

This is an Appeal of the Notice of Decision of the Oregon City Historic Review Board on Cottage Home Development; MD 17-01, MD 17-02, MD 17-03, MD 17-04, MD 17-05 & MD 17-06.

The Friends of Canemah is a 501(C) (3) with a mission to educate and protect the National Register Historic District of Canemah and to ensure its continued viability and protecting the interests of all citizens.

As a preliminary remark, the City Commission is reminded of the following:

1. Under our municipal code, the applicant has the burden of proof to show with substantial evidence in the record that the application meets the applicable approval criteria.
2. The HRB and the City Commission must interpret our municipal code based on canons of statutory construction, including the text and context of the code, and relevant legislative history. Context includes other parts of the municipal code, the comprehensive plan, and applicable state law and statewide planning goals.

Initial Matter – A fatal flaw prevents this application from proceeding.
As discussed further below, the Cottage Housing ordinance at OCMC 17.62.059 is context by which the HRB and Commission must interpret the Historic District Overlay in OCMC 17.40. In addition, staff has raised the Cottage Housing ordinance beginning at p. 3 of the staff report.

The Cottage Housing ordinance flatly prohibits this proposal. Subsection (A) says “The proposed development...shall remain one lot.” This proposal simply cannot be done, because it is on three lots, and they cannot become one lot because of the existence of an un-vacated city alley. Furthermore, under OCMC 17.62.059(D)(16), the one lot must be at least 10,000 square feet. None of the three lots that are part of this proposal is 10,000 square feet.

The proposed development simply cannot occur.

The following is a partial list of issues of non-compliance and non-compatibility with Federal Codes, State of Oregon Codes, and Oregon City Building Codes and Oregon City’s Historic District Building Guidelines:

1. 17.40.060 – This proposed development alters in a manner where it changes the exterior appearance with of the Historic District detracting densities, parking lots, designs and building lot coverage with surfaces not ever before duplicated in this National Register Historic District that has Historic Places Status. Therefore it is inappropriate and detracting and not in compliance!
2. 17.40.060B – There is NO-Way to make that this proposed development to be altered in a manner that could mitigated houses sited ten (10) feet apart to where it fits the totality of the Oregon City Historic District Building Guidelines in its current form.
3. 17.40.060E – This proposal is to override 17.40 Historic District Building Guidelines with Cottage Homes Code and the Planning Department has said that it does not override OCMC 17.40 code.
4. 17.40.060F.1 – This proposal does not advance public interest of protection, perpetuation and use of the special character and/or special historical interests of a Historic District with National Historic Places Status, therefore it is not in compliance.
 - A. There never has been a Planned Development which this Cottage Home Development is in Historic Canemah before. It does not in any way protects architectural history and rhyme of National Register Historic District, it detracts.
 - B. It does not Safeguard the City, State and National interests in aesthetic and cultural heritage as embodied in attempting to stuff 5-houses on two of the four 5,000 Sq. Ft. lots of record. Our 17.40 Code calls/allows for only one home on a 5,000 Sq. Ft. Lot.

The Cottage Housing Ordinance is context for interpretation, particularly since Cottage Housing is a permitted use within both the R-5 and R-6 zones. Part of the historic, architectural and cultural heritage of this site is that it is part of the historic Canemah Plat, which has traditional lot sizes associated with the Plat, and upon which the surrounding historic homes have been constructed.

The Cottage Housing ordinance is context for this provision, and it flatly prohibits this proposal. Subsection (A) says “The proposed development...shall remain one lot.” This proposal simply cannot be done, because it is on three lots, and they cannot become one lot because of the existence of an un-vacated city alley. Furthermore, under OCMC 17.62.059(D)(16), the one lot must be at least 10,000 square feet. None of the three lots that are part of this proposal is 10,000 square feet.

C. These are New Type Designs of what is and has been Vernacular House Designs in Historic Canemah where there are 3 basic designs and 2 clone duplicates with minor differences, and that is not allowable and/or not compatible and thus detracts.

The staff report refers to “modern vernacular,” which is frankly an oxymoron. In addition, OCMC 17.62.050(A)(3)(a) is context for interpretation of this provision. The proposed cottage housing is in the Canemah National Register District and abuts the listed historic Casady House. Staff quotes the statement of significance for this house, but the document from which it comes is does not appear to be in the record.

OCMC 2.28.070(D) states that notwithstanding OCMC 17.50, during a City Commission appeal from HRB, the Commission shall “consider the record and such additional evidence as may be offered.” We offer the full historic inventory form for the Casady House, which states that it is a QUEEN ANNE style house. Therefore the cottage homes would have to be in traditional Queen Anne style, not some nonexistent “modern vernacular.”

D. This proposed development will de-stabilize property values by degrading the Historic importance of the Canemah National Register Historic District.

E. This proposed Planned Development does not engender/foster “Civic Pride” of the reasons of having a National Register Historic District with Historic Places status.

F. This proposed Planned Development will lesson and detract from tourism and visitors coming into Oregon City looking to see Historic Representations of what and why Canemah has National Register Historic District and National Register Historic Places status.

G. This weakens the City’s - First City Historic Story and importance and results in negative effects of economic aspects in all investments to promote its history.

H. This proposed Planned Development, detracts from the telling of the story of the role Canemah played in the history and development of the Oregon Territory, by altering in a gross way the topology, impacted by wetlands. It proposes to by-pass all of the reasonable vegetated corridors setbacks requirements that have been part of the history spelled out in the Canemah National Register Historic District nomination Document.

5. 17.40.060.F.2 – This alters in a negative way the provisions of the City’s Comprehensive Plan Section 5, Open Spaces, Scenic and Historic Areas and Natural Resources. The Planned Development request NO Vegetative setbacks from delineated Wetlands.

A. Packing 3 house designs with 2 clone houses negatively alters the understanding of Goal 5.3 of encouraging preservation of the Canemah National Register Historic District.

B. Policy – Goal 5.3.1 – This Planned Development is not compatible with the Historic character of the Canemah Historic District. The size of the homes sited with minimum setbacks one to another or NO Setbacks from Miller Street and siting across property lines, with sky-lights and 2nd floor decks, has NO compatibility with any other historic buildings in this Historic Canemah. We also have NO history of large central parking lots and that totally lacks in compatibility and therefore detract from the reasons of having Canemah as a National Register Historic District. This Planned development detracts from the natural environment of the site by eliminating all virtual vegetative corridors with an important wetland. The Historic Wagon Roads cannot be altered from the current look and feel and that is in these HRB requests. We do not allow in our code these high retaining wall and extensive contouring of the lands in the manner proposed.

C. Cottage Houses under OCMC could be allowed in other locations of Oregon City but in a National Register Historic District, boundary of Canemah in Oregon City's as per 17.40 code, which takes precedence over what is allowed and not allowed. Therefore this proposed Planned Development is not in compliance with OCMC 17.40.

D. Policy – Goal 5.3.2 This proposed Planned Development cannot be comply with OCMC 17.40 Historic District Design Guidelines.

E. Policy – Goal 5.3.8 This proposed Planned Development does not accentuate historic resources as part of the urban environment by altering topology in a major way. It does reflect natural and environmental consistent use of critical vegetative corridor setbacks. There are NO quantitative and subjective understanding of how this proposed Planned Development could reasonably use/utilize "Preservation Incentives" to override OCMC 17-40 code and Historic District Building Guidelines, where the developer has NO alternatives and cannot build on a Wetland, so they are not doing anything that they would not have to do anyway on this site.

6. 17.40.060. F.3 - 3 complimentary houses could have the same economic effect and project equal value by not detracting from the desirability of living in the Canemah National Register Historic District.

7. 17.40.060. F.5 – There is very little of general compatibility of the exterior designs, arrangement, proportion, detail and scale to what is currently found in Historic contributing Historic Houses in Canemah, therefore this proposal is incompatible. Parking lots, New Type designs that look like Chalets with upper exposed balconies, sky lights everywhere, houses right on property lines/ROW,

exterior steep, retaining walls exceeding limits and then ask for preservation incentives to allow for the bypassing of OCMC 17-40 Code.

8. 17.40.060. I – The City Commission has to approve Historic Review Board reasoning and justification of how the HRB valued out justification for offering Preservation Incentives to allow for the violation of each of the Section of OCMC Code.

9. 17.40.065 – Applicability of Historic Preservation Incentives.

A. Purpose: This proposed Planned Development does not make preservation more attractive. It in fact detracts, by allowing non-compatible designs, rhythms to alter in a negative way what represents Historic Canemah.

B. Eligibility: Does this enhance what are consider important attributes that make up the Canemah National Register Historic District and help tell the story of the Canemah Historic District s this proposed Planned Development of Cottage Homes detracts.

C. Incentive Allowed: Dimensional standards of contributing Historic House and siting of these houses are incompatible.

D. The HRB and the City Commission does not have to accept the use of Preservation Incentives or allow them, when they do not advance Historic Preservation.

10. OCMC 17.40.065 (A-D) Historic Preservation Incentives are being used to allow for non-compatible development. Houses 1, 5 and 6 encroach on virtually all of OCMC allowable setbacks code/understandings.

11. 17.40.070 – These designs are far from being compatible to Historic Canemah Vernacular House designs and are therefore detract and are not compatible. They are not sited like anything historically found in the Canemah is a National Register Historic District. Duplicating designs with minimal design changes or changing the direction of how a house is sited is not allowed. Density on two of the lots/parcels exceeds any acceptable understanding with two of the lots covered with approximately 80% in surfaces of roofs, concrete and asphalt.

12. House designs

A. House #1: cut into a bank where it is sited way below and not in line with the two houses/building on the left and right, therefore not compatible and detracting.

B. House #2: is to be deleted but there is NO design document that reflects what happens to house #1 and #3 to judge impacts, just a Blank Check, not smart.

C. House #3: Non-compatible a new type of Vernacular design, likes no other house in Canemah and therefore detracting. It is sited like on a dog leg placement, where it can be only accessed through common right-of-way of House #1 and a Parking lot and exterior outside staircase that leads to and upper level of the combined parcels. Some of it appears sits on the same lot of houses #1 and is part of exceeding the

maximum lot coverage. Again this is duplicating designs with decks that have NO historic comparisons in Historic Canemah and therefore are not compatible.

D. House #4: Again another non-compatible with upper deck, duplicating the other designs with a dog-leg access from a common right-a-way with a large parking lot.

E. House #5: Sited right next to House #6 on right on the front property line with Miller Street and right on the delineated Wetland border with NO allowance for a vegetated corridor to adequately protect the Wetland health.

F. House #6: Sited right next to House #5 and right on the front property line with NO setbacks. This house is too close to house #5 and too close to the delineated Wetland border that prevents having the needed vegetated corridor to protect the wetlands health. It has a shared parking lot around to the side and it is problematic and not compatible to design guidelines.

It is the opinion of the Friends of Canemah, the above mentioned action before the Oregon City Historic Review Board substantially changes the look and feel of what makes and constitutes to the Canemah National Register Historic District and that of having Landmark Status.

It in mass all of this just detracts and therefore makes this proposed Planned Development non-compliant. It also violates the very spirit found in the Oregon City Historic District Building Guidelines, where efforts are to maintain the character of this National Register Historic District.

Allowing for the substituting modern interpretations that in mass changes everything. It is the duty of the City and HRB to uphold your responsibility to the people of the United States, the State of Oregon, the City or Oregon City and Canemah to turn this proposal back.

Thank You,
Paul Edgar, Land Use Chair, Friends of Canemah
Paul Edgar, Personally

Oregon Historic Site Form

Caseday, Capt William & Elizabeth, House
502 4th Ave
Oregon City, Clackamas County

LOCATION AND PROPERTY NAME

address: 502 4th Ave ☐ apprx. addr

Oregon City ☐ vcnt Clackamas County

Optional Information

assoc addresses:
(former addresses, intersections, etc.)

location descr:
(remote sites)

historic name: Caseday, Capt William & Elizabeth, House

current/
other names:

block nbr: _____ lot nbr: _____ tax lot nbr: _____
township: 3S range: 1E section: 1 1/4: _____
zip: _____

PROPERTY CHARACTERISTICS

resource type: Building height (# stories): 1.5

elig. evaluation: eligible/contributing

primary constr date: 1867 (c.) ☒ secondary date: _____ (c.) ☐
(optional--use for major addns)

primary orig use: Single Dwelling

secondary orig use: _____

primary style: Queen Anne

secondary style: Vernacular

primary siding: Horizontal Board

secondary siding: _____

plan type: Hall-Parlor

total # eligible resources: 1 total # ineligible resources: 2

NR status: Listed in Historic District

NR date listed: _____ (indiv listed only; see
Grouping for hist dist)

orig use comments: _____

prim style comments: _____

sec style comments: _____

siding comments: _____

architect: _____

builder: _____

comments/notes: New wood window sash; side gabeled addition; 2 newer secondary buildings to compliment original house

GROUPINGS / ASSOCIATIONS

survey project name or other grouping name: Canemah Historic District

Listed Historic District

Canemah Historic District RLS Survey Update 2007

Survey & Inventory Project

farmstead/cluster name: _____

external site #: _____
(ID# used in city/agency database)

SHPO INFO FOR THIS PROPERTY

NR date listed: _____ NHD

ILS survey date: 3/20/2008

RLS survey date: 6/1/2007

Gen File date: _____

106 Project(s)

Northeast facade, looking southwest

Oregon Historic Site Form

Caseday, Capt William & Elizabeth, House
502 4th Ave
Oregon City, Clackamas County

ARCHITECTURAL / PROPERTY DESCRIPTION

(Include expanded description of the building/property, setting, significant landscape features, outbuildings, and alterations)

The 1 1/2 story house is located on a level bench slightly above 4th Avenue at Miller Street. The main portion of the building has a side gable roof with a rear attached full width one story shed and full width front porch with low sloped roof supported on four posts. The shed extends east beyond the house as an addition with its own north facing porch. A separate north-south addition with shallow side porches extends south from the rear house wall. The main foot print of this addition is indicated on a 1911 Sanborn map that also show a 'T' on the east end.

Exterior materials: composition shingles with a central corbelled brick chimney; channel siding, vertical board skirting over foundation; scroll work at porch posts, otherwise plain trims, casings, barge and rake boards; windows are double hung wood.

Alterations: The form of the primary house remains, window sash replaced with 1/1 wood sash; the original rear addition has undergone changes over the years, but may still include portions of the original work (owner states works was done in the 1950's); the newer addition (1970's) extends north to south; Concrete foundation (1950's)

Barn-garage (1980's): a rectangular side gabled frame building with composition roofing, vertical board and batten siding, metal overhead door;

Shed (1996): a square frame building with low hipped roof and cupola; horizontal wood siding, composition roofing, vinyl windows; new porch structure currently under construction to provide weatherized walk between buildings

Landscape: Open site slightly above the street level; bank contained with stacked rock wall and plantings; lawn area and ornamental planting on terrace area; paved areas at rear; picket fence at east extending to rear

HISTORY

(Chronological, descriptive history of the property from its construction through at least the historic period [preferably to the present])

William Caseday (also spelled Casady, Cassidy) was an engineer, riverboat captain and pilot. He was co-owner of the 'Clinton' with J.S. Gibson and John Cochran, the first riverboat to successfully navigate the Willamette River as far as Eugene. He also built the 'Relief' in Oregon City and within two years had sold it to Capt. Cochran. Caseday, who was born in Pennsylvania in 1823, married Kentucky born (1815) Elizabeth Barker in Clackamas County in 1856. The Casedays may have moved to New Era, as a William Cassidy died there on 6/10/1903, where "he and his wife had lived for 8 years."

RESEARCH INFORMATION

(Check all of the basic sources consulted and cite specific important sources)

- | | | | |
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| <input type="checkbox"/> Title Records | <input checked="" type="checkbox"/> Census Records | <input type="checkbox"/> Property Tax Records | <input type="checkbox"/> Local Histories |
| <input checked="" type="checkbox"/> Sanborn Maps | <input type="checkbox"/> Biographical Sources | <input type="checkbox"/> SHPO Files | <input type="checkbox"/> Interviews |
| <input type="checkbox"/> Obituaries | <input type="checkbox"/> Newspapers | <input type="checkbox"/> State Archives | <input type="checkbox"/> Historic Photographs |
| <input checked="" type="checkbox"/> City Directories | <input type="checkbox"/> Building Permits | <input type="checkbox"/> State Library | |

Local Library: _____ University Library: _____

Historical Society: Musuem of the Oregon Territory; OHS _____ Other Repository: _____

Bibliography: Wright, E.W., Lewis & Drydens' Marine History of the Pacific Northwest, p 75; OHS Quarterly No.41 p 396; Oregon City Directory, 1916-1917; Census, 1856, 1870; Sanborn Maps, 1911, 1925.