



**TYPE III – HISTORIC REVIEW
STAFF REPORT AND RECOMMENDATION**

January 20, 2020

FILE NO.: GLUA-20-00001 and HR 19-06: Modification to HR 18-09 Historic Review for a new single family home in the Canemah Historic District.

APPLICANT: Mark Zawadzki
4862 SW Garden Home Rd
Portland, OR 97219

OWNER: James Ray Streinz
5914 SW Orchid Dr.
Portland, OR 97219

LOCATION: 704 3rd Avenue
Oregon City, OR 97045
Clackamas County Map 3-1E-01AA, Tax Lot 00400

REQUEST: Requesting approval for the number of stairs and change of material from original approved design for a single family residential homes in the Canemah National Register District. The proposed material is composite decking material on the front porch and front stair, and the original approval required HRB approval for more than 6 stairs (previous approval HR 18-09).

RECOMMENDATION: Staff finds that this request is reasonable and suggests that the Board review this material in the specific context of this request.

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 2018, the Historic Review Board approved the design of a new home on the subject property, with conditions. Two of the conditions were:

1. All railings, decking and stairs shall be finished to match the house body or trim.
2. The applicant shall be required to come back to the Historic Review Board for a modification if the access to the front porch/front door requires a stair with more than 6 stair steps on the side elevation or any number of front stair steps.

The applicant is almost finished with the construction of the home, and is seeking to resolve the conditions listed above.

The reason that the HRB added the condition regarding the stairs is explained in this excerpt from HR 18-09 staff report:

“The applicant did not propose a stair leading to the front porch, and the perspective drawing submitted shows the first floor of the home at the same elevation as the garage floor. However, the original home utilized a stair and it is possible that after geologic hazard conditions are considered, the design may require a stair.”

The design guidelines for new construction (page 48) says that exterior stairways at the building front are allowed only to give access to the main level, and should be less than five feet in height.

The constructed home contains a side stair to the front porch, with 8 steps total. The total height is greater than 5 feet from grade, but an exact measurement has not been provided.

Some of the porch decking material and front stairs material used is modern composite decking material that was not approved as a building material for this structures.

The Board recently updated HRB policies to allow composite decking outright in the following circumstances (HRB Policy #11):

Composite material (e.g. Trex, Timbertech, Azek) is allowed only for new or existing decks or porches less than 50 years old that are attached to the rear of a structure, to the interior side of a structure, and for detached deck structures in the interior side or rear yard. Composite material color shall match a color of the designated structure.

Images of house:











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, and for the number of stairs.

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 Board has also approved the use of composite decking on new construction where it will not be visible from the right of way.

In this particular case, the material is used on the front porch decking and stair 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.

The applicant was required to return to the Board for approval if the number of stair risers were to exceed six. The building plans for issuance of the building permit showed five risers. The final result, now that the home is almost finished, is 8 risers.

Staff finds that the impact of the stair is not significant when viewed from the street. The sloping lot means that the home is greatly elevated from the street level, and because the home projects in front of

the garage, the stairs are needed to reach the front porch. Staff finds that the final stair height is acceptable.

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 Board has also approved the use of composite decking on new construction where it will not be visible from the right of way.

In this particular case, the material is used on the front porch decking and stair 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.**

DECKING MATERIAL

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.

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NUMBER/HEIGHT OF STAIR

The design guidelines for new construction (page 48) say that exterior stairways at the building front are allowed only to give access to the main level, and should be less than five feet in height.

The constructed home contains a side stair to the front porch, with 8 steps total. The total height is greater than 5 feet from grade, but an exact measurement has not been provided.

The applicant was required to return to the Board for approval if the number of stair risers were to exceed six. The building plans for issuance of the building permit showed five risers. The final result, now that the home is almost finished, is 8 risers.

Staff finds that the impact of the stair is not significant when viewed from the street. The sloping lot means that the home is greatly elevated from the street level, and because the home projects in front of the garage, the stairs are needed to reach the front porch. Staff finds that the final stair height is acceptable.

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.

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 704 3rd Avenue can meet the requirements as described in the Oregon City Municipal Code. Therefore, the Community Development Director recommends the Historic Review Board approve file HR 19-06, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative, Photos and Plans
3. Previous Proposal for HR 18-09

