



CITY OF OREGON CITY HISTORIC REVIEW BOARD AGENDA

Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City, OR
97045

Tuesday, January 28, 2025 at 7:00 PM

Ways to participate in this public meeting:

- Attend in person, location listed above. Please see the public comment guidelines below.
- Attend the livestream of the meeting on the City's YouTube Channel:

<https://www.youtube.com/user/CityofOregonCity>

- Register to provide electronic testimony (email ocplanning@orc.city.org or call 503-722-3789 by 3:00 PM on the day of the meeting to register)
- Email ocplanning@orc.city.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)

1. CALL TO ORDER AND ROLL CALL

2. CEREMONIES

- a. Oath of Office for new Historic Review Board Member - Julia Sumrok-Fulkerson

3. ELECTION OF OFFICERS

4. MEETING MINUTES

- a. Meeting Minutes approval for 11/19/24 WS, 11/19/24, 5/28/24, 4/23/24, 11/27/07, 10/23/07, 10/09/07, 09/25/07, 08/28/07, 6/26/07, 4/24/07

5. PUBLIC COMMENTS

Please see the public comment guidelines below.

6. DISCUSSION

- a. Compatible Change- New Construction Review in Historic Districts

7. COMMUNICATIONS

8. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the clerk. When the Chair calls your name, proceed to the speaker table, and state your name and city of residence. Each speaker is given 3 minutes to speak. As a general practice, the committee does not engage in discussion with those making comments. Complaints shall be addressed at the department level prior to addressing the committee.

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](https://www.cityoforegoncity.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 HISTORIC REVIEW BOARD WORK SESSION MINUTES - DRAFT

Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City
Tuesday, November 19, 2024, at 6:00 PM

1. CALL TO ORDER AND ROLL CALL

Vice Chair Powell called the meeting to order at 6:10 PM.

Present: 4 – Board Member Robert Green, Board Member Tim Powell, Board Member Gordon Lawrence, Board Member Julia Fulkerson (late arrival)

Absent: 1 - Board Member Paul Edgar

Staffers: 2 - Community Development Director Aquilla Hurd-Ravich, Deputy City Attorney Carrie Richter and Senior Planner Christina Robertson-Gardiner

2. DISCUSSION

2.a. Housing Production and Historic Preservation Regulation

Senior Planner Christina Robertson-Gardiner introduced the topic.

Deputy City Attorney Carrie Richter provided information about recent legislation changes. She provided statistics regarding the housing crisis in Oregon. Then she provided an overview of the Recent Housing Law Changes –

- 1) SB 1051 (2017) – clear and objective standards
- 2) HB 2001 (2019) and SB 457 (2021) – mandated middle housing and land division in single family zones; can adopt protective measures to preserve historic resource integrity but cannot restrict use, density or occupancy

Board Member Green brought up the question about massing - how do we treat duplex or triplex and keep it within the context of the historical district size-wise? Deputy Attorney Carrie answered that if you would deny the triplex if it were a single-family house because of its size, then yes you can deny it. If it was a single-family size that would be approvable and they are making it a triplex, you cannot deny it. She encouraged the board to think creatively about how to include Middle Housing in Historic Districts. Senior Planner Christina pointed out that the Middle Housing design guidelines are written to allow slightly more massing.

Board Member Gordon wondered about other issues like parking, vehicle storage, sidewalk, and egress beyond massing. Senior Planner Christina responded that these are aesthetic capability questions and those cannot be a reason for denial if they meet the Design Standards.

Vice Chair Powell asked about set-backs. Deputy Attorney responded that this is

an area where the applicant could ask for a variance.

- 3) SB8 (2021) - requires allowing affordable housing on land zone commercial or that allows religious uses without a zone change or conditional use permit

Governor Kotek established Executive Order 23-4 which establishes a housing production goal of 36,000 homes per year. The Housing Projection Advisory Council issued a report with 59 recommendations for accomplishing the goal which include reducing regulatory and procedural barriers, allowing one-time UGB expansion for affordable and market-rate housing, and funding and loan support for housing focused infrastructure and for low-income housing development.

SB 1537 (2024) takes effect January 1, 2025. This creates the Housing Accountability Office (HAPO) which joins with DLCD and Building Codes division to assist in applying state housing laws related to permitting. It would provide technical and financial assistance as well as investigate complaints. It would coordinate state agencies and funding.

Vice Chair Powell asked if ADU's count towards housing, and the answer was "yes." Senior Planner Christina mentioned that ADUs are not technically Middle Housing, but we have a detached duplex process for homes older than 5 years, which essentially acts like an ADU.

SB 1537 introduces "Mandatory Adjustments". It requires local governments to grant adjustments to identified development and design standards that are a barrier to a developer from completing an affordable housing project. These adjustments apply where a new development is proposed (vacant land): 1) proposes a density of not less than 17 du/ac or adding more than one unit to a 5,000 sf lot, 2) adds "new housing units in new construction projects", and the 3) application must state that the adjustment meets a specific reason for need of adjustment. Note the applicant does not have to provide proof for the reason, they just have to state which barrier is keeping them from doing their project.

Assistant City Attorney provided a list of eligible Distinct Adjustments that would most likely come up in a Historic Review Land Use item regarding Development Standards and Design Standards. There is not a carve-out for Historic preservation. An applicant ask for up to 10 adjustments on a project. Senior Planner Christina added that in Canemah this means 35 feet as the base zone. Something to be discussed would be how to interpret the building height adjustment. These adjustments only apply to the high-density projects and new construction.

The Adjustment procedures and scope were briefly outlined as well. The adjustments do not allow deviations from trees, wildlife, natural resources, Willamette River Greenway, building or fire code requirements, but it does apply to regulations that protect historic resources. The City can decide if an application is either Type I or II and then process will not include noticing the neighbors or be presented to the HRB. Only the applicant can appeal the decision. Mandatory adjustment obligations sunset on January 2, 2032.

Senior Planner Christina asked if a new construction project in Canemah that would go before the HRB in our normal process, so it would still be presented but it would be presented with what items are off the table and what items are to be addressed. Deputy Attorney Carrie agreed that is the process she believes would happen. Senior Planner Christina brought back up the massing issue and that some of these adjustments would affect the massing so it will be a puzzle to apply the adjustments but to not allow the massing standards or adjusting that accordingly. Board Member Green asked if the discretionary piece is still in play, for instance set a benchmark (a moving target) and base the math off of that. Deputy Attorney Carrie believes LUBA would reward the practical

approach in this situation. For instance, a vernacular build is “this” big and we are going to allow you to go 20% bigger in each direction.

Board Member Fulkerson asked if there is any pushback the City can do on these items. Deputy Attorney Carrie indicated that there may be opportunity to provide greater definitions into the adjustments. She has not really gotten into that.

Before January 1, 2025, cities can apply to HAPO to be exempt from the mandatory adjustment process. The city must show that within the past 5 years they have approved 90% of received adjustment requests or testimonials of builders indicating that the city has a flexible and accommodating adjustment process.

Assistant City Attorney Carrie and Planning Staff will be working on applying for the exemption, and as long as the application is submitted, we do not have to grant the Mandatory Standards until a decision is received. Mandatory adjustment obligations sunset on January 2, 2032.

The Governor’s office just shared their legislative concept for 2025 session. It instructs DLCDC to implement rulemaking to eliminate demolition review in the historic districts and of landmark. And to look at discretionary standards that apply to Historic resources.

3. ADJOURNMENT

Vice Chair Powell adjourned the Work Session at 7:00 p.m.



CITY OF OREGON CITY HISTORIC REVIEW BOARD MINUTES - DRAFT

Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City
Tuesday, November 19, 2024, at 7:00 PM

1. CALL TO ORDER AND ROLL CALL

Vice Chair Powell called the meeting to order at 7:15 PM.

Present:4 – Board Member Robert Green, Board Member Tim Powell, Board Member Gordon Lawrence, Board Member Julia Fulkerson

Absent:1 - Board Member Paul Edgar

Staffers: 2 - Community Development Director Aquilla Hurd-Ravich, Senior Planner Christina Robertson-Gardiner

Vice Chair Powell took a moment to introduce new Board Member, Julia Sumrok Fulkerson. She is an architectural historian with a local consulting engineering firm. She has experience with review boards from back East where she is from.

2. MEETING MINUTES

- a. Meeting Minutes for Approval: February 27, 2024, February 27, 2024 Work Session, March 26, 2024, February 12, 2008, February 26, 2008 and April 8, 2008.

A motion was made by Board Member Lawrence, seconded by Board Member Green to approve all the meeting minutes listed and attached.

The motion carried by the following vote:

Yea: 4 - Board Member Green, Vice Chair Powell, Board Member Lawrence, Board Member Fulkerson

Nay: 0

3. PUBLIC COMMENTS

None.

4. PUBLIC HEARINGS

- a. GLUA-24-028, HR-24-011 416 4th St – Solar Panels

Vice Chair Powell read the hearing script. He asked for each board member to declare any conflicts of interest, ex parte contact, bias or visits to the sight. Board Member Green had no

conflicts or bias and had visited the site. Board Member Lawrence had visited the site but has no ex parte contact or conflicts of interest. Board Member Fulkerson has not visited the site and has no ex parte contact or conflicts of interest. Vice Chair Powell has visited the site but has no ex parte contact or conflicts of interest.

Senior Planner Christina presented the staff report. This property is the E Martin Rental which is a modest one-story Queen Ann vernacular home. It is in good condition. HRB Policy 12 specifies that solar technology be placed on secondary roof planes. Setting the solar panels according to policy does not provide a viable project that can be approved at staff level.

The proposal is for 21 panels, 9 on each side and 3 on the small rear roof. The house is currently roofed with grey shingles, but they are planning to replace the roof this winter and use darker grey or black shingles. The only portion of this project that would meet the policy are the 3 small ones on the back and only doing those does not make this a viable project.

The proposed layout by keeping it proportional on both sides and using the darker shingles will make it less visible from the street. Staff sees this as a viable proposal and balances historic policy while allowing the structure to be used in an economically viable manner.

The applicant was present and their solar consultant was available via Zoom for questions. They addressed a couple of questions about the impact of the solar panels to the underside of the roof and the attachments as well as the placement near the vents. The representative indicated that not all the details have been fine-tuned, because they were waiting for an approval of the project.

The board had a discussion which was not completely picked up by the microphones.

A motion was made by Board Member Green, seconded by Board Member Lawrence to approve GLUA-24-028, HR-24-011 as amended with the conditions shown by staff.

The motion carried by the following vote:

Yea: 4 - Board Member Green, Vice Chair Powell, Board Member Lawrence, Board Member Fulkerson

Nay: 0

5. DISCUSSION

a. Compatible Change Project

Senior Planner Christina explained that this project was part of the HRB 2023-25 Work Plan, but because of process recovering from COVID and a lack of staff it was tabled until now. The goal with this project is to take a look to see if our definition of what we call new construction for additions is it relevant to what the community needs. This would be mainly for the McLoughlin District since any additions in Canemah require review by the HRB.

There will be a public engagement process and will be working with Kristen Minor, a consultant from Minor Planning & Design. The board will come up with a recommendation of a code change to our definition or code change to the historic review chapter. Then it will go to City Commission and if they agree, it will move through a legislative code adoption process. This is being funded by a grant so

Christina provided a timeline for Jan-Jun of 2025 for the process.

The Consultant talked through the memo she had provided in the agenda packet. The issue being addressed with this project is that the Historic Review Board currently reviews non-contributing properties in Conservation Districts only if the proposed project meets the definition of new construction. Should the language be changed or made more specific?

Kristen spoke about the responsibilities of Oregon City to the historic districts. She covered the Historic district timeline/background. She also spoke about avoiding an “adverse effect” while balancing a variety of factors. Her memo also provided a few examples of code concepts adopted by other jurisdictions.

6. COMMUNICATIONS

Next Meeting will be in January. Christina will be sending out updated emails about the Compatible Change project.

The Board will elect a new Chair and Vice Chair in January.

7. ADJOURNMENT

Vice Chair Powell adjourned the Meeting at 8:50 p.m.



City of Oregon City

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

Meeting Minutes - Draft

Historic Review Board

Tuesday, May 28, 2024

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Chair Ferry called the meeting to order at 7:00 PM.

Present: 5 - Board Member Sabrina Ferry, Board Member Tim Powell, Board Member Robert Green, Board Member Paul Edgar, and Board Member Gordon Lawrence

Absent: 0 - None

Staffers: 2 - Senior Planner Christina Robertson-Gardiner and Community Development Director Aquila Hurd-Ravich

2. Public Comment – *None.*

3. Meeting Minutes

Christina Robertson-Gardiner noted some errors in the February 28 minutes.

A motion was made by Board Member Powell, seconded by Board Member Edgar, to approve the minutes for the January 26, 2016, November 22, 2022, February 28, 2023, March 28, 2023, and April 25, 2023 meetings as corrected. The motion carried by the following vote:

Aye: 5 – Board Member Ferry, Board Member Edgar, Board Member Green, Board Member Powell, and Board Member Lawrence

4. Public Hearing: **GLUA-24-0005 and HR 24-00004: Historic Review -920 7th Street- Railing Modification.**

Chair Ferry opened the public hearing and read the hearing statement. She asked if any Board member had ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site.

All Board members had visited the site.

Ms. Robertson-Gardiner presented the staff report. This was a request for

modification to a previously approved project. The applicant had appealed the application for the building height and setback. The City Commission approved the request to lower the height as a way to reduce the massing but denied the request for the setback. The applicant did not request review for the railing material in the initial application. Staff agreed with the approach for the proposed metal railing on this mixed-use infill project and a revised Condition #8 to say the railing should be wood, black metal, or composite material and that the applicant shall choose only one material option for the railings. She discussed the comments received by the McLoughlin Neighborhood Association who ultimately concurred with the proposed material but requested there be consequences to the applicant's behavior to prevent recurrence and minimize the negative community impacts. She explained the subject site, elevations, and options.

John Delson, applicant's representative, explained why they proposed metal railings instead of wood.

Chair Ferry closed the public hearing.

The HRB deliberated on the application, including agreement that the metal railings fit in, would be low maintenance, and would be safer long term. They thought the process should be streamlined to minimize missteps.

A motion was made by Board Member Green, seconded by Board Member Lawrence, to approve GLUA-24-0005 and HR 24-00004: Historic Review -920 7th Street- Railing Modification with the revised conditions. The motion carried by the following vote:

Aye: 5 – Board Member Ferry, Board Member Edgar, Board Member Green, Board Member Powell, and Board Member Lawrence

Public Hearing: GLUA-24-00006/ HR-24-00005 Solar panel proposal at 720 11th Street, the James and Sarah Roake House.

Chair Ferry opened the public hearing and read the hearing statement. She asked if any Board member had ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site.

All Board members had visited the site.

Ms. Robertson-Gardiner presented the staff report. This was a request for solar panels on the James and Sarah Roake House, which was a designated structure in the McLoughlin Conservation District. She reviewed HRB Policy 12 which addressed solar technology. Two panels were proposed along the northwest front facing roof gable, which was slightly within the first 1/3 of the front gabled roof. No public comments had been received. She discussed the subject site, proposed roof and mechanical equipment plan, solar study, design guidelines, recommended conditions of approval, and options.

Terri Poppino, applicant, wanted to get solar power for her house. She thought historic architecture and green energy could live together. She wanted to put on nine panels to get the maximum usage.

There was discussion regarding moving the panels proposed in front to a different location to get more irradiance and not impact the street and putting some panels on the garage.

Chair Ferry closed the public hearing.

Ms. Robertson-Gardiner discussed revising Condition #2 to say the applicant shall revise the final design to locate panel section 1 to the back 2/3 of the east gable Jefferson Street elevation or add it to the rear array. If they were unable to move the sections to that location, the applicant could decide if they wanted to move it to a location that met the policy today or wait to see what the new policy would be.

The HRB deliberated on the application, discussing the effectiveness of the solar panels where they were proposed, missing information from the application, how this decision could affect the current revisions to the solar panel policy the HRB was working on, reasons for the proposed solar panel configuration, and if the panels could not be put on the Jefferson side the applicant could put them on the back 2/3 of the building or come back to the HRB.

A motion was made by Board Member Green, seconded by Board Member Edgar, to approve GLUA-24-00006/ HR-24-00005 solar panel proposal at 720 11th Street, the James and Sarah Roake House with the conditions and revised Condition #2 to say panel section 1 on the west facing front gable would be relocated to the back of the east front gable on the Jefferson Street elevation behind the cupola and the ridge or added to the rear array. The motion carried by the following vote:

Aye: 5 – Board Member Ferry, Board Member Edgar, Board Member Green, Board Member Powell, and Board Member Lawrence

5. Other Business: Improving the Historic Review Approval Process- Revisit HRB Policy #12 Solar Panels

Ms. Robertson-Gardiner explained the process for revising the HRB solar panel policy. The HRB would discuss expanding options for Type I review and provide a tentative approval for the proposed redlines. If tentatively approved, it would go to the Canemah and McLoughlin Neighborhood Associations and then a City Commission Work Session. She then reviewed the redlines and staff recommendations.

There was discussion regarding ambiguity in the setback from the top of roof peak, what was meant by primary gable roof, how the rear 2/3 should be of the front gable roof not side gable roof, identifying the primary vs. secondary gable for cross-gabled homes, better example photographs in the policy, grouping the panels together, how the primary gable interacted with the street presence, providing information to show that the proposal was the best balance of solar benefit, and the solar provider be on Zoom during the meeting to answer questions.

Staff would revise the document per the discussion and bring it back to the June meeting.

Improving the Historic Review Approval process- Work Plan Item #6 Coordination with applicants and other departments to ensure compliance with Conditions of Approval

Ms. Robertson-Gardiner gave an update on this work plan item. She explained the current process with applicants for compliance review with the conditions of approval.

Regarding windows, the HRB would be discussing how to create template window conditions of approval for projects. A consultant would be working with the HRB to frame these conditions in the fall.

6. Communications

Ms. Robertson-Gardiner gave an update on the compatible change project which had been put on hold during the pandemic but would start again in the fall.

7. Adjournment

Chair Ferry adjourned the meeting at 9:21 PM.



City of Oregon City

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

Meeting Minutes - Draft

Historic Review Board

Tuesday, April 23, 2024

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Chair Ferry called the meeting to order at 7:00 PM.

Present: 4 - Board Member Sabrina Ferry, Board Member Tim Powell, Board Member Paul Edgar, and Board Member Gordon Lawrence

Absent: 1 - Board Member Robert Green

Staffers: 3 - Senior Planner Christina Robertson-Gardiner, Community Development Director Aquila Hurd-Ravich, and Assistant Planner Jude Thaddaeus

2. Public Comment – *None.*

3. Public Hearing: **GLUA-24-00007: HR 24-00006 Historic Review - New Construction of a dwelling unit in conjunction with an existing office use (G.R.H. MILLER HOUSE) in the McLoughlin Conservation District- 406 Promenade.**

Chair Ferry opened the public hearing and read the hearing statement. She asked if any Board member had ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site.

Board Member Powell was the McLoughlin Neighborhood Association Chair and the steering committee discussed the application, but he left the room.

Christina Robertson-Gardiner, Senior Planner, presented the staff report. This was a request for approval to construct a small one-story bungalow with simple vernacular elements positioned even with the abutting homes on High Street. She described the comments received from the McLoughlin Neighborhood Association, site location, GRH Miller House, site plan, floor plan, submitted and revised elevations, recommended conditions of approval, and options.

There was discussion regarding the revised elevations and conditions.

Applicant, Benjamin Keane, said this would be a dwelling for his in-laws.

Mike Stone, architect, explained the concept for a secondary dwelling unit on the site with a strong connection to High Street.

There was discussion regarding the design of the proposed porch.

Chair Ferry closed the public hearing.

The HRB deliberated on the application, including agreement that the porch roof should not extend past the vertical line of the house, differentiating new construction, and that the fencing would have to meet the HRB policies.

There was consensus to add a condition, Condition #10, which stated the applicant would revise the porch to be set inside the gable roof eaves and to achieve this approach, the applicant would utilize a hipped 4-12 porch roof. Condition #3 would be revised regarding the paint colors.

A motion was made by Board Member Edgar, seconded by Board Member Lawrence, to approve GLUA-24-00007: HR 24-00006 Historic Review - New Construction of a dwelling unit in conjunction with an existing office use (G.R.H. MILLER HOUSE) in the McLoughlin Conservation District- 406 Promenade with the revised conditions. The motion carried by the following vote:

Aye: 4 – Board Member Ferry, Board Member Edgar, Board Member Powell, and Board Member Lawrence

Public Hearing: GLUA-24-00003 / HR-24-00003 - 607 S McLoughlin Blvd Solar Panels (Narcissa Bowers Residence). Applicant seeks review of a solar panel array installation on the street-facing elevation of 607 S McLoughlin Blvd in the Canemah Historic District.

Chair Ferry opened the public hearing and read the hearing statement. She asked if any Board member had ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site.

Board Member Edgar attended the Canemah Neighborhood Association meeting where this application was discussed, but did not make comments or vote.

All Board members visited the site.

Jude Thaddaeus, Assistant Planner, presented the staff report. This was a request for solar panels on the Narcissa Bowers House. He discussed the issues with the proposal and HRB Policy #12 which stated solar technology was to be placed on secondary roof planes. This proposal would place seven of thirteen panels on the primary street-facing roof plane, the southern exposure with the highest solar irradiance, facing S McLoughlin Blvd. This was a non-eligible/non-contributing resource that had been severely altered with few remaining original historic features. He explained the comments received from the Canemah Neighborhood Association. He reviewed HRB Policy #12, site location, existing conditions, proposed solar array configuration, solar irradiance study, street-level rendering, applicable code considerations, Comprehensive Plan considerations, recommended conditions of approval, and options.

There was no public comment.

Chair Ferry closed the public hearing.

The HRB deliberated on the application, discussing potential impacts to the historic district. They found that the request was reasonable due to the loss of historic integrity of the house, the low slope of the hipped roof, the house was in a commercial area, and the setback from the road obscured the view.

A motion was made by Board Member Powell, seconded by Board Member Edgar, to approve GLUA-24-00003 / HR-24-00003 - 607 S McLoughlin Blvd Solar Panels (Narcissa Bowers Residence). Applicant seeks review of a solar panel array installation on the street-facing elevation of 607 S McLoughlin Blvd in the Canemah Historic District with conditions. The motion carried by the following vote:

Aye: 4 – Board Member Ferry, Board Member Edgar, Board Member Powell, and Board Member Lawrence

6. Communications

Ms. Robertson-Gardiner said May was Preservation Month and asked for Preservation Award nominations. They would be discussing the solar panel policy at the next meeting.

7. Adjournment

Chair Ferry adjourned the meeting at 8:14 PM.

**CITY OF OREGON CITY
HISTORIC REVIEW BOARD MEETING
City Commission Chambers - City Hall
320 Warner Milne Road, Oregon City
November 27, 2007 7:00 p.m.**

MINUTES

Board Members Present:

Chair Rick Winterhalter
Kenneth Baysinger
Jim Nicita
Todd Iselin
Carolyn Phelps

Staff Present:

Christina Robertson-Gardiner, Associate Planner

1. CALL TO ORDER

The Historic Review Board (HRB) meeting was called to order at 7:00 p.m.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA: *There were none.*

3. PUBLIC HEARINGS:

Chair Winterhalter read the Conduct of Hearing and Statement of Public Notice into the record.

HR 07-14 Quasi-Judicial Hearing: The applicant is seeking approval for Certificate of Appropriateness to allow vinyl windows on a designated structure in the McLoughlin Conservation District. A parcel located at 510 Monroe Street, Oregon City, Oregon 97045. Clackamas County Map 2-2E-31AD, Tax lot 14900

Ex parte contacts, conflicts of interest, bias or any other statement to declare.

Chair Winterhalter, Commissioner Phelps, Commissioner Baysinger, Commissioner Iselin visited the site. There were no other declarations. No board member participation was challenged by any member of the audience

Christina Robertson-Gardiner, Associate Planner, reviewed the Staff report with the following additional comments:

- Pictures in the Staff report were taken prior to the window change out. She clarified the windows were five over one instead of six over one.
- The Applicant should address the reasoning for changing the windows before the Board made its final decision. The Applicant indicated installing new wood windows would require removing and affecting the plaster because of new counterweights.
- Comments received from the McLoughlin Neighborhood Association indicating opposition to the application were entered into the record as Exhibit A.
- She clarified that an anonymous call was received by the City and Code Enforcement Officer, David Muehler took the original photographs

Brad and Karen White, 510 Monroe Street, Oregon City, reviewed the circumstances of the window replacement, clarifying key points requested by Staff:

- The side elevation windows, and raw aluminum storm windows were installed 13 years ago by the previous owner.

- Based on the use of different materials throughout the neighborhood, they understood the Board did not want the outside appearance of the home altered.
- Vinyl windows were chosen because they minimized the damage UV Rays could cause.
 - * When the vinyl windows were installed, only the small strip on the inside of the house had to be removed and replaced. All the wood window trim on the inside was removed because the original windows had lead weights inside the casement or framework, which also had to be removed because they would not support the new windows. The lead and plaster walls cracked and crumbled when the woodwork was pulled off.
 - * The vinyl windows replicated and were dimensionally accurate to the original windows to within less than a quarter of an inch.
- The criterion stated that the vinyl material appeared shinier than the wood material; however, pictures showed the only difference was the dividers were in the glass.
 - * Vinyl windows must always be white, and that original wood window had always been painted white. The original finish was a clear finish, which was why they put the clear cedar siding on it.
- The physical condition of the house was maintained, and the originality of the house preserved by using very good quality products that would last the life of the home.
 - * The economic, social and energy consequence was that it was an 87-year-old house, and the best approach was replacement of the windows.
 - * The original paperwork stated all the windows in the house had been replaced but not all of them were replaced.
 - * The area that used the substitute material was basically identical in size and shape.
- The main problem with the window seemed to be that vinyl windows did not fit into a historical house but with the technology and craftsmanship that existed, vinyl windows could be made to fit into the home quite well.

Mr. White presented pictures showing the difference after the window replacement, which was entered into the record as Exhibit 2 and responded to questions and comments as follows:

- Of the five windows replaced, two additional windows were replaced 10 years ago.
- He clarified that Dale of Wood Dale Windows had told them the casement needed to be removed and explained that the counterweights were lifted, and ropes cut.
- He acknowledged the storm windows were failing, as they held so much moisture that the windows were getting bad, and the divider boards were starting to rot.
- He noted the five over one dividers were only in the front of the house, the rest of the house was just solid standard double hung. He described the old and new windows of the home.
- The White's had owned the home for six and a half years and had not received notification about, nor were they aware of the City's requirement for approval for exterior modifications of designated homes in the historic district.
- The metal chimney was installed two years ago with the approval of a former fire chief and an active fireman. It connected to a wood cook stove from the 1940's era.

Chair Winterhalter called for public testimony in favor of, opposed or neutral to the application.

Timothy and Kathleen Walcott, 509 Monroe Street, Oregon City commented they did not know the Applicants had changed the windows because they looked the same. They added vinyl windows were better than wood windows for protecting the house on the inside.

Jeff Galt, 516 Monroe, Oregon City stated the windows that were installed were identical to the windows that were there before.

Chris Storey, 1493 Courts Lane stated that he did not live in the neighborhood, but noted the Whites kept with the character of the home.

- They had unknowingly met the Code and benefits of the five criteria as far as the reason for their approach.

Paul Edgar, Canemah Neighborhood Association, stated one of the big issues was the dividers in between the glass that produced shadows, and everything duplicated with vinyl windows in any way, shape or form.

- It was in the best interest of the Canemah Neighborhood Association to recommend denying approval because allowing some applicants to waive the rules and regulations would damage the district and the responsibility of historic preservation.

Denyse McGriff, Land Use Chair and McLoughlin Neighborhood Association addressed that the McLoughlin Neighborhood and many of its members had actively participated in working on the new design guidelines adopted by the City.

- Based strictly on the criteria, they could not submit testimony in favor of this application. Today's vinyl windows could not in any way meet the criteria for the exterior alteration as required by 1740.
 - * The economic use of the house was obviously reasonable because they wanted people to continue to live in them, but [such replacement] diminished the value and significance of the historic site.
 - * The general compatibility and arrangement on the materials, the texture and particularly the white vinyl color did not meet the City's criteria.
- She suggested the Board develop a compliance plan to allow windows to be replaced with proper material over time, so the applicant was not unduly burdened by the cost.

Denyse McGriff, 815 Washington Street, spoke briefly about her 19 years in Oregon City and knowledge of the houses, adding the neighborhood was still on a trajectory to be designated on the National Register.

Chair Winterhalter called for the Applicant's rebuttal.

Mr. White commented about the design of the windows, noting the costs for just the three upper windows were \$180 just for the lead.

- He only knew that his home was non-compliant for 13 years because of the paperwork from the Board and because it had mill finished vinyl windows.
- None of the 8 historical homes in the area were compliant, so it was difficult to determine which were approved or not.
 - * Replacing the windows with wood would have taken away the historical value on the inside of the home.
- He assured the next time they wanted to replace a window; he would gladly come to the Board.
- He asked about the best way to proceed with replacement because 23 other windows were in desperate need of replacing, as well as the seven basement windows.

Ms. Robertson-Gardiner briefly recapped the application's procedural process and timeline, noting additional time existed if the Board required more information to make a decision.

- If the Board voted to deny the application, the applicant would return to Staff to work on a replacement plan for wood windows or pay a \$50 appeal fee to the City Commission for a final City decision.

- She confirmed the Board had not approved vinyl windows since she had joined the Staff in 2001.
- She clarified applicants always had the ability to extend the 120-day deadline if they felt it was in their best interest. However, the Board was required to give a final decision if the Applicant so requested.

Mr. Baysinger stated if the applicants came back to go through the process to replace more windows, they would be told at that time that vinyl windows were not acceptable. They would have to put in the wood framed windows, and then the new vinyl windows would clearly be out of place.

Mr. Iselin did not believe vinyl windows were acceptable. They had not been approved in the past, except in one extenuating circumstance.

Mr. Nicita concurred with comments made by Mr. Baysinger and Mr. Iselin and shared concerns about people in the McLoughlin District who did not keep their homes up as well as the Whites.

- He agreed with concerns shared about this being a "slippery slope" issue. The Board's credibility and ability to enforce the Code would be seriously undermined if it got into a practice of granting post violation permissions.

Chair Winterhalter believed if the applicants had known about this ahead of time, they would have done it. He acknowledged comments made by Ms. McGriff about a compliance plan and wanted to determine how that process would work.

Ms. Robertson-Gardiner suggested the Board hold a combined work session/hearing on the second or third Tuesday of December to adopt the findings of the facts for the application and allow for the record to remain open for any additional information to be submitted.

- The City's attorney could also advise whether it was a compliance issue or had to wait until the City Commission's final decision.
- The City had dealt with multiple year compliance issues, and she hoped to pursue a 4 or 5 year plan, as long as a legal document was recorded against the properties so a new buyer would know what they were getting into involving the house; such legal details would have to be addressed.

Mr. White wanted it stated for the record that no variance was granted here.

Mr. Baysinger responded they were not at that point.

- He did not believe the Board could reach a conclusion regarding the compliance plan, without knowing what length of time was acceptable.

Ms. Robertson-Gardiner stated the Board could make a tentative decision and move forward with adopting the findings of facts at the next available hearing, prior to going to City Commission.

Denyse McGriff stated this was not the type of application that would qualify for a variance.

- One of the criteria for reviewing whether a window needed replacement was to consider repair first. Many things could be done to the window that did not necessitate replacement, which was the last option.
- She wanted it noted for the record that the City's policies and guidelines about what steps to take in considering repair were not exercised.

- She added she did research on products all the time and could be a resource for the applicants.

Ms. Robertson-Gardiner explained the differences between variances done through HRB versus the Planning Commission and clarified the Applicants were asking for a variance in a vernacular sense, but not in a legal land use sense as would be seen before the Planning Commission.

- As an application before the HRB, the final decision would be made by the City Commission.

Board Member asked if the Applicants preferred that the Board vote tonight, allowing them to proceed with an appeal to City Commission.

Mrs. White asked if never allowing vinyl windows was a permanent decision or would it be considered on an individual basis. She invited the Board to come into the house and to see what had been done to the windows close-up.

Chair Winterhalter explained that the Board was there for historic preservation and to try to increase the value of the entire neighborhood, part of which involved following the historic guidelines. The HRB was fairly rigid on the issue of windows and how they could change the look of the house.

A brief discussion ensued about the number of houses currently in violation, HRB policies, code enforcement and about how the issue would be addressed.

- The HRB abided by Rule 10 stated wood windows were to be used. Another venue was needed to determine whether or not Rule 10 should be changed, but it still applied to this application.

Mrs. White asked whether or not the Board could vote against its own policy.

Mr. Baysinger stated that the Whites were seeking approval of a Certificate of Appropriateness for the windows that were already installed, but he did not see how the HRB could issue a Certificate of Appropriateness without violating its own policy.

Mr. White asked what it would take to un-designate a house as a historic site.

Christina Robertson-Gardiner responded that the only way to de-designate a house was on its merits, adding the White's home on its merits, still retained its significance.

MOTION:

Board Member moved to continue HR 07-14 to the December work session on the second Tuesday of the month at 7:00 P.M. The motion was seconded and passed 5 to 0.

The HRB took a brief recess.

[Audio Recording ended]

5. ADJOURNMENT

Respectfully Submitted,

Paula Pinyerd, ABC Transcription for
Laura Butler, Associate Planner

**CITY OF OREGON CITY
HISTORIC REVIEW BOARD MEETING
City Commission Chambers - City Hall
320 Warner Milne Road, Oregon City
OCTOBER 23, 2007, 7:00 P.M.**

MINUTES

Board Members Present:

Chair Rick Winterhalter
Carolyn Phelps
Kenneth Baysinger
Jim Nicita
Todd Iselin

Staff Present:

Christina Robertson-Gardiner, Associate Planner

[The work session recording mostly inaudible]

1. CALL TO ORDER

2. WORK SESSION

- A. Demolition Denial- Proposed Ordinance Amendments (discussion only)
- The City Commission was given a preliminary update about what the HRB wanted to pursue regarding Demolition Denial at their last work session. A joint work session was scheduled for the HRB to present their ideas at the City Commission's November work session. No code or details would be presented.
- Key items discussed in preparation of presenting to the City Commission included:
 - * The ordinance would be applicable citywide, for landmarks as well as conservation districts.
 - * Demolition Denial versus Demolition by Neglect
 - ☐ Discuss, define and make the case for each separately.
 - ☐ Only Demolition Delay was available to the HRB, which didn't have much purpose.
 - ☐ Demolition Denial on designated/contributing structures should be reviewed by the Board.
 - What about potentially contributing structures? What boundaries should be set?
 - 50-year-old buildings might not contribute to significance and therefore not to the historic amenity. (McLoughlin versus Canemah)
 - ☐ Should there be different levels of demolition review? Should thresholds be established with smaller applications going to Staff?
 - What about an accessory building that would be historically significant enough to warrant demolition denial. (ex. a barn rehabbed into a garage)
 - * The ordinance should only refer to the most current inventory.
 - * The HRB's approach regarded neighborhood preservation, not demolition denial, and the Board was seeking guidance from the City Commission about demolition by neglect and demolition denial.
 - ☐ Advocacy: help communities realize the unique historic district(s) of Oregon City.
 - ☐ Providing options is received more favorably.
 - * Affordable housing is a real issue, not allowing 1940's homes to be demolished helped maintain the housing stock, as well plants, landscaping, etc.
 - * Materials from Staff regarding Demolition by Neglect were good, the topic was timely.
 - ☐ The Commission would be less than familiar with the concept, so it must be explained. The Liberty Building provided a perfect example.

- ☐ The Commission should be reminded this concept was not new. A list of other cities with demolition by neglect and denial ordinances could be provided as well as sample code language.
- ☐ Differentiate Oregon law versus National law.
- * Enforcement. Enforceable penalties were needed for demolition occurring without approval or due process.
 - ☐ The threat of losing property was powerful, prompting property owners to do the work themselves and not government agencies.
- * Chair Winterhalter would lead the discussion. The key to the work session was having the information/request come from the HRB, not Staff.
- * The City Commission would most likely request more information. The Board just wanted the Commission to know they wanted to start the process of implementing new/upgraded Code.

B. Update of 2007 Goals and Work Program

- Canemah Resurvey
- New Historic Homeowners Letter
- Window Education Program
- Identification of Designated Properties on OC Map-*Completed*

3. HRB Policy Interpretation: Fencing options for Metro area inside Canemah National Register Historic District: Angie Kimpo, Natural Resource Scientist, Metro Parks and Greenspaces

Dan Kromer, Metro Parks and Greenspaces explained the background regarding the proposed black vinyl fence, adding Metro had worked in full compliance with the City.

- The City had a Master Plan for a park area on at least part of the property; the fence would not impede that or any future development.
 - * Development was already occurring adjacent to the property [inaudible]. McLoughlin provided a buffer against it.
- The fence included a double offset, pedestrian gate, allowing public but preventing ATV access.

Concerns and comments raised were addressed and discussed as follows:

- Issue was the fence right on the border of the historic district; the fence location could be adjusted to be outside the boundary. Mr. Kromer's response was inaudible.
 - * A displayed map indicated the proposed fence location as it related to the National Register boundary; two fences were inside the boundary as indicated on the displayed map.
 - * Moving the fence might require the fence to be longer.
- The Canemah Neighborhood Association was not consulted about the proposal.
 - * A representative attended a different meeting for a whole different purpose and inadvertently learned of the proposal. No one in attendance was informed or prepared to discuss the fencing proposal.
 - * Those in attendance were not pleased with the idea of a chain link fence; [inaudible] design requirements in the historic district.
 - ☐ If the proposal had been presented that [the fence] would stop ATV access, opinions might have differed.
 - * Mr. Kromer did not know the citizens had issues.
- Erosion control was yet another issue that would be addressed when the application was in for review next month.
- This kind of fence was not allowed in the Historic District by Staff.

- Given the concerns, a public process and hearing was preferred or else move the fence outside the boundary since it did not comply with HRB Standards.
 - * A public hearing would also give the neighborhood association full comment process; a more formal conversation with the neighborhood association was suggested.
- Metro's long-term plan for the property was to preserve it as a natural open area with no development. Including some trails was anticipated at some point. A series of trails were on the property now.
 - * The Master Plan showed a hard surface trail, a viewpoint further south on the ridge to look across the river, a retaining wall, basketball court, and parking for the park itself.
- A more historically fitting, more substantially designed, such as a brick or wrought iron, fence was suggested as a possibility in the future and keeping the proposed fence as temporary to eliminate the attractive nuisance until after the Master Plan was created.
 - * The fence could be dressed up later to be more historical.
- Creating a condition of approval was discussed.
 - * Metro was acting in good faith in putting the fence on the border and not trying to avoid the process.
- The steep topography of the area was discussed in relation to the Historic District's boundary and the proposed fence's ability to prohibit ATV access.

Unknown Speaker distributed several photographs to the Board and made the following comments:

- Her property was the only piece designated as historic in the area, while all adjoining properties were non-designated.
- Aerial photos showed before and after pictures of fences in the neighborhood, which were now gone.
- Photos also showed, and she described, a proposed white vinyl fence to be installed along her property's edge to keep her small dogs on the property. Other fence styles allowed them to get through.
 - * White vinyl was preferred to tie everything together aesthetically and to minimize maintenance issues and impacts to neighboring properties.
- Several pictures were taken from various vantage points on the street, which indicated her proposed 6 ft fence was not visible from the street.
- Staff were unwilling to approve or deny the proposal but had suggested getting the Board's opinion regarding the appropriate process to follow.

The following points were discussed:

- Ms. Robertson-Gardiner noted that the Code gave the HRB the ability to do policy and Policy 6 had been adopted. She had not been able to talk to Bill Kabeiseman about any legal ramifications of a land use action, or if the Board could sign off on the proposal.
- Vinyl fencing was not as low maintenance or as durable as one might think, it failed rapidly.
- The proposed fence did not meet the HRB's policies.
- Other, newer composite materials were available that were more durable and stable.
- Cedar fencing with a heavy-bodied, white stain, was easier to maintain than a painted fence, and would enable the property owner to stay with the white color.
- Hopefully all the neighbors would want to show the same respect for the neighborhood and build a fence and everyone would want to see.

7:00 PM Public Hearing

Chair Winterhalter called the public portion of the Historic Review Board (HRB) meeting to order.

Note: This item was added to the agenda at the HRB meeting.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA:

Paul Edgar, Land Use Chair, Canemah Neighborhood Association, was very concerned about the historical importance of Canemah Cemetery Road.

- Metro was in the process of doing some clearing, cleaning, logging, accessing and potentially altering the historic nature of the road. Canemah Cemetery Road was the only intact section of a real wagon road, which represented what the wagon trains came over and through, into Oregon City. It had not been graded and was virtually still intact. The Canemah Road is the only example, in this good of shape, virtually in the whole state of Oregon that represented a wagon road.
 - * This might be one of the last places to see remnants of the trail. Settlers came out of Oregon City and camped at two deep wells located before the cemetery, replenishing their water reserves before going out to find their land claims.
 - * He had been careful about speaking about the 1840 to 1850 pictographs out in the cliffs, which were not street knowledge, too much vandalism had occurred already. Though not currently well-known, the whole area was very important to the City. A lot of vandalism had already occurred.
- He had asked long ago that the area should be considered for designation and that the necessary research be done. Now, there might be an assault on the wagon road.
- Steps were being taken to log off a lot of Douglas firs around the area that were there naturally. The process would involve a skidder, which [Metro] claimed would not tear things up much because of its rubber tracks, and big log trucks to remove three truck loads of Douglas Firs in the vicinity of that historic location trail, Canemah Road.
- Metro wanted to log the area and the Neighborhood Association was never consulted on the matter.
 - * The 30-foot right-of-way was deeded over and owned by the Canemah Cemetery Association; not only was there concern about those 30 feet, but also the associated area around.
 - * Under Oregon City Code, the Neighborhood Association was the dually recognized legal political entity that Metro was supposed to go through but did not. Metro had not gathered any information, but simply took a biologist's approach. It was not really their land in every respect.
- He emphasized that some degree of protection must be established around it.
- He confirmed the wagon road currently went to the cemetery but used to be a through route.
- He clarified the pictographs were not of Indian origin, but artwork from travelers on the trail.
- He confirmed that the Canemah Road issue was raised at the recent Neighborhood Association meeting with a Metro representative, whose response was "I'm a biologist, and I am talking about the biology more than..."

Mr. Baysinger explained that Metro's objective was native plant restoration, particularly a specific kind of White Oak and some madrone. Douglas fir obliterated White Oak, and that particular stand of White Oak was rare and endangered; Metro's policy was to restore it.

- He noted Metro might not have taken inventory and might be unaware of the area's historical nature.

Mr. Edgar added Metro was also clearing ivy and some invasive plants to prevent the laddering effect of wildfires through the area, but there were other ways of doing that. He admitted he had harassed Metro about the poor stewardship in properly managing that property with regard to fire safety.

Mr. Baysinger stated one or two fires occurred there each year, and everyone had the potential of getting that laddering effect, allowing flames to reach the canopy and create a true fire storm. The tall trees were relatively safe.

- Metro's effort was partially to restore the native plant habitat by planting small plants, wildflowers, etc. that were consistent with native plant growth. Metro would also work to set an environment that was safer with respect to the spread of fires.

Mr. Nicita asked Staff if the Board had the ability to seek a legal opinion from Mr. Sullivan for clarification as to whether the City could approach Metro about its responsibilities.

- Metro should have to comply with the statewide planning goals, and this type of operation should be considered a land-use action and be required to comply with planning goals. The Goal V inventory process was critical and should be undertaken prior to any of these actions, both under the natural and historic resource components of Goal V.

Chair Winterhalter suggested first talking to Metro to let them know about the presence of resources that the City was interested in.

Ms. Robertson-Gardiner responded that Metro's tree removal would not trigger a land-use review under the 17.49 Water Resource Code or water resource mitigation project.

- There was no land-use action per se to review. The question might be, was Metro still responsible for protecting its own Goal V resources?

Mr. Nicita stated that Goal V was raised because the Board did not have jurisdiction over the Canemah Road area; therefore, an alternative track was needed to maintain those values.

- He noted that state agency land use actions did not depend on whether a land use approval was required from a local government, and some were irrespective of whether they were controlled or addressed by a local comprehensive plan and implementing ordinances.
- He asked whether or not Metro was obligated, irrespective of whether a land use approval was needed from any agency within the City of Oregon City, to make some sort of findings of Goal compliance. He believed this was an avenue to be explored if the City had no other avenues.

Ms. Robertson-Gardiner noted how Metro was meeting its own Goal V resource requirement was different than how could the City review Metro's property for Goal V. There were no implemented ordinances to do that for historic. The City had an acknowledged Code and Comprehensive Plan and was in compliance with Goal V.

- She reported that the biologist that met with the Neighborhood Association had sent one or two preliminary emails about the road. She had explained how the project did and did not meet the City's regulations.
- She clarified that no IGAs were in place regarding the issue.

Chair Winterhalter stated this was the first he had never heard about Canemah Road, and he was interested to know whether there was an issue there and if the trees would threaten that. He agreed with Mr. Nicita's approach.

Ms. Robertson-Gardiner said she would contact Mr. Sullivan regarding the Board's questions, and then respond to the Board via e-mail.

- One scenario was that Metro did not have a specific legal requirement to protect a non-inventory Goal V. Therefore, letting Metro know they had a potential Goal V item on a property they owned was a very important piece of information for them to know.

Mr. Edgar noted the road was owned by the Canemah Cemetery Association, not Metro, and Canemah Road had a high potential of being significantly damaged.

- He emphasized the road was owned by an Oregon City entity.

Unknown asked if the Cemetery Association had the power to deny transport across its property.

Mr. Edgar stated Metro response was very unclear with regard to the authority Metro had been given and by whom.

- Because such this was such a significant item, he wanted the Board to take positive steps to protect the Canemah Road area.
- He stated the work was to be done this fall; possibly within the next few weeks, so the matter needed to be prioritized.

Chair Winterhalter stated the matter was outside the Board's purview and responsibility.

- He restated that the issue regarded whether the road continued into [Metro's] property. He understood Mr. Edgar to say the road was not on the property and it was more of an access issue.
- Issues to consider were:
 - * Could the Cemetery Association prevent access?
 - * The removal of the trees or the proximity of the trees to an existing road on their site?

Ms. Robertson-Gardiner stated the Canemah Cemetery Association's ownership of Canemah Road had always been a gray issue.

She stated she would get back to the Board about the following:

- * Talk with Mr. Sullivan about the Metro Goal V resource and Metro's own responsibility for acknowledging a potential Goal V resource on its site.
- * Research information about the Canemah Cemetery Association and their authority to deny access to 5th Ave.
- She clarified that the Canemah Cemetery Association was not a City agency, but a private entity.

Mr. Edgar discussed how the plat map shown at the Neighborhood Association clearly showed that Metro did not have ownership of Canemah Road.

Unknown stated that the City and HRB could raise the issue, without taking an official position, as to why Metro inadvertently neglected to do a Goal V resource inventory about the site and ask whether they aware about there being implications.

MOTION:

Jim Nicita moved to authorize Staff to memorialize the historic information concerning this wagon road, Canemah Road, and send it to Metro on behalf of the HRB. The motion was seconded.

Ms. Robertson-Gardiner confirmed that her letter would be on behalf of the Historic Review Board (HRB). She would gather enough information about the history of the area to advise Metro that they needed to look further into a potential Goal V resource on their site and encourage Metro to work with the Canemah Neighborhood Association, etc.

The motion passed unanimously.

4. **HR 07-07:** The applicant is seeking Historic Review Board approval for the construction of a plaza in the parking lot located between the fire station and the Odd Fellows building in the McLoughlin Conservation District, identified as Clackamas County Map 2-2E-31AC, Tax Lot 1400 (*Continued from September 25, 2007 HRB meeting*)

Ms. Robertson-Gardiner reviewed the Staff report, discussing changes in the revised drawings that resulted from a meeting with the Neighborhood Association (Exhibit 1) and Staff's revised conditions of approval.

There were no questions of Staff.

Mr. Burrell reviewed and discussed key revisions featured in Option 7, the most popular option presented to the Steering Committee on October 4th.

- He noted some of the concerns raised at the Steering Committee meeting for the Board and clarified that the proposed pavers were not pervious themselves, but that the 1/4 to 3/8-inch spacers, filled with crushed clean aggregate, would achieve impermeability for the area.
- He concluded that he needed to determine the next steps if the project was to be pursued.

Chair Winterhalter noted for the record that the hearing was a continuation of an original hearing, which was why the preamble was not read.

Mr. Burrell responded to the following comments and questions from the Board:

- Everyone at the Neighborhood Association meeting opposed having the water feature. Maintenance was the biggest issue; vandalism potential was noted, and it was uncertain whether it was historically consistent. Cost was another consideration.
 - * He added that a drain line was proposed for the water feature to drain into the sewer system, unlike many fountains.
- In response to the suggestion of placing the tree on the other side of the steps to provide a lot more useable space for various other activities and to green up the wall with a trellis or something to kind of soften the hardscape, he reminded the project was still conceptual. He was only giving an idea of the dimensions. He explained the steps were in the indicated location, as a starting point, because that was where the existing sidewalk tied in.
- While the two noted trees were picked from a list of acceptable trees, the possibilities still existed that the roots could undermine the existing sidewalk and affect the parking lot. He noted the tree that was significantly above grade, and the roots were a hazard.
 - * [The Steering Committee] concluded that rather than only removing one tree, they preferred both trees to be removed and everything brought down to grade and plant acceptable trees.

Chair Winterhalter called for testimony from the audience.

Ms. McGriff, McLoughlin Neighborhood Association, stated many suggestions were made at the Steering Committee meeting about the subject trees being preserved and it was requested that it be determined whether the trees could be moved because companies, like Big Trees of Oregon, could move trees.

- She believed a more historically appropriate water feature was needed for the neighborhood; the basalt feature was just way too modern and did not fit the neighborhood's historic character, which was important if they ever wanted to be designated as an historic downtown.

- * She agreed maintenance was an issue, adding the project needed to be skateboard proof.
- With the suggestion of possibly having to relocate at least one of the trees and the other things that needed to be investigated, there was general agreement about the project, though not 100% consensus.
- She suggested the following conditions be added:
 - * An asbuilt should be required; because if the project was adjusted, this would not be the final design and there should be some documentation of what it was once built.
 - * Notification should be made to the Neighborhood Association regarding any minor changes.
 - A previous project was changed following the Association's approval.
- She was concerned about Condition 4. She understood that the use of the plaza and that issue was not under the Board's purview, so she asked why the adjacent property business was specifically listed in Condition 4. She recommended the whole condition either be deleted or modified. The City did not have any permit or review process for utilizing that for anything other than the public at this time.
 - * If a process was eventually created for use of the sidewalk or public spaces, the use could come back at that time.
- She concluded that the Association looked forward to working with the Applicant.

Mr. Edgar wanted to know if the City was looking at a budget, as a dollar amount should be considered. There was a lot of discussion and concern, and people wanted to know how much money was being put into this particular project.

- The project could just keep growing and the public needed to know what the financial boundaries were.

Mr. Baysinger replied it was not within the Board's purview to budget or have any input on the budget.

Chair Winterhalter believed the figures were public information.

Mr. Nicita commented that the project originally excited him a lot, so much that he gave a slide presentation on using harvested rainwater as a design resource with the hope that it would inspire the City to aim high with this project.

- He said he was disappointed and did not think the Board was aiming high enough and urged his colleagues to send the project back to the engineering department to aim higher.

Mr. Baysinger believed the rainwater utilization discussion was directly tied to the water feature and if the Applicant responded to the Neighborhood Association's preference that there not be a water feature, then he was unsure how rainwater utilization fit the small plaza.

- While he would like to see some of the features shown during Mr. Nicita's presentation, he was not convinced this project was the place to begin.

Unknown understood from Ms. McGriff, there were concerns about the modernist nature of the fountain design presented to the Steering Committee, not an absolute opposition to any type of fountain.

- Concerns were also expressed about maintenance, vandalism, etc., which were all design parameters that should be required of a good designer and just needed to be addressed.

Chair Winterhalter responded that he, too, was a little disappointed and believed it would be a great opportunity to do some of those things, but he had also heard some of the practical things and had looked at the size of it.

- He agreed Condition 4 needed to be amended and that a condition was needed that the Neighborhood Association be notified of any changes to what was presented on the paper, since the Board was reviewing the project in concept.

Ms. Robertson-Gardiner believed the goal was to include a condition of approval regarding the plaza's use. She suggested amending Condition 4 by including, "Any separation of the plaza use shall be temporary and not permanent."

Chair Winterhalter believed using planters to delineate areas within the plaza would address the issue and suggested using the term "solid waste receptacles" be used to encourage recycling by the public.

Ms. Robertson-Gardiner explained that a condition was not necessary to notice changes to the plan. The site plan design review and historic review were noticed.

- She explained that before the site plan design review staff report was finalized, a new notice would be sent out to the neighbors with a revised comment period for the final version of the drawings during that site plan design review, which would provide an opportunity for everyone to review the final version. No new condition was needed, since that would automatically occur during the process.
 - * She expected a final drawing would be created to implement the Historic Review approval before she wrote the site plan design view that would be sent to the neighbors for final comment.
- She emphasized she could not approve anything in the site plan design review that was not compatible with the conditions of the Historic Review approval

Chair Winterhalter asked if that was enough to work with to give some leeway.

Ms. Robertson-Gardiner responded that was why she wrote Condition 7 to provide that leeway.

- The 7th Street waste receptacle was too oddly sized, and a different one needed to be chosen. 7th Street Corridor street furniture was being used within the area.
- She clarified no continuation was being suggested. Two staff reports were required for the project, it met the historic review, but nonetheless, it was still a minor site plan design review, whose Staff report was put on hold until the Board had approved conditions.
 - * The Applicant would then modify and submit the design, which would likely be re-noticed.

Mr. Iselin stated that the proposal was much better without the iron fence or water feature and believed the discussed conditions, particularly Condition 4, were appropriate.

Mr. Baysinger responded that if Condition 4 was added to remove the specific references to any particular [use], making it a generic statement...he agreed with the suggested language regarding separation of the plaza.

Ms. Robertson-Gardiner commented that [the amended language] kept it on record, so in future negotiations with the City Commission; it was on record as a condition of approval that the Board saw as appropriate.

MOTION:

Mr. Nicita moved to approve HR 07-07, with revised conditions of approval as submitted in the October 16th memorandum and modifying Condition of Approval 4 to remove the Black Point Inn reference and including, “*Any separation of the plaza use shall be temporary and not permanent.*”

[Recording ended]

5. ADJOURNMENT

Respectfully Submitted,

By Paula Pinyerd, ABC Transcription for
Laura Butler, Associate Planner

**CITY OF OREGON CITY
HISTORIC REVIEW BOARD MEETING
City Commission Chambers - City Hall
320 Warner Milne Road, Oregon City**

OCTOBER 9, 2007 6:00 P.M.

MINUTES

Board Members Present:

Chair Rick Winterhalter
Kenneth Baysinger
Jim Nicita
Todd Iselin
Carolyn Phelps

Staff Present:

Christina Robertson-Gardiner, Associate Planner

CALL TO ORDER

OREGON CITY HISTORIC REVIEW BOARD

WORK SESSION

A. Demolition Denial- Proposed Ordinance Amendments (discussion only)

[Recording begins with inaudible comments; speaker off microphone]

Chair Winterhalter noted the packet needed to be correctly completed, so that finished houses matched plans approved by Board. Specifically, concerns were expressed regarding the finished elevation of the Zowowski house.

Christina Robertson-Gardiner clarified that currently, when the slope was over 25%, the applicant must show a perspective drawing of how the house would fit on the lot, which was not a requirement with the Zowowski house under the old guidelines.

- Therefore, the elevation was reviewed devoid of its relationship on the slope, because the geotechnical review and the cutting and filling performed by the applicant did not work together.
- The new improved submittal requirements, approved in August 2005, were approved to avoid a similar situation, requiring the noted perspective drawings on properties with slopes greater than 25%.
 - * The Board had not yet approved a house under the new standards, so implementation was still in theory only.

Chair Winterhalter updated the Board regarding Mr. Clark's house, using displayed photos.

- Windows had been an issue and were to be replaced with a similar style, but that was not done.
- Fortunately, the fireplace intrusion was ultimately located on the side.

Ms. Robertson-Gardiner updated the Board on the following Code enforcement issues:

- Regarding Mr. Clark, two issues existed:
 - * Legality of second dwelling unit. By the end of the week, Mr. Clark was required to provide Staff with his response showing that the second dwelling unit, a pre-existing,

non-conforming situation, was created legally and had continued use as a secondary dwelling unit.

- * Replacement of wood windows.
- Previously, Staff were allowed to approve aluminum, clad wood windows for replacement of wood windows. However, this conflicted with HRB window replacement policies as aluminum clad wood windows did not have design elements typical of historic wood windows.
 - * Staff requested direction as to when aluminum clad wood windows should be approved and when the homeowner would be required to seek a Board exception to allow aluminum clad wood windows.
 - * Staff considered aluminum clad the same as wood windows, but they did not meet the second part of the HRB's policies.
 - * Allowing aluminum clad wood windows to be used interchangeably with wood windows was incorrect. Although designs of aluminum clad wood windows were not similar to that of wood windows; the Board considered them equal.

Chair Winterhalter indicated that as long as the design of the original window was met, aluminum clad windows could be approved.

- He stated his concern regarding this particular designated structure, Mr. Clark stated he was going to replace the windows with the same windows, and then the Board granted approval. However, the replacement windows he installed were not similar to the original windows.

Ms. Robertson-Gardiner stated Mr. Clark's windows were aluminum clad wood windows manufactured by Windsor, according to a photo on file.

Chair Winterhalter stated applicants must utilize materials and styles that are approved by the Board and that match the existing style.

Ms. Robertson-Gardiner asked for guidance regarding the level of review the Board wanted Staff to complete. What should come before the HRB for a noticed, public hearing?

Mr. Nicita suggested if Staff saw an application item that did not meet standards, they should inform the applicant that the application must be amended to do so.

- He described his work experience as a planner presenting to other cities and indicated that the Oregon City HRB did not demand enough from applicants for development permits.
 - * He cited the J.Q. Adams application, noting he had been lax in that decision and that Chair Winterhalter had been correct in being more stringent on that application.
- He was concerned that the HRB saw historic houses being destroyed and gave too much leeway to owners in a panic to protect the structures.
 - * Historic preservation differed from new construction in that historic buildings were typically vacant and open to trespassers, and risked vandalism or destruction.
- He stated that if an application was not complete, he would not approve it. A pattern needed to be established about upholding the adopted rules and regulations.
- He also proposed an ordinance change to give the HRB authority to protect historic buildings from destruction. The City would then have the power to protect vacant buildings and assess a lien against the property owner if the building was not protected during the application process.
- He offered to have a draft ordinance prior to the August 28 meeting for the HRB to review and consider presenting to the City Commission.

- * He clarified that he was working on one issue consisting of two tracks: application filing and demolition.

Mr. Winterhalter asked for clarification regarding what more could be done during the application process.

Ms. Robertson-Gardiner responded that, in general, the City and HRB worked with Applicants to not hinder the process but realized that the old way was not necessarily working and was taking steps toward improvement.

- Currently, Staff prepared a line-item list of items missed on the application; the applicant addressed the issues, returning with a new narrative, and process continued until all items were completed.
 - * This process resulted in a more normal 120-day land use process than the typical 30 to 45-day land use process, even with Staff working with the applicant.
- This was a conscience decision by the HRB in acknowledgment that new rules existed.
- To achieve Mr. Nicita's goal, a single-family developer would have to hire someone to help write the land use narrative portion of the application to fully state that the findings were made legally.

Mr. Nicita agreed the requirement was onerous to the homeowner and Oregon City HRB had always tried to be helpful to applicants but was not feared/respected as other city boards were.

Chair Winterhalter agreed stricter requirements for narrative writing would help eliminate incomplete applications. Land use attorneys were not needed, but all the criteria must be addressed in application.

Ms. Robertson-Gardiner noted the new single-family home handout delineated the needed requirements. Testing the new design standards had not yet occurred, but this was an ideal time to increase expectations as the new design standards were implemented.

- The Board's support would be needed as applicants adjusted to design standard changes.

Mr. Nicita was concerned the 120-day deadline would cause more work to be completed without permits.

Chair Winterhalter added that applicants needed to address why criteria did not apply, to acknowledge they were considered. The Board still wanted to work with people, but that might push the process out too far.

Ms. Robertson-Gardiner explained that there were two levels of review:

- A complete application. Was everything required by the Code completed for submittal?
- Were enough findings provided on their part to prove they met or could meet the criteria?
 - * Applicants could submit findings for all the criteria, but a professional might be required to include every finding to address all the criteria.
- The Planning Division also was trying to raise the bar, continually denying applications for incompleteness, but questioned whether they should be denied for insufficient findings. Robust findings were not required, but findings of some sort.

Mr. Nicita clarified that his goal was to have applications with sufficient findings.

- He noted the plaza application did not include sufficient findings for the ESEE analysis. While an individual homeowner might not be able to produce all the findings, certainly enough expertise was available on City projects, for example.

Ms. Robertson-Gardiner responded to comments and questions from the Board as follows:

- While Staff could write the findings themselves, Oregon City did not have the staff to process applications to the level of scrutiny seen in other cities. Instead, it was more important to determine what level was reasonable, based on Staff's limited hours available for each application.
- She agreed it was not unreasonable to raise the expectation for applications and appreciated the provided direction regarding incomplete applications.
 - * Instead of saying the application would be heard at the next available HRB meeting, Staff would schedule the application for a hearing once it was deemed complete. She repeated her request that the Board support Staff.
- The new guidelines put the HRB in a better position for receiving neighborhood context for commercial buildings and sight line drawings on over 25% slope, providing a clearer application and expectation that the finished work would match the approval received.
 - * Thus far, the two-stage review had only been used to review garages, which combined Stage one and Stage two since extensive information was not required for garages.
- The criteria also enabled applicants to address social and economic issues.
 - * She added the applicant could also choose to waive completeness in order to move forward. The City also had every right to deny an application on grounds that sufficient findings for approval had not been supplied. An application could not be permanently incomplete, however.
 - * Applicants could appeal Staff decisions, which would go straight to the City Commission.

Chair Winterhalter believed decisions regarding historic properties were more appropriately made by the HRB rather than the City Commission.

Ms. Robertson-Gardiner replied that for an applicant that continually turns in the same incomplete application, it was better for Staff recommend denial because insufficient information was provided to move forward.

- The HRB would see Staff recommend denial for insufficient findings: the Board's support was important at that time.
- As a quasi-judicial board, the HRB also had the ability to make findings for approval. The Board could disagree with the applicant's findings and provide its own as findings of fact, through oral comments or at later hearings.
- She clarified that, in a sense, the applicant's narrative was their finding, which was why few applications showed findings, other than those from Staff.
 - * Professionals provide findings that could practically be cut and pasted into a Staff report, while mom and pop applications required Staff to create the findings from the narrative.

Chair Winterhalter agreed that was acceptable but requested that application drawings be more complete.

Ms. Robertson-Gardiner continued with discussion regarding Demolition Denial and Demolition by Neglect, noting that Denyse McGriff was interested in participating in future work sessions.

- She explained the noticing requirements regarding demolition denial and demolition by neglect, as required by Measure 56, adding that some 500 to 600 designated and potential property owners that might be affected must be notified.
 - * Notices would be mailed out stating that a City Commission hearing would be held at a future time, separate from the HRB process at Park Place and Beavercreek, which she believed was a separate issue.
- She confirmed demolition by neglect was separate from a stay of demolition, but that both would be under one ordinance.
- Regarding demolition by neglect, the City could lien property through code enforcement. However, the ordinance still needed to be vetted through the system to address any potential legal questions.
- She requested the proposed draft from Mr. Nicita the week prior to the next work session, which would be held on September 18th.

B. Update of 2007 Goals and Work Program

- **Canemah Resurvey**
- **New Historic Homeowners Letter**
- **Window Education Program**
- **Identification of Designated Properties on OC Map-Completed**

Ms. Robertson-Gardiner reviewed the remaining agenda items as follows:

- The McClain Clinic in the McLoughlin District, the colonial revival brick building visible when going up Singer Hill, was a non-designated structure.
- The owner proposed exterior alterations and tenant improvements to change the large 1960s addition from medical offices to office suites.
 - * The application went through minor site plan design review, which did not have specific architectural style or historic appropriateness standards typically assessed during historic review.
 - ☐ She believed the Applicant's proposed addition of craftsman elements onto the colonial revival building was architecturally inappropriate; however, Staff lacked the Code basis for denying the application for exterior alternations of a non-designated commercial because the clinic had to be considered as a commercial building located Molalla Avenue.
 - ☐ The City Attorney advised the small Code section regarding context was too vague to use as findings for denial.
- Direction has been provided to add a section in 17.60 Site Plan Design Review Standards for reviewing non-designated commercial buildings on Seventh Street when doing exterior rehab.
 - * The appropriateness of architecture and materials could be reviewed as long as housing was not involved due to clear and objective standards in place per State statute.
 - * Though the Seventh Street Corridor was a mixed-use corridor, it was not designated as a specific regional center to get out of requiring clear and objective standards for housing. Housing involved in rehab could not use the proposed written Code.
 - * More objective findings could be written for approval or denial of an exterior rehab of a non-designated commercial or office building.
 - * Staff would have the ability to consider context, whether a project contributed to the historic style of the district, following Code changes to be made in the fall of 2007.

Mr. Winterhalter requested clarification regarding the statement about having an out if it was in historic district and the distinction at that level, between a locally designated conservation district and an historic district.

Ms. Robertson-Gardiner acknowledged that was a good question and offered to talk to Bill Kabeiseman. Per her understanding, if the property was subject through the historic process...

[Recording ended]

Adjourn

Respectfully Submitted,

By Paula Pinyerd, ABC Transcription for
Laura Butler, Associate Planner

**CITY OF OREGON CITY
HISTORIC REVIEW BOARD MEETING
City Commission Chambers - City Hall
320 Warner Milne Road, Oregon City
SEPTEMBER 25, 7:00 P.M.**

MINUTES

Board Members Present:

Chair Rick Winterhalter
Kenneth Baysinger
Jim Nicita
Todd Iselin
Carolyn Phelps

Staff Present:

Christina Robertson-Gardiner, Associate Planner
Bill Kabeisman, City Attorney

1. CALL TO ORDER

The Historic Review Board (HRB) meeting was called to order at 7:00 p.m.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA: *There were none.*

3. PUBLIC HEARINGS:

Chair Winterhalter corrected the file number on the agenda to read, "~~HR 07-12~~ **HR 07-11**"

HR-07-12 HR 07-11: The applicant is requesting a Historic Review to verify the location of the Barlow Road corridor. A parcel located at 1105 Abernethy Road and 2002 Washington Street, Oregon City, Oregon 97045 and identified as Clackamas County Map 2-2E-29, Lots 1200 and 902

Chair Winterhalter read the Conduct of Hearing and Statement of Public Notice into the record.

Ex parte contacts, conflicts of interest, bias or any other statement to declare.

All Commissioners declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Ms. Robertson-Gardiner reviewed the Staff report.

- She read and entered into the record an email from City Attorney, Bill Kabeisman regarding the HRB's ability to recognize the 1993 Barlow Road Alignment map.
- She confirmed that if the 1993 Alignment had been on record, the property would not necessarily have come before the HRB.
- The Barlow Road Management Plan ended the 1993 route at the beginning of Abernethy Green and did not continue to Abernethy Road.

Michael Serbone, Planner, WRG Design, 5415 SW West Gate Drive, Portland Oregon 97221, reviewed the Applicant's presentation via PowerPoint, reiterating the Applicant's request that the HRB acknowledge the location of the Oregon Trail Barlow Road Corridor as identified by Clackamas County in their Barlow Road Historic Corridor western most segment of the 1993 Oregon Trail Background Management Plan.

- He explained the term "undo hardship" was used with regard to the Applicant and adjacent property owners who had to go before the Board to justify the ability to utilize their property

because both maps were identified on one subject property, and two different pieces of information were provided.

- * The undo hardship was that it restricted the development of those properties

Ms. Robertson-Gardiner explained that in Staff's opinion, the technology used to create the 1988 map did not result in what was intended when the map was made. Considering the topography of that area south of that corner included a steep ravine, it was hard to imagine that was what they were trying to indicate. The alternate route on the map was more aligned with the 1993 map.

- She clarified that during the County's implementation of the 1993 Plan, the DLCD would have reviewed and agreed when the County adopted the 1993 Plan. However, this was not through Oregon City's DLCD, but through the County's process.

Chair Winterhalter called for public testimony.

Nancy Walters, Chair, Park Place Neighborhood Association History Committee wanted to work with the Applicant to develop an appropriate way to incorporate the Committee's Oregon Trail Route sign project with the Applicant's project when developed.

Louise Keiffer, Park Place Neighborhood resident asked whether discrepancies existed for property owners between the 1993 and 1988 maps.

- * **Ms. Robertson-Gardiner** assured all applicable alignments had used the 1993 alignment. A minor partition in the spring didn't have the 1988 alignment on it and was therefore not subject to that review.
- * While discrepancies did exist when using the two maps, every subdivision was reviewed by this HRB, and since she had been on Staff, had used the 1993 alignment.
 - ☐ Once the Code changes were adopted this winter, the 1993 map would be the legal map of record.

Mr. Serbone believed the Applicant would be happy to work with the History Committee as they implemented their sign program.

Planning Commission Discussion included:

- The Commission agreed that Abernathy Rd represented the last section of the Barlow Road Trail and that the 1993 map would be used.
- A new condition of approval directed the Applicant to work with the Neighborhood Association on signage for the Barlow Road on or near the subject property with details to be determined during the Master Plan process, which would go through the Planning Commission to look at actual specific locations.
- Unlike two previous applications the Board approved, this application did not have a specific development plan.
 - * As guardians of the purposes of the Ordinance, it would be irresponsible for the HRB to act on the premature application when no site plans were presented.
 - * The Board should not adopt the 1988 map for this specific application, while acknowledging the 1993 map, as a tool to inject themselves into a planning process where the Board doesn't really belong
- The Applicant needed to move forward with the application to have confidence they could proceed with the master planning process. The Board's hampering of this application was not necessarily warranted, especially if they had a better basis for the map.
 - * However, that could be said for any application before the HRB.

- The Applicant was before the Board because of an attorney's opinion that because the 1988 property was there that the intent of this Board has been to use the 1993 mapping. The new condition helped.
 - * The only thing that the Board could prevail upon the Applicant in the design was to make sure one of the streets matched the alignment.

MOTION:

Commissioner moved to approve HR 07-11 including the new condition that the Applicant work with the Park Place Neighborhood Association in regard to the placement of the Barlow Rd signage. Commissioner seconded the motion, which passed 4 to 1 with Commissioner Nicita opposing.

HR 07-07: The applicant is seeking Historic Review Board approval for the construction of a plaza in the parking lot located between the fire station and the Odd Fellows building in the McLoughlin Conservation District and identified as Clackamas County Map 2-2E-31AC, Tax Lot 1400

Ms. Robertson-Gardiner reviewed the Staff report.

John Burrow, City of Oregon City Public Works Department, presented that Applicant's presentation, noting the tree removal plan and recommended water feature.

The Commission's questions were addressed as follows:

- The proposed plan was a sidebar from the 7th St. Quarter Plan approved by the City Commission and Urban Renewal Agency in September 1996.
- The concept of using rainwater from the top of the fire station for the fountain would have opened up a whole other scope of work for this concept. Fire station downspouts probably flowed to the storm drainage system in the street.
- The fire flow vault supplied all the water to the sprinkler system inside the fire station to help protect it should it catch fire.
 - * The problem was the vault's valve stems and other things prevented the vault from being moved. The vault was approximately 12 to 14 inches higher than the sidewalk and lowering it to grade was not an option.
 - ☐ Planting some kind of a hedge around the vault would be more cost effective than building a wall.
- Landscaping material currently around the sculpture would remain; a tree with a deeper root system might be added.
 - * The Applicant's preference was to keep the center tree because it was established and provided more shade.
- The railings' rendering could definitely be revised.
- The budget for the project was up in the air. No agreement had been reached with the Black Point Inn about paying for part of the fountain.

Denyse McGriff, McLoughlin Neighborhood Association stated the Association planned to discuss the plaza at their upcoming Steering Committee Meeting and reserved its right to comment later.

- Neighborhood Association members were greatly concerned about the project because the adjoining property owner wanted to utilize the public space for private use.
 - * The City Commission granted a permit for the use of parking spaces in the parking lot but granting permission to use a public space often resulted in more ownership like

- conduct regarding its use. The Association had requested that the City move forward in developing a policy on how the public right of way would be utilized.
- The fountain would be more of a nuisance than it was worth being so close to the public right of way.
 - * She did not want the fountain to become a maintenance issue for the City.

Ms. recounted examples of restaurants with seating areas located on sidewalks and in the public right of way.

MOTION:

Commissioner Iselin moved to continue HR 07-07 to the October 23, 2007, meeting. Commissioner Phelps seconded the motion, which passed unanimously.

Chair Winterhalter closed the public meeting and moved to work session.

4. HISTORIC REVIEW BOARD WORKSESSION

HR 07-01: Approval of tree removal and replacement plan for the McCarver Landing Subdivision.

Matt Sprague, SFA Design Group presented the tree removal and replacement plan.

Staff's and the Commission's questions were addressed as follows:

[Many comments were off microphone]

- No mitigation numbers had been prepared yet. The Applicant was basically mitigating any trees being removed that were outside the setbacks.
 - * A substantial amount of plantings would be completed with the mitigation. The Applicant would try to place the majority of plantings on site, without over planting the site and would work with the City to find alternate locations for any trees not planted on the site.
- Moving the driveway on Lot 7 was suggested in order to save three trees. Once the driveway was moved and the streets and franchise utilities installed, the Arborist could determine whether the maples would stay.
- Tree 5912 was confirmed as a 29-inch pear tree in poor condition with serious decay and branch feather of 3 feet, which would be one of the Applicant's graphed planted trees.
- The Board recommended two maples, flowering trees and black locust species for mitigation plantings. The Applicant confirmed the fruit trees were an heirloom variety.

5. ADJOURN HISTORIC REVIEW BOARD MEETING

Respectfully Submitted,

By Paula Pinyerd, ABC Transcription for
Laura Butler, Associate Planner

**CITY OF OREGON CITY
Historic Review Board
City Commission Chambers - City Hall**

**MINUTES
August 28, 2007**

Commissioners Present:

Rick Winterhalter
Todd Iselin
Jim Nicita
Carolyn Phelps

Staff Present:

Christina Robertson-Gardiner, Associate Planner

1. CALL TO ORDER

Chair Winterhalter called the meeting to order.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

There were no comments.

3. HISTORIC REVIEW BOARD HEARINGS:

Chair Winterhalter read the conduct of hearing format and procedure into the record.

Ex parte contacts, conflicts of interest, bias or any other statement to declare.

Commissioner Iselin declared for the record that he would recuse himself from HR 07-08, the Morton Matthew McCarver House Proposal.

Chair Winterhalter and Commissioners Iselin and Nicita declared that they had visited all the sites under discussion tonight.

Commissioner Phelps declared she had visited all except Park Place. No other board member, however, declared a conflict of interest, bias or conclusion from a site visit. No board member participation was challenged by any member of the audience.

HR 07-07: The Applicant is seeking Historic Review Board approval for the construction of a plaza in the parking lot located between the fire station and the Odd Fellows building in the McLoughlin Conservation District, identified as Clackamas County Map 2-2E-31AC, Tax Lot 1400 (requesting Continuance to September 25, 2007, HR meeting)

Staff Report

Christina Robertson-Gardiner, Associate Planner announced a request for continuance to the September 25th Board Meeting. City Engineer and Public Works Director Nancy Kraushaar along with John Brill met with Denyse McGriff last month. They are continuing to have conversations and would like to again continue this application to the September hearing.

MOTION

Commissioner moved to continue HR 07-07 to the September 25th Historic Review Board Meeting. The motion was seconded by Commissioner Phelps, which carried 4 to 0.

HR 07-09: The Applicant is seeking approval of the demolition of two buildings and three garages (zoned "MUC-1" Mixed-use Corridor District). 512 & 514 7th St., Oregon City, Oregon, Clackamas County Map 2-2E-31AC, Tax Lot 300.

Staff Report

Ms. Robertson-Gardiner reviewed the Staff report and entered an email from Assistant City Attorney Carrie Richter in the record as Exhibit ? which clarified some questions regarding the Code, specifically Items 2 and 3, which were read out loud.

- She stated that Ms. Richter has answered both questions and noted that generally, cities have the ability to interpret their own code, if it is strictly their own code and not based on an ORS. The Land Use Board of Appeals will give deference to a City's interpretation of their own code.

Mr. Nicita asked about Item 1, noting that the ESEE standard is, in fact, part of the Demolition Code as well.

Ms. Robertson-Gardiner read the question. "To what extent can the Historic Review Board interpret and make findings regarding consideration of the economic, social, environmental and energy consequences as set out by Oregon Municipal Code 17.40.060.(D)8?"

- The Historic Review Board (HRB) is free to interpret that standard to require additional submittals or make findings as deems appropriate. Oregon City Municipal Code 17.40.060(B) authorizes the Board to prescribe application submittal requirements.
- If the HRB decides to take a new approach when considering ESOC consequences the Applicant must be given the opportunity to respond.
- To answer Mr. Nicita question, the section that talks about the ESOC is part of the demolition (number 9).

Ms. Robertson-Gardiner reviewed the Staff Report.

- She presented photographs of the site and briefly reviewed its history and the demolition criteria.
- She spoke to the Assistant City Attorney to answer questions regarding Code.
 - * The Board may approve the demolition or moving request after considering the nine criteria contained in Section 17.40.070, Demolition and Moving Action.
 - * Action by the Board approving the issuance of the permit for demolition or moving may be appealed to the City Commission by an aggrieved party by filing a notice of appeal in the same manner as provided in Section 2.28070 for Appeals.
 - * Action by the Board suspending issuance of a permit for demolition or moving shall be appealed in the City Commission by the Applicant for permit by filing an appeal through the City's appeal process.
 - * If no appeal is filed, the building official shall issue the permit in compliance with all other codes and ordinances of the city.
- The Board may reject the application for a permit if it determines that in the interest of preserving historic values, the structure should not be demolished or moved. Issuance of the permit shall be suspended for a period fixed by the Board as follows.
 - * For landmarks or structures located in the McLoughlin Conservation District, the Board may invoke a stay of demolition or stay of moving for a period not exceeding 30 days from the date of public hearing, which is tonight.
 - * The Board may invoke an extension of the suspension period if it determines that there is a program or project underway which could result in public or private acquisition of

such structure or site and that there is reasonable ground to believe that such program or project may be successful.

- * The Board, at its discretion, may extend the suspension period in 30-day increments for an additional period not exceeding 90 days to a total of no more than 120 days from the date of the public hearing for demolition, which again is tonight.
- * During such a period of suspension of permit, no permit shall be issued for demolition or moving or shall any person demolish or move the building or structure.
- * If all such programs or projects are demonstrated to the Board to be unsuccessful and the Applicant has not withdrawn the application for demolition, the building inspector shall issue such permit if the application otherwise complies with the code and ordinance of the City.
- The HRB invoked the demolition denial process for the Liberty Theatre Building. The Board made the initial decision at the first public hearing and then continued in 30-day segments, each hearing, to a total of 120 days.
- Ms. Robertson-Gardiner was not sure if delaying or continuing the application for more information continued or extended the 120-day delay process for the hearing tonight.
 - * The Board's decision to require more information from the Applicant may potentially subtract 30 days from the 120-day delay process. The delay starts at the first public hearing.
 - * City Building Inspector Guy Sperb was available to answer any questions by the Board.
- She identified specific criteria she felt were important to consider:
 - * A determination of the need for additional photographs which could be added to the conditions of approval.
 - * Criterion #3 with regard to the Comprehensive Plan, "The Oregon City Comprehensive Plan's goals encourage the preservation and rehabilitation of homes and other buildings."
 - * Two conditions were provided specifically directed to Ms. McGriff's comments regarding the demolition process and post-site conditions on page 7 of the Staff Report and the conditions of approval.

Ms. Robertson-Gardiner corrected the date of the Public Hearing to Tuesday, August 28th, which was misstated on the first page of the Staff Report.

Mr. Nicita thought that it would be appropriate to have Mr. Sperb, as Staff, answer questions before proceeding with the Applicant's presentation. He asked if the building was determined to not be 50% damaged, would it not be subject to the mixed-use [inaudible].

[Inaudible comments]

Guy Sperb, City Building Inspector stated that it would not, but that other codes would come into consideration.

- The concept in this case is convoluted because it is a mixed-use building.
- If the building was not determined to be 50% destroyed, the new portions would need to meet current building codes, but the existing building or what would remain in the existing building would not.
- Because it is a small somewhat stacked multi-story building, a determination would be somewhat convoluted.
 - * While they appear in the photographs to be one contiguous building, they are separated.
 - * Code requirements would require that because the building is a residential use occupancy above, the mixed-use requirement would call for sprinkler systems to

conform to the International Building Code, as well as the building code that we are currently adopting. If the building was not determined to be 50% damaged, a sprinkler system would not be required.

- The building is a stumbling block as well as a financial obstacle.
 - * If the building were used strictly for business or mercantile occupancy, depending upon the size, extent, height, and area limitations within the building, there is a good probability that it would not have to be sprinklered by code. That does not mean this could not be done voluntarily.
- There is adequate fire separation between the two buildings; the other building is fire damaged, some roof damage particularly from the foam and water and the fire access.
 - * The roof to the drum shop was and has been leaking. The other building is not more than 50% damaged.
- He did not know the cause of the fire; it was generally accepted that it started in the attic.
 - * His initial structural assessment determined that it was not safe for the Fire Department to enter the building. Shoring was constructed in the form of a new wall to allow firefighters to do their job and for investigation purposes.
 - * There was no bearing wall affected by the fire, but a number of members were charred beyond one eighth of an inch. Once they get that kind of charring, it's difficult to determine what their structural integrity is.
 - * Safety is always a concern first and foremost.
- He agreed that in a rehabilitation situation, members could be sistered with new members or removed and replaced by new members.
 - * In fire restoration there are ways to sandblast or scrape the charring off.
 - * He would require a structural engineer to decide regarding the structural integrity of those members and then make a recommendation.
 - * Any building can be saved with enough effort and money.

Mr. Nicita stated he was having a difficult time justifying, mathematically, the fact that the building had been declared 50% damaged or destroyed.

[Inaudible comments]

Mr. Sperb replied he made his assessment approximately two hours after the fire. The Fire Marshall agreed that the building was between 50% and 60% destroyed.

- The 50% is the assessed valuation of the building and not the true market value before the damage occurred.
 - * The assessed value is always less than the market value as determined by the assessment. The 50% determination is based on valuation and not the structural amount of damage.
- Guidelines obtained from the Uniform Code for the Abatement of Dangerous Buildings, adopted in the Oregon City Municipal Code were used to determine the building dangerous.
 - * This is a clear-cut code with 18 criteria, and these are listed in a letter dated March 28th. Mr. Sperb listed under what criteria the assessment of it being a dangerous building had been made.
- He did not write a report of his findings; the possibility certainly existed that the building could be rehabilitated with enough resources.
 - * His goals were first and foremost, public safety and as a building code official it would be better if the existing buildings were torn down, and a new building built to current code requirements.

- * The existing building barely has a foundation, if any at all, underneath it.
- * It was not beyond the realm of possibility to have an independent assessment of the valuation and extent of the damage.
- * A structural engineer could be retained to make a structural analysis of the building. This would be money well spent because he was confident in his and the Fire Marshall's analysis and would just strengthen his opinion.

Mr. Nicita asked Mr. Sperb about the March 28th letter to Mr. Gore.

- He felt two extremes were mentioned in the letter, but no middle-ground.
- Specifically, he was interested in the requirement that the building had to be repaired to usable condition for a prior occupancy reuse, as opposed to repairing it to the point that it was mothballed and not used and was not an eminent hazard to the public.
- He felt there could be some middle ground as far as repairing it to a usable condition so that it was structurally safe but boarded up so it would not have a blighting effect on the neighborhood.

Mr. Sperb replied that he was not aware of anything within the Code which could accommodate a middle-ground solution.

- The problem was that if the building was mothballed and not used it would continue to deteriorate, creating a tremendous fire hazard.
 - * The building would be an attractive nuisance.
- The building would have to be rebuilt to usable condition. That would be the safest thing to do.

Chair Winterhalter asked the Board if there was enough information to move forward with HR 07-09 or continue until the next hearing.

Mr. stated that something needed to be done with the site, but demolition was very disappointing to him on a personal level. He wanted to see a proposal for a new structure on the site, to avoid another Liberty Theatre situation, but he understood the Code does not provide for that.

Ms. Robertson-Gardiner explained that the Oregon City Municipal Code for demolitions treats them as two separate and distinct situations. The Board would have to hear a new construction application as part of a proposal for a new structure as a separate and distinct hearing.

Mr. did not see the point in continuing the hearing tonight because they could not be tied together. He wanted to hear the Applicant's presentation before deciding on how to proceed.

Michael Bepaly, 215 Deerbrook Drive, Oregon City stated that he had recently purchased the Walter Little Building with the intention of taking down the building that burned the smaller building next to it and the garages.

- He will construct a two-story building and continue the mixed-use occupancy with a medical office on the lower level and additional apartments on the upper level.
- He addressed the letter from Denyse McGriff of the McLoughlin Neighborhood Association and the question regarding why the smaller building which is not damaged would be demolished.
 - * The smaller building was dependent on the larger building for gas, electricity and water. There would be considerable cost involved in bringing these utilities into the smaller building should it be allowed to remain on the site.

- * The smaller building is too small for the purposes for which he intends to use the property. A medical clinic would need to utilize as much as possible, also allowing space for parking.
 - The garages need to be removed to maximize parking space.
- Asbestos removal needs to be completed at the site. The older buildings built 50 years after the original building have no historical significance.
- He intended to use the space most efficiently and make it visually attractive and still have an historical appearance.
- He will work with the Aurora Salvage Company to salvage as much of the older structure as possible.
- A fence would be constructed around the site after demolition until approval is given for construction.

Mr. asked if Mr. Bepaly had closed on the building.

Mr. Bepaly replied that the closing had taken place last week.

Mr. asked for a detail of the reasons, financially and structurally, why retaining the buildings did not fit his business and architectural plan.

Mr. Bepaly replied that the cost of rebuilding the buildings would be enormous and he would rather put that money into new construction resulting in the structurally sound integrity of the building and conformance to present specifications, not specifications from 100 years ago.

Mr. asked if Mr. Bepaly had retained either an architect or structural engineer to obtain a cost analysis of the various options available.

Mr. Bepaly stated that Gene Brodsky, his builder, was present as well as a designer/architect who drafted some initial plans. He explained that his next step would be to draw up a formal building proposal since he had just acquired the property last week.

Mr. asked if his intention was to be the tenant in the proposed apartments above the medical clinic and if he was an M.D.

Dr. Bepaly replied that he was an M.D and would be the tenant.

Chair Winterhalter wanted to have the design of the replacement buildings resemble the original buildings. He wished that the new design would appear to be two buildings. He stated the City was losing a piece of history in demolishing these buildings.

Dr. Bepaly said he planned for the new structure to retain an historical appearance.

Denyse McGriff, representing the McLoughlin Neighborhood Association noted that the Neighborhood Association generally submits a lot of questions because they do not get specific details and sufficient information about submittals to make initial comments on proposals and submittals.

- If the information just given as testimony had been available ahead of time, it could have been reviewed to make an assessment instead of trying to make guesses about what the plans were.
 - * There should be more detail on applications that come in for the HRB.

- Not many of the buildings remain from the early historic period so it is disappointing to lose an 1890s building.
- There are competing goals in the City, public safety versus historic preservation and we need to find a way to balance the two that considers the desires of both the neighborhood and City.
- She recommended that the HRB not approve the demolition because not enough had been done to justify the demolition.
 - * All the options had not yet been explored with regard to the building's possible uses once it might be rebuilt. The building did not necessarily have to be limited to a mixed-use building.
 - * Other options such as additional financial help in rebuilding the existing structure also had not been explored. Are people in the neighborhood willing to partner?
- The City should do more to penalize property owners who don't take care of their property.
 - * The Neighborhood Association is extremely disappointed that people care so little about their properties.

Chair Winterhalter stated that the Board had been talking about looking into the present demolition requirements on historical buildings as well as some of the issues that Mr. Iselin had raised earlier in the hearing and asked for the Neighborhood Association for their help in that process.

Ms. McGriff related that there were many committed and dedicated people who were interested in having a discussion along those lines. There is a really sincere and genuine desire on behalf of the Neighborhood Association to keep the neighborhood vital and retain the historic and real Oregon City.

Dr. Bespaly declined to make comments in rebuttal.

Chair Winterhalter asked Mr. Sperb if there was anything in the Code that would dictate conditions to prevent buildings from getting into worse shape.

Mr. Sperb stated that it might have been possible if it had not been his determination that the building was more than 50 percent damaged. He would have made efforts to preclude further degradation of the building.

- His training and job expertise must embrace public safety above all things.
- Since there was so much interest in the preservation of historic buildings, the City should consider sprinkler systems, which would be the best way to do that.

Ms. McGriff [inaudible comments].

Mr. Nicita asked Mr. Sperb about Oregon City's Code, Provision 15.24.030, Emergency Enforcement which says, "Notwithstanding any other section of this Chapter, the building official may seek a summary abatement order to enforce the provisions of this Chapter in accordance with Section 1.20.090." He asked for an explanation of what a summary abatement order was pursuant to Section 1.20.090 and whether Mr. Sperb had ever used it.

Mr. Sperb answered no to both questions.

Ms. McGriff [inaudible comments].

Mr. Nicita wondered if the City was still working under the 2003 International Building Code.

Mr. Sperb answered no.

Mr. Nicita asked if Section 115 was still included in the 2003 International Building Code.

Mr. Sperb replied he could not verify that without having the Code book available.

Mr. stated that Oregon City was one of the few municipalities that had adopted the Dangerous Building Code Provision (Section 115).

Mr. Sperb remarked that there were relatively few documents that provided guidance to municipalities.

- The edition adopted by Oregon City was from the Uniform Code which has been in existence since 1988.
- The International Code Council has created a new family of codes, one of which is called the existing building codes.
 - * The existing building codes include a companion document, the Property Maintenance Code, but the State of Oregon has not adopted them because there has not been enough interest.
 - * This document could be easily replaced with either one or a combination of the new family of codes.

Ms. Robertson-Gardiner stated that since Mr. Sperb had volunteered this new information, the Applicant needed further opportunity for rebuttal before closing the record.

Dr. Bsepaly declined further rebuttal.

Ms. Robertson-Gardiner offered three options that might be taken:

- The HRB could grant the demolition tonight.
 - * The Applicant could work with Mr. Sperb and start the demolition process. The Applicant had already applied for the demolition permit, which was presently on hold.
- The HRB could reject the application and start the 30-day delay process.
 - * The Board could revisit this at the September hearing with the expectation that further information would be provided by the Applicant.
 - * If the Applicant chooses not to provide further information to the HRB she was not sure what the recourse would be other than the continuance, the rejection and the delay of the demolition.
 - * The Board could make the same determination, that "another option for the rehabilitation of the building could be pursued."
- A third potential option presented by Mr. Winterhalter was to continue the hearing to September, request more information and at that point to start back again with the original two options, though she was not sure that this option was legal.
- The demolition permit, like a normal land-use application, could be denied by the Board and the application would not move forward.
 - * In this situation, the Board could not deny the demolition permit, but only delay the permit through this process.

Mr. wanted further clarification from Staff as to the failure to provide a complete application and whether it could be a basis for the denial of the application.

Ms. Robertson-Gardiner answered that failure to provide a complete land-use application could be a basis for denying the application.

- She was unable to provide an answer regarding the demolition permit process, due to language in the Code.
- If Staff deemed an application incomplete in a normal land-use application, the HRB could deny the application for the inability to make findings for approval.
 - * For example, if the site plan, elevation drawings or ESSE Analysis were not provided the Board could decide that they did not want to make those findings themselves.
 - * The Board always has the ability to make findings, but they could choose to deny an application because they are not able to make the findings for approval either by themselves or through the information provided by the Applicant.
 - * Being deemed complete by Staff starts the 120 land-use process.
- In finding an application incomplete, the Board would be denying the application or requesting new information from the Applicant in order to get enough information to make an approval.
- In a normal land-use application, if a Board member stated they could approve an application if they were provided with x, y and z. The Applicant then usually agrees to provide x, y and z at the next hearing and the application is continued. The Board would then approve or deny the application at that hearing.
 - It does not change the completeness, which starts the 120-day land use clock.
 - It is two different decision-making processes. Staff starts the process. The Board either approves or denies the application.
- From a demolition aspect, the Board can deny the application for lack of information, and the Code specifically [addresses] that process.
 - * It is the only time where the Code specifies when an actual hearing has to take place; 45 days from submittal, an HRB hearing must be held.
 - * This Code section directs the HRB to make a decision on the night of the hearing to approve the demolition or provide a process for delay. This is not the interpretation of the City Attorney.

Mr. [inaudible]. He believed the aspect of the Code that says the Board only has demolition delay powers was weak. It eviscerated the language of all the criteria. Even if the Applicant submits no findings on the nine criteria, the Board has no basis on which to deny the application.

Ms. Robertson-Gardiner agreed and explained that to get demolition approval at the first hearing; the Applicant must show that the nine criteria are being met.

- By not meeting the nine criteria, a case could be made to show that reasonable cause exists and that rehabilitation or moving could happen and the Board could provide for the delay.
- The HRB would also have purview over the new construction under the new design guidelines that have been adopted.
- The site is inside the McLoughlin Conservation District, where all new construction must adhere to the new construction design guidelines adopted last fall.
 - * All additions over 30% of the size of any building in the McLoughlin District were also considered new construction.
 - * Because new construction and design must be processed through the HRB, the Board would have the opportunity to review the design and construction plans for this site.

Chair Winterhalter stated the Applicant had no desire to rehabilitate the structure, which was clear and fair, and probably a good economic decision. He believed the Board should keep that in mind in making their decision.

Mr. asked if the Code provides for an aggrieved party to appeal the granting or denial of a demolition permit. If an aggrieved party appeals an HRB decision to the City Commission, by what criteria does the City Commission have to base its decision?

Ms. Robertson-Gardiner replied that the criteria would be 1740.

- She explained that the term 'aggrieved party' would have to be a person of standing in the land-use application, such as the McLoughlin Neighborhood Association, for example.
- If the Board approved the application, the McLoughlin Neighborhood Association would come to City Hall and file an appeal costing \$50 and the appeal would be heard at the next City Commission hearing.
- The Neighborhood Association would express the feeling that somebody wanted to rehabilitate the building and that they would like the delay process to continue.

Mr. asked if the City Attorney had ever given that explicit interpretation.

Ms. Robertson-Gardiner replied no; the Liberty Theater was the last hearing in which there was a demolition delay.

- The HRB determined the theater could be rehabilitated and started the 30-day delay process until the longest period had been exhausted. The Applicant did receive the demolition permit at the end of that stay process and there was no appeal.
- She had no experience with an appeal of a demolition approval or a demolition delay by the HRB.

Ms. McGriff [inaudible]. She stated that there was one instance of a demolition delay request which was granted by the City Commission. This decision was based on evidence that there were viable options for repair rather than demolition.

Ms. Robertson-Gardiner stated the City Commission continued the delay to the 1740.

Chair Winterhalter stated that Application 07-09 was woefully inadequate in its presentation from the building official and the Applicant.

- The HRB should not be put in the position of having to speculate on an application.
- The requirement to provide hard evidence to allow more serious considerations of preservation issues should be placed on the Applicant.
 - * Photographs can now be provided electronically, and color photographs should be required for the process.
- If the demolition is to proceed on the 1890s building, requiring conditions for the deconstruction process would be advisable so it would not be done in a slash and dash manner, as well as requiring that the materials from the deconstruction process be made available for other uses.
 - * Service providers who perform demolition through a deconstruction process should be hired for the process, which could include asbestos abatement and then the deconstruction.
 - * Using this process could provide a tax benefit to the process.
 - * Many good timbers could be preserved, though not of architectural value, they could be salvaged for reuse and are valuable as 400–700-year-old trees.

- He would like to see this as a requirement of an HRB decision.

Ms. McGriff [inaudible comments].

Mr. remarked that if the Board were going to invoke a stay it would have to be done at this hearing because the first sentence of 1740.E1 states "For landmarks or structures located in a Conservation District, the Board may invoke a stay of demolition or a stay of moving for a period not exceeding 30 days from the date of the public hearing." The clock begins tonight.

- If the public hearing were continued for more information the Board may be waiving the ability to invoke the stay mechanism. He recommended that the Board invoke the stay, proceeding tonight.
- He felt that the language and structure of the Code were begging for some deeper interpretation by the City Attorney.

Mr. stated that the Board would not be continuing the hearing by making a motion to stay the demolition. [Inaudible] An action would be needed or continuance of the hearing until the next meeting for an action. At that time, the City Attorney could come and give some guidance. [Inaudible]

Chair Winterhalter closed the public hearing in order to entertain a motion, but still allowed for conversation.

Mr. [inaudible] He did not think it would be economically viable to renovate the building.

- The structure deteriorated and had been exposed to the weather for almost a year.
- There is also water and foam damage from the firefighters as well as damage from the fire.
- There would be a chance to review the new proposed structure and conditions in the recommendations that will prevent this from being an eyesore.

Ms. Phelps was more encouraged by several facts.

- The Board really had very little information coming into this tonight and they had the opportunity to hear the building inspector's determination.
- The Applicant was willing to work with the Board on the rebuilding process.
- The Board will hear the whole case when the new proposal comes up for approval.
- She agreed that as little as possible of the materials go into the landfill.

Dr. Bepaly stated that if he was allowed to demolish the buildings, he would like to do it as soon as possible, weather permitting. Demolitions are done based on weight and if everything is again saturated by wet weather, the cost would be preclusive. He promised to work diligently with the Board on the deconstruction.

Chair Winterhalter closed the public hearing and recommended that the Board require, as a condition, getting good photos for historic purposes.

- The photos should capture all of the historic details of the building.
 - * The photos should be taken close enough to get a real sense of the buildings' character, so they can be preserved for the future and also from a distance to gain a sense of what was there.
 - * Photos should be taken of the dimensions of clearance, elevations and floor plans and throughout all stages of the deconstruction.

- Specific photos should be taken of the side porch, the front shingles, the channel siding from the front, pictures with the awning off and the channel siding from the front.
- This would be the last opportunity to get a real sense of the historic context.

Ms. McGriff [inaudible comments]

Mr. stated in the past, major drawings have also been required.

Ms. McGriff [inaudible comments]

The Board consented to require [drawings] of floor plans and elevations.

MOTION

Commissioner moved to approve HR 07-09 with modified recommendations as documented by Staff. The motion was seconded by Commissioner, which carried 3 to 1.

HR 07-10: The Applicant is requesting a modification of approved HR File 05-10 to move the approved house and garage location on site 15 feet to the west. The subject property is located at the corner of 4th and Ganong, Oregon City, Oregon 97045 (Clackamas County Map 3-2E-06BB, Tax Lot 300).

Staff Report

Ms. Robertson-Gardiner reviewed the Staff report, correcting the date to Tuesday August 28, 2007. Photographs were presented as well as a copy of a tree inventory, not previously available to the Board that identified three fir trees proposed to be saved.

Chair Winterhalter asked if there was any indication from the property owner about what would transpire if the two foot setback difference was not granted.

Ms. Robertson-Gardiner said she was uncertain. The Board could choose to re-notice this as a preservation incentive at a following hearing.

Paul Edgar stated he was the adjoining landowner and was very pleased that Wilson Homes agreed to move the home.

- There were four Douglas big fir trees right on the property line on Lot 1. One is 50 inches in diameter, over 250 feet tall and is scheduled to be cut. The tree was right on the property line and there was no reason to cut it.
 - * Such trees have a great deal of significance to the historic district as well as to air and water quality.
 - * If removed, the big fir trees on his property would not have the windbreak cover; a domino effect would result if such large trees were removed.
- Everybody agreed the whole house could be moved over, which promoted sustainability and is a win/win situation for all involved.
- Four native Douglas fir trees could possibly be saved, three for sure, depending upon the trees' root systems and driveway construction.
- He hoped the Board would approve the application.

Chair Winterhalter confirmed that the trees in question were on the eastern side of the property and were fine specimens.

Mr. wanted to know if the maples on the property would also be saved.

Mr. Edgar replied that there were some big maples and that they could possibly be saved.

Denyse McGriff stated she was not representing the McLoughlin Neighborhood Association but wondered what could be done to prevent a future property owner from cutting down the Douglas fir trees. Could a conservation easement be considered to preserve the trees?

Chair Winterhalter replied that was outside the Board's purview.

- If the Board chose to approve the application with the conditions as written, the Applicant had the opportunity to pursue either this application, or HR 05-10.
- He did not think that was the Applicant's or the property owner's intent, but felt they were definitely reserving the option in anticipation of the geological studies' results.

Mr. Edgar visited an arborist in Clackamas Community College and learned that each of the trees on this property are of such a substantial nature they could enhance the value of the lot from \$5,000 to \$10,000 per tree.

With no further testimony from the audience, Chair Winterhalter closed the public hearing.

Mr. confirmed that the Applicant was agreeable.

MOTION

Commissioner moved to approve HR 07-10 with recommendations from Staff. The motion was seconded by Commissioner, which carried 4 to 0.

Chair Winterhalter thanked Mr. Edgar for his efforts, which were sincerely appreciated by everyone.

HR 07-08: The Applicant is seeking approval of exterior alterations to an individually designated historic landmark including a new addition and a demolition of an existing rear addition (zoned "R-8" Single-Family Dwelling District). A parcel located at 554 Warner Parrott, Oregon City, Oregon 97045 and identified as Clackamas County Map 3-2E-6CA, Tax Lot 3700.

Mr. Iselin stated that he would recuse himself from the hearing.

Ms. Robertson-Gardiner presented the Staff report with the following additional comments:

- The Board continued the section of the application that pertained to the new addition. The Applicant was required to return with a revised drawing that was more compatible with the Historic McCarver House.
- She had prepared revised findings for HR 07-08 that included a memorandum to be entered into the record. The revised findings were presented in light of the new addition.
 - * Page 3 of Staff's memorandum included supplemental conditions of approval, which she reviewed.
- Staff are comfortable with the tree retention plan provided by the Applicant along with the conditions of approval.

- Mr. Nicita had requested a landscape plan, and one could be implemented that is compatible with the historic nature of the building. By project completion, the landscape plan is almost universally reworked to better conform to the conditions on site.
 - * Traditionally, landscape plans are not approved at the HRB level. Guidance is given to the Applicant with suggestions about the placement of trees and types of landscaping that may or may not be appropriate. On a HRB level, Staff would be more comfortable with direction by the Board.
- Staff were pleased and supportive of the new revised drawings.

Mr. Nicita said he had voiced concern over the lack of any findings the first time around but was now satisfied. He felt that if there were a condition of approval for the detached garage, per Ms. Sears' request in her letter, he could approve HR 07-07.

Todd Iselin, Iselin Architects, 1307 7th Street, Oregon City stated that the new revised design was presented at a work session.

- The new design was more in scale and did not compete as much with the existing building.
- The owner would like to keep the attached garage. Though not historically correct, people tend to want attached garages.
- The Applicant wanted to add a window in the mud room area on the front side, which was not on the previous west elevation drawing, to help create transparency.
- In lieu of a window, a breezeway connecting them would be desirable; the [garage and home] are separated by more than six feet.
- The Applicant wanted to create a separation yet still have a connection that people often desire in a 21st century living situation.

Darrin Gustorf, Icon Development, 221 Corey St, Oregon City stated that this project had come a long way and because of the great feedback from the HRB and the Staff, the finish line was at hand.

- Detaching the garage was not desirable and the solution was to pull the garage forward, keeping the separation from the mud room.
 - * A tree could be planted at the line of sight of the six foot window and be made part of the landscape plan to mask that connection.
- Detaching the garage completely would create a hardship for marketability.
 - * Customers would think about the groceries, the kids trying to walk from the garage into the house and what happens when it rains.
 - * While this might appear to be a minimal issue to the Board, it was extremely important from a marketing perspective and to him as a representative of Icon.

Chair Winterhalter asked if he had priced homes in Irvington.

Darrin replied that he had not.

Chair Winterhalter asked for a further description of the breezeway, including the proposed window's location.

Mr. Iselin responded that if the Board wanted the garage totally detached, the Applicant wanted to at least maintain a covered roof over it with a couple of columns.

- He confirmed that it would be totally open; no knee wall or three-foot wall would be used.
- He noted the window's location on the presentation screen.

Chair Winterhalter asked if he meant one on both sides.

Mr. Darrin stated the window on the backside would be more than fine. He preferred to lose a sink and keep the attached garage, so dual windows would be acceptable.

There were no further questions of the Applicant.

Chair Winterhalter called for testimony in favor of and opposed to the application.

Denyse McGriff, McLoughlin Neighborhood Association, reminded that she was on the record last time for the continued application.

- The Neighborhood Association has reviewed the revised Staff report and recommendations and concurred with the recommendations.
 - * While the Neighborhood Association agreed with SHIPPO about the detached garage, they could recommend a breezeway with a roof but no walls. She was unsure about a window.
- She noted that Condition #1 should be rewritten to follow the requirements under the previous application HR 07-09 to be consistent.
- She recommended that materials removed from the addition should be considered for reuse on the restoration of the main house.

Chair Winterhalter recognized that Conditions #1 through #4 had been approved in that hearing. These could be appealed.

Ms. Robertson-Gardiner commented that Condition #1 was amended and apologized that it has not been provided.

- As part of the approval process in July, the HRB moved to amend the condition related to demolition to direct that the Applicant pursue discussions with Aurora Mills or The Rebuilding Center, which was in the revised conditions of approval from the July hearing.

Ms. McGriff said she had circled the 'make all efforts' and reiterated that the language needed to be stronger. She was unsure how an effort would be documented.

Ms. Robertson-Gardiner responded she was uncertain legally, because that portion of the Application was voted on.

Ms. McGriff strongly recommended, under revised conditions, that materials be reused from off the addition in order to use as many compatible materials as possible when restoring the house, and anything that could not be reused on the house should be salvaged by The Rebuilding Center or Aurora Mills.

Mr. John Moist, 18938 South Cathy Adams Drive, Oregon City said he lived about a half mile from the McCarver House.

- He believed if left open, the breezeway would eventually be closed by the next homeowner. If the Applicant was allowed to close it now, the Board would have some control over how it is enclosed by reusing some of the leftover windows and ensuring that the closure tied into the structure historically.
 - * Exerting that control now might avoid dealing with an eyesore in the future.

Chair Winterhalter remarked that that was an interesting point and asked Staff for comment.

Ms. Robertson-Gardiner explained the technical answer was that any changes to the McCarver House, whether a new or historic addition, would be reviewed by Staff for compatibility and by the HRB, depending upon the level of construction.

- Anything done without building permits would result in a Code enforcement action, which is not always caught by Staff.
- Any further revision would most likely return to before the HRB, especially since specific conditions [would be expected].
- There was always a potential of owners doing things on the weekends that do not require building permits. Staff could not address anything that might happen 20 years from now.

Chair Winterhalter clarified that anything built without permits was a technical issue and would be a code enforcement action; building anything would require an HRB hearing and code enforcement.

Mr. Moist agreed any revisions without permits would require code enforcement, but it's the idea that it happens. If the Board did not allow a breezeway that would be one issue, but if the Applicant is allowed to cover it, he believed enclosing the breezeway should be allowed as well, which was a lot safer and would look like it belonged there. The Board could control how it would look.

Chair Winterhalter agreed with Mr. Moist's comments.

There was no further public testimony from the audience.

Mr. Iselin also agreed.

Chair Winterhalter closed the public hearing.

Ms. McGriff [inaudible]

Chair Winterhalter asked if there would be something that she would want as a condition.

Ms. McGriff [inaudible]

Mr. Nicita [inaudible]

Ms. Robertson-Gardiner reminded about the request from Ms. McGriff regarding a potential condition of approval #8 regarding reusing historic materials on the new addition.

Ms. McGriff [inaudible]

Ms. Robertson-Gardiner restated that reusing materials removed from the historic addition and incorporating them into the new addition would be potential condition of approval #8.

There was a brief, mostly inaudible discussion about the use of words regarding Condition #8.

Mr. Nicita did not see the need for condition of approval #8.

MOTION

Mr. Nicita moved to approve HR 07-08 subject to the conditions of approval as recommended by Staff.

Chair Winterhalter stated that since there was no second, he would entertain an alternate motion if there was one.

Ms. Phelps seconded the motion.

Ms. Robertson-Gardiner asked if this was the approval with conditions of HR 07-08 with the revised condition of approval #8 as discussed by Staff.

Mr. Nicita clarified that his motion was without Staff's recommended condition #8, but with a detached garage.

Ms. Phelps rescinded her second on the motion.

Chair Winterhalter stated the motion did not carry for lack of a second and again called for a motion.

Mr. Nicita asked for clarification from Chair Winterhalter regarding his position on the application. He stated he would second a motion made for HR 07-08 with an attached garage, even though he would lose on a vote, in order to get to a vote.

Chair Winterhalter stated he was comfortable with the plans as presented.

Ms. Robertson-Gardiner clarified the proposal did not include the window in the breezeway, which could be added onto a condition of approval. The Board also had the option of requiring the placement of a tree to obscure the attached garage.

Chair Winterhalter believed that a landscape element such as a tree would break up the connection between the house and garage. He also agreed to adding a window.

MOTION

Commissioner Phelps moved to approve HR 07-08 with Staff's recommendations and in addition, to add a window.

Chair Winterhalter stated that Condition #5 would change.

Ms. Robertson-Gardiner clarified that the condition would be eliminated.

MOTION

Commissioner Phelps moved to approve HR 07-08 with revised conditions for the new addition, omitting Condition #5 and adding a window in the section that connects the kitchen to the garage as well as a landscape element to further obscure that part of the building. Commissioner Nicita seconded the motion, which motion carried 2 to 1.

4. PRELIMINARY DESIGN ADVISE

Proposed addition to a designated Landmark at 16427 Hiram Avenue (Rittenhouse, Clarence House)

Ms. Robinson-Gardiner stated the property was located in the Park Place neighborhood and is a locally designated landmark. Mr. Moist came to the Staff last week with preliminary plans to make an addition to the side of the landmark. Preliminary comments from Mr. Moist were that the addition came too far forward and obscured what looked like a one and a half story vernacular, but according to Mr. Moist, the vernacular is only one story.

- Staff's initial finding was that the proposed addition obscures the original architectural identity of the one-story vernacular building. Mr. Moist was encouraged to come to the Board for further direction.

Mr. Moist stated he did not realize it was [inaudible] historic house until he looked it up.

- He sought the Board's input, noting features of the house from pictures while speaking off microphone.

Chair Winterhalter asked Mr. Moist if he thought looked like [a porch].

Mr. Moist answered yes. Here is the [inaudible]. This, although this is shown [inaudible]. This is actually how it is [inaudible] and is very bad shape.

- The chicken coop is gone, so he advised that the records be updated/corrected. The chicken coop is three houses down; somebody bought it quite a while ago and hauled it off.
- The fir trees were cut down and [the City] allow the building this house next door, which was not part of the original property. It took 100 by 140 lot. [Mr. Moist] cut out a 50 by 100 lot, and when they did, they took all the trees. The fir trees that were there are gone, you actually see it here, [inaudible] here, that's their driveway now. So, his idea was [inaudible].

Chair Winterhalter asked if the whole property was not a landmark; the lot was divided or was that a neighboring historic...

Ms. Robertson-Gardiner responded she did not know about the back history, only that there was a question about if it was a landmark of the Park Place inventory for many years, and that was really recent, so there could have been something in the last ten years.

Mr. Moist agreed. [Inaudible] lower it down that would work. Because of the way this was built, it is kind of an oddball.

- [The ceilings] were built with 10-foot planks and there is a 2-foot dead void in the attic. Apparently, at some point, the man bought the house [inaudible] carpenter, who altered the interior; it is no longer a two-bedroom house. He was not sure if the man just dropped the ceiling down because when you go through this vent into the attic, there are live wires...
- There is only one way to get in...[Inaudible] it's open and one can walk into the attic. It's got a walkway down the middle, and it has a ceiling, and then there's a second ceiling two feet down when some of the insulation is moved over. So, by lowering it down to an 8 foot [inaudible] on the addition and using a lower pitch, it will retain this roof completely, the way it's presently built.
- All the nice railing on the front porch was removed, at some time apparently because the rails shown on this picture are all gone. There is no fence. The big tree is still there.
- The reason for wanting to put [the addition] on the back was to clean up this back here. [The addition] would not actually come off; raise the roof up, so it's cleaner, getting rid of this ugly slope, basically an 8:12 and 8:12, and this is like a 3½ to almost 4; but actually....
- When stepping out of the kitchen, you step into where the utility room is, which drops 8-inches and [inaudible]; the bathroom needs to be renovated, which is presently here. It's not real [well-weathered], the idea was to put it under a new roof, but it would be real simple to

go with a lower pitch. His grandson was born two weeks ago and since it's a one-bedroom house, it's a little difficult to find a place with a [inaudible]. He noted two windows [installed] in a 7 by 8 space; a closet being used for a bedroom. It's not illegal but was being used that way, so it's like not really a two-bedroom house and so when you have to [inaudible]...

[Inaudible comments]

Mr. Moist said after four years some of crazy things had been discovered in the house.

- He asked what things the Board considered when talking about preserving the house.
- Did the Board want to be able to see that the porch is there from the front. Looking at the pictures, he believed the railing should be replaced.

Chair Winterhalter agreed that would be a great improvement.

Mr. Moist also noted a garage where the dirt is on the street's edge that is six feet [unknown]. It is a complete double garage built at some point, but he was not sure when. A neighbor claimed it was built before the house, which could not be true since nobody knows it's there. People think it is another house, because on the plans it looks like another house looking down at the [inaudible].

- Another picture showed how big the lot was and the oddball size that resulted from taking a 50 foot by 100 foot, cutting it in half and coming back 100 feet.
 - * The homeowner has a huge yard behind his garage, but it could not be accessed because when this new house was built, the plumbing was run off to the corner of the garage, so you can't get [inaudible] open part of the garage to get it to the back yard.
- But if this was what the Board would rather see, [inaudible] back, he would go in that direction and then present it properly.

Mr. [Inaudible] you know you certainly heard [inaudible] exactly where...

Mr. Moist said he understood and believed it made total sense.

- He said he hated to hurt the lady's feelings, but the reality was [the breezeway on that] project would be closed in; he works with builders all the time. The City of Portland requires certain requirements to issue the permits. The approved sets are taken to the site, the changes are whited out and the inspectors don't care. The City of Portland gets away with murder and that's just absurd.

[Several inaudible comments]

Mr. Moist said the first one was before they knew it was historic.

Mr. Nicita said he did not personally find that offensive but believed as a historic home [inaudible] put the railing back.

Chair Winterhalter commented [inaudible] it would look like an addition and would [inaudible].

Mr. Moist said another question was, after having seen it, it would make more sense that [inaudible] awesome to try to maintain the side; with this being a full hip, it makes more sense to run this hip down, around the back, then this would lower also.

Mr. commented that there would still be a little ridge there.

Mr. Moist agreed, adding just merge them together, which would not be impossible. He has some really good framers.

[Inaudible]

Mr. believed that would be better and that the windows [here] were proportionally [inaudible].

[Inaudible]

Mr. Moist repeated that was before they knew anything about that. [His] wife wanted some windows without taking up the walls. He suggested doing some of this kind of stuff.

[Inaudible]

Mr. Moist said something a little different; that gave him a direction to [inaudible].

[Inaudible]

Mr. You have a good place to look for I mean if we're going [inaudible].

Mr. Moist agreed.

[Inaudible]

Mr. stated it's a good opportunity to [inaudible].

[Inaudible]

Mr. suggested putting a decent window in [inaudible].

Mr. Moist stated he had a better idea of which direction to go, then and believed he understood what the Board was looking for; again, he did not realize it was an historic house. It took him awhile to figure out Rittenhouse was the whole name [inaudible].

[Inaudible]

Mr. Moist encouraged Staff to go look at other historical places outside the historic districts in Oregon City because he was surprised to see the inventory, especially since the chicken coop was mentioned as being a historic part of the building

Mr. stated the City had just done a re-survey [inaudible].

[Inaudible]

Ms. Robertson-Gardiner noted an initial 80's inventory was done, and then a re-inventory in the 90's for Park Place when it was [inaudible].

[Inaudible]

Ms. Robertson-Gardiner added that for a good period of time there was a legal question about whether Park Place [landmark status] was adopted correctly, but that has been resolved. So, potentially there were some years when it was not viewed as an historic home, but it is in this case today.

[Inaudible]

Mr. Moist concluded he knew the direction to go in with [the design] and that it worked for him. He thanked the HRB.

Ms. Robertson-Gardiner noted that the inventory form this gentleman downloaded from the web identified this landmark/property as an historic building, [inaudible] which was done by the City's GIS Department this spring. All the landmarks are now identified on the property zoning report.

5. ADJOURNMENT

Respectfully Submitted,

By Paula Pinyerd, ABC Transcription
for Laura Butler, Associate Planner

**CITY OF OREGON CITY
HISTORIC REVIEW BOARD
City Commission Chambers - City Hall**

**MINUTES
June 26, 2007**

Commissioners Present:

Rick Winterhalter
Kenneth Baysinger
Todd Iselin (arrived later)
Jim Nicita
Carolyn Phelps

Staff Present:

Christina Robertson-Gardiner, Associate Planner

1. CALL TO ORDER

Chair Winterhalter called the meeting to order.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

There were no comments.

3. ADOPTION OF PLANNING COMMISSION MINUTES:

No minutes were available.

4. HISTORIC REVIEW BOARD HEARINGS:

HR 07-05: The applicant was seeking approval to amend the location of the Barlow Corridor on the subject site in association with a 6-lot Subdivision (Planning file TP 07-04) and a Variance to reduce the minimum lot width for lots 4 and 5 (Planning file VR 07-01. 14297 Holcomb Boulevard Oregon City, Oregon 97045, Clackamas County Map 2-2E-28BD, Tax Lot 900 (zoned "R-8" Single Family Dwelling District).

Chair Winterhalter read conduct of hearing format and procedure into the record.

Ex parte contacts, conflicts of interest, bias or any other statement to declare.

Carolyn Phelps declared for the record that she had visited the site. No board member, however, declared a conflict of interest, bias or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Staff Report

Christina Robertson-Gardiner, Associate Planner, reviewed the Staff report noting the Commission would review the remainder of the application at the July 15, 2007, public hearing.

- The criteria were discussed, and maps of the property were also reviewed to orientate the Board.
- Currently, the County does not allow floating right-of-ways to be platted. Eventually a small street would access Hunter Avenue, located to the west, approximately halfway between 14231 Hunter [and] the Hunter/Holcomb Boulevard intersection, directly east.

Chair Winterhalter asked if the proposed small street was indicated by the arrow.

Ms. Robertson-Gardiner responded that the proposed small street was a little bit south, running between [inaudible]. Three addresses were shown below the arrow.

- An easement exists between the second and third house, which will be turned into a right-of-way once the property to the west is platted as a subdivision.
- At that point, the whole street would exist as a right-of-way.
- Since the subdivisions are developing from east to west, the City's solution was unique in developing the easements into right-of-ways and was the reason for Staff supporting this proposal.

Chair Winterhalter asked if the easement issue would come before the Planning Commission.

Ms. Robertson-Gardiner said the Planning Commission would be reviewing the subdivision because the Applicant applied for a lot width variance. The Commission would review the lot width variance and subdivision [inaudible] currently.

- The easement was a way to bypass the County not allowing floating right-of-ways and would not come before the Planning Commission. [Inaudible.]
- The Applicant's proposed plat would shift the location of Barlow Rd approximately 40 to 43 ft to the west. The Applicant provided a centerline showing the existing Barlow Rd [inaudible].
 - * The Applicant showed the H3 Corridor line imposed on the plat, the center of the 30 ft proposed easement, with 15 ft on either side if the Barlow Rd was platted as listed on the H-3 Corridor. She noted the 30-ft corridor, 6-ft on either side, proposed by the Applicant.
- She confirmed it was aligned with the easement that would effectively become the right-of-way. With the development of the last property to the west, this would become a right-of-way. The Applicant's storm retention pond was at the bottom of the subdivision; a small black area indicated an access entrance to maintain the retention pond.
- A pedestrian connection was proposed from that entrance that would connect to the hammerhead right-of-way. Due to safety on Holcomb Boulevard, no vehicles would be allowed on that pedestrian connection, except to access the retention pond. Pedestrians would gain access south to Holcomb Boulevard.
- She clarified that the hammerhead was located to the west of the existing right of way, terminating in Lot 6. The actual right-of-way would stop at Lot 6, and the pedestrian connection would continue to Holcomb Boulevard.

Unknown asked where the actual [inaudible] would be located until that happened

Ms. Robertson-Gardiner replied that the Applicant would utilize [the area] as a shared private driveway, running north next to where Barlow Rd was being proposed.

- Until the properties to the west turn into right-of-ways, the Applicant could not go through the neighboring properties. When the properties to the west become right-of-way, the City would then shut off that access, which will be turned into a pedestrian connection.
- She verified that access would be off Holcomb until the hammerhead was completed.

Unknown asked if the issue in the future would be the difference between a private and public street [inaudible].

Ms. Robertson-Gardiner said it would be both. Right now, the access would be public access. When the right-of-way to the west was platted, that small hammerhead area would turn into right-of-way, but the pedestrian connection would remain a public pedestrian connection.

Unknown asked if access in the near term would be a private street.

Ms. Robertson-Gardiner replied it would be a private driveway with a public access.

[Inaudible]

Ms. Robertson-Gardiner stated the issue was a bit complicated.

- Infill subdivisions, especially in the Park Place area require creativity to gain access to the properties in the long run, while meeting the larger goal to reduce the number of accesses off minor arterials, such as Holcomb Boulevard.
- Staff supported this proposal because in the long run these lots would all be able to access this local street instead of Holcomb Blvd through a flag lot option.
- She confirmed the easement would connect to Hunter directly west [inaudible].
- She explained that she only wanted to provide background as to why this was being proposed; it was not within the purview of the HRB or relevance.

Chair Winterhalter announced Mr. Iselin's arrival for the record.

Ms. Robertson-Gardiner showed slides and described other neighboring properties on Barlow Rd and previous applications utilized the H-3 corridor.

- The subject property was just south of where a single-family property owner chose to build a house, that Applicant was required to file a reporting document showing the Barlow Rd 30-ft corridor's location on that property, shown running between the house and shop building.
- A 2006 summer photo showed the house halfway through construction. Barlow Rd was indicated as a line to illuminate the location. The application was reviewed and approved in 2005 and building began in 2006. The house was most likely completed by now.
 - * The deed restriction for that location was in about 2005.
- She noted the Barlow Rd divides and bends running through the backyards of some of the platted lots of the Barlow-Crest subdivision built in the mid-1990s. A plat restriction exists in this subdivision and the follows the exact location of the Barlow Rd through the H-3 corridor.
- She explained that Winston was the terminus of Barlow Rd, a portion of Barlow Rd was actually 30 ft. From the Winston terminus, then Barlow Rd continues to the west through the grade school [inaudible].
- The third one was Camellia Place, which used to be called [inaudible] Acres and was just platted. The Barlow Rd was platted in place, sharing the property line between the Housing Authority and the subject subdivision. In some places, it had more of the 30 ft, and in some places, less. As the line leaves Camellia Place, it heads south into the Housing Authority's property.
 - * Camellia Place was approved in 2006 and was just platted in the spring of 2007.
- She was not certain of the specific dates for Barlow Crest but believed platting occurred in the late 1990s.

- She confirmed Camellia Place and Barlow Crest both occurred as plat restrictions, which were a dotted line on the plat, indicating the area was subject to Oregon City Municipal Code 17.40...Barlow Rd.

Chair Winterhalter asked if this was following the 1993 line.

Ms. Robertson-Gardiner responded that was the H-3 corridor.

Chair Winterhalter asked where the 1988 line was shown on the map.

Ms. Robertson-Gardiner noted the Housing Authority property where Holcomb Boulevard makes a bend, to the north was where Camellia Place was located above the Housing Authority's complex; it was not located in the 1988 map.

Chair Winterhalter asked if the alternate [1993] map, as indicated on Exhibit 3, page 2 grazed the Housing Authority.

Ms. Robertson-Gardiner stated it grazed the Housing Authority to the south, but Camellia Place was not located, it was far north of the 1988 alternate route.

- [She concluded] that those are the Barlow Rd properties that have been reviewed since the ordinance was enacted. An exception may exist, but it was not recorded by the Building Division.
- Staff recommended approval with conditions of the application.

Mr. understood that the Board had jurisdiction over the Applicant's request because in the 1988 map, two different lines are indicated. One of those lines ran through the Applicant's property.

Ms. Robertson-Gardiner replied that was correct, adding that if either of the lines ran through one's property, that property owner was subject to the Historic Barlow Rd Overlay Corridor.

Chair Winterhalter noted Camellia Place-Barlow Crest subdivision in 1993 [inaudible].

Mr. said the HRB never reviewed Barlow Crest.

Ms. Robertson-Gardiner responded that Barlow Crest and Camellia Place both platted in their location based on the tax assessment map, therefore a plat restriction was placed at the time of subdivision.

Mr. said that because the HRB never reviewed Barlow Crest, [inaudible] the Board's intent should focus on maintaining the visual corridor. Holcomb was more or less a visual corridor.

[Inaudible]

Chair Winterhalter clarified that was not being proposed, but clarification and deliberation with Staff [inaudible].

Ms. Robertson-Gardiner stated that after deliberation, the intent of the Barlow Rd was really [inaudible]; that the 30-ft wide-open visual corridor should remain and follow the actual [inaudible]. The actual road's location would probably differ with each person. "If the actual route is unknown, the open visual corridor shall connect within the open visual corridor of the adjacent property." This code purpose was based on the 1988 map where the concept of the

actual location was more vague. The 1993 map somewhat refined that, so the Code's purpose was based on a lesser refined map. The purpose might change if the 1993 map was adopted.

Chair Winterhalter expressed his disappointment that neither Staff nor the Applicant showed any connectivity of existing roads [inaudible].

- The Board did not have what was platted. He was unsure if the 1993 or 1988 map should be used.
- Staff were asking the Board to decide, and the Board had been making decisions, based on the 1993 and there was a change at the last minute.
- He would rather entertain a motion from the Board that would take care of the issue rather than oscillating on each application that came through.
- The last application was based on the 1993 map. The house that had the 1988, that was built in 1996, was not subject because it did not have the 1993 lines there.
- The City was not clear, which was not fair for the Board to try to make those decisions.
- And it was not fair to applicants, because many of the decisions being made were not based on the same lines.
- He did not believe one attorney's opinion was the end of a deal.
- The issue needed to be studied in continuity, which could be done in 30 days. Clarification was needed to alter or move the lines, but the basis for the lines must be clearer.

Mr. recommended that the application be heard for two reasons: the Applicant traveled a significant distance, and he did not believe a conflict did not necessarily exist.

- The presentation should be seen before the decision is made. A question-and-answer session was needed. Accommodation should be able to be made without a tremendous amount of pain.

John Marquardt, 1818 NW 140 Circle, Vancouver, WA 98685 stated that based on the issues regarding the 1987-1988 map coming out, he developed a proposed alternative, if Staff was interested.

- Exhibits were available showing where he suspected the 1987-1988 map indicated the Barlow Rd was going through the project and where he proposed realignment down Holcomb Boulevard.
 - * Otherwise, the application was based on the 1993 alignment, which was platted on the tax maps and was the information that existed at the time.
- The hammerhead turnaround and future street layout were developed after the pre-application process and consultation with Staff. His intention was to shift alignment of the trail over into the open right of way to maintain the visual corridor.
 - * The neighborhood association had received grant money for signage along the trail. He believed placing a sign as the sidewalk went north would be a desirable location to highlight the Barlow Trail's location.
- The Applicant wanted to continue the trail with a natural connection to the north where the house was built a few years ago. A 90-degree turn was not desired here because of the unnatural transition.
- The concept was to create a corridor along an aesthetically pleasing line of residences that fit on the irregularly shaped lot.

Mr. believed the 1988 map was the lower priority of options. He wished to lead the discussion toward the relationship between the 1993 route as on the tax map and delineated, and the rest of the plat as the subdivision.

- He asked how Lots 1 and 2 would be accessed in the near and long term.

Mr. Marquardt responded that access to Lots 1 and 2 would be off a shared driveway located as far north from the intersection as possible. Lot 1 would have a driveway parallel to Swan Boulevard.

- Hash marks on the map indicated the right-of-way dedication requirement of Swan and Holcomb, taking up part of Swan Avenue.
- Access would come from Swan Avenue. The dashed line just to the left of the hash marks was a driveway easement across Lot 2 for the benefit of Lot 1, running north and south.

Mr. verified that Lots 1 and 2 were not implicated by any of the questions of Barlow Rd; the issue really regarded the [inaudible].

- He asked hypothetically, if the Applicant had the option of maintaining the tax map route, would adequate area exist on each of Lots 3 through 6 for an adequate building pad, given the 15-ft required setbacks off the western property line.

Mr. Marquardt stated given that R-8 lots are naturally large, that possibility had been explored. Lots 3 through 5 could still have an adequate building envelope, 15 ft off the centerline. But Lot 6 would be limited by the triangular shape.

Mr. asked if the setback off Holcomb Boulevard would be considered a front or rear setback.

Ms. Robertson-Gardiner responded that assessment had occurred. Lot 6 would have some frontage on two lots. Double-fronted lots are not desirable, but in this situation the lots would face the inside hammerhead right of way, and Holcomb Boulevard would be the rear.

Chair Winterhalter asked having the front of the house was intended to be toward the garage, rather than facing Holcomb.

Mr. Marquardt answered yes, on Lot 6, basically for the rest of the homes, aesthetically, to have a continuous feel to them.

[Inaudible question about a water quality feature]

Mr. Marquardt stated that discussion occurred with the City. A 24-inch storm drain in Holcomb that could be connected to and then the Applicant could improve a system downstream.

- The neighborhood association preferred something be done onsite.
- He preferred improving a system elsewhere in the basin rather than to treat, release and then detain somewhere else.

Mr. asked if that would give the Applicant more land for Lot 6.

Mr. Marquardt said it would, but given that it was to the south, and the alignment went right through there, and it was narrow there, he was uncertain whether it would be a usable building space.

Chair Winterhalter clarified that getting building space was not the point, but to get the setback.

[Inaudible]

Mr. understood that Lot 6 would be tight, but not impossible.

Mr. Marquardt agreed Lot 6 would be doable with the right building footprint.

Mr. said his question had been answered about building pad going along the 1993 route as adopted on the tax map would not be [inaudible].

- He then wanted to clarify that the alternative route along the west property line regarded a question of access and the creation of the hammerhead, but he was unsure they were mutually exclusive. Platting Barlow Rd as a 30-ft visual corridor along the 1993 map layout would not hinder having the visual corridor along the historic route and completing the hammerhead and temporary connection to Holcomb Boulevard. Platting the route did not prevent creating the hammerhead.

Mr. Marquardt responded that the issues were independent of each other. The hammerhead was a street connectivity/circulation issue for the subdivision as a whole. The Barlow Rd alignment relocation was an attempt to identify a concrete placement and where the H-3 corridor exists.

Chair Winterhalter understood that if they did not come together, that would keep the [original] Barlow Rd visual corridor as a private easement and the hammerhead would be a public easement.

Mr. Marquardt replied that was his understanding.

Mr. asked how the lot might affect lot sizes or setbacks, would a lot be lost.

Mr. Marquardt stated that a 2 or 3 ft variance off the required lot width was being requested.

- The north line of Lot 6 would be pushed down, and the southwest line along Holcomb Boulevard would tighten up, providing a much tighter building footprint. The variance request was to create four uniform lot areas and for clean building footprints when laying out the subdivision.
- He clarified that only Lots 4 and 5 were requesting the variance, Lots 3 and 6 were already wide enough.

Mr. referred to Sheet 3-8 and confirmed that the dotted lines in each of the lots represented the setbacks.

[Inaudible]

Mr. stated he was assuming the Barlow Rd alignment and access road were one in the same, and that was not necessarily the case.

There was a brief discussion regarding the centerline, whether the setback applied from the right of way or from the Barlow Rd alignment and how that affected Lots 3 through 6, specifically, Lot 6.

Ms. Robertson-Gardiner stated the setbacks would be there, but the Barlow Rd corridor would overtake the setbacks. A house could be built right up to that 50-ft lot.

- With a foundation line at the 50-ft line, at the edge of the 30 ft, the front property line was a 15-ft setback.
 - * If the 1993 line was used with a 15-ft setback on that line of sight, for a 30-ft buffer that would be longer than the 15-ft front yard setback, but a 45-ft front yard setback; like any other easement, the foundation line can be built to the easement.
- She clarified that porches are not necessarily included when referring to a foundation line, which would only apply to any new construction.

Mr. Marquardt explained that a subdivision would be created with small backyards and big front yards versus what was normally seen.

Mr. asked if the western lot lines of Lots 1 and 2 could be moved eastward while still maintaining the minimum lot size for the [zone].

Mr. Marquardt replied that Lot 2 could not be moved eastward because the minimum square footage would not be met. That lot was placed based on the required width for the lot and was placed far enough away to get the required square footage. Lot 1 was an irregular little jog from Lot 2. Lot 1 could, in theory, be moved eastward, but Lot 2 could not, he believed.

Mr. stated [inaudible] western lot line of Lot 2 [inaudible].

Mr. Marquardt answered yes, while maintaining the required square footage.

Mr. suggested that overlaying the 15-ft setbacks on both sides and the building pads' dimensions, instead of just the centerline, would really help give a better perspective.

- The Barlow Rd Corridor had been a [inaudible] because of the issue with the [inaudible]. He continued to believe the HRB does not have the legal power to alter the route of Barlow Rd. When he stated that he wanted to cause the Applicant the least amount of pain, it needs to be determined if the 30-ft setback along the Barlow Rd centerline as per the 1992 [inaudible], they need to prove [inaudible] about that would allow this to be done in 1 and 2, and then hearing [inaudible] on concerns about the size of the building [inaudible]. It was in his view, [inaudible], so if you think you should [inaudible] project [inaudible] corridor, knowing that, that the placement of the visual corridor had nothing to do with access to the road to the left that would be the least amount of [inaudible]. He also wants to get a perspective from [inaudible]. Unless he was mistaken, the presentation showed that Staff was recommending [inaudible] because of the [inaudible]. And he was still not sure where the [inaudible] was coming to.

Mr. believed City Staff thought that was the best way for the access.

Mr. did not believe that had anything to do with it.

[Inaudible]

Ms. Robertson-Gardiner replied that was the correct background information on the hammerhead issue. Regarding Staff's issue, Staff's discussion with the Applicant produced the understanding that Lots 2 through 6 would be more that [inaudible] to build on. Looking at Lots 2 through 6, as a planner, that was still her understanding. Staff [inaudible] Barlow Rd 30-ft corridor on the 1992 line. Staff had reviewed subdivisions and looked at building lots; there would be highly irregular lots.

Chair Winterhalter stated the challenge would be from the access from the Barlow Rd.

Ms. Robertson-Gardiner stated Staff's concern was that the [inaudible] could be "un-buildable" if the Barlow Rd and easement [inaudible]. She was surprised at the Applicant's contention that he could not work with the setbacks because that was not her understanding from the conference. Her understanding that from the Barlow Rd 1992 line with the 15-ft setbacks on either side of the centerline creates un-buildable lots for Lots 2 through 6.

Chair Winterhalter stated that legal setbacks for Barlow Rd and the other needed to be distinguished on how they would affect building envelopes because having a visual corridor had nothing to do where buildings were placed.

Ms. Robertson-Gardiner replied everything was buildable, but she was referring to commonly recognized, marketable lots. That was Staff's understanding [inaudible] through this process. She was finding that with the 1993 line aside, the lots could be highly compromised.

Mr. stated that was the difference, it was originally an issue of access.

Ms. Robertson-Gardiner responded that was true. The way the Applicant proposed the hammerhead, Staff thought that if the Board would like to entertain the option of [inaudible], Staff found that Barlow Rd to the north with the open visual corridor would also be on a proposed public access area to the Barlow Rd easement area, compared to in other situations where it was [inaudible] open visual corridor. That was Staff's general recommendation. If the Board chose to move it, the added benefit of a public access to it would exist.

Mr. did not believe this alternative version satisfied the visual corridor.

Mr. [inaudible] requirement. Holcomb dead-end [inaudible]. A compromise was sought to help the Applicant. Rear setback options were explored. [Inaudible]

- The option to request the rear setback existed if the Barlow Rd corridor could not be moved; 15 ft would be lost along the visual corridor, but 10 ft would be gained [inaudible].

Ms. Robertson-Gardiner indicated that rear setbacks were a Planning Commission variance. The Applicant and Staff would have to [inaudible] the application, which would have to be moved to an [inaudible] for the specific adjustment of the additional variance.

- It was believed that another option existed. [Inaudible.] That would be the perfect application for that.
- She indicated that investigation was required to find out if properties in the Barlow Rd area were also allowed as part of the [inaudible]. If the properties were subject to [inaudible], the HRB may adjust the [inaudible] setback and [inaudible] more than appropriate. [Inaudible] The Applicant would have to be noticed and [inaudible]. A review of the Code was required.

[Inaudible]

Mr. suggested a 15-ft setback from the centerline and [inaudible] the corridor as platted to reduce this 2 to 5 ft and maintain the visual corridor, providing a good building envelope.

Mr. Marquardt stated his biggest concern was that the building would fit the lot dimensions without change. At the pre-application level, the difficulty of building location was stated. Based

upon the surveyor's data and plan scale, the building footprint was easier to visualize. Without the proposed setback, the private backyard space was mostly lost.

[Inaudible]

Mr. Marquardt declared [inaudible] was more workable.

Mr. clarified that the remaining 28 ft came from the road.

Ms. Robertson-Gardiner [inaudible]. All three of the designated structures and new construction fell under the Historic District. [Inaudible]

[Inaudible]

Ms. Robertson-Gardiner [inaudible] historic corridor [inaudible] parcel of land which was part of the designated [inaudible] the Oregon Trail [inaudible] road.

[Inaudible]

Ms. Robertson-Gardiner [inaudible] Historic District qualified as the following, "Historic district on designation according to the section [inaudible] according to the section. Landmarks as subject to [inaudible], historic corridor as subject to [inaudible] in accordance with construction." The [inaudible] Historic Preservation [inaudible], the eligibility for historic preservation [inaudible] new construction in historic and conservation districts.

- The Code designated Barlow Rd as a historic corridor and the following were designated in the first overlay districts, one historic district [inaudible]
- As read from the Code, "The following historic overlay districts qualify as the following." So the third overlay was called [inaudible].
- She disagreed about the [inaudible] overlay.
- [Inaudible] overlay districts were historic districts on designation [inaudible], observation districts designated by [inaudible], landmarks designated by [inaudible], or historic corridors designated by [inaudible]. [Inaudible] historic corridor as, "That portion of a parcel of land is part of the designated linear historic feature, such as the route of the Oregon Trail-Barlow Rd."
- [Inaudible] and that a landmark was considered a designated structure.

Mr. [inaudible] historic [inaudible] designated nature of an historic structure and confirmed new construction in a district apparently from an overlay district. [Inaudible.]

- The difference was a question for a legal mind.

Ms. Robertson-Gardiner indicated that the Code intended to clarify designated structures that were landmarks and all properties inside those districts, including new construction in historic districts.

[Inaudible comments]

Ms. Robertson-Gardiner indicated this was provided by the zoning maps of the City. [Inaudible] had been dedicated to [inaudible] and new construction in historic and conservation districts. The new construction was [inaudible].

[Inaudible]

Mr. and Ms. Robertson-Gardiner disagreed.

[Inaudible]

Mr. understood Historic Preservation District to mean it applied to the width of the Barlow Rd corridor and the setback, and asked what other flexibilities were included.

- [Inaudible] underlying zone. [Inaudible] had never been part of that because this had all been part of the original plat.
- Dimensional standard alterations were not permitted.
- This would loosen up the inflexibility of the lot lines of Lot [inaudible].

[Inaudible]

Mr. asked about using the original alignment of the left boundary as opposed to the centerline.

[Inaudible]

Mr. [inaudible] preserved the original [inaudible]. Grandpa replaced the [inaudible], and his grandpa replaced the [inaudible], but it was still the original [inaudible]. We were dealing with the same thing.

Mr. stated the [inaudible] restriction was so much over [inaudible].

[Inaudible]

Mr. Marquardt clarified the original intention was to create a straight visual corridor, which would allow for pedestrian access down the western boundary line and also to keep the corridor in line with the pedestrian flow. The transition that happened to the north was unavoidable. Lot 3 was bumped back to allow the straight visual corridor. A logical layout that flowed well and really worked was desired in this situation.

Mr. asked what happened when a pedestrian walked upon the north property line and was told it was a private yard.

- The pedestrian would only travel to Lot 3.
- The pedestrian travel would not go further than Lot 4 due to the hammerhead.

Mr. Marquardt believed they were one full [inaudible]. Looking down Holcomb Blvd, [inaudible] that applied.

- He stated that a licensed surveyor developed the plan.
- He was the legal owner of the property. The timeline was contingent upon the timeline of the City's planning and approval process. Construction would start after City approval. August through October/November was the desired approval time as a winter build was possible.

A hypothetical matter of continuance to next month was suggested to move lot lines and setbacks and examine a direct visual line from Holcomb to the north property. If zero, ten or two feet would allow the centerline to lie somewhere within the 30-ft corridor, still leaving [inaudible].

Mr. Marquardt expressed concern that the Planning Commission already had a July 15th agenda date. The benefit was that the Planning Commission would not be needed if this could be utilized, but losing the Planning Commission date could delay construction further.

- The Applicant must request [inaudible] at the time of the HRB; the Applicant did not give notice.

Chair Winterhalter confirmed [inaudible] Planning Commission [inaudible] no flexibility. The decision must be made tonight. [Inaudible]

Mr. Marquardt stated that he would respectfully [inaudible].

Chair Winterhalter called for further questions or comments for the Applicant and asked how many days notice were required.

Ms. Robertson-Gardiner stated 20 days were required, but 27 days [inaudible].

Mr. Marquardt declared his hesitancy came from the fact that a minor lot width variance was requested, but he did not feel there was a risk in that. The Planning Commission appearance was required.

[Inaudible]

Mr. Marquardt believed that moving lot lines would be starting over with the plan. The lot width was a tight fit as it existed. Area requirements were considered in making a buildable footprint; a variance was required to make Lot 6 fit.

Mr. requested information about water retention being further downstream and the possibilities for such.

- The Applicant preferred to include the downstream pond, however not every subdivision had that option. In the discussions with the Applicant, three areas in the application process were identified and modification would not be an issue. This site requires water quality and water quantity. The water quality could be done through a [inaudible] but the water quantity could only be done with a pond.
- Underground tanks were an option, but [inaudible] only allowed concrete underground tanks which for the most part [inaudible].
 - At the time of pre-application, the understanding was that underground tanks were very limited. The only option was a very expensive one.
 - The standard was changed, and underground tanks were not desirable. The City was wary of bringing on underground [inaudible]. Ponds were much easier than underground tanks.
 - Underground tanks could be explored from a cost-value basis in determining the best alternative.
- When asked if anything further downstream existed, Mr. Marquardt stated that nothing stood out.

Ms. Robertson-Gardiner stated that option was not readily available.

[Inaudible]

Mr. asked if the Applicant went through the Planning Commission process and acquired the variance, would the next meeting be after the July Planning Commission meeting.

- If the Planning Commission granted the variance, it was unknown if the Historic Preservation Incentive Grant would have more flexibility that would allow the Planning Commission to be used as a backup.
 - If the Applicant did not pursue the Planning Commission, [inaudible]; right now, there were two parties [inaudible].

Mr. Marquardt confirmed that he met with them in terms of [inaudible].

[Inaudible]

Mr. stated that if Historic Preservation did not allow the change of dimensional standing of the existing Code [inaudible].

Chair Winterhalter understood the Board could continue the application to [inaudible], the Applicant continued hearings to [inaudible] figure a strategy. He added they might want to [inaudible] the potential applicability of [inaudible] notice [inaudible] bank on that.

- The Applicants options were [inaudible] others [inaudible] come back in two weeks, see where things were [inaudible] the Applicant and make a decision on [inaudible].

Mr. stated that it would no longer be a work session but a continuation of [inaudible].

Ms. Robertson-Gardiner explained the Applicant could withdraw at any time; however, the HRB [inaudible]. The argument was made that [inaudible].

Unknown stated that the impression of the Board was that preservation incentives allowed for more flexibility. [Inaudible] had been used in the past for this type of activity. [Inaudible] the past while building the future. [Inaudible], there was risk like everything. [Inaudible]

- [Inaudible] the Board could deliberate.
- The Board did not have the legal power to alter the route of the Barlow corridor.

Mr. stated he could not vote approval on realignment of the corridor along the west property line. His interpretation of the Board's abilities was to work with the 15-ft offset by either adding or subtracting, allowing the central line to remain wholly within the offsets.

[Inaudible]

Mr. stated [inaudible] where the centerline [inaudible] 2 ft on this side and [inaudible] ft on this side.

Male Speaker affirmed but did not believe the offset met the preservation of the visual corridor. The visual corridor with a bend in it would not allow visualization of Barlow Rd on the neighboring property.

- The open visual corridor should connect within the open visual corridor on adjacent properties and be open to [inaudible]. The suggestion was made to work with the Preservation District to connect the visual corridor from the neighboring property to Holcomb, even if it must be as westerly as possible while still maintaining adequate building pads.

Mr. stated [inaudible] adjusting lot size [inaudible], as well. The lot size was adjustable up to 10 to 20 percent.

[Inaudible]

Male Speaker stated that changes were made previously.

[Inaudible]

Lot size changes and setbacks within existing zones as allowed by Code were discussed.

- The Code was interpreted as allowing for lot size changes; changes in nominal dimension size followed the Code.

Mr. Marquardt stated that Lot 2 took advantage of [inaudible], which area had been reduced and the western most lot had been reduced by 10 percent already.

- The rear [inaudible] setback was reduced to 10 ft.
- Would this apply to Lot 2?
- The Code was not written with the intent to apply to subdivision applications. Conventional standards, including lot size, lot width, and lot depth, may be adjusted according to Code.

Mr. Nicita expressed concern for the public accessibility of the visual corridor and alignment of such. The 15-ft offset was concern for loss of public access.

- Nothing in the Code required public access from the hammerhead to Holcomb, however public access was part of the subdivision requirement.
- The 30-ft new corridor was not a pedestrian access. Concern for pedestrian traffic on private property and the visual trail corridor was expressed.
- Benefit was gained from the [inaudible]. The distance between the eastern line of the easement and the 1993 number was 12 ft.
- A plaque or monument was suggested to denote the Barlow Trail.
- Pedestrians could walk and public easement would exist from the sidewalk on Holcomb up to the public driveway. [Inaudible]

[Inaudible]

Mr. questioned the point about legal authority to deal with the issue.

- The City Attorney determined that the Board did have the authority to modify the tract from what was shown and to move the lines as needed.
- Compromise would maintain the intent of the visual corridor but would still attempt to accommodate the needs of the subdivision.

Mr. clarified that following the basic tract that was offset by the centerline.

- Although the opinion of another attorney was requested, the City Attorney's opinion was deemed reasonable.

Ms. Robertson-Gardiner suggested that Staff re-notice the application to include a preservation incentive.

- The modifications needed to be clarified before the preservation incentive could be defined. Barlow Rd had already been noted.

- The Applicant could continue the work session. If the Applicant wanted a continuance of the July hearing to [inaudible] did not write the Staff report.
- At the July hearing, HRB would review the preservation incentive and Barlow Rd centerline alterations.
- If the HRB approved, the Applicant would withdraw the Planning Commission variance request and Staff would then process the [inaudible] application on an administrative level.
- A 120-day process existed; the July meeting would occur around the 90-day mark, allowing for the 30-day appeal.
- She clarified that if applications were filed on different dates, different timelines would apply, but all applications were filed on the same date, so all timelines were the same. The Applicant would need to work to allow appeal time if the Planning Commission variance would need to be pursued. The 90-day window would be exceeded.

Mr. asked if the centerline would maintain the existing alignment and was told 28 ft on Tract A.

Male Speaker asked about the north edge widening out to 15 ft again to connect to the north property.

Unknown responded that the offset of the north edge could be zero off the centerline. The northern neighbor's offset was 15 ft.

- A surveyor did determine the location of the line on the survey, as shown on Sheet 208, as an approximate location [inaudible] map, according to Mr. Marquardt. The exact location was given by the plat.
- The Applicant's centerline was constrained by the deference given to the north neighbors because that property right was restricted voluntarily to place the visual corridor on the east. Bends in the visual corridor must be gradual but could be defined by the Applicant.
- The centerline on the map was the line. The preservation incentive allowed for that line to remain in the corridor.

Mr. Marquardt said he desired the support of the Board. The centerline staying in the current location yielded buildable footprints and deviations from the Code needed further exploring.

- No building pad would be lost if most of the corridor of the centerline was on the east side of the [inaudible] because to the west [inaudible].
- Per the Code, parking was allowed within the open visual corridor and was considered when the ordinance was written.

MOTION:

Commissioner moved to continue HR 07-05 to July 10, 2007. The motion was seconded by Commissioner which passed 5 to 0.

The work session was scheduled for July 31, 2007.

HR 07-07: The applicant was seeking Historic Review Board approval for the construction of a plaza in the parking lot located between the fire station and the Odd Fellows building in the McLoughlin Conservation District, identified as Clackamas County Map 2-2E-31AC, Tax Lot 1400 (zoned "MUC-1" Mixed Use Corridor District). ***Request for continuance to July 24, 2007 HRB meeting.***

MOTION:

Commissioner Baysinger moved to continue HR 07-07 to July 24, 2007. The motion was seconded by Commissioner Iselin which passed 5 to 0.

The Applicant would be placed at the front of the next meeting agenda.

5. Adjournment

Respectfully Submitted,

By Paula Pinyerd, ABC Transcription
for Laura Butler, Associate Planner

**CITY OF OREGON CITY
HISTORIC REVIEW BOARD MEETING
City Commission Chambers - City Hall
320 Warner Milne Road, Oregon City
April 24, 2007, 7:00 p.m.**

MINUTES

Board Members Present:

Chair Rick Winterhalter
Kenneth Baysinger
Jim Nicita
Todd Iselin
Carolyn Phelps

Staff Present:

Christina Robertson-Gardiner, Associate Planner

1. CALL TO ORDER

The Historic Review Board (HRB) meeting was called to order at 7:00 p.m.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA: *There were none.*

3. PUBLIC HEARINGS:

Chair Winterhalter read the Conduct of Hearing and Statement of Public Notice into the record.

HR 07-03 Quasi-Judicial Hearing: The applicant is seeking approval for modifications to Barlow Trail in association with a 3-lot partition. A parcel located at 13785 Holcomb Boulevard and identified as Clackamas County Map 2-2E-29DA, Tax Lot 2500 (zoned "R-10") Single-Family Dwelling District

Ex parte contacts, conflicts of interest, bias or any other statement to declare.

Jim Nicita dismissed himself from voting on hearing HR 07-03 because Mr. Coffman is a client of his employer Westlake Consultants.

Chair Winterhalter, Todd Iselin and Kem Baysinger had visited the site. There were no other declarations.

Christina Robertson-Gardiner, Associate Planner, stated that she received an e-mail from the applicant's representative requesting a continuance of HR 07-03 to the next available hearing to have more time to work with the neighborhood association.

[Inaudible question]

Ms. Robertson-Gardiner responded not necessarily, [the email] had been entered into the record. The applicant's representative could address the Board.

Chair Winterhalter asked if the Applicant wished to make a presentation.

Ken Sandblast, Planning Resources, 7160 SW Fire Loop, Suite #201, Oregon City, OR 97045 [Inaudible comments]

Chair Winterhalter asked if the Board had any questions or comments for staff.

Jim Nicita requested Staff confirm with the city attorney that the HRB had the legal authority to entertain and grant the request made by the Applicant.

Ms. Robertson-Gardiner stated she would follow through with that request.

There were no further comments.

MOTION:

Board member moved to continue HR 07-03 to date and time certain of May 22, 2007 based on the city attorney's interpretation of the [inaudible] request.

The motion was second by Carolyn Phelps and passed 5 to 0.

HR 07-04: The applicant is seeking approval for a new industrial building on an individually designated historic landmark. 13014 Clackamas River Drive, Oregon City, Oregon 97045 Clackamas County Map 2-2E-20DD, Tax Lot 5400 (zoned "MUD" Mixed Use Downtown District) and No Address, Oregon City, Oregon 97045 Clackamas County Map 2-2E-20DD, Tax Lot 4300 (zoned "R-8" Single Family Dwelling District)

Ms. Robertson-Gardiner reviewed the Staff report with the following additional comments:

- She displayed aerial photographs indicating the site's zoning and also reviewed the proposed site plan, elevations and building materials of the application.
- Additional site photos submitted by the Applicant were circulated to the Board. [Inaudible].
- Staff agreed with comments received from the Park Place Neighborhood Association about working with the property owner to provide more screening to the cemetery and commercial site.
- The Neighborhood Association also recommended the front building closest to Clackamas River Drive be constructed of wood, not metal, however Ms. Robertson-Gardiner did not believe requiring the building to be wood necessarily made the building more or less compatible with the Hiram Straight House.
- She believed the City Commission had given some direction to the HRB with the approved text amendment.

Staff recommended approval with conditions.

Ms Robertson-Gardiner responded to comments and questions from the HRB as follows:

- No lighting was proposed in the Applicant's package, but probably should be included for security reasons.
 - * Site plan design review does not allow any light to shine over abutting properties more than .5 foot candles. A photo metric plan is required if new lighting is proposed. Lighting on site is usually for pedestrians; an industrial site may not have as many pedestrian issues.
- [Inaudible comments] big halite metal wall packs on the building [inaudible].
- She confirmed that the building was a conforming building from a land use standpoint, because of the text amendment. Three properties in the MUD were allowed to expand their industrial use, but [inaudible] are kept for future new developments.
- She confirmed the trailers shown in the pictures behind the garage would all be replaced thanks to the new zoning.

[Recording inaudible]

Unidentified ...and that's the street side, the Clackamas River [inaudible].

- ...the primary proposal, then the northern building is situated so the false front is toward the highway.

[Inaudible comments]

There were no further questions for the Applicant.

Mr. Ralph Keifer, Chair, PPNA Land Use Committee, [Inaudible comments; speaker off microphone referring to displayed photos, audible portions included]

- * Some time ago the Neighborhood Association received a Metro Enhancement Grant and some of the funds were used for a [cemetery] sign on the road.
- * Home Depot donated a number of plants that were planted along the fences.
- * The PPNA provided the materials for an irrigation system and a member of the neighboring church donated his time to install the system, but [water] was not accessible, though a fire hydrant was there.
 - For a good amount of the summer, neighbors rolled out hoses to water, but people lost enthusiasm and many plants died.
- * The PPNA appreciated the offer to put in the screening and irrigation, the only problem [inaudible].

Board Member believed it was a great proposal.

- He agreed with the Neighborhood Association on the recommendation that the front [and side] of the north building be wood [inaudible] would probably be less expensive.
- The cornices [inaudible].

Staff requested more detailed direction for the conditions of approval.

Board Member replied that something was implied in the drawing, though it shouldn't be elaborate, [the building] should have some depth and protrusion.

- He would look agree to review those details, but he did not believe [full cornices] were needed. [Inaudible] two by four would not be thick enough.
- The designer was very confident and could work with [Staff] on that.

Board Member asked if alternate designs on the south building could be addressed.

- He understood and supported practicality, but the integrity of the historical motif concept required a consistent design; having different designs loses the [historical] effect.

Steve Hendrick 16020 3rd Ave, Project Manager with Carl on the project [inaudible].

- When developing the alternative design [inaudible]. The front of the north building [inaudible].
- Staff didn't have a problem recognizing [inaudible] that it was [inaudible].

Board Member agreed. The building was located so far back it would not really be visible and would be a vast improvement to what currently existed, it looks awful. [Inaudible].

Board Member agreed. The fact that the cemetery property conceals that from the road validated the point.

[Inaudible discussion]

Board Member stated that when he visited the location he reminded himself that where he was standing was not the true [landmark] because of the cutback from the main road [inaudible] could alleviate some of the [inaudible].

[Inaudible comments]

Commissioner questioned whether that was within the HRBs purview.

Ms. Robertson-Gardiner answered it could be; the Straight Cemetery is on a separate tax lot. The Board could consider how this project affected the Straight Cemetery. One idea was extra screening for the Straight Cemetery as a buffer this project.

- She suggested allowing Mr. Keifer to comment before the Board deliberated.

Chair Winterhalter asked Mr. Keifer if he had any comments.

Mr. Keifer [inaudible]

Board Member stated implementing wild roses would be a better plant choice. Arborvitae provide great screening, but are not historically appropriate.

Board Member did not believe a formal planting plan was required from the Board's standpoint, unless he felt strongly about it.

Board Member felt strongly enough to provide guidance in that regard and emphasized no arborvitae.

Chair Winterhalter asked if there was any further comment before closing the public hearing.

Ms. Robertson-Gardiner stated Staff had three additional proposed conditions of approval for the Board's consideration.

- Condition 5: "Prior to receiving building permits, the Applicant shall work with Staff to verify the building's cornice detailing is consistent with the western false-front building."
- Condition 6: "The Applicant shall redesign the west elevation of the north building to be made of wood."
 - * She asked for direction about whether party plank or cement board was appropriate or was wood specifically wanted.

Board Member suggested a board and bat appearance, imitation wood products could be used. Metal was not...

Ms. Robertson-Gardiner suggested including, "wood or a wood alternative as approved by Staff." She asked if wood or cement board siding could be stated in the condition.

[Recording ended, tape changed]

Ms. Robertson-Gardiner continued with Condition 7: "Any lighting proposed on the building shall be reviewed by Staff for historical appropriateness."

- If Condition 2 were amended to state, "The applicant shall work with the Park Place Neighborhood Association on additional screening for the Cemetery. A final planting plan

shall be approved by staff and installed prior to a Certificate of Occupancy" no plans would be available for her to review.

- * She agreed that arborvitae was inappropriate for this location, which was why the HRB was taking a cursory look of the planting plan; she had wanted specific direction.

Chair Winterhalter believed the Applicant would work with the Neighborhood Association, but that has been heard before and was what the Board struggled with. How could that [cooperation be conditioned]?

Board Member did not think surety bonding was necessary.

Chair Winterhalter stated that it regarded [inaudible] historically appropriate language.

Board Member wondered if the HRB needed to deal with it or if it should be considered during site plans design review.

Ms. Robertson Gardiner clarified that the Straight Cemetery was not on the site plan design review and having the HRB address the matter was more appropriate.

There was a brief discussion regarding appropriate planting material.

Chair Winterhalter admitted he was struggling and asked Ms. Robertson-Gardiner if she had anything that could give him some assurance.

Ms. Robertson-Gardiner suggested stating, "Prior to the Certificate of Occupancy an agreement shall be made between the property owner and Park Place Neighborhood Association."

- She could accept a signed agreement that existed between both sides, though it was not the perfect legal place. No specific time period was required, only that [time period] agreeable to both parties.
- She warned that this condition of approval could not be appealed. Because the condition was kind of grey it would not be the easiest to enforce, but was better than "the applicant shall just work with them". At the time of the Certificate of Occupancy, she would be able see a signed letter from both parties regarding their agreement.

Board Member stated [roses] are historically correct.

Board Member stated the problem is that multiple planting zones are required to get year round screening [inaudible]. It would take a little more than that.

Board Member added they are dormant during the winter.

Ms. Robertson-Gardiner stated that generally people are given two lists, a native and a historically appropriate planting list, which include roses, lilacs, fruit trees, etc. and are told to use some combination of both lists.

Commissioner reminded the goal was to screen.

Ms. Robertson-Gardiner suggested adding "plants used must be on the historic or native planting lists for the Oregon City", to the condition of approval. Arborvitae was not on either list.

Board Member believed the intent was clear.

[Inaudible comments]

Ms. Robertson-Gardiner read the revised Condition of Approval 2: "The applicant shall work with the Park Place Neighborhood Association on additional screening for the cemetery. The planting plan shall include plant species represented in Oregon City's historic planting list and native planting list. Prior to the Certificate of Occupancy the applicant and the Neighborhood Association shall have a signed agreement on the timing of the planting."

Board Member wanted to insure the Board would just be looking at the alternate plan, unless the Board wanted to add...

Ms. Robertson-Gardiner noted the applicant requested that both be approved.

- A condition of approval 8 could be added; stating "The southern building and the southern alternate are approved as submitted, or one or the other is approved" which would be explicit if there was consensus on both being allowed, condition 8 could be added.

Chair Winterhalter agreed to both and confirmed that everyone was comfortable with that. He then called for a motion.

MOTION:

Chair Winterhalter moved to approve HR 07-04 with Staff's revised conditions of approval as read into the record.

Ms. Robertson-Gardiner reread the revised conditions of approval into the record as follows:

- Amended Condition of Approval 2: "The applicant shall work with the Park Place Neighborhood Association on additional screening for the cemetery. The plantings shall include plants on the historic and native planting lists. Prior to the Certificate of Occupancy, the applicant and the Neighborhood Association shall have a signed agreement for the timing of the planting."
- New Condition of Approval 5: "Prior to receiving building permits the applicant shall work with staff to verify the buildings' cornice and detailing is consistent with a western false-front building."
- New Condition of Approval 6: "The applicant shall redesign the west elevation of the north building to be made of wood or a cement board siding alternate."
- New Condition of Approval 7: "Any lighting attached to the new building shall be approved by staff."
- New Condition of Approval 8: "The applicant may build either the southern building design or the alternate design."

Motion was seconded and passed 4 to 0.

Chair Winterhalter thanked the Applicant for a good presentation and documents.

Ms. Robertson-Gardiner stated she would e-mail this out [inaudible].

5. ADJOURNMENT

Chair Winterhalter adjourned the meeting.

Respectfully Submitted,

Paula Pinyerd, ABC Transcription for
Laura Butler, Associate Planner



CITY OF OREGON CITY

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

Staff Report

To: Historic Review Board **Agenda Date:** January 28, 2025
From: Christina Robertson-Gardiner, Senior Planner

SUBJECT:

Compatible Change- New Construction Review in Historic Districts

STAFF RECOMMENDATION:

Listen to a presentation by Kristen Minor, Minor Planning & Design, discuss the topics presented in her memo- and provide direction as requested.

EXECUTIVE SUMMARY:

This spring, the Historic Review Board will consider amending city regulations covering alterations, additions, and new construction in the McLoughlin Conservation District (MCD).

The District, a subset of the larger McLoughlin Neighborhood, was first designated in the 1980s when the code language was adopted. The code stipulates that any additions exceeding a specified square footage, as well as any new freestanding constructions larger than a small garage, must receive approval through a public hearing by the Historic Review Board. The regulations intend to allow change but not lose any historic buildings. The City is evaluating the code language and whether it strikes the right balance for the neighborhood.

The Historic Review Board will discuss this topic throughout the spring of 2025 at notice HRB meetings, through a survey postcard sent to residents and owners in the MCD and through city channels, and at an Open House/McLoughlin Neighborhood Association meeting on March 6, 2025 at the Library.

Historic Review Board's Recommendation to the City Commission.

The HRB will present its recommended revisions to the City Commission in the Summer of 2025, requesting approval to move forward with the Type IV Legislative adoption process. This process requires public hearings with the Planning Commission and City Commission, the final decision-makers in adopting ordinances and revising the municipal code.

Below is a tentative project timeline, which can also be found on the [Compatible Change Project Website](#)

Public comment is encouraged throughout the process and can be sent to crobertson@orc.org, who will forward it to the Historic Review Board or in person at any Historic Review Board meeting. Staff will also include all interested parties in an e-blast list to keep all parties up to date with the project

Project Dates

Jan 28, 2025 Historic Review Meeting	Listen to a presentation by Kristen Minor, Minor Planning & Design, discuss the topics presented in her memo- and provide direction as requested.
Feb 25, 2025 Historic Review Meeting	No Compatible Change update/HRB will discuss another work item regarding template window conditions of approval.
Late Feb-Mid March (3 weeks)	Online survey available to the public on the project website, postcards mailed to property owners and residents of MCD/sent electronically through city channels
March 6, 2025	Open House/McLoughlin Neighborhood Association Meeting- Library
March 25, 2025 Historic Review Meeting	Feedback from survey and open house presented
April 22, 2025 Historic Review Meeting	Draft Code options
May 27, 2025 Historic Review Meeting	Revised Code Options
June 24, 2025 Historic Review Meeting	HRB formally adopts recommended revisions- staff schedules work session with City Commission

BACKGROUND:

This project was initiated in 2020 to address the perceived lack of specificity in the definition of NEW CONSTRUCTION, which triggers the Historic Review Board District's review of projects in McLoughlin Conservation District. However, the project was put on hold in 2022 due to a staff changeover. In 2024, the Historic Review Board restarted the project as part of their 2023-2025 work plan.

NEXT STEPS:

OPTIONS:

MEMO OVERVIEW

The goal of this memo is to list the information that will inform the HRB's decision-making process in this project, which is to examine the code language defining "new construction." The code currently requires review by the HRB in the McLoughlin Conservation District for freestanding new construction over a certain footprint, and for attached new construction (additions) over a certain footprint.

The reason this project is limited to McLoughlin is that this district is the only locally-designated district in Oregon City. An addition to any structure or construction of a stand-alone building on a Landmark or within the Canemah National Register District (see map next page) requires review by the Historic Review Board, and those procedures are not impacted by this project. The discussion will primarily focus on how changes to the definition of new construction will impact non-designated resources within the McLoughlin Conservation District.

The current approach to require reviews by the Historic Review Board for alterations to non-designated structures is to categorize these alterations as "new construction". This classification serves as a trigger for review under the OCMC 17.40 Historic Overlay District. However, the existing definition of new construction does not provide adequate clarification on issues such as porches and covered and uncovered decks, nor does it specify the methodology for determining the square footage of the "original structure". Additionally, solely looking at footprint increases may not be the best approach to determine when an alteration or new stand-alone building is substantial enough to need review at a Type III Historic Review board hearing. As these resources are not locally designated, Historic Reviews of additions are viewed through the lens of their impact on the district as a whole or on neighboring historic resources, rather than on the specific building.

In this (January 2025) meeting, we will begin to dive into the code language (examples /graphics will be provided in the powerpoint presentation). A series of questions will be asked of the HRB at the end of this memo and during the presentation; hopefully HRB can provide direction during the meeting on at least some of these topics. As you prepare for the meeting, consider how you would explain the problems with the existing new construction definition and what you hope to achieve with its amendment.

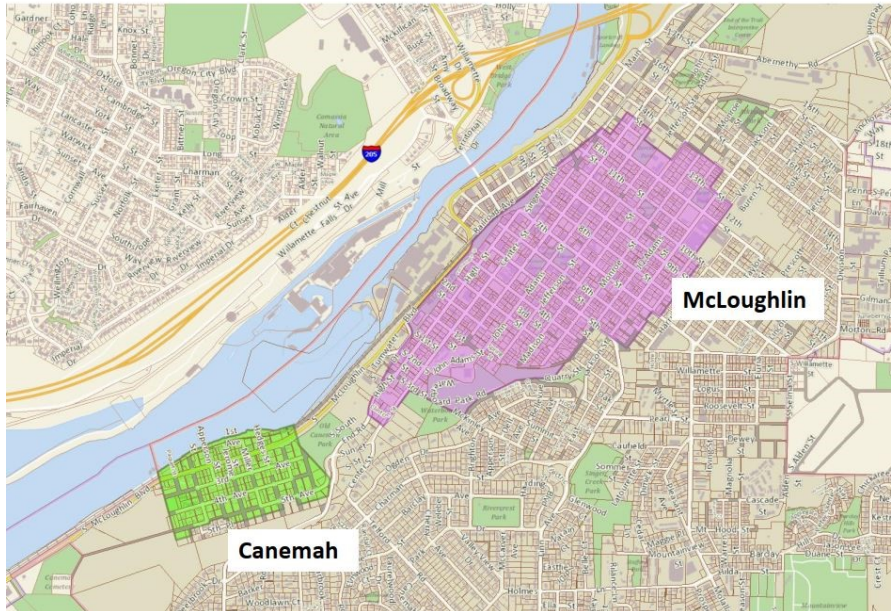
INFORMATION OR TOPICS TO BE COVERED

In the January and March 2025 meetings, the HRB will be provided with information from topics or sources below. This information will help the HRB decide whether the code should be changed, and, if so, what about it should be changed. As a reminder, the code in question applies ONLY to non-contributing properties in McLoughlin (Oregon City's only locally designated historic district). The review trigger is the definition of new construction:

Current new construction definition (OCMC 17.04.815)

...a new building or structure separate from an existing building that is larger than two hundred square feet on any property located within a historic overlay district. Any building addition that is thirty percent or more in area (be it individual or cumulative) of the original structure shall also be considered "new construction."

Canemah and McLoughlin Districts



- Canemah National Register District
 - All structures in district regulated in the same way.
- McLoughlin Conservation District
 - All historic resources regulated in the same way as those in Canemah.
 - New construction is reviewed by HRB
 - Non designated structures regulated only if building an addition >30% area

The code requires an HRB review for new construction above a certain size. Consider the impact of requiring an HRB review. Generally, it acts as a disincentive to homeowners because it takes time above and beyond the permit process, it is potentially stressful (historic compatibility is a subjective study), and it costs money. The HRB may wish to reward projects that are supportive of the long-term character and livability of the district by exempting these specific types of projects from the public hearing process. This project will ask the HRB to consider what proposals might be encouraged, and also to consider “ease of use” changes to regulation. The following topics will be discussed, and initial direction is requested from the Historic Review Board to better understand the breadth of what the HRB is looking to review in the district.

1. Public feedback

The existing regulations and “new construction” definition have been in place for decades, so a big change in these regulations may have unintended consequences and could even create nonconforming situations. A postcard and online survey is being developed which will be sent to all properties in the conservation district and city wide through city media channels. The survey will gauge public opinion about development in McLoughlin. An open house and meeting with the McLoughlin Neighborhood Association (MNA) about the code project is scheduled for **March 6, 2025**. The results of the survey are to be presented to the HRB in **March, 2025**. If the HRB listens to the community and responds to their ideas and opinion about code changes (if any), affected property owners and renters in McLoughlin will be more likely to obtain permits for work, support the City review processes, and trust their local officials.

2. City staff feedback

City staff appreciates clear direction as well as code that can be easily and efficiently used with a minimum of subjectivity. Current language defining “new construction” is ambiguous in a few ways and could be clarified or

made more specific. (For instance, does “structure” include a deck that requires a permit? Unfinished attic? Does the code apply to additions to garages?) By recommending clear and unambiguous language, the HRB can reduce the time applicants take to gain a permit or understand their next steps in proposing new construction.

3. Examining the character of the District

The wide variety of styles, types, and typologies in the district, as well as the variety of lot sizes and resource locations on the lots illustrate the eclectic nature of McLoughlin. The consultant will lead a discussion, with photos, that will help the HRB articulate the qualities that are most important and that define the character of the district. These qualities are often defined in writing in a National Register document (for example, in the nomination for Canemah) and are sometimes defined (in writing) in a local district as well. In this case, the McLoughlin survey documentation includes very limited discussion of the overall character of the district. The sheer variety of sites and resources in McLoughlin may be its most important and noticeable quality. By articulating this and other qualities, the HRB can better shape where or how “positive” change occurs.

4. What factors might be triggers for HRB review, and what have other jurisdictions done?

We will expand on the initial memo provided in November to look more closely at various factors (such as the footprint of new construction proposed, as Oregon City currently uses) that could shape the form or location of new construction, or limit its impact on historic resources:

- **Footprint**, as existing regulation (but with clarifications such as “enclosure” or “roofed” area);
- **Height**, either an absolute value or in relationship to the existing structure;
- **Volume**, with both footprint and height of new addition taken into account;
- **Designation or age**; whether the original resource is a designated historic site, or “NC” (historic but noncontributing due to changes) or “NP” (built after 1953) in the district;
- **Use**, residential vs non-residential (just a handful, these primarily along 7th); or primary vs accessory use on a specific site (a freestanding residential garage, for example);
- **Cost** of the project overall, not counting maintenance/ repair or perhaps other work;
- **Location or visibility** of work, whether visible from street or “in front” vs “behind” the original structure, or simply occurring a certain distance back from street;
- **Area of attachment**, measuring the area of connection to the original structure’s roof and walls (an addition of any size might connect using an enclosed corridor, a small attachment to the original structure, but a dormer with bay could replace a large area of historic roof and wall); or
- **Loss of historic materials** proposed, alterations that affect or remove original materials vs those alterations that affect or remove newer materials.

Based on the November meeting, the HRB stated that **cost** should be eliminated from consideration as a review trigger. The HRB also voiced questions about the idea of **use** as a factor. Several board members did not want to see differences in regulation depending on the primary use of the property (residential vs commercial, for instance) but at least one board member was interested in hearing further about potentially treating primary and secondary structures differently on a single lot. Further, the consultant believes that using **Loss of historic materials** as a factor would not only unfairly burden homeowners who might have replaced historic materials “in kind,” but would also send a message that those replacement materials are not acceptable. Accordingly, the presentation will focus on **Footprint, Height/Volume, Age, Use, Location/Visibility, and Area of attachment** for continued consideration.

What have other jurisdictions done in similar cases? What is the purpose of regulating new construction on non-historic properties in the McLoughlin district? Some jurisdictions such as Tacoma, WA, do not regulate new construction or alterations in locally designated districts, beyond permitting. While that degree of change in the regulations might be too far for Oregon City and for this affected neighborhood, it is certainly possible to allow more construction (without HRB review) without necessarily having a negative impact on the overall historic district. The code is the opportunity to shape future construction by encouraging development that meets defined parameters.

5. Oregon City Zoning in McLoughlin

Understanding the existing development parameters and limitations set by the zoning code, especially in the two residential zones in the district, is an important facet of shaping new construction. There are three different base zones represented within the McLoughlin district. One of them, the [MUC-1 zone](#), is a commercial zone found mostly along 7th Street. The other two zones are residential. The [R-3.5 zone](#) is generally south of the MUC-1 zone to about 4th Street, and the [R-6 zone](#) continues south of that. To be clear, the project is not changing any zoning, nor does it have the potential to affect any base zone development standards in the code. However, by examining the regulatory framework that already exists in the district, the HRB will understand how setting new parameters could work (or does not work) with base zone development standards such as setbacks. We will examine and illustrate the development parameters allowed by these setbacks as we consider the use of potential ‘new construction’ triggers for height/ volume and for location/ visibility (see #5, above).

Existing (historic) setbacks in the McLoughlin Conservation District generally do not correspond to zoning code minimums, but setbacks for additions relative to an existing structure could be useful to preserve at least a part of that structure. Potentially, the preservation of an existing house might be encouraged by adding a trigger based on location of an addition.

CODE-RELATED QUESTIONS TO BE CONSIDERED BY THE HRB

The following questions will be illustrated and further explained in the January meeting presentation.

QUESTION #1: *Does the HRB support keeping footprint (area) as a review trigger, perhaps in combination with another development factor?*

QUESTION #2: *Should the project continue to explore the use of HEIGHT/VOLUME, AGE, USE, LOCATION/VISIBILITY, and AREA OF ATTACHMENT as additional metrics?*

QUESTION #3: *Does 200 SF allow for a reasonable freestanding outbuilding? (Note that structures under that size do not even require a building permit, and their regulation is not recommended). Is the “encouraged” outbuilding a new one-car garage, or should the HRB consider including/encouraging another typology such as a small ADU (around 400 sf)?*

QUESTION #4: *Should “area” for new construction be clarified as “roofed”? What about “habitable”?*

QUESTION #5: *Should an addition to a primary building be treated differently than an addition to an outbuilding or garage?*

QUESTION #6: *Should “original structure” be clarified? Does it mean as first built?*