



Historic Review Staff Report and Recommendation January 15, 2018

FILE NO.: HR 18-15: Reduction in the size of a locally designated Landmark located outside of an Historic District.

HEARING DATE: January 22, 2019
7:00 p.m. – City Hall
625 Center Street
Oregon, City, Oregon 97045

**APPLICANT/
OWNER:** Maureen Grainger
11302 SE Pheasant Drive
Happy Valley, OR 97086

LOCATION: 16430 Hiram Avenue
Oregon City, OR 97045
CC Map #2-2E-28BC-01500

REQUEST: Reduction in the size of the Landmark property in association with a partition

REVIEWER: Kelly Reid, Planner

RECOMMENDATION: Approval with Conditions

CRITERIA: Administration and Procedures are set forth in Chapter 17.50, Chapter 17.40, Historic Overlay District in Chapter 17.40, Supplemental Zoning Regulations and Exception in Chapter 17.54, and “R-6” Single-Family Dwelling District in Chapter 17.12 of the Oregon City Municipal Code. The City Code Book is available on-line at www.orcity.org.

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 within fourteen (14) calendar days of the notice of decision. Any appeal will be based on the record. The procedures that govern the hearing will be posted at the hearing and are found in OCMC Chapter 17.50 and ORS 197.763. 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.

Recommended Conditions of Approval

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

1. Trees should be planted behind the new garage to buffer and screen future development and to replace the lost fruit trees. Staff recommends the following options to provide visual screening when trees are mature:

- Three fruit trees
- Two large deciduous trees
- An mix of trees that would provide equivalent screening

All trees should be 2" caliper at time of planting or, for coniferous trees, six feet in height. (P)

2. The applicant shall provide minimum of 25 feet between the back of the new garage and any new structures on the partitioned lot(s) that are taller than the existing historic structure. This may be accomplished by any of one the following at the time of future land division:
 - The property line can be drawn a minimum of 22 feet from the back of the new garage to allow for buffer space in between the existing home and the new development
 - An easement can be recorded on the new adjoining parcel to provide a buffer of at least 25 feet from the back of the existing garage to any new structure.
 - A deed restriction or covenant can be recorded on the new lot to restrict height within 25 feet from the back of the existing garage to 13' 8". (P)
3. If approved, further Historic Review will be constrained only to those areas identified as part of the modified boundaries of the Landmark. (P)
4. This reduction is contingent on the applicant moving forward with the proposed land division. If the land division is not completed or changes substantially from the submitted design, as prescribed in the conditions of approval, the Landmark boundary will stay in their original configuration unless further refined by the Historic Review Board through a separate land use submittal. (P)

I. BACKGROUND:

Summary of Proposal:

The applicant proposes to reduce the size of the property through a partition. The lot is approximately 15,600 square feet in size. The owner recently renovated the house and built a new detached garage (Files HR 17-03 and HR 17-06). The old garage was approved to be removed through HR 17-03 but has not yet been demolished.

The applicant has not finalized partition plans and does not have an exact lot configuration and resulting lot sizes determined. The land division may result in two to four total lots. The existing home and garage are proposed to remain on one lot on the corner of Hiram Ave and Rock St. The remaining lot(s) will face Rock St and will be developed with residential uses permitted in the R-6 zone.

If approved, further Historic Review will be constrained only to those areas identified as part of the modified boundaries of the Landmark.

This reduction is contingent on the applicant moving forward with the proposed land division. If the land division is not completed or changes substantially from the submitted design, as prescribed in the conditions of approval, the Landmark boundary will stay in their original configuration unless further refined by the Historic Review Board through a separate land use submittal.

Site and Context

The long 50 x 310 foot parcel is located on the northeast intersection of Hiram and Rock Streets in the Park Place Neighborhood. The site consists of the small house abutting Hiram and a new detached garage located in the middle of the lot and accessed off of Rock Street. The old garage sits farther back on the property. The remaining property is flat with one apple tree and blackberry plants at the rear property line.



16430 S. Hiram

Statement of Significance: The original owner is unknown. By the architectural evidence, the house is believed to date from approximately 1890. Names that appear on county deed records for the subject property include Marion Hillery (1889-1891), Thomas McGrath (1891-1898), and Otto Meindl (1905-1918). Otto E. Meindl was a retail grocer at that time.

The house is a good example of the Vernacular style. It is composed of a single rectangular volume, augmented with a catslide lean-to. The dwelling is clad with two types of siding: wide, dropped siding and sap siding. Presumably one type is a replacement. The siding is finished with corner and rake boards.

Landscape features, including fruit trees, contribute to the historic character of the dwelling.



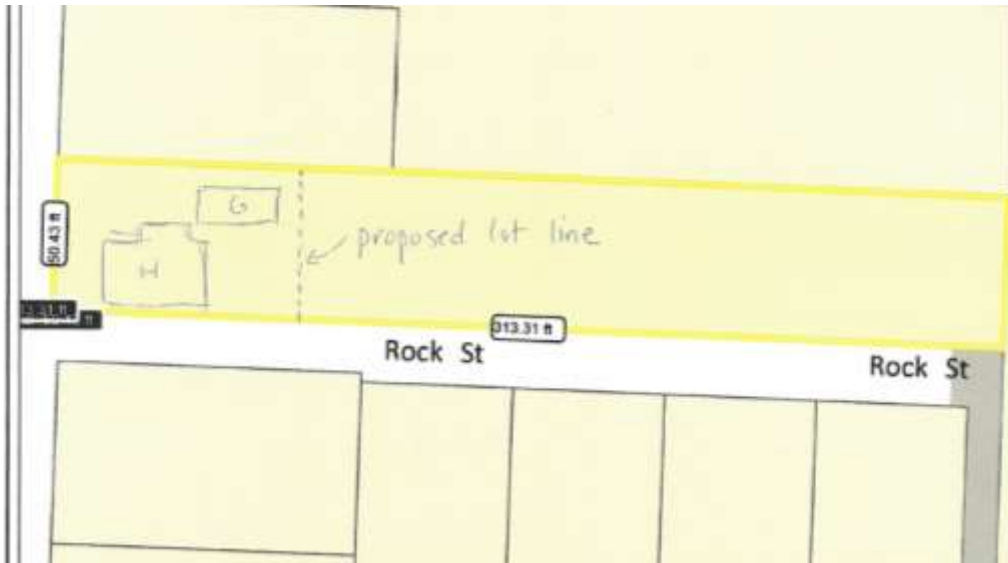
View of subject property from Hiram Ave



View of subject property from Rock Street; old garage has been approved for demolition per HR 17-03



View of subject property from Rock Street (behind old garage)



Proposed partition plan

Neighboring Structures

The landmark is located outside of a Historic District. The Park Place neighborhood contains several historic landmarks, but is not a district.

Across the street from the subject site at 16427 Hiram Street is another landmark, the Clarence Rittenhouse House, built in 1915. The house is a good example of the Vernacular style. It is composed of a simple rectangular volume covered with narrow, dropped siding and finished with corner boards. The low-pitched gable roof reflects the popularity of the Bungalow style.



16427 Hiram Street

A block away sits the Albert Tucker House at 16422 Front Avenue. The house is a good example of the Vernacular style. It is composed of perpendicular volumes covered with wide, dropped siding and finished with corner boards. The four-over-four double-hung sash window on the rear elevation is evidence of the late 19th century date of construction. The house was apparently altered in the 1930s, presumably by Casper White. At that time the Bungalow style porch was added. It is identified by the battered supports and caps, as well as the enclosed balustrade. The addition to the rear, which is clad with double-bevel siding, was most likely done at the same time. Despite the additions, the original building envelope and the evolution to date is clearly visible.



16422 Front Avenue

II. EXECUTIVE SUMMARY

For a landmark size reduction, granting a certificate of appropriateness should be based on the impact of the proposal on the historic home and any nearby historic resources. Impacts could result from new construction on the partitioned portion of the property, or from the loss of landscape or open space surrounding the home and giving it its historic context.

The subject property contains a small home near the front of the lot with a long rear yard. Staff does not find that the large rear yard provides much historic context in this case. The inventory form mentions fruit trees as part of the historic landscape, but only one apple tree remains and its condition has not been assessed by an arborist.

The applicant has not finalized partition plans; no exact lot configuration and resulting lot sizes have been determined. The land division may result in two to four total lots. The existing home and garage are

proposed to remain on one lot on the corner of Hiram Ave and Rock St. The remaining lot(s) will face Rock St and will be developed with residential uses permitted in the R-6 zone.

New development on the partitioned lot could have a visual impact on the landmark if it is tall or built close to the existing home. The historic structure is a compact, single story home that could be overpowered by a new structure behind it that is significantly taller. The minimum required setback from the existing detached garage to a new rear property line is three feet per Oregon City Municipal Code Chapter 17.54. The maximum height permitted in the R-6 zone is 35 feet and the minimum side setback for a new lot could be as little as 5 feet. In order to provide enough space to retain the historic context of the landmark, there should be a minimum of 25 feet between the back of the new garage and any new structures on the partitioned lot(s) that are taller than the existing historic structure. In addition, trees can provide a buffer between the landmark and any new homes built on the land. Staff has recommended conditions of approval for these items.

If approved, further Historic Review will be constrained only to those areas identified as part of the modified boundaries of the Landmark.

III. FINDINGS OF FACT:

Zoning:

The property is zoned R-6 Single-Family Dwelling District and Low Density Residential in the Comprehensive Plan. It is also located with the Historic Overlay. No development is being proposed as part of this application.

Notice and Public Comment:

Public notices were mailed to property owners within 300 feet of the subject site, posted on the subject site, and published in a newspaper of general circulation. No public comments were received prior to publication of this staff report.

ANALYSIS AND FINDINGS:

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: Applicable: The proposal for reduction of a landmark is being reviewed by the Historic Review Board.

- 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 submitted the required materials.

- 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: Not Applicable. The project does not include disturbance of native soils. The applicant will be required to notify tribes and SHPO and part of the land division process.

- 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.

Finding: Applicable: The proposal is being reviewed by the Historic Review Board.

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: Not Applicable: The proposal is not subject to administrative approval.

- 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:

Regarding Criterion (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: Complies with Conditions. There will be no changes to the historic house. The home is not in a historic district. Property values could be increased by new development in the area replacing the old garage on the site. This proposal can meet the purpose of this Chapter with conditions. See findings and conditions in #9 in this report.

2.-The provisions of the city comprehensive plan;

Section 5

Open Spaces, Scenic and Historic Areas, and Natural Resources

Policy 5.3.8

HR 18-15: Landmark Reduction

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

Finding: Complies with Conditions. The Park Place neighborhood contains multiple historic landmarks, but is not a historic district. There are two historic properties in the vicinity of the home and a few additional structures that have been deemed eligible but are not locally designated. The reduction in the landmark size will not impact the eligibility of these other structures. This approach acknowledged that the home was once in a rural setting but is now part of the City's urban development zones and this proposal aims at finding a balance between two important city goals: Supporting Historic Preservation and providing diverse housing options for the community. This proposal can meet the comprehensive plan goals and policies with conditions. See findings and conditions in #9 in this report.

3. *The economic use of the historic site and the reasonableness of the proposed alteration and their relationship to the public interest in the structure's or landmark's preservation or renovation;*

Finding: Complies as Proposed. This approach acknowledged that the home was once in a rural setting but is now part of the City's urban development zones and this proposal aims at finding a balance between two important city goals: Supporting Historic Preservation and providing diverse housing options for the community.

The use of the site is residential, in the R-6 zone, which was designed for lots of approximately 6000 square feet. The current size of the property is over 15,000 square feet, while surrounding lots range between 5,000 to 10,000 square feet. The reduction in size of the landmark would be a better economic use of the property while staying consistent with varied development patterns in the neighborhood.

4. *The value and significance of the historic site;*

Finding: Complies as Proposed. The home was built between 1890 and 1910 according to various sources. The inventory form described the structure as:

"The house is a good example of the Vernacular style. It is composed of a single rectangular volume, augmented with a catslide lean-to. The dwelling is clad with two types of siding: wide, dropped siding and sap siding. Presumably one type is a replacement. The siding is finished with corner and rake boards."

The proposal will not negatively impact the value or significance of the historic site.

5. *The physical condition of the historic site*

Finding: Complies as Proposed. The owner recently renovated the existing house and built a new detached garage (Files HR 17-03 and HR 17-06). The old garage was approved to be removed through HR 17-03 but has not yet been demolished.

According to the applicant, the fruit trees mentioned in the historic description on the Inventory form have died and are no longer present. However, one apple tree remains on the back portion of the property. The applicant states that prior to the remodel of the home approved in 2017, there were three fruit trees. According to the applicant, these trees had reached their peak, had not been pruned for decades and were removed.

The back portion of the property contains the old detached garage, a single apple tree, and a blackberry patch at the far end of the property.

The proposal will reduce the size of the landmark site to remove the old garage and the apple tree. The proposed size of the landmark is unknown, but will range from approximately 3,900 square feet to 6,000 square feet. The proposal will not otherwise change the physical condition of the site.

6. The general compatibility of exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used with the historic site;

Finding: Not Applicable. There will be no changes to the historic house. New development on the back portion of the property will be behind the front of the home and will not change the view of the home from the street.

New development will not be required to meet historic design guidelines as it would be removed from the historic overlay. The homes would be required to meet general residential design standards that apply citywide.

7. Pertinent aesthetic factors as designated by the board;

Finding: Complies as Proposed. Staff does not suggest consideration of any aesthetic factors other than those already reflected in the code.

8. Economic, social, environmental and energy consequences;

Finding: Complies as Proposed. This approach acknowledged that the home was once in a rural setting but is now part of the City's urban development zones and this proposal aims at finding a balance between two important city goals: Supporting Historic Preservation and providing diverse housing options for the community. Developing more housing on the lot increases the housing supply in the neighborhood, which has a positive impact on energy, the environment, and provides social and economic benefits. The use of the site is residential, in the R-6 zone, which was designed for lots of approximately 6000 square feet. The current size of the property is over 15,000 square feet, while surrounding lots range between 5,000 to 10,000 square feet. The reduction in size of the landmark would be a better economic use of the property while staying consistent with development patterns in the neighborhood.

9. Design guidelines adopted by the historic review board.

The following design guidelines are applicable to this project:

Secretary of Interior Standard # 2

The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

Secretary of Interior Standard # 9

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Finding: Complies with Conditions. New development on the back portion of the property will be behind the front of the home and will not change the view of the home from the street.

New development could have a visual impact on the landmark if it is tall or built close to the existing home. The historic structure is a compact, single story home that could be overpowered by a new structure behind it that is significantly taller. The minimum required setback from the existing detached garage to a new rear property line is three feet per Chapter 17.54. The maximum height permitted in the R-6 zone is 35 feet and the minimum side setback for a new lot could be as little as 5 feet. An accessory structure on the new lot could be placed three feet from the property line.

In order to provide enough space to retain the historic context of the landmark, there should be a minimum of 25 feet between the back of the new garage and any new structures on the partitioned lot(s) that are greater than the height of the historic structure, which is 13 feet 8 inches at the peak. In addition, trees can provide a buffer between the landmark and any new homes built on the land. These measures preserve the spatial relationships of the home and of the historic resource across the street at 16427 Hiram Street.

Trees should be planted behind the new garage to buffer and screen future development. Staff recommends the following options to provide visual screening when trees are mature:

- Three fruit trees
- Two large deciduous trees
- A mix of trees that would provide equivalent screening

All trees should be 2" caliper at time of planting or, for coniferous trees, six feet in height.

The 25-foot buffer can be accomplished through a variety of means at the time of land division:

- The property line can be drawn a minimum of 22 feet from the back of the new garage to allow for buffer space in between the existing home and the new development
- An easement can be recorded on the new adjoining parcel to provide a buffer of at least 25 feet from the back of the existing garage to any new structure.
- A deed restriction or covenant can be recorded on the new lot to restrict height within 25 feet from the back of the existing garage to 13' 8".

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

Oregon City Guideline: Landscape

Traditional landscape elements evident in the District (grass, trees, shrubs, picket fences, etc.) should be preserved, and are encouraged in site redevelopment.

Finding: Complies as Proposed. The inventory form mentions three fruit trees in the landscape. The applicant states that prior to the remodel of the home approved in 2017, there were three fruit trees. According to the applicant, these trees had reached their peak, had not been pruned for decades and were removed. However, one apple tree remains on the back portion of the property. It appears that the remaining apple tree is also very old and poorly maintained. Because fruit trees have a life span and cannot be expected to remain on a property perpetually, staff does not recommend restrictions on the remaining apple tree, nor the replanting of the fruit trees. A separate condition for tree planting for the purposes of screening is recommended.

Exhibits

- A. Applicant Submittal
- B. Inventory Form
- C. Photos

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