



## Notice of Decision

September 29, 2016

**FILE NO.:** HR 16-06

**HEARING DATE:** Tuesday, September 27, 2016  
6:00 p.m. - City Hall  
625 Center Street  
Oregon City, Oregon 97045

**APPLICANT/  
OWNER:** Alex Onishchenko  
P.O. Box 1812  
Clackamas, OR 97015

**LOCATION:** 3 1E 041AA Tax Lot 1501  
625 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. This application is based off the previously approved, but expired, HR 13-02 application.

**DECISION OF THE HISTORIC REVIEW BOARD:** This matter came before the Oregon City Historic Review Board on September 27, 2016 and after deliberation the Historic Review Board voted 3-0 to approve the applicant's request for new construction in the Canemah National Register District. .

**PROCESS:** Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. **Notice of appeal of any Type II, Type III or IV decision must be received in writing by the planning division within fourteen calendar days from the date notice of the challenged decision is provided to those entitled to notice.** Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to 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, Oregon City, OR 97045, (503) 657-0891, between the hours of 8am and 1pm. Copies of these documents are available (for a fee) upon request.**

**The Historic Review Board moved to approve the request for new construction, support the findings from HR 13-02 and AP 13-01 with the following modification.**

**Breezeway**

The Board found that the breezeway connecting the house to the garage did not have a purpose other than convenience and as drawn tied the two structures together and gave the impression of a larger massing than if separated. The breezeway should be removed from the proposal.

**Conditions of Approval**

1. Prior to release of building permits, the applicant is required to 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 (Marvin Integrity or equivalent )
  - b. wood or a minimum 8-inch reveal smooth composite siding
  - c. simple vernacular styled lighting.
6. Based on direction from the Historic Review Board, 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. Prior to receiving permits, the applicant shall remove the breezeway between the house and garage from the plans.

***A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.***