 2White Oak trees 1Big Leaf Maple tree
- C) Mid Park 2Big Leaf Maple 6 Doug Fir trees 7White Oak trees
- D) Back of Park ~27White Oak trees 3 Doug Fir trees
- E) Right side along fence One Cascara tree Remove debris generated.
- F) Client Notes Heavy duty Plywood to be set down parallel to pathway and into tree grove to access certain trees with an aerial lift truck, also to get the truck and chipper closer to the middle of the grove for debris processing

Description of Work and Cost involved:

Tree Pruning	\$33,300.00
Added Tree Demo	\$ 3437.00

of Contract Days Added/Deleted: 0 Contract Price Increase/Decrease: **\$36,737.00 revised**

Contractor's Signature: Peggy Paul Date: 10/29/2021
 Revised

REQUESTED BY: Oregon City Date: 2/1/2022

Consultant: _____ Date: _____

AUTHORIZED BY: _____

Project Manager: _____ Date: _____



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING - REVISED

DRAFT MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, November 17, 2021 at 7:00 PM

REGULAR MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Mayor Lyles Smith convened the meeting at 7:03 PM.

PRESENT: 5 - Mayor Rachel Lyles Smith, Commissioner Adam Marl, Commissioner Denyse McGriff, Commissioner Frank O'Donnell, and Commissioner Rocky Smith, Jr.

STAFFERS: 10 - City Manager Tony Konkol, Assistant City Recorder Jakob Wiley, Senior Planner Christina Robertson-Gardner, Parks & Rec. Director Kendall Reid, City Attorney Bill Kabeiseman, Assistant to the City Manager Lisa Oreskovich, Police Chief James Band, Finance Director Matt Zook, Library Director Greg Williams, and Economic Development Manager James Graham

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

- 3a. Proclamation Declaring the Month of November as "Shop Oregon City" and Saturday, November 27, 2021 as Oregon City Buy Local, Small Business Saturday

Mayor Lyles Smith read the proclamation declaring November 2021 as Shop Oregon City Month and November 27, 2021 as Oregon City Buy Local, Small Business Saturday.

4. CITIZEN COMMENTS

Karla Laws, resident of Oregon City, would like more clarification on the decision that was made on October 6, 2021 for the use of a public hearings officer as part of the land use process.

Bob La Salle, resident of Oregon City, discussed concerns of the Park Place neighborhood about evacuation during wildfires and increased housing developments causing more traffic which showed the need for the Holly Lane extension. There were no alternate routes to Holcomb Boulevard to get in and out of Park Place. He requested no new developments be allowed until alternate routes were established. He also asked that the issue be addressed at the next City Commission Work Session.

William Gifford, resident of Oregon City, announced Oregon City Business Alliance would be hosting representatives from ODOT next Tuesday to discuss the I-205 tolling project.

Jim Donnelly, resident of Oregon City, was representing the Barclay Hills Neighborhood Association. They asked the Commission to reevaluate the Comprehensive Plan high density zoning at the headwaters of Singer Creek, south and east of Singer Creek Park.

5. PRESENTATIONS

5a. Newell Creek Canyon Park Grand Opening Presentation

Christine Lewis, Metro Councilor, and Monty Woods, Parks Operations Manager, said the Newell Creek Canyon Park would open on December 6. She explained the amenities in the park. Staff would be at the park every day and there would be a virtual grand opening and field guide online.

There was discussion regarding strategies for keeping the restrooms and park safe and clean, how camping was not allowed at the park, working with partners to provide alternate places for the homeless, trail maps, no pets allowed in the park, and contact information at the park.

5b. Main Street America Presentation

Sheri Stewart, Oregon Main Street America, explained the Main Street program, grant funding, importance of investing in downtown, public/private partnerships, reduced vacancies and improvements in Oregon City's downtown, Downtown Oregon City Association's work during the pandemic, and community building activities.

6. ADOPTION OF THE AGENDA

The agenda was adopted as presented.

7. CONSENT AGENDA

Motion made by Commissioner McGriff, seconded by Commissioner Marl, to adopt the consent agenda. The motion carried by the following vote:

Yea: Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

7a. Minutes of the September 28, 2021 Joint Work Session with the City of West Linn

7b. Minutes of the September 30, 2021 Joint Work Session with the City of West Linn

8. PUBLIC HEARINGS

8a. Resolution No. 21-53, Budget Adjustment and Supplemental Budget for the 2021-23 Biennium

Mayor Lyles Smith opened the public hearing.

Matt Zook, Finance Director, said this was a budget adjustment to recognize, in the current biennium, \$1,738,940 of unspent budgeted funds from the prior biennium for the Public Works Operations Complex.

There was no public testimony.

Mayor Lyles Smith closed the public hearing.

Motion made by Commissioner McGriff, seconded by Commissioner Marl, to adopt Resolution No. 21-53, budget adjustment and supplemental budget for the 2021-23 biennium. The motion carried by the following vote:

Yea: Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

- 8b. First Reading of Ordinance 21-1014 - An Ordinance Approving GLUA 21-00057 and LEG 21-00004, Adopting the Housing Needs Analysis

Mayor Lyles Smith opened the public hearing.

Christina Robertson-Gardner, Senior Planner, said this ordinance would adopt the Housing Needs Analysis. She explained the purpose of the HNA, how an Urban Growth Boundary expansion was not needed at this time, and if the HNA was adopted by the end of this year, the City would not need to do another HNA or Housing Production Strategy for another six years.

Mike Mitchell, resident of Oregon City, was concerned about the growth assumptions in the document. He thought the population and household size numbers did not match up.

Mayor Lyles Smith closed the public hearing.

There was discussion regarding Mr. Mitchell's comments, options for Council action, how the diverse housing types and affordable housing was not limited to people of color and should be reworded, addressing Barclay Hills neighborhood's request regarding high density, need for an accurate document for future decision making, assumptions and changing housing trends, and owning vs. renting.

Motion made by Commissioner Smith, seconded by Commissioner Marl, to continue Ordinance 21-1014 to December 1, 2021. The motion carried by the following vote:

Yea: Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

9. GENERAL BUSINESS

- 9a. Resolution No. 21-54, Declaring an Emergency and Exempting a Temporary Warming Shelter at The Father's Heart Street Ministry from Planning Code Requirements (November 17, 2021 until March 31, 2022)

Tony Konkol, City Manager, said this resolution was similar to previous emergency resolutions that had been approved for this facility to have a warming shelter during the cold winter months. Father's Heart had applied for a conditional use which was denied. They had also submitted an application for the same use under HB 2006. Staff was working on clarifying HB 2006 criteria for that application.

William Gifford, resident of Oregon City, read a letter from Nancy Ide who supported adoption of the resolution and requested the City Commission refund the fee for the conditional use application.

There was discussion regarding expectation for a neighborhood agreement, how the County needed to step up and use taxpayer funds to meet these needs, how this was a temporary warming shelter, no support for a refund, and changing the approval dates to revisit whether a neighborhood agreement had been done.

Motion made by Commissioner Marl, seconded by Commissioner McGriff, to adopt Resolution No. 21-54, declaring an emergency and exempting a temporary warming shelter at The Father's Heart Street Ministry from Planning Code requirements (November 17, 2021 until January 19, 2022). The motion carried by the following vote:

Yea: Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, Commissioner Smith

- 9b. The Downtown Oregon City Association Memorandum of Understanding

Mr. Konkol said this Memorandum of Understanding (MOU) was approved in the budget for \$60,000 per year for a total of \$120,000 over the two-year biennium. The MOU outlined the roles and responsibilities of both the City and Downtown Oregon City Association (DOCA).

There was discussion regarding the number of events in the agreement and annual review.

Motion made by Commissioner Smith, seconded by Commissioner McGriff, to approve the Downtown Oregon City Association Memorandum of Understanding. The motion carried by the following vote:

Yea: Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, Commissioner Smith

10. COMMUNICATIONS

11. City Manager

The City Manager did not have communications.

12. Commissioners

Commissioner O'Donnell reported on the I-205 tolling meeting.

Mayor Lyles Smith said the federal dollars they were expecting to receive for infrastructure projects would not cancel the tolling project.

Commissioner Smith attended an event at the End of the Oregon Trail Interpretive Center with the Confederated Tribes of the Grand Ronde. They were shown the new movie Oregon's First People and new Native American exhibits. There were also future projects to bring the first people's story to the Interpretive Center.

13. Mayor

14. ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 9:08 PM.

Respectfully submitted,

Jakob S. Wiley, City Recorder



CITY OF OREGON CITY

CITY COMMISSION JOINT WORK SESSION WITH THE HISTORIC REVIEW BOARD

DRAFT MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Tuesday, January 11, 2022 at 6:00 PM

CONVENE WORK SESSION AND ROLL CALL

Mayor Lyles Smith convened the meeting at 6:04 PM.

PRESENT: 5 - Commissioner Frank O'Donnell, Commissioner Denyse McGriff, Commissioner Rocky Smith, Commissioner Adam Marl, and Mayor Rachel Lyles Smith

HRB: 3 - Board Member Sabrina Ferry, Board Member Jessica Belknap, and Board Member Paul Edgar

STAFFERS: 7 - City Manager Tony Konkol, City Recorder Jakob Wiley, Interim Community Development Director Aquilla Hurd-Ravich, Asst. to the City Manager Lisa Oreskovich, Planner Kelly Reid, Planning Manager Teresa Montalvo, and Assistant City Attorney Carrie Richter

ABSENT: 2 - Board Member Raymond Stobie and Board Chair Grant Blythe

DISCUSSION ITEMS

1. Historic Preservation Program Discussion

Kelly Reid, Planner, provided the staff report. Ms. Reid reviewed the history of the preservation program and the McLoughlin and Canemah Historic Districts. Ms. Reid also reviewed the duties of the Historic Review Board (HRB), the decision criteria and the increased workload of the board that has occurred recently. Areas of improvement include the possibility of requiring a formal pre-application for applications; relying more heavily on design advice process; ensure 120-day deadline extensions are requested when possible; and improve application forms/templates and update design guidelines where needed.

Commissioner McGriff commented on her prior involvement with the Historic Review Board, the robust information on the website and her desire to see additional training opportunities for staff and that the pre-application meeting process become a requirement. Staff does an excellent job providing guidance to residents in the districts.

Commissioner O'Donnell would also like to see additional staff training and cross training and also requiring the pre-application meeting requirement for buyers and developers. He asked at what point are buyers and developers advised of the districts' requirements. Ms. Reid discussed the various notices sent by the City.

Mayor Lyles Smith followed up on Commissioner O'Donnell's question on buyer notification. City Attorney Richter indicated there is no legal requirement that a buyer or developer be advised on the historic districts' requirements; that the buyers need to do their own research. Commissioner McGriff commented that realtors generally don't know about the requirements or don't provide the information to perspective buyers. There was discussion on past efforts to add information to the property titles of historically

**City Commission Joint Work Session with the Historic Review
Board**

Minutes

January 11, 2022

designated homes and a special arrangement to lower the recording costs with Clackamas County, that was never completed.

Mayor Lyles Smith supported having the pre-application meetings, additional staff training and proposed FAQ information to consider for the website. There was discussion with Ms. Reid on the new homeowner welcome packet that is also sent to all residents in the districts.

There was discussion with Ms. Richter and Ms. Reid about updating the code with amendments regarding home value and specificity on design criteria. Commissioner McGriff also supported more definition on design criteria.

Commissioner Marl asked about the onboarding process for new HRB members and Ms. Reid indicated there is a training she provides and a legal training by Ms. Richter. Commissioner Marl asked about what would be the guidance for installing solar panels on a designated home and Ms. Reid indicated they refer to the National Park Service Guide guidelines for the board to use for their reviews and there are not local guidelines that address that specifically.

Board Member Belknap supported the pre-application meetings and would like to see the real estate community provide better information to buyers.

Board Member Edgar asked if the HRB guidelines were mandatory and Ms. Richter indicated the language of the code should be revised to eliminate confusion on the legality of the code.

Board Member Ferry commented she has concerns regarding the specificity of the guidelines and that doing so may not allow for consideration of new products that homeowners could use with renovations.

ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 6:59 PM.

Respectfully submitted,

Jakob S. Wiley, City Recorder



CITY OF OREGON CITY

CITY COMMISSION JOINT WORK SESSION WITH THE PLANNING COMMISSION

DRAFT MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Tuesday, January 11, 2022 at 7:00 PM

CONVENE WORK SESSION AND ROLL CALL

Mayor Lyles Smith convened the meeting at 7:04 PM.

- PRESENT: 5 -** Commissioner Frank O'Donnell, Commissioner Denyse McGriff, Commissioner Rocky Smith, Commissioner Adam Marl, and Mayor Rachel Lyles Smith
- PLANNING: 6 -** Commissioner Patti Gage, Commissioner Mike Mitchell, Chair Dirk Schlagenhauser, Commissioner Daphne Wuest, Commissioner Bob LaSalle, and Commissioner Greg Stoll
- STAFFERS: 7 -** City Manager Tony Konkol, City Recorder Jakob Wiley, Interim Community Development Director Aquilla Hurd-Ravich, Asst. to the City Manager Lisa Oreskovich, Planner Kelly Reid, Planning Manager Teresa Montalvo, and Assistant City Attorney Carrie Richter
- ABSENT: 1 -** Commissioner Christopher Staggs

DISCUSSION ITEMS

1. OC2040 Comprehensive Plan Update – Draft Goals and Policies

Theresa Montalvo, Planning Manager, provided introductions. Anais Mathez, consultant with 3J Consulting, provided a presentation on the OC 2040 outreach process and update. The presentation included review of the outreach and engagement process and vetting the draft goal statements and policy ideas. Outreach activities included four comprehensive plan summits, coffee and comp plan drop-in series, community-wide online survey and two Project Advisory Team (PAT) review and revision sessions.

Serah Breakstone, consultant with Otak, provided the second portion of the presentation on developing draft goals and policy ideas. Part of this process included the review of community feedback and the review of best practices. Goals of the healthy and welcoming communities, diverse economy, connected infrastructure and protected environment sections were reviewed. The comprehensive plan forum was announced, that will be available online through March 14, 2022.

Mayor Lyles Smith asked if the land use applications had to be compliant with a comprehensive plan. Director Hurd-Ravich and Ms. Breakstone indicated the policies are high-level but through revision and further adoption would be the set policies. There was further discussion on the practical use of using the policies going forward for land use applications.

Tony Konkol, City Manager, commented that not every policy in the comprehensive plan will be applicable to every land use application, and that in some instances, the policy is more directed at the city and not the applicant.

**City Commission Joint Work Session with the Planning
Commission Minutes****January 11, 2022**

Commissioner McGriff commented on the prior discussion and clarified with Mr. Konkol as to when an application is subject to meeting the comprehensive plan provisions.

Commissioner Mitchell asked where the plan will show that it addresses all of the statewide land use goals and also how the comprehensive plan policies would be applied to a real-world land use application. Ms. Mathez responded that the final plan document would reference the statewide land use goals and the new plan would be broader, based on feedback from City staff. The details would be more defined in work plan documents.

Mayor Lyles Smith asked if the City had identified historically disinvested communities? Director Hurd-Ravich indicated she was not sure and Mayor Lyles Smith commented concern adopting language regarding disinvested community if that was not truly the case. Ms. Breakstone indicated inclusion of that language would likely create an action item. Commission O'Donnell supported the Mayor's prior comment. Commissioner McGriff also supported the Mayor's comment and expressed concern on the language. There was further discussion on the correct verbiage.

Commissioner Marl asked when the City Commission would provide a final review of the text and suggest revisions, rather than the high-level review provided today. Ms. Mathez indicated that revision input could be funneled through Ms. Montalvo.

Commissioner Marl commented on goal #1 and the neighborhood associations and also on language concerning investments in multimodal transportation. Commissioner McGriff expressed concerns that some of the language in the plan does not reflect Oregon City. Commissioner Mitchell commented that verbiage regarding diversity, equity and inclusion should be included in every city activity and not just land use. Commissioner Smith did not support individual meetings with commissioners for input on the text, but rather the open dialogue of commission meetings.

Commissioner Schlagenhauser asked about the legal weight of the comprehensive plan. There was discussion on amending the comprehensive plan in particular situations. Ms. Hurd-Ravich and Mr. Konkol provided some clarification and examples of practical application of using the comprehensive plan.

Mayor Lyles Smith provided some revision suggestions on several of the plan goal sections. Commissioner LaSalle commented on the positive amount of outreach that was done with this process.

ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 8:12 PM.

Respectfully submitted,

Jakob S. Wiley, City Recorder



CITY OF OREGON CITY

CITY COMMISSION WORK SESSION - REVISED

DRAFT MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Tuesday, January 11, 2022 at 8:00 PM

EXECUTIVE SESSION OF THE CITY COMMISSION

The Executive Session began immediately after the adjournment of the work session:

- Pursuant to ORS 192.660(2)(f): To consider information or records that are exempt by law from public inspection

CITY COMMISSION WORK SESSION

CONVENE WORK SESSION AND ROLL CALL

Mayor Lyles Smith convened the meeting at 8:21 PM.

- PRESENT: 5 -** Commissioner Frank O'Donnell, Commissioner Denyse McGriff, Commissioner Rocky Smith, Commissioner Adam Marl, and Mayor Rachel Lyles Smith
- STAFFERS: 7 -** City Manager Tony Konkol, Asst. to the City Manager Lisa Oreskovich, City Recorder Jakob Wiley, Interim Community Development Director Aquilla Hurd-Ravich, Parks & Rec. Director Kendall Reid, Finance Director Matt Zook, Library Director Greg Williams

FUTURE AGENDA ITEMS

1. List of Future Work Session Agenda Items

Commissioner Marl asked to add an item related to increase access to the City for youth. He suggested implementing a youth commission as a gateway opportunity for young people to become involved. There was discussion on ways the commission can attract student participation.

Commissioner McGriff asked what the next steps were for the Economic Development Strategy. Mr. Konkol indicated the Economic Development staff has been working on the document and will be back to the Commission for a final presentation.

DISCUSSION ITEMS

2. Discussion of Proposed Charter Amendments - to Elect Commissioners by Top Two Vote-Getters Rather than by Position Number, to Eliminate Mayor/Commissioner Term Limits, and to Appoint Planning Commission and Historic Review Board Members by a Majority Vote of the Commission

Tony Konkol, City Manager, provided the staff report. The meeting is to discuss proposed Charter Amendments - to Elect Commissioners by Top Two Vote-Getters Rather than by Position Number, to

City Commission Work Session - REVISED Minutes**January 11, 2022**

Eliminate Mayor/Commissioner Term Limits, and to Appoint Planning Commission and Historic Review Board Members by a Majority Vote of the Commission.

Mayor Lyles Smith suggested that there might not have been clear consensus for eliminating term limits. Commissioner O'Donnell supported eliminating term limits but isn't sure the public will support it.

Commissioner Smith supported keeping the current requirement to take a two-year break after serving for eight years. Commissioner Smith felt the current required two-year break in service is beneficial for the person to reconnect with constituents and decide whether to run again.

Commissioner Marl supported eliminating term limits but felt the public may not support it if it is not communicated correctly. Commissioner O'Donnell commented he supported eliminating term limits from the perspective of providing the City the best leadership possible but felt the public will generally not support the concept. Commissioner McGriff supported the mayor position being limited to two terms.

There was discussion regarding the pros and cons of term limits. There was consensus on changing the wording of a proposed ballot measure on term limits and that prior service as a commissioner for two terms does not prohibit running for mayor.

There was discussion on how many times an individual can be mayor and then be a commissioner and the history of prior elections that lead to the current election process. There was consensus on no term limits and removing the complexities of prospective candidates from serving in multiple position capacities.

Mr. Konkol reviewed the proposed charter provisions for commissioner and mayor positions. The Commissioners, except for Commissioner McGriff, supported referring the questions regarding term limits to the voters as proposed in the memo by City Attorney Kabeiseman.

There was discussion on the powers of the mayor position appointing members of the Planning Commission and Historic Review Board and the language of a proposed ballot measure to change those appointments to be made by the majority of the Commission.

There was discussion on eliminating position numbers and electing the top two candidates in any election with multiple open seats and filling a position vacancy. There was consensus to move forward with language revisions for the ballot measure.

CITY MANAGER'S REPORT

There was no report by the City Manager.

COMMISSION COMMITTEE REPORTS

Due to the Executive Session following this meeting, there were no committee reports.

- A. Beaver Creek Employment Area Blue Ribbon Committee - Commissioner Frank O'Donnell**
- B. Citizen Involvement Committee Liaison - Commissioner Adam Marl**
- C. Clackamas County Coordinating Committee (C4) - Appointed: Mayor Rachel Lyles Smith Alternate: Commissioner Adam Marl**
- D. Clackamas County I-205 Tolling Diversion Committee - Appointed: Commissioner Adam Marl Alternate: Commissioner Frank O'Donnell**

- E. **Clackamas Heritage Partners** - *Commissioner Rocky Smith, Jr.*
- F. **Clackamas Water Environment Services Policy Committee** -
Appointed: Commissioner Rocky Smith, Jr.
- G. **Downtown Oregon City Association Board** - *Commissioner Denyse McGriff*
- H. **Metro Policy Advisory Committee (MPAC)** - *Appointed: Mayor Rachel Lyles Smith* *Alternate: Commissioner Denyse McGriff*
- I. **OC 2040 Project Advisory Team** - *Appointed: Commissioners Adam Marl and Denyse McGriff*
- J. **Oregon Governor's Willamette Falls Locks Commission** – *Appointed: Mayor Rachel Lyles Smith*
- K. **Oregon City Tourism Stakeholder's Group** - *Appointed: Commissioners Frank O'Donnell and Rocky Smith, Jr.*
- L. **Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan Project Advisory Committee** - *Appointed: Commissioner Denyse McGriff*
- M. **South Fork Water Board (SFWB)** - *Mayor Rachel Lyles Smith, and Commissioners Frank O'Donnell and Rocky Smith, Jr.*
- N. **Willamette Falls and Landings Heritage Area** - *Appointed: Commissioner Denyse McGriff* *Alternate: Commissioner Frank O'Donnell*
- O. **Willamette Falls Legacy Project Liaisons** - *Mayor Rachel Lyles Smith and Commissioners Frank O'Donnell*

ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 9:28 PM.

Respectfully submitted,

Jakob S. Wiley, City Recorder



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 2/16/22
From: Aquilla Hurd-Ravich, AICP, Community Development Director

SUBJECT:

AP 21-00006 Appeals of the November 30, 2021, Historic Review Board Approval with Conditions of Planning Files GLUA 21-00052 / HR-21-00020 Modification of HR 20-00001

STAFF RECOMMENDATION:

Staff recommends that the City Commission choose one of the options identified in the supplemental staff report which are restated in the options section below.

EXECUTIVE SUMMARY:

The Historic Review Board (HRB) recently approved in part and denied in part, a Type III application filed by the owner's representative, Bogdon Smolinets (Applicant or Appellant) , for exterior modifications to a previously approved new live/work building in the McLoughlin Conservation District (HR 20-01). The HRB approval authorized a change in the window configuration, the final foundation height as well as an ADA ramp providing access to the commercial studio through a side door. The HRB denied the request to extend the ADA ramp around to the back of the structure to serve the third floor of the residence.

The Applicant has appealed HRB's decision, identifying a single issue for the Commission's consideration:

"The Historic Review Board decision does not meet the owner's family medical care needs, also the applicable Federal ADA standards, and Federal ADA Law. ADA Act 42 USC §12182 et seq (ADA) mobility impairments requiring the use of a wheelchair."

Although requirements of the Americans with Disabilities Act (ADA) do apply to structures that are subject to historic resource protections, the ADA does not exempt owners from complying with historic resource requirements, to the extent possible. In other words, every effort must be made to accommodate this ramp while, at the same time, not damaging or destroying the integrity of the District.

The HRB found that the design of the proposed rear ramp elongated the structure so that it no longer reflected a Foursquare-inspired design when viewed from the side. The HRB found that the side view was highly visible from 5th Ave and that the Applicant failed to provide the necessary evidence to show that screening through landscaping was possible. Given the significant impact on the historic resource, the HRB concluded that the Applicant had failed to show that the proposed ramp design was the only financially feasible alternative.

The City Commission's review is limited solely to the record developed before the HRB; neither the Appellant nor any other party may offer any additional evidence with respect to design compatibility, mitigation, or the feasibility of other alternatives. The parties are limited to only making arguments regarding the identified issue.

BACKGROUND:

Please review the "AP 21-00006 Supplemental Staff Report" prepared by Senior Planner Christina Robertson-Gardiner and City Attorney Carrie Richter, the Historic Review Board Staff Report and Notice of Decision, and the attached record for this application.

OPTIONS:

The options before the City Commission on this Appeal include:

- Option 1: Affirm the HRB decision with additional findings responding to the argument presented on appeal, perhaps including additional mitigation conditions.
- Option 2: Remand the matter to the HRB to consider evidence regarding alternative ADA accommodations including, but not limited to: internal chair lifts or residential-scaled elevator, other internal or external configurations, and further material and design study of the ramp so as to reduce the massing and/or reinforce the Foursquare style and/or provide greater detail on the proposed side elevation landscaping for the HRB to conclude that the visual impact will be mitigated. This option will require extending or waiving the 120-day limit.
- Option 3: Revise the HRB approval to allow the rear ramp with additional conditions of approval that might provide adequate screening through landscaping or other mitigation.



OREGON CITY

Community Development – Planning

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

January 26, 2022

To: Honorable Mayor Lyle-Smith and City Commission

From: Christina Robertson-Gardiner AICP, Senior Planner
Carrie Richter, Deputy City Attorney

Re: Supplemental Staff Report – 5th Avenue Live/Work ADA Ramp

File #s: AP 21-00006 Appeals of the November 30, 2021, Historic Review Board Approval with conditions of Planning Files GLUA 21-00052 / HR-21-00020 Modification of HR 20-00001

Executive Summary:

The Historic Review Board (HRB) recently approved in part and denied in part, a Type III application filed by the owner's representative, Bogdon Smolinets (Applicant or Appellant), for exterior modifications to a previously approved new live/work building in the McLoughlin Conservation District (HR 20-01). The HRB approval authorized a change in the window configuration, the final foundation height as well as an ADA ramp providing access to the commercial studio through a side door. The HRB denied the request to extend the ADA ramp around to the back of the structure to serve the third floor of the residence.

The Applicant has appealed HRB's decision, identifying a single issue for the Commission's consideration:

"The Historic Review Board decision does not meet the owner's family medical care needs, also the applicable Federal ADA standards, and Federal ADA Law. ADA Act 42 USC §12182 et seq (ADA) mobility impairments requiring the use of a wheelchair."

Although requirements of the Americans with Disabilities Act (ADA) do apply to structures that are subject to historic resource protections, the ADA does not exempt owners from complying with historic resource requirements, to the extent possible. In other words, every effort must be made to accommodate this ramp while, at the same time, not damaging or destroying the integrity of the District.

The HRB found that the design of the proposed rear ramp elongated the structure so that it no longer reflected a Foursquare-inspired design when viewed from the side. The HRB found that the side view was highly visible from 5th Ave and that the Applicant failed to provide the necessary evidence to show that screening through landscaping was possible. Given the significant impact on the historic resource, the HRB concluded that the Applicant had failed to show that the proposed ramp design was the only financially feasible alternative.

The City Commission's review is limited solely to the record developed before the HRB; neither the Appellant nor any other party may offer any additional evidence with respect to design compatibility, mitigation, or the feasibility of other alternatives. The parties are limited to only making arguments regarding the identified issue.

The options before the City Commission on this Appeal include:

- Option 1: Affirm the HRB decision with additional findings responding to the argument presented on appeal, perhaps including additional mitigation conditions.
- Option 2: Remand the matter to the HRB to consider evidence regarding alternative ADA accommodations including, but not limited to: internal chair lifts or residential-scaled elevator, other internal or external configurations, and further material and design study of the ramp so as to reduce the massing and/or reinforce the Foursquare style and/or provide greater detail on the proposed side elevation landscaping for the HRB to conclude that the visual impact will be mitigated. This option will require extending or waiving the 120-day limit.
- Option 3: Revise the HRB approval to allow the rear ramp with additional conditions of approval that might provide adequate screening through landscaping or other mitigation.

Overview of Proposal

The following overview is limited to the single issue raised in the Appeal above. Other alterations included in the record and discussed by the HRB or in the staff report were not raised in the Appeal, are not discussed in this memo, and are not before the City Commission for consideration. Excerpts of relevant plans, drawings and photos are attached in an annotated Exhibit and are referenced throughout the memo. The full Historic Review Board record is attached to the City Commission agenda and is part of the Record for the Commission's consideration.

This structure, originally approved by the Historic Review Board in 2020 as file HR 20-01, was approved as a live/work building that allocated a commercial area in the front half of the ground floor area and a 10-bedroom residence on the second and third floors of the structure. The main entry for the commercial space is located in the center of the ground floor porch accessed from 5th Street. The residential portion of the building is on the second and third floors and is accessed through an internal stairwell from the side door on the south elevation.

Subsequently, the proposed development was reviewed for compliance with the Geohazard Overlay District through GLUA 20-0024: GEO 20-0002 SP 20-0052. The site is cross-sloped with elevation dropping from the rear and top front of the site. The geohazard review and HR 20-01 Conditions of Approval directed the application to minimize cuts and fills, which resulted in an exposed foundation approximately 4 feet taller at the south side door entrance at the finished grade on the downhill side elevation than reflected in the plans approved by the HRB in HR 20-01.

The Applicant's original plans assumed that residential access would occur at grade through the south side door (*Exhibit A, Figure 3*). With a better understanding of the site conditions, coupled with the need to provide greater accessibility, the Applicant's building permit plan set package included an ADA ramp, located at the low point of the slope, providing access to the side and rear doors, which were now much higher above grade than originally anticipated. The ADA ramp was not approved during the Building Permit review as it was not consistent with HR 20-01.

Traditional Foursquare and larger Bungalow-styled buildings that utilize a full foundation have a foundation line/top of the floor that is around 3 ½ feet above grade, typically to be in line with a front porch at the elevation of the interior floors, depending on the specifics of the site. In this instance, as originally proposed, the interior floor height was a little lower, around 2-tall at the closest point at the front corner, and sloped up to an at-grade side entrance with a retaining wall. Traditionally, the side door would be accessed from a 3-5 step side porch. However, the Applicant has requested an ADA access ramp rather than a step-served side porch to allow for elderly family members better access to the upper stories. The commercial space is accessed from the front porch entrance and is ADA accessible. In addition to serving the side door, the Applicant proposes to extend the side-serving ramp around the back of the house to access the residential living area on the second floor.

September 28, 2021 Historic Review Board Meeting

The Applicant's original submittal included an ADA ramp that hugged the side and rear of the building with stairs leading up to the rear door (*Exhibit A, Figure 5*). The plans did not reflect any wheelchair accommodation along these rear stairs. The ramp was designed with lap siding to match the house with railings attached on the inside to minimize the massing and reduce its appearance as a separate building element. After hearing testimony from interested parties, the HRB expressed concerns that the proposed slope was too extreme and the external stairs would not satisfy ADA standards. As a result, the hearing was continued and the Applicant was asked to verify compliance with the ADA.

October 26, 2021 Historic Review Board Meeting

The Applicant submitted a revised plan for consideration by the HRB at its October 26, 2021 meeting. Reducing the slope of the ramp and removing the stairs to satisfy the ADA significantly increased the length of the ramp, thereby requiring the incorporation of switchbacks to reach the third floor. This switchback enclosed ramp was sided with horizontal siding, thereby appearing to extend the overall length of the structure by an additional 19 feet. The revised drawing was submitted to staff eight days before the October 26, 2021 hearing and one day before the agenda and staff report analysis was posted online (October 19, 2021). Therefore, staff did not have the opportunity to provide any detailed evaluation of the proposal.

At its meeting on October 26, 2021, the HRB indicated that they had outstanding questions about the design of the full rear access ramp and felt that there was missing information from the application. The HRB continued the file to November 30, 2021, and asked the Applicant to provide the HRB with the following information:

1. *Revised landscape plan with additional mitigation plantings.*
2. *Revision to site plan and elevation that show the ADA ramp starting beyond the front porch (per condition of approval)*
3. *Provide a site plan ADA option that does not have rear porch.*
4. *Provide a revised final rear elevation that details the rear ADA ramp.*
5. *Provide revised findings that show how you are mitigating the impact of the additional massing of the rear ADA ramp and porch.*
6. *Provide findings showing how the rear deck is compatible and can be mitigated.*
7. *Analysis of why an interior ADA option is not feasible, why does the ADA option need to be commercial grade?*
8. *Additional site photos of the side and rear elevation (to and from) -at least six photos*
9. *Updated lot coverage analysis- with revised ADA ramp and rear porch.*

November 30, 2021 Historic Review Board Meeting

On November 15, 2021 the Applicant responded by submitting a response to the Historic Review Board questions, a revised site plan, revised elevation drawings including rendered landscape screening on the side and rear elevations, site photos, and the unrevised September 7, 2012 Landscape Plan. (*Exhibit A, Figures 7-13*). The site photos also showed an unpermitted CMU retaining wall along the side yard that did not meet the material requirements of HR 20-01.¹

At its hearing on November 30, 2021, the HRB reviewed the additional material. At the hearing, the Applicant focused largely on the mathematical calculations dictating the overall ramp length, arguing that these demands alone justified the ramp location and design. The Applicant's representative testified that the proposed ramp offered "the most cost-effective solution." When asked about the

¹ CMU is an unpermitted material for retaining walls within the conservation district. Therefore, this wall will need be removed and replaced with a more appropriate material and the Appellant has not challenged this requirement.

consideration of internal alternatives, the Applicant responded that "the cost of installing a commercial elevator would be over a hundred thousand dollars." With respect to mitigation, the Applicant's representative testified that the ramp is at the rear of the structure and would not be visible from the Street.

Historic Review Board Deliberations and Decision

In deliberation, the HRB discussed the fixed nature of the ramp requirements and saw no indication that materials or design detailing necessary to achieve compatibility, or other mitigation were considered. They questioned why the Applicant did not consider employing any form of internal accommodation such as a residential styled ADA chair or lift. Therefore, the HRB concluded that the Applicant failed to provide analysis to show that the larger ramp, as designed, was necessary. Without necessity and/or sufficient mitigation, the Board found that the Applicant failed to demonstrate that the proposed design would contribute to the character of the District. Lengthening the overall form by an additional 19' compromised the boxy, square form that is an essential element of the Foursquare style. HR 20-01 authorized a somewhat longer footprint than a classic foursquare square with a 70' 3" length of the building to 47' width (without garage) through an iterative design process over many meetings. The Board also found that the Applicant did not address the applicable design standards, OCMC 17.40.060.G criteria, and did not offer any detailed explanation for why other less character impacting alternatives such as a residential elevator or chair lift using the existing internal staircase were not feasible.

The HRB went on to find that they were not confident that the Applicant could install the mitigation plantings as shown in the November elevation drawings (*Exhibit A, Figures 7&8*), especially along the side property line when much of this area would now be occupied by an ADA ramp, as well as the newly installed retaining wall, without an updated landscape plan to provide additional clarity to this potential conflict.

The HRB agreed that, without the necessary information, it could not approve the full length, expanded ramp as proposed. They found that the more conservative approach of a reduced ADA ramp to the side door conditionally could meet the Guidelines for New Construction and OCMC 17.40.060(G) *construction of new structures in a historic or conservation district*. The HRB acknowledged that the Design Guidelines prohibit "buildings with excessive mass for the style chosen or neighborhood in which located." P 40.

The Historic Review Board voted to 4 to 0 to approve the application with conditions that allowed a shorter ADA ramp to the side door of the south elevation with conditions of approval acknowledging that the rear ramp could be accommodated through a subsequent review. These conditions included:

2. The Historic Review Board does not approve the rear access ADA ramp as submitted. If the Applicant wishes to further pursue this option, they should submit for a separate HRB review under a new application. (P)

3. The Board finds that the full ADA ramp to the rear elevation and revised foundation height cannot be found to be compatible with the massing and design of the approved structure and sufficiently mitigated; therefore, the following requirements apply:

- a. The ADA ramp shall be revised to access the side door only.*
- b. The Applicant shall provide a plan to backfill the remainder of the side yard with rockery walls to the extent practicable and appropriate for a geohazard area and provide mitigation planting with the same type of plants proposed in the submitted landscape plan. Landscape plant details may change but must meet the minimum mature height and width of the approved plant types.*

- c. *The smaller ADA ramp shall utilize the proposed enclosed lap siding design or a simple balusters style handrail with top and bottom rails attached perpendicularly to the balusters.*
- d. *The ADA ramp structure shall start at or beyond the front porch and connect to the sidewalk via a concrete ADA path. The front portion of the ADA ramp in front of the porch shall be poured concrete.*
- e. *The Applicant shall utilize foundation vent wells to allow as much backfill soil as possible adjacent to the foundation wall.*
- f. *The ADA ramp elements shall be painted or paint-stained to match the body paint of the house.*
- g. *No exposed pressure-treated wood is allowed.*
- h. *All walls associated with the ramp shall be poured in place concrete, real basalt veneer, or natural rockery walls. The existing wall built without permits shall be revised to meet the above material standard per HR 20-01 Conditions of Approval.*
- i. *The HRB encourages the Applicant to work with the Building Division to design an internal ADA access to the upper floors. (B,P)*

Response to Issues Raised in the Appeal

Restated again for ease of reference, the Notice of Appeal identified the following issue:

"The Historic Review Board decision does not meet the owner's family medical care needs, also the applicable Federal ADA standards, and Federal ADA Law. ADA Act 42 USC §12182 et seq (ADA) mobility impairments requiring the use of a wheelchair."

The Americans with Disabilities Act (ADA) laws are lengthy and cover a wide range of accessibility issues both within and outside of the land use context. The need to accommodate a wheelchair is a disability recognized under the ADA. Short of identifying a need for wheelchair access, the Appellant does not explain how or why he believes that the HRB erred by approving a limited ramp, consistent with the original assumed primary residential access through the side door. Although the ADA does generally call for "full and equal" access, the extent of the access obligation is highly dependent on the facts of the case as well as the legal standards at issue. It is not enough to merely cite to a wide-ranging series of civil rights laws as a basis for Appeal because these laws do not necessarily require summary approval of the rear access ramp in the configuration and design that the Appellant has requested. Therefore, this report provides a broad overarching explanation of ADA requirements framing how the City Commission might consider the issues on Appeal.

Broadly stated, the ADA prohibits discrimination against any individual "on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation." 42 USC §12182(a). Although private residential living by an owner is not a "place of public accommodation" subject to the ADA like commercial structures, the courts have found that land use permit decisions fall squarely within the type of public activities covered by the ADA. Thus, the City has an obligation to ensure equal access in order to satisfy the ADA.

That said, in enacting the ADA, Congress also recognized the national interest in preserving significant historic structures by imposing requirements that allow operators of such structures to become ADA compliant without threatening the historic significance of such structures. 42 USC §12204(C) and 28 CFR §405. "Qualified" buildings or facilities are those buildings and facilities "that are eligible for listing in the National Register of Historic Places, or such properties designated as historic under a statute of the appropriate state or local government body."

Although this situation is slightly different because the proposed alteration does not affect a historic structure, the alteration to the existing structure will occur within the "qualifying" McLoughlin Conservation District and the proposed alteration is subject to historic overlay review requirements as set forth in OCMC Chapter 17.40. By subjecting new construction (and modifications to the same) within the McLoughlin Conservation District to an additional historic overlay review, the City provides: "the protection, enhancement, perpetuation and use of improvements of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people." OCMC 17.40.010. Courts have recognized that the desire to preserve particular objectives through historic protections applied to special areas is a valid government concern under the ADA.

One of the ways that the special historic character of the McLoughlin District is preserved is by requiring that all new infill be designed to reflect prevalent historic building styles so as to reinforce the historic context. The Guidelines note: "Use of other styles dilutes and distracts from the historic context of the district." P 7. The existing structure approved in 2020 was designed in the Foursquare style. As the HRB found, one of the hallmarks of the Foursquare style is the basic square, boxy design where the front width is comparable with the length. Lengthening the building by an additional 19' at the rear makes the building nearly twice as long as it is wide. The Design Guidelines prohibit "buildings with excessive mass for the style chosen or neighborhood in which located." P 40. The HRB concluded that this additional structure length, without mitigation, failed to reinforce the context of the conservation district, in violation of the Guidelines and, in turn, OCMC 17.40.060.(G).

The Appellant disputed that the ramp would have any visual impact as it would be located to the rear and would not be visible to the public driving by on 5th Ave. The HRB disagreed finding that the additional building length would be highly visible from the side elevation. Although the Design Guidelines do discuss locating garages, patios, or parking to the rear, they do not expressly exempt areas that are not visible from the public ways from compliance. The HRB also concluded that the record did not provide sufficient evidence to indicate that screening in the form of additional landscaping could be accommodated taking into account the width the ramp and retaining wall.

The Appellant's invocation of the ADA occurred for the first time in this Appeal, after the evidentiary record was closed. To make a claim under the ADA, an applicant must do more than just allege a qualifying disability subject to protection under the ADA as the Appellant has done here. A party must show that what is proposed is necessary to achieve some therapeutic purpose or because of financial ability. The Appellant's only proffered explanation for this ramp design was that it was the "most cost-effective" solution and that "installing a commercial elevator would cost over one hundred thousand dollars." The Appellant did not show is that the proposed ramp – its style and detailing – was the only financially viable option available. There was no evidence to indicate that other alternatives, such as a chair lift, a residential elevator, or the incorporation of different material or ramp design that might complement rather than, as the HRB found, compromise the Foursquare style, were considered.

During its deliberation, the HRB acknowledged that a number of other solutions might be available that would achieve the Appellant's accessibility objectives without requiring a fundamental alteration to the City's historic preservation standards. Whether those alternatives are financially feasible is not clear from the record. Rather, the record reflects that the historic overlay requirements of OCMC 17.40.060 and the ADA are not necessarily at odds with one another given the facts presented. Should the City Commission agree with the HRB that the proposed rear ramp would violate the historic overlay standards, it may deny this Appeal and affirm the HRB decision authorizing a more limited ramp.

That said, the ADA is also fairly stringent in requiring accessibility where it is requested, so long as the historic attributes of the resource are not lost. Providing for greater accessibility through the use of an

exterior ramp is quite common for historic buildings. The US Department of the Interior National Park Service, Cultural Resources Division has promulgated a Preservation Brief dealing specifically with accessibility, which is attached here and may provide a suitable reference for how the City might interpret its historic standards with respect to the ADA. (This Preservation Brief was cross-referenced in the staff report before the HRB and may be considered by the Commission.) Although the Preservation Brief is focused on increasing accessibility for historic structures, in order to "identify and evaluate accessibility options within a preservation context," the Brief recommends identifying a solution that "provide the greatest amount of accessibility without threatening or destroying those materials and features that make a property significant." P 2. This "threaten or destroy" threshold appears to set a fairly high bar when considering new construction as opposed to a contributing structure that is historic in its own right or, in the district context, the overall historic character of the surroundings. As a new structure that is not surrounded by any contributing buildings located at the edge of the district, the City Commission might determine that the ramp can be approved without "threatening or destroying" the overall character of the District. This finding could be limited in direct response to the ADA, thereby avoiding any precedent-setting concerns. Perhaps further mitigation could be accomplished by requiring planting of certain tree heights and species for screening coupled with long-term maintenance obligations to ensure their success.

Another alternative would be to remand the matter back to the HRB with instructions to explore and consider the financial and design viability of other alternatives, including but not limited to, a residential elevator, a chair lift, or material/design alternatives that would have less impact on the Foursquare design. The Commission could urge the Applicant to secure counsel from an expert qualified architect or designer in historic preservation and accessibility options who could help to inform the effort. Proceeding with this approach would require agreement by the Applicant to extend or, better yet, waive the 120-day limit in order to identify the most appropriate accessibility solution.

The following is a list of alternatives that the Commission might ask that the Applicant analyze for HRB consideration on remand:

1. An interior ADA access from the ground floor through the garage, interior stairway, or other means.
2. A noncommercial interior chair lift or residential elevator.
3. A chair lift accommodation along exterior stairs that hugged the building.
4. An ADA-complaint design relying on the existing uphill topography on the left or southeast side elevation.
5. The use of materials and design that create a lighter, airier appearance, such as painted metal.
6. Consider whether the removal or reduction in the length of the rear porch would reduce the massing of the ADA ramp
7. Utilizing a taller retaining wall (assuming that it is made of appropriate materials) toward the rear along the side to provide some level of initial screening that can be further subsidized with plantings
8. Provide a revised landscape plan that incorporates the proposed replacement retaining wall and mitigation planting to ensure that the selected plant types are appropriate for the location.

Conclusion

The City Commission's review is limited to a single issue: a request to allow the proposed extended rear ramp to serve the 2nd-story residence under the ADA. The impact of the ADA is a new issue raised for the first time in this Appeal and therefore requires the Commission to reweigh the evidence to determine if

the Appellant has shown that the proposed ramp adequately responds to and protects the significance of the McLoughlin Conservation District as the only viable alternative.

If the answer to this question is "no:"

- The Commission could affirm the HRB's decision approving in part and denying in part the Applicant's request.
- The Commission could remand the decision back to the HRB but only if the Appellant is willing to extend or waive the 120-day limit accordingly; or
- If the Appellant is not willing to engage in further proceedings before the HRB or extend the 120-day limit, the Commission may uphold the HRB's decision finding that the Appellant failed to respond to the historic overlay requirements or necessity under the ADA and deny the appeal.

If the answer to this question is "yes" i.e. the application is sufficient or the historic significance of the area would allow the proposed design, this ramp may be approved, perhaps with revised conditions of approval.

Exhibits

- A. Annotated excerpts of relevant plans, drawings and photos
- B. Preservation Brief 32: Making Historic Properties Accessible



Supplemental Staff Report – 5th Avenue Live/Work ADA Ramp

File #s: AP 21-00006 Appeals of the November 30, 2021, Historic Review Board Approval with conditions of Planning Files GLUA 21-00052 / HR-21-00020 Modification of HR 20-00001

Exhibit a. Annotated excerpts of relevant plans, drawings and photos



Figure 1 Vicinity Map (Conservation district shown in purple)



Figure 2- Aerial phot and topography- arrow showing cross- slope



RIGHT ELEVATION / NORTH-WEST

3/16" = 1'-0"

Figure 3- approved original HR 20-01 right elevation (downhill side)- at grad side entrance.



Figure 4 Existing condition of exposed foundation- September 21, 2021

The existing condition of the foundation can be seen in the photo taken on September 21, 2021. It shows a floor height of approximately 2- feet above the proposed final grade at the front corner and approximately 4 feet at the side entrance (please note that the existing gravel is not the final grade).



Figure 5- Initial ramp approach reviewed at the September 26, 2021 Historic Review board meeting.

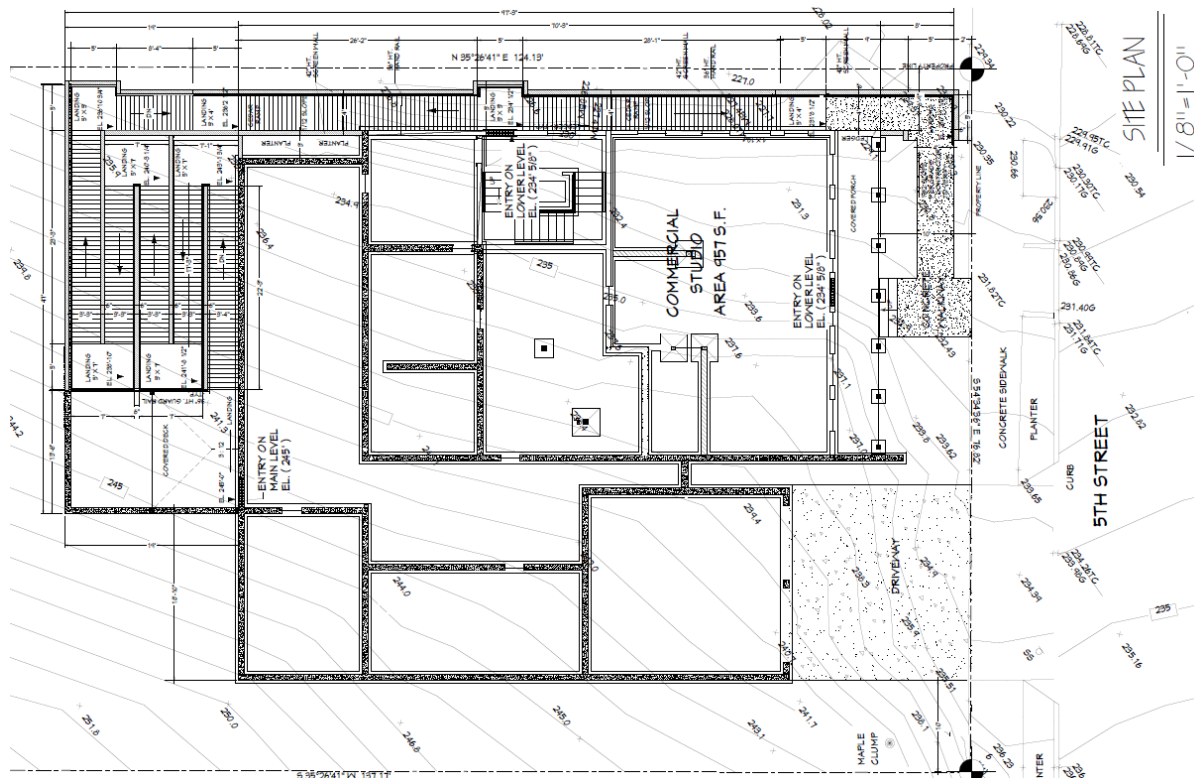
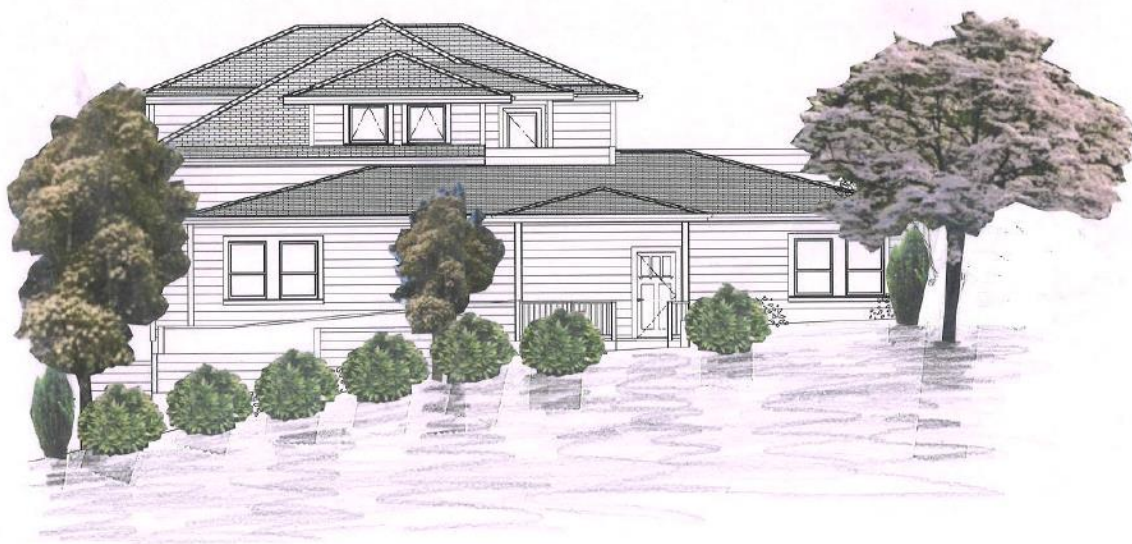


Figure 6- Nov 15, 2021 revised site plan showing latest full ADA ramp approach accounting for site contours for November 30, 2021 Historic Review Board meeting which does not include any proposed landscaping.



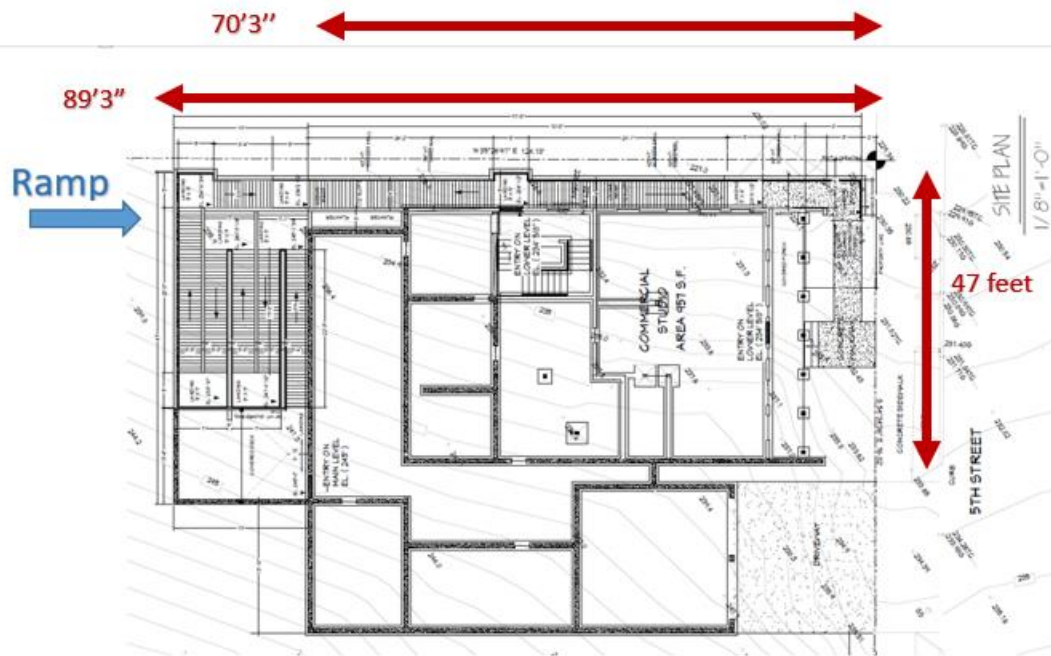
REAR ELEVATION

1/8"=1'-0"

Figure 7- Revised rear elevation drawing showing latest full ADA ramp approach (submitted 11.15.21)



Figure 8- Revised side elevation drawing showing latest full ADA ramp approach (submitted 11.15.21)



Revised Site Plan

Figure 9- Revised side elevation drawing showing latest full ADA ramp approach (submitted 11.15.21)



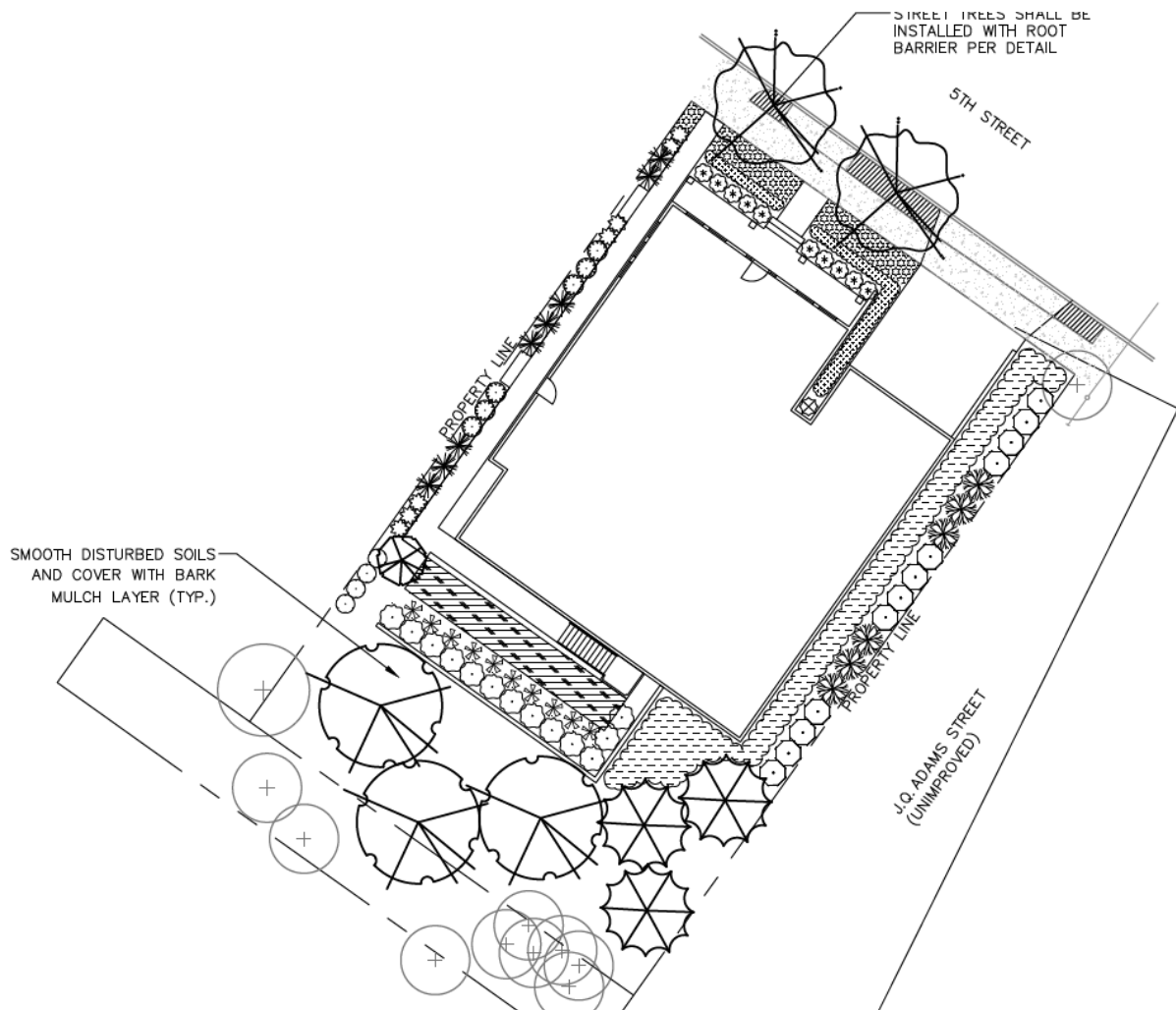
Figure 10- Rear elevation photo (submitted 11.15.21)



Figure 11- Side and rear elevation photo (submitted 11.15.21)- showing unpermitted retaining wall



Figure 12- Side elevation photo (submitted 11.15.21) showing unpermitted retaining wall



PLANT LIST:					
SYMBOL	QTY.	LATIN NAME/ Common Name	SIZE	SPACING	
STREET TREES					
	2	SYRINGA RETICULATA Japanese Tree Lilac	2" cal.	As Shown	
MITIGATION TREES					
	3	CORNUS NUTTALLII Pacific Dogwood	2" cal.	As Shown	
	3	TSUGA HETEROPHYLLA Western Hemlock	6' ht.	As Shown	
	1	ACER JAPONICUM 'ACONITIFOLIUM' Full Moon Maple	6' ht.	As Shown	
SHRUBS					
	29	NANDINA DOMESTICA 'HARBOR BELLE' Harbor Belle Nandina	2 gal.	2' o.c.	
	10	PIERIS JAPONICA 'LITTLE HEATH' Little Heath Pieris	5 gal.	3' o.c.	
	1	TAXUS MEDIA 'STONEHENGE' Stonehenge Yew	5 gal.	3' o.c.	
	6	CORNUS ALBA 'BAILHALO' Ivory Halo Dogwood	2 gal.	5' o.c.	
	12	VACCINIUM OVATUM Evergreen Huckleberry	5 gal.	4' o.c.	
	32	LEUCOTHOE FONTANESIANA 'NANA' Dwarf Leucothoe	2 gal.	3' o.c.	
	13	AUCUBA JAPONICA 'MR. GOLDSTRIKE' Mr. Goldstrike Aucuba	5 gal.	4' o.c.	
	35	MAHONIA REPENS Creeping Mahonia	1 gal.	3' o.c.	
	6	CAMELLIA 'FAIRY BLUSH' Fairy Blush Camellia	2 gal.	3' o.c.	
	8	CEPHALOTAXUS HARRINGTONIA 'FASTIGIATA' Upright Japanese Plum Yew	5 gal.	2' o.c.	
	7	SARCOCOCCA RUSCIFOLIA Sweet Box	1 gal.	3' o.c.	
GROUND COVER					
	14	ARCTOSTAPHYLOS U.U. 'WOOD'S DWARF' Wood's Dwarf Kinnikinnick	1 gal.	3' o.c.	
	63	EPIMEDIUM PERRALCHICUM 'FROHNLEITEN' Frohnleiten Bishop's Hat	1 gal.	2' o.c.	
	44	LIRIOPE MUSCARI 'BIG BLUE' Big Blue Lily Turf	1 gal.	2' o.c.	

Figure 13- Landscape Plan dated
9.7.2021- resubmitted on 11.15.21

GENERAL NOTES:

1. Contractor is to verify all plant quantities.
2. Adjust plantings in the field as necessary.
3. Project is to be irrigated by an automatic, underground system, which will provide full coverage for all plant material. System is to be design/ build by Landscape Contractor. Guarantee system for a minimum one year. Show drip systems as alternate bid only.
4. All plants are to be fully foliated, well branched and true to form.
5. Contractor is to notify Landscape Architect or Owner's Representative of any site changes or unforeseen conditions that may be detrimental to plant health, or cause future problems to any structural elements of the project.
6. Invasive plant species shall be removed from all landscape areas prior to approval of final occupancy permit.

32 PRESERVATION BRIEFS

Making Historic Properties Accessible

Thomas C. Jester and Sharon C. Park, AIA



U.S. Department of the Interior
National Park Service
Cultural Resources
Heritage Preservation Services

Historically, most buildings and landscapes were not designed to be readily accessible for people with disabilities. In recent years, however, emphasis has been placed on preserving historically significant properties, and on making these properties—and the activities within them—more accessible to people with disabilities. With the passage of the Americans with Disabilities Act in 1990, access to properties open to the public is now a civil right.

This Preservation Brief introduces the complex issue of providing accessibility at historic properties, and underscores the need to balance accessibility and historic preservation. It provides guidance on making historic properties accessible while preserving their historic character; the Brief also provides examples to show that independent physical accessibility at historic properties can be achieved with careful planning, consultation, and sensitive design. While the Brief focuses primarily on making buildings and their sites accessible, it also includes a section on historic landscapes. The Brief will assist historic property owners, design professionals, and administrators in evaluating their historic properties so that the highest level of accessibility can be provided while minimizing changes to historic materials and features. Because many projects encompassing accessibility work are complex, it is advisable to consult with experts in the fields of historic preservation and accessibility before proceeding with permanent physical changes to historic properties.

Modifications to historic properties to increase accessibility may be as simple as a small, inexpensive ramp to overcome one entrance step, or may involve changes to exterior and interior features. The Brief does not provide a detailed explanation of local or State accessibility laws as they vary from jurisdiction to jurisdiction. A concise explanation of several federal accessibility laws is included on page 13.

Planning Accessibility Modifications

Historic properties are distinguished by features, materials, spaces, and spatial relationships that contribute to their historic character. Often these elements, such as steep terrain, monumental steps, narrow or heavy doors, decorative ornamental hardware, and narrow pathways and corridors, pose barriers to persons with disabilities, particularly to wheelchair users (See Figure 1).

A three-step approach is recommended to identify and implement accessibility modifications that will protect the integrity and historic character of historic properties:

- 1) Review the historical significance of the property and identify character-defining features;
- 2) Assess the property's existing and required level of accessibility; and
- 3) Evaluate accessibility options within a preservation context.

1) Review the Historical Significance of the Property

If the property has been designated as historic (properties that are listed in, or eligible for listing in the National Register of Historic Places, or designated under State or local law), the property's nomination file should be reviewed to learn about its significance. Local preservation commissions and State Historic Preservation Offices can usually provide

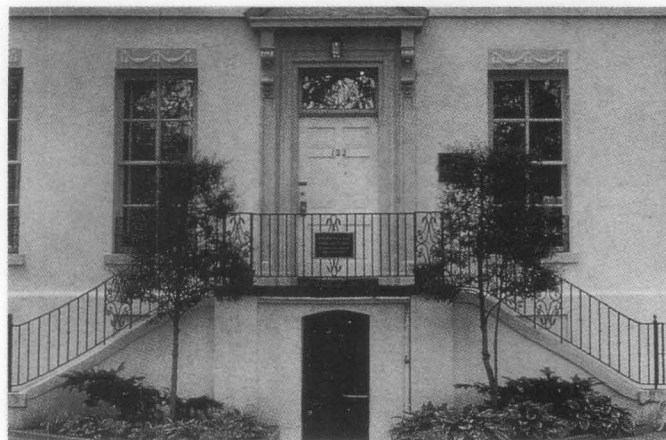
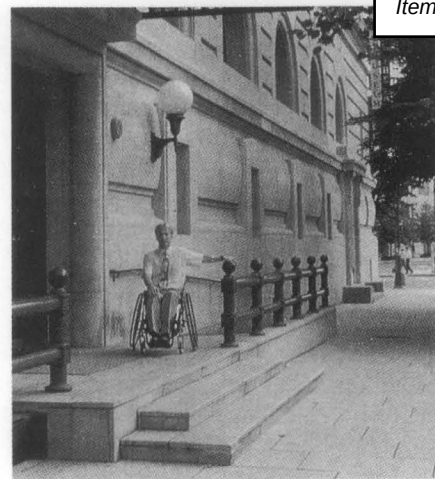


Figure 1. It is important to identify the materials, features, and spaces that should be preserved when planning accessibility modifications. These may include stairs, railings, doors, and door surrounds. Photo: National Park Service files.

copies of the nomination file and are also resources for additional information and assistance. Review of the written documentation should always be supplemented with a physical investigation to identify which character-defining features and spaces must be protected whenever any changes are anticipated. If the level of documentation for a property's significance is limited, it may be necessary to have a preservation professional identify specific historic features, materials, and spaces that should be protected.

For most historic properties, the construction materials, the form and style of the property, the principal elevations, the major architectural or landscape features, and the principal public spaces constitute some of the elements that should be preserved. Every effort should be made to minimize damage to the materials and features that convey a property's historical significance when making modifications for accessibility. Very small or highly significant properties that have never been altered may be extremely difficult to modify.

Secondary spaces and finishes and features that may be less important to the historic character should also be identified; these may generally be altered without jeopardizing the historical significance of a property. Non-significant spaces, secondary pathways, later additions, previously altered areas, utilitarian spaces, and service areas can usually be modified without threatening or destroying a property's historical significance.

2) Assess the Property's Existing and Required Level of Accessibility

A building survey or assessment will provide a thorough evaluation of a property's accessibility. Most surveys identify accessibility barriers in the following areas: building and site entrances; surface textures, widths and slopes of walkways; parking; grade changes; size, weight and configuration of doorways; interior corridors and path of travel restrictions; elevators; and public toilets and amenities (See Figure 2). Simple audits can be completed by property owners using readily available checklists (See Further Reading). Accessibility specialists can be hired to assess barriers in more complex properties, especially those with multiple buildings, steep terrain, or interpretive programs. Persons with disabilities can be particularly helpful in assessing specific barriers.

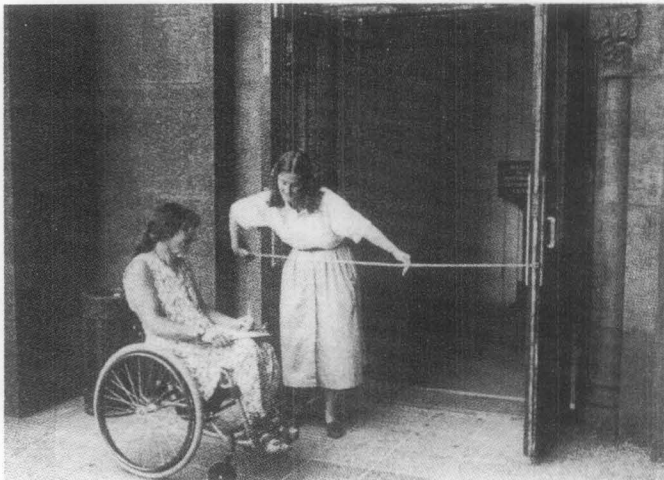


Figure 2. Surveys of historic properties can identify accessibility barriers. Persons with disabilities and accessibility consultants should participate whenever possible. Photo: Thomas Jester.

All applicable accessibility requirements—local codes and federal laws—should be reviewed carefully before undertaking any accessibility modification. Since many States and localities have their own accessibility regulations and codes (each with their own requirements for dimensions and technical requirements), owners should use the most stringent accessibility requirements when implementing modifications. The Americans with Disability Act Accessibility Guidelines (ADAAG) is the document that should be consulted when complying with the Americans with Disabilities Act (ADA) requirements.

3) Identify and Evaluate Accessibility Options within a Preservation Context

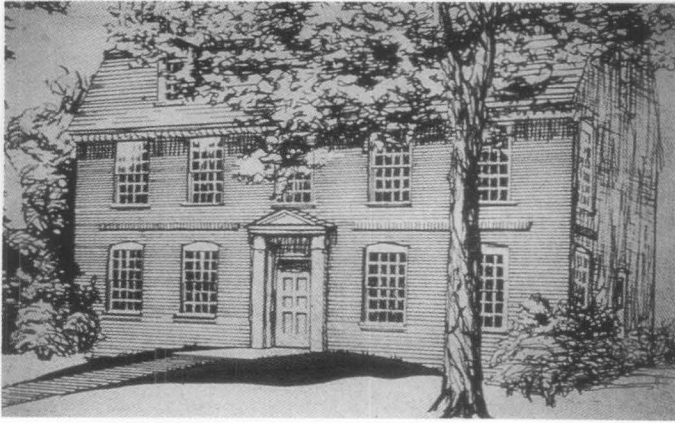
Once a property's significant materials and features have been identified, and existing and required levels of accessibility have been established, solutions can be developed (See Figure 3). Solutions should provide the greatest amount of accessibility without threatening or destroying those materials and features that make a property significant. Modifications may usually be phased over time as funds are available, and interim solutions can be considered until more permanent solutions are implemented. A team comprised of persons with disabilities, accessibility and historic preservation professionals, and building inspectors should be consulted as accessibility solutions are developed.

Modifications to improve accessibility should generally be based on the following priorities:

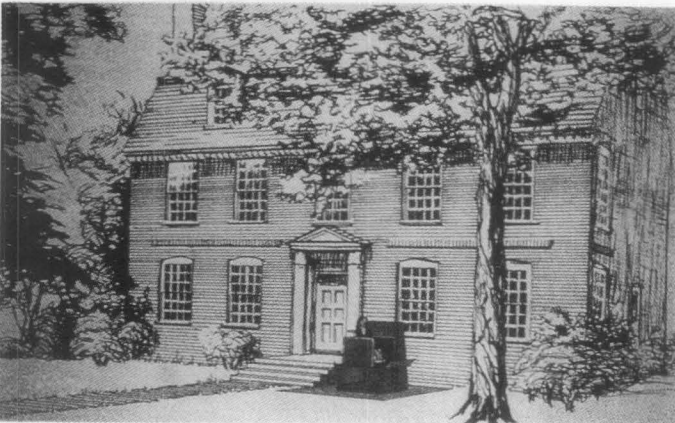
- 1) Making the main or a prominent public entrance and primary public spaces accessible, including a path to the entrance;
- 2) Providing access to goods, services, and programs;
- 3) Providing accessible restroom facilities; and,
- 4) Creating access to amenities and secondary spaces.

All proposed changes should be evaluated for conformance with the Secretary of the Interior's "Standards for the Treatment of Historic Properties," which were created for property owners to guide preservation work. These Standards stress the importance of retaining and protecting the materials and features that convey a property's historical significance. Thus, when new features are incorporated for accessibility, historic materials and features should be retained whenever possible. Accessibility modifications should be in scale with the historic property, visually compatible, and, whenever possible, reversible. Reversible means that if the new feature were removed at a later date, the essential form and integrity of the property would be unimpaired. The design of new features should also be differentiated from the design of the historic property so that the evolution of the property is evident. See *Making Historic Buildings Accessible* on page 9.

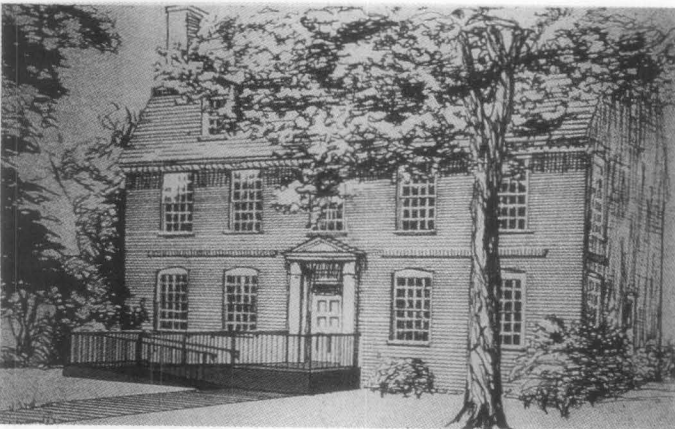
In general, when historic properties are altered, they should be made as accessible as possible. However, if an owner or a project team believes that certain modifications would threaten or destroy the significance of the property, the State Historic Preservation Officer should be consulted to determine whether or not any special accessibility provisions may be used. Special accessibility provisions for historic properties will vary depending on the applicable accessibility requirements.



A.



B.



C.

Figure 3. Before implementing accessibility modifications, owners should consider the potential effect on their historic property. At the Derby House in Salem, Massachusetts, several solutions to make the entrance accessible were considered, including regrading (a); a lift (b); and a ramp (c). The solution, an entrance on a secondary elevation, preserves the building's architectural significance and is convenient to designated parking. Drawings: National Park Service Files..

In some cases, programmatic access may be the only option for extremely small or unaltered historic properties, such as a two-story house museum with no internal elevator. Programmatic access for historic properties refers to alternative methods of providing services, information, and experiences when physical access cannot be provided. It

may mean offering an audio-visual program showing an inaccessible upper floor of a historic house museum, providing interpretive panels from a vista at an inaccessible terraced garden, or creating a tactile model of a historic monument for people with visual impairments.

Accessibility Solutions

The goal in selecting appropriate solutions for specific historic properties is to provide a high level of accessibility without compromising significant features or the overall character of the property. The following sections describe accessibility solutions and offer guidance on specific historic property components, namely the building site, entrances, interiors, landscapes, amenities, and new additions. Several solutions are discussed in each section, referencing dimensions and technical requirements from the ADA's accessibility guidelines, ADAAG. State and local requirements, however, may differ from the ADA requirements. Before making any modification owners should be aware of all applicable accessibility requirements.

The Building Site

An accessible route from a parking lot, sidewalk, and public street to the entrance of a historic building or facility is essential. An accessible route, to the maximum extent possible, should be the circulation route used by the general public. Critical elements of accessible routes are their widths, slopes, cross slopes, and surface texture. Each of these route elements must be appropriately designed so that the route can be used by everyone, including people with disabilities. The distance between the arrival and destination points should also be as short as possible. Sites containing designed landscapes should be carefully evaluated before making accessibility modifications. Historic landscapes are described in greater detail on pages 10 and 11.

Providing Convenient Parking. If parking is provided, it should be as convenient as possible for people with disabilities. Specially designated parking can often be created to improve accessibility (See Figure 4). Modifications to parking configurations and pathways should not alter significant landscape features.

Creating an Accessible Route. The route or path through a site to a historic building's entrance should be wide enough, generally at least 3 feet (91 cm), to accommodate visitors

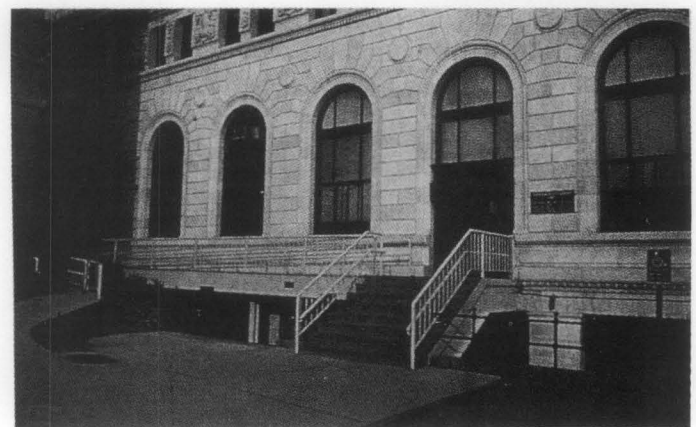


Figure 4. Parking designated for people with disabilities is provided near an accessible entrance to the Springfield Library in Springfield, Massachusetts. Photo: William Smith.

with disabilities and must be appropriately graded with a stable, firm, and slip-resistant surface. Existing paths should be modified to meet these requirements whenever possible as long as doing so would not threaten or destroy significant materials and features.

Existing surfaces can often be stabilized by providing a new base and resetting the paving materials, or by modifying the path surface. In some situations it may be appropriate to create a new path through an inaccessible area. At large properties, it may be possible to regrade a slope to less than 1:20 (5%), or to introduce one or more carefully planned ramps. Clear directional signs should mark the path from arrival to destination.

Entrances

Whenever possible, access to historic buildings should be through a primary public entrance. In historic buildings, if this cannot be achieved without permanent damage to character-defining features, at least one entrance used by the public should be made accessible. If the accessible entrance is not the primary public entrance, directional signs should direct visitors to the accessible entrance (See Figure 5). A rear or service entrance should be avoided as the only mean of entering a building.

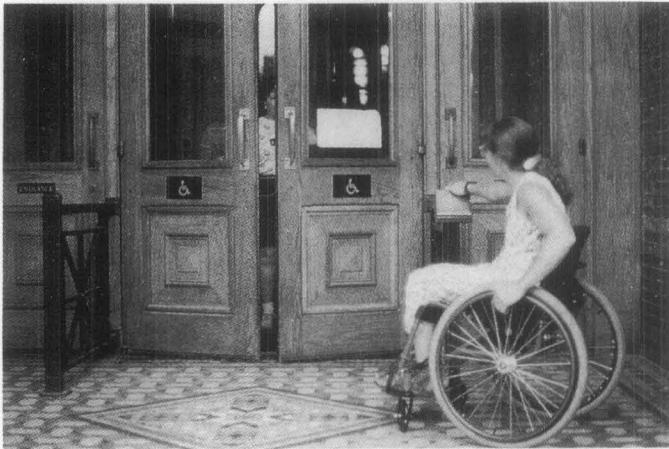


Figure 5. A universal access symbol clearly marks the Arts and Industries Building in Washington, D.C., and a push plate (right) engages the automatic door-opener. Photo: Thomas Jester.

Creating an accessible entrance usually involves overcoming a change in elevation. Steps, landings, doors, and thresholds, all part of the entrance, often pose barriers for persons with disabilities. To preserve the integrity of these features, a number of solutions are available to increase accessibility. Typical solutions include regrading, incorporating ramps, installing wheelchair lifts, creating new entrances, and modifying doors, hardware, and thresholds.

Regrading an Entrance. In some cases, when the entrance steps and landscape features are not highly significant, it may be possible to regrade to provide a smooth entrance into a building. If the existing steps are historic masonry, they should be buried, whenever possible, and not removed (See Figure 6).

Incorporating Ramps. Permanent ramps are perhaps the most common means to make an entrance accessible. As a new feature, ramps should be carefully designed and appropriately located to preserve a property's historic character (See Figure 7). Ramps should be located at public

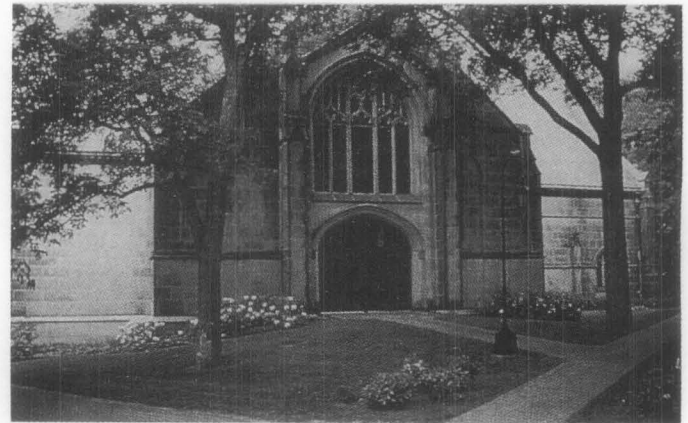


Figure 6. Entrances can be regraded to make a building accessible as long as no significant landscape features will be destroyed and as long as the building's historic character is preserved. The Houghton Chapel (a) in Wellesley, Massachusetts, was made accessible by regrading over the historic steps (b). Photos: Carol R. Johnson & Associates.



Figure 7. This ramp is convenient for visitors with disabilities and preserves the building's historic character. The design is also compatible in scale with the building. Photo: William Smith.

entrances used by everyone whenever possible, preferably where there is minimal change in grade. Ramps should also be located to minimize the loss of historic features at the connection points—porch railings, steps, and windows—and should preserve the overall historic setting and character of the property. Larger buildings may have below grade areas that can accommodate a ramp down to an entrance (See Figure 8). Below grade entrances can be considered if the ramp leads to a publicly used interior, such as an auditorium, or if the building is serviced by a public elevator. Ramps can often be incorporate



Figure 8. A new below-grade ramp provides access to Lake MacDonald Lodge in Glacier National Park. Photo: Thomas Jester

historic features, such as cheek-walls or railings, to minimize the visual effect (See Figure 9).

The steepest allowable slope for a ramp is usually 1:12 (8%), but gentler slopes should be used whenever possible to accommodate people with limited strength. Greater changes in elevation require larger and longer ramps to meet accessibility scoping provisions and may require an intermediate landing. Most codes allow a slightly steeper ramp for historic buildings to overcome one step.

Ramps can be faced with a variety of materials, including wood, brick, and stone. Often the type and quality of the materials determines how compatible a ramp design will be with a historic property (See Figure 10). Unpainted pressure-treated wood should not be used to construct ramps because it usually appears temporary and is not visually compatible with most historic properties. Railings



Figure 9. This ramp was created by infilling the window-well and slightly modifying the historic railing. The ramp preserves this building's historic character. Photo: Thomas Jester.

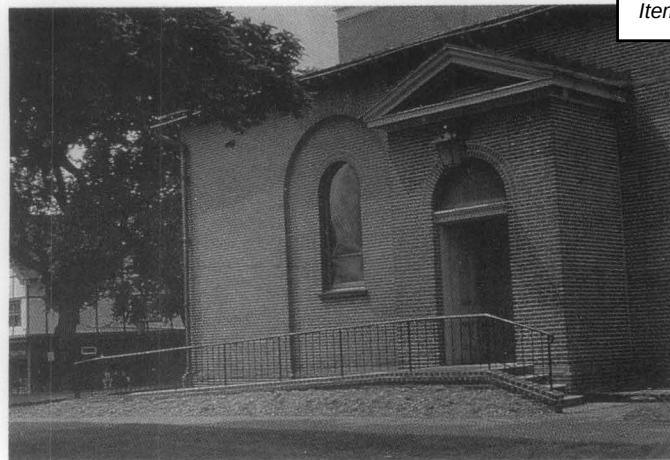


Figure 10. This brick ramp provides access to St. Anne's Episcopal Church in Annapolis, Maryland. Its design is compatible with the historic building. Photo: Charity V. Davidson.

should be simple in design, distinguishable from other historic features, and should extend one foot beyond the sloped area (See Figure 11).

Ramp landings must be large enough for wheelchair users, usually at least 5 feet by 5 feet (152.5 cm by 152.5 cm), and the top landing must be at the level of the door threshold. It may be possible to reset steps by creating a ramp to accommodate minor level changes and to meet the threshold without significantly altering a property's historic character. If a building's existing landing is not wide or deep enough to accommodate a ramp, it may be

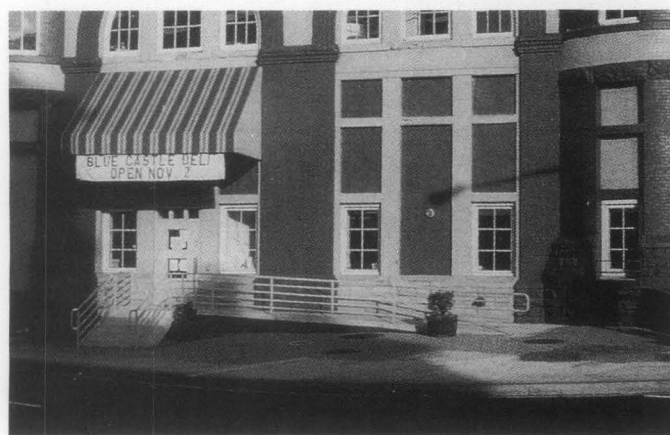


Figure 11. Simple, contemporary railings that extend beyond the ramp slope make this ramp compatible with the industrial character of this building. Photo: Thomas Jester.

necessary to modify the entry to create a wider landing. Long ramps, such as switchbacks, require intermediate landings, and all ramps should be detailed with an appropriate edge and railing for wheelchair users and visually impaired individuals.

Temporary or portable ramps are usually constructed of light-weight materials and, thus, are rarely safe or visually compatible with historic properties. Moreover, portable ramps are often stored until needed and, therefore, do not meet accessibility requirements for independent access. Temporary and portable ramps, however, may be an acceptable interim solution to improve accessibility until a permanent solution can be implemented (See Figure 12).

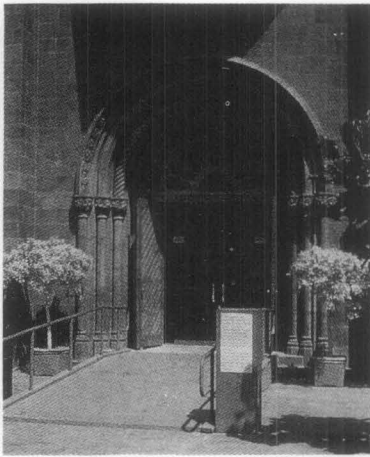


Figure 12. The Smithsonian Institution installed a temporary ramp on its visitor's center to allow adequate time to design an appropriate permanent ramp. Photo: Thomas Jester.

Installing Wheelchair Lifts. Platforms lifts and inclined stair lifts, both of which accommodate only one person, can be used to overcome changes of elevation ranging from three to 10 feet (.9 m-3 m) in height. However, many States have restrictions on the use of wheelchair lifts, so all applicable codes should be reviewed carefully before installing one.

Inclined stair lifts, which carry a wheelchair on a platform up a flight of stairs, may be employed selectively.

They tend to be visually intrusive, although they are relatively reversible. Platform lifts can be used when there is inadequate space for a ramp. However, such lifts should be installed in unobtrusive locations and under cover to minimize maintenance if at all possible (See Figure 13). A similar, but more expensive platform lift has a retracting railing that lowers into the ground, minimizing the visual effect to historic properties (See Figure 14). Mechanical lifts have drawbacks at historic properties with high public visitation because their capacity is limited, they sometimes cannot be operated independently, and they require frequent maintenance.

Considering a New Entrance. When it is not possible to modify an existing entrance, it may be possible to develop a new entrance by creating an entirely new opening in an appropriate location, or by using a secondary window for an opening. This solution should only be considered after exhausting all possibilities for modifying existing entrances (See Figure 15).

Retrofitting Doors. Historic doors generally should not be replaced, nor should door frames on the primary elevation be widened, as this may alter an important feature of a historic design. However, if a building's historic doors have been removed, there may be greater latitude in designing a compatible new entrance. Most accessibility standards require at least a 32" (82 cm) clear opening with manageable door opening pressures. The most desirable preservation solution to improve accessibility is retaining historic doors and upgrading the door pressure with one of several devices. Automatic door openers

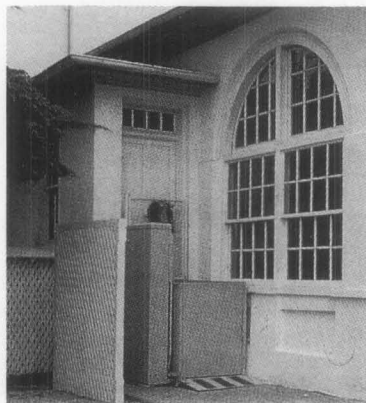


Figure 13. Platform lifts like the one used on this building require minimal space and can be removed without damaging historic materials. Shielded with lattice work, this lift is also protected by the roof eaves. Approach path should be stable, firm, and slip resistant. Photo: Sharon Park.

Readily Achievable Accessibility Modifications



Many accessibility solutions can be implemented easily and inexpensively without destroying the significance of historic properties. While it may not be possible to undertake all of the modifications listed below, each change will improve accessibility.

Sites and Entrances

- Creating a designated parking space.
- Installing ramps.
- Making curb cuts.

Interiors

- Repositioning shelves.
- Rearranging tables, displays, and furniture.
- Repositioning telephones.
- Adding raised markings on elevator control buttons.
- Installing flashing alarm lights.
- Installing offset hinges to widen doorways.
- Installing or adding accessible door hardware.
- Adding an accessible water fountain, or providing a paper cup dispenser at an inaccessible water fountain.

Restrooms

- Installing grab bars in toilet stalls.
- Rearranging toilet partitions to increase maneuvering space.
- Insulating lavatory pipes under sinks to prevent burns.
- Installing a higher toilet seat.
- Installing a full-length bathroom mirror.
- Repositioning the paper towel dispenser.



Figure 14. At the Lieutenant Governor's Mansion in Frankfort, Kentucky, a retracting lift (b) was installed to minimize the visual effect on this historic building when not in use (a). Photos: Aging Technology Incorporated.

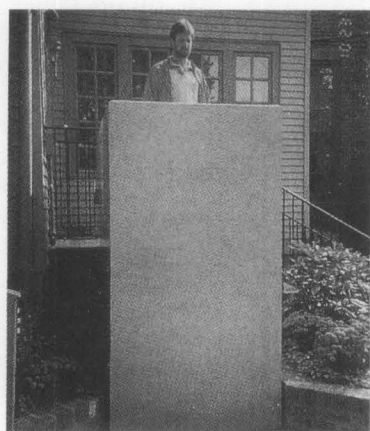
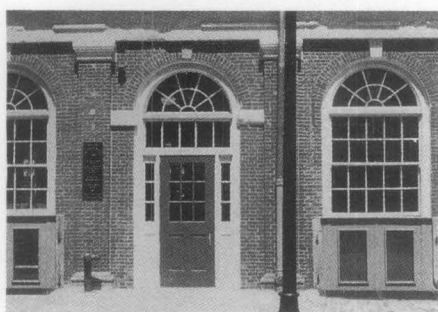


Figure 15. A new entrance to the elevator lobby replaces a window at Faneuil Hall in Boston, Massachusetts. The new entrance is appropriately differentiated from the historic design. Photo: Paul Holtz.



(operated by push buttons, mats, or electronic eyes) and power-assisted door openers can eliminate or reduce door pressures that are accessibility barriers, and make single or double-leaf doors fully operational (See Figure 16).

Adapting Door Hardware. If a door opening is within an inch or two of meeting the 32" (81 cm) clear opening requirement, it may be possible to replace the standard hinges with off-set hinges to increase the size of the door opening as much as 1 1/2" (3.8 cm). Historic hardware can be retained in place, or adapted with the addition of an automatic opener, of which there are several types. Door hardware can also be retrofitted to reduce door pressures. For example, friction hinges can be retrofitted with ball-bearing inserts, and door closers can be rethreaded to reduce the door pressure.

Altering Door Thresholds. A door threshold that exceeds the allowable height, generally 1/2" (1.3 cm), can be altered or removed with one that meets applicable accessibility



Figure 16. During the rehabilitation of the Rookery in Chicago, the original entrance was modified to create an accessible entrance. Two revolving doors were replaced with a new one flanked by new doors, one of which is operated with a push-plate door opener. Photo: Thomas Jester.

requirements. If the threshold is deemed to be significant, a bevel can be added on each side to reduce its height (See Figure 17). Another solution is to replace the threshold with one that meets applicable accessibility requirements and is visually compatible with the historic entrance.

Moving Through Historic Interiors

Persons with disabilities should have independent access to all public areas and facilities inside historic buildings. The extent to which a historic interior can be modified depends on the significance of its materials, plan, spaces, features, and finishes. Primary spaces are often more difficult to modify without changing their character. Secondary spaces may generally be changed without compromising a building's historic character. Signs should clearly mark the route to accessible restrooms, telephones, and other accessible areas.

Installing Ramps and Wheelchair Lifts. If space permits, ramps and wheelchair lifts can also be used to increase accessibility inside buildings (See Figures 18 & 19). However, some States and localities restrict interior uses of wheelchair lifts for life-safety reasons. Care should be taken to install these new features where they can be readily accessed. Ramps and wheelchair lifts are described in detail on pages 4-6.

Upgrading Elevators. Elevators are an efficient means of providing accessibility between floors. Some buildings have existing historic elevators that are not adequately accessible for persons with disabilities because of their size, location, or detailing, but they may also contribute to the historical significance of a building. Significant historic elevators can usually be upgraded to improve accessibility. Control panels can be modified with a "wand" on a cord to make the control panel accessible, and timing devices can usually be adjusted.

Retrofitting Door Knobs. Historic door knobs and other hardware may be difficult to grip and turn. In recent years, lever-handles have been developed to replace door knobs. Other lever-handle devices can be added to existing hardware. If it is not possible or appropriate to retrofit existing door knobs, doors can be left open during operating hours (unless doing so would violate life safety codes), and power-assisted door openers can be installed. It may only be necessary to retrofit specific doorknobs to create an accessible path of travel and accessible restro

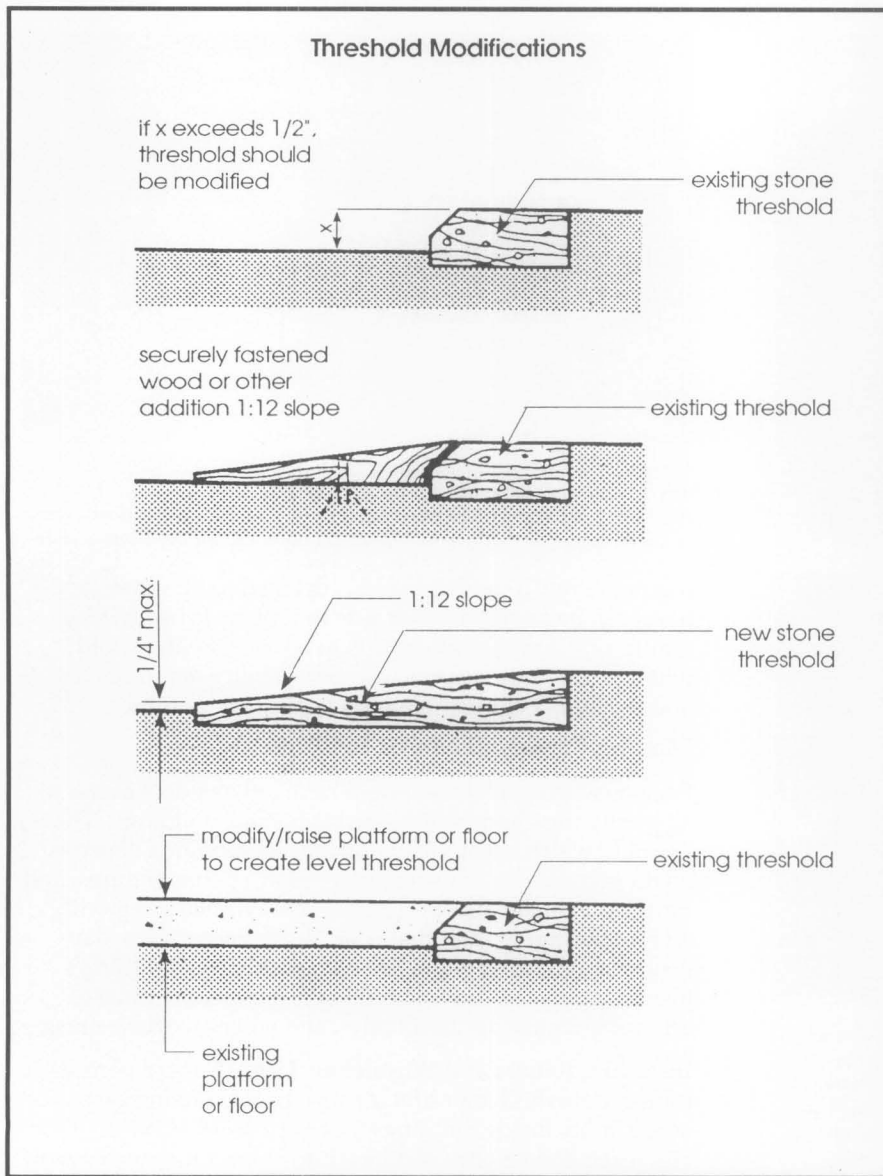


Figure 17. Thresholds that exceed allowable heights can be modified several ways to increase accessibility. Source: Uniform Federal Accessibility Standard (UFAS) Retrofit Manual.

Modifying Interior Stairs. Stairs are the primary barriers for many people with disabilities. However, there are some ways to modify stairs to assist people who are able to navigate them. It may be appropriate to add hand railings if none exist. Railings should be 1 1/4" (3.8 cm) in diameter and return to the wall so straps and bags do not catch. Color-contrasting, slip-resistant strips will help people with visual impairments. Finally, beveled or closed risers are recommended unless the stairs are highly significant, because open risers catch feet (See Figure 20).

Building Amenities

Some amenities in historic buildings, such as restrooms, seating, telephones, drinking fountains, counters, may contribute to a building's historic character. They will often require modification to improve their use by persons with disabilities. In many cases, supplementing existing amenities, rather than changing or removing them, will increase access and minimize changes to historic features and materials.

Upgrading Restrooms. Restrooms may have historic fixtures such as sinks, urinals, or marble partitions that can

be retained in the process of making modifications. For example, larger restrooms can sometimes be reconfigured by relocating or combining partitions to create an accessible toilet stall. Other changes to consider are adding grab bars around toilets, covering hot water pipes under sinks with insulation to prevent burns, and providing a sink, mirror, and paper dispenser at a height suitable for wheelchair users. A unisex restroom may be created if it is technically infeasible to create two fully accessible restrooms, or if doing so would threaten or destroy the significance of the building. It is important to remember that restroom fixtures, such as sinks, urinals, and partitions, may be historic, and therefore, should be preserved whenever possible.

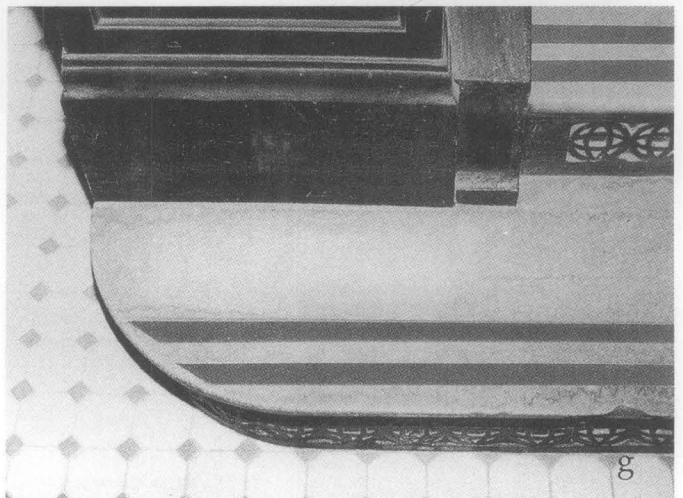
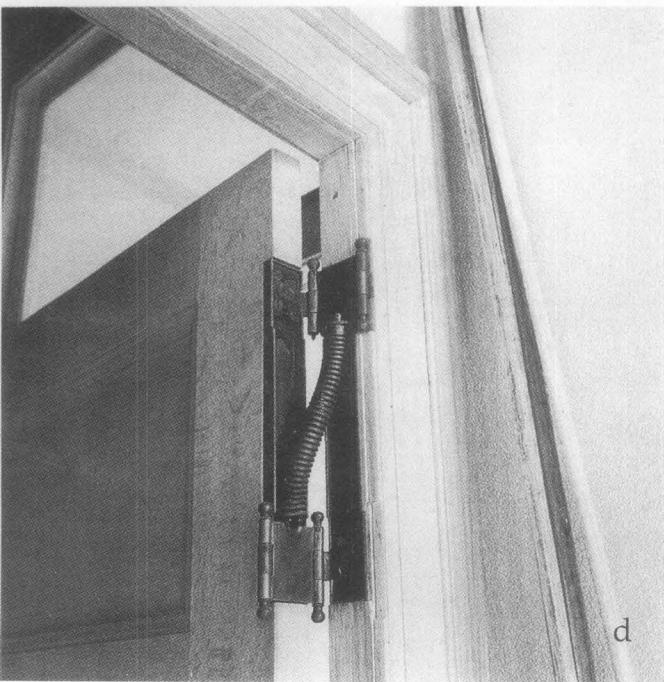
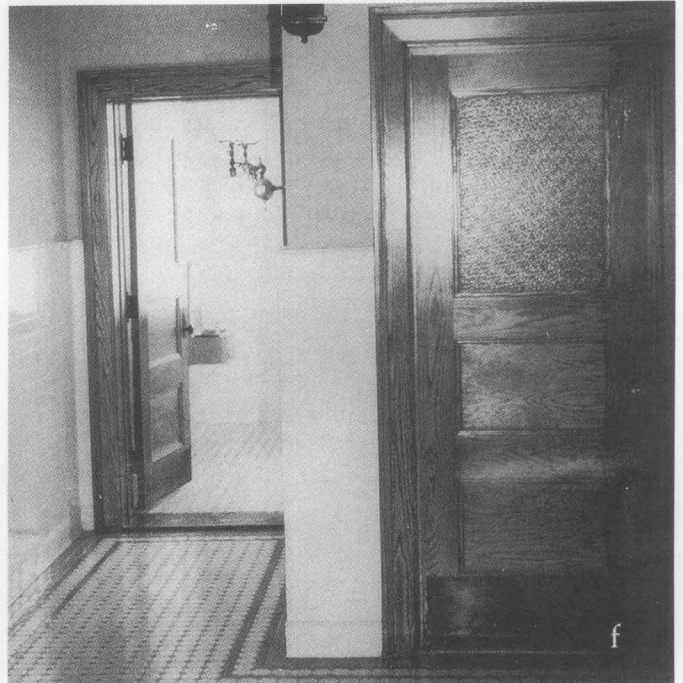
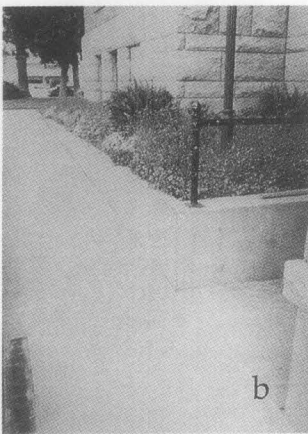
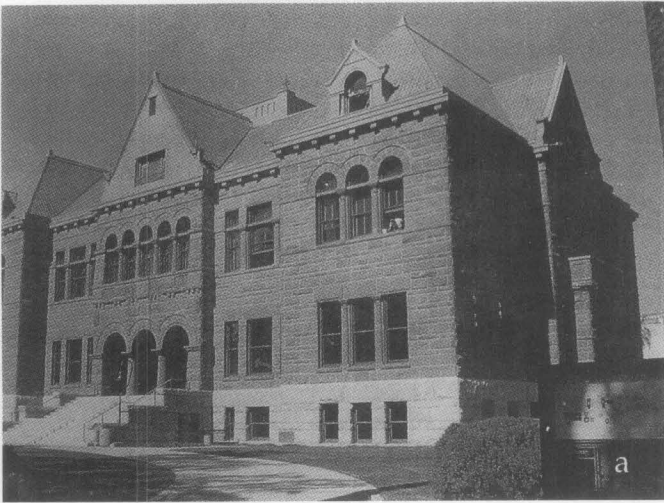
Modifying Other Amenities. Other amenities inside historic buildings may require modification. Seating in a theater, for example, can be made accessible by removing some seats in several areas (See Figure 21). New seating that is accessible can also be added at the end of existing rows, either with or without a level floor surface. Readily removable seats may be installed in wheelchair spaces when the spaces are not required to accommodate wheelchair users. Historic water fountains can be retained and new, two-tiered fountains installed if space permits. If public telephones are provided, it may be necessary to install at least a Text Telephone (TT), also known as a Telecommunication Device for the Deaf (TDD) (See Figure 22). Historic service counters commonly found in banks, theaters, and hotels generally should not be altered. It is preferable to add an accessible counter on the end of a historic counter if feasible. Modified or new counters should not exceed 36" (91.5 cm) in height.



Figure 18. Symmetrical ramps at the Mayflower Hotel in Washington, D.C., provide access to the hotel's lower level. The design for the ramps respects the historic character of this landmark building. Photo: Thomas Jester.

MAKING A HISTORIC BUILDING ACCESSIBLE

Item 8a.



The Orange County Courthouse (a), located in Santa Ana, California, was rehabilitated in the late 1980s as a county museum. As part of the rehabilitation, the architect sensitively integrated numerous modifications to increase accessibility. To preserve the building's primary elevation, a new public entrance was created on the rear elevation where parking spaces are located. A ramp (b) leads to the accessible entrance that can be opened with a push-plate automatic door-opener (c). Modifications to interior features also increased accessibility. To create an accessible path of travel, offset hinges (d) were installed on doors that were narrower than 32 inches (81.3 cm). Other doors were rethreaded to reduce the door pressure. Beveling the 1" high thresholds (e) reduced their height to approximately 1/4 inch (.64 cm). The project architect also converted a storeroom into an accessible restroom (f). The original stairway, which has open grillwork, was made more accessible by applying slip-resistant pressure tape to the marble steps (g). And the original elevator was upgraded with raised markings, alarm lights, and voice floor indicators. Photos: Milford Wayne Donaldson, FAIA.

MAKING HISTORIC LANDSCAPES ACCESSIBLE

Item 8a.

To successfully incorporate access into historic landscapes, the planning process is similar to that of other historic properties. Careful research and inventory should be undertaken to determine which materials and features convey the landscape's historical significance. As part of this evaluation, those features that are character-defining (topographical variation, vegetation, circulation, structures, furnishings, objects) should be identified. Historic finishes, details, and materials that also contribute to a landscape's significance should also be documented and evaluated prior to determining an approach to landscape accessibility. For example, aspects of the pedestrian circulation system that need to be understood include walk width, aggregate size, pavement pattern, texture, relief, and joint details. The context of the walk should be understood including its edges and surrounding area. Modifications to surface textures or widths of pathways can often be made with minimal effect on significant landscape features (a) and (b).

Additionally, areas of secondary importance such as altered paths should be identified -- especially those where the accessibility modifications will not destroy a landscape's significance. By identifying those features that are contributing or non-contributing, a sympathetic circulation experience can then be developed.

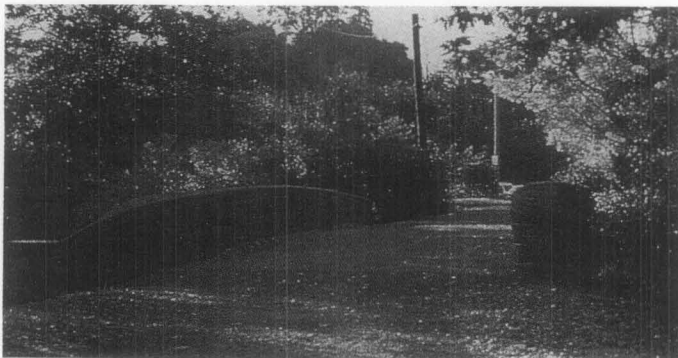
After assessing a landscape's integrity, accessibility solutions can be considered. Full access throughout a historic landscape may not always be possible. Generally, it is easier to provide accessibility to larger, more open

sites where there is a greater variety of public experiences. However, when a landscape is uniformly steep, it may only be possible to make discrete portions of a historic landscape accessible, and viewers may only be able to experience the landscape from selected vantage points along a prescribed pedestrian or vehicular access route. When defining such a route, the interpretive value of the user experience should be considered; in other words, does the route provide physical or visual access to those areas that are critical to understand the meaning of the landscape?

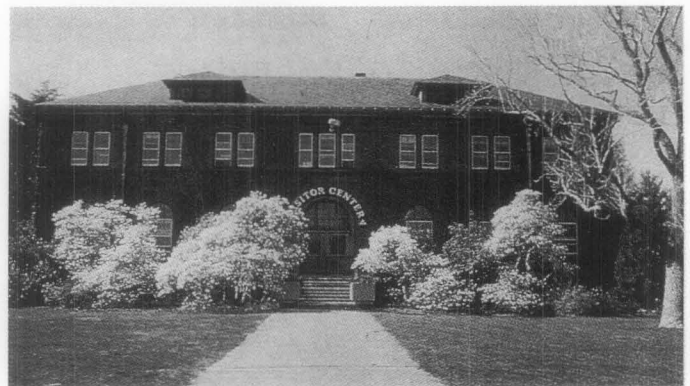
The following accessibility solutions address three common landscape situations: 1) structures with low integrity landscapes; 2) structures and landscapes of equal significance; and, 3) landscapes of primary significance with inaccessible terrain.

1. The Hunnewell Visitors Center at the Arnold Arboretum in Jamaica Plain, Massachusetts, was constructed in 1892. Its immediate setting has changed considerably over time (c). Since the existing landscape immediately surrounding this structure has little remaining integrity, the new accessibility solution has the latitude to integrate a broad program including site orientation, circulation, interpretation, and maintenance.

The new design, which has few ornamental plants, references the original planting design principles, with a strong emphasis on form, color, and texture. In contrast with the earlier designs, the new plantings were set away from the facade of this historic building,



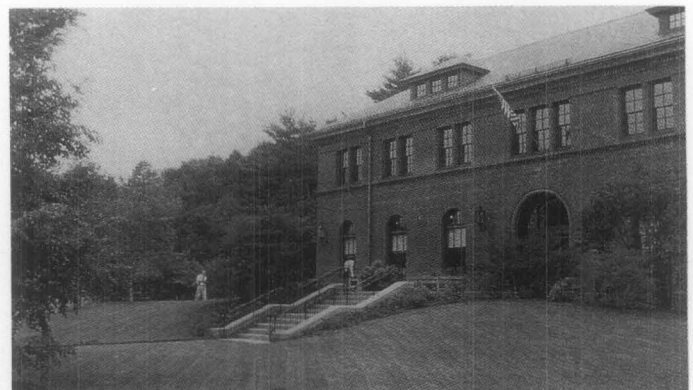
(a.) To improve accessibility in Boston's Emerald Necklace Parks, standard asphalt paving was replaced in selected areas with an imbedded aggregate surface that is more in keeping with the landscape's historic appearance. Photo: Charles Birnbaum.



(c.) Hunnewell Visitor's Center before rehabilitation, revealing the altered landscapes. Photo: Jennifer Jones, Carol R. Johnson and associates.



(b.) The Friendly Garden at Ranchos Los Alamitos, a historic estate with designed gardens in southern California, was made accessible with limited widening of its existing approach path. Photo: Ranchos Los Alamitos Foundation.



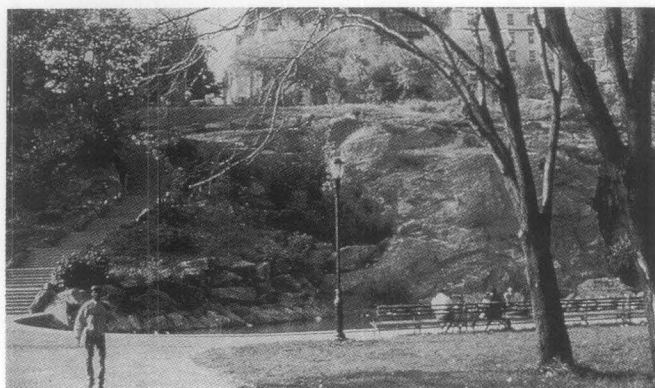
(d.) Hunnewell Visitors Center's entrance following rehabilitation, integrating an accessible path (left), platform, and new steps. Photo: Charles Birnbaum.

allowing the visitor to enjoy its architectural detail. A new walk winds up the gentle earthen berm and is vegetated with plantings that enhance the interpretive experience from the point of orientation (d). The new curvilinear walks also provide a connection to the larger arboretum landscape for everyone.

2. The Eugene O'Neill National Historic Site overlooks the San Ramon Valley, twenty-seven miles east of San Francisco, California. The thirteen-acre site includes a walled courtyard garden on the southeast side of the Tao House, which served as the O'Neill residence from 1937-44 (e). Within this courtyard are character-defining walks that are too narrow by today's accessibility standards, yet are a character-defining element of the historic design. To preserve the garden's integrity, the scale and the characteristics of the original circulation were maintained by creating a wheelchair route which, in part, utilizes reinforced turf. This route allows visitors with disabilities to experience the main courtyard as well.
3. Morningside Park in New York City, New York, designed by Frederick Olmstead, Sr., and Calvert Vaux in 1879, is sited on generally steep, rocky terrain (f). Respecting these dramatic grade changes, which are only accessible by extensive flights of stone stairs, physical access cannot be provided without destroying the park's integrity. In order to provide some accessibility, scenic overlooks were created that provide broad visual access to the park.



(e.) This view shows the new reinforced turf path at the Eugene O'Neill National Historic Site that preserved the narrow Historic Path. Photo: Patricia M. O'Donnell.



(f.) Steep terrain at Morningside Park in New York City cannot be made accessible without threatening or destroying this landscape's integrity. Photo: Quennell Rothschild Associates.



Figure 19. Inclined lifts can sometimes overcome interior changes of elevation where space is limited. This lift in Boston's Faneuil Hall created access to the floor and stage level of the State Room. Photo: Paul Holtz.

Considering a New Addition as an Accessibility Solution

Many new additions are constructed specifically to incorporate modern amenities such as elevators, restrooms, fire stairs, and new mechanical equipment. These new additions often create opportunities to incorporate access for people with disabilities. It may be possible, for example, to create an accessible entrance, path to public levels via a ramp, lift, or elevator (See Figure 23). However, a new addition has the potential to change a historic property's appearance and destroy significant building and landscape features. Thus, all new additions should be compatible with the size, scale, and proportions of historic features and materials that characterize a property (See Figure 24).

New additions should be carefully located to minimize connection points with the historic building, such that if the addition were to be removed in the future, the essential form and integrity of the building would remain intact. On the other hand, new additions should also be conveniently located near parking that is connected to an accessible route for people with disabilities. As new additions are incorporated, care should be taken to protect significant landscape features and archeological resources. Finally, the design for any new addition should be differentiated from the historic design so that the property's evolution over time is clear. New additions frequently make it possible to increase accessibility, while simultaneously reducing the level of change to historic features, materials, and spaces.

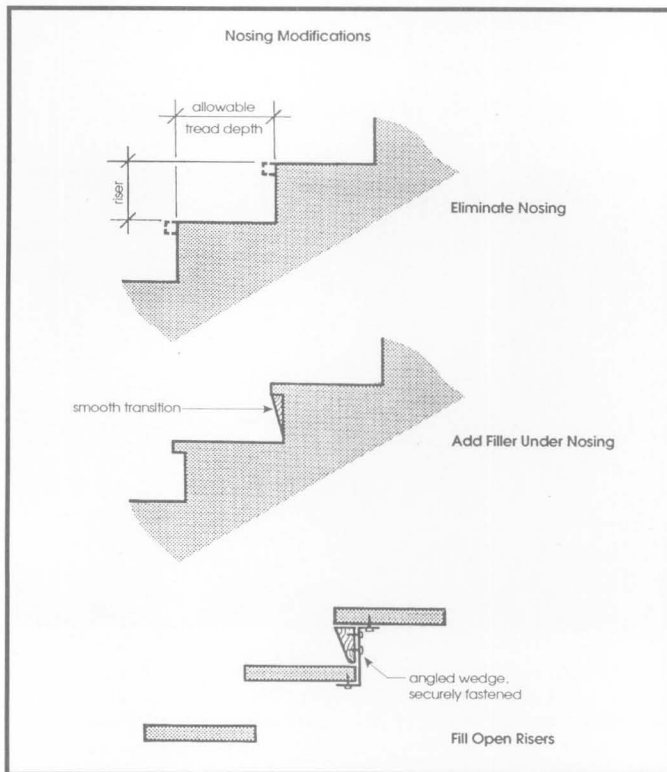


Figure 20. In certain situations it may be appropriate to modify stair nosings for persons with mobility impairments. Whenever possible, stairs should be modified by adding new materials rather than removing historic materials. Source: UFAS Retrofit Manual.

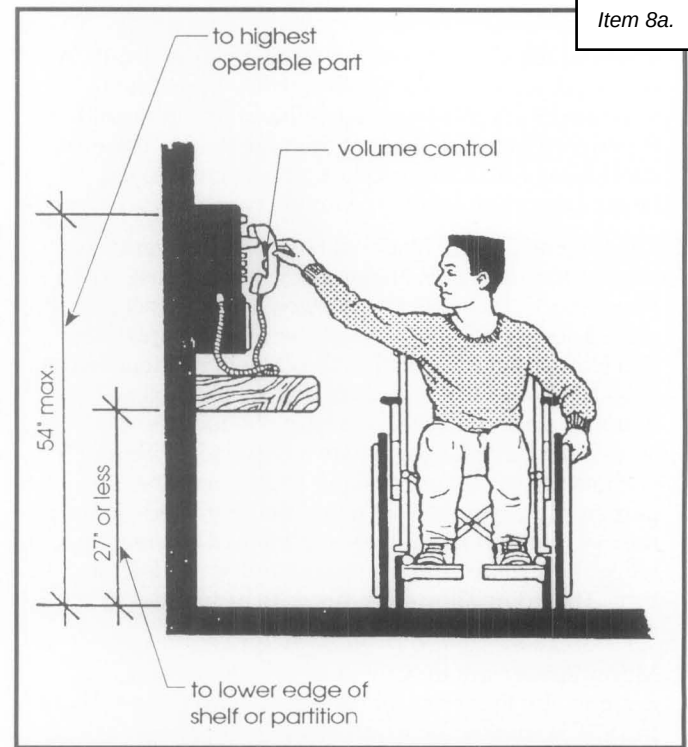
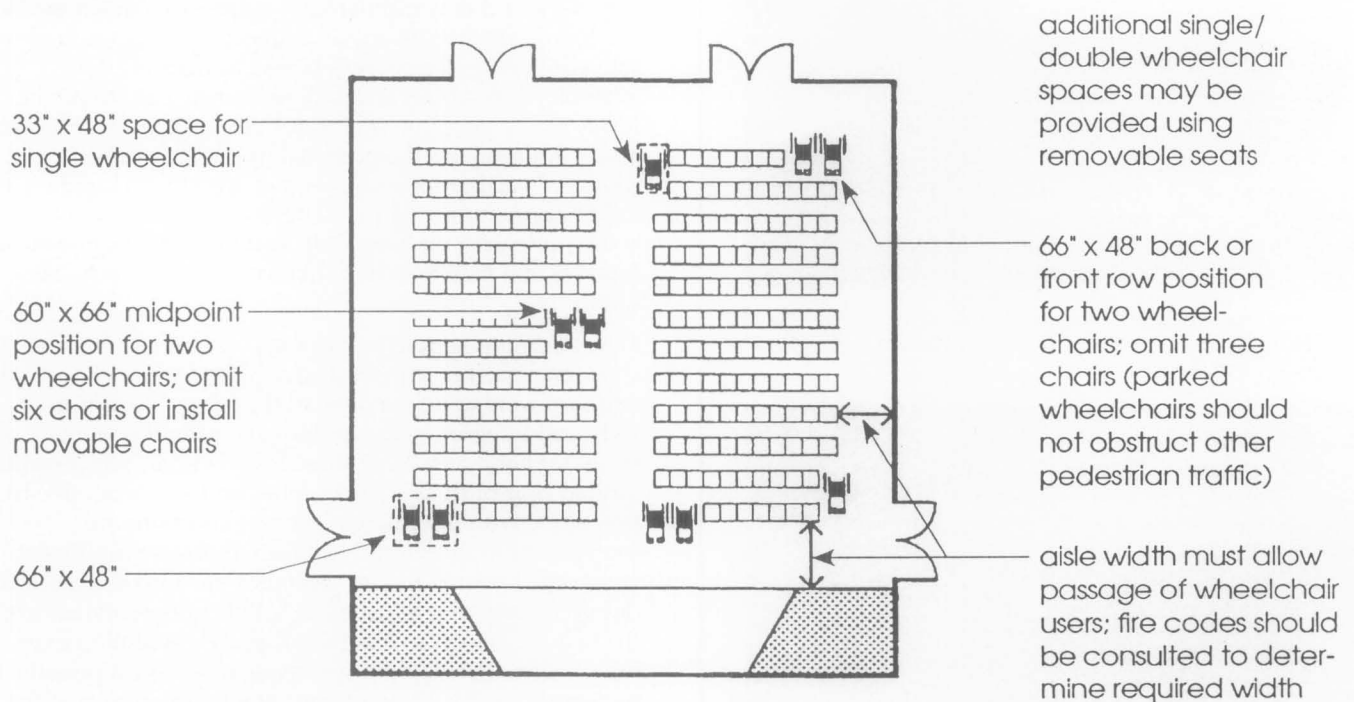


Figure 22. Amenities such as telephones should be at height that wheelchair users can reach. Changes to many amenities can be adapted with minimal effect on historic materials, features, and spaces. Source: UFAS Retrofit Manual.

Wheelchair Seating Dispersed Throughout Seating Area



Theater Style Seating

Figure 21. Seating in historic theaters and auditoriums can be changed to accommodate wheelchair users. Accessible seating areas should be connected by an accessible route from the building entrance. Source: UFAS Retrofit Manual.

Federal Accessibility Laws

Today, few building owners are exempt from providing accessibility for people with disabilities. Before making any accessibility modification, it is imperative to determine which laws and codes are applicable. In addition to local and State accessibility codes, the following federal accessibility laws are currently in effect:

Architectural Barriers Act (1968)

The Architectural Barriers Act stipulates that all buildings designed, constructed, and altered by the Federal Government, or with federal assistance, must be accessible. Changes made to federal buildings must meet the Uniform Federal Accessibility Standards (UFAS). Special provisions are included in UFAS for historic buildings that would be threatened or destroyed by meeting full accessibility requirements.

Rehabilitation Act (1973)

The Rehabilitation Act requires recipients of federal financial assistance to make their programs and activities accessible to everyone. Recipients are allowed to make their properties accessible by altering their building, by moving programs and activities to accessible spaces, or by making other accommodations.

Americans with Disabilities Act (1990)

Historic properties are not exempt from the Americans with Disabilities Act (ADA) requirements. To the greatest extent possible, historic buildings must be as accessible as non-historic buildings. However, it may not be possible for some historic properties to meet the general accessibility requirements.

Under Title II of the ADA, State and local governments must remove accessibility barriers either by shifting services and programs to accessible buildings, or by making alterations to existing buildings. For instance, a licensing office may be moved from a second floor to an accessible first floor space, or if this is not feasible, a mail service might be provided. However, State and local government facilities that have historic preservation as their main purpose—State-owned historic museums, historic State capitols that offer tours—must give priority to physical accessibility.

Under Title III of the ADA, owners of “public accommodations” (theaters, restaurants, retail shops, private museums) must make “readily achievable” changes; that is, changes that can be easily accomplished without much expense. This might mean installing a ramp, creating accessible parking, adding grab bars in bathrooms, or modifying door hardware. The requirement to remove barriers when it is “readily achievable” is an ongoing responsibility. When alterations, including restoration and rehabilitation work, are made, specific accessibility requirements are triggered.

Recognizing the national interest in preserving historic properties, Congress established alternative requirements for properties that cannot be made accessible without “threatening or destroying” their significance. A consultation process is outlined in the ADA’s Accessibility Guidelines for owners of historic properties who believe that making specific accessibility modifications would “threaten or destroy” the significance of their property. In these situations, after consulting with persons with disabilities and disability organizations, building owners should contact the State Historic Preservation Officer (SHPO) to determine if the special accessibility provisions for historic properties may be used. Further, if it is determined in consultation with the SHPO that compliance with the minimum requirements would also “threaten or destroy” the significance of the property, alternative methods of access, such as home delivery and audio-visual programs, may be used.

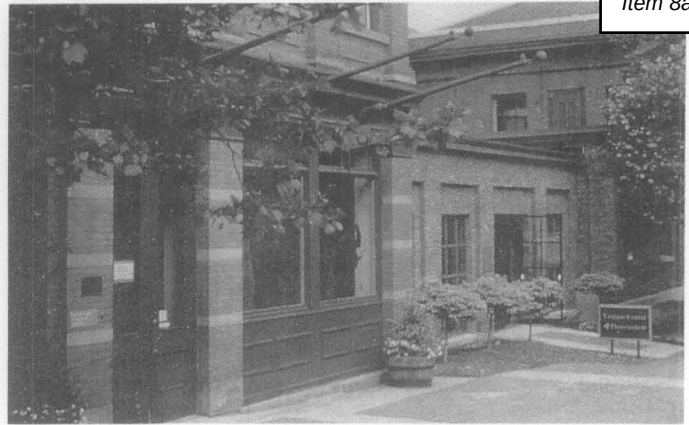


Figure 23. New additions to historic buildings can be designed to increase accessibility. A new addition links two adjacent buildings used for the Albany, New York, Visitor's Center, and incorporates an accessible entrance, restrooms, and signage. Photo: Clare Adams.

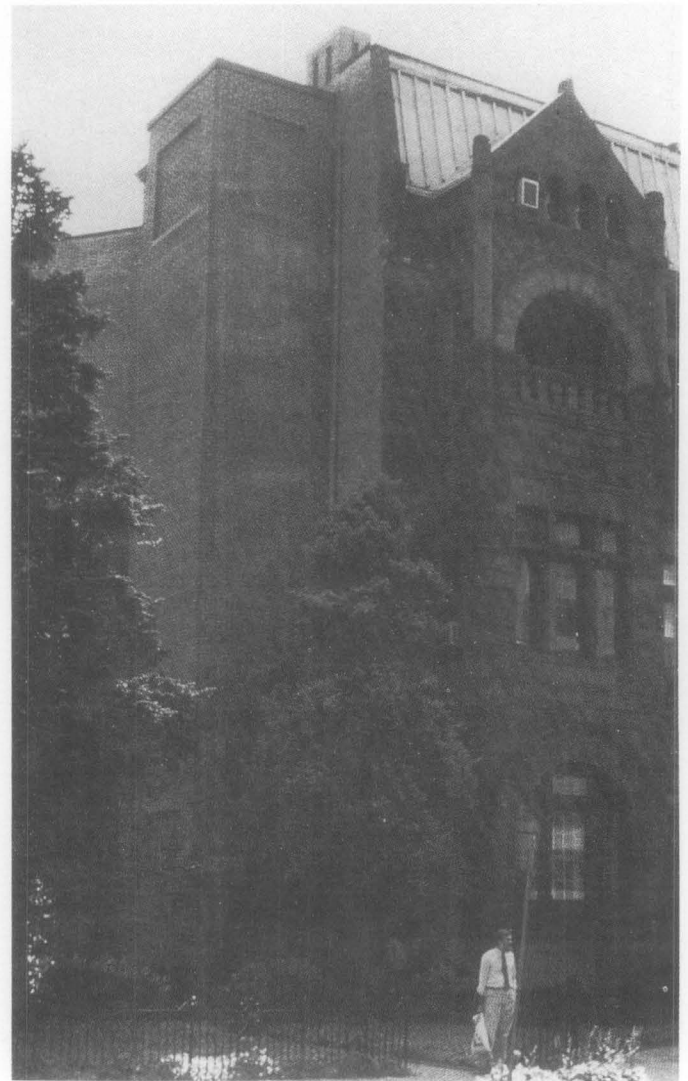


Figure 24. Creating an accessible entrance with a new elevator tower requires a compatible design. This elevator addition blends in with the historic building's materials and provides access to all public levels. Photo: Sharon Park.

Conclusion

Historic properties are irreplaceable and require special care to ensure their preservation for future generations. With the passage of the Americans with Disabilities Act, access to historic properties open to the public is a now civil right, and owners of historic properties must evaluate existing buildings and determine how they can be made more accessible. It is a challenge to evaluate properties thoroughly, to identify the applicable accessibility requirements, to explore alternatives and to implement solutions that provide independent access and are consistent with accepted historic preservation standards. Solutions for accessibility should not destroy a property's significant materials, features and spaces, but should increase accessibility as much as possible. Most historic buildings are not exempt from providing accessibility, and with careful planning, historic properties can be made more accessible, so that all citizens can enjoy our Nation's diverse heritage.



Photo: Massachusetts Historical Commission.

Acknowledgements

Thomas C. Jester is an Architectural Historian with the Preservation Assistance Division of the National Park Service. Sharon C. Park, AIA, is the Senior Historical Architect with the Preservation Assistance Division, National Park Service.

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This publication has been prepared pursuant to the National Historic Preservation Act of 1966, as amended, which directs the Secretary of the Interior to develop and make available information concerning historic properties. Comments about this publication should be directed to H. Ward Jandl, Deputy Chief, Preservation Assistance Division, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127. This publication is not copyrighted and can be reproduced without penalty. Normal procedures for credit to the authors and the National Park Service are appreciated.

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Preservation Briefs

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PRESERVATION BRIEFS

32 Making Historic Properties Accessible

Thomas C. Jester and Sharon C. Park, AIA

- Planning Accessibility Modifications
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- Consider an Addition for Accessibility
- Making Historic Landscapes Accessible
- Federal Accessibility Laws
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Accessible historic building.
Photo: NPS files.

Historically, most buildings and landscapes were not designed to be readily accessible for people with disabilities. In recent years, however, emphasis has been placed on preserving historically significant properties, and on making these properties- and the activities within them-more accessible to people with disabilities. With the passage of the Americans with Disabilities Act in 1990, access to properties open to the public is now a civil right.



A significant entrance may be difficult to modify. Although a special challenge, sensitive changes can almost always be made to provide access while preserving the unique historic character. Photo: NPS files.

This Preservation Brief introduces the complex issue of providing accessibility at historic properties, and underscores the need to balance accessibility and historic preservation. It provides guidance on making historic properties accessible while preserving their historic character; the Brief also provides examples to show that independent physical accessibility at historic properties can be achieved with careful planning, consultation, and sensitive design. While the Brief focuses primarily on making buildings and their sites accessible, it also includes a section on historic landscapes. The Brief will assist historic property owners, design professionals, and administrators in evaluating their historic properties so that the highest level of accessibility can be provided while minimizing changes to historic materials and features. Because many projects encompassing accessibility work are complex, it is advisable to consult with experts in the fields of historic preservation and accessibility before proceeding with permanent physical changes to historic properties.

Modifications to historic properties to increase accessibility may be as simple as a small, inexpensive ramp to overcome one entrance step, or may involve changes to exterior and interior features. The Brief does not provide a detailed explanation of local or State accessibility laws as they vary from jurisdiction to jurisdiction. A concise explanation of several federal

accessibility laws is included below.

Planning Accessibility Modifications [return to top ▲](#)

Historic properties are distinguished by features, materials, spaces, and spatial relationships that contribute to their historic character. Often these elements, such as steep terrain, monumental steps, narrow or heavy doors, decorative ornamental hardware, and narrow pathways and corridors, pose barriers to persons with disabilities, particularly to wheelchair users.

A three-step approach is recommended to identify and implement accessibility modifications that will protect the integrity and historic character of historic properties:

1. Review the historical significance of the property and identify character-defining features;
2. Assess the property's existing and required level of accessibility; and
3. Evaluate accessibility options within a preservation context.

1. Review the Historical Significance

If the property has been designated as historic (properties that are listed in, or eligible for listing in the National Register of Historic Places, or designated under State or local law), the property's nomination file should be reviewed to learn about its significance. Local preservation commissions and State Historic Preservation Offices can usually provide copies of the nomination file and are also resources for additional information and assistance. Review of the written documentation should always be supplemented with a physical investigation to identify which character defining features and spaces must be protected whenever any changes are anticipated. If the level of documentation for a property's significance is limited, it may be necessary to have a preservation professional identify specific historic features, materials, and spaces that should be protected.

For most historic properties, the construction materials, the form and style of the property, the principal elevations, the major architectural or landscape features, and the principal public spaces constitute some of the elements that should be preserved. Every effort should be made to minimize damage to the materials and features that convey a property's historical significance when making modifications for accessibility. Very small or highly significant properties that have never been altered may be extremely difficult to modify.

Secondary spaces and finishes and features that may be less important to the historic character should also be identified; these may generally be altered without jeopardizing the historical significance of a property. Nonsignificant spaces, secondary pathways, later additions, previously altered areas, utilitarian spaces, and service areas can usually be modified without threatening or destroying a property's historical significance.

2. Assess the Property's Existing and Required Level of Accessibility

A building survey or assessment will provide a thorough evaluation of a property's accessibility. Most surveys identify accessibility barriers in the following areas: building and site entrances; surface textures, widths and slopes of walkways; parking; grade changes; size, weight and configuration of doorways; interior corridors and path of travel restrictions; elevators; and public toilets and amenities. Simple audits can be completed by property owners using readily available checklists (See Further Reading). Accessibility specialists can be hired to assess barriers in more complex properties, especially those with multiple buildings, steep terrain, or interpretive programs. Persons with disabilities can be particularly helpful in assessing specific barriers.

All applicable accessibility requirements—local codes, State codes and federal laws—should be reviewed carefully before undertaking any accessibility modification. Since many States and localities have their own accessibility regulations and codes (each with their own requirements for dimensions and technical requirements), owners should use the most stringent accessibility requirements when implementing modifications. The Americans with Disability Act Accessibility Guidelines (ADAAG) is the document that should be consulted when complying with the Americans with Disabilities Act (ADA) requirements.

3. Identify and Evaluate Accessibility Options within a Preservation Context

Once a property's significant materials and features have been identified, and existing and required levels of accessibility have been established, solutions can be developed. Solutions should provide the greatest amount of accessibility without threatening or destroying those materials and features that make a property significant. Modifications may usually be phased over time as funds are available, and interim solutions can be considered until more permanent solutions are implemented. A team comprised of persons with disabilities, accessibility and historic preservation professionals, and building inspectors should be consulted as accessibility solutions are developed.

Modifications to improve accessibility should generally be based on the following priorities:

1. Making the main or a prominent public entrance and primary public spaces accessible, including a path to the entrance;



This accessibility ramp is compatible with the historic building in scale and materials. Photo: William Smith.

2. Providing access to goods, services, and programs;
3. Providing accessible restroom facilities; and,
4. Creating access to amenities and secondary spaces.



The ramp's scale and materials are inconsistent with the historic character of the building. Photo: NPS files.

All proposed changes should be evaluated for conformance with the Secretary of the Interior's "Standards for the Treatment of Historic Properties," which were created for property owners to guide preservation work. These Standards stress the importance of retaining and protecting the materials and features that convey a property's historical significance. Thus, when new features are incorporated for accessibility, historic materials and features should be retained whenever possible. Accessibility modifications should be in scale with the historic property, visually compatible, and, whenever possible, reversible. Reversible means that if the new feature were removed at a later date, the essential form and integrity of the property would be unimpaired. The design of new features should also be differentiated from the design of the historic property so that the evolution of the property is evident.

In general, when historic properties are altered, they should be made as accessible as possible. However, if an owner or a project team believes that certain modifications would threaten or destroy the significance of the property, the State Historic Preservation Officer should be consulted to determine whether or not any special accessibility provisions may be used. Special accessibility provisions for historic properties will vary depending on the applicable accessibility requirements.

In some cases, programmatic access may be the only option for extremely small or unaltered historic properties, such as a two-story house museum with no internal elevator. Programmatic access for historic properties refers to alternative methods of providing services, information, and experiences when physical access cannot be provided. It may mean offering an audio-visual program showing an inaccessible upper floor of a historic house museum, providing interpretive panels from a vista at an inaccessible terraced garden, or creating a tactile model of a historic monument for people with visual impairments.

Accessibility Solutions [return to top ▲](#)

The goal in selecting appropriate solutions for specific historic properties is to provide a high level of accessibility without compromising significant features or the overall character of the property. The following sections describe accessibility solutions and offer guidance on specific historic property components, namely the building site, entrances, interiors, landscapes, amenities, and new additions. Several solutions are discussed in each section, referencing dimensions and technical requirements from the ADA's accessibility guidelines, ADAAG. State and local requirements, however, may differ from the ADA requirements. Before making any modification owners should be aware of all applicable accessibility requirements.

The Building Site

An accessible route from a parking lot, sidewalk, and public street to the entrance of a historic building or facility is essential. An accessible route, to the maximum extent possible, should be the circulation route used by the general public. Critical elements of accessible routes are their widths, slopes, cross slopes, and surface texture. Each of these route elements must be appropriately designed so that the route can be used by everyone, including people with disabilities.



The significant building site is now accessible to people with disabilities (note steps in front of ramp). Photo: NPS files.

The distance between the arrival and destination points should also be as short as possible. Sites containing designed landscapes should be carefully evaluated before making accessibility modifications. Historic landscapes are described in greater detail below.

Providing Convenient Parking

If parking is provided, it should be as convenient as possible for people with disabilities. Specially designated parking can often be created to improve accessibility. Modifications to parking configurations and pathways should not alter significant landscape features.

Creating an Accessible Route

The route or path through a site to a historic building's entrance should be wide enough, generally at least 3 feet (91 cm), to accommodate visitors with disabilities and must be appropriately graded with a stable, firm, and slip-resistant surface. Existing paths should be modified to meet these requirements whenever possible as long as doing so would not threaten or destroy significant materials and features.

Existing surfaces can often be stabilized by providing a new base and resetting the paving materials, or by modifying the path surface. In some situations it may be appropriate to create a new path through an inaccessible area. At large properties, it may be

possible to regrade a slope to less than 1:20 (5%), or to introduce one or more carefully planned ramps. Clear directional signs should mark the path from arrival to destination.

Entrances



The historic threshold was made accessible with a 1/2" wood bevel. Photo: NPS files.

Whenever possible, access to historic buildings should be through a primary public entrance. In historic buildings, if this cannot be achieved without permanent damage to character-defining features, at least one entrance used by the public should be made accessible. If the accessible entrance is not the primary public entrance, directional signs should direct visitors to the accessible entrance. A rear or service entrance should be avoided as the only mean of entering a building.

Creating an accessible entrance usually involves overcoming a change in elevation. Steps, landings, doors, and thresholds, all part of the entrance, often pose barriers for persons with disabilities. To preserve the integrity of these features, a number of solutions are available to increase accessibility. Typical solutions include regrading, incorporating ramps, installing wheelchair lifts, creating new entrances, and modifying doors, hardware, and thresholds.

Regrading an Entrance

In some cases, when the entrance steps and landscape features are not highly significant, it may be possible to regrade to provide a smooth entrance into a building. If the existing steps are historic masonry, they should be buried, whenever possible, and not removed.

Incorporating Ramps

Permanent ramps are perhaps the most common means to make an entrance accessible. As a new feature, ramps should be carefully designed and appropriately located to preserve a property's historic character.

Ramps should be located at public entrances used by everyone whenever possible, preferably where there is minimal change in grade. Ramps should also be located to minimize the loss of historic features at the connection points—porch railings, steps, and windows—and should preserve the overall historic setting and character of the property. Larger buildings may have below grade areas that can accommodate a ramp down to an entrance. Below grade entrances can be considered if the ramp leads to a publicly used interior, such as an auditorium, or if the building is serviced by a public elevator. Ramps can often be incorporated behind historic features, such as cheek-walls or railings, to minimize the visual effect.

The steepest allowable slope for a ramp is usually 1:12 (8%), but gentler slopes should be used whenever possible to accommodate people with limited strength. Greater changes in elevation require larger and longer ramps to meet accessibility scoping provisions and may require an intermediate landing. Most codes allow a slightly steeper ramp for historic buildings to overcome one step.

Ramps can be faced with a variety of materials, including wood, brick, and stone. Often the type and quality of the materials determines how compatible a ramp design will be with a historic property. Unpainted pressure-treated wood should not be used to construct ramps because it usually appears temporary and is not visually compatible with most historic properties.

Railings should be simple in design, distinguishable from other historic features, and should extend one foot beyond the sloped area.

Ramp landings must be large enough for wheelchair users, usually at least 5 feet by 5 feet (152.5 cm by 152.5 cm), and the top landing must be at the level of the door threshold. It may be possible to reset steps by creating a ramp to accommodate minor level changes and to meet the threshold without significantly altering a property's historic character. If a building's existing landing is not wide or deep enough to accommodate a ramp, it may be necessary to modify the entry to create a wider landing. Long ramps, such as switchbacks, require intermediate landings, and all ramps should be detailed with an appropriate edge and railing for wheelchair users and visually impaired individuals.

Temporary or portable ramps are usually constructed of light-weight materials and, thus, are rarely safe or visually compatible with historic properties. Moreover, portable ramps are often stored until needed and, therefore, do not meet accessibility requirements for independent access. Temporary and portable ramps, however, may be an acceptable interim solution to improve accessibility until a permanent solution can be implemented.

Installing Wheelchair Lifts

Platform lifts and inclined stair lifts, both of which accommodate only one person, can be used to overcome changes of elevation ranging from three to 10 feet (.9 m–3 m) in height. However, many States have restrictions on the use of wheelchair lifts, so all applicable codes should be reviewed carefully before installing one. Inclined stair lifts, which carry a wheelchair on a platform up a flight of stairs, may be employed selectively. They tend to be visually intrusive, although they are relatively reversible. Platform



A new elevator entrance was provided next to the stairs to provide universal access to the services inside. Photo: Courtesy, GSA.

can be used when there is inadequate space for a ramp. However, such lifts should be installed in unobtrusive locations and unobtrusive cover to minimize maintenance if at all possible. A similar, but more expensive platform lift has a retracting railing that lowers the ground, minimizing the visual effect to historic properties. Mechanical lifts have drawbacks at historic properties with high public visitation because their capacity is limited, they sometimes cannot be operated independently, and they require frequent maintenance.

Considering a New Entrance

When it is not possible to modify an existing entrance, it may be possible to develop a new entrance by creating an entirely new opening in an appropriate location, or by using a secondary window for an opening. This solution should only be considered after exhausting all possibilities for modifying existing entrances.

Retrofitting Doors

Historic doors generally should not be replaced, nor should door frames on the primary elevation be widened, as this may alter an important feature of a historic design. However, if a building's historic doors have been removed, there may be greater latitude in designing a compatible new entrance. Most accessibility standards require at least a 32" (82 cm) clear opening with manageable door opening pressures. The most desirable preservation solution to improve accessibility is retaining historic doors and upgrading the door pressure with one of several devices. Automatic door openers (operated by push buttons, mats, or electronic eyes) and power-assisted door openers can eliminate or reduce door pressures that are accessibility barriers, and make single or double-leaf doors fully operational.

Adapting Door Hardware

If a door opening is within an inch or two of meeting the 32" (81 cm) clear opening requirement, it may be possible to replace the standard hinges with off-set hinges to increase the size of the door opening as much as 1 1/8" (3.8 cm). Historic hardware can be retained in place, or adapted with the addition of an automatic opener, of which there are several types. Door hardware can also be retrofitted to reduce door pressures. For example, friction hinges can be retrofitted with ball-bearing inserts, and door closers can be rethreaded to reduce the door pressure.

Altering Door Thresholds

A door threshold that exceeds the allowable height, generally 1/2" (1.3 cm), can be altered or removed with one that meets applicable accessibility requirements. If the threshold is deemed to be significant, a bevel can be added on each side to reduce its height. Another solution is to replace the threshold with one that meets applicable accessibility requirements and is visually compatible with the historic entrance.



This door handle has been retrofitted to meet ADA requirements. Photo: NPS files.

Readily Achievable Accessibility Options

Many accessibility solutions can be implemented easily and inexpensively without destroying the significance of historic properties. While it may not be possible to undertake all of the modifications listed below, each change will improve accessibility.

Sites and Entrances

- Creating a designated parking space.
- Installing ramps.
- Making curb cuts.

Interiors

- Repositioning shelves.
- Rearranging tables, displays, and furniture.
- Repositioning telephones.
- Adding raised markings on elevator control buttons.
- Installing flashing alarm lights.
- Installing offset hinges to widen doorways.
- Installing or adding accessible door hardware.
- Adding an accessible water fountain, or providing a paper cup dispenser at an inaccessible water fountain.

Restrooms

- Installing grab bars in toilet stalls.
- Rearranging toilet partitions to increase maneuvering space.

- Insulating lavatory pipes under sinks to prevent burns.
- Installing a higher toilet seat.
- Installing a full-length bathroom mirror.
- Repositioning the paper towel dispenser.



A retractable lift for this historic building foyer was created using "like" materials. Photo: NPS files.

Moving Through Historic Interiors

Persons with disabilities should have independent access to all public areas and facilities inside historic buildings. The extent to which a historic interior can be modified depends on the significance of its materials, plan, spaces, features, and finishes. Primary spaces are often more difficult to modify without changing their character. Secondary spaces may generally be changed without compromising a building's historic character. Signs should clearly mark the route to accessible restrooms, telephones, and other accessible areas.

Installing Ramps and Wheelchair Lifts

If space permits, ramps and wheelchair lifts can also be used to increase accessibility inside buildings. However, some States and localities restrict interior uses of wheelchair lifts for life-safety reasons. Care should be taken to install these new features where they can be readily accessed. Ramps and wheelchair lifts are described below.

Upgrading Elevators

Elevators are an efficient means of providing accessibility between floors. Some buildings have existing historic elevators that are not adequately accessible for persons with disabilities because of their size, location, or detailing, but they may also contribute to the historical significance of a building. Significant historic elevators can usually be upgraded to improve accessibility. Control panels can be modified with a "wand" on a cord to make the control panel accessible, and timing devices can usually be adjusted.

Retrofitting Door Knobs

Historic door knobs and other hardware may be difficult to grip and turn. In recent years, lever-handles have been developed to replace door knobs. Other lever-handle devices can be added to existing hardware. If it is not possible or appropriate to retrofit existing door knobs, doors can be left open during operating hours (unless doing so would violate life safety codes), and power-assisted door openers can be installed. It may only be necessary to retrofit specific doorknobs to create an accessible path of travel and accessible restrooms.

Modifying Interior Stairs

Stairs are the primary barriers for many people with disabilities. However, there are some ways to modify stairs to assist people who are able to navigate them. It may be appropriate to add hand railings if none exist. Railings should be 1 ½" (3.8 cm) in diameter and return to the wall so straps and bags do not catch. Color-contrasting, slip-resistant strips will help people with visual impairments. Finally, beveled or closed risers are recommended unless the stairs are highly significant, because open risers catch feet.

Building Amenities

Some amenities in historic buildings, such as restrooms, seating, telephones, drinking fountains, counters, may contribute to a building's historic character. They will often require modification to improve their use by persons with disabilities. In many cases, supplementing existing amenities, rather than changing or removing them, will increase access and minimize changes to historic features and materials.

Upgrading Restrooms

Restrooms may have historic fixtures such as sinks, urinals, or marble partitions that can be retained in the process of making modifications. For example, larger restrooms can sometimes be reconfigured by relocating or combining partitions to create an accessible toilet stall. Other changes to consider are adding grab bars around toilets, covering hot water pipes under sinks with insulation to prevent burns, and providing a sink, mirror, and paper dispenser at a height suitable for wheelchair users. A unisex restroom may be created if it is technically infeasible to create two fully accessible restrooms, or if doing so would threaten or destroy the significance of the building. It is important to remember that restroom fixtures, such as sinks, urinals, and partitions, may be historic, and therefore, should be preserved whenever possible.

Modifying Other Amenities

Other amenities inside historic buildings may require modification. Seating in a theater, for example, can be made accessible by removing some seats in several areas. New seating that is accessible can also be added at the end of existing rows, either with or without a level floor surface. Readily removable seats may be installed in wheelchair spaces when the spaces are not required to accommodate wheelchair users. Historic water fountains can be retained and new, two-tiered fountains installed if space permits. If public telephones are provided, it may be necessary to install at least a Text Telephone (TT), also known as a Telecommunicator.

Device for the Deaf (TDD. Historic service counters commonly found in banks, theaters, and hotels generally should not be altered. It is preferable to add an accessible counter on the end of a historic counter if feasible. Modified or new counters should not exceed 36" (91.5 cm) in height.

Considering a New Addition as an Accessibility Solution [return to top ▲](#)

Many new additions are constructed specifically to incorporate modern amenities such as elevators, restrooms, fire stairs, and new mechanical equipment. These new additions often create opportunities to incorporate access for people with disabilities. It may be possible, for example, to create an accessible entrance, path to public levels via a ramp, lift, or elevator. However, a new addition has the potential to change a historic property's appearance and destroy significant building and landscape features. Thus, all new additions should be compatible with the size, scale, and proportions of historic features and materials that characterize a property.

New additions should be carefully located to minimize connection points with the historic building, such that if the addition were to be removed in the future, the essential form and integrity of the building would remain intact. On the other hand, new additions should also be conveniently located near parking that is connected to an accessible route for people with disabilities. As new additions are incorporated, care should be taken to protect significant landscape features and archeological resources. Finally, the design for any new addition should be differentiated from the historic design so that the property's evolution over time is clear. New additions frequently make it possible to increase accessibility, while simultaneously reducing the level of change to historic features, materials, and spaces.

Making Historic Landscapes Accessible [return to top ▲](#)

To successfully incorporate access into historic landscapes, the planning process is similar to that of other historic properties. Careful research and inventory should be undertaken to determine which materials and features convey the landscape's historical significance. As part of this evaluation, those features that are character-defining (topographical variation, vegetation, circulation, structures, furnishings, objects) should be identified. Historic finishes, details, and materials that also contribute to a landscape's significance should also be documented and evaluated prior to determining an approach to landscape accessibility. For example, aspects of the pedestrian circulation system that need to be understood include walk width, aggregate size, pavement pattern, texture, relief, and joint details. The context of the walk should be understood including its edges and surrounding area. Modifications to surface textures or widths of pathways can often be made with minimal effect on significant landscape features.

Additionally, areas of secondary importance such as altered paths should be identified-especially those where the accessibility modifications will not destroy a landscape's significance. By identifying those features that are contributing or non-contributing, a sympathetic circulation experience can then be developed.

After assessing a landscape's integrity, accessibility solutions can be considered. Full access throughout a historic landscape may not always be possible. Generally, it is easier to provide accessibility to larger, more open sites where there is a greater variety of public experiences. However, when a landscape is uniformly steep, it may only be possible to make discrete portions of a historic landscape accessible, and viewers may only be able to experience the landscape from selected vantage points along a prescribed pedestrian or vehicular access route. When defining such a route, the interpretive value of the user experience should be considered; in other words, does the route provide physical or visual access to those areas that are critical to understand the meaning of the landscape?

Federal Accessibility Laws [return to top ▲](#)



The automatic door to this museum building is a practical solution for

Today, few building owners are exempt from providing accessibility for people with disabilities. Before making any accessibility modification, it is imperative to determine which laws and codes are applicable. In addition to local and State accessibility codes, the following federal accessibility laws are currently in effect:

Architectural Barriers Act (1968)

The Architectural Barriers Act stipulates that all buildings designed, constructed, and altered by the Federal Government, or with federal assistance, must be accessible. Changes made to federal buildings must meet the Uniform Federal Accessibility Standards (UFAS). Special provisions are included in UFAS for historic buildings that would be threatened or destroyed by meeting full accessibility requirements.

Rehabilitation Act (1973)

The Rehabilitation Act requires recipients of federal financial assistance to make their programs and activities accessible to everyone. Recipients are allowed to make their properties accessible by altering their building, by moving programs and activities to accessible spaces, or by making other accommodations.

universal entry. Photo: NPS files.

Americans with Disabilities Act (1990)

Item 8a.

Historic properties are not exempt from the Americans with Disabilities Act (ADA) requirements. To the greatest extent possible, historic buildings must be as accessible as non-historic buildings. However, it may not be possible for some historic properties to meet the general accessibility requirements.

Under Title II of the ADA, State and local governments must remove accessibility barriers either by shifting services and programs to accessible buildings, or by making alterations to existing buildings. For instance, a licensing office may be moved from a second floor to an accessible first floor space, or if this is not feasible, a mail service might be provided. However, State and local government facilities that have historic preservation as their main purpose-State-owned historic museums, historic State capitols that offer tours-must give priority to physical accessibility.

Under Title III of the ADA, owners of "public accommodations" (theaters, restaurants, retail shops, private museums) must make "readily achievable" changes; that is, changes that can be easily accomplished without much expense. This might mean installing a ramp, creating accessible parking, adding grab bars in bathrooms, or modifying door hardware. The requirement to remove barriers when it is "readily achievable" is an ongoing responsibility. When alterations, including restoration and rehabilitation work, are made, specific accessibility requirements are triggered.

Recognizing the national interest in preserving historic properties, Congress established alternative requirements for properties that cannot be made accessible without "threatening or destroying" their significance. A consultation process is outlined in the ADA's Accessibility Guidelines for owners of historic properties who believe that making specific accessibility modifications would "threaten or destroy" the significance of their property. In these situations, after consulting with persons with disabilities and disability organizations, building owners should contact the State Historic Preservation Officer (SHPO) to determine if the special accessibility provisions for historic properties may be used. Further, if it is determined in consultation with the SHPO that compliance with the minimum requirements would also "threaten or destroy" the significance of the property, alternative methods of access, such as home delivery and audio-visual programs, may be used.

Summary and References [return to top ▲](#)

Historic properties are irreplaceable and require special care to ensure their preservation for future generations. With the passage of the Americans with Disabilities Act, access to historic properties open to the public is a now civil right, and owners of historic properties must evaluate existing buildings and determine how they can be made more accessible. It is a challenge to evaluate properties thoroughly, to identify the applicable accessibility requirements, to explore alternatives and to implement solutions that provide independent access and are consistent with accepted historic preservation standards. Solutions for accessibility should not destroy a property's significant materials, features and spaces, but should increase accessibility as much as possible. Most historic buildings are not exempt from providing accessibility, and with careful planning, historic properties can be made more accessible, so that all citizens can enjoy our Nation's diverse heritage.

Acknowledgements

Thomas C. Jester is an Architectural Historian with the Preservation Assistance Division of the National Park Service. **Sharon C. Park**, AIA, is the Senior Historical Architect with the Preservation Assistance Division, National Park Service.

The authors wish to thank Charles A. Birnbaum, ASLA, Historical Landscape Architect with the Preservation Assistance Division, National Park Service, for contributing the section on historic landscapes. The authors gratefully acknowledge the invaluable comments made by the following individuals who reviewed the draft manuscript: William Smith, Massachusetts Historical Commission; Kay Weeks, H. Ward Jandl, Michael Auer, and Charles A. Birnbaum, Preservation Assistance Division, National Park Service; Clare Adams, New York Department of Parks, Recreation and Historic Preservation; Lauren Bowlin, Maryland Historical Trust; Tom Mayes, National Trust for Historic Preservation; Elizabeth Igleheart, Maine Historic Preservation Commission; Milford Wayne Donaldson, FAIA; Paul Beatty, U.S. Architectural and Transportation Barriers Compliance Board; Mid-Atlantic Regional Office, National Park Service; Western Regional Office, National Park Service.

This publication has been prepared pursuant to the National Historic Preservation Act of 1966, as amended, which directs the Secretary of the Interior to develop and make available information concerning historic properties. Technical Preservation Services (TPS), National Park Service prepares standards, guidelines, and other educational materials on responsible historic preservation treatments for a broad public.

September 1993

Reading List [return to top ▲](#)

Ballantyne, Duncan S. and Harold Russell Associates, Inc. *Accommodation of Disabled Visitors at Historic Sites in the National Park System*. Washington, D.C.: Park Historic Architecture Division, National Park Service, U.S. Department of the Interior, 1983.

Goldman, Nancy. Ed. *Readily Achievable Checklist: A Survey for Accessibility*. Boston: Adaptive Environments Center, 1993.

Hayward, Judith L. and Thomas C. Jester, compilers. *Accessibility and Historic Preservation Resource Guide*. Windsor, Vermont: Historic Windsor, Inc., 1992, revised 1993.

Jester, Thomas C. *Preserving the Past and Making it Accessible for People with Disabilities*. Washington, D.C.: Preservation Assistance Division, National Park Service, U.S. Department of the Interior, 1992.

Parrott, Charles. *Access to Historic Buildings for the Disabled*. Washington, D.C.: U.S. Department of the Interior, 1980.

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Smith, William D. and Tara Goodwin Frier. *Access to History: A Guide to Providing Access to Historic Buildings for People with Disabilities*. Boston: Massachusetts Historical Commission, 1989.

Standards for Accessible Design: ADA Accessibility Guidelines (ADAAG). Washington, D.C.: U.S. Department of Justice, 1991.



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CITY OF OREGON CITY

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

APPEAL OF A LAND USE DECISION

FILE # AP 64UA 21-00052 (File #) HR-21-00020 DATE: 12/16/2021
NAME: Bogdan Smolnietz TELEPHONE #: 503-504-6754
ADDRESS: 15730 SE Bybee DR Portland OR 97236
ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:
1020 5th Street Oregon City, OR 97045
SUBJECT OF APPEAL: NOTICE OF DECISION DATE: 12/02/21 For File #:

The undersigned hereby appeal(s) the decision of the Historic Review Board

concerning the subject case. The decision to approve _____ deny _____ the application was made at the meeting held on November 30th.

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

Historic review board decision does not meet the owners family medical care needs also the applicable Federal ADA Standards and Federal ADA law. ADA Act, 42 U.S.C § 12182 et seq. (ADA) Mobility impairments requiring the use of a wheel chair.

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

[Signature]
Property Owner Signature

5835 SW Hamilton St. Portland, OR 97221
Address

Property Owner Signature

Address

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

Signature

Address

____ Contract Purchaser

____ Lessee

____ Prospective Purchaser

M C L O U G H L I N

N E I G H B O R H O O D
A S S O C I A T I O N

DATE: January 26, 2022
 TO: Oregon City City Commission
 Christina Robertson-Gardiner, Senior Planner
 FROM: McLoughlin Neighborhood Association
 RE: AP-21-00006
 1020 5th Street

As has been the case with all submittals on the subject development, the applicant has provided little to no detail to afford adequate review.

The application - in its entirety - states:

“The Historic Review Board decision does not meet the owner’s family medical care needs, also the applicable Federal ADA standards and applicable Federal ADA Law ADA Act 42 USC &12182 et seq (ADA) mobility impairment requirement use of wheelchair.”

U.S. Code Title 42—THE PUBLIC HEALTH AND WELFARE is the overarching title which encompasses Chapter 126 regarding disabilities.

§12182. Prohibition of discrimination by public accommodations

This section addresses access to public spaces and does not apply to the private residence under review.

The “family medical care needs” are not described. The applicant has not even made the effort to cite the relevant chapter of the US Code, and refers to one section that is inapplicable. No analysis or argument beyond the above citations has been provided. The applicant has repeatedly failed to consider feasible alternatives to the ramp or provide cost comparisons. Once again, the applicant’s submittal is incomplete for review.

Thank you for your consideration.



TYPE III – HISTORIC REVIEW

NOTICE OF DECISION

December 1, 2021

FILE NO.: GLUA 21-00052 / HR-21-00020
Modification of HR 20-00001

1st HEARING DATE: September 28,- 2021
7:00 p.m. – Commission Chambers, Libke Public Safety Building
1234 Linn Ave
Oregon, City, Oregon 97045

APPLICANT: Bogdan Smolinetz
NW Custom Homes Inc.
15730 SE Bybee Rd
Portland, OR 97236

OWNER: Teresa Yip
5835 SW Hamilton St
Portland, OR 97221

LOCATION: 1020 5th Street
Oregon City, OR 97045
Clackamas County Map 2-2E-31DA-10900

REQUEST: Exterior modifications to HR 20-01 including but not limited to the inclusion of an ADA ramp and change in final foundation height for a new live/work building in the McLoughlin Conservation District.

DECISION: On November 30, 2021, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Oregon City Historic Review Board voted 4-0 to approve the proposal with conditions. The Oregon City Historic Review Board adopted as its own the Staff Report with findings and Conditions of Approval for File Number HR 21-20. The complete record for the Historic Review Board decision is on file at the Planning Division.

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 applicant failed to provide an adequate alternatives analysis to demonstrate that the larger ramp that access the rear of the building was the only feasible option. The Board also found that the applicant failed to provide sufficient findings to demonstrate that the design was compatible with the district. They additionally found that the larger rear access ramp design further erodes the foursquare architectural design of the building by lengthening the massing 19 additional feet.

Conditions of Approval

HR 21-20

These conditions modify but do not replace the conditions found in HR 20-01. The applicant shall continue to reference both approvals as they finalize the building and ramp design.

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

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

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

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

1. The Applicant shall obtain all needed Building permits, any additional Geohazard Review, and Type I Site Plan and Design Review for the ADA ramp prior to construction. (B,P,DS)
2. The Historic Review Board does not approve the rear access ADA ramp as submitted. If the applicant wishes to further pursue this option, they should submit for a separate HRB review under a new application. (P)
3. The Board finds that the full ADA ramp to the rear elevation and revised foundation height cannot be found to be compatible with the massing and design of the approved structure and sufficiently mitigated, the following requirements apply:
 - a. The ADA ramp shall be revised to access the side door only.
 - b. The Applicant shall provide a plan to backfill the remainder of the side yard with rockery walls to the extent practicable and appropriate for a geohazard area and provide mitigation planting with the same type of plants proposed in the submitted landscape plan. Landscape plant details may change but must meet the minimum mature height and width of the approved plant types.
 - c. The smaller ADA ramp shall utilize the proposed enclosed lap siding design or a simple balusters style handrail with top and bottom rails attached perpendicularly to the balusters.
 - d. The ADA ramp structure shall start at or beyond the front porch and connect to the sidewalk via a concrete ADA path. The front portion of the ADA ramp in front of the porch shall be poured concrete.
 - e. The Applicant shall utilize foundation vent wells to allow as much backfill soil as possible adjacent to the foundation wall.
 - f. The ADA ramp elements shall be painted or paint-stained to match the body paint of the house.
 - g. No exposed pressure-treated wood is allowed.
 - h. All walls associated with the ramp shall be poured in place concrete, real basalt veneer, or natural rockery walls. The existing wall built without permits shall be revised to meet the above material standard per HR 20-01 Conditions of Approval.
 - i. The HRB encourages the Applicant to work with the Building Division to design an internal ADA access to the upper floors. (B,P)

3. The following windows are approved by the Historic Review Board

- **Window 7** – an additional fixed square dormer window does not change the compatibility of the elevation- approved by Staff.
- **Window set 5** – Revised the window set was lowered to match the abutting window set after the front dormer was required to be removed from the final plans per HR 20-01 (P)

4. Proposed revisions to the side elevations included in the record for this application will continue to be reviewed and approved by Staff per HR 20-01 Conditions of Approval #4. All new windows not proposed in HR 20-01 shall be 1:1 hung windows or fixed/awning/casement square windows (P)



**Historic Review
REVISED
Staff Report and Recommendation
November 23, 2021**

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 21-00052 / HR-21-00020
Modification of HR 20-00001

1st HEARING DATE: September 28,- 2021
7:00 p.m. – Commission Chambers, Libke Public Safety Building
1234 Linn Ave
Oregon, City, Oregon 97045

APPLICANT: Bogdan Smolinets
NW Custom Homes Inc.
15730 SE Bybee Rd
Portland, OR 97236

OWNER: Teresa Yip
5835 SW Hamilton St
Portland, OR 97221

LOCATION: 1020 5th Street
Oregon City, OR 97045
Clackamas County Map 2-2E-31DA-10900

REQUEST: Exterior modifications to HR 20-01 including but not limited to the inclusion of an ADA ramp and change in final foundation height for a new live/work building in the McLoughlin Conservation District.

REVIEWER: Christina Robertson-Gardiner, AICP crobertson@orccity.org

RECOMMENDATION: If the Board finds that the full ADA ramp to the rear elevation and revised foundation height cannot be sufficiently mitigated through the proposed Conditions of Approval, Staff recommends that the Historic Review Board approve the ADA ramp to the side door only and backfill the remainder of the side yard with rockery walls and mitigation planting with the same type of plants proposed in the proposed landscape plan and approve the condition for the window revisions and encourage the Applicant to pursue ADA access internal to the structure.

Staff additionally recommends Approval with conditions of all proposed window revisions on the front elevation and rebuild the unpermitted side

CMU retaining wall to meet the material conditions approval of HR 20-01 (poured concrete, rear basalt veneer, natural rockery)

CRITERIA: Administration and Procedures are set forth in Chapter 17.50, Chapter 17.40, Historic Overlay District in Chapter 17.40, and "MUC" Mixed-Use Corridor District in Chapter 17.29 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.

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.

1. The Applicant shall obtain all needed Building permits, any additional Geohazard Review, and Type I Site Plan and Design Review for the ADA ramp prior to construction.
2. If the HRB finds that the full ADA ramp to the rear elevation, adjacent rear porch, and revised foundation (based on 11.15.21 revised drawings) can be found to be compatible with the massing and design of the approved structure and will not adversely impact the significance of the McLoughlin Conservation District, the following requirements apply:
 - a. The ADA ramp structure shall start at or beyond the front porch and connect to the sidewalk via a concrete ADA path. The front portion of the ADA ramp in front of the porch shall be poured concrete.
 - b. The Applicant shall utilize foundation vent wells to allow as much backfill soil as possible adjacent to the foundation wall.
 - c. The ADA ramp elements shall be painted or paint-stained to match the body paint of the house.
 - d. If directed by the Historic Review Board, the Applicant can choose to return at the next HRB meeting with a revised design that utilizes metal or wood railings with simple balusters style handrail with top and bottom rails attached perpendicularly to the balusters instead of the proposed siding approach in an effort to reduce the massing of the larger ADA switchback design
 - e. No exposed pressure-treated wood is allowed.

- f. Landscape plant details may change but must meet the minimum mature height and width of the approved plant types.
 - g. The Applicant can work with the Building Official to revise the design of the ramp to be of a greater slope based on the building codes, which will allow a reduced massing, with the understanding that the revised ramp will not meet ADA slope standards and will be classified as a generic deck ramp.
 - h. All walls associated with the ramp shall be poured in place concrete, real basalt veneer, or natural rockery walls. The existing wall built without permits shall be revised to meet the above material standard per HR 20-01 Conditions of Approval.
3. If the HRB finds that the full ADA ramp to the rear elevation and revised foundation height cannot be found to be compatible with the massing and design of the approved structure and sufficiently mitigated, the following requirements apply:
 - a. The ADA ramp shall be revised to access the side door only.
 - b. The Applicant shall provide a plan to backfill the remainder of the side yard with rockery walls to the extent practicable and appropriate for a geohazard area and provide mitigation planting with the same type of plants proposed in the submitted landscape plan. Landscape plant details may change but must meet the minimum mature height and width of the approved plant types.
 - c. The smaller ADA ramp shall utilize the proposed enclosed lap siding design or a simple balusters style handrail with top and bottom rails attached perpendicularly to the balusters.
 - d. The ADA ramp structure shall start at or beyond the front porch and connect to the sidewalk via a concrete ADA path. The front portion of the ADA ramp in front of the porch shall be poured concrete.
 - e. The Applicant shall utilize foundation vent wells to allow as much backfill soil as possible adjacent to the foundation wall.
 - f. The ADA ramp elements shall be painted or paint-stained to match the body paint of the house.
 - g. No exposed pressure-treated wood is allowed.
 - h. All walls associated with the ramp shall be poured in place concrete, real basalt veneer, or natural rockery walls. The existing wall built without permits shall be revised to meet the above material standard per HR 20-01 Conditions of Approval.
 - i. The HRB encourages the Applicant to work with the Building Division to design an internal ADA access to the upper floors.
3. The following windows are approved by the Historic Review Board
 - **Window 7** – an additional fixed square dormer window does not change the compatibility of the elevation- approved by Staff.
 - **Window set 5** – Revised the window set was lowered to match the abutting window set after the front dormer was required to be removed from the final plans per HR 20-01
4. Proposed revisions to the side elevations included in the record for this application will continue to be reviewed and approved by Staff per HR 20-01 Conditions of Approval #4. All new windows not proposed in HR 20-01 shall be 1:1 hung windows or fixed/awning/casement square windows

PROJECT DESCRIPTION

The Applicant was approved under HR 20-01 to build a live/work building that contains a commercial space on the ground level front and a large, 10-bedroom dwelling in the remaining portions of the structure. The main entry for the commercial space is located in the center of the ground floor porch accessed from 5th Street. The residential entry is on the south elevation, with internal stairs leading to the main residential floor.

The project is a live/work dwelling. The City's definition of live/work is as follows:

17.04.645 - Live/work dwelling.

"Live/work dwelling" a dwelling in which a business is designed to be operated on the ground floor. The ground floor commercial, personal service, or office space has visibility, signage, and access from the primary Street.

The Applicant additionally was reviewed for compliance with the Geohazard Overlay District through GLUA 20-0024: GEO 20-0002 SP 20-0052. The site is crossed sloped with elevation dropping from the rear and top front of the site. The low point of the slope is at the NW elevation. At the front lower corner of the lot at the location of the proposed ADA ramp. The geohazard review and Conditions of Approval directed the application to minimize cuts and fills, which resulted in an exposed foundation approximately 4 feet taller at the side door entrance at the finished grade on the downhill side elevation than reflected in the approved HR plans.

With a better understanding of the site conditions, the Applicant submitted an ADA ramp with the Building Permit package. The ADA ramp and retaining walls not associated with the building foundation were not part of the approval package as the Building Division needed additional information. Staff was waiting for the additional information before determining if the ramp needed to be reviewed by the HRB. The submitted ADA ramp plans incorporate the existing site conditions and detail an approach to access the side and rear of the site.

The Applicant originally planned to access the side elevation door with an at-grade side entrance and retaining wall to the rear. With the revised elevation level, the Applicant proposes to utilize an ADA ramp to access the side and rear entrance. The ADA ramp is designed with lap siding to match the house with railings attached on the inside to minimize the massing of the ramp and reduce the visual appearance of the ramp as a separate building element.

The existing condition of the foundation can be seen in the photo taken on September 21, 2021. It shows a floor height of approximately 2- feet above the proposed final grade at the front corner and approximately 4 feet at the side entrance (please note that the existing gravel is not the final grade). Traditionally, Foursquare buildings have a foundation line/top of the floor, typically around 2-4 feet above grade, to be in line with a front porch depending on the specifics of the site. In this instance, the proposed floor height was a little lower in the approved plans for HR 20-01, around 2 feet tall at the front corner, which then sloped up to an at-grade side entrance.

The Geohazard Review and Conditions of Approval directed the Applicant to minimize cuts and fills, which resulted in an exposed foundation 4 feet taller at the side entrance on the downhill side elevation than reflected in the approved HR plans, which is the lowest point of the cross sloped lot. Further cutting into the slope would have been required to meet the preliminary HRB elevation, which was not recommended in the geo review. The Applicant has also indicated that the backfill of soil will be at the top of the foundation vents as the Applicant indicated that they can build foundation wells for the vents. This has been added as a condition of Approval.

Traditionally Foursquare and larger Bungalow-styled buildings that utilize a full foundation have a foundation line/top of the floor typically around 3 ½ feet above grade to be in line with a front porch depending on the specifics of the site. In this instance, the proposed floor height was a little lower, around 2-tall at the closest point of the front, and sloped up to an at-grade side entrance with a retaining wall. Traditionally, the side door would be accessed from a 3-5 step side porch. In this instance, the Applicant has requested an ADA access ramp rather than a side porch to allow for elderly family members better access to the upper stories as the commercial space is accessed from the front porch entrance.

The Applicant has submitted two additional sets of revised drawings. All three sets are attached to the staff report. The analysis and proposed conditions of Approval are based on the most updated revised set (11.15.21)

- Applicant Submittal
- Applicant's Revised Submittal 10.5.21
- **Applicant's Revised Submittal 11.15.21**

Staff will be reviewing the following items in this application and will provide the Board with suggested Conditions of Approval.

1. ADA ramp/foundation height

2. Window revisions not covered by HR 20-0001 Condition of Approval #4 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.

3. Unpermitted CMU retaining wall.

Staff has also provided findings for compliance with the applicable sections of the Design Guidelines for New Construction and the approval criteria in OCMC 17.40 Historic Overlay District. If the Board believes additional findings are needed by the Applicant- they should provide that direction at the meeting.

Staff Recommendation

Staff recommends that the Historic Review Board approve the ADA ramp to the side door and backfill the remainder of the side yard with rockery walls and mitigation planting with the same type of plants proposed in the proposed landscape plan and allow the full ADA ramp if the Board can provide finding for compatibility and mitigation of the impact of the pedestrian view looking up from 5th Street. This approach provides the needed ADA access with a structure that is comparable to the massing of a traditional side porch. Staff finds that the more conservative approach of a reduced ADA ramp to the side door clearly meets the standards for New Construction, and the full Ada ramp to rear elevation can be found to be compatible as conditioned with more dictionary review by the Historic Review Board.

Allowing the larger ADA ramp is not out of the line with the discretion of the HRB and would allow greater access to the building for elderly residents and visitors and would fit the character of a more commercial building in a Commercial District. The Secretary of the Interior provides [guidance](#) on how to design compatible ADA ramps for historic structures, recognizing that access is an important component to both private and public spaces. While this proposal is new construction of a live/work building, reviewing how ADA ramps can be made to fit historic resources can provide background to the best approach for this project. As there are no specific Design Guidelines for ADA access, the Historic Review

Board should review the proposal and see if the design and mitigation measures as outlined in the Conditions of Approval can be found to be compatible with the District and provide the best option to allow access for visitors and residents.

Analysis Overview

The Historic Review Board and Staff is the review and after the fact proposal to build an ADA ramp on a recently approved infill new construction in the McLoughlin Conservation District. The subject property was approved for construction of a Live/Works unit comprised of a single-family residence with a small commercial space on the ground floor accessed from the front porch. The second and third floors comprise the dwelling unit which is accessed by stairs from a side door entrance. The site was reviewed for Geologic Hazards in the winter of 2020.

The Applicant has indicated that there will be future elderly residents that will want access to the second floor through a ramp system beyond the existing internal stairwell. There is no city requirement for ADA access for a single-family residence.

The Applicant has recently provided a request to increase the slope allowed for the ramp to reduce the size and potential switchbacks to a ramp that can access the rear of the site. An attached email from Tracy Turner, Residential Plans Examiner, provides direction to the Residential Building Code that describes the maximum slope allowed for a residential deck ramp. This revised ramp would not be considered ADA accessible but could be used by the residents of the single-family dwelling unit.

Staff initially recommended the applicant design the ADA ramp with siding to match the house (September meeting) when it was proposed as a simpler L-shaped ramp that wrapped around to the rear of the house. This recommendation was to lessen the impact the ramp has as a new element. However, with the larger switchback design, Staff's recommendation to utilize a siding approach may create a much larger massing than anticipated. The Historic Review Board and the application might want to pursue other railing designs (metal, wood) that could create an airier approach.

The crux of the Historic Review and analysis for this proposal and the burden of the Applicant is to provide adequate findings to support a large exterior ramp to allow residents to access the second floor of the house on a sloped lot.

The Historic Review Board deliberated over multiple meetings in the Spring of 2020 to address massing concerns on the proposed live-work design based on a Foursquare architectural design. The Historic Review Board allowed an attached garage, with conditions, understanding that the need to reduce cuts and fills on the site was reasonable. At no time during this analysis was the need for a ADA access was brought up as part of the design discussion. The Historic Review Board spent the majority of their deliberations discussing the large massing of the building; this included dropping the wall height, removing ornamentation, and requiring a visual separation of the garage from the main volume of the housing.

If ADA access was proposed during the initial HR 20-01 review. Staff would have recommended the Applicant look at access from the upper sloped side of the lot (JQ Adams), or pursue an internal ramping or chair lift design. Staff provided the following findings in HR 20-01 *"The Applicant has proposed the foursquare style. The hallmarks of the style include a basically square, boxy design, two-and-one-half stories high, usually with four large, boxy rooms to a floor, a center dormer, and a large front porch with wide stairs. The proposed structure is boxy with a hip roof, large eaves, and symmetrical arrangement, which resembles a foursquare."* The Applicant has not provided sufficient findings for how the larger

switchback ramp will retain the boxy foursquare feeling of the approved design. HR 20-01 allowed a somewhat longer footprint than a class square with a 70' 3" length of the building to 47' width w/o garage) The proposed rear switchback ramp looks to add 19 additional feet to the rear of the site, which further erodes the appearance of a boxy foursquare design.

Staff also encourages the Applicant to coordinate with Development Services as soon as possible to better understand if the proposed ramp design will trigger additional geohazard review and if there are alternative ramp approaches that would stay within the original Geohazard review approval GLUA 20-0024: GEO 20-0002 SP 20-0052).

To be clear, the burden for providing sufficient findings is on the Applicant for this after-the-fact ramp proposal. Staff and the Historic Review Board can assist by providing additional direction on what they believe could meet the Design Guidelines for New Construction and the criteria found in OCMC 17.40 Historic Overlay District. However, it is within the purview of the Historic Review Board to deny the request for the larger rear ADA ramp based on a concern for the massing and lack of findings. If the Board wishes to continue working with the Applicant to further refine the ramp drawings, they can provide direction and request to see the final redesigned ramp prior to final Approval. This will require the Applicant to continue the 120-day deadline, 30 additional days for December 28, 2021 or 60 days for a January 25, 2021 Historic Review Board meeting.

Staff is looking for the Historic Review Board to determine if a revision to the approved plans can be found to meet the standards for new construction in the Historic District.

- 1. If the proposed full ADA ramp is compatible with the McLoughlin Conservation District and can visually be mitigated through the proposed design and plantings and the Applicant has provided sufficient findings/drawing for meeting the Design Guidelines for New Construction for the revised elements or can be met with the proposed Conditions of Approval.**
 - a. If the Board finds that the full ADA ramp to the rear elevation cannot be sufficiently mitigated through the proposed design and plantings, Staff recommends that Historic Review Board approve the ADA ramp to the side door only and backfill the remainder of the side yard with natural rockery walls, to the extent allowed by Oregon City Development Services and mitigation planting with the same type of plants in the proposed landscape plan that will cover 100% of the exposed area and encourage the Applicant to pursue internal ADA access options for the site or provide specific direction for how they want the larger ramp to be redesigned.**
 - b. If the Board can provide direction on how a larger ramp can be redesigned, the Applicant should continue the 120 date deadline and return at a future HRB meeting for review of the final ramp design before formally approving the application.**
- 2. Does the Board supports the proposed Conditions of Approval for window revisions on the front elevation not covered by HR 20-0001?**

BACKGROUND

Site and Context

The site is located in the McLoughlin Conservation District in the Mixed-Use Corridor Zone. The property is approximately 9500 square feet and has 77 feet of frontage on 5th Avenue. It also borders unimproved JQ Adams Street, which is heavily forested and includes a pedestrian walkway

up to the Barclay Hills and Rivercrest neighborhoods. The site is crossed slope upward from 5th and to the back of the lot (see figure 2)

The property is on the edge of the McLoughlin Conservation District.



Figure 1 Vicinity Map (Conservation district shown in purple)



Figure 2-Aerial photo and topography- arrow showing cross-slope



Figure 3 Zoning Map



Figure 4 Existing condition of exposed foundation- September 21, 2021



Figure 5 Existing condition showing unpermitted CMU wall. Provided in 11.15.21 Applicant's resubmittal. The CMU wall does not meet Conditions of Approval 3 and 7 of HR 20-01 and will need to be rebuilt using poured in place concrete, basalt veneer, or natural rockery.



Figure 6 Neighboring building at 1010 5th Street; a modern commercial building with a low shed roof, roughly U-shaped. The offices are sited in the eastern portion of the building, with a small courtyard framed by the low roof on the west side. The building is primarily clad with stone veneer, but some portions have vertical groove plywood siding. The windows are fixed aluminum sash and are located primarily on the east and west sides of the building. It is not a designated structure in the Mcloughlin Conservation District. (Google Maps- taken prior to construction)

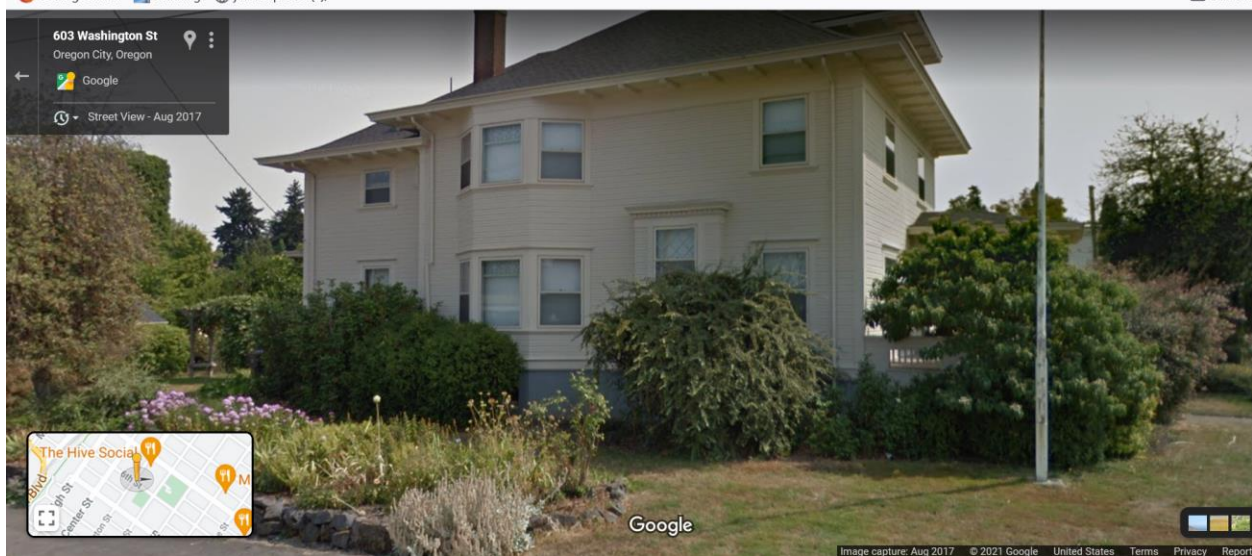


Figure 7-Stevens Crawford House, 603 6th Street. An example of a larger Foursquare/bungalow design with a foundation height of 3 ½ to 4 feet.



Figure 8 -909 Washington Street- Charles Caufield House. An example of a side porch and stair with a 3 ½ to 4-foot foundation height on a sloping site.

Comparison of Approved Site Plan (HR 20-00001 and HR 21-00020)

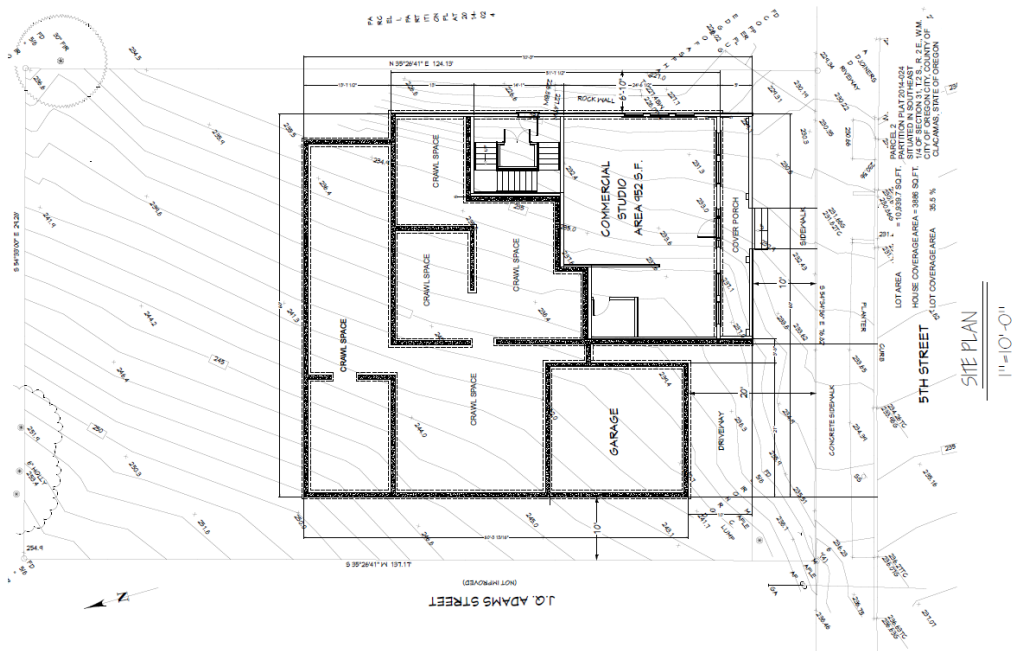


Figure 9 Approved HR 20-01 Site Plan

PLANT LIST:				
SYMBOL	QTY.	LATIN NAME/ Common Name	SIZE	SPACING
STREET TREES				
	2	SYRINGA RETICULATA Japanese Tree Lilac	2" cal.	As Shown
MITIGATION TREES				
	3	CORNUS NUTTALLII Pacific Dogwood	2" cal.	As Shown
	3	TSUGA HETEROPHYLLA Western Hemlock	6" ht.	As Shown
	1	ACER JAPONICUM 'ACONITIFOLIUM' Full Moon Maple	6" ht.	As Shown
SHRUBS				
	29	NANDINA DOMESTICA 'HARBOR BELLE' Harbor Belle Nandina	2 gal.	2' o.c.
	10	PIERIS JAPONICA 'LITTLE HEATH' Little Heath Pieris	5 gal.	3' o.c.
	1	TAXUS MEDIA 'STONEHEDGE' Stonehedge Yew	5 gal.	3' o.c.
	6	CORNUS ALBA 'BAILHALO' Ivory Halo Dogwood	2 gal.	5' o.c.
	12	VACCINIUM OVATUM Evergreen Huckleberry	5 gal.	4' o.c.
	32	LEUCOTHOE FONTANESIANA 'NANA' Dwarf Leucothoe	2 gal.	3' o.c.
	13	AUCUBA JAPONICA 'MR. GOLDSTRIKE' Mr. Goldstrike Aucuba	5 gal.	4' o.c.
	35	MAHONIA REPENS Creeping Mahonia	1 gal.	3' o.c.
	6	CAMELLIA 'FAIRY BLUSH' Fairy Blush Camellia	2 gal.	3' o.c.
	8	CEPHALOTAXUS HARRINGTONIA 'FASTIGIATA' Upright Japanese Plum Yew	5 gal.	2' o.c.
	7	SARCOCOCCA RUSCIFOLIA Sweet Box	1 gal.	3' o.c.
GROUND COVER				
	14	ARCTOSTAPHYLOS U.U. 'WOOD'S DWARF' Wood's Dwarf Kinnikinnick	1 gal.	3' o.c.
	63	EPIMEDIUM PERRALCHICUM 'FROHNLEITEN' Frohnleiten Bishop's Hat	1 gal.	2' o.c.
	44	LIRIOPE MUSCARI 'BIG BLUE' Big Blue Lily Turf	1 gal.	2' o.c.

GENERAL NOTES:

1. Contractor is to verify all plant quantities.
2. Adjust plantings in the field as necessary.
3. Project is to be irrigated by an automatic, underground system, which will provide full coverage for all plant material. System is to be design/ build by Landscape Contractor. Guarantee system for a minimum one year. Show drip systems as alternate bid only.
4. All plants are to be fully foliated, well branched and true to form.
5. Contractor is to notify Landscape Architect or Owner's Representative of any site changes or unforeseen conditions that may be detrimental to plant health, or cause future problems to any structural elements of the project.
6. Invasive plant species shall be removed from all landscape areas prior to approval of final occupancy permit.

Figure 10 -2021 SARCOLD Landscape Plan Details

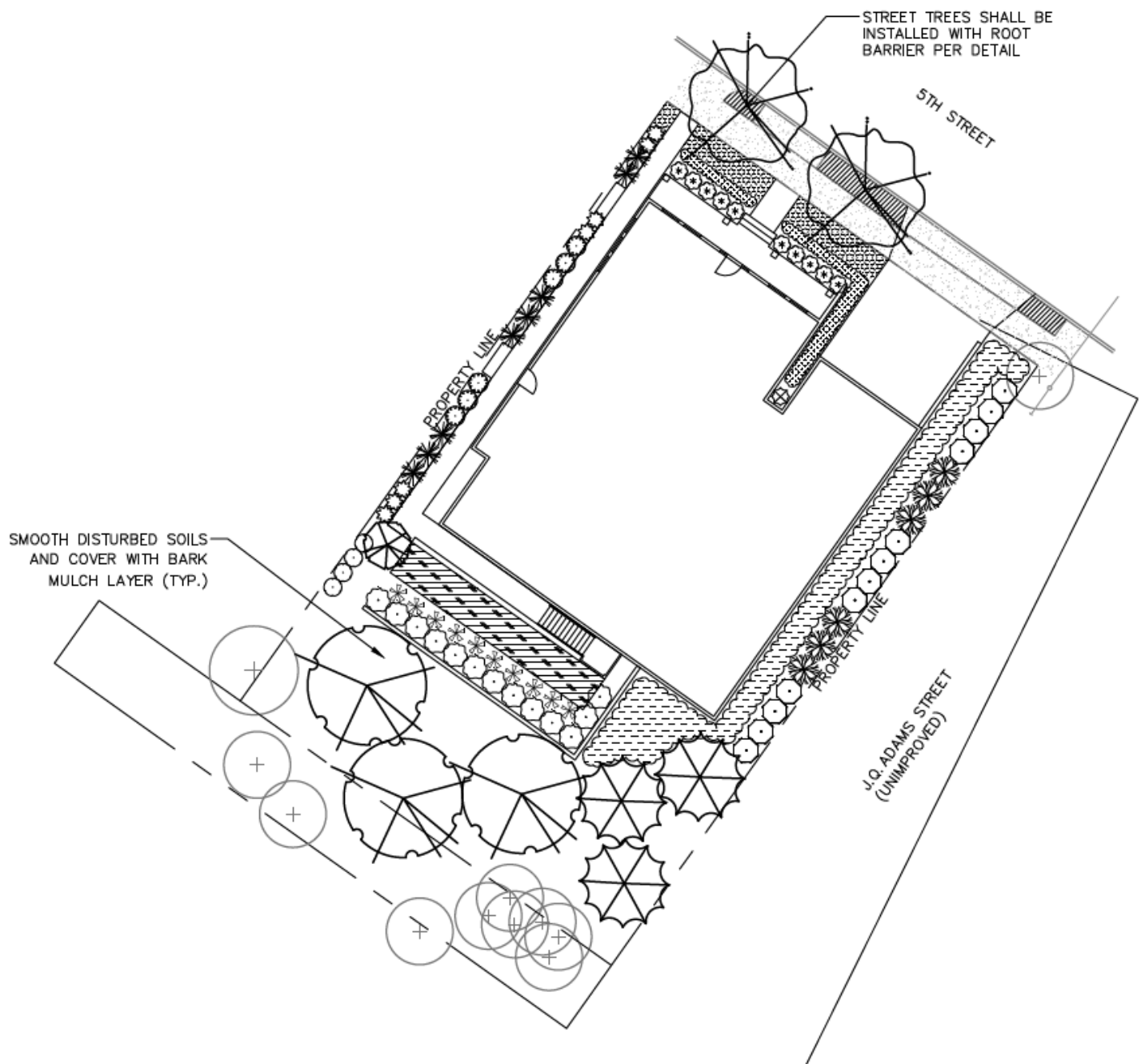


Figure 11- 2021 Proposal Landscape Plan showing ADA ramp location and side yard mitigation plants (Japanese yew, sweetbox, and fairy bush camellia). ADA setbacks to the property line look to 2 1/2 to 3 feet. **Please note the Applicant has not revised the landscape plan based on the revised switchback rear ramp design.**



Figure 12- Approved Front Elevation- HR 20-1

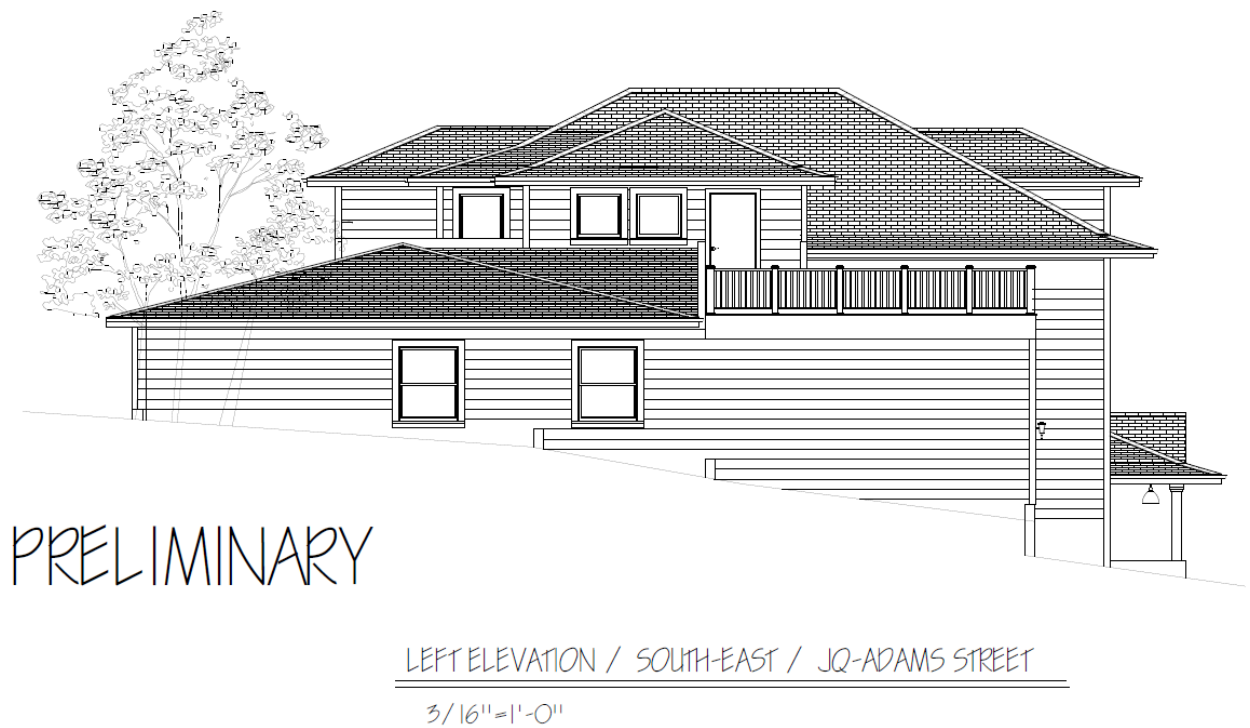


Figure 13-Approved HR 20-01 Left elevation (uphill side)



Figure 14-Approved HR 20-01 Right elevation (downhill side)

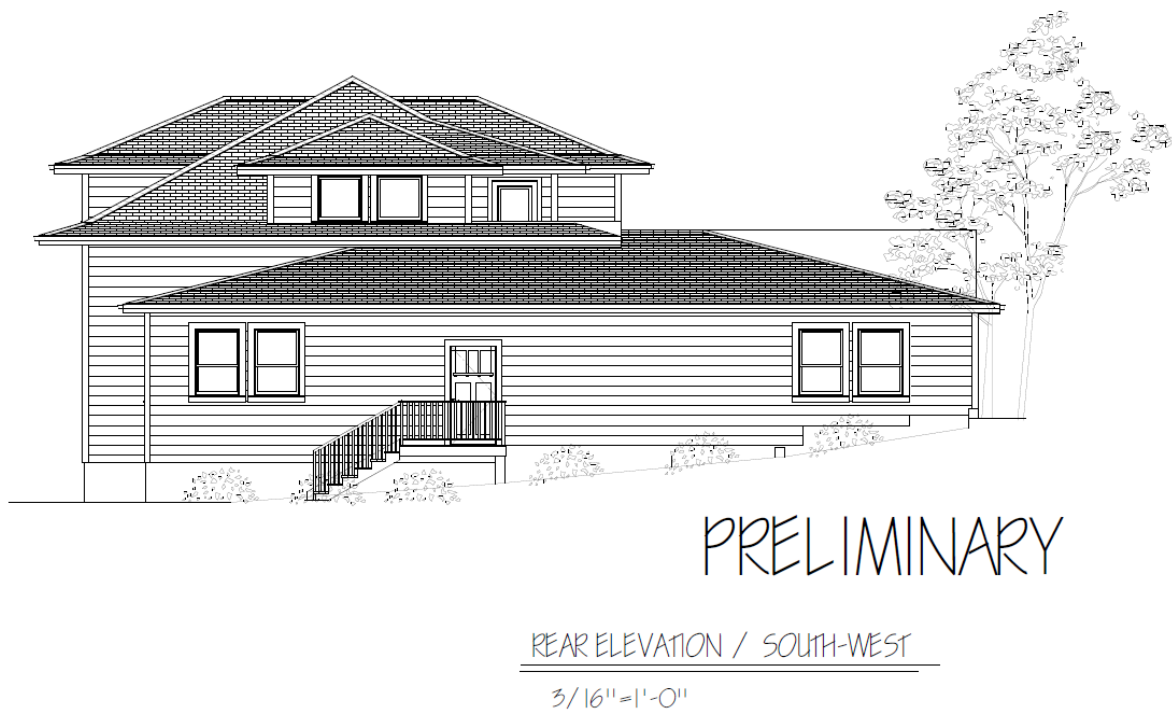


Figure 15-Approved HR 20-01 Rear elevation



Figure 16- Revised HR 21-00020 Front Elevation (indicating location of window set 5 and 7 in conditions of Approval for front elevation window alterations)



Figure 17- Revised HR 21-00020 right elevation (downhill side)

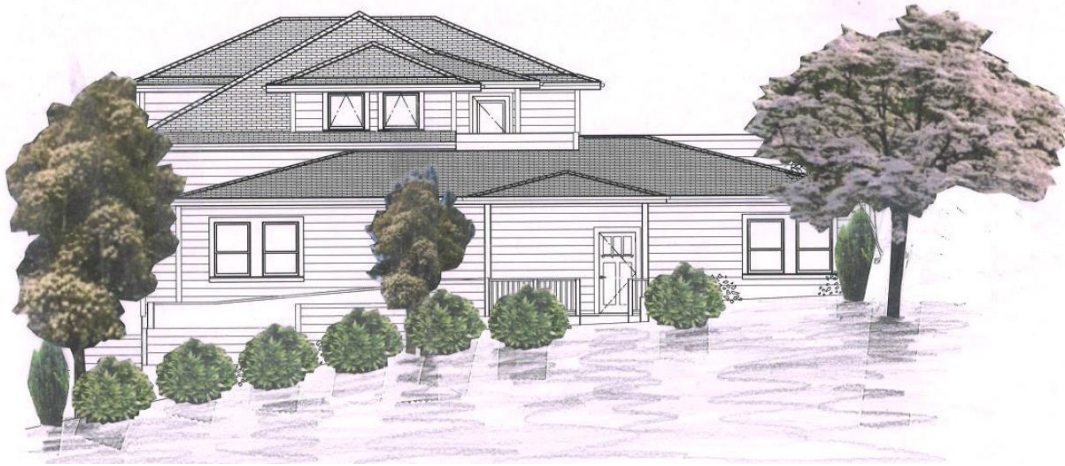


Figure 18- Revised HR 21-00020 rear elevation

Window alterations are identified by number and further discussed in the narrative and proposed Conditions of Approval.



Figure 19- Revised HR 21-00020 left elevation (uphill)

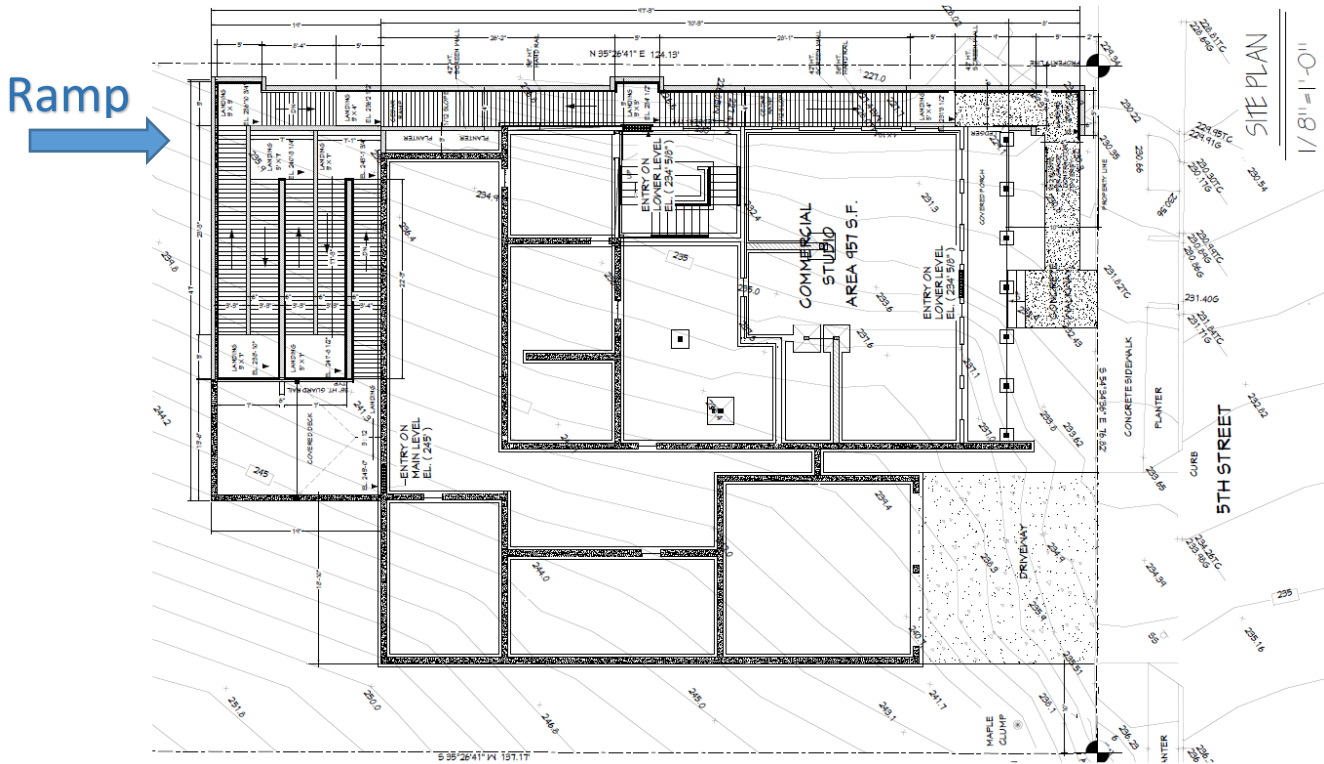


Figure 20 - Revised HR 21-00020 Site Plan

PUBLIC NOTICE AND COMMENT

A public notice was sent to neighbors within 300 feet of the subject property, posted on the City's website, emailed to a variety of stakeholders, a sign was posted onsite. The following comments were received.

McLoughlin Neighborhood Association

- *The application is incomplete. The Applicant has not addressed any criteria.*
- *The request includes a "change in final foundation height." There is no information on the change.*
- *How does the screen wall itself comply with criteria?*
- *A floor plan, not a site plan, was submitted. Provide a site plan showing dimensions of all features from the property lines, in particular the west property line.*
- *On the site plan, show how the ramp ties in at the front; show the existing sidewalk.*
- *Show the wall, its foundation, and landscaping on a vertical elevation drawing of the north elevation. Depict measurements.*
- *Address how the wall foundation and proposed landscaping will be accomplished in the small space between the building and west property line without encroaching.*

The MNA additionally provided comments at the October HRB meeting indicating that they believe the massing of the larger ramp is too impactful on the District and encouraged the Applicant to pursue internal ADA access options.

"The new revision proposes a large addition to the previously proposed ADA ramp, plus a 250-sf deck. This will create an increased negative impact visually to the surrounding community as well as environmental and safety impacts due to the sensitive geologic features of the site. More importantly, this design will have a detrimental effect on the residents and users of the facility. They would be required to navigate over 230 feet of ramp with 2 corners and 4 hairpin turns, over a 14-foot elevation gain, exposed to the elements, prior to reaching the proposed deck and rear entrance. For people lacking mobility, this is likely to result in a need for assistance or medical intervention. Additionally, ADA access is not provided to the top floor with this design."...

*"In order to reduce the significant impacts to the land, the neighbors, and facility users as discussed above, we respectfully encourage the HRB to **require** an alternate means to provide ADA access internally. There are many wheelchair lift products on the market intended to be incorporated into new buildings or retrofitted into existing buildings. Installation of a device similar to the one attached to this memo would allow ADA access to all levels of the structure, would eliminate additional impact to the exterior design, eliminate further geologic impact, and provide a shorter, protected, easier to navigate route for the vulnerable residents and users of the facility"*

Staff Response: Staff is processing the application based on what the Applicant has submitted but will also be asking the Historic Review Board if the Applicant needs to provide additional findings or plans to show compliance with the Design Guidelines.

- Given that the construction is well-underway, it appears that any input on the foundation elevation modification is moot. What are the implications of this change?
- Condition #2 of HR-20-01 requires the Applicant to minimize grading and comply with any applicable standards in the Geologic Hazard Overlay. Address how the retaining wall foundation complies.

As indicated in the project description above, the site crossed sloped with elevation dropping from the rear and top front of the site. The low point of the slope is at the NW elevation at the front lower corner of the lot at the location of the proposed ADA ramp. The geohazard review and conditions of Approval directed the application to minimize cuts and fills, which resulted in an exposed foundation 4 feet taller on the downhill side elevation than reflected in the approved HR plans. Further cutting into the slope would be required to meet the preliminary HRB elevation and is not a recommended approach.

The existing condition of the foundation can be seen in the photos taken on September 21, 2021. They show a floor height of approximately 2- feet above the proposed grade at the front corner and approximately 4 feet from the final grade at the side entrance. Traditionally, Foursquare buildings have a foundation line/top of the floor, typically around 2-4 feet above grade, to be in line with a front porch depending on the specifics of the site. In this instance, the proposed floor height was a little lower on HR 20-01, around 2 feet tall at the front corner, which then sloped up to an at the grade side entrance.

The Applicant has also indicated that the backfill of soil will be at the top of the foundation vents as the Applicant can build foundation wells for the vents. This has been added as a condition of Approval. While the change of exposed foundation on this elevation to the side door is substantial enough from the approved design to require a review by the Historic Review Board, it is not strikingly out of character for the architectural type. The exposed foundation on the side elevation past the side door could be mitigated through a couple of options that are prepared as possible Conditions of Approval for the

Historic Review Board. The Applicant will also be required to rebuild the existing unpermitted wall to meet the material conditions of Approval.

- *The maximum lot coverage appears to be exceeded; please check the calculation.*

Staff Response: The site is located in the MUC zone, which allows for an 80% lot coverage. This proposal meets that standard.

- *There are exterior changes, such as windows, from the approved plan. The narrative needs to address these changes.*

Staff Response: Staff will be reviewing window revisions not covered by HR 20-0001 Condition of Approval #4 *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* and will be providing recommended conditions to address any outstanding items. Some of the side windows referenced in the condition staff was requiring to be revised to be 1:1 windows outside of this process, but have added them to the conditions for clarity.

Mike Roberts- Building Official- indicated a need for Building Permits for the ADA ramp.

Tracy Turner, Residential Plans Examiner, Provided additional guidance on the Building Code for deck ramp slope not categorized as ADA ramps.

Sang Pau, Development Engineer, provided guidance on what actions trigger additional geohazard review.

REVIEW CRITERIA

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: This is a proposed modification to an approved New Construction in the McLoughlin Conservation District (HR 20-0001)

- 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 City processed the application pursuant to Chapter 17.50 of the municipal code. The Applicant provided elevation drawings, landscape plan, floor plan, and a narrative to address the specific revisions requested. Staff is processing the application based on what the Applicant has submitted but will also be asking the Historic Review Board if the Applicant needs to provide additional findings or plans to show compliance with the Design Guidelines.

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 HR 20-00001. The letter indicates the level of recommended archaeological monitoring on the site. No major change in grading is being proposed for the side ADA ramp beyond the original notice.

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.

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: Complies as Conditioned

If the Historic Review Board can determine that the revised plans provide sufficient mitigation for the design and massing of the ADA ramp and there is no adverse effect on the significance of the District and there are sufficient findings and plans to demonstrate compliance, Staff has prepared to recommend Conditions of Approval that reduce the impact the ramp has on the building and the McLoghlin Conservation District.

2. *The provisions of the city comprehensive plan;*

Goal 5.3 Historic Resources

Policy 5.3.1

Encourage architectural design of new structures in local Historic Districts, and the central Downtown area to be compatible with the historic character of the surrounding area.

Policy 5.3.8

Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.

Finding: Complies as Conditioned.

A new live/work dwelling is proposed on vacant land commercial land within the McLoughlin Conservation District. The proposed height, massing, and design of the original design was approved under HR 20-0001. The site does not abut a historic resource, nor is one adjacent to the site. Adding an ADA ramp to the building will not adversely affect the significance of the District, as conditioned, and more than the Approval of the original structure under HR 20-0001.

3. *The economic effect of the new proposed structure on the historic value of the District or historic site;*

Finding: Complies as proposed. Approving this development will add additional housing stock and commercial space 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: Complies as Conditioned. A new live/work dwelling is proposed on vacant land commercial land within the McLoughlin Conservation District. The proposed height, massing, and design of the original design was approved under HR 20-0001. The site does not abut a historic resource, nor is one adjacent to the site. Adding an ADA ramp to the building will not adversely affect the significants of the District and more than the Approval of the original structure under HR 20-0001.

5. *The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure;*

Finding: Complies as Conditioned.

The proposed height, massing, and design of the structure as conditioned is consistent with the design guidelines appropriate within the 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 and commercial space in an existing 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.

Design Guidelines for New Construction – McLoughlin Commercial

1. STYLE

Determining the appropriate style for a new infill project is an important initial step in the design process. Each historic District has different styles that were prevalent during the historic period of significance. These styles are what create the historic context. New construction shall complement one of these styles to support the historic context. Use of other styles dilutes and distracts from the historic context of the District. While there may be several styles dominant within the District, the specific choice of a style shall be compatible with adjacent properties, the block, and the neighborhood. It also must be fitting for the particular function of the building and its size.

Outside of the Seventh Street Commercial Corridor, commercial uses shall employ a residential style architecture to better integrate into the neighborhood fabric. The larger residential styles, such as Queen Anne, Vernacular [single buildings or grouped], and Foursquare, are appropriate. They create a suitable transition to adjacent residential areas and can be built relatively close together to achieve appropriate density. These styles could be utilized for any uses: retail, office or multifamily residential. The carriage building on High Street is an existing residential style structure used for commercial purposes.

Finding: Complies as Proposed. The Applicant has proposed a live/work dwelling in a mixed-use zone on 5th Street, which is outside of the main commercial corridor of the District. The guidelines call for a residential-style architecture outside of the 7th Street Corridor. The Applicant proposed a Foursquare style, which is consistent with the guidelines. The ADA ramp, as conditioned by Staff aims to minimize the ramp's appearance by utilizing lap siding to match the house siding or provide porch railing designed ADA ramp if being design to only access the side entrance.

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.

Commercial buildings are to face the Street squarely with their primary face and display areas in full view, to engage the pedestrian, and to be set back only slightly, if at all from the front and side lot lines. Small courtyard area may be appropriate for multifamily and certain commercial uses. Vehicle access to be on the less visible sides or rear.

SITE CHARACTERISTICS OF MCLOUGHLIN COMMERCIAL BUILDINGS

- *Rectangular footprint that largely fills the width of the lot.*
- *Oriented to Street for access, and display. No or small setback from the sidewalk along Street; may not extend all way to rear lot line.*
- *Small front or side setback is appropriate for residential uses.*
- *Central or individual ground floor customer-tenant entries. Grouped residential entry to lobby or foyer. Separate service entries.*
- *Vehicle access and storage at side or rear; may be hidden under the building.*
- *Landscape: small plantings if there are setbacks; otherwise street trees. Upper story gardens visible from the sidewalk were not used in the historic period, and are discouraged.*

I: SITE *continued*

USE OF SITE		<i>How the site is planned to be used.</i>	
ASPECT		PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Topography Use	Site houses according to neighboring or contextual practice. At sloping sites, houses were sited at most the easily built portions of the lot and close to grade. At upsloping sites the main level was raised. At downslope sites the main level was lowered. Cross-slope sites utilized the easiest access. Residential garages may extend to front property line at up or down sloping sites. Commercial buildings requiring a larger footprint utilized level lots in close proximity to the street. Buildings may be set back to better integrate with houses where adjacent, and to facilitate grade changes.		Extensive regrading of lot to raise or lower the main level of a house. Tall walls to alter the natural topography for building siting or yard leveling purposes. Commercial buildings without the main level close in height to the public way Foundations, piers or piling more than 1 story in height above natural grade 

Finding: Complies with Conditions. The Guidelines direct development on cross slopes to utilize the easiest access and not allow foundation more than 1-story. The Guidelines also allow for a small side yard setback for commercial buildings in the Mccloughlin Conservation District. While Live/work is a bit of a hybrid of commercial and residential, Staff finds that this setback direction still applies and provides direction for smaller more commercial-scale setbacks for uses that go beyond single-family residential. The setback for the MUC-1 District is 0 feet. The Applicant has proposed a setback that appears to be between 2-3 feet. Staff finds that either ramp option (full ramp to the rear or ½ ramp to side door) meets this standard.

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. Existing commercial historic buildings are now less numerous in the districts. Acceptable styles will produce new infill form based on historic character qualities of the original buildings and those found in other similar districts. This new development will then successfully relate to adjacent residential neighborhoods. The appropriate style and form of the new buildings depends upon the site and neighboring, or transitioning context.

BUILDING FORM CHARACTERISTICS OF MCLOUGHLIN COMMERCIAL BUILDINGS

- Building form and foot print primarily rectangular, possible rectangular additions or wings; possible interior light court, courtyard or areaway.
- Massing: A simple rectangular primary form encompassing the primary and visible facades. a parapet or false front that provides the height boundary of the building and hides the view of the roof. Single story with retail or service use; Two or three story with single or mixed use. Basement option
- Ground floor typically has high ceilings; retail use with office or residential use above.
- Height: Main level close to grade. Single story buildings: minimum 16 foot high parapet. First to Second floor height to be at least 12 feet unless for multifamily use, then may be 10 feet. Upper floor to floor heights at least 10 feet. Maximum Height: Per City code
- Height for Commercial Buildings using a Residential Style: First to Second floor height to be at least 10 feet. Main Floor Level Height Above Grade: 2½ feet minimum. Eave Height: 28 feet maximum. Ridge Height maximum: 40 feet.

- Residential styles, including Queen Anne, or Foursquare, are encouraged on Seventh above John Q Adams and on Center and High, and where facing or adjoining residential zoning. Alternatively, the use(s) may be embodied in a grouping of smaller buildings.
- Full width one or two story porches at front (accessed by interior stair), or rear are appropriate for residential.
- Grade level or depressed parking if accessed from rear or rear end of side and generally concealed from sidewalk by building wall, provided commercial or residential use is located along primary Street.

Finding: Complies with Conditions. The addition of an ADA ramp as conditioned does not contradict any of the Guideline elements above.

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 MCLOUGHLIN COMMERCIAL BUILDINGS

- Mostly single or double store design to 100 feet in width. Wider than 100 feet requires style change.
- False front: covering front gable roof or just an extended wall; may have a parapet on each side (possibly not rear) hiding a low sloped roof.
- Streetcar Commercial: wood or masonry construction and finish; generous ground floor retail display with individual or grouped upper level double hung windows in an otherwise solid wall.
- Large ground floor storefront windows with short bulkhead wall below and very often with transom windows above; wood frames or appropriate metal. Trim at window/transom frame edges.
- Often recessed store entries; side entries typically not recessed. Separate entries for individual stores.
- Streetcar Multifamily: wood or masonry construction and finish. Less emphasis on retail display, but location of public and lobby areas adjoining the public way. Possible upper level window bays within the width and height of the primary or side façades. Possible entry projection.
- Upper Level Entry: typically a single shared entry with small lobby.
- Upper story wood framed windows designed as 'punched' openings in the otherwise solid wall, regularly spaced; individual, paired double hung design or triple units with fixed center and double hung side lights. Possible transom windows. Possible flat arch windows in masonry walls.
- Façade with modest, but defining cornice, possible belt cornice. Wood exteriors can support more detailing; masonry or plaster finished buildings with less detail and ornamentation; typically, no significant form projections or recesses except window bays or entries.
- Materials/Finish: cement plaster (stucco), brick, concrete with plaster over, horizontal board siding; fabric awnings, possible flat steel/wood building supported canopy.

Finding: Complies with Conditions. The addition of an ADA ramp as conditioned does not contradict any of the Guideline elements above. The Guidelines do not provide any specific direction on ADA ramps. Though there is some direction for porches not allowing *"Porches that are not consistent with the architectural style, without roofs (except secondary service accesses or those at grade), or those that are overly ornate for the chosen style"*. As conditioned, the design for the ADA ramp is secondary to front porch access and is designed to be compatible with the building's architecture.

Staff has provided recommended conditions for the three full windows on the uphill side elevation to be 1:1 windows as directed above and to revise or reconfirm the front center windows to be slightly shorter as depicted in the approved plans. These requirements were to occur on a staff level consistent with the Conditions of Approval but have been added to this report for clarity. Staff is specifically

requesting Approval by the Board to allow an additional dormer window on the front elevation and the lengthening of the front window set, which is outside of Staff able to approve.

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. No preservation incentives are proposed.

CONCLUSION AND RECOMMENDATION

If the Board finds that the full ADA ramp to the rear elevation and revised foundation height cannot be sufficiently mitigated though the proposed Conditions of Approval, Staff recommends that the Historic Review Board approve the ADA ramp to the side door only and backfill the remainder of the side yard with rockery walls and mitigation planting with the same type of plants proposed in the proposed landscape plan and approve the condition for the window revisions.

Staff is also looking for confirmation from the Historic Review Board that the Applicant has provided sufficient findings/plans to meet the Design Guidelines for New Construction for the revised elements. If the Applicant has not, Staff recommends that the Historic Review Board provide direction for the Applicant to return at the October Historic Review Board meeting with a revised narrative and any additional plan revisions as directed by the Historic Review Board unless found to be not required if the Applicant meets the proposed conditions of Approval.

EXHIBITS

1. Vicinity Map (onfile)
2. Applicant Submittal
 - a. Applicant Submittal
 - b. Applicant's Revised Submittal 10.5.21
 - c. Applicant's Revised Submittal 11.15.21
3. Public Comment
 - a. McLoughlin Neighborhood Association
 - b. McLoughlin Neighborhood Association- Revised
 - c. Terese Yip
4. Staff Comment
 - a. Mike Roberts, Building Plans Official
 - b. Tracy Turner, Building Plans Examiner
 - c. Sang Pau, Project Engineer
5. HR 20-01
 - a. Notice of Decision
 - b. Plans (onfile)
6. Secretary of Interior Standards for Rehabilitation- Accessibility (onfile)

From: [Bogdan Smolinets](#)
To: [Christina Robertson-Gardiner](#); john@delsonengineering.com
Cc: [Bogdan Smolinets](#); [Pavel Khrupin](#)
Subject: Fwd: ADA Ramp - need revised drawings
Date: Monday, October 18, 2021 2:52:58 PM
Attachments: [cid492FAC1D-E13B-4AD8-B0B4-8F0BACC256B3.pdf](#)

Sent from my iPhone

Begin forwarded message:

From: Christina Robertson-Gardiner <crobertson@orccity.org>
Date: October 18, 2021 at 1:30:01 PM PDT
To: Bogdan Smolinets <nwcustomhomes@yahoo.com>
Subject: ADA Ramp - need revised drawings

Bogdan,

I am putting together the revised staff report today for the ADA ramp and window alterations for the live/work project on 5th Street. In our phone conversation a couple of weeks ago, I gave you a hard 9 am October 18, 2021 deadline for sending me revised ADA plans addressing the rear slope/grade question and revising the ADA ramp to begin past the front porch.

At this time, my current recommendation is for approval of the window revisions and an ADA ramp to the side door, as I have inadequate information on the full ADA ramp option. If you would like to continue to pursue the ADA ramp to the rear entrance, [I will need you to extend the 120-day date to at least thirty more days](#) to provide time to review your proposal. I am not sure I will have adequate time tomorrow to review anything that you email to me before the agenda is posted.

Application Submitted: 08/31/2021
Application Complete: 09/01/2021
120-Day Decision Deadline: 12/30/2021
120- day extension – 1/30/2022

Thank you



[What's your Vision for Oregon City?](#)

Christina Robertson-Gardiner, AICP, Senior Planner (she/her)
695 Warner Parrott Rd, Oregon City, OR 97045

crobertson@orccity.org

503) 496-1564 Direct

(503) 722-3789 Main

[Interactive Maps and Apps](#)

[Printable Maps](#)

[Online Submittal of Land Use Applications](#)

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

PUBLIC RECORDS LAW DISCLOSURE: This email is subject to the

From: [john delson](#)
To: [Bogdan Smolinets](#); [Christina Robertson-Gardiner](#)
Subject: Proposed ADA Ramp with covered deck-PLAN
Date: Monday, October 18, 2021 4:23:39 PM
Attachments: [ADA RAMP REVISED 10-18-21.pdf](#)

Christina and Bogdan,

Hope the plan will clarify the new design idea for the ADA ramp and 13 feet x 19 feet approximately, covered deck on the back yard.

Should you have any questions, please call us or e-mail.

Thank You
Respectfully,

John Delson P.E. DEI-President
p. 360-944-7094
c. 360-281-8353



Delson Engineering, Inc.

1204 NE 146TH AVE
VANCOUVER, WA. 98684

PHONE: (360) 944 -7094

John@Delsonengineering.com

October 19, 2021

Re.: ADA Ramp and Covered Rear Deck for the main floor access.

NARRATIVES FOR GLUA 20-00024 TERESA YIP

APPLICANT: Name: Bogdan Smolinets 503-504-6754
Address: 15730 SE Bybee Dr
Portland OR 97236

OWNER: Name: Teresa Yip 971-258-8148
Address: 15270 SW Sparrow Loop, unit 102
Beaverton, OR 97007

REQUEST: Description of project:
PR-160-2020 Live Work 5th and JQ Adams

LOCATION: Address: 1020 5th St, Oregon City OR 97045
Map and tax lot number: 10900

To Whom It May Concern:

The owner Teresa Yip is in process of developing the above site to provide care for her elderly family members. It has been stated, in the previous approval process by Historical Board, and the City Permitting authorities.

Mrs. Teresa Yip expressed her family and personal needs for the ADA compliant ramp in her letter dated September 27, 2021. Her mother (92 years of age), and older brother currently require ADA accessibility due to the advanced age.

We understand that the ramp is necessary to access the residential floor to accommodate the needs of the owner and her family, and propose ADA compliant ramp to access residential floor level.

The existing site topography of the backyard with aggressive slopes make the required residential entry rear door very difficult for access. In our professional opinion the elevated ramp will also minimize further disturbance of the surface ground in geologically sensitive area.

The ramp will be fully screened on the right side with the siding to match the siding material and finishes of constructed house.

The cover deck will be approximately 19 feet long by 13 feet wide. It will match the overall depth of the ramp and will fill up the space between the constructed Landscape Retaining Wall and the house. The hip roof over the proposed deck will match the design of the lower hip roof of the house. The roof over the proposal deck will also provide shelter for the occupants during hot or rainy days of the year. Also the covered deck will complement the house.

The ADA ramp will give more residential appearance to the rear elevation.

We thank you in advance for your consideration of the proposed ADA ramp, and the covered deck to meet the needs of the owner family.

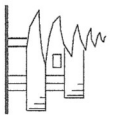
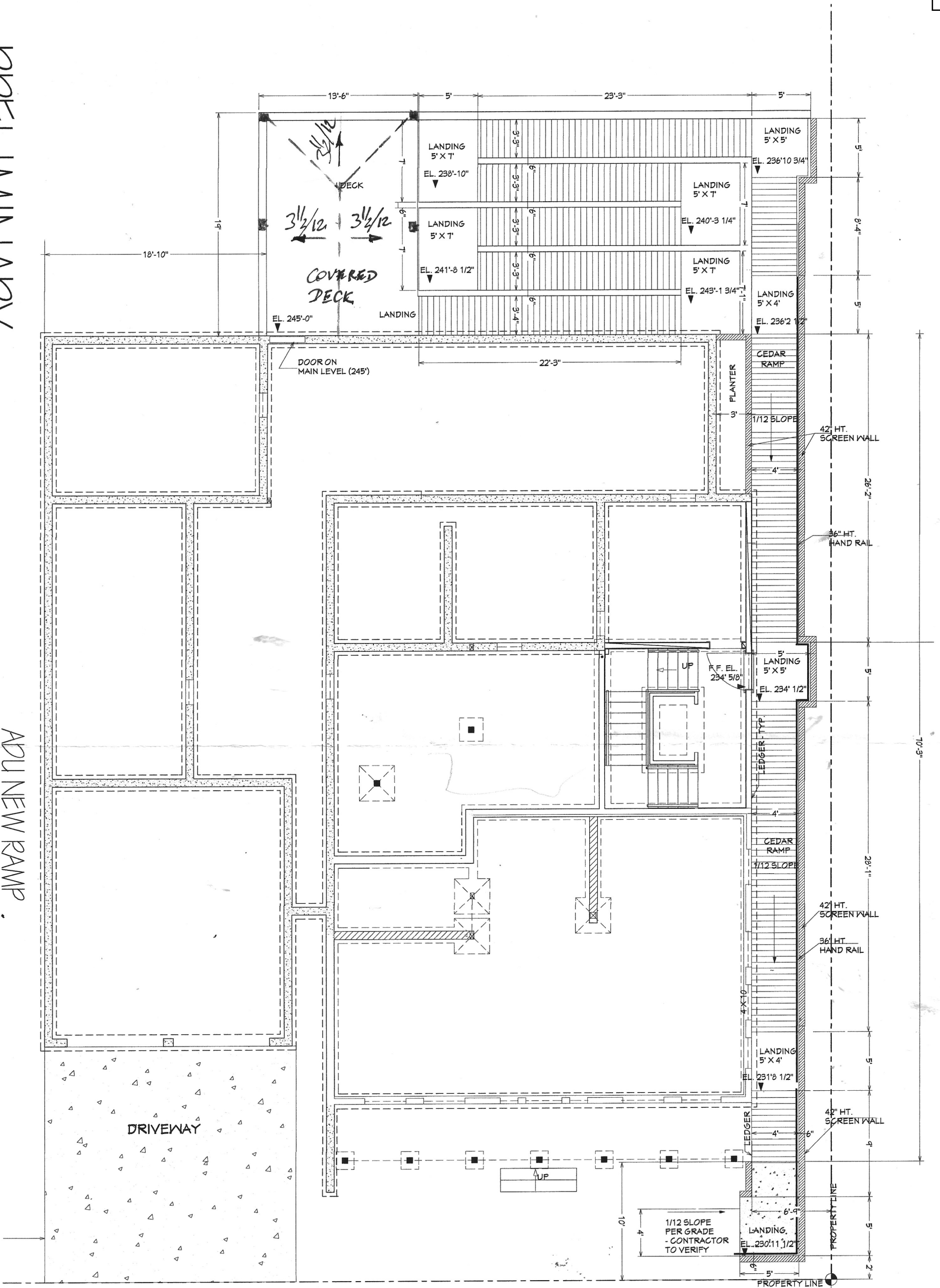
I hope this information meets your needs at this time.
Please call our office if you have any questions.

Respectfully,

John J. Delson P.E. E.O.R.

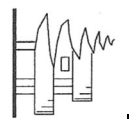
10-15-21

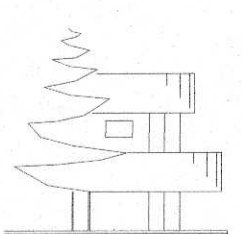
ADU NEW RAMP
1/8"=1'-0"

[illegible]

DRAWN
BY: *ABB*

YIP- RESIDENCE
5 TH ST JQ-ADAMS ST
OREGON CITY, OR 97045



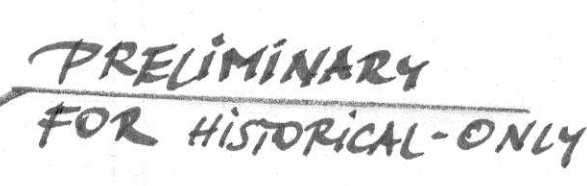
$$1/4'' = 1' - 0''$$


YIP RESIDENCE
5 TH ST JQ-ADAMS ST
OREGON CITY, OR 97045

DATE: 8-26-21
LIVING AREA:
JOB NO: A19-7-52
DRAWN
BY: *ABG*

INTEGRAL PART OF THESE DRAWINGS AND IS GENERALLY THE LAST SHEET OF THE SET.

DELSON ENGINEERING, INC.
1204 NE 146TH AVENUE
VANCOUVER, WA 98684
(360) 944-7094


$$1/4'' = 1' - 0''$$

CONTRACTOR TO VERIFY ALL EXISTING DIMENSIONS
AND CONDITIONS AND NOTIFY ENGINEER OF RECORD
IF DIFFERENT PRIOR TO START OF CONSTRUCTION
ALL WORK PER LATEST ADOPTED
APPLICABLE CODES -TYP.

From: [john delson](#)
To: [Bogdan Smolinets](#); [john delson](#); [Christina Robertson-Gardiner](#); [yipt@aol.com](#)
Subject: Re: Historic Review Board direction
Date: Monday, November 15, 2021 2:55:12 PM

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.

Teresa Yip project;
 Respond to Historical Board Committee questions:

1. Please see the revised landscape plan with additional mitigation plantings.(By others).
2. The ADA ramp cannot start beyond the front porch..The length of the ramp is dictated by topography and 1 to 12 slope which is national ADA standard. We can shorten the ramp only if the local building jurisdiction approves slope steeper than proposed 1 to 12. Please advise if slope 1 to 10 would be allowed and permitted by Oregon City building jurisdiction.
3. The rear porch is necessary and shall have no impact on any restrictions including Historical Board regulations. We propose a wood deck which is not impervious surface and shall not alter lot coverage. The only alternative is a concrete patio which of course creates additional impervious area.
4. We have created ADA ramp which is necessary for the personal and commercial usage of the proposed building. We have tried all and any possible means to mitigate the massing of the ADA ramp. Again the size of the ramp is dictated by ADA national standards and existing lot topography. The only way to shrink the ramp is to increase the slope of the ramp from 1/12 to 1/10. Please advise if such option will be appropriate and approved by the building jurisdictions.
5. The rear deck is a common feature of any residential structure. In this case we must create wood deck or concrete patio because of existing topography. Please advise if you see any other option.
6. Originally we proposed a front entry to the residential portion of the house. This option was rejected by historical board and was discouraged by the staff.The only possible entry to residential area is on the side using the staircase or on the back to the main floor (residential portion of the building) using the ADA ramp. To meet ADA requirements a commercial elevator is not possible due to enormous construction cost and the space required.
7. Additional side photos available and attached (by others).
8. Lot coverage has been increased by approximately 140 ft.² of the proposed roof over the rear deck.

Should you have any questions for the above response please email us. We thank you in advance for your understanding and cooperation in this challenging situation as we are trying to help the owners to meet the needs of their aging family.

Respectfully John Delson PE EOR.

Get [Outlook for iOS](#)

From: Bogdan Smolinets <nwcustomhomes@yahoo.com>
Sent: Monday, November 15, 2021 12:31:53 PM
To: john delson <john@delsonengineering.com>; Bogdan Smolinets <nwcustomhomes@yahoo.com>
Subject: FW: Historic Review Board direction

Sent from [Mail](#) for Windows

From: [Christina Robertson-Gardiner](#)
Sent: Wednesday, October 27, 2021 9:19 AM
To: [Bogdan Smolinets](#); [john delson](#)
Subject: Historic Review Board direction

John and Bogdan,

Below is the list of items requested by the Historic Review Board for the November 30, 2021 HRB meeting:

Please submit them by November 15, 2021, to allow staff time to review the items and coordinate with Building and Development Services. The new 120-day deadline is to January 30, 2022.

1. Revised landscape plan with additional mitigation plantings.
2. Revision to site plan and elevation that show the ADA ramp starting beyond the front porch (per condition of approval)
3. Provide a site plan ADA option that does not have rear porch.
3. Provide a revised final rear elevation that details the rear ADA ramp.
4. Provide revised findings that show how you are mitigating the impact of the additional massing of the rear ADA ramp and porch.
5. Provide findings showing how the rear deck is compatible and can be mitigated
6. Analysis of why an interior ADA option is not feasible, why does the ADA option need to be commercial grade?
7. Additional site photos of the side and rear elevation (to and from) -at least six photos
8. Updated lot coverage analysis- with revised ADA ramp and rear porch.

Thank you,

Christina



[What's your Vision for Oregon City?](#)

Christina Robertson-Gardiner, AICP, Senior Planner (she/her)
695 Warner Parrott Rd, Oregon City, OR 97045
crobertson@orccity.org
503) 496-1564 Direct
(503) 722-3789 Main

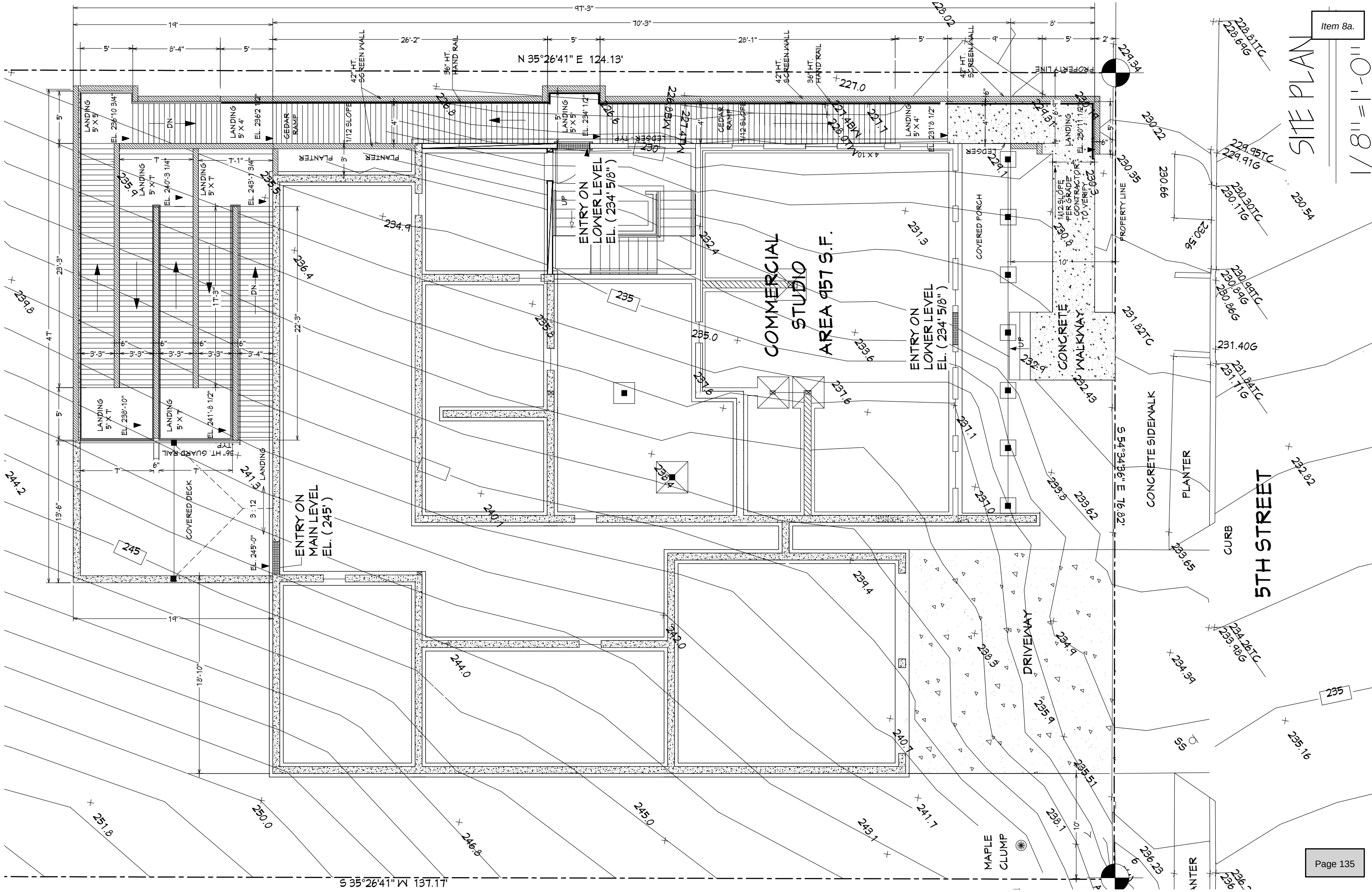
[Interactive Maps and Apps](#)

[Printable Maps](#)

[Online Submittal of Land Use Applications](#)

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

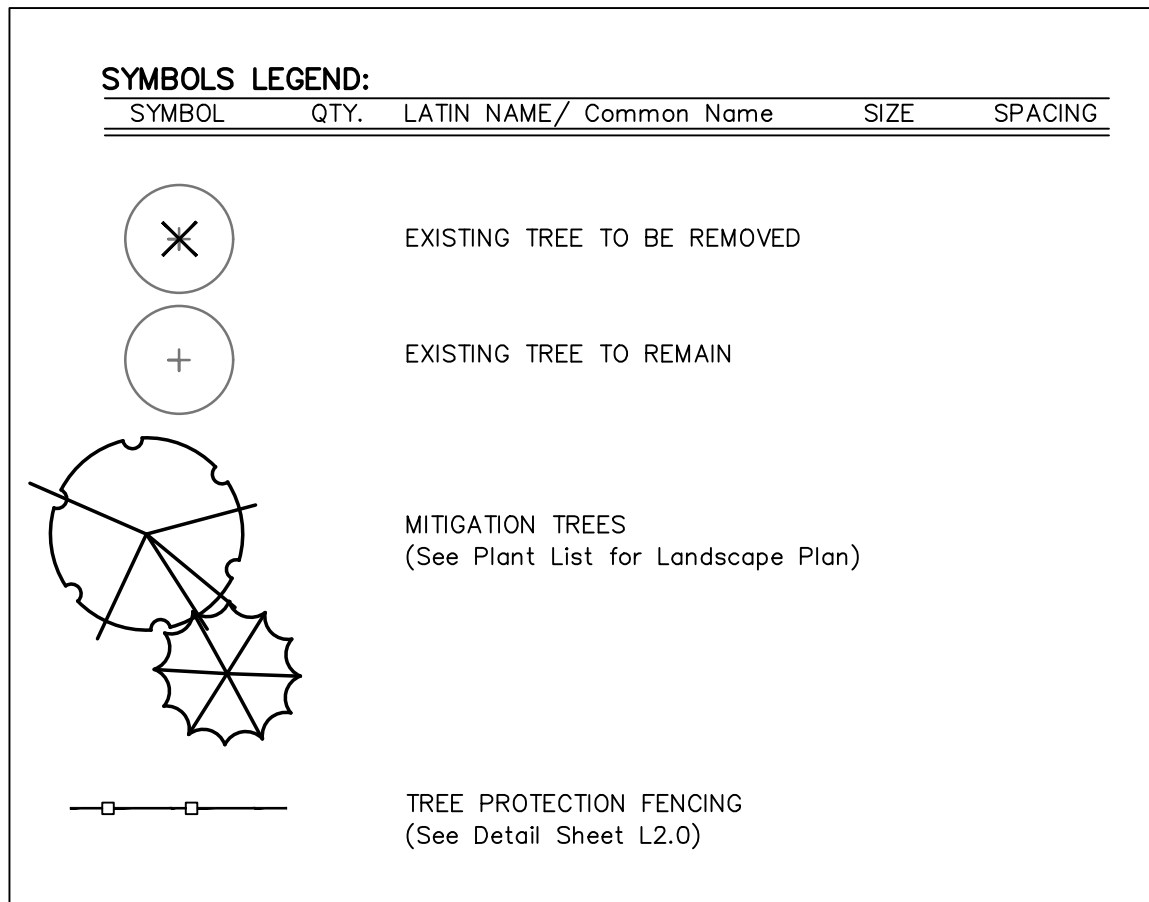
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the



Item 8a.

1/8" = 1'-0"

SITE PLAN



TREE MITIGATION CALCULATIONS:

*See 11/5/19 Arborist Report for Hazardous Tree Descriptions
*The Site Survey shows some existing trees that do not correspond to the Arborist Report, therefore we propose to mitigate for all trees that cannot be identified or reconciled.

Total Existing Trees Removed within Construction Area=11
Hazardous Tree Quantity=6
Invasive Species Trees Quantity=1
Quantity of Trees to be Mitigated=4 (Noted as "Unidentified")
6-12"=2 (Requires 2 Mitigation Trees)
13-18"=2 (Requires 4 Mitigation Trees)
New Mitigation Trees Proposed=6

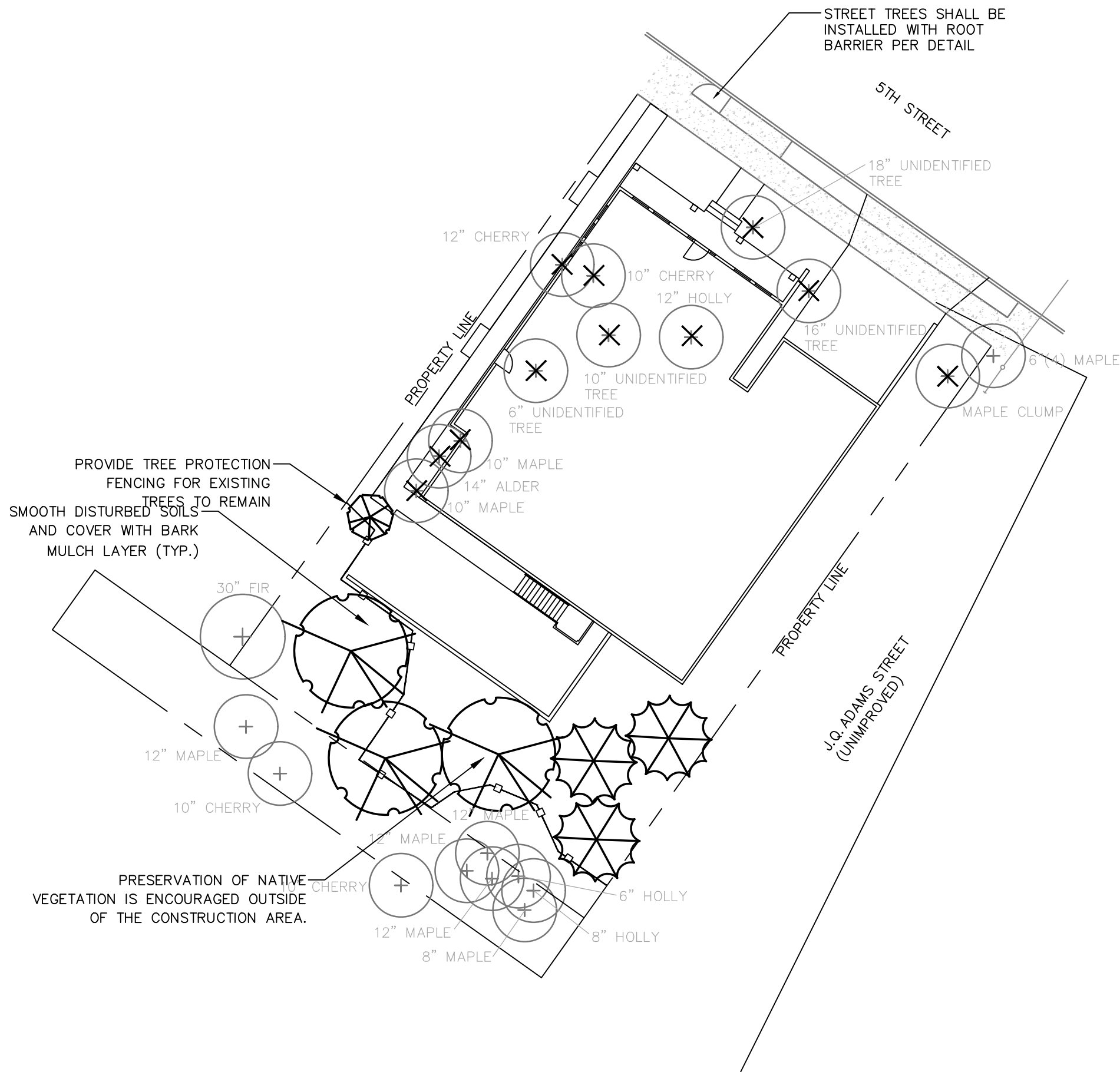
Total Existing Trees Removed outside of Construction Area=0

*Any non-hazardous existing trees shown on this plan to remain, that are removed or damaged during construction, shall be replaced according to the requirements of Oregon City Municipal Code Table 17.41.060-1.

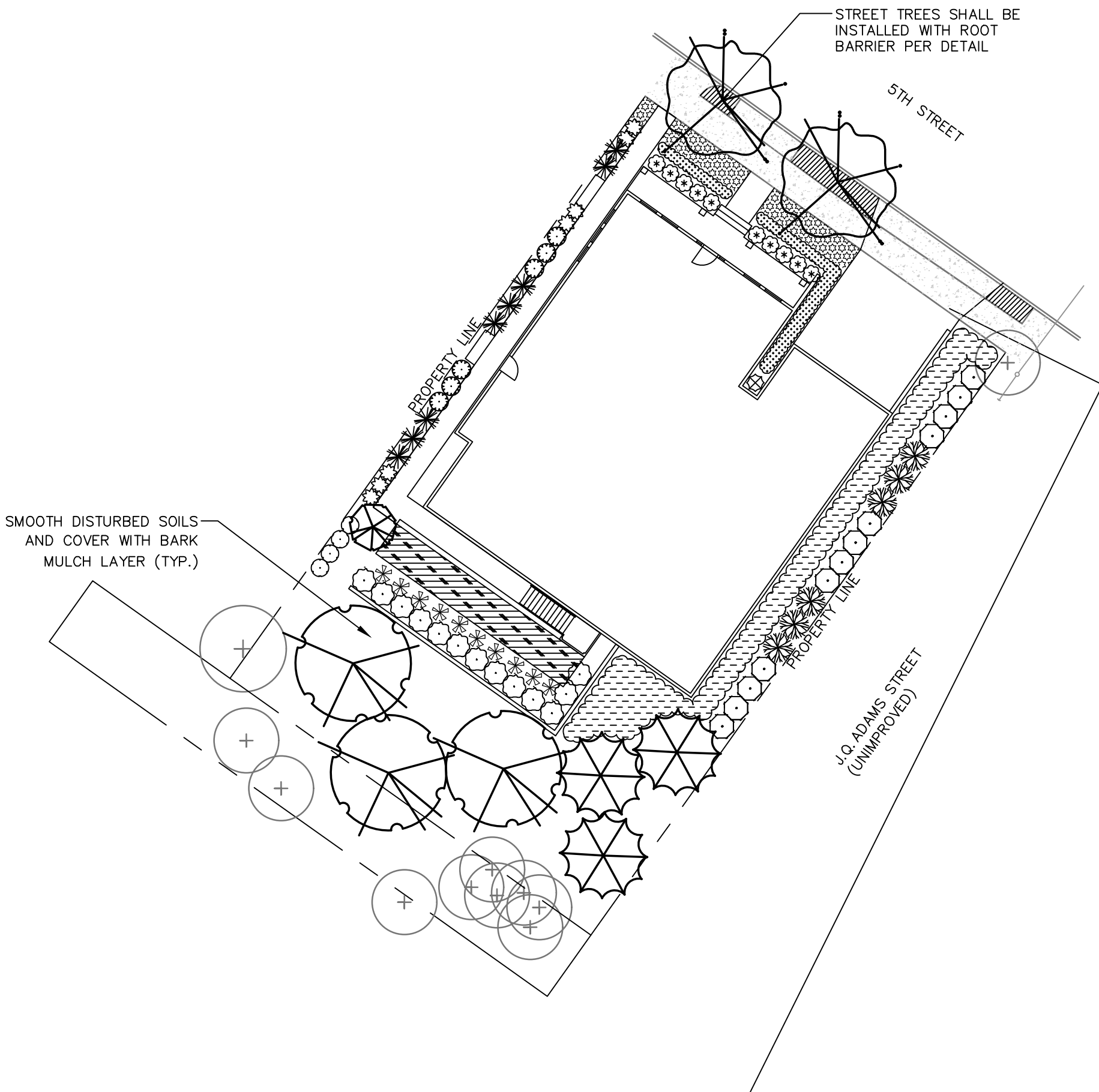
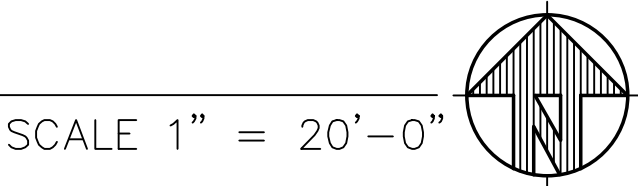
PLANT LIST:

SYMBOL	QTY.	LATIN NAME/ Common Name	SIZE	SPACING
STREET TREES				
	2	SYRINGA RETICULATA Japanese Tree Lilac	2" cal.	As Shown
MITIGATION TREES				
	3	CORNUS NUTALLII Pacific Dogwood	2" cal.	As Shown
	3	TSUGA HETEROPHYLLA Western Hemlock	6' ht.	As Shown
	1	ACER JAPONICUM 'ACONITIFOLIUM' Full Moon Maple	6' ht.	As Shown
SHRUBS				
	29	NANDINA DOMESTICA 'HARBOR BELLE' Harbor Belle Nandina	2 gal.	2' o.c.
	10	PIERIS JAPONICA 'LITTLE HEATH' Little Heath Pieris	5 gal.	3' o.c.
	1	TAXUS MEDIA 'STONEHENGE' Stonehenge Yew	5 gal.	3' o.c.
	6	CORNUS ALBA 'BAILHALO' Ivory Halo Dogwood	2 gal.	5' o.c.
	12	VACCINIUM OVATUM Evergreen Huckleberry	5 gal.	4' o.c.
	32	LEUCOTHOE FONTANESIANA 'NANA' Dwarf Leucothoe	2 gal.	3' o.c.
	13	AUCUBA JAPONICA 'MR. GOLDSTRIKE' Mr. Goldstrike Aucuba	5 gal.	4' o.c.
	35	MAHONIA REPENS Creeping Mahonia	1 gal.	3' o.c.
	6	CAMELLIA 'FAIRY BLUSH' Fairy Blush Camellia	2 gal.	3' o.c.
	8	CEPHALOTAXUS HARRINGTONIA 'FASTIGIATA' Upright Japanese Plum Yew	5 gal.	2' o.c.
	7	SARCOCOCCA RUSCIFOLIA Sweet Box	1 gal.	3' o.c.
GROUND COVER				
	14	ARCTOSTAPHYLOS U.U. 'WOOD'S DWARF' Wood's Dwarf Kinnikinnick	1 gal.	3' o.c.
	63	EPIMEDIUM PERRALCHICUM 'FROHNLEITEN' Frohnleiten Bishop's Hat	1 gal.	2' o.c.
	44	LIRIOPE MUSCARI 'BIG BLUE' Big Blue Lily Turf	1 gal.	2' o.c.

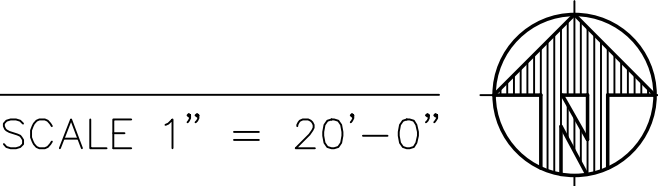
- GENERAL NOTES:**
- Contractor is to verify all plant quantities.
 - Adjust plantings in the field as necessary.
 - Project is to be irrigated by an automatic, underground system, which will provide full coverage for all plant material. System is to be design/ build by Landscape Contractor. Guarantee system for a minimum one year. Show drip systems as alternate bid only.
 - All plants are to be fully foliated, well branched and true to form.
 - Contractor is to notify Landscape Architect or Owner's Representative of any site changes or unforeseen conditions that may be detrimental to plant health, or cause future problems to any structural elements of the project.
 - Invasive plant species shall be removed from all landscape areas prior to approval of final occupancy permit.



TREE REMOVAL + MITIGATION PLAN



LANDSCAPE PLAN



Item No.

REVISIONS

DATE

NO.

REGISTERED
LA793
ERIN HOLSONBACK
OREGON
6/10/2013
EXP. 5/31/21
LANDSCAPE ARCHITECT

5th STREET + J.O. ADAMS STREET

OREGON CITY, OR 97045

LANDSCAPE PLAN

DATE
9-7-2021

SCALE
NOTED

DRAWN
EH

CHECKED
EH

SHEET NO
L1.0
1 OF 2



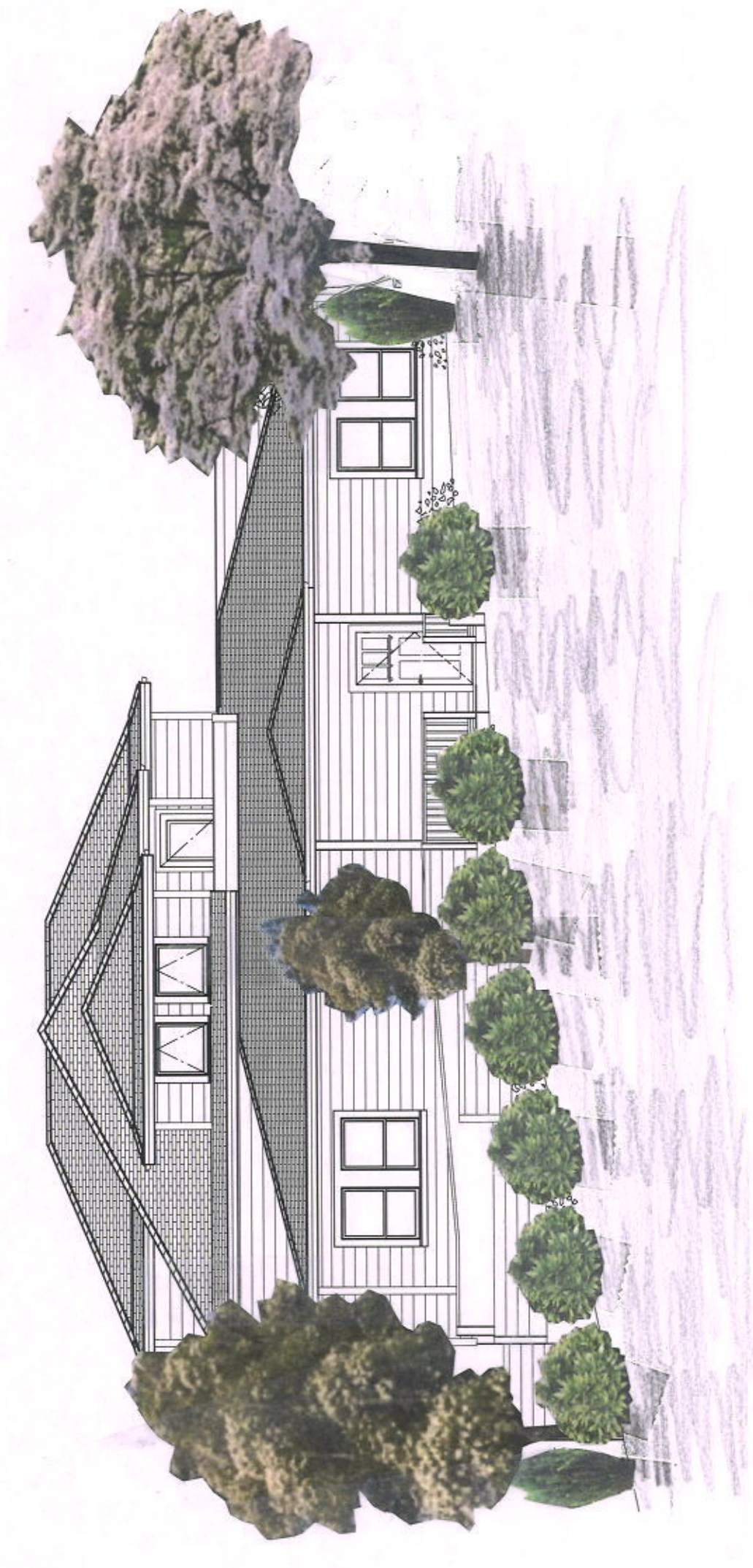
FRONT ELEVATION / 5TH ST

1/8"=1'-0"



RIGHT ELEVATION / MONROE ST.

1/8" = 1'-0"



REAR ELEVATION

1/8" = 1'-0"



LEFT ELEVATION / J.Q. ADAMS ST

1/8"=1'-0"







Item 8a.

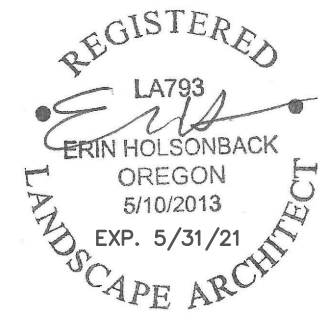


Item 8a.



Item 8a.



[illegible]

OTTEN + ASSOCIATES
LANDSCAPE ARCHITECTURE

3933 South Kelly Avenue, Suite B • Portland, OR 97239
Phone: (503) 972-0311 • www.ottenla.com

5th STREET + J.Q. ADAMS STREET

OREGON CITY, OR 97045

LANDSCAPE PLAN

DATE 9-7-2021

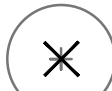
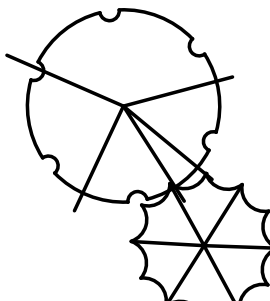
SCALE NOTED

DRAWN	CHECKED
EH	EH

SHEET NO.

L1.0

1 OF 2

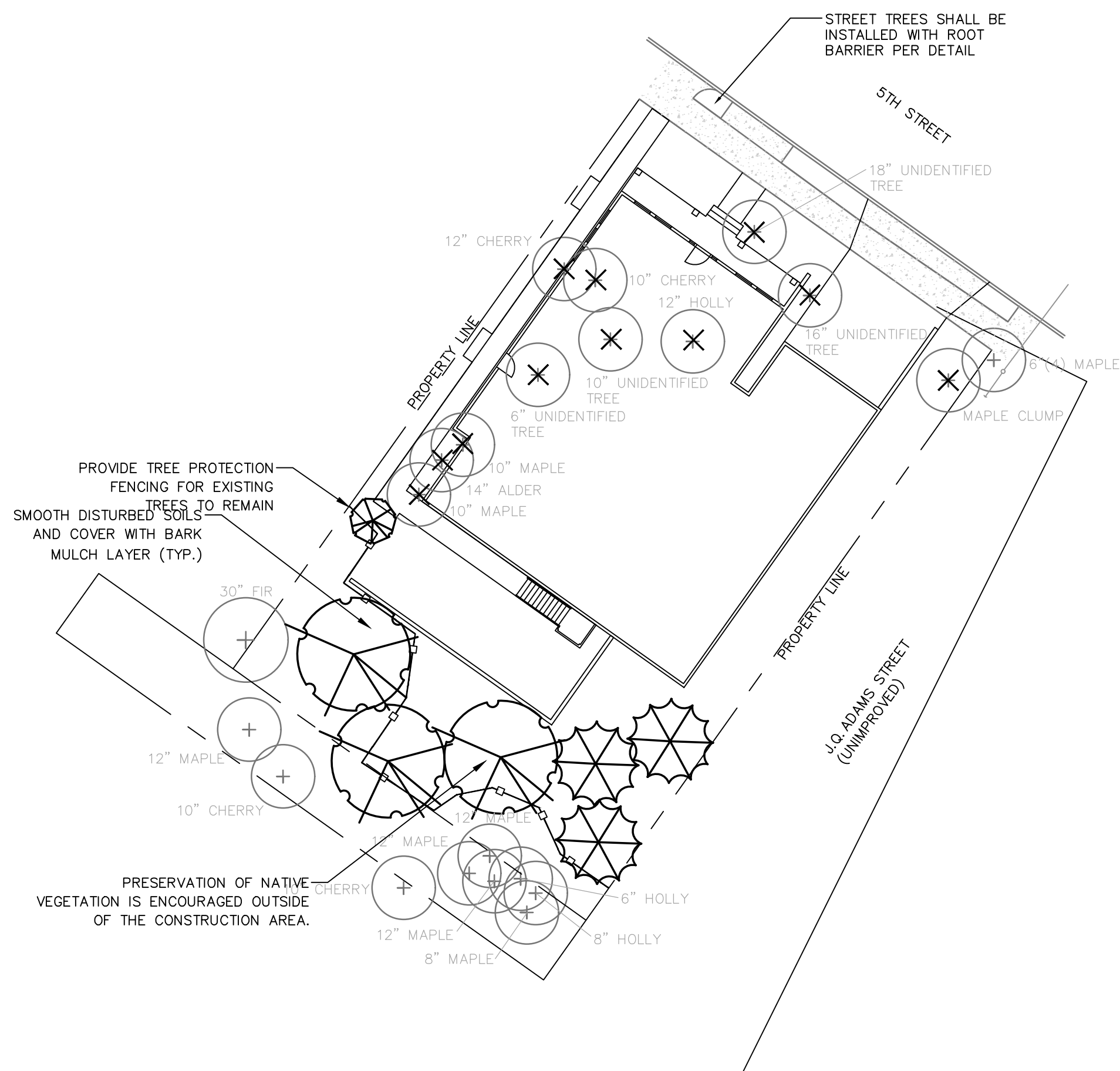
SYMBOLS LEGEND:				
SYMBOL	QTY.	LATIN NAME/ Common Name	SIZE	SPACING
		EXISTING TREE TO BE REMOVED		
		EXISTING TREE TO REMAIN		
		MITIGATION TREES (See Plant List for Landscape Plan)		
		TREE PROTECTION FENCING (See Detail Sheet L2.0)		

TREE MITIGATION CALCULATIONS:

*The Site Survey shows some existing trees that do not correspond to the Arborist Report, therefore we propose to mitigate for all trees that cannot be identified or reconciled.

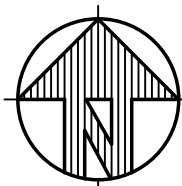
Total Existing Trees Removed within Construction Area=11
 Hazardous Tree Quantity=6
 Invasive Species Trees Quantity=1
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 New Mitigation Trees Proposed=6

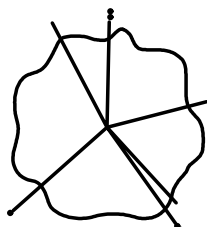
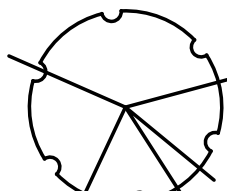
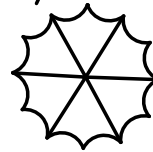
*Any non-hazardous existing trees shown on this plan to remain, that are removed or damaged during construction, shall be replaced according to the requirements of Oregon City Municipal Code Table 17.41.060-1.



TREE REMOVAL + MITIGATION PLAN

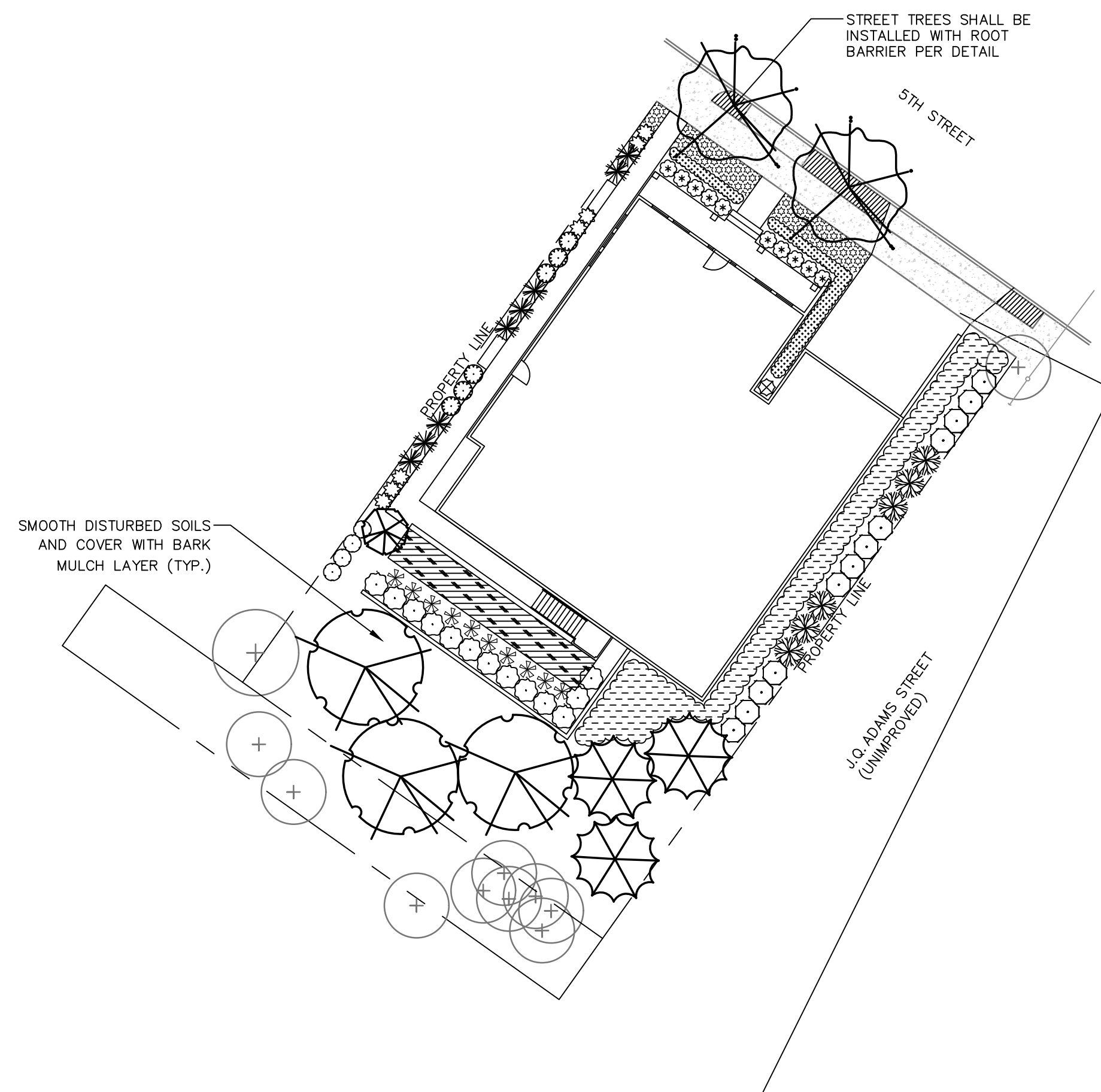
SCALE 1" = 20'-0"



PLANT LIST:		QTY.	LATIN NAME/ Common Name	SIZE	SPACING
STREET TREES					
	2	SYRINGA RETICULATA Japanese Tree Lilac	2" cal.	As Shown	
MITIGATION TREES					
	3	CORNUS NUTALLII Pacific Dogwood	2" cal.	As Shown	
	3	TSUGA HETEROPHYLLA Western Hemlock	6' ht.	As Shown	
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SHRUBS					
	29	NANDINA DOMESTICA 'HARBOR BELLE' Harbor Belle Nandina	2 gal.	2' o.c.	
	10	PIERIS JAPONICA 'LITTLE HEATH' Little Heath Pieris	5 gal.	3' o.c.	
	1	TAXUS MEDIA 'STONEHENGE' Stonehenge Yew	5 gal.	3' o.c.	
	6	CORNUS ALBA 'BAILHALO' Ivory Halo Dogwood	2 gal.	5' o.c.	
	12	VACCINIUM OVATUM Evergreen Huckleberry	5 gal.	4' o.c.	
	2	LEUCOTHOE FONTANESIANA 'NANA' Dwarf Leucothoe	2 gal.	3' o.c.	
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	6	CAMELLIA 'FAIRY BLUSH' Fairy Blush Camellia	2 gal.	3' o.c.	
	8	CEPHALOTAXUS HARRINGTONIA 'FASTIGIATA' Upright Japanese Plum Yew	5 gal.	2' o.c.	
	7	SARCOCOCCA RUSCIFOLIA Sweet Box	1 gal.	3' o.c.	
GROUND COVER					
	14	ARCTOSTAPHYLOS U.U. 'WOOD'S DWARF' Wood's Dwarf Kinnikinnick	1 gal.	3' o.c.	
	63	EPIMEDIMUM PERRALLICUM 'FROHNLEITEN' Frohnleiten Bishop's Hat	1 gal.	2' o.c.	
	44	LIRIOPE MUSCARI 'BIG BLUE' Big Blue Lily Turf	1 gal.	2' o.c.	

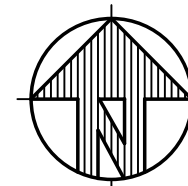
GENERAL NOTES:

1. Contractor is to verify all plant quantities.
2. Adjust plantings in the field as necessary.
3. Project is to be irrigated by an automatic, underground system, which will provide full coverage for all plant material. System is to be design/ build by Landscape Contractor. Guarantee system for a minimum one year. Show drip systems as alternate bid only.
4. All plants are to be fully foliated, well branched and true to form.
5. Contractor is to notify Landscape Architect or Owner's Representative of any site changes or unforeseen conditions that may be detrimental to plant health, or cause future problems to any structural elements of the project.
6. Invasive plant species shall be removed from all landscape areas prior to approval of final occupancy permit.



LANDSCAPE PLAN

SCALE 1" = 20'-0"



REVISD 8.30.21



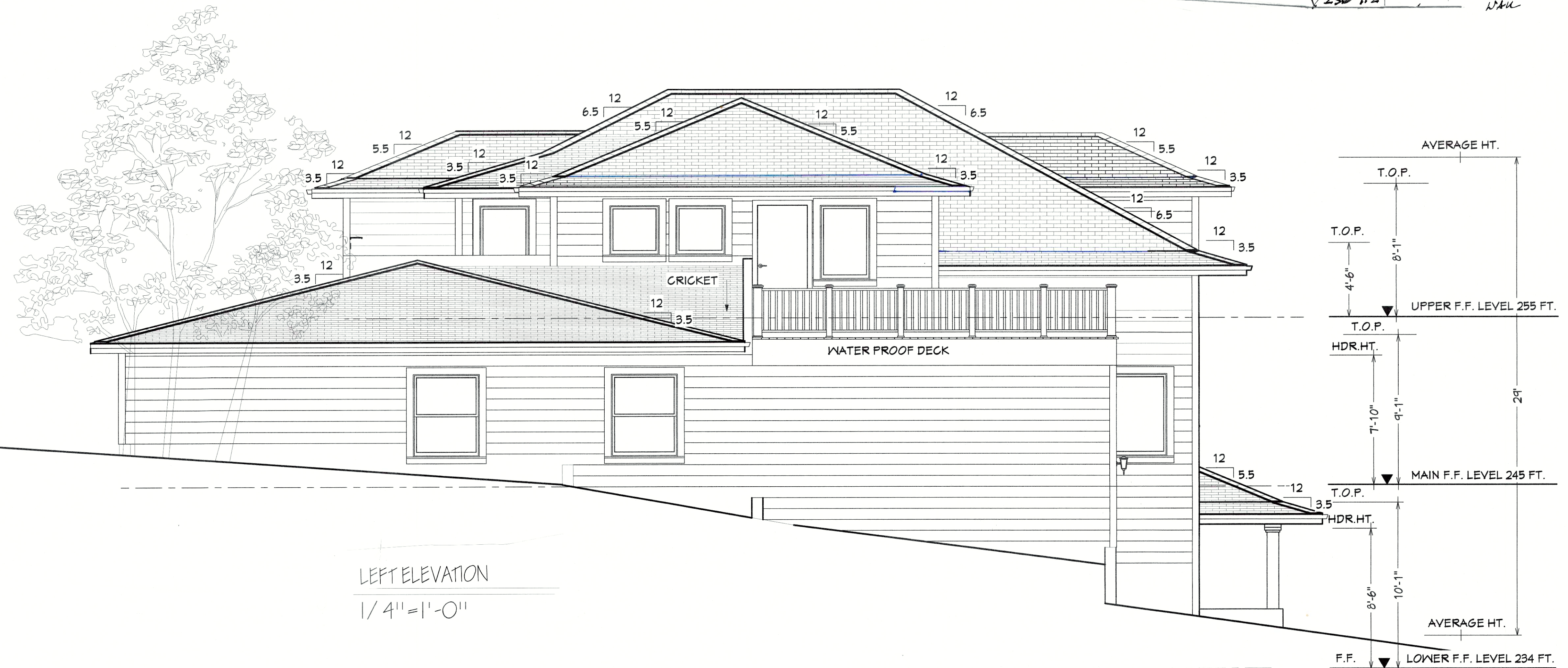
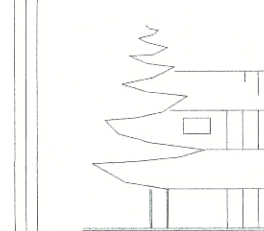
A-1

YIP RESIDENCE
5 TH ST JQ ADAMS ST
OREGON CITY, OR 97045

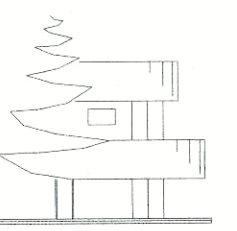
DATE: 4-30-20
LIVING AREA:
JOB NO: A14-T-52
DRAWN BY: JAB

THIS DRAWING IS THE PROPERTY OF DELSON ENGINEERING, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE, REPRODUCTION, OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF DELSON ENGINEERING, INC. IS STRICTLY PROHIBITED. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION. DELSON ENGINEERING, INC. SHALL NOT BE RESPONSIBLE FOR ANY ERRORS, OMISSIONS, OR INADEQUACIES IN THIS DRAWING, NOR FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DRAWING. A GENERAL NOTE AND SPECIFICATION SHEET IS ALWAYS AN INTEGRAL PART OF THESE DRAWINGS AND IS CONSIDERED THE LAST SHEET OF THE SET.

DELSON ENGINEERING, INC.
1204 NE 146TH AVENUE
VANCOUVER, WA 98684
(360) 944-7094



CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS AND NOTIFY ENGINEER OF RECORD IF DIFFERENT PRIOR TO START OF CONSTRUCTION ALL WORK PER LATEST ADOPTED APPLICABLE CODES -TYP.



VIP RESIDENCE
5 TH ST JQ-ADAMS ST
OREGON CITY, OR 97045

DATE: 0 20 21
LIVING AREA:
JOB NO: A19-7-52
DRAWN
BY: *ABG*

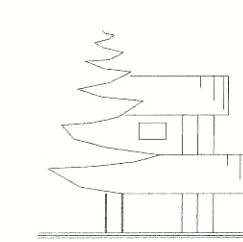
[illegible]

DELSON ENGINEERING, INC.
1204 NE 146TH AVENUE
VANCOUVER, WA 98684
(360) 944-7094


$$1/4'' = 1' - 0''$$

$$1/4'' = 1' - 0''$$

CONTRACTOR TO VERIFY ALL EXISTING DIMENSIONS
AND CONDITIONS AND NOTIFY ENGINEER OF RECORD
IF DIFFERENT PRIOR TO START OF CONSTRUCTION
ALL WORK PER LATEST ADOPTED
APPLICABLE CODES -TYP.





LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Site Plan and Design Review
- ☐ Extension of Approval

Type II (OCMC 17.50.030.B)

- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☒ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

File Number(s): _____

Proposed Land Use or Activity: ADA RAMP

Project Name: YIP RESIDENCE Number of Lots Proposed (If Applicable): _____

Physical Address of Site: 1020 5TH Street Oregon City OR

Clackamas County Map and Tax Lot Number(s): 2-2E-31DA 10900

Applicant(s): Bogdan Smolinets
Applicant(s) Signature: _____

Applicant(s) Name Printed: NW Custom Homes Inc. Date: 08-30-2021

Mailing Address: 15730 SE Bybee dr. Portland OR 97236

Phone: 503-504-6754 Fax: 971-279-5606 Email: nwcustomhomes@yahoo.com

Property Owner(s): _____
Property Owner(s) Signature: _____

Property Owner(s) Name Printed: Teresa Yip Date: 08-30-2021

Mailing Address: 5835 SW Hamilton St. Portland OR 97221

Phone: 971-258-8148 Fax: _____ Email: yipt@aol.com

Representative(s): Bogdan Smolinets
Representative(s) Signature: _____

Representative (s) Name Printed: NW Custom Homes Inc. Date: 08-30-2021

Mailing Address: 15730 SE Bybee dr. Portland OR 97236

Phone: 503-504-9754 Fax: 971-279-5606 Email: nwcustomhomes@yahoo.com

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.



Delson Engineering, Inc.

1204 NE 146TH AVE
VANCOUVER, WA. 98684

PHONE: (360) 944 -7094

John@Delsonengineering.com

August 30, 2021

Re.: ADA Ramp for main floor access.

NARRATIVES FOR GLUA 20-00024 TERESA YIP

APPLICANT: Name: Bogdan Smolinets 503-504-6754
Address: 15730 SE Bybee Dr
Portland OR 97236

OWNER: Name: Teresa Yip 971-258-8148
Address: 15270 SW Sparrow Loop, unit 102
Beaverton, OR 97007

REQUEST: Description of project:
PR-160-2020 Live Work 5th and JQ Adams

LOCATION: Address: 1020 5th St, Oregon City OR 97045
Map and tax lot number: 10900

To Whom It May Concern:

The owner Teresa Yip is in process of developing the above site to provide care for her elderly family members. Her mother, and aunt currently require ADA accessibility due to the advanced age, As it has been stated, and approved by Historical Board, in the previous approval process.

To accommodate the required ADA wheelchair access to the main level of proposed house, we propose a typical ramp designe per nationwide adopted ADA standards. We propose screening wall of the ramp and the ramp supporting structure using approved Materials, finishes and colors as per current Historical Board standards.

I hope this information meets your needs at this time.
Please call our office if you have any questions.

Respectfully,

John J. Delson P.E. E.O.R.



**OREGON
CITY**

Community Development – Planning

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

Written Public Comment

Planning Files GLUA 21-00052 / HR-21-00020 Modification of HR 20-00001

The City Commission's review for AP 21-0006 is limited solely to the record developed before the HRB; neither the Appellant nor any other party may offer any additional evidence with respect to design compatibility, mitigation, or the feasibility of other alternatives. The parties are limited to only making arguments regarding the identified issue.

- Public Comment- McLoughlin Neighborhood Association- November
- Public Comment- McLoughlin Neighborhood Association- October
- Public Comment- McLoughlin Neighborhood Association-September
- Public Comment-Teresa Yip
- Staff Comment- Mike Roberts Building Official
- Staff Comment- Sang Pau, Development Engineer
- Staff Comments- Tracy Turner, Residential Plans Examiner

M C L O U G H L I N

N E I G H B O R H O O D
A S S O C I A T I O N

DATE: November 29, 2021
 TO: Oregon City Historic Review Board
 Christina Robertson-Gardiner, Senior Planner
 FROM: McLoughlin Neighborhood Association *MM*
 RE: Second Revision Comments on GLUA-21-00052/HR-21-00020
 1020 5th Street

As described in the revised Staff Report of November 23, the initial decision already approved a structure that had elements of massing far outside the foursquare concept. The applicant has continued with construction, without proper permitting, of features that will create a development that is even more out of line with the historic parameters. The applicant has a feasible option to provide ADA access inside the building in the form of a chairlift or similar device.

This submittal does not include a complete narrative or a revised landscape plan. Figure 11, the outdated landscape plan, and Figure 17 of the right side elevation, depict lush landscaping along the edge. Although no scaled drawing of the setback area and wall width have been provided, it does not appear feasible that the indicated plants will fit in this space. The likely result is that the plantings will be omitted, thus eliminating needed buffering between this proposed addition and the neighboring land. Similar issues may arise with the rear yard.

MNA does not concur with the option of allowing a ramp that exceeds maximum ADA slopes, as discussed in the November 23 Staff Report. The desired ramp to the rear is intended for use as an ADA accessible route to the second story. The length, height differential, and switchbacks contribute to an impractical and non-compliant route that does not serve the users and that cannot be accommodated on this topographically restricted site. No site features have changed to introduce a hardship to the applicant. It has been the applicant's own negligence of existing site conditions and resident/user needs that have resulted in the unpermitted work and infeasible proposals, which incrementally erode the standards. MNA does not support the exterior ramp; an interior method of access is feasible and should be required.

The applicant's email response of November 15 erroneously states the additional porch cover size as 140 sf when it is approximately 280 sf. The applicant dismisses all recommended options without justification or demonstration that they are infeasible. For instance, it is stated that an interior lift device is prohibitively expensive. Quotes for a lift and for the ramp + wall + covered porch should be submitted to provide data to the Board to determine cost feasibility.

M C L O U G H L I N

N E I G H B O R H O O D
A S S O C I A T I O N

The applicant has continued to submit incomplete application materials, including the November 15 revision. We realize that staff is obligated to accept incomplete applications should the applicant decline to provide the required information. Conversely, the city is within their authority to deny applications if they remain incomplete. MNA supports the HRB and city's authority to deny this incomplete application, as it has not demonstrated compliance with the applicable standards.

Thank you for your consideration.

M C L O U G H L I N

N E I G H B O R H O O D
A S S O C I A T I O N

DATE: October 26, 2021
 TO: Oregon City Historic Review Board
 Christina Robertson-Gardiner, Senior Planner
 FROM: McLoughlin Neighborhood Association *MM*
 RE: Revised Comments on GLUA-21-00052/HR-21-00020
 1020 5th Street

The applicant has provided additional materials. However, all previous concerns have not been addressed, and the new proposal presents an even greater impact to the community. The neighbors had expressed concerns from the beginning that the site is not appropriate in size, location, or terrain for the intended use. We expressed our concern that the use appears to be a care facility (although the applicant has not acknowledged this), and ADA and emergency access were not feasible given the site conditions and large building footprint.

The new revision proposes a large addition to the previously proposed ADA ramp, plus a 250-sf deck. This will create an increased negative impact visually to the surrounding community as well as environmental and safety impacts due to the sensitive geologic features of the site.

More importantly, this design will have a detrimental effect on the residents and users of the facility. They would be required to navigate over 230 feet of ramp with 2 corners and 4 hairpin turns, over a 14-foot elevation gain, exposed to the elements, prior to reaching the proposed deck and rear entrance. For people lacking mobility, this is likely to result in a need for assistance or medical intervention. Additionally, ADA access is not provided to the top floor with this design.

Unfortunately, the applicant's negligence in planning for the known ADA access prior to construction has resulted in limited options to remedy the situation.

In order to reduce the significant impacts to the land, the neighbors, and facility users as discussed above, we respectfully encourage the HRB to **require** an alternate means to provide ADA access internally. There are many wheelchair lift products on the market intended to be incorporated into new buildings or retrofitted into existing buildings. Installation of a device similar to the one attached to this memo would allow ADA access to all levels of the structure, would eliminate additional impact to the exterior design, eliminate further geologic impact, and provide a shorter, protected, easier to navigate route for the vulnerable residents and users of the facility.

MNA supports the continuance proposed by City staff for the applicant to consider this concept and other more appropriate ADA designs.

Please refer also to MNA memo of September 17, 2021.

M c L O U G H L I N



N E I G H B O R H O O D
A S S O C I A T I O N



symmetryelevators.com

M C L O U G H L I N

N E I G H B O R H O O D
A S S O C I A T I O N

DATE: September 17, 2021
 TO: Oregon City Historic Review Board
 Christina Robertson-Gardiner, Senior Planner
 FROM: McLoughlin Neighborhood Association
 RE: Comments on GLUA-21-00052/HR-21-00020
 1020 5th Street

- The application is incomplete. The applicant has not addressed any criteria.
- There are exterior changes, such as windows, from the approved plan. The narrative needs to address these changes.
- The request includes a “change in final foundation height.” There is no information on the change.
- Given that the construction is well-underway, it appears that any input on the foundation elevation modification is moot. What are the implications of this change?
- How does the screen wall itself comply with criteria?
- A floor plan, not a site plan, was submitted. Provide a site plan showing dimensions of all features from the property lines, in particular the west property line.
- On the site plan, show how the ramp ties in at the front; show the existing sidewalk.
- Show the wall, its foundation, and landscaping on a vertical elevation drawing of the north elevation. Depict measurements.
- Address how the wall foundation and proposed landscaping will be accomplished in the small space between the building and west property line without encroaching.
- Condition #2 of HR-20-01 requires the applicant to minimize grading and comply with any applicable standards in the Geologic Hazard Overlay. Address how the retaining wall foundation complies.
- The maximum lot coverage appears to be exceeded; please check calculation.

9/27/2021

To: Community Development Dept.

698 Warner Parrott Road

P.O. Box 3040

Oregon City OR 97045

To whom it may concern:

I need everyone to understand that this house on 5th Ave is my family house. I do need the ramp to accommodate my elderly mother and my elderly brother. My mother is 92 years old with both knee replacement, open heart surgery for dysfunctional mitral valve, and atrial fibrillation. I will need the ramp to accommodate her disability. My elderly brother has arthritis, he will need the ramp to accommodate his daily activities, such as getting in and out of the house.

Respectfully,

Teresa Yip

P.C. I am on business in Philadelphia and will not be able to attend the meeting tonight due to the different time zone. I apologize.



LAND USE APPLICATION TRANSMITTAL

Date: 9/7/2021

DISTRIBUTION OF APPLICATION

x	Building Division		Clackamas County Transportation
x	Development Services		Clackamas County Planning
x	Public Works Operations		Clackamas Fire District #1
x	City Engineer		ODOT – Division Review
	Public Works Director		Oregon City School District
	Parks Manager		Tri-Met
	Community Services Director		Metro
	Police		PGE
	Economic Development Manager		South Fork Water Board
	Traffic Engineer	x	Hamlet of Beavercreek
	City Manager's Office	x	Holcomb Outlook CPO
x	CIC Chair	x	Central Point / Leland Road / New Era CPO
x	N.A Chair – McLoughlin	x	Other – See Email List
x	N.A. Land Use Chair		Natural Resource Committee
x	Notice of the application mailed to all properties within 300 feet		Other:

COMMENTS DUE BY:	September 17, 2021		
DECISION BODY:	Historic Review Board		
HEARING DATE(s):	September 28, 2021		
DECISION TYPE:	Type III		
FILE #S:	GLUA 21-00052 / HR-21-00020		
PLANNER:	Christina Robertson-Gardiner, Senior Planner	Phone (503) 496-1564	Email crobertson@orc.org
APPLICANT:	Bogdan Smolinets		
REQUEST:	Exterior modifications to HR 20-01 including but not limited to the inclusion of an ADA ramp and change in final foundation height for a new live/work building in the McLoughlin Conservation District		
PROJECT WEBPAGE:	https://www.orcity.org/planning/project/glua-21-00052-hr-21-00020-exterior-modifications-hr-20-01		
ADDRESS(ES):	1020 5 th Street Oregon City, OR 97045		
TAX LOTS:	Clackamas County Map 2-2E-31DA-10900		

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations.

Please check the appropriate spaces below.

☒	The proposal does not conflict with our interests.
☐	The proposal conflicts with our interests for the reasons attached.
☐	The proposal would not conflict our interests if the changes noted below are included.

Permits will be required to be obtained prior to the construction of the ramp.

Michael G. Roberts

Digitally signed by Michael G. Roberts
DN: C=US, E=mroberts@orc.org,
CN=Michael G. Roberts
Date: 2021.09.07 12:28:24-07'00'

Signature

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION

From: [Sang Pau](#)
To: [Christina Robertson-Gardiner](#)
Cc: [Josh Wheeler](#)
Subject: RE: 5th Steet Live Work- ADA Ramp- Request for comment
Date: Friday, November 19, 2021 5:00:47 PM

Christina,

We've confirmed that it does appear that the wall is large enough to trigger additional geohazard permitting and review. For the decking, if the cut is 2 feet or fill is 2 feet, geo is required UNLESS this is for postholes and are fairly shallow such as those used for a deck. If they are deeper, as used for a pole barn, then it is not exempt.

Thank you,

Sang Pau
Development Engineering Associate
Oregon City Public Works
 13895 Fir Street
 Oregon City, Oregon 97045
spau@orccity.org
 503-974-5503

Website: www.orccity.org | www.orccity.org/maps

*Think **GREEN** before you print.*

We have moved! Engineering Development Services is now located at 13895 Fir Street.

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.

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

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Christina Robertson-Gardiner <crobertson@orccity.org>
Sent: Friday, November 19, 2021 2:35 PM
To: Sang Pau <spau@orccity.org>
Subject: FW: 5th Steet Live Work- ADA Ramp- Request for comment

From: Christina Robertson-Gardiner
Sent: Tuesday, November 16, 2021 3:08 PM
To: Sang Pau <spau@orccity.org>; Josh Wheeler <jwheeler@orccity.org>; Christopher Long <clong@orccity.org>; Doug Ward <dward@orccity.org>
Subject: 5th Steet Live Work- ADA Ramp- Request for comment

Building and DS,

Can you take a look at Bogdan's revised ADA plan and new CMU retaining wall and let me know in a small memo or email for the record, if additional permits will be needed/or if you have any concerns about the approach?

P:\CommunityDevelopment\2021 Permits-Projects\Other Planning\HRB Items\HR-21-00020 5th Street ADA ramp & foundation\Applicant's Submittal\Revised Submittal 11.15.21

I will be writing the HRB staff report this Thursday, and the agenda will be posted on 11.23.21, so anything before the end of the week would be very helpful to add to my staff report/analysis for the new retaining wall and revised larger ADA ramp.

At this time, I will be recommending that the HRB approve a smaller side entry ADA ramp and encourage the applicant to investigate utilizing an internal chair lift approach. The new retaining wall does not meet HRB materials standards and will need to be rebuilt/revised to be one of the following unless the HRB agrees to the alternate material.

1. natural rockery wall
2. poured in place concrete wall
3. real basalt veneer wall

Thanks all- call me if you have any questions.

CRG

From: Christina Robertson-Gardiner

Sent: Wednesday, November 10, 2021 10:01 AM

To: Sang Pau <spau@orccity.org>; Josh Wheeler <jwheeler@orccity.org>

Subject: 5th Steet Live Work- ADA Ramp

Sang and Josh-

Bogdan and his engineer John Delson are pursuing a much larger ADA ramp on his site. He submitted some information at the last HRB meeting at the last minute and we required the following to be turned in before staff can adequately review the proposal. My initial recommendation as for a smaller side door ramp / internal lift/elevator. I did not approve the original ADA ramp associated with the Building Permit last spring.

The have promised to submit the information by November 15th for a November 30th HRB meeting. I wanted to reach out to you to see the revised much larger rear ADA ramp would trigger additional geohazard review using the July 2021 OCMC17.44 code. Initial incomplete plans submitted in late October can be found [here](#) for reference. We can schedule a meeting next week if you want to walk through the revised information. *Thanks!*

Below is the list of items the HRB request for the November 30th HRB meeting:

Please submit them by November 15, 2021, to allow staff time to review the items and coordinate with Building and Development Services. The new 120-day deadline is to January 30, 2022.

1. Revised landscape plan with additional mitigation plantings.
2. Revision to site plan and elevation that show the ADA ramp starting beyond the front porch (per condition of approval)
3. Provide a site plan ADA option that does not have rear porch.
3. Provide a revised final rear elevation that details the rear ADA ramp.
4. Provide revised findings that show how you are mitigating the impact of the additional massing of the rear ADA ramp and porch.
5. Provide findings showing how the rear deck is compatible and can be mitigated
6. Analysis of why an interior ADA option is not feasible, why does the ADA option need to be commercial grade?
7. Additional site photos of the side and rear elevation (to and from) -at least six photos
8. Updated lot coverage analysis- with revised ADA ramp and rear porch.



[What's your Vision for Oregon City?](#)

Christina Robertson-Gardiner, AICP, Senior Planner (she/her)
 695 Warner Parrott Rd, Oregon City, OR 97045
crobertson@orc.org
 503) 496-1564 Direct
 (503) 722-3789 Main

[Interactive Maps and Apps](#)

[Printable Maps](#)

[Online Submittal of Land Use Applications](#)

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PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the

From: [Tracy Turner](#)
 To: [Christina Robertson-Gardner](#)
 Subject: 2021 ORSC Code Requirements for Residential Ramps
 Date: Friday, November 19, 2021 2:05:43 PM
 Attachments: [image001.png](#)

Hello Christina, here is a screenshot of the minimum requirements for Ramps per the 2021 Oregon Residential Specialty Code:

R311.8 Ramps.

Where required by this code or otherwise provided, ramps shall comply with this section.

Exception: Ramps not within or directly serving a regulated building, patio, porch or deck.

R311.8.1 Maximum slope.

Ramps serving the egress door required by Section R311.2 shall have a slope of not more than 1 unit vertical in 12 units horizontal (8.3-percent slope). Other ramps shall have a maximum slope of 1 unit vertical in 8 units horizontal (12.5 percent).

Exception: Where it is technically infeasible to comply because of site constraints, ramps shall have a slope of not more than 1 unit vertical in 8 units horizontal (12.5 percent).

R311.8.2 Landings required.

There shall be a floor or landing at the top and bottom of each ramp, where doors open onto ramps, and where ramps change directions. The width of the landing perpendicular to the ramp slope shall be not less than 36 inches (914 mm).

R311.8.3 Handrails required.

Handrails shall be provided on not less than one side of ramps exceeding a slope of one unit vertical in 12 units horizontal (8.33-percent slope).

R311.8.3.1 Height.

Handrail height, measured above the finished surface of the ramp slope, shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm).

R311.8.3.2 Grip size.

Handrails on ramps shall comply with Section R311.7.8.5.

R311.8.3.3 Continuity.

Handrails where required on ramps shall be continuous for the full length of the ramp. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1 1/2 inches (38 mm) between the wall and the handrails.

A copy of the 2021 Oregon Residential Specialty Code can be found through Oregon's Building Codes Division's website: <https://www.oregon.gov/bcd/codes-stand/Pages/residential-structures.aspx>

Let me know if you have any additional questions.

Thank you,

Tracy



Tracy Turner
 Building Inspector
 City of Oregon City
 PO Box 3040
 695 Warner Parrott Road
 Oregon City, Oregon 97045
 Direct - 503.496.1526
 Building & Planning Division - 503.722.3789
 Fax 503.722.3880

Website: www.oregcity.org | webimages.oregcity.org | Follow us on: [Facebook](#) | [Twitter](#)
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Please visit us at 695 Warner Parrott Road between the hours of 9am-4pm Monday through Friday.

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

Historic Review Board – All Public Hearing for Planning Files GLUA 21-00052 / HR-21-00020 Modification of HR 20-00001

The following meeting agendas, videos, staff report and exhibits for this project are available for viewing at <https://www.orcity.org/meetings> and are part of the record.

Date	City Website
September 28, 2021 Historic Review Board Meeting	https://www.orcity.org/bc-hrb/historic-review-board-13
October 26, 2021 Historic Review Board Meeting	https://www.orcity.org/bc-hrb/historic-review-board-15
November 30, 2021 Historic Review Board Meeting	https://www.orcity.org/bc-hrb/historic-review-board-16



TYPE III – HISTORIC REVIEW

NOTICE OF DECISION

May 28, 2020

FILE NO.: GLUA-20-00005 and HR 20-01: Historic Review

APPLICANT: Bogdan Smolinets
NW Custom Homes Inc.
15730 SE Bybee Rd
Portland, OR 97236

OWNER: Teresa Yip
5835 SW Hamilton St
Portland, OR 97221

DECISION: On May 26, 2020, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Oregon City Historic Review Board voted 4-0 to approve the proposal with conditions. The Oregon City Historic Review Board adopted as its own the Staff Report with findings and Conditions of Approval for File Number HR 20-01. The complete record for the Historic Review Board decision is on file at the Planning Division.

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 reduced height, a reduction in the total square feet and the redesign of the attached garage to create a 3'8" separation all provide the needed additional mitigation to reduce the massing of the building on a sloped lot and constrained lot, where a fully detached garage would require a fair amount of grading. The Board additionally acknowledged that while the Live/Work use was not specifically called out as a design type in the Design Guidelines and is a use that is neither fully commercial nor fully residential, the applicant's method of using a modified Foursquare design was an appropriate approach for the site and use.

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 Site Plan and Design Review 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 on 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. 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)
5. The ground floor height shall be 10 feet minimum. The upper stories may be less than 10 feet to reduce the overall height and perceived massing of the building.
6. The Applicant shall not use stamped concrete or visible gabion walls for any retaining walls; rockery, real basalt veneer, or smooth poured concrete are acceptable. All visible retaining walls associated with the garage and left elevation shall be no more than 6 feet tall, all other retaining walls shall be no taller than 4 feet. (P,DS)
7. The front porch gable shall be removed from the front porch and be redesigned as a simple hipped roof porch to be more aligned with the simpler Foursquare design found in Oregon City.
8. A pre-construction meeting with preservation staff is highly encouraged. (P)
9. The Applicant has not proposed a residential care facility as part of this application. If the Applicant proposes a use allowed within the District, it will be reviewed for compliance with the Site Plan and Design Review code found in OCMC 17.62, applicable Building Codes, and any State of Oregon requirements for the use. If these requirements change the approved plans, the Applicant will be required to resubmit for Historic Review Board approval.

10. The Applicant shall utilize two smaller garage doors of less than 12 feet each instead of a single large garage door, or shall reduce the garage width to a single car garage with a door width of 12 feet or less.
11. Windows in the garage door are acceptable but not required. (P)
12. Doors on the front façade shall be solid or half-lite; no full-lite doors are permitted. (P)
13. Vinyl windows are not permitted. The Applicant shall utilize fiberglass of Marvin Integrity quality or equivalent or wood windows. Slider windows are not permitted. (P)
14. The Applicant shall utilize the following unless an alternate has been approved by the Historic Review Board.
 - a. Cement board siding shall be smooth texture. Woodgrain cement board is not allowed.
 - b. Entry doors shall be solid or half-lite doors
 - c. Exterior lighting shall consist of simple lighting contemporary to the foursquare design period.
 - d. Incised lumber or pressure-treated wood shall not be used on any visible surfaces.
 - e. All railings, decking, and stairs shall be finished to match the house body or trim.
 - f. The window sash shall be the darkest color of the three-color paint scheme.
 - g. All porch and stair railings shall be painted or paint the stained wood, with both top and bottom rail, and balusters attached between the rails rather than on the outside.
 - h. Compost decking is allowed on upper floor elevations and rear elevations.
 - i. Fiberglass windows shall be of Marvin Integrity or equivalent quality.