



### NOTICE OF LAND USE DECISION

File Number: AP 13-01 (Appeal of HR 13-02)

DATE OF MAILING OF THE DECISION: July 26, 2013

**HEARING DATE:** Thursday, July 17, 2013  
7:00 p.m. - City Hall  
625 Center Street  
Oregon City, Oregon 97045

**APPLICANT:** Bill Heintz, Mountain Ridge Homes LLC  
P.O. Box 102  
Boring, OR 97009

**DESIGNER:** Design Providence LLC  
PMB 362 12042 S.E. Sunnyside Rd.  
Clackamas, OR 97015

**OWNER:** Chris Bernard  
14254 Cleveland Street,  
Oregon City, OR 970415

**LOCATION:** 3 1E 041AA Tax Lot 1501  
4<sup>th</sup> Avenue, Oregon City

**REQUEST:** Approval of a new single family residence in the Canemah National Register District. The applicant is additionally requesting a Preservation Incentive to allow for adjustments to the front setback.

**DECISION SUMMARY:** Approval with Revised Conditions.

**DECISION:** On July 17, 2013, after reviewing all of the evidence in the record and considering all of the arguments made by the appellant, applicant, opponents and interested parties, the City Commission concluded that the Historic Review criteria had been met as proposed or conditioned. By a vote of 4 to 1, the City Commission **denies** Paul Edgar and Howard Post's appeal and approves the Historic Review Application.

The City Commission decision is the city's final decision and is appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final. The application, decision, and supporting documents are available for inspection at the Oregon City Planning Division located at 221 Molalla Avenue, Suite 200, Oregon City, OR 97045, between the hours of 8am and 5pm Monday through Thursday. Copies of these documents are available (for a fee) upon request.

**ADOPTED CITY COMMISSION CONDITIONS OF APPROVAL**

**Planning File HR 13-02 (AP 13-01)**

**Notice of Decision Mailed: July 26, 2013**

1. Prior to release of building permits, the applicant is required, apply for and gain approval of a Geological Hazards Overlay Review per OCMC 17.44.
2. The applicant shall acquire a ROW permit for all driveway and rockery work in the 4<sup>th</sup> Avenue ROW through the Public Works Department.
3. Incised lumber or pressure treated wood shall not be used on any visible surfaces.
4. All railings, decking and stairs shall be finished to match the house body or trim.
5. The applicant shall utilize the following, unless an alternate has been approved by the Historic Review Board.
  - a. wood or fiberglass windows and doors. Fiberglass windows require Marvin Integrity or equivalent.
  - b. wood or smooth composite lap siding as depicted in the submitted plans
  - c. simple vernacular styled lighting.
  - d. 2 to 1 proportional dimension windows on the ground floor front elevation.
6. The applicant may increase the front yard setback to the detached garage if it can be shown that the increase will not affect the dripline of the large cedar tree at the property line.
7. The applicant has indicated that the revised survey may affect the location of the garage and house thereby reducing the width of the breezeway between the house and the garage. Therefore, prior to building permit submittal, the applicant shall submit revised drawings that show the garage has a minimum separation of 5 feet from the main house.
8. Prior to obtaining a Certificate of Occupancy, the applicant shall submit an amended landscape plan that includes the following:
  - a. 5 additional bushes with a mature height of 4-6 feet and two additional trees with a mature height of 30 feet or more planted within 20 feet of the west property to better block the garage from the Draper House
  - b. 5 additional bushes with a mature height of a minimum 4-6 feet along the east elevation to break up the massing of the day light basement.
9. The applicant shall remove the breezeway between the garage and the main house.