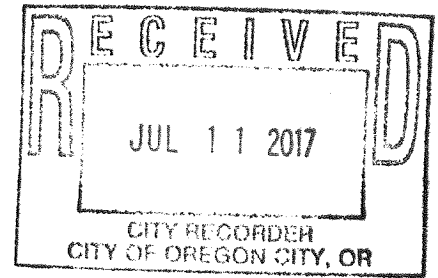


2017 JUL 11 PM 3:30

454 S. Center Street
Oregon City, OR 97045
July 9, 2017

RECEIVED
CITY OF OREGON CITY, OR
Kattie Riggs
City Recorder
625 Center Street
Oregon City, OR 97045



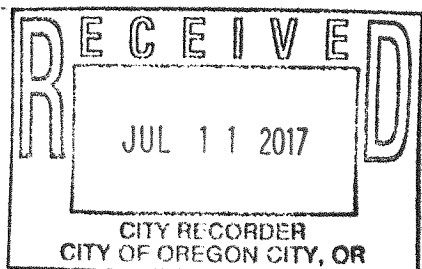
Re: Notice of Appeal of Historic Review Board Decision in HR 17-04

Dear Ms. Riggs:

Enclosed for filing, please find a notice of appeal and \$50 filing fee in the referenced matter.
Thank you.

Sincerely,

Charles H. Combs



CITY OF OREGON CITY

Before the City Commission

2017 JUL 11 PM 3:30

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Historic Review for a new)	HR 17-04
Public Works Operations facility)	Notice of Appeal of June 27, 2017
in the McLoughlin Conservation District)	Historic Review Board Decision

1. Appellant Information.

Charles H. Combs, who lives at and whose mailing address is 454 S. Center Street, Oregon City, Oregon 97045, daytime phone number 503-655-0460, submits this Notice of Appeal of the June 27, 2017, decision of the Historic Review Board regarding a proposed new Public Works Operations Facility in the McLoughlin Historic Conservation District.

2. Appellant's Statement Regarding Interest and Standing.

I have lived next to Waterboard Park for almost 28 years. One of the main reasons my wife and I bought our lot and built our house was its proximity to the natural beauty of the woods and the basalt cliffs and boulders within the park nearby. Since we moved to our current location, Oregon City has become a more desirable place to live because of the new restaurants and shops downtown, which is within walking distance of our home. The scenic attraction of the views from the Promenade, the Willamette Falls overlook at South 2nd and McLoughlin Blvd., and from the viewpoint at the top of Waterboard Park Road complement the increasing desirability of living in Oregon City for us. Although it is possible for me to walk to downtown or to the Falls overlook by using South Center Street, its steepness makes it harder to use, and it is not safe because there is no sidewalk or bike lanes and has only narrow or no shoulders and the traffic is fast and continuing to increase in volume. The path through Waterboard Park from our property to Waterboard Park Road and then either up to the viewpoint or down Waterboard Park Road to connect with the McLoughlin neighborhood and thence downtown or to the Falls overlook is a pleasant alternative. I would like to see the path down Waterboard Park Road to John Adams Street and from there either to South Center Street or to the streets in the McLoughlin neighborhood retained.

I provided written and oral comments at the May 23, 2017, hearing before the Historic Review Board regarding this matter.

3. Specific Grounds for Appeal.

(a) The decision improperly construed applicable law.

- (1) The decision misconstrues the Oregon City Municipal Code (“OCMC”), §§ 17.040.010.A, B, H, and I¹ and 17.40.060.² The historic review board improperly construed the foregoing OCMC provisions to require only review of the design of the proposed buildings and how that design relates

¹ **Chapter 17.40 - HISTORIC OVERLAY DISTRICT**

17.40.010 - Purpose.

. . . . The purpose of this chapter is to:

- 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*;
- . . .
- 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.

(Emphasis added).

² **17.40.060** (in relevant part):

A. . . . nor shall there be any new construction in an historic district, conservation district . . . unless a certificate of appropriateness has been issued by the historic review board. . . .

F. 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.

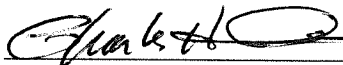
to the design of existing buildings in the McLoughlin Historic Conservation District. Instead, the historic review board should have construed the foregoing sections to require review of the impacts of all construction (including the fencing and gating, the demolition of existing flora and geologic features, which are part of the construction process) on the McLoughlin Historic Conservation District as a whole, to determine consistency of the construction with the criteria of OCMC § 17.40.060.F.

(b) The decision was not in compliance with applicable provisions of the comprehensive plan or land use regulations.

(1) The decision violates the Oregon City Transportation Plan, which is part of the Oregon City Comprehensive Plan. The decision approved a development that would block an existing publicly-used shared use path over John Adams Street between Waterboard Park Road and South Center Street, and that would eliminate the shared use path identified in the Transportation Plan within the proposed construction site from Waterboard Park Road adjacent to the Armory, around the rear of the Armory to where the path connects to South Center Street. There is no replacement for the shared use path shown in the application.

(2) The decision improperly failed to apply the decision criteria of OCMC § 17.40.060.F.1.-4., 6. and 7. to the application.

Respectfully submitted,



Charles H. Combs
454 S. Center Street
Oregon City, OR 97045
503-655-0460
Dated: July 9, 2017