

**From:** [Laura Terway](#)  
**To:** [pauloedgar@q.com](mailto:pauloedgar@q.com)  
**Cc:** [Kelly Reid](#)  
**Subject:** RE: Contributing Historic Building/House at 302 3rd Avenue in the Canemah National Register Historic District and it's "Not Acceptable Fence"  
**Date:** Friday, June 28, 2019 2:31:38 PM

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Good Afternoon Paul,

Can you confirm if you would like your comments added to the HRB policy update, the Legislative amendment to 17.40, or both? Thanks and have a great weekend.

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**From:** Paul Edgar <pauloedgar@q.com>

**Sent:** Saturday, June 22, 2019 11:40 AM

**To:** Laura Terway <lterway@orcitey.org>; Kelly Reid <kreid@orcitey.org>; Tony Konkol <tkonkol@orcitey.org>; John M. Lewis <jmlewis@orcitey.org>

**Cc:** guttmcg@msn.com; Frank O'Donnell <fodonnell@orcitey.org>; Rocky Smith, Jr. <rsmith@orcitey.org>; Rachel Smith <lylessmithfororegon@gmail.com>; Dan Holladay <dholladay@orcitey.org>

**Subject:** Contributing Historic Building/House at 302 3rd Avenue in the Canemah National Register Historic District and it's "Not Acceptable Fence"

**Applying all OCMC codes and criteria to this Historic District and the identified - Historically Contributing Building/House/Structure at 302 3rd Avenue (the corner of 3rd Avenue and Ganong Street), is where there is a need for comprehensive review of the appropriateness and that of the future impacts including that of precedence setting, with allowing for what (OCMC Codes Identifies as Not Allowed) a 6' foot high Stockade Style/Type Closed Fence to be built, which effectively annexes approximately 12' Feet of Oregon City's Streets from public use, that obstructs view of this important contributing historic structure - building/house/structure with a creek running under it, and where Public Safety is compromised, with this fence that additionally obstructs views and the abilities for drivers of vehicles from seeing other vehicles and pedestrians, this needs/requires action.**

To imply, that OCMC Codes do not apply, because this fence is in City ROW and/or is not within the property lines and/or that it is grandfathered is that of pushing the reality of what it is and common sense.

When most everyone knows that significant parts of this fence are new (the technical criteria: greater than thirty percent of the contiguous fence is of totally new construction), a determination needs to be applied, that this Fencing Project at 302 3rd Avenue is now new construction and it must comply with with all OCMC codes and OCMC 17.40 Historic District Building Guidelines, and it equally needs a Right-of-Way Permit, as is required with all "New construction" and to have a "Certificate of Appropriateness", to exist within the National Register Historic District of Canemah!

**This has been reported and reported, to the leadership of Oregon City that there are violations of OCMC Codes that have been going on and allowed to exist for greater than two years, and the justification for all delays within the City of Oregon City must now be critically reviewed.**

Below are extracts from the proposed new revisions to Oregon City's Historic District Municipal Codes, 17.40 and most all of this has existed without the need for change over the period of the last two years.

## **Proposed Changes to Historic Review Board Policies, Draft for May 2019 Historic Review Board Meeting**, has received HRB approval

**HRB Policy #6 (First Adopted 9/88; Revised 6/91; to be Revised 2019) - Fences and Walls** The following policy is hereby adopted by the Oregon City Historic Review Board regarding the construction or alteration of fences and walls within Historic Districts, on designated sites in Conservation Districts, or on individual sites designated as landmarks.

Fences and walls are an extension of the architecture of the house. According to the Secretary of the Interior's Standards for Rehabilitation, additions such as fences "should be compatible with the size, scale, material and character of the property, neighborhood or environment." Fences in the front yard are typically more open and decorative, while fences in the side and rear yards are more utilitarian.

Front yard fences or walls and corner side yard fences or walls should be no more than 42 inches in height and shall not create a traffic sight obstruction (as defined in Chapter 10.32 of the Oregon City Municipal Code). Along rear yards and interior side yards (beyond the front yard setback building line), fences or walls may be up to six (6) feet in height.

Fences or walls that are listed in the "ACCEPTABLE" category may be reviewed and a decision made by staff. The primary criterion to be used by staff shall be compatibility of the proposed fence or wall with the style and period of the designated structure. If the proposal within a historic district is not on a designated site, the primary criterion shall be compatibility with surrounding historic structures. Either staff or applicant shall have the option of referring the plans to the Historic Review Board for resolution of

**doubtful or contested application of standards. Fences or walls that are not listed, or that are specifically listed under the "NOT ACCEPTABLE" category, must be submitted for review and decision by the Historic Review Board.**

### **NOT ACCEPTABLE FENCE AND WALL TYPES IN FRONT AND CORNER SIDE YARDS**

**Solid wood board or Stockade: Wood fence with vertical or horizontal boards and no spacing. Includes good neighbor fence and stockade fence. May be topped with lattice or other wood design. May have a scalloped or straight top. Not allowed when obstructing view of historic structure.**

#### **OCMC 17.40.060 - Exterior alteration and new construction.**

A. Except as provided pursuant to subsection I of this section, no person shall alter any historic site in such a manner as to affect its exterior appearance, nor shall there be any new construction in an historic district, conservation district, historic corridor, or on a landmark site, unless a certificate of appropriateness has previously been issued by the historic review board. **Any building addition that is thirty percent or more in area of the historic building (be it individual or cumulative) shall be considered new construction in a district.** Further, no major public improvements shall be made in the district unless approved by the board and given a certificate of appropriateness.

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

1. The purpose of the historic overlay district as set forth in Section 17.40.010;
2. The provisions of the city comprehensive plan;
3. The economic use of the historic site and the reasonableness of the proposed alteration and their relationship to the public interest in the structure's or landmark's preservation or renovation;
4. The value and significance of the historic site;
5. The physical condition of the historic site;
6. The general compatibility of exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used with the historic site;
7. Pertinent aesthetic factors as designated by the board;
8. Economic, social, environmental and energy consequences; and
9. Design guidelines adopted by the historic review board.

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

appropriateness shall include the following:

1. The purpose of the historic conservation district as set forth in Section 17.40.010;
2. The provisions of the city comprehensive plan;
3. The economic effect of the new proposed structure on the historic value of the district or historic site;
4. The effect of the proposed new structure on the historic value of the district or historic site;
5. The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure;
6. Economic, social, environmental and energy consequences;
7. Design guidelines adopted by the historic review board.

I. The following standards apply to development within historic corridors:

1. Within the Oregon Trail-Barlow Road historic corridor, a minimum of a thirty-foot wide-open visual corridor shall be maintained and shall follow the actual route of the Oregon Trail, if known. If the actual route is unknown, the open visual corridor shall connect within the open visual corridor on adjacent property.
2. No new building or sign construction shall be permitted within required open visual corridors. Landscaping, parking, streets, driveways are permitted within required open visual corridors.

**In the proposed revisions to the existing OCMC Codes and Building Guidelines within OCMC 17.40 the following is now being recommended to be RED-Lined out, and deleted.**

K. The following exterior alterations may be made subject to the administrative procedures as outlined below:

Construction of fences on historic sites. Exterior alterations, excluding additions, to incompatible structures in the Canemah Historic District.

1. A notice of the proposed certificate of appropriateness shall be mailed to the following persons: a. The applicant; b. All owners of property within three hundred feet of the property which is the subject of application; c. A recognized neighborhood association and a citizen involvement committee representative of the neighborhood involved, if the property which is the subject of the application lies wholly or partially within the boundaries of such organization.
2. The failure of the property owner to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons entitled to personal notice.
3. Notice shall also be given by publication in a newspaper of general circulation in the

area affected.

4. Within ten days of the issuance of notice of the proposed certificate of appropriateness, any person who has received personal notice pursuant to subdivision 1 of this subsection or who demonstrates sufficient interest in the outcome to participate in such proceedings, as determined by the historic review board, may request a public hearing before the historic review board.

5. Within forty-five days after a request for public hearing is made, a public hearing shall be held before the historic review board following procedures as established in Chapter 17.50.

6. The historic review board shall then deny or approve the application, either with or without conditions, following procedures as established in Chapter 17.50.

7. In the event no request for hearing is filed, the historic review board, through its chairperson and planning staff, shall issue a certificate of appropriateness in accordance with the notice given without further hearing.

8. The board may adopt policies for review of applications of certificates of appropriateness in the historic overlay district. Such policies shall be adopted only after notice and an opportunity to be heard is provided and shall include specific opportunity for comment by the planning staff, the planning commission, and the city commission. Such policies shall carry out the city's comprehensive plan, especially those elements relating to historic preservation. In the absence of such policies, the board shall apply such elements directly.