



# **CITY OF OREGON CITY HISTORIC REVIEW BOARD WORK SESSION MINUTES**

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**Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City  
Tuesday, November 19, 2024, at 6:00 PM**

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## **1. CALL TO ORDER AND ROLL CALL**

*Vice Chair Powell called the meeting to order at 6:10 PM.*

Present:4 – Board Member Robert Green, Board Member Tim Powell, Board Member Gordon Lawrence, Board Member Julia Fulkerson (late arrival)

Absent:1 - Board Member Paul Edgar

Staffers: 2 - Community Development Director Aquilla Hurd-Ravich, Deputy City Attorney Carrie Richter and Senior Planner Christina Robertson-Gardiner

## **2. DISCUSSION**

### **2.a. Housing Production and Historic Preservation Regulation**

Senior Planner Christina Robertson-Gardiner introduced the topic.

Deputy City Attorney Carrie Richter provided information about recent legislation changes. She provided statistics regarding the housing crisis in Oregon. Then she provided an overview of the Recent Housing Law Changes –

- 1) SB 1051 (2017) – clear and objective standards
- 2) HB 2001 (2019) and SB 457 (2021) – mandated middle housing and land division in single family zones; can adopt protective measures to preserve historic resource integrity but cannot restrict use, density or occupancy

Board Member Green brought up the question about massing - how do we treat duplex or triplex and keep it within the context of the historical district size-wise? Deputy Attorney Carrie answered that if you would deny the triplex if it were a single-family house because of it's size, then yes you can deny it. If it was a single-family size that would be approvable and they are making it a triplex, you cannot deny it. She encouraged the board to think creatively about how to include Middle Housing in Historic Districts. Senior Planner Christina pointed out that the Middle Housing design guidelines are written to allow slightly more massing.

Board Member Gordon wondered about other issues like parking, vehicle storage, sidewalk, and egress beyond massing. Senior Planner Christina responded that these are aesthetic capability questions and those cannot be a reason for denial if they

meet the Design Standards.

Vice Chair Powell asked about set-backs. Deputy Attorney responded that this is an area where the applicant could ask for a variance.

- 3) SB8 (2021) - requires allowing affordable housing on land zone commercial or that allows religious uses without a zone change or conditional use permit

Governor Kotek established Executive Order 23-4 which establishes a housing production goal of 36,000 homes per year. The Housing Projection Advisory Council issued a report with 59 recommendations for accomplishing the goal which include reducing regulatory and procedural barriers, allowing one-time UGB expansion for affordable and market-rate housing, and funding and loan support for housing focused infrastructure and for low-income housing development.

SB 1537 (2024) takes effect January 1, 2025. This creates the Housing Accountability Office (HAPO) which joins with DLCD and Building Codes division to assist in applying state housing laws related to permitting. It would provide technical and financial assistance as well as investigate complaints. It would coordinate state agencies and funding.

Vice Chair Powell asked if ADU's count towards housing, and the answer was "yes." Senior Planner Christina mentioned that ADUs are not technically Middle Housing, but we have a detached duplex process for homes older than 5 years, which essentially acts like an ADU.

SB 1537 introduces "Mandatory Adjustments". It requires local governments to grant adjustments to identified development and design standards that are a barrier to a developer from completing an affordable housing project. These adjustments apply where a new development is proposed (vacant land): 1) proposes a density of not less than 17 du/ac or adding more than one unit to a 5,000 sf lot, 2) adds "new housing units in new construction projects", and the 3) application must state that the adjustment meets a specific reason for need of adjustment. Note the applicant does not have to provide proof for the reason, they just have to state which barrier is keeping them from doing their project.

Assistant City Attorney provided a list of eligible Distinct Adjustments that would most likely come up in a Historic Review Land Use item regarding Development Standards and Design Standards. There is not a carve-out for Historic preservation. An applicant ask for up to 10 adjustments on a project. Senior Planner Christina added that in Canemah this means 35 feet as the base zone. Something to be discussed would be how to interpret the building height adjustment. These adjustments only apply to the high-density projects and new construction.

The Adjustment procedures and scope were briefly outlined as well. The adjustments do not allow deviations from trees, wildlife, natural resources, Willamette River Greenway, building or fire code requirements, but it does apply to regulations that protect historic resources. The City can decide if an application is either Type I or II and then process will not include noticing the neighbors or be presented to the HRB. Only the applicant can appeal the decision. Mandatory adjustment obligations sunset on January 2, 2032.

Senior Planner Christina asked if a new construction project in Canemah that would go before the HRB in our normal process, so it would still be presented but it would be presented with what items are off the table and what items are to be addressed. Deputy Attorney Carrie agreed that is the process she believes would happen.

Senior Planner Christina brought back up the massing issue and that some of these adjustments would affect the massing so it will be a puzzle to apply the adjustments but to not allow the massing standards or adjusting that accordingly. Board Member Green asked if the discretionary piece is still in play, for instance set a benchmark (a moving target) and base the math off of that. Deputy Attorney Carrie believes LUBA would reward the practical approach in this situation. For instance, a vernacular build is “this” big and we are going to allow you to go 20% bigger in each direction.

Board Member Fulkerson asked if there is any pushback the City can do on these items. Deputy Attorney Carrie indicated that there may be opportunity to provide greater definitions into the adjustments. She has not really gotten into that.

Before January 1, 2025, cities can apply to HAPO to be exempt from the mandatory adjustment process. The city must show that within the past 5 years they have approved 90% of received adjustment requests or testimonials of builders indicating that the city has a flexible and accommodating adjustment process.

Assistant City Attorney Carrie and Planning Staff will be working on applying for the exemption, and as long as the application is submitted, we do not have to grant the Mandatory Standards until a decision is received. Mandatory adjustment obligations sunset on January 2, 2032.

The Governor’s office just shared their legislative concept for 2025 session. It instructs DLCD to implement rulemaking to eliminate demolition review in the historic districts and of landmark. And to look at discretionary standards that apply to Historic resources.

### **3. ADJOURNMENT**

*Vice Chair Powell adjourned the Work Session at 7:00 p.m.*

