



**TYPE III – MODIFICATION
STAFF REPORT AND RECOMMENDATION**

January 16, 2018

FILE NO.: MD 17-07: Modification to HR 14-10 Historic Review for a new single family home in the Canemah Historic District.

OWNER/APPLICANT: Ron and Debbie Bistline
712 4th Ave
Oregon City, OR 97045

LOCATION: 712 4th Ave
31E01AA TL 3500

REQUEST: Requesting approval for change of material from original approved design for a single family residential homes in the Canemah National Register District. The proposed material is composite TREX decking material.

RECOMMENDATION: Staff finds that this request is reasonable and suggests that the Board review this material in the specific context of this request. If the Board would like to consider a general policy regarding composite decking material, staff suggests doing so at a later date rather than using this specific request to set general policy.

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. The process for these land use decisions is controlled by ORS 197.763 and identified in OCMC 17.50. The decision of the Historic Review Board is appealable to the City Commission within fourteen days of the issuance of the final decision. Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the hearing, in person or by letter, with sufficient specificity to afford the Historic Review Board and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The decision of the Historic Review Board may be appealed to the City Commission by parties with standing. Any appeal will be based on the record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 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. The City Commission decision on appeal from the planning commission 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.

Background

In February 2015, the Historic Review Board approved the design of a new home on the subject property, with conditions. One of the conditions was:

1. All railings, decking and stairs shall be finished to match the house body or trim.

The applicant has constructed the home to meet the conditions of approval, with the exception of the condition above. Some of the porch decking material used is TREX decking, which is modern composite decking material that has not been approved as a traditional building material for structures in historic districts.

The applicant submitted the following narrative and explanation for the modification request:

“ Porch Decking – Due to waterproofing needs, we propose to use a “traffic topping” over marine grade plywood (light grey). This surface will **not** be visible from the street. The viewing angle and distance from the street will prohibit discernment on type and color.”*

Reason for change:

*In accordance with condition # 5 “**Incised lumber or pressure treated wood shall not be used on any visible surfaces**”. The underside of the deck was visible from 4th street so we believe it needed to be covered under our interpretation (this was not part of the original design). Before this change, the Lumber supplier, Siding Company, Contractor and Architect had concern of air flow in the trapped area which could cause premature wood decay and mold build up on the designed and approved material. All suppliers recommended Trex deck to be used instead of the “traffic topping” over marine grade plywood. The Trex decking selected was special ordered so it resembled 2 x 6 boards with no grooves for clips and would be screwed like normal wood boards when viewed up close.*

No Trex was used on visible surfaces from the street plane view, Stairs and stair landings visible from the street plane view used a wood 2 x 6 board surface.

In discussion with City staff they believe the HRB Board should consider an open discussion for the use of this material.

Note:

The condition below was incorporated by City Staff to add 5 more trees for buffer on top of the 29 trees planted from the NROD submission. These trees were placed per their recommended locations on the property to meet this condition.

8. Prior to obtaining a Certificate of Occupancy, the applicant shall submit an amended landscape plan that includes the following:

a. 3-6 additional minimum 1 ½ inch caliper trees that are a mix of native evergreen and deciduous trees with a minimum mature height of 35 feet planted to better buffer the new construction from the neighborhood and hide the massing of the building. Staff will review the final landscape plan at the time of C of O to determine the minimum number of trees required to meet this condition."

Images of house:





From 4th Ave Right of way



From Blanchard Street

The overall style of the home has not changed from the original proposal. The applicant has requested approval for an alternative decking material that is composite rather than wood. This material was used on the underside of the main floor porch.

The Board has approved non-historic materials in the past, including fiberglass windows and cement board siding. These materials have been deemed appropriate for use within the City's two historic districts. The applicant has made a similar request for the use of a modern material of composite decking. To staff's knowledge, the Board has not made a previous finding regarding composite decking material, and this application serves as the first time the Board is being asked to consider the appropriateness of this material.

Staff finds that this request is reasonable and suggests that the Board review this material in the specific context of this request. If the Board would like to consider a general policy regarding composite decking material, staff suggests doing so at a later date rather than using this specific request to set general policy.

In this particular case, the material is used on the underside of the elevated porch and is neither highly visible nor a primary building material for the structure. Additionally, staff finds that the material is similar in appearance to painted wood. For these reasons, staff finds that it will not have a significant detrimental impact on neighboring properties or on the historic character of the Canemah district.

CRITERIA:
OREGON CITY MUNICIPAL CODE

17.40.030 Designated.

- A. *The historic overlay district shall apply to the following:*
 - 1. *Historic districts, upon designation in accordance with this section;*
 - 2. *Conservation districts designated in accordance with this section;*
 - 3. *Landmarks as designated by this section; and*
 - 4. *Historic corridors designated in accordance with this section.*
- B. *The boundaries of the historic districts, the boundaries of conservation districts, historic corridors, the location of buildings and structures in conservation districts and the location of landmarks shall be designated on a special city zoning map or maps.*
- C. *The following are designated within the historic overlay district:*
 - 1. *The Canemah Historic District; the minimum boundaries of which are those designated by the United States Department of the Interior on the National Register of Historic Places as indicated in the city comprehensive plan.*
 - 2. *The McLoughlin Conservation District; the surveyed buildings indicated by map in the comprehensive plan shall constitute the designated structures in the McLoughlin Conservation District, along with any structures designated through the Historic Review Board designation process since initial adoption of the comprehensive plan on March 13, 1980.*
 - 3. *The Oregon Trail-Barlow Road Historic Corridor: properties identified in the 1993 Barlow Road Historic Corridor inventory of the Barlow Road by Clackamas County.*
 - 4. *Designations undertaken pursuant to Section 17.40.050. The established historic overlay district shall allow for the designation of two types of districts so that areas with a high concentration of historic structures are designated historic districts and areas with a lower concentration are designated conservation districts. Also allowed is the designation of structures of historic or architectural significance not located in an historic or conservation district as landmarks.*

Finding: Complies as Proposed. The subject site is within the boundary of the Canemah Historic District.

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.*

Finding: Complies as Proposed. The applicant has submitted this application for review and determination by the Historic Review Board.

17.040.060.B. *Application for such a certificate shall be made to the planning staff and shall be referred to the historic review board. The application shall be in such form and detail as the board prescribes.*

Finding: Complies as Proposed. The applicant has submitted this application for review and determination by the Historic Review Board.

17.040.060.C. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,

1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

Finding: Complies as Proposed. A notice was sent upon submittal of a pre-application conference, more than 45 days before completion of this application.

17.040.060.D.

1. The historic review board, after notice and public hearing held pursuant to Chapter 17.50, shall approve the issuance, approve the issuance with conditions or disapprove issuance of the certificate of appropriateness.
2. The following exterior alterations to historic sites may be subject to administrative approval:
 - a. Work that conforms to the adopted Historic Review Board Policies.

Finding: Complies as Proposed. The application is being reviewed as identified in the Oregon City Municipal Code.

17.040.060.E. 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:

Finding: Not Applicable. The proposal is for new construction in a historic district.

17.040.060.F.1: The purpose of the historic conservation district as set forth in Section 17.40.010.

- A. Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
- B. Safeguard the city's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and districts;
- C. Complement any National Register Historic districts designated in the city;
- D. Stabilize and improve property values in such districts;
- E. Foster civic pride in the beauty and noble accomplishments of the past;
- F. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- G. Strengthen the economy of the city;

- H. Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and public welfare of the city; and*
- I. Carry out the provisions of LCDC Goal 5.*

Finding: The overall style of the home has not changed from the original proposal. See findings in 17.040.060.E.7 below.

17.040.060.F.2. *The provisions of the city comprehensive plan*

Section 5, Open Spaces, Scenic and Historic Areas, and Natural Resources

Canemah. Canemah is an important example of a relatively intact riverboat town with architectural resources dating from the 1860's. Having evolved from a community for the elite of the riverboat industry to a workers' community, Canemah retains essentially the same sense of place it had in the latter half of the 19th Century. Situated above the Falls of the Willamette, it was an important portage town and the major shipbuilding center on the upper Willamette River.

Present Status. Canemah was listed as a Historic District in the National Register of Historic Places in 1977. The area was zoned in 1954 for industry along the river, commercial and multifamily along McLoughlin Boulevard, and multifamily along Third Avenue and portions of Fifth Avenue. In 1982, a majority of the area was rezoned as residential except for a small strip on McLoughlin Boulevard, which was rezoned to Historic Commercial. In the last 20 years, many homes within the district have been rehabilitated, but some have not been maintained to a level that ensures their significance and status as contributing structures. New construction and exterior alterations need to be reviewed for their long-term effect on the neighborhood and National Register Historic District status.

Policy 5.3.1 - Encourage architectural design of new structures in local Historic Districts, and the central Downtown area to be compatible with the historic character of the surrounding area.

Policy 5.3.8 - Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.

17.040.060.F.3 *The economic effect of the new proposed structure on the historic value of the district/historic site*

17.040.060.F.4 *The effect of the new proposed structure on the historic value of the district/historic site*

Finding: Complies as Proposed.

The Board has approved non-historic materials in the past, including fiberglass windows and cement board siding. These materials have been deemed appropriate for use within the City's two historic districts. The applicant has made a similar request for the use of a modern material of composite decking. To staff's knowledge, the Board has not made a previous finding regarding composite decking material, and this application serves as the first time the Board is being asked to consider the appropriateness of this material.

In this particular case, the material is used on the underside of the elevated porch and is neither highly visible nor a primary building material for the structure. Additionally, staff finds that the material is similar in appearance to painted wood. For these reasons, staff finds that it will not have a significant detrimental impact on neighboring properties or on the historic character of the Canemah district.

17.040.060.F.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;*

Finding: Please refer to findings in 17.040.060.E.7 below.

17.40.060.F.6 *Economic, social, environmental and energy consequences*

Finding: The applicant wishes to use the composite decking to avoid premature deterioration and rot.

17.040.060.E.7 *Design guidelines adopted by the historic review board.*

Finding: Complies as Proposed. The adopted design guidelines for new construction contain the following principle for porches and decking: “Where visible from public right of way: appearance of traditional painted wood decking.” In addition, the guidelines list synthetic materials for porches and decking as not allowed, when visible from a public way.

The Board has approved non-historic materials in the past, including fiberglass windows and cement board siding. These materials have been deemed appropriate for use within the City’s two historic districts. The applicant has made a similar request for the use of a modern material of composite decking. To staff’s knowledge, the Board has not made a previous finding regarding composite decking material, and this application serves as the first time the Board is being asked to consider the appropriateness of this material.

In this particular case, the material is used on the underside of the elevated porch and is neither highly visible nor a primary building material for the structure. Additionally, staff finds that the material is similar in appearance to painted wood. For these reasons, staff finds that it will not have a significant detrimental impact on neighboring properties or on the historic character of the Canemah district.

17.040.060.G *For construction of new structures in an historic corridor, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall include the following:*

Finding: Not Applicable. The proposal is for new construction in a historic district.

17.040.060.H *The following standards apply to development within historic corridors:*

Finding: Not Applicable. The proposal is for new construction in a historic district.

17.040.060.I. *In rendering its decision, the board's decision shall be in writing and shall specify in detail the basis therefore.*

Finding: Complies as Proposed. The decision includes this staff report as well as any notice of decision and findings adopted by the Historic Review Board to demonstrate compliance with the applicable criteria.

17.040.060.J. *Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which does not involve a change in design, material or the outward appearance of such feature which the building official shall certify is required for the public safety because of its unsafe or dangerous condition.*

Finding: Not Applicable. The proposal is for new development.

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

Finding: Not Applicable. The proposal is being reviewed as a Type III decision.

17.40.065 - *Historic Preservation Incentives*

Not Applicable. No incentives have been requested.

17.40.070 - Demolition and moving.

Finding: Not Applicable. The proposal does not include demolition or relocation of a building.

GUIDELINES FOR NEW CONSTRUCTION: OREGON CITY HISTORIC DISTRICTS

A. Specific Design Elements

E-1 Design and choose specific design elements, products, and materials that are allowable and consistent with the design styling and framework established.

E-2 Does the design still fit the style's 'vocabulary'? Have extraneous or excessive details, ornamentation, or materials been chosen that detract from the neighborhood context?

E-3 Do specific elements comply with the guideline? Are materials, colors and finishes selected? Visible equipment? Landscaping and Plantings?

Finding: The overall style of the home has not changed from the original proposal. The applicant has requested approval for an alternative decking material that is composite rather than wood. See findings in **17.040.060.E.7.**

PUBLIC NOTICE:

Notice of the proposal was sent to property owners within three hundred feet of the subject property and the Canemah Neighborhood Association in addition to a variety of agencies. Additionally, the property was posted with a Notice of Land Use sign with details about the proposal. Transmittals were sent to various City departments and other agencies regarding the proposed development plan. Relevant comments from City departments are addressed in this report as appropriate.

RECOMMENDATION:

Staff finds that the proposed Modification for Historic Review located at 712 4th Avenue can meet the requirements as described in the Oregon City Municipal Code. Therefore, the Community Development Director recommends the Historic Review Board review file MD 17-07, based upon the findings and exhibits contained in this staff report. Staff finds that this request is reasonable and suggests that the Board review this material in the specific context of this request. If the Board would like to consider a general policy regarding composite decking material, staff suggests doing so at a later date rather than using this specific request to set general policy.

EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative and Plans
3. Previous Proposal for HR 14-10