



**Historic Review
Staff Report and Recommendation
REVISED
November 15, 2022**

A preliminary analysis of the applicable approval criteria is enclosed within the following staff report. All applicable criteria shall be met or met with conditions in order to be approved. The Historic Review Board may choose to adopt the findings as recommended by Staff or alter any finding as determined appropriate.

- FILE NO.:** GLUA-22-00035: HR 22-00012
- 1st HEARING DATE:** November 22, 2022 Historic Review Board Hearing
Virtual
- APPLICANT/
OWNER:** Judith Diane Woitte
PO Box 235
Hoona, Alaska 99829
- LOCATION:** 13889 Cleveland Ave
Oregon City, OR 97045
2-2E-29AA-01000
- REQUEST:** De-Designation or reduction of the size of a Landmark located at 13889
Cleveland Ave (A.D. Hill House)
- REVIEWER:** Christina Robertson-Gardiner, Senior Planner AICP crobertson@orcity.org
- RECOMMENDATION:** Staff recommends denial of the de-designation request (HR 22-0012) and recommends a reduction of the size of the Landmark as further described in the staff report
- CRITERIA:** Administration and Procedures are set forth in Chapter 17.50, Chapter 17.40, Historic Overlay District in Chapter 17.40, and "Low Density Residential District in Chapter 17.08 of the Oregon City Municipal Code. The City Code Book is available on-line at www.orcity.org. *The criteria for de-designation are the same for designation and are set forth in Section 17.40.050 Designation procedure*

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

If the Historic Review Board finds that the Applicant can comply with the applicable criteria, the following conditions of Approval apply.

(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.

Staff recommends denial of the de-designation request (HR 22-0012) and recommends a reduction in the size of the Landmark at 13889 Cleveland Street (A..D Hill House) to be retained onsite to allow options for redevelopment of some portion of the lot. As the survey forms do mention mature trees, care should be taken to ensure that some of the trees onsite are retained within the landmark border or through a covenant/easement if located outside.

Staff has presented two options for Landmark reduction boundaries; the Historic Review Board could choose to accept one or both of the options or provide an alternative option at the November 22, 2022 hearing.

1. The size of the Landmark can be reduced through Option 1 or Option 2 if the Board finds that the outbuilding located at the rear of the property is not required for retention as a contributing structure. If the Board finds that the outbuilding does retain significance, the Applicant can reduce the boundary of the Landmark to no smaller than Option 2. (P)
2. If the Applicant chooses to divide the property through the minor partition process, the Landmark shall encompass the full parcel created for the Landmark. (P)
3. To ensure that there is adequate spacing between the A.D. Hill House and any new construction onsite, the Applicant shall either:
 - a. Record an easement or covenant on the property that does not allow any new construction within 25 feet of the Landmark footprint as of 2022 (if the boundary is reduced),
 - b. Provide a Historic Review of any infill development before the Landmark boundary is reduced. The Historic Review Board will review all future additions or new construction within a Landmark boundary. (P)
4. The Applicant shall record a covenant that requires retention of the following trees onsite, unless disease, dying or dead, and replanting of the same or similar species should occur in the same general area if removed.
 - a. Douglas Fir abutting the front property line
 - b. Oregon White Oak abutting the rear property line

Trees located within the Natural Resources Overlay District will be regulated per OCMC 17.49(P)

BASIC FACTS:

The A.D.Hill house is located on the southwest corner of a large 40,767 square-foot lot with mature landscaping and an identified but not formally delineated stream along the Harley Avenue frontage. The site was annexed into the City of Oregon City in 1989, and the house and guesthouse to the rear (photos not provided) were locally designated in 1991. The 1991 survey form describes its significance and eligibility for listing "*the house is a good example of the vernacular style. It is composed of several perpendicular volumes covered with wide, dropped siding and finished with corner and rake boards. Fancywork, including turned posts and jigsaw brackets, are located at the single-bay porch on the east elevation. Other notable features include the rectangular window-bay covered with a hip roof on the south (front) elevation. Alterations are limited and many are reversible.*"

Notice of the proposal was sent to property owners within three hundred feet of the subject property and the CIC. 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.

Public Comment

Paulette Merrill, 16390 Hiram Ave

Ms. Merrill does not support the request for de-designation. Ms. Merrill supports the retention of historic homes in Park Place among the infill development.

Sarah Radocchia (no address given)

Ms. Radocchia does not support the request for de-designation. "I fear they do not care about the historic roots this house has. I think they want the status change so that the historic home can be taken down and the whole lot can be developed."

Applicant Request

The Applicant initially sought to remove the landmark designation. The Applicant and current owner indicates that she was raised in the house her grandparents and mother previously owned. She indicates that her family did not give permission for the designation and believes the house does not warrant the distinction. She goes on to point out that the small home has been altered in the past, and in the 1990s, rehabilitation was not pursued for structural reasons. As of the October 25, 2022 HRB Hearing, the Applicant is no longer pursuing de-designation; instead, they are requesting a reduction of the Landmark to a size determined by the Historic Review Board.

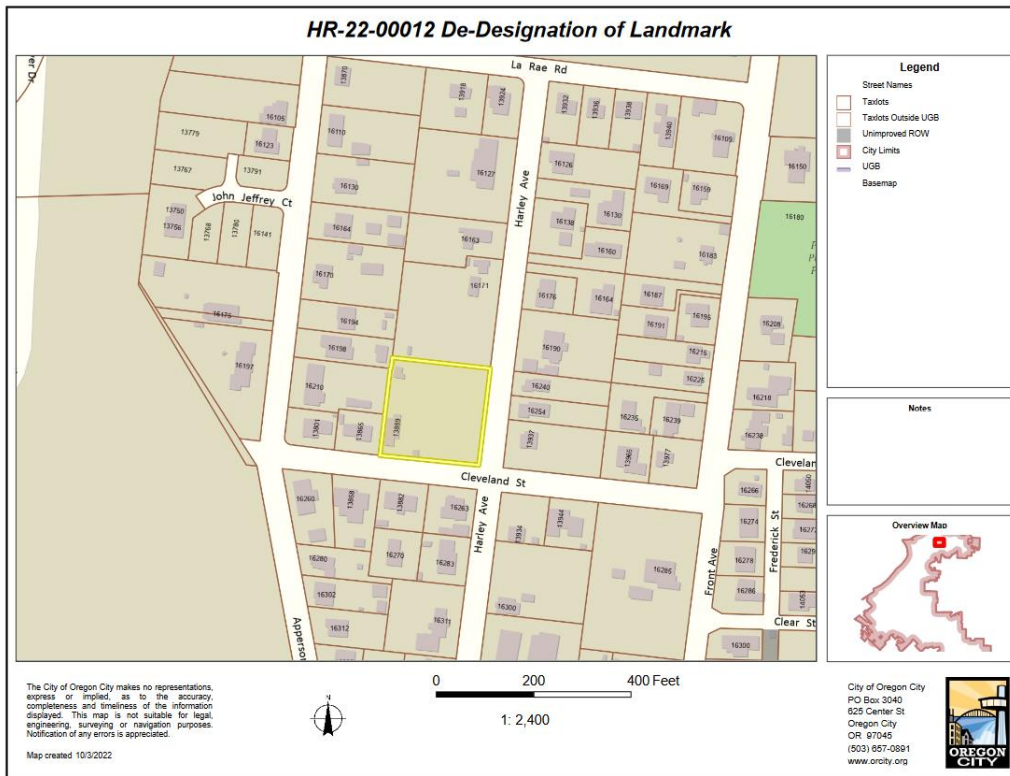


Figure 1 – Vicinity Map

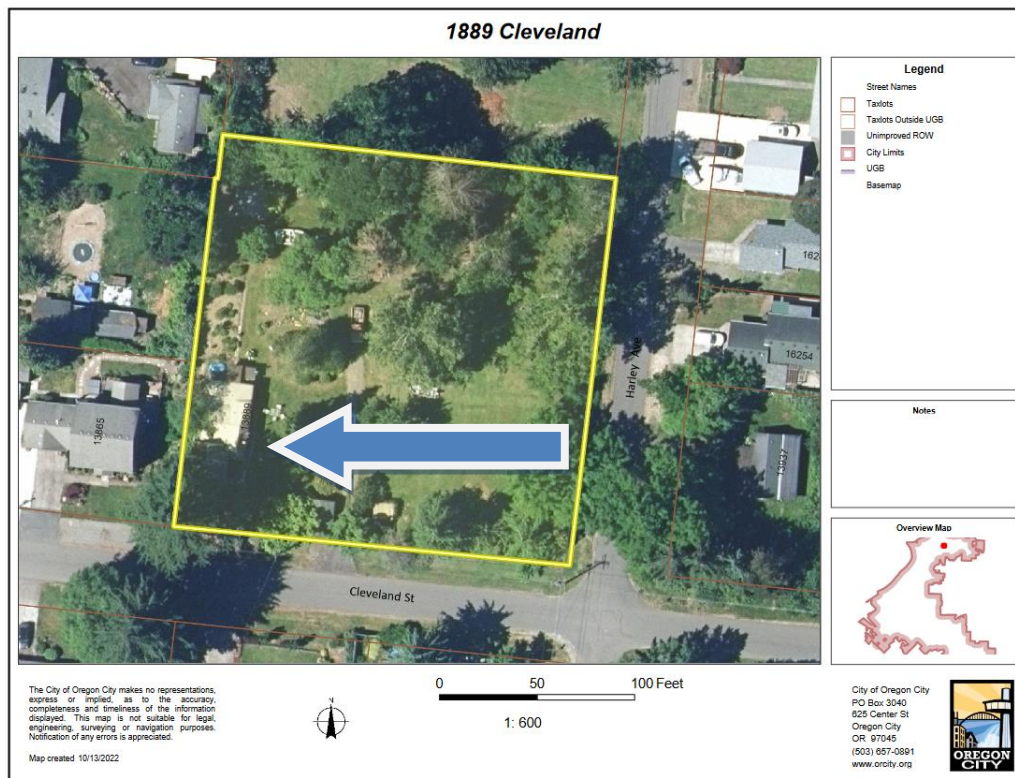


Figure 2- Aerial Map

Natural Resources Overlay District (NROD)

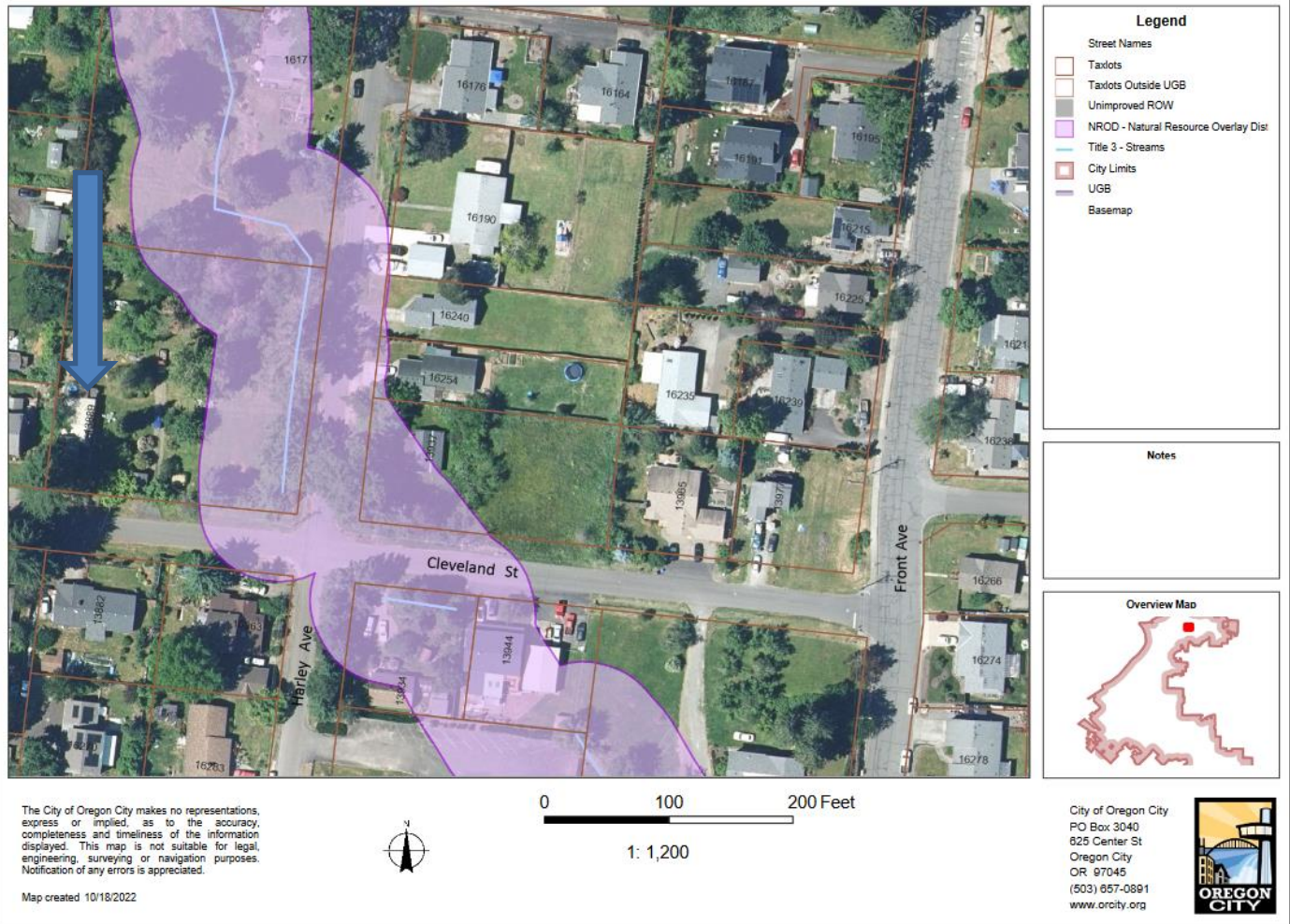


Figure 3- NROD Map- non-delineated- If found to be a year-round stream with a wetland- a 50-foot buffer will be applied to any site development subject to OCMC 17.49 Natural Resources Overlay District.



Figure 4- Front elevation



Figure 5- Side elevation



Figure 6- Side elevation -yard context

13889 Cleveland Street - A.D. Hill House

Statement of Significance: A.D. Hill is believed to be the original owner of the subject property, which he purchased in 1892 and owned until 1906, when he sold it to Mary and Albert Hayhurst. Mary Hayhurst was born in Ohio in 1890. She lived in Oregon City, then Woodburn, and finally moving to Molalla. Mary, who was widowed by 1921, sold the property to H.D. and Elizabeth Rosenbraugh. The Rosenbraughs apparently lost the property after a lawsuit to K.C. Mohrhardt in 1926. Two years later it was purchased by Constance and Ben Stricker, who owned through the historic period. The house is a good example of the Vernacular style. It is composed of several perpendicular volumes covered with wide, dropped siding and finished with corner and rake boards. Fancywork, including turned posts and jigsaw brackets, are located at the single-bay porch on the east elevation. Other notable features include the rectangular window-bay covered with a hip roof on the south (front) elevation. Alterations are limited and many are reversible. Most noticeable are the window replaced on the hipped bay and the porch enclosed on the north (rear) elevation. Other changes include the concrete ramp on the side elevation, the addition of fiberglass panels to the front and side porches, and the addition of a chimney on the east elevation. A garage, which appears to date from the early 20th century, and another building, date unknown, are also on the property. Landscape features, including mature coniferous and deciduous trees, contribute to the historic character of the dwelling.

Park Place Landmark Designation

In July 1989, the Park Place Neighborhood was annexed to Oregon City. Following the annexation, properties in this neighborhood were zoned to correspond with the existing County designations. In addition to the primary zoning designations (single-family, duplex, etc.), the City adopted interim protective regulations for a list of potentially historic properties. These interim designations were based on properties that were identified on the Clackamas County Cultural Resource Inventory or had been identified by the City during a preliminary inventory of the Urban Growth Boundary done in 1983.

In the spring and summer of 1990, the City hired a consultant to conduct an in-depth survey and inventory of Park Place. That research was completed in August of 1990. Based on the research and evaluation, a list of

properties was recommended for permanent landmark designation. 13889 Cleveland Street A.D. Hill House- was on the list of properties eligible for local designation. The owner of the A.D. Hill House in 1990 was Joan Adams (Stickler). A letter (exhibit 6b) was sent to the property indicating the property was on the list of recommended landmarks and provided information about the upcoming February 28, 1991 Historic Review Board meeting. On March 5, 1991, a Notice of Decision (Exhibit 6f) was mailed to Joan Adams (Stickler) indicating that 13889 Cleveland Street (A.D. Hill House) was approved for local destination and provided a deadline for appeal.

Subsequent Property Transfer

On February 22, 2005, the property was transferred to Judith Diane Woitte, who is the daughter of Joan Adams (Stickler).

Landmark Reduction

Since the October 25, 2022 HRB meeting, the Applicant has requested that the HRB look at options to reduce the size of the Landmark. Staff visited the site on November 8 and 14th to determine options for the reduction. While the house has generally remained in the same condition since the 2011 Landmarks resurvey, Staff found that the abutting landscaping beyond the house has not been kept up and is in generally fair to poor condition. Many of the smaller trees and shrubs look to be planted within the last 30-40 years and have not been maintained. The detached front garage appears to have aged significantly in the last decade. The outbuilding described in the Landmarks survey looks to be built in the 1930s-1940s, and was, at one time, used as a small bedroom. It is in fair to poor condition.

As part of the analysis for the reduction in the size of the Landmark, the Board will need to determine if the rear outbuilding should be retained within the boundary of the Landmark as a contributing structure.



FIGURE 7 LOOKING WEST AT REAR OUTBUILDING

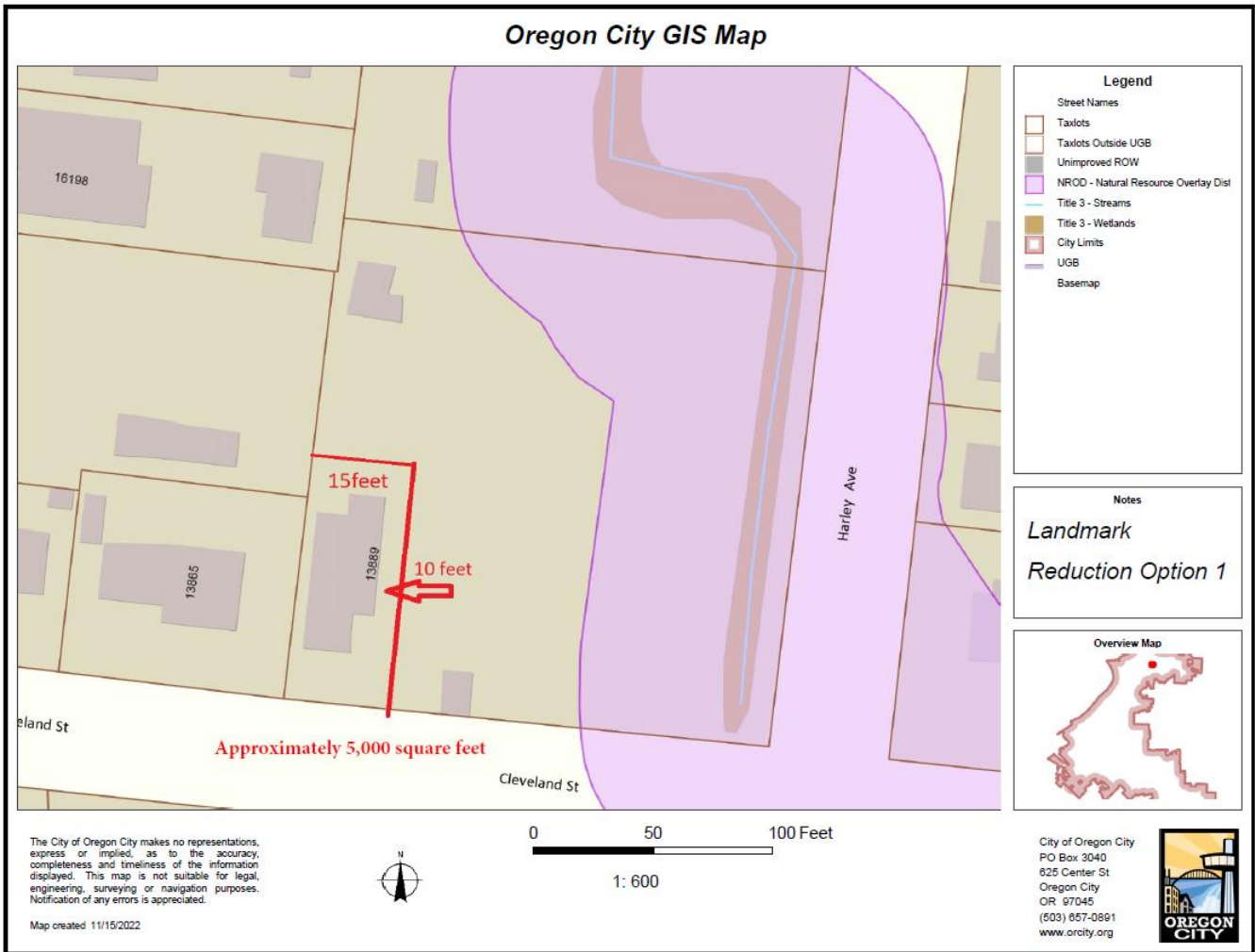


Figure 8

Option 1 reduces the Landmark boundary with no less than a 15 foot rear separation and 10-foot side separation. This configuration provides for about a 5,000-square-foot boundary. Option 1 does not include the detached garage or detached outbuilding

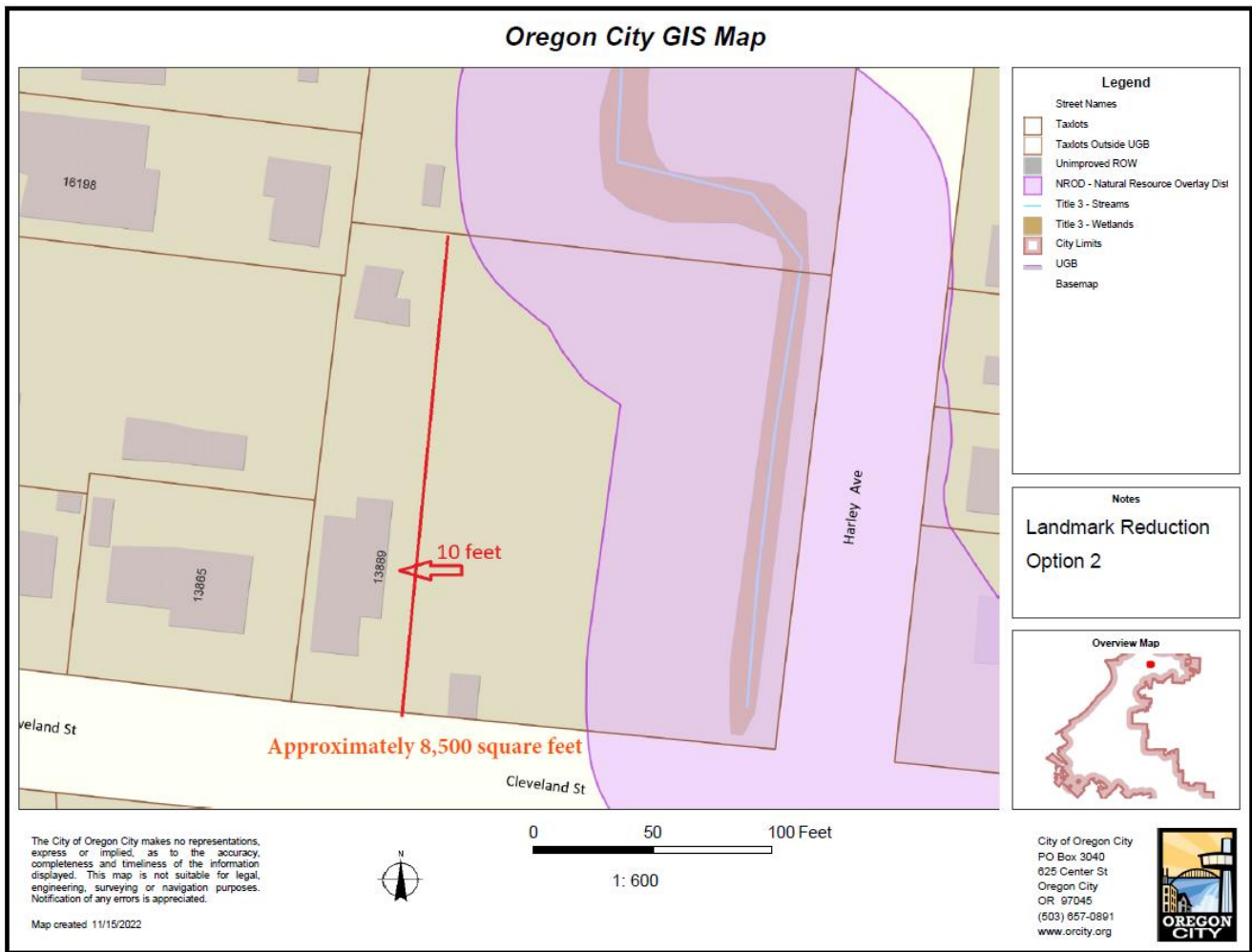


Figure 9

Option 2 reduces the Landmark boundary with no less than a 10 feet separation from the main structure. This configuration provides for about an 8,500-square-foot boundary. Option 2 does not include the detached garage but does include the detached outbuilding

ANALYSIS AND FINDINGS:

Owner Consent

Before getting into the local criteria for de-listing a historic resource, there is a special state law that can exempt owners from such requirements under limited circumstances that deserves further discussion. ORS 197.772(3) provides that:

"(3) A local government shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government.

An Oregon Administrative Rule (OAR) 660-023-0200(9)(a) provides the following additional guidance for these requirements:

(a) A local government must remove a property from the resource list if the designation was imposed on the property by the local government and the owner at the time of designation:

- (A) Has retained ownership since the time of the designation, and
- (B) Can demonstrate that the owner objected to the designation on the public record, or
- (C) Was not provided an opportunity to object to the designation, and
- (D) Requests that the local government remove the property from the resource list.

The subject property was designated a historic landmark in 1991 and at the time, the property was owned by Joan Adams (Stickler). The current property owner is Judith Diane Woitte. There is no indication that Judith Woitte was the owner at the time of the designation. Although this circumstance alone is sufficient to disqualify this owner from seeking unilateral de-designation under state law, the current owner has similarly failed to produce evidence that they objected in the record when the designation was imposed.

For these reasons, the only avenue for de-designation of the AD Hill House is to consider whether it satisfies the local criteria set forth in OCMC 17.40.050(D) Designations. In other words, whether the resource retains the same preservation values as it did when it was originally designated. If the Board finds the A.D. Hill House retains its significance as an eligible Landmark, the request for designation should be denied.

OCMC 17.40.050(D) sets out the criteria for listing/de-listing and requires that the Historic Review Board consider the following criteria:

Approval Criteria

D. In preparing the recommendation or decision, the historic review board shall limit its review to:

1. Whether the proposed district or Landmark would serve the purpose of the historic overlay district as stated in Section [17.40.010](#); and

17.40.010 - Purpose.

It is declared as a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. 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;

Finding: Complies as Conditioned. This structure retains many of the characteristics of a simple vernacular residence and was identified as a contributing resource in both the 1990 and 2011 survey forms. Per the 1990 survey form, the house was found to be in good condition and exterior-eligible architectural elements and materials were intact. *It is composed of several perpendicular volumes covered with wide, dropped siding and finished with corner and rake boards. Fancywork, including turned posts and jigsaw brackets, are located at the single-bay porch on the east elevation. Other notable features include the rectangular window-bay covered with a hip roof on the south (front) elevation. Alterations are limited and many are reversible. Most noticeable are the window replaced on the hipped bay and the porch enclosed on the north (rear) elevation. Other changes include the concrete ramp on the side elevation, the addition of fiberglass panels to the front and side porches, and the addition of a chimney on the east elevation. A garage, which appears to date from the early 20th century, and another building, date unknown, are also on the property.*

The 2011 resurvey completed by Diana Painter, preservation consultant, indicates no change in eligibility for the property. *"The changes seen on this building today were in Place when it was surveyed in 1990. The fiberglass panels that enclose porches are temporary and do not detract from the structure on a permanent basis. The building retains the same integrity it displayed in 1990 and is a historic resource."*

Both Option 1 and Option 2 preserve the house on the site with additional setbacks and tree protections. The land removed from the Landmark boundary is planted with trees of various ages and sizes. One large sweetgum tree is located close to the direct center of the lot in the exact location of a potential infill project and is not recommended for retention. The trees located within the NROD buffer will be regulated through OCMC 17.49 Natural Resources Overlay District.

B.Safeguard the City's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and districts;

Finding: Comply. Allowing for a reduction in the size of the Landmark will keep the historic house and allow for housing infill within the areas of the lot not located within the boundary or the Natural Resources Overlay District. Preserving the architecturally significant buildings of a community without taking care to preserve and interpret the more modest houses does a disservice to the citizens of Oregon City and warps our understanding of 19th and early twentieth-century history.

C. Complement any National Register Historic districts designated in the City;

Finding: Not Applicable This property is located on the City's northeast end and is very separated from the Canemah National Register District -3 miles away to the southwest.

D.Stabilize and improve property values in such districts;

Finding: Not Applicable/Complies This Landmark is not located in either the Canemah National Register Historic District or the local McLoughlin Conservation District. The house is in fair to good condition. It does not distract or diminish from the surrounding neighborhood, nor has any public comment indicated that removing the house from local designation and allowing its demolition would stabilize or improve adjacent property values. Moreover, the City has instituted demolition by neglect code language (OCMC 15.25) that encourages property owners to maintain the structural integrity of buildings regardless of the ownership.

E.Foster civic pride in the beauty and noble accomplishments of the past;

Finding: Complies. Staff disagrees with the Applicant's assertion that "the home does not warrant such distinction." A home can be plain, modest, lack ornamentation, and still be suitable for preservation as part of the City's built heritage. Workers, and the housing that services them, play an important role for understanding the accomplishments of the City. Smaller working-class housing is an essential component of the City's historic inventory.

F.Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;

Finding: Complies Heritage tourism is a main component of Oregon City's tourism strategy. This runs from supporting heritage museums and businesses to ensuring that the City retains its historic fabric city-

wide as a destination. Allowing for the retention of resources that are clearly eligible for local listing supports the community identity as Oregon's hometown.

G.Strengthen the economy of the City;

Finding: Complies The rehabilitation and reuse of historic structures can contribute to the health of the community by investing in local tradespeople and designers. Pursuing a reduction in the size of the Landmark or allowing infill new construction on site, such as [detached middle housing duplex or triplex](#), is an avenue to retain the house and provide additional dwelling units and investment to 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

Finding: Complies Staff finds that the home retains sufficient landmark-eligible design qualities necessary to serve as a means to educate the public about later 19th-century and early 20th-century resettlement patterns, provides needed housing, and enhances the public welfare of the City. The reduction of the Landmark boundary does not affect this goal.

I.Carry out the provisions of LCDC Goal 5. See findings discussing the City's Comprehensive Plan below.2.Conformity with the purposes of the city comprehensive plan.

Historic Buildings Outside Identified District Boundaries

There are many historic buildings outside the designated Historic Districts. Some of the buildings are among the oldest in the City, and many stand alone because they were originally built outside of "urban" Oregon City in what used to be farm and pastureland. City areas outside the Canemah and McLoughlin areas have been surveyed to identify the most significant buildings.

Present Status. Efforts to preserve individual historic buildings have been scattered. There is little public recognition of the historic value of significant buildings outside of McLoughlin and Canemah except for the more prominent and expensive estate homes. The Ely, Park Place, Rivercrest, and South End areas in particular have deteriorated, and some of the older homes have been demolished, often to the detriment of the area. Demolition and major incompatible remodeling are critical problems for historic preservation because they are usually irreversible. Private preservation and restoration efforts should be encouraged and assisted by local recognition of significant individual historic buildings throughout Oregon City.

Historic Landmarks

Historic landmarks are structures or sites with unusual historic importance and contribute to the City's identity. Maintenance costs are often returned in tourism revenues. Appreciation of local culture and history is enhanced.

Criteria for designation as a historic landmark are:

- association with a major historic person
- association with an historic event or period of time
- association with a former or continuing institution that has contributed to the life of the City

- embodiment of the distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant and distinguishable entity where components may lack individual distinction
- association with a group, organization, enterprise in history

Finding: Complies. The reduction of the Landmark boundary does not affect its historic significance as the land/landscaping removed is not integrated with the house. Staff disagrees with the Applicant's assertion that "the home does not warrant such distinction." A home can be plain, modest, lack ornamentation, and still be suitable for preservation as part of the City's built heritage. The house is generally still intact and, based on the survey form, provides a good example of vernacular housing. Protecting simple vernacular housing plays an important role in understanding the accomplishments of the City. The history of the City is enhanced by retaining structures that contribute to its full story. Moreover, the significance of the house has not changed since its initial designation in 1991.

CONCLUSION AND RECOMMENDATION

Staff recommends denial of the de-designation request (HR 22-0012) and recommends a reduction in the size of the Landmark at 13889 Cleveland Street (A..D Hill House) to allow options for redevelopment of some portion of the lot. As the survey forms mention mature trees, care should be taken to ensure that some of the trees on site are retained within the Landmark border or through a covenant/easement outside. Staff has presented two options for Landmark reduction boundaries; the Historic Review Board could choose to accept one or both of the options or provide an alternative option at the November 22, 2022 Hearing.

EXHIBITS

1. Option 1 Landmark reduction boundary
2. Option 12 Landmark reduction boundary
3. Applicant Submittal (HR 22-0012)
4. Public Comments
 - a. Paulette Merrill
 - b. Sarah Radocchia
5. 13889 Cleveland Survey Form 1990
6. 13889 Cleveland Survey Form 2011
7. 13889 Cleveland SHPO Historic Sites Survey Form (combined 1990/2011)
8. Park Place Landmark Designation Process
 - a. Park Place Context Statement
 - b. Letter to Property Owners- Park Place Landmarks
 - c. Staff Report - Park Place Landmarks
 - d. Newspaper Notice
 - e. Hearings Procedure - Park Place Landmarks
 - f. Park Place Landmarks Notice of Decision